

48TH LEGISLATIVE SESSION

MINUTES OF
NATURAL RESOURCES COMMITTEE
MONTANA STATE SENATE

January 26, 1983

A regularly scheduled meeting of the Senate Natural Resources Committee was called to order by Senator Harold Dover, Chairman, on Wednesday, January 26, 1983 at 1:00 p.m. in Room 405, State Capitol.

ROLL CALL: Roll was called with ten members being present, being a quorum, two members excused.

SENATE BILL 161: Chairman Dover opened the hearing and called on Senator Turnage, sponsor. Senator Turnage stated SB 161 is to establish a Flathead Commission, to manage the Flathead Basin which is an important area to Montana, as a followup of the Environmental Impact Study which has been conducted in that basin over the past four years. The study is about to be concluded, possibly by June 30. The valuable information contained in the study is to be preserved, and the study commission will help to accomplish that. The bill provides for a 13 member commission, however since the drafting of the bill it has been pointed out that 1 additional member is needed to allow the State Lands Dept. to have representation. Senator Turnage offered amendment to the bill for addition of this member and other minor changes. There is to be an appropriation of \$45,000 for the commission, the Governor's office indicated support of that amount. There was a change to his proposed amendment #3 which should read "mentioned in section 4 (2) (a), except the commissioner on the Governor's staff. This clarifies they serve without pay except that commissioner is to be reimbursed for travel. The intent is only those mentioned are to receive pay. The remainder of the commission are connected with some form of public office. The bill names those who are to serve. The remainder is administrative. If no office facilities are made available, then the location of the office will be discretionary. The commission will have recommendation powers only, and will not be an executive commission. Senator Turnage introduced two persons who played an important part in the impact study. Senator Turnage's amendment is attached as Exhibit '1'.

PROPOSERS:

Mr. Ron Cooper and Mr. Thurman Trosper spoke on behalf of the bill. Mr. Trosper stated he is chairman of the Flathead Steering Committee, composed of local officials. He pointed out the residents are interested in preserving the Flathead. His testimony is attached as Exhibit '2'.

Lauren McKinsey, faculty of MSU, stated this proposal will benefit Canadian-American relations. They have been working together on the study in the basin for the past two years. When the Canadians were doing a study for a proposed project, they made the U.S. a part of the process of the study, and he would like to see this continue both ways. Mr. McKinsey was in favor of the bill.

Tim Gallagher representing the Governor's Office also spoke in favor of the bill, and stated the Governor has taken an active support position. He was a member of the EIS study commission as well. The Governor's office will be supportive of the staff of the commission, and will assist in finding office space.

Jim Flynn, Department of Fish, Wildlife and Parks spoke in support of the bill, and stated this would assure the aquatic resources are protected during development. His testimony is attached as Exhibit '3'.

Gary Brown, State Forester, Dept. State Lands, supported the bill, including the amendment dealing with the additional member to involve their department.

Rep. Iverson, Dist. 9 spoke briefly in support of the bill, noting he is the chairman of the Environmental Quality Council. He stated there is already a problem with water quality and the commission is needed to oversee the environment. The EQC also voted to support this bill and offer their help.

Susan Cottingham, Mont. Environmental Information Center, stated they support the bill and urged a do pass. She presented testimony from Mr. W. A. Blood, Chair. of the Flathead Environmental Information Center, which is attached as Exhibit '4'.

Karen Strickler, Montana League of Women Voters spoke in favor of the comprehensive planning aspect of the bill and urged support.

Neil Bucklew, President of University of Montana, stated he has been interested in the area for more than 50 years, and is in favor of quality control of the Flathead Basin.

Jack Stanford, merely stated he was in support of SB 161.

Rep. Harp, District 19, Flathead also wished to be on record in support of the bill.

Chairman Dover called for Opponents. There were none. Chairman Dover then called on Senator Turnage. He stated the co-sponsors, Senators Brown and Himsel had other hearings and couldn't attend. He appreciated the Governor's office support, as well as the Dept. of State Lands, and the offer of office space. He expressed it had also been made clear that the planning funds would be available and this was appreciated.

Chairman Dover inquired if there were Committee questions. Senator Mohar inquired of Mr. McKinsey regarding the Canadian relations and how well this is working. Mr. McKinsey stated there have been good relations between the two countries, that Canada has invited Montanans to sit in on an EIS they are conducting for a project. The only problem ever with relations has been having to go to Ottawa, which took some time for processing paperwork.

There were no other comments and hearing was closed.

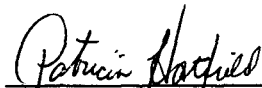
ACTION ON SENATE BILL 161: Senator Dover inquired as to the committees wishes on the bill. Senator Halligan moved passage of the amendments proposed by Senator Turnage, all voted aye and amendments passed.

Senator Halligan moved SB 161 do pass as amended, all voted aye and motion carried.

ADJOURNMENT: There being no further business to come before the committee the meeting was duly adjourned at 1:40 pm.



SENATOR HAROLD L. DOVER, CHAIRMAN
SENATE NATURAL RESOURCES COMMITTEE



Patricia Hatfield
Committee Secretary

ROLL CALL

SENATE NATURAL RESOURCES COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 1-26-83

NAME	PRESENT	ABSENT	EXCUSED
ECK, Dorothy (D)	✓		
HALLIGAN, Mike (D)	✓		
KEATING, Thomas F. (R)	✓		
LEE, Gary P. (R)	✓		
MANNING, Dave (D)	✓		
MOHAR, John (D)	✓		
SHAW, James N. (R)		✓	✓
STORY, Pete (R)	✓		
TVEIT, Larry J. (R)	✓		
VAN VALKENBURG, Fred (D)	✓	✓ late	
ETCHART, Mark (R) Vice Chairman			✓
DOVER, Harold L. (R) Chairman	✓		

1-26-83

COMMITTEE ON Senate Natural Resources

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

PROPOSED AMENDMENTS TO
SENATE BILL 161

1. Page 3, line 2.
Strike: "13"
Insert: "14"
2. Page 3.
Following: line 7.
Insert: "(b) one member who shall be the commissioner
of state lands or his designee;"
Reletter: all subsequent subsections.
3. Page 4, line 3. ~~Following: "except"~~
Strike: "for ex officio members"
Insert: ~~"the commissioner on the governor's staff"~~
4. Page 5, line 4.
Strike: "must"
Insert: "may"
5. Page 6, line 7.
Following: "to"
Insert: ", in the discretion of the commission"

mentioned in section
4 (2) (a), except The
Commissioner on the
Gov's Staff-

STATEMENT OF THURMAN TROSPER BEFORE THE SENATE NATURAL RESOURCES COMMITTEE

January 26, 1983

Mr. Chairman and members of the Natural Resources Committee, I am Thurman Trospen, chairman of the Flathead Steering Committee. The Steering Committee is comprised of local government officials, including the Confederated Salish & Kootenai Tribes, federal land managers, industry, conservation groups, citizens, and the Governor. The Steering Committee has been conducting a five-year, 2.5 million dollar assessment of the environmental and social conditions within the Flathead River Basin. The Study was in response to the threat of an open pit coal mine being proposed in the British Columbia, Canada, portion of the Flathead Drainage. We are in the fifth and final year of the Study. We are due to complete the Study and issue our final report on June 30, 1983. The Study will provide a solid base line of natural resource conditions within the basin.

Among other findings, we have found that levels of phosphorous as indicated by trends measured over the past four years points toward a slow decline in water quality of Flathead Lake. Many long-time lakeshore residents report that algae now coat the lake bottom rocks that were once clean and free of algae.

Flathead Lake is the crown jewel of Montana and a unique natural resource of local, state, regional, and national significance. Development pressures in the approximately seven thousand square mile area draining into the Lake are expected to continue to increase. The large number of resource management decisions both in Montana and British Columbia which can affect the quality of the Lake create an extremely complex management situation. It is the cumulative effect of the many seemingly insignificant impacts that will ultimately degrade the Lake. Everything that happens on the land ultimately affects the lake.

The management of the Basin is a complex myriad of jurisdictions, including two counties, two countries, two land managing federal agencies and one Indian Reservation. These existing political entities appear to be ineffective in viewing the Lake and river system in a regional context.

This leads to the necessity of creating a Flathead Basin Commission that will give basin-wide perspective to land management decisions and their consequent impacts on the quality of the resources.

Such a Commission is needed to identify cooperative efforts necessary to protect the long-term health of the Lake and river system. The Commission is needed to insure that a scientifically sound monitoring program is developed and carried out. A Commission is needed as a focal point to create public awareness and strong citizen support for cooperative management of the Flathead Basin and its river and lake system.

I sincerely urge you to vote favorably on Senate Bill 161 for the establishment of the Flathead Basin Commission.

Thank you.

RESOLUTION
OF THE GOVERNING BODY OF THE
CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA

RESOLUTION SUPPORTING A FLATHEAD LAKE COMMISSION

WHEREAS, the Study process implemented by the Flathead Basin Impact Study Steering Committee is nearing completion, and

WHEREAS, the Committee is recommending that the Legislature of the State of Montana establish and fund a Flathead Lake Commission to coordinate the continued monitoring of Flathead Lake, and

WHEREAS, it is recommended that such Commission be comprised of nine members, including a representative of the Confederated Salish and Kootenai Tribes, now therefore,

BE IT RESOLVED, by the Tribal Council of the Confederated Salish and Kootenai Tribes that we hereby express formal approval of a Flathead Lake Commission, and


BE IT FURTHER RESOLVED, that the Legislature of the State of Montana is urged to establish said commission and provide funding for the expenses of the Commission.

C E R T I F I C A T I O N

The foregoing Resolution was duly adopted by the Tribal Council of the Confederated Salish and Kootenai Tribes on January 7,
1983, by a vote of 9 for, 0 opposed and 0 not voting, pursuant to authority vested in it by Article VI, Section 1, (a), (c) and (u) of the Tribes' Constitution and Bylaws; said Constitution adopted and approved under Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended.


Chairman, Tribal Council

ATTEST:


Executive Secretary

Received _____ of
Superintendent

Date: Jan 10 1983

NAME: Thurman Trosper DATE: 1-28-83

ADDRESS: BT-1 Box 43 Kollan

PHONE: 676-2066

REPRESENTING WHOM? Flathead Steering Committee

APPEARING ON WHICH PROPOSAL: SB-161

DO YOU: SUPPORT? ✓ AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

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NAME: Jim Gallagher DATE: Jan. 26, 1983

ADDRESS: GOVERNOR'S OFFICE

PHONE: 444-3111

REPRESENTING WHOM? GOVERNOR

APPEARING ON WHICH PROPOSAL: SB 116

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

SB 161

Testimony presented by Jim Flynn, Department of Fish, Wildlife & Parks

January 26, 1983

The Montana Department of Fish, Wildlife, and Parks supports the creation of a Flathead Basin Commission to coordinate the efforts of state, federal, provincial, and tribal agencies to assure that the basins aquatic resources are adequately protected during the orderly development of its economic resources.

The Flathead River Basin Environmental Impact Study has performed this essential function for almost five years and our Department has worked closely with the Basin Study during this time. The pending dissolution of that group due to the end of federal funding will eliminate the coordination of the many agencies' efforts now directed to the Flathead Basin. We believe it is essential that this coordination be maintained and that the best way to do it is by creation of a Flathead Basin Commission.

We urge your support of this measure.

3
W. ALEXANDER BLOOD
880 BLACKMER LANE
COLUMBIA FALLS, MT. 59912

January 23, 1982

Senate Natural Resources Committee
Capitol Building
Helena, MT 59601

Ladies and Gentlemen:

The Board of Directors of the Flathead affiliate of the Montana Environmental Information Center wishes to be on record as supporting wholeheartedly SB 161 - The Flathead Basin Commission Act of 1983, and respectfully urges a "do pass" recommendation from the Senate Natural Resources Committee.

Various of our membership and present Board have been active in land use and water quality matters in the Flathead drainage for many years, culminating in active participation on the Steering Committee of the Flathead River Basin Environmental Impact Study.

As a result of this continuing participation and as evidence of our concern for the land-water-air resources of the Basin, we recognize the increasing necessity for coordinated resource monitoring. This need arises from increasing developmental pressures associated with coal mining, oil and gas development, continued timber harvesting, and population increase.

The Flathead Basin Commission, as proposed, will provide the vehicle for a coordinated approach to monitoring, planning, and cooperative efforts amongst the various agencies, and political jurisdictions involved.

Therefore, we respectfully support a "do pass" recommendation from this committee.

Sincerely,



W.A. (Lex) Blood
Chair, Board of Directors
Flathead Environmental Information
Center.

cc: Ted Schwinden
Gene Turnage

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

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STANDING COMMITTEE REPORT

January 26 19 83

MR. **PRESIDENT**

We, your committee on **NATURAL RESOURCES**

having had under consideration **SENATE** Bill No. **161**

Respectfully report as follows: That **SENATE** Bill No. **161**

introduced bill, be amended as follows:

1. Page 3, line 2.
Strike: "13"
Insert: "14"
2. Page 3.
Following: line 7.
Insert: "(b) one member who shall be the commissioner of
state lands or his designee;"
Reletter: all subsequent subsections.
3. Page 4, line 3.
Strike: "except for ex officio members"
Insert: "mentioned in section 4 (2) (a), except the Commissioner
on the Governor's staff"

~~DO PASS~~ cont.

4. Page 5, line 4.
Strike: "must"
Insert: "may"
5. Page 6, line 7.
Following: "to"
Insert: ", in the discretion of the commission,"

And as so amended,
DO PASS.

40.