

MINUTES OF THE MEETING
NATURAL RESOURCES COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

February 15, 1985

The meeting of the Natural Resources committee was called to order by Chairman Dennis Iverson at 3:20 p.m. in Room 312-1 of the State Capitol.

ROLL CALL: All members of the committee were present except Rep. John Harp, who was excused.

HOUSE BILL 769: Rep. Gay Holliday, District 31, introduced HB 769, which she sponsored. She explained that the bill would revise bond release procedures under the Montana Strip and Underground Mine Reclamation Act by allowing portions of a reclamation bond to be released as reclamation progress is made. Such release is allowed under federal regulation law, and this bill would put Montana in line with federal policy, she explained.

Jim Mockler, representing the Montana Coal Council, spoke in favor of HB 769, saying that his group agrees with the procedures set up to release portions of bonds. The practice of holding the entire original bond amount poses a financial burden to the mining companies, but provides no real value to the state, he said.

Dennis Hemmer, representing the department of state lands, said the department supports this legislation. A copy of his testimony is attached hereto as Exhibit 1.

Lorraine Gillies spoke in favor of HB 769 on behalf of the Montana Farm Bureau Federation. A copy of her testimony is attached as Exhibit 2.

Tom Ebzery, an attorney for NERCO, said that company supports passage of HB 769.

No opponents rose against HB 769, and there were no questions from committee.

HOUSE BILL 698: HB 698 was introduced in committee by sponsor Rep. Bob Ream, District 54. He said the bill is a compromise which would amend the hard rock reclamation act, specifically addressing the issues of application for operating permits, inclusion of groundwater information, and citizen participation in the appeal procedure. He also asked that the committee make a minor amendment to the bill. A copy of that proposed change is attached as Exhibit 3.

Paul Hawks, a Melville resident speaking on behalf of the Northern Plains Resource Council, spoke in support of HB 698. A copy of his testimony is attached as Exhibit 4.

Dennis Hemmer supported the legislation on behalf of the department of state lands. He said the bill clarifies the requirements of the hard rock mining act, and virtually all of the provisions in it are required elsewhere in statute. A copy of his testimony is attached as Exhibit 5.

Robert Dello-Russo, of Heron, spoke in support of HB 698. He indicated concern with proposed development by ASARCO in northwestern Montana, and said the legislature should act now to define workable and enforceable regulation of future mining activity. A copy of his testimony is attached as Exhibit 6.

George Ochenski, representing the Montana Environmental Information Center, told the committee that HB 698 is a compromise bill that represents a great deal of work by several interest groups. He asked the committee to consider that work carefully when proposing any amendments to the bill. A copy of his testimony is attached hereto as Exhibit 7.

Gary Langley, executive director of the Montana Mining Association, said his group neither supports nor opposes HB 698. He said the bill is unnecessary because mining companies operating in the state are already meeting its provisions. A copy of his testimony is attached as Exhibit 8.

Richard Parks, operator of Parks' Fly Shop in Gardiner, rose in support of HB 698, noting that adequate reclamation is vital to the water quality on which his business depends. A copy of his testimony is attached as Exhibit 9.

No opponents rose against HB 698, and there were no questions from the committee.

HOUSE BILL 784: Rep. Gay Holliday, District 31, introduced HB 784, which she sponsored. The bill would revise strip mine permit application review procedures to provide administrative completeness and acceptability, she said.

Dennis Hemmer of the department of state lands spoke in support of the legislation, which he said would provide specific guidance to the public, industry and the department. He said HB 784 is an example of "good government." A copy of his testimony is attached hereto as Exhibit 10.

Lorraine Gillies, representing the Montana Farm Bureau Federation, supported HB 784. A copy of her testimony is attached as Exhibit 11.

Jim Mockler of the Montana Coal Council said HB 784 is good legislation, which provides business with the guidelines needed to plan activities.

Tom Ebzery of NERCO said HB 784 is a "giant step in the right direction." He said the bill sets out "clearly defined time frames, which are essential when large captial investment is involved."

Russ Brown of the Northern Plains Resource Council said that group supports passage of HB 784.

Pat Wilson, speaking on behalf of MontCo, said that group supports the streamlining of the application and permit process set out in HB 784.

There were no questions from the committee, and the hearing on HB 784 was closed.

HOUSE BILL 755: Rep. Dave Brown, District 72, introduced HB 755, which he sponsored. He said the bill would amend fees charged for baseline EIS work and similar application procedures for facility siting permits.

Laurence Siroky, of the department of natural resources and conservation, said the department requested and supports HB 755. A copy of his testimony is attached as Exhibit 12.

Jim Mockler of the Montana Coal Council said the coal companies are in concurrence with the provisions of the bill.

No opponents rose against the bill, and the floor was opened to questions from committee.

Rep. Addy asked Mr. Siroky how many permit applications have been made for facility siting projects costing less than \$1 million, and was told that only one facility has been proposed at that price. Virtually all of the facilities proposed in the state have an estimated value of \$1 million or more, he said, and would be affected by page 1, line 24 of HB 755.

Hearing was closed on HB 755.

HOUSE JOINT RESOLUTION 25: Rep. Bernie Swift, District 64, introduced HJR 25, which he sponsored. He explained that the resolution asks Montana's congressional delegation to end the 14-year delay of the RARE and RARE II wilderness allocation process by addressing and resolving the issue of how Montana's 5.2 million acres of roadless lands should be managed. The bill does not ask for any specific allocation

of those lands, it simply asks for quick action, he said.

Al Kington, a consultant forester, said he supports HJR 25, but noted that the legislation indicates that only western Montana's economic base depends on federal lands, when in fact these lands affect the economy of the entire state.

Lorraine Gillies, representing the Montana Farm Bureau Federation, said the group supports HJR 25 as a policy to halt expanding wilderness in the state. A copy of her testimony is attached hereto as Exhibit 13.

Don Allen, of the Montana Wood Products Association, rose in support of HJR 25, and gave specific support to the language indicating the economic importance of federal commercial forests in the state.

Susan Cottingham, speaking on behalf of the Sierra Club, said that organization supports the intent of HJR 25 as she understands it, which is to resolve the question of how roadless areas should be allocated under RARE II. She said she does not endorse the resolution as a request that all further wilderness designation be curtailed, as some proponents suggest. She suggested that the committee amend the resolution to reflect that wilderness is a legitimate, multiple-use method of land management. A copy of her testimony is attached hereto as Exhibit 14.

Janet Ellis, representing the Montana Audubon Council, said that group supports HJR 25, with a note of caution that speed is not necessarily the best policy in resolving complex issues. She said the allocation of roadless areas should not be dragged out, but the situation is not a crisis, and the legislature and congress should take the time to do a fair and thorough job.

Noel Rosetta, representing the Montana Wildlands Coalition, said he would like to see the roadless area question settled, but judiciously. He said his group would support the aims suggested by Susan Cottingham of the Sierra Club.

Mike Micone, representing the Western Environmental Trade Association, a group whose members are involved in agriculture, labor, business and motorized recreation, said that if Montana is to progress, it must use public lands. He stressed that areas under consideration for wilderness designation should be truly qualified for wilderness. He said he was taken aback at the statement of the Sierra Club representative that mining development would be allowed in wilderness areas. He said the legislature should send to the congressional delegation a message reflecting how they really feel about the wilderness allocation issue.

Keith Olsen, executive director of the Montana Logging Association, said his group supports HJR 25.

No opponents rose against the proposed legislation, and the floor was opened to questions from the committee.

Rep. Grady asked Susan Cottingham if livestock grazing is allowed in designated federal wilderness and was told that grazing is allowed, subject to the regulations of the national forest in which the wilderness lies.

Rep. Swift explained the issue of mining being allowed in wilderness, saying that new exploration for mining in wilderness was disallowed after December 1984, but holders of claims existing prior to that time will be allowed to develop those claims under the provisions of the federal wilderness act.

The hearing on HJR 25 was closed and the committee moved to executive action.

EXECUTIVE ACTION

HOUSE JOINT RESOLUTION 25: Rep. O'Hara opened by moving DO PASS On HJR 25. Rep. Raney said he objected to the language of lines 14-18 on page 2 of the resolution, which indicate that recreational use has been delayed on lands involved in the RARE II process. He said he does "a lot of recreating" in those areas. Rep. Grady disagreed, saying the RARE II delay is affecting timber activity and sales, and many recreational activities. Rep. Addy pointed out that not all recreational uses are delayed, as is suggested in the resolution. He suggested that the word "all" on line 15 be stricken and replaced with the word "some." Rep. Ream added that forest planning by the Forest Service has continued throughout the RARE and RARE II processes, and that some development has continued as a result of that forest planning. Rep. Addy's motion to amend was unanimously approved.

Rep. Ream moved that the committee approve the amendment proposed by Susan Cottingham on page 2, lines 24-25, striking: "would free national forest roadless areas for all" and inserting "and that areas that do not receive wilderness designation be made available for." The amendment was unanimously approved.

Rep. Kadas moved that page 3, line 2, be amended by striking "in 1985" and inserting "by the 99th Congress." That amendment was unanimously approved.

Rep. Ream moved to amend the bill on page 2, line 2-3 by striking "that" through "Montana".

Rep. O'Hara withdrew his DO PASS motion and moved DO PASS AS AMENDED on HJR 25, which carried unanimously.

HOUSE BILL 755: Rep. Kadas moved DO PASS, which was unanimously approved.

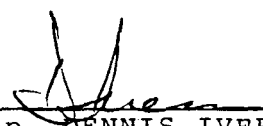
HOUSE BILL 784: Rep. Driscoll moved DO PASS, which carried unanimously.

HOUSE BILL 769: Rep. O'Hara moved DO PASS, which carried unanimously.

HOUSE BILL 698: Rep. Raney moved DO PASS. Rep. Raney then moved the amendment proposed by Rep. Ream, which was approved. The DO PASS motion on the bill was carried, with Rep. Driscoll voting no.

HOUSE BILL 362: Rep. Krueger moved DO PASS AS AMENDED on HB 362, which had been amended in executive action on February 11. That motion was carried unanimously. Rep. Krueger then moved the statement of intent, which was also approved by a unanimous vote.

There being no further business before the committee, the meeting was adjourned at 5:10 p.m.


Rep. DENNIS IVERSON, Chairman

DAILY ROLL CALL

HOUSE NATURAL RESOURCES

COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date February 15, 1983

NAME	PRESENT	ABSENT	EXCUSED
IVERSON, Dennis (Chairman)	X		
KADAS, Mike (Vice-Chairman)	X		
ADDY, Kelly	X		
ASAY, Tom	X		
COBB, John	X		X
DRISCOLL, Jerry	X		
GARCIA, Rodney	X		
GRADY, Edward	X		
HARP, John			X
JONES, Tom	X		
KRUEGER, Kurt	X		
MILES, Joan	X		
MOORE, Janet	X		
O'HARA, Jesse	X		
PETERSON, Mary Lou	X		
RANEY, Bob	X		
REAM, Bob	X		
SMITH, Clyde	X		

STANDING COMMITTEE REPORT

FEBRUARY 15

19 35

MR. **SPEAKER:**

We, your committee on **NATURAL RESOURCES**

having had under consideration **HOUSE** Bill No. **598**

FIRST reading copy (**WHITE** color)

AN ACT DETAILING METAL MINE APPLICATION AND RECLAMATION PLAN REQUIREMENTS

Respectfully report as follows: That **HOUSE** Bill No. **598**

BE AMENDED AS FOLLOWS:

- 1) Page 9, line 19
Following: "person"
Insert: "having an interest that is or may be
adversely affected"

AND AS AMENDED,

DO PASS

STATE PUB. CO.
Helena, Mont.

Chairman.

COMMITTEE SECRETARY

STANDING COMMITTEE REPORT

PAGE 1 of 3

February 15

1985

MR. SPEAKER:

We, your committee on NATURAL RESOURCES

having had under consideration HOUSE Bill No. 362

FIRST reading copy (WHITE)
color

RENEWAL OF FACILITY SITING CERTIFICATE

Respectfully report as follows: That HOUSE Bill No. 362

BE AMENDED AS FOLLOWS:

- 1) Page 1, line 20
Following: "75-20-301(2)(a)"
Insert: "for a facility defined in 75-20-104(10)(a)(i)"
- 2) Page 1, line 22
Strike: "within a specified time"
- 3) Page 1, line 23
Following: "other"
Insert: "planned"
- 4) Page 3, line 13
Following: "accordance with"
Strike: "the"
Insert: "preliminary"

XXXXXX
DO PASS

STATEMENT OF INTENT ATTACHED

February 15, 1985

- 5) Page 3, line 14
Strike: "schedule"
Insert: "plans"
- 6) Page 3, line 20
Strike: "shall"
Insert: "may"
- 7) Page 3, line 20
Following: "a"
Insert: "reasonable"
- 8) Page 3, line 21
Strike: "of 2 years"
- 9) Page 3, line 23
Following: "construction"
Insert: "under subsection(4)a)(i) and (ii) or to begin construction under subsection(4)a)(iii)"
- 10) Page 3, line 24
Strike: "to complete construction"
- 11) Page 6, line 6
Strike: "any"
Insert: "an"

AND AS AMENDED,

DO PASS

STATEMENT OF INTENT ATTACHED



STATEMENT OF INTENT FOR HB 362

(1) It is the intent of the legislature that the board of natural resources and conservation have the authority to condition a certificate of environmental compatibility and public need issued under the Montana Major Facility Siting Act upon actual load growth reaching a specified level or on the availability of other planned resources.

(2) It is the intent of the legislature that the grant of authority to the board referred to in subsection (1) not be construed to limit, alter, or otherwise affect the authority of the Montana public service commission to determine under 69-3-109 whether any facility is "actually used and useful for the convenience of the public."

STANDING COMMITTEE REPORT

Page 1 of 2

February 15

19 85

MR. **SPEAKER:**

We, your committee on **NATURAL RESOURCES**

having had under consideration **HOUSE JOINT RESOLUTION** **xx** Bill No. **25**

FIRST reading copy (**WHITE**)
color

**REQUESTING THAT THE MONTANA CONGRESSIONAL DELEGATION
SUBMIT TO THE 99TH UNITED STATES CONGRESS LEGISLATION
FOR ALLOCATING WILDERNESS AREAS ON FEDERAL LANDS IN
MONTANA**

Respectfully report as follows: That **HOUSE JOINT RESOLUTION** **xxxx** Bill No. **25**

BE AMENDED AS FOLLOWS:

- 1) Page 2, line 2-3
Following: "forests"
Strike: "that supply upwards of 40% of the economic base
of western Montana"
- 2) Page 2, line 15
Strike: "all"
Insert: "some"
- 3) Page 2, lines 24-25
Following: "Delegation"
Strike: "that would free national forest roadless areas for all"
Insert: "and that areas that do not receive wilderness
designation be made available for"

**XXXXX
DO PASS**

- 4) Page 3, line 2
Strike: "in 1935"
Insert: "by the 99th Congress"

AND AS AMENDED

DO PASS



STANDING COMMITTEE REPORT

February 15,

85

19.....

SPEAKER:

MR.

NATURAL RESOURCES

We, your committee on

HOUSE

having had under consideration Bill No.

755

FIRST

reading copy (**WHITE**)
color

**AN ACT REVISING SITING ACT FEES; REVOCATION OR
SUSPENSION HEARINGS**

Respectfully report as follows: That.....

HOUSE

Bill No. **755**

DO PASS

STANDING COMMITTEE REPORT

.....FEBRUARY 15..... 19 85.....

MR.SPEAKER.....

We, your committee onNATURAL RESOURCES.....

having had under considerationHOUSE..... Bill No.769.....

FIRST reading copy (WHITE)
color

**AN ACT TO GENERALLY REVISE BOND RELEASE PROCEDURES UNDER
THE MONTANA STRIP AND UNDERGROUND MINE RECLAMATION ACT**

Respectfully report as follows: ThatHOUSE BILL..... Bill No.769.....

DO PASS

.....
Chairman.

STANDING COMMITTEE REPORT

February 15, 1935

MR. **SPEAKER:**

We, your committee on **NATURAL RESOURCES**

having had under consideration **HOUSE** Bill No. **734**

FIRST reading copy (**WHITE**)
color

AN ACT TO GENERALLY REVISE STRIP MINE PERMIT ~~AND~~
APPLICATION REVIEW PROCEDURES

Respectfully report as follows: That **HOUSE** Bill No. **734**

DO PASS

EXHIBIT 1
2/15/85

TESTIMONY ON HOUSE BILL 769

FROM DENNIS HEMMER, COMMISSIONER OF STATE LANDS

The Department of State Lands supports House Bill 769 which proposes a number of changes to clarify procedures for application for bond release under the Strip and Underground Mine Reclamation Act. These include:

- defining processing timeframes;
- redefining criteria for release; and
- defining general inspection procedures.

The need for change has become evident in the past few years as the Department has begun processing such applications. At present there are no timeframes for processing. Department policy has been to process applications as received, in accordance with permit application timeframes. However, as companies' priorities change, bond release applications have been juggled to meet permitting needs. The proposed time frames would formalize policy and would assure operators of a timely application review.

The initial criteria for bond release in the act were vague; the proposed changes more clearly define what is expected. The proposals in this bill are based on the recent experience we have all had in processing applications and reflect what has been learned by all the parties involved. House Bill 769 formalizes this learning experience. The Department urges your support.



502 South 19th

Bozeman, Montana 59715

Phone (406) 587-3153

Exhibit 2
2/15/85

TESTIMONY BY: Lorraine Gillies

BILL # HB 769 DATE 2/15/85

SUPPORT xxxx OPPOSE _____

Mr. Chairman, Members of the Committee:

For the record, I'm Lorraine Gillies, representing Montana Farm Bureau Federation.

We support HB 769 in that its proposals on bond release encourages timely reclamation of lands affected by strip mining.

We urge the Committee to recommend a due pass for this bill.

Thank you.

Lorraine Gillies
SIGNED

Exhibit 3
2/15/85

AMENDMENT TO H.B. 698

(Introduced Bill)

1. Page 9, line 19.
Following: "person"
Insert: "having an interest that is or may be adversely affected"

Exhibit 4
2/15/85

NORTHERN PLAINS RESOURCE COUNCIL

Field Office
Box 858
Helena, MT 59624
(406) 443-4965

Main Office
419 Stapleton Building
Billings, MT 59101
(406) 248-1154

Field Office
Box 886
Glendive, MT 59330
(406) 365-2525

HB 698

Mr. Chairman and members of the committee, I am Paul Hawks of Melville. I am a representative on the Board of the Northern Plains Resource Council, and a member of NPRC's Boulder Valley affiliate. I come today to urge your support of HB 698.

Within NPRC, we have three affiliates in areas facing hard rock development: in the Stillwater Valley, the Boulder Valley, and the Gardiner/Jardine area. These members are going to be directly affected by hard rock development; many are facing the prospect of a mine development and tailings impoundment located directly above their ranches. This bill addresses some of the major concerns of these members regarding hard rock development and its effects on surface and ground water, a resource vitally important to our businesses of ranching and farming; to problems of erosion; and to safety of tailings impoundments. We feel this bill is a good attempt to address those concerns while still allowing the Department of State Lands (DSL) flexibility to address the wide variety of mining projects across the state that it must regulate.

There is always the potential for abuse when laws are written to address particular concerns and at the same time written broadly enough to allow flexibility, as this bill is. By doing so, it places a responsibility on all parties involved to not abuse the flexibility incorporated in the new language. It is our belief that it is when these abuses occur that efforts are subsequently made to restrict flexibility, and we hope this doesn't happen.

This bill continues the obligation of the operator to meet the requirements within the law, but allows individual operators some leeway in determining what constitutes, for example, "sufficient" water data, and what details to include in monitoring and contingency plans, and to determine, within their own reclamation plans, what meets the requirements of "comparable utility and stability as adjacent areas".

This flexibility places a burden on the department to decide whether an operator has followed the intent and requirements of the law, and to enforce the provisions within the operating permit and reclamation plan.

We also recognize that this flexibility places a burden on our members, and on all affected citizens, to participate in the regulatory process to ensure that the inclusions in the operating permit, as discussed in Section 1 of the bill, are adequate; that the requirements in the reclamation plan listed in Section 2 have been met; and to work with the department regarding problems of enforcement of regulations or damages to water supply. As affected citizens, we are willing to be involved in this process.

Both of the two new sections in the bill, sections 4, page 8, on mandamus, and 5, page 9, on replacement of damaged water supplies are similar to provisions in the Montana Strip and Underground Mine Reclamation Act, with some changes to address concerns of the department and particularly the Montana Mining Association.

The mandamus section provides a concise description of the process that a citizen should go through if he or she feels the hard rock mining act is not being enforced, including bringing the enforcement problem to the attention of the department. The water replacement section lays out the procedure for citizens to request a remedy for damaged water supplies.

We urge you to support this bill, and would like to express our appreciation for the willingness of the department and the Montana Mining Association to sit down and work with us to write a bill that would address our members' concerns, and to work out conflicts prior to the final bill and hearing. We know it hasn't been easy, and Commissioner Hemmer deserves a great deal of credit for his work on behalf of this bill.

Thank you for your time. If you have any questions, I or Jeanne-Marie will try to answer them.

Exhibit 5
2/15/85

TESTIMONY ON HOUSE BILL 698

FROM DENNIS HEMMER, COMMISSIONER OF STATE LANDS

The Department of State Lands supports the passage of House Bill 698. This bill truly clarifies the requirements of the Metal Mine Reclamation Act or as it is more commonly known, the Hard Rock Act. Virtually all the additions to the information requirements or to the performance standards are either required by other laws, rules, or interpretation of other laws and rules. Placing the requirements directly in the Hard Rock Act will aid the applicant by having the requirements in one place. It also aids the interested person as they can more easily determine the standards of the Act.

The last two sections of the bill are new. Both actions are presently available to an aggrieved party through court action. The advantage of these sections is that they layout an administrative procedure that must be followed before litigation is pursued. Litigation is costly for all parties involved and if the problem can be worked out administratively, it's better for all.

House Bill 698 is the result of a compromise between the interested groups and the mining industry. It is a good compromise and I urge you to give it a do pass recommendation.

EXHIBIT 6
2/15/85

Robert Dello-Russo
Star Route 2, Box 16
Heron, Montana 59844

Proponent of HB 698-Amendments to Hard Rock Mining Law

Mr. Chairman and members of the Committee, My name is Robert Dello-Russo, from Heron, Montana. I'm here on behalf of myself and concerned citizens from Lincoln and Sanders Counties as a proponent of some of the recently proposed amendments to Montana's Hard Rock Mining Law.

In light of the present activities at the ASARCo Troy Project, and its various attendant problems, and also in view of the proposed ASARCo Rock Creek Project and the many other future proposals in the Cabinet Mts. mining district, we feel that now is the time for the State and its citizens to develop a workable and enforcable set of development impact criteria.

The four sections which we feel warrant consideration are as follows:

Section 1 (82-4-335)

Item H requiring the collection of comprehensive base-line data for ground and surface waters is imperative! In our opinion, the Troy Project was deficient in this area.

Item I requiring safe and stable tailings impoundments is also imperative. We have evidence from several sources indicating design flaws and insufficient monitoring at the Troy Project.

Item J requiring control and mitigation of accidental discharges to surface and ground waters is timely, to say the least. Past and recent infractions at the Troy Project point to the insufficiency of the present law in this regard.

Item K dealing with tailings and waste site expansion should also be included. Again, evidence at Troy shows possible imminent failure of an impoundment that is slated to accept 15 years worth of additional tailings.

Section 3 (82-4-338) Providing public input in response to an operating permit bond release is crucial to the maintenance of tailings impoundments. In our opinion, these sites should require long-term care, to ensure continued protection of water quality.

Section ⁴~~6~~ granting persons the legal right to ^{ENFORCEMENT OF}~~enforce~~ State laws is, in our opinion, extremely valuable. Many people in my area have expressed frustration with the State Government regarding the maintenance of water quality downstream from the Troy Project. As we feel very strongly about maintaining a healthy living environment for ourselves and our children, we see this amendment as a good tool to help us achieve that end.

Section ⁵~~7~~ which allows action for damages to water supplies, is a vital addition to the present law. Our corner of the State is extremely rich in high-quality water, and this resource is quickly becoming more valuable as its supply diminishes. Historically, water quality has always suffered greatly when impacted by mining but we do not see the sense in ruining the good water resources of the Clark Fork River and its tributaries just to develop a nearby mineral resource. The two must not be mutually exclusive!

In summation, I would like to point out that the Troy Project is a model for all the potential future mining activity in our district. It must be a faultless model if future mining impacts are to be minimized. As the aforementioned amendments would help insure this, we strongly urge you to impliment them as drafted.

Thank-you for the opportunity to comment.

WITNESS STATEMENT

Name ROBERT DELLO-RUSCO Committee On NATURAL RESOURCES
Address _____ Date 2/15/85
Representing CONCERNED CITIZENS FROM Support X
LINCOLN & SANDERS COUNTIES
Bill No. HB 698 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. SUPPORT: COMPREHENSIVE BASELINE DATA
SAFE & STABLE TAILINGS IMPOUNDMENTS
2. CONTROL & ~~AD~~ MITIGATION FOR ACCIDENTAL DISCHARGE
MORE PUBLIC OPINION
LEGAL RIGHT TO ENFORCEMENT
3. ACTION FOR DAMAGES TO WATER QUALITY
4. N.W. MONTANA IS POTENTIAL SITE MASSIVE
MINERAL DEVELOPMENT & NEEDS STRINGENT
ENVIRONMENTAL SAFEGUARDS NOW!

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

EXHIBIT 7
2/15/85

WITNESS STATEMENT

Name Geo. Ochenski Committee On NAT. RES.
Address 813 9TH Date 2/15
Representing ENV. INF. CENTER Support X
Bill No. HB 698 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. WE SUPPORT THIS BILL NOT ONLY FOR THE EXCELLENT PROVISIONS IT
2. CONTAINS, BUT BECAUSE IT REPRESENTS A LAND-MARK
3. COMPROMISE WORKED OUT BETWEEN ENVIRONMENTAL, INDUSTRY, & STATE
4. REGULATORY AGENCY INTERESTS, STRONGLY URGE THIS COMMITTEE TO CONSIDER THIS IMPORTANT FACTOR & PASS THIS BILL INTACT WITH EXISTING LANGUAGE.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

EXHIBIT 8
2/15/85

TESTIMONY OF THE MONTANA MINING ASSOCIATION
BEFORE THE HOUSE TAXATION COMMITTEE
ON HOUSE BILL 698
February 15, 1985

Mr. Chairman, members of the committee:

For the record, my name is Gary Langley. I am executive director of the Montana Mining Association. The Montana Mining Association is a trade association that represents 1) Every major producer of hard-rock minerals in Montana; 2) Companies that hope to operate mines in Montana in the future; 3) Individuals with an interest in mining, and 4) Companies that supply goods and services to the mining industry.

The Montana Mining Association neither supports nor opposes House Bill 698.

House Bill 698 represents a compromise between the Northern Plains Resource Council and the Montana Mining Association.

The Montana Mining Association believes House Bill 698 is unnecessary because mining companies already are meeting its provisions. The requirements in House Bill 698 duplicate administrative rules and regulations enforced by other state agencies. We caution that the provisions in House Bill 698 are implemented with care to avoid confusion and conflicts with existing regulations. In addition, House Bill 698 will allow individuals who believe they have been aggrieved by a mining operation to take administrative action against that company.

In the last decade, the mining industry has faced strict regulatory proposals in nearly every session of the Legislature. House Bill 698

represents yet another layer of regulation on an industry that faces the most restrictive requirements in any state in the nation.

Modern mining in Montana operates in respect to laws and regulations that were designed to protect Montana's environment. The people who produce minerals are just as concerned with sound environmental practices as those who pass the laws and enforce them.

As a second generation Montanan, I am concerned about our state's environment. But I also want to see development of our mineral resources with the jobs the mining industry provides and the taxes it pays. For years, I hunted elk near the site where a mining development will be in operation within the next few years at Jardine. Those elk are still there to day and will be for many years to come. Given an acceptable state policy, mineral resources will be developed at Jardine and elsewhere with social and environmental concern.

In his state of the state message, Gov. Ted Schwinden referred to a Chicago Tribune reporter who had recently visited our state.

"Montana wants the best of both worlds," the reporter wrote, "More jobs and better business without endangering the mountain wilderness, the clear trout streams, the clean air under the big sky."

Montana will have the best of both worlds and the mining industry-- which is just as basic to our state as scenic beauty, harvesting timber, growing wheat or raising cattle--will contribute.

But the mining industry will thrive only if it is spared regulatory duress. I sincerely hope this compromise, reached in good faith between individuals that care deeply about Montana, will represent the final restrictions placed on the mining industry. Otherwise, those of us who produce minerals in Montana will be forced to question the sincerity of those who have promoted House Bill 698.

Gary A. Langley
Executive Director
Montana Mining Association

EXHIBIT 9
2/15/85

Parks' Fly Shop



GARDINER
MONTANA
59030

Testimony on HB-698

Mr. Chairman, members of the Committee, my name is Richard Parks. I operate the Parks' Fly Shop in Gardiner and am a member of the Bear Creek Council affiliated with Northern Plains. I support the provisions of HB-698. In our community we are faced with the redevelopment of an old gold mine. For years the abandoned tailings site has been a sea of wind swept arsenic dust. To the credit of first Anaconda and then Homestake who is heading the current project, one old tailings site has been partially reclaimed and a dangerous old mill site sanitized. The redevelopment plan entails the reclamation of the old tailings site. It is worth noting however that the old tailings site became substantially more dangerous after the previous operation folded up shop. My business caters to the fishing public and obviously water quality is also of major importance to us.

It is with that background that I appear to support the provisions of this bill. We believe that the companies currently involved in Jardine are making a good faith effort but our experience argues for tightening up the rules to mitigate the back-end effects. Likewise the Mandamus provisions are important to enable us to monitor the long term compliance - even after a project may have terminated.

Thank you.

NORTH ENTRANCE TO YELLOWSTONE NATIONAL PARK

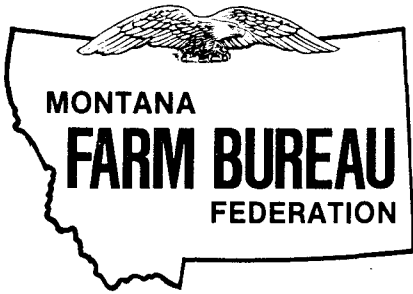
TESTIMONY FOR HOUSE BILL 784

FROM DENNIS HEMMER, COMMISSIONER OF STATE LANDS

The Department of State Lands supports H.B. 784 to amend Section 82-4-231, MCA for the following reasons:

1. The amendment provides specific guidance to the public, industry and the Department on how to determine when a strip mine application is "administratively complete" and "acceptable."
2. The amendment provides the public with better defined and statutory public comment periods and subsequent appeal processes.
3. The amendment clearly outlines the time frames that are required for specific phases of the application review; EIS determination and completion; and public notification and comment periods, thus streamlining the decision making process for the public, the applicant, and the state.
4. The amendment addresses concerns raised by citizens groups, industry and the Office of Surface Mining in regard to permit "completeness," "acceptability," review time frames, and application and EIS coordination.

In summary, the passage of this bill would help to streamline the permit decision making process, resolve concerns of applicants, citizen groups and the Office of Surface Mining pertaining to administrative completeness and acceptability and better define the process. The bill represents "good government" and I ask your favorable consideration.



502 South 19th

Bozeman, Montana 59715

Phone (406) 587-3153

TESTIMONY BY: Lorraine Gillies

BILL # HB 784 DATE 2/15/85

SUPPORT xxxx OPPOSE

Mr. Chairman, Members of the Committee:

For the record, I'm Lorraine Gillies representing Montana Farm Bureau Federation.

We support HB 784 in its revision and updating of permit application review procedures and time frames, thereby ensuring proper and timely reclamation.

We urge the Committee to give this bill a due pass.

Thank you.

Lorraine Gillies
SIGNED

DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION
ENERGY DIVISION

EXHIBIT 12
2/15/85



TED SCHWINDEN, GOVERNOR

32 SOUTH EWING

STATE OF MONTANA

(406) 444-6697 ADMINISTRATOR & PLANNING AND ANALYSIS BUREAU
(406) 444-6696 CONSERVATION & RENEWABLE ENERGY BUREAU
(406) 444-6812 FACILITY SITING BUREAU

HELENA, MONTANA 59620

TESTIMONY ON HOUSE BILL 755

My name is Laurence Siroky, Administrator of the Energy Division in the Department of Natural Resources and Conservation. The Department supports House Bill 755.

The current graduated fee schedule in the Siting Act explicitly recognizes that the costs of reviewing a facility are a decreasing percentage of estimated costs as the cost of the facility increases. What the present schedule fails to account for is that there are also fixed costs associated with processing any application regardless of the cost of the facility. This bill would provide sufficient revenue for the Department to adequately process small transmission line applications and at the same time reduce the filing fee on larger projects where the additional funds are not needed for the Department to fulfill its statutory responsibilities. Recent discussions between the Department and prospective applicants, plus our recent experience in processing small transmission line projects, have indicated that adjustments at both ends of the fee schedule need to be made.

The 2 percent figure currently in the Siting Act is not sufficient to adequately perform statutory duties for all small transmission lines that include reviewing applications for completeness, conducting field studies and other independent analyses to verify the work done by the applicant. The Department must evaluate the need for a proposed facility, alternatives to the facility, and environmental impacts of the facility. The Department must then

draft, publish, and disseminate both draft and final environmental impact statements, conduct public hearings in the area affected by the proposed facility, respond to comments received during the hearing process, and make recommendations to the Board of Natural Resources and Conservation. The Department must also participate in the Board hearings, including paying the cost of any hearings officer retained by the Board.

The increase from 2 to 4 percent is necessary to cover the fixed costs of processing any application and ensures that adequate analyses can be done to make defensible decisions by the Board. It should be noted that the Department uses filing fees only to cover necessary and actual expenses and in cases where processing an application takes less money than the statutory fee, the applicant is not required to pay the entire amount.

Reducing the applicant's maximum filing fee obligation on all projects estimated to cost over \$1 billion from 0.125 percent to 0.05 percent will reduce the front-end capital commitment for the applicant without jeopardizing the environmental analysis required by the Siting Act. Economies of scale make these additional filing fee funds unnecessary for the Department's review of an application for these larger facilities.

The proposed amendment to Section 75-20-403 in section 2 requires that the Board of Natural Resources and Conservation provide notice and an opportunity for a hearing when revoking or suspending a certificate. This change makes explicit the current policy that the Board adheres to in its proceedings.

I urge the committee to give House Bill 755 a "do pass" recommendation.



502 South 19th

Bozeman, Montana 59715

Phone (406) 587-3153

EXHIBIT B

2/15/85

TESTIMONY BY: Lorraine Gillies

BILL # HJR 25 DATE 2/15/85

SUPPORT xxxx OPPOSE

Mr. Chairman, Members of the Committee:

For the record, I'm Lorraine Gillies, representing Montana Farm Bureau Federation.

We support HJR 25 in that it expresses our long-standing policy to halt the expansion of wilderness in Montana , and return the balance of proposed areas to Multiple Use Management.

We urge the Committee to recommend a due pass on this bill.

Thank you.

Lorraine Gillies
SIGNED

WITNESS STATEMENT

Name Susan Cottingham Committee On Natural Resources
 Address Box 1119 Helena Date 2/15/85
 Representing MT Cleft Sierra Club Support _____
 Bill No. HR 25 Oppose _____
 Amend X

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. generally agree wilderness issue needs resolution but in a careful, judicious manner. this resolution may take the entire 99th Congress.
2. the resolution suggests that development has been halted by non-resolution of the roadless area management. this is untrue. over 600,000 acres
3. of roadless areas ^{in Montana} have been developed since the PLATS II lawsuit in 1979. we would propose striking the final whereas.
4. we also believe that the language of item # 1 of the resolution is vague and suggests that all roadless areas should be released for multiple use. We believe this is not the intent of Rep. Swift and propose the language should be changed to:
 lines 24-25 STRIKE "would free national forest roadless areas in all." and ADD "and that" areas that do not receive wilderness designation be made available for."

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

HOUSE NATURAL RESOURCES COMMITTEE

DATE 2/15

[illegible]

102

VISITORS' REGISTER

Natural Res

COMMITTEE

BILL NO. HB 698

DATE 2/15/85

SPONSOR

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

HOUSE NATURAL RESOURCES COMMITTEE

784

2/15

Holiday

102

HOUSE NATURAL RESOURCES COMMITTEE

DATE 2/15

[illegible]

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

HOUSE NATURAL RESOURCES COMMITTEE

DATE 2/15

[illegible]

103

VISITORS' REGISTER

NATURAL RES

COMMITTEE

BILL NO.

HB 711

DATE

2-15-85

SPONSOR

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Don PRATT	HELENA		X

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.