

MINUTES OF THE MEETING
NATURAL RESOURCES
STATE SENATE

February 17, 1977

The eighteenth meeting of the Natural Resources Committee was called to order by Senator Elmer Flynn, Chairman, at 9:30 a. m. on the above date in Room 405 of the State Capitol Building.

ROLL CALL: Upon roll call all members were present except Senator Ed Smith.

CONSIDERATION OF SB 317: An Act to prohibit mining for coal and uranium on lands constituting alluvial valley floors.

Senator Greg Jergeson, from District 3, and Sponsor of SB 317, stated that this bill defines alluvial valley floors. He said that Hal Malde and Norm King of Denver, Colorado, who are with the Geological Survey, would be available to answer questions pertaining to this bill.

Mr. Leo Berry, from the State Land Department, stated that the definition of the bill as designed calls for three things in it - it has to be agricultural land, sub-irrigated, and has to be in existing channel or floodplain.

Mr. Mike Bishop, Hydrologist for the Department of State Lands, stated that under the authority of the Montana Strip and Underground Mine Reclamation Act, the Department of State Lands is very concerned about the mining and reclamation potential of alluvial valley floors. I hope that we put our minds together and come up with something we can all work with. (See Attachment #1.)

Mr. Charles Yaeger, farmer-rancher from McCone County, stated that the potential for saline seepage could be a problem in McCone County. I would like to say that I believe it is up to scientists to decide what will happen to alluvial valley floors if they are mined. I think a bill like this is very important until we find all these answers.

Mr. Ed Malenovsky, President, Tri-County Ranchers Association, Birney, Montana, stated that they support this legislation because the alluvial valleys are the life support systems, the arteries, of the ranching industry in our area. They raise most of the hay and winter feed for the livestock that grazes on the rangelands. (See Attachment #2.)

Gail Stoltz, Director of the Department of Cooperatives for Montana Farmers Union, said that just as vital as agriculture is to Montana's economy, so is water vital to agriculture. We cannot stand by and watch surface water tables drop to where the water wells must be deepened and

and sub-irrigated hay meadows and grain fields dry up. This piece of legislation calls for protection of these particular agricultural lands, and protect them we must. (See Attachment #3.)

Mr. Max Botz, of the Water Quality Bureau of the Department of Health and Environmental Sciences, stated that he was neither an opponent nor a proponent to this bill. I am uncertain of what the bill means and how it will be interpreted.

At this time the opponents of SB 317 were heard.

Senator Carroll Graham, of District 29, stated that he lives in the area where coal mining has been going on. I will agree that they do not have the expertise at hand to know what the effects on this is going to be nor will they never know unless they do this alluvial valley mining. What is the real definition of sub-irrigation? I think this bill is so restricted that the biggest coal mine in the world could be called sub-irrigation. So this is a very loose term when you are talking about sub-irrigation. I have lived there many years. I can tell you that two of the school sections that are under lease today - it is a great impact if they do mine this and it is a great income to the state. I am convinced that these valleys can be reclaimed and put back to beneficial use. I think it would be a great mistake to pass this bill because I think the State Land Department should have a great flexibility.

Mr. Phil Strobe, an Attorney in Helena, and representing a group of ranchers, stated that if this bill passes it is a prohibitive type of legislation. He compared the two Federal Bills before Congress to this piece of legislation.

At this point in the meeting, Senator Flynn left the meeting and Senator Roskie, Vice-Chairman presided.

Mr. Jay Nance, Birney, Montana, stated that all of our coal is in the bottom floodplain. We feel that mining offers us the opportunity to improve the floor. Coal mining can level it, I can't. We have seen coal mined in alluvial valleys and there is no reason why it can't be irrigated. I feel after mining, my cows are going to be better off and my ranch is going to be more productive, and we can continue to make the decisions of our ranch.

Mr. Jack Knobloch, Birney, Montana, stated his opposition.

Mr. Keith Stevens, rancher on Otter Creek, stated his opposition.

Mr. Earl Jensen, Circle, Montana farmer and rancher, also stated his opposition to this bill.

Mrs. Nora Levalley, McCone County, stated her opposition.

Mr. Dan Hinnaland, rancher in Western McCone County, stated that he was very much opposed to this bill.

Mr. J. F. Ratchye, representing Decker Coal Co., explained the attachments presented to the Committee. He explained excerpts from "Hydrological Impacts Associated with Coal Mining," by Paul A. Rechar. (See Attachment #4.) Map was also explained. The loss in revenue to the State of Montana is beyond belief to me. Also, the answer to saline seep is to plow with a drag line. We ask you to kill this bill as it is bad enough for the State of Montana and the nation as a whole.

Mr. Gene Phillips, representing Pacific Power and Lite Company, said that if the Committee is going to give the bill a Do Pass, he would ask the Committee to consider boarding their plane on Sunday at noon to look over some of the mining situation before acting on the bill.

Mr. Peter Jackson, representing WETA, stated that he thinks we should come off of cloud nine. I think we are talking about the future of a little fellow. I hope you do not pass this bill on behalf of the little guy.

Mr. Ward Shanahan, representing Dreyer Bros, Inc., registered his opposition to this bill.

Mr. Neil Lynch, representing the Mining Association, was also opposed to this bill.

Mr. Steve Elliot, registered his opposition to this bill. Written testimony was also submitted. (See Attachment #5.) He represented WESCO Resources.

Mr. Jim Mockler, of the Montana Coal Council, stated that this bill is not a necessary bill.

At this time, Senator Roskie informed those who could not give verbal testimony that the Committee would accept written testimony.

At this point, Senator Flynn returned to the meeting.

Dr. S. L. Groff, State Geologist, who was neither an opponent nor a proponent, stated that the definition is too broad and also in the Federal Bills it is too broad. The Bureau of Mines have been studying this situation in Eastern Montana for many years. Alluvial valleys can be reclaimed.

Senator Jergeson, in closing, stated, that we hope in Montana we won't have to react to Federal legislation and can come up with our own legislation.

Senator Jergeson asked, is the definition of alluvial valley floors a broad one or a narrow one.

Mr. Hans Malde of the U.S. Geological Survey in Denver, answered that in the copy of the bill which I have the language differs from the mapping which I did in Southeastern Montana.

Senator Smith said, we do have the strongest strip mining laws in America. Under 50-1042, couldn't you refuse anyone of those permits under the law.

Mr. Berry said, the Section you refer to Senator, is a very broad section and the lands referred to under this bill could be denied.

Senator Smith stated, you feel it is better for the Legislature to make this decision than your Board who already has the power?

Mr. Berry said, not really.

Mr. King, of the U. S. Geological Survey in Denver, said, the use of the term flood is a broad definition. The definition of sub-irrigation was not established, was not accepted. Sub-irrigation to one plant species is an entirely different thing to another plant species. Sub-irrigation is something you would have to define. For that reason I call this broad definitions.

Senator Galt asked, when you said floodplains, what floodplains did you mean.

Mr. King said, in most cases the lower plains are never flooded.

Senator Galt said, Senator Graham, what did Wyoming do with a similar bill.

Senator Graham replied, they have extensive coal mining there. They had an alluvial valley bill down there similar to the one here and they felt that they do have expertise enough to put lands back to beneficial use. So the bill went down there. They feel the same as I feel, we have the tools involved.

Senator Roskie said, how do they view the concept of reclaiming these floodplains, these alluvial valley floors being in better shape.

Mr. Malde replied, that is a difficult question to answer. There is no practical information from experience. We are dealing with an unknown area.

Senator Roskie added, the Environmental Protection Agency has done some study on this.

Mr. Elliot said, I am concerned about this bill.

Senator Roskie asked, is it possible to reclaim these valleys?

Mr. Gene Shearer, representing Intra-Search & Wesco Resources, replied, the data base is very shallow in regard to disrupted alluvial valley floors. Some of the mines in the Powder River Basin end are in the process of reclaiming procedures and they cannot find any detrimental effect.

Mr. King stated, alluvial valley floors would be far more easily reclaimed than others. Each should be evaluated on the basis of its own merit. To mine alluvial valley floors is not an easier proposition than on the upper areas.

Senator Manley said, from all of the experts - nobody knows. How large of an area on an alluvial valley would your operation have to have available to you approximately, Mr. Ratchye?

Mr. Ratchye replied, that would be a function of the tonage mineable in that particular area. You need a lot of coal in western strip mining.

ADJOURNMENT: There being no further business, the meeting was adjourned at 11:10 a. m.



SENATOR ELMER FLYNN, CHAIRMAN

NATURAL RESOURCES COMMITTEE

Date 2-27

[illegible]

NAME Ward A. Shanahan Bill No. _____

ADDRESS 3rd Floor First Nat'l Bank Bldg DATE _____

Helena, Montana 59601

WHOM DO YOU REPRESENT DREYER BROS INC.

SUPPORT _____ OPPOSE ☒ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

The Governor of Montana recommended that this problem be studied - facts to prevent mining altogether have not yet been developed.

NAME

Willa HallBill No. SB 317

ADDRESS

1502 Post Helena

Date

2-17-77

WHOM DO YOU REPRESENT?

League of Women Voters

SUPPORT

X

OPPOSE

AMEND

Comments:

The League of Women Voters of Montana support SB 317. Our water position includes the promotion of the wise use of our water resources. If mining is allowed in these critical areas, there is potential destruction of complete watercourses and underground systems. This is not wise use of water resources nor of prime agricultural land.

We urge your support of this bill.

NAME:

Gene Phillips

DATE:

2/17/77

ADDRESS:

Kalispell, Mont.

PHONE:

755-6644

REPRESENTING WHOM?

Pacific Power & Light

APPEARING ON WHICH PROPOSAL:

SB 317

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

X

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: J. E. RATCHER DATE: 7-11-77

ADDRESS: P.O. Box 157, DARTON, WYO.

PHONE: (307) 655-2320

REPRESENTING WHOM? DECKER COAL CO.

APPEARING ON WHICH PROPOSAL: S. 317

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ☒

COMMENTS: _____

I HAVE LEFT EIGHT COPIES OF
EXCERPTS FROM THREE PROPOSALS -
JOURNAL PAPERS PLUS A BOOK.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Jim Mackle DATE: 2-17-77

ADDRESS: 2301 Colonial Dr

PHONE: 442-6223

REPRESENTING WHOM? Montana Coal Council

APPEARING ON WHICH PROPOSAL: S-317

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Bob Durkee

DATE:

5/5/317

ADDRESS:

Helena

PHONE:

REPRESENTING WHOM?

Mark Nance

APPEARING ON WHICH PROPOSAL:

DO YOU: SUPPORT?

AMEND?

OPPOSE?

X

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

DATE: 2-17-77

ADDRESS :

PHONE: _____

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

10) YOU:

SUPPORT?

X

AMEND?

OPPOSE?

COMMENTS :

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Charles J. Jager DATE: 2/12/77

ADDRESS: Circle, Montana

PHONE: 485-3427

REPRESENTING WHOM? Northern Plains Resource Council

APPEARING ON WHICH PROPOSAL: SB 317

DO YOU: SUPPORT? X AMEND? OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Det. Stuart DATE: Feb 17, 1977

ADDRESS: 2301 Colonial Avenue

PHONE: 442-6223

REPRESENTING WHOM? Montara Coal Council

APPEARING ON WHICH PROPOSAL: SB 317

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: ARTHUR K. NEILL DATE: 2-17-77

ADDRESS: BUTTE, MT.

PHONE: _____

REPRESENTING WHOM? WESTERN ENERGY CO.

APPEARING ON WHICH PROPOSAL: 6317

DO YOU: SUPPORT? _____ AMEND? ☒ OPPOSE? ☒

COMMENTS: Will be given in verbal testimony

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Dr S. L. Groff

DATE:

Feb 12

ADDRESS:

MBM & G Butte MT

PHONE:

792 8321

REPRESENTING WHOM?

State

APPEARING ON WHICH PROPOSAL:

317

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

COMMENTS:

States witness wither for

and against, but to clarify & assist

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Norman J. King DATE: Feb 17, 1977
ADDRESS: Bldg 53, Rm H 2927, Federal Center, Denver, CO
PHONE: ~~466~~ 303-234-4175

REPRESENTING WHOM? U.S. Geological Survey

APPEARING ON WHICH PROPOSAL: Senate Bill 317

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? _____

COMMENTS: I am here to answer questions as
an expert witness.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Harold E. Malde DATE: Feb. 17, 1977

ADDRESS: U.S. Geol. Survey, MS 913, Box 25046 DFC
Denver, CO 80225

PHONE: 303-234-2864

REPRESENTING WHOM? U S Geological Survey

APPEARING ON WHICH PROPOSAL: SB 317

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Jack Kieselbach DATE: 2/17/70

ADDRESS: Buena Vista 59012

PHONE: 754-2595

REPRESENTING WHOM? SELF

APPEARING ON WHICH PROPOSAL: House bill 317

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ✓

COMMENTS :

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: EUGENE M SHEARER DATE: 2/17/77

ADDRESS: 1600 OGDEN, DENVER, COLORADO

PHONE: 303-832-8735

REPRESENTING WHOM? INTRASEARCH & WESCO RESOURCES

APPEARING ON WHICH PROPOSAL: BILL 317

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ☒

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Marcell L. Nance

Feb. 17

77

Birney mont

784-2443

My self

APPEARING ON WHICH PROPOSAL:

SUPPORT?

AMEND?

OPPOSE?

X

COMMENTS :

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Keith Stevens

2/12/27

Box 187 Ashland Montana 59403

784 2247

Self

Senate Bill 317

SUPPORT?

AMEND?

OPPOSE?

COMMENTS :

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

DATE: 2-17-77

ADDRESS :

PHONE :

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

COMMENTS :

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: R.W. Fillenworth DATE: 2/17/77

ADDRESS: Circle, Montana

PHONE: 485-3506

REPRESENTING WHOM? Myself

APPEARING ON WHICH PROPOSAL: S.B. 317

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ☒

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Yona Lova Cley

DATE:

Oct 17, 1971

ADDRESS:

Mocking, Mont -

PHONE:

285-3696

REPRESENTING WHOM?

Myself

APPEARING ON WHICH PROPOSAL:

S.B. 317

DO YOU:

SUPPORT? ☐

AMEND? ☐

OPPOSE? ☒

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: JAY NANCE DATE: 2/17/77

ADDRESS: SH Ranch Birney, Mont.

PHONE: 784 2443

REPRESENTING WHOM? NANCE CATTLE CO.

APPEARING ON WHICH PROPOSAL: SA 317

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? C

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Carl Jensen DATE: 2/17/77

ADDRESS: Circle, N.Y. 59215

PHONE: 485-2342

REPRESENTING WHOM? Jensen Brothers of Circle

APPEARING ON WHICH PROPOSAL: SB 317

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Dr. A. F. Hayes DATE: _____

ADDRESS: BIRney Mount 59012

PHONE: 954 2576

REPRESENTING WHOM? Branwell Castle Co.

APPEARING ON WHICH PROPOSAL: SB 317

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ☒

COMMENTS: Hayes to testify

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Steve Elliott

DATE: *2-17-77*

ADDRESS:

P.O. Box 1181 Billings

PHONE:

252-5695

REPRESENTING WHOM?

Westco Resources

APPEARING ON WHICH PROPOSAL:

SB 317

DO YOU:

SUPPORT? _____

AMEND? _____

OPPOSE? _____

X

COMMENTS:

I will leave off testimony and supporting documents

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Mike Bishop

DATE: 2-17-77

ADDRESS: 76 State Lands

PHONE: 2074

REPRESENTING WHOM? State Lands

APPEARING ON WHICH PROPOSAL: S 317

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

DATE: 2/14/77

ADDRESS: State lands

PHONE: :

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL: S 317

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS :

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

(Attachment #1.)

SB 317

Under the authority of the Montana Strip and Underground Mine Reclamation Act, the Department of State Lands is very concerned about the mining and reclamation potential of alluvial valley floors. The law states as part of its policy "to demand effective reclamation of all lands disturbed by the taking of natural resources." The law continues, "in order to achieve the aforementioned policy... to control erosion and pollution... preserve agricultural productivity and assure a long range dependable tax base, it is reasonably necessary to require... that all strip mining... be limited to those operations for which annual permits are granted, that no permit be issued until the operator presents a comprehensive plan for surface reclamation and restoration... that certain other things must be done, that certain remedies are available and that certain lands because of their unique or unusual characteristics may not be strip mined under any circumstances. Section 9 of the Montana Strip and Underground Mine Reclamation Act further discusses the unique or unusual characteristics that preclude an area from mining. These selective denial criteria include land having special exceptional, critical or unique "biological productivity, the loss of which would jeopardize certain species of wildlife or domestic stock."

Section Twelve of the Montana Strip and Underground Mine Reclamation Act dictates that the "operator shall... provide a suitable diverse vegetative cover capable of: feeding and withstanding grazing pressure from a quantity and

(Attachment #2.)
Tri-County Ranchers Association

Birney, Montana 59012

FEBRUARY 17, 1977

TESTIMONY OF ED MALENOVSKY, PRESIDENT, TRI-COUNTY RANCHERS ASSOCIATION, BIRNEY, MONTANA, CONCERNING SB 317, BEFORE THE SENATE NATURAL RESOURCES COMMITTEE, MONTANA STATE LEGISLATURE.

MEMBERS OF THE COMMITTEE, MY NAME IS ED MALENOVSKY. I WISH TO THANK YOU FOR THE OPPORTUNITY TO EXPRESS THE VIEWS OF THE TRI-COUNTY RANCHERS ASSOCIATION. FOR THE RECORD, I AM THE FOREMAN ON THE BONES BROTHERS RANCH IN BIRNEY. I AM PRESIDENT OF THE TRI-COUNTY RANCHERS ASSOCIATION, WHICH HAS ABOUT 38 MEMBERS FROM ROSEBUD, POWDER RIVER AND BIG HORN COUNTIES, MANY OF WHOM OWN FEE COAL UNDER THEIR PROPERTY.

WE SUPPORT THIS LEGISLATION BECAUSE THE ALLUVIAL VALLEYS ARE THE LIFE SUPPORT SYSTEMS, THE ARTERIES, OF THE RANCHING INDUSTRY IN OUR AREA. THEY RAISE MOST OF THE HAY AND WINTER FEED FOR THE LIVESTOCK THAT GRAZES ON THE RANGELANDS. THEY PROVIDE THE DRINKING WATER YEAR ROUND FOR HOMES, AND FOR LIVESTOCK DURING THE WINTER MONTHS. THEY ALSO PROVIDE GRAZING THROUGHOUT THE YEAR FOR LIVESTOCK KEPT CLOSE TO HOME. WITHOUT THE VALLEYS MOST OF THE RANCHES IN THE AREA COULD ONLY BE SUMMER OPERATIONS, AND THIS WOULD CUT PRODUCTION CAPABILITIES SEVERELY. THE COW-CALF BUSINESS WOULD BE OUT OF THE QUESTION FOR MOST PEOPLE, AND TO BUY FEED OR HAUL DRINKING WATER WOULD BE PROHIBITIVE FOR MOST RANCHERS.

COMPARING THE AGRICULTURAL IMPORTANCE OF ALLUVIAL VALLEYS TO THE POTENTIAL FOR COAL PRODUCTION IS REVEALING. THE PROPORTION OF MINEABLE COAL IN THE ALLUVIAL OF SOUTHEASTERN MONTANA VALLEYS/IS ABOUT THREE PERCENT OF THE TOTAL IN THE STATE. CLEARLY TO RISK HARMING A WHOLE INDUSTRY FOR SUCH A "LITTLE DAB" OF COAL IS UNACCEPTABLE.

WE UNDERSTAND THE VALUE OF THESE LANDS AND THE WATER THEY CONTAIN. HOWEVER, SINCE WE ARE NOT SCIENTISTS, IN OUR BUSINESS WE CAN ONLY ASK QUESTIONS ABOUT THE POTENTIAL EFFECTS OF MINING ON ALLUVIAL VALLEYS. WE THINK THEY ARE QUESTIONS THE COMMITTEE SHOULD ASK AS WELL. THEY GO AS FOLLOWS. CONCERNING GROUND WATER FLOWS:

1. ARE THE CHANGES IN THE FLOW PATTERNS OF THE AQUIFERS DUE TO MINING

TESTIMONY BEFORE THE NATURAL RESOURCES COMMITTEE, MONTANA STATE SENATE,
HEARING ON HOUSE BILL 317, FEBRUARY 17, 1977.

I am Gail Stoltz, director of the department of cooperatives for Montana Farmers Union, a statewide farm and ranch organization of approximately 7,500 family members, with headquarters in Great Falls.

In testimony before different committees of this and the last several sessions of the Legislature, on matters related to coal development, our organization has stressed that just as vital as agriculture is to Montana's economy, so is water vital to agriculture.

But, the amount of water available also happens to be a critical factor in coal development.

We have emphasized that clean water, from underground sources, is a must for livestock operations, and, of course, for domestic use.

What happens, for instance, if an agricultural operator's or a community's water supply is diverted, depleted, or poisoned by salts?

The underground water supply in an area with limited annual rainfall is all-important!

If water tables are lowered, stock water supplies are destroyed or deeper drilling is required as wells go dry.

We cannot afford to permit the taking of water needed by our cities and towns or irrigated farms and ranches.

We cannot stand by and watch surface water tables drop to where the water wells must be deepened and sub-irrigated hay meadows and grain fields dry up.

This piece of legislation calls for protection of these particular agricultural lands, and protect them we must.

I remember the controversy over similar legislation, when I was a member of the House two years ago.

The Tongue River basin was used as an example.

Research in the Decker coal mining area had brought speculation of having to drill to 450 feet to reach deeper water, and water levels

(Attachment #4.)

Excerpt from: *RECHARD, Paul A. "Hydrological Impacts Associated with Coal Mining", Mining Congress Journal, August, 1975, p. 70-75. *(Director, Wyoming Water Resources Research Institute, University of Wyoming).

Prohibition on mining alluvial valley floors unwise

The impacts discussed are based on the assumption that mining of alluvial valley floors as defined in bills recently before Congress would not be prohibited. Such a prohibition in law would be most unwise. Possibly, the origin of the attempt to prohibit mining of alluvial valley floors resulted from the National Academy of Sciences' report on the reclamation potential of surface-mined lands, which stated: "In the planning of any proposed mining and rehabilitation, it is essential to stipulate that alluvial valley floors and stream channels be preserved" (emphasis added).

From the tenor of the report, it is apparent that the authors were attempting to take cognizance of the fact that the unconsolidated alluvial valley floors with stream channels running through them are a source of more ground water than that available from the more consolidated sediments. The concern was also expressed that without proper handling, erosion could be a problem.

It is true that alluvial valley floors are usually a more readily accessible source of limited water supply, owing to the unconsolidated nature of the material, the coarse granular texture of the stream-washed material, and, of course, the recharge potential from the stream flowing on the surface. After mining and rehabilitation, the stream will again recharge the valley bottom and, if desired, the coarse material could be replaced. In fact, it could be argued that the backfilling process would be similar to the alluvial deposition and that the entire mined-over area would be rehabilitated as an alluvial valley floor.

Nothing magical about alluvial valley floors

During the recent debates in Congress on surface-mining legislation, concern was also expressed that mining would ruin the agricultural areas. Obviously, during the mining process agricultural use of the valley floor would be precluded. But there is nothing magical about alluvial valley floors.

The main reason the alluvial valley floors are the primary irrigated lands is that they are close to the streams, from which it is relatively easy and inexpensive to divert the water, or in some cases the streams increase the level of the water table so sub-irrigation occurs. However, many of the saline soil problems in the West are due to flood irrigating or sub-irrigating the valley floors--high water tables can cause alkaline soil problems. In fact, agricultural soils experts assure me that usually lands of the alluvial floor have soils that are better suited for irrigation and agricultural production, but they are not as level and water must be lifted to get it to where it is needed. After rehabilitation, these better soils could be made available for irrigation if the lands were leveled and the topsoil replaced. Most probably better agricultural production would be established and the rehabilitated valley floors could be irrigated in a more efficient and effective manner.

(Attachment #5.)

95TH CONGRESS
1ST SESSION

H. R. 2

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1977

Mr. UDALL (for himself, Mr. BINGHAM, Mr. PHILIP BURTON, Mr. CARR, Mr. DON H. CLAUSEN, Mr. DE LUGO, Mr. ECKHARDT, Mr. JOHNSON of Colorado, Mr. KASTENMEIER, Mr. LAGOMARSINO, Mr. MEEDS, Mr. MILLER of California, Mr. RONCALIO, Mr. RUPPE, Mr. SANTINI, Mr. SEIBERLING, Mr. TSONGAS, and Mr. WEAVER) introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

To provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface coal mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Surface Mining Control
4 and Reclamation Act of 1977".

TABLE OF CONTENTS

TITLE I—STATEMENT OF FINDINGS AND POLICY

Sec. 101. Findings.

Sec. 102. Purposes.

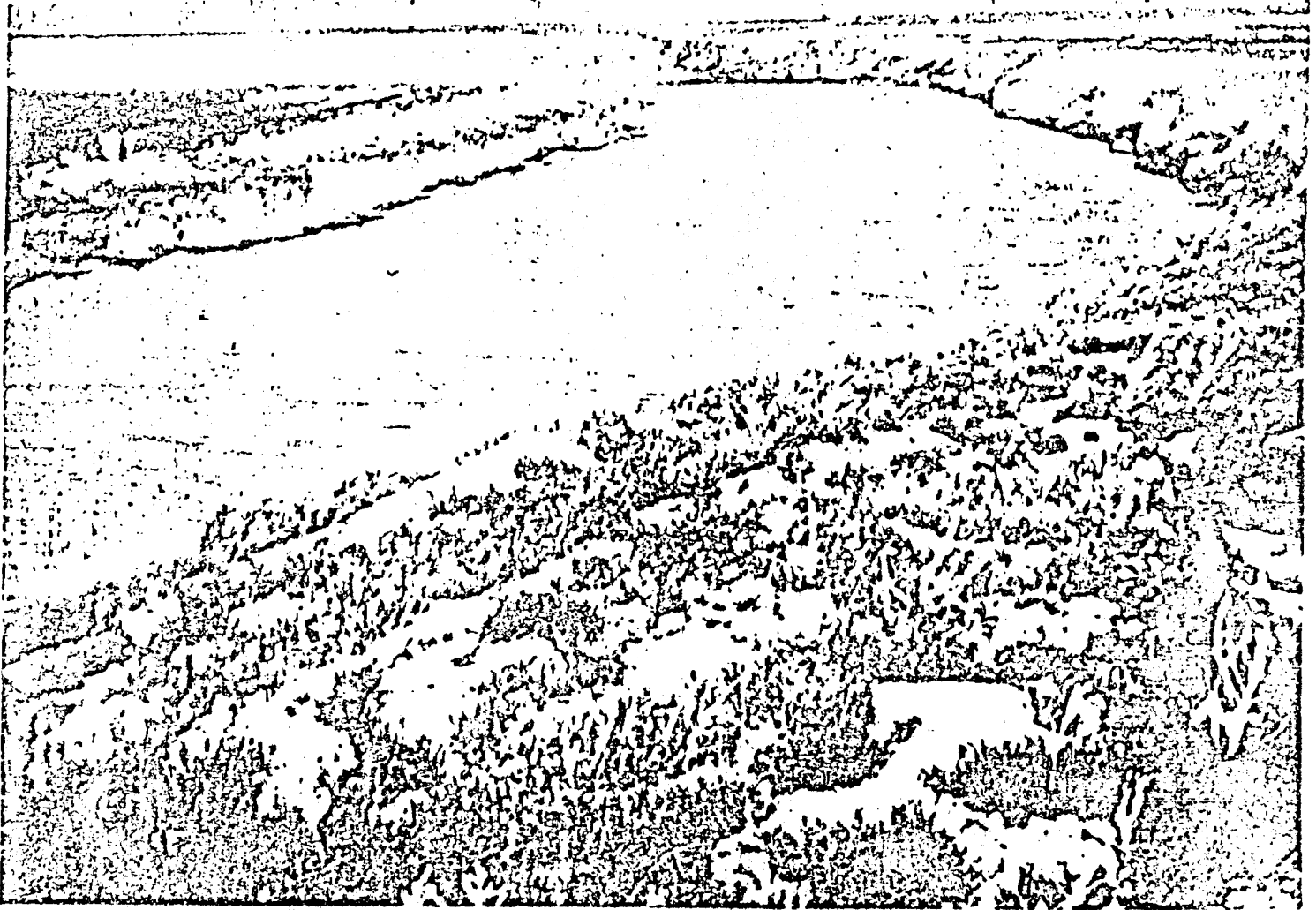
TITLE II—OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Sec. 201. Creation of the Office.

Hydrological Impacts Associated with Coal Mining

by PAUL A. RECHARD

Director, Wyoming Water Resources Research Institute, University of Wyoming



Creation of lakes and ponds in surface mined areas in water-short localities, such as occur in Wyoming, offers intriguing possibilities. Benefits could be enormous if there were sufficient inflow to keep the impounded water fresh and to maintain the water surface levels

Over the next several years there undoubtedly will be an increase in coal mining, especially surface mining, and there will be associated hydrologic impacts. The extent and types of impacts will depend on the mining location, characteristics and techniques.

These remarks are not intended to suggest that the writer knows all of the hydrologic impacts of coal mining. If everything were known about them, there would be no reason to invest millions of dollars on studies attempting to determine what the impacts might be. I have been involved with investigations related to the hydrologic impacts of various kinds of development for several years, and my agency, the Wyoming Water Resources Research Institute, has been involved with studies of the hydrologic impacts of surface mining of coal in the semiarid Eastern Powder River Basin of Wyoming; that is what these comments will encompass.

Some of the impacts that Wyoming will experience might be entirely different from those in, for example, West Vir-

ginia. Conversely, some of the impacts in other regions of the United States will not occur in Wyoming. Narrowing the area down, there are impacts associated with other parts of Wyoming which will not be experienced in the Powder River Basin. However, the results of our studies are important and insights gained in Wyoming will likely benefit other areas.

Study area is in Missouri river drainage basin

The Eastern Powder River Coal Basin is a plains area located between the Big Horn mountains and the Black Hills. It lies wholly within the unglaciated part of the Missouri Plateau of the Northern Great Plains. The entire region is included within the drainage basin of the Missouri river. The North Platte river, a river with an average annual discharge of approximately two million acre-feet, flows along the south edge of the basin. The north flowing Powder river, the

(Attachment #6.)
Submitted Personally.

TESTIMONY BEFORE THE SENATE NATURAL
RESOURCES COMMITTEE ON S317

by Arthur K. Neill
Western Energy Company
February 17, 1977

This bill provides a definition of alluvial valleys and then prohibits mining in those valleys.

We submit that since agriculture is of importance to this country and particularly to Montana, and since agricultural activities do occur in alluvial valleys a concern for their status is justified. However, recognition for all uses of the land has been one of the predominant qualities of our State legislature in enacting strip mine land reclamation requirements and of our State Land Department in administering them.

Western Energy Company believes that use of the land for mining and agriculture has been, is, and will be compatible. We feel this is being demonstrated at our operation at Colstrip and at other mines in the state. An outright prohibition of mining in alluvial valleys is unnecessary. If it were prohibited three things would occur. First, many millions of tons of an energy resource, critical to our state and to the nation, would be made unavailable for use. Second, the resulting hopscotch mining pattern that would be necessary if these alluvial valleys had to be bypassed would add appreciably to the cost of producing energy thereby adding to the inflationary spiral. Third,