

MINUTES OF THE MEETING  
NATURAL RESOURCES  
MONTANA STATE SENATE

March 22, 1977

The twenty-ninth 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 Roskie. Mr. Larry Weinberg of the Legislative Council, was also present.

Senator Flynn announced to the Committee that in continuing the Hearing on HB 604 the opponents would be given thirty minutes and the proponents thirty minutes and then there would be questions from the Committee.

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

Representative Art Shelden, of District 22 in Libby, Montana, stated that there are really only four additions and one deletion to the bill. He stated that he had proponents to HB 604 that he would like to present at this time.

Mr. Leo Berry, Director of the Department of State Lands, stated that the bill has substantially been amended and covers four major points at this time. He explained the amendments in the bill and said that on Page 32, Line 17, the confidentiality provision of the Hard Rock Act is amended. This will allow the department to inform the Department of Health of the water quality provision. The necessary action could be taken to correct the situation.

Mrs. Fay H. Ellis, of the Beartooth Ranch in Columbus, Montana, and representing the Stillwater Protective Association, stated that it is necessary to have a program to monitor water before, during, and after mining. We would urge your favorable recommendation in support of HB 604.

Mrs. Laurie Blazich, who lives on Lake Creek Road near Troy, Montana, stated that companies often refer to a law which requires their consideration of the environment as "bureaucratic red tape". But it is a different story to those of us whose homes will be in the shadow of a mining operation. We rely on the Hard Rock Act to provide clear and thorough assurance that the mining will not harm our health and well-being nor destroy our life-styles and means of livelihood. (See Attachment #1.)

Mr. Terry Stegner, homeowner on Rimimi Route, Helena, Montana, said that there is a small mining operation near his home. If it is not reclaimed and cleaned up my property value will decrease. They can spoil the view and detract from my reasons for moving to Rimini in the first place.

Mrs. Mary Donohoe, of Nye, Montana, and representing herself, stated that water monitoring before and during exploration is a must. Due to a badly placed tailing pond on the Stillwater River we feel this bill should pass. Two letters were presented to the Committee. (See Attachment #2.) Mrs. Donohoe also submitted a list of letters and telegrams received in support of HB 604. (See Attachment #3.)

Mr. Bill Quie, of the Lincoln Valley, stated that he treasures a quality way of life. It is imperative that tailing ponds be regulated by the state. Places like the Lincoln Valley are an asset to the state. Let us be able to rest assured that our waters will remain clear.

Mr. Bob Morris, of Lincoln, Montana, stated that he has lived in the Lincoln Valley for the past eleven years. Someday hard rock mining will come into the Lincoln Valley on a large scale. I urge that you support HB 604.

Mr. McGregor Rhodes, of Libby, Montana, and representing the Cabinet Resource Group, stated that HB 604 affects no one who currently is a small miner. It affects the large miner who has the potential to cause problems. This bill provides that large operations be responsible for their actions. It is a much needed piece of legislation.

Mona Jamison, Attorney for the Department of Health and Environmental Sciences, stated that the Department neither opposes nor supports HB 604. The Department wishes to testify in support of Section 50-1221 of HB 604. There is no way the Department of Health can learn of violations of water quality standards unless this particular provision is in the act. Without this particular provision, the only way the Department would learn of various violations would be through public groups who possibly monitor different streams. Therefore, we do support this particular provision.

Mr. William R. Mackay, Jr., rancher from Roscoe, Montana, and Chairman of the Carbon County Planning Board, stated that he was not opposed to mining. As has been pointed out, small miners are exempt. This kind of action being taken in this bill is long overdue. This type of bill is particularly needed now and also in the future. I am asking that you give us a chance as a community to observe this impact and that mining companies can't completely disrupt everything.

Barbara Cowan, of Troy, Montana, stated that she believes the Hard Rock Law should be expanded. We are faced with the ASARCO mining project and the tailing ponds will have their effect on Lake Creek and the Kootenai River. What recourse do we as citizens have to protect our water quality. Violators are not regularly prosecuted. We need

protection that HB 604 affords us. I urge you to support this bill.

Mr. John Heyneman, of Fishtail, Montana, stated that all the people wouldn't have come this far to testify if they didn't feel that this was a matter of importance.

Mr. Michael Moore, Minister of United Church of Christ in Absarokee, Montana, stated that he urges the Committee to support this bill for all those that depend on healthy land for living.

At this time, the opponents to HB 604 were heard.

Representative Budd Gould, of District 98 in Missoula, Montana, stated that when he looks at HB 604 and sees the way it is amended he feels this is going to be discriminatory to the future of the prospector and small miner living in his district.

Representative Bill Hand, of Dillon, Montana, stated that there is a certain satisfaction in making a small miner's exclusion in mining legislation, and rightfully so. The fact remains that in most cases these small miners must depend upon selling or dealing with the large operators. (See Attachment #4.)

Mr. D. L. Reber, small miner from Missoula, Montana, said that if this bill is passed it will force the small miner out of business. If HB 604 is passed it will in all probability put me out of business and I will lose my life savings. We are already bonded by two and three government agencies. I receive no return on my money when the state has it or the government has it. You are lumping me in with the large major corporations. Bentonite is exempt. Barite is used to prevent disaster. Why is it not exempt also.

Mr. Stephen Williams, representing the Anaconda Company, stated that the Anaconda Company opposes HB 604 because it changes the emphasis of the Hard Rock Mining Act from reclamation of mined surfaces to the regulation and control of the mining industry. As was pointed out to this Committee last week, this Bill has been amended, and watered down to the point where no change is necessary. (See Attachment #5.)

Mr. Gene Phillips, Attorney representing ASARCO, said I don't know of any small miner that some day doesn't expect to be a big miner. (Numerous books were shown to the Committee.) We feel we are doing all the things needed to be done to be an environmentally sound operation. We do not see any necessity for this bill. The bill does not specify for how long you would have to monitor water. We urge that you do not concur in this bill.

Mr. Peter Jackson, representing the Western Environmental Trade Association, stated that mining does have some real good beneficial

things in regard to the area. It brings money into the community. WETA is opposed to this bill. We don't think it is necessary. We think the present law ought to be given a chance.

Mr. Neil Lynch, representing the Montana Mining Association, stated that the small miners that were here last Thursday are disappointed that they can't be back. We don't want to completely and totally stop mining in Montana.

Mr. Phil Walsh, representing himself and Director of the Montana Council of Mineral Society, said I am opposed to this bill and the Council is opposed to this bill.

Representative Shelden, in closing, stated that he appreciated the continuance of this hearing. I am concerned as anyone about the small miner. As an employee of the Libby Chapter of Montana Mining Association, I am going to try to get some dialogue in that area. Mining and reclamation are compatible if we do it reasonably and carefully. As far as jobs are concerned, certainly we want jobs. We want to be sure any new company coming in will monitor their water. I urge you to give serious consideration to the proposed changes to the Hard Rock Mining Act proposed in this bill.

Senator Flynn, asked, under this definition of small miner is moving dirt from a road under this.

Mr. Berry answered, yes.

Senator Manley asked, is that in the bill or is it a department rule.

Mr. Berry replied, that was in the present law. Roads are included in the definition of disturbed land.

Senator Jergeson asked, Mr. Lynch, did you introduce SB 19 last session when you were a Senator.

Mr. Lynch said, that bill said that as far as development that was no longer confidential.

Senator Jergeson said, Mr. Berry, Mr. Williams said you have a duty to report to the Department of Health and Environmental Sciences.

Mr. Berry replied, if Mr. Williams is willing to pay the fine and six months in jail I would be glad to do it.

Senator Smith asked, do you have any Court cases against the Department of State Lands now.

Mr. Berry replied, there is a suit now involving confidentiality. Also, if I am acting within my authority the state would pay the fine.

Senator Manley said, to notify the Health Department that a mine is polluting a creek - how would that be in the confidentiality law. Wouldn't you think they would notify the department.

Mr. Berry said, each thing between the department and the applicant is confidential, so I can't tell the Health Department where the mine is located. We don't have the staff to make a determination if the law has been violated.

Senator Devine asked, at the last meeting it was pointed out that this bill was suggested by the Environmental Information Center.

Representative Shelden said, one person who works there did the leg work.

Senator Devine said, when you get these requests from the Environmental Information Center - like a need for tightening up this mining - do you go to them or they to you.

Mr. Berry said, my first contact with the bill was after it came out of the Council.

Senator Devine said, one of the small miners said that when the bills are worked on they are never asked for any input.

Mr. Herb Sherbourne said, the Environmental Information Center maintains an office in Helena. We have never been contacted by anybody in advance.

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 3/22/77

SENATE

## Natural Resources COMMITTEE

BILL HB604

VISITORS' REGISTER

DATE 3/22/77

Please note bill no.

See Bill No. 1 (check one)

NAME	REPRESENTING	BILL #	(check one) SUPPORT	OPPOSE
Ellen Kaye		604	✓	
Jim Mockler	Mont. Coal Council			
Tom Edgerly	AMAX Coal Co			
D.F. Jenkins	Placer AMEX Inc.	604		✓
Bob Kinstling	ENVIRONMENTAL INFORMATION CENTER	HB604	✓	
J.T. Kremersky	U.S. Council of Miners	HB604		
Tim Welsh	The Anaconda Co.	604	✓	
Mark Weller	" " "	604		✓
Al TRUESBAND	" " "	604	✓	
Stephen Roberts	" " "	604		✓
Alvin Johnson	St. Paulians	604		
Willie Hall	League of Women Voters	604		
Span Wilson	Lincoln Mt.	604		
Henry J. Lee	Lincoln	604		
Donna Hobel Gray	Lincoln, MT	604		
Don Gray	Lincoln, MT	604	✓	
Tracy Sandland	Lincoln, MT	604		✓
	Lincoln, MT	604	✓	
FRED QUE	LINCOLN MT.	604	✓	
Jeffrey Lovell	Lincoln, Montana	604		
GLEN L. SAWYER	WORLD & ASSESS	604		

NAME: Pat Stelzen DATE: 3-22-77

DATE: 3-22-77

ADDRESS: House of Representatives

**PHONE:** \_\_\_\_\_

REPRESENTING WHOM? *Chief Sponsor*

APPEARING ON WHICH PROPOSAL: HB 604

DO YOU: SUPPORT? ✓ AMEND? OPPOSE?

COMMENTS: \_\_\_\_\_

NAME: Les Berry DATE:

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

REPRESENTING WHOM? State Lands

APPEARING ON WHICH PROPOSAL: HB 604

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Mrs. George H. Ellis (Fay H.) DATE: March 22, 1977

ADDRESS: Beartooth Ranch, Columbus, Mt.

PHONE: 322-5269

REPRESENTING WHOM? Stillwater Protective Assn.

APPEARING ON WHICH PROPOSAL: HB 604

(R) YOU: SUPPORT? X AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS : \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Laurie Blazich DATE: March 22, 2011

DATE: March 22, 1977

ADDRESS: Route 3, Troy

PHONE: \_\_\_\_\_

REPRESENTING WHOM? \_\_\_\_\_

APPEARING ON WHICH PROPOSAL: HB 604

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: \_\_\_\_\_

NAME: Terry Stegner DATE: 22 March 77

ADDRESS: 3494 Rimini Rd, Helena, MT

PHONE: 442-4142

REPRESENTING WHOM? Myself

APPEARING ON WHICH PROPOSAL: HB 604

DO YOU: SUPPORT? ✓ AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: I am in favor of some sort of reclamation and clean up of mining operations, when they are concluded. A small mining operation near my house, if not reclaimed and cleaned up, will ~~lower~~ my property value and detract from my reasons for moving to Rimini in the first place - beautiful and quiet ~~East~~ Forest

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Mrs. Mary Donohoe DATE: March 22, 77

ADDRESS: Nege, Montana 59061

PHONE: 327-4422

REPRESENTING WHOM? myself

APPEARING ON WHICH PROPOSAL: H.B. 604

DO YOU: SUPPORT? X AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS : \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Robert Morris DATE: 3-2-17

DATE: 3-2-72

ADDRESS: Box 404 Lincoln, Montana

PHONE: 362-4316

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL: HB 604

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: John Smith DATE: 5/22/11

DATE: 3/22/77

ADDRESS: Ston Rd #2 Libby, MT.

PHONE: \_\_\_\_\_

REPRESENTING WHOM? Calvert Resources Group

APPEARING ON WHICH PROPOSAL: H6 604

DO YOU: SUPPORT?  AMEND?  OPPOSE?

**COMMENTS:** \_\_\_\_\_

NAME: Mona Jarmuski DATE: 3/22/77

ADDRESS: 1100 11th Avenue

PHONE: 449-2630

REPRESENTING WHOM? Dept. Health & Env. Sciences

APPEARING ON WHICH PROPOSAL: H.B. 604

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: \_\_\_\_\_

Department wishes to testify  
in support of S. 50-1221  
of H.B. 604

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: William R. Mackay Jr. DATE: 22 March 19

ADDRESS: LaBry S. L. Ranch, Roscoe, Mont

PHONE: 328-3313

REPRESENTING WHOM? my self

APPEARING ON WHICH PROPOSAL: 143 604

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Barbara Cowan DATE: 3/22/71

DATE: 3/22/72

ADDRESS: 8781 Troy, Mt. 59935

PHONE: no phone

REPRESENTING WHOM? myself

APPEARING ON WHICH PROPOSAL: HB 604

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS :

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

John Heyman

DATE: 3/12/77

ADDRESS:

Foothill, Norton 59028

PHONE:

328-3231

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: Michael Moore DATE: 22 March 1977

DATE: 22 March 1977

ADDRESS: Absarokee, MT 59001

PHONE: 328-3291

REPRESENTING WHOM? myself

APPEARING ON WHICH PROPOSAL: H.B. 604

DO YOU: SUPPORT? ✓ AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Rep Budd Gould DATE 22 MAR

ADDRESS: House of Representatives

PHONE: \_\_\_\_\_

REPRESENTING WHOM? himself

APPEARING ON WHICH PROPOSAL: \_\_\_\_\_

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE?

COMMENTS: H.B. 604

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Rep. Bill Hand-Dillon DATE: 3/22/77

ADDRESS: Capitol Help -

PHONE: A43-2907

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:

D. L. REBER

DATE: 22 MAR 77

ADDRESS:

P.O. Box 3296 Missoula, MT 59806

PHONE:

549-8696

REPRESENTING WHOM?

Myself

APPEARING ON WHICH PROPOSAL:

HB 604

DO YOU: SUPPORT?

AMEND?

OPPOSE?

X

COMMENTS: This Bill if passed will force the small miner out of business. MONTANA will end up with 2 or 3 large mining companies who will take our businesses at their price.

BENTONITE IS EXEMPT, 90% of produced BENTONITE & 90% of produced BHRITE appear are used in the same industry. BHRITE is used to prevent disasters. why is it NOT EXEMPT ALSO.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: STEPHEN M. WILLIAMS DATE: 3-22-77

ADDRESS: 1625 11th Avenue

PHONE: 443-5810

REPRESENTING WHOM? ANACONDA CO.

APPEARING ON WHICH PROPOSAL: 11B-604

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE?

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Gene Phillips DATE: 3/22/77

ADDRESS: Box 759 Kalispell, Mont.

PHONE: 755-6644

REPRESENTING WHOM? ASARCO

APPEARING ON WHICH PROPOSAL: HB 604

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? 

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME:

Peter Jackson

DATE: 3-22

ADDRESS:

Helena MT

PHONE:

443-5541

REPRESENTING WHOM?

Walter

APPEARING ON WHICH PROPOSAL:

HB 604

DO YOU: SUPPORT?

AMEND?

OPPOSE?

X

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Neil J. Lynch DATE: \_\_\_\_\_

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

ADDRESS: Butte, Montana

PHONE: \_\_\_\_\_

REPRESENTING WHOM? Montana Mining Assoc

APPEARING ON WHICH PROPOSAL: HB 604

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: \_\_\_\_\_

NAME: Fl. L. Walsh DATE: 3-22-77

ADDRESS: 1070 Phillips Ln., Helena

PHONE: 743-3906

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: HB604

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE?  X

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Becky Bogard DATE: 3-22-79  
ADDRESS: P.O. Box 43 Fairplay, Montana  
PHONE: 862-4442

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL: 113 604

DO YOU: SUPPORT? ✓ AMEND? ✓ OPPOSE?

COMMENTS : \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

JOHN T. LEWIS

TUE

DATE: 3-22-77

ADDRESS:

Box 509 Boulder, Mt.

PHONE:

REPRESENTING WHOM?

SELF & OTHER MINERS, JEFFERSON CO.

APPEARING ON WHICH PROPOSAL:

H. B. 604

DO YOU: SUPPORT?

AMEND?

OPPOSE?

COMMENTS:

Although I testified on the 17<sup>th</sup>, I wish to go on record as being here at this hearing. This bill is arbitrary & capricious, being so prohibitive as to stop the small miner. It will serve to drive out job-making industry.

If this <sup>bill</sup> passes, we can expect serious consequences on Montana's economy; the National defense & economy will accordingly be affected in some degree.

The 1872 Mining Law, if properly enforced, is a sufficient and just law.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Verdejuelin

DATE: 3/2/77

ADDRESS:

125 So Fletcher St. San

PHONE:

514-523-8485

REPRESENTING WHOM?

Bob

APPEARING ON WHICH PROPOSAL:

604

DO YOU: SUPPORT?

AMEND?

OPPOSE?

X

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: S.L. (Ed) Whitworth

DATE: 3/23/72

ADDRESS: Plot 151 Dillon, Mont

PHONE: 653-5602

REPRESENTING WHOM? Whitworth & Schone (Mining Law)

APPEARING ON WHICH PROPOSAL: HB 604

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE?

COMMENTS: Simply To Much red tape - overlapping of  
Federal Bureaus and State legislatures & regulations,  
All these will inhibit prospecting, small and  
large mining operations in general. Costs will  
be increased. Mineral must obtained from  
Mother Earth to sustain most other industries.  
Every living soul depends upon produced from  
Agriculture & mining ~~as~~ The only basic industries.  
Are we going to be forced to import our  
minerals from our arch enemies, The Russians  
or else where. Inhibiting or stopping mining  
would be a foolish and great disaster.  
Control of population is of prime importance.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: J.P. Burgham DATE: 3-22-77  
ADDRESS: Box 440 WALLACE IDAHO  
PHONE: 252-1116  
REPRESENTING WHOM? ASARCO  
APPEARING ON WHICH PROPOSAL: HB 604

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

(Attachment #1.)

Laurie Blazich  
Route 3  
Troy, Mt. 59935

Testimony on HB 604

My name is Laurie Blazich. My husband and two children and I live near Troy on Lake Creek Road, down hill, down wind and downstream of Asarco's proposed copper-silver mine's tailings pond. I am here today in support of HB 604.

Mining companies are concerned with mining in the most expedient way possible. Companies often refer to a law which requires their consideration of the environment as "bureaucratic red tape". But it is a different story to those of us whose homes will be in the shadow of a mining operation. We rely on the Hard Rock Act to provide clear and thorough assurance that the mining will not harm our health and well-being nor destroy our life-styles and means of livelihood. It is evident that the Hard Rock Act must be made clearer and more comprehensive.

The mining industry has been fighting tooth and nail to disinclude all activities save the actual extraction of the ore from their permit requirements under the Hard Rock Act. Considering all the concomitants of mining, the extraction of ore is probably the least of our worries. There must be no room for doubt that a six mile slurry pipeline and 400 acre mountain of tailings are covered by the Act. The slurry and tailings may be the worst aspects of the mining operation from the point of view of local dwellers. They will certainly endanger our precious waterways; they will certainly affect a great quantity of land. Since the line between mining and refining is arbitrary, it should be drawn at the point where the ore leaves for the smelter.

Because of its location, Asarco's tailings pond's construction is of utmost concern to my family. Not only would we have to live with any effluence it produced, we would be endangered in the event that the dam broke. Such an occurrence is not unknown. The Mike Horse tailings dam



**COUNTY OF STILLWATER**  
**STATE OF MONTANA**

**COLUMBUS, MONTANA**

March 21, 1977

Senator Elmer Flynn  
Chairman, Senate Natural Resources Committee  
Capitol Station  
Helena, Montana 59601

Dear Senator Flynn:

I would like to urge a favorable recommendation of HB 604 by the Senate Natural Resources Committee. As Stillwater County Planner I am aware of the many problems which have occurred from the mining industry in our County. On the whole, we are not against the industry but if it cannot minimize adverse effects on the environment then the local citizens are placed in a position to urge stricter controls to insure adequate protection of the resources.

HB 604 offers the minimum safeguards needed to insure that incidents such as the siting of a tailings pond next to the Stillwater River during the chrome mining 30 years ago does not occur again. The expanded definition of mining includes tailings, ponds, leach ponds, and concentrators which have not been adequately controlled in the past.

Another serious problem has occurred from water quality and quantity degradation from mining activity in the Stillwater Complex. The water pollution control laws in this State do not provide for water quality and quantity monitoring before, during, and after, mining. It is for this reason that these measures should also be included in the hard rock law.

Allowing the Department of State Lands to notify the Department of Health and Environmental Sciences and other State Agencies at its discretion of water quality violations is also a measure which I support.

Overall, I urge your support of HB 604.

Sincerely,

*Tom Kelly*  
Tom Kelly  
Stillwater County Planner

Cathy Donohoe  
Nye  
Montana 59061

March 21

Dear Sir -

We are writing in regard  
to House Bill 604.

unable to make the Hearing  
on March 22, we request your  
support of House Bill 604,  
which proposes amendments to  
strengthen the Hard Rock Mining  
act.

We feel this bill should be  
strongly backed. Thank you.

Sincerely -

Paul & Cathy Donohoe

(Attachment #3.)

Letters & Telegrams sent in respect of  
F.D. 604.

Stillerator Co. Planner  
Carbon Co. Planner  
Carbon Co. Planning Board  
Chem. Stillwater Co. Planner Board  
Stillwater Co. Conservation Dist.  
Stillwater Carbon Co. Planner  
Mad Riverstone and the Planning Board

A STATEMENT BY REPRESENTATIVE BILL HAND, DILLON  
PRESENTED TO THE SENATE NATURAL RESOURCES COMMITTEE ON H.B. 604,  
MARCH 22, 9:30 A.M., ROOM 405, SENATOR ELMER FLYNN, CHAIRMAN

MR. CHAIRMAN AND COMMITTEE, I WOULD LIKE TO ADDRESS MYSELF  
TO: (1) THE LACK OF EMPLOYMENT OPPORTUNITIES  
(2) THE NEED FOR ENLIGHTENED MINERAL DEVELOPMENT POLICY  
(3) UNJUSTIFIED FEARS AND  
(4) MONTANA'S POOR MINERAL IMAGE.

THE LACK OF EMPLOYMENT OPPORTUNITIES IN MONTANA AND THE  
EXODUS OF OUR TRAINED YOUNG MONTANANS ELSEWHERE IS MOST UNDESIRABLE.  
THIS IS BECAUSE LAWS LIKE THIS DISCOURAGE ORDERLY DEVELOPMENT OF OUR  
BUSINESS AND OUR RESOURCES. RISK CAPITAL IS CERTAINLY NOT AVAIL-  
ABLE.

I ADMIT THAT DUE TO COAL DEVELOPMENT, MINERAL PRODUCTION IS  
THE BIGGEST SEGMENT OF OUR ECONOMY, EVEN SURPASSES AGRICULTURE;  
BUT I QUICKLY SUBMIT TO YOU THAT WYOMING, WITH OUR LESSER MINERAL  
POTENTIAL, BY-PASSES US TWO TIMES.

THERE IS A CERTAIN SATISFACTION IN MAKING A SMALL MINER'S  
EXCLUSION IN MINING LEGISLATION, AND RIGHTFULLY SO. THE FACT  
REMAINS THAT IN MOST CASES THESE SMALL MINERS MUST DEPEND UPON  
SELLING OR DEALING WITH THE LARGE OPERATORS, IF HE IS TO HOPE TO  
JUSTIFY HIS EFFORTS. NO LONGER IS A 100 TONS PER DAY OPERATION  
ECONOMIC ANY MORE THAN A 100 HEAD COW RANCH; AND NO LONGER CAN THE  
CUSTOM SMELTERS ABSORB THAT MUCH CRUDE ORE.

I ADMIT TO BE AN INTERESTED PARTY. I WAS INVOLVED WITH  
A FAMILY MINING OPERATION FROM 1942 TO 1971, WHEREIN WE SOLD A  
CRUDE ORE TO THE EAST HELENA SMELTER. THE PROPERTY IS NOW OPTIONED

TESTIMONY  
OF  
Stephen M. Williams  
The Anaconda Co.

BEFORE

Senate Natural Resources Committee  
March 22, 1977

The Anaconda Company opposes HB 604 because it changes the emphasis of the Hard Rock Mining Act from reclamation of mined surfaces to the regulation and control of the mining industry. As was pointed out to this Committee last week, this Bill has been amended, and watered down to the point where no change is necessary.

The Hard Rock Mining Act was passed in 1971 and amended in 1974. The basic intent of that act and the amendments are expressed on Page 1 of this Bill. That mined land surfaces disturbed by mining were reclaimed. HB 604 adds nothing to help reclamation of these lands.

Though this Bill has been amended significantly, we still have objections to several provisions, because they do not belong under the Hard Rock Mining Act.\*

On P. 5, 11. 15-19, Crushers, concentrators, tailings ponds and dams are included within the definition of mining, and thus covered by the bonding requirements of the Act. Crushers and concentrators should not be included in this section because they are not land disturbed by mining in the reclamation sense of this Act. These are permanent buildings and facilities which are not mobile or moved on a daily or yearly basis. These structures are not part of the pit, but permanent processing facilities where ore is brought and treated.