

MINUTES OF THE MEETING  
NATURAL RESOURCES  
MONTANA STATE SENATE

March 3, 1977

The twenty-third meeting of the Natural Resources Committee was called to order by Senator George Roskie, Vice-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 Senators Flynn and Smith. Senator Flynn, however, returned to the meeting later.

Mr. Larry Weinberg, Staff Attorney of the Legislative Council, was also present.

CONSIDERATION OF HJR 19: A Joint Resolution of the Senate and the House of Representatives of the State of Montana urging the United States Department of Interior to allocate any new power generated on dams in Montana to Montanans first.

Representative Aubyn Curtiss, representing District 20, stated that this Resolution states that an inequity exists in our state regarding existing energy. Any new power generated in Montana should be allocated to be used in Montana first. I urge that this Committee pass this Resolution.

Senator Dover said, since we are transporting our energy why shouldn't we get some money for it.

Senator Jergeson added, we should be keeping energy in Montana.

DISPOSITION OF HJR 19: Motion was made by Senator Jergeson and seconded by Senator Manley that HJR 19 BE CONCURRED IN. Motion carried unanimously.

CONSIDERATION OF HJR 40: A Joint Resolution of the Senate and the House of Representatives of the State of Montana supporting Federal coal strip mine reclamation legislation upon certain conditions.

Representative Ernie Dassinger, representing District 50, explained this Resolution. He stated that Senator Melcher is in favor of this resolution just the way it is written.

Mr. Leo Berry, representing the Department of State Lands, stated that HJR 40 is part of the Governor's Energy package. It will make Montana coal more competitive in the open market.

Sara Ignatius, representing the Northern Plains Resource Council, stated that they were also in favor of this Resolution.

There were no opponents to this Resolution.

Senator Galt said, you excluded the Indian lands.

Mr. Berry replied, the Indian lands are a separate question. The Governor is submitting to Congress Montana's concern of jurisdiction of Indian lands. For that reason, it is being excluded.

Senator Manley asked, has there been any guarantee that with this Federal Law the Feds will not come in and take over your part of this thing.

Mr. Berry replied, the position of the Federal bill is it is up to the Secretary of the Interior in approving Montana's program. Indications are right now that we should get our program approved.

Senator Dover said, I say we should run our own laws, why should we be trying to let the Federal Government do this.

Mr. Berry said, the state Courts will have jurisdiction over any state program. There is a question of jurisdiction of Montana lands.

Senator Dover stated, in other words, this bill primarily has to do with Federal lands.

Mr. Berry said, that's the idea. Most of the coal in the Birney-Decker area is Federal coal.

Senator Roskie stated, you mentioned that right now we have no jurisdiction or authority. There are a couple of states I believe that have been accepted by the Department of Interior for application of Federal coal.

Mr. Berry replied, Wyoming.

Senator Roskie asked, would this give you the authority that you need.

Mr. Berry said, Senator Melcher's position is that the Secretary of Interior has no authority.

Senator Dover asked, do they promulgate rules and regulations.

Mr. Berry said, yes, then they propose to look at state programs to see if they meet those rules and regulations. It is those regulations that Senator Melcher considers questioning the legality.

Senator Jergeson asked, is it possible that they might by rule promulgate regulations that are more stringent.

Mr. Berry said, that is possible.

Senator Roskie said, is the Strip Mine Bill proposed more stringent or less stringent.

Mr. Berry said, the two bills vary a little bit. We feel that Montana's law can meet the standards.

Senator Roskie wondered, on Page 2 in sub-section (2) doesn't this invite in Federal bureaucracy to do the job that we are now doing.

Representative Dassinger said, I don't believe that it does. It provides for Federal funds under state control.

Mr. Berry said, the idea is to accept Federal money for those portions on Federal land. The way it is phrased in the Governor's testimony is it should be optional.

CONSIDERATION OF HJR 48: A Joint Resolution of the Senate and the House of Representatives of the State of Montana establishing a position on the Province of Saskatchewan's Coal-Fired Power Plant Complex now under construction 4 miles north of the Montana border.

Representative Dennis Nathe, representing District 1, stated that this Resolution is asking the State of Montana to take a position on the Poplar River Project on the U. S. Border. Memorandum on the Poplar River Project was distributed to all Committee members. (See Attachment #1.) He stated that this makes Colstrip and Circle West look like peanuts and also make them look like Mr. Clean. (Blackboard demonstration was given on location and other details.)

Senator Devine stated, that over Lethbridge Cable they make it clear that the United States should stay out of their business. I wonder if you have a bill like this what people in Saskatchewan will think of people in Montana meddling in affairs of the coal.

Representative Nathe replied, they aren't afraid to tell you what to do - like on the Garrison diversion. If we let them go with the level of technology that they are using and continue for the next four years they will end up using about 75% of this Class II increment.

Senator Flynn said, they have the advantage of the prevailing winds.

Senator Jergeson wondered, are we meddling in their affairs beyond protecting our own interests.

Representative Nathe said, I feel that rather than be intimidated that we be the same to our taxpayers on our side of the lot.

Senator Jergeson said, is the project there privately owned.

Representative Nathe replied, it is owned by the Province of Saskatchewan.

Senator Manley wondered, hasn't that Province turned to socialism.

Representative Nathe replied, that Province is almost completely socialism.

Senator Flynn said, I thought damming it up would help it instead of hurt it.

Representative Nathe said, there is a high barren content there. They put that thing in a water deficient area.

Senator Galt wondered if the Resolution should probably be sent to the U. S. State Department and the Congressional people and to the Governor and Lieutenant Governor.

Senator Jergeson said, I wonder if it is necessary in this case.

Representative Nathe replied, I kind of feel that it would not be necessary. We could advise the State Department.

Senator Roskie said, on this Red River-Garrison Project, was there more to that than just the Canadian complaints.

Representative Nathe said, there was a moratorium under the Ford Administration.

DISPOSITION OF HJR 48: Motion was made by Senator Galt and seconded by Senator Jergeson that HJR 48 BE CONCURRED IN. By a voice vote, the motion carried, with Senators Manley and Dover voting no.

DISPOSITION OF HJR 40: Motion was made by Senator Jergeson and seconded by Senator Devine that HJR 40 BE CONCURRED IN. Brief discussion followed. Substitute Motion was then made by Senator Manley and seconded by Senator Dover that HJR 40 DO NOT PASS. Upon roll call vote, four voting yes, and three voting no, the motion carried. (See attached roll call vote.)

ADJOURNMENT: There being no further business, the meeting was adjourned at 11:00 a. m.

  
SENATOR ELMER FLYNN, CHAIRMAN



NR19

NR40

SENATE

*Natural Resources*

COMMITTEE

BILL

NR48

VISITORS' REGISTER

DATE

3/3/77

Please note bill no.

(check one)

NAME

REPRESENTING

BILL #

SUPPORT

OPPOS

*James France*

*Al Dougherty-Manning House 110*

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

NAME :

DATE: \_\_\_\_\_

ADDRESS :

PHONE :

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

DO YOU:

## SUPPORT?

AMEND?

OPPOSE?

COMMENTS :

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Leo Barry

DATE:

ADDRESS:

PHONE:

REPRESENTING WHOM?

State Lands

APPEARING ON WHICH PROPOSAL:

HR 46

DO YOU:

SUPPORT?

X

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



NAME :

DATE: 1/2

ADDRESS :

PHONE :

## REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

DO YOU:

## SUPPORT?

AMEND?

OPPOSE?

COMMENTS :

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

# STANDING COMMITTEE REPORT

March 3

1977

MR. PRESIDENT

We, your committee on NATURAL RESOURCES

having had under consideration HOUSE JOINT RESOLUTION Bill No. 48

Respectfully report as follows: That HOUSE JOINT RESOLUTION Bill No. 42

BE CONCURRED IN

DO PASS

# STANDING COMMITTEE REPORT

March 3

1977

MR. **PRESIDENT**

We, your committee on **NATURAL RESOURCES**

having had under consideration **HOUSE JOINT RESOLUTION** Bill No. **19**

Respectfully report as follows: That **HOUSE JOINT RESOLUTION** Bill No. **19**

BE CONCURRED IN

~~NO PASS~~

# STANDING COMMITTEE REPORT

*Turned to  
Committee  
3/4/77*

..... March 3 ..... 19 77 .....

MR. .... **PRESIDENT** .....

We, your committee on ..... **NATURAL RESOURCES** .....

having had under consideration ..... **HOUSE JOINT RESOLUTION** ..... Bill No. **40** .....

Respectfully report as follows: That ..... **HOUSE JOINT RESOLUTION** ..... Bill No. **40** .....

BE NOT CONCURRED IN

DD:PASSX

*33*

SENATE COMMITTEE NATURAL RESOURCES

Date March 3, 1977 Bill No. HJR 40 Time 11:10 a. m.

NAME	YES	NO
Flynn, Elmer, Chairman	✓	
Roskie, George, Vice-Chairman		✓
Devine, John	✓	
Dover, Harold	✓	
Galt, Jack		✓
Jergeson, Greg		✓
Manley, John	✓	
Smith, Ed		

Beverly Braut  
Secretary

Elmer Flynn  
Chairman

Motion: Motion was made by Senator Manley and seconded by Senator  
Dover that HJR 40 DO NOT PASS. Upon roll call vote, four voting  
yes and three voting no, the motion carried.

(include enough information on motion--put with yellow copy of  
committee report.)

RECEIVED  
MAY 12 1975

May 6, 1975

MEMORANDUM

TO : EUR - Mr. Richard D. Vine  
L/EUR - Mr. Scott Gudgeon  
OES/ENP/EN - Mr. Lindsey Grant  
EPA - Mr. Wingate Lloyd  
Montana - Lt. Governor Christiansen ✓

FROM: EUR/CAN - Louis F. Janowski

SUBJ: Poplar River Project

Attached is a copy of the license given by the Canadian Department of the Environment to the Saskatchewan Power Corporation to construct the Poplar River project. You will note that the license is for a limited period, is subject to conditions relating to apportionment and water quality, and is also subject to modification at the discretion of the Minister.

In addition to the conditions described in the license, the Saskatchewan Government has also been asked to agree to and to confirm certain additional provisions. These additional provisions were contained in Madame Sauve's covering letter to Saskatchewan Environment Minister Byers. These were orally summarized as including:

- N.B. →
- (a) a moratorium on acquisition of air pollution control equipment for six months;
  - (b) that the design work for air pollution controls should make provision for installation of "best available technology" equipment;
  - (c) that approval of the project was contingent on Saskatchewan's acceptance of IJC recommendations on