

MINUTES OF THE MEETING OF THE NATURAL RESOURCES COMMITTEE  
MARCH 9, 1981

The House Natural Resources Committee convened in Room 437 of the Capitol Building on Monday, March 9, 1981, at 12:35 p.m. with CHAIRMAN DENNIS IVERSON presiding and fourteen members present (REP. BURNETT was absent and REPS. CURTISS, ASAY, and HUENNEKENS were excused).

CHAIRMAN IVERSON opened the hearing on SB 80.

SENATE BILL 80 SENATOR JEAN TURNAGE, sponsor, presented the bill which would exempt peat mining from the Hard-Rock Mining Act. The main reason for doing this is that peat is not a hard-rock mineral.

Speaking as a proponent was TED TOMPKINS. See Exhibit 1.

JOHN NORTH, Department of State Lands, was in attendance and gave some informational background. If this type of activity is exempt from the Hard-Rock Mining Act, then there will be no reclamation requirements regarding peat mining. There are currently five peat operations, all of which are covered under the Small Miner Exclusion Act. All that is required of a peat operation is that care is taken so the replacement water does not stagnate.

There were no OPPONENTS.

SENATOR TURNAGE closed on the bill.

During questions from the committee, REP. MUELLER asked what has to be done to avoid stagnation. MR. NORTH said usually a small pond and ditch system is used.

REP. KEEDY asked why the Small Miner Exclusion is not enough to cover this problem. The answer was that some peat operations are getting too large with the five-acre limit.

REP. KEEDY then asked if this bill is enacted, what area of law would cover the reclamation of peat mining. MR. NORTH replied that there will not be an area of coverage.

REP. BROWN asked if all of the current peat operations are on private land. MR. NORTH said one is on state forestry land.

The hearing on SB 80 closed and one opened on SJR 11.

SENATE JOINT RESOLUTION 11 SENATOR BOB BROWN, chief sponsor, presented the resolution. It asks that the present administration and Congress fully fund forest fire protection assistance. We in Montana need this funding because we seem to be heading toward a drought situation and the danger of fire brought about by insect infestations.

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Speaking as a proponent was ROBERT HELDING, Montana Wood Products Association, who reiterated the dangers caused by the lack of moisture and the insects.

KEITH OLSON, Montana Logging Association, supported the resolution.

There were no OPPONENTS.

SENATOR BROWN closed on the resolution.

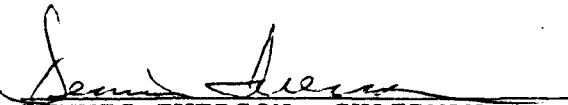
During questions from the committee, REP. ROTH asked if the timber could be used after it is infected by the insects. MR. HELDING said it could if used within about two years.

REP. SHELDEN asked what the contractual relationship is between the state and federal governments. MR. HELDING said the governments agree to certain areas so as not to double staff and then each pays the other for the coverage.

The hearing on SJR 11 closed.

The meeting adjourned at 1:05 p.m.

Respectfully submitted,

  
DENNIS IVERSON, CHAIRMAN

Ellen Engstedt, Secretary

## VISITORS' REGISTER

HOUSE NATURAL RESOURCES COMMITTEE

SENATE

BILL SJR 11

Date 3/9/81

SPONSOR B. BROWN

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.



WITNESS STATEMENT

NAME Bob Harding BILL No. SJR 11  
ADDRESS 7328 Chawerdown - Missoula, MT DATE 3-9-81  
WHOM DO YOU REPRESENT MT. WOOD PRODUCTS Assoc.  
SUPPORT ✓ OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NAME:

KEITH OLSON

DATE:

9 MAR 81

ADDRESS:

Box 1716 KALISPELL 59901

PHONE:

755-3185

REPRESENTING WHOM?

MT. Logging Assn.

APPEARING ON WHICH PROPOSAL:

SJR 11

DO YOU:

SUPPORT?



AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

# EXHIBIT 1

Why is peat classified with mining? Peat is classified as an agricultural product for trucking and shipping. It is a 100% mixture of plants that have grown in a pond or lake until they have taken over, resulting in a meadow. It is not a mineral or an ore.

Peat excavation differs from mining because we do not change the terrain of the land from what it originally was. The state harassed us for better than six months for not having a mining permit. We were threatened with a fine of \$1000.00 per day for every day we had worked without the permit. We had no idea it would be classified under hard rock mining as well as agricultural.

The cost of peat excavation and processing is expensive compared with gold placer mining. With gold it must be excavated and separated with a trammel or a sluice box. Then the gold can be sold almost anywhere. With peat it must be excavated, then shredded, then mixed with fertilizer, then sacked, then shipped. There is a limited market for peat so it has to be shipped for long distances to find a suitable market.

As for reclaiming the land, it will return to a lake as it originally was. In our case it was a lake about five feet deep until around 1890 when Duncan Grant dug a tunnel through a hill and drained the water to be able to use the meadow for grass, although swamp grass was all that would grow. After we have the peat out of it we plan to raise the water back to the level that it was before it was drained. We will have a 70 acre lake about 25 feet deep, which is more than adequate for fish habitat.

We are approaching the five acre limit on our small miners permit. When it is reached we will have to file an environmental impact statement and apply for a hard rock mining permit. The permit has to be renewed every year. It is very expensive and time consuming to a small business. The state is now in the process of charging a severance tax on peat which is a renewable resource, not a mineral.

In my opinion, excavating peat with a hard rock mining permit is just like going Elk hunting with a duck stamp.

Thank you

Ed Tompkins