



EQC HJ 13 Study Tour, September 2015

# A COUNCIL MEMBER'S GUIDE TO THE ENVIRONMENTAL QUALITY COUNCIL

Legislative Environmental Policy Office

2017  
-  
2018 INTERIM



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## Introduction

Welcome to the Environmental Quality Council (EQC). In an attempt to provide you with an organized jump start to the committee's interim work, the EQC staff has produced this 11th edition of *A Council Member's Guide to the Environmental Quality Council*. The Guide is designed to provide you with the necessary information to roll up your sleeves and participate effectively and efficiently in the interim process.

The Guide is divided into six sections. The first addresses the questions most frequently asked about the EQC. The next five sections are appendices that provide more detailed information. Previous members have found this publication to be very helpful. Your continued feedback is appreciated, so let us know what you think. You can reach us at:

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Legislative Environmental Policy Office  
State Capitol, Room 171  
P.O. Box 201704  
Helena, MT 59620-1704  
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## Frequently Asked Questions

### **What is the Environmental Quality Council?**

The Environmental Quality Council (EQC) is a statutory bipartisan interim committee that operates within the legislative branch of state government. Created by the 1971 Montana Environmental Policy Act (MEPA), the EQC generates information, reviews and appraises state programs, conducts investigations and studies, develops and recommends policy, and generally promotes a unified effort in carrying out state policy for the enhancement of the state's natural, economic, and social environments. (For a comprehensive list of duties, see the EQC Work Plan.)

### **Who is on the EQC?**

The EQC has 17 members including:

- six House members selected by the Speaker of the House;
- six Senate members selected by the Committee on Committees;
- two public members selected by the President of the Senate with the concurrence of the Senate Minority Leader;
- two public members selected by the Speaker of the House with the concurrence of the House Minority Leader; and
- one nonvoting member who represents the governor.

As with other interim committees, at least 50% of the EQC's legislative members must be selected from the standing session committees that consider issues within the jurisdiction of the EQC and at least one member must be selected from the joint subcommittee that considers the related agency budgets.

The EQC is the only statutory committee in the Legislative Branch that has public members who vote on issues before the committee. Throughout its 46-year history, the EQC's public members have provided invaluable nonlegislative perspectives and information.

Committee members serve 2-year terms, starting and ending on the 50th day of each legislative session.

In order to be appointed to the EQC, the following qualifications of the legislator or public member must be considered:

- the ability to analyze and interpret environmental trends and information;
- the ability to appraise programs and activities of state government in the light of the policy set forth in 75-1-103, MCA;
- the ability to be conscious of and responsive to the scientific, economic, social, aesthetic, and cultural needs and interests of the state; and
- the ability to formulate and recommend state policies to promote the improvement of the quality of the environment.

A Presiding Officer and Vice Presiding Officer are traditionally selected at the first meeting of the interim. The EQC's rules and procedures guide the selection process and are also confirmed at the committee's organizational meeting. (See EQC Rules and Procedures.)

### **What can the EQC do for you?**

As an EQC member, you have the opportunity to:

- develop expertise in environmental, natural resource, fish, wildlife, recreation, water, and other issues and oversee the state agencies associated with those issues;
- plan and participate in forums to create, evaluate, and refine legislative policy;
- allow your constituents year-round access to critical legislative policy decisions;
- evaluate state agency administrative rules;
- promote governmental accountability;
- generate nonpartisan and unbiased information;
- investigate complex legislative policy problems and propose solutions.

### **What are your responsibilities as an EQC member?**

In a nutshell . . . be engaged and participate. A legislator or public member who seeks and accepts appointment to the EQC must be prepared to devote time and effort to understanding the issues, evaluating the information presented, and formulating sound recommendations. In fulfilling this role, an EQC member needs to:

- read each report, plan, proposal, and set of minutes presented by staff or interested persons *in advance of meetings*;
- share reports, plans, and other study documents with interested persons in your area to stimulate participation;
- invite comments and suggestions from constituents who are knowledgeable or concerned;
- bring to the meetings previously prepared questions and comments;
- pose questions and offer suggestions during meetings;
- redirect discussion to central issues when conversation strays from the topic; and
- communicate frankly with staff on matters such as preferred style and length of presentations, conduct of meetings, format of reports, and other topics pertinent to EQC business.

### **What are the EQC's agency oversight responsibilities?**

As a standing legislative interim committee, the EQC has statutory agency oversight responsibilities for the Department of Environmental Quality (DEQ), the Department of Natural Resources and Conservation (DNRC), and the Department of Fish, Wildlife, and Parks (DFWP). These responsibilities specifically include:

- administrative rule review;
- draft legislation review; and
- program evaluation and monitoring functions.

#### Administrative rule review

The requirement that the EQC review administrative rules is found in 75-1-324(10), MCA. The Montana Administrative Procedure Act (MAPA), Title 2, chapter 4, MCA, governs how state agencies may adopt administrative rules. An administrative rule is a type of law that implements a law adopted by the Legislature or by initiative. If the law is repealed or changed, the administrative rule must be repealed or changed to conform. MAPA provides that:

- An agency must have specific authority in law to adopt rules (2-4-301, MCA).

- Notice of the proposed rule must be published in the Montana Administrative Register, which is printed by the Secretary of State. The notice must comply with specific time lines and provision requirements (2-4-302, MCA).
- Interested parties notified include the primary legislative sponsor of the bill that enacted the section of law authorizing the administrative rulemaking process. The purpose of the notification to the legislative sponsor is to obtain the legislator's comments, inform the legislator of the date by which each step of the rulemaking process must be completed, and provide the legislator with information about the time periods during which the legislator may comment on the proposed rules (2-4-302, MCA).
- An agency must consider all oral and written submissions respecting a proposed rule (2-4-305, MCA).
- An agency must consider for a rule that initially implements legislation whether the intended action is contrary to any comments submitted to the department by the primary sponsor of the legislation for the purposes of 2-4-302, MCA (2-4-110, MCA).

A rule must include a citation to the specific grant of rulemaking authority and must be "reasonably necessary to effectuate the purpose of the statute" (2-4-305, MCA).

The provisions governing the legislative review of rules are in Title 2, chapter 4, part 4, MCA. A flowchart illustrating the EQC's statutory role in the rule review process is provided in Appendix B. The EQC may:

- object to a proposed rule and require up to a 6-month delay in adoption (2-4-304, MCA);
- request records for checking compliance with MAPA (2-4-402(2)(a), MCA);
- submit written recommendations and participate in hearings on rule adoption (2-4-402(2)(b), MCA);
- require that a hearing be held on rule adoption (2-4-402(2)(c), MCA);
- institute or participate in legal proceedings relating to rules (2-4-402(2)(d), MCA);
- commence a poll on an objection to a rule (2-4-403, MCA);
- require an economic impact statement relating to the adoption of a rule (2-4-405, MCA);

- object to a rule not adopted in conformance with MAPA (2-4-406, MCA); and
- recommend rule adoption or changes (2-4-411, MCA).

Failure of a committee to object to a rule proceeding is not admissible in court. The department must report judicial proceedings relating to the construction or interpretation of laws on committee review of rules and may report judicial proceedings relating to the agency's rules (2-4-410, MCA).

#### Draft legislation review

In order to facilitate the orderly drafting of executive branch bill drafts and to allow legislative oversight of agency bill draft proposals, each agency assigned to the EQC for oversight purposes is required to present descriptions of proposed legislation to the EQC. Mid-May through September of each even-numbered year is usually the time period that the EQC receives the agency descriptions of the proposed legislation. At a predetermined EQC meeting, each agency presents the descriptions of their proposed legislation.

The EQC reviews and discusses the legislative proposals and then makes a formal decision as to whether the proposed legislation should be requested. The EQC's decision to "request" on behalf of the agency that a bill be drafted does not mean that the EQC necessarily endorses the bill draft. It simply gets the requests into the bill drafting system so that the bill drafts can be drafted and pre-introduced prior to the legislative session. The agency will be responsible for finding a legislator to actually carry the bill during the session.

This does not mean that the EQC has to request that all of an agency's bill draft proposals be drafted. In the past, the EQC has occasionally made the decision not to request that an agency proposal be drafted. This is a golden opportunity for the EQC to provide comments and constructive criticism regarding agency policy proposals.

#### Program evaluation and monitoring functions

The EQC traditionally spends a fair amount of time during each interim on agency program evaluation and monitoring agency functions. Numerous and wide-ranging issues regarding an agency's implementation of legislative

policy come before the Council for review and discussion. A sample of past topics include:

- bison relocation environmental review;
- petroleum tank compensation oversight;
- wildland firefighting activities;
- implementation of state cabin site sale legislation;
- wolf management issues;
- sage grouse conservation program activities;
- the contested case hearing for the Highwood Generation Station air quality permit;
- Holcim air quality permitting process; and
- DEQ enforcement and permitting issues.

### **What does the EQC do during a typical interim?**

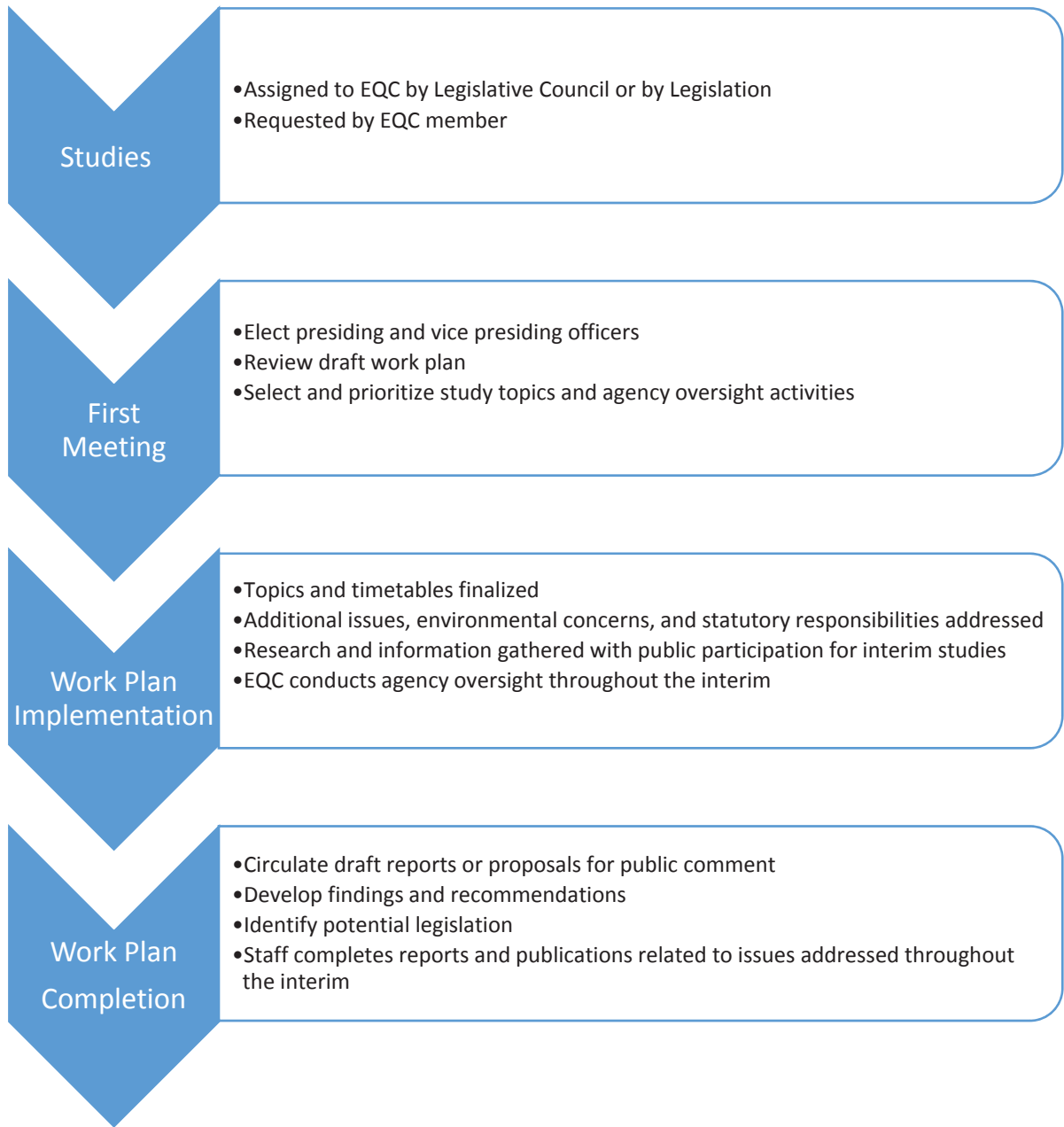
The EQC typically focuses on two or three major study topics while conducting general oversight of the state's natural resource programs and observing its other statutory duties.

The EQC is required to meet each quarter, though the number of meetings and the EQC study agenda is determined in part by the number of issues that can be effectively addressed within the EQC budget and with the available time and resources of committee members and staff and interested parties.

At its first organizational meeting, the EQC selects and prioritizes its activities for the interim based on a draft interim work plan assembled by staff. The options in the work plan are generated from studies assigned by the Legislative Council, the EQC's statutory responsibilities, issues of concern to EQC members, and agency oversight responsibilities. It is up to the EQC to prioritize and decide which, if any, of the options to adopt for the final work plan or to generate its own work plan options. (See Figure 1.)

Once the EQC selects and prioritizes the work plan options, staff develop a detailed draft work plan and timetable that includes each major study or activity for approval by the committee. Subcommittees or working groups may be appointed to address certain issues. (See Appendix C for more information on creating subcommittees and working groups.)

**Figure 1: Environmental Quality Council Interim Process**



During the interim, additional issues or environmental concerns inevitably come to the attention of the EQC. These "headline issues" may be driven by state or federal agency decisions, judicial rulings, development proposals, natural disasters, citizen inquiries, or many other factors. The EQC may choose to investigate or analyze these issues as they arise, provided there is

sufficient time and interest, especially if the issue may be resolved through legislative policy decisions.

At the end of the interim, EQC staff produce draft study reports that reflect the activities, deliberations, findings, recommendations, and potential legislation. The EQC reviews the report and then adopts, modifies, or rejects the recommendations and potential legislation.

As required under Legislative Council rule, the committee must wrap up its interim work by September 15th of even-numbered years. EQC members are then free to engage in political campaigns and the staff concentrates on drafting legislation and preparing for the upcoming legislative session.

### **What does the EQC do during a typical meeting?**

#### **How is the agenda developed?**

Potential agenda items are identified in a number of ways:

- a review of the work plan;
- discussions at previous meetings; and
- requests from individual members.

The staff informs the Presiding Officer about new programs, actions, current events, or other developments that fit in with the EQC's work plan.

Typically, the staff begins developing a draft agenda for review by the EQC Presiding Officer 4 to 6 weeks prior to the committee meeting. The Presiding Officer determines the final agenda.

EQC members are encouraged to suggest agenda items that would be of interest to the committee and consistent with its work plan. Items may be suggested during meetings or discussed with the Presiding Officer. It is equally important for EQC members to speak up when potential or past agenda items are not helpful, appropriate, or not a high priority in light of the EQC's work plan. The committee's time and resources are limited so it is important to prioritize agenda items.

Although it is difficult to define a "typical" agenda, a sample of past agenda items may provide an idea of what the EQC might do during a meeting:

- review the statutorily established advisory councils and required reports of the DEQ, DNRC, and DFWP;



- hear an update on the current fire season;
- tour a site associated with a study. Past tours include the Chessman Reservoir outside Helena, Reeder's Alley, and federal land management in the York area.
- receive an update on petroleum tank release site closures;
- discuss a Legislative Audit of the Block Management Program;
- listen to a panel of experts from the DEQ, Stillwater Mine, bonding and surety companies, and the Mineral Policy Center discuss metal mine bonding;
- hear public testimony regarding state laws that authorize the permitting of gravel pits;
- receive an update on the DNRC's Renewable Resource Grant and Loan Program.

The type of action that is needed varies with each agenda item. Usually the Presiding Officer invites the audience (citizens, lobbyists, and other interested persons) to comment on topics being discussed. Many items are informational and provide EQC members with an opportunity to ask questions, make suggestions, provide direction, or decide if further committee action is appropriate. Other items require a decision by the EQC.

### **How does the EQC involve the public in its deliberations?**

Public participation is essential for the EQC to function as a policy development and oversight body of the Legislature. The EQC encourages the public to be involved and to comment on its deliberations. The staff sends agendas and other notices to several hundred interested individuals and organizations at least 10 days in advance of meetings or hearings. Announcements are also posted in the Legislative Services Division's *Interim Online Journal*, distributed through press releases, and posted on the EQC website. The Presiding Officer has the option of holding meetings outside Helena in order to reach Montanans who cannot attend meetings at the Capitol. The committee has developed public participation guidelines that are listed in the EQC Rules and Procedures.

### **How can the EQC respond to an issue?**

It is the EQC's role to gather and analyze information in order to make informed policy recommendations and decisions about complex natural

resource and environmental issues. The investigation of these issues is limited only by the resources of the EQC, as there is no shortage of issues or debate over the balance between people and their environment. Some of the ways the EQC may respond to these issues are listed in Appendix D.

### **How does the EQC make decisions?**

The EQC has used a variety of methods to make decisions, including acting based on a majority vote or working towards consensus. Whatever approach the EQC ultimately chooses, it is beneficial to discuss that approach early in the interim.

### **What is the EQC's role during legislative sessions?**

The EQC's function during a legislative session is to support any committee-proposed legislation and to offer a position and/or an analysis on specific issues that arise during a session. Members may support the activities of the EQC by sponsoring legislation, providing testimony, responding to amendments, talking to other legislators about EQC proposals, and generally shepherding EQC legislation through the legislative process. Members develop an expertise that is useful to their legislative colleagues.

### **EQC staff mission and duties**

The EQC staff is a principal subdivision within the Legislative Services Division and works under the guidance of the Legislative Environmental Analyst. The staff's mission is to assist the EQC in achieving its mission and to provide the *best* information possible to the EQC, the Legislature, and the public. The EQC's mission is set forth in its enabling legislation (MEPA) and its statutory duties.

Best information means the most complete, objective information available. The staff's goal is to inform the EQC of the issues; provide information regarding those issues; identify options, if requested; and analyze the impacts—environmental, fiscal, societal, etc., of selecting those options. ***The option selection itself is left to committee members.***

Staff responsibilities include:

- researching and writing reports and information material;
- organizing and monitoring public meetings and hearings;
- drafting proposed legislation;
- responding to information requests from EQC members, legislators, the public, and agencies;
- writing legal opinions;
- organizing studies assigned by the Legislature and the EQC; and
- drafting legislation and staffing committees during the legislative sessions.

In general, the EQC staff acts as an impartial and nonpolitical source of information on environmental and natural resource matters for the EQC, the Legislature, Montana citizens, and state agencies. In addition, members of the EQC staff serve as committee staff to several standing committees during legislative sessions and as committee staff to several interim committees.

Your current EQC staff are:	Phone:
Legislative Environmental Analyst . . . . . Joe Kolman	444-3747
Research Analyst . . . . . Hope Stockwell	444-9280
Research Analyst . . . . . Jason Mohr	444-1640
Research Analyst . . . . . Trevor Graff	444-4975
Research Assistant . . . . . Dawn Field	444-3742
Staff Attorney Assigned to the EQC . . . . . To Be Assigned	
Legislative Secretary . . . . . Nadine Spencer	444-4838



## Appendix A

### LEGISLATOR CLAIMS FOR REIMBURSEMENT OF INTERIM ACTIVITIES Legislative Services Division

Information Sheet  
Updated March 27, 2017

The following provides information for legislators about payment of salary and reimbursement of expenses for interim activities. Legislators who have questions regarding this information should call the Financial & Human Resource Office, Legislative Services Division (Jennifer Simmons at 444-9542 or Dawn Hicks at 444-3411).

Generally, legislators should use the mode of travel that provides the lowest overall cost to the state. Lodging reservations should be made early to obtain state-rate rooms; a legislator should always request state employee rates when making reservations. If a legislator uses a commercial airline, reservations should be made early to obtain discounted rates, and costly schedule changes should be avoided.

#### Statutory Provisions

**5-2-302. Compensation and expenses when legislature not in session.** When the legislature is not in session, a member of the legislature, while engaged in legislative business with prior authorization of the appropriate funding authority, is entitled to:

- (1) a mileage allowance as provided in 2-18-503;
- (2) expenses as provided in 2-18-501 and 2-18-502; and
- (3) a salary equal to one full day's pay at the rate described in 5-2-301(1) for each 24-hour period of time (from midnight to midnight), or portion thereof, spent away from home on authorized legislative business. However, if time spent for business other than authorized legislative business results in lengthening a legislator's stay away from home into an additional 24-hour period, the legislator may not be compensated for the additional day.

#### Reimbursement Rates

In-state meals (receipts <b>NOT</b> required)	Breakfast \$5.00; Lunch \$6.00; Dinner \$12.00 <b><u>MEALS ARE TAXABLE WHEN THERE IS NOT AN OVERNIGHT STAY.</u></b>
Mileage (receipt <b>NOT</b> required)	\$0.54/mile for first 1,000 miles each month; \$0.51/mile thereafter
Lodging (receipt <b>IS</b> required)	\$91/day, plus applicable taxes, total \$97.37 for most Montana locations. \$95/day, plus applicable taxes, total \$102.65 in Helena.
Nonreceipted lodging (e.g., stay with friends or family)	\$12/day <b><u>THIS AMOUNT IS TAXABLE</u></b>

#### Guidelines for Evaluating Reasonableness of Claims

The following guidelines established by the Legislative Council are used to determine if time spent away from home reasonably falls within the context of authorized legislative business:

1. Overnight lodging is reasonable when a legislator would be required to leave home earlier than 6:30 a.m. or arrive home later than 6:30 p.m. in order to have attended all of the meeting or have conducted all of the authorized legislative business. To compute whether this would be required, an average travel speed (overall including incidental stops) of 50 miles an hour is used. The one-half hour immediately preceding and immediately following a meeting or activity is an in-town

travel shift and considered to be part of the total meeting schedule for the purposes of the reasonableness computation.

2. A legislator is entitled to a day's salary when necessarily away from home for authorized legislative business. A member is considered necessarily away from home on the day of a meeting or other authorized legislative activity and on any other day when travel qualified under #1 above is required.
3. Subject to statute, a meal falling within reasonable travel times may be claimed.

Special circumstances are considered in determining reasonableness. Such circumstances may include inclement weather, a legislator's health, variables related to flying instead of driving, and schedule conflicts that require a member to choose a more expensive mode of travel in order to participate in the legislative activity. Special circumstances should be clearly presented on the claim form.

### **Legislators Who Live in Helena**

A legislator who lives in Helena and attends an interim committee meeting in Helena is not entitled to mileage or lodging reimbursement. However, the legislator is entitled to a midday meal allowance on the day of the meeting regardless of the proximity of the meeting place to the individual's residence. In addition, the legislator may claim salary in the same manner as all other legislators.

### **Submission of Claims**

To receive payment of salary and reimbursement of expenses for interim legislative work, a legislator must complete and sign a Statement of Expense for Montana Legislators. Forms are available from committee secretaries and from the Financial & Human Resource Office, Legislative Services Division, Room 154 in the Capitol.

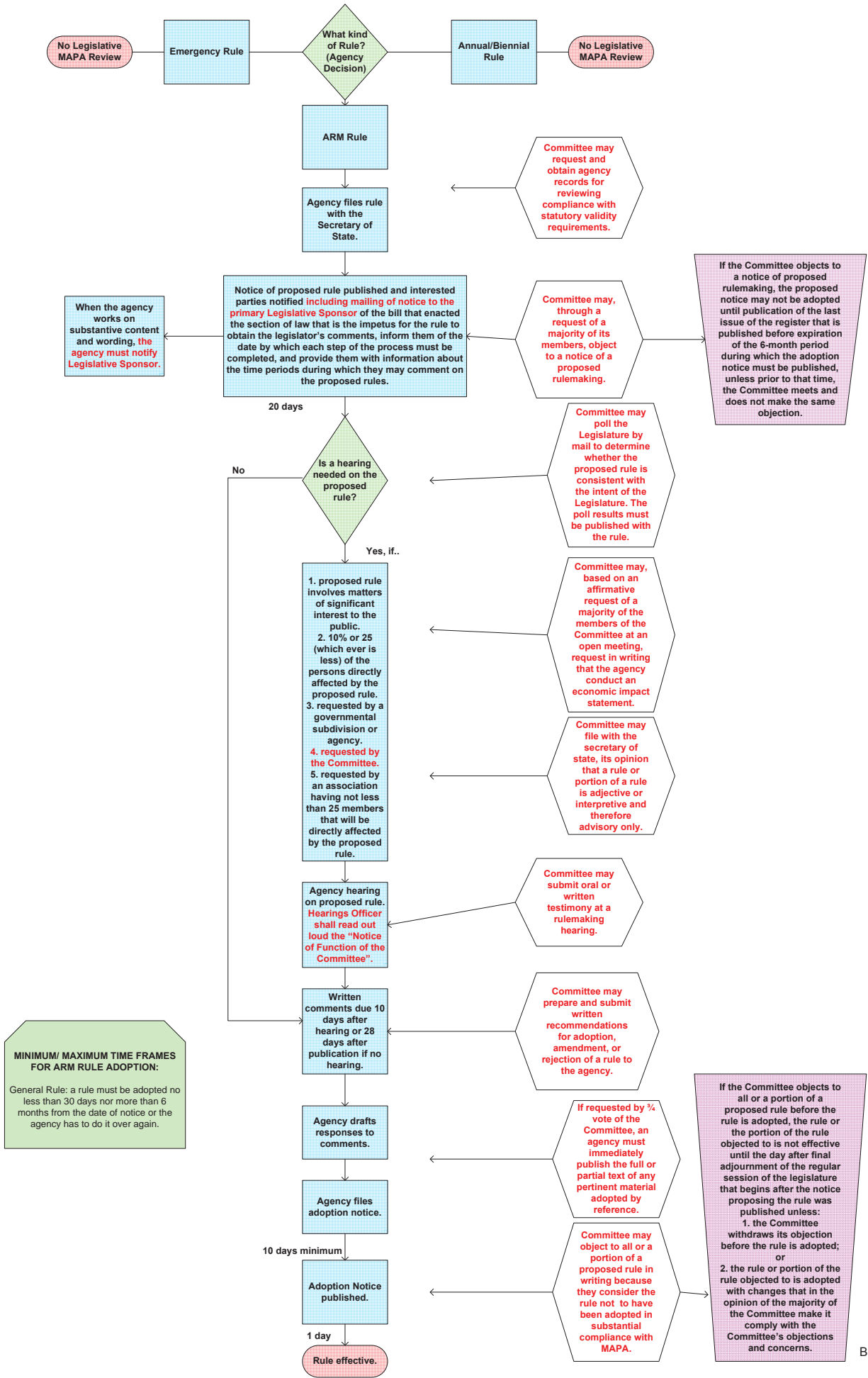
The legislator must return the claim to the committee secretary or to the Financial & Human Resource Office, Legislative Services Division, accompanied by original receipts as noted on the claim form. The legislator should clearly note the number of days of salary, lodging, and meals claimed. The claim should be completed and **signed in ink**. Special circumstances that apply to the claim should be noted.

Claims will be processed as quickly as possible. The salary portion of the claim will be paid with the next biweekly state payroll cycle following receipt of the form. Warrants for expenses, not including salary, will be issued within 3 working days of receipt of the claim by the Financial & Human Resource Office. This means that a legislator will usually receive two state warrants for each claim submitted, one for expenses and one for salary. Claim forms that are incomplete or do not include required receipts may be returned to the legislator for completion. When that happens, the claims processing period may be extended.

### **Timely Submission of Claims**

State policy requires that requests for reimbursement of travel costs be submitted within 3 months of incurring the expense or the right to reimbursement is waived. **To comply with policy, the Legislative Branch cannot process payment if reimbursement requests are submitted outside the 3-month window.**

# Appendix B: Administrative Rule Review Process, 2017-18



**MINIMUM/ MAXIMUM TIME FRAMES FOR ARM RULE ADOPTION:**

General Rule: a rule must be adopted no less than 30 days nor more than 6 months from the date of notice or the agency has to do it over again.





## Appendix C: Creating Subcommittees & Work Groups

### Attributes of subcommittees and work groups

Each EQC has the option to establish subcommittees or work groups to conduct studies that are the result of resolutions, statutory oversight responsibilities, or member-defined issues.

#### Subcommittees

- Made up of voting members and minutes must be taken
- Generally a larger division of the whole committee
- Members become very informed and knowledgeable about the issues being analyzed
- Appointed at the beginning of the interim

(Past Councils have expressed concern that only a limited number of EQC members get all the information.)

#### Work Groups

- Not mandatory that the group take minutes
- Usually fewer members (5-6)
- Can include non EQC members to provide information
- Appointed on an as needed basis throughout the interim

(Past Councils have seen as an efficient way to put together detailed answers or information for a specific question.)

### Use of subcommittees

If a subcommittee is established, the presiding officer of the EQC appoints its members and designates a presiding officer. Subcommittees have their own detailed work plan and meet outside of the full EQC meeting, requiring additional staff and Council member time. Subcommittee presiding officers give an update at each EQC meeting on activities undertaken.

HB 661 (2017) establishes a subcommittee of the EQC, the Economic Affairs Committee, and the Legislative Finance Committee for this interim to study the long-term future of and possible efficiencies to be gained from state-supported labs at MSU-Bozeman. Each committee will select two members to serve on this bipartisan subcommittee.

### **Past use of subcommittees by the EQC**

- Joint subcommittee with the Legislative Finance Committee to study the Petroleum Tank Release Fund (2008)
- HB 790 Subcommittee to solicit public comment on and discuss split estates and other oil and gas development issues around the state (2005)
- Joint subcommittee with the Law and Justice Interim Committee for a study of eminent domain (1999)
- Agency Oversight Subcommittee (2001, 2003, 2005, 2007)
- Water Policy Subcommittee (2001)
- Energy Subcommittee (2001, 2003)

### **Past use of work groups by the EQC**

- SJ 15 Study of federal land management (2013)
- SJ 4 Study of Virginia City, Nevada City, and Reeder's Alley (2013)
- HJ 4 Water Adjudication Funding Work Group (2003)
- Work group to study alternatives for the management of waste tires (1997)

## Appendix D: How the EQC May Respond to Issues

The following choices are informally arranged from the efforts that are the most simple to the most resource-intensive for EQC members and staff to complete. Before beginning research on a topic, it is necessary to decide if the issue warrants investigation given the demands and objectives of the work plan, and if so, for what purpose and in what depth.

### **Presenting an issue to the EQC**

- Request staff to conduct independent research and report to the EQC.
- Request EQC staff to work with agency staff to address questions.
- Request that agency staff answer specific questions in writing or by presentation.
- Request EQC staff to work with agency staff and interest groups to provide multiple perspectives.
- Same as above with actively solicited public attendance and comment.
- Solicit interested persons or issue experts to present information to the EQC.
- Request EQC staff to organize a panel discussion on the issue.

### **Tracking an ongoing issue**

- Request EQC staff or agency staff to provide updates at subsequent meetings.
- Committee members investigate the issue in their districts and report back to the EQC at the next meeting.
- Committee members request periodic reports/publications on the issue produced by the agency or interest group.
- Committee members request that EQC staff track an issue nationally or regionally and provide periodic updates at meetings.
- Committee assigns an EQC subcommittee or working group to investigate and report on the issue over the interim.

### **Refining an issue**

- Convert an issue to a work plan item for the EQC, subcommittees, working groups, or staff to research and report on.
- Committee members and/or EQC staff develop more specific follow-up questions on an issue for EQC or agency staff to research and report back to the EQC.
- Committee workshop/work session involving all affected parties.
- Committee requests performance or fiscal audit.

- Convene an EQC subcommittee or working group to discuss issue and report back to the EQC.
- Solicit and arrange for testimony from diverse participants; host a general discussion of the issue or ask specific questions.
- Conduct a site visit, tour, or hearing and prepare a report on the result.

### **Identifying options to address an issue**

- Ask interested parties/experts for suggestions on what could be done to resolve the issue.
- Request that EQC staff evaluate how other states deal with similar issues.
- Request EQC staff to develop potential options to present to the EQC independently or in consultation with agency staff and interested parties.
- Request EQC staff to develop a “white paper” or “issue paper” with options on how to address the issue.
- Convene subcommittee to work with staff to develop options and report back to the EQC.
- Convene a working group to work with all affected parties to develop options and report to the EQC.

### **Recommending actions**

- EQC determines issue can be addressed through information mechanisms:
  - requests that EQC staff add information to EQC publication/website.
  - requests that EQC/agency staff develop strategies for information dissemination on issue.
  - directs EQC staff to plan a special meeting, workshop, or symposium.
  - directs EQC staff to work with other potential sponsors to plan a meeting, workshop, etc.
- EQC provides comments for inclusion in a public comment process on a proposal.
- EQC provides suggestions or general recommendations for agency actions:
  - forwards recommendations to agency via EQC letter.
  - forwards recommendations to Legislature via report.

- EQC recommends EQC staff or agency prepare specific legislative proposal:
  - study resolution for future effort
  - bill
- EQC prepares formal letter to other governing entity (e.g. Governor, Congressional delegation, multistate Commission, etc.)
- EQC recommends participation in state, regional, or national policy review group.
- EQC schedules special hearing during legislative session to discuss proposals.



## Appendix E: EQC Publications

Links to these reports and others are here:

<http://leg.mt.gov/css/Publications/environmental/default.asp>

### 2016

- HJ 13: Roads, Land, & Big Game Harvest
- HJ 7: Next Generation 9-1-1: Montana's Efforts to Move Forward
- SJ 12: Net Metering in Montana
- Considerations for the future of water rights
- Issues of water availability and supply
- SJ 2: Assuming dredge-and-fill permits
- Montana Index of Environmental Permits, 20<sup>th</sup> edition

### 2015

- A Guide to Montana Water Quality Regulation
- A Citizen's Guide to Montana Energy Law
- A Guide to the Montana Environmental Policy Act

### 2014

- Montana Index of Environmental Permits, 19<sup>th</sup> edition
- Renewables Rewards & Risks
- HJR 26 Study Report: Intersecting Interests of Estate Owners and Ditch Owners
- On the Hook: The Future of Fish and Wildlife Funding in Montana
- SJR 4 Study of State-owned Properties at Virginia City, Nevada City, and Reeder's Alley
- Evaluating Federal Land Management in Montana: An identification of significant risks, concerns, and solutions
- Understanding Energy In Montana
- Pittman-Robertson Funding
- Dingell-Johnson Funding

### 2013

- A Guide to Split Estates in Oil and Gas Development
- A Guide to the Montana Environmental Policy Act

### 2012

- Permitting in Montana, DEQ – air quality, opencut mining, wastewater
- Permitting in Montana, DNRC – oil and gas drilling, ground water permits
- A Citizen's Guide to Montana Energy Law
- A Guide to Montana Water Quality Regulation

- Water Rights in Montana
- Water Policy Interim Committee brochure
- Environmental Quality Council brochure
- Montana Index of Environmental Permits, 18<sup>th</sup> edition
- Digging into One-Call
- Public Uses and Eminent Domain
- HJR 32: A Study of State Parks, Outdoor Recreation, and Heritage Resource Programs
- The Exemption. To change or not to change?

## **2010**

- Permitting in Montana: A reference guide to three environmental permits
- Conservation Easements: 20 Things Everyone Should Know
- Montana Index of Environmental Permits, 17<sup>th</sup> edition
- Monetary Incentives for Tourism and Recreational Access
- Montana's Energy Policy Review
- The Coke Can From Columbus, An analysis of methods for increasing recycling and solid waste diversion in Montana
- Harvesting Energy, An analysis of the methods for increasing the use of forest and agricultural residues for biomass-based energy generation in Montana
- Boiling it Down: A study of water policy in Montana

## **2009**

- Understanding Energy in Montana: A Guide to Electricity, Natural Gas, Coal, and Petroleum Produced and Consumed in Montana. A Department of Environmental Quality report originally prepared for the Environmental Quality Council and updated for the Energy and Telecommunications Interim Committee
- A Guide to the Montana Environmental Policy Act
- Electricity Law Handbook
- Water Rights in Montana
- A Guide to Montana Water Quality Regulation
- EQC Brochure

## **2008**

- Montana Index of Environmental Permits, 16<sup>th</sup> edition
- A Guide to Montana Water Quality Regulation
- Electricity Law Handbook
- Water Rights in Montana
- Petroleum Tank Release Fund



- Climate Change
- Conservation Easements: 20 Things Everyone Should Know
- Water - Montana's Treasure
- Trust Land Management

## **2007**

- Eminent Domain in Montana
- EQC Brochure

## **2006**

- A Guide to Split Estates in Oil and Gas Development
- Financing the Administration of Montana's Trust Lands
- HJR 33: Study of Contract Timber Harvesting
- Montana Index of Environmental Permits, 15th edition
- Improving the State Superfund Process
- HJR 10: Study of Wildland Fire Policy and Statutes
- Water Policy in Montana
- Split Estates: The relationship between surface and minerals
- A Guide to the Montana Environmental Policy Act
- Water Rights in Montana

## **2005**

- EQC Brochure

## **2004**

- A Guide to the Montana Environmental Policy Act
- Montana Index of Environmental Permits, 14<sup>th</sup> edition
- Water Rights In Montana
- Hydrogen, Wind, Biodiesel, and Ethanol. Alternative Energy Sources to Fuel Montana's Future
- Metal Mine Bonding in Montana: Status and Policy Considerations
- Zortman and Landusky Mines: Water Quality Impacts
- Understanding Energy in Montana. A Guide to Electricity, Natural Gas, Coal, and Petroleum Produced and Consumed in Montana
- Electricity Law Handbook
- Montana's Water—Where is it? Who can use it? Who decides?
- An Informational Guide to State Debt

## **2003**

- Petroleum and Petroleum Products in Montana
- A Citizen's Guide to Public Participation in Environmental Decisionmaking

## **2002**

- Coal Bed Methane and Water Policy in Montana
- A Guide to Montana Water Quality Regulation
- Understanding Electricity in Montana
- Electricity Law Handbook
- A Guide to the Montana Environmental Policy Act
- Montana Index of Environmental Permits, 13<sup>th</sup> edition

## **2001**

- Final Status of Natural Resource Legislation in the 57th Montana Legislature

## **2000**

- Public Benefits and Private Rights: Countervailing Principles of Eminent Domain. Volume I
- Public Benefits and Private Rights: Countervailing Principles of Eminent Domain. Volume II
- Public Benefits and Private Rights: Countervailing Principles of Eminent Domain. Volume III
- Improving the Montana Environmental Policy Act (MEPA) Process
- Water Policy 2000
- Funding for Growth Policies
- Montana Index of Environmental Permits, 12th edition

## **1999**

- Planning for Growth in Montana
- Compliance with and Enforcement of Montana's Natural Resource and Environmental Laws
- Montana's Revised Water Quality Monitoring, Assessment, and Improvement Program (HB 546 and TMDLs in Practice)
- Final Status of Natural Resource Legislation in the 56th Montana Legislature

## **1998**

- Montana Index of Environmental Permits, 11th Edition
- Montana Department of Fish, Wildlife and Parks' Water Leasing Study
- Status of and Alternatives for the Management of Waste Tires in Montana
- Montana's Water Policy

## **1997**

- HJR 10 Compliance and Enforcement Study
- HJR 10 Compliance and Enforcement Technical Report

- Final Status of Natural Resource Legislation in the 55th Montana Legislature
- MEPA Handbook

### **1996**

- Our Montana Environment . . .Where Do We Stand?
- Water Policy Committee Report
- Montana Index of Environmental Permits, 10th edition

### **1995**

- SJR 29 Water Quality Nondegradation Study
- SJR 34 Hazardous Waste Management Study
- Final Status of Natural Resource Legislation in the 54th Montana Legislature
- Water Policy Committee Report

### **1994**

- Transportation Energy Collaborative
- Montana Index of Environmental Permits, 9th edition

### **1993**

- HJR 31: Energy Study
- MEPA Handbook
- Final Status of Natural Resource Legislation in the 53rd Montana Legislature

### **1992**

- House Joint Resolution 17: Interim Study of Lakeshore Development
- Water Policy Committee Report

### **1991**

- SJR 19: Interim Study of Solid Waste Management
- Final Status of Natural Resource Legislation in the 52nd Montana Legislature
- Montana Environmental Quality Council Annual Report, Twelfth Edition: Research Issues
- Energy and Montana: An Overview
- Montana Index of Environmental Permits, 8<sup>th</sup> edition

### **1990**

- SJR 22: Interim Study on Ground Water Quality Protection and Management
- Log Scaling Study
- Rural Development Study

- Water Policy Committee

### **1989**

- Final Status of Natural Resource Legislation in the 51st Montana Legislature
- A Study of Water Resources Research Centers and Graduate Programs in Water Resources in the United States

### **1988**

- Environmental Quality Council Annual Report, Eleventh Edition: Research Issues
- Water Policy Committee
- HJR 49: Forest Practices and Watershed Effects
- Evaluation of Montana's Water Rights Adjudication Process
- Montana Index of Environmental Permits, 7th edition

### **1987**

- Report to the 50th Montana Legislature on the Renewable Energy and Conservation Program
- Final Status of Natural Resource Legislation in the 50th Montana Legislature
- Montana Legislation on Hazardous Substances in the Environment: Status and Legislative Outlook
- Environmental Quality Council Annual Report, Tenth Edition: Research Topics
- Montana's Water Policy: Innovations, Realities and Prospects
- A Montana Water Quality Program Assessment for Oil and Gas Practices, Forest Practices and Subdivisions
- Montana Index of Environmental Permits, 6th edition

### **1986**

- Report of the Water Policy Committee to the 50th Legislature of the State of Montana
- Oil and Gas Industry Study
- Comparison of Environmental Regulation of the Oil and Gas Industry in the Rocky Mountain States and Alberta
- Montana Environmental Policy Act Review of Oil and Gas Drilling Permits

### **1985**

- A Guide to the Montana Major Facility Siting Act
- Report of the Select Committee on Water Marketing

- ❑ Final Status of Natural Resource Legislation in the 49th Montana Legislature
- ❑ Right-To-Know: A Guide to Montana's Employee and Community Hazardous Chemical Information Act
- ❑ Renewable Energy and Conservation Program
- ❑ Environmental Quality Council Annual Report, Ninth Edition: Montana's Water

#### **1984**

- ❑ Small-Scale Hydro Development in Montana
- ❑ Montana Index of Environmental Permits, 5th edition

#### **1983**

- ❑ Renewable Energy Grant and Loan Program
- ❑ Environmental Quality Council Annual Report, 8th Edition
- ❑ Final Status of Natural Resource Legislation in the 48th Legislature
- ❑ Montana Ground Water Status Report

#### **1982**

- ❑ Socio-Economic Impacts of Large-Scale Hard-Rock Mining
- ❑ Summary Proceedings: Montana Ground Water Conference: Planning a Ground Water Strategy
- ❑ Agency Implementation of the Montana Environmental Policy Act

#### **1981**

- ❑ Environmental Regulations and Montana's Economy
- ❑ Natural Resource Issues in the 47th Legislature
- ❑ Montana Index of Environmental Permits, 4th edition

#### **1980**

- ❑ HJR 60: Coordination of Permit Procedures
- ❑ Promoting Industrial Growth and Diversification in Montana
- ❑ A Survey of Industry Experiences and Attitudes in Montana
- ❑ HJR 21
- ❑ HJR 51: The Problems and Benefits of Mining Bentonite in Montana
- ❑ Environmental Quality Council Annual Report, Seventh Edition
- ❑ Citizen Participation in Siting Energy Facilities in Montana: Final Report, Part I

#### **1979**

- ❑ Providing Science & Technology Resource Capability for the Montana Legislature
- ❑ Environmental and Natural Resource Experts for the 1979 Legislature

## 1978

- Environmental Permit Directory
- Montana Environmental Index
- Oil and Gas Leasing Program: Department of State Lands
- Environmental Quality Council Annual Report, Sixth Edition
- Environmental Impact Statements: A Citizens' Brochure
- Subdivisions and MEPA

## 1977

- Energy and the 45th Legislature

## 1976

- The Montana Environmental Policy Act: A Legal Analysis of MEPA's Role
- EQC Staff Report on Prevention of Significant Deterioration
- Montana Environmental Policy Planning Process
- An Ecological Analysis of the Montana Agricultural Experiment Station's Livestock Grazing Demonstration on Reseeded Surface Mine Spoils Near Colstrip, Montana
- The Transboundary Effect: Safeguarding the Poplar River in Montana
- Montana's Natural Gas Supply Crisis
- The Montana Environmental Policy Act: The First Five Years
- Montana Environmental Permit Directory
- Montana State Legislature, Environmental Quality Council: In the Matter of a Public Hearing Regarding Montana's Natural Gas Supply Crisis: Transcript of Proceedings
- Microflora of the Yellowstone River, Part III: The Non-Diatom Algae
- Microflora of the Yellowstone River, Part II: Perturbations Through Billings
- A Report on Analyses of Periphyton Collections from the North Fork and the Middle Fork of the Flathead River
- An Algal Survey of Surface Waters in Eastern Montana Suspected to be Influenced by Saline Seep, with Special Emphasis on Salinity Indicators and Potentially Toxic Species
- Montana's Renewable Resources: Today and Tomorrow
- Environmental Quality Council, Fifth Annual Report

## 1975

- Montana Energy Policy Study
- Environmental Quality Council, Fourth Annual Report: Montana Environmental Indicators
- Commerce Clause Considerations Relating to a "Local Power" Policy for Siting of Power Generation Facilities in Montana

- Environmental Impacts of Saline Seep in Montana

### **1974**

- Ponderosa Pines Ranch: A Subdivision Case Study
- Microflora of the Yellowstone River, Part I: Microflora in the Plankton at the Confluence of the Bighorn River
- The Potential for Solar Energy in Montana
- The Use of Montana's Coal as an Energy Resource
- Montana Energy Policy Study: Draft Staff Report
- Subdivision in the Flathead
- Montana Land Use Policy Study
- Impact of Land Development Associated with Subdivision on Wildlife Habitat Near Lolo
- Environmental Quality Council: Third Annual Report
- Oil and Gas Energy Resources of Montana
- Energy Flow in Montana
- Geothermal Report
- The Role of the State in Federal and Indian Land Use Decisions

### **1973**

- Fundamentals of Energy Conservation in Buildings
- A Perspective on Subdivision Activity in Montana's Bitterroot Valley
- The Potential for Energy Conservation in Montana
- Underground Natural Resources: The Development of National Policy and Strip Mining of Coal: Unsettled Legal Problems in Montana
- Water and Eastern Montana Coal Development
- Eastern Montana Water Resources: Annotated Bibliography
- Impact of Land Development Associated with Subdivision on Wildlife Habitat
- Environmental Quality Council, Second Annual Report
- Environmental Impact Statement Guidelines, Revised

### **1972**

- Environmental and Legal Problems of Land Development in Montana
- Coal Development Potential in Eastern Montana
- Environmental Quality Council, First Annual Report