



# ENVIRONMENTAL QUALITY COUNCIL

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<b>GOVERNOR STEVE BULLOCK</b>	<b>HOUSE MEMBERS</b>	<b>SENATE MEMBERS</b>	<b>PUBLIC MEMBERS</b>	<b>COUNCIL STAFF</b>
<b>DESIGNATED REPRESENTATIVE</b> PATRICK HOLMES	BRADLEY MAXON HAMLETT--Vice WILLIS CURDY JANET ELLIS STEVE GUNDERSON THERESA MANZELLA KERRY WHITE	CHAS VINCENT--Chair MIKE LANG MIKE PHILLIPS JP POMNICHOWSKI CARY SMITH GENE VUCKOVICH	SCOTT ASPENLIEDER JOHN C. BRENDEN KYLIE PAUL MATT VINCENT	TREVOR GRAFF, Research Analyst JASON MOHR, Research Analyst HOPE STOCKWELL, Research Analyst ERIN BILLS, Staff Attorney NADINE SPENCER, Secretary JOE KOLMAN, Legislative

## MINUTES LOG

September 27, 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.

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

### **COMMITTEE MEMBERS PRESENT**

SEN. CHAS VINCENT, Chair  
REP. BRADLEY MAXON HAMLETT, Vice Chair

SEN. JP POMNICHOWSKI  
SEN. CARY SMITH  
SEN. GENE VUCKOVICH

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

MR. SCOTT ASPENLIDER  
MS. KYLIE PAUL  
MR. MATT VINCENT

**COMMITTEE MEMBERS EXCUSED**

SEN. MIKE LANG  
SEN. MIKE PHILLIPS  
MR. JOHN BRENDEN  
MR. PATRICK HOLMES

**STAFF PRESENT**

HOPE STOCKWELL, Research Analyst  
ERIN BILLS, Legal Staff  
JAMESON WALKER, Staff Attorney  
NADINE SPENCER, Secretary  
JOE KOLMAN, Director

**VISITORS' LIST (Attachment 1)**

**AGENDA (Attachment 2)**

**COMMITTEE ACTIONS**

The Environmental Quality Council (EQC):

- Approved the minutes log from June 29, June 30, and July 12;
- Voted to write a letter to the governor requesting an explanation of how the removal of Tom Towe as a member of the State Parks and Recreation Board complies with state law;
- Voted to remove the study of the Hard Rock Mining program evaluation from the work plan;
- Voted to continue its objection to the proposed rule by the Department of Fish, Wildlife, and Parks regarding permits for dog training in upland game bird nesting areas.

**CALL TO ORDER AND ROLL CALL**

00:00:01 Sen. Vincent called the meeting to order at 10:01 a.m. The secretary called the roll. **(Attachment 3)** Sen. Lang, Sen. Phillips, Mr. Brenden and Mr. Holmes were excused. Sen. Lang and Mr. Brenden gave their proxies to Sen. Smith. **(Attachment 4)**

Ms. Paul entered the meeting.

## **ADMINISTRATIVE MATTERS**

### **Budget Review**

- 00:01:20 Joe Kolman, director, Legislative Environmental Policy Office, Legislative Services Division (LSD), said the EQC has \$87,299 in its budget. He said the Council received a letter from Susan Fox, executive director, LSD, and Legislative Council, regarding interim committee budgets. **(Exhibit 1)**
- 00:02:24 Mr. Kolman said Rep. Manzella requested up-to-date information on fires in Montana **(Exhibit 2)** and fires by land ownership. **(Exhibit 3)**
- 00:03:03 Mr. Kolman said the Council received a copy of a letter from Marc Cooke, president, Wolves of the Rockies, regarding chronic wasting disease. **(Exhibit 4)**
- 00:03:10 Mr. Kolman said the Council received draft rules from the Department of Environmental Quality (DEQ) on wind generation facility decommissioning and bonding rules. **(Exhibit 5)**

### **Introduction of New Staff**

- 00:03:32 Mr. Kolman introduced Trevor Graff, lead staff for the Energy and Telecommunications Interim Committee, Jameson Walker, staff attorney, and Erin Bills, new legal staff for the EQC.

### **Adoption of EQC Minutes from June 29, June 30 and July 12**

- 00:04:50 Sen. Vincent opened discussion on adoption of the meeting minutes.
- 00:04:55 Rep. Curdy asked if the information requested from the DEQ on federal superfund sites was provided to staff and if staff received the information that was requested by Rep. Hamlett and Sen. Lang on the designated surveillance area.
- 00:05:47 Mr. Kolman said the information was received on the designated surveillance area and he will find out about the information from the DEQ.

### **Motion/Vote**

- 00:06:07 Rep. Ellis moved to adopt the EQC minutes log from June 29, June 30, and July 12. The motion carried unanimously by voice vote. Sen. Lang and Mr. Brenden voted aye by proxy. Sen. Phillips was excused.

### **WATER POLICY INTERIM COMMITTEE UPDATE**

- 00:07:03 Jason Mohr, research analyst, LSD, said the Water Policy Interim Committee meets on July 31 and August 1 and presented information on its work plan.

EQC questions and discussion            None

### **ENERGY & TELECOMMUNICATIONS INTERIM COMMITTEE UPDATE**

- 00:11:48 Mr. Graff said the Energy and Telecommunications Interim Committee (ETIC) meets on Friday, September 29 and provided information on its agenda.

### EQC questions and discussion

- 00:15:55 Sen. Pomnichowski asked Mr. Graff if the ETIC will consider the draft rules on wind generation facility decommissioning. Mr. Graff redirected the question to Sonja Nowakowski, director, Office of Research and Policy Analysis, LSD.
- 00:16:50 Sen. Pomnichowski asked Ms. Nowakowski about the schedule for public comment.
- 00:17:35 Mr. Kolman said a hearing on the rules is schedule for October 5 in Helena and public comment closes on Oct 13. He said HB 216 (2017) requires that the DEQ adopt the rule by January 2018.

### **STATE PARKS PROGRAM EVALUATION**

- 00:18:43 Hope Stockwell, research analyst, LSD, presented an overview of the State Parks Division program evaluation. **(Exhibit 6)**
- 00:20:06 Ms. Stockwell gave a history of the state park system.
- 00:27:07 Ms. Stockwell discussed state parks visitation.
- 00:28:18 Ms. Stockwell discussed the good neighbor policy.
- 00:28:48 Ms. Stockwell discussed the Forestry program.
- 00:29:31 Ms. Stockwell discussed the Heritage Resource program.
- 00:29:50 Ms. Stockwell discussed the financial overview for state parks.
- 00:30:16 Ms. Stockwell discussed funding sources and infrastructure projects approved by the 2017 Legislature.
- 00:32:28 Ms. Stockwell discussed the outdoor recreation programs administered by the State Parks Division and their funding.
- 00:35:53 Ms. Stockwell discussed the state trails plan.
- 00:36:41 Ms. Stockwell discussed topics that will be presented at the EQC meeting in January.
- 00:37:32 Will Soller, performance audit manager, Legislative Audit Division, gave an update on the general scope and objectives of the performance audit that will be done on State Parks.

### Public comment

- 00:41:46 Nick Gevock, conservation director, Montana Wildlife Federation

### EQC questions and discussion

- 00:42:25 Rep. White commented on the dismissal of Tom Towe from the Montana State Parks and Recreation Board.

### **Motion**

- 00:42:48 Rep. White moved to write a letter to the governor regarding his explanation of "for cause", pursuant to 2-15-124(6), MCA, when he removed Tom Towe as a member of the Board.

### **Discussion on the Motion**

- 00:43:31 Sen. Vincent
- 00:43:39 Rep. White
- 00:44:28 Sen. Pomnichowski
- 00:44:38 Rep. White

00:45:06 Rep. Manzella  
 00:45:34 Rep. Ellis  
 00:47:04 Rep. White  
 00:47:45 Rep. Ellis  
 00:48:42 Sen. Vincent  
 00:48:49 Mr. Walker  
 00:51:04 Sen. Vincent  
 00:51:35 Mr. Walker  
 00:52:04 Mr. Vincent  
 00:52:43 Mr. Walker  
 00:53:09 Rep. Manzella  
 00:53:25 Mr. Walker  
 00:54:09 Sen. Pomnichowski  
 00:55:21 Rep. Ellis  
 00:55:51 Sen. Vincent  
 00:56:03 Rep. Hamlett  
 01:00:17 Rep. Curdy  
 01:02:13 Rep. Manzella

**Vote**

01:03:12 The motion carried 9-6 by roll call vote with Rep. Curdy, Rep. Ellis, Sen. Pomnichowski, Sen. Vuckovich, Ms. Paul, and Mr. Vincent voting no. Sen. Lang and Mr. Brenden voted aye by proxy. Sen. Phillips was excused.  
**(Attachment 5)**

01:04:28 Rep. White asked Tom Reilly, acting administrator, Parks Division, Department of Fish, Wildlife, and Parks (FWP), about plans for the Off-highway Vehicle Program (OHV) to engage with federal land managers on forest plans and travel plans and about the resources dedicated to the effort.

01:06:50 Rep. White complimented FWP on its effort to map the trails located within state parks and asked Mr. Reilly about the engagement of the Geographical Information System (GIS) department in the effort to inventory the motorized and nonmotorized trails used in summer.

01:09:56 Rep. White commented on the loss of public access to trails and encouraged FWP to continue to work on improving access.

01:11:49 Rep. Curdy asked Mr. Reilly about the interaction between FWP and counties on connectivity of state and local trails.

01:13:13 Rep. Curdy asked Mr. Reilly how gas taxes are divided between programs.

01:14:57 Rep. Ellis asked Martha Williams, director, FWP, about the memo from the governor on developing a Parks In Focus Initiative. **(Exhibit 7)**

01:17:26 Rep. Ellis asked Ms. Williams what the EQC can do to help the Parks Division moving forward.

01:19:45 Mr. Vincent asked Ms. Williams how the Parks In Focus Initiative and the legislative performance audit will work together.

01:21:53 Ms. Paul asked Ms. Williams about potential legislation regarding the Land and Water Conservation Fund and if the EQC can do anything to help support future funding.

01:23:47 Sen. Vincent said funding was discussed in past interim committees and can be added as a future agenda item.

01:24:50 Mr. Aspenlieder said it is important for the administration to be transparent about what has happened in the past so that as FWP works on its Parks In Focus Initiative and asks for people to dedicate and donate their time they understand they won't be criticized if they have a disagreement in a public forum.

01:26:37 Rep. Hamlett asked Mr. Reilly if not having the funds to spend on trail maintenance and development is detrimental to public access to public land.

01:28:08 Rep. Hamlett asked Mr. Reilly if the off-road gas tax is being spent on trail maintenance. Mr. Reilly said it is.

01:28:46 Rep. Hamlett asked Mr. Reilly for the amount that the state receives in off-road tax money.

01:29:42 Rep. Hamlett asked Mr. Reilly about the status of West Shore State Park and if FWP is still trying to sell half of the park.

01:31:25 Rep. Hamlett asked Mr. Reilly if he can provide a memorandum of understanding that West Shore State Park will not be cut in half for the next EQC meeting.

01:32:05 Rep. Hamlett asked Mr. Reilly why appraisals were done on the land at West Shore State Park and about FWP's plans for the land.

01:32:48 Rep. Hamlett asked Mr. Reilly if FWP can put in writing that West Shore State Park will always remain intact. Mr. Riley said yes.

01:33:11 Rep. Manzella asked Mr. Reilly to provide an accounting of how the OHV gas tax grants awarded to federal agencies is used.

01:33:54 Sen. Vincent asked Mr. Reilly about plans for OHV trails at Fish Creek State Park.

01:36:27 Sen. Vincent asked Mr. Reilly about the Parks Division's vision once OHV routes are identified on federal land.

01:39:15 Rep. Hamlett asked Mr. Reilly if Mr. Towe filed a grievance. Mr. Reilly redirected the question to Ms. Williams.

01:41:25 Rep. Hamlett asked Ms. Williams if the public will ever find out if a grievance was filed and if a settlement was paid.

01:42:07 Rep. Hamlett asked Ms. Williams if a parks administrator was dismissed, and there was a settlement, if the money would come from the Parks Division and not the Fish and Wildlife Division. Ms. Williams said it would.

01:44:00 Sen. Vincent commented on the history of the Parks Division and the positive influence the EQC can have in moving the division forward.

01:45:35 Rep. Hamlett commented on funding for state agencies.

### **CHRONIC WASTING DISEASE**

01:48:34 Martha Williams, director, FWP, said that Dr. Jennifer Ramsey, FWP veterinarian, is present and available to answer any questions.

01:49:08 Ms. Williams provided information on the locations of where FWP is monitoring for chronic wasting disease (CWD), an explanation of chronic wasting disease, and a list of the members of the Chronic Wasting Disease Advisory Council.  
**(Exhibit 8)**

### **Public comment**

01:53:38 Joe Cohenour, member, Chronic Wasting Disease Advisory Council

01:54:23 Mr. Gevock

### EQC questions and discussion

- 01:56:14 Rep. White asked Ms. Williams about the potential impacts of CWD and a decline in property value.
- 01:58:10 Rep. White asked Ms. Williams about the amount of funding the department has dedicated to CWD. Ms. Williams redirected the question to Quentin Kujala, Wildlife Management Section chief, FWP.
- 01:59:30 Rep. Curdy commended the department for the article that was written in *Montana Outdoors* and asked Ms. Williams about laboratory testing and if most of the samples are sent to a lab in Colorado. Ms. Williams said they are. Rep. Curdy asked Ms. Williams if the FWP lab in Bozeman is capable of doing some of the testing. Ms. Williams redirected the question to Ms. Ramsey.
- 02:02:49 Rep. Curdy asked Ms. Ramsey for an estimate on the cost in order to be able to do the testing in Montana.
- 02:04:13 Rep. Curdy redirected his question to Ms. Williams and requested that FWP provide at the next EQC meeting the financial requirements necessary to institute a fully developed lab to test for CWD either in a satellite facility or at the lab in Bozeman. Ms. Williams said she will.
- 02:05:37 Rep. Ellis asked Ms. Williams if FWP has worked with the Crow Tribe and if the tribe has a CWD program. Ms. Williams redirected the question to Mr. Kujala.
- 02:07:05 Rep. Hamlett asked Ms. Williams to provide specific information at the next EQC meeting on what would be needed for a laboratory and asked if there are any guidelines for hunters on butchering meat.
- 02:09:05 Rep. Hamlett asked Ms. Williams about the protocol for collecting specimens during the upcoming hunting season. Ms. Williams redirected to Ms. Ramsey.
- 02:11:13 Rep. Hamlett asked Ms. Ramsey how long it takes to collect a sample at a hunter check station.
- 02:11:55 Rep. Hamlett asked Ms. Ramsey who collects samples at the check stations. Ms. Ramsey said it will be game wardens this year.
- 02:12:12 Rep. Hamlett asked Ms. Ramsey if it was department policy that game wardens collected samples in the past.
- 02:13:31 Recess for lunch at 12:15 p.m.
- 03:14:52 Reconvene at 1:15 p.m.

### **AGENCY BUDGET UPDATES**

- 03:15:12 John Tubbs, director, Department of Natural Resources and Conservation (DNRC), provided information on the agency's proposal to cut 10 percent from its budget.
- 03:23:02 Tom Livers, director, Department of Environmental Quality (DEQ), presented information on how the agency is funded and its proposal to cut the budget by 10 percent.

Public comment      None

### EQC questions and discussion

- 03:33:50 Sen. Vincent asked Mr. Livers when the solid waste fees were last increased. Mr. Livers said he did not know, but will provide the information to staff.

- 03:34:12 Sen. Vincent asked Mr. Livers about the amount of grant money used for counties that have air quality regulation programs.
- 03:34:49 Sen. Vincent asked Mr. Livers about the proposed cut in FTE from the open-cut mining program.
- 03:37:56 Rep. Curdy asked Mr. Tubbs about the fire fund and the amount of money spent on the fire season and about the amount of money that was used from other divisions.
- 03:40:44 Rep. Curdy asked Mr. Tubbs about funding the fire season during the next fiscal year.
- 03:41:52 Rep. Curdy asked Mr. Tubbs if the DNRC and the U.S. Forest Service notifies the Department of Revenue which contractors do work for the state during fire season. Mr. Tubbs said he will find out.
- 03:44:02 Sen. Vincent asked Mr. Tubbs about cuts to the Flathead Basin and if it includes money that was granted for aquatic invasive species activities.
- 03:44:30 Sen. Vincent asked Mr. Tubbs about reimbursement from FEMA.
- 03:45:55 Rep. Hamlett asked Mr. Tubbs if the federal government will continue to monitor stream gauges if the state does not.
- 03:46:48 Rep. Hamlett asked Mr. Tubbs if the stream gauges are electronic.
- 03:48:01 Rep. White asked Mr. Tubbs to provide a list of stream gauges.

#### **AQUATIC INVASIVE SPECIES ANNUAL REPORTS**

- 03:48:40 Ms. Stockwell provided an introduction to the program evaluation on aquatic invasive species (AIS) and agency reports.
- 03:49:51 Ms. Williams provided an overview of FWP's AIS program and discussed the current boating season.
- 03:54:40 Stephanie Hester, past reclamation development grants manager, DNRC, and coordinator, Montana Invasive Species Advisory Council, provided information on the Invasive Species Program. **(Exhibit 9)**
- 04:06:22 Bryce Christiaens, weed district manager, Missoula County Weed District and chair, Invasive Species Council, presented information on the Montana Invasive Species Council. **(Exhibit 10)**
- 04:11:15 Duane Williams, administrator, Motor Carrier Services Division, Department of Transportation, provided information on watercraft inspection sites and the forms completed on commercially hauled boats at its weigh stations.
- 04:16:47 Dave Burch, state noxious weed coordinator, Department of Agriculture, and interim bureau chief for the Agricultural Services Division, gave an overview of his department's AIS activities. **(Exhibit 11)**

#### **Public comment**

- 04:21:53 Rep. Mike Cuffe, HD 2
- 04:24:07 Mr. Gevock

#### EQC questions and discussion

- 04:25:20 Rep. White asked Ms. Williams about data management. Ms. Williams redirected the question to Ms. Hester.
- 04:28:39 Rep. Ellis asked Thomas Woolf, AIS Bureau chief, FWP, how the AIS mussel program is being funded for the biennium.
- 04:29:44 Rep. Ellis asked Mr. Woolf if there will be a proposal from FWP on how to continue funding. Mr. Woolf redirected the question to Ms. Williams.
- 04:30:53 Sen. Vincent said the EQC will look at funding for the program in its work plan.
- 04:31:27 Mr. Vincent commented on observations that were made by area conservation groups at some of the AIS inspection stations. Ms. Williams said that FWP also did an undercover internal review.
- 04:32:46 Sen. Vincent asked Ms. Williams to provide information on how to do outreach more effectively and to find a way to have the data that is collected easily accessible.
- 04:34:47 Sen. Vincent asked Mr. Woolf if there is a way for the program to use existing resources so that the public can have access to information in real time.
- 04:35:26 Rep. Curdy asked Ms. Williams to provide the Council with ideas for funding.

#### Next steps for study

- 04:36:32 Sen. Vincent opened discussion on next steps and direction for staff.
- 04:37:23 Rep. Ellis said she recommends looking at funding programs in other states.
- 04:38:02 Sen. Vincent said members can provide their ideas to staff before the meeting in January.
- 04:38:11 Rep. Hamlett asked Mr. Woolf to provide information on any new tests that are being developed that cut down discovery time.
- 04:38:57 Rep. Ellis asked Ms. Williams about providing an overview of lessons learned from this season at the January meeting instead of in March. Ms. Williams said the department will have the information available. Sen. Vincent agreed to have the department present the information at the January meeting.
- 04:40:31 Sen. Vincent requested that staff look into funding.

#### **HARD ROCK MINING PROGRAM EVALUATION**

- 04:40:56 Mr. Kolman gave an overview of the Hard Rock Mining program. [\(Exhibit 12\)](#)
- 04:44:20 Chris Dorrington, administrator, Air, Energy, and Mining Division, DEQ, provided program updates since the last interim.
- 04:46:45 Mr. Dorrington discussed program funding.
- 04:48:17 Mr. Dorrington discussed bonding.
- 04:51:47 Mr. Dorrington discussed improving communications.
- 04:52:07 Mr. Dorrington discussed enforcement and compliance.

#### Public comment

- 04:52:31 Tammy Johnson, executive director, Montana Mining Association

#### EQC questions and discussion

- 04:58:30 Mr. Vincent commented on the study and said he recommends removing it from the work plan. Sen. Vincent agreed.
- 05:00:03 Rep. Ellis asked Mr. Dorrington about inadequate bonding.

- 05:07:43 Rep. Ellis asked Mr. Dorrington about the permits that have been suspended and if it was because of inadequate bonding. Mr. Dorrington said he will provide a detailed list.
- 05:08:39 Mr. Aspenlieder said he agreed with Mr. Vincent and commented on removing the study from the work plan.

#### **Motion/Vote**

05:09:18 Mr. Aspenlieder moved to remove the Hard Rock Mining program evaluation from the work plan. The motion carried unanimously by voice vote. Sen. Lang and Mr. Brenden voted aye by proxy. Sen. Phillips was excused.

05:10:06 Recess

05:22:09 Reconvene

#### **MSU LAB STUDY, HB 661 (2017)**

#### **Staff Update**

05:23:05 Shauna Albrecht, Legislative Fiscal Division, provided an update on the MSU lab study and its meeting on August 28 in Bozeman.

#### **EQC Member Updates**

- 05:26:46 Rep. White commented on the labs that were toured during the meeting in Bozeman and on consolidating lab activities.
- 05:30:32 Rep. Hamlett said the labs are located on MSU property and the use of the land is being given to the state by the university.
- 05:32:31 Sen. Vincent thanked staff and committee members for the update.

#### **EQC questions and discussion**

05:32:47 Rep. White asked Ms. Albrecht if a meeting has been scheduled for November.

Public comment          None

#### **SAGE GROUSE**

- 05:33:39 Ms. Stockwell gave an update on the Sage Grouse Conservation program.
- 05:38:32 Ms. Stockwell discussed the progress in developing a habitat quantification tool and mitigation framework.
- 05:39:49 Ms. Stockwell discussed private landowner liability for leks burned by wildfire.
- 05:41:33 Ms. Stockwell provided maps showing how fires in 2017 impacted sage grouse habitat. **(Exhibit 13)**
- 05:44:02 Ms. Williams provided a report on the Montana Greater Sage-grouse population numbers as required by HB 211 (2017). **(Exhibit 14)**

#### **Public comment**

05:47:52 Elena Evans, Montana Association of Conservation Districts

#### EQC questions and discussion

- 05:49:05 Mr. Aspenlieder asked Carolyn Sime, Sage Grouse Program manager, Conservation Resource Development Division, DNRC, about the timeline for developing a habitat quantification tool.
- 05:54:15 Rep. White asked Ms. Stockwell what happens when property used by a landowner to provide habitat credits burns.
- 05:56:30 Rep. White asked Ms. Stockwell if there is a burden on the property owner to rehabilitate the land.
- 05:57:48 Rep. White asked Ms. Sime about moving forward with ground disturbance activity in sage grouse habitat areas that have burned.
- 05:59:49 Rep. White commented on areas where projects may be able to move forward.
- 06:00:03 Rep. Curdy asked about the amount of time it takes before leks can occupy a burned area. Ken McDonald, administrator, Wildlife Division, FWP, said 15-20 years.
- 06:01:37 Rep. Curdy asked Ms. Williams about potential financial impacts to the sage grouse program because of the current budget. Ms. Williams redirected the question to Mr. Tubbs.
- 06:04:12 Rep. Hamlett commented on the percentage of disturbance in core habitat areas.
- 06:05:53 Sen. Vincent asked Ms. Sime about restoration in areas with ground disturbance.

#### **STATUTORY ADMINISTRATIVE RULE REVIEW**

- 06:09:49 Mr. Walker introduced Ms. Bills. He reviewed the current rules under the authority of the EQC. ([Exhibit 15](#))

Public comment      None

#### EQC questions and discussion

- 06:15:03 Rep. White asked about the authority of the EQC to review the DNRC rule regarding water right permitting. Sen. Vincent said the WPIC now has statutory oversight.
- 06:15:38 Rep. White asked what the EQC can do if it disagrees with the rule. Sen. Vincent said it can send a letter to the WPIC.
- 06:15:53 Rep. White commented on the rule and asked Sen. Vincent for his opinion.
- 06:16:35 Rep. White confirmed with staff that the public comment period on the rule was extended until mid-October.

#### **REVIEW RULE FOR DOG TRAINING IN UPLAND GAME BIRD NESTING AREAS**

- 06:17:03 Sen. Vincent said the EQC objected to FWP's proposed rule for dog training in upland game bird nesting areas at its last meeting and requested that FWP provide more information. ([Exhibit 16](#))
- 06:17:21 Mr. Walker said the EQC can continue its objection to the rule or not.
- 06:17:54 Sen. Vincent said the EQC must make a motion if it wants to continue its objection to the rule.
- 06:18:11 Ms. Williams provided information on the proposed rule.

Public comment      None

### EQC questions and discussion

- 06:21:39 Sen. Smith said the department has stated that the intent of the original rule was part of a larger legislative package. He asked Ms. Williams what the larger package covered.
- 06:23:04 Sen. Smith asked Ms. Williams about the reason for the rule.
- 06:26:23 Sen. Smith asked Ms. Williams about the need for a permit to train dogs and the reason for the original legislation. Ms. Williams redirected the question to Aimee Hawkaluk, legal counsel, FWP.
- 06:29:49 Sen. Vincent commented on the rule and the current statute and said the EQC may want to consider a committee bill to change the law.
- 06:32:00 Sen. Vincent asked Ms. Williams about working with the Council on an interim committee bill.
- 06:33:11 Sen. Smith said he supports a motion to continue the EQC's objection to the rule and to consider creating a committee bill. He said he disagrees that the rule is more permissive and less restrictive than current law.
- 06:36:02 Sen. Vincent said the current statute prohibits training within a mile of nesting areas and the rule could provide more flexibility.
- 06:36:36 Mr. Aspenlieder said he appreciates the efforts of Hank Worsech, License Bureau chief, FWP, in trying to work on a solution, but said he does not support the rule.

### **Motion**

- 06:37:27 Mr. Aspenlieder moved that the EQC continue its objection to the rule.

### **Discussion on the Motion**

- 06:37:44 Rep. Gunderson
- 06:38:15 Sen. Vincent
- 06:38:32 Ms. Williams
- 06:39:11 Sen. Vincent
- 06:39:20 Rep. White
- 06:39:48 Sen. Vincent
- 06:40:14 Mr. Walker
- 06:40:39 Sen. Vincent
- 06:40:45 Mr. Walker
- 06:41:07 Sen. Vincent
- 06:41:37 Sen. Pomnichowski
- 06:41:57 Sen. Vincent
- 06:43:10 Ms. Paul
- 06:44:00 Sen. Vincent
- 06:46:32 Sen. Pomnichowski
- 06:47:22 Sen. Vincent
- 06:47:34 Mr. Aspenlieder
- 06:49:29 Sen. Pomnichowski
- 06:50:41 Mr. Aspenlieder

**Vote**

- 06:52:04 The motion carried 10-5 by roll call vote with Rep. Curdy, Rep. Ellis, Sen. Pomnichowski, Sen. Vuckovich, and Ms. Paul voting no. Sen. Lang and Mr. Brenden voted aye by proxy. Sen. Phillips was excused. **(Attachment 6)**
- 06:53:03 Mr. Kolman asked about next steps for the January meeting.
- 06:53:54 Rep. Manzella asked about public comment and whether or not FWP will continue to hold public hearings. Sen. Vincent said it can be included on the agenda for January which will provide time for public comment.
- 06:54:58 Ms. Williams commented on the value in continuing to hold public hearings.
- 06:55:33 Ms. Paul asked if it would be useful to see individual public comments rather than a summary. Sen. Vincent said the EQC can ask the department to provide individual comments as well as a summary.

**DEQ SANITATION REVIEW PROCEDURE**

- 06:57:34 Tim Davis administrator, Water Quality Division, DEQ, discussed the agenda for the Subdivision and Development Advisory Council meeting scheduled for October 10. **(Exhibit 17)**

Public comment None

EQC questions and discussion None

**PUBLIC COMMENT ON ANY MATTER NOT CONTAINED IN THIS AGENDA**

None

**OTHER BUSINESS**

- 07:07:14 Rep. White said an analysis of state laboratories was completed by the Economic Affairs Interim Committee during the 2009-10 interim. **(Exhibit 18)**

**RECESS**

- 07:08:14 Sen. Vincent recessed the meeting at 5:09 p.m.

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