

MINUTES OF THE MEETING  
NATURAL RESOURCES  
MONTANA STATE SENATEAUG 10 1979  
OF MONTANA

March 2, 1979

The twentieth meeting of the Natural Resources Committee was called to order by Senator George F. Roskie, Chairman, at 1:00 P.M., on the above date in Room 405 of the State Capitol Building.

ROLL CALL: Upon roll call all members were present with the exception of Senator Thiessen.

Mr. Jim Lear, Staff Attorney from the Legislative Council, was also present. See attached visitors register for the names of visitors present.

CONSIDERATION OF HJR 17: "A joint resolution of the Senate and the House of Representatives of the State of Montana requesting the Committee on Priorities to assign a joint committee to conduct an interim study of the need for energy forecasting in the state by an agency or agencies of the State of Montana."

Chairman Roskie called on Representative Joe Quilici, District 84, to present HJR 17 to the Committee. Representative Quilici stated that HJR 17 deals with energy forecasting and is asking for an interim study on the need for energy forecasting. Representative Quilici said he felt that before states got into energy forecasting they should have some direction and there is presently a need for more expertise and funds in the area of energy forecasting.

Chairman Roskie then called for any other proponents to HJR 17. Mr. William Opitz, Executive Director from the Public Service Commission, spoke in favor of HJR 17 and said there is a need for forecasting right in the Major Facility Siting Act.

Mr. Bob Anderson, Administrator, Energy Division of the Department of Natural Resources and Conservation, spoke in favor of HJR 17, and said they were ready and willing to assist an interim committee. He suggested HJR 17 be amended on page 1 where it lists the forms of energy (lines 13 and 14) to include a more specific list. He also suggested HJR 17 be amended on page 2, line 9 by changing Bureau of Reclamation to Western Area Power Administration. He also suggested that line 19, page 2 be stricken after the word "maintain" as well as lines 20, 21, and 22 in their entirety. Mr. Anderson also suggested that HJR 17 be amended on page 3, line 8, by inserting "and resource" after "load" and again on line 9 after "load".

There being no other proponents to HJR 17, Chairman Roskie called for any opponents to HJR 17 and there were none. Chairman Roskie opened the hearing to questions from the Committee.

Senator Lockrem asked Representative Quilici if the amendments proposed by Mr. Anderson had also been proposed in the House. Representative Quilici said they were. Senator Lockrem asked why they had been rejected. Representative Quilici said he had rejected the amendments. He said he was not opposed to the amendments for page 3 but did object to the language being stricken on page 2. He also pointed out that on page 1, line 12, it says "including but not limited to" prior to listing the forms of energy so he felt the first amendment was unnecessary.

Representative Quilici closed by pointing out that the Bonneville Power Administration and the utilities are the only ones doing forecasts and no one wants to take their word for it so there is a need for more energy forecasting in Montana.

Chairman Roskie then closed the hearing on HJR 17. Chairman Roskie then informed the visitors that the hearing on HB 555 had been cancelled until March 12, but would give anyone present that had come to testify on HB 555 an opportunity to testify at this hearing. There were none.

CONSIDERATION OF HB 406: "An act to allow use of introduced species in revegetation of areas disturbed by coal or uranium mining; amending sections 82-4-232 and 82-4-233, MCA."

Chairman Roskie called on Representative Thomas Conroy, District 58, to present HB 406 to the Committee. Representative Conroy said this bill simply involves the planting of vegetation following the grading of a disturbed area. He said HB 406 copies the language of the federal act and said that you have to have introduced species to make the land a vital operation.

Chairman Roskie then called for any other proponents to HB 406. Mr. Leo Berry, Department of State Lands, spoke in favor of HB 406 and said it would provide for some added flexibility to the reclamation program without diminishing the high standards.

Mr. Jim Mockler, Executive Director, Montana Coal Council, spoke in favor of HB 406 and said that all it was asking was the adoption of the federal wording into our legislation that will allow the use of introduced species in revegetation of areas disturbed by coal or uranium mining. He also pointed out that this bill does not go beyond the federal act.

Mr. Peter Jackson, Western Environmental Trade Association, and a former President of the International Society of Range Management, spoke in favor of HB 406 and said that we need to be talking about what should be in the area now that it has been reclaimed as well as considering the needs of the individual.

Mr. Everett Shuey, Western Energy and Montana Power Company, also spoke in favor of HB 406 and agreed with the comments made by Mr. Mockler and Mr. Jackson.

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Rosemary Strobe, Chamber of Commerce, also spoke in favor of HB 406.

Mr. Frank Dunkle, Montana Mining Association, also spoke in favor of HB 406.

Willa Hall, League of Women Voters, supported HB 406 if it was not amended.

There being no further proponents to HB 406, Chairman Roskie called for any opponents.

Mr. Bill Gillin, Colstrip, was opposed to HB 406 and submitted his testimony in writing (see attachment). He also offered some amendments if the Committee chose to pass the bill (see attachment).

Mr. Nick Golder, Forsyth, also spoke in opposition to HB 406. He said the question has come down to whether or not you are for coal development. He said if we allow legislation to be passed that leaves room for abuse, we will have range areas of introduced species and they can only be used for a limited time during the year and there is not enough time for intensive management. He said we should leave room for range areas to be put into range species, which is invaluable.

Chairman Roskie then opened the hearing to questions from the Committee. There was some discussion on whether or not this bill would allow cropping. Representative Conroy said it would allow cropping on a limited basis. Mr. Leo Berry said the Department of State Lands would propose to adopt some standards under which these changes would be administered. He also said the cropping would have to be comparable to that which was on the land before.

Senator Jergeson then asked Mr. Mockler if there would be any objection by him if the Department of State Lands adopted a policy of using introduced species on a site-specific basis. Mr. Mockler said they have always had a good working relationship with the Department of State Lands and did not feel this bill would change that.

Chairman Roskie asked Senator Jergeson if he was suggesting that this bill needed a letter of intent. Senator Jergeson said he was.

There were some questions addressed to Mr. Gillin and Mr. Golder about the species they do not like as well as to Mr. Dennis Hemmer, vegetation expert for the Department of State Lands concerning the number of species they are using that they consider reasonably successful.

Representative Conroy then closed by addressing some of the

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comments made by Mr. Gillin and Mr. Golder, and said we have to have the alternative of introduced species.

DISPOSITION OF HB 406: Senator Manley moved that HB 406 BE CONCURRED IN. Senator Jergeson proposed a statement of intent for HB 406 (see attachment) and moved that it be attached to the bill.

Representative Conroy objected to the statement of intent and said a statement of intent is supposed to accompany a bill from the very beginning. Senator Jergeson said he discussed the matter of a statement of intent with Senator Turnage who felt he was justified in suggesting that HB 406 needed a statement of intent. There was further discussion on whether or not HB 406 needed a statement of intent. Chairman Roskie then called for a roll call vote on Senator Jergeson's motion. The motion failed (see attachment). Chairman Roskie then called for a roll call vote on Senator Manley's motion that HB 406 BE CONCURRED IN. The motion carried (see attachment).

Senator Brown then objected to the manner in which this Committee was handling bills. Specifically, he said he was opposed to pushing through some bills just because someone on the Committee likes the bill even if there was some opposition to it. He said HB 406 was an example of what he meant because there were some proposed amendments that the Committee had never even looked at as well as Senator Jergeson's statement of intent which he did not feel was given due consideration. He felt there should be an agreed upon pattern for disposing of all bills.

There was then a brief recess.

CONSIDERATION OF HB 739: "An act to generally revise the Montana strip and underground mine reclamation act; amending sections 82-4-222, 82-4-226, 82-4-234, 82-4-235, and 82-4-237, MCA."

Chairman Roskie called on Representative William Day, District 54, to present HB 739 to the Committee. Representative Day summarized the changes this bill would make. He said it was a simple house-cleaning bill that all the coal companies agreed with.

Chairman Roskie called for any other proponents to HB 739. Mr. Leo Berry, Department of State Lands, was in favor of HB 739 and submitted his comments in written form (see attachment).

Mr. Jim Mockler, Montana Coal Council, said that he was also in favor of HB 739.

There being no other proponents, Chairman Roskie called for any

opponents and there were none. Chairman Roskie then opened the hearing to questions from the Committee and there were none.

DISPOSITION OF HB 739: Senator Brown moved that HB 739 BE CONCURRED IN. The motion carried unanimously. Senator Brown then moved that HB 739 be put on the Consent Calendar. The motion carried unanimously with those present.

Chairman Roskie then called on Senator Brown to again express his concern about the way bills have been handled in this Committee. There was some discussion about how this problem could be remedied and it was agreed that action could be deferred on any bill at the request of any committee member even if another committee member had already moved the bill be acted on.

CONSIDERATION OF HJR 18: "A joint resolution of the Senate and the House of Representatives of the State of Montana recognizing and expressing appreciation for the efforts of the Champion International Corporation in the conservation of Montana's scenic and recreational resources and in making these resources available and accessible to the people.

Chairman Roskie called on Representative Steve Waldron, District 97, to present HJR 18 to the Committee. Representative Waldron stated that HJR 18 simply points out some of the ways Champion International has conducted itself with recreationalists and other groups.

Chairman Roskie then called for any other proponents to HJR 18 and there were none. He then called for any opponents to HJR 18 and there were none. He then opened the hearing to questions from the Committee and there were none.

Representative Waldron closed by pointing out that Champion International has been very cooperative about allowing people to cut Christmas trees, camp, fish, etc., and he feels they should be recognized for this.

DISPOSITION OF HJR 18: Senator Lowe moved that HJR 18 BE CONCURRED IN. All Senators present voted for the motion with the exception of Senator Manley.

DISPOSITION OF HJR 17: Senator Manley moved that HJR 17 BE CONCURRED IN. There was some discussion about the necessity of the amendments proposed and it was agreed they were unnecessary. Chairman Roskie then told the Committee that if HJR 17 passed he would recommend that this study be assigned to the Environmental Quality Council and explained why. The motion carried unanimously with those present.

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DISPOSITION OF HB 230: Senator Jergeson moved that HB 230 BE CONCURRED IN. There was some discussion about the statement of intent and Jim Lear said he felt it was more subject to challenge by having the statement of intent.

Senator Lockrem then reviewed his proposed amendments and then moved that the amendments be accepted. The motion carried unanimously. Senator Brown moved that HB 230 BE CONCURRED IN as Amended. The motion carried unanimously.

ADJOURNMENT: There being no further business, the meeting adjourned at 2:45 P.M.

  
\_\_\_\_\_  
SENATOR GEORGE F. ROSKIE, Chairman

For the record, I am Ron Holliday, Administrator, Parks Division, Department of Fish and Game. I am testifying in support of House Joint Resolution 18.

I have read the resolution and believe it is self-explanatory. However, I would like to amplify several of the points contained in it.

Champion International Corporation has opened its 680,000 acres of land to a wide variety of Montana outdoor recreationists. The corporation allows, hunting, fishing, boating, camping, picnicking, hiking, floating and a host of other recreational pursuits asking compliance with only a few common-sense restrictions. The corporation has worked diligently with other private landowners in the Blackfoot River Valley to preserve and make available for recreational use a magnificent 42-mile stretch of the river, over half of which is located on Champion land.

Last year the corporation donated to the state two parcels of extremely high-quality lands on Salmon and Placid Lakes worth in excess of \$550,000. We were able to match this donation with federal Land and Water Conservation Fund money to develop the sites for recreational use. Through the corporation's generosity, this added \$1,100,000 worth of recreation area opportunity to our citizens and guests at no cost to the state of Montana excepting management of the sites. These donations were made with absolutely "no strings attached."

I have become acquainted with the management staff of Champion International Corporation in working with them through the years on these and other projects. The corporation's staff based in Missoula are deeply concerned with the quality of life in our state. Most of the staff are Montanans who have been residents of the state for many, many years. I find their attitudes toward responsible utilization of our resources and their generosity unique. They have set an example which will be difficult for other corporations to match. I fully commend them and ask for your favorable consideration of HJR 18.

NAME: William J. Opitz DATE: March 2, 1979

ADDRESS: 2 Wood Ct.

PHONE: 443-3624

REPRESENTING WHOM? Mont. PSC

APPEARING ON WHICH PROPOSAL: HJR-17

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: The Commission unanimously supports HJR-17

The need for resolution is necessary to:

- (a) Evaluate need under the ~~HJR-17~~ Major Facility Siting Act
- (b) To Project demand in order to establish rates for the future.
- (c) Provide vital input to policy makers {Exec. & legislative}
- (d) " consumers {Ind., Comm. & Residential} vital information to plan their purchases of energy future.

The PSC stands ready to support & assist the interim committee in carrying out the substantive portions of the resolution.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



SENATE COMMITTEE NATURAL RESOURCES

Date March 2, 1979 House Bill No. 406 Time \_\_\_\_\_

NAME	YES	NO
ROSKIE, George F., Chairman	✓	
DOVER, Harold L., Vice-Chairman	✓	
BROWN, Steve	✓	
ETCHART, Mark	✓	
JERGESON, Greg	<i>Abstained</i>	
LOCKREM, Lloyd C., Jr.	✓	
LOWE, William R.	✓	
MANLEY, John E.	✓	
STORY, Pete	✓	
THIESSEN, Cornie R.		

SHARON NASON *SN*  
Secretary

GEORGE F. ROSKIE *GR*  
Chairman

Motion: By Senator Manley that HB 406 BE CONCURRED IN.

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

SENATE COMMITTEE NATURAL RESOURCES

Date March 2, 1979 House Bill No. 406 Time \_\_\_\_\_

NAME	YES	NO
ROSKIE, George F., Chairman		✓
DOVER, Harold L., Vice-Chairman		✓
BROWN, Steve		✓
ETCHART, Mark		✓
JERGESON, Greg	✓	
LOCKREM, Lloyd C., Jr.		✓
LOWE, William R.		✓
MANLEY, John E.		✓
STORY, Pete		✓
THIESSEN, Cornie R.		

SHARON NASON *SN*  
Secretary

GEORGE F. ROSKIE *GFR*  
Chairman

Motion: By Senator Jergeson that a statement of intent be  
attached to HB 406.

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



NAME: VICK GOLDER DATE: 5-2-77

ADDRESS: FORSYTH, MONT

PHONE: 477-6634

REPRESENTING WHOM? NPRC

APPEARING ON WHICH PROPOSAL: 45 406

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

COMMENTS: I have studied reclamation attempts at  
White Sulphur Springs and am sure they are slowly gaining in  
feasibility and success but there is an immense  
distress yet to go. As with this in mind is hardly  
more desirable to weaken the existing reclamation laws,  
especially for water.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

A statement of intent is required for HB 406. Although HB 406 does not specifically restate rule making authority, the new language proposed for Section 84-4-232 will require the promulgation of new and additional rules to implement the act.

1. It is the intent of this legislation to permit the use of crops or grass species suitable for spring pasture on a limited, site specific basis where appropriate as an exception to the revegetation standard in 82-4-233. Moreover, cropland reclamation should only be permitted in cases where cropping is the historic pre-mining land use. The Department of State Lands shall provide for equivalency of post-mining crop production comparable to the performance standard in 82-4-233.

2. In cases where the use of introduced plant species is proposed for the post-mining land use, the Department of State Lands will insure that the use of such plants will be permitted only where such use is a necessary part of a post-mining agricultural land use. The performance standard in 82-4-233 which mandates productive capability at least equal to the pre-mining potential is the rule here.

3. This amendment does not change the performance standard in 82-4-233, and shall be enforced in the same manner as 82-4-233.

NAME: Neil Hill DATE: 3-2

ADDRESS: 1503 Bosta

PHONE: 442-7495

REPRESENTING WHOM? League of Women Voters of Pitt

APPEARING ON WHICH PROPOSAL: U.S. 426

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: The first is a new bill in the  
House of Representatives. The second  
is a bill in the House of Representatives  
to change the protection of water  
quality. The third is a bill to amend  
the law. The second bill is  
related to the original wording

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

515 510 (2) (5) 509 508 507 506 502 501 4003 3003 2001

Notice and hearing.

- (1) all parties to the proceedings have been notified and given an opportunity to be heard on a request for temporary relief;
- (2) the person requesting such relief shows that there is a substantial likelihood that he will prevail on the merits of the final determination of the proceeding; and
- (3) such relief will not adversely affect the public health or safety or cause significant imminent environmental harm to land, air, or water resources.

(c) For the purpose of such hearing, the regulatory authority may administer oaths, subpoena witnesses, or written or printed materials, compel attendance of the witnesses, or production of the materials, and take evidence including but not limited to site inspections of the land to be affected and other surface coal mining operations carried on by the applicant in the general vicinity of the proposed operation. A verbatim record of each public hearing required by this Act shall be made, and a transcript made available on the motion of any party or by order of the regulatory authority.

(f) Any applicant or any person with an interest which is or may be adversely affected who has participated in the administrative proceedings as an objector, and who is aggrieved by the decision of the regulatory authority, or if the regulatory authority fails to act within the time limits specified in this Act shall have the right to appeal in accordance with section 525.

Post, p. 512.

ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS

30 USC 1265.

Sec. 515. (a) Any permit issued under any approved State or Federal program pursuant to this Act to conduct surface coal mining operations shall require that such surface coal mining operations will meet all applicable performance standards of this Act, and such other requirements as the regulatory authority shall promulgate.

(b) General performance standards shall be applicable to all surface coal mining and reclamation operations and shall require the operation as a minimum to—

General standards.

Fuel, maximum use.

(1) conduct surface coal mining operations so as to maximize the utilization and conservation of the solid fuel resource being recovered so that re-affecting the land in the future through surface coal mining can be minimized;

Land use, restoration.

(2) restore the land affected to a condition capable of supporting the uses which it was capable of supporting prior to any mining, or higher or better uses of which there is reasonable likelihood so long as such use or uses do not present any actual or potential hazard to public health or safety or pose any actual or potential threat of water diminution or pollution, and the permit applicant's declared proposed land use, whether for agricultural, timber, or other purposes, or for any other purpose, does not conflict with applicable land use policies and plans, involves unreasonable or any unreasonable, or is violative of Federal, State, or local law;

Original land contour, restoration.

(3) except as provided in subsection (c) with respect to all surface coal mining operations backfill, compact (where advisable to insure stability or to prevent leaching of toxic materials), and grade in order to restore the approximate original contour of the land with all highwalls, spoil piles, and depressions eliminated (unless small depressions are needed in order to retain moisture to assist revegetation or as otherwise authorized pursuant to this Act); *Provided, however,* That in surface coal mining which is carried out at the same location over a substantial period of time where the operation transects the coal deposit, and the thickness

(ii) the proposed underground mining operations are necessary or desirable to assure maximum practical recovery of the mineral resource and will avoid multiple disturbances of the surface;

(iii) the applicant has satisfactorily demonstrated that the plan for the underground mining operations conforms to requirements for underground mining in the jurisdiction and that permits necessary for the underground mining operations have been issued by the appropriate authority;

(iv) the areas proposed for the variance have been shown by the applicant to be necessary for the implementing of the proposed underground mining operations;

(v) no substantial adverse environmental damage, either on-site or off-site, will result from the delay in completion of reclamation as required by this Act;

(vi) provisions for the off-site storage of spoil will comply with section 515(b) (22);

(B) if the Secretary has promulgated specific regulations to govern the granting of such variances in accordance with the provisions of this subsection and section 501, and has imposed such additional requirements as he deems necessary;

(C) if variances granted under the provisions of this subsection are to be reviewed by the regulatory authority not more than three years from the date of issuance of the permit; and

(D) if liability under the bond filed by the applicant with the regulatory authority pursuant to section 509(b) shall be for the duration of the underground mining operations and until the requirements of sections 515(b) and 519 have been fully complied with.

(17) insure that the construction, maintenance, and postmining conditions of access roads into and across the site of operations will control or prevent erosion and siltation, pollution of water, damage to fish or wildlife or their habitat, or public or private property;

(18) refrain from the construction of roads or other access ways up a stream bed or drainage channel or in such proximity to such channel so as to seriously alter the normal flow of water;

(19) establish on the regraded areas, and all other lands the seed, earth, soil, seedbed, and permanent vegetative cover of the same, natural barriers native to the area of land to be affected and capable of self-regeneration and plant succession at least equal in extent of cover to the natural vegetation of the area; except that introduced species may be used in the revegetation process when

the Secretary determines that the responsibility for successful revegetation, as required by paragraph (19) above, for a period of five full years after the last year of augmented seeding, fertilizing, irrigation, or other work in order to assure compliance with paragraph (19) above, except in those areas or regions of the country where the annual average precipitation is twenty-six inches or less, then the operators assumption of responsibility and liability will extend for a period of ten full years after the last year of augmented seeding, fertilizing, irrigation, or other work; *Provided,* That when the regulatory authority approves a long-term intensive agricultural postmining land use, the applicable five- or ten-year

Definitions  
Indian Lands  
Access Roads  
Revegetation  
Spoil Disposal  
Restoration  
Penalties  
Bond Release  
Reclamation  
Postmining  
Land Use  
Procedures

Regulations.  
Act, p. 467.

Access roads.

Revegetation.

441111.  
is not applicable procedure.



My name is Bill Gillin. I am a rancher in the Colstrip area and a lifetime resident of the area except for time spent in the military service. I am testifying today on behalf of the Rosebud Protective Association.

Grass is my crop and I believe that nearly 35 years in the grass business and considerable experience in reseeding farm lands, and range and hay meadow improvements qualify me to speak on this bill. I've used both native and introduced species in my reseeding and range improvement program and have had the opportunity to observe the results in using the various species and their responses to conditions in our area. I have also had the opportunity to follow closely the efforts to reclaim strip mined land in our area. 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. As an example of this decline, the M.S.U. people have a check plot, including <sup>mostly</sup> introduced species, in the vicinity of the old tippie east and south of Colstrip and this area in its first year of full production produced approximately 2400 lbs. dry forage per acre in 1975 and had decreased in production to approximately 600 lbs. in three years and shows indications of complete failure because of plant diseases, etc.. What is happening on this plot is typical of the pattern of production of introduced species in our area except that what is happening is greatly accelerated over the process that I have observed in the use of these introduced grasses in my own program.

that they are going to develop reclamation into an exact science. I'm also convinced that these people must be insulated from political pressure so they won't see the rules constantly changed on them.

It is going to be the responsibility of the legislature and more especially this committee to protect these reclamation specialists from the ever changing political pressures and give them a chance to do their job. I'm convinced they can do successful reclamation under the present law and I strongly urge that the native species provision be retained in its present form.

Add the following after 82-4-232. (b):

(c) Where the operator proposes to plant crops as an alternative revegetation plan the following minimum criteria must be met:

(i) the area proposed for cropping must have a history of being cropped or cultivated for at least 5 consecutive years prior to operator purchase, lease, or control of such land; and

(ii) the department may not release bonds held on the area until an inspection has been made and the operator

has affirmatively demonstrated that the land demonstrates comparable productivity compared to crop yields on farmed lands with similar characteristics in the immediate vicinity of the mining operation. Such productivity shall be accomplished by management practices which are similar to those used on the compared cropped lands, and shall be sustained for a minimum of 5 years prior to bond release.

(d) Where an operator or post-mining land owner proposes to use introduced plant species for seasonal range or hayland production, the operator or post-mining land owner must show that the portion of the mined area to be seeded to introduced plant species or hayland is an essential part of an economically feasible post-mining agricultural operation.

(e) If the department determines that the operator's alternative revegetation operation has not produced, under conventional agricultural practices, adequate production based on the requirements of 82-4-232.(a), (b), (c), and (d), or if the use of the land for the production of crops, seasonal pasture, or hayland production is causing soil erosion or other deleterious effects, the operator shall reclaim the land to the standards provided for in Sec. 82-4-233

(f) The Board shall adopt rules and regulations to implement this section, and shall adopt other criteria determined by the Board to be necessary to meet the requirements of this section.

STANDING COMMITTEE REPORT

March 2

19 79

MR. President

We, your committee on Natural Resources

having had under consideration House Bill No. 406

Respectfully report as follows: That House Bill No. 406

BE CONCERNED IN  
BE EXCISE

*GA*

# STANDING COMMITTEE REPORT

March 2

19 79

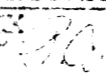
MR. President

We, your committee on Natural Resources

having had under consideration House Bill No. 739

Respectfully report as follows: That House Bill No. 739

BE CONCURRED IN

DOFFASS 

March 2

19 79

Natural Resources Committee

House Bill 230

Page 2

4. Page 4, lines 2 through 16.

Following: line 1

Strike: lines 2 through 16 in their entirety

AND, AS SO ORDERED,  
BE CONCURRED IN

.....George F. Rozkie.....

Chairman.

*G.F.*

March 2 19 79

MR. President

We, your committee on Natural Resources

having had under consideration House Bill No. 230

Respectfully report as follows: That House Bill No. 230,

third reading bill, be amended as follows:

1. Page 1, line 24.

Following: "matter:"

Insert: "A use of water for slurry to transport coal is not a beneficial use."

2. Page 3, line 24.

Following: "state:"

Insert: "(1) The use of water for the slurry transport of coal is detrimental to the conservation and protection of the water resources of the state."

3. Page 3, line 25.

Following: "(3)"

Strike: "(1)"

Insert: "(2)"

DO PASS

(Continued)

*J.C.*



March 2

19 79

MR. President

We, your committee on Natural Resources

having had under consideration House Joint Resolution Bill No. 18

Respectfully report as follows: That House Joint Resolution Bill No. 18

BE CONCURRED IN  
DO PASS  
G.A.

# STANDING COMMITTEE REPORT

March 2, 1972

MR. President

We, your committee on Natural Resources

having had under consideration House Joint Resolution Bill No. 17

Respectfully report as follows: That House Joint Resolution Bill No. 17

BE CONCURRED IN  
BY PASSE

*BA*

ROLL CALL

Natural Resources COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
ROSKIE, George F., Chairman	✓		
DOVER, Harold L., Vice-Chairman	✓		
BROWN, Steve	✓		
ETCHART, Mark	✓		
JERGESON, Greg	✓		
LOCKREM, Lloyd C., Jr.	✓		
LOWE, William R.	✓		
MANLEY, John E.	✓		
STORY, Pete	✓		
THIESSEN, Cornie R.		✓	

Each Day Attach to Minutes.

NAME: Bob Anderson DATE: 3/2/79

ADDRESS: 323 Ewing

PHONE: 449-3780

REPRESENTING WHOM? Energy Division, DNRC

APPEARING ON WHICH PROPOSAL: HJR 17

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: \_\_\_\_\_  
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Jim Miller DATE: 3/7/79

ADDRESS: 2301 Colonial Dr

PHONE: 442-7468

REPRESENTING WHOM? Mont Pool Council

APPEARING ON WHICH PROPOSAL: 406 729

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

COMMENTS: \_\_\_\_\_  
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Leo Berry DATE: \_\_\_\_\_

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

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

REPRESENTING WHOM? Dept of State Lands

APPEARING ON WHICH PROPOSAL: HB 406, HB 739

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

COMMENTS: \_\_\_\_\_  
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Peter Jackson DATE: 3-2-79

ADDRESS: 1804 11th Ave Helena Mont.

PHONE: 443-5541

REPRESENTING WHOM? WETA-MONT

APPEARING ON WHICH PROPOSAL: HB 406

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: \_\_\_\_\_  
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Forest Sherry DATE: 2/3/99

ADDRESS: Butte MT

PHONE: 406 245 5544 Energy

REPRESENTING WHOM? Montana Power Co.

APPEARING ON WHICH PROPOSAL: H.R. 4010

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

COMMENTS: \_\_\_\_\_  
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



NAME: Bill Gillin DATE: March 2

ADDRESS: Forsyth, Montana

PHONE: 342-5225

REPRESENTING WHOM? Posebud Protective Association

APPEARING ON WHICH PROPOSAL: H.B. 406

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

COMMENTS: \_\_\_\_\_  
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

## LACID LAKE RECREATION AREA

SIZE: 31.5 ACRES  
VALUE: \$280,000.00

### PROPOSED DEVELOPMENTS:

- Utilities
- Day Use
- Comfort Station
- Caretaker
- Boat Ramp
- Boat Dock
- Camping
- Boat Trailer Parking



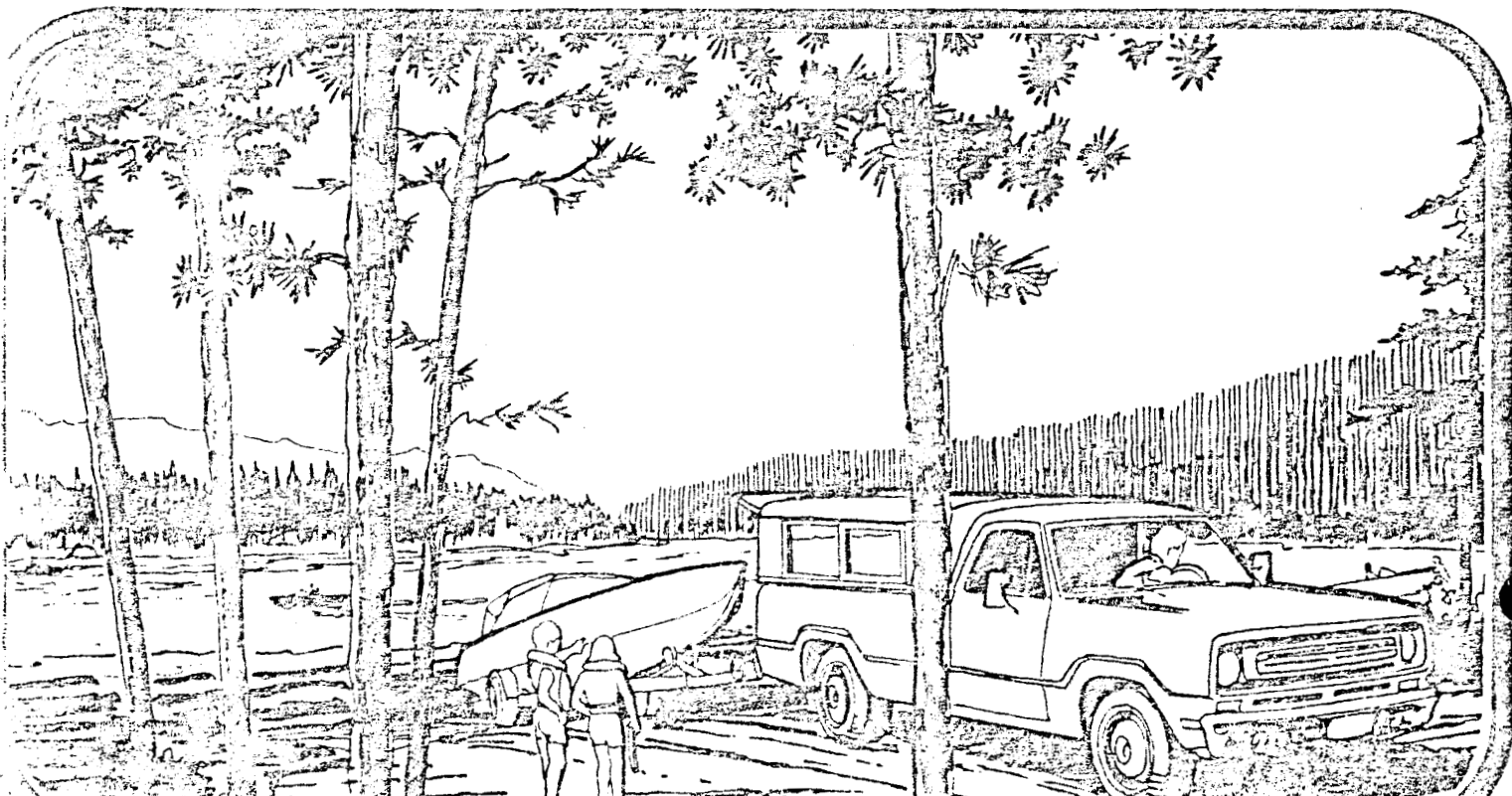
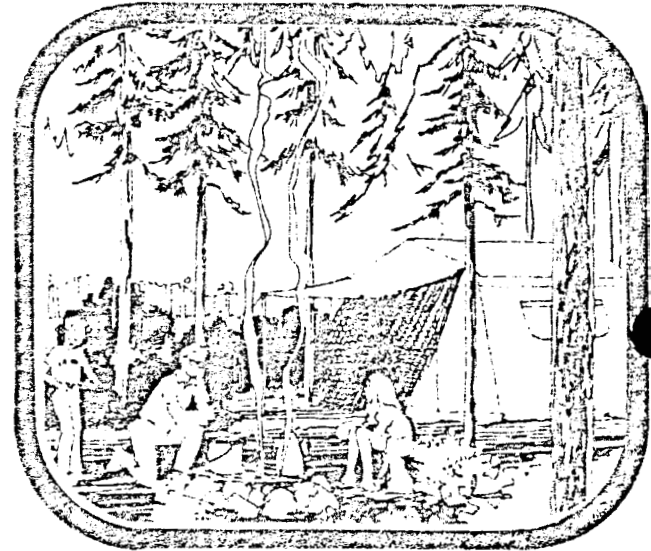
## SALMON LAKE STATE RECREATION AREA

SIZE: 42. ACRES  
VALUE: \$275,000.00

### PROPOSED DEVELOPMENTS:

- Utilities
- Boat Trailer Parking
- Comfort Station
- Camping
- Boat Ramp
- Day Use Facilities
- Boat Dock

These properties have been donated by  
Champion International Corporation.  
Funding for development is through the Land  
and Water Conservation Fund.



DRAFT

MEMORANDUM

SUBJECT: Attached Guidelines for a State Statute  
Under the Surface Mining Control and Reclamation  
Act of 1977

The attached document will provide guidelines for determining which provisions of the Surface Mining Control and Reclamation Act of 1977 (Act) are appropriate for enactment by State legislatures.

This analysis is provided in an effort to describe those provisions of the Federal law which should be included in a State statute in order to establish the most comprehensive statutory scheme for regulating the surface and underground mining of coal.

This document does not set forth the minimum criteria by which the Office of Surface Mining will analyze State statutes for sufficiency in the process of determining whether or not to approve a State program pursuant to Section 503 of the Act. OSM may use this document, however, to analyze the adequacy of State statutes as part of proposed State permanent programs.

In drafting or evaluating a State statute, the user of these guidelines should consider the following: First, certain sections of the Federal Act are described as being "required" to be in a State statute. The use of the word "required" does not mean that the exact same language must be repeated, but rather that the legal issues, rights and procedures addressed by the Federal statute in

the particular section must also be addressed in a similar fashion in the State statute. If the language of the Federal Act is used, it will certainly be accepted; any change will be reviewed on a case-by-case basis. While certain sections are described as being "required" in a State statute, it is suggested that, in some instances, details of those sections may be included in a State's regulation.

Second, certain sections of the Federal Act are described as "optional" for inclusion in a State statute. A statutory provision may be optional either because the State is free to elect to implement a particular program, e.g., abandoned mine lands, or because there may be requirements of State constitutional, decisional or other law which make it necessary to address a particular issue in a State statute.

Third, OSM welcomes any innovations, improvements of statutory language and other changes which will clarify the meaning of the Federal Act. States are also free, under Section 505 of the Act, to adopt statutory requirements that are more stringent than the Federal Act.

- § 510 Required -- delete obvious Federal references:
- § 510(b)(5) Only required for States west of 100th meridian; delete land exchanges which are only Federal.
- § 511 Permit revision -- required, but delete references to Federal program.
- § 512 Coal exploration -- required except (e).
- § 513(a) Required in general, but details can be in regulation
- (b) Required.
- (c) Not applicable.
- § 514 Required but may be referenced to State administrative procedures act.
- § 515 Essentially all of this section is required for a State statute except the obvious Federal references and the following provisions which are optional or not applicable:
- (c) Optional.
- (e) Optional.
- (f) Not applicable.
- § 516(a) Authority to regulate surface effects of underground mining -- required.
- (b) Required.
- (c) Required.
- (d) Required, except obvious Federal references.
- § 517(a) Not applicable. State may wish to specify that no warrant required.

## TESTIMONY

### Department of State Lands

The Department of State Lands supports HB 739. The bill would streamline the administration of the Strip and Underground Mine Reclamation Act without weakening the Act.

The first proposed change is on page 3, line 21. The Act presently requires that cross sections be drawn at 500 foot intervals. The Department has found that cross sections are sometimes not required at such a frequent interval. The bill would allow the Department to be flexible with respect to the interval at which cross sections are drawn, while retaining the ability to require cross sections at the 500 foot interval when necessary.

The next proposed change, on page 5, line 22, would require the applicant to show the location of proposed facilities. This would insure that facilities are bonded at the proper level, and that their location does not interfere with reclamation.

The third change, on page 7, lines 7 and 22, provides for consistent use of the terms person, applicant, and operator throughout the Act.

The fourth change, on page 9, line 25, is intended to insure that once a regraded area is seeded, the area will not be further disturbed unless approved by the Department. This section would prevent driving equipment on the reseeded area or any other action which might jeopardize the reclamation. The change would not prevent an operator from re-disturbing an area with Departmental approval to enhance the reclamation.

The final change, on page 10, lines 4 through 17, and page 11, lines 13 through 15, would consolidate the annual report and the planting report. Presently, the operator is required to submit both an annual report and a planting report. Consolidation of the two reports would save time and money for the company in report preparation, and for the Department in permit review. The Department would still receive the pertinent data.