

DRAFT Minutes of the
MACD LEGISLATIVE AD HOC COMMITTEE

Conference call
Friday, 18th September 2020



A couple of the wild horses near Pryor. A friend of mine took this photo. Neither Conservation Districts nor MACD have been involved in this issue in any great detail, subject to change. See <https://macdnet.org/resolutions/11-02-wild-horse-burro-introduction/>

1. In attendance: Jim Simpson, Jeff Pattison, and Greg Jergesen. Staffed by Jeff Tiberi. Other participants included: Ron Stoneberg from Valley CD, Byron Martinell from Beaverhead CD, Liv Stavik from MRCDC, Laurie Zeller from DNRC, Sarah Hitchcock from Milk River, and Dan Rostad from YRCDC.
2. The minutes of the 21st August LAHC conference call were approved without changes.
 - a. Ten tasks needed follow up from those minutes:
 - i. **EQC follow up:** A letter about Wilderness Study Areas was sent to EQC, here is a link to the Allen Martinell letter and other formal comment letters

received by EQC (see

<https://leg.mt.gov/content/Committees/Interim/2019-2020/EQC/Meetings/sept-2020/WSA-comments.pdf>), Rebecca's testimony to EQC was

recorded and may be heard on the EQC webpage at some point in the future, Beaverhead Conservation District sent detailed comments about the Hidden Pasture WSA to MACD as requested by MACD President Jim Simpson, MACD Vice President Dean Rogge was advised that MACD should focus on addressing one WSA at a time instead of trying to address all the WSAs in Montana at once. Valley County CD has WSAs that they might want included in this issue. Jim Simpson suggested that they work through the resolution process next go around. Tiberi suggested that MACD send a copy of the final WSA EQC report to each Congressional Delegate, that we include our resolution from 2006, and that each letter be signed by Rebecca as a means to introduce herself. Tiberi offered to draft those letters, and the LACH agreed to proceed in this direction.

- ii. **Request to notify LAHC ref Conservation District meetings with Legislators:** Tiberi sent this request to Districts in an email dated 26th August, mentioned it in the minutes of the 21st August LAHC conference call, and included it in his August report. Information about meetings is trickling into the office.
- iii. **County Commissioner supervision of Conservation Districts:** No news.
- iv. **NRDC DRAFT Soil Health Resolution:** A letter was sent to the Natural Resources Defense Council regarding their resolution about soil health, indicating that we would continue to monitor their resolution.
- v. **Water Policy Interim Committee (WPIC) followup.** Pat Riley has been dealing with fire issues and was not available to update the LAHC about a number of water issues. Tiberi reported that he had not listened in on the recent WPIC meeting, as the agenda only had one topic of interest - the Nutrient Work Group - and he was double booked that day. However, after the WPIC meeting Supervisor Ron Stoneberg notified Tiberi that Ron had participated in the public comment portion of the WPIC to address issues surrounding vested surface stockwater rights. Details may be seen in the proposed resolution that is on the MACD website <https://macdnet.org/2020/resolutions-submitted-for-consideration-at-the-macd-2020-convention/> This issue is reported on in more detail later in this document. NOTE: The WPIC will meet again on 13th October 2020.
- vi. **Legislative Bill Flowchart:** Sent to Districts. LAHC made one change today and it is included in the updated flowchart that may be seen in its entirety at the end of these minutes.
- vii. **DNRC budget flowchart idea:** No action.

- viii. **Meet and Greet in 2021:** Working with Montana Club ref details. Melissa found the file and Tiberi has all the details from 2019.
- ix. **Strategies if the Session is Electronic:** Quote from the August minutes: *“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. Handwritten 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.”* No action yet.
- x. CARES Act aid for Conservation Districts: Good News! More than \$100,000 is available for Conservation Districts! About 20% of the Districts have applied for the funds as of this writing. Jim mentioned that there will be a request for equipment totaling more than \$33,000.

3. New Business:

- a. Supervisor election law - Bureau Chief Laurie Zeller. See https://leg.mt.gov/content/Committees/Interim/2019-2020/State-Administration-and-Veterans-Affairs/Meetings/Oct-2020/PD0007_SS.pdf Laurie detailed the history of this issue and said that the bill passed out of the State Administration and Veterans Affairs Interim Committee (SAVA) and is moving forward. She mentioned some wordsmithing that might need to be accomplished before it goes much further, but at least it is in the pipeline.
- b. Nepotism issue - Bureau Chief Laurie Zeller. There are concerns about a few Districts that have had issues with staff related to Supervisors, thus being in conflict with the state’s nepotism laws. Currently county governments in counties with a low population have an exemption and may hire relatives. There was a lengthy discussion of the pros and cons of moving forward with this issue at this time, including timing, highlighting the issue at Area Meetings, and polling the Districts. Jim recommended that unless there is a more firm sense of direction from the Districts, that this issue be pushed into the 2021 resolution process so that the Districts have more time to discuss the pros and cons. Laurie noted that 35 Districts could be impacted if we followed the county government statute regarding this issue.
- c. Growth Through Agriculture Program: Tiberi mentioned that he saw what could be a platform position from the governor’s race to increase the funds that are available in the Growth Through Agriculture Program. As many know, Districts

share a funding source with this program. See (4) The amount of 3.77% in fiscal year 2020 and 3.71% in fiscal year 2021 and in each fiscal year thereafter must be allocated to the department of natural resources and conservation for conservation districts and deposited in the conservation district account established in **76-15-106**.

(5) The amount of 0.79% in fiscal year 2020 and 0.82% in fiscal year 2021 and in each fiscal year thereafter must be allocated to the Montana Growth Through Agriculture Act and deposited in the growth through agriculture account established in **90-9-104**.

https://leg.mt.gov/bills/mca/title_0150/chapter_0350/part_0010/section_0080/0150-0350-0010-0080.html

Concern was expressed about the source of the increased funds for the Growth Through Agriculture Program, and it was pointed out that both platforms would like to see more funds for agriculture. The LAHC advised that we monitor this issue and wait until after the election to see which direction it heads.

Tiberi rapidly covered items (d), (e), and (f), seen below, as they appear with the limited information that we have to not impact Districts in a significant manner. Tiberi was directed to keep monitoring these bills.

- d. DNRC proposed legislation for 2021:
<https://leg.mt.gov/content/Committees/Interim/2019-2020/EQC/Meetings/sept-2020/agency-legislative-proposals-dnrc.pdf> The majority of these proposals deal with AIS management, with one irrigation issue.
- e. DEQ proposed legislation for 2021:
<https://leg.mt.gov/content/Committees/Interim/2019-2020/EQC/Meetings/sept-2020/agency-legislative-proposals-deq.pdf> One bill addresses source water protection zones that may or may not impact Districts - more research is needed.
- f. MT FWP proposed legislation for 2021:
<https://leg.mt.gov/content/Committees/Interim/2019-2020/EQC/Meetings/sept-2020/agency-legislative-proposals-fwp.pdf> It appears there are no issues directly related to Districts.
- g. U.S. Army Corps of Engineers ref mitigation concerns (in-lieu, self mitigation, mitigation banks). This summary is from Dan's presentation to the LAHC, but contains some of my memories of his email summary and my attendance at the Corps meeting. - Dan Rostad from the Yellowstone River Conservation District Council summarized a meeting with Sage Joyce, the newly appointed Montana Program Manager for the U.S. Army Corps of Engineers in the Omaha District. She happens to be from Kalispell, and all at the meeting were pleased to hear that she has first hand knowledge of Western waters and Western issues. The idea of the meeting was to get to know each other and discuss ways to improve the

permitting process as it relates to mitigation options. Concern was expressed that, in at least one project, costs for the actual on-the-ground project nearly equalled the costs paid to a mitigation bank to mitigate for impacts. This issue will continue to be discussed with what was hoped will be more frequent meetings and information exchanges. Dan wrote a summary of the meeting and if you'd like a copy please contact him directly. It was suggested that this issue be on the MACD Board of Director's call at some point in the future. Regarding the LAHC's role in this, the CoE's nationwide permit process is out in a 60-day comment period. Both river councils expressed interest in commenting on the document, as did MACD. Aaron, who works for the YRCDC and was at the meeting, was asked to start the research on possible comments. LAHC may play a role in formulating the MACD comments, should the board decide to comment. Here are a few details that may be of interest (NWP is short for nationwide permits):

National Issues Concerning the Proposed NWPs: The Federal Register notice is the public's opportunity to comment on the proposed NWPs, general conditions, and definitions. Comments on national issues relating to these NWPs should be submitted to docket number COE-2020-0002 at www.regulations.gov, or by email to nationwidepermits2020@usace.army.mil or by mail to Headquarters, U.S. Army Corps of Engineers, Directorate of Civil Works, ATTN: CECW-CO-R, 441 G Street, N.W., Washington, D.C. 20314-1000. Instructions for submitting comments are provided in the September 15, 2020 Federal Register notice. Comments on the proposed NWPs are due by **November 16, 2020**.

Federal Register - Proposal to Reissue and Modify Nationwide Permits

<https://www.federalregister.gov/documents/2020/09/15/2020-17116/proposal-to-reissue-and-modify-nationwide-permits>

- h. Tiberi said that he will participate in field meetings starting in October with the MACD president, vice president, and executive director. The idea is to get out across the state and meet our people in the Districts face-to-face so they can meet Rebecca, taking into account the status of the pandemic. ***(UPDATE: The first meeting will be 16th October in Lewistown, assuming arrangements can be made. All are welcome and any District near Lewistown is especially encouraged to participate. Details from MACD to follow.)***
- i. Interim Committee updates and status. The interim committees appear to be wrapping up their work this month, although we heard that the Water Policy Interim Committee will meet again in October. Tiberi pointed out that Districts have to watch the activities of 8 of the 13 interim committees. This is a list of all the committees and the ones that do or may touch Districts are in red ink: Children, Families, Health, and Human Services, Economic Affairs,

[Education](#), [Energy and Telecommunications](#), [Environmental Quality Council](#), [Information Technology Planning Council](#), [Law and Justice](#), [Local Government](#), [Revenue](#), [State Administration and Veterans' Affairs](#), [State-Tribal Relations](#), [Transportation](#), [Water Policy](#)

- j. 2020 MACD Resolutions Update - Tiberi walked through the seven proposed resolutions received by MACD. It appears that the two resolutions from Valley County Conservation District, as well as the Flathead one, are in his bailiwick, assuming they are passed in the sponsoring Area as well as at the MACD Convention. See <https://macdnet.org/2020/resolutions-submitted-for-consideration-at-the-macd-2020-convention/> for details.
In regards to the [VALLEY CD: Resolution on Basic Adjudication and Water Rights](#), Supervisor Stoneberg said that after his presentation to WPIC, the Chairman of the WPIC asked Ron to work with MACD regarding this issue. Ron went into details with us about the resolution, followed by a lengthy discussion about the history and issues surrounding water in Montana, a very complicated subject. Jim Simpson thanked the participants for providing a detailed history, and suggested that a similar conversation will hopefully take place at the Area Meeting when the resolution will initially be voted upon.
 - k. Core Partners Update ref legislative issues - Jim reported that there were no notable legislative issues that arose during this meeting, other than what may be seen in number 6 below.
 - l. Bill draft requests: Tiberi reported that there are 350+ bill draft requests on the Legislator's website. See [http://laws.leg.mt.gov/legprd/LAW0217W\\$BAIV.return_all_bills?P_SESS=20211](http://laws.leg.mt.gov/legprd/LAW0217W$BAIV.return_all_bills?P_SESS=20211) Tiberi's initial look through these shows that 30 **possibly could** have an impact on Districts.
4. Comments from conference call participants not on the LAHC: Liv Stavik mentioned that at the 2019 Session there was a bill to examine all revenue sources. She asked if we knew the results of that bill. Liv and Tiberi agreed to look into this for details.
 5. Live mic - Tiberi asked all to be cognizant of the "unaware live mic" issue, as he had a recent live microphone experience, not unpleasant, where he thought that the mic was dead. With the improvement in electronics over the years, making them more sensitive, and the focus on negative news, we need to pay attention to this issue.

6. Open mic - Jim brought up the funding of Districts issue. The idea of a study by one of the interim committees was discussed in detail. Jim was advised that the funding issue should be addressed at this Session, but this may not be possible. It was pointed out that this may be a double edged sword, as the results may be different than ones hoped for. The ROI, or “return on investment” for the tax dollars spent to have Conservation Districts in Montana was discussed. What if Districts disappeared? What would happen? We need to better tell our story, the services we provide, the value to our communities and the greater Montana, the impact on local economies, the impact on water and soil resources, etc. The brochure from last Session that addressed some of these issues was of value, and it is on our work plan to update. This issue will go to the MACD Board of Directors for discussion, but likely may return to the LAHC. Tiberi pointed out that there is a resolution regarding this issue from a dozen years ago. See <https://macdnet.org/resolutions/08-02-operational-funding-for-conservation-districts/>
7. Adjourn: This call lasted just under two hours. Thank you to the Supervisors who volunteer their time to serve Montana.

PLEASE USE THIS FLOWCHART AS THE FINAL PRODUCT CONCERNING LAHC ACTIVITIES.

**MONTANA ASSOCIATION OF CONSERVATION DISTRICTS
LEGISLATIVE ACTION FLOWCHART
2021 SESSION**

This flowchart describes how the Legislative Ad Hoc Committee will function regarding bills and rumors of bills that may occur before or during the upcoming 2021 Session.

1. MACD becomes aware of a bill or rumors of a possible bill that could impact Conservation Districts

How? From a District, from a Legislator, in the news media, from a meeting you attended, etc. The most important part of this is that the information gets to the LAHC as quickly as possible.

2. The bill or rumors of a possible bill are placed on the LAHC agenda for discussion. LAHC currently meets via conference call once per month prior to the Session and weekly during the Session.
3. Meetings are open to all Conservation Districts and announced on the MACD website and in the District Dispatch.
4. LAHC reviews the bill and decides to support, oppose, act as an informational witness, or have no position. This decision will be based on adopted resolutions or policies that the Conservation Districts have in place, and a checkback with the originating District. In some instances, when there is no clear direction, LAHC will seek immediate input from individual Districts that are impacted by the bill. Notification of the LAHC action will be sent to all Districts for comment and input, recognizing that timing may be critical.
5. LAHC will inform the Districts about their decision.
6. LAHC will devise a strategy for supporting or opposing a bill. This could include seeking a sponsor, contacting or meeting with committee members from the committee that will hear the bill, engaging the Districts to make local contacts regarding the bill, developing position papers that outline the support/opposition to a bill, or other means to get our points across.
7. Supervisors may be asked to testify in support of or in opposition to bills during the Session.