

MINUTES OF THE MEETING  
NATURAL RESOURCES COMMITTEE  
50TH LEGISLATIVE SESSION  
HOUSE OF REPRESENTATIVES

January 30, 1987

The meeting of the Natural Resources Committee was called to order by Chairman Tom Jones on January 30, 1987, at 1:00 p.m. in Room 312 of the State Capitol.

ROLL CALL: All committee members were present with the exception of Rep. Kadas who was excused.

HOUSE BILL NO. 358: Rep. Francis Bardanouve, District 16, sponsor, stated this bill is an act to revise the use of the water development funds. He stated in the last legislative session, the finance committee found some shortfalls in the bill, and it was found that certain clarifications were needed to be made, regarding the administration of water projects and the policies that accompany these projects. He stated, as written, it states there will be administrative costs involved and charged, and he stated, this is not the cases, therefore, he has some amendments that will take care of that. He stated his amendments will remove the administrative expense to these projects, which run from about \$250,000 to \$300,000 a year. He stated the Department does have its own expenses through their operating budget. Some day, if the money becomes even shorter, he stated there may have to be a change in policy, however, at the present time, the DNRC absorbs the administrative costs of these water projects. The Department does have many ongoing projects, some of which are not cost involved, others that are, and some of these projects are running in the red year after year, therefore, as long as we have the policy, these projects will continue. He stated it was not clear in the law or in the department rules how the charging should be made, so eventually what this bill does is clarifies the OM charges, and when preparing a project, they shall calculate and report to the water users what they estimate OM charges to be, and also, the cost of the project, which does define how this will be done. It will consider the total cost, and public benefits. For example, it may provide a fishery or may provide water information on various projects, which may be considered a Department cost of the project. It would also minimize the liability of Montana by the repairing of a dam, which takes into consideration public benefit, because if a dam were to break, it would be a heavy liability for Montana. He stated the most important part of the bill is on page 8; and states the determination of costs of works, must be met, and consider the value of public benefits, and the repayment capacity of the water users. A state grant

may be provided by the department to compensate for the value of public benefits, to minimize the liabilities of the state of Montana, and to pay the difference between the water users' repayment capacity and the cost of works. He stated he hoped the committee would give this favorable consideration.

PROPOSERS: Gary Fritz, representing the Department of Natural Resources and Conservation, stated they do support this bill. He pointed out to the committee the bill serves as a clarification to the Department regarding administrative costs, and merely clarifies the ambiguities that existed in the statutes previous to this time, although it is fair to say that the Legislature and the Department interpreted the statutes as it is being clarified in HB 358. The first thing it does, as mentioned, is it intends to clarify what is intended to be administrative costs, versus operation and maintenance costs. It also clarifies the administrative costs incurred by the Department in overseeing these projects, in order to not charge the water users, but borne by DNRC. The most important part of the bill is on page 8, as explained by Rep. Bardonoue, that indicates when looking at how the projects rehabilitation should be repaid, and the cost of that rehabilitation, when looking at public benefits associated with that project, as well as the question of state liability, because we are talking about state owned water projects, and some of those projects are rehabilitated, to a safer condition, obviously, it then removes some of the liability that the state may otherwise incur. He urged the committee to give favorable consideration to HB 358.

NO OPPONENTS

REP. MEYERS asked Mr. Fritz if all these projects are state owned.

MR FRITZ stated yes, the projects that are the subject of this statute, are those that are owned by the state, which amounts to 38 total.

REP. MEYERS asked if they would remain state owned, or will they eventually become the property of the water users.

MR. FRITZ stated this is a good question, because they have a couple of bills that may be introduced this session, that would emphasize turning some of those projects over to the local water users. There are basically two categories of state owned water projects, those that have reservoirs associated with them. and those that do not. The canal type projects the Department believes, could just as well be owned and operated by the local water users association

without state involvement. The reservoir projects generally have large public values associated with them, with a tremendous amount of recreation use on some of these reservoir projects, so DNRC feels it is probably in the best interest of Montana to have the State retain ownership of those kinds of projects.

REP. MEYERS asked what process these water users go through to take over these projects for private use.

MR. FRITZ stated there are statutes that dictate how the Department turns those projects over to private parties, and the Department is more than happy to talk to any of the water users association regarding the owning of these projects. However, basically, the law indicates that we have to determine what the fair market value is, and then proceed to go ahead and dispose of that project to the locals.

REP. RANEY stated he felt there has to be some fiscal impact or shifting of funds with this bill, and asked Rep. Bardanouve where the money is coming from and what types of costs are involved.

REP. BARDANOUVE stated the money comes from several sources, with some of the money coming from the coal tax fund, some is the landowners' money, their own money, which pays for the projects, and various other repayment monies that go back into the water projects.

REP. RANEY stated the coal money is obviously earmarked, the Department money is not, and he wondered if we may be talking about the Department asking for more general fund money to run the Department, because they are wanting to take Department money and grant it to water projects.

REP. BARDANOUVE stated the Appropriation Subcommittee on Natural Resources did designate in the appropriation bill how their department money may be allocated, which is allocated to administrative costs, operations and for additional projects, such as water projects.

MR. FRITZ clarified by stating the Department has two separate pots of money. On one hand, we are talking about the money the Department uses for administrative type activities, and this bill indicates that we should continue to do it the way we always have, and that being the Department pick up those routine costs of administering the projects. On the other hand, we are talking about the money used to rehabilitate these projects. Those projects use water development fund monies and go through a Legislative review every two years.

IN CLOSING, Rep. Bardanouve stated this is merely a clarification bill that states they do not want the Department to change administrative policies, that have different criteria and policies, however, we want to clearly outline how these costs shall be allocated. It clearly puts into the law, what has not been done in the past, what has been done at present, and will continue to be done. It also states we want all projects to be given the same criteria. He urged the committee to give this bill favorable consideration.

HEARING CLOSED ON HB 358.

HOUSE BILL NO. 404: Rep. John Harp, district 7, stated this bill provides the Board of Natural Resources a time limit when determining centerline locations. He stated this bill does not change the siting act, in any way. It does, however, provide people in need, and who are asking for this service. He stated anyone familiar with the Siting Act, knows the main purpose of this act, is to establish a corridor which is best regarding environmental interests, and once that corridor certificate is granted, and after public process has been gone through, the next process is to obtain a centerline certification, which is given from the Board of Natural Resources. He stated, in the 1970's, there were instances where the corridor and the siting act when through public scrutiny and several public hearings and after the fight has been won or lost, depending on how you look at it, as far as the centerline location is concerned. There is no time limit for when the Board actually renders their decision, and simply, this bill is asking to provide people who are asking for needed additional technical services or power to the area that needs that service, and to give it in a timely fashion. The other problem that has occurred, is by not changing the current law, which could perhaps result in expensive legal action. He stated it is important to point out, that we are not asking for any changes in how the decisions are being made, but simply some limit be given to when a decision can be made, and made in a timely manner.

PROPOSERS: ART WITTICH, representing the Montana Power Company, submitted testimony (Exhibit 1). He stated the Major Facility Siting Act as presently written, imposes no time limit on the Board of Natural Resources to reach a centerline decision. This has led to delay by the BNRC in making decisions, and leaves the applicant with only two difficult choices; wait for the BNRC to finally act and thereby lose valuable time in constructing the line to provide needed electrical service; or bring lengthy and expensive legal action to obtain a Writ of Mandamus forcing the BNRC to act. Therefore, HB 404 remedies the problem by requiring the BNRC to make a centerline decision within 60

days after the DNRC submits its centerline location report. Sixty days is a reasonable period of time. In addition, before the 60 day centerline "clock" starts ticking, the BNRC should be abundantly familiar with the issues, since it already reached a corridor decision. Finally, the BNRC would have more than two regularly scheduled meetings to discuss the centerline issues. The very integrity of MFSA requires all parties in the process to act responsibly. The applicant must gather extensive data concerning the facility; the DNRC must analyze the data and make recommendations and the BNRC must make timely final decisions, no matter how difficult, affecting the facility. HB 404 does not direct the BNRC on "how" to make these decisions, only that it must approve "some" centerline and make a decision for transmission facilities in a timely fashion. The applicant and its customers, deserve no less.

LARRY FASBENDER, Director, Department of Natural Resources and Conservation, stated the bill as introduced as far as the concept is concerned is one his Department supports. The process needed to go through to obtain a centerline, was actually enacted in the last session of the legislature. That process is a very deliberate one, and often times a difficult one for the Department to make. DNRC feels, however, that the time lines that are set forth in this piece of legislation, are adequate, however, they do think it should be made clear as to when that time should start to run. The Board's general practice has been to take testimony, and then ask the Department to evaluate the evidence and investigate the issues of the service, at the hearings and then report back to the Board. The Board would then make its final decision, however, since the Board generally meets every other month, which is often slightly more than 60 days, the practical effect of this legislation as it currently stands, would be to force the Board to make a decision meeting with the evidence presented. This would not be in time for the Department to investigate information generated from the hearing. Amending HB 404 to provide for a 60 day decision period, after the public hearing, would give the board sufficient time to investigate any concerns that may have been raised at the hearings, and will deliberate on the difficult decision they must make. It would also prevent the board from continuing the hearing, and thereby extending the day time frame. Amending the bill would also be consistent with the sponsor's intent of making sure the Board acts on a centerline decision within that reasonable time frame. For that reason, DNRC is proposing amendments, and with this amendment, the Department does support HB 404.

RUSS BROWN, representing the Northern Plains Resource Council, stated they do support the bill with the amendments proposed by DNRC.

GEORGE OCHENSKI, representing the Montana Environmental Information Center, stated MEIC will support the bill with the amendments offered by DNRC, provided that the Board indeed, does get to meet twice, to consider this. If there is any delay, and the Board cannot meet, and there is not a quorum, we do not want that 60 day time limit to run out. They have got to meet twice, in order to have time to re-meet, after they have had a chance to gather evidence, in order to come to a decision. He stated that is why we have a Board of Natural Resources.

JOAN TOOLE, representing the League of Women Voters and representing herself, as a member of the Board of Natural Resources, stated they were going to oppose the bill at first, however, she stated the amendment may work out and emphasized the need for two meetings. She stated hopefully, the uncontested hearings start in time, so the Board can have another meeting, in order to arrive at a decision. She stated they would like to see the amendment placed in the bill that would specify the two meetings, and with that, she stated they do support the bill.

#### NO OPPONENTS

REP. COBB asked Rep. Harp what have been some of the time frames the Board has taken in making a decision on a centerline location after the report has been submitted to the Department.

MR. WITTICH addressed this question, and stated some projects have taken as many as seven to eight months, and some have taken as little as three.

MR. FASBENDER stated that the Department feels the language they have proposed as far as commencement of non-contested case hearings, would give them more than what would be adequate. 90 days, depending upon if that was when the time the report was submitted by the Department, rather than the commencement of non-contested hearings, would probably accomplish about the same thing. In order to be consistent with what was in the rest of the act, we thought that the time should run in commencement with the noncontested case hearings, thus the reason for the proposed amendments.

REP. ADDY then asked Rep. Harp if this amendment would be satisfactory to him, and Rep. Harp replied that he does agree with the Department.

REP. RANEY had a question regarding the request made by the League of Women Voters, and asked if this bill could guarantee them the two meetings they had stated were so necessary.

REP. HARP stated he feels the amendment covers this, pointed out to the committee that it must be understood, that once you get the corridor, and certificate of need and environmental capability most likely you went through the test of several months, sometimes even years of public involvement. He stated the decision made should with the public's input as well, and it has the less environmental impact with any facility that would have to get a transmission line, when dealing with a corridor. The Board would then meet on this subject of concerns not once, but twice, and as many as ten times or more times if it went on for more than a year. He urged a do pass.

HEARING CLOSED ON HB 404.

HOUSE BILL NO. 408: Rep. Dennis Iverson, District 12, stated HB 408 is a recommendation by the Water Policy Committee, which does not represent a substantial change in the statute. HB 408 concerns the water reservation process and explained that several years ago, there was a concern regarding water outside these basins. He stated there have been a lot of things done about this, one being that we might allow municipalities, units of government, and similar organizations like that, to reserve water for future use. The concern was that Montana is not perhaps growing as fast as some of the lower basin states, and they may appropriate it and put to use water they may use later on. This system was devised so those units of government, including the irrigation districts and conservation districts, could then reserve the water for whatever point down the road they may need it. He stated it is a fairly unique system and apparently under federal law, it is the appropriate system. He stated last session, they expanded the reservation idea to include the entire state, because up until last session, they were only allowing the drainage of one system in the Yellowstone River Basin. The potential problem and the one we are trying to solve here appears on page 1, sub (2) and it states; "water may be reserved only for existing or future beneficial uses in the following river basins", and he stated the problem with that is, if you look at the map, he had distributed to the committee, (Exhibit 2), it can be affirmative in two different ways. It could mean that you cannot transfer water from one basin to another, or it could mean that you could transfer from basin to basin, but not out of the collection of the six basins. The problem with that is that the U.S. Court declared water a marketable commerce and they say you cannot mess around with an article of commerce, water in this case, and restrict its commercial flow across State lands. If we say that you can transfer water within any of those basins, when looking at how the outside of those basins fit with the shape of the State of Montana, it is pretty clear that it could be argued in

Federal Court, that we have just devised a nifty way to get around the commerce problem. When the statutes first went into effect, it was to prevent the transfer between the various basins, however, we want to make that clear so it cannot be interpreted in either of the two ways; 1) it be clear that this is our interpretation. The reason it was decided it would be a good policy to prevent that transfer, is first of all, so it would promote better water management within the basins, and it obviously makes a stronger case under federal law.

PROPOSERS: Gary Fritz, representing the Department of Natural Resources, voiced support for the bill, stating this is another clarification bill, and revolves around the fact that the change would insure reserved water is most often used in a basin where it is diverted. But, significantly, it allows the exceptions of that in certain situations, as mentioned by Rep. Iverson. DNRC does support HB 408.

NO OPPONENTS

REP. HARPER asked when things are changed, and there are reservations made in some of these basins, and the law on the books states "an existing use may be affected", stating not only is the basin reserved, but there is or may be stored water available in that basin, and he wondered how those rights will be affected by this bill.

REP. IVERSON stated there will be no prior rights affected. He stated in the first place, the reservations themselves do not affect prior rights, so obviously, the reservations would not have an affect on the water user, if the reservation were not even made yet.

REP. MEYERS asked how you can reserve something for future use, when you do not know how much water there is left.

REP. IVERSON stated the system works fairly well, however, the fact is, that say for instance, the City of Great Falls can reasonably assume they will have some growth, therefore, assume they will need more water than they are currently using, and by whatever means you can demographically decide that, will pretty well determine in 50 years if you will, in fact, need more water. Then somehow figure out, in their best reasonable guess, how much.

REP. IVERSON in closing urged the committee to give HB 408 a do pass.

HEARING CLOSED ON HB 408.



HOUSE BILL NO. 397: Rep. Gary Spaeth, District 84, sponsor, stated there will be a great deal of testimony both for and against this bill. He stated he feels the bill presents a very important question that we must consider, and he feels as policy makers, we have to look at the policy involved, and in balancing it. This bill deals with the Facility Siting Act, and at the present time, under the Facility Siting Act, power lines of 69 kV or smaller are exempt from that act, and do not have to go through the processes and procedures, hearings and the environmental review that is required. What this would do, is raise that to apply to lines of 161 kV or smaller, which primarily would apply to 100, 115, and 161 kV lines. He pointed out this is a balancing act because when the cost of construction of lines increases that increases the cost to us, as consumers. When we are looking at these lines, a line of 115 or 100 may take considerable amount of time, up to two years and longer to go through the Facility Siting Act, and would cost approximately \$500,000 or more, in order to have the Facility Siting apply. He stated on one side, there is the additional cost and time you are placing on the side of the consumer, and on the other side, is that we will lose some public input into the line. One of the things DNRC and the Board of Natural Resources look at, is the corridor and centerline location when constructing those lines. In looking at those locations, you are taking a lot of concerns and input from the people, to which that particular line will go through. That is a very important point, and must be looked at, as far as the balancing act is concerned. He stated that was one of the reasons he looked at the bill, and he had hoped there would be some middle ground somewhere along the way. However, he had talked to all the major parties involved, and it appeared that there could have been some middle ground in presenting the bill, but appears that is not the case now. He stated the committee's responsibility, after considering all testimony, is in balancing the costs, the potential substantial cost on one side, versus the public input we will lose on the other side.

PROPONENTS: Gene Braun, representing the Butte Montana Power Company, submitted testimony (Exhibit 3). He stated currently transmission lines with a design capacity greater than 69 kilovolts are "facilities" and persons constructing them are subject to regulation under the Major Facility Siting Act. MPC believes the 69 kV design capacity limit is arbitrary; and therefore, needs to be reexamined so that only "major" transmission line facilities are regulated. HB 397 allows the legislature to take a needed look at the design capacity limit, and to increase the limit and regulate only those facilities imposing impacts that truly are major. HB 397 does not radically change the facility siting process. If this bill passes, truly major facilities would

still need a certificate of environmental compatibility and public need before they could be constructed. Enactment of HB 397 will facilitate continuing efforts of utility companies like the Montana Power Company to provide reliable electric service in a timely and cost effective manner without causing any harm to the public or the the environment. He urged the committee to look favorably on this bill and give it a do pass. He distributed copies of a diagram mentioned by Rep. Spaeth for the committee consideration in the passage of HB 397 (Exhibit 3a).

WARD SHANAHAN, representing Joe Dewey, Manager, Chevron Resources, and managing partner of Stillwater Mining Company. He stated their company is planning to expand its mining operation to 1000 tons per day as soon as it can get the electric power to do so. This expansion can provide an additional 150 jobs. But the present limitation on power lines without a full Major Facility Siting Act review will prevent this from happening for at least two years. The company has similar plans for a mine in Sweetgrass County which will require a 161 KVA power line, which will be subject to review under the Hard Rock Mining Impact and Reclamation Acts. A further review of the power line under the Major Facility Siting Act would be a costly and unnecessary delay. He urged the committee to give this bill a do pass. (Exhibit 4).

OPPONENTS: Larry Fasbender, Director, Department of Natural Resources and Conservation submitted testimony (Exhibit 5). He stated the Department agrees that transmission lines of the size this bill proposes to exempt may not have the environmental impacts of larger lines. This fact alone is not sufficient to exempt these lines from the public review process the Major Facility Siting Act affords affected landowners and other concerned parties. If the purpose of this bill is to reduce costs to applicants, there are opportunities for reducing these costs through either rule making or other minor amendments to the Siting Act that the Department has previously offered to pursue with the utilities. Passing this bill would also eliminate any public input into the routing decision on the line. More often than not, the major environmental impacts of a transmission line can be mitigated by changing the location of the line. This means transmission line location decisions are crucial, especially to affected landowners. In absence of any public review process, the utility would negotiate the route of a line through the various landowner's properties. The impacts to public resources, such as waterfowl impacts or the spread of noxious weeds off the right-of-way would not be assessed as part of constructing the line. Landowners and the public have come to expect the right to be involved in decisions that affect them, their environment and their

property. Removing most transmission lines built in Montana from any public review process subordinates landowner's property rights to the utility's right to proceed with a condemnation proceeding in court. There would no longer be a public review of the need for the project, whether the project is the best alternative, or where is the best location for the facility. This bill is a giant step back for public involvement in environmental decisions that affect them or public resources. He suggested you give them the opportunity to allay their concerns administratively, rather than totally exempting these lines from public review. He urged the committee to give HB 397 a "do not" pass recommendation.

RUSS BROWN, representing the Northern Plains Resource Council, submitted testimony (Exhibit 6). He stated NPRC has been reluctantly involved in numerous transmission line siting decisions over the last decade. It is because of that direct involvement with the siting act, that we felt we should oppose HB 397. One of the major concerns NPRC has is that a major aspect of the Major Facility Siting Act has been the provisions that require a balancing of need versus the impact of a potential project. The siting of a transmission line can involve a condemnation action. How can we balance the "public use" of a project if the question of need is not addressed. He stated, in conclusion, NPRC does not feel that this bill would necessarily be doing the utilities any great favor. If you have an early notification process, and review the alternatives and come up with the "best" alternative, and if the public is fully involved in the process, you greatly lessen the chance for problems, particularly costly litigation at a later date. Thus, by going through the Major Facility Siting Act criteria, the utilities can be saved time and unnecessary expense. He asked the committee to give this bill a "do not" pass recommendation.

RICK MEIS, representing the Montana Environmental Information Center, submitted testimony (Exhibit 7). He stated MEIC opposed HB 397, for many of the same reasons that were mentioned in testimony presented by the Northern Plains Resource Council. He urged the committee to not pass HB 397.

JOAN TOOLE representing the League of Women Voters and herself as a member of the Board of Natural Resources, stated they believe this should be very carefully scrutinized regarding the need of this bill, and she felt we must encourage these people involved with these lines, and where they may end up on their property to become more involved, and she pointed out, this was not encouraged in the last

session and with that, she urged the committee to not pass HB 397.

REP. SIMON had questions regarding Mr. Fasbender's testimony, and felt there were conflicting ideas conveyed. He asked Larry if he could clarify, because on the one hand it was stated that they could handle the environmental impacts administratively, however, worried about a decision process. Also, in his testimony, Rep. Simon felt they were conveying major environmental impacts, and he was confused as to what DNRC really feels.

MR. FASBENDER stated the impact comes from building the line. He stated, however, if you can find an alternative to that, that would not require building a line, you would have eliminated any environmental impacts. The Department believes that the first assessment should be made as to whether or not, there is need for the line. He stated he had also pointed out in his testimony, that in some instances, proposals through spoken process were made. When you once assess the need for the line, and the need is there, obviously, there will be some impacts. DNRC thinks that in most cases, with some of those lines, the impacts are most likely low enough to society, that they would be willing to live with those impacts, as long as there is a need for the line. But it first must be decided if there really is a need, and without that decision, in all instances, you will have the impacts.

REP. GRADY asked Mr. Fasbender to give examples of where there would be no need for the lines.

MR. FASBENDER stated he does not pretend to have the engineering or the ability to explain how these things work, but he stated the engineer of the Department can provide this information to them at a later time, that would deal with specifics.

REP. HARP stated he had a concern regarding when the Bonneville Power Administration basically went around the siting act, and wondered if this was not the case on a 500 kV, when they are not even going through the review.

MR. FASBENDER stated there was a case on that, and stated essentially what happened was the court told them to close the line across federal property, and meet the state law. In other words, it was exempt as long as it was crossing private property, and it has not been decided about state property, but it had been performed when it did cross federal property. He stated, therefore, we did have the review as far as the line across federal property.

REP. HARP stated, therefore, in some cases, you had a review, and some cases you did not. He asked if in the 500 kV lines, when dealing with 130 feet high or over structures; concrete footings; major impacts; and no Major Facility Siting Act, has the Department experienced a lot of problems with landowners regarding environmental problems.

MR. FASBENDER stated this was a major controversy when building the Bonneville Power line, and it took a great deal of time before the line was finally sited. He stated, it did create a lot of problems, because of the federal exemption.

REP. HARP asked Mr. Fasbender, presently what the department has under review that would fall under the 100 kV to the 161 kV.

LARRY stated Montana Power could probably best answer this question more directly than himself, as far as the lines are concerned and which specific ones are under current review. He stated there are two projects that he is aware, and are both 100 kV projects.

REP. HARP then asked if there was a division in the Department that did just the siting act, and how many are employed in this area.

MR. FASBENDER stated there is a Facility Siting Bureau within the Department with 4.7 FTEs.

REP. COBB asked Mr. Fasbender if the Board of Natural Resources has ever denied a power line under this act.

MR. FASBENDER stated they set out the rules of the condition, and once this meets the centerline process, we may have altered where those lines have gone. However, as far as he is aware, they have never denied the construction of a line.

REP. HARPER asked Mr. Braun if there was a way to obtain access for further information of ongoing projects. He stated he is aware that the Power Companies are required to file a ten year long range plan to the Public Service Commission, and he assumed that the ten year plan would cover all details of the power line that might come under this act. He asked if he could provide the committee with exactly what power lines are being talked about, and he felt it might be somewhat easier for the committee to deal with this, regarding the magnitude of the change.

MR. BRAUN stated he would be most happy to supply this to the committee, and he pointed out, that they do supply a ten

year long range plan to DNRC which lists all of their anticipated construction and filing of transmission facilities. This information was submitted to the secretary at a later date, and was given to all committee members (Exhibit 8).

IN CLOSING, Rep. Spaeth stated, he felt we have heard a very good discussion and debate on this bill regarding both sides of the question, he stated we still get back to the balancing we must deal with. He stated, obviously, the Major Facility Siting Act is an extremely important act, and we have to decide whether that additional costs of \$500,000 or more, and a potential two year or longer delay in that area, is worth what we have on the other side. Granted, there are going to be protections that are going to be lost as far as the public is concerned, but stated, we do have a fair amount of protection built into the system, and he feels that the protections that are lost, are fairly made up in other areas, as far as landowners being involved in the process. He views the need question, and stated he does not see that as a terribly important question under the siting act to be dealt with, even though the Department does feel this is important. He stated the need is generally always found, however, he feels what is really needed is landowner protections. He stated we can minimize the impact for need here and he does not feel it is really a factor when looking at protections for the Facility Siting Act. He also does not feel it can be done just under rulemaking authority, and that is why he felt the bill was important, because this is a major action that we are taking, feels the Legislature has to be involved as opposed to doing a lot of what they are trying to accomplish through general rulemaking. He then urged the passage of this bill to the committee. Rep. Spaeth did mention at this time, that the Montana Mining Association did want him to speak in support of HB 397, on behalf of their organization.

HEARING CLOSED ON HB 397.

ADJOURNMENT: There being no further business to come before the committee, the hearing was adjourned at 2:55 p.m.

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TOM JONES, Chairman

# DAILY ROLL CALL

NATURAL RESOURCES

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date January 30, 1987

NAME	PRESENT	ABSENT	EXCUSED
TOM JONES, CHAIRMAN	✓		
CLYDE SMITH, VICE CHAIRMAN	✓		
KELLY ADDY	✓		
TOM ASAY	✓		
JOHN COBB	✓		
BEN COHEN	✓		
ED GRADY	✓		
JOHN HARP	✓		
HAL HARPER	✓		
MIKE KADAS			✓
AL MEYERS	✓		
JOAN MILES	✓		
MARY LOU PETERSON	✓		
BOB RANEY	✓		
RANDE ROTH	✓		
ANGELA RUSSELL	✓		
BRUCE SIMON	✓		
BILL STRIZICH	✓		
STAFF: EQC HUGH ZACKHEIM			

1/30/87

HB 404 - Act providing a 60 day time limit  
for the Board of Natural Resources and Conservation's  
Centerline Decision

Before constructing a transmission line, the Montana Major Facility Siting Act (MFSA) requires that a certificate of environmental compatibility and public need be obtained. To obtain this certificate, the applicant must prove to the Board of Natural Resources and Conservation (BNRC) that the line is needed, and that the "corridor" is the best environmental alternative. The certificate usually contains many conditions, including the requirement that the applicant later submit a "centerline" location plan, describing site specific alternatives within the BNRC established corridor. The DNRC then prepares a centerline report, and the BNRC chooses the alternative with the minimum environmental impacts.

MFSA as presently written, however, imposes no time limit on the BNRC to reach a centerline decision. Unfortunately, this has lead to delay by the BNRC in making such decisions. This delay leaves the applicant with only two difficult choices: wait for the BNRC to finally act and thereby loose valuable time in constructing the line to provide needed electrical service; or bring lengthy and expensive legal action to obtain a Writ of Mandamus forcing the BNRC to act. Neither choice is desirable. Therefore, HB 404 is necessary to change MFSA and makes the BNRC accountable and responsible to the people of Montana.

HB 404 remedies the problem by requiring the BNRC to make a centerline decision within 60 days after the DNRC submits its centerline location report. Sixty days is a reasonable period of time. Presently, the BNRC has 60 days after submission of the hearing examiner's recommendations to issue a decision on the original certificate (establishing the corridor), which involves not only the environmental issues, but also the question of need



for the facility. In addition, before the 60 day centerline "clock" starts ticking, the BNRC should be abundantly familiar with the issues since it already reached a corridor decision. Finally, the BNRC would have more than two regularly scheduled (bi-monthly) meetings to discuss the centerline issues. The DNRC could notify the BNRC upon receipt of an applicants' centerline plan at one meeting, submit the DNRC centerline report to the BNRC at a future meeting, and thereby start the 60 day limit until the next BNRC meeting. Conference calls are also available.

The very integrity of MFSA requires all parties in the process to act responsibly. The applicant must gather extensive data concerning the facility. The DNRC must analyze the data and make recommendations. And the BNRC must make timely final decisions, no matter how difficult, affecting the facility. HB 404 doesn't direct the BNRC on "how" to make these decisions, only that it must approve "some" centerline and make a decision for transmission facilities, in a timely fashion. The applicant, and its customers, deserve no less.

Montana Power Company  
Arthur V. Wittich



EXHIBIT (3)  
DATE 1-30-87  
HB 397

WITNESS STATEMENT

NAME Gene Brean BILL NO. 397  
ADDRESS Butte Montana DATE \_\_\_\_\_  
WHOM DO YOU REPRESENT? Montana Power Co  
SUPPORT W 397 OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1/30/87

( 5 )  
1-30-87  
397

HOUSE BILL 397 - INCREASE KILOVOLT THRESHOLD FOR THE PURPOSE  
OF DEFINING A "MAJOR" TRANSMISSION FACILITY

Currently, transmission lines with a design capacity greater than 69 kilovolts (kV) are "facilities" and persons constructing them are subject to regulation under the Major Facility Siting Act (MFSA). We believe the 69 kV design capacity limit is arbitrary; and, therefore, needs to be reexamined so that only "major" transmission line facilities are regulated. House Bill 397 allows the legislature to take a needed "fresh look" at the design capacity limit, and to increase the limit and regulate only those facilities imposing impacts that truly are major.

The cost of siting (in both time and money) a line that is regulated can be staggering. For a 30 mile, 100 kV line, the cost of compliance can exceed \$500,000. The time required to complete the MFSA process can easily exceed two years.

Why are costs so great under the MFSA? The answer is that the process is cumbersome. Compliance with MFSA requires: extensive data gathering by the applicant, preparation of draft and final environmental impact statements by the Department of Natural Resources and Conservation (DNRC), conducting a contested case hearing, awaiting a certificate decision by the Board of Natural Resources and Conservation (BNRC) regarding the environmental compatibility and public need of the transmission line, further data gathering by the applicant on site specific centerline considerations, preparation of a centerline location report by the DNRC and, finally, the awaiting of a decision by the BNRC approving one of the centerlines. The benefits of this involved process undertaken to site smaller transmission lines, simply, do not justify the extensive commitment of time and money.

Through the MFSA, the public can become involved in examining whether or not the transmission line is needed. This is valid public policy for major transmission facilities. For a smaller transmission facility, however,

this review is unnecessary. Smaller transmission facilities are not built unless present data and forecasts show that there is a need to provide more energy to meet growth or to provide system reliability. An application for a transmission facility has never been denied based on a lack of evidence proving need.

Environmental data is gathered and reviewed through the MFSA process to ensure the transmission line is sited with "minimum environmental impacts." The opportunity for utility companies to construct a straight line transmission facility between points A & B, however, are long gone. The Montana Power Company, for example, employs an environmental department to evaluate sites for proposed transmission facilities. Choosing the path of least resistance in order to reduce the need to expend time and money is preferable to expending time and money in condemnation actions. Public relations and public acceptance of facilities are now standard company policy goals. Further, affected land owners must be contacted so that right of ways for the transmission lines may be negotiated and purchased.

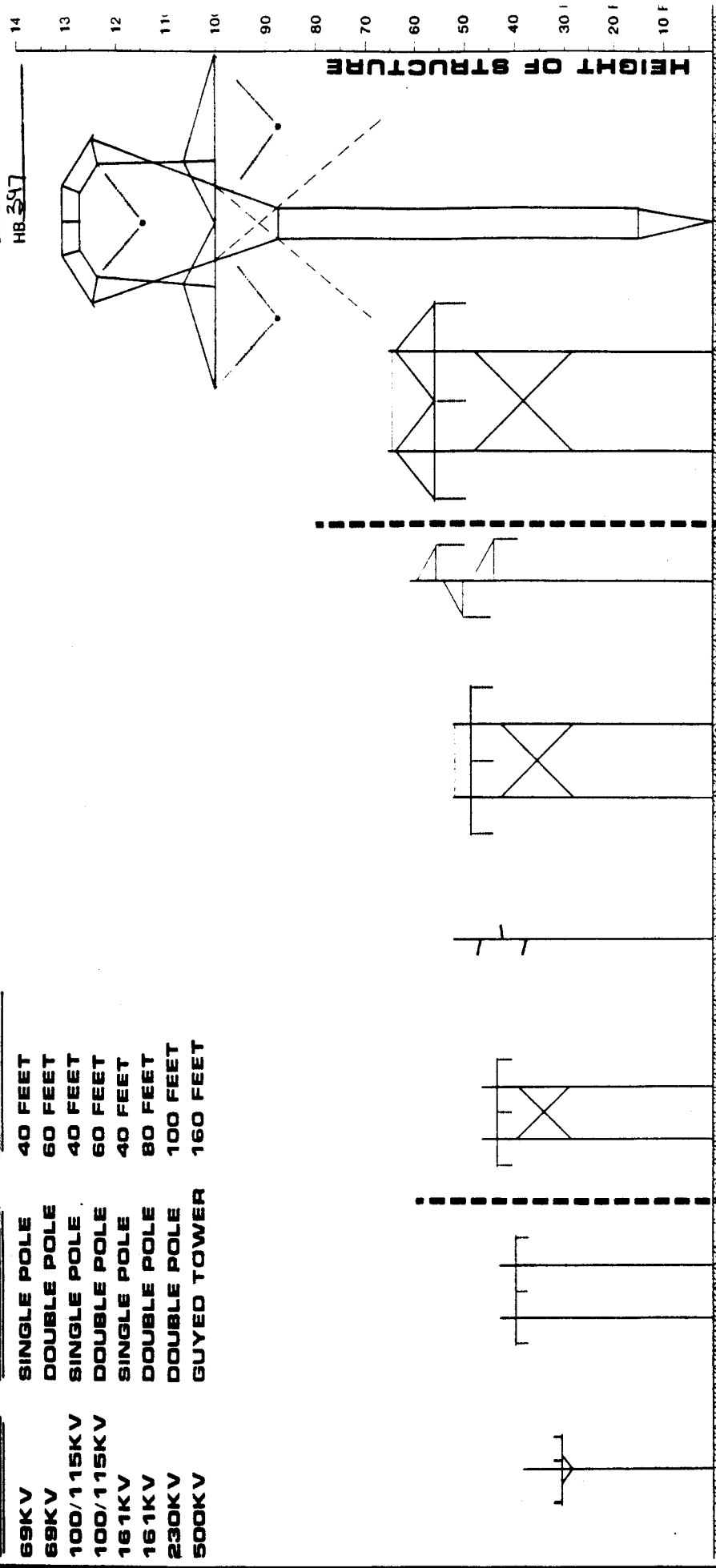
When all factors are considered, the costs of siting smaller transmission lines far outweigh the benefits derived from the process. In fact, the benefits are available without the complicated matrix of regulation imposed by the MFSA.

HB 397 does not radically change the facility siting process. If this bill passes, truly major facilities (transmission lines larger than 161 kV, generating plants, coal gasification plants, etc.) would still need a certificate of environmental compatibility and public need before they could be constructed. Enactment of HB 397 will facilitate continuing efforts of utility companies like The Montana Power Company to provide reliable electric service in a timely and cost effective manner without causing any harm to the public or to the environment.

The Montana Power Company  
Arthur V. Wittich

EXHIBIT (3a)  
 DATE 1-30-87  
 HB 347

<u>VOLTAGE</u>	<u>STRUCTURE</u>	<u>R/W WIDTH</u>
69KV	SINGLE POLE	40 FEET
69KV	DOUBLE POLE	60 FEET
100/115KV	SINGLE POLE	40 FEET
100/115KV	DOUBLE POLE	60 FEET
161KV	SINGLE POLE	40 FEET
161KV	DOUBLE POLE	80 FEET
230KV	DOUBLE POLE	100 FEET
500KV	GUYED TOWER	160 FEET



69KV 100/115KV 161KV 230KV 500KV

CURRENT EXEMPT  
FACILITIES

PROPOSED EXEMPT FACILITIES

# THE MONTANA POWER COMPANY TYPICAL TRANSMISSION STRUCTURES

NAME Ward A Shanahan BILL NO. HB 397  
ADDRESS 301 First National Bank Bldg, HELENA DATE Jan 30 1987  
WHOM DO YOU REPRESENT Chevron Corporation  
SUPPORT X X X OPPOSE                      AMEND                     

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY. SEE ATTACHED

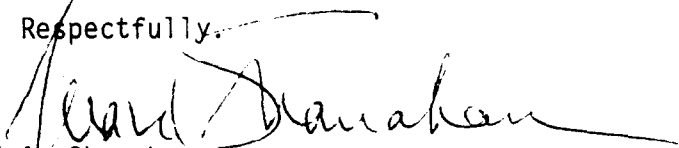
Comments: Mr Chairman and members of the committee:

Thank you for allowing me to present the prepared statement of Mr.  
Joe Dewey the Project Manager of the Stillwater Mine at Nye.

I'm the registered lobbyist for CHEvron whose subsidiary Chevron Res-  
ources is the managing partner for this important new Platinum mine.

I'll try to answer any questions you may have about Mr Dewey's state-  
ment. For those questions I can't answer I'll be pleased to get the  
answers for you, as soon as I can.

Respectfully,

  
Ward A. Shanahan  
Tel: 442-8560 Helena

301 First National Bank Bldg  
P.O. Box 1715

Mr Chairman and members of the committee:

My name is Joe Dewey. I'm project manager for Chevron Resources the managing partner of Stillwater Mining Company. The company is completing construction of a 500 ton per day Platinum mine at Nye Montana.

I appreciate the opportunity to appear here today in support of HB 397 which is really an economic growth and jobs bill. Let me explain. Our company is planning to expand its mining operation to 1000 tons per day as soon as it can get the electric power to do so. This expansion can provide an additional 150 jobs. But the present limitation on power lines without a full Major Facility Siting Act review will prevent this from happening for at least two years.

The company also has plans for a similar mine in Sweetgrass County which will require a 161 KVA power line. This mine will be subject to review under the Hard Rock Mining Impact and Reclamation Acts. A further review of the power line under the Major Facility Siting Act would be a costly and unnecessary delay.

I strongly support a DO PASS recommendation on HB 397. I hope you will all give it your unqualified approval. Thank you very much.



DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION

EXHIBIT (5)  
DATE 1-30-87  
HB 397



ED SCHWINGEN GOVERNOR

1520 EAST SIXTH AVENUE

STATE OF MONTANA

DIRECTOR'S OFFICE (406) 444-6699

HELENA, MONTANA 59620

My name is Larry Fasbender, Director of the Department of Natural Resources and Conservation. The Department opposes HB 397 as it would exempt most of the major transmission lines built in Montana from any public review process.

The Department agrees that transmission lines of the size this bill proposes to exempt may not have the environmental impacts of larger lines. This fact alone is not sufficient to exempt these lines from the public review process the Major Facility Siting Act affords affected landowners and other concerned parties. Since utilities' power of eminent domain allows them to take landowners property to build these lines through condemnation proceedings, this bill would effectively remove the public and these landowners from the decision process. If the purpose of the bill is to reduce costs to applicants, there are opportunities for reducing these costs through either rule making or other minor amendments to the Siting Act that the Department has previously offered to pursue with the utilities.

The lines this bill proposes to exempt from the siting review process are 100 kV, 115 kV and 161 kV lines. These lines are part of the bulk transmission grid and are designed to move large amounts of power from where it is generated to substations for distribution to areas of load. For example a 115 kV line is capable of moving the entire output of Canyon Ferry dam. There is not generally a direct benefit to the landowner whose land is crossed by one of these lines as is the case with the power poles that run through your property and provide you with electricity.

Since the benefits of these lines are not readily apparent to these landowners, the first question they always ask in the siting process is, "is this line needed?" This is the most crucial decision in environmental regulation because if the line is not needed then none of the environmental impacts have to be borne and personal property need not be taken. Once it is

determined that the facility is needed, then the question becomes the level of environmental impact that is acceptable. Removing these lines from the siting process eliminates any public review of the need for these lines.

Whether a particular line is the best way to solve an electrical problem in the system or whether there are better alternatives that solve the problem and do not involve building a particular line is the next question affected landowners and the public want answered. In fact in our most recent transmission line project in the Flathead Valley, a member of the public suggested a non transmission alternative at a public scoping meeting for the project. This alternative involves tying two existing lines together by building a substation where they cross. The utility is currently reviewing the viability of this suggestion as it is a technically feasible solution. This alternative would completely eliminate the environmental impacts of the originally proposed line because the line would no longer need to be built. This review of alternatives is another significant component of the independent assessment that would be foregone if this bill were passed.

Finally passing this bill would eliminate any public input into the routing decision on the line. More often than not the major environmental impacts of a transmission line can be mitigated by changing the location of the line. This means transmission line location decisions are crucial, especially to affected landowners.

In absence of any public review process, the utility would negotiate the route of a line through the various landowners properties. The impacts to public resources, such as waterfowl impacts or the spread of noxious weeds off the right-of way, would not be assessed as part of constructing the line. If a landowner objected to the line crossing their property, the only recourse would be to fight the line through condemnation proceedings. If the adjacent landowners had already agreed to grant a right-of way, then the affected landowner would be stuck between predetermined endpoints on either side of the affected property.

For example, a landowner whose neighbors already negotiated with the utility for easements along their fence lines might end up with a transmission line crossing cultivated land or a center pivot irrigation system because that was the direct line between his two neighbors' negotiated route with the utility. The middle landowner would have little choice on the location of the line because of decisions made by adjacent landowners. In all likelihood he would be unsuccessful in condemnation proceedings, even if he had the financial resources to pursue the matter through the courts. Such an outcome makes little sense when compared to a public process designed to minimize impacts along the entire length of a transmission line.

Landowners and the public have come to expect the right to be involved in decisions that affect them, their environment and their property. Removing most transmission lines built in Montana from any public review process subordinates landowners' property rights to the utility's right to proceed with a condemnation proceeding in court. There would no longer be a public review of the need for the project, whether the project is the best alternative, or where is the best location for the facility.

This bill is a giant step back for public involvement in environmental decisions that affect them or public resources. I do not see the public interest being served by exempting these transmission lines from public review. We are committed to working with industry to reduce their application requirements for these smaller lines. I would suggest you give us the opportunity to allay their concerns administratively, rather than totally exempting these lines from public review.

Given the concerns I mentioned, I recommend the Committee give HB 397 a "do not" pass recommendation.

# 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

House Natural Resource Comm.  
Testimony in Opposition  
to House Bill 397 (Spaeth)  
January 30, 1987

EXHIBIT (6)  
DATE 1-30-87  
HB 397

Mr. Chairman and Members of the Committee,

For the record, my name is Russ Brown and I work for Northern Plains Resource Council. We are testifying in opposition to House Bill 397.

Mr. Chairman, Northern Plains has been reluctantly involved in numerous transmission line siting decisions over the last decade. It is because of that direct involvement with the siting act that we felt compelled to oppose HB 397s' exempting transmission lines of up to 161 KV from the review process of the Major Facility Siting Act.

Our concerns run deep, but fortunately, our testimony is brief.

\*One of the major aspects of the Major Facility Siting Act has been the provisions that require a balancing of need versus the impact of a potential project. The siting of a transmission line can involve a condemnation action. How can we truly balance the "public use" of a project if the question of need is not addressed?

\*Over the last several years, we have watched closely as the Department of Natural Resources & Conservation has worked in conjunction with the utility industry to develop alternative siting criteria. One of the rationals for the early study of the alternatives was to insure that the best alternative is chosen, after full public review. We feel that this alternative selection process is crucial to the intent and mandates of the siting act, and should not be omitted.

\* Along these lines, and excuse the choice of words, we feel that

130.87

397

that the Siting Act provides a formal process for the early notification of affected landowners along a corridor or centerline. As the utilities well know, this early notification can avoid possible problems of miscommunication and possible adversarial problems at a later date.

Mr. Chairman, in conclusion. We truly don't feel that this bill would necessarily be doing the utilities any great favor. If you have an early notification process, if you review the alternatives and come up with the "best" alternative, and if the public is fully involved in the process, you greatly lessen the chance for problems, particularly costly litigation at a later date. So by going through the Major Facility Siting Act criteria, the utilities can be saved time and unnecessary expense.

Mr. Chairman and members of the Committee, thank you for the opportunity to comment in opposition to HB 397.

Russ Brown  
NPRC Staff



EXHIBIT (7)  
DATE 1-30-87  
HB 397

## The Montana Environmental Information Center Action Fund

• P.O. Box 1184, Helena, Montana 59624

(406)443-2520

Mr. Chairman, members of the committee, for the record my name is Rick Meis. I represent the members of the Montana Environmental Information Center.

We oppose HB 397, which would increase the kilovolt threshold for the purpose of defining a transmission line under the Major Facility Siting Act.

One of the important rights we share in this country is to express our concerns about that which goes on around us. This bill proposes to limit that right by exempting most power transmission lines from the public review process, which is now guaranteed under the law.

Currently under MFSA, federal powerline projects, such as Bonneville Power Administration and others which usually are in the 270 to 500 kilovolt range, are exempted. The Board of Natural Resource and Conservation does make suggestions on these lines as to impacts, but there is no requirement to comply. Since MFSA was enacted in 1977, it has been amended to exempt 69 kv lines.

Now you are being asked to exempt transmission lines up through 161 kilovolts. This makes up the majority of the transmission lines used throughout our state. That just doesn't make sense.

The issue here is not only the environmental effects, but also that property owners will lose their right to be involved in the public review process. Without this bill companies are able to build powerlines and the companies do have the power of eminent domain.

To give you an example of what is at stake here let's look at the major lines that have been approved since the MFSA was enacted. The Board of Natural Resources has approved 27 powerlines. Of these, 2 were exempted under the 69 kv amendment. Five were exempt federal projects. Under HB 397, had it been in effect at that time, 17 of the remaining 20 would have been exempt. That means less than one out of six would have been reviewed. Of the 27 approved only 3 would have been examined through the MFSA process.

What does the future hold? I will give an example based on the Montana Power Company's Long Range Plan, which covers 10 years, and includes 6 possible transmission lines which have not undergone processing by the Board of Natural Resources. Currently, all 6 would fall within the NFSA review process. But if HB397 passes, only 3 of these will be reviewed.

I want to emphasize that these figures represent MPC's long range plans, and are subject to change; and there are several other companies which may build lines.

Clearly the majority of transmission lines planned for Montana fall into the range of size which this bill proposes to exempt from the Major Facility Siting Act. It just does not seem fair to require Montana's property owners to endure the impacts of transmission line construction without involvement in a public process to evaluate need and possible alternatives.

Under NFSA today, Montana's utility companies are required to show that their proposed transmission lines are the best alternative. NEIC is concerned that if HB 397 passes, utility companies may simply decide on the least costly alternative without consideration for the affected public.

NEIC urges that the committee give HB 397 a "strongly opposed" recommendation. The bill is.

**POOR  
COPY**

MEMORANDUM

TO: Representative Hal Harper  
FROM: Art Wittich  
DATE: February 2, 1987  
RE: Effects from HB 397 on Long Range Plan

In response to your question, HB 397 would effect projects from MPC's Ten Year Plan as follows:

I. Projects already Certified and Centerline approved:

1. Sheridan - Ennis 161 kV
2. Bozeman - Ennis 161 kV
3. Ennis - Big Sky 161 kV
4. Clyde Park - Emigrant 161 kV
5. Bonner Substation 161 kV

II. Projects Certified and pending Centerline approval:

6. Laurel - Bridger 100 kV
7. Judith Gap - Glengarry 100 kV
8. Emigrant - Gardner 69 kV

III. Projects not effected by HB 397 due to design capacity:

9. Three Forks - Helena 230 kV
10. Ovando - Missoula 230 kV
11. Helena - Great Falls 230 kV

IV. Upgrades not effected by HB 397

12. Madison - Three Forks rebuild
13. Great Falls - Two Dot rebuild
14. Great Falls - Morel rebuild

V. Potential Transmission (effect of HB 397 unknown):

15. Three Rivers - Jackrabbit 161 kV
16. Golden Sunlight 161 kV
17. Big Timber - Nye 161 kV

VI. Projects anticipated in near term (and directly effected by HB 397)

18. Anaconda - Phillipsburg - Drummond 100 kV



EXHIBIT (8)  
DATE 1-30-87  
HB 397

19. Roundup - Ivanhoe 100 kV
20. Plains - Superior - St. Regis 100 kV

As you can see, only three MPC projects would be directly effected by HB 397 in the near term. Applicable pages from the 1986 Long Range Plan are attached for your additional reference. If you need any additional information, please let me know.

1986

TRANSMISSION  
Ten-Year Plan

Project & General Location	Voltage (KV)	Approx Length (Miles)	1986				1987				1988		1989	1990	1991	1992	1993	1994	1995
			1st Qtr		2nd Qtr		3rd Qtr		4th Qtr		1st Half	2nd Half							
			1st Qtr	2nd Qtr	1st Half	2nd Half	1st Half	2nd Half											
Shelby-Eden-Ennis	161	21.8	R	R	R	R	R	C	C										
Bozeman-Ennis	161	51	P	P	P	P	P	C	C	C	P	C	C	R	R	R			
Ennis Big Sky	161	25	P	P	P	P	P	C	C	C	C	R	R						
Laurel-Bridger "B"	100	25	CT	CL	CL	CL	CL	CL	CL	CL	P	P	C	C	R	R	R		
Anaconda-Phillipsburg-Drummond	100	52	S	S	S	S	S	F	CT	CT	CT	CT	CT	CL	CL	CL	P	P	
Three Forks-Helena	230	50						S	S	S	F	CT	CT	CT	CL	CL	CL	P	
Roundup-Ivanhoe	100	41	S	S	S	S	F	CT	CT	CT	CT	CT	CL	CL	P	P	C	C	
Ovando-Missoula	230	60										S	S	S	F	CT	CT	CT	CL
Plains-Superior-St Regis	100	25						S	S	S	S	F	CT	CT	CL	CL	P	P	
Goddard Gap-Glengarry	100	32	CL	CL	CL	CL	CL	P	P	C	C	C	R	R	R				
Clyde Park-Emigrant Line Tap	161	42	C	C	C	C	C	C	C	R	R	R							
Emigrant-Gardiner	69	25	CL	CL	CL	CL	P	P	P	P	C	C	R	R					
Bonner #4 Substation	161	15	P	P	P	P	P	P	P	P	P	C	C	R	R				
Helena-Great Falls	230	80									S	S	S	F	CT	CT	CT	CL	CL

F = File Application

S = Study Time

CL = State Approval of Centerline

C = Construction

R = Post Construction Reclamation

CT = State Approval of Certificate

P = Preconstruction

LEX A6

EXHIBIT (8)  
DATE 1-30-87  
HB 397

TRANSMISSION PROJECT FOR CONVERSION TO HIGHER  
VOLTAGE LEVELS OR TO BE RECONDUCTORED

Project & General Location	Voltage (kV)	Approx Length (Miles)	1986				1987		1988	1989	1990	1991	1992	1993	1994	1995
			1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	1st Half	2nd Half								
Hudson-Three Forks Rebuild	50/100	28.9	S	S	S	F	CE	CE	P	C	C	C	R	R	R	
Great Falls-Two Dot Rebuild	100	81.8									S	S	F	CT	CT	CT
Great Falls-Morel Rebuild	100	121.1					S	S	S	F	CT	CT	CT	CL	CL	CL

1 = File Application

2 = Study Time

3 = Preconstruction

4 = Construction

5 = State Approval of Certificate

6 = State Approval of Centerline

7 = State Approval of Exempt Facility

8 = Post Construction Reclamation

EXHIBIT (8)  
DATE 1-30-87  
HB 397

POTENTIAL TRANSMISSION

Project & General Location	Voltage (KV)	Approx Length (Miles)	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995
Three Rivers-Lackrabbit	161	30	S	S	S	S	S	S	S	S	S	S
Golden Sunlight-Renova	161	15	S	S	S	S	S	S	S	S	S	S
Big Timber-Mye	161	40	S	S	S	S	S	S	S	S	S	S

S = Study Time

NOTE: These facilities are dependent on new loads or substantial load growth.

EXHIBIT (8)  
DATE 1-30-87  
HB 397

## VISITORS' REGISTER

NATURAL RESOURCES

COMMITTEE

BILL NO. HB 358; HB 397; HB 404;  
HB 408

DATE JANUARY 30, 1987

SPONSOR BARDANOUE; SPAETH; HARP; IVERSON

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
ART WITTICH	MPC - Butte	✓ 397, 404	
Gene Braun	M.P.Co - Butte	397 404	
Gary Fritz	MDNRC	358, 405	
Steve Fry	MDNRC	358	
Joan Toole	1 L.W.V. Mt. 2 SELF	<del>397</del> <del>404</del>	397 404
Tom Collins	ASA RCO	397	
David M. Smith	Calato - MRWS	358	
Rick Meis	MT Environmental Info Center		X 397
Larry Tashard	DNRC	404	397
Don Shaefer	"	404	397
RICHARD BONDY	Bo Helena	358	
Russ Brenn	Helena NPRC	As Amended 404	397
Al (Bob)	BUTTE BWC		408
Ward Senahan	Helena MT	397	
Mike	MRWS		
GEORGE OCHENSKI	MT. ENV. INF. CNTR		<del>397</del> amend 4
R.A. Ellis	1135 Sierra R & E Mont. Water Development	358 404	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.