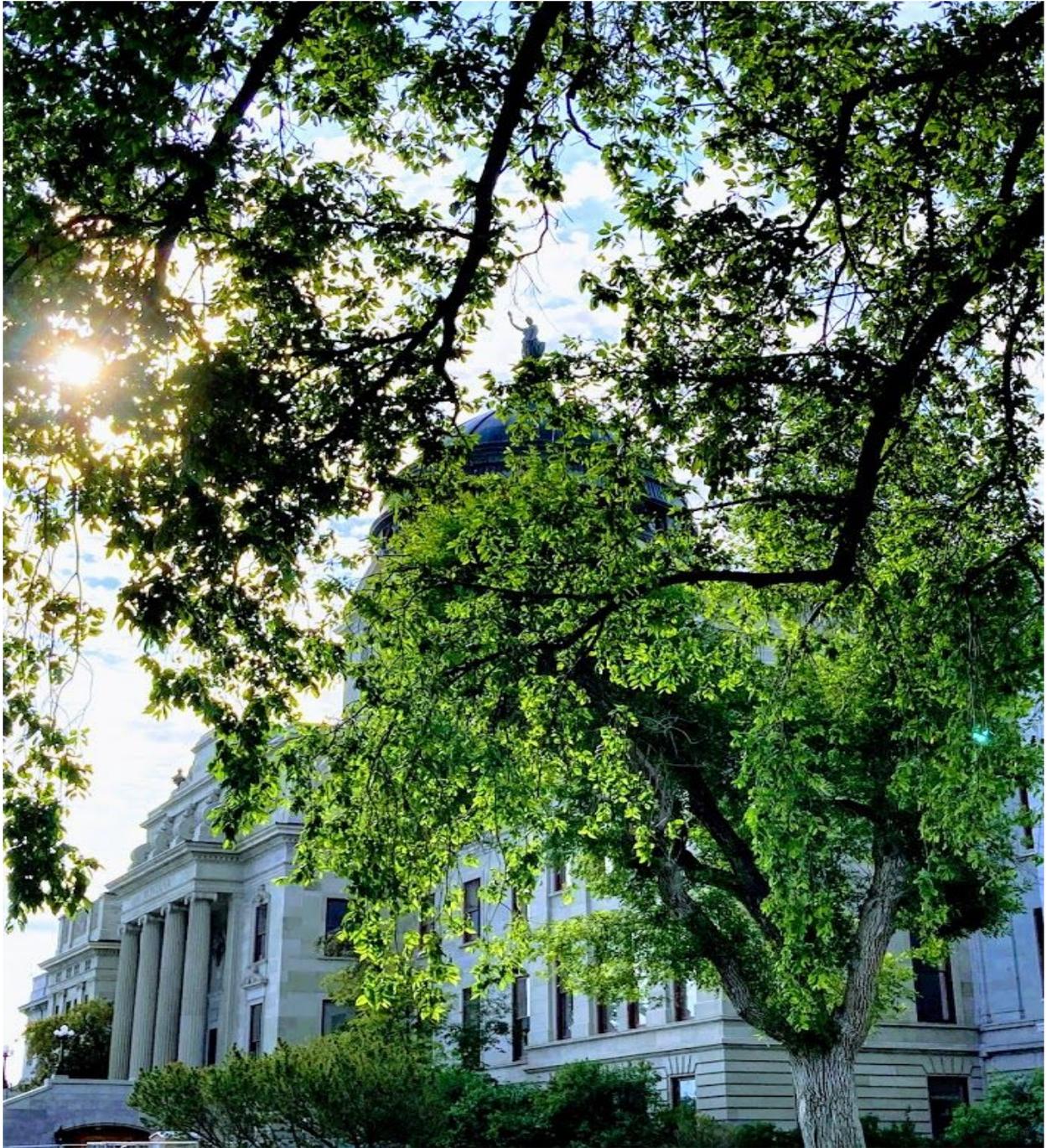


DRAFT MINUTES
MACD LEGISLATIVE AD HOC COMMITTEE
from the
Friday, 21st August 2020 Conference Call



The statue “Montana” seems to be waving as I entered the Capitol last week.

1. In Attendance: Jim Simpson, Dean Rogge, Bob Petermann, Pat Riley, Jeff Pattison, Greg Jergeson, and Steve Schanaman. Staffed by Jeff Tiberi. Others participating include MACD Board Member Gayla Wortman, Montana State Senator Jeff Welborn, Beaverhead Conservation District Chairman Byron Martinell, Beaverhead County Commissioner Tom Rice, Landowner in Beaverhead County Jeff Johnson, DNRC representatives Mark Bostrom and Laurie Zeller, Missouri River Conservation Districts Council Coordinator Liv Stavick, and MACD Executive Director Rebecca Boslough.
2. The meeting started with a discussion about the Environmental Quality Council's report on Wilderness Study Areas. The EQC was accepting comments and Tiberi had prepared a comment letter for consideration by the LAHC. Many residents from Beaverhead participated in the conference call, as a MACD Resolution was brought forth by the Beaverhead Conservation District (BCD) in 2006 concerning Hidden Pasture Creek Wilderness Study Area, listing the management issues that were of concern. Note that this WSA is managed by the Bureau of Land Management (BLM). See the Resolution below.

Tiberi had previously sent his draft letter prepared for the EQC to BCD for their review and consideration. It was discussed at their August meeting and approved to move forward by their board. Byron, Tom, and Jeff Johnson detailed the issues they were contending with. These include fence maintenance, prohibition of new fences and the resultant impact on range health, limits on noxious weed control, road maintenance limitations, timber management, public access, a sheep fescue problem, culvert plugging with heavy rains, the local electrical co-op poles in and out of the WSA due to terrain, a formerly easily- accessed riprap quarry now inaccessible, and fire control(citing a case where a small fire that could have been dealt with quickly and locally by the resident fire department, but the fire grew and a tanker had to fly from Missoula to fight the fire). See the 2006 MACD Resolution below for additional details. The BLM has been great to work with but they have to follow the law and WSA restrictions. Reportedly the boundaries were suggested by seasonal workers. It seems like a few adjustments would benefit all involved.

MACD President Jim Simpson asked the District to list these issues as well as the defining wilderness characteristics that Hidden Pasture Creek Wilderness Study Area provided to help MACD to follow up on this issue.

Senator [JEFFREY WELBORN](#) was the Legislator who sponsored Senate Joint Resolution No. 20. (See <https://leg.mt.gov/bills/2019/billpdf/SJ0020.pdf>. That Resolution initiated the EQC WSA study. The EQC study may be seen here:

<https://leg.mt.gov/content/Committees/Interim/2019-2020/EQC/Reports/for-comment/wsa-draft-report-july2020-forcomment.pdf>.) Senator Welborn stated that Senate Joint Resolution 20 is an on-ramp for the community to try to move this issue forward. A discussion followed about the pros and cons of trying to address issues in one particular WSA (i.e., this one), or to try and address WSAs issues statewide. It was noted that some WSAs have been “study areas” since 1977, more than 40 years. There were many good points raised but no firm conclusion reached. If anything, the idea of focusing on one WSA seemed to be favored. MACD Vice President Dean Rogge said that he would try to research the issue of statewide versus one WSA and get back to us. It was also noted that some WSAs need to be wildernesses, others not, and still others, if they are to be wilderness, need boundary adjustments to make good management viable. The LAHC approved a motion to send the draft letter to the EQC. It was noted that their deadline was 28th August. Tiberi will follow up. Tiberi thanked the Beaverhead folks for joining the call today. Jeff Johnson, whose land borders Hidden Pasture Creek Wilderness Study Area, offered to meet on site and to sponsor a meeting in Beaverhead.

3. MACD’s newly hired Executive Director Rebecca Boslough was next on the agenda. She introduced herself to the LAHC, providing some of her background, and said that she was looking forward to working with the committee.
4. The LAHC approved a motion to accept the minutes of the 18th July 2020 conference call with one correction - the spelling of Supervisor Greg Jergeson’s surname. Task follow up from those minutes included:
 - i. Set LAHC meeting dates for the remainder of 2020 - the meetings are scheduled to start at 7:00 AM on the morning of the third Friday of each month for the remainder of 2020.
 - ii. Request each District to assign or volunteer a Supervisor contact for legislative issues. Dean asked Tiberi to complete this task.
 - iii. Ask Districts to let LAHC know when they will meet with candidates for the Legislature or Legislators. Tiberi will follow up with this also.
 - iv. Draft legislation that would require County Commissioner supervision of Conservation Districts. Tiberi reviewed this issue with the LAHC and asked MACD Board Member Gayla Wortman if she had heard any additional information, as this issue arose in Cascade County. Gayla had heard no news but volunteered to follow up. It appears that this will not be an issue at this time, but sometimes these things spin out of control, so we have to keep an eye on them.

5. Natural Resources Defense Council - DRAFT Montana Resolution on Soil Health Coordination: The Council had prepared a draft resolution for the Legislature that would require a study of soil health issues in Montana. They asked MACD for feedback. Here are the directions that the Council proposed:

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That soil health and clean water are important elements of the state's agricultural economy and building healthy soil is recognized as a priority for the State of Montana.

That to achieve the Determinations set forth by the Legislature in 2009 by the Montana Soil Survey Act, state agencies shall integrate soil stewardship and soil building practices into their programming, outreach, and data collection efforts.

That state agencies shall coordinate within their departments on soil stewardship programming, share information and data with other offices in their department, and share resources to maximize multi-benefit projects that build healthy soil.

That agencies shall improve knowledge and exchange information by collaborating across state and federal agencies in developing a cross programmatic healthy soil initiative; collecting and analyzing soil health data including healthy soil's impact on water quality and conservation, pesticide and fertilizer runoff, land use productivity, air quality outcomes, nutrition, and freshwater harmful algal bloom reduction; and expanding outreach and healthy soil programming to agricultural producers to implement best practices for long-term soil management and soil restoration.

That the Department of Natural Resources and Conservation (or the Montana Department of Agriculture) shall coordinate a multi-stakeholder task force including representatives from Tribal Governments, other state and federal agencies, state universities and Tribal colleges, conservation districts, farmer and rancher non-profit groups, farmers and ranchers, food system businesses, and other soil health stakeholders to discuss cross-cutting soil health, water quality, and conservation issues and solutions.

That the multi-stakeholder task force shall report back to the legislature and Governor no later than July 31, 2022 with a status report on soil health funding and programs; opportunities to increase coordination across agencies, conservation districts, and other stakeholders; and recommendations for how Montana can increase the implementation of soil health practices and advance soil health outcomes.

That state agencies shall coordinate with federal agencies, Tribal Governments, the university system, and conservation districts to optimize programming, data collection and analysis, technical assistance, public outreach and awareness, and research related to soil health.

Tiberi said that he had sent this to the Board of Directors of the Soil and Water Conservation Districts of Montana for comment, and they had none. He suggested that if this moves forward that Conservation Districts need to be seen in a leadership role, including possibly chairing the Task Force created by the resolution should it pass. There was discussion about our history with the Council and a recommendation for caution. The LAHC recognized the complexity of the issue and discussed this in detail. The LAHC agreed to monitor this issue as it progresses, and revisit this topic in the weeks ahead. If the resolution moves into the Session the LAHC will make a decision as to our position at that time. Tiberi will draft a response to the Council and run it by Jim and Dean and Rebecca for approval.

6. Water Policy Interim Committee (WPIC) comment period followup - Pat Riley. See <https://leg.mt.gov/committees/interim/2019wpic/meeting-info/> Pat reviewed the topics that were discussed by the WPIC and their requests for comments. He needed more information and mentioned that Senator Welborn was the Vice Chair of that committee. He said he would contact Senator Welborn to get more details. We will keep this item on the agenda for the September meeting. Note that any comments we'd like to send to the WPIC are due 10th September.
7. Follow-up and comments about Jeff Tiberi's July report - proposed changes, focus areas, format, additions, etc? The LAHC had no suggested changes for the monthly report.
8. Legislative Bill Flowchart: Tiberi presented a draft document that might be used by the Districts to see how the LAHC is dealing with legislation. The LAHC approved it and asked that it be distributed to the Districts.
9. Special Session update: Tiberi heard Speaker of the House Greg Hertz state that there will be no special session this year. He'll keep monitoring this but it appears to be a dead issue.
10. DNRC budget flowchart idea: Tiberi suggested that he work with DNRC to draft a state budget flowchart so the Districts can better see how the process works. This was approved.

11. Meet and Greet in 2021: Tiberi asked if he should move forward with this. Jim Simpson indicated that the date had already been reserved at the Montana Club and Tiberi will follow up with the caveat that MACD may cancel should circumstances dictate so.
12. Strategies if the Session is electronic: There was a general discussion about how an electronic Session could unfold, but no one at this time knows what it would look like. Personal relationships will be at a premium, thus making it imperative that individual Districts make a substantial effort to establish contacts with Legislators. Having the cell telephone numbers of your District's members of the State Legislature is number one priority. Hand written letters and postcards are effective. Tiberi was asked to prepare a one page document for the Districts that keynote these, as well as speaking points and our focus areas for the Session.
13. CARES Act aid for Conservation Districts: Tiberi met with Budget Director Tom Livers to discuss the cracks that Districts fell through regarding our ability to apply for assistance to carry out our mandates to serve the public during a pandemic. As it is now, Districts do not qualify for the assistance being offered. Director Livers has had meetings with the Montana Association of Counties (MACo) and asked them to help if possible. Tiberi will set up a meeting with MACo Executive Director Eric Bryson to get an update.
14. Comments from conference call participants not on the LAHC: There were no additional comments from others on the call.
15. Open mic: The 2021 Session was again a topic. DNRC mentioned the idea of a bill that would allow Districts with low populations to hire relatives if there are no other choices. Currently counties in similar situations have this exemption from nepotism policies and laws. This topic will be placed on the 18th September LAHC conference call.

DNRC has a draft bill about filling a vacancy in a District. It will be on the September agenda.
16. The next meeting of the Legislative Ad Hoc Committee is scheduled for Friday 18th September 2020, at 7:00 AM. All are welcome. Send Tiberi any agenda items you wish to include.

LETTER APPROVED TO SEND TO THE ENVIRONMENTAL COUNCIL:

Representative Jim Keane, Chair
Senator Mike Lang, Vice Chair
Montana State Legislature
Helena, Montana

Dear Chairman Keane, Vice Chairman Lang, and Members of the Council:

The Montana Association of Conservation Districts supports your inquiry into Wilderness Study Areas.

We noted that your report mentions WSAs under the control of the Bureau of Land Management. We'd like to expand on that, as they are the subject of our comments.

In 2006 the Conservation Districts passed a resolution focused on the Hidden Pasture Creek Wilderness Study Area, west of Dell, Montana. The resolution may be seen in its entirety below. The resolution outlined several practical issues that, 14 years later, are still vexing the community. These seem to be issues that could be addressed with a common sense approach by all the parties.

We note that our Congressional Delegates seemed to be asking for Montanans to come up with ideas for solutions. Please note that Montana's 58 Conservation Districts and our more than 400 volunteers in every county in the state stand ready and willing to work through this issue and find practical and collaborative solutions.

Please let me know if you need additional details or have any questions.

Sincerely,
Jim Simpson, President
Montana Association of Conservation Districts

**Resolution 06-10: Request the United States Congress to Remove Hidden Pasture Creek
Wilderness Study Areas from Wilderness Study Designation**

- Year: 2006
- Committee: [Soil and Land Use](#)
- Topic: [Public Lands](#)
- Area Originating From: Area 6
- General Session Action: Passed
- Submitted by: Beaverhead Conservation District

WHEREAS, The Bureau of Land Management's (BLM) wilderness study recommendations to Congress from the President of the United States, in January of 1993, was to exclude the Hidden Pasture Creek Wilderness Study Area (WSA #MT-076-022) located west of Dell, Montana, total acreage 15,509; and

WHEREAS, this area has been basically set aside as wilderness as a result of inaction for over 13 years making it difficult, and in some cases impossible, for the residents of Southwest Montana to conduct business in this area; and

WHEREAS, the southern boundary of this WSA is the county road which has historically been, and remains, the principle transportation route for those living and using the Big Sheep Basin for ranching and recreation and by the BLM, the Department of State Lands, and the United States Forest Service; and

WHEREAS, the local electric cooperative (Vigilante Electric), in the process of providing electrical service to the area, has their power line criss-cross over the road because the canyon is narrow, crooked and very steep, thereby putting portions of the line in the WSA which subjects the utility to all the WSA restrictions thereby limiting the access maintenance, repair or improvement to this line; and

WHEREAS, the WSA designation precludes the Beaverhead County Road Department from addressing transportation safety issues such as being able to widen the road to prevent head-on and side-swipe accidents which have involved travelers unfamiliar with the road, area ranchers and even the Lima School bus, which travels this gravel road twice daily when school is in session; and

WHEREAS, the only suitable, angular-shaped rock that meets NRCS standards in the southern half of Beaverhead County that is accessible to larger dump trucks and machinery is located immediately along the north side of the county road in the WSA; and

WHEREAS, one local rancher's center pivot crosses approximately 2.5 acres of land included in the WSA while at the same time 8 acres of his deeded land is within the WSA, causing said landowner, at great expense (after the fact), to install 2 barricades and an auto-reverse option to keep the pivot from crossing that portion of the WSA because the BLM will not trade the two parcels or permit the landowner an agricultural use lease even though said landowner is allowed to travel through the area on an improved gravel road and flood irrigate said area; and

WHEREAS, the east boundary of the WSA is within 5 miles of the town of Dell, Interstate 15, Highway 91, the Union Pacific Railroad track, and has historically, since the early 1900's, been used for logging, coal mining and therefore has numerous old roads as well as the rock quarry that has been utilized by residents, local contractors, the Beaverhead County Road Department and the Union Pacific Railroad for decades; and

WHEREAS, area residents, the local telephone and electrical utilities, and the commissioners of Beaverhead County have written letters and sent petitions to our State Senators and Representatives asking that the Hidden Pasture WSA be released from further wilderness consideration, as per BLM recommendations;

THEREFORE BE IT RESOLVED, that the Montana Association of Conservation Districts be in favor of and pledge its support for these groups requesting, during the next session of the United States Congress, that the Hidden Pasture Creek WSA number MT-076-022 be removed from any further wilderness study designation.