

MINUTES OF THE MEETING
NATURAL RESOURCES
MONTANA STATE SENATE

March 31, 1977

The thirty-fourth 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 HJR 71: A Joint Resolution of the Senate and the House of Representatives of the State of Montana directing the Department of Health and Environmental Sciences to conduct a study on the regulation of solution mining of principally potash and to present recommendations and legislation for such regulation to the 46th Legislature.

Representative Dennis Nathe, representing District 1, stated that there are three firms moving into Eastern Montana to mine potash. This is just to make sure that we don't get our shallow underground waters all contaminated. I believe there is no sense in spending a lot of money on something if it is being done in another area.

There were no opponents to HJR 71.

Senator Flynn asked, why the Department of Health and Environmental Sciences is to make the study.

Representative Nathe said, we included the Health and Environmental Sciences because they have the water quality in the state.

Senator Roskie added, you established the Health and Environmental Sciences as a lead agency and the others will work with them.

Representative Nathe stated, yes, they have the water quality in the state.

Senator Manley said, I have some question about the Department of Health and Environmental Sciences being the primary department in this Resolution. I kind of wonder about this Bureau of Mines. It seems they are the people who it should be directed at.

Representative Nathe said, I talked to Dr. Sid Groff and he said he wanted to be included. If you want to reverse that it would be acceptable to me.

Senator Manley asked, did you ever think about putting them together with Senator Graham's bill.

Representative Nathe answered, I don't like to fool with another man's legislation.

Senator Dover said, why do we have to take something like this to encourage four or five departments to look into something. Isn't there something already being done with this.

Representative Nathe said, when the leasing first started for potash in northeastern Montana it involved eighteen thousand acres of state land up there. It was our impression at the start that they put solution mining under the Open Cut Mining Law. Now it is under the Hard Rock Mining Law. I wonder if solution mining should be in a deal of its own and not tied to another law. I don't think it belongs under the Hard Rock Mining Act. It would be better under the Oil and Gas Commission. I as a legislator don't know or have the expertise to say where these things belong so I have involved these people.

Senator Manley asked, if Senator Nathe would object to amending the bill to have the Bureau of Mines as the lead agency instead of the Department of Health and Environmental Sciences.

Representative Nathe replied, I have no objection.

Senator Manley said, the reason for these amendments is that the Bureau of Mines would be a lot more apt to come up with sensible recommendations rather than the Department of Health and Environmental Sciences.

DISPOSITION OF HJR 71: Motion was made by Senator Manley and seconded by Senator Dover that HJR 71 BE AMENDED. Motion carried unanimously.

Motion was then made by Senator Manley and seconded by Senator Dover that HJR 71 AS AMENDED BE CONCURRED IN. Motion carried unanimously.

CONSIDERATION OF SJR 43: A Joint Resolution of the Senate and the House of Representatives requesting the Committee on Priorities to assign the appropriate standing committee to study all of Montana's laws relating to subdivisions for the purpose of generally clarifying, updating, supplementing, and revising such laws.

Senator Harold Dover, Chief Sponsor of SJR 43, stated that this Resolution calls for a study on the sub-division laws. We really have some problems in cities today in getting high-density living areas.

Mr. Cliff Christian, representing the Montana Association of Realtors, stated we think this is a good resolution. We hope within two years there will be some sense made.

There were no opponents to SJR 43.

Senator Dover stated, we really have a problem in our towns in getting high-density setup.

Senator Manley said, back of my ranch there is a 11,000 acre sub-division and no lot is under 20 acres and there is no law to control this.

Senator Roskie added, we all are in accord of the intent of getting better land use.

DISPOSITION OF SJR 43: Motion was made by Senator Roskie and seconded by Senator Manley that SJR 43 BE CONCURRED IN. Motion carried unanimously.

CONSIDERATION OF HJR 35: A Joint Resolution of Senate and the House affirming the need for a long-range Montana timber supply implication study and directing the Montana Forest and Conservation Experiment Station to undertake planning investigations for study implementation.

Representative Gary Kimble, representing District 94, stated that the eventual study would include an assessment of the long-run Potential for timber production, and the relating social implications. The study would also consider the transition from old to second growth forests and the ecological impacts for Montana's timber using industry. Before this study can be conducted we need a plan for what should be investigated by the study. Thus, this Resolution calls for a study plan to be written and presented to the public and Legislature by January 1979. A companion bill, House Bill 807, would fund this planning for \$15,000. (See Attachment #1.)

Mr. Dick Bourke, Acting Director of the Environmental Quality Council, stated that Representative Kimble has carried this bill at the request of the Environmental Quality Council.

Mr. Bob Holding, Executive Director of the Montana Wood Products Association, stated that they support the study of the timber supply but don't necessarily agree with everything that is said here. I am lukewarm in support of this Resolution.

Mr. Gerald Neils, representing the Montana Logging Association, stated that they concur with Mr. Holding's views.

Senator Flynn asked, why the Montana Forest and Conservation Experiment Station.

Mr. Bourke replied, it is part of the School of Forestry at the University. It was my feeling that they were the logical choice to head up the planning functions.

Senator Galt asked, you mean it is going to take \$15,000 to have the agency determine if they need a study.

Representative Kimble replied, no, there is other things involved.

Senator Manley stated, I have just returned from Timber Task Force meeting in Portland, Oregon and I believe in the next two or two and one-half years every acre of timber land is to be inventoried.

Mr. Holding at this time read a letter from the State Forester to the Committee. (See Attachment #2.)

In closing, Representative Kimble, read a letter from the Acting Dean of Forestry School to the Committee members. (See Attachment #3.)

Senator Roskie said, I feel it is being ahead of ourselves to get into conclusions until we have a more clear cut idea of where we are going.

Representative Kimble said, this bill was initiated so we can get moving again because industry needs it.

SUB-COMMITTEE REPORT ON HB 197: Senator Roskie reported that he and Senator Jergeson had amendments drawn up by Mr. Larry Weinberg, Staff Attorney for the Legislative Council. He said that this was Representative Quilici's biggest concern that something was happening and they didn't know what was happening. I think this clears it up. It was an effort to solve a problem that Representative Quilici addressed his bill too. (See Attachment #4.)

DISPOSITION OF HB 197: Motion was made by Senator Smith and seconded by Senator Dover that HB 197 BE AMENDED. Motion carried unanimously.

Motion was then made by Senator Roskie and seconded by Senator Jergeson that HB 197 AS AMENDED BE CONCURRED IN. Motion carried unanimously. (See attached Standing Committee Report.)

Senator Jergeson will carry HB 197.

DISPOSITION OF HJR 35: Motion was made by Senator Manley and seconded by Senator Dover that HJR 35 BE NOT CONCURRED IN. Motion carried with Senator Jergeson voting no.

RE-CONSIDERATION OF HB 762: An Act to establish necessary emergy supply alert and emergency powers for the Governor.

Senator Jergeson said, the bill may be rewritten.

Senator Roskie added, I am hesitant to kill the bill but I am sure not for it in its present form.

At this time, Sub-Committee consisting of Senators Roskie and Jergeson were appointed by Senator Flynn.

Senator Manley stated, the first thing I would want to do is make it a Committee Bill.

Senator Flynn added, it will make it more compatible if we put a destructive clause in this.

Senator Manley also informed the Committee that Senator Towe asked if he could be in on the amendments.

Senator Roskie said, if it is a Committee Bill I think the bill should originate here.

ADJOURNMENT: There being no further business, the meeting was adjourned at 10:55 a. m.


SENATOR ELMER FLYNN, CHAIRMAN

NR 35

SENATE

Natural Resources

COMMITTEE

BILL

NR 71

VISITORS' REGISTER

DATE

3/31/77

SR 43

Please note bill no.

(check one)

NAME

REPRESENTING

BILL #

SUPPORT

OPPOS

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

ADDRESS: Kalispell, Mont.

REPRESENTING WHOM? ASARCO

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

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

2 B HOLDING

DATE:

3/31/71

ADDRESS:

Missoula, MT

PHONE:

REPRESENTING WHOM?

MONTANA WOOD PRODUCERS ASSN

APPEARING ON WHICH PROPOSAL:

HJR 35

DO YOU:

SUPPORT?

☒

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: _____

DATE: 3-31-77

ADDRESS :

PHONE: 2

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

COMMENTS :

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Gerald T. Neils DATE: 3/31

ADDRESS: 1923 Broadway

PHONE: _____

REPRESENTING WHOM? Montana Logging Assn

APPEARING ON WHICH PROPOSAL: HJR 35

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

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

STANDING COMMITTEE REPORT

March 31 19 77

MR. PRESIDENT

We, your committee on NATURAL RESOURCES

SENATE JOINT RESOLUTION 43
having had under consideration Bill No.

Respectfully report as follows: That SENATE JOINT RESOLUTION Bill No. 43,

DO CONCUR IN

DO PASS

jm

STANDING COMMITTEE REPORT

March 31

19 77

MR. ~~PRESIDENT~~

We, your committee on ~~NATURAL RESOURCES~~

~~HOUSE JOINT RESOLUTION~~

having had under consideration ~~Bill No. 35~~

Respectfully report as follows: That ~~HOUSE JOINT RESOLUTION~~ Bill No. ~~35~~,

DO NOT CONCURRED IN

DO PASS

STANDING COMMITTEE REPORT

March 31

19 77

MR. PRESIDENT.....

We, your committee on **NATURAL RESOURCES**

having had under consideration **HOUSE JOINT RESOLUTION** **71**
Bill No.

Respectfully report as follows: That **HOUSE JOINT RESOLUTION** Bill No. **71**,

third reading bill, be amended as follows:

1. Amend title, line 6.

Following: line 5

Strike: "DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES"

Insert: "BUREAU OF MINES"

2. Amend page 1, lines 23 and 24.

Following: "the"

Strike: "Department of Health and Environmental Sciences"

Insert: "Bureau of Mines"

3. Amend page 2, lines 2 and 3.

Following: "the"

Strike: "Department of Health and Environmental Sciences"

Insert: "Bureau of Mines"

~~DO-PASS~~

Page 2
House Joint Resolution 71

March 31, 1977

4. Amend page 2, line 5.

Following: "Council"

Strike: "BUREAU OF MINES"

Insert: "Department of Health and Environmental Sciences"

5. Amend page 2, line 8.

Following: "the"

Strike: "Department"

Insert: "Bureau of Mines"

AND AS SO AMENDED, BE CONCURRED IN



SENATOR ELMER FLYNN, CHAIRMAN

HOUSE JOINT RESOLUTION 35

LONG-RANGE FOREST TIMBER SUPPLY STUDY PLAN

SUMMARY AND JUSTIFICATION

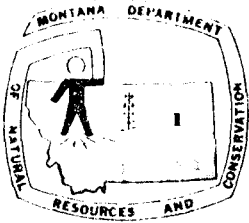
HOUSE JOINT RESOLUTION 35 DIRECTS THE MONTANA FOREST AND CONSERVATION EXPERIMENT STATION TO COORDINATE PLANNING FOR A LONG-RANGE TIMBER SUPPLY STUDY IN CONJUNCTION WITH THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION, THE ENVIRONMENTAL QUALITY COUNCIL, OTHER STATE AND FEDERAL ORGANIZATIONS AND THE TIMBER INDUSTRY IN MONTANA. THE EVENTUAL STUDY WOULD INCLUDE AN ASSESSMENT OF THE LONG-RUN POTENTIAL FOR TIMBER PRODUCTION, AND THE RELATED SOCIAL IMPLICATIONS. THE STUDY WOULD ALSO CONSIDER THE TRANSITION FROM OLD TO SECOND GROWTH FORESTS AND THE ECOLOGICAL IMPACTS FOR MONTANA'S TIMBER USING INDUSTRY.

BEFORE THIS STUDY CAN BE CONDUCTED WE NEED A PLAN FOR WHAT SHOULD BE INVESTIGATED BY THE STUDY. THUS, THIS RESOLUTION CALLS FOR A STUDY PLAN TO BE WRITTEN AND PRESENTED TO THE PUBLIC AND LEGISLATURE BY JANUARY 1979. A COMPANION BILL, HOUSE BILL 807 WOULD FUND THIS PLANNING FOR \$15,000.

THE STUDY PLANNING WOULD CONSIST OF TWO PARTS. FIRST, A STUDY WOULD IDENTIFY INFORMATION NEEDS AND RELATED POSSIBLE INDIVIDUAL STUDIES. SECOND, SEVERAL STUDY PLANS WOULD BE WRITTEN FOR THE AREAS OF INFORMATION NEED.

NEARBY STATES OF WASHINGTON, OREGON, AND IDAHO ARE IN VARIOUS STAGES OF COMPLETING SIMILAR STUDIES. WE WOULD BE ABLE TO LEARN FROM CRITICAL EVALUATIONS OF THEIR EXPERIENCES WHILE DESIGNING A STUDY TAILORED TO MEET MONTANA'S UNIQUE NEEDS.

(Attachment #2.)



FORESTRY DIVISION
GARETH C. MOON
ADMINISTRATOR

MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

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728-4300
2705 SPURGIN ROAD
MISSOULA, MONTANA 59801

March 9, 1977

Mr. Bob Holding
Montana Tax Payers Assoc.
Box 4909
Helena, Montana 59601

Dear Bob:

This letter is in response to your inquiry about the request for funds for forest land inventory.

The primary purpose of the forest inventory is to provide vitally needed data of the forest resources on State and privately owned forest lands in Montana so that effective management planning for the development and utilization, and to improve the productivity of all of the forest resources, may be carried out. We need to know the growth taking place; total cubic foot volume available; amount of dead materials available for pulp or energy uses; amount of posts and poles available; treatments needed, such as, whether or not, and how, it should be harvested; need for planting and multiple use opportunities; and environmental constraints. In the case of State-owned lands, without solid assessment of the forest resources and their potential, we cannot calculate sustained allowable cuts, or develop adequate improvement programs. Consequently, this constraint has a direct effect on the amount of monies we can make available to the schools. On privately owned forest lands, we cannot advise landowners, County Commissioners, or others, whether or not impending forestry activity will cause an over or under-cut. This, of course, could create a boom or bust situation, not only to the industry, but to the local communities as well.

We have an ongoing inventory program in cooperation with the U. S. Forest Service's Experiment Station. By sharing our monies and working together, we have been able to obtain considerable more data and information at a much lower cost.



(Attachment #3.)



SCHOOL OF FORESTRY

February 18, 1977

University of Montana

Missoula, Montana 59812

(406) 243-0211 5522

The Honorable Gary N. Kimble
Montana House of Representatives
Helena, MT 59601

Dear Gary:

I was pleased to receive your letter of February 4, 1977, concerning a prospective timber supply study for the State of Montana.

I endorse this study, and the language of HJR35 seems particularly prudent. Since the main study, if implemented, would represent a significant research effort, the notion of prior, thoughtful planning makes a great deal of sense. Careful, high quality study planning should insure that all parties involved in research have an adequate basis to evaluate the merits of a research investigation, in terms of objectives, scope and methods.

The concept of a timber supply implication study is not unfamiliar to us. Our colleagues in the states of Washington, Oregon and Idaho are in various stages of completing similar studies for their respective states. The College of Forestry at the University of Idaho, for example, has recently released some of the results of the first stage of Idaho's study, dealing exclusively with physical and biological aspects of timber supply. The next phase will focus on the economic and other institutional aspects of long range timber supply and availability for that state. The states of Washington and Oregon seem to have really completed their investigations.

Several aspects of study methodology are held in common by these other states. We would intend to learn from the experiences of others, to the extent that their experiences are relevant to Montana. For example, the pattern of land ownership and associated forest inventory systems is quite common among the northwestern states. We could save a great deal of time and money by evaluating the methodologies used in Washington, Idaho and Oregon--and not repeating their mistakes.

However, it is important to note that each state is unique in terms of relevant issues and questions to be addressed. We would intend to tailor-make a study design geared to Montana's unique setting. This would necessitate a thorough analysis of Montana's problems with an eye toward identifying the information needed for long-range planning and decision-making.

HB 197

PROPOSED AMENDMENT

1. Amend title, lines 7 and 8.

Following: "TERMS;"

Insert: "PROVIDING FOR NOTICE;"

Following: "AMENDING"

Strike: "SECTION"

Insert: "SECTIONS"

Following: "50-1210"

Insert: "AND 50-1216"

2. Amend page 4, section 1, line 4.

Following: line 3

Insert: "Section 2. Section 50-1216, R.C.M. 1947, is amended to read as follows:

"50-1216. Administrative remedies--~~notice~~--parties. (1) Upon receipt of an application for an operating permit, the department shall provide notice of the application by publication in a newspaper of general circulation in the area to be affected by the operation. The notice shall be published once a week for 3 successive weeks.

(2) All hearings and appeal procedures shall be in accordance with the Administrative Procedure Act. Any person whose interests may be adversely affected as a result of an action taken pursuant to this act may become a party to any proceeding held hereunder upon a showing that such person is capable of adequately representing the interests claimed.

(3) As used in this section, "person" means any individual, corporation, partnership, or other legal entity.

Renumber: subsequent section.

HB 197

PROPOSED AMENDMENTS

1. Amend page 2, section 1, lines 1 through 9

Following: "(1)"

Strike: line 1 through line 9 in their entirety.

2. Amend page 2, section 1, line 10

Following: line 9

Strike: "of a complete application."

Insert: "(a) Unless the time period is extended under the provisions of [subsection (1)(b) of this section], the board shall either issue an operating permit to the applicant or return any incomplete or inadequate application, along with a description of the deficiencies, within 60 days of receipt of the complete application and reclamation plan by the board and receipt of the permit fee. (b)(i)"

3. Amend page 2, section 1, line 13

Following: "extend the"

Insert: "60-day"

Following: "time"

Strike: "periods"

Insert: "period, by not more than 180 days,"

4. Amend page 2, section 1, line 18

Following: "Act."

Insert: "(ii) If the department determines that additional time is needed to review the application and reclamation plan for a major operation, the department may negotiate with the applicant to extend the 60-day period by not more than 365 days in order to permit reasonable review. (c)"