



TREASURE STATE
RESOURCE INDUSTRY ASSOCIATION

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TSRIA NEWS
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*Merry Christmas
and Happy New Year to All*



*Perhaps the best Yuletide decoration is being wreathed
in smiles. Author Unknown*

2016 TSRIA Annual Meeting Date Set – September 12-13, 2016 Great Northern Hotel, Helena, MT

It's never too early to start planning for next year. One important date you are going to want to get on your calendar is the 2016 TSRIA Annual Meeting. The Board of Directors has set the annual meeting date for September 12-13th in Helena. We'll be meeting at the Great Northern Hotel. The date and location were selected to coincide with key legislative interim committee meetings, as well as to capitalize on activities associated with the 2016 election cycle. Our goal is to further our issue education efforts in advance of the 2017 Legislative Session.

Montana Sage Grouse Oversight Team Meets in Helena

The Montana Sage Grouse Oversight Team (MSGOT) charged with carrying out the requirements of the Montana Greater Sage Grouse Stewardship Act met in Helena on November 17th. Agency representatives provided an update on progress implementing the state's conservation strategy.

A key action item was consideration of the draft administrative rule that would provide guidance in administering the Stewardship Fund Grant Program aimed at "maintaining, enhancing, restoring, expanding, or benefiting sage grouse habitat and populations for the heritage of Montana and its people." The statute itself provides very detailed direction, but a few clarifications are needed to carry out the grant making process.

With passage of the legislation, an account was established in the state special revenue fund to create a competitive grant funding program to facilitate free-market mechanisms for voluntary, incentive-based conservation measures on private lands (and public lands as needed) in sage grouse core areas, general habitat or connectivity areas. Grants can be provided to "organizations", not individuals. As defined in the proposed administrative rule, an organization is "a private entity registered with the Montana Secretary of State authorized to conduct business in the state of Montana."

The proposed rule will be published in the December 10, 2015 Montana Administrative Register. The Governor's Office will hold three public meetings on the proposed rules: January 6 in Malta, January 7 in Roundup and January 11 in Dillon. Public comment will close on January 22, 2016 and the MSGOT is anticipating it will adopt the final rule at their February meeting. They hope to start awarding grants in March.

MSGOT will meet again on December 15th in Helena. At that time they will review documents establishing grant making procedures and providing guidance and instructions to applicants.

Individual agencies will be implementing other procedural changes and/or proposing changes to administrative rules governing programs affected by the Sage Grouse Conservation Strategy.

Montana Chamber of Commerce Establishes Infrastructure Coalition

In the wake of failed efforts to fund infrastructure projects in the last two legislative sessions, the Montana Chamber of Commerce has taken the lead in bringing together a diverse mix of organizations to prepare for 2017. Whether it be roads and bridges, water and sewer projects, or other needs participants all agreed it was important to get an early start on preparing a game plan for the next legislature – and beyond.

Participants established four subcommittees to lay the initial groundwork. One will define the coalition's "organizational" structure and work plan. Another will develop a common understanding of what is meant by "infrastructure" and craft a message that can be shared by all participants. The Funding Subcommittee will research current and potential funding sources for infrastructure and help prioritize the coalition's focus. The fourth subcommittee will assist in fundraising and securing financial commitments to carry out the coalition's efforts.

Those interested in participating or learning more about this effort can contact Glenn Oppel, Government Relations Director for the Montana Chamber at 406-442-2405, Ext. 104 or by email at glenn@montanachamber.com.

Asbestos Advisory Group Prioritizes Focus Areas

The Asbestos Advisory Group established by the Montana Department of Environmental Quality to provide recommendations on topics related to asbestos regulation has been meeting on a monthly basis since August. In addition to receiving briefings on applicable federal and state statutes and rules, the Group has been working on developing a process for prioritizing key issues for further research and consideration relative to potential recommendations.

Four focus groups were established to address the topic areas outlined in the legislation that led to the appointment of the Advisory Group. They are: State & Federal Regulations, Permitting, Funding, and Enforcement & Cleanup. At the request of group members, the Department provided a list of potential topics based on input they have received or areas they have identified where more clarity is needed.

At the December 2, 2015 meeting the Advisory Group began prioritizing issues for more in

depth consideration. These may not necessarily result in any substantive recommendations, but provide an avenue for moving the process forward. Those initial priorities are:

State and Federal Regulations: Definitions of facilities, ie. bridge, water tower, swimming pool, AC pipe and other infrastructure; State-Federal asbestos program equivalency and stringency; and the relationship between inspection, sampling and analysis.

Enforcement and Cleanup: Fines for demolishing or renovating a building without a thorough inspection (currently a warning letter for most incidents) and Examination of whether a clean-up standard is needed for soils (not for naturally occurring asbestos but those affected by activities).

Permitting: Tiered permitting system based on length of permit and Examination of Montana's minimum threshold for asbestos abatement.

Funding: Flat fee for non-friable potential asbestos containing material removal projects (an insurance policy in that if circumstances result in the contractor needing to get a permit, they could continue to work under this notification). Other topics were identified in the draft rule noticed earlier but not adopted by DEQ and the Advisory Group will review those in more detail at their next meeting.

Other topics to be explored further include the potential for adding a check box on building permits that substantiates an asbestos inspection has been done. Since few counties issue building permits, this would primarily impact municipalities.

Anyone who has suggestions or input concerning any of the above topics can contact Peggy Trenk, TSRIA's Executive Director at 406-461-9945 or by email at ptrenk@tsria.net.

Information about the Asbestos Advisory Work Group and its activities can be found on the DEQ website. The Group's next meeting is January 6th from 1:30 – 3:30 pm. in Helena.

SB 325 Rulemaking Stakeholder Group to Meet in January, 2016

The 2015 Montana Legislature passed SB 325 (MCA 75-5-222) that addresses regulation for natural conditions in state water bodies. Specifically, the language of the statute reads:

- (1) The department may not apply a standard to a water body for water quality that is more stringent than the nonanthropogenic condition of the water body. For the parameters for which the applicable standards are more stringent than the nonanthropogenic condition, the standard is the nonanthropogenic condition of the parameter in the water body. The department shall implement the standard in a manner that provides for the water quality standards for downstream waters to be attained and maintained.*

- (2) (a) *For water bodies where the standard is more stringent than the condition of the water body but subsection (1) is not applicable, the board shall adopt rules consistent with comparable federal rules and guidelines providing criteria and procedures for the department to issue variances from standards if:*
- (i) *the condition cannot reasonably be expected to be remediated during the permit term for which the applicable for variance has been received; and*
 - (ii) *the discharge to which the variance applies would not materially contribute to the condition.*
- (b) *A variance issued pursuant to subsection (2)(a) must be reviewed every 5 years and may be modified or terminated as a result of the review.*

Nonanthropogenic refers to the naturally occurring condition of the water.

The Montana Department of Environmental Quality (DEQ) is charged with writing rules for SB 325. In order to establish rules that are the “most implementable”, DEQ has established a working group to review the draft language. The group will hold its first meeting on January 21, 2016 at 1:30 pm. in the Metcalf Room at the DEQ office building in Helena. Participants are expected to include representatives from timber, mining, agriculture, industry, municipalities, conservation districts, and environmental interests. TSRIA will be represented by Executive Director Peggy Trenk.

Feds Extend Comment Period On Plan to Close Areas to Mining

Source: Helena Independent Record
By Keith Ridler, Associated Press

The U.S. Bureau of Land Management has extended the public comment period on the agency’s plan to withdraw 10 million acres of public lands in six western states from potential mineral extraction to protect habitat for the greater sage grouse.

The comment period will last about three additional weeks to January 15 with public meetings scheduled in Idaho, Montana, Nevada, Oregon, Utah and Wyoming in December.

The BLM is seeking comments ahead of creating an Environmental Impact Statement before making a final decision on whether to withdraw the public lands for 20 years.

Some aspects federal authorities want to analyze include the economic effects of withdrawing the lands, wilderness characteristics, American Indian resources, mineral resources and recreation...

The proposed withdrawal of the lands – subject to an 1872 mining law meant to encourage development of Western land – is part of new U.S. policies announced in September. At the

same time, the U.S. Fish and Wildlife Service said sage grouse didn't need federal protections under the Endangered Species Act.

Under the 1872 mining law, federal officials don't have the discretion to deny mining claims. Withdrawing the 10 million acres from being subject to that law would allow BLM officials to block mining claims.

The 10 million acres are already under a two-year freeze from new mining claims while the BLM prepares its Environmental Impact Statement. The freeze doesn't affect mining claims already in place...

How much, if any, would end up being set aside is unclear...

Montana Public Meeting Date:

The public meeting concerning the proposed mineral withdrawal is set for **December 16, 2015** from 2:00 – 4:00 pm. at the Great Northern Hotel, 2 South 1st Street East in Malta.

Written comments can be submitted prior to the January 15th cut off date to:

BLM Director
1849 C Street NW (WO-200)
Washington, D.C. 20240

Comments can be submitted electronically to: sagebrush_withdrawals@blm.gov

Governor Bullock Creates Clean Power Plan Advisory Council

On November 12, 2015 Montanan Governor Steve Bullock issued an executive order creating the interim Clean Power Plan Advisory Council. The Council will gather information and provide recommendations on policies and actions necessary for the State of Montana to comply with the new federal rule.

EPA finalized its Clean Power Plan rule on October 23, 2015. The final rule was changed from that proposed in 2014, setting Montana's requirement for reducing CO2 emissions at 47%, the highest level in the country. Reductions must be achieved by 2030.

The Governor's order anticipates 25-28 participants on the advisory council representing interests such as coal-fired power plant owners and investor-owned utilities, conservation and environment, hunters and anglers, electric cooperatives and large industrial electric customers,

organized labor, renewable energy, energy efficiency, tribal, coal mining, Public Service Commission, Montana Consumer Council and the Legislature. While not specifically included in the order, agricultural and other business interests have also asked to be included given the wide-ranging impacts of the proposed rule. Applications to serve on the Council were due November 30th. Appointments should be announced soon. Several TSRIA members have applied.

Council recommendations will be due by July 2016. The Montana Department of Environmental Quality must file an Initial Submittal and request for extension next September.

Upcoming Events/Dates

December 15, 2015 Montana Sage Grouse Oversight Team Meeting Helena, MT
January 11 – 12, 2016 Water Policy Interim Committee Helena, MT
January 13-14, 2016 Environmental Quality Council Helena, MT
January 13-14, 2016 MT Chamber of Commerce Business Days Great Northern Hotel, Helena, MT
January 14, 2016 111(d) (Clean Power Rule) Legislative Subcommittee January 15, 2016 Energy & Telecommunications Interim Committee Helena, MT