



# ENVIRONMENTAL QUALITY COUNCIL

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**GOVERNOR BRIAN SCHWEITZER**  
**DESIGNATED REPRESENTATIVE**  
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SUE DICKENSON  
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GREG LIND  
DANIEL MCGEE  
JIM SHOCKLEY  
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MICHAEL WHEAT

**PUBLIC MEMBERS**  
BRIAN CEBULL  
KRIS KOK  
BUZZ MATTELIN  
DOUGLAS MCRAE

**COUNCIL STAFF**  
KRISTA LEE EVANS, Research Analyst  
JOE KOLMAN, Research Analyst  
CYNTHIA PETERSON, Secretary  
TODD EVERTS, Legislative Environmental Analyst

## MINUTES

DATE: May 24, 2005  
Part 2

Room 102, State Capitol Building  
Helena, Montana

Continued from Part 1

**Please Note:** These are outlined minutes with an audio recording. These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities.

00:00:04 The meeting was called back to order by Chairman Barrett.

### Reports of Subcommittees

- **HB 790 Subcommittee**

00:01:08 Sen. Wheat reported on the selection of the HB 790 public members. The HB 790 Subcommittee recommended Jim Rodgers, Colstrip; Bruce Williams, Fidelity Oil and Gas; Connie Iverson, Culbertson; Joe Owen, Billings; Lila Taylor, Busby; and David Woodgerd, Stevensville. Sen. Wheat reported the Subcommittee did not reach a consensus on the appointment of Mr. Woodgerd.

00:04:33 Sen. McGee commented that there were approximately 70 applicants for 6 slots, and that he hoped the applicants that were not selected would stay involved in the process as the HB 790 Subcommittee moved forward. Sen. McGee mentioned it was a difficult process to select only six from so many qualified applicants.

00:06:06 Rep. McNutt urged applicants who were not selected to participate by offering input and comment.

**(Tape 1; Side B)**

Rep. Dickenson commented about the appointment of Mr. Williams, who lives in Sheridan, Wyoming, and suggested there were other interested

parties, who are residents of Montana, that could serve. Rep. Dickenson recommended George Darrow be appointed instead of Mr. Williams. Sen. Wheat explained the importance of having Mr. Williams on the HB 790 Subcommittee and the importance of having the Subcommittee balanced by including both landowners and industry representatives. In addressing consensus building, Sen. McGee noted the HB 790 Subcommittee was designed to be controversial and stated he was confident the HB 790 Subcommittee would offer solutions to the full EQC. Sen. Larson explained his past experience with industry and stated his desire to see the HB 790 Subcommittee recommend good legislation. Sen. Story reminded the EQC that the HB 790 Subcommittee will only be making recommendations, and it will be up to the full EQC to accept or reject those recommendations. Sen. Story warned of the hazards in having too bland a Subcommittee. Chairman Barrett suggested all the people who took the time to apply have already demonstrated a willingness to work.

- **Agency Oversight Subcommittee**

00:20:08 Rep. Harris reported the Agency Oversight Subcommittee will ask each agency and its director to report on agency priorities, the difficulties they face, and federal funding issues. In addition, the Agency Oversight Subcommittee will address HJR 34 and will attempt to broaden the scope of the study to include how both federal and state superfund programs are working., The Agency Oversight Subcommittee will request the full EQC to look at the bison issues. In addition, the Agency Oversight Subcommittee will look at the upland game bird management program and HB 60, the meth lab cleanup bill.

00:22:01 Rep. Bixby asked if the Agency Oversight Subcommittee had decided on who would be making presentations on the identified issues, and Rep. Harris explained they had not made any decisions, but noted public comment would be invited.

- **Study Subcommittee**

00:22:56 Rep. McNutt reported the Study Subcommittee reviewed the procedures it would follow. The Study Subcommittee will attempt to work through contract timber harvesting through a staff white paper, and will bring its recommendations to the full EQC. Wildland fire suppression will be addressed by the Study Subcommittee in January. Rep. McNutt reported the Study Subcommittee agreed that some issues, such as HB 22, will need to be addressed by the full EQC.

00:25:00 Sen. Wheat noted a timeline regarding HB 22 would be forthcoming.

00:26:10 Ms. Evans distributed the timeline submitted by Director Sexton ([EXHIBIT 2](#)).

- **Public Comment**

- 00:27:23 Sen. Keith Bales, a rancher from Otter, offered comments regarding the proposed HB 790 Subcommittee members. Sen. Bales believed the Subcommittee should be more balanced and stated he did not believe the HB 790 Subcommittee, as proposed, represented all the interested parties. Sen. Bales suggested a representative from the State Land Board should be included on the HB 790 Subcommittee. Sen. Bales suggested the proposed HB 790 Subcommittee members did not include a single person who was pro-coal bed methane development.
- 00:32:56 Richard Stevens, Flathead County, offered testimony regarding equal protection. Mr. Stevens testified he is an advocate for property rights and that he was an applicant for the HB 790 Subcommittee.
- 00:35:00 Sen. Glenn Roush, Cut Bank, offered testimony regarding the proposed HB 790 Subcommittee members. Sen. Roush emphasized the need for balance and pointed out the proposed Subcommittee lacked representation from Northern or Central Montana.
- 00:37:45 Jim Rogers offered public testimony regarding the HB 790 Subcommittee and stated he is not anti-coal bed methane development; but, Mr. Rogers would like to see the land and water protected.
- 00:40:01 Ray Muggli, a farmer on the Tongue river, offered public testimony regarding HB 790. Mr. Muggli stated he would like to know what Helena and the Legislature and the state has against the people who make their living on the ground. Mr. Muggli believed the agricultural industry should have the same considerations as other industries.
- 00:40:54 Ken Morrison, a consultant and lobbyist in Helena, offered public testimony regarding Mr. Woodgerd and stated he believed Mr. Woodgerd would fill the role of consensus builder.

**RECESS**

- 01:18:34 Rep. Harris explained that the Chairs and Co-Chairs agreed with the proposed HB 790 Subcommittee member recommendation and appointed two non-voting legislators, Sen. Glenn Roush and Sen. Rick Ripley, to the HB 790 Subcommittee to provide more geographical balance.
- 01:20:19 Rep. Harris moved to accept the recommendation of the Co-Chairs and Co-Vice Chairs.
- 01:21:10 Sen. Larson asked about funding.
- 01:21:35 Sen. Lind inquired about legality.

01:22:25 Mr. Everts clarified the roles of the two legislators.

01:22:57 Sen. Lind asked about his attending HB790 Subcommittee meetings as an EQC member and whether he would be able to obtain reimbursement. Rep. Barrett explained EQC members would be reimbursed to the extent funds are available.

01:23:46 Rep. Harris stated he would like to make every effort to allocate money toward travel reimbursements for EQC members, as well as the legislative representatives.

01:24:14 Rep. Dickenson requested clarification regarding the legislative representatives and that the intent is to ensure geographical balance is achieved.

01:25:04 Rep. McNutt agreed the two legislative members should be added because the issue is not just coal bed methane, but also includes split estate issues for all minerals.

01:26:11 Sen. McGee commented that both the proposed legislators bring with them personal experience that will be beneficial to the HB 790 Subcommittee.

***(Tape 2; Side A)***

01:27:00 Rep. Harris's motion carried unanimously.

01:28:39 Meeting dates were restated as September 15-16, 2005; January 26-27, 2006; March 16-17, 2006; May 18-19, 2006; July 17-18, 2006; and September 11-12, 2006.

**ADJOURNMENT**

01:30:17 The meeting was adjourned.