

MINUTES OF THE MEETING
NATURAL RESOURCES
MONTANA STATE SENATE

March 7, 1979

The twenty-second meeting of the Natural Resources Committee was called to order by Senator George F. Roskie, Chairman, at 1:05 p.m. in Room 405 of the State Capitol Building:

ROLL CALL: All members were present for this meeting. Also present was Mr. Jim Lear, Legislative Council staff attorney.

CONSIDERATION OF HB 742: Rep. Sheldon, District 22, Libby, sponsor of HB 742, explained the bill to the committee and those present, saying it was a little bill which just clears the air and doesn't say anybody has to do anything.

Tad Dale of Dillon, Montana, representing the Montana Mining Association, told the committee that they opposed the bill because it would make a negative environmental impact statement reason to deny a permit. Mr. Jim Mockler, Executive Director of the Montana Coal Council, also appeared as an opponent of HB 742, saying that they opposed this bill because they felt that it would extend the authority to deny a permit because of a negative environmental impact statement. The last opponent to appear was Mr. George Jelleo of Townsend, a member of both the Broadwater and Meagher County Chapters of the Montana Mining Assn., who said they do not believe this bill is necessary.

After a period of questioning by committee members, Rep. Sheldon was allowed to close by Chairman Roskie. In closing, he stated that he could not add to the information that had been brought out during the questioning and urged passage of HB 742.

CONSIDERATION OF HB 816: Rep. Fagg, District 63, Billings, sponsor of the bill, explained the bill to the committee members and those present and stated that it simply did a number of minor things to the hardrock mining law.

The first proponent of the bill to appear was Bill McKay, Jr., Roscoe, Montana, representing the Northern Plains Resource Council, who read a prepared statement which is attached. (Exhibit 1)

Rep. Vickie Johnson of Stillwater and Yellowstone counties told the committee that this bill would cover the problems encountered in her area.

At this time, Mary Donohoe, a rancher from Nye, Montana, on the Stillwater County Planning Board, read a prepared statement in support of HB 816. (Exhibit 2)

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The next proponent of HB 816 was Willa Hall, representing the League of Women Voters of Montana, who read a prepared statement. (Exhibit 2A)

Jack Heyneman of Fishtail read a prepared statement on behalf of the Stillwater Protective Assn. in support of HB 816. (Exhibit 3)

Kevin Keenan of the Water Quality Bureau, Department of Health and Environmental Sciences, said that the kind of information on water asked for in HB 816 would be of the utmost importance to their department.

Robert Rasmussen, a geologist and hydrologist from Helena, told the committee that this bill would provide the opportunity for both state and private companies to acquire information on water and, by monitoring after the mining, both the company and the state could assess the quality of the reclamation of the land. He encouraged the committee to give HB 816 a DO PASS recommendation.

Charles Van Hook, Helena, appearing on behalf of Bob Kiesling, read a prepared statement for the Environmental Information Center. (Exhibit 4) They support HB 816.

Jeff Renz, a Missoula biologist, addressed the vegetation cover and said that a "climax species" should be used. This would require the planting of diverse species, but it is very important that it be a native species. He appeared as a proponent of the bill.

The next proponent was Don Snow of Stevensville, a Master of Science candidate at the University of Montana. He told the committee that proper assessments should be done before starting the mining operations, and that he had taken a look at the Forest Service regulations of 1974, but finds that they do not always acquire sufficient data on water. He asked to be allowed to submit a written statement later, but never submitted one.

Steve Loken of Libby, a former hydrologist for the Forest Service, said that they could not possibly monitor all 2 1/2 million acres of the forests in that area. He supported HB 816.

There being no further proponents to testify, Chairman Roskie asked for testimony from opponents of HB 816.

The first opponent appearing before the committee was Steve Williams, attorney for the Anaconda Company, Butte, who said that he believed Rep. Fagg had made an error in the confidentiality statement because it is the policy of the State Department of Lands that everything is open to the public. He introduced John C. Spindler, manager of Engineering, Anaconda Company, who said they are concerned with the definition of "native",

relating to species, and also about the term "regenerating". He then presented a prepared statement with comments. (Exhibit 5)

The next opponent appearing was Gene Phillips, a Kalispell attorney representing ASARCO. He said that the sponsor said that the bill was for the protection of the companies, but that the companies do not want this kind of protection, and that they have been monitoring water for years in the Libby area.

Duane L. Reber of Missoula, president of the Montana Mining Assn., appeared as an opponent of HB 816 and said that this should have been discussed with them because it does affect the small miners. He also stated that water sampling is behind and this bill takes away the small bit of confidentiality which the small miner now has.

Tad Dale of Dillon, representing the Montana Mining Assn., appeared as an opponent of HB 816 and told the committee the surface owner of land should have the right to plant what he wants and that some ranchers in the Dillon area have been experimenting with seeds for this purpose. However, this bill would take away the right of the land owner to plant what he wants.

The next opponent was Edward E. Scheitlin of Virginia City, representing the RCD Minerals, who told the committee that they do not feel that this bill would help the miners and that they are against HB 816.

John Lewis, Vice-President of the Lewis & Clark Chapter of the Montana Mining Association, spoke briefly against HB 816 saying that this bill needs more work and they are against it until the "bugs" are worked out.

Pete Jackson, WETA, said that they oppose HB 816.

Leo Berry, Commissioner of State Lands, who had been requested by Rep. Fagg to comment on the bill, said that the bill would be administerable by their department in its present form at no extra cost to the state. In answer to a question by Senator Manley about this bill being the same as SB 105, Mr. Berry said that HB 816 is different in Section 5 and only applies to exploration licenses. It is merely a notice requirement.

There being no more opponents to testify, the Chairman allowed Rep. Fagg to close on HB 816. In closing, Rep. Fagg complimented the chairman on the committee being very fair in conducting this hearing. He then said that this bill would not stop mining in Montana and that it is needed. He said that a small miner can do anything he wants with up to 5 acres of land and that there should be adequate protection for the ranchers in the area to assure them that the land is going to be planted.

Mr. Vernon Smith, Montana Mining Association, Lewistown Chapter, later submitted petitions opposing HB 816 and supporting HB 684.

CONSIDERATION OF HOUSE BILL 684: At this time, Chairman Roskie placed HB 684 before the committee for consideration. Rep. Bill Hand, District 82, Dillon, sponsor of the bill, explained it to the committee and those present. He said that, with this bill, they hoped to update the hardrock mining laws of Montana by redirecting the present Montana law to changes in federal regulations.

The first proponent of HB 684 to appear was Frank Dunkle of Helena, representing the Montana Mining Association, who introduced Duane Reber of Missoula, president of the Montana Mining Association, who told the committee that, if the road provision is struck from the bill, the state will see a lot more development by small miners.

The next proponent was Tad Dale of Dillon, representing the Montana Mining Assn. who agreed with Mr. Reber, but added that, as the present law reads, the State Department of Lands has 60 days for notification and recommended that be split into 30 days, thereby expediting the process.

Art Roberts of the Broadwater Chapter, Montana Mining Assn., also said that they believe the time limit should be put in the bill.

Russell Patterson of Radersburg, Montana, a professional hydrologist said this bill would provide more jobs for the small miners and that they should be allowed to make their own roads.

Pete Jackson of WETA said that they support House Bill 684 and that 5 acres is necessary for the small miner because, when roads are included, the small miner is really hampered.

The next proponent, Ed Scheitlin of Virginia City, said that he felt the miners should be given a better break on the time limit, as previously suggested.

Jack Newell of Townsend said that HB 684 will help out the small miner.

Other proponents appearing were: John Lewis of the Lewis & Clark Chapter of the Montana Mining Association; Claude Daily of Twin Bridges, representing Montana Miners Association; Vernon Smith of Landusky, representing Fergus County Chapter of MMA; Dorothy Sitten of Radersburg, representing the Broadwater County Chapter of MMA.

There being no more proponents to testify on HB 684, Chairman Roskie called for the testimony of opponents. The first opponent to testify was Bill McKay, Jr., a Roscoe rancher, representing the Northern Plains Resource Council, who read a prepared statement to the committee and those present. (Exhibit 1)

Jack Heyneman of Fishtail, Montana, a Red Angus producer representing the Stillwater Protective Association, read a prepared statement to the committee in opposition to HB 684. (Exhibit 2)

Mary Donohoe, a Nye rancher and a member of the Stillwater County Planning Board, read a prepared statement to the committee in opposition to HB 684. (Exhibit 3)

The next opponent was Willa Hall, representing the Montana League of Women Voters, who read a prepared statement. (Exhibit 3A)

Charles Van Hook, representing the Environmental Information Center, was the next opponent to testify. He read a prepared statement to the committee. (Exhibit 4)

Jeff Renz of Missoula, appearing as an opponent to this bill, said that it appears to be unconstitutional and that there is a problem with the road provision. This provision could mean a lot more roads, if non-contiguous by adjacent mines, would not have to be reclaimed.

Steve Loken of Libby, a former Forest Service hydrologist, opposed HB 684.

Don Snow of Stevensville opposed the bill saying that this bill comes at a time when mining people recognize the need for sound regulations on mining and roads. He asked that he be allowed to submit written testimony later. This was allowed by the Chairman. However, Mr. Snow never submitted a testimony.

Leo Berry, Commissioner of State Lands, presented a prepared statement to the committee to clarify the Department of Lands' position in which some amendments for HB 684 were suggested. He also stated that this bill would require additional appropriations and one additional employee. (Exhibit 5)

At this time, Rep. Hand was allowed to close on HB 684. In reply to a question of Senator Thiessen about a severability clause, he said he would have no objection to the bill being amended to include one. In closing, he said that Montana's constitution does require the reclamation of lands.

CONSIDERATION OF HOUSE BILL 785: Rep. Ann Mary Dussault of Missoula, District 95, sponsor of this bill, explained it to the committee, stating that this bill is a revision of the Montana Antiquities law. She also said that it was an outgrowth of an interim committee study, but not sponsored by the committee, as she had decided to sponsor it after working with others after the completion of the interim committee study. She said that HB 785 had passed the House easily and after that

a number of groups wanted to amend it. At this time, she presented proposed amendments to HB 785 to the committee. (Exhibit 1)

The first proponent to testify for the bill was James Spangelo, a Havre attorney, who appeared for himself as a third generation Montanan to ask that this bill be passed in order to clarify what is a historical site and where.

The next proponent was Mick Hager, Director of the Museum of the Rockies at Bozeman, Montana, who said that Montana is truly one of the vertebrate fossil sites in this area of the country. He further stated that this bill would preserve specimens from distinction and make possible the interpretation and display of fossil sites in Montana. He urged support of the bill as it now reads.

Fred Quivik, representing the Butte Historical Society, was the next proponent to testify. He said that this bill was important to the Butte community because they are actively seeking to increase its economical base and this would enable them to preserve some of the landmark district and the beautiful old homes in the residential areas.

Jack Boley of Anaconda, appearing as a proponent, said that he thinks this bill would be very helpful with locating organizations and individuals who would be interested in taking advantage of moneys available to preserve old landmarks.

Frank R. Grant, Director of the Fort Missoula Historical Museum at Missoula, spoke briefly in support of HB 785.

Alan S. Newell of Missoula, representing the Historical Research Assn., spoke briefly in support of HB 785 and presented written testimony to the committee. (Exhibit 2)

Janet Eisner Cornish of Butte, representing the Montana Small Business Assn. - Butte Chapter, read a prepared statement to the committee. (Exhibit 3)

The next proponent was Lester B. Davis, Professor of Anthropology at Montana State University, who spoke briefly in support of the bill.

Lynn Fredlund of Butte, representing the Mineral Research Center at Butte, told the committee she supports HB 785 because as an archaeologist working on cultural resource projects in Montana since 1973, she has had problems with who is the authority for archaeological problems. Federal, state and private contractor organizations have been held up and much time, which equals money, has been spent dealing

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with a variety of agencies. This bill will centralize the files and the authority, thus making their job much easier.

C. Adrian Heidenreich, Professor of Native American Studies at Eastern Montana College, told the committee that he thinks Montana needs this legislation on a national as well as a statewide level.

J. D. Holmes, representing the Montana Institution of the Arts Foundation, said that they support the bill with amendments.

Ken Korte of Helena, representing the Montana Historical Society as Preservation Officer, said that HB 785 is very timely and much needed because it will help to solve many of their problems. He further stated that Rep. Ann Mary Dussault has worked with the society on this bill.

The next proponent to testify was Shelly Thompson of Helena, representing the Montana Mining Assn., who told the committee that the association supports HB 785 as amended and urges a DO PASS.

Jim Mockler of Helena, representing the Montana Coal Council, said that they have no objection to HB 785 with the amendments, but without them it is a mess.

Pete Larson of Rapid City, South Dakota, representing the Black Hills Institute, told the committee that he withdrew their objections to the bill and supports it with amendments.

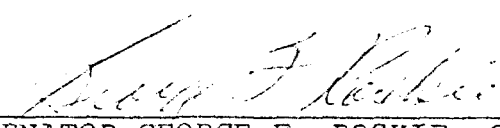
Sister JoAnn Daily also stated that the Montana Arts Advocacy supports HB 785 with amendments.

Mrs. Jean Boley of Anaconda, Montana, said that she supports this bill with amendments.

At this time, there was a brief question and answer period, and the Chairman asked Rep. Dussault and her aides to return to the Friday meeting of this committee to complete the testimony on HB 785. They agreed to return for completion of the bill.

Chairman Roskie asked the committee members if they should hold over the hearing of HJR 6 for the meeting on Friday, and this was agreed to by those members present.

There being no further business at this time, the committee adjourned at 3:25 p.m..


SENATOR GEORGE F. ROSKIE, Chairman

Jan 3-7-79

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.

Mr. Chairman, members of the committee, for the record my name is Bill Mackay, Jr. I am a rancher from Roscoe, Montana and am testifying today on behalf of the Northern Plains Resource Council.

I speak today in support of HB 816. We believe that HB 816 is a reasonable attempt to address some serious faults in Montana's Hard Rock Reclamation Act.

My comments are specific to the proposed changes in subsection 15 - Vegetative Cover.

Unfortunately, there is a serious lack of technical knowledge concerning rehabilitation of alpine areas disturbed by hard rock exploration and mining activities. This lack of knowledge, coupled with such variables as extremely short growing seasons, cool summer temperatures, high radiation loads and other environmental conditions characteristic of these areas, makes rehabilitation and reclamation efforts difficult, if not impossible.

Although it is possible to replant areas and sustain vegetation for a relatively short period of time using fertilizer and mulch, the true test of the success of reclamation in these areas is whether plant species are capable of sustaining themselves and of self-regeneration permanently without artificial means. Just as reclamation work cannot be accomplished overnight, neither can determination of success of reclamation be made in a short period of time. Yet the Montana law does not provide for positive proof of the establishment of vegetation nor is there a time period for which bonds must be held. No standards are set for reclaiming these areas.

This is a weakness particularly in view of the fact that the "Reclamation Law" besides having no requirement for proof of reclamation success, requires only that mining interests show proof of vegetative cover if they deem such cover to be "appropriate to the future use of the land." This discretionary language opens a tremendous loophole, which allows mining interests to do anything or nothing with disturbed land depending on its future use which can include housing developments, fish ponds, motorcycle runs, or any other use deemed by the mining interests as being the most feasible.

Thus there is a need for a measuring stick to determine if hard rock reclamation is successful.

One other aspect cannot be ignored, the provision that primarily native species be used. This has been a controversial issue in the past. However, it must be pointed out that what might work at lower elevations, does not work at higher elevations in alpine areas.

From the Surface Environment and Mining (SEAM) pamphlet, prepared by the U.S. Dept. of Agriculture, entitled "Alpine Research" we find:

"Results...showed that the initial rapid growth of introduced species is short-lived, and that they begin to deteriorate and soon die out due to the harsh alpine environment. However, the native species have a slower initial growth, but appear to have the greatest potential for long-term survival on alpine disturbances. Additions of fertilizer and organic amendments are essential for successful rehabilitation. Transplanting native species has been very successful and offers a valuable alternative revegetation technique on severely disturbed alpine sites."

Finally from the USDA Forest Service Research Note INT-206, 1976 entitled "Revegetation of an Alpine Mine Disturbance: Beartooth Plateau, Montana," we find:

"Conclusions

Native species are apparently better adapted for revegetation of alpine disturbances than are introduced species. The native plants are at least climatically adapted and are more capable of surviving periods of environmental stress that may be unique to the area. Fertilizer improves plant growth and survival of first-year seedlings, and should be incorporated in all revegetation efforts in alpine environments. However, the degree of plant development after one growing season will be minimal at best because of the severe nature of both the climatic and soil environments. Transplants of native species appear to offer a highly successful alternative to seeding. Although our data are only first-year results, they do tend to support these observations. If native species are to be used extensively, however, there is a need to develop nurseries for the large-scale production of plants and seeds."

Mr. Chairman, members of the committee, for the record my name is Mary Donohoe. I am a rancher from Nye, Montana, a former Stillwater County commissioner and am currently on the Stillwater County Planning Board. I am testifying today on behalf of myself and my family. Our ranch is adjacent to the Stillwater complex, one of the largest mineralized zones in the world.

Several streams, most notably the West Fork of the Stillwater River, arise in the complex and flow through our ranch. Thus, we are directly concerned with hard rock mining and water quality issues.

My testimony today concerns three sections of the bill. Specifically those sections address the issue of water quality and quantity.

The first change is that contingency plans be submitted as part of a reclamation plan. This amendment occurs in the subsection dealing with threats to public safety, human life and/or property. Thus, this amendment clarifies the intent of this subsection and strengthens the provisions regarding public nuisance.

The second change requires that water quality and quantity monitoring be conducted during and after exploration and mining. This change is just common sense. It protects water users in the event there is a change in water quality. And it protects the mining interests from nuisance lawsuits.

The third change would require that water quality and quantity baseline data be collected. Again this is a common sense measure to protect both the landowners and the mining interests.

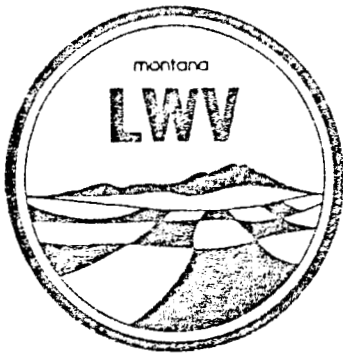
The reason that these changes are necessary is perhaps best explained by recounting the story of the Johns-Mansville Corporation exploration adit on the West Fork of the Stillwater River, just above our land.

In the summer of 1976 JM was drilling its exploration adit above the West Fork of the Stillwater. They had not bothered to receive a water discharge permit from the Water Quality Bureau because they did not feel they would discharge any water into the West Fork. Unfortunately, they hit water while drilling, and this water mixed with nitrates from the explosives and discharged into the West Fork.

This unfortunate occurrence eventually led to a \$10,000 fine, which JM paid to avoid a higher fine being levied by the court. This whole episode could have been avoided, if there would have been contingency plans that would have gone into effect when JM hit water--where there wasn't supposed to be any.

In sum, HB 816 addresses a real problem with a reasonable solution.

We recommend a "do pass."



League of Women Voters of Montana

Testimony for HB 816

March 7, 1979

We support this bill which strengthens the Hard Rock Mining Act. It is extremely important to test the water quality and quantity where ever mining may occur; not only before mining begins, but also during and after mining. It is important to protect the environment and the land owners in the mining area.

It is equally important to reclaim the land with vegetation capable of self--regeneration.

We urge your support for these important amendments to the Hard Rock Mining Act.

Willa Hall

Mr. Chairman, members of the committee, my name is Jack Heyneman. I am a rancher from Fishtail, Montana. I am testifying today on behalf of the Stillwater Protective Association.

We are in support of House Bill 816. We think it is a reasonable bill that will afford protection to both the landowner and the mining company, and as such it is long overdue.

You have heard testimony today that there are flaws in the current hard rock act. Specifically these flaws do not provide adequate protection for the water resources of our state. You have also heard testimony regarding a serious problem which came about because of the faults in the law. This is not an imaginary problem, it is real, and it demands attention. HB 816 addresses these concerns and rectifies a bad situation.

You have also heard testimony that the revegetation section of the law needs tightening up. It cannot be denied that there are no specific requirements for reclamation success in the current law. HB 816 addresses this problem and corrects a vague and nebulous situation.

In sum, HB 816 will not impact the small miner. It will not destroy the mining industry in this state. It will address legitimate problems. It will provide a measure of protection to both the neighboring landowners and water users, and to the mining interests in an area.

We recommend a "do pass."

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Testimony Before the Senate Natural Resources Committee
In Favor of HB 816

Submitted By The Environmental Information Center

March 7, 1979

Montana miners and citizens are proud of what has been accomplished in the reclamation of mined land. Most of our effort has gone into learning how to reclaim coal strip mines, and the hard rock mining activities have been largely set aside from the public's attention. In this regard, HB 816 is a timely and appropriate effort to gradually update our Hard Rock Law. It is appropriate and timely to do this, because both the State and the industry have developed enough information and trained personnel to allow easy transitions into more effective reclamation and water protection.

As time goes by, not only are we more educated, but we can also see that many resources have grown more precious. Our land, our timber, our forage, our wildlife and especially our water grow more precious; worth more dollars and needed by more people for more different purposes. The quality of the water is an important part of its value to us and to the other resources which need it. HB 816 provides reasonable methods for protecting our air and water while mining occurs. This bill also gives us greater assurance that reclamation will be long lasting through the use of native species in the seeding mixture.

Montana has already lost a number of streams due to hard rock mine drainage. However, most of our mine impacts upon water are unknown, we don't know if the situation is getting worse or better. One thing we do know is that it won't go away simply by our refusal to deal with it. The water monitoring provisions in HB 816 are important and after a few years may shed light on our water quality situation relative to hard rock mining.

We ask your support for this bill. Thank you.

BEFORE THE SENATE NATURAL RESOURCES COMMITTEE

STATEMENT OF THE ANACONDA COPPER COMPANY

HOUSE BILL 816

The following comments will address the proposed amendments to the Hard Rock Mining Act.

1) Page 3, line 22 - This amendment would require an operator to place in his reclamation plan procedures to avoid diminishment of air and water quality during and after exploration and mining. Presently the judgment of air or water quality maintenance is charged to the Department of Health and Environmental Sciences. Before any person can discharge into state waters, a permit must be secured from the Department of Health. That permit will provide for effluent limitations which must be met. This amendment is not necessary and would result in duplication of effort and unnecessary costs by requiring the same survey to be performed by both the operator and the Department of Health.

2) Page 4, line 9 - This amendment would require a program for monitoring water quality and quantity during and after exploration and mining. It is unclear if this monitoring requirement is directed to the streams in and around the area, or to other water. The new requirements this amendment will impose are also governed by the Department of Health. Presently water quality standards exist for various streams in the state. Before a discharge permit will be granted, the Department of Health will establish certain limitations on that discharge, review existing water quality standards, require monitoring and reporting of results, and penalize violations.

3) Page 5, line 17 - The amended definition of vegetative cover does not appear to allow for plant succession, and appears to require establishing a climax plant community on a disturbed site immediately. The amended definition of vegetative cover reads:

"Vegetative cover" means the type of vegetation, grass, shrubs, trees, or any other form of natural cover that is primarily native, diverse species capable of self-regeneration under natural climatic conditions at the site of disturbance. (Page 5, line 14)

In reviewing and comparing this definition to the following definitions found in the USDA Forest Service General Technical Report IHT-34, Forest Habitat Types of Montana, by Pfister, Kovalchick, Arno, and Presby (May 1977), it appears that there may be some conflict in what exactly is required under the amended definition:

- a) Climax species: A species that is self-regenerating in the absence of disturbance with no evidence of replacement by other species
- b) Community (plant community): An assembly of plants living together, reflecting no particular ecological status
- c) Climax community: The culminating stage in plant succession for a given environment, that develops and perpetuates itself in the absence of disturbance.

Establishing a climax plant community, i.e., a plant community composed of climax species, would be virtually impossible on a disturbed site. Time - years, perhaps centuries - is required for the soil and its microorganisms to achieve equilibrium with the vegetation that it supports. In the meantime, the vegetative cover will change in composition due to competition among species for light, moisture, and nutrients, and due to changes taking place within the soil.

This amended definition of vegetative cover may also have an effect on the release of an operator's bond. Applied literally the proposed amendment would mean that the bond would not be released until it was demonstrated that the vegetative cover was self-regenerating. Even if the vegetation was in fact self-regenerating, in the case of trees it might take 20 years or more to demonstrate.

4) Page 6, line 14 - This amended section would require the Department of Lands to notify the Department of Health when it receives an application for an exploration license. The Department of Health is then required to do water quality and quantity sampling. This additional requirement may be unnecessary. Presently there are water quality standards in effect identifying the quality of various state waters. These standards are reviewed every three (3) years. Also, as noted earlier, the operator must obtain a discharge permit from the Department of Health prior to the discharge into state waters. This requirement may lead to additional duplication between two state agencies. In addition, the Department of Health does not have authority to extend any of the time provisions set forth in the Hard Rock Mining Act.

For these reasons, it is respectfully recommended that the Senate Natural Resources Committee recommend that House Bill 816 does not pass.

NAME: Vernon Smith DATE: 3-12-72

ADDRESS: Huger, MT

PHONE: 462-2842

REPRESENTING WHOM? Montana Mining Assoc.; Laramie Chapel
Huger Ore Milling,

APPEARING ON WHICH PROPOSAL: HJR 811

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

COMMENTS: See Attached Petition

Vernon E. Smith

3/12/74

THE UNDERSIGNED, BOTH MEMBERS AND NON-MEMBERS OF THE MONTANA MINING
ASSOCIATION, WHOLEHEARTEDLY OPPOSE HOUSE BILL 316, SPONSERED BY
REP. HARRISON FAGG.

30. Rose E. Bachman, Lewistown, Mining Claim ✓

	NAME	ADDRESS	OCCUPATION	AGAINST
1.	Laurence E. Danch	Lewistown	Miner	✓
2.	Harry Abbott	Leeds Edge	Miner	X
3.	Robert S. Durbin	Lewistown	Miner	X
4.	Allyn Melba	Lewistown	Miner	X
5.	Henry C. Danch	Lewistown	Miner	X
6.	John R. Stanley	Forest Grove	Rancher	X
7.	Sk. F. Wood	Lewistown	Miner	X
8.	Russel Ridgeway	Stanford	Miner, Rancher	X
9.	Peter Wilson	Hilger	Miner	X
10.	Alfred Melba	Lewistown	Miner	X
11.	C. L. Kuehnhausen	Lewistown	Miner	X
12.	C. M. Kuehnhausen	Lewistown	Miner	X

Mr. Chairman, members of the committee, for the record my name is Bill Mackay, Jr. I am a rancher from Roscoe, Montana, and my family has operated our ranch since 1900. I am testifying today on behalf of the Northern Plains Resource Council.

House Bill 684 is an attempt to seriously weaken Montana's hard rock reclamation act. It does this in two main areas, roads and the small miner's exclusion. Others will speak to the issue of the small miner's exclusion and the weakening of the law. My concern is with roads. It is true that while we raise these points in opposition, we fully realize that what the committee decides on is up to you. The committed members, however, should be fully informed as to the effects of their actions, so they can be fully responsible for those actions.

Speaking to the general issue of not reclaiming roads is fairly easy for a landowner. I testified in the House and am before you today saying the same thing.

Those of us that border public lands experience severe trespass problems. These problems become more acute the more public roads are dedicated around us and condemned through us. Our problem is not one of environment, but one of people. It's obvious to me that public agencies are only too willing to have these roads left because it makes them look better in a public relations sense.

Moreover, it has been my experience that public agencies do not mark their boundaries clearly and they do not take care of their half of the fence. Consequently, the public has no idea where the boundaries are or why all that livestock is there. The more you keep roads in public areas, the more the problem of landowner vs. recreationist is compounded.

Furthermore, in many cases, miners have to cross private land to get to the public land. It makes little sense to reclaim a road across private land (if that is required) and leave the road unreclaimed in the public land. From a landowner's point of view, we would like to see those roads reclaimed.

Next to more specifics. The intention of this bill is to aid the small miner by not allowing roads to "eat up" five acres in the small miner's exclusion. This may be a subject worthy of discussion. However, the wording of the roads amendment and its placement in the "disturbed lands" definition opens the law up, not only for small miners, but for large, multinational miners as well. Is this change a trick, designed to curry favor for everyone's sympathy with the small miner, disguising the obvious benefits to large corporate interests? Or, is it the result of sloppy language, and a bad technical approach? In either event, the bill should not be passed in its present form.

It is my understanding that roads may presently be defined as a reclaimed use under the Hard Rock Mining and Reclamation Act. The proposed change seems, therefore, to be redundant. The option exists now. What this change would do is make the exceptional use a general use. This is a radical departure from accepted practice.

My fourth objection concerns the right and obligation of the State of Montana to control mining activities within our state. I refer you to lines 5 - 10 on page 2.

"The term does not include roads which are required to be built to certain specifications by a public agency if the public agency notifies the department in writing that it desires to have the road remain unreclaimed after mining or exploration ceases."

Please note that the Department of State Lands is abdicating its decision-making authority in this instance to an unspecified agency. Usually this will mean the Forest Service. The point is crucial; all an agency has to do is notify the Montana Department of State Lands of what it wants and the language in the bill dictates that State Lands accede to its wishes. Again, whether it is sloppiness or intent really doesn't matter. The end result is an unquestionable erosion of Montana's right to make decisions on land use.

In sum, the section on roads will cause more headaches for the land-owners; it will aid and abet multinational corporate interests; it is not necessary, and it will erode state's rights. We recommend a "do not pass."

(502-39)

TESTIMONY OF JACK HEYNEMAN ON H.B.684 BEFORE THE SENATE NATURAL
RESOURCES COMMITTEE
March 7, 1979

Mr. Chairman and members of the Committee, my name is Jack Heyneman. My wife Susan and I own and operate the Bench Ranch near Fishtail, where we raise Red Angus cattle.

I am testifying today on behalf of the Stillwater Protective Association, of which I am President. SPA is a local organization of ranchers and other Stillwater area residents who are concerned about the effects of mineral development in the Stillwater Complex on our agricultural operations and community. My testimony addresses the technical problems with HB 684, and the significant broadening of the small miner exclusions.

1. Non-contiguous mining operations are defined such that boundaries do not touch one another. This means, to me, that they may be separated by only a few inches. The net effect is to allow two operations which would fall under the small miner exclusion, to operate side-by-side. This is a significant broadening of the definition of "small miner".

2. The allowance of not reclaiming roads is not placed under the definition of small miner. This change would allow all miners, large or small, the luxury of leaving roads unreclaimed.

3. There is no procedure outlined to guide the Department of State Lands in a decision to allow roads to go unreclaimed. Instead, the language locks the department into rubber stamp approvals of federal requests.

4. Perhaps the most important technical problem with HB 684 is that because the acreage limitation is doubled, the Department of State Lands will require additional mine inspectors. There is no provision for this in the bill. No fiscal note is attached.

Next, we have the issue of the small miner exclusion. Small miners are of course very popular. There is not a person in this room that wants to put the small miner out of business. Many of us have the rather romantic image in our minds of some old sourdough and his faithful mule, looking for the mother lode with a pick and shovel. It's a nice image. However, there are some hard facts that we must face. Under the Hard Rock Act we have recognized the special place of the small miner to the extent that we have already bent the state's Constitution to allow them to leave up to 5 acres unreclaimed. The Constitution clearly states that "all lands disturbed by the taking of natural resources" must be reclaimed. But we have made a concession to the small miner, and no one has challenged that concession. But now, there is an attempt underway with HB 684 to open that concession a little larger. It seems that we have a trend here of each session permitting larger and larger definitions of "small miner". It seems that everybody is trying to shrink into small miner status.

To the first point. In 1977 the small miners tonnage limitation was raised from 100 tons per day to 36,500 tons per year. With this change, eight operations qualified for the exclusive small miners status. Now, in 1979, we are asked to remove the tonnage limitation and double the amount of acreage allowed. When is enough, enough? When will the miners be satisfied? They have already backed us into a violation of our constitution--how much more of a violation do they want?

As to the second point, the curious phenomenon of the shrinking miner, we have some interesting facts to present to the committee. By removing the tonnage limitation and doubling the acreage exemption, the proposals would enlarge the small miner's exclusion to allow 18 additional concerns to qualify for the exclusion.

It cannot be denied that some, maybe most, of these 18 concerns are "small miners." We may actually be helping those intrepid old sourdoughs to buy some feed for their faithful mules--but it should be made clear the exemptions allow other miners to qualify for this special status.

A look at the list of those "ma and pa" operations currently engaged in mining in Montana tells us about the following corporations that could become "small miners"--

Pfizer	Assets \$ 2,448,263,000	
	No. of employees 40,200	(page 2806)*
St. Regis Paper Company	Assets \$ 1,927,425,000	
	No. of employees 31,000	(page 2928)*
Stauffer Chemical	Assets \$ 1,429,544,000	
	No. of employees 13,000	(page 3050)*

*Source: Moody's Industrial Manual, 1978, vol. 2.

Perhaps U.S. Antimony, a Montana-Idaho concern, is a bit closer to the image of a small miner, but with 25 employees and over \$ 1,438,000 in assets, is it really a "small miner"? (Source: Moody's Industrial Manual, 1978)

In sum, HB 684 has serious technical flaws and it asks us to turn our backs on the Montana Constitution, all for some rather doubtful "small miners."

We recommend a "do not pass."

12
(68-684)
Mr. Chairman, members of the committee, for the record my name is Mary Donohoe. I am testifying today for myself and the other members of my family, who cannot be here today because of the press of lambing and calving. I am a lifelong resident of Nye, Montana, and a former Stillwater County Commissioner. I am currently serving on the County Planning Board.

Three generations of my family have ranched in the Stillwater area. The fourth generation is now growing up on that ranch. We ranch directly adjacent to the Stillwater complex, one of the largest mineralized zones in the world. Because we intend to remain in the area and because the laws of Montana allow condemnation for all sorts of hard rock mining activity, we are directly concerned with hard rock mining reclamation laws.

I am here to speak against House Bill 684. In other testimony you have heard that it would allow roads to go unreclaimed--thus causing an enormous headache for landowners and abdicating state control--and will significantly broaden the small miner's exclusion, when we are already turning our backs on Montana's constitution. A warning that the potential for a lawsuit grows greater is sufficient at this time.

You have also heard that there is a veritable maze of federal and state regulations that regulate hard rock mining and that this maze of regulations is stifling incentive and driving people out of business. It's been said that we need to loosen up a bit, so that miners can operate.

*Many of us run cattle
T.S. Land*
I submit to you that it is the duty of this committee to recognize that ranchers have a right to operate as well. I also submit to you that it is really not as tough for the miners as they would have you believe.

First, in the case of small miners. What other business is totally exempt from the law because they are small? Farmers and ranchers are not exempt from the law because their operation is small, neither are hardware stores, grocery stores or gas stations.

Second in the case of all miners, the law that people operate under is the 1872 federal Hard Rock Mining Law. Remember that maze of regulations that people are always alluding to--well, a maze is tricky only when you don't know the route. If you do know the route well enough, or in this case the law, the path is quite clear. The end result is also quite simple; you escape regulation because there is no clear-cut authority for regulation.

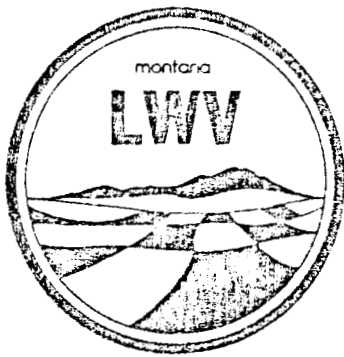
Do the hard rock miners really have it that bad?

- 1) There are no surface owner rights, as is the case with coal mining. Condemnation is still allowed.
- 2) The rules and regulations apply only to unpatented mining claims. If a miner patents his claim, that is, he takes full title and possession of the land, NO rules, NO regulations, apply.
- 3) Hard rock miners *Ranchers pay for the grass off of their lands* pay no rent for the use of lands of the people of the United States. Hard rock miners pay no royalties to the people of the United States for removing those minerals.

4) For \$500 in assessment work and \$5 an acre for lode claims and \$2.50 an acre for placer claims, the miner can patent his claim and gain full title to the land. Quite a real estate bargain in this day and age.

In sum, if it is your intent to cripple the hard rock reclamation laws, so be it. If you are willing to sacrifice agriculture for the miners, so be it. However, don't insult us by mouthing various platitudes about promoting some fairy tales about an industry that already has a "favored" status under the law.

The choice is clearly yours. I hope you can live with it.



League of Women Voters of Montana

Testimony for HB 684

March 7, 1979

We feel it is unfortunately that bills such as HB 684 are being introduced to weaken an already weak law. We appose increasing the acreage small miners can disturb without reclamation, from five to ten acres. We also appose excluding roads from the permit examination. *We feel this provision could lead to abuse and a harmful effect to the environment*
We urge a DO NOT PASS for this bill

Willa Hall

public opinion was made by the direction of the Atlantic Richfield Co.; the new corporate parent company of the Anaconda Mining Co. The survey conducted in Montana gave the following as one of its findings as the result of questioning 514 adults.

"Generally speaking, the Montana public appears to consider environmental protection more important than economic growth at the expense of the environment. Almost half (49%) of the Montana public agree that ["we must accept a slower rate of economic growth in order to protect our environment."] By contrast, only a little more than one quarter (27%) think that ["we must relax environmental standards in order to achieve economic growth"].

We have here presented to you two valid arguments against weakening the provisions of the Hard Rock Act as presented in House Bill 684. In particular, the amendments excluding dedicated roads from the definition of "disturbed land" and the addition of a second 5 acre area under small miner permits.

We also consider the deletion of the 36,500 ton/year limitation from the "small miner" definition to be a degradation of the Hard Rock Act. Such an amendment will allow small miners to vastly increase the scale of their activities without an increase in reclamation requirements or water pollution prevention. Again, this proposed amendment increases the conflict with article 9 of our Constitution and goes against the public opinion findings we cited in the ARCo survey.

House Bill 684 also poses a potential for administrative difficulties for the State Land Department by requiring a 30 day response as to completeness of an application. The Department currently attempts to make annual inspections of all currently permitted mining activities. The workload poses difficulties partially due to the seasonal nature of

the work. Most of the inspections must be made during the summer when mining areas are accessible. If the Department is required to inspect a specific area within 30 days, such disruption could confuse the tight scheduling necessary to complete their normal duties. We believe that the Department should be able to see a proposed mining area before making any intelligent response to an applicant. The adequacy of maps and site descriptions should be field checked before they are accepted. The current 60 day provision for field inspection and response allows up to two months margin for a specific inspection to be coordinated with the schedules of mine inspectors. We want this degree of administrative flexibility to remain in the law unless additional personnel are provided for in these proposed amendments. It also seems reasonable to expect a need for more mine inspectors as more areas open up with the 5 acre additions provided in this bill.

Much of our hardrock mining activity does occur on Federal land where Federal agencies have authority to manage the removal of resources. Each forest and each ranger district in Montana is run like a small country. The people who oversee these segments of Federal land have different concerns and attitudes. Not only are their attitudes different, but they are not accountable to the people of Montana. Strangely enough, where Federal reclamation standards are poorly enforced, the field personnel have responded that such problems are minor since the State has a good reclamation program. There is confusion, a confusion which has resulted in no reclamation being attempted by large multinational corporations hiding behind small miner exclusion statements.

EIC and representatives of other citizen's groups in Montana have met with representatives of the Montana Mining Association to discuss a number of proposed changes which could be made in the Hard Rock Act. The

changes which we considered to be beneficial from a conservation viewpoint do not appear in House Bill 684. It is our position that the Hard Rock Act is our weakest form of environmental protection among all of Montana's mining laws. For this reason, there is no room for any loosening of these weak standards without also incorporating significant improvements in the act especially in the area of water quality protection. We cannot in good conscience yield to a one sided approach to amending this act which would only serve to further aggravate the historical resource damage done through hard rock mining activities. We therefore ask the committee to recommend do not pass for HB 684.

Don Kierling
Elk Staff Director

TESTIMONY

Department of State Lands

HB 684

With two exceptions, the Department of State Lands supports HB 684. These two exceptions are the proposed changes in the definition of small miner and the exclusion of certain roads from the definition of disturbed land.

Several meetings were held in recent months between representatives of the mining industry, representatives of public interest groups, and the Department to discuss changes in Montana's Hard Rock Mining Act. The meetings were held specifically at the request of the Montana Mining Association which asked the Department to arrange them. The Department agreed to support as proposed legislation any changes that both parties agreed upon, but would not support the points disagreed upon.

This bill (page 2, lines 5-10) would delete roads from the reclamation requirements of an exploration license or an operating permit, and from the acreage disturbance allowed a small miner, if a public agency notified the Department in writing that it desires to have the road built to certain specifications and left unreclaimed after mining. This provision would leave more land disturbed and unreclaimed.

A second proposed change (p. 4, lines 16-18) would delete the 36,500 maximum tonnage requirement that a small miner may remove during a calendar year. The definition of small miner (p. 4, lines 18-25, p. 5, lines 1-4 and p. 6, lines 17-19) would also be changed to allow a small miner to have two noncontiguous, 5 acre operations provided they are not operated simultaneously for more than 30 days a year. Eighteen existing operators would probably qualify as small miners should the annual tonnage limitation be deleted from the definition of small miners. Those 18 operators would not be required to obtain a permit and could leave the land unreclaimed.

The committee should be aware, that any enlargement of the area that a small miner need not reclaim may subject the Hard Rock Act to a constitutional challenge. Article IX, Section 2 of the Montana Constitution provides that all land disturbed by mining shall be reclaimed.

A third proposed change drops the definition of (p. 1, lines 21 and 22) and provisions for a development permit (Section 3, Section 5, and Section 8) from the Act. This is a little used, and unnecessary provision of the Act. The Department supports its deletion.

A fourth change (p. 9, line 4) requires that the Department allow the postponement of reclamation when an operator agrees to include acreage disturbed during exploration as part of his operating permit reclamation plan. This proposed requirement is currently discretionary on the part of the Department. The Department has no objections to the change.

A fifth change (p. 10, line 3) adds a clarification that an operator first receive a permit before disturbing land in anticipation of mining. This change is necessary if development permits are dropped and is supported by the Department.

A sixth change (p. 11, lines 7-9, p. 12, lines 10-13, and p. 13, lines 10 and 11) drops the requirement that a reclamation bond be part of an application but retains the requirement that no permit may be issued until sufficient bond has been submitted.

The last proposed change occurs in Section 7 of the bill (p. 11-13) and represents a clarification of the time frames allowed the Department for permit review. This section requires that the Department notify an applicant within 30 days of an application's completeness. The changes also require the Department to make decision on the adequacy of a complete permit application within 30 days. This change would merely divide the current 60 day time frame into two 30 day time periods for administrative purposes.

NAME: Vernon F. Smith DATE: 7-12-19

ADDRESS: Helmer, MT

PHONE: 467-7842

REPRESENTING WHOM? Montana Mining Assoc., Livingston Chapter
Helmer ore Milling

APPEARING ON WHICH PROPOSAL: H1B 684

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: See Attached Position Paper

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

THE UNDERSIGNED, BOTH MEMBERS AND NON-MEMBERS OF THE MONTANA MINING ASSOCIATION, WHOLEHEARTEDLY SUPPORT THE MINING ASSOCIATION'S SPONSORSHIP, ALONG WITH THAT OF REP. BILL HAND, OF HOUSE BILL 634.

30. Rose E. Bachman Lewistown, Mining claim

#	NAME	ADDRESS	OCCUPATION	FOR
1.	Lawrence E. Damsch	Lewistown	Miner	✓
2.	Harry Abbott	Hill Edge	Miners	x
3.	Robert S. Durbin	Lewistown	Miner	x
4.	Glynn McVeda	Lewistown	Miner	x
5.	Henry C. Damsch	Lewistown	Miner	x
6.	W. D. Berg	Lewistown	Sawmiller	✓
7.	George W. Berg	Lewistown	Sawmiller	✓
8.	John R. Stanley	Forest Grove	Panther	✓
9.	Skiff Wood	Lewistown	Miner	x
10.	Russel Redgeway	Stanford	Miner, Panther	x
11.	Peter Wilson, Hilger		Miner	x
12.	The C. M. & L.			

Proposed Amendments to HB 638 785

Page 3, line 25.

Following: "means"

Strike: "scientifically significant"

Page 4, line 2.

Following: "water"

Insert: "which are rare and critical to scientific research"

Page 6, line 13.

Following: "not"

Strike: "administered, controlled, or"

Page 6, line 22.

Following: "lands"

Strike: "administered, controlled, or"

Page 7, line 16.

Following: "lands"

Strike: "administered, controlled, or"

Page 11, line 2.

Following: "land"

Strike: "administered, controlled, or"

Page 6, line 11.

Following: "submit"

Insert: "to the historic preservation officer for his consideration"

Page 6, lines 17 through 21.

Following: "register"

Insert: "."

Strike: "and may registered properties."

Page 6, line 7.

Following: line 6

Insert: A new subsection to read as follows: "enter into cooperative agreements with the federal government, local governments, and other governmental entities or private landowners or the owners of objects to ensure preservation and protection of registered properties."

Reletter: Subsequent subsections.

Page 7, line 9.

Following: "hearing."

Insert: "If a hearing is held, it shall be commenced within 30 days after the final date for submission of written objections."

Page 10, line 23.

Following: "PALEONTOLOGICAL REMAINS"

Insert: "that cannot be properly mitigated provided that this section is limited only to heritage properties and paleontological remains which have been located as a part of the environmental impact statement review process as described in subsections 1 and 2 of section 10."

Proposed Amendments to HB 638
page two

Page 12, lines 3 and 7.
Following: "[sections"
Strike: "3 through 14]"
Insert: "8, 12, 13, 14"

Page 11, line 11.
Following: line 10
Strike: Section 13 in its entirety
Re-number: Subsequent sections.

A STATEMENT IN SUPPORT OF HB 785,
"AN ACT TO REVISE THE LAWS RELATED TO ANTIQUITIES"

Presented by
Historical Research Associates
P.O. Box 7086
Missoula, Montana 59807

Recognition of heritage resources (historical, archeological, architectural, paleontological) has a long history in national policy. As early as 1906, the United States Congress passed the Antiquities Act which assigned special value to the nation's cultural resources. Subsequent acts in 1935 and 1960 aided the movement to appreciate and to protect the nation's heritage. This national effort culminated with passage of the National Historic Preservation Act in 1966 and National Environmental Policy Act in 1969.

Montana also has emphasized the need to preserve our national and state history. Enactment of the Montana Environmental Policy Act in 1971, and the Montana Antiquities Act in 1973, evidenced our state's commitment to retaining the Montana legacy. Unfortunately, until recently, the Montana effort has been hindered by a lack of direction and an absence of professional staff. We now have the latter and seek the former.

Passage of HB 785 is consistent with previous state and national policy. It will allow the state's heritage preservation staff to give guidance and direction to the overall state program. It also will bring the state into compliance with federal policy and legislation.

Specifically, HB 785 will clearly define the role and responsibility of the State Historic Preservation Officer. It will require that that official and his staff work with various state agencies to developing criteria and guidelines for assessing impact on cultural resources. As individuals who have worked in this sphere for a number of years, we can attest to the need for such direction. Assistance in developing criteria for evaluating cultural resources and a review policy for impact statements will not only improve the quality of that review process, but will save the state and private industry needless expense.

HB 785 also would require the state preservation staff to collect and to preserve information on cultural resources. The staff will develop a central system for site forms and registration. Such a system is sorely needed in this state. Again, this action would enhance the quality of resource assessment, while lowering the cost of environmental evaluations to industry and to the state.

It is important to Montana's citizens that state policy and direction be in step with that of the federal government. Montana has moved in an admirable direction by enacting laws to protect the state's heritage and by providing professional staff to assist in that effort. It is time now to strengthen that commitment.

We strongly urge this committee to endorse HB 785..

James L. Larnick
321 1/2 N. Alabama
Butte, MT 59701

5/7/79

Con
Culm

re: HB Small Business Assoc. (MSBA) Bill

The MSBA is a grass roots organization which has as its goal a diversified state economy which recognizes the need and value of small business. In Butte the viability of small business is very much tied to historic renovation and rehabilitation. A successful central business district renovation project ~~is in the~~ would be in the best interest of both existing and new small business.

HB 785 provides the State Hi. Pres. Office & the Preservation Review Board with the guidelines to administer much-needed programs including the certification of income property for tax incentive, nominations to the Federal Register & Federal Grant programs. All of these programs would aid in the rehabilitation of Butte's ~~historic~~ Central Business District, recognizing its historic resource value to the State & the benefit to small business which seeks to establish itself in Uptown Butte.

Montana has a wonderful resource in its heritage. I am attaching to this testimony various sections of Federal law which address this issue in terms of its importance to our nation. I hope the Montana legislature will recognize this importance ~~of this issue~~ & urge a co-pass recommendation for HB 785.

House Bill 785

"Congress finds and declares--

- Section 106: The head of any Federal Agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Fed. department or independent agency having authority to license any undertaking shall prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register." ~~55060606-of-any-such-Federal-agency-shall~~

"...In the furtherance of the purposes and policies of the National Environmental Policy Act of 1969...the National Historic Preservation Act of 1966...the Historic Sites Act of 1935...and the Antiquities Act of 1906...The Federal Government shall provide leadership in preserving, restoring and maintaining the historic and cultural environment of the Nation...(and) institute procedures to assure that Federal plans and programs contribute to the preservation and enhancement of (Federally) and non-federally owned sites, structures and objects of historical, architectural or archaeological significance."

(National Park Service, Dept. Interior)

(c) The SHPO has been requested to assume certain responsibilities for compliance under section 106 of the National Hist. Pres. Act (of 1966)..."

House Bill 785 demonstrates that we recognize the resources in the state that have historical, architectural and archeological value.

Without the mention of our responsibility as citizens of Montana to protect this resource there is no comprehensive policy of historic sites management.

Just as the Fed. govern't has formally stated its concerns for historic preservation, we in Montana must do the same.

NAME:

Robert Rosenfeld

DATE:

3-7-79

ADDRESS:

801 12th Ave. HONOLULU

PHONE:

442-2351

REPRESENTING WHOM?

SELF

APPEARING ON WHICH PROPOSAL:

HR - 316

DO YOU:

SUPPORT?

X

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Mella Hall

DATE:

2-7

ADDRESS:

1502 Poston

PHONE:

442 7495

REPRESENTING WHOM?

League of Women Voters of I.H.

APPEARING ON WHICH PROPOSAL:

HB 684, ^{H.B.} 8/6 HJR 6

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Rep. Mike Johnson

DATE: _____

NAME: Star Rte ADDRESS: Star Rte Columbus, MT

PHONE: 458-9284

REPRESENTING WHOM? Stillwater Yellowstone Center

APPEARING ON WHICH PROPOSAL: LB 67516

SUPPORT?

AMEND?

OPPOSE?

COMMENTS :

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Charles van Hout FR B. Kiesling

DATE:

March 7, 79

ADDRESS:

4877 Birdseye Dr.

PHONE:

443-5681

REPRESENTING WHOM?

Environmental Info. Center

APPEARING ON WHICH PROPOSAL:

HB 684

HB 816

DO YOU:

SUPPORT?

HB 816

AMEND?

OPPOSE?

HB 684

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Jeff Renz

DATE: 7/7/19

ADDRESS: 140 Unmanned, Newark

PHONE: 549-3670

REPRESENTING WHOM? Sole

APPEARING ON WHICH PROPOSAL: 816, 684

SUPPORT?

8/6

AMEND?

OPPOSE?

68

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Don Snow

DATE:

ADDRESS:

Rt. 2 Box 121A Stearnsville

PHONE:

777-3674

REPRESENTING WHOM?

Self

APPEARING ON WHICH PROPOSAL:

HB 816

HB 684

DO YOU:

SUPPORT?

✓

AMEND?

OPPOSE?

✓

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Vernon E. Smith DATE: _____

ADDRESS: Hilary Mont

PHONE: _____

REPRESENTING WHOM? _____

APPEARING ON WHICH PROPOSAL: _____

DO YOU: SUPPORT? 684 AMEND? _____ OPPOSE? _____

COMMENTS: 684

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

D. L. Roberts

DATE:

7/16/79

ADDRESS:

Box 3556 Missouri

PHONE:

728 5392

REPRESENTING WHOM?

Montana Mining Assoc

APPEARING ON WHICH PROPOSAL:

HJR-6 HB 684

HB 742

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

COMMENTS:

I support HJR-6 HB 684

oppose HB 742 816

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

TAD DALE

DATE:

3/7/70

ADDRESS:

P.O. Box 1147, DILLON, MT

PHONE:

683-4231

REPRESENTING WHOM?

MONT MINING ASSOC.

APPEARING ON WHICH PROPOSAL:

HB 816 & HB 742

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Jim Muller DATE: 7/2/79

ADDRESS: 1412 E. 1st St.

PHONE: 412-1234

REPRESENTING WHOM? Mr. - [unclear]

APPEARING ON WHICH PROPOSAL: 7-5

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Ed Scheitlin DATE: _____

Scheitlin

ADDRESS: _____

PHONE: _____

REPRESENTING WHOM? _____

APPEARING ON WHICH PROPOSAL: 816

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

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: TAD DALE DATE: 3/7/79

ADDRESS: P.O. Box 1147, Dillsen, NH.

PHONE: 603-4231

REPRESENTING WHOM? N. H. T. MINING ASSOC.

APPEARING ON WHICH PROPOSAL: HB 684 & HJR 6

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

NAME: Ed Schell DATE: _____

ADDRESS: Marquette St

PHONE: _____

REPRESENTING WHOM? _____

APPEARING ON WHICH PROPOSAL: 777

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

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: JAMES LO SPANSELO ^{GELD} DATE: 3/7/79

ADDRESS: P.O. BOX 1201, HILARY, MT

PHONE: 205-4321

REPRESENTING WHOM? Sgt

APPEARING ON WHICH PROPOSAL: H.B. 785

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS:

CLARIFIES NOMINATING PROCEDURE

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: FREDRIC L. QUINN DATE: 3-7-79

ADDRESS: 210 N. CLARK BUTTE

PHONE: 792-5464

REPRESENTING WHOM? BUTTE HIST. SOCIETY

APPEARING ON WHICH PROPOSAL: HB 755

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Jack Foley

DATE:

3/9/74

ADDRESS:

Aracoma

PHONE:

563-3473

REPRESENTING WHOM?

Copper Village Ad College Museum

APPEARING ON WHICH PROPOSAL:

HB 781

DO YOU:

SUPPORT?

☒

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Frank R. Groat DATE: 3-7-79

ADDRESS: 544 Hastings Marina

PHONE: 549-2468

REPRESENTING WHOM? Fort Marionella Historical Museum

APPEARING ON WHICH PROPOSAL: HB 785

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

DATE: 5

ADDRESS :

PHONE :

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

DO YOU:

SUPPORT?

✓

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Alan S. Maxwell

DATE:

March 2

ADDRESS:

P.O. Box 7026, W. Va. 26119

PHONE:

721-1958

REPRESENTING WHOM?

Historical Research Council

APPEARING ON WHICH PROPOSAL:

HR 725

DO YOU:

SUPPORT?

X

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Taney Council

DATE:

3/7/79

ADDRESS:

321 1/2 N. Alabama - Butler

PHONE:

723-7459

REPRESENTING WHOM?

Butler Small Business
Development Sec

APPEARING ON WHICH PROPOSAL:

HB 785

DO YOU:

SUPPORT?

X

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

DATE:

ADDRESS:

PHONE:

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

DO YOU:

SUPPORT?

YES

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: LYNN FREDLUND DATE: 7 MAR 79

ADDRESS: P.O. Box 3708 - Butte

PHONE: 494 - 2778

REPRESENTING WHOM? Mineral Research Center - Butte

APPEARING ON WHICH PROPOSAL: HB 785

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: Support HB 785 because as an
archaeologist working on cultural resource
projects in Montana since 1973 we
have had problems with who is
the authority for archaeological problems.
Our contributors (federal, state & private)
organizations have been held up
& much time (= money) has been spent
dealing with a variety of agencies. This
bill centralizes the files & centralizes
the authority thus making our job
much easier.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Ken Korti

DATE:

3/7/79

ADDRESS:

Helena

PHONE:

REPRESENTING WHOM?

Martiana Hist. Society

APPEARING ON WHICH PROPOSAL:

413 285.

DO YOU:

SUPPORT?

☒

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Shirley Thompson DATE: 3-1-79

ADDRESS: 2130 11th Ave.

PHONE: 443-7297

REPRESENTING WHOM? Montana Mining Assoc.

APPEARING ON WHICH PROPOSAL: HB 785

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: The Montana Mining Assoc. supports HB
785 as amended and urges a DEPRIS.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Don McMillan

DATE:

3/7/79

ADDRESS:

2301 Colonial Dr.

PHONE:

442-6223

REPRESENTING WHOM?

Montreal Council

APPEARING ON WHICH PROPOSAL:

H.S. 785

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

COMMENTS:

With amendments we have
no objection to 785 without
them it is a mess.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

DATE:

ADDRESS :

PHONE:

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE

COMMITTEE

BILL _____

VISITORS' REGISTER

DATE _____

Please note bill no.

NAME	REPRESENTING	BILL #	(check one)	
			SUPPORT	OPPO
Mick Roger	Museum of the Rockies, Bozeman	HB 785	✓	
Grant Bailey	Annemaria, ID	HB 785	✓	
Frederic L. Quinn	Butte Historical Society	HB 785	✓	
James McInnis	Butte Small Business A.	"	✓	
Art B. Co.	Comptroller of the State	HB 785	✓	
W. H. Kelley	Newman, Minn. & Co.	HB 785	✓	
Frank R. Hunt	Butte National Hist. Museum	HB 785	✓	
Jack Dale	Montana Mining Assoc.	HB 785	✓	
John R. Co.	Self	HB 785	✓	
John S. Co.	Historical Research Ass.	HB 785	✓	
John A. Co.	Annemaria, ID	HB 785	✓	
Frank D. Co.	Self	HB 785	✓	
Art B. Co.	Self	HB 785	✓	
Mark van Hook	ETC	HB 785	✓	
Robert R. Co.	Self	HB 785	✓	
Edward E. Sp. Co. II	Red Mike & Co.	614	✓	
Steve Lopen	Self	HB 816	✓	
Don Snow	Self	HB 816	✓	
"	"	HB 816	✓	
Charles D. Co.	Ed. Museum, Teton Bldg	HB 816	✓	
Frank D. Co.	Mt. McKinley Assoc. Helms	HB 816	✓	
Frank D. Co.	"	HB 816	✓	
John D. Co.	Mt. McKinley Assoc.	HB 816	✓	
John D. Co.	Mt. McKinley Assoc.	HB 816	✓	

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

SENATE

COMMITTEE

BILL _____

VISITORS' REGISTER

DATE _____

Please note bill no.

NAME

REPRESENTING

BILL #

(check one)
SUPPORT OPP

G. H. Nelson

11-12

R. H. Nelson

Nelson

242 216

H. H. Nelson

Nelson

11-15

187 216

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY