

March 15, 1977

The Natural Resources Committee convened on March 15, 1977, at 8:05 a.m. in room 437 with Chairman Sheldon presiding and all members present except Reps. Hirsch and Huennekens and Rep. Davis absent.

Chairman Sheldon opened the meeting to a hearing on the following bill:

SB 284 SENATOR CORNIE R. THIESSEN, Senate District 27, said he had experience in the soil field having served as a soil conservation supervisor. He said this bill provides that before a permit is granted to strip mine, a reclamation plan will be made according to the soil and terrain. If the surface owner cannot agree to a good reclamation plan no permit will be granted. Senator Thiessen mentioned the Glenharold mine near Stanton, North Dakota, and the progress being made in reclamation there. He passed around copies of the "Basin Electric Report" for February 1977, (exhibit 1) which contains an article titled "Reclamation Results Released." Senator Thiessen suggested three amendments, a copy of which is exhibit 2 of the minutes. He strongly urged permitting introduced grasses in the reclamation of spoil lands as he felt they would result in greater productivity.

SENATOR GEORGE ROSKIE, Senate District 21, was co-sponsor of the bill. He said one of the reasons for the bill was a resolution passed by the Stockgrowers Association; another reason was the extensive research being done in this area especially at the Montana State University. He passed around snapshots of coal mining and reclamation and explained them to the committee members. He emphasized that the owner of the property should be involved in how his land is to be reclaimed; and that the use of introduced grasses should be broadened to strengthen the reclamation program.

PETER JACKSON, WETA, said he had a long career with conservation having served on the board of directors of the soil conservation districts and he had become very interested in range management. He said when thinking of reclamation problems we should remember that things like saline seep, highway cuts, gravel beds, bentonite mines; erosion and timber roads also pose problems that affect a lot more land than the coal strip mines. He said all of these are reclaimed with a variety of grasses--both native and introduced. He said there are numerous laws and 284 is the most consistent with these. He felt it was time to take a good hard look at the law and get professional.

GENE PHILLIPS, Pacific Power and Light and Decker Coal, said he used to be a county extension agent so he also had some expertise in this field. He said we would not have our improved range land today if we had restricted it to native grasses. He mentioned the reclamation they have done at their Dave Johnson mine in Wyoming. He said they could go to cropland there if they wished but have reclaimed as range land as it is more appropriate. He said the carrying capacity of the reclaimed range land is 60% more than the surrounding untouched range land. He said this bill provides opportunities for using alternatives available to them, while at the present time they are restricted to reclaiming in a rather narrow way. He said it seemed a shame not to utilize fully what is available in reclamation. He mentioned a planned trip to Decker for the committee members to view what is being done firsthand. This trip will be on Sunday of this week.

March 15, 1977

MONS TEIGEN, Montana Stockgrowers Association said he had served on the first coal council years ago. He said the Stockgrowers suggested amendments to House Bill 577 which didn't get into that bill but are on page 2 of this bill, and to that extent they support this bill. He said on page 13 where the various uses to which spoils can be reclaimed the listing of "industrial uses" gives them some problem and asked that it be stricken.

WARD SHANAHAN, Dreyer Bros., Inc., spoke next in support and a copy of his testimony is exhibit 3 and part of the minutes.

JIM MOCKLER, Montana Coal Council, spoke in support. He said the owner-operator has no new power under this law that does not go through the Department of State Land.

PHIL STROPE, representing Mark Nance, said they support Senate Bill 284 for the same reasons as they supported House Bill 577. He said they need authority to use introduced species in reclamation of lands.

JOE CROSSWHITE, North West Trade Association, said they endorse this bill.

Chairman Sheldon opened the meeting to the opponents.

REP. WILLY DAY, District. 54, said this was another piece of deceptive legislation. He said only one farmer has 4.2% of the land to be strip mined the rest is company owned. He said this bill is not needed as long as we have House Bill 577. He said if the committee sees fit to pass the bill to consider the following amendment. On page 13, line 8, after the word "estate" to insert "if other than the operator". Rep. Day felt if the coal companies were going to own the surfaces we should not permit them to reclaim those surfaces anyway they choose.

BOB TULLEY, NPRC, said his only claim to expertise in this area was that he has spent his whole life earning his living on a livestock ranch. He said listening to the glowing terms of the proponents it would seem that no reclamation law was needed--he said the industries' record does not bear this out. He said 38 million acres of land has been surface mined and a discouragingly tiny percentage reclaimed--we do need reclamation laws! He said as far as the addition of alternative uses of the land--allowing a parking lot or an industrial site--this is provided for under current law. He mentioned the landing strip at Decker as an example. He also disagreed with the glowing terms used for the introduced species--saying his own experience with them hadn't been that great. He mentioned they were seasonal and some of his had a survival rate of only 5 to 7 years. He also said cattle will graze on the native grasses first if given the choice between it and introduced grass. He said there is also the possibility of mineralization in these grasses when grown on spoils. He mentioned the mineral molybdenum as being one possibility. He said the law on the books has not run its minimum course so why amend it before it has been proven or disproven. He urged the committee to give the bill a Be Not Concurred recommendation.

REP. DOROTHY BRADLEY, District No. 77, said in 1971 and 1973 the interest was very high and this place was teeming with experts and they spent hours working out every detail of the Strip Mine Law. She said they came out with something that everybody agreed with at the time. She requested that out of respect for the amount of work expended the tinkering with the Montana Strip Mining Law be kept to a minimum--give it a chance to work. She urged the committee to give this bill a Be Not Concurred recommendation.

PHIL TAWNEY, Environmental Information Center, said this is one of the most serious bills to come before the committee. He said it would be a drastic disservice to the people of Montana to pass such a bill. He asked how many had been to West Virginia where the coal companies had the flexibility to reclaim as they wanted. He said if we open up this kind of loophole we won't have reclamation that will work. He questioned what would happen in case of a severe drought--native grasses have shown they can survive.

GAIL STOLTZ, Montana Farmers Union, spoke next in opposition and a copy of her testimony is exhibit 4.

WILLA HALL, League of Women Voters, spoke next in opposition and a copy of her testimony is exhibit 5.

LEO BERRY, Department of State Lands, signed as an amender. He suggested amending on page 2, line 13, following "land" insert "other than the operator"; and on page 13, line 8, to clarify that it is a bonafide future operator owner other than the coal company, being referred to. He mentioned the other uses are already in the law, also the planting of introduced species--the law reads primarily native--not exclusively native. He said it has been running about 65 native and 35 introduced species planted. He said House Bill 577 is straight from the federal bill so if we are going to be consistent it is the better one to follow. He suggested the committee check their proposals submitted on House Bill 577. He said there are several members of the DSL present who would be happy to answer questions.

SENATOR ROSKIE in closing said the reference that they were tinkering with the law was malicious--he said proper reclamation is the goal for all of us. Exhibit 6 is an article "Let's Put Coal in Perspective"--copies were handed to the committee members. He said owners of the land should have some say in how the land will be reclaimed. He said saying introduced grasses won't work is flying in the face of fact. He said he wished to submit for the record that we believe reclamation is working and will work. He introduced Mr. Don Ryerson of the Montana State University Range Sciences.

MR. DON RYERSON, Professor at MSU, said he was neither for or against the bill but present to give requested information. He said the native species growing now in Eastern Montana is growing on mature soil which is a far cry from spoils soils. This, he said, would be a complete new media and the native species would be just as exotic there as the introduced species. He felt the surface owner should have the flexibility to use what will grow the best--right now he said that is Russian thistle which plant provides a protective habitat through and around which other species can develop.

March 15, 1977

SENATOR THIESSEN in his closing statement said there is nothing deceptive in this bill. He said he wished Representative Bradley had been present when he introduced the bill. He said waiting the five years for the bonds to expire is the wrong conception. He said it costs a lot to reclaim so let's do the best possible job and keep it flexible--for what works in one place does not necessarily work in another.

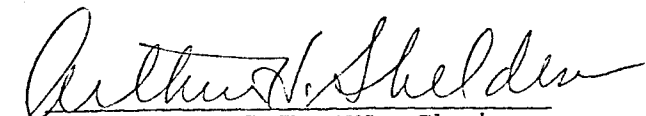
CHAIRMAN SHELDEN asked how long it would take to determine if a particular program is successful. Mr. Ryerson responded he didn't know--it would depend on how long it takes for the profile system to develop, for until it develops, we have to supplement to maintain a cover.

REP. KESSLER asked what this bill does that House Bill 577 does not do? Senator Roskie responded that introduced species was amended out of House Bill 577 except for irrigated pastures.

In response to questions Mr. Ryerson said in comparing success ratios of native versus introduced they have had poor success with the native so perhaps some flexibility of planting should be available. He said work was going on in Wyoming and the Dakotas on this--but in Montana we are babes in arms on this as yet. He said the experience they have had in range reseeding throughout the west indicate that most of the native specie will reach their peak productivity at some time after the exotic or introduced specie do--might be a lag of about 5 to 10 to 20 years. The introduced species have been bred or improved so they will fit into the crop rotation system. Most of these then are plowed back into the soil to help work on structure. These introduced specie have been bred to withdraw nutrients at a higher and faster rate. They evolve under a different eco system.

Meeting adjourned at 10:05 a.m.

Respectfully submitted,


ARTHUR H. SHELDEN, Chairman

eas