



Water Policy Interim Committee

64th Montana Legislature

SENATE MEMBERS

BRADLEY MAXON HAMLETT--Chair
JENNIFER FIELDER
SHARON STEWART-PEREGOY
CHAS VINCENT

HOUSE MEMBERS

CARL GLIMM--Vice Chair
BOB BROWN
ZACH BROWN
KATHLEEN WILLIAMS

COMMITTEE STAFF

JASON MOHR, Lead Staff
HELEN THIGPEN, Staff Attorney
NADINE SPENCER, Secretary

MINUTES LOG

September 2, 2015
Room 172, 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.

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COMMITTEE MEMBERS PRESENT

SEN. BRADLEY MAXON HAMLETT, chair
REP. CARL GLIMM, vice chair

SEN. JENNIFER FIELDER
SEN. CHAS VINCENT

REP. ZACH BROWN
REP. KATHLEEN WILLIAMS

COMMITTEE MEMBERS EXCUSED

REP. BOB BROWN
SEN. SHARON STEWART-PEREGOY

STAFF PRESENT

JASON MOHR, lead staff
HELEN THIGPEN, staff attorney
NADINE SPENCER, secretary

AGENDA AND VISITORS' LIST

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

COMMITTEE ACTIONS

- The Water Policy Interim Committee (WPIC) approved the minutes as amended from June 1-2, 2015.

CALL TO ORDER AND ROLL CALL

00:00:01 Sen. Hamlett called the meeting to order at 1:01 p.m. The secretary called the roll, [Attachment 3](#).

Approval of minutes

Discussion:

00:00:58 Rep. Williams said for the minutes on June 2, page 7, the motion to adopt the committee work plan with .15 full time equivalents (FTE) for water plan and water supply does not include infrastructure.

00:02:07 Sen. Fielder said she agreed with the change if that is reflected by staff.

00:02:15 Jason Mohr, research analyst, Legislative Services Division (LSD), said several topics were discussed which he organized under water availability and supply.

00:02:04 Rep. Williams said the motion should be changed to water availability and supply. Mr. Mohr agreed.

00:02:53 **Motion/Vote:** Rep. Williams moved to adopt the minutes from June 1 and 2, 2015 as amended. The motion carried unanimously by voice vote of those present and voting.

FINAL ADOPTION OF COMMITTEE WORK PLAN

00:03:48 Mr. Mohr said the WPIC approved a draft work plan for the interim at its June meeting, [Exhibit 1](#), and that the committee can amend the work plan today. He said the work plan is flexible and can change throughout the interim.

Public comment:

00:05:35 Abigail St. Lawrence, Montana Association of Relators
00:09:07 Gene Erb, St. Ignatius, [Exhibit 2](#).

Committee questions and discussion:

- 00:13:40 Sen. Hamlett opened discussion on the final work plan.
- 00:14:02 Rep. Glimm said the WPIC needs to do further investigation into exempt wells.
- 00:14:40 Sen. Hamlett asked if the work plan allows for enough time to study the topic.
Rep. Glimm said it does.
- 00:14:50 Mr. Mohr explained how hours are assigned for individual topics in the work plan.
- 00:16:09 Rep. Glimm said the work plan provides enough time to study exempt wells.
- 00:16:25 Sen. Fielder said she wants to address the issues brought up during public comment. She requested that Ms. St. Lawrence provide a copy of her comments, [Exhibit 3](#).
- 00:18:08 Sen. Hamlett said Mr. Mohr has provided a good description of how filings for water rights happen. He said three committee members are absent and recommends delaying action to revise the work plan until tomorrow.
- 00:19:09 Rep. Williams said she agreed with Sen. Fielder and asked if the representatives present from the Department of Natural Resources and Conservation (DNRC) and the Montana Water Court can respond to the public comments.
- 00:19:50 Sen. Hamlett asked Rep. Z. Brown for his comments on the work plan.
Rep. Z. Brown said the question on administration, instructions, and timelines of decrees will have practical value. He agreed with the decision to wait until tomorrow to make a final decision on the work plan.
- 00:20:19 Sen. Vincent entered the meeting.
- 00:20:34 Tim Davis, administrator, Water Resources Division, DNRC, said he will look into the individual claims mentioned by Mr. Erb. He said there were two types of claims, filed claims and use claims, prior to the adoption of the Constitution and the Water Use Act.
- 00:21:54 Mr. Davis commented on timelines for applications for new beneficial water use permits and change applications.
- 00:22:50 Mr. Davis commented on enforcement of final decrees.
- 00:23:59 Russ McElyea, chief water judge, Montana Water Court, introduced himself.
- 00:23:33 Rep. Williams asked Mr. McElyea to respond to the public comments.
- 00:24:51 Mr. McElyea said he is unable to respond to the comments made by Mr. Erb without knowing the particular issues of the case.
- 00:25:28 Mr. McElyea said comments made by Ms. St. Lawrence about revisions to the timeline for applications for new beneficial water use permits and change applications is targeted more towards the DNRC than the function of the Water Court.
- 00:25:45 Mr. McElyea discussed enforcement of final decrees.
- 00:27:11 Rep. Williams asked if there are standardized instructions for water court judges at the district level. Mr. McElyea said he is not aware of any.
- 00:28:35 Sen. Hamlett explained to Sen. Vincent that final approval of the work plan will be done tomorrow.
- 00:29:00 Sen. Fielder said she would like the DNRC or the WPIC to answer the questions raised by Mr. Erb. Mr. Mohr said he will look at the documents and work with the DNRC.

- 00:30:15 Sen. Fielder said she would like to be able to answer Mr. Erb's question regarding the water rights and to understand what happened.
- 00:30:37 Sen. Hamlett said the DNRC needs to look into the issue. He requested staff to provide copies of the information presented by Mr. Erb.

ADJUDICATION UPDATE (85-2-281, MCA)

- 00:31:17 Mr. Davis presented an update on the DNRC's adjudication progress, [Exhibit 4](#).
- 00:31:58 Mr. Davis said the summary report for the Bighorn River below Greybull River was issued to the Water Court on June 10, 2015.
- 00:31:44 Mr. Davis said two pending summary reports to the Water Court for the Flathead River and the Flathead River below Flathead Lake are estimated to be completed by September 2016.
- 00:32:30 Mr. Davis discussed the number of enforcement and water distribution projects for 2015. He said at the next WPIC meeting he will provide a copy of one of the water distribution maps and indices of water rights for a reach. He said these are produced for water commissioners through the adjudication process who use the information to enforce and implement the Prior Appropriation Doctrine.
- 00:33:30 Mr. Davis discussed post-decree assistance.
- 00:34:25 Mr. Davis discussed SB 355 (2013) exempt claim filings.

Committee questions and discussion:

- 00:34:51 Rep. Williams asked if the department is still doing water commissioner training once a year. Mr. Davis said it is.
- 00:35:07 Rep. Williams asked if judges have expressed interest in attending or being involved. Mr. Davis said they have been involved, but have not attended the training. He said he will get more information for the WPIC.
- 00:35:43 Mr. McElyea introduced Doug Ritter, associate water judge, Montana Water Court.
- 00:36:06 Mr. McElyea presented the adjudication report from the Water Court, [Exhibit 5](#).
- 0036:09 Mr. McElyea discussed decree issuance and the summary report.
- 00:37:14 Mr. McElyea discussed claim closing by month.
- 00:37:50 Mr. McElyea discussed percentage of claims resolved.
- 00:39:12 Mr. McElyea discussed water compacts.
- 00:40:27 Mr. McElyea discussed the Turtle Mountain Chippewa tribe and said there is no compact negotiated for the federal reserve claims.

Committee questions and discussion:

- 00:42:00 Sen. Vincent asked Mr. McElyea about the process and rules for the Turtle Mountain Chippewa claims.
- 00:44:19 Rep. Williams asked if the Reserved Water Rights Compact Commission (RWRCC) can help with The Turtle Mountain claims. Mr. McElyea said he did not know.
- 00:45:36 Rep. Williams asked Mr. Davis about involving the RWRCC.

00:45:54 Sen. Hamlett asked what the amount of acreage is for the Turtle Mountain Chippewa claims. Mr. McElyea said the claims are confined to 10 different drainage basins.

00:48:04 Sen. Hamlett asked if any of the tracts of land fall within the boundaries of the present reservations in Montana. Mr. McElyea said he did not think so.

00:48:26 Rep. Williams asked Mr. McElyea if the claimed dates are the date of the Allotment Act.

00:49:42 Sen. Vincent asked why the RWRCC did not get involved in the Turtle Mountain Chippewa claims to negotiate a compact. Jay Weiner, assistant attorney general, Attorney General's Office and former staff attorney for the RWRCC, explained the issues involved in the decision not to get involved.

00:52:00 Sen. Vincent asked about the type of allotments. Mr. Weiner said he did not know. He said he is currently working with the DNRC on the claims to determine the appropriate role of the Attorney General's Office.

00:52:47 Sen. Vincent asked Mr. Weiner to explain Secretarial water rights and Walton rights.

00:55:25 Sen. Vincent asked how the Turtle Mountain allotment claims will affect the 2028 final decree deadline date. Mr. Davis said the DNRC is in the process of determining how the claims will be adjudicated.

00:57:57 Sen. Vincent asked Mr. Davis why the RWRCC did not try to negotiate a compact. Mr. Davis said it is the unique nature of the allotments referred to by Mr. Weiner.

00:59:18 Sen. Vincent asked Mr. Weiner if the Attorney General's Office will negotiate settlement of the claims with the federal government.

1:00:12 Sen. Hamlett asked if the Turtle Mountain Chippewa tribe is recognized as a tribe in Montana. Mr. Weiner said the tribe is one of the federally recognized tribes.

01:01:08 Sen. Hamlett asked if the the tribe is in North Dakota. Mr. Weiner said it is.

01:01:14 Sen. Hamlett asked if the lands are allottees and not tribal lands. Mr. Weiner said the land was never part of the Turtle Mountain Reservation.

01:01:51 Sen. Hamlett asked if the allottees took possession of their allotment. Mr. Weiner said he did not know.

01:02:14 Rep. Williams asked if the Attorney General's Office can provide its strategy for the claims at a future WPIC meeting. Mr. Weiner said he will keep the WPIC informed of how the office is monitoring or being involved with the adjudication of the claims.

01:03:34 Rep. Williams suggested that the WPIC keep apprised of the Turtle Mountain claims with the adjudication updates and consider reconstituting the RWRCC.

01:04:11 Sen. Fielder said the allotments are not part of the reservation. Mr. Weiner said as far as he is aware they are not part of the Turtle Mountain Reservation.

01:04:28 Sen. Fielder asked if the allotments are not federal reservations. Mr. Weiner said the Attorney General's Office is still looking into it.

01:04:48 Sen. Hamlett said the lands are scattered and the acreage needs to be determined and whether the allottees ever took up settlement on their allotments. He asked if the allotments are being held in trust by the Turtle Mountain Tribe. Mr. Weiner said they are being held in trust by the United States for individual allottees.

- 01:05:37 Sen. Hamlett said the allotments are not being held for the tribe. Mr. Weiner agreed.
- 01:06:06 Sen. Hamlett asked if all the compact negotiations were with recognized tribes within Montana. Mr. Weiner said they were.
- 01:06:30 Sen. Hamlett asked if there are any other allotments to Indians from other tribes within the state of Montana. Mr. Weiner said he is not aware of any and that the filing deadline has passed.
- 01:06:51 Rep. Glimm asked why the claims cannot be adjudicated like any other water right claim. Mr. McElyea said that is the intention, but the law is different and there is a different procedural process.
- 01:08:33 Sen. Vincent asked why the Greeley decision did not give the RWRCC the ability to settle federal rights. Mr. Weiner said the RWRCC had the legal authority to try to negotiate a compact, but did not because of the practical issues that were involved.
- 01:09:56 Rep. Williams asked if there is any benefit in having a portion of the annual water commissioner training for district judges. Mr. McElyea said it would be beneficial, but the district court judges have a diverse docket and it may be challenging to get them to attend.
- 01:11:51 Sen. Hamlett asked if anyone has filed the Turtle Mountain claims. Mr. Weiner said the claims were filed prior to the June 30 deadline by the United States on behalf of the Turtle Mountain allottees.
- 01:12:15 Sen. Hamlett said they will be part of the adjudication. Mr. Weiner agreed.

Public comment: None

FUTURE OF THE WATER COURT SUMMARY

- 01:13:15 Mr. Mohr gave a PowerPoint presentation, [Exhibit 6](#), on the history of the water court and discussed the three legal processes that involve water rights: adjudication of water rights, the permitting and change process, and enforcement, [Exhibit 7](#).
- 01:28:12 Mr. McElyea complimented Mr. Mohr on his report.

Public comment: None

Committee questions and discussion:

- 01:28:48 Sen. Vincent asked how much time is allotted to the study in the work plan. Mr. Mohr said .15 FTE is allotted.
- 01:29:32 Rep. Williams requested that the Ross Report and the University of Montana study and audit be made available to the WPIC.
- 01:30:26 Sen. Vincent said he recommends the WPIC review the University of Montana study before making a decision on the future of the Water Court. Mr. Mohr said he will provide a link to the study online and will provide a copy for the WPIC, [Exhibit 8](#).

01:33:01 Sen. Hamlett asked whether there is a stakeholders group providing ideas for the future of the Water Court. Mr. Mohr said there is not, but that interested parties have provided testimony at the WPIC meetings. Mr. Weiner said the Attorney General's Office is interested in being involved in future discussions.

01:34:04 Rep. Williams said there is a Water Adjudication Advisory Committee. Sen. Hamlett asked staff to find out who is on the advisory committee. Mr. Mohr said the group was assembled to discuss adjudication related processes and was involved in claims exempt from filing. He said he will provide the committee member names to the WPIC.

01:35:28 Sen. Vincent asked what some of the future issues for the Water Court will be. Mr. McElyea said one of the issues is a jurisdictional seam between the Water Court and the District Court.

01:38:52 Sen. Vincent asked Mr. McElyea to explain the "time gap" in adjudication.

01:41:50 Sen. Vincent said reviewing change applications may be a future role for the Water Court.

01:44:02 Rep. Williams asked if the advisory committee serves under the direction of the Water Court. Mr. McElyea said it does.

01:44:44 Rep. Williams asked if the advisory committee has had any formal exposure or input related to the University of Montana study. Mr. McElyea said he was waiting for a specific work plan on the issues before convening the advisory committee for its input.

01:44:39 Rep. Williams suggested the advisory committee provide its input to WPIC after reviewing the University of Montana study. Mr. McElyea said he is willing to participate in a discussion and use the expertise from the advisory committee.

01:48:58 Sen. Hamlett said the future of the Water Court is one of the most important topics for the WPIC and it can use all the information and suggestions that are available.

01:50:31 Sen. Vincent requested printed copies of the University of Montana study. Mr. Mohr said he will provide copies and said his goal is to set a foundation for the study before getting into the specifics.

01:51:21 Sen. Hamlett asked Mr. Ritter to address the committee. Mr. Ritter said he is available to answer any questions, but was unsure of the role he would take or the court would take in discussions of the future of the Water Court.

01:51:38 Sen. Hamlett said the Water Court has assembled a great deal of knowledge and expertise in water and it is important to find ways for it to continue.

01:52:24 Rep. Williams said SR 27 (2015), confirmed the Water Court judge until 2016, but the legislature does not meet until 2017 and asked what will happen in the interim. Helen Thigpen, staff attorney, LSD, said it is a four year term and judges are confirmed until the end of the four year term. Mr. Ritter said there is a difference between when judges are appointed and when they are confirmed.

01:54:34 Recess

02:14:48 Reconvene

DISCUSSION OF U.S. FOREST SERVICE COMPACT

- 02:15:07 Sen. Pat Connell, SD 43, gave a presentation on the negative impact of wildfire on the state's headwaters which could be in violation of the U.S. Forest Service (USFS) Compact, [Exhibit 9](#). He provided a PowerPoint presentation using the 2011 Saddle Fire as an example, [Exhibit 10](#).
- 02:21:11 Sen. Connell said he provided the WPIC with a copy of his presentation to the Society of American Foresters' National Convention in 2012 supporting his contention, [Exhibit 11](#).
- 02:54:05 Eric Johnston, assistant director, Renewable Resources Management, USFS, Northern Region, said the USFS and the state of Montana agree on the importance of healthy forests and the need to address threats to those forests like uncharacteristic wildfires. He said the USFS disagrees that the compact obligates the USFS to specific forest management activities to include the types, amounts, and locations of where specific vegetation activities might occur.

Committee questions and discussion:

- 02:58:30 Sen. Fielder asked when the mission of the USFS to provide timber for the nation and water flows for the downstream communities changed from when it was formed under the Organic Act. Mr. Johnston said the mission has not changed.
- 02:59:36 Sen. Fielder said it seems that forest vegetation is not being managed to provide water flows any longer. Mr. Johnston clarified his previous statement and said it is not the USFS position that the compact obligates it to certain management activities. He said the USFS has common goals with the state on vegetation management and that it takes its goals seriously under the Organic Act.
- 03:01:45 Rep. Glimm asked how many board feet the USFS took out of forested land last year. Mr. Johnston said it took 178 million board feet.
- 03:02:17 Rep. Glimm asked what the target amount was. Mr. Johnston said the 2014 target was 280 million board feet. He corrected his previous statement and said 278 million board feet were taken last year.
- 03:02:47 Rep. Glimm asked if the target number is a sustainable number or if it has been adjusted down. Mr. Johnston said he did not know the details, but historically the number is down.
- 03:04:01 Sen. Fielder asked if a decision was made not to suppress the Saddle fire when it started. Sen. Connell said a team was sent to the fire to observe it, but not to suppress it.
- 03:05:08 Sen. Fielder asked why the fire was not put out. Sen. Connell said he did not know, but he thought that the USFS was using fire as a means to regenerate over-mature and dead stands rather than harvest.
- 03:06:11 Sen. Fielder asked how many acres the Saddle fire burned. Sen. Connell said it burned 26,000 acres.
- 03:08:06 Sen. Fielder asked if attempts have been made to determine how much damage occurred to Painted Rocks Reservoir or to the downstream water right holders. Sen. Connell said in 2012 there were discussions about implementing a study to determine the sediment loading increase, but the cost was prohibitive.
- 03:09:12 Rep. Williams said there is a difference in the interpretation of the compact.

03:11:09 Sen. Vincent asked Mr. Johnston if the USFS has an opinion from the Department of Justice (DOJ). Mr. Johnston said they do not have an opinion from the DOJ, but agreed to look at the question.

03:16:50 Sen. Vincent asked if there was some type of public trust doctrine will the USFS use it. Mr. Johnston said it will.

03:17:57 Sen. Vincent asked Sen. Connell what he wants the WPIC to do. Sen. Connell said he wants to enlighten new WPIC members of the discussion and that this is an issue for the entire legislature.

03:21:58 Rep. Williams asked about a proposal in the U.S. Congress to address budget issues. Mr. Johnston said he did not have any details of the proposal.

03:23:38 Rep. Williams said the WPIC may be interested in sending a letter of support. Sen. Hamlett asked Rep. Williams to find out more information so the WPIC can consider it at the meeting tomorrow.

03:24:15 Sen. Hamlett asked if litigation is one of the biggest challenges to state and federal cooperation on resource areas. Mr. Johnston said litigation is a big challenge.

03:25:48 Sen. Hamlett asked about budget constraints for restoration and if there is concern about invasive species. Mr. Johnston said there is.

03:26:40 Sen. Hamlett asked if the USFS shares in the concern over Painted Rocks Reservoir. Mr. Johnston said it does.

03:27:13 Sen. Hamlett asked if the USFS looked at where the fire could have gone when it was headed towards Painted Rocks Reservoir. Mr. Johnston said he did not know.

03:27:54 Sen. Hamlett asked since the Painted Rocks episode if there is discussion about what wildfires can do to watersheds. Mr. Johnston said fire managers always look at trends and lessons learned.

03:28:46 Sen. Hamlett asked Mr. Johnson if the USFS considers the water compact was mutually agreeable and that it protects the state's Constitution concerning water.

03:31:09 Sen. Hamlett asked if prior to the passage of the Farm Bill did the DNRC come to the USFS with concerns over watersheds. Mr. Johnston said it may have at the local level.

03:31:44 Sen. Hamlett asked if under the Farm Bill there will be conversations between the DNRC and the USFS about watersheds. Mr. Johnston said there already is.

WATER SUPPLY AND/OR FIRE UPDATE

03:32:55 Gina Loss, hydrologist, National Weather Service, gave a PowerPoint presentation on an overview of the water supply, [Exhibit 12](#).

03:46:01 Justin Derner, director, Central Plains Experimental Range Long-Term Argosystem Research Site, U.S. Department of Agriculture, via phone, gave a PowerPoint presentation on recent climate trends for Montana and land use trend projections for the mid 21st century, [Exhibit 13](#).

Committee questions and discussion:

- 04:01:10 Sen. Fielder asked if the agency keeps track of the predictions that were presented and how often they are correct. Mr. Derner said the predictions were from the National Oceanic and Atmospheric Administration (NOAA).
- 04:01:58 Sen. Fielder asked for clarification regarding the two presentations and the different predictions for the amount of rainfall. Mr. Derner said the first presentation is a prediction for the upcoming year and his presentation is a prediction for mid-to-late century.
- 04:02:43 Rep. Williams asked Mr. Derner about the slide on precipitation grouping Montana with the Dakotas.
- 04:04:48 Sen. Hamlett said the presentation indicates that Montana is getting longer growing seasons, that the western part of the country will be impacted more than the eastern part, and that there will be changes in the types of crops that will be grown. Mr. Derner agreed and added that in Montana precipitation will change from less snow to more rain with less water available later in the season.
- 04:06:30 Sen. Hamlett asked if western Montana can expect longer fire seasons. Mr. Derner said it can and added that there will be more pest pressure and disease.
- 04:07:19 Sen. Hamlett asked if game species are moving north. Mr. Derner said there is limited data, but there is a geographical shift.
- 04:08:39 Paula Short, chief, Forestry Assistance Bureau, DNRC, presented an update on the fire season, [Exhibit 14](#).

Public comment: None

Committee questions and discussion:

- 04:17:22 Sen. Fielder asked for clarification regarding the largest fire under state protection. Ms. Short said the Holter Complex fire is the largest fire currently burning on state protection and the Eustice fire is the largest direct protection fire to date.
- 04:17:58 Sen. Fielder asked if the map provided is available to view in closer detail. Ms. Short said the map is available to view online and she will provide the information.
- 04:18:34 Rep. Z. Brown said state level climate data is also available from the Institute on Ecosystems, a Montana University System entity, on Montana climate assessment process. He said the Montana Climate Office is developing more localized climate data for the agricultural industry.
- 04:19:46 Sen. Hamlett asked if there is data on smoke-filled days in Montana. Ms. Short said county health departments record air quality standards and have monitoring stations statewide. She said federal agencies also monitor dispersion of smoke from wildfires and she can get the information to staff. Sen. Hamlett said the information will be interesting to have.
- 04:20:57 Sen. Fielder asked if there is a measurement of how accurate and reliable predictions are. Ms. Loss said they do keep verification statistics. Sen. Fielder asked that the information be given to staff.

UPDATE ON RED MOUNTAIN FLUME CHESSMAN RESERVOIR PROJECT

04:23:21 Ms. Short presented an update on the Red Mountain Flume Chessman Reservoir Project, [Exhibit 15](#).

Public comment: None

Committee questions and discussion:

- 04:27:42 Rep. Williams asked what kind of cooperation and partnership is on private lands. Ms. Short said most of the claims represent mining claims and private land inholdings and most have already been treated through a Federal Emergency Management Agency (FEMA) pre-disaster mitigation grant.
- 04:28:18 Sen. Fielder asked if state and federal agencies are learning from each other how to do things better. Ms. Short said they are.
- 04:29:54 Sen. Hamlett asked if the issue of state helicopters not being allowed to fly over USFS land will be resolved. Ms. Short said there are two circumstances under which state aviation resources can respond. She said there is an aviation team in the state looking at the issue.
- 04:31:47 Sen. Hamlett said there is concern that there is not free movement. Ms. Short said there are other aviation resources available to respond to a fire on federal jurisdiction.
- 04:32:34 Sen. Hamlett asked if time is of the essence for initial attack when getting notification of a fire. Ms. Short said it is very important for initial attack success.
- 04:33:05 Sen. Hamlett said if there was a lighting strike on USFS land and state helicopters were available to respond on the initial attack they would be unable to do so. Ms. Short agreed.
- 04:34:25 Sen. Hamlett asked if there is pressure on the USFS, by private contractors, to keep things as they are so they are called in on initial attack rather than the state. Ms. Short said she did not know.

OTHER BUSINESS

- 04:35:25 Sen. Fielder requested staff provide an overview of the Land and Water Conservation Fund for the meeting tomorrow. Mr. Mohr said there is a letter from the governor in the meeting folders, but he will give an overview as well.
- 04:36:17 Rep. Z. Brown asked when the WPIC will discuss the work plan tomorrow. Sen. Hamlett said it will be decided during the meeting.
- 04:37:01 Sen. Hamlett adjourned the meeting at 5:37 p.m.

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