

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

March 11, 1987

The meeting of the Natural Resources Committee was called to order by Chairman Tom Jones on March 11, 1987, at 1:00 p.m. in Room 312 of the State Capitol.

ROLL CALL: All committee members were present.

SENATE BILL NO. 292: Senator Tom Keating, District 44, stated SB 292 is an act to eliminate baseline studies of alternative sites for energy generation and conversion facilities from the Montana Major Facility Siting Act and to clarify rulemaking authority of the Board of Natural Resources and Conservation. He stated as the committee is aware, the MFSA deals with the conversion of coal into some other form of energy or some other useful product. For the purposes of building a factory or building a physical plant for the conversion of coal, the plant must go through a process for protection of the environment, for proving that there is a need for the project and to prove that there is not an alternate product and all other related requirements. In the course of the siting, the law requires that the applicant wanting to build a site, must designate two alternate sites to the principle site and do a full environmental impact statement for a full baseline data report on all three sites before the permitting process is initiated. A full environmental impact statement is a costly item, it's an up front cost, it takes about five years, at a minimum, to locate or site a facility, these full environmental impact statements on alternate sites are additional costs to the applicant and most often this additional cost is completely unnecessary, because the alternate sites will never be used, will never be looked at, and really have no purpose by the applicant, other than they are required in the law. Senate Bill 292 then eliminates the requirement in the law, that an applicant in the private sector, who is going to convert coal to some other product for sale in the private sector or in the market place, will not be required by law to do a full environmental impact statement or gather the baseline data on alternate sites. However, whereas he is not required to do that, the applicant may do so on a voluntary basis and pay the up front costs for those alternate sites and present that to the Board of Health and the Department of Natural Resources. If he chooses not to do it voluntarily, then the Department nevertheless, will have the authority to conduct the baseline studies on their own for use in their purposes determining the permitting for the

primary site. The applicant is at risk, in that if he chooses a single site and goes through the permitting process, he takes the risk that he can be denied the permit on that site, and then he must go back and start all over again. We think the merits of alleviating that up front, because the operator knows what site he wants, where it is best suited for his particular business and purpose, and he will be required to do all the other things necessary to protect the natural environment to protect the economic environment and all of the other things that are required under the MFSA he will have to do for that single location. Then, if that site is not approved, he must decide whether he wants to continue someplace else, or he wants to give up the project altogether. Most of the time, he will find that the primary site will be permitted, because before going into this thing, he has done sufficient studies, because he has millions of dollars at risk, and so he's going to be prudent in the selection of the site before he gets involved in the permitting process.

PROPOSERS: JIM MOCKLER representing the Montana Coal Council stated they do support the bill. He stated this bill does present some risk to the applicant, risks that he feels the applicant will be willing to take in avoiding a lot of costs. Before he goes very far in spending millions of dollars to obtain a permit for a major facility, the applicant will do an analysis, which is his way of deciphering whether or not he can meet all the environmental requirements on that site, before going ahead with the permitting process. He stated this bill primarily gives the opportunity to the applicant to have that flexibility to decide whether he wants to do that or not. He said this bill also portrays the willingness of the Department of Natural Resources to work with potential people, to try and make the Facility Siting Act somewhat more streamline and reasonable. They have worked with the Department on the compromise before the committee and he urged the committee to pass this bill.

BILL QUINN representing the Montana Power Company stated they support this legislation, and feel any measure to help streamline the process would be greatly appreciated by all involved parties.

VAN JAMISON, Administrator of the Energy Division for the Department of Natural Resources, stated DNRC supports SB 292 as it passed through the Senate. He stated the persons that have presented testimony before him have accurately portrayed what the bill does, which eliminates the requirement for the applicant to study at the baseline level, alternate locations for their facility. At the same time it eliminates that requirement, it retains the Board decision making

authority and the public involvement process that is essential to insuring public protection in the Major Facility Siting Act as it was originally intended to provide. He urged the committee to give SB 292 favorable recommendation.

LORNA FRANK representing approximately 3,500 Farm Bureau members, submitted testimony (Exhibit 1). She stated they support changes to the Montana Facility Siting Act which would provide a reasonable and more realistic regulatory climate under which any needed and desirable facility could be effectively and feasibly completed. They feel SB 292 does this, and asked the committee for a do pass recommendation.

MIKE MICONE representing the Western Environmental Trade Association stated they do concur with this bill and feel the bill gets rid of a lot of the excess baggage and streamlines the effort, yet still protects what the Department is attempting to do.

STUART DAGGETT representing the Montana Chamber of Commerce stated their organization supports this bill and he urged the committee to please do the same.

OPPONENTS: RUSS BROWN representing the Northern Plains Resource Council submitted testimony (Exhibit 2). He stated the committee has heard that this bill is a simple measure, supported by industry and the Department because it doesn't really do much, it just eliminates the requirements that an applicant for a siting act permit only does baseline studies for one proposed site. Under this bill, the Board of Natural Resources would be prohibited from collecting information unless the applicant specifies. This is a bad idea. Eliminating the requirement that baseline data be gathered for the primary and alternative sites precludes meaningful consideration. By looking at alternatives, the Siting Act provides a balancing mechanism between "need", and social and economic costs. Since the applicants to in effect hold the public hostage, proposing generation of "needed" energy at an unknown social and economic cost. SB 292 would require the Board to make decisions without the data or analysis required for other major actions through the Montana Environmental policy act. After years of rulemaking, with active participation by industry and the public, the Montana Major Facility Siting Act sets up a process where investment by the applicant and the public is minimized. Under SB 292, the Board and the Department would have insufficient information to make such a decision. The issue, then, is whether the Legislature wishes to select the best site, or merely to certify hopefully an adequate location. Mr. Brown then offered an amendment to SB 292 for their consideration (Exhibit 2a). He also submitted

testimony on behalf of Hal Robbins, from the Department of Health and Environmental Sciences (Exhibit 2aa).

TERRY CARMODY representing the Montana Farmers Union, stated they do not oppose streamlining the Major Facility Siting Act, however, by principle, they are very concerned they are losing protection of the siting of transmission lines. Under existing law, they have to take a look at alternatives when putting a transmission line up, and it is their opinion, under this law that they would not have to do that. They are fearful that some place, sometime, some farmer will have a tower sitting in his back yard, and because of these concerns, they do oppose this bill.

REP. MILES stated she had a problem with the language on page 2, regarding the word "minimize" and asked with the ability of being able to gather data on alternative sites, why we should delete the requirement that the site chosen represents the "minimum adverse impact."

MR. JAMISON stated the wording in the bill is at the suggestion of DNRC and the reason being, it has been their experience in evaluating facilities that even if we get everyone that is participating in the public process to agree on impacts, how you weigh those impacts becomes very important as to whether or not you construe something to be the "minimum." The terminology "minimum" suggested here is a single alternative that is "the minimum" that would represent the minimum adverse environmental impact. If you weigh land impacts more than you would weigh visual impacts, you may choose one route as compared to another, as to the minimum location for a transmission line. It is their feeling that this change provides the Board of Natural Resources an opportunity to find in its collective, what alternative, whether it be an alternative facility or an alternative location, is the best way of minimizing those impacts, given the nature and the economics considered in the review.

IN CLOSING, SENATOR KEATING stated the need for economic activity in the state is becoming more and more apparent. As he had stated before, the coal in the ground has no value. Until taken out of the ground and utilized for a production purpose, coal has no value. He stated we need to be more aware of the opportunities in developing our natural resources because anyone of these developments will provide jobs, and we sorely need jobs in this State. In order to have jobs, naturally you need investors, you need someone who wants to put some money at risk, in hopes of developing a program whereby the laborer can earn his living and the stockgrower can get a return on their investment and Montana can benefit from the development of her natural resources.

With that, he thanked the committee for their time and consideration in the hearing of SB 292.

HEARING CLOSED ON SB 292.

SENATE BILL NO. 329: SENATOR CHET BLAYLOCK, District 43, sponsor, stated the first thing he would like to point out to the committee that this bill is not putting something new into our codes, stating 76-12-102, essentially is a natural areas act and that is already in law. He stated what this bill does is, hopefully accomplish more than what it has since 1974. SB 329 would emphasize public private cooperation and the avoidance of duplication, some of which is going on now, and is wasteful, which they want to make more efficient. He stated in section two the natural areas listed in registration are key new words and they translate into coordination with a number of agencies now, having a tremendous amount of land in this state, with the state lands and the federal lands that are involved which no one really knows what's going on. Sen. Blaylock went through the bill section by section, and emphasized that section 4 regarding the new methods of recognizing natural areas bring in private money to help fund, plus registration options to both decrease the cost to the state. This is one of the main points of the bill, is the ability to bring in private money which would go into a fund in the Department of State Lands to be used for these registering, helping set up and identifying these natural areas. He stated they do have amendments to the bill, which he distributed to the committee (Exhibit 3). These amendments revise the title of the bill to make it more accurately reflect, stating this is the revision of the natural areas act of 1974. When the bill was first received, there was a statutory appropriation in the bill, but we realized they could not do that in the Senate, so they pulled this out, and it would have to be put in by the House.

PROPONENTS: JOAN BIRD, on behalf of the Nature Conservancy, submitted testimony (Exhibit 4). She stated some of you may be asking the question, why do we need a Natural Areas System in Montana. We have state parks, game ranges, scenic river corridors, wildernesses, wildlife refuges. So why do we need another category. Every one of those other areas are set aside primarily for recreation. None of them are chosen on the basis of their scientific merit. The push for the identification and designation of natural areas originated among scientists who were concerned about the loss of habitat and biological diversity. SB 329 creates a structure for the lowest-possible-cost natural areas system, borrowing techniques that the Conservancy uses to stretch its dollars. And it requests no money from the state for this biennium. It will give this program the authority to

accept private donations of money, land or conservation easements. If and only if money can be found from private sources, will this program be implemented. It is their hope that we can find the private dollars to start the program. It is our further hope that some future date, the economic picture will be rosier in Montana. At that point, the legislature could decide, based on the merits and accomplishments of the program, whether it was of sufficient value to the people of this state to merit public funding. The most significant change between the old Montana Natural Areas Act, and this new one, is that the old one required all state natural areas to be owned by the state. SB 329 provides that already existing natural areas on public lands can be counted in a statewide system by the registering process, referred to on page 5, number of the bill. It also provides that privately owned land may be designated as a natural area, if the landowners are willing. The Natural Conservancy uses two different kinds of agreements with its permanent legal agreement offering considerable tax benefits to some landowners. We also use voluntary protection agreements which are not legally binding, and can be cancelled at any time. Both kinds of protected properties could be natural areas, under the provisions of SB 329. TNC is providing the committee with a folder giving basic information on natural areas. It features a picture of Crown Butte, a site which was targeted by the original Natural Areas Committee and eventually purchased by The Natural Conservancy. (Exhibit 4a). With that, she urged the committee to do pass this bill.

DENNIS HEMMER representing the Department of State Lands submitted testimony (Exhibit 5). He stated DSL supports the amendments to the Natural Areas Act contained in SB 329. The bill clarifies several important sections of the Natural Areas Act that would improve administration of the act by the Department of State Lands. Most important are the revisions that clarify the role and duties of the Department, the Board of Land Commissioners and the Natural Areas Advisory Council in identifying and giving recognition to key natural areas in Montana. The bill would also allow the Department to expend funds accepted as gifts for the acquisition, designation, and registration of lands as natural areas. There are presently no funds appropriated for natural areas. The Department urges the passage of Senate Bill 329.

ROBERT S. GIBSON, Supervisor of the Helena National Forest, Northern Region, submitted testimony (Exhibit 6). He stated there are three key values to Montana's Natural Areas system. A very important aspect is the maintenance of our natural genetic resource. Precise value of this genetic resource for conservation practices is difficult to express

in dollars, but diversity is a principle concept in management of both agricultural and forest and range lands for maximum productivity over a broad range of site conditions. Of equal importance is the value of this system for use in monitoring the success or failure of various management systems. In order to evaluate intensive management systems relative to productivity, pests, response to climate and effects on physical and biotic site capability, there is a need to compare areas where natural processes are allowed to predominate. Natural Areas are valuable for use in education and research. The Forest Service Natural Area System only represents a small part of the natural diversity that occurs in the state of Montana, because of National Forest System land area distribution. In order to provide representatives of all the diversity, we encourage state leadership in coordinating identification and protection of Natural Areas on all land ownerships. This kind of leadership and coordination will reduce duplication of effort and save local, state and federal agencies, and the private sector considerable effort and significantly increase their usefulness.

DR. JOHN E. TAYLOR, a Bozeman resident, submitted testimony (Exhibit 7). He stated he has worked primarily with livestock and wildlife, with emphasis on natural resources analysis and measurements. He feels SB 329 is in the best interest of Montana's natural resources to more fully develop and support a statewide system of Natural Areas. He pointed out to the committee and potential beneficiaries of a good natural areas system are, in addition to science and education, the users of our renewable natural resources. This is because natural areas can contribute to our understanding of such questions as: What is a reasonable goal for management? What approaches are most likely to achieve these goals? How is management success to be recognized and quantified? He stated this legislation will remedy these deficiencies and push forward the statewide effort which has been such a long time coming. He encouraged the support of SB 329.

CONNIE COLE President of Western Technology and Engineering submitted testimony (Exhibit 8). She stated her company primarily provides services to the mineral industry, and she would not be here, lending her support, if she felt it would hamper potential mineral development. This is not a wilderness bill. She stated section 4 subparagraph 3 specifically identifies that the transfer of surface property or development rights will not be hampered by enactment of this legislation. The evaluation of production and the examination of the interrelationships of living systems are valuable consequences resulting from the protection of natural areas. It is information that is directly related to the

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services the company provides to clients who wish to develop Montana's mineral resources. She urged the committee to vote in favor of this bill.

JANET ELLIS representing the Montana Audubon Legislative Fund stated she supports the bill because it will be an important management tool for researchers, students and land managers. The beauty of SB 329 is that it will allow areas to be identified and registered, that are already protected. The system will be efficient, because a coordinated system will eliminate duplications. She urged favorable recommendation of SB 329.

DONNA LOOP representing the Nature Conservancy, however, before the committee today on behalf of Dr. Wyman C. Schmidt, PhD, presented written testimony (Exhibit 9). Ms. Loop stated Dr. Schmidt felt Montana should take a major step forward in Natural Area work in 1987. He feels there are many uses for natural areas in scientific and education communities including: to provide representative examples of natural ecosystems; to provide opportunities for study of plant succession and other biological and physical phenomena over long periods of time; to provide "benchmark" values for monitoring changes in natural processes and systems brought about by human activities; and to serve as "gene pools" for long-term maintenance of genetic diversity. Finally, to serve as reserves for rare and endangered species. Most state already have natural areas systems but many waited too long and have had to settle for far less than optimum sites for their natural areas. Montana has a unique opportunity to build a relatively complete system of natural areas but every year of delay diminishes those opportunities. He urged the committee to pass SB 329.

OPPONENTS

MIKE MICONE representing the Western Environmental Trade Association submitted testimony (Exhibit 10). He stated he reluctantly comes before the committee to oppose this bill, which appears to be one of those strictly "motherhood" bills that everyone should be supporting. He stated WETA does commend the efforts of the Nature Conservancy and their past history, and what they are attempting to do. He stated their objections lie in the system as purposed for the State of Montana. He does know legislation currently exists, therefore, he stated they have proposed a simple amendment to give them the procedure to accept funding. However, he stated from their viewpoint, what we must look at is not just what is proposed for natural areas, but the lands that are removed from entry for any development today. There are about 3.4 million acres in Montana wilderness. We have about 1.2 million in the National Parks. There are about

50,000 in special areas for study. We see somewhere in the range of 100,000 acres in primitive areas. National Wildlife refuge areas over 1 million acres, all total this adds to be approximately 7 or 8 million acres. The question could then be asked, why are we so concerned with such a small amount of acres before going into a valuable program. The answer lies in the fact that, we must resist any efforts to lock up lands from entry from the public. He stated if the committee is going to give consideration to this bill, WETA is offering amendments to the bill for consideration.

SENATOR LARRY TVEIT, District 11, stated he is opposed to part of the bill and he fears the state could become involved in what he refers to as a "mini wilderness bill". His concerns stem from being a rancher, and ranchers he has represented and people that rent state lands in his area. He fears the future of the natural areas, what will become of them, and to what extent will they grow throughout the state. He doesn't mind the people studying these types of land, however, he does object to setting this policy into law on state lands. He urged the committee to not pass this bill.

KEN HOOVESTOL, Legislative Chairman for the Montana Snowmobile Association, stated they too commend the Nature Conservancy for their efforts of SB 329. He stated they feel it is simply another method to increase the efforts to lock up more lands. He commented on the definition of these natural areas as written on page 2 and page 3 of the bill and pointed out to the committee that as defined, in the bill, as written, he does not know any parts of the entire State of Montana that would not qualify for that definition. He also feels there is no real recreational representation in the bill. They agree with the intent, however, due to the broadness of the definitions and wording, they must oppose.

DON ALLEN representing Montana Wood Products Association submitted testimony (Exhibit 11). He stated under present law already, they too feel this is a "motherhood" bill. He stated many of the points stressed by the proponents, can already be found under the areas already in law, which provide for many of the same concepts and situations this bill is proposing to do. He stated as far as the timber industry itself, they are faced with more and more shrinking supplies, with less timber base. He emphasized this will make timber base even farther, regarding availability of timber for those in Montana. He asked the committee if they intend to pass this bill, he asked they consider some offered amendments. He stated the biggest concern he has is the makeup of the Council itself, and his suggested amendments help this part of the bill.

ROBERT HELDING representing the Montana Association of Realtors stated his organization does oppose this bill, as they felt this would mean eventually the Montana would end up to be one large "park", if all the areas being expressed in the bill were to be categorized as "natural areas." He stated this, as mentioned, could include any and all areas in Montana, and they feel this could get entirely out of hand. He commented we need to draw the line somewhere, and this bill in fact, will not draw a line, but keep extending the one they want to make, on all of Montana's natural resources.

BOB BUSHNELL, President of the Montana Snowmobile Association submitted testimony (Exhibit 12). He stated not having heard the definition of "Natural areas" of State Lands, they as snowmobilers are concerned that many of the sections and parcels of land which we now use could be closed off. This could close areas which are currently used as a groomed, and ungroomed trails systems. These lands have been used by us for many years, and approving a bill such as this one, will certainly reduce the availability of public lands to the majority of the population for their enjoyment and recreation. He urged the committee to not pass this bill.

GARY LANGLEY, Executive Director, Montana Mining Association stated they do oppose this bill, for the same reasons that have been mentioned by previous opponents. They feel perhaps a sunset on the bill would be in order, and he asked the committee's consideration on this suggestion. However, they still must stand in opposition to the bill and he urged the committee to not pass this bill.

LORENTS GROSFIELD representing the Montana Stockgrowers Association stated his organization opposes this bill for several reasons. They see this bill as written, placing no limits of the number of acres these natural areas may be, and no limits of time are included in the bill. They feel, if this bill must be considered, the committee very carefully consider the possibility of a sunset. He stated they also feel the goals of this intended program are not up front, however, they wish to go on record of supporting the amendments offered by WETA and Montana Wood Products.

REP. ROTH asked Dennis Hemmer if there is anything in existing law that would prevent anyone from providing money or land to this act, that is in fact, already in statute.

MR. HEMMER stated obviously, the money could be offered, however, it would have to go through a legislative appropriation, and would be shown as a special revenue and appropriated for its specific purpose. He stated the ability to accept land is more restrictive under the current law.

REP. MILES had a question in regard to the language included on page 5, which would allow registration in the system of state and private property which should in fact minimize or decrease the amount of state land that is going to go into the system, and she wondered if this was correct.

JOAN BIRD stated yes, this is correct, and this is one of the primary goals of this bill. To reduce the cost of the state, by trying to identify areas that aren't protected first, and also allowing private owners to participate in the process, we see tax benefits and other cost effective measures to the state.

REP. COHEN asked Mr. Gibson what the minimum size for a wilderness area in the U.S. Forest Service is.

MR. GIBSON stated there is usually no minimum, however, he mentioned that in Rare I and Rare II there are 5,000 acre designated areas. Rep. Cohen then asked if he knew what the smallest wilderness area is in the State was. Mr. Gibson stated it's either the Gates of the Mountains at 28,000 acres or Golden Creek which is approximately the same.

REP., COHEN then asked Joan Bird approximately what size areas are they talking about.

MS. BIRD stated the average would most likely be in the 400-500 acre range, but she stated there are natural areas in the state that are as small as ten acres.

REP. COHEN asked Joan to please expand on the role of the advisory council included in the bill, and why the particular composition of the council is important in the administering of this system.

MS. BIRD stated the purpose of this advisory council is to judge which areas should be a part of these natural areas and which areas should not be a part of this system, and to decide exactly how much representation is needed in this natural areas system. If a particular site fills one of those needs, or duplicates one of those needs then this would be brought up in the council.

REP. COHEN asked Ms. Bird if the Council was comprised of the members offered by the Wood Products Association, (included in his amendment) he wondered if they would be able to meet the intentions of the Council regarding the scientific decisions they must make.

MS. BIRD stated she believes that any group of reasonably intelligent individuals could be brought up to the speed, with enough education and background to be able to make

MS. BIRD stated absolutely, and one of the things a wilderness area requires to look first at those wilderness areas that are already protected and find different situations in those areas that are in fact already protected, before you go out and look for other areas.

REP. KADAS asked Ms. Bird if the council could do the job say in four, six or eight years, a sunset is placed on the bill.

MS. BIRD stated this would be difficult to pinpoint at this stage in the program.

IN CLOSING, Sen Blaylock as stated before, the only legal way they could proceed with the bill, is to have the statutory appropriation taken out in the Senate, and of course, the bill must have the appropriation put in the House. He felt the amendments offered to the bill, would accomplish this, until it hopefully could get to the House floor, at which time the statutory appropriation would be put in it. With that he thanked the committee for their time and consideration in this matter.

HEARING CLOSED ON SB 329.

EXECUTIVE SESSION

HOUSE BILL NO. 795: Rep. Cobb moved DO PASS. He then moved the amendments Nos. 1, 3, 4, 5, 6 and the Statement of Intent for HB 795. Question was then called, the motion CARRIED unanimously. Rep. Miles then moved amendment 2. Question being called, the motion CARRIED unanimously. Rep. Asay moved HB 795 DO PASS AS AMENDED. Question being called the motion CARRIED unanimously. See Standing Committee Report Nos. 1-6 and attached Statement of Intent.

SENATE BILL NO. 292: Rep. Roth moved SB 292 DO CONCUR. Rep. Raney moved the amendments offered by DNRC. Question was then called, the motion FAILED unanimously. Rep. Miles then moved to amend the effective date, which would also demand a title change. Question was then called on the Miles amendment, the motion CARRIED unanimously. See Standing Committee Report Nos. 1-2. Rep. Cobb moved SB 292 DO CONCUR AS AMENDED. Question being called, the motion CARRIED, with Reps. Raney, Russell, Kadas, Simons, Harper and Miles voting NO.

ADJOURNMENT: There being no further business, the meeting was adjourned at 3:20 p.m.

these decisions. However, she stated the amount of time it would take to help these people understand various cost education processes, and the principles of biological diversity, would be very time consuming, and in the interests of having an efficiently meeting council, she felt it would be better to have persons who have already had some background and experience in these areas, such as biology and diversity for natural areas.

REP. GRADY stated he had heard testimony regarding certain areas that may be categorized, and he wondered if they have included grazing lands as a category.

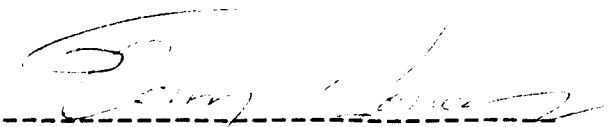
MS. BIRD stated that in considering each natural area, they will each have their own individual plan, and this would be taken into consideration for each area, in regard to which areas are for grazing and which aren't. However, she pointed out, that each area, would in fact, have their own specific plan.

REP. COBB asked Ms. Bird why we even need the bill. He stated the Nature Conservancy is doing a much better job taking care of the lands than the Department of Fish, Wildlife and Parks, or the Department of State Lands in managing these lands. He asked why the Nature Conservancy would want a bill, unless state lands or federal lands aren't being managed correctly in these areas. Since you are doing a better job than the state can right now, he can't figure out why the reason for the bill, and stated he was serious in his question.

MS. BIRD thanked Rep. Cobb for the compliment to the Conservancy. She stated the reason that the need for the state to be involved in this is because of the 800 potential natural area sites, 21 of those were on state lands, and there are significant natural areas which occur on state lands either on a wildlife management areas, game ranges or on School Trust Fund land, and are provisions to protect the revenue generating provisions of the school trust fund lands, and secondly, they have heard from all the agencies that it is important for the state to take the role in coordinating all these activities, and they are only logical public opinion to be able to coordinate the activities for the various federal agencies and the various state agencies that are all involved in land management as well as private organizations that may also be involved.

REP. MEYERS asked Ms. Bird if some of the wilderness areas that exist now allow this kind of practices that you are striving to accomplish with this bill.

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TOM JONES, Chairman

DAILY ROLL CALL

NATURAL RESOURCES COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date March 11 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			

STANDING COMMITTEE REPORT

MARCH 11

19 97

Mr. Speaker: We, the committee on NATURAL RESOURCES

report HB 795

☒ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

☒ as amended
☒ statement of intent attached

TOM JONES

Chairman

1. Page 2.
Following: line 24
Insert: "(9) 'Fluid' means any material or substance that flows or moves, whether in a semisolid, liquid, sludge, gas, or any other form or state."
Renumber subsequent subsections.
2. Page 3, line 21.
Following: the first "by"
Insert: "state water quality standards or"
3. Page 5, line 22.
Strike: "salt"
4. Page 10, line 3.
Strike: "salt"
5. Page 10, line 10.
Strike: "salt"
6. Page 19, line 14.
Strike: "shall"
Insert: "may be required to"

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STATEMENT OF INTENT

H Bill No. 735

It is the intent of the legislature that the board of oil and gas conservation adopt rules necessary to regulate Class II injection wells under the provisions of this act. These rules must establish an enforceable program meeting the requirements of the environmental protection agency for state administration of an underground injection control program and ensuring compliance with state water quality laws.

STANDING COMMITTEE REPORT

MARCH 11

19 37

Mr. Speaker: We, the committee on NATURAL RESOURCES

report SB 292

☐ do pass
☐ do not pass

☒ be concurred in
☐ be not concurred in

☒ as amended
☐ statement of intent attached

TOM JONES

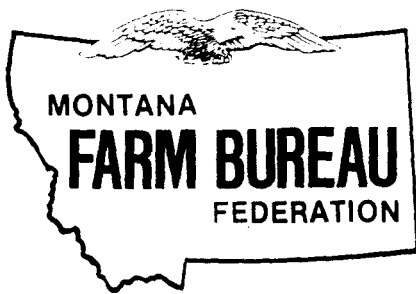
Chairman

1. Title, line 19.
Strike: "1" through "DATE"
2. Page 46, lines 17 and 18.
Strike: section 9 in its entirety


THIRD

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REP. GILBERT WILL CARRY



P.O. Box 6400
~~502 South 1st~~

Bozeman, Montana 59715
Phone (406) 587-3153

TESTIMONY BY: Lorna Frank
BILL # SB-292 DATE March 11, 1987
SUPPORT XXX OPPOSE

EXHIBIT 1
DATE 3.11.87
SB 292

Mr. Chairman, members of the committee, for the record my name is Lorna Frank, representing approximately 3500 Farm Bureau members throughout the state.

Farm Bureau members support changes to the Montana Facility Siting Act which would provide a reasonable and more realistic regulatory climate under which any needed and desirable facility or facility changes could be effectively and feasibly completed.

We feel that SB-292 does this and recommend this committee give SB-292 a do pass recommendation. Thank you.

SIGNED: Lorna Frank

NORTHERN PLAINS RESOURCE COUNCIL

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(406) 365-2525

EXHIBIT 2

Testimony presented in opposition to DATE 3.11.87
SB 292, Keating, before House Natural BB 292
Resources Committee, March 11, 1987

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 against Senate Bill 292 which proposes to amend Montana's Major Facility Siting Act. Mr. Chairman, you have heard that this bill is a simple measure, supported by industry and the Department because it doesn't really do much, it just eliminates the requirements that an applicant for a siting act permit only due baseline studies for one proposed site. I guess in comparison to the original amendments that had been proposed by the sponsor and others, that this bill doesn't do much, but just in comparison.

Mr. Chairman, under this bill, the Board of Natural Resources and Conservation(Board) would be prohibited from collecting information regarding alternative sites, and would be unable to consider information unless the applicant specifies. This is a bad idea! Eliminating the requirement that baseline data be gathered for the primary and alternative sites precludes meaningful consideration of possible locations.

Further, the best location minimizes costs to everyone, the applicants financial costs and costs to public environmental resources.

By looking at alternatives, the Siting Act provides a balancing mechanism between "need", and social and economic costs. Since the applicants would still be required to show need, SB 292 would allow applicants to in effect hold the public hostage, proposing generation of "needed" energy at an unknown social and economic cost.

EXHIBIT 2a
DATE 3.11.87
SB 292

PROPOSED AMENDMENT TO SB 292

Whereas SB 292 eliminates the requirement for baseline data collection for alternative sites for energy generation and conversion facilities.

Whereas, this narrowing limits ^{the} Boards ability to weigh all the pros and cons for such facilities,

Therefore, it is imperative that the facility site represent the minimal adverse impact.

Amendment: (Section 75-20-301, MCA "Decision of Board")

page 27

line 19

delete Minimizes

replace with represents the minimum

Office Memorandum

EXHIBIT 200
DATE 5-11-87
SB 292

February 26, 1987

TO: Don Willems, Bill Opitz

FROM: Hal Robbins *Hal Robbins*

SUBJECT: Senate Bill 292 - To amend the Major Facility Siting Act

I have had an opportunity to review the revised version of Senate Bill 292 as it passed the Senate. This version of the bill contains significant changes from when it was originally introduced. It is my understanding from reading the bill that its purpose is to eliminate the need for baseline studies for the alternate facility locations. (Baseline studies would still be required for transmission lines and pipelines and their associated facilities).

I would like to offer a comment on the bill that affects air quality decisions. As written, the bill could create a problem with issuing permits to alternative site locations for major facilities.

Section 1 of the amended bill requires baseline data for alternate transmission and pipeline facilities, but exempts such data requirements from power plants, synfuel projects, geothermal, and in situ gasification of coal. Section 3 of the bill goes on to require that the department (and board, if necessary) issue its decision on the matter for the proposed primary location and any proposed alternative locations. Without adequate baseline data, however, the department may be forced to deny the permit for the alternative locations.

For the purposes of air quality review, a permit is required for all "major stationary sources." The term "major" refers to sources which have the potential to emit approximately 250 tons per year of any air pollutant. Those energy generation and conversion facilities which are regulated under the Major Facility Siting Act (MFSa) would most certainly qualify as a major source. The Prevention of Significant Deterioration (PSD) rules which were adopted by the board require several types of baseline studies. (The PSD permit system is a federally mandated program). These baseline studies include the need for air quality monitoring and modeling, the need to address air quality related values such as visibility, effects on water, soil, plant life, wildlife, acid rain, etc. It would be impossible for the department to issue a permit to the alternative facility location, therefore, without these analyses and data.

Amendments to SB 329
Senator Blaylock

1. Title, lines 1 through 8.
Strike: "AUTHORIZING" on line 1 through "COUNCIL" on line 8
Insert: "GENERALLY REVISING THE MONTANA NATURAL AREAS ACT OF 1974"

2. Page 7.
Following: line 25
Insert: "NEW SECTION. Section 9. Natural areas account. (1)
There is a natural areas special revenue account within the state special revenue fund established in 17-2-102.
(2) The natural areas account may receive funds from any source as gifts.
(3) The department may spend funds accepted as gifts in accordance with this purposes of this part, including administration of a natural areas program. These funds are statutorily appropriated as provided in 17-7-502.

Section 10. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition --
requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations:

- (a) 2-9-202;
- (b) 2-17-105;
- (c) 2-18-812;
- (d) 10-3-203;
- (e) 10-3-312;
- (f) 10-3-314;
- (g) 10-4-301;

EXHIBIT 3
DATE 3:11:87
88 329

(j) 15-36-112;
(k) 15-70-101;
(l) 16-1-404;
(m) 16-1-410;
(n) 16-1-411;
(o) 17-3-212;
(p) 17-5-404;
(q) 17-5-424;
(r) 17-5-804;
(s) 19-8-504;
(t) 19-9-702;
(u) 19-9-1007;
(v) 19-10-205;
(w) 19-10-305;
(x) 19-10-506;
(y) 19-11-512;
(z) 19-11-513;
(aa) 19-11-606;
(bb) 19-12-301;
(cc) 19-13-604;
(dd) 20-6-406;
(ee) 20-8-111;
(ff) 23-5-612;
(gg) 37-51-501;
(hh) 53-24-206;
(ii) 75-1-1101;
(jj) 75-7-305;
(kk) 80-2-103;
(ll) 80-2-228;
(mm) 90-3-301;
(nn) 90-3-302;
(oo) 90-15-103; and
(pp) Sec. 13, HB 861, L. 1985; and
(qq) (section 10).

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for such payments. "

March 11, 1987

Chairman Jones and members of the House Natural Resources Committee:

My name is Joan Bird from Helena, MT and I am speaking on behalf of The Nature Conservancy. For those of you who are not familiar with the Conservancy, we are a national organization whose sole purpose is the preservation of genetic diversity. We accomplish our goals by using the tools of the free marketplace in quiet non-controversial ways. Because of our narrow focus and businesslike approach, we are supported by over 400 corporations in the country, including Asarco and Burlington Northern in Montana, as well as Conoco, Exxon, Texaco, Arco, Mobil, Consolidation Coal, and many utility companies nationally.

Some of you may be asking the question, why do we need a Natural Areas System in Montana? We have state parks, game ranges, scenic river corridors, wildernesses, wildlife refuges. So why do we need another category? Every one of those other areas are set aside primarily for recreation. None of them are chosen on the basis of their scientific merit.

The push for the identification and designation of natural areas originated among scientists who were concerned about the loss of habitat and biological diversity. In Montana the professional societies started this effort. It was the Soil Conservation Society, the Society of Range Management, and Society of American Foresters who formed the first Montana Natural Areas Committee in 1974. Although the Montana Natural Areas Act was passed in 1974, the natural areas effort has been continued primarily by non-state agencies and organizations.

The Nature Conservancy's community classification system describes approximately 300 presettlement community types in Montana. We estimate that one half of those communities are already protected somewhere in this state. But there are many communities that are not protected anywhere. We need a good example of each one to set aside for the future. This bill will coordinate the efforts of all land management agencies and organizations, and make sure that we look first at the areas that are already protected.

It was clear at the state wide Natural Areas Conference last October that coordination is needed, and that inaction on the state Natural Areas Act is a major stumbling block. Last June, the Legislative Auditor's faulted the Department of State Lands for not implementing this law. State Lands replied that it was unable to do so, not surprisingly, because of lack of funds. Even the most naive political observer knows that now is no time to be looking for new money from the state, no matter how worthy we may think our cause is. Undaunted, this group of scientists and educators put their heads together to figure out what to do. The result is SB 329.

SB 329 creates a structure for the lowest-possible-cost natural areas system, borrowing techniques that the Conservancy uses to stretch its dollars. And it requests no money from the state for this biennium. It will give this program the authority to accept private donations of money, land, or conservation easements. If and only if money can be found from private sources, will this program be implemented. It is our hope that we can find the private dollars to start the program. It is our further hope that at some future date the economic picture will be rosier in Montana. At that point the legislature could decide, based on the merits and accomplishments of the program, whether it was of sufficient value to the people of this state to merit public funding.

How have we reduced the costs of the program? The most significant change between the old Montana Natural Areas Act, and this new one, is that the old one required all state natural areas to be owned by the state. SB 329 provides that already existing natural areas on public lands can be counted in a statewide system by the registering process, referred to on page 5, number 6 of the bill. It also provides that privately owned land may be designated as a natural area, if the land owners are willing.

The Nature Conservancy uses two different kinds of agreements with its private cooperators. The first is a conservation easement which is a permanent legal agreement offering considerable tax benefits to some landowners. We also use voluntary protection agreements which are not legally binding, and can be canceled at any time. Both kinds of protected properties could be natural areas, under the provisions of SB 329. These private natural areas would, of course, not be open to the public, but would be available on a limited basis to scientists, and with the landowners permission, educational groups.

Natural areas are essential for research and educational purposes, and I'll let some of the other proponents address that purpose in more detail. The other reason for establishing natural areas is the preservation of biological diversity. As this is the reason which drives The Nature Conservancy, I would like to underscore this issue.

Even at the end of the dinosaur age, extinction rates were only one species lost per thousand years. Today that rate is estimated to be one species lost every day. And by the end of the century, it is predicted that a species will be lost every hour.

It used to be that just the Henry David Thoreaus and other nature lovers argued for preserving places in their natural state. Now doctors, food producing industries, and the public at large is beginning to understand how important genetic building blocks are to the future economic welfare of humans, never mind the esthetic or ethical reasons for saving species. Half of all our medicines come from plants, yet only 2% of the plants in the world have ever been investigated for their medicinal value. Food crops are dependent on new genetic material to resist ever evolving diseases and pests. All the promise of genetic engineering can never be realized, if we lose the diversity that we inherited. Causing extinction, whether we mean to or not, is like burning books before we've even learned how to read them.

Natural areas are the only way to ensure that all the species we share this state with will still be here for Montanans yet to be born.

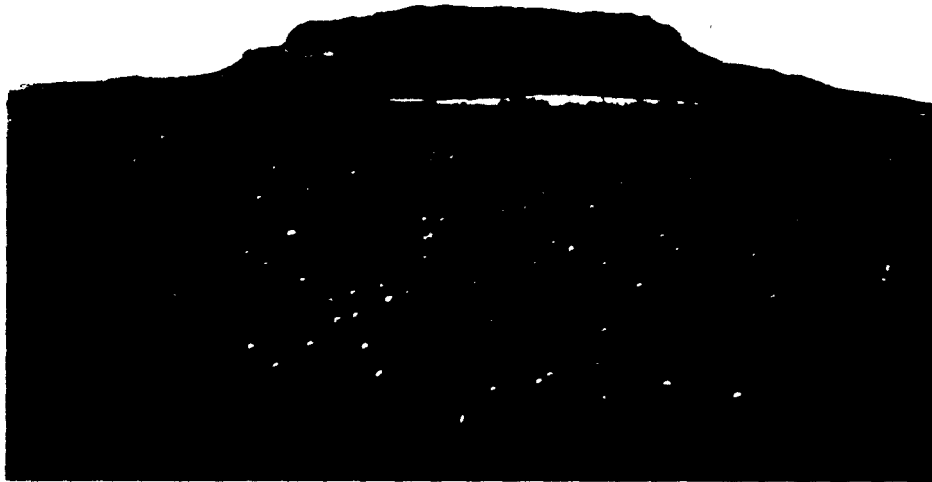
page three
TNC testimony on SB 329 Bill

EXHIBIT 4
DATE 3.11.87
SB329

We are providing each of you with a folder giving you basic information on natural areas. It features a picture of Crown Butte, a site which was targeted by the original Natural Areas Committee and eventually purchased by The Nature Conservancy. Page one provides you with information on the bill. The next section discusses the need for a state natural areas system. Following is a short section on the history of the effort that individuals have already invested in this cause, including the statewide Natural Areas Conference held in Billings last year. Six sites which received particularly high reviews in that conference are highlighted on page five. One was selected from each geographical area depicted in the map on the following page. Finally, there is a selection of quotes from notable participants at the conference which we thought might be of particular interest to legislators.

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S 329

A GUIDE TO MONTANA'S NATURAL AREAS EFFORT



Crown Butte

Identified by the original MT Natural Areas Committee (1975) as the state's premier natural area, and proposed as such to the Department of State Lands pursuant to the provisions of the 1974 Montana Natural Areas Act. This site was purchased by The Nature Conservancy at the request of the state and established as a Natural Area Preserve in 1982.

"The one process ongoing in the 1980's that will take millions of years to correct is the loss of genetic and species diversity by the destruction of natural habitats. This is the folly our descendants are least likely to forgive us."

--Edward O. Wilson, Baird Professor of Science,
Harvard University

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Participating organizations at the 1986 Montana Natural Areas Conference:

MT Department of State Lands
 MT Department of Fish, Wildlife and Parks
 Montana Academy of Sciences
 University of Montana
 Montana State University
 Flathead Valley Community College
 Montana Bureau of Mines and Geology
 Montana College of Mineral Science and Technology
 Northern Montana College
 Miles City Community College
 USDA Forest Service
 USDI Bureau of Land Management
 USDI Bureau of Indian Affairs
 USDI Fish and Wildlife Service
 USDI National Park Service, Glacier NP
 Society of American Foresters, MT Section
 Soil Conservation Society of America, MT Chapter
 Society for Range Management., Intl. Mntn. Sec.
 The Wildlife Society, MT Chapter
 American Fisheries Society, MT Chapter
 Burlington Northern, Inc.
 Champion International Timberlands, Inc.
 Western Energy Company
 Montana Audubon Council
 The Nature Conservancy

This document was prepared by the Big Sky Field Office of The Nature Conservancy, to provide information in support of revising the 1974 Montana Natural Areas Act. **No state monies were used to produce this document.** The Nature Conservancy is a national, non-profit organization committed to the preservation of natural diversity by protecting lands and waters supporting the best examples of all elements of our natural world.

WHY THE 1987 LEGISLATURE SHOULD PASS SB-329

The 1987 Legislature should **pass** the revision of the Montana Natural Areas Act of 1974, to be introduced by Senator Chet Blaylock (SB-329), because it will:

- * make the established natural areas program viable, by clarifying the Act.
- * allow the Department of State Lands (DSL) to carry out its statutorily appointed duties, and act upon recommendations of a legislative audit.
- * provide coordination between land managers to insure that only the most important natural areas are protected and that unnecessary duplication (and waste of state money) does not occur.
- * allow the identification and recognition of key natural areas in the state, in many cases without actual acquisition by DSL. Voluntary registration, easements and leases are but a few of the methods to accomplish the same goal.
- * allow participation by any land-managing agency or organization in Montana. Private landowners are welcome to participate on a strictly voluntary basis.
- * permit the agency to accept gifts--of land, conservation easements and grants--from foundations and private individuals. This will strengthen the program at no cost to the state. (Sections to be amended in House.)

WHY A STATE NATURAL AREAS SYSTEM?

To some observers, Montana may seem like one big natural area. But the scientific observer knows differently. We may still have lots of open space, but areas which are not largely impacted by the activities of man are rare, even in this sparsely populated state. Before it is too late, Montana needs to establish a coordinated natural areas system.

A natural area system "contains an integrated group of areas which in their entirety protect representative examples of the state's natural systems and guarantee the continued existence of the full array of the state's biotic diversity. Since it is a system, it is greater than the sum of its parts" (J. Roush, The Nature Conservancy).

And these parts are not simply any piece of National Forest land or someone's overgrown backyard. **A natural area is a special site identified by the scientific community as having outstanding biological or geological value. To be included in the Montana Natural Areas System, it is subject to a critical review. And participation by private landowners is strictly voluntary.**

Protection of important Montana natural areas would not "lock-up" large chunks of land. By including areas already protected by willing cooperators, this system will be efficient (minimum number of sites) and discrete. Citizens involved in agriculture, ranching and industry are included in the selection process to balance other uses against natural area value.

There are basically two compelling reasons for establishing a state natural areas system:

1. Preservation of Biological Diversity. Global extinction rates have increased dramatically in recent years due to loss of natural habitats. When species go extinct, biological diversity is reduced. New medicines, disease-resistant crops, and pest controls are continually being created from plant and animal species. Our future is dependent on the genetic resources which can only be preserved in natural areas.

2. Research and Educational Sites. The establishment of permanent study sites is essential for long term scientific research. Baseline "reference" areas are necessary for good land management. A natural areas system protecting the best examples of Montana's natural diversity is an important educational resource for everyone.

The value of natural areas is already well-established: 36 states have agencies and/or organizations active in identifying and preserving natural areas (National Natural Areas Association, 1986).

A HISTORY OF MONTANA'S NATURAL AREAS EFFORT

As long ago as 1937, scientists in Montana recognized the need for natural areas when the Coram Experimental Forest was designated by the U.S. Forest Service. Federal statutes provide for the establishment of "natural areas," of one name or another on federal lands. The MT Department of Fish, Wildlife and Parks manages sites which have natural area value. The MT Department of State Lands established Montana's only official state natural area in 1978. Private organizations, like The Nature Conservancy, have also been active in protecting important natural areas.

However, administering agencies do not coordinate their natural area programs with each other. The result is duplication of efforts and a **waste of tax dollars**. This leaves some types of areas protected in many places, while important components of Montana's biological diversity fall through the cracks.

Recognizing the need for a coordinated and professional approach to natural area planning in Montana, dedicated professionals and scientists convened for a series of Natural Areas Workshops in 1974 and 1975. Concurrently the 1974 State Legislature passed the Montana Natural Areas Act, charging DSL with administering its provisions.

For about two years, DSL accepted site nominations for potential natural areas--many of which were submitted by scientists involved in the Natural Areas Workshops. Numerous high quality natural areas were identified, but only one--the Owen Sowerwine Natural Area near Kalispell--was ever designated by rules promulgated under the 1974 Act.

A 1986 legislative audit found DSL remiss in not implementing the provisions of the 1974 Natural Areas Act. DSL responded that this was due to a lack of funds.

A "rejuvenation" of the Montana natural areas effort which had been essentially dormant for over ten years took place last October in Billings. About 100 scientists, land managers and educators from all over the state* convened to share information and to assess the status of the Natural Areas effort in Montana. The proceedings document from the Conference will be available this spring.

*The following communities were represented at the Conference: Augusta, Billings, Bozeman, Butte, Choteau, Colstrip, Columbia Falls, Crow Agency, Culbertson, Florence, Glasgow, Great Falls, Havre, Helena, Kalispell, Lane Deer, Lewistown, Libby, Medicine Lake, Miles City, Milltown, Missoula, Pablo and West Glacier.

Head administrators from federal and state agencies pledged their participation in an interagency statewide system. There was a strong consensus that state government needs to take a leadership role in coordinating this effort. Revising the 1974 Montana Natural Areas Act is necessary to make this possible.

An annual Natural Areas Meeting now will be held in conjunction with the Montana Academy of Sciences. This year it will take place in Billings on April 3-4.

Key personnel from the Department of State Lands participated in the 1986 Montana Natural Areas Conference. They also assisted in drafting revisions of the 1974 Act to make it more workable to the administering agency. **The revision of the Montana Natural Areas Act (SB-329) will make it more effective in creating a comprehensive system at the lowest possible cost.**

POTENTIAL MONTANA NATURAL AREAS

A representative site is presented from each map region (see next page), as an example of the types of areas that should be included in a statewide natural areas system. Participation on the part of private landowners is strictly voluntary.

Comertown Pothole Prairie (Glaciated Eastern Plains) This site represents one of the best examples of unbroken pothole prairie remaining in Montana. Wetland areas such as this are especially significant for wildlife, flood control, groundwater recharge and pollution control.

Grove Creek Pinnacles (Southwest Montana) This site is both geologically and biologically significant--the hallmark of an "efficient" natural area, representing different types of natural features in one location. Erosion-formed pinnacles are found together with rare plants and communities in this unique area.

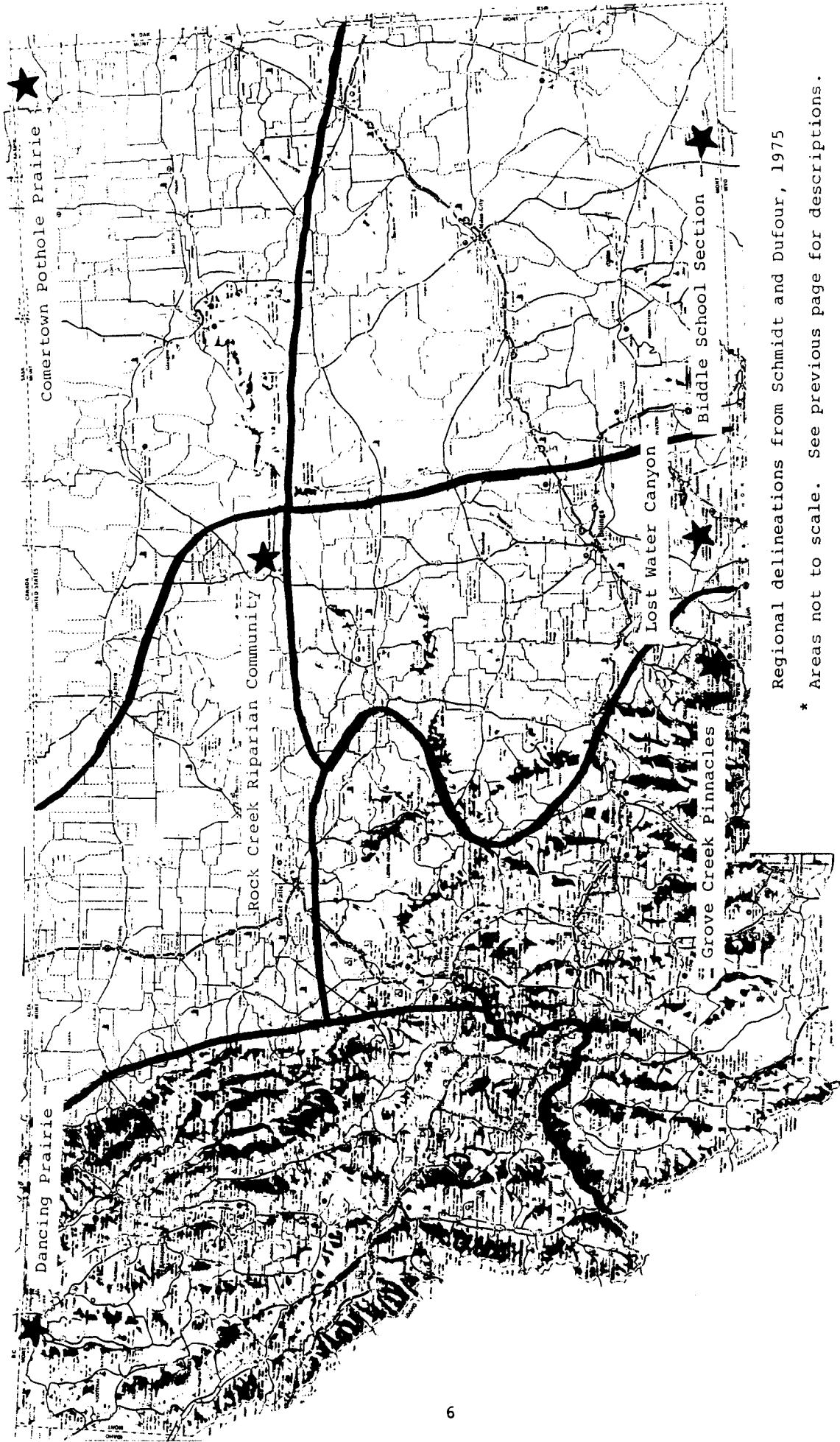
Rock Creek Riparian Community (Glaciated Plains and Mountains) The C.M. Russell National Wildlife Refuge nominated this site for consideration at the Montana Natural Areas Conference; it was rated highly by the Aquatic and Riparian Habitats working group. It represents one of the few remaining cottonwood bottomlands along the Missouri River which are still subject to periodic natural flooding, and are not being farmed, grazed or developed.

Dancing Prairie (Northwest Montana) This relict native prairie provides the last known courtship area (dancing grounds) in Montana for the Columbian sharp-tailed grouse. It is also one of the best examples of an important Montana geological feature, glacial drumlins. The unique grassland community found here also boasts the largest known population in the state, and possibly the world, of a globally endangered plant.

Biddle School Section (Non-glaciated Eastern Plains) This state-owned area lies within the Powder River Badlands. An outstanding native prairie community lies protected on top of a butte, providing undisturbed natural habitat for wildlife and the specific requirements for a fussy rare plant.

Lost Water Canyon (Non-glaciated Plains and Mountains) This area's significance is evidenced in that it was discussed in five of six working groups at the Montana Natural Areas Conference. The pristine canyon rimmed by vertical limestone cliffs must be special: portions of the site are proposed as a National Natural Landmark, as a Research Natural Area, and as Wilderness. Special management designations vary in their purpose and use: for example, scientific research and education are primary uses of natural areas, while recreation is a major use of wilderness. A natural area could be designated within wilderness, thereby identifying a specific site where research value is high.

POTENTIAL MONTANA NATURAL AREAS*



Regional delineations from Schmidt and Dufour, 1975

* Areas not to scale. See previous page for descriptions.

9:00 am REGISTRATION, 2nd Floor of the Northern
9:00 am-11:00 am INFORMAL GROUP MEETINGS,
Noon Empire & Wedgwood Rooms

THE HISTORY OF NATURAL AREA ACTIVITY IN MONTANA

1:00- WELCOME • Robert Kiesling,
1:10 State Director, The Nature Conservancy
1:10- Montana Natural Areas Program in the 1970's
1:30 Dr. Wyman Schmidt, Program Leader,
MSU Forestry Sciences Lab
1:30- The 1974 Montana Natural Areas Act
1:50 Dorothy Bradley, State Representative
1:50- History of The Forest Service Research Natural
2:10 Area (RNA) Program in Montana
Dr. James H. Beck, Prof. of Botany, U. of Montana or
Janet Johnson, RNA Coord. Northern Region USFS

BUILDING A NATURAL AREAS SYSTEM

2:10- Structure and Logic of Building a Represent-
2:40 ative Natural Areas System
Dr. Robert Pfister, Director,
Mission Oriented Research Program, U. of Montana
2:40- The Nature Conservancy's Classification System
3:00 Patrick Bourgeron,
Rocky Mountain Heritage Task Force

3:30- BREAK
3:45- Review of BPA Rivers study Maps (MT Natural
3:25 Features), Larry Thompson, Director
Natural Resource Information System
3:25 Montana Natural Heritage Program
3:45 David Center, Director,
Montana Natural Heritage Program
3:45- Orientation and Goals for Wednesday's
4:00 Workshop Sessions
Joan Bird and/or Donna Loop, Protection Planner &
Conference Coordinator, The Nature Conservancy
4:00- Consideration of Natural Areas by Topic
5:15 Group Leaders:
Janet Johnson
Forests, Woodlands and Alpine Areas
Dr. Jack Taylor Grasslands and Shrublands
Dr. Lex Blood Geology and Landforms
Dr. Paul Hansen
Aquatic/Riparian Habitats
Dr. Kathy Peterson Rare Plants
Dr. Robert Eng Wildlife

5:15-7 RECEPTION/INFORMATION EXCHANGE
No-Host Cocktails

Wednesday, October 15

SCHEDULE

8:00 am REGISTRATION 3:20- BREAK
8:30- Workshop Sessions 3:40-
4:30 4:45- Group Summaries
10:35- BREAK 5:30-
11:00 6:00 pm No-Host Cocktails
Noon- Lunch 7:00 pm Dinner
1:15

Six meeting rooms will represent the six geographical regions of Montana (Northwest Montana, Southwest Montana, Glaciated Plains and Mountains, Non-glaciated Plains and Mountains, Glaciated Eastern Plains, Non-glaciated Eastern Plains). Each of the six topical groups (Grasslands and Shrublands; Forests, Woodlands and Alpine Areas; Geology and Landforms; Rare Plants; Aquatic and Riparian Habitats; Wildlife) will meet in one "region" for an hour.

REGION

	NW Montana	SW Montana	Glac. Plains & Mtns.	Non-Glac. Plains & Mtns.	Glac. Eastern Plains	Non-Glac. Eastern Plains	
TIME							TOPIC
8:30-9:30	G/S	F	GEOL	RP	A/R	W	
9:35-10:35	F	RP	W	GEOL	G/S	A/R	
11:00-11:55	RP	GEOL	A/R	W	F	G/S	
1:15-2:15	GEOL	W	G/S	A/R	RP	F	
2:20-3:20	W	A/R	F	G/S	GEOL	RP	
3:45-4:45	A/R	G/S	RP	F	W	GEOL	

Topics: G/S Grasslands & Shrublands
F Forests, Woodlands & Alpine Areas
GEOL Geology & Landforms
RP Rare Plants
A/R Aquatic & Riparian Habitats
W Wildlife

INFORMATION FOR WORKSHOP SESSIONS

It will make it much easier for the group leaders if participants stay with one topic or one region. For the purposes of the conference, each topic group leader will choose a cell structure for classifying different kinds of natural areas. Each topic leader will present a short speech Tuesday afternoon outlining how his/her topic group will address natural areas.

Objectives

1. Review existing and potential natural area sites.
2. Identify needs or cells (biological/geological gaps) to be filled in the future, by topic area in each region.
3. Note which needs are already met by existing protected or designated specially managed areas, by topic area in each region.
4. Evaluate sites which are addressed in the workshop sessions.

Natural Areas Catalogue

The Nature Conservancy is compiling a catalogue of sites with significant natural area value which have been identified in various inventories. Each group leader will review this catalogue prior to the conference and determine how to address sites in their topic and region. Site evaluations from the workshop sessions will be published in the proceedings document.

Thursday, October 16

THE FUTURE OF A MONTANA NATURAL AREAS SYSTEM

8:30- Why Natural Areas?
8:55 Charles Wellner, Chairman
Idaho Natural Areas Committee
8:55- The Emergence of the Natural Areas Profession
9:20 in the West
Glenn Juday, President,
National Natural Areas Association
9:20- A Natural Area Research Program for the
9:45 Northern Region
James Overbay, Northern Regional Forester,
U.S. Forest Service
9:45- Natural Area Designations and BLM Multiple-
10:10 Use Management: Status and Outlook
Dean Stepanek, State Director,
Bureau of Land Management
10:10- BREAK
10:30

10:30- The Department of State Lands' Perspective on
10:55 Natural Areas
Dennis Hemmer, Commissioner, Dept. of State Lands
10:55- Natural Areas and the Department of Fish,
11:20 Wildlife and Parks
James Flynn, Director,
Montana Dept. of Fish, Wildlife and Parks
11:20- The Role of Natural Areas in Conservation
Noon Biology
Dr. Daniel Simberloff, Professor,
Conservation Biology, Florida State University
Noon- Methods of Natural Areas Preservation
12:25 Jon Roush, Chairman, Board of Governors
The Nature Conservancy
12:25- CONCLUDING STATEMENTS
12:30

Thank you for supporting this landmark event.

VIEWPOINTS FROM THE MONTANA NATURAL AREAS CONFERENCE

"I congratulate you on your efforts to get the Montana Natural Area Program moving on a united front and assure you that BLM will be a willing partner in this effort."

--Dean Stepanek, State Director Bureau of Land Management

"We need to ensure that these areas are available for long-term education and research, and that they are open to all scientists. We know they will increase our knowledge on how to manage the land and its resources."

--James Overbay, Northern Regional Forester, US Forest Service

"The tools, the public support, and the commitment to develop a Montana Natural Areas system appear to be in place. What is needed now is an effort to dissolve some of the institutional impediments that have sometimes obstructed natural area preservation in the past."

**--Ron Marcoux, Assistant Director, MT Department of Fish,
Wildlife and Parks**

"Together, we can give Montana, now and in the future, a truly priceless gift--a Montana Natural Areas system."

**--Dr. Wyman Schmidt, Project Leader of the Silviculture of
Subalpine Forests Research Unit, U.S. Forest Service**

"We wouldn't be here unless we were convinced and committed to the need for a natural areas system."

--Chuck Wellner, Idaho Natural Areas Committee Chairman

"This concern is not a just a detached academic one. Nor does it spring only from a love of nature. The economic consequences of extinction are enormous. For example, it is estimated that agriculture in the United States has been enhanced by about \$1 billion/year by traditional genetic manipulation through breeding, and forestry by a few hundred million."

--Dr. Daniel Simberloff, Eminent Conservation Biologist

"In the last few years, a consensus has emerged among ecologists ... that the best ... way to solve a certain set of ecological research problems is to begin to systematically monitor the environment and responses of natural areas. "

**--Glenn Juday, Associate Professor of Plant Ecology, U of AK
President, National Natural Areas Assn.**

A cursory overview of natural areas suggested...during the Conference indicates that many would play a dual role: that is, areas proposed for specific vegetation types would also provide protected habitat for animal species in need.

**--Dr. Robert Eng, MSU Fish and Wildlife Program,
MNAC Wildlife Group Leader**

EXHIBIT 5
DATE 3-11-87
~~SB~~ 329

TESTIMONY FOR THE DEPARTMENT OF STATE LANDS
ON SB 329, AMENDMENTS OF THE NATURAL AREAS ACT

The Department of State Lands supports the amendments to the Natural Areas Act contained in Senate Bill 329. The bill clarifies several important sections of the Natural Areas Act that would improve administration of the act by the Department of State Lands. Most important are the revisions that clarify the role and duties of the Department, the Board of Land Commissioners, and the Natural Areas Advisory Council in identifying and giving recognition to key natural areas in Montana.

Senate Bill 329 would allow federal, state, and local land management agencies and private landowners to combine efforts in creating a systematic representation of natural areas for the state. This would be accomplished by preparing an annual register and biennial administrative plan for natural areas by the Department, with recommendations of the council concerning the establishment and administration of a natural areas system, and acquisition or designation of lands as natural areas by the Board.

The bill would also allow the Department to expend funds accepted as gifts for the acquisition, designation, and registration of lands as natural areas. There are presently no funds appropriated for natural areas. For the past ten years, the Department has done nothing on natural areas. Unless sufficient funds are received as gifts, the Department will still not be able to fulfill the requirements of the Natural Areas Act.

The Department urges the passage of Senate Bill 329.

STATEMENT OF
ROBERT S. GIBSON
SUPERVISOR
HELENA NATIONAL FOREST
NORTHERN REGION
FOREST SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE

EXHIBIT 6
DATE 3-11-87
SS 329

Before the
Natural Resource Committee
Montana State House

Concerning the Statewide Natural Areas System

March 11, 1987

INTRODUCTION

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Robert S. Gibson, Supervisor of the Helena National Forest, Northern Region, USDA Forest Service. The Northern Region includes National Forests and Grasslands in Montana, Idaho, and the Dakotas.

The Natural Area system is an extremely valuable resource for scientific evaluation of land management actions. This system needs a strong State role of leadership and coordination to assure that the needs of both industry and conservation are met.

BACKGROUND

There is a wide array of natural plants, animals, and communities in Montana. Ecosystems in Montana are rich in their ability to produce resources and in their aesthetic beauty. Since settlement, the intensities of development and impact on these natural ecosystems has increased at an ever more rapid pace. The Natural Area system is a key component to preserving representative examples of ecosystems for scientific and educational use by present and future Montanans.

The Forest Service fully supports the Natural Area System. On Forest Service lands there is a strong commitment to the establishment of Research Natural Areas. Our Research Natural Area system is designed to provide representation of the diversity of plant and animal species, both common and rare, and of plant communities, on National Forest lands.

Currently the Forest Service has either designated or proposed a spectrum of Research Natural Areas on National Forests lands in Montana. Since the total acreage of all Forest Service Natural Areas to date is less than .5% of our land base, it has little direct effect on resource production and the information we will gain from these areas will help us improve productivity on our managed lands. We would anticipate a similar balance of costs and benefits to other Montana lands, from a more extensive statewide system of natural areas.

There are three key values to Montana's Natural Area system.

- 1) A very important aspect is the maintenance of our natural genetic resource. The present and future value of plant and animal species, and the genetic diversity within each species, is worth billions of dollars to industry and agriculture. A precise value of this genetic resource for conservation practices is difficult to express in dollars, but diversity is a principle concept in management of both agricultural and forest and range lands for maximum productivity over a broad range of site conditions.
- 2) Of equal importance is the value of this system for use in monitoring the success or failure of various management systems. On lands where our objective is to produce timber and livestock products, our goal is to implement systems that maximize productivity, minimize loss to pests, and require the least investment, while at the same time protecting the physical aspects of the site and the biotic capability. In order to evaluate intensive management systems relative to productivity, pests, response to climate, and effects on physical and biotic site capability, there is a need to compare areas where natural processes are allowed to predominate.
- 3) Natural Areas are valuable for use in education and research. This system provides classrooms and laboratories at no cost for buildings and other support, that is an endowment for Montanans now and in the future.

NEED FOR STATE LEADERSHIP

The Forest Service Natural Area System only represents a small part of the Natural Diversity that occurs in the state of Montana, because of National Forest System land area distribution. In order to provide representatives of all the diversity, we encourage state leadership in coordinating identification and protection of Natural Areas on all land ownerships. This kind of leadership and coordination will reduce duplication of effort and save local, state, and federal agencies, and the private sector considerable effort (time, dollars, and land) and significantly increase their usefulness.

Thank you for providing me this time for testimony today.

EXHIBIT 7
DATE 3-11-87
BB 329

TESTIMONY OF DR. JOHN L. THAYER
217 SOUTH 6TH AVE. BOZEMAN, MT 59715

TO MONTANA HOUSE OF REPRESENTATIVES NATURAL RESOURCES COMMITTEE
11 MARCH 1987

RE: SUPPORT OF SENATE BILL 329

For almost 27 years I have taught and conducted research in Range Management at Montana State University. I have worked primarily with livestock and wildlife habitats, with emphasis on natural resources analysis and measurements.

I encourage your favorable consideration of this legislation because I feel it is in the best interest of Montana's natural resources to more fully develop and support a state-wide system of Natural Areas.

Montana still has a substantial proportion of natural landscapes, which constitute unique scientific and educational resources. Good examples of these landscapes need to be identified and catalogued so they are accessible for scientific, educational, and management purposes.

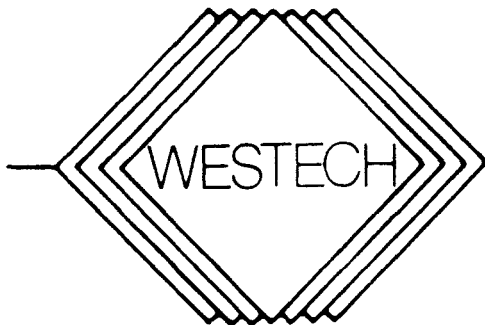
Appropriate husbandry of natural resources must rest on careful research and observation in normally functioning systems so that natural processes, possibilities, and restraints may be understood and utilized in developing management strategies and techniques.

Thus, the potential beneficiaries of a good natural areas system are, in addition to science and education, the users of our renewable natural resources. This is because natural areas can contribute to our understanding of such questions as: what is a reasonable goal for management? What approaches are most likely to achieve these goals? How is management success to be recognized and quantified?

In the case of grasslands and shrublands, my particular area of expertise and interest, we are seriously in need of good baseline examples against which to measure our management successes and perhaps better to understand our failures.

Of course, a number of natural areas are known, and are very useful in helping our understanding of these ecological systems. Nevertheless, there are important rangeland communities which are not now identified. Further, there are areas of the state without designated examples. Many suitable areas exist, but are not widely known or utilized to their potentials as information sources.

This legislation will remedy these deficiencies and push forward the state-wide effort which has been such a long time coming. I encourage your support of this effort.



WESTECH

Western Technology and Engineering Inc.

P. O. BOX 6045
3005 AIRPORT ROAD
HELENA, MT 59604

(406) 442-0950

EXHIBIT 8

DATE 3-11-87

SB 329

March 11, 1987

The Honorable Representative Tom Jones, Chairman
House Natural Resources Subcommittee
Montana House of Representatives
Capitol Station
Helena, MT 59620

Dear Representative Jones:

On March 11, I gave testimony before your committee in support of Senate Bill 329. I would like to clarify for the record that I was representing myself as a private businessperson and was not speaking on behalf of either Western Energy or Montco. While I do have corporate clients who support the work of the Nature Conservancy and the concepts of the Natural Heritage program, I did not mean to imply by my testimony that either Montco or Western Energy had authorized me to register their support of Senate Bill 329.

I hope this clarifies any confusion resulting from my testimony and that you will enter my testimony and clarification into the record regarding S. B. 329.

Sincerely,

Connie Cole

Constance M. Cole

s

STATEMENT - SENATE BILL 329

Mr. Chairman and members of the committee, my name is Connie Cole, I am the President of Western Technology and Engineering, a Helena environmental consulting firm providing expertise in vegetation ecology, wildlife, soils, hydrology and air quality. I have been professionally associated with natural resource development for sixteen years, primarily providing services to the mineral industry. I am speaking in support of Senate Bill 329.

My company primarily provides services to the mineral industry. I could not be here, lending my support to this bill if I felt it would hamper potential mineral development. This is not a wilderness bill. Section 4 subparagraph 3 specifically identifies that the transfer of surface property or development rights will not alter the rights of the mineral owner to develop his property. The rights of the oil and gas industry and mining companies will not be hampered by enactment of this legislation. In fact, two of my company's clients, Western Energy Company and Montco, have given support to this program.

The evaluation of production and the examination of the interrelationships of living systems are valuable consequences resulting from the protection of natural areas. It is information that is directly related to the services my company provides to clients who wish to develop Montana's mineral resources.

I urge you to vote in favor of this bill.

S.B.-329--NATURAL AREAS SYSTEM AND REGISTRATION

Montana should take a major step forward in Natural Area work in 1987. Seventy years ago, in 1917, some of the first concepts about natural areas in the United States were developed. It was another 10 years before the first formally designated natural area was established in 1927. Montana came into the act 10 years after that when Coram Natural Area on a U.S. Forest Service Experimental Forest was established.

Why Natural Areas? There are many uses for natural areas in the scientific and education communities including:

1. To provide representative examples of natural ecosystems.
2. To provide opportunities for study of plant succession and other biological and physical phenomena over long periods of time.
3. To provide "benchmark" values for monitoring changes in natural processes and systems brought about by human activities.
4. To serve as "gene pools" for long-term maintenance of genetic diversity.
5. To serve as preserves for rare and endangered species.

Most states already have natural areas systems but many waited too long and have had to settle for far less than optimum sites for their natural areas. Montana has a unique opportunity to build a relatively complete system of natural areas but every year of delay diminishes those opportunities.

There is a lot of grass-roots support for a natural area system. Work on building a system in the 70's always resulted in a large turnout of dedicated people--all volunteer. A lot of progress was made and hopes were high because the 1974 Natural Areas Act provided a central focus that was badly needed if an efficient system was going to be established. Unfortunately, the "shelving" of the Act caused this grass-roots effort to diminish.

The rejuvenation offered by SB-329 is a welcome sight and it should help considerably in the efforts toward building a System of Natural Areas for Montana. This can benefit managers of private, State and Federal lands in their efforts to develop a system that is complete in including key biological and geological features of Montana but also efficient in reducing duplication of efforts and sites on different land ownerships.

Together, we can give Montana the beginnings of a really significant Centennial present--a Montana Natural Areas System.


WYMAN C. SCHMIDT, PhD



EXHIBIT (10)
DATE 3-11-87
SB 329

Western Environmental Trade Association

1714 Ninth Avenue - Helena, Montana 59601
Phone (406) 443-5541

OFFICERS:

Russ Williams, President
International Brotherhood of Electrical Workers
Jack Seimond, 1st Vice President
Choteau, Montana
Jim Hughes, 2nd Vice President
Mountain Bell
Paul Caruso, Jr., Secretary-Treasurer
First Security Bank, Helena
EXECUTIVE DIRECTOR
Mike Micone

March 11, 1987

WETA RECOMMENDS THE FOLLOWING AMENDMENTS TO SB329

Page 3, Line 17

After the existing: strike and potential

Insert: natural areas system, including

Page 5, Line 6

After this: strike part. Insert section.

Page 8

New section 13. Termination. Section 3, Section 6 and
Section 7 of this act terminate on June 30, 1989.



WOOD PRODUCTS ASSOCIATION

EXHIBIT 11
DATE 3-11-87
SB 329

P. O. Box 923
1714 9th Avenue
Helena, Montana 59624
(406) 443-1566

March 11, 1987

MWPA RECOMMENDS THE FOLLOWING AMENDMENTS TO SB 329

Amend on page 6, new section 6, subsection 1(a) and (b):

Strike lines 17-20

Insert new language as follows:

- (a) 1 member having relevant qualifications to evaluate management strategies for natural areas;
- (b) 1 member representing ranching;
- (c) 1 member representing other agriculture;
- (d) 1 member representing timber;
- (e) 1 member representing mining;
- (f) 1 member representing motorized recreation;
- (g) 1 member representing non-motorized recreation;

Amend on Page 7, Section 8.

On line 23, after the word "organizations" insert the words "organizations representing Montana's basic resource industries"

ROD RUSSELL, President, Montana Snowmobile Association

12

3.11.87

S. 329

Mr. Chairman: Committee;

Not having a clear definition of Natural areas of State Lands, we as snowmobilers are concerned that many of the sections and parcels of land which we now use could be closed off. This could close areas which are currently used as our groomed, and ungroomed trails systems. These lands have been used by us for many years, and approving a bill such as this one, will certainly reduce the availability of public lands to the majority of the population for their enjoyment and recreation.

THANK YOU

VISITORS' REGISTER

NATURAL RESOURCES COMMITTEEBILL NO. SB 329DATE March 11, 1987SPONSOR Sen. Blaylock

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Janet Ellis	MT Audubon	✓	
BOB HELDING	MT. ASSOC. REALTORS		✓
JOAN BIRD	The Nature Conservancy	✓	
Connie Cole	Westech	✓	
DONNA LOOP ^{for Dr. William Schmidt}	SOCIETY of American Foresters	✓	
Andrew Kestz	myself	✓	
John E. Taylor	self	✓	
Mike M... ..	LESTER		✓
Lorents Grosfield	Sweet Grass Pres. Assn. MT. Stock Growers Assn.		✓
Bob G... ..	US Forest Serv.	✓	
Ken Hooxestol	MT. Snowmobile Assn.		✓
Doug Abelin	Trail Bike rider		✓
Ken... ..	MT Snowmobile Assn		✓
Bob... ..	MT Snowmobile Assn		✓
Bob... ..	Lincoln Snowmobile Club		✓
Louis P. Miller	Pickland Co. Commissioner		✓
Steve... ..	MT Chamber of Commerce		✓
Don... ..	MT. Wood Products Assn		✓
Red Rollins	ASARCO, INC.		✓

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

Kim Erickson

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Don... ..

Sen. Larry... ..

Scott Ross

CS-33 Stan Bradshaw

Ann... ..

Self

Self

Trout Unlimited

Int. Mining Assn

✓

✓

✓

✓

✓

VISITORS' REGISTER

NATURAL RESOURCES COMMITTEEBILL NO. SB 292DATE March 11, 1987SPONSOR Sen Keating

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Lorna Frank	MT Farm Bureau	X	
Merle Peterson	Kennel in MT		
James-Maria Scrimgeour	MT Sevens Club		X
Russ Brown	NPRC		X
Jim Butler	MT Coal Council	X	
Van Jamison	Int. DNRC	X	
Wishy, Jeanne	UPETA	X	
Kerry Lamm	MT Farmers Union		X
Tom Tully	NPRC		X
Stuart Daygall	MT Chamber of Commerce	✓	
Ted Robbins	ASARCO INC.	✓	
Bob Quinn	MPCo	✓	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.