



# ENVIRONMENTAL QUALITY COUNCIL

PO BOX 201704  
HELENA, MONTANA 59620-1704  
(406) 444-3742

**GOVERNOR STEVE BULLOCK**  
**DESIGNATED REPRESENTATIVE**  
TIM BAKER

**HOUSE MEMBERS**  
JERRY BENNETT--Vice Chair  
WILLIS CURDY  
JANET ELLIS  
ED LIESER  
THERESA MANZELLA  
KERRY WHITE

**SENATE MEMBERS**  
GENE VUCKOVICH--Chair  
JOHN BRENDEN  
JIM KEANE  
MIKE PHILLIPS  
RICK RIPLEY  
CARY SMITH

**PUBLIC MEMBERS**  
SCOTT ASPENLIEDER  
BROOKE ERB  
BERT LINDLER  
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

September 14, 2016  
Room 102, 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>. On the left-side menu of the home page, select Committees, then Interim. Once on the page for Interim Committees, scroll down to the appropriate committee. The written Minutes Log, along with the audio and video recordings, is listed by meeting date on the interim committee's web page. Each of the Exhibits is linked and can be viewed by clicking on the Exhibit of interest. All Exhibits are public information and may be printed.

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

### **COMMITTEE MEMBERS PRESENT**

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

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

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

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

### **COMMITTEE MEMBERS EXCUSED**

REP. ED LIESER

### **STAFF PRESENT**

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

### **AGENDA (Attachment 1)**

### **VISITORS' LIST (Attachment 2)**

### **COMMITTEE ACTIONS**

The Environmental Quality Council (EQC):

- Approved the minutes log from July 20-21;
- Voted to approve the HJ 13 draft report;
- Voted to pre-draft the legislative proposal from the Department of Environmental Quality;
- Voted to pre-draft the legislative proposals from the Department of Natural Resources and Conservation as committee bills;
- Voted to send a letter to Yellowstone National Park supporting tribal bison hunting rights within the park.

Due to technical difficulties, the sound for the first 8:25 of the video is missing. The full audio is available here: [http://montanalegislature.granicus.com/MediaPlayer.php?clip\\_id=19420](http://montanalegislature.granicus.com/MediaPlayer.php?clip_id=19420).

### **CALL TO ORDER AND ROLL CALL**

00:00:01 Sen. Vuckovich called the meeting to order at 9:00 a.m. The secretary called the roll. **(Attachment 3)** Rep. Lieser was excused and gave his proxy to Rep. Ellis. **(Attachment 4)**

### **ADMINISTRATIVE MATTERS**

00:00:52 Mr. Kolman said the EQC received staff evaluations and requested that they be completed and returned.

00:01:42 **Motion/Vote:** Sen. Ripley moved to adopt the minutes log from July 20-21. The motion carried unanimously by voice vote of those present and voting.

## **WATER POLICY INTERIM COMMITTEE UPDATE**

- 00:01:59 Jason Mohr, research analyst, Legislative Services Division, presented an update from the Water Policy Interim Committee (WPIC) meeting on August 29 and 30. He said that the committee voted to meet again on October 12. He said the WPIC finalized three reports (Assuming Dredge and Fill Permits, Issues of Water Availability and Supply, and Considerations for the Future of the Water Court) and approved five bill drafts for pre-introduction as committee bills.
- 00:02:45 Mr. Mohr said that the WPIC recommended that the state assume the federal Section 404 permit program under certain circumstances. He said recommendations related to the other studies are reflected in the approved bill drafts.
- 00:05:54 Mr. Mohr said the WPIC approved drafting four bills proposed by the Department of Natural Resources and Conservation (DNRC).
- 00:07:32 Mr. Mohr discussed the bills that will be considered at the October meeting.
- 00:09:55 Mr. Mohr said the WPIC may also consider a bill related to exempt wells and a bill that would eliminate two Clark Fork River Watershed groups and formalize the basin advisory councils that were created to develop the state water plan.

### **Committee Questions and Discussion:**

- 00:11:52 Sen. Keane asked Mr. Mohr about funding for state assumption of the 404 permit program.
- 00:13:47 Helen Thigpen, staff attorney, Legislative Services Division, provided a synopsis of the Supreme Court decision that upheld the District Court ruling on ground water wells exempt from permitting. ([Exhibit 1](#))
- 00:16:09 Mr. Lindler asked Ms. Thigpen about the implication of the decision for subdivisions that put in one well per lot.

## **ENERGY AND TELECOMMUNICATIONS UPDATE**

- 00:17:14 Sonja Nowakowski, research analyst, Legislative Services Division, said the Energy and Telecommunications Interim Committee (ETIC) met on September 9 and 10 and moved 13 bill drafts for pre-introduction as committee bills.
- 00:17:37 Ms. Nowakowski discussed the bill drafts related to net metering.
- 00:21:23 Ms. Nowakowski discussed the bill draft related to next generation 9-1-1.
- 00:23:55 Ms. Nowakowski discussed the bill drafts related to renewable energy credits.
- 00:25:04 Ms. Nowakowski discussed the bill drafts related to Colstrip.

### **Committee Questions and Discussion: None**

## **SAGE-GROUSE HABITAT CONSERVATION PROGRAM UPDATE**

- 00:30:02 Carolyn Sime, program manager, Sage Grouse Habitat Conservation Program, DNRC, gave an update on the sage-grouse habitat conservation program.
- 00:30:42 Ms. Sime discussed key goals.
- 00:34:37 Ms. Sime gave an update on contracts.
- 00:37:31 Ms. Sime discussed implementation of the executive order.
- 00:38:55 Ms. Sime discussed the grant program.
- 00:49:47 Ms. Sime discussed mitigation.

### **Public Comment: None**

### **Committee Questions and Discussion:**

- 00:55:43 Sen. Brenden asked Ms. Sime if the decibel level was changed. Ms. Sime said it was not.
- 00:56:20 Sen. Brenden asked Ms. Sime about predators and the status of a proposed amendment to allow birds of prey to be hunted or classified as predators.
- 00:58:32 Sen. Brenden asked Ms. Sime for a list of the members on the Montana Sage Grouse Oversight Team (MSGOT) and the members of the Greater Sage-grouse Habitat Conservation Advisory Council.
- 00:59:10 Sen. Brenden asked about the location of leks close to roads and cemeteries.
- 01:01:23 Sen. Ripley asked Ms. Sime if there is a website where the public can obtain names and contact information for the members of the MSGOT and the advisory council. Ms. Sime said information is posted on the program's website at <https://sagegrouse.mt.gov>.
- 01:03:39 Sen. Ripley asked how far in advance meetings are posted on the website. Ms. Sime said that meetings are posted as soon as possible after they are scheduled.
- 01:04:54 Sen. Ripley asked Ms. Sime about the timeline and plan for projects and implementation under the executive order.
- 01:08:54 Rep. Curdy asked Ms. Sime about mitigation issues.
- 01:11:26 Sen. Keane asked Ms. Sime about the number of current contracts.
- 01:12:38 Sen. Keane asked Ms. Sime about the number of grants that have been approved for mitigation work. Ms. Sime said five projects have been selected for funding to develop credits and to eventually make them available for sale in a mitigation marketplace.
- 01:13:14 Sen. Keane asked about the grant amount for the projects. Ms. Sime said it is \$3,099,500.
- 01:14:00 Sen. Keane asked Ms. Sime about tracking the stages and completion of projects. Ms. Sime said funds are still in the state account and grant agreements have not been finalized with the recipients.
- 01:15:03 Sen. Keane asked Ms. Sime why some applicants have withdrawn their requests for grants.
- 01:16:35 Sen. Keane said he would like information on the grant program for any projects that are started in the next two months.
- 01:17:18 Ms. Erb asked Ms. Sime about the process to retroactively calculate credit generation.
- 01:19:14 Mr. Aspenlieder asked Ms. Sime when the program will have a habitat quantification tool (HQT) in place and if the delay in creating the tool has impacted its ability to spend grant money.
- 01:22:13 Mr. Aspenlieder asked Ms. Sime about the program's timeline for developing an HQT and when it will be submitted to the federal government for review and approval.
- 01:25:07 Mr. Aspenlieder asked Ms. Sime if the state is limited to spending \$5 million in litigation funding until the HQT is developed.
- 01:26:01 Mr. Aspenlieder asked Ms. Sime if the state will be involved in banking and mitigation credit transactions. Ms. Sime said it has not been resolved.
- 01:27:35 Sen. Phillips asked Ms. Sime about the progress of other states in developing an HQT.

- 01:30:13 Sen. Phillips asked Ms. Sime about the data that will be used to determine the population of sage grouse.
- 01:31:23 Rep. White requested that an annual report include information on the sage grouse populations and whether it is increasing with the improvement of habitat, or if not, an analysis of why the population has declined.
- 01:33:33 Sen. Ripley provided some suggestions to include in a timeline graph.
- 01:34:49 Sen. Ripley asked Ms. Sime about the easements that were selected for funding.
- 01:36:05 Sen. Ripley asked Ms. Sime if the grant application that was resubmitted and then withdrawn, because it was not in core habitat, is still being considered.
- 01:37:17 Mr. Aspenlieder commented on timelines and the progress for creating an HQT.
- 01:39:55 Sen. Phillips commented on the progress of the program.

### **STATUTORY ADMINISTRATIVE RULE REVIEW**

- 01:41:09 Ms. Thigpen said the EQC received the rule review memo ([Exhibit 2](#)) and she provided an update on rules that came out after the memo was sent. ([Exhibit 3](#))

**Public Comment:** None

### **Committee Questions and Discussion:**

- 01:43:14 Rep. White asked Ms. Thigpen about agency requirements for temporary emergency rules.
- 01:46:05 Rep. White commented on FWP's emergency closure to access on the Yellowstone River.
- 01:46:51 Rep. Manzella said she was concerned about the closure of the Bitterroot River during the Roaring Lion fire and asked Ms. Thigpen if there is a process in place for redress or grievance from local governments to appeal the rule.
- 01:48:15 Ms. Thigpen said the EQC will receive an update on the closure of the Yellowstone River at the meeting tomorrow.

### **HB 142 COMPLIANCE: AGENCY REPORTS AND COUNCILS**

- 01:48:34 Mr. Kolman said the EQC received a list of the statutorily required reports that came before the Council during the interim and it needs to determine if it wants to continue to receive the reports pursuant to HB 142 (2011). He said if the EQC wants to continue to receive the reports no action is necessary. ([Exhibit 4](#)) Sen.
- 01:50:02 Brenden said he recommends that the EQC continue to receive the reports.
- 01:50:44 Sen. Vuckovich said that without objection the EQC will continue to receive the reports.

### **DEQ LEGISLATIVE PROPOSAL**

- 01:50:54 Mr. Kolman said the EQC received a legislative proposal from the Department of Environmental Quality (DEQ) and can decide if it wants to have the proposal pre-drafted for the 2017 Legislative Session.
- 01:52:27 Tom Livers, director, DEQ, discussed the legislation the agency is proposing to amend the Major Facilities Siting Act. ([Exhibit 5](#))

**Public Comment:** None

**Committee Questions and Discussion:**

- 02:01:28 Rep. Ellis asked Mr. Livers to provide a copy of the bill draft. Mr. Livers said he will.
- 02:02:12 **Motion/Vote:** Sen. Keane moved to authorize pre-drafting of the legislative proposal from DEQ. The motion carried unanimously by voice vote.

**COLSTRIP ADMINISTRATIVE ORDER ON CONSENT**

- 02:03:09 Aimee Reynolds, supervisor, Waste Management and Remediation Division, DEQ, provided a copy of a PowerPoint presentation that was given to the ETIC.
- 02:04:30 Ms. Reynolds discussed the Colstrip power plant area and water seepage from the ponds that contain coal ash. **(Exhibit 6)**
- 02:10:28 Ms. Reynolds discussed the Administrative Order on Consent (AOC) between DEQ and Talen Energy to address groundwater contamination.
- 02:13:57 Ms. Reynolds discussed the coal combustion residual (CCR) rule.
- 02:16:38 Ms. Reynolds discussed the federal settlement agreement.
- 02:17:44 Ms. Reynolds discussed the AOC settlement agreement.
- 02:18:44 Ms. Reynolds discussed dry stacking.

**Public Comment:** None

**Committee Questions and Discussion:**

- 02:19:33 Rep. White asked Ms. Reynolds about dry stacking and if there is a problem with wind blowing ash.
- 02:20:46 Rep. Ellis asked about the \$7.5 million bond for assessment work and how much is set aside for clean up. Ms. Reynolds said the next phases that will be bonded are remediation and closure of the ponds.
- 02:22:16 Rep. Ellis asked Ms. Reynolds about lawsuits involving groundwater pollution.
- 02:24:06 Sen. Keane asked about liability and concerns about contamination from the closed ponds in the future.
- 02:27:08 Rep. Ellis asked about Talen's plans to sell its interest in Colstrip and how that will affect Talen's commitment to post the bond for remediation. Ms. Reynolds said that whoever buys Talen will have to comply with the AOC.
- 02:29:04 Rep. Ellis asked Ms. Reynolds about clean up if a company goes bankrupt.
- 02:30:40 Rep. Curdy asked Ms. Reynolds about disposal of the paste.
- 02:32:39 Recess for lunch at 11:32 a.m.
- 04:02:00 Reconvene

**HJ 13 STUDY: DRAFT REPORT**

- 04:02:17 Mr. Kolman gave an overview of the HJ 13 draft report. **(Exhibit 7)**
- 04:02:49 Mr. Kolman provided the final data from the Department of Fish, Wildlife and Parks' (FWP) elk harvest survey. **(Exhibit 8)**
- 04:03:37 Mr. Kolman said the Council received two public comments on the report. **(Exhibit 9)**

04:03:52 Quentin Kujala, Wildlife Bureau coordinator, FWP, discussed the survey conducted on the land type where elk were harvested.

**Public Comment:**

04:07:23 Stan Frasier, Helena Hunters and Anglers Association, discussed concerns with creating roads on U.S. Forest Service (USFS) land and the ability to meet elk hiding cover requirements.

**Committee Questions and Discussion:**

04:09:20 Rep. White thanked staff for the report and asked Mr. Kujala if elk license sales are increasing at the same amount as elk harvest. Mr. Kujala said nonresident interest in licenses has increased and resident license purchases are consistent with the annual variation.

04:11:03 Rep. White asked Mr. Kujala if there is a higher percentage of hunter success. Mr. Kujala said there is.

04:13:10 Rep. White said the report indicates elk are moving from public land to private land and that hunter success is increasing and asked Mr. Kujala what he attributes that to. Mr. Kujala said it may mean that there are more elk in more parts of the state.

04:15:19 Rep. White discussed concern made in the public comments that there is very little cooperation from state and federal agencies to work with landowners in exchanging landlocked parcels. He asked the EQC if the report should include urging state and federal agencies to work with landowners on land exchanges.

04:16:42 Sen. Brenden said he agreed.

04:17:16 Mr. Lindler commented on land exchanges.

04:17:46 Sen. Phillips asked if the HJ 13 study assessed if state land managers do not currently prioritize land transfers.

04:18:23 Rep. White said the study not only assessed road closures on federally managed land, but also studied the problem of inaccessible parcels.

04:19:01 Mr. Kolman said the program evaluation of the DNRC Real Estate Management Bureau indicated that as of July 16, 69,000 acres have been sold through the land banking program and 83% of those were isolated parcels.

04:20:08 Sen. Keane said he recommends accepting the report as written.

04:21:00 Rep. White discussed the public comments and said he thought the study and findings were complete. He asked if the survey from FWP will be included in the study. Mr. Kolman said it will.

04:23:26 Rep. White asked if the website links that are included in the electronic version of the report will be included in the printed version. Mr. Kolman said they will.

04:24:09 Mr. Lindler asked Mr. Kujala about the criteria used to set elk objective numbers.

04:24:47 **Motion:** Mr. Lindler moved to amend finding 9 by adding "and human tolerance" after "habitat" in the first sentence.

**Discussion:**

04:25:47 Mr. Kolman restated the motion.

04:26:21 Sen. Brenden

04:28:06 **Vote:** The motion failed 8-8 by roll call vote. Rep. Curdy, Rep. Ellis, Rep. Lieser, Sen. Keane, Sen. Phillips, Mr. Lindler, Mr. Morris, and Sen. Vuckovich voted aye. Rep. Lieser voted aye by proxy. ([Attachment 5](#))

Due to technical difficulties the audio recording is not available from timestamps 04:28:16 to 04:29:20.

04:28:16 **Motion/Vote:** Rep White moved to accept the HJ 13 report. The motion carried unanimously by voice vote of those present and voting.

### **DNRC TRAVEL MANAGEMENT REPORT**

04:28:54 Mr. Kolman

04:29:10 Kevin Chappell, Agriculture and Grazing Management Bureau chief, Trust Land Management Division, DNRC, presented the report from the DNRC on road closures, restrictions, and travel management planning required by SB 326 (2015). ([Exhibit 10](#))

04:29:56 Mr. Chappell discussed road closures.

04:32:18 Mr. Chappell discussed restrictions on recreational use of trust lands.

04:34:05 Mr. Chappell discussed travel management planning.

### **Committee Questions and Discussion:**

04:35:23 Sen. Brenden said there are a lot of roads in Daniels County that are not paid for by the state, but that provide access to state land. He said the county is supposed to get money from a federal program to help grade the roads and invited representatives from the DNRC to visit in order to see the condition of the roads and if there is anything the state can do to help.

04:37:14 Rep. White asked staff if SB 326 included a provision to provide advance notice of road closures and asked Mr. Chappell if USFS road closures affect DNRC actions. Mr. Chappell said it does if it affects land that was previously accessible.

04:38:21 Rep. White asked Mr. Chappell when the USFS goes through a National Environmental Policy Act (NEPA) process to close a road if the state also goes through a public process when it takes action to go along with a road closure on state land.

04:39:23 Mr. Kolman said that SB 326 did include an advance notice provision.

04:39:47 Rep. White asked Mr. Chappell if the DNRC has a procedure in place to comply with the provisions of the bill. Mr. Chappell said the DNRC is in the process of redrafting recreational use rules and will be making changes to reflect SB 326.

04:40:45 Rep. Curdy asked Mr. Chappell if the state has a shared cost program with the USFS on roads that traverse both USFS and state land that is being used for administrative purposes. Mr. Chappell said in certain cases it does.

04:41:26 Rep. Curdy asked if the DNRC negotiates with the USFS to keep a road open when it has shared costs. Mr. Chappell referred the question to Sonya Germann, Forest Management Bureau chief, DNRC. Ms. Germann said it does.

### **DNRC LEGISLATIVE PROPOSALS**

04:43:03 John Tubbs, director, DNRC, presented the proposed bills from the DNRC for pre-drafting for the 2017 Legislative Session. ([Exhibit 11](#))



- 04:43:33 Mr. Tubbs discussed the proposal to modify commercial leasing rental provisions.
- 04:45:33 Mr. Tubbs discussed the proposal revising the allowable harvest volume from 1 million board feet to 2 million board feet, in certain circumstances.
- 04:46:59 Mr. Tubbs discussed the proposal to repeal computation of assessment statutes.
- 04:47:42 Mr. Tubbs discussed the proposal to repeal the county commissioner finding obligation for conservation districts.
- 04:48:18 Mr. Tubbs discussed the proposal to revise Conservation District terms of office and vacancy timelines.

**Public Comment:**

- 04:48:59 Elena Evans, Montana Association of Conservation Districts (MACD), said MACD supports the DNRC legislation related to conservation districts.

**Committee Questions and Discussion:**

- 04:49:41 Rep. Ellis asked Mr. Tubbs if the timber harvest amount that counts toward the annual sustainable yield calculation is in rule. Mr. Tubbs deferred the question to Ms. Germann.

- 04:52:50 **Motion:** Sen. Ripley moved to pre-draft all of the DNRC proposed legislation.

**Discussion:**

- 04:53:16 Sen. Brenden

- 04:53:41 **Vote:** The motion carried unanimously by voice vote of those present and voting.

**FOOD AND AG DEVELOPMENT CENTERS UPDATE**

- 04:54:06 Mr. Kolman said the Montana Food and Agriculture Development Centers Network (FADC) report (**Exhibit 12**) and the Statewide Noxious Weed Control report are required by HB 2.
- 04:54:43 Angela Nelson, section manager, Business Development and Marketing, Department of Agriculture, provided samples of products directly assisted by the FADC. (**Exhibit 13**)
- 04:55:33 Ms. Nelson presented a video on the FADC. (**Exhibit 14**)
- 04:57:23 Ms. Nelson discussed the impacts from the FADC.
- 05:02:45 Ms. Nelson discussed administration of the program.

**Public Comment:** None

**Committee Questions and Discussion:**

- 05:03:51 Sen. Brenden said that KAMUT originally came from Egypt and the producer in Montana is the only one that can grow and sell KAMUT in the U.S.
- 05:04:41 Rep. Curdy said he appreciates and supports what is being done by the FADC.
- 05:05:42 Sen. Phillips asked Ms. Nelson about future funding sources.

## **STATEWIDE NOXIOUS WEED CONTROL COORDINATION PROGRAM UPDATE**

05:07:22 Dave Burch, State Noxious Weed coordinator and program manager, Department of Agriculture, presented the Noxious Weed Coordination report. [\(Exhibit 15\)](#)

**Public Comment:** None

### **Committee Questions and Discussion:**

05:18:14 Sen. Ripley asked Mr. Burch about the Montana Invasive Species Advisory Council (MISAC) meetings.

05:19:41 Sen. Ripley asked Mr. Burch about the MISAC strategic plan.

05:21:43 Sen. Ripley asked Mr. Burch about the Greater Sage-grouse Conservation Action Team and if they have begun to devise a plan and how it will be put into action. Sen. Ripley requested a copy of the draft plans.

05:23:17 Rep. Curdy asked Mr. Burch if the grant applications for the Noxious Weed Trust Fund are only available to governmental agencies. Mr. Burch said they are not.

05:24:55 Sen. Keane asked Mr. Burch about program administration.

05:28:46 Brief Recess

05:46:03 Reconvene

## **BISON MANAGEMENT**

05:46:16 Mr. Kolman gave an introduction for the panel discussion on tribal treaty hunting in Montana.

## **TRIBAL TREATY HUNTING**

05:48:03 Becky Dockter, chief legal counsel, FWP, presented a history and information on the state's role in treaty-reserved buffalo hunting in Montana.

05:53:37 Ron Trahan, councilman, Confederated Salish and Kootenai Tribes (CSKT), presented testimony from the CSKT. [\(Exhibit 16\)](#)

05:59:35 Quincy Ellenwood, member, Nez Perce Tribe's Executive Committee and chairman of the Nez Perce Tribe's Natural Resources Subcommittee, discussed the cultural importance of buffalo to the Nez Perce people. [\(Exhibit 17\)](#)

06:07:56 Darrell Shay, vice chairman, Fort Hall Business Council, Shoshone-Bannock Tribes, discussed the significance of the buffalo in the tribes' lifestyle.

06:26:05 Ken Hall, vice chairman, Confederated Tribes of the Umatilla Indian Reservation, Fish and Wildlife Commission, via phone, discussed collaboration efforts with FWP, the USFS, Yellowstone National Park, and other tribes on bison hunts and bison management.

### **Public Comment:**

06:30:59 John Harrison, tribal attorney, CSKT, discussed the partnerships involved in managing bison hunts.

06:33:55 Tom MacDonald, Fish and Wildlife Division manager, CSKT, provided information on tribal bison hunts.

06:37:58 Tom Wadsworth, captain, Enforcement, Fish and Game Department, Shoshone-Bannock Tribes, provided information on the tribes' buffalo hunts.

06:44:11 Chad Colter, Fish and Wildlife director, Shoshone-Bannock Tribes, discussed tribal hunting and bison management.

**Committee Questions and Discussion:**

06:49:37 Rep. White thanked the tribes for attending the meeting and commented on bison in the Yellowstone National Park area.

06:51:37 Rep. White asked Ms. Dockter about additional hunting opportunities for the tribes within Yellowstone National Park.

06:53:43 Rep. White asked tribal members about their experience working with Yellowstone National Park staff on tribal hunting opportunities within the park.

06:54:02 Mr. Harrison commented on hunting in the park.

06:58:23 Rep. Ellis asked for additional information on tribal hunts. Mr. MacDonald discussed tribal hunts.

07:03:30 Rep. Ellis asked Mr. MacDonald about the tribal hunting season.

07:05:34 Mr. Colter provided information on the Shoshone-Bannock Tribes' hunting season.

07:08:07 Rep. Ellis asked about elk that were killed during the bison hunt last year and how the issue is being resolved. Ms. Dockter said issues are discussed at the annual meeting in May.

07:11:07 Mr. Ellenwood provided information on the Nez Perce Tribe's regulations on buffalo hunting.

07:16:19 Mr. Wadsworth provided information on the Shoshone-Bannock Tribes' buffalo hunting season and the hunting season for other species.

07:18:20 Mr. MacDonald discussed the CSKT bison hunting season and hunting for other species.

07:19:33 Mr. Lindler asked how the sovereigns work together to manage the bison. Sam Sheppard, regional supervisor, FWP, provided information on working with the tribes and managing bison in Yellowstone National Park.

07:22:25 **Motion:** Mr. Aspenlieder moved that the EQC send a letter to Yellowstone National Park supporting tribal bison hunting rights within the park.

**Discussion:**

07:23:12 Mr. Lindler

07:23:25 Sen. Phillips

07:24:12 Sen. Ripley

07:25:05 Sen. Brenden

07:26:20 Rep. Manzella

07:27:00 **Vote:** The motion carried 9-7 by roll call vote with Rep. Curdy, Rep. Ellis, Rep. Lieser, Sen. Keane, Sen. Phillips, Mr. Lindler, and Sen. Vuckovich voting no. Rep. Lieser voted no by proxy. ([Attachment 6](#))

**Discussion:**

07:28:00 Mr. Harrison

07:28:54 Mr. Aspenlieder

07:29:23 Sen. Phillips

07:29:56 Mr. Kolman

07:30:02 Sen. Brenden  
07:30:14 Sen. Vuckovich

#### **WINTER 2016/2017 MANAGEMENT PLAN**

07:31:02 Mr. Sheppard said the Interagency Bison Management Plan (IBMP) partners have developed their winter operation plan and have agreed to attempt to manage for a decreasing bison population within Yellowstone National Park. He said the park will begin trapping bison as they come out of the park as part of meeting the IBMP goals.

07:38:34 Martin Zaluski, state veterinarian, Department of Livestock, said that the two significant changes to this year's winter management plan are the Governor's Environmental Assessment (EA) to address the expanded tolerance for bison and to continually capture bison as they come out of the park.

#### **Public Comment:**

07:40:00 Stephanie Adams, National Parks Conservation Association (NCPA), said NCPA appreciates that the state of Montana is currently in the process of working with the National Park Service to develop a new bison management plan that will dictate how bison will be managed in the future.

#### **Committee Questions and Discussion:**

07:41:11 Rep. Curdy asked Mr. Sheppard if bison in West Yellowstone have expanded into the Taylor Fork area and what type of expansion has been taking place in the expanded tolerance zones.

07:43:27 Rep. Curdy asked Mr. Sheppard if the IBMP partners discussed hazing bison in Yellowstone National Park back to the areas they don't currently occupy.

07:45:35 Rep. White clarified his statement about building fences to protect children from bison.

07:46:13 Rep. Manzella asked Mr. Sheppard about trapping bison and what happens to the bison.

07:49:52 Rep. Manzella asked Mr. Sheppard about the size of the Beattie Gulch land mass and about the private property that borders the land mass.

07:51:53 Rep. Manzella asked Mr. Sheppard if tribal hunters can hunt in Cutler Meadows or if they are confined to the Beattie Gulch area. Mr. Sheppard said they can.

07:52:26 Rep. Manzella asked Mr. Sheppard if the private property is creating the bottleneck of bison that occurs.

07:54:15 Sen. Ripley said he would like to talk to Mr. Sheppard after the meeting.

#### **RECESS**

07:54:55 Sen. Vuckovich recessed the meeting at 4:54 p.m.

CI0099 6285nsxa.