



# ENVIRONMENTAL QUALITY COUNCIL

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**GOVERNOR STEVE BULLOCK**  
**DESIGNATED REPRESENTATIVE**  
PATRICK HOLMES

**HOUSE MEMBERS**  
WILLIS CURDY  
JANET ELLIS  
STEVE GUNDERSON  
BRADLEY MAXON HAMLETT  
THERESA MANZELLA  
KERRY WHITE

**SENATE MEMBERS**  
MIKE LANG  
MIKE PHILLIPS  
JP POMNICHOWSKI  
CARY SMITH  
CHAS VINCENT  
GENE VUCKOVICH

**PUBLIC MEMBERS**  
SCOTT ASPENLIEDER  
JOHN C. BRENDEN  
KYLIE PAUL  
MATT VINCENT

**COUNCIL STAFF**  
JASON MOHR, Research Analyst  
HOPE STOCKWELL, Research Analyst  
NADINE SPENCER, Secretary  
JOE KOLMAN, Legislative Environmental Analyst

## MINUTES LOG

June 30, 2017  
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.

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. CHAS VINCENT, Chairman  
REP. BRADLEY MAXON HAMLETT, Vice Chairman

SEN. MIKE LANG  
SEN. CARY SMITH  
SEN. GENE VUCKOVICH

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

MR. SCOTT ASPENLIDER  
MR. JOHN BRENDEN  
MS. KYLIE PAUL  
MR. MATT VINCENT  
MR. PATRICK HOLMES

### **COMMITTEE MEMBERS EXCUSED**

SEN. MIKE PHILLIPS  
SEN. JP POMNICHOWSKI

### **STAFF PRESENT**

JAMESON WALKER, Staff Attorney  
NADINE SPENCER, Secretary  
JOE KOLMAN, Legislative Environmental Analyst

### **VISITORS' LIST (Attachment 1)**

### **AGENDA (Attachment 2)**

### **COMMITTEE ACTIONS**

The Environmental Quality Council (EQC):

- Voted to object to the proposed rule by the Department of Fish, Wildlife, and Parks pertaining to permits for dog training in upland game bird nesting areas;
- Voted to adopt the 2017-18 interim work plan;
- Voted to appoint Rep. Hamlett and Rep. White to the HB 661 subcommittee;
- Voted to adopt the 2017-18 interim calendar;
- Voted to write a letter to the Secretaries of Agriculture and the Interior regarding a policy that prevents the state from using its helicopters to fight wildfire on federal land and to request adequate resources in eastern Montana for potential wildfires and the effect on sage grouse habitat.

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

00:00:01 Sen. Vincent called the meeting to order at 8:00 a.m. The secretary noted the roll. **(Attachment 3)** Sen. Phillips and Sen. Pomnichowski were excused. Sen. Pomnichowski left her proxy with Rep. Ellis. **(Attachment 4)**

### **BRUCELLOSIS PERFORMANCE AUDIT REPORT**

00:01:20 Joe Murray, deputy legislative auditor, Legislative Audit Division, presented information on the audit. **(Exhibit 1)**

00:08:52 Dr. Marty Zaluski, administrator, Animal Health Division, Department of Livestock, discussed the recommendations in the audit and the actions taken by the department in response to the audit.

00:17:35 Quentin Kujala, Wildlife Bureau coordinator, Department of Fish, Wildlife, and Parks (FWP), provided information on FWP's elk management efforts to reduce the risk of brucellosis transmission to livestock and discussed the recommendation made in the audit.

Public Comment None

Committee Questions and Discussion

00:22:00 Rep. Curdy asked Mr. Murray about the recommendation for changes to the Montana Code Annotated (MCA) in order to deal with brucellosis compliance.

00:24:13 Rep. Curdy asked Mr. Zaluski about his recommendation for legislation to address brand inspections and compliance.

00:26:14 Rep. White asked Mr. Kujala if new legislation would make it easier for FWP to implement brucellosis mitigation assistance.

00:28:35 Rep. White asked Mr. Kujala if the EQC will have an opportunity to make recommendations regarding the department's annual work plan on risk management efforts. Mr. Kujala said it will.

00:29:28 Rep. Ellis said Montana pays producers, in addition to veterinarians, for brucellosis testing to encourage compliance, but that Idaho and Wyoming do not. She asked Mr. Murray if the audit compared compliance rates between the states.

00:32:50 Rep. Ellis asked Mr. Murray to provide the EQC with any compliance data that is available.

00:33:26 Rep. Hamlett asked Mr. Murray if there is an increase in the number of livestock transported in and out of the designated surveillance area because of brucellosis. Mr. Murray said he did not know. Rep. Hamlett asked Mr. Murray to provide the information.

00:36:07 Rep. Hamlett asked Mr. Murray if the introduction of wolves into Yellowstone National Park has dispersed the elk population into other areas of Montana.

00:37:31 Rep. Hamlett asked Mr. Kujala about the movement of elk populations out of the Yellowstone area since the introduction of wolves.

00:41:03 Rep. Hamlett asked Mr. Zaluski for his opinion on whether elk or bison pose a greater threat of brucellosis to the livestock industry.

00:42:40 Sen. Lang asked Mr. Murray about the percentage of private land and public land within the designated surveillance area. Mr. Murray said he will find out.

00:43:24 Sen. Lang said that he commends the governor and the FWP on reducing the movement of bison into Montana.

00:44:57 Sen. Vincent asked Mr. Zaluski about brand inspections and the bonding matrix.

**ORPHAN SHARE REMEDIAL ACTION UPDATE**

00:46:17 Jenny Chambers, administrator, Waste Management and Remediation Division, Department of Environmental Quality (DEQ), gave an update on SB 96 (2015) and the appropriation from the Orphan Share Account to clean up hazardous substances and petroleum tank release sites. [\(Exhibit 2\)](#)

Public Comment None

### Committee Questions and Discussion

- 00:50:30 Mr. Brenden said a lot has been accomplished since SB 96 was passed and asked Ms. Chambers about the number of sites left to close.
- 00:51:51 Mr. Brenden said there are still a lot of sites to close and hopes the legislature can find a way to continue funding the program. He urged the DEQ to obtain grants to expedite the process.
- 00:53:35 Rep. Hamlett asked Ms. Chambers about the number of years it will take to clean up the remaining sites.
- 00:54:38 Rep. Curdy asked Ms. Chambers how much of the \$7 million appropriation from the Orphan Share Account the DEQ was able to leverage from other sources. Ms. Chambers said it was \$9.9 million.
- 00:56:35 Sen. Lang asked Ms. Chambers about the number of other sites that could be acted upon if funding was available. Ms. Chambers said there are at least another 100.
- 00:57:58 Sen. Vincent thanked Ms. Chambers for her work.

### **CABIN SITE SALE REPORT**

- 00:58:36 Mike Atwood, Real Estate Management Bureau chief, Department of Natural Resources and Conservation (DNRC), discussed the different sections within the Real Estate Management Bureau.
- 01:01:17 Mr. Atwood discussed the cabin site sales program and report. ([Exhibit 3](#))

Public Comment      None

### Committee Questions and Discussion

- 01:09:06 Sen. Brenden commented on the number of sales per year.
- 01:11:43 Rep. Ellis asked Mr. Atwood about the sale price applied to easements.
- 01:12:29 Rep. Ellis asked Mr. Atwood about the sites that have been sold and why approval is given for sales under the appraised value. Mr. Atwood said that the state cannot go below the appraised value on the land and referred the question to Emily Cooper, Land Banking supervisor, DNRC.
- 01:14:23 Sen. Vincent said the state does not receive any value for the improvements that are on the leases. Ms. Cooper agreed.
- 01:15:18 Rep. Ellis asked Ms. Cooper to include the appraised value for the land and the price the state received for the land in future reports.
- 01:16:27 Rep. Hamlett asked Mr. Atwood how the state obtains comparable real estate values.
- 01:19:18 Sen. Vincent asked Mr. Atwood about increasing the number of sales per year and if the landowner can pay for the cost of the appraisal up-front and then be reimbursed when the lease sells. Mr. Atwood said the department has funding to do 40 sales a year and that the lessee pays for the portion of the appraisal for the improvements and the department pays for the appraisal for the land.
- 01:23:02 Rep. Curdy asked Mr. Atwood about the process the department uses for choosing appraisers and if there is an effort to use local appraisers. He requested more information on how appraisers are chosen.
- 01:26:26 Rep. Hamlett asked Mr. Atwood about the beneficiary when a site is sold.
- 01:28:17 Rep. Hamlett asked Mr. Atwood if replacement property is tied to a trust. Mr. Atwood said it is.

## **FIRE SEASON & WATER SUPPLY UPDATE**

- 01:29:20 Sue Clark, acting administrator, Forestry Division, DNRC, discussed the DNRC fire program and provided an update on the current fire season.
- 01:37:40 Ms. Clark discussed prevention and restriction efforts.
- 01:39:32 Ms. Clark provided a copy of a report commissioned by the DNRC that examined home destruction caused by the Roaring Lion Fire in 2016. **(Exhibit 4)**
- 01:42:09 Ms. Clark provided information on the County Assist Team. **(Exhibit 5)**
- 01:43:33 Ada Montague, water planner, DNRC, provided a report from the Governor's Drought and Water Supply Advisory Committee. **(Exhibit 6)**

Public Comment          None

## **Committee Questions and Discussion**

- 01:49:28 Mr. Brenden asked Ms. Montague about the news release from the U.S. Department of Agriculture regarding the authorization of emergency grazing under the Conservation Reserve Program (CRP).
- 01:51:12 Sen. Brenden asked Ms. Montague for a list of the people on the Drought and Water Supply Advisory Committee.
- 01:51:20 Mr. Brenden asked Ms. Montague if the DNRC calls local authorities around the state to find out current drought conditions.
- 01:56:36 Sen. Lang commented on the mid-management conservation plan.
- 01:58:09 Sen. Lang asked Ms. Clark if the state has agreements with the local Bureau of Land Management Offices (BLM) and the Department of the Interior. Ms. Clark redirected the question. John Monzie, deputy chief, Fire and Aviation Management Bureau, DNRC, said the department is in daily contact with the BLM office in Lewistown and also has other agreements in place.
- 02:00:18 Rep. Manzella asked Ms. Clark about provisions that the DNRC has in place to prevent the spread of aquatic invasive species from helicopters and planes that use water from the ground to fight fire. Ms. Clark said the department has been proactive and redirected the question to Mr. Monzie for additional information.
- 02:02:36 Rep. Manzella asked Mr. Monzie to provide a copy of the DNRC guidelines after they have been finalized. Mr. Monzie said he will.
- 02:03:42 Rep. White asked Ms. Montague to follow up with the USDA on the time line for CRP emergency grazing procedures.
- 02:04:53 Rep. Curdy asked Mr. Monzie about the status of using state helicopters for fire operations on federal land.
- 02:06:59 Rep. Hamlett commented on the federal rules regarding state helicopter use and on drought conditions.
- 02:10:56 Mr. Aspenlieder said he thought that the DNRC had resolved the issue with the federal government on helicopter use last fire season. John Tubbs, director, DNRC, provided information on the federal agreement.
- 02:13:10 Mr. Aspenlieder asked Mr. Tubbs who the EQC can write to regarding the issue. Mr. Tubbs said the EQC can write to the Secretary of the Department of the Interior and the Secretary of the Department of Agriculture.
- 02:15:51 Rep. Hamlett asked Mr. Tubbs about the use of the National Guard C-130 based in Great Falls. Mr. Tubbs said it has been discussed, but redirected the question to Mr. Monzie.

02:20:31 Rep. Hamlett asked Mr. Tubbs if there is a Memorandum of Understanding with the BLM and if the state can do initial attack on BLM land if fire is burning in core sage grouse habitat.

02:21:45 Sen. Vincent asked Ms. Clark if any portion of the report completed by Dr. Cohen on property damage from the Roaring Lion Fire was taken into consideration in the Cooperative Fire Management Plan. Ms. Clark said it wasn't because the DNRC just received the report.

02:22:52 Sen. Vincent asked Ms. Clark about the report and how the information will change the way the state manages vegetation and its response to wildfires. Ms. Clark said they are still interpreting the data. Mr. Monzie and Mr. Tubbs commented on the findings in the report.

02:30:06 Recess

02:41:00 Reconvene

### **FORESTS IN FOCUS**

02:41:17 Ms. Clark gave an update on the Forests in Focus Program. **(Exhibit 7)** She introduced Sonya Germann, Forest Management Bureau chief and Roger Ziesak, Forest Practices Program manager.

### **Public Comment**

02:49:18 Julia Altemus, Montana Wood Products Association, said the association supports the Forest in Focus Program and discussed the status of the timber industry in the state of Montana.

### **Committee Questions and Discussion**

02:52:51 Rep. Manzella asked Ms. Altemus about a project that the U.S. Forest Service controlled.

02:54:11 Rep. White asked Ms. Clark about the Beartooth RC&D project in Carbon County and Stillwater County. Ms. Clark redirected the question to Mr. Ziesak.

02:56:48 Rep. White asked Mr. Ziesak if either project had firewood available for private consumption.

02:58:21 Sen. Vincent asked Mr. Tubbs about expectations for the Forests in Focus program in the next biennium.

03:02:46 Sen. Vincent asked Mr. Tubbs about future projects and the good neighbor authority under SB 342 (2017).

03:05:44 Sen. Vincent asked Mr. Tubbs about the fire suppression account. Mr. Tubbs redirected to Ms. Clark.

03:08:20 Sen. Vincent asked Ms. Clark about federal cost recovery for this fiscal year.

03:09:23 Rep. White commented on a project through the Forests in Focus program.

03:10:19 Sen. Vincent commented on the governor's proactive role prioritizing the Forests in Focus program.

03:10:56 Mr. Brenden said he contacted the Farm Service Agency in Scobey and was told that haying has not been allowed on CRP land. He encouraged everyone to contact their congressman, senators, and the administration to get help now.

## **STATUTORY ADMINISTRATIVE RULE REVIEW**

- 03:12:10 Jameson Walker, staff attorney, Legislative Services Division, presented an overview of administrative rulemaking and rule review. **(Exhibit 8)**
- 03:23:53 Mr. Walker discussed the proposed rule from the Department of Fish, Wildlife, and Parks pertaining to permits for dog training in upland game bird nesting areas. **(Exhibit 9)**

### Committee Questions and Discussion

- 03:26:08 Mr. Brenden said he objects to the proposed rule and moved that the EQC object to the rule. Sen. Vincent said the Council will take public comment on the rule before taking any action.

### Public Comment

- 03:27:46 Aimee Hawkaluk, attorney, FWP, discussed the reason why the department is proposing the rule.

### Committee Questions and Discussion continued

- 03:29:15 Mr. Aspenlieder asked Ms. Hawkaluk if FWP considered making a recommendation to the legislature to eliminate the existing statute rather than making a new rule.
- 03:31:40 Mr. Aspenlieder commented on how FWP communicates with constituents.
- 03:34:51 Rep. Ellis said she has not received any comments from her constituents and complimented the agency for recognizing that it made a mistake and its attempt to correct it.
- 03:36:37 Rep. Gunderson commented on the rule and said that he has received phone calls from his constituents and that the public should be able to provide input.
- 03:37:47 Rep. Manzella provided a visual display of the administrative rules for the three agencies that the EQC has statutory oversight on. She said there should be an exemption for private property rights in the proposed rule.
- 03:39:16 Rep. Hamlett commented on the proposed rule.
- 03:39:48 Rep. Hamlett asked about public access for people that want to take their dogs on to state land. Ms. Hawkaluk said the goal of the proposed rule is to provide an avenue for people to train their dogs on public land. She said if someone is not training their dog they do not need a permit.
- 03:41:06 Sen. Vincent asked Ms. Hawkaluk about obtaining a permit for training a dog on private property that is within a mile of a nest on public land.
- 03:42:29 Sen. Smith commented on the proposed rule and the attitude of FWP.
- 03:43:21 Ms. Paul asked if the proposed rule is an issue about pets chasing wildlife. Ms. Hawkaluk said it is a separate issue.
- 03:45:09 Ken McDonald, Wildlife Division administrator, FWP, provided clarification on the proposed rule.
- 03:46:32 Mr. Aspenlieder asked Mr. McDonald if FWP considered eliminating the statute and commented on the proposed rule.
- 03:48:44 Rep. White said that he did not believe that the rule applies to the statute and said he also objects to the proposed rule.
- 03:49:41 Sen. Vincent asked Mr. McDonald when FWP will move forward with adoption of the proposed rule. Mr. McDonald redirected to Ms. Hawkaluk.

- 03:50:46 Sen. Vincent commented on the time frame for objecting to the rule. Mr. Walker said that if the EQC objects to the proposed rule it would delay the implementation of the rule and it could not be adopted until after the next EQC meeting.
- 03:52:52 Rep. Ellis asked what would happen if the rule is changed significantly. Mr. Walker said the EQC could withdraw its objection.
- 03:53:42 Sen. Vincent said an objection does not stop the department's work, but the rule could not be implemented until after the next EQC meeting.

### **Motion**

- 03:54:12 Mr. Brenden moved that the EQC object to the proposed draft rule from FWP.

### **Committee Discussion on the Motion**

- 03:54:27 Rep. Hamlett
- 03:55:09 Sen. Vincent restated the motion.
- 03:55:32 Mr. Brenden
- 03:56:16 Rep. White
- 03:57:06 Sen. Vincent

### **Vote**

- 03:57:45 The motion carried unanimously by voice vote. Sen. Pomnichowski voted by proxy. Sen Phillips was excused.

### **CONTINUE REVIEW AND DISCUSSION OF WORK PLAN/ADOPTION OF WORK PLAN**

- 03:58:24 Sen. Vincent presented his recommendations for the work plan: SJ 5 study - Option B .1 FTE; SJ 9 study - Option C .05 FTE; study of MSU laboratories - Option C .025 FTE; State Parks program evaluation - Option B .075 FTE; Invasive species program evaluation - Option C .03 FTE; study of financial aid programs within DNRC Conservation and Resource Development Division and Commerce - Option C .04 FTE; study of wildlife corridors - Option C .025 FTE; study effects of wolf harvest - Option C.025 FTE; study volunteers on public land - include only as an agenda item; update on Black Butte copper mine - Option B .05 FTE; study fire-related topics - Option B .05 FTE; options to control Brucellosis - Option C .025 FTE; study Natural Heritage Program - Option C .025 FTE; study the creation of a report on the status of Montana's natural resources - Option C .1 FTE; EQC statutory duties - Option B .2 FTE; agency oversight - Option A .1 FTE; EQC publications - Option C .02 FTE.

### **Committee Discussion**

- 04:05:31 Rep. Gunderson said he wanted to include grizzly bear delisting and its effect on economies in the northwest in the work plan. Sen. Vincent said it can be included as an agenda item.

### **Committee Discussion on SJ 5 Study of Coal Phase Out**

- 04:07:07 Mr. Brenden
- 04:08:23 Sen. Vincent
- 04:08:35 Mr. Brenden
- 04:08:42 Rep. Hamlett



04:10:16 Rep. Curdy  
04:11:07 Rep. White  
04:12:26 Sen. Vincent  
04:12:35 Mr. Brenden  
04:14:08 Sen. Vincent

Committee Discussion on SJ 9 Study of Chronic Wasting Disease

04:14:31 Sen. Vincent  
04:15:07 Mr. Holmes  
04:15:17 Rep. Curdy  
04:16:25 Sen. Vuckovich  
04:16:52 Mr. Vincent

Committee Discussion on Study MSU Laboratories - HB 661

04:17:25 Sen. Vincent  
04:17:45 Sen. Lang  
04:18:11 Rep. White  
04:18:41 Joe Kolman, legislative environmental analyst, Legislative Services Division  
04:19:12 Rep. White  
04:19:37 Sen. Lang  
04:20:27 Sen. Vincent  
04:20:36 Mr. Kolman  
04:20:58 Sen. Lang  
04:21:32 Rep. Ellis  
04:21:50 Sen. Vincent

Committee Discussion on State Parks Program Evaluation

04:22:00 Sen. Vincent  
04:22:12 Mr. Brenden  
04:23:45 Rep. Hamlett

Committee Discussion on Invasive Species Program Evaluation

04:25:46 Sen. Vincent  
04:25:54 Rep. Ellis  
04:26:51 Sen. Vincent  
04:27:34 Mr. Vincent  
04:28:34 Sen. Vincent  
04:29:45 Mr. Vincent  
04:29:52 Rep. Hamlett

Committee Discussion on Study Financial Aid Programs within DNRC Conservation and Resource Development Division and Commerce

04:30:13 Mr. Aspenlieder  
04:31:15 Rep. Ellis  
04:31:41 Sen. Vincent  
04:31:48 Rep. Ellis  
04:31:58 Sen. Vincent  
04:32:02 Mr. Brenden

Committee Discussion on Study Wildlife Corridors

04:32:24 Sen. Vincent  
04:32:43 Mr. Brenden  
04:33:01 Rep. White

Committee Discussion on Study Effects of Wolf Harvest near Yellowstone National Park

04:33:51 Sen. Vincent  
04:34:03 Rep. Ellis  
04:34:29 Rep. White  
04:35:11 Rep. Gunderson  
04:35:22 Sen. Vincent

Committee Discussion on Study Volunteers on Public Land

04:35:45 Sen. Vincent

Committee Discussion on Update on Black Butte Copper Mine

04:35:48 Sen. Vincent  
04:36:24 Ms. Paul  
04:36:48 Rep. Ellis  
04:37:17 Sen. Vincent  
04:37:29 Rep. Ellis  
04:37:36 Mr. Brenden  
04:38:20 Mr. Aspenlieder  
04:39:10 Mr. Vincent  
04:39:42 Sen. Vincent  
04:40:34 Mr. Vincent  
04:41:17 Sen. Vincent  
04:41:22 Rep. Gunderson  
04:41:56 Rep. Hamlett  
04:44:28 Rep. Ellis

Committee Discussion on Study Fire-Related Topics

04:45:12 Sen. Vincent

Committee Discussion on Options to Control Brucellosis

04:45:32 Sen. Vincent  
04:46:30 Rep. Hamlett  
04:46:49 Sen. Vincent  
04:46:56 Rep. Curdy  
04:47:03 Rep. White  
04:47:14 Sen. Vincent  
04:47:27 Rep. White

Committee Discussion on Study Natural Heritage Program

04:47:39 Sen. Vincent  
04:47:42 Rep. Ellis  
04:48:18 Sen. Vincent  
04:49:02 Ms. Paul

04:49:33 Rep. Hamlett

Committee Discussion on Study the Creation of a Report on the Status of Montana's Natural Resources

04:51:14 Sen. Vincent

Committee Discussion on EQC Statutory Duties

04:52:00 Sen. Vincent

04:52:37 Mr. Kolman

04:54:01 Sen. Vincent

04:54:02 Mr. Brenden

04:54:12 Sen. Vuckovich

Committee Discussion on Agency Oversight

04:54:28 Sen. Vincent

Committee Discussion on EQC Publications

04:54:51 Sen. Vincent

04:55:13 Rep. White

04:55:46 Mr. Kolman

**Motion**

04:56:25 Sen. Vincent moved to adopt Option C - MSU laboratory study, Option C - Invasive Species Program evaluation, Option B - study of fire-related topics, Option C - study of the Natural Heritage program, Option C - study the creation of a report on the status of Montana's natural resources, Option B - EQC statutory duties, Option A - agency oversight, and Option C - EQC publications.

**Discussion on the Motion**

04:58:13 Sen. Smith

04:58:24 Rep. Ellis

04:58:30 Sen. Vincent

**Vote**

04:58:44 The motion carried unanimously by voice vote. Sen. Pomnichowski voted aye by proxy. Sen. Phillips was excused.

Committee Questions and Discussion

04:59:05 Sen. Lang

04:59:17 Sen. Vincent

04:59:41 Sen. Lang

05:00:00 Mr. Kolman said the total number of FTE included in the motion is .67.

05:00:04 Sen. Vincent

**Motion**

05:00:49 Mr. Brenden moved to take no action on SJ 5.

**Discussion on the Motion**

05:00:57 Sen. Vincent  
05:01:21 Mr. Brenden  
05:01:33 Rep. Hamlett  
05:02:19 Sen. Vincent  
05:02:29 Rep. Hamlett  
05:03:07 Sen. Vincent

05:03:20 Recess  
05:14:12 Reconvene

05:14:22 Mr. Brenden withdrew his motion.

**Committee Discussion on SJ 9 Study of Chronic Wasting Disease**

05:14:41 Rep. Curdy  
05:15:00 Sen. Vincent  
05:15:09 Rep. Ellis  
05:15:24 Sen. Vincent  
05:15:42 Rep. Gunderson  
05:15:54 Sen. Vincent

**Committee Discussion on State Parks Program Evaluation**

05:16:10 Sen. Vincent  
05:16:29 Mr. Holmes  
05:17:07 Sen. Vincent  
05:17:33 Mr. Holmes  
05:17:57 Mike Volesky, chief of Operations, Department of Fish, Wildlife, and Parks  
05:19:00 Mr. Brenden  
05:19:16 Rep. Hamlett  
05:19:38 Sen. Vincent

**Committee Discussion on Update on Black Butte Copper Mine**

05:19:48 Sen. Vincent  
05:20:30 Rep. Ellis  
05:20:58 Rep. White  
05:21:51 Sen. Vincent  
05:22:03 Mr. Kolman  
05:22:29 Rep. Gunderson  
05:22:54 Mr. Vincent  
05:23:13 Sen. Vincent  
05:23:39 Mr. Brenden  
05:23:46 Sen. Vincent  
05:23:58 Rep. Ellis  
05:24:24 Mr. Kolman  
05:25:15 Ms. Paul  
05:25:30 Sen. Lang  
05:26:17 Sen. Vincent  
05:26:33 Mr. Brenden

05:27:07 Mr. Kolman  
05:27:57 Mr. Vincent  
05:28:25 Sen. Vincent  
05:28:39 Rep. White  
05:29:16 Sen. Vincent  
05:29:57 Rep. White  
05:30:12 Mr. Kolman  
05:30:27 Sen. Vincent  
05:30:32 Rep. Hamlett  
05:31:14 Rep. Ellis  
05:31:28 Mr. Kolman  
05:31:44 Sen. Vincent

Committee Discussion on SJ 5 Study of Coal Phase Out

05:32:07 Sen. Vincent  
05:33:01 Mr. Brenden  
05:33:12 Rep. Hamlett  
05:33:31 Sen. Vincent  
05:33:43 Rep. White  
05:34:12 Rep. Hamlett  
05:35:20 Sen. Vincent

**Motion/Vote**

05:35:38 Sen. Vincent moved to adopt .03 FTE - SJ 5 study of coal phase out, .05 FTE - SJ 9 study of chronic wasting disease, .1 FTE - state parks program evaluation, and .05 FTE - update on Black Butte copper mine. The motion carried unanimously by voice vote. Sen. Pomnichowski voted aye by proxy. Sen. Phillips was excused.

**PUBLIC COMMENT ON ANY MATTER NOT CONTAINED IN THIS AGENDA AND THAT IS WITHIN THE JURISDICTION OF THE EQC**

None

**Appointment of EQC members to HB 661 Subcommittee**

05:36:55 Mr. Kolman  
05:37:04 Sen. Vincent

**Motion**

05:37:23 Mr. Asplenlieder moved to appoint Rep. Hamlett and Rep. White to the HB 661 subcommittee.

**Committee Discussion on the Motion**

05:37:47 Mr. Aspenlieder  
05:38:18 Rep. Ellis

**Vote**

05:38:54 The motion carried 11-4 by roll call vote with Rep. Curdy, Rep. Ellis, Sen. Pomnichowski, and Ms. Paul voting no. **(Attachment 5)** Sen. Pomnichowski voted by proxy. Sen. Phillips was excused.

**ADOPTION OF INTERIM EQC CALENDAR NEXT STEPS FOR EQC STUDIES**

05:40:30 Mr. Kolman presented the draft calendar. **(Exhibit 10)**

05:41:16 Committee member discussion on the interim calendar.

05:53:15 Sen. Vincent said the EQC agrees to the following meeting dates: September 27-28, 2017, January 17-18, March 21-22, May 30-31, July 25-26, and September 12-13, 2018.

**Motion/Vote**

05:54:20 Rep. Curdy moved to adopt the EQC meeting dates for the 2017-18 interim. The motion carried unanimously by voice vote. Sen. Pomnichowski voted by proxy. Sen. Phillips was excused.

**OTHER BUSINESS**

05:54:32 Sen. Vincent opened discussion on writing letters to federal agencies.

05:54:52 Rep. Hamlett said he recommends sending letters to the Secretaries of Agriculture and the Interior regarding the use of state helicopters to fight fires on federal lands.

**Committee Discussion**

05:55:13 Sen. Vincent

05:55:31 Rep. Hamlett

05:55:54 Rep. Curdy

05:57:05 Sen. Vincent

05:57:22 Sen. Smith

05:57:29 Sen. Vincent

**Motion**

05:57:43 Rep. Hamlett moved that the EQC write a letter to the Secretaries of Agriculture and the Interior requesting a variance to overcome federal policy that the state is unable to fly helicopters in certain circumstances and to request adequate resources in eastern Montana for potential wildfires and the effect on sage grouse habitat.

**Committee Discussion on the Motion**

05:58:16 Rep. Curdy

05:58:55 Rep. White

05:59:35 Sen. Vincent

06:00:10 Rep. Hamlett

06:00:35 Sen. Vincent

06:00:47 Mr. Kolman restated the motion.

**Vote**

06:01:31 The motion carried unanimous by voice vote. Sen. Pomnichowski voted aye by proxy. Sen. Phillips was excused.

**Committee Discussion on Scheduling a Conference Call Meeting**

06:01:53 Mr. Brenden  
06:01:57 Sen. Vincent  
06:01:59 Mr. Kolman  
06:02:36 Mr. Brenden  
06:02:55 Sen. Vincent  
06:03:00 Mr. Kolman

**Committee Discussion on Work Plan FTE**

06:03:16 Rep. White  
06:04:23 Sen. Vincent  
06:04:37 Mr. Kolman  
06:04:45 Sen. Vincent  
06:04:52 Rep. White  
06:05:55 Ms. Paul  
06:06:02 Mr. Aspenlieder  
06:06:10 Mr. Kolman

**ADJOURN**

06:06:32 Sen. Vincent adjourned the meeting at 2:07 p.m.

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