

HOUSE AGRICULTURE, LIVESTOCK, AND IRRIGATION COMMITTEE

February 12, 1979

The meeting was called to order by Chairman Day at 12:30 p.m. with all members present.

HOUSE BILL NO. 521

REPRESENTATIVE DENNIS NATHE, Chief Sponsor, introduced the bill. This bill will increase the penalties for violations in herd districts from \$10 to \$50 and from \$50 to \$500. This bill also clarifies the definition of symmetrical boundaries by stating that they are not required to follow section lines to meet this requirement. This has caused some problems in court, and there is a need to clarify that symmetrical does not necessarily follow the section lines. Those herd districts that are already established can not be abolished under this law.

Proponents and opponents were called for, being none, questions were asked by the committee and the hearing on House Bill No. 521 was closed.

HOUSE BILL NO. 406

REPRESENTATIVE THOMAS CONROY, Chief Sponsor, introduced the bill. He stated that this bill was formed from the Federal Strip Mining Reclamation Act that has been in effect for the past year and a half. This bill would allow for the use of introduced species in revegetation of areas disturbed by coal or uranium mining. He read an article out of the Plainsmen concerning the production of introduced species, in the area of the state where coal mining is done.

PROPOSERS:

JOHN NORTH, Department of State Lands, stated that the department was in support of the bill with proposed amendments. The proposed amendments makes the bill consistent with the Federal Strip Mine and Reclamation Act and will maintain the specific diversity requirements of the present law. (amendments and testimony attached)

JIM MOCKLER, Montana Coal Council, provided an analysis in an effort to describe those provisions of the Federal law which should be included in State statute in order to establish the most comprehensive statutory scheme for regulating the surface and underground mining of coal. He concluded by stating that they would be unable to get a bond release for ten years, which is a change from the present five years. (attached analysis)

FRANK DUNKLE, Montana Mining Association, stated that relieved vegetation should be determined by professionals. Those species determined most productive and useful to be planted and maintained.

It allows flexibility and the states legislatures intent, not now reflected in state rules.

Minutes

February 12, 1979

Page 2

SAM J. SCOTT, Decker Coal Company, showed the committee a map of the mining operations in Montana. There is 40 thousand acres that they plan to put back into agricultural use. "We have about 900 acres of introduced species."

GARY DEVERAUX, Northern Energy Resources Company, stated that he was a County Agricultural Agent for the University of Wyoming for 13 years. To successfully reclaim an area, the reclamationist must consider the characteristics inherent to each disturbance. These characteristics must be evaluated before plant species are selected and planted. One must also consider in the overall reclamation plan, the forage resource needed for the post-mining area, wildlife, cover and habitat, and aesthetic values. Being able to use introduced species as well as native species, the reclamationist will have a more extensive list of plant materials to select from to better insure successful reclamation. (attached testimony)

CHRIS CALL, Western Energy Company, stated that it is important that we have introduced species. There is a place for these species for good production.

PETER JACKSON, WETA Montana, stated that he knew a farmer that has a better producing farm after mining reclamation. He submitted articles from the Soil Conservation and Montana Farmer-Stockman, with articles about areas in Montana that had been put back into agriculture production after mining reclamation, and an article on a 10 year old plant material center. (articles attached)

RAY LOVERIDGE, Montana People for Progress, who lives in the Coalstrip area. They have a number of ranchers that would like to up-date their production after mining reclamation.

ROSEMARIE STROPE, Montana Chamber of Commerce, stated that they feel that they should use the best species in revegetation of these areas.

BOB QUINN, Montana Power Company, stood in support of the bill.

DONALD L. BECKER, representing Montana Seed Trade Association and Eisehman Seed Company, stated that it is hard to get the native species sometimes. They cost about \$2 more a pound than the introduced species. In many cases the introduced species do a better job.

OPPONENTS:

DON BAILEY, Northern Plains Resource Council and a rancher south of Coalstrip, stated that House Bill No. 406 has no performance standards as written. "It seems to me that, given the uncertainties about the success of using crops and introduced grass species for successful reclamation of strip mined lands, strigent performance standards must be established by law. Otherwise, the revegetation variance could become a mere loophole for the mining companies to exploit." (attached testimony and fact sheet)

Minutes

February 12, 1979

Page 3

BILL GILLIN, Rosebud Protective Association, stated that he lived in the Coalstrip area and grass has been his business for the past 35 years. "My first impression of the use of introduced species was very favorable because of the responses of these grasses in the first years after planting, but I have had the privilege to watch closely the results over the past five years and have seen a marked decline on the quantity of forage produced with each succeeding year." (testimony attached)

BOB TULLY, Northern Plains Resource Council, stated it should be emphasized that the variance in the revegetation standards that has been proposed should be strictly limited in its application, the exception rather than the rule. The Department of State Lands should continue to apply the native species test as a general rule, and the variance should be used only in those instances where an operator's proposed alternative plan meets the criteria which I will submit to you as our proposed amendments to this bill. (attached testimony and amendments)

WILLA HALL, League of Women Voters, stated that they would urge the committee to amend the bill with restrictions on the allotment of crop and introduced species and provide for safeguards concerning soil erosion. (attached testimony)

REPRESENTATIVE VICKI JOHNSON, presented testimony for McCone County Women Involved in Farm Economics. (attached testimony)

CHARLES VAN HOOK, Environmental Information Center, stated that this bill does not provide for a quality reclamation program as stated, due to poor and vague language. There is too much responsibility left upon the shoulders of the State Land Department. We believe this will cause pressure from the industry to erode the program wherever explicit legislative intent is not evident in the law.

REPRESENTATIVE CONROY closed by stating that this bill is exactly like the federal law as the federal government saw fit to write it. "I will mention again that the bond provision has been changed from 5 years to 10 years."

"I have 200 acres that are planted in introduced species. These introduced species need management, but for the past four years I have been grazing my steers on this for 5 months out of the year and over the four years they have averaged a 100 pound gain. I have never had to fertilize this ground and it still is doing very well. My biggest problem is getting enough cattle on it, in time, to keep it down for grazing." He concluded by stating that he was not trying to make it easier on the coal companies by the passage of this bill."

Questions were asked by the committee and the hearing on House Bill No. 406 was closed.

The meeting was adjourned at 2:20 p.m.

Allen Brown