

MINUTES OF THE MEETING
NATURAL RESOURCES
MONTANA STATE SENATE

March 17, 1977

The twenty-eighth 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.

CONSIDERATION OF HB 604: An Act relating to reclamation of mining lands.

At this time, Senator Flynn stated, that the Hearing on HB 604 would be taken up but that it would be continued until Tuesday, March 22, 1977 at 9:30 a. m.

Representative Arthur Shelden, of District 22 and Chief Sponsor of HB 604, distributed marked copies of HB 604 to the Committee members. He explained to the Committee members that the yellow markings represented material deleted from the bill and the blue marks are the actual changes left in the bill. The bill was explained page by page. He stated that he would close the hearing next Tuesday at the continuation of the hearing. (See Attachment #1.)

Debbie Schmidt, of the Legislative Council, passed out proposed amendments to HB 604. Representative Shelden said he was offering these amendments to be considered when the Committee takes action on the bill. (See Attachment #2.)

There were no other proponents present.

At this time, the opponents were heard.

Mr. Gary Preston, representing himself and Alder Gulch Mining Association, stated that he was extremely opposed to this bill for a number of reasons. The bill has already been so watered down I wonder if it shouldn't be washed down the sink. This bill was written by a particular group which does not represent the mentality of the Montana people. Every miner here today is not only faced with the state law but is faced with the Federal Law which is identical. You can't live with more than one set of identical laws. As a Field Archeologist I know that nature restores lands. Nature is constantly in movement. What the environmentalists want us to do is accelerate this. The Environmental Information Center foisted this bill into here. The miners were never contacted. How many laws are we going to have to

cover the same thing over and over. They are not representing the people - they are representing pressure groups. The reasonable thing to do is to kill this bill. (See Attachment #3.)

Representative Shelden stated, that he resented the statement that the bill was foisted on to him. When I introduce a bill I do so with my eyes open. The Environmental Information Center is not here to defend themselves.

Mr. Steve Williams, representing the Anaconda Company, stated that his group work and live here during the Session and that they would reserve their remarks until next Tuesday as they would like to hear the proponents too. He thought the people who had traveled a long distance should be heard today.

Mr. Gene Phillips also stated that he would reserve his testimony until next Tuesday at the continuation of the hearing on HB 604.

Mr. James D. Mulryan, Manager of Mining for the Cyprus Industrial Minerals Company in Ennis, Montana, stated that he can't come back and that a letter was left with the Secretary. (See Attachment # 4 & 5.)

Mr. Donald E. Jenkins, representing Placer Amex Inc., Whitehall, Montana, stated that he opposes the bill on the basis of over-regulation of the industry. I don't know where we stand. I recommend that you kill this bill.

Mr. Edward Schietlin, representing the Alter Gulch Mill, and a mining engineer, stated that the State Land Board came up with new regulations and I have been for three years commended on our reclamation projects. The bill has been so watered down that it has lost its bite and isn't doing what it is intended to do. I would like you to kill the bill and wait until the next Legislature and wait for a law that incorporates these other things. I hope and pray that you will kill the bill.

Representative Robert Marks, representing District 80 in Jefferson County, stated that historically in 1860 the development of our county depended on mining. It is extremely important to be very careful about the kind of environmental legislation passed here. I am worried about our mineral balance. We are going to be a mineral poor country. My concern is on Page 7 with regard to solution mining. I am not sure that that is one of the things you would want in the bill. It could be amended to include geothermal exploration or the whole thing taken out. I would like to have you draw your attention to that section. Particularly, I would certainly urge you to take a very careful look at it before you pass it.

Mr. Neil Lynch, representing the Montana Mining Association, stated that he would like to reserve his remarks until he has a chance

to hear the proponents. He stated that he objected to the hearing being split like this. He said that some of the proponents were seen in the hall.

Senator Flynn, at this time, stated that if the proponents were in the hall to bring them in.

Mr. Lynch said, they were gone.

Representative Shelden stated, that Mr. Leo Berry of the State Land Department, is out of the state and is one of the proponents to be heard.

Senator Flynn said, this wasn't split so that the proponents could be heard last. The bill was already posted so we thought as a courtesy we would start the hearing.

At this time, Mr. Lynch asked for a show of hands of all those opposed to the bill.

Mr. John Lewis, of Jefferson County, representing himself and other small miners and the Elk Horn Mining Company, stated that he wanted to go on record as being diametrically opposed to this bill. It is restrictive and prohibitive to the small miner. The small miner brings mining into Montana. They act as a bird dog. I think this bill will serve to drive a lot of industry out of Montana. The paperwork involved could get so voluminous that we would have to have another office.

Barbara Bird, representing herself and family and the Franklin Mine, stated that her husband, son, and herself were the third largest producer of lead in the state. Now we can hardly turn a wheel, We are filling out papers and nobody can fill them out right. All we want to do is get on our ground and work.

Mr. P. J. Reynolds, White Sulphur Springs, Montana miner, representing the ultra-small miner, stated that in the rest of his life he won't disturb two more acres of land. This law may be directed to Anaconda Company or Colstrip yet I am caught in this wave. All I want to do is go up there and make a few bucks in the summer. Last summer I must have had 150 tourists stop at my place. I received 15 Christmas Cards saying that was the highlight of their trip to Montana.

Mr. Thomas A. Dale, of Pfizer Inc. at Dillon, Montana, said, somebody jumped in with both feet and this bill was totally revised. At the Hearing in the House we were told we would be notified if any changes were made in this bill. I don't know if anyone ever received this. I made a phone call everyday to Helena. I would like to go on record as opposing this bill.

Senator Flynn explained, that it is confusing to keep up with amendments proposed in a bill.

Senator Smith asked, these are all of the things taken out of the bill.

Representative Sheldon replied, yes, sir.

Senator Smith added, and these amendments are put back in the bill.

Representative Sheldon said, the amendments are to correct printing of the bill when it left the House.

Senator Manley asked, it is my understanding the Hearing will be continued on Tuesday.

Senator Flynn replied, yes.

Senator Manley asked, there will be some more proponents here.

Senator Flynn replied, opponents too,

Senator Jergeson asked, how many of the small miners do more than 36,500 tons of material per year.

Mr. Schietlin replied, my mill will have about 100 to 150 ton a day.

Senator Jergeson said, SB 442 changes that.

Mr. Schietlin said, that would be better because three months of the year we can't mine at all.

Senator Manley stated, it was proposed so you could mine the total and wouldn't have to do tons a day.

Senator Roskie said, actually all it is is Section 50-1209 of the law. It puts it back and adds a new paragraph.

Representative Sheldon said, that's all and removes the word "developing".

Senator Flynn asked, is this a standard definition of solution mining.

Mr. Preston replied, it is not a standard definition.

Representative Nathe, of District 1, stated that in Saskatchewan they basically use oil field technology.

At this time, Representative Sheldon announced, that on next Tuesday a hearing will be held in the House at 8:00 a. m. on extending the moratorium on solution mining. Any member of the Committee who would like to attend is invited.

Senator Jergeson wondered, about all those in excess of 36,000 ton a year.

Mr. Lynch replied, there are over 900 permits and there isn't one of them that doesn't feel that sometime in the future they will be included in this act.

Mr. Schietlin stated, that the way the law reads it is 100 ton a day of material. It doesn't say 100 ton of ore.

Senator Jergeson said, I know in this act the language says it is 100 ton of material a day but SB 442 changes that.

At this time, Senator Flynn announced, that the Hearing on HB 604 would be continued on Tuesday, March 22, 1977 at 9:30 a. m.

CONSIDERATION OF HB 484: An Act, which shall be known as the "Montana Rangeland Resources Mct", to be administered by the Department of Natural Resources and Conservation; establishing the Montana Rangeland Resources Advisory Committee to promote the coordination of activities intended to maintain and enhance the rangeland resources of the State of Montana.

Representative Dennis Nathe, representing District 1, and Chief Sponsor of the Bill, presented the proposed amendments to HB 484. Amendments were explained page by page. (See Attachment #6.)

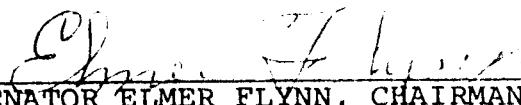
Senator Flynn stated, that this bill has had a full hearing in Agriculture Committee so I see no reason to go through a full hearing.

Senator Roskie stated, that Pete Jackson, Dennis, and Tom Hager, Representative Nathe and himself, have met and this seems to be needed in the line of intent and makes it a more workable solution.

DISPOSITION OF HB 484: Motion was made by Senator Smith and seconded by Senator Jergeson that the Committee accept the proposed amendments to HB 484. Motion carried unanimously.

Motion was then made by Senator Smith and seconded by Senator Dover that HB 484 AS AMENDED BE CONCURRED IN. Motion carried unanimously. (See Attached Standing Committee Report.)

ADJOURNMENT: There being no further business, the meeting was adjourned at 11:05 a. m.


SENATOR ELMER FLYNN, CHAIRMAN

ROLL CALL

NATURAL RESOURCES COMMITTEE

45th LEGISLATIVE SESSION -- 1977

Date 3/17/77

HB 484

SENATE

Natural Resources COMMITTEE

BILLY HB 604

VISITORS' REGISTER

DATE 3/7/77

Please note bill no.

(check one)

SUPPORT

OPPOSE

| NAME | REPRESENTING | BILL # | SUPPORT | OPPOSE |
|--------------------|--------------------------|--------|-----------|--------|
| Wade Schutte | Dayton City & Mining Co. | HB 604 | | ✓ |
| Marion M. Van Tuyl | Tenneco | 604 | following | |
| Barbara Prohaska | Boulder City | HB 604 | | ✓ |
| Shirley Apert | WMC | HB 604 | | ✓ |
| G. P. Bergman | ASARCO | HB 604 | | ✓ |
| Charles D. Dale | Sam Bear Held Co | " | | ✓ |
| Thomas A. Dale | PFIZER INC | HB 604 | | ✓ |
| John C. Knopf | Temple Mines Co. | HB 604 | | ✓ |
| James Knopf | Temple Mines Co. | HB 604 | | ✓ |
| Jerry Knopf | Temple Mines Co. | HB 604 | | ✓ |
| Ron Knopf | Temple Mines Co. | HB 604 | | ✓ |
| Arthur J. Ray | Robinson Mining Co | HB 604 | | ✓ |
| Carl R. Ray | Robinson Mining Co | HB 604 | | ✓ |
| Eric Stover | Robinson Mining Co | HB 604 | | ✓ |
| W. D. Reynolds | W. S. S. MONT | | | ✓ |
| Joe M. T. Jr. | C.L.F. | | | ✓ |
| Petrow P. Legenre | Basin, Mont. | | | ✓ |

NAME: Gärtner, Jürgen DATE:

ADDRESS: Basin, Montana

PHONE: 225-3969

REPRESENTING WHOM? myself

APPEARING ON WHICH PROPOSAL: _____

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

COMMENTS: Any further controls on the mining industry can do nothing but harm to the economy of Montana and the nation. May I point out that everything we eat, use or wear comes out of the ground, either by farming or mining, and to interfere with these two base industries can lead only to national starvation.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: S.E. Whitworth DATE: 3/17/77

ADDRESS: P.O. Box 751

PHONE: 683-5602

REPRESENTING WHOM? Whitworth & Schow

APPEARING ON WHICH PROPOSAL: HB 604

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

COMMENTS:

To many state and Federal Bureaus regulations will never truly inhibit prospecting and mining operations and be detrimental rather beneficial.

We're being regulated beyond reason - not only the mining industry is becoming discouraged but a good segment of our general public as well are becoming fed up.

Only $\frac{1}{2}$ of 1% of the area of the nation is disturbed - $\frac{1}{2}$ of that has been reclaimed.

Mining is No. 1 in producing wealth for the state of Montana.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: _____

Carl Girsches

DATE: 2

3-16-94

ADDRESS.

123 S. Atlantic Wilson

PHONE: 3

683 - 5388

REPRESENTING WHOM?

Reiff

APPEARING ON WHICH PROPOSAL:

604

DO YOU: SUPPORT?

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Bob Biggerstaff DATE: 3/17/77

ADDRESS: 2 Edwards Helena Mt

PHONE: 443-5911

REPRESENTING WHOM? MT. Association of Conservation Districts

APPEARING ON WHICH PROPOSAL: 484

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

COMMENTS: Rep. Matthe has the full support
of the Assoc.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: James K. Lassell DATE: 3-12-77

ADDRESS: Box 1 Box 2, Chandler, Mont

PHONE: 842-5611

REPRESENTING WHOM? Silf

APPEARING ON WHICH PROPOSAL: 604

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

COMMENTS: _____

It is to my belief this
bill is not for small mining
in the State of Montana
This bill will only cause court
actions against the state of Montana
~~and~~ The B.I.M. It will only force
the small mining operations out of
Montana just now on Wilfong
to support.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Norman C Smith

DATE:

3/17/77

ADDRESS:

Twin Bridges, Mont

PHONE:

684-5644

REPRESENTING WHOM?

Leff

APPEARING ON WHICH PROPOSAL:

604

DO YOU: SUPPORT?

AMEND?

OPPOSE?

X

COMMENTS:

I don't think it is in the
best interest of the small business

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Theodore Nyquist

DATE: 3-17-77

ADDRESS: Boulder Mont - 59632

PHONE: 225-3367

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: _____

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

COMMENTS: Mining of metals has always been an extremely costly and uncertain occupation - out of every ten such ventures, there has been 9 failures & 1 success.

With these restrictions imposed, mining by individuals would be virtually impossible. I recommend that mining and prospecting in any form be left status quo, or be legally outlawed for all Americans.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Norman Roger DATE:

ADDRESS: Box 1719

PHONE: 1442-5950

REPRESENTING WHOM? Roger Gold Mining Co.

APPEARING ON WHICH PROPOSAL: ZB 604

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE?

COMMENTS : _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: George Sammuel DATE: 3/17/77

ADDRESS: Gen. Sols. Boulder morit.

PHONE: _____

REPRESENTING WHOM? self

APPEARING ON WHICH PROPOSAL: _____

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE?

COMMENTS: mining has a big
part of mount.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Jay Bressack

DATE:

3/12/72

ADDRESS:

Summer A Town Bridge, Mont

PHONE:

684-5551

REPRESENTING WHOM?

Self

APPEARING ON WHICH PROPOSAL:

604

DO YOU: SUPPORT?

AMEND?

OPPOSE?

X

COMMENTS:

This bill is not for the small
mines in the state of Montana

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

V C Sills

DATE: March-16-1976

ADDRESS:

Sheridan Montana Box 201

PHONE:

842-5784

REPRESENTING WHOM?

Self

APPEARING ON WHICH PROPOSAL

604

DO YOU: SUPPORT?

AMEND?

OPPOSE?

X

COMMENTS:

I do not like this Bill
because I am a small business
It only helps me out my business
I and puts me as bad place

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Steve Martensen DATE: 3-12-27

ADDRESS: Spudass Mart

PHONE: 842 5604

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: 604

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

COMMENTS: I oppose this bill because it infringes on the rights of the small miners.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Donald E. Jenkins DATE: 3-27-77

DATE: 3-27-77

ADDRESS: F.O. Box 628, Whitehall, Montana 59759

PHONE: 287-3427

REPRESENTING WHOM? Placer Amex Inc.

APPEARING ON WHICH PROPOSAL: HB 604

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

COMMENTS: I oppose this bill on the basis
of investigation of the industry.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Leland M. War moth DATE: 3-17-77

ADDRESS: P.O. Box 204 Whitehall, Mont.

PHONE: 287-3836

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: HB 604

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE?

COMMENTS : _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: _____

Neel J. Lynch

DATE : 3/17/77

ADDRESS :

PHONE:

REPRESENTING WHOM? Montana Mining Assoc

APPEARING ON WHICH PROPOSAL: HB 604

DO YOU SUPPORT?

AMEND ?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: _____

Bete Jackson

DATE: 2-17

ADDRESS :

9th June

PHONE:

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

HB 484

DO YOU SUPPORT?

卷之三

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAMEN:

Gene Phillips

DATE: 2

3/17/77

ADDRESS :

Kalispell, Mont.

PIEMONTE:

155-6644

REPRESENTING WHOM?

ASARCB 5 ne.

APPEARING ON WHICH PROPOSAL

HB 604

DO YOU

SUPPORT?

AMEND 2

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: _____

DATE: 3-17-77

ADDRESS:

Box 509 Boulder, Mt. 59632

PHONE: :

225-3503

REPRESENTING WHOM?

Self-other small neurons

APPEARING ON WHICH PROPOSAL:

He B. 604

DO YOU: SUPPORT?

AMEND?

OPPOSE?

COMMENTS: This bill is so restrictive that it will add impetus to our falling behind Russia in minerals production; with Montana legislature in concert with the arbitrary rules proposed by BLM, I expect we will have the biggest minerals crisis ever. When the big minerals race finally gets in gear (following the crisis) The small miners will be lost in the shuffle. By promulgating the rules as the House now proposes -- small and medium sized ^{mining} industry and very independent prospecting will be stepped on Montana --

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

ENTS WITH THE COMMITTEE S
John Hancock

NAME:

Edward C Leichtlin

DATE: 3-16-77

ADDRESS:

Box 31 Virginia City, Montana

PHONE:

843-5314

REPRESENTING WHOM?

Alder Gulch Mill

APPEARING ON WHICH PROPOSAL:

H. B. 604

DO YOU: SUPPORT?

AMEND?

OPPOSE?

COMMENTS: The existing laws are sufficient to safeguard the public.

After the new BLM regulations are finalized and the forestry Service has determined their rules a state law should then be passed to embrace these regulations so one set of rules and one set of papers would be required instead of having to file three completely different sets of forms.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: STEPHEN M. WILLIAMS DATE: MARCH 17, 1977

ADDRESS: 1625 11th Avenue Helena

PHONE: 443-5810

REPRESENTING WHOM? ANACONDA CO.

APPEARING ON WHICH PROPOSAL: HB - 604

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Don Kennedy DATE: 3-17-72

ADDRESS: Box 214 Ennis Montana 59729

PHONE: 6082-4275

REPRESENTING WHOM? Cyprus Industrial Minerals Co.

APPEARING ON WHICH PROPOSAL: 4B 664

DO YOU: SUPPORT? _____ AMEND? OPPOSE?

COMMENTS: letter attached

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

P.T. Hacker

DATE: 3-17-77

ADDRESS:

Nebraska

PHONE:

449-2608

REPRESENTING WHOM? Dept Nat Resources & Conservation

APPEARING ON WHICH PROPOSAL:

H.B. 484

DO YOU: SUPPORT? Yes

AMEND? Yes

OPPOSE? _____

COMMENTS: Will support the bill with the
amendments being offered to bring bill into
perspective with state Reorganization Plan

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: James D. Mulryan DATE: 3/17/77

ADDRESS: 1909 So. Tracy Ave

PHONE: 406-586-5956

REPRESENTING WHOM? Cyprus Industrial Minerals Company

APPEARING ON WHICH PROPOSAL: HB 604

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

COMMENTS: We feel the mineral industry is over regulated already, and additional legislation is uncalled for. We also feel that the mining industry is being discriminated against with such legislation. What other industry is required to present plans and guarantee performance? A prepared statement has been left with the secretary.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: GARRY L. Preston DATE: 17 MARCH 77

ADDRESS: 4034 WYNNE AVE BUTTE, MONT. 59701

PHONE: 494-3385 494 4089

REPRESENTING WHOM? SELF AND ALDER GULCH MINING - MONT.
(MINER
MINING ASS.)

APPEARING ON WHICH PROPOSAL: H. B. 604

DO YOU: SUPPORT _____ AMEND? _____ OPPOSE?

COMMENTS: WILL MAKE VERBAL COMMENTS.
WANT BILL KILLED, ASK FOR TIME TO
WORK OUT WORKABLE LAW, RULES AND
REGULATIONS IN ONE PACKAGE FROM BOTH
FEDERAL AND STATE. SIMPLY TO
ALL THE SMALL MINER TO EXIST.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Howard H. Estatton DATE: 3-12-1982

ADDRESS: 264 Belmont Street

PHONE: 292-7254

REPRESENTING WHOM? Highland mining District - self-government

APPEARING ON WHICH PROPOSAL: 48604

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? 4/16/04

COMMENTS: Terrible

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

March 17

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Journal

MR. PRESIDENT

We, your committee on NATURAL RESOURCES

having had under consideration HOUSE Bill No. 484

Respectfully report as follows: That HOUSE Bill No. 484,

Third reading bill, be amended as follows:

Amend title, line 8.
following: "RESOURCES"
strike: "ADVISORY"

Amend page 1, line 13 through line 19, page 2.
following: line 12
strike: line 13, page 1 through line 19, page 2 in their entirety.

Amend page 4, section 3, lines 11 through 13.
following: line 10
strike: line 11 through line 13 in their entirety.
number: Subsequent subsections.

XXXXXX

March 17, 1977

4. Amend page 4, section 3, line 15.

Following: line 14

Strike: "AD HOC VOLUNTARY" ~~advisory~~

5. Amend page 5, section 4, lines 15 and 16.

Following: line 14

Strike: lines 15 and 16 in their entirety.

6. Amend page 5, section 5, line 17.

Following: "Section 5."

Strike: "Advisory committee"

Insert: "Committee"

Following: "composition."

Strike: "There"

Insert: "The governor"

7. Amend page 5, section 5, line 18.

Following: line 17

Strike: "be an advisory"

Insert: "select a"

Following: "committee"

Insert: "in accordance with [section 6]"

b. Amend page 5, section 5, lines 19 through 21.

Following: "rancher"

Strike: line 19 through line 21 in their entirety.

Insert: ";"

9. Amend page 5, section 5, line 22 through line 3, page 6.

Following: "rancher;"

Strike: line 22, page 5 through line 3, page 6 in their entirety.

10. Amend page 6, section 5, lines 9 through 11.

Following: line 8

Strike: line 9 through line 11 in their entirety.

Renumber: subsequent subsections.

11. Amend page 7, section 5, line 6.

Following: "SERVICE"

Strike: ";"

Insert: ":"

12. Amend page 7, section 5, line 7.

Following: line 6

Strike: line 7 in its entirety.

13. Amend page 7, section 6, line 8.

Following: "Section 6."

Strike: "Advisory committee"

Insert: "Committee"

March 17, 1977

14. Amend page 7, section 6, line 15.

Following: "through"

Strike: "(7)"

Insert: "(6)"

15. Amend page 7, section 6, lines 18 through 20.

Following: "DISTRICTS."

Strike: line 18 through line 20 in their entirety.

16. Amend page 7, section 6, line 22.

Following: "SUBSECTION"

Strike: "(8)"

Insert: "(7)"

17. Amend page 7, section 6, line 24 through line 1, page 8.

Following: "(3)"

Strike: line 24, page 7 through line 1, page 8 in their entirety.

Insert: "The committee members shall serve without compensation."

18. Amend page 8, section 6, lines 6 and 7.

Following: "GOVERNOR"

Strike: "WITH THE ADVICE OF THEIR RESPECTIVE AGENCIES AND ORGANIZATIONS"

19. Amend page 8, section 7, line 8.

Following: "of"

Strike: "advisory"

Following: "The"

Strike: "advisory"

20. Amend page 8, section 7, line 10.

Following: "review and"

Strike: "develop"

Insert: "recommend"

21. Amend page 8, section 7, line 11.

Following: line 10

Strike: "plans"

Insert: "programs"

22. Amend page 8, section 7, line 12.

Following: "(2)"

Strike: "set"

Insert: "suggest"

23. Amend page 8, section 7, lines 14 and 15.

Following: "program"

Strike: "within the funds available"

AND AS SO AMENDED, BE CONCURRED IN

Chesler F. Flynn
CHAIRMAN

(Attachment)

HOUSE BILL NO. 608

INTRODUCED BY SHELDON, BLITS, KESSLER

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1 A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO RECLAMATION
 2 OF MINING LANDS; AMENDING SECTIONS 50-1203, 50-1205, 50-1206, 50-1207, 50-1210, 50-1212, AND 50-1221, R.C.M.
 3 1987; AND PROVIDING AN APPROPRIATE BILL."

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DE IT PASSED BY THE LEGISLATURE OF THE STATE OF MONTANA:

SECTION 1. Section 50-1203, R.C.M. 1987, is amended to read as follows:

Section 1. Section 50-1203, R.C.M. 1987, is amended to read as follows:

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HB 0604/C3
 HB 06C4/C3

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(Attachment #2.)

PROPOSED AMENDMENTS TO HB 604

Amend 3rd reading copy

1. Amend page 1, title, line 6.

Following: "50-1209"

Insert: "50-1209,"

2. Amend page 5, section 1, line 25.

Following: "exploration"

Strike: "A DEVELOPING or"

Insert: "an"

3. Amend page 21, following line 11.

Following: line 11.

Insert: "Section 5. Section 50-1209 R.C.M. 1947, is amended to read as follows:

"50-1209. Reclamation plan -- accomplishment of specific activities. (a) The reclamation plan shall provide that reclamation activities, particularly those relating to control of erosion, shall, to the extent feasible, be conducted simultaneously with mining and in any case shall be initiated promptly after completion or abandonment of mining on those portions of the mine complex that will not be subject to further disturbance by the mining operation. In the absence of an order by the board providing a longer period, the plan shall provide that reclamation activities shall be completed not more than two (2) years after completion or abandonment of mining on said portion of mine complex.

(b) In the absence of emergency or suddenly threatened or existing catastrophe, an operator may not depart from an approved plan without having previously obtained from the department written approval of his proposed change.

(c) Provision shall be made to avoid accumulation of stagnant water in the mined area which may serve as a host or breeding ground for mosquitoes or other disease-bearing or noxious insect life.

(d) All final grading shall be made with nonnoxious, nonflammable, noncombustible solids unless approval has been granted by the board for a supervised sanitary fill.

(e) Where mining has left an open pit exceeding two (2) acres of surface area, and composition of the floor and/or walls of which pit are likely to cause formation of acid, toxic, or otherwise pollutive solutions (hereinafter "objectionable effluents") on exposure to moisture, the reclamation plan must include provisions which adequately provide for:

(1) Insulation of all faces from moisture of water contact by covering to a depth of two (2) feet or more with material or fill not susceptible itself to generation of such objectionable effluents; or

(2) Processing of any such objectionable effluents in the pit before their being allowed to flow or be pumped out of it to reduce toxic or other objectionable ratios

(Attachment #3.)

4034 Wynne Ave
Butte, Montana 59701
15 March, 1977

Director (210)
Bureau of Land Management
U.S. Department of the Interior
Washington, D.C. 20240

RE: Interior Dept. of BLM Rulemaking
on Surface Management of Mining Claims
on Public Land.

Sirs:

After the meeting with the local BLM Office the 9th of March here in Butte, in which they put forward these proposed new set of rules, along with the suggested changes. While it was not a public meeting to formulate changes, but rather one to explain the rules, ~~EXT~~, there was strong protest by the mining people to these new rules.

I as one of the major opponents to the present set of proposed rules, now in this letter, will put down in part in writing what I said at that meeting.

First, all miners that I know, want good rules and regulations, ones that the R E A L citizen can understand, and put to use. The present day mining man wants to be able to reclaim all disturbed areas as far as it is possible. Thus, in a small way, we have a common view.

Second, the small miner finds himself bound in at all sides by changes in laws rules and regulation at an almost daily rate. It is an impossible task for the large corporations to work these out, so how in heaven can the small miner possibly keep up and conform?

Third. These rules were proposed in an office in Washington, or some remote area without even coming to those affected first and asking for input and ideas.

Thus, with such a background, I hope you can and do understand the belligerent attitude on our part.

If the objective of this new set of regulations was truly by the intent of the BLM not to unduly hinder location, entry and operations of the small miner, then it would have been done in a different manner! The BLM would have first made contact with the small miner through mining associations, and in an individual basis. This in rather the bureaucratic manner that came forth. Now, I hope we can back up the whole matter, and start anew.

First, I simply do not know what has happened to our country, as the taxpayer no longer has much of a voice. We have built up such an unmeasurable sized self perpetuation bureaucratic system, that it has become totally insensitive to the public. We are now working on a single issue, but one that will prove to us here the reality of living in a country of the people, by the people, and for the people. I am afraid that my hopes are fading very fast.

Cyprus Industrial Minerals Company

Main Street

Post Office Box 516

Ennis, Montana 59729

TWX 910) 963-2028

Telephone 406) 682-4275

March 15, 1977

The Honorable Elmer Flynn, Chairman
Senate Natural Resources Committee
Montana State Senate
State Capitol Building
Helena, Montana 59601

Dear Senator Flynn:

I am writing this letter to express opposition to H.B. 604, both on behalf of my employer and myself. The mineral industry is presently operating under the provisions of the so-called Hard Rock Mining Law, and as far as we are concerned, we can see no reason to confuse the issue by amending that law so soon after it was enacted. We feel the Hard Rock Law really hasn't been on the books long enough for weaknesses to show up. Why can't we let the law be tried for a while before rushing into changes?

It appears that the final version of H.B. 604 that was passed by the House of Representatives, was basically aimed at a couple of specific problems, namely, solution mining and the ASARCO operation near Troy, which, because of the "grandfather" provisions of the bill is not covered by the provisions of the bill. We feel that legislation should not be written that will affect the entire industry, if specific cases are the real target.

For the record, we feel that H.B. 604 was pushed through the House without due deliberation. The original bill was so drastically revised when it was presented to the House Natural Resources Committee, that most of us who had appeared to oppose the bill didn't know for sure what the revised bill said. These revisions were made orally at that hearing, and there were not even printed copies available for the members of the Committee, let alone for the public attending the hearing, whether they intended to testify or not. The bill was supposed to be referred to a sub-committee, then brought before the whole committee, and then reported to the House if the Committee acted favorably. We expected we would hear further on this bill's progress through the House, but the next thing we heard was that it passed on the third reading! There was no opportunity for interested parties to obtain copies of the revised bill so we could make our comments known to the House. I have advised the Speaker of the House and several members of the House, as well as some Senators,

CYPRUS

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March 15, 1977

The Honorable Elmer Flynn
Chairman, Natural Resources Committee
Montana State Senate
State Capitol Building
Helena, Montana 59601

Re: House Bill No. 604

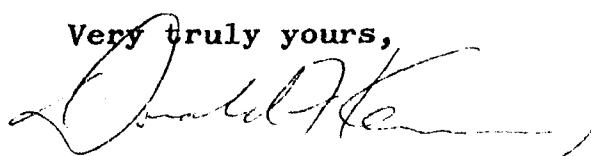
Dear Senator Flynn:

Referring to the THIRD READING of H.B. 604 which is assumed to be the final version of the bill approved by the House of Representatives, we respectfully submit the following comments:

- 1) Page 4 - lines 6 and 7 - "When it is shown that continued operation will not resume". We believe that this should read "when it is shown by the operator that continued operation will not resume". Our reason for this is that in many instances operations must be temporarily suspended due to economics and later due to changes in technology, mine equipment, etc. operations can be resumed which produce a satisfactory profit.
- 2) Page 5 - line 18 - "reasonable proximity". The word "reasonable" needs to be defined as it could be interpreted to be 50 miles, 100 miles or any other figure.

We were quite pleased to see the many changes made in the third reading as compared to the first reading but feel the methods used to get this bill past the House were quite objectionable and unfair to those engaged in the mining industry. My immediate supervisor, Mr. James Mulryan, has outlined these objections in a letter which will be presented to your committee at the hearing scheduled for March 17, 1977.

Very truly yours,



Donald F. Kennedy,
Mines Engineer-Western Area

(ATTACHMENT #6.)

Proposed Amendments to HB 484

1. Amend title, line 8.

Following: "RESOURCES"

Strike: "ADVISORY"

2. Amend page 1, line 13 through line 19, page 2.

Following: line 12

Strike: line 13, page 1 through line 19, page 2 in their entirety.

3. Amend page 4, section 3, lines 11 through 13.

Following: line 10

Strike: line 11 through line 13 in their entirety.

Renumber: Subsequent subsections.

4. Amend page 4, section 3, line 15.

Following: line 14

Strike: "AD HOC VOLUNTARY advisory"

5. Amend page 5, section 4, lines 15 and 16.

Following: line 14

Strike: lines 15 and 16 in their entirety.

6. Amend page 5, section 5, line 17.

Following: "Section 5."

Strike: "Advisory committee"

Insert: "Committee"

Following: "composition."

Strike: "There"

Insert: "The governor"

7. Amend page 5, section 5, line 18.

Following: line 17

Strike: "be an advisory"

Insert: "select a"

Following: "committee"

Insert: "in accordance with [section 6]"

8. Amend page 5, section 5, lines 19 through 21.

Following: "rancher"

Strike: line 19 through line 21 in their entirety.

Insert: ";"

9. Amend page 5, section 5, line 22 through line 3, page 6.

Following: "rancher;"

Strike: line 22, page 5 through line 3, page 6 in their entirety.

10. Amend page 6, section 5, lines 9 through 11.

Following: line 8

Strike: line 9 through line 11 in their entirety.

Renumber: subsequent subsections.

11. Amend page 7, section 5, line 6.

Following: "SERVICE"

Strike: ";"

Insert: ":"

12. Amend page 7, section 5, line 7.

Following: line 6

Strike: line 7 in its entirety.

13. Amend page 7, section 6, line 8.

Following: "Section 6."

Strike: "Advisory committee"

Insert: "Committee"

14. Amend page 7, section 6, line 15.

Following: "through"

Strike: "(7)"

Insert: "(6)"

15. Amend page 7, section 6, lines 18 through 20.

Following: "DISTRICTS."

Strike: line 18 through line 20 in their entirety.

16. Amend page 7, section 6, line 22.

Following: "SUBSECTION"

Strike: "(8)"

Insert: "(7)"

17. Amend page 7, section 6, line 24 through line 1, page 8.

Following: "(3)"

Strike: line 24, page 7 through line 1, page 8 in their entirety.

Insert: "The committee members shall serve without compensation."

18. Amend page 8, section 6, lines 6 and 7.

Following: "GOVERNOR"

Strike: "WITH THE ADVICE OF THEIR RESPECTIVE AGENCIES AND ORGANIZATIONS"

19. Amend page 8, section 7, line 8.

Following: "of"

Strike: "advisory"

Following: "The"

Strike: "advisory"

20. Amend page 8, section 7, line 10.

Following: "review and"

Strike: "develop"

Insert: "recommend"

21. Amend page 8, section 7, line 11.

Following: line 10

Strike: "plans"

Insert: "programs"

22. Amend page 8, section 7, line 12.

Following: "(2)"

Strike: "set"

Insert: "suggest"

23. Amend page 8, section 7, lines 14 and 15.

Following: "program"

Strike: "within the funds available"