



TREASURE STATE
RESOURCES ASSOCIATION
OF MONTANA

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TREASURE STATE RESOURCES ASSOCIATION NEWS

January 2017

Treasure State Resources Association 2017 Legislative Reception and Showcase of Montana's Natural Resource Industries A Success – Thank You To Sponsors

The weather may have been less than inviting on January 3rd, but that didn't stop well over 100 Montana legislators and their guests, numerous TSRA members, and others from spending their evening at the Radisson Colonial Hotel in Helena visiting with the many showcase exhibitors who highlighted the Association's commitment to responsible use and development of our natural resources. Whether it regarded agriculture, energy, timber, mining, motorized recreation, labor, or transportation there was something to be learned from the information and displays. The "Showcase" was great way to kick off the session.

TSRA would like to acknowledge the official event sponsors, as well as the exhibitors for making the event a success. The 2017 Showcase Sponsors were as follows:

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Other exhibitors included: Citizens for Balanced Use, F.H. Stoltze Land & Lumber Co., MT Petroleum Association, MT. Grain Growers Association, Tintina Resources, MT. Agribusiness Association, MT. Stockgrowers Association, MT. Trail Vehicle Riders Association, MT. Water Resources Association, and the MT. Wood Products Association.

Public Comment Open on Proposed Rules for Sage Grouse Mitigation and Development of A Tool To Quantify Habitat

The Montana Sage Grouse Oversight Team is accepting public comment on proposed administrative rules relating to mitigation and development of a tool to quantify habitat.

See <https://sagegrouse.mt.gov/msgot.html>. Click on "Secretary of State Website" to navigate to the proposed rules, as published in the Montana Administrative Register on December 23, 2016.

Three public hearings are scheduled: January 12 (Dillon), January 16 (Roundup) and January 17 (Malta). Locations are noted in the proposed rule. All hearings will start at 2:00 p.m. and public comments will be accepted after an explanation of the proposed rules.

Comments can be submitted electronically using the public comment tool button at: <https://sagegrouse.mt.gov/msgot.html>. Either type a comment in the text box or upload an attachment/s.

Written public comment can also be submitted through postal mail at: Carolyn Sime, Sage Grouse Habitat Conservation, P.O. Box 201601, Helena, MT 59620-1601.

Comments may be faxed to: 406-444-6721.

All comments must be received no later than 5:00 pm., January 23, 2017.

As reported last month, a group of stakeholders representing a wide range of interests including federal and state agencies, industry, and conservation groups has helped craft the proposed rule language and is working together to develop the methodology needed to assess habitat. The rules are needed to continue implementing the state's habitat conservation strategy.

The Montana Sage Grouse Habitat Conservation Program works to sustain viable sage grouse populations and conserve habitat, enabling Montanans to maintain control of their lands, wildlife and economy by avoiding a listing of the greater sage grouse under the federal Endangered Species Act.

Public Comment Also Open on Proposed Changes to Water Quality Rules/Standards

The Board of Environmental Review (the Board) and the Department of Environmental Quality (DEQ) have proposed amendments to ARM 17.24.645, 17.24.646, 17.30.502, 17.30.607, 17.30.608, 17.30.609, 17.30.610, 17.30.611, 17.30.619, 17.30.621, 17.30.622, 17.30.623, 17.30.624, 17.30.625, 17.30.626, 17.30.627, 17.30.628, 17.30.629, 17.30.641, 17.30.646, 17.30.650, 17.30.651, 17.30.652, 17.30.653, 17.30.654, 17.30.655, 17.30.656, 17.30.657, 17.30.702, 17.30.715, 17.30.1001, 17.30.1007, 17.30.1322, 17.36.345, 17.55.109, 17.56.507, and 17.56.608 pertaining to ground and surface water monitoring, definitions, use and classification standards and adoption by reference of revisions to Department Circular DEQ-7.

An electronic copy of the rule notice/notice of public hearing and proposed changes to DEQ-7 may be obtained at <http://deq.mt.gov/Water/WQPB/Standards> or by contacting Amy Steinmetz at the Department of Environmental Quality, Metcalf Building PO Box 200901, Helena, MT 59620-0901; 406-444-0371 fax 406-444-6836; Email: asteinmetz@mt.gov.

The proposed changes are necessary to adopt by reference several proposed changes to DEQ-7 including grammar, wordsmithing, and technical edits, error corrections, and reference updates. Additionally the Board proposes adopting 80 new and updated National Recommended Water Quality Criteria (NRWQC) for the protection of human health, 67 updated pesticide health

advisories recalculated based on EPA's new human exposure inputs, five new pesticide health advisories, five updated maximum contaminant levels (human health), and two new NRWQC for the protection of aquatic life. The Board proposes updating the sources of information for 17 human health criteria; the toxic and carcinogenic categories of four pollutants; and removing the references to four narrative criteria in ARM 17.30 subchapter 6.

The proposed revisions to Subchapters 6 and 7 of the water quality rules fall into four categories:

- (1) addition of "most probable number" (mpn) as acceptable units for E. coli measurements;
- (2) modification of surface water classifications to more specifically define drainages subject to each classification by latitude and longitude for use classification start and end points and to remove tribal waters from Montana's use classifications because Montana does not have jurisdiction over tribal waters and recognizes standards imposed by the jurisdictional agencies for these waters;
- (3) incorporation by reference of the compliance schedule authorizing provision in the Montana Pollutant Discharge Elimination System rules, and amendment of the 40 CFR 136 reference in several rules to the more current 2015 version of the regulation; and
- (4) clarification in the nondegradation rules that the Clark Fork River is subject to nondegradation review for nutrients.

TSRA Legislative Breakfast Meeting Held Weekly Each Thursday at 7:00 a.m. at the Montana Contractors' Association Office located at 1717 11th Avenue in Helena, MT

Attendees share information about legislation or other issues that impact the use of our natural resources. TSRA will make arrangements for "breakfast" each week and participants will be invoiced for their share of the costs at the end of the session. Questions can be directed to Peggy Trenk at ptrenk@tsria.net.

While the state budget is drawing the most interest, TSRA is tracking nearly 400 bill draft requests touching on environmental, energy, and other regulatory issues. While many of those will not be introduced, the Association strives to be source of information for our membership throughout the legislative process. We'll be posting more information about bills and upcoming hearings on our website at treasurestateresources.org

Those interested in learning about upcoming hearings, researching bills or simply watching the House and Senate floor sessions can find that information on the Legislature's website at: leg.mt.gov. Also check out : <https://legiscan.com/MT> for other information about introduced bills, including "the hottest" topics.

US Considers Mining Limits

Source: Independent Record 12/30/16 By: Dan Elliott, AP

DENVER – The Obama Administration offered five possible plans for limiting mining on federal land in the West to protect vulnerable greater sage grouse, but didn't say which it prefers.

The options range from banning new mining activity on about 15,000 square miles for up to 20 years to imposing no additional restrictions on mine locations.

The rules would affect sage grouse habitat on federal land in Idaho, Montana, Nevada, Oregon, Utah and Wyoming.

Under all the options, mining and exploration projects already approved or underway could proceed. Energy companies could still extract gas from any restricted lands, but they would have to use directional drilling from some distance away to avoid disturbing the surface. After a public comment period ends in March, President-elect Donald Trump's administration will decide which option to choose, if any.

It's not clear yet whether Trump, or his choice for Interior Secretary, Republican Rep. Ryan Zinke of Montana, would continue to pursue the current sage grouse conservation plans, modify them or scrap them.

Also unclear was why the federal government did not list a preferred alternative for mining restrictions, which it normally does in this kind of review.

Randi Spivak of the Center for Biological Diversity said all mining is harmful to sage grouse...

REMINDER – Upcoming Public Meetings on Draft Helena – Lewis and Clark National Forest Revised Forest Plan

The Helena-Lewis and Clark National Forest has announced the release of the draft revised plan for managing the forest. The comment period will open once the Notice of Intent is published in the Federal Register in the next few days and last for 120 days.

The plan analyzes the forest's 2.9 million acres and sets the stage for future uses such as recreation, timber, wildlife, and mining. It sets standards and guidelines for achieving "desired conditions" or goals for future management. Once review of the draft plan is complete, the Forest Service will issue a set of alternatives that again will be subject to public comment. The current timeline for completion is the Fall of 2018.

A series of public meetings have been scheduled to provide updated information on the forest plan revision process, offer an overview of the proposed action, and allow opportunities for the public to ask questions and share information. The current meeting schedule is as follows:

Workshop Location	Date	Time	Venue
Lincoln	January 23, 2017	5-7 pm	Lincoln Community Center, 1569 Highway 200
Helena	January 24, 2017	4-7 pm	Radisson Colonial Hotel, 2301 Colonial Drive
Townsend	January 25, 2017	5-7 pm	Townsend Library, 201 N. Spruce Street
White Sulphur Springs	January 26, 2017	5-7 pm	WSS High School Library, 15 1st Ave. SE
Harlowton	January 30, 2017	11-1 pm	Harlowton Library, 13 Central Avenue North
Stanford	January 30, 2017	5-7 pm	Stanford City Hall, 102 Central Avenue
Great Falls	January 31, 2017	4-7 pm	Great Falls Civic Center, 2 Park Drive South
Browning	February 1, 2017	5-7 pm	Holiday Inn Express, 50 Museum Loop
Choteau	February 2, 2017	5-7 pm	Stage Stop Inn, 1005 Main Avenue North

For those who have an interest in how the forest will be managed over the next decade or longer, it's important to comment along each step of the way as the forest plan and alternatives are developed.

More information can be found at: <http://www.fs.usda.gov/goto/hlc/forestplanrevision>

Why Is It Important to Participate in the Forest Planning Process? See Article Below:

Groups Sue To Preserve Access to Public Lands

Contact: Stan Spencer at stan@sledpatriots.com or Paul Turche at 208-331-1807

A coalition of seven multiple-use recreation groups, collectively representing nearly 13,000 members, are challenging the Bitterroot National Forest Travel Plan, as presented in the Final Record of Decision posted in May, 2016. They are the Bitterroot Ridge Runners Snowmobile Club; Ravalli County Off-road User Association; Bitterroot Backcountry Cyclists; Montana Trail Vehicle Riders Association; Montana Snowmobile Association; Citizens for Balanced Use; and Backcountry Sled Patriots.

The coalition describes the lawsuit filed December 28th, as a last resort to stop the federal overreach of agencies running roughshod over public lands, directly impacting Montana's

recreational opportunities and outdoors economy. Since 1995, the Forest Service has closed over 22,000 miles of multiple-use roads in Montana, and approximately 1 million non-wilderness acres to motorized uses.

Naming multiple defendants, including the United States Forest Service (USFS) and the USFS Northern Region (Region 1), the groups cite several counts of “arbitrary and capricious” decision making to restrict access within a significant portion of the Bitterroot National Forest. The groups claim that ideology, not substantive factual data, largely influenced the final outcome of the Plan, and that the Agency focused improperly on intangible, social impacts and ideology in changing established uses on the Forest.

The Bitterroot National Forest (BNF) is located in southwest Montana and includes about 1.6 million acres of public land. Nearly 50 percent of the BNF is Designated Wilderness that prohibits all motorized and mechanized travel. Prior to the implementation of the Travel Plan, 62 percent of all trails in the BNF were designated exclusively for non-motorized recreation, and most of the non-wilderness areas remained available to snowmobiles and mountain bikes.

In total, the BNF Travel Plan denies public access to all motorized and mechanized vehicles on an additional 200,000 acres of forest land which had previously been accessible to motorized recreational users since the 1970’s. The Plan reduces access to nearly twenty percent of the area’s forest system roads, along with restricting access to nearly eighty percent of existing motorized trails.

Additionally, it prohibits all (non-motorized) mountain bike travel throughout the recommended wilderness areas (RWA’s) totaling 76,365 acres, as well as the Blue Joint and Sapphire Wilderness Study Areas (WSA’s) totaling 110,000 acres which, as determined in earlier studies by the Forest Service, do not meet the criteria for Designated Wilderness. Because the Draft Environmental Impact Statement did not provide an action alternative to allow for motorized or mechanized access within RWA’s, the public was not even able to submit comments on viable alternatives to prohibition of public access. Deviating dramatically from prior practice and interpretation of binding law and agency guidance, the USFS proposes to manage RWA’s and WSA’s as de facto wilderness areas.

Each of the seven groups challenging the Plan has been involved since 2007, when letters were sent to affected parties. They state that comments were provided whenever public input was sought, but argue that points of contention over the interpretation of management policy, the metrics used to determine impacts, and the lack of justification for additional motorized restrictions were not addressed by those with the final say. The Plan ignores hard science, and is devoid of quantitative data on actual impacts of motorized and mechanized use on forest service lands. Furthermore, public input was effectively impinged due to the misleading and conclusory nature of the Agency’s narrative of the process, and specifically the Final Environmental Impact Statement.

In their complaint, plaintiffs allege that the Bitterroot National Forest has ignored key input by the public; that none of the proposed action Alternatives are consistent with the Forest's Land Management Plan; and that the Travel Plan ROD is in violation of existing statutes and currently applicable Forest Service policies.

Plaintiffs hope their assertions that certain actions leading up to the Final Record of Decision are illegal under the Administrative Procedure Act will result in a declaration that the Plan is unlawful, an order that the BNF must revisit the Plan, and will deter future improper agency behavior.

Senator Daines Appointed to the Senate Agriculture Committee

On January 3rd, Montana Senator Steve Daines was appointed to the Senate Agriculture Committee. The committee shares jurisdiction over forest management with the Senate Energy and Natural Resources Committee where Sen. Daines will also continue to serve. In that capacity, he'll be working on the new Farm Bill as well as seeking to improve management of the National Forests.

And Speaking of Appointments...

On December 15th, President-elect Donald Trump announced his intent to nominate Montana Congressman Ryan Zinke for the position of Interior Secretary. If confirmed, Zinke will be the first Montanan to serve in a White House Cabinet.

Zinke has demonstrated considerable command of natural resource management issues and is expected to bring a more even-handed approach to the position.

Governor Bullock Announces More Cabinet Members

In December, Governor Steve Bullock announced that six of his first-term cabinet members would be leaving. Bullock named some of their replacements during a Friday, January 6th news conference at the Capitol. Those cabinet members include:

- Martha Williams as director of the Department of Fish, Wildlife and Parks;
- Ben Thomas as the director of the Department of Agriculture;
- Ken Fichtler as the chief business development officer;
- Patrick Holmes as the governor's natural resource policy adviser;
- Tim Baker was appointed to the Northwest Power and Conservation Council;
- Jennifer Anders was reappointed to the Northwest Power and Conservation Council;
- Jessica Rhoades as the governor's health policy adviser;
- Ronja Abel as the governor's director of communications.

The Governor’s Natural Resource Policy Adviser works closely with many TSRA members. According to a Helena Independent Record article published on January 7th, the new appointee, Patrick Holmes “most recently served as the chief of staff to the undersecretary for Natural Resources and Environment. During his tenure at the Department of Agriculture, he was trusted to provide counsel to the secretary of agriculture on issues related to forest restoration, innovative wood products, working lands conservation, wildland fire, and others affecting the U.S. Forest Service and Natural Resources Conservation Service. He holds a masters degree in environmental management from Yale University and a bachelor of arts in natural resources management and policy.”

Upcoming Events/Dates

<p>January 11-12, 2017 Montana Contractors Association Great Northern, Helena, MT</p>	<p>February 1-3, 2017 Montana Water Resources Association Annual Conf. Radisson Colonial Hotel, Helena, MT</p>
<p>January 17, 2017 State Land Board – Supreme Court Chambers Helena, MT</p>	<p>July 27-29, 2017 Governor’s Cup Golf Tournament Flathead</p>
<p>January 31, 2017 Board of Environmental Review Helena, MT</p>	