

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By CHAIRPERSON BOB RANEY, on January 9, 1991, at 3:00 pm.

ROLL CALL

Members Present:

Bob Raney, Chairman (D)
Mark O'Keefe, Vice-Chairman (D)
Beverly Barnhart (D)
Vivian Brooke (D)
Ben Cohen (D)
Ed Dolezal (D)
Orval Ellison (R)
Russell Fagg (R)
Mike Foster (R)
Bob Gilbert (R)
David Hoffman (R)
Dick Knox (R)
Bruce Measure (D)
Tom Nelson (R)
Bob Ream (D)
Jim Southworth (D)
Howard Toole (D)
Dave Wanzenried (D)

Staff Present: Gail Kuntz, Environmental Quality Council
Paul Sihler, Environmental Quality Council
Lisa Fairman, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion:

CHAIR RANEY welcomed committee members and audience. Following committee members and staff introductions **CHAIR RANEY** explained committee procedures. He emphasized executive action on bills will usually occur the next meeting after the hearing. He added several state agencies will present informational overviews on their structure and programs. The scheduled presentations are:
January 9 - Environmental Quality Council
January 11 - Department of Health and Environmental Sciences
January 14 - Department of State Lands
January 16 - Department of Natural Resources and Conservation.

Informational Presentation:

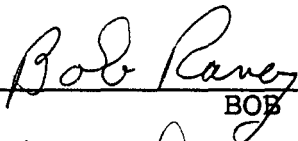
CHAIR RANEY introduced Deborah Schmidt - Executive Director of Environmental Quality Council (EQC). Ms. Schmidt provided an overview of EQC from its origination to current times. She presented summaries of ECQ studies, proposed legislation and outlined program development EXHIBITS 1,2,3, and 4.

Announcements:

CHAIR RANEY appointed a subcommittee to address subdivision regulations and laws. Members of the subcommittee are: REP. MARK O'KEEFE - chair, REP. BOB GILBERT, REP. BEVERLY BARNHART, REP. DAVE WANZENRIED, and REP. ORVAL ELLISON.

ADJOURNMENT

Adjournment: 4:15



BOB RANEY, Chair



LISA FAIRMAN, Secretary

BR/lf

HOUSE OF REPRESENTATIVES
NATURAL RESOURCES COMMITTEE

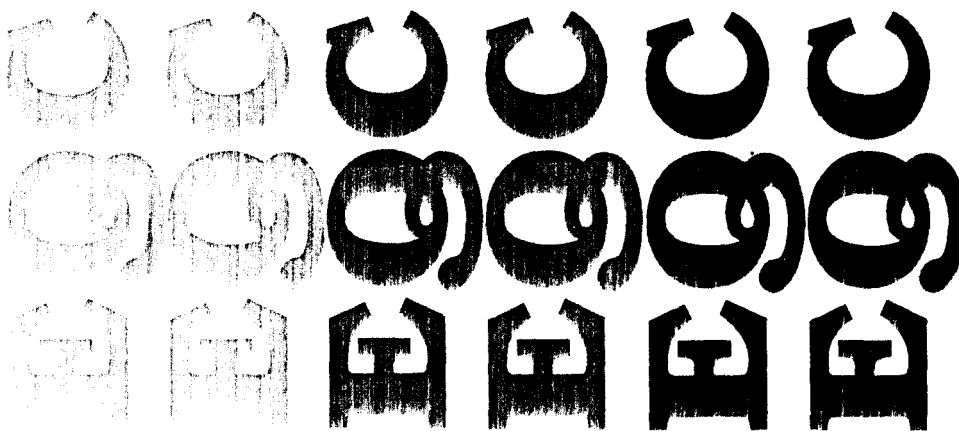
ROLL CALL

DATE Jan 9, 1991

NAME	PRESENT	ABSENT	EXCUSED
REP. MARK O'KEEFE, VICE-CHAIRMAN	✓		
REP. BOB GILBERT	✓		
REP. BEN COHEN	✓		
REP. ORVAL ELLISON	✓		
REP. BOB REAM	✓		
REP. TOM NELSON	✓		
REP. VIVIAN BROOKE	✓		
REP. BEVERLY BARNHART	✓		
REP. ED DOLEZAL	✓		
REP. RUSSELL FAGG	✓		
REP. MIKE FOSTER	✓		
REP. DAVID HOFFMAN	✓		
REP. DICK KNOX	✓		
REP. BRUCE MEASURE	✓		
REP. JIM SOUTHWORTH	✓		
REP. HOWARD TOOLE	✓		
REP. DAVE WANZENRIED	✓		
REP. BOB RANEY, CHAIRMAN	✓		

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Montana Environmental Quality Council



EGC
Capitol Station
Helena MT 59620
(406) 444-3742

The EGC will monitor a number of **hazardous materials management** programs enacted by the 51st Legislature. Programs to be monitored include the far-reaching underground storage tank program, the waste-site cleanup at Livingston, the mini-Superfund program, and additional state authority to direct hazardous waste cleanups.

Besides these in-depth topics, the EGC plans to continue to monitor other resource issues including the Clark Fork River Basin Study, the Flathead River International Conservation Reserve, hard-rock mining regulation, air and water quality, and the Natural Resource Information System and the Natural Heritage Program.

An **important part** of the EGC's work is preparing information on Montana's environment for legislators and the public. Annually, the EGC prepares a report discussing the condition of Montana's environment; the most recent one focuses on interim research conducted by the EGC. Periodically, other EGC publications address other relevant topics.

Recent reports include **Final Status of Natural Resource Legislation in the Montana Legislature; Forest Practices and Watershed Effects; Montana Index of Environmental Permits; Report of the Water Policy Committee to the Legislature; Evaluation of Montana's Water Rights Adjudication process; A Study of Water Resources Research Centers and Graduate Programs in Water Resources in the United States; and Report of the Select Committee on Water Marketing** (as staff of the committee). For free copies, please contact the EGC.

Following through with its earlier study of **forest practices and watershed effects**, the EGC will oversee implementation of its recommended legislation on voluntary application of best management practices (BMPs) to timber harvest activities. The EGC will also consider whether the voluntary BMP legislation is adequate to address not only the individual but also the cumulative effects of timber harvest practices in Montana watersheds.

The EGC received funding from the 1989 Legislature to conduct public hearings on **log-scaling** (i.e., the measurement and grading) of logs. Individuals in the timber industry whose wages and financial returns are directly tied to the log scale have expressed concern about the accuracy of scaling. The public hearings will provide a forum for these concerns and serve as a guide for future EGC action.

The 1989 Legislature directed the EGC to monitor the completion of the Board of Oil and Gas Conservation's programmatic environmental **review of oil and gas drilling and production**. The EGC will also monitor implementation of the Programmatic Environmental Impact Statement (PEIS), including regulatory changes that will be made as a result of the PEIS review.

The Governor, as well as members of the legislature, requested that the EGC conduct a review of Montana's laws and regulations on **high-density developments in rural areas**. Specifically, sewage disposal, fallout shelter construction, unreviewed residential subdivision development, and geothermal resource development were identified as areas of special concern. The EGC agreed to conduct that review, following up on its earlier comprehensive study of Montana's subdivision laws.

500 copies of this public document were published at an estimated cost of 53¢ per copy, for a total cost of \$265.00 which includes \$265.00 for printing and \$.00 for distribution.

Montana Environmental Quality Council

The Montana Environmental Quality Council (EQC) is a unique agency of the legislative branch of state government. Created by the 1971 Montana Environmental Policy Act (MEPA), the EQC coordinates and monitors state policies and activities that affect the quality of the human environment.

While other laws deal individually with important elements of the environment, MEPA is the one state law that explicitly addresses the complex interrelationships among humans and Montana's natural resources. Similarly, the EQC is the single state office responsible for reviewing the individual programs and activities of all state agencies to help promote a unified effort to enhance the state's natural, economic and social environments.

The EQC does not have any regulatory power. It serves exclusively in an advisory capacity, making recommendations to the executive branch and to the legislature to develop and ensure that the environmental policies of the state are carried out.

As outlined in MEPA, EQC's purpose is to encourage conditions under which humans and nature can coexist in productive harmony while recognizing the requirements of present and future Montanans.

Thirteen Montana citizens make up the EQC. Four are state senators; four are state representatives; four are members of the public; and one, a non-voting member, represents the governor.

The EQC is designed to be bipartisan. The House and Senate members are chosen by the majority and minority leaders of each house. Those leaders also choose the public members.

Council members serve two-year terms, concurrent with the state legislative sessions. Members may serve no more than three consecutive terms.

SENATE MEMBERS

Cecil Weeding, Vice-Chairman

(D-Jordan)

Tom Beck

(R-Deer Lodge)

John Harp

(R-Kalispell)

Bill Yellowtail

(D-Wyola)

HOUSE MEMBERS

Bob Gilbert, Chairman

(R-Sidney)

Jerry Driscoll

(D-Billings)

Ed Grady

(R-Canyon Creek)

Bob Raney

(D-Livingston)

PUBLIC MEMBERS

Doug Crandall

Livingston

Tom France

Missoula

Tom Roy

Missoula

Everett Shuey

Butte

GOVERNOR'S REPRESENTATIVE

Art Witlich

The EQC staff, supervised by the executive director, assists the council members in the fulfillment of their duties. Specific staff responsibilities include researching and writing reports, organizing and monitoring public meetings and hearings, drafting proposed legislation, and conducting studies assigned by the legislature.

The EQC staff acts as an impartial and non-political source of information on environmental matters for the EQC, the legislature and the public. According to council policy, the EQC staff makes

recommendations to the council. The council then evaluates the recommendations, deciding which to propose to the legislature.

Executive

Director Deborah Schmidt

Resource

Scientist Paul Sihler

Staff

Attorney Michael Kakuk

Resource

Specialist Gail Kuntz

Administrative

Assistant Ellen Engstedt

Office

Assistant Marilyn Rasmussen

MEPA identifies the five major duties of the EQC:

- research and analyze environmental trends;
- monitor environmental actions and policies of state agencies;
- recommend ways to improve the state's natural, social and economic environments;
- assist the legislature with environmental legislation; and
- prepare an annual report on Montana's environment.

The legislature also assigns other duties from time to time. For example, the EQC staff serve as committee

researchers to the House and Senate natural resources committees during legislative sessions. The Legislature also directed EQC to staff the Legislative

Water Policy Committee, a statutory interim committee established to advise the Legislature on the adequacy of the State's water policy and of developments that affect Montana's water resources. In the 1989-1990 interim, the Water Policy Committee will prepare a report to the 1991 Legislature on efforts of the state executive agencies to implement the pilot water leasing legislation

enacted in 1989. As another part of its interim work, the Water Policy Committee will examine the relationship between state and federal agencies in managing Montana's water resources.

During the 1989-1990 biennium, the EQC will continue its longstanding evaluation of agency implementation of the **Montana Environmental Policy Act (MEPA)**, including monitoring implementation of the recently revised rules designed to guide agencies as they undertake environmental review of projects and other actions falling under MEPA's authority.

The 1989 Legislature directed the EQC to undertake two major interim studies: one on solid waste management and regulation and the other on the protection and management of ground water quality. Under the auspices of the **solid waste study**, the EQC will thoroughly review current solid waste management programs in Montana, identify problems, develop policy options to solve these problems, and make recommendations to the 52nd Legislature. An overlying goal of the study is to ensure that solid waste management in Montana is conducted in an efficient, environmentally sound manner.

The EQC's study of ground water quality includes four topics: existing groundwater quality protection programs in Montana and other states; the implementation of new legislation regulating agricultural chemicals, underground storage tanks, and use of cyanide by miners and requiring ground water monitoring at landfills; federal requirements affecting Montana's groundwater quality programs; and other necessary responses to groundwater quality protection and management challenges identified by the EQC. The EQC will report its findings and recommendations to the 1991 Legislature.

WATER POLICY COMMITTEE

Final Report to the
52nd Legislature
of the State of Montana

December 1990

LOG SCALING STUDY

Final Report to the 52nd
Montana State Legislature

*Prepared by the Environmental Quality Council,
December, 1990*