

MINUTES OF MEETING  
SENATE NATURAL RESOURCES  
MARCH 16, 1981

The twentieth meeting of the Natural Resources Committee was called to order by Senator Harold Dover, Chairman, at 12:30 P.M., on the above date in Room 405.

ROLL CALL: All members were present with the exception of Senator Manning.

CONSIDERATION OF HB 600:

AN ACT TO IMPOSE ADDITIONAL CONSTRAINTS ON THE  
MAKING OF RENEWABLE RESOURCE DEVELOPMENT GRANTS  
OR LOANS; TO ESTABLISH THE USES FOR WHICH SUCH  
GRANTS OR LOANS MAY BE PROPOSED

Representative Curtiss, District #20, presented this bill. A copy of her statement is attached.

Chairman Dover asked for proponents.

Charlie Crane, Montana Water Development Association, supports HB 600. He suggests the bill be amended to allocate 80% of this money and to leave 20% discretionary for other projects. Also, if the money is not used in a certain category, that extra money can be used on other qualified projects.

Leo Barry, Department of Natural Resources, supports placing some criteria in the law that would decide how the money would be appropriated. He would like to make clear the other type of appropriations that have been made out of this account were not recommended by the Department of Natural Resources, but were provisions of the legislature. He did not want to leave the impression that the Department was not making correct recommendations. The Department agrees with Mr. Crane's amendment to the bill and would be glad to work with water users to develop some language by which, if there were not acceptable applications received, the money could be used in one of the other categories.

Peter Jackson, Western Environmental Trade Association, supports this bill. He said it is time that we got back down to the basic things, forestry, agriculture and water for the use of these funds.

Ray Beck, Montana Association of Conservation Districts, supports this bill. He strongly supports the new subsection (4) on page 2, line 18, designating 10% for conservation districts for the development of water conservation. He would go along with the suggested amendment.

There were no opponents to this bill. Chairman Dover asked for questions from the committee.

Natural Resources Minutes

March 16, 1981

Page Two

Senator Elliott asked Representative Curtiss where these funds come from and for an example of grants or loans that have been issued under this act.

Representative Curtiss furnished the committee with a copy of the 1977 and 1979 session laws which show where the monies were appropriated. She also furnished a list of the projects that have been recommended to the Governor and the legislature for fiscal years 1982 and 1983. A copy of this material is attached. She said the monies for this program come from a portion of the coal tax money.

Senator Hafferman said he is opposed to grants and asked if the money could be on a loan basis.

Mr. Barry said the proposed use of the money this session is contained in HB 709, which reflects the report Representative Curtiss gave you with two exceptions - recommendation for some light bulbs at Lewis and Clark Caverns and a trails coordinator for the Fish & Game Department. He had these deleted from the list.

Senator Keating said there was a change on page 1, paragraph 2, from a pecuniary return to a tangible return. He asked if the sponsor has a definition of a tangible return from these grants.

Representative Curtiss said pecuniary was part of the language that the bill drafters incorporated into the bill. It was amended in the House Committee. She assumes that a tangible benefit would be one that would be felt and obvious for most of the people in Montana.

Senator Keating asked if she was talking about a tangible return in benefits or actual profitable return. A return of the funds like an interest on a loan.

Representative Curtiss said that was not what was desired. A return in the form of better resource development programs.

Senator Manley said there is a bill in Taxation that is furnishing some money to the Conservation Districts. He asked Mr. Beck if this would be above and beyond that.

Mr. Beck said if HB 323 passes this is not necessary. It is in our Senate Taxation Committee and there has been some feeling it may be in trouble.

Senator Manley asked if an individual wants a water conservation, what happens to him.

Ray Beck said he would apply to the Conservation District and the Conservation District has to go to the Board of Natural Resources.

Senator Manley said under the new law you would have to get provision from the Conservation District that you live in.

Ray Beck said if you want to apply for a reservation out of the Yellowstone River you would go to the Conservation District.

Senator Van Valkenburg asked Representative Curtiss if there was anything in this bill for city people.

Representative Curtiss asked what natural resource he would like to develop in the city.

Senator Van Valkenburg said my district has a spring run off problem and asked if they would have a chance to get this money for that.

Representative Curtiss said yes, if you apply to the Conservation District or Fish & Game.

Charlie Crane said he thinks the problem referred to is Pattee Creek and that is out of line. As to the question of Missoula getting money from this bill, Missoula is heavy on wood projects and agriculture.

Senator Van Valkenburg said that is an indirect benefit, not a direct benefit.

CONSIDERATION OF HB 607:

AN ACT AMENDING SECTION 75-20-219, MCA, TO ASSIGN  
THE BURDEN OF PROOF WHEN APPLICATION IS MADE TO  
AMEND A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY  
AND PUBLIC NEED UNDER THE MONTANA MAJOR FACILITY  
SITING ACT

Representative Harp, District #19, presented this bill. A copy of his statement is attached.

Chairman Dover asked for proponents.

John Ross, Montana Power Company, supports this bill. The existing language in Section 75-20-219, requesting an amendment of a certificate came about as a last minute compromise in the 1979 session. The language in the current law provides that where the Department of Natural Resources finds that an annual profit would result in a material increase and substantial change the Board of Natural Resources shall hold a hearing. Subsection (2) provides that if the proposed amendment would not result in a material increase then the amendment is closed unless some third party appears at the Board of Natural Resources. Subsection (3) provides that if a hearing is held, the applicant has the burden of showing by clear and convincing evidence that the amendment should not be granted. In the first instance, where the department finds a material increase and substantial change then the applicant company would have the burden of proof. However, HB 607 provides that where they didn't find there would be a material increase or a substantial change then some third party would have the burden of proof in the Board hearing.

Natural Resources Minutes  
March 16, 1981  
Page Four

Pat Osborne, Northern Plains Resource Council, supports this bill. She said they are comfortable with the way the bill currently reads.

Joan Miles, Environmental Information Center, supports this bill.

James D. Mockler, Montana Coal Council, supports this bill as it is now written.

Pete Jackson, WETA, supports this bill.

Leo Barry, Department of Natural Resources, supports the bill and has no objections to the changes made.

There were no opponents. Chairman Dover asked for questions from the committee.

Senator Elliott said the bill will have to be amended on page 3, lines 2 and 4, to strike one "the".

DISPOSITION OF HB 607: Senator Brown made a motion that on page 3, line 4, the word "THE" be stricken.

The motion passed unanimously.

Senator Brown made a motion that HB 607 be concurred in as amended.

The motion passed unanimously.

DISPOSITION OF HB 642: Senator Brown opposes the bill. In the case of large coal field generation facilities there could be problems down the road where we would want to adopt a gaseous fluoride standard. This bill totally eliminates this type of standard. He would like a WHEREAS put in the resolution stating that a forage standard would be adopted until such time as an accurate measurement procedure is established for a gaseous fluoride standard.

Senator Elliott said he can understand the concern but he would just as soon not include it as an amendment at this time, but continue to keep an open mind. In the event this bill does give some problems at a later time it can be worked on. The situation is that we are not able to measure the quantities in the ambient air readings at a level that will give adequate measurements. We can measure fluoride in forage accurately. The Board of Health would be considering a standard that is severe enough for livestock, which would also be adequate for wildlife. That is what a great number of the opponents were concerned with. The Board has adopted a position where if it is safe for livestock animals, then it is safe for wildlife. Senator Elliott made a motion that HB 642 be concurred in.

Senator Keating asked where Senator Brown wanted to put his whereas.

Senator Brown said he would be amending HJR 22 to include a whereas which stated the forage standard would be adopted until presentation to the Board of Health of sufficient data, which is satisfactory to the industry and other people concerned, that a gaseous fluoride standard can be measured satisfactorily.

Senator Keating asked if it was necessary that the resolution accompany the bill. They are two separate actions, addressing two separate things.

Senator Brown said if you pass the bill you are eliminating ever adopting a gaseous fluoride standard.

Senator Van Valkenburg said it looks okay to him but the last sentence in the Statement of Intent, starting with "Protection of coniferous . . ." does not coincide with the bill.

Senator Dover said we have to act on the bill first and then the Statement of Intent.

The motion on HB 642 passed with a vote of 8 for and 3 opposed, Senator Van Valkenburg, Senator Brown and Senator Manley.

Senator Brown said the last sentence of the Statement of Intent seems to be reaching a scientific and technical conclusion. Mr. Britton from Kalispell seemed to be saying fluoride can build up from the studies he had done on pine needles. Senator Brown is not sure that he was saying the same thing as this sentence is saying.

Senator Van Valkenburg said protection of the trees and plants may be accomplished by the prevention of excess levels of fluorides in forage grasses seems to be the substance of what they are saying.

Senator Dover said we should amend that sentence out.

Senator Brown agrees, the Statement of Intent should do what the bill does.

Senator Elliott would like the bill to go through the way it is. He does not have the technical expertise to argue against this point. The bill was presented by technical people and he thinks they are right and he would not care to have the bill amended.

Senator Brown made a motion to strike the last sentence on the Statement of Intent. It would start with the word "Protection".

Senator Elliott is opposed to this motion.


Natural Resources Minutes  
March 16, 1981  
Page Six

The motion passed with a vote of 6 for, and 5 opposed, Senators Elliott, Hafferman, O'Hara, Etchart and Tveit.

Senator Brown made a motion to move the Statement of Intent as amended. The motion passed unanimously.

DISPOSITION OF HJR 22: Senator Elliott made a motion that HJR 22 be concurred. The motion passed unanimously.

ADJOURNMENT: The meeting adjourned at 2:00 P.M.

A handwritten signature in cursive script, reading "Harold Dover". The signature is written in dark ink and is positioned above a horizontal line.

HAROLD DOVER, Chairman

ROLL CALL

NATURAL RESOURCES COMMITTEE

47<sup>th</sup> LEGISLATIVE SESSION - - 1981

Date 3/16/81

NAME	PRESENT	ABSENT	EXCUSED
Harold Dover, Chairman	✓		
Mark Etchart, Vice Chairman	✓		
Thomas Keating	✓		
Roger Elliott	✓		
Larry Tveit	✓		
Jesse O'Hara	✓		
John Manley	✓		
William Hafferman	✓		
Steve Brown	✓		
Dave Manning		✓	
Patrick Ryan	✓		
Fred Van Valkenburg	✓		

Each day attach to minutes.



*The Big Sky Country*

## MONTANA STATE HOUSE OF REPRESENTATIVES

Rep. Aubyn A. Curtiss  
House District No. 20  
Box 216  
Fortine, Montana 59918

Committees:  
Natural Resources,  
Judiciary,  
Legislative Administration,  
Vice-Chairman, House Water Committee

Mr. Chairman, Members of the Committee,

House Bill 600 is before you because of what appears to many a lack of direction in allocating that portion of the coal tax money earmarked for resource development.

Whereas the statutes clearly state that the Renewable Resource Development Funds be utilized for preservation of land, water, fish, wildlife, recreational and forest resources of the state, water and forest projects have not been high priority items.

At the same time provision was made for this earmarked account, other set-asides were provided for parks and alternative energy development. For this reason many feel that funding parks and recreation from this account also gives them far<sup>a</sup> greater portion than is realistic--particularly when there is no other source of funding for water and water development projects.

In the past, criteria used by the D.N.R.C. in prioritizing projects for funding included 5 % of total costs of irrigation projects, 25 % of costs of parks and public works projects and 100 % of total project costs for pilot projects which are quote " unique to the Montana situation which would not be instituted without R.R.D. funding". I am not certain what the previous sentence means, but it has never been applied to water development projects to my knowledge.

It seems only logical that the limited amount of money generated by a non-renewable resource be used to greatest potential in developing our most valuable and available resources.

Former governor Judge told a group of citizens that if our state forests were to receive needed cultural improvements, state timber receipts could be increased by \$ 450,000 per year. It seems far more profitable to utilize available money for projects which will help pay for themselves and at the same time help boost the state's economy. Off-stream dams to catch and preserve spring run-off also could be a justifiable use of state funds. Both would provide multiple benefits which will never cease to bring measureable returns to all the people in the state.



To continue to fund parks, solid waste programs, tramways, etc. for which other sources of funding are available seems to be an irresponsible stewardship of available money, and putting recreational concerns before practical ones at a time when the economy of our state is becoming uppermost in the minds of many without jobs, is reprehensible.

We should be considering all viable options which will enable us to do our utmost to protect, as well as nurture and develop our resources to their fullest potential.

We owe it to Montana people to first protect and conserve water--our most valuable resource, and then commit other funds to the utilization and conservation of all available resources in the best way possible. I urge your support for House Bill 600, because I believe its implementation will accomplish these things.

Thank you very much!

the general fund to the legislative council for the payment of dues to the national conference of state legislatures:

Fiscal Year Ending 6/30/78	\$14,560
Fiscal Year Ending 6/30/79	\$16,020

Approved April 28, 1977.

## HOUSE BILL NO. 708

1977

AN ACT TO APPROPRIATE MONEY TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION FROM THE RENEWABLE RESOURCE DEVELOPMENT CLEARANCE FUND ACCOUNT FOR VARIOUS PROJECTS UNDER THE RENEWABLE RESOURCE DEVELOPMENT PROGRAM, AND SPECIFYING CERTAIN CONDITIONS UPON THE APPROPRIATIONS.

*Be it enacted by the Legislature of the State of Montana:*

Section 1. Appropriation. The following money is appropriated to the department of natural resources and conservation from the renewable resource development clearance fund account for the following projects under the renewable resource development program:

(1) (a) a grant for the Boulder River reservoir project: \$250,000 for the fiscal year ending June 30, 1978, and \$250,000 for the fiscal year ending June 30, 1979;

(b) this appropriation is contingent upon appropriate arrangements being made for the maintenance of the proposed recreational facilities;

(2) a grant for the west bench irrigation project: \$90,000 for the fiscal year ending June 30, 1978;

(3) (a) a grant for the solid waste management project: \$200,000 for the fiscal year ending June 30, 1978, and \$100,000 for the fiscal year ending June 30, 1979;

(b) a loan for the solid waste management project: \$2 million; this loan is authorized notwithstanding the provisions of 89-3603(4) and 89-3605(4);

(c) (i) this appropriation is contingent upon no funds so appropriated being used for state administrative procedures;

(ii) this appropriation is contingent upon the development of administrative criteria for the project program by the appropriate state agencies;

(iii) if money appropriated for a grant is spent for planning purposes and the planned project is constructed, the money used for such planning shall be repaid to the fund from which appropriated; and if the planned project is not constructed the grant money need not be repaid;

(4) (a) a grant for the Nevada Creek Dam repair project: \$50,000 for the fiscal year ending June 30, 1978;

(b) this appropriation is contingent upon the Nevada Creek water users' association securing other funds to complete the project.

Section 2. **Water rights study.** There is appropriated \$20,000 in fiscal 1978 and \$40,000 in fiscal 1979 from the renewable resource development clearance account to fund the provisions of House Joint Resolution 81.

Section 3. **Conditions of grants and loans.** Disbursement of funds under this act shall be made only after (1) the projects have been authorized by other financial sponsors, if any; (2) initial funding from other sources, if any, has been committed for construction, and; (3) an agreement between the department of natural resources and conservation and the applicant has been executed governing the administration and disposal of funds.

Section 4. **Failure of contingency provisions.** If a contingency provision provided for in section 1 fails to occur, the funds appropriated for the associated project revert to the renewable resource development clearance fund account.

Approved April 28, 1977

## HOUSE BILL NO. 826

AN ACT APPROPRIATING FUNDS FOR THE ACQUISITION, RESTORATION, AND PROTECTION OF CHARLES M. RUSSELL PAINTINGS.

*Be it enacted by the Legislature of the State of Montana:*

Section 1. **Appropriation.** There is appropriated from the interest earnings on the coal tax trust fund established under 84-1319(1) the sum of \$295,000 to the Montana historical society for the purpose of acquiring and restoring the Charles M. Russell painting entitled "When the Land Belonged to God". This appropriation is made subject to the receipt of matching historical society funds in the amount of \$150,000 for the same purpose. If such funds do not become available, this appropriation shall revert to the coal tax trust fund.

Approved May 10, 1977.

## HOUSE BILL NO. 828

AN ACT APPROPRIATING MONEYS TO THE DEPARTMENT OF REVENUE FROM THE GENERAL FUND TO CARRY OUT THE PROVISIONS OF THE STATE FUNDED HOMESTEAD TAX RELIEF ACT.

*Be it enacted by the Legislature of the State of Montana:*

Section 1. **Appropriation.** There is appropriated from the general

## HOUSE BILL NO. 807

AN ACT TO APPROPRIATE TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION THE SUM OF \$320,984.05 OR SO MUCH THEREOF AS MAY BE NECESSARY TO SATISFY THE JUDGMENT ENTERED ON SEPTEMBER 21, 1976, BY THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF MONTANA, IN AND FOR THE COUNTY OF LEWIS AND CLARK, IN CAUSE NO. 38155.

*Be it enacted by the Legislature of the State of Montana:*

Section 1. **Appropriation.** There is appropriated from the general fund to the Department of Natural Resources and Conservation the sum of \$320,984.05 or so much thereof as may be necessary to satisfy the judgment entered on September 21, 1976, by the District Court of the First Judicial District of the State of Montana, in and for the County of Lewis and Clark, in Cause No. 38155, entitled "Sornsin Construction Company, a North Dakota corporation. Plaintiff, versus The State of Montana and the Department of Natural Resources and Conservation, an administrative agency of the state of Montana, Defendants" and affirmed by the Supreme Court of Montana on December 28, 1978, in Cause No. 13699.

Section 2. **Reimbursement.** The Department of Natural Resources shall seek reimbursement from the Federal Department of Agriculture for amounts owed the state.

Section 3. **Effective date.** This appropriation is effective on passage and approval.

Approved May 8, 1979.

## HOUSE BILL NO. 824

AN ACT TO APPROPRIATE MONEY TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION FROM THE RENEWABLE RESOURCE DEVELOPMENT CLEARANCE FUND ACCOUNT FOR VARIOUS PROJECTS UNDER THE RENEWABLE RESOURCE DEVELOPMENT PROGRAM AND SPECIFYING CERTAIN CONDITIONS UPON THE APPROPRIATIONS.

*Be it enacted by the Legislature of the State of Montana:*

Section 1. **Appropriation.** The following money is appropriated to the Department of Natural Resources and Conservation from the renewable resource development clearance fund account for the following projects under the renewable resource development program for the biennium ending June 30, 1981:

(1) a grant for the Agriculture Experiment Station at Corvallis for the biological weed control program: \$38,200;

(2) a grant for the Department of Fish and Game for the streambank preservation program: \$100,000;

(3) a grant for the Cove Irrigation Company for irrigation system repairs: \$40,000 or 5% of all funds expended on the irrigation system repairs, whichever is less;

(4) a grant of \$275,000 is made to the Department of Fish and Game to restore to operation the Lewis and Clark caverns tram and railway transportation system in compliance with Montana supreme court order number 14500. These funds may not be expended if the Link versus the Department of Fish and Game case filed 2-28-79 is settled by payment as authorized in H. B. 417, 46th Legislature.

(5) a grant for Lawrence Park improvement, Kalispell: \$327,680 or 25% of all funds expended for park improvement, whichever is less;

(6) a grant for the Deer Lodge South beautification project: \$5,250 or 25% of all funds expended for the necessary improvements, whichever is less;

(7) a grant for the Triangle Area Conservation District for the saline seed reclamation program: \$241,000;

(8) a grant for the rangeland resource loan program: \$300,000;

(9) a grant for Sacajawea Park improvement, Livingston: \$114,700 or 25% of all funds expended for the park improvement, whichever is less;

(10) a grant for the Glen Lake Irrigation District for irrigation system improvements: \$33,750 or 5% of all funds expended for the irrigation system improvements, whichever is less;

(11) grants to the Department of Administration for Lambeth recreation area: ~~\$50,000~~ to be matched with \$50,000 federal funds; Lost Creek state park: ~~\$87,500~~ to be matched with \$87,500 federal funds; ~~\$46,200 for maintenance in the forestry division of the Department of Natural Resources and Conservation; \$200,000 to construct nursery greenhouse, Department of Natural Resources, forestry division, Missoula;~~

(12) a grant of \$86,500 for the Department of Natural Resources and Conservation for the purpose of performing general site, engineering, geotechnical, survey, archaeological, wildlife, feasibility, and demand studies of seven off-stream potential water storage sites and of potential water uses along the Big Hole and Jefferson Rivers, as identified in the report of the Department and submitted to the Legislature in January, 1979, entitled "Potential Off-Stream Reservoir Sites in the Big Hole River Basin";

(13) a grant for the Nevada Creek project for irrigation system improvements: \$50,000 or 33 1/3% of all funds expended for the irrigation system improvements, whichever is less;

(14) any unexpended grant funds remaining from the grant appropriated for the Boulder River project and the solid waste management project from the biennium ending June 30, 1979, are reappropriated;

(15) a loan for the Department of Health and Environmental Sciences for the solid waste management project: \$2 million; this loan is authorized notwithstanding the provisions of 90-2-107(4) and 90-2-108(1). The appropriation under subsection (2) and the reappropriated funds for the Boulder

River project are contingent upon no funds so appropriated being used for state administrative purposes and upon the development of administrative criteria for the project program by the appropriate state agencies.

**Section 2. Conditions of grants and loans.** Disbursement of funds under this act shall be made only after:

- (1) the projects have been authorized by other financial sponsors, if any;
- (2) initial funding from other sources, if any, has been committed for construction; and
- (3) an agreement between the Department of Natural Resources and Conservation and the applicant has been executed governing the administration and disposal of funds.

**Section 3. Failure of contingency provisions.** If a contingency provision provided for in [section 1] fails to occur, the funds appropriated for the associated project revert to the renewable resource development clearance fund account.

Approved May 8, 1979.

## HOUSE BILL NO. 841

AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO CONTRACT FOR GEOTECHNICAL AND ECONOMIC STUDIES CONCERNING THE HIGH TONGUE DAM AND THE NEW TONGUE DAM.

*Be it enacted by the Legislature of the State of Montana:*

**Section 1. Appropriation.** There is appropriated from the resource indemnity trust fund to the Department of Natural Resources and Conservation the sum of \$265,000 for the biennium ending June 30, 1981, for the purpose of preparing geotechnical and economic studies concerning the proposed High Tongue Dam and economic studies concerning the New Tongue Dam, as set forth in the department's report to the Legislature dated January, 1979, and entitled "Water Development in the Tongue and Powder River Basins".

Approved May 8, 1979.

## HOUSE BILL NO. 890

AN ACT TO APPROPRIATE FUNDS TO PAY FOR LEGAL COSTS INVOLVED IN DEVELOPING AND PURSUING MONTANA'S POSITION WITH REGARD TO REORGANIZATION AND BANKRUPTCY PROCEEDINGS OF THE MILWAUKEE RAILROAD.

*Be it enacted by the Legislature of the State of Montana:*

**Section 1. Appropriation.** There is appropriated to the Governor's office the sum of \$50,000 from the general fund for the biennium ending June 30, 1981, for the purpose of paying legal costs incurred by the Attorney General in developing Montana's position and preserving Montana's

Table 2. DNRC Recommendations for RRD Grants  
Awards for Fiscal Years 1982 and 1983

<u>Project</u>	<u>Applicant</u>	<u>Grant Request</u>	<u>Grant Recommendations</u>
Muddy Creek Erosion Control	Cascade County Conservation District	\$ 319,988	\$ 319,988
Buffalo Rapids Irrigation Project	Buffalo Rapids Irrigation District	230,000	180,000
East Bench Irrigation Project	East Bench Irrigation District (Gravity Co.)	1,000,000	490,000
Recycling and Resource Recovery using solid Waste	Solid Waste Bureau Dept. Health and Environmental Sciences (DHES)	400,000	400,000
Feasibility and Design for the Implementation of Water Quality Plans	Water Quality Bureau DHES	45,700	41,000
Georgetown Lake Weed Control	Anaconda-Deer Lodge County	42,858	35,362
Bluewater Creek Erosion Control	Carbon County Conservation District	121,000	121,000
East Fork Reservoir Recreation Area	City of Lewistown	28,756	28,756
Second Growth Management Lubrecht Forest	Lubrecht Experimental Forest UM School of Forestry	139,863	139,863
Triangle Area Saline Seep Control	Triangle Conservation District	303,755	303,755
Control of the Weed Leafy Spurge	Montana State University	30,000	30,000
Control of the Ennis Lake Thermal Problem	Blue Ribbons of the Sky Area-wide Planning Organization	125,000	125,000
Development of Recreational Trails	Department of Fish, Wildlife, & Parks	50,000	46,500
Rangeland Resource Development	Department of Natural Resources & Conservation	500,000	490,000
Dam Repairs	Department of Fish, Wildlife, & Parks	200,000	200,000
Mystic Lake Dam Repair	City of Bozeman	45,375	60,000
Planning for Solid Waste Management	Solid Waste Bureau Dept. Health & Environmental Sciences	200,000	200,000
Streambank Preservation	Dept. of Fish, Wildlife, & Parks	100,000	100,000
Lighting for Lewis and Clark Caverns	Dept. of Fish, Wildlife, & Parks	50,000	50,000
TOTAL		<u>\$3,932,295</u>	<u>\$3,361,224</u>

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East Bench Irrigation Project	East Bench Irrigation District (Gravity Co.)	1,000,000	490,000
Recycling and Resource Recovery using solid Waste	Solid Waste Bureau Dept. Health and Environmental Sciences (DHES)	400,000	400,000
Feasibility and Design for the Implementation of Water Quality Plans	Water Quality Bureau DHES	45,700	41,000
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Control of the Ennis Lake Thermal Problem	Blue Ribbons of the Sky Area-wide Planning Organization	125,000	125,000
Development of Recreational Trails	Department of Fish, Wildlife, & Parks	50,000	46,500
Rangeland Resource Development	Department of Natural Resources & Conservation	500,000	490,000
Dam Repairs	Department of Fish, Wildlife, & Parks	200,000	200,000
Hystic Lake Dam Repair	City of Bozeman	45,375	60,000
Planning for Solid Waste Management	Solid Waste Bureau Dept. Health & Environmental Sciences	200,000	200,000
Streambank Preservation	Dept. of Fish, Wildlife, & Parks	100,000	100,000
Lighting for Lewis and Clark Caverns	Dept. of Fish, Wildlife, & Parks	50,000	50,000
TOTAL		<u>\$3,932,295</u>	<u>\$3,361,224</u>

February 11, 1981

MR. CHAIRMAN,  
MEMBERS OF THIS COMMITTEE,

MY NAME IS JOHN HARP, REPRESENTATIVE FOR DISTRICT 19.

This bill pertains to only one area, that being the present form in which an applicant of the Major Facility Siting Act is required to do if such facility needs to amend a certificate of environmental capability and public need.

Presently if an applicant wishes to amend a certificate the D.N.R. has 30 days to determine whether the proposed change would materially increase any environmental impact or substantially change all or a portion of the facility.

If the department determines that there would be a material increase in impact or substantial change of location, the board must hold a hearing and then render a decision, otherwise the board must automatically grant the amendment as proposed or with conditions.

Presently the applicant has two situations where they are assigned the burden of proof: (1) Departments initial certificate. (2) To grant an amendment to the initial certificate.

Requiring the applicant to carry the burden of proof in the second situation is unfair. The Siting Act provides no standards which the objector must meet. All they have to do is just make allegations and the applicant and the DNR is put to the expense and trouble of proving for a second time.

An example of this situation is as follows:

Let's assume that an REA wanted to build a substation

and received a certificate from the DNR. After receiving their certificate they realized that part of the footings for the switch racks were off in the substation. Therefore, they would have to amend the original certificate because some portion of the location has changed. Granted, this is a minor change and should not have any problem with the DNR granting an amendment. But in such a case, an objector could require the DNR and the REA to reopen and justify the certificate for a second time.

I feel there is nothing wrong with the present form in how the DNR currently grants amendments. They fall under two categories: either a major or minor amendment. If it is a major amendment, a hearing should be held, input should be given, citizens should have a chance to voice their opinion. If it is a minor amendment, chances are it will not require a hearing or any additional information.

But, this bill remedies the present unfairness. It clearly indicates that if the department determines that the proposed changes will not result in any material increase in any environmental impact or will not be a substantial change in the facilities, and a hearing is required because the determination is appealed, then the objector has the burden of proof. In this circumstance, it is fair to require the objector to show the amendment should not be granted.

NAME: John Doe DATE: 1/1/20

ADDRESS: 800 1727

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

REPRESENTING WHOM? \_\_\_\_\_

APPEARING ON WHICH PROPOSAL: \_\_\_\_\_

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

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: James D. Mockler

DATE: 3/16/81

ADDRESS: Helena

PHONE: 442-6223

REPRESENTING WHOM? Mt. Coal Comm.

APPEARING ON WHICH PROPOSAL: HB 607

DO YOU: SUPPORT? ✓ AMEND?            OPPOSE?           

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Patricia Osborne DATE: 3/16/81

ADDRESS: Box 858 Helena Mt.

PHONE: 443-4965

REPRESENTING WHOM? Western Pine Resource Council

APPEARING ON WHICH PROPOSAL: 4B 607

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

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

NAME: John Ross DATE: 3/16/81

ADDRESS: 40 E Broadway Bu He

PHONE: 772-5421

REPRESENTING WHOM? Mr. Steve Jones

APPEARING ON WHICH PROPOSAL: 11-537

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: \_\_\_\_\_

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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

WITNESS STATEMENT

Name Ray Beck Date \_\_\_\_\_  
Address 7 Edwards - Helena Support ? Y  
Representing Mont. Assoc. Cons. Dist. Oppose ? \_\_\_\_\_  
Which Bill ? HB 600 Amend ? \_\_\_\_\_

Comments: The Montana Association of Conservation  
Districts would like to see them in  
a more active support of HB 600

Thank-you

Please leave prepared statement with the committee secretary.





# STANDING COMMITTEE REPORT

March 16,

19 81

MR. **PRESIDENT**

We, your committee on **NATURAL RESOURCES**

having had under consideration **HOUSE**

Bill No. **607**

**HARP (BROWN)**

Respectfully report as follows: That **HOUSE**

Bill No. **607**

be amended as follows:

1. Page 3, line 4  
Following: "granted"  
Strike: "THE"

And, as so amended,  
BE CONCURRED IN

XXXXXX

*Y/C*

*Harold Dover*  
**HAROLD DOVER,**

Chairman.

# STANDING COMMITTEE REPORT

March 16, 1981

MR. **PRESIDENT**

We, your committee on **NATURAL RESOURCES**

having had under consideration **STATEMENT OF INTENT, HOUSE**

Bill No. **642**

**BENNETT (ELLIOTT)**

Respectfully report as follows: That **STATEMENT OF INTENT, HOUSE** Bill No. **642**  
**Third Reading (Blue) Copy**

be amended as follows:

1. Page 1, lines 16 through 20

Following: "(HE)."

Strike: "Protection" through "silage." On lines 16 through 20.

And, as so amended,  
BE CONCURRED IN

~~EXCESS~~ *nc*

*Harold Dover*  
HAROLD DOVER,

Chairman.

SENATE COMMITTEE Natural Resources

Date March 16, 1981 Bill No. HB 642 Time 1:26 P.M.

NAME	YES	NO
Harold Dover, Chairman	✓	
Mark Etchart, Vice Chairman		✓
Thomas Keating	✓	
Roger Elliott		✓
Larry Tveit		✓
Jesse O'Hara		✓
John Manley	✓	
William Hafferman		✓
Steve Brown	✓	
Dave Manning	<i>absent</i>	
Patrick Ryan	✓	
Fred Van Valkenburg	✓	

Agnes Hamilton  
Secretary

Harold Dover  
Chairman

Motion: To strike the last sentence on the Statement of Intent.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

# STANDING COMMITTEE REPORT

March 16, 1981

MR. **PRESIDENT**

We, your committee on **NATURAL RESOURCES**

having had under consideration **HOUSE**

Bill No. **642**

**BENNETT (ELLIOTT)**

Respectfully report as follows: That **HOUSE**

Bill No. **642**

BE CONCURRED IN

~~UNLESS~~ *N.C.*

# STANDING COMMITTEE REPORT

March 16,

19 81

MR. **PRESIDENT**

We, your committee on **NATURAL RESOURCES**

having had under consideration **HOUSE JOINT RESOLUTION**

Bill No. **22**

**BENNETT (ELLIOTT)**

Respectfully report as follows: That **HOUSE JOINT RESOLUTION**

Bill No. **22**

*4/c*  
**BE CONCURRED IN**

**DOORWAY**