

MINUTES OF THE MEETING
NATURAL RESOURCES COMMITTEE
MONTANA STATE SENATE

March 11, 1987

The meeting began at 1:00 p.m., in Room 405 of the State Capitol Building and was called to order by Senator Gage, who was asked by the committee members to preside since the chairman and vice-chairman were in other committees presenting bills.

ROLL CALL: All members present.

CONSIDERATION OF HOUSE BILL 397: Representative Gary Spaeth, District 84, introduced HB 397, which would amend the Facility Siting Act that was enacted in 1973. At the present time, lines 69kv or less are exempted from the requirements of environmental review by the Board of Natural Resources. HB 397 would exempt power lines of up to 115kv. Rep. Spaeth then distributed amendments to the members of the committee. (Exhibit 1) Amendments do not change the bill, Rep. Spaeth explained, but amendments contain better and clearer language. If the amendments are adopted, however, HB 397 would exempt power lines with 115kv or under from MFSA provided that 75 percent of the landowners along with 75 percent of the power line route agree. If there is any controversy by landowners, then facility would have to go through the act. Rep. Spaeth said that the bill takes into account public interest and the amendment would give landowners more "say". It was Rep. Spaeth's contention that landowners and utility companies would deal in good faith on an "across the table" basis as opposed to boardrooms of the Natural Resources Department. HB 397 would save the consumers money because going through the siting process costs the utility company an exorbitant amount of money. Rep. Spaeth concluded his introduction by saying that there is not much difference between a 69kv line and a 115kv line.

PROPONENTS: Arthur V. Wittich, a representative from the Montana Power Company, who distributed written testimony (Exhibit 2), answered that HB 397 is a fresh look at the MFSA and that no law should be considered inviolate. Mr. Wittich stated that times change, ideas change, people change, and so should the law. Mr. Wittich testified that HB 397 only affects the smaller transmission lines and does not "gut" the MFSA. The explanation was made by Mr. Wittich that HB 397 prevents regulatory over-kill that is going on and explained that the process of the original act which required:

1) that the Utility Co. or Co-op show that the facility is needed.

2) that the facility impose the minimum environmental impacts. Mr. Wittich said that for major facilities, that is no burden, but for smaller facilities, it is a big burden because the process takes two to three years. At that point, Mr. Wittich gave the committee members a diagram (Exhibit 3) that shows typical transmission structures.

Mr. Wittich told the committee that when HB 397 was drafted MPC analyzed where the line should be drawn. MPC determined the line should be drawn at the point between 161 kv lines and 230 kv lines (major structures, major right-of-way widths, heights, etc.). However, to accommodate some interests in the House of Representatives, MPC scaled this decision back to 115 kv and added the 75% clause. Mr. Wittich said MFSA amending time had come, but that HB 397 would still allow for major facilities to fall under the MFSA.

Rep. John Patterson, House District 97, Yellowstone County, read aloud a letter that had been sent to him by Mr. Jim Follensbee (Exhibit 4). Rep. Patterson listed the 14 REA members of the Central Montana Electric Co-op.

Beartooth	McCone	Tongue River
Big Flat	Mid-Yellowstone	Valley
Fergus	Northern	Vigilante
Hill Co.	Park	Yellowstone
Marias	Sun River	

Rep. Patterson said that HB 397 gives landowners an opportunity to sit down with the REA members and bargain. Had HB 397 been in effect 10 years ago, Rep. Patterson shared that he would have been able to have input as to where the power lines would be located on his land. Rep. Patterson recommended that the committee members telephone their respective REA Boards if they have any questions.

Ward Shanahan, who represented Chevron, presented a statement written by Mr. Joe Dewey, Manager of Stillwater Platinum Mine. (Exhibit 5) Mr. Shanahan stated that the Stillwater Mine already was subject to review by the Hardrock Mining Impact Act and Reclamation Act and further review of the power line under the MFSA would cause unnecessary expense and delay. HB 397 was supported by Chevron, and Mr. Shanahan urged passage of HB 397.

Shirley Ball, who represented Montana Women Involved in Farm Economics, related that the organization was in favor of HB397.

OPPONENTS: Don McIntyre, Department of Natural Resources, said that HB 397 would give the landowner no greater rights than landowners have in a condemnation proceeding. The DNRC opposed HB 397 because Mr. McIntyre testified affected landowners will not have a "say" in routing decisions that affect their privately owned land. Mr. McIntyre stated that, if 75 percent of the landowners along a route agreed to grant easements, the other 25 percent of landowners would not have any "say" in the routing decisions across their lands. (Exhibit 6)

Dean Peterson, Judith Gap, testified that he was involved as one of the landowners who convinced DNRC to order the power line placed along a route preferred by landowners. Mr. Peterson said that the ultimately approved route was along the abandoned Milwaukee Railroad right-of-way. He opposed HB 397 because he said he had experience with MFSA and "I know that the Montana Facility Siting Act works." (Exhibit 7)

Pat Melby, represented himself as well as Beaver Creek landowners and admitted that Montana Power Company was very fair--there was a good hearing. DNRC felt it would make more sense to have the power line parallel to existing corridor. Mr. Melby stated that the landowners were highly impressed with the process. He expressed concern that amending MFSA would perhaps allow MPC to "go back on their word and choose the foothill route once again." Therefore, Mr. Melby recommended to the committee that HB 397 not be passed.

Debi Brammer, Montana Association of Conservation Districts, stated that public review is essential. Without any public review processes, Ms. Brammer said that landowners' rights would become secondary to utility rights. She explained that a public review would cause the best route to be built guaranteeing fewer problems for an agricultural operation. (Exhibit 8)

Sue Johnson, President of the Bear Creek Council, a citizens' group with members who are ranchers, outfitters, small business people and others, most of whom are property owners, live along the possible location of an upgraded power line to a proposed gold mine at Jardine. Ms. Johnson said a public review is essential to assure that impacts of transmission lines would be minimized to landowners along the route and that the selected route would represent the least possible impact. (Exhibit 9)

Claudia Massman, Montana Environmental Information Center Action Fund, testified that there are two main reasons for opposing HB 397: 1) Landowners would no longer have a "say" in where the routing should be; and 2) Utilities would be

able to select a preferred alternative on the basis of economic considerations alone, without regard to environment consequences or landowners' interests. (Exhibit 10)

At this time, Senator Gage relinquished the chairmanship to Senator Keating who had just entered the meeting.

Joan Toole, DNRC, read a letter from 18 families living near Laurel who opposed HB 397.

Sandy Seaton, Park County, testified that Park County is the site of increased development that will need power. Ms. Seaton opposed HB 397 for the same reasons as previous opponents stated. (Exhibit 11)

Jerry Jack, Montana Stockgrowers, opposed passage of HB 397 because he felt that the bill would adversely affect the rights of landowners who might want to oppose transmission line's location. (Exhibit 12)

Jeanne-Marie Souvigney, Sierra Club, objected to HB 397 because a majority of landowners would then be allowed to dictate location of a line without any regard for the minority of landowners.

QUESTIONS (AND/OR DISCUSSION) BY THE COMMITTEE: Senator Lynch announced that he had a problem with the DNRC who purports to represent landowners. He reported that he had made a check of the vote of the House of Representatives and virtually every single legislator, regardless of political party, who are representatives of "landowners" supported HB 397. The opponents were not from the landowner representatives. Sen. Lynch then asked Mr. McIntyre to explain why the department would feel that they know more than the elected representatives. Mr. McIntyre stated that the DNRC represents no one, but the department was charged by the legislature to do a job, part of which is to insure that landowners have input into the process. Mr. McIntyre suggested that the House vote may have been characterized by misinformation. He stated that originally 50 kv lines were exempted under MFSA, but as a result of compromising, determination was made that 69 kv lines would also be exempt. In Montana there are fewer than 100 miles of 100 kv or more transmission lines owned by co-ops. Most of the lines built for the co-ops were built by Western Area Power or Bonneville Power Administration. Those entities would become exempt under HB 397. WAP and BPA would still have to go through environmental review under federal laws; therefore, Mr. McIntyre said, amount of review time will not be changed anyway. The only transmission lines that have come under the department's review that are electric co-op lines

since the change was made have been processed in four months by DNRC. Mr. McIntyre stated the certificates were issued but, because of REA restrictions, the lines were not built.

In reply to Senator Lynch's next question, Mr. McIntyre stated that major facilities -- large transmission lines, generating plants, etc. -- would still be included under MFSA.

Senator Lynch mentioned that, to the average person driving down the road, there is no noticeable difference between a 69 kv line and a 100 kv line. Responding to that statement, Mr. McIntyre assured the committee members that it is wrong to say that there are no impacts.

Sen. Lynch reported calling landowners in his area and stated that they are proponents of HB 397.

Mr. McIntyre then said that the department has been involved with landowners for 14 years and that all the landowners who have taken advantage of the MFSA would tell committee members that the act protects them.

In reply to a question from Senator Severson, Mr. Wittich explained the process of siting a line: 1) determine the need; 2) negotiate with landowners as to be location; 3) get right-of-way; 4) build the line. Mr. Wittich stated that MPC would try to avoid condemnation at all costs; however, occasionally the company might still have to condemn under the act.

Senator Hofman said he was confused because of the conflicting statements between Rep. Patterson who said landowners were having more say under HB 397 and Mr. Wittich's statement that landowners would have less say. Rep. Patterson referred Sen. Hofman to the new language on page 4 of HB 397 that states landowners would have a chance to become involved in the negotiations.

Senator Weeding made a statement about Glengary route, and said that originally the route was grass range and that some opposition came from the Spring Creek area. He further stated that, of the total mileage on that route, there were 25% landowners and he wondered how public interest would be dealt with under HB 397. He added that there was a struggle for many months to find an alternate site which cost the company a considerable amount of money. Mr. Wittich said that without MFSA, MPC would have had to evaluate all the landowners' concerns before making a decision. The decision in the Glengary case was made by members of the board for that site.

Senator Weeding said that his point was the response was made to the public interest and not a "nose count" of landowners; and that response to public interest perhaps would not be the same under HB 397.

Senator Walker asked how many miles of various lines MPC owns. Mr. Gene Braun, MPC attorney, listed the following approximate figures:

69 kv lines	700 - 800 miles
100 kv lines	1,000 - 1500 miles
230 kv lines	800 - 900 miles
161 kv lines	1,000

CLOSING: Representative Spaeth explained that, in the beginning he was uncomfortable with HB 397, but with the amendments, he feels it is a good measure. He stated also that 75% of the landowners is a very high standard. Referring to Senator Weeding's comments, Rep. Spaeth said that sometimes public interest judgment calls by DNRC have been very close, i.e., 51% may cause BNRC to site line in one place. With HB 397 in effect, landowners affected would be able to negotiate which places a heavy burden on the Montana Power Company to negotiate individually with landowners. He then announced that Senator Jacobson would like to carry HB 397 in the Senate.

Senator Keating, Chairman, then announced that the hearing for HB 397 was closed.

CONSIDERATION OF HOUSE BILL 246: Representative Cobb, House District 42, sponsor of HB 246, explained that it would require written notice of public hearing be sent to all royalty and mineral owners by the person who applies to establish a well spacing unit or who applies to pool all interests in a well spacing unit.

PROPONENTS: Tom Butler, attorney for the Department of State Lands, stated that he was appearing before the committee as a private citizen on his own time and explained that he had requested Representative Bulger to sponsor HB 246. He also stated that "spacing" establishes area that can best be drained by one well to conserve pressure. "Pooling" he said establishes a fraction of production that each surface owner receives and, under current law, notice is only published in newspapers and oil and gas journals. Mr. Butler made it clear that HB 246 makes it fairer for the royalty owner to receive written notice and cited a case in Oklahoma whose law was the same as Montana's current law and whose courts said that NOTICE HAS TO BE GIVEN TO ROYALTY OWNERS and to only give notice by newspaper publication is unconstitutional.

OPPONENTS: None

QUESTIONS (AND/OR DISCUSSION) FROM COMMITTEE: Senator Gage said that many times people have a more current address of mineral and royalty owners than the Clerk & Recorder has and asked Representative Cobb whether a provision should be made in the bill. Rep. Bulger replied he would have no problem adding the provision, but questioned the necessity since common practice is to send mail to the most current addresses known.

Chairman Keating stated that sometimes spacing is done through the quarterly hearing of the Board of Oil and Gas and questioned if that is the case, would the operator still be required to comply with HB 246 as well as notice given through the oil and gas commission.

Rep. Bulger said written notice as required by HB 246 would be the sole means of notification.

CLOSING: Representative Cobb stated that all the facts had been presented, and the hearing was closed on HB 246.

CONSIDERATION OF HOUSE BILL 370: Representative Asay from House District 27, sponsor of HB 370, said it dealt with three aspects of the Opencut Mining Act which for all intents and purposes refers to gravel pits. HB 370 would allow the following:

1. County that holds a valid opencut mining permit can remove up to 1,000 yards of gravel for emergency situations without department's approval.
2. Department would have input about reclamation.
3. Assessment of reasons for violations would be made before penalty decisions are made by the department.

PROPOSERS: Gary Amestoy, Department of State Lands, stated that HB 370 responds to county concerns. Criteria in the bill would protect environment and public interest and would allow better reclamation beyond pit area. (Exhibit 13)

George Ochenski, Montana Environmental Information Center, stated his support of HB 370.

OPPONENTS: None.

QUESTIONS (AND/OR DISCUSSION) BY COMMITTEE: Senator Gage said that "types" of minerals had been removed from the bill and asked if that would affect coal, etc. Mr. Amestoy stated that minerals refers to bentonite, clay, scoria, phosphate rock, sand, and gravel only.

CLOSING: Representative Asay said he hoped the committee would support the bill and agreed that Senator Abrahms carry HB 370.

CONSIDERATION OF HOUSE BILL 404: Representative Harp, House District 7, sponsor of the bill, explained that HB 404 would provide a time limit of 60 days for the Department of Natural Resources and Conservation to reach a decision on centerline location. Presently, there is no time limit in law. Rep. Harp assured the committee that methods, research, environmental compatibility requirements, etc., would not be changed.

PROPOSERS: Art Wittich, Montana Power Company, stated that HB 404 is a bill that would give the MFSA some fine tuning and would ensure accountability by all parties. (Exhibit 14)

Richard Parks, Northern Plains Resource Council, supported HB 404.

Larry Fasbender, Department of Natural Resources and Conservation, also endorsed HB 404.

George Ochenski, Environmental Information Center, stood in support of bill.

OPPOSERS: None.

QUESTIONS (AND/OR DISCUSSION) BY COMMITTEE: Senator Halligan asked how often were hearings non-contested, and Mr. Fasbender of the DNRC explained that non-contested cases were more informal and contested cases are corridor -- people come before the board and indicate their concerns.

Senator Weeding then asked if the segment approach to analysis would be changed, and Mr. Fasbender said, "No."

CLOSING: Representative Harp reported that Senator Gage would carry HB 404.

EXECUTIVE SESSION: Senator Keating, Chairman, called the meeting to order for disposition of bills heard on March 11th (this date).

DISPOSITION OF HOUSE BILL 404: Senator Severson moved that HB 404 BE CONCURRED IN. The motion was passed unanimously. Senator Gage will carry the bill.

DISPOSITION OF HOUSE BILL 370: Senator Weeding moved that HB 370 BE CONCURRED IN. The motion passed unanimously. Senator Abrahms will be asked to carry HB 370.

DISPOSITION OF HOUSE BILL 246: Senator Keating, Chairman, explained that most leases have a pooling clause in them. However, most operators go through the formal process of obtaining a communitization agreement with a written contract that is sent out to all royalty owners.

Senator Anderson moved that HB 246 BE CONCURRED IN. The motion CARRIED by a majority vote, with Senator Halligan voting "no."

CONSIDERATION OF HB 397: Senator Halligan had questions concerning costs that Montana Power Company incurred and asked Mr. Wittich for the marginal costs of MFSA compliance. Mr. Wittich said that Gene Braun had calculated some figures and broke down the costs for the Central Montana Project and Laurel to Bridger Project; and costs were itemized year by year from 1981 to 1986. Mr. Wittich explained that costs included environmental assessments by MPC and consultants, utility siting applications, and centerline approval costs. The Central Montana Project amounted to \$487,000 and the Laurel to Bridger Project total was \$284,000; and the Laurel to Bridger Project did not have centerline approval to date. Mr. Wittich indicated he would make copies of the cost accounting and make them available to the committee members. He reiterated that costs referred to in the report are environmental costs that disagree with Mr. McIntyre's testimony.

Senator Halligan said he did not understand why there was opposition if MFSA is a "give/take" process for landowners. Mr. Wittich, MPC, explained that the environmental impact is not the criteria for decision making -- "siting by environmental impact is really siting by ear" -- that is to say that whoever shouts the loudest at DNRC has the most influence. He also stated that HB 397 would give MPC the incentive to work with landowners rather than DNRC. Senator Halligan then commented that MPC is a good corporate citizen but, after dealing with 75% of the landowners, questioned what would happen to the other 25% of landowners. Mr. Wittich said it is a fallacy to think MPC would ignore the 25% and said the MPC condemns more land at present because of DNRC.

In response to Senator Halligan's next question, Mr. Wittich stated that less than 10% of the land is condemned. Condemnation proceedings take a long time and costs are prohibitive.

Senator Keating, Chairman, questioned if 69 kv lines were still being installed, and Mr. Braun, MPC, reported that the line to Jardine was 69 kv. He indicated that 90% of the land on the Jardine route was Forest Service property.

Natural Resources Committee
March 11, 1987
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Senator Hofman made a query about the discrepancy in cost figures between the DNRC and the MPC. Mr. McIntyre said he didn't know how the Montana Power Company figures were contrived and that much of the money MPC had used had been in essentially dealing with the landowners. He suggested that someone should ask the MPC if HB 397 were passed, if it would mean that the Montana Power Company would not have such high expenditures. If after negotiating with landowners and agreements are not reached with 75% of them, Mr. McIntyre said that MPC costs would increase because they would have to fall under MFSA.

There being no further time for discussion, Chairman Keating adjourned the meeting at 2:57 p.m.


THOMAS F. KEATING, Chairman

ROLL CALL

NATURAL RESOURCES

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 3/11/87

NAME	PRESENT	ABSENT	EXCUSED
Sen. Tom Keating, Chairman	X		
Sen. Cecil Weeding, Vice Chairman	X		
Sen. John Anderson	X		
Sen. Mike Halligan	X		
Sen. Delwyn Gage	X		
Sen. Lawrence Stimatz	X		
Sen. Larry Tveit	X		
Sen. "J.D." Lynch	X		
Sen. Sam Hofman	X		
Sen. William Yellowtail	X		
Sen. Elmer Severson	X		
Sen. Mike Walker	X		

Each day attach to minutes.

DATE March 11, 1987

COMMITTEE ON

Natural Resources

VISITORS' REGISTER

NAME		BILL #	Check One	
			Support	Oppose
Art Wittich	MPC	397/404	✓	
Gene Braun	MPC	397/404		
Richard Parks	BCC / NPRC	404	✓	
"	"	397		✓
Claudia Masman	MEEC	397	✓	✓
"	"	404	✓	
Tom Butler	self	HB 246	✓	
Juan Johnson	BCC (NPRC)	HB 397		✓
SANDY SEATON	self	HB 397		✓
Steve Weitz	DSL	HB 370	✓	
Shirley Benton	self	HB 397		✓
Debi Brammer	MT Assn of Conservation Districts	HB 397		✓
Gary Amestoy	MT Dept of State Lands	HB 370	✓	
Don MacIntyre	DWR	H 397		✓
Dorey Fletcher	Montana Oryx Co	HB 246	✓	
Eric Ockert	Belgrade High School			
SCOTT CANNEMAN	BELGRADE HIGH SCHOOL			
Jon Stuchred	Belgrade High School			
Kerry Jack	MT Stockgrowers	HB 397		✓
Rudger West	DNRC	397		✓
Stan Bradshaw	self	397		✓
Ward Shaulman	CHEVIZON Corp	397	✓	
GEORGE OCHENSKI	MT. ENV. INF. CNTR		HB 370	397 HB
Pat Melby	Self and Beaver Creek Land	397		✓
Ted Rollins	ASARCO, INC	HB 397	✓	
Tom Tully	NPRC	HB 397		✓
Joan-Joan Soudry	MT Sierra Club	397		✓

(Please leave printed statement with Secretary)

SENATE NATURAL RESOURCES

EXHIBIT NO. 1

DATE March 11, 1987

BILL NO. HB 397

PROPOSED AMENDMENTS TO HB 397

1. Page 4, line 14.

Following: "~~161~~"

Strike: "115"

Insert: "69"

2. Page 4, lines 19 through 25.

Following: line 18

Strike: lines 19 through 25 in their entirety

Insert: "(II) does not include an electric transmission line with a design capacity of more than 69 kilovolts and up to and including 115 kilovolts for which the person planning to construct the line has obtained right of way agreements or options for a right of way from more than 75% of the owners who collectively own more than 75% of the property along the centerline;"

3. Page 6, line 17.

Following: "THE"

Strike: "APPLICANT"

Insert: "person planning to construct the transmission line"

3/9/87

TESTIMONY BEFORE THE SENATE NATURAL RESOURCE COMMITTEE
ON HB 397, WHICH INCREASES THE 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 are truly 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 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 the centerline. 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 truly 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 of to provide system reliability. Interestingly, of all the applications for transmission facility certificates, none has ever been denied based on a lack of evidence proving need.

The second major issue under MFSA is environmental impacts. 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 are long gone. However, an environmental analysis would be conducted regardless of MFSA. 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.

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.

As amended, HB 397 would allow utilities to "opt out" of the MFSA process for 100 kV and 115 kV transmission lines, upon notice to persons residing in the area of the facility and the DNRC. This notice must be given at least 180 days before right of way acquisition and must include a summary describing the facility and the rights of the property owners. Additionally, the utility must acquire 75% of the right of way (based on both population and property length) before an opt out is authorized. This quantum of right of way purchase is strong evidence of cooperation between the utility and the directly affected landowners and, therefore, ensures the facility is sited in an environmentally sound manner.

In closing, HB 397 does not radically change the facility siting process. If this bill passes, truly major facilities (large transmission lines, generating plants, coal gasification

plants, etc.) would still need a certificate of environmental compatibility and public need before construction. 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

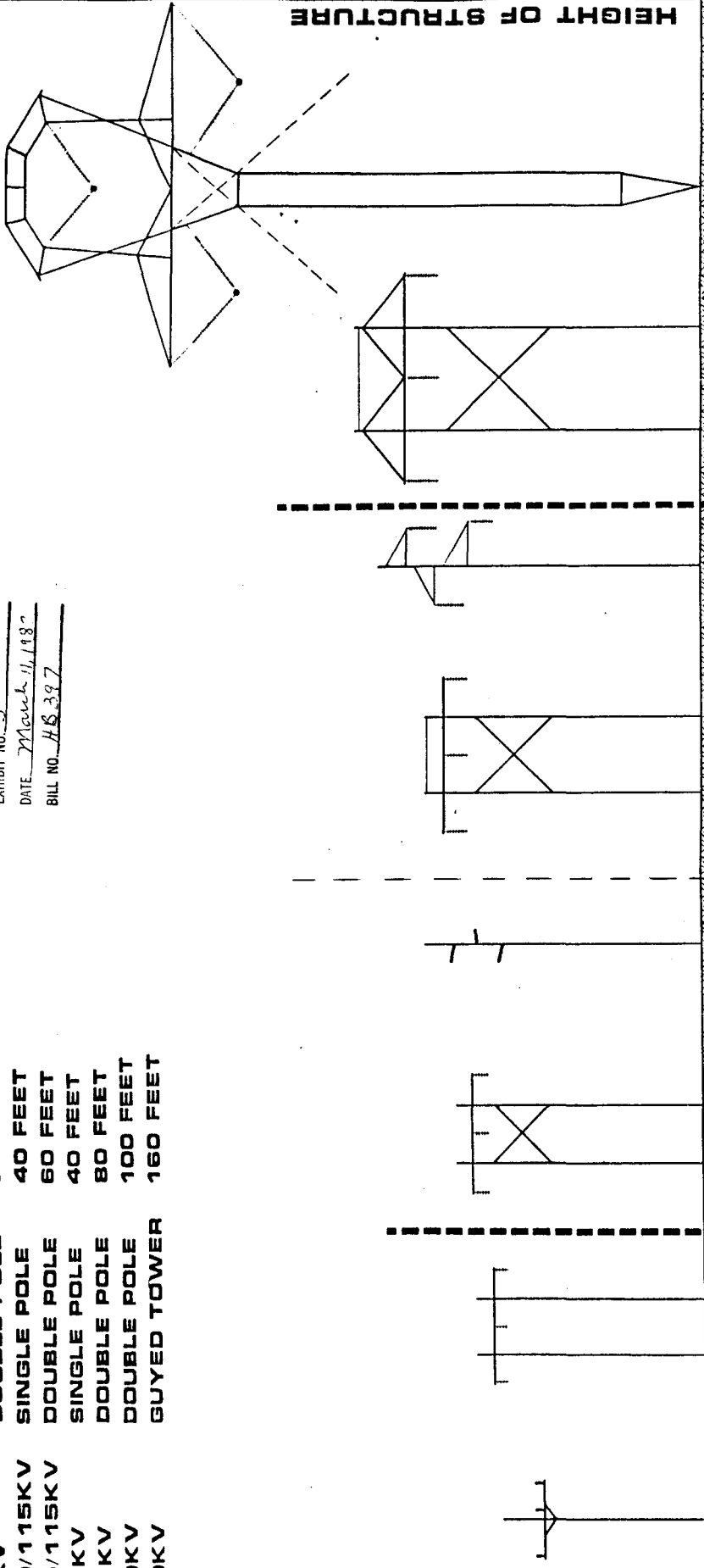
VOLTAGE STRUCTURE R/W WIDTH

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

SENATE NATURAL RESOURCES
EXHIBIT NO. 3
DATE March 11, 1987
BILL NO. HB 397

HEIGHT OF STRUCTURE

140 FEET
130 FEET
120 FEET
110 FEET
100 FEET
90 FEET
80 FEET
70 FEET
60 FEET
50 FEET
40 FEET
30 FEET
20 FEET
10 FEET



CURRENT EXEMPT FACILITIES PROPOSED EXEMPT FACILITIES

THE MONTANA POWER COMPANY TYPICAL TRANSMISSION STRUCTURES

February 18, 1987

Representative John Patterson

SENATE NATURAL RESOURCES

EXHIBIT NO. 4

DATE March 11, 1987

BILL NO. H.B. 397

Dear John:

On January 28, 1987, the members of Central Montana Power Cooperative voted to support H.B. 397 by Gary Spaeth and Fred Thomas.

the original bill would exclude 115KV and 161KV transmission lines from the Major Facilities Siting Act.

Your support of this bill would be sincerely appreciated ^{by} all the 14 member rural electric cooperatives of Central Montana including Yellowstone Valley Electric Cooperative.

As of ~~the~~ now the bill has been amended whereby it excludes only 115KV and under from the siting act, if utilities and landowners are able to reach agreement. Please feel free to use this letter on the floor. Respectfully
Jim Follensbee

NAME Ward A. Shanahan BILL NO. HB 397
ADDRESS 301 First Nat'l Bank, Helena DATE 03/11/87
WHOM DO YOU REPRESENT Chevron Corporation
SUPPORT XXX OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY **SENATE NATURAL RESOURCES**

Comments:

EXHIBIT NO. 5
DATE March 11, 1987
BILL NO. HB 397

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 Corporation, whose subsidiary, Chevron Resources, is the managing partner for this important new platinum mine. I'll try to answer any questions you may have about Mr. Dewey's statement. 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
442-8560 (Helena)

4278W

HB 397
Senate Natural Resource Committee

March 11, 1987

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 at least a 115 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.

4276W

TESTIMONY OF DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION--HB 397
SENATE NATURAL RESOURCES COMMITTEEDATE 2 March 11, 1987
BILL NO. HB 397

The Department of Natural Resources and Conservation opposes HB 397 because it removes from the public review process some of the major transmission lines being built in Montana.

The bill as it was originally introduced exempted 100 KV, 115 KV and 161 KV transmission lines from public review that the Siting Act affords landowners. That is still the intent of this bill. Passage of the bill would return Montana to a pre-1973 process whereby a utility condemns a landowner's property after the utility determines what it considers to be the best route for these lines. These amendments afford the landowner absolutely no protection, entitle the landowner to no mitigation, such as control of weeds along the right-of-way and give the landowner no greater rights than they are entitled to in a condemnation proceeding, i.e., just compensation.

The lines proposed to be exempted from the Siting Act 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 generally not a direct benefit to the landowner whose land is crossed by one of these lines as is the case with power poles that run through your property and provide you with

electricity. Consequently, landowners must live with the impacts of these lines on their property without any commensurate benefits.

These lines do have impacts to landowners and agricultural operations. In many cases because there are more poles per mile with lower ground clearance, these smaller lines have more impact to agricultural operations than with larger lines. The Siting Act provides affected landowners with an opportunity for input into the utility decision regarding the location of these transmission lines and for development of measures to mitigate the impacts of these lines to not only landowners, but also to public resources.

In the absence of any public process, such as the Siting Act, landowners will have no legally enforceable say in the construction or location of a line through their property. The landowner can negotiate compensation with the utility, but he cannot negotiate the line off of his property or influence easements granted by his adjacent neighbors that will impact him. This is because a utility can take a landowner's property through condemnation proceedings in the courts. The net effect of not having a public review process for these lines is to subordinate a landowner's property rights to a utility's right to proceed with condemnation in court.

The arguments advanced for this bill center on the costs that the Siting Act process imposes on the utility's costs of doing business. The BNRC adopted rules in 1985 that cut an applicant's costs by relying heavily on existing published data

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and limiting the geographic area to be studied to the area that would be impacted. Since the adoption of comprehensive siting rules in 1985, the DNRC has offered to work with both MPC and the co-ops to continue to look for ways to lower the costs of Siting Act compliance on small transmission lines. To date no one has taken DNRC up on this offer. In fact the DNRC agreed to work with the co-ops through the Montana Associated Utilities on this exact issue. The co-ops agreed to form a task force to work with DNRC. Yet they have not appointed this working group.

MPC in its testimony stated it cost them \$500,000 to comply with the Major Facility Siting Act on the Central Montana 100 KV transmission line project. That cost may be the cost of designing, engineering and surveying the line, but it is not the cost to comply with the Siting Act. Compare MPC's stated costs with those of the state. DNRC's costs of evaluating need, studying environmental impacts and alternate locations for the facility, conducting public meetings, writing a draft and final EIS and holding contested case hearings, including paying for hearings examiner and Board expenses, was \$91,000. This is nearly four and one-half times less than what MPC states it cost them to do its siting work.

The DNRC's costs on the Laurel to Bridger 100 KV line were only \$49,000, while MPC has stated it cost them \$400,000 to comply. This is over seven times as much as DNRC spent.

These figures are a far cry from the figures used to support this bill. It may be concluded that either MPC is including the engineering, design and survey costs in their figures, the Department is far more efficient than MPC in doing its siting work, or MPC has spent a tremendous amount of money fighting local landowners over the location of these facilities.

Montana Power Company in sworn testimony has stated the Siting Act costs are not significant to their operations. In the Central Montana transmission line hearing, MPC testified "The same is true, I think, of costs of the facility. \$200-250,000 to some people is a major issue. It is an important issue. The communications is an important one. But to me they are not major." The MPC, thus, equated \$200-250,000 in additional costs to the impacts of a transmission line on communications. If these are equivalent, how can the MPC now assert that there are few important impacts from these lines.

These examples highlight that many of the costs attributed to the Siting Act are costs that will be incurred anyway and that the true costs of Siting Act compliance are less than stated by MPC and the impacts are greater. These costs are simply a factor that enters into the equation of building transmission lines whether this bill passes or not.

What is really at issue here today is a corporate philosophy that does not respect landowner involvement in corporate decisions even though the decisions affect landowner concerns. In the Central Montana project, MPC did not consult with potentially affected landowners prior to selecting their final

preferred route. In MPC's testimony on Central Montana, the MPC stated that "there might be some benefit (to contacting landowners), but there are also some real problems with it." When MPC discovered, through public meetings conducted by DNRC under the Siting Act, that landowners in the area preferred a route that was different than theirs, the utility did not attempt to work with affected landowners to reach a compromise or see if there was the possibility of reaching a consensus among the affected groups. Instead MPC spent considerable sums of money doing studies and providing testimony for the record to discredit the concerns and claims of these affected landowners.

In its testimony on the project, MPC discounted landowner input as nothing more than "strategic behavior" and suggested that, "public reaction now may be no more than sophisticated smoke screens whose major objective is 'to keep the line out of my back yard.'" The utility spent its resources on expert witness after expert witness trying to convince the Board that the local landowners were wrong. They spent their money fighting for a corporate routing decision rather than working with affected landowners.

And what did the landowners that were going to be affected want? They simply wanted MPC to build the transmission line along an abandoned railroad right-of-way as opposed to crossing their agricultural properties.

Do the landowners' desires in this case sound like strategic behavior? Were their wishes nothing more than a, "sophisticated smokescreen whose major objective is to to keep the line out of

my back yard," as MPC testified in Lewistown? Or were their concerns legitimate? Was the railroad right-of-way, in fact, a siting opportunity?

Didn't the railroad right-of-way promise fewer impacts than crossing cultivated agricultural lands where no transmission lines now exist? The manager of the Fergus Electric Co-op thought so. Drawing on his experience in the utility business, he testified on behalf of the landowners in opposition to the MPC preferred route.

Had MPC ignored the railroad right-of-way? No. They testified that they had evaluated the railroad right-of-way and in their view "there were a number of corridors that were better than the railroad route."

Ask yourself what might have happened to these landowners if this bill had been in effect? This is one major reason why MPC's costs rose so high in the Central Montana project. They decided to fight the landowners.

Fortunately for the landowners, the Siting Act provided them an opportunity to convince the Board that their claims were legitimate. The Board ultimately endorsed the route preferred by the landowners as the route that minimizes impacts given the other alternatives.

This bill is a reaction to the Central Montana project and the ability of affected landowners to participate in the Siting Act process and prevail against the utility--an option that does not exist in a condemnation court proceeding. In fact, if this

bill passes, MPC can ignore the certificate approved by the Board for the Central Montana project and proceed under this bill.

This bill started out in the House as an exemption bill for certain bulk transmission lines, but was then amended in an apparent attempt to address landowners' concerns. That is not what these amendments do. This bill holds out a hope that utilities have an incentive to work with local landowners and that it is to their advantage to do so. But that is not the history of siting in Montana. The utility that urges this bill, the MPC, is the same company that spent thousands of dollars fighting landowners on the Central Montana project.

The Siting Act process is issue driven, which means DNRC concentrates its time and efforts looking at areas of public concern. DNRC does not allocate much time looking at issues that are not of concern to the public or the applicant. Issues that cause the most concern usually occur in very limited geographic areas. These areas are where land use intensifies and siting causes greater impact. The options to siting are usually limited in these areas.

In the Central Montana project the primary area of concern was the landowners along Beaver Creek, less than six miles of the 32 mile project. In the Laurel to Bridger line the main area of concern was the area between the Clark's Fork and the Yellowstone River, two miles out of 28. In the proposed Roundup to Ivanhoe transmission line it is likely to be the one or two miles through Roundup that will be the area of concern.

In none of these instances would the amount of land crossed or the number of landowners affected be greater than 25 percent of the total distance of the line. Yet these are the areas that were or will be most affected by the transmission line. This is why the 75 percent provision fails to give the truly affected landowners any protection. The 25 percent that do not agree with the utility are the most likely to be impacted by the line. These landowners will not have a say in the routing decision affecting their land because others along the route have agreed to rights-of-way with the utilities. Isn't this why the Siting Act was initially enacted--to allow every affected landowner an opportunity to participate in siting decisions?

The DNRC opposes HB 397. The primary reason is that affected landowners will not have a say in routing decisions that affect their land. Even if 75 percent of the landowners along a route agree to grant easements, this does not guarantee the other 25 percent of the landowners any say in the routing decisions across their lands. In fact, this bill not only subordinates the property rights of these landowners to the utility's right to proceed with condemnation proceedings in court, it also subordinates their rights to decisions made by their neighbors. I urge the Committee to give HB 397 a "do not pass" recommendation.

In closing, I make one final observation. MPC in this bill assails the need for Siting Act review of smaller transmission lines. Yet, in a sworn statement by its director of electrical engineering in the Laurel to Bridger hearing, the MPC stated as

a matter of record that "I think the Major Facility Siting Act is a real step forward. It allows for public input, public participation and a decision by the Board of Natural Resources on need and environmental compatibility." I seriously doubt the value of public participation has diminished over the last year when no transmission lines were proposed to the extent that siting decisions should return to the exclusive domain of the corporate board room, where the landowner has no right to participate.

My name is Dean Peterson and I am from Judith Gap, Mt. I recently and am currently involved in working with the Montana Facility Siting Act concerning a 100 KV transmission line from Judith Gap Substation to the Glengary substation. I farm and ranch in the Judith Gap area in which several corridors were proposed. Through landowners efforts working through the Mt.F.S.A. hearing process we were able to show the builders of the transmission line that their No. 1 proposed corridor was not in the best interest of all parties concerned. I know that the Mt.F.S.A. works. To dilute the Mt.F.S.A. would take away input by Montana property owners. The present process gives all parties concerned equal input.

Though my experience on the Judith Gap to Glengary transmission line I found the builders of the 100 KV line had not physically looked at the routes, and used outdated maps. In other words, the representatives of MPC and their so-called experts had not thoroughly done their homework.

The proposed changes would take the checks and balances out of the system. That would be doing a great disservice to the people and property owners of Montana.

I do not feel that the admendments you have made to this bill make it any better. I feel that all owners of the land affected should have public input not just a portion, and a time limit is so important because a waiting game can be played in which after 10 years or so the land changes hands or is all bought up. All newspaper notices should tell landowners rights and not refer landowners to someone else.

In conclusion, I ask that you say no to HB 397, because I know that the Montana Facility Siting Act works.

SENATE NATURAL RESOURCES

EXHIBIT NO. 7

DATE March 11, 1987

BILL NO. HB 397



Montana Association Of Conservation Districts

1 South Montana
Helena, Montana 59601
Ph. 406-443-5711

HB 397

Mr. Chairman, members of the Committee, my name is Debi Brammer. I am the Executive Vice President for the Montana Association of Conservation Districts.

The Association would like to go on record as opposing HB 397. This bill has the potential to cause serious problems for landowners since there is the real possibility that a utility may route a transmission line across a landowner's property and the landowner would not have a say in the process. By not having the opportunity to participate in the utility line route an individual could have forced upon them a route that may have serious effect on his/her farming operation. This may not only change farming operations which could directly effect income but also have a serious impact on soil and water conservation activities.

The only way to protect landowners' rights to participate in transmission line routing decisions is to retain full Siting Act review of these transmission lines.

We urge a do not pass for HB 397.

Thank you.

Debi Brammer
Debi Brammer

SENATE NATURAL RESOURCES

EXHIBIT NO. 3

DATE March 11, 1987

BILL NO. HB 397

**BEAR
CREEK
COUNCIL**

SENATE NATURAL RESOURCES

EXHIBIT NO. 7

DATE March 11, 1987

BILL NO. House Bill 397

Testimony in opposition to HB 397, presented
to Senate Natural Resources Committee, March
11, 1987 by Sue Johnson, President, Bear Creek Council

Mr. Chairman and members of the Committee, for the record, my name is Sue Johnson, and I'm the President of Bear Creek Council. Bear Creek Council is a citizens group made-up of ranchers, outfitters, small business people and others, ~~most~~ of whom are property owners. Mr. Chairman, we oppose HB 397.

Members of the Committee, many of our members are property owners along the possible location of an upgraded power line to the proposed Jardine Joint Venture Gold mine. We want to make it clear, that we have never opposed this project, but have wanted to make sure that it developed with the minimum impact on our right to make a living. One of our long time major concerns has been whether our members might be facing condemnation for a possible transmission line.

Mr. Chairman, a public review is essential to assure that impacts of transmission lines are minimized to landowners along the route, and that the selected route represents the least possible impact.

This public review is essential for landowners, because of the aforementioned right of utilities to use condemnation. Without any public review process, landowners property rights would be secondary to the utilities right to proceed with a condemnation action in court without the landowner having any say in siting location!

Mr. Chairman, we truly don't feel that this bill would necessarily be doing the utilities any great favor. If you have a public review and look at the various alternatives and come up with the "best" route, you greatly lesson the chance for problems, especially litigation at a later date. So you can save the utilities money in the long run by defeating this bill. Thank you, Sue Johnson

Exhibit 7



The Montana Environmental Information Center Action Fund

• P.O. Box 1184, Helena, Montana 59624 (406)443-2520.

March 11, 1987

Senate Natural Resources Committee

Re: HB 397

SENATE NATURAL RESOURCES

EXHIBIT NO. 10

DATE March 11, 1987

BILL NO. HB 397

Mr. Chairman, members of the committee, my name is Claudia Massman. I represent the Montana Environmental Information Center here today. We oppose HB 397, because it denies the public the opportunity to participate in the decision to construct and locate certain major facilities now included in the Major Facility Siting Act.

"Major facility" is currently defined to include transmission lines with a capacity greater than 69 kv. HB 397 would exclude from the Siting Act transmission lines with a capacity of 100 and 115 kv. The majority of lines now being built in Montana fall within the range that HB 397 seeks to exempt. Exempting these lines from the public review process, is an attempt to circumvent the purpose of the Siting Act to ensure the protection of our environment to mitigate adverse impacts affecting people and their environment.

The purpose of the Siting Act is to balance the public need for energy with the public's right to a clean and healthful environment. The law recognizes that the construction of major facilities may have significant adverse impacts on the environment and on the welfare of citizens. Balancing these competing interests is achieved through the public review process.

Public review protects the environment in this manner. Initially the utility must prove that the proposed facility is actually needed. Implicit in this requirement is the fact that utilities should consider all options before building transmission lines. For instance, in Columbia Falls, public participation avoided the initial decision to build transmission lines by showing that there was no need for them. Public participation can also force the utility to clarify its reason for building a new facility. This process ensures an informed decision.

Under HB 397, landowners will no longer have a right to protest the need and location of a proposed 100 or 115 kv line. Instead, the utility will be able to exercise its right of eminent domain and condemn private property for construction of these lines. The landowner can only contest

the value of his condemned property during a condemnation proceeding. Concerns regarding the preferred site or actual need for the lines cannot be raised. Concerns over mitigation of adverse environmental impacts are also preempted by HB 397. Utilities will be able to select a preferred alternative on the basis of economic considerations alone, without regard to environmental consequences or landowners' interests.

If utilities are concerned about unnecessary delay or cumbersome procedural requirements of the Siting Act, a solution might be a rule making proceeding where utilities can negotiate to change the rules. Eliminating public review is unwise.

Therefore, we urge that you vote against HB 397.

Testimony against HB 397, transmission line exemption from Montana's Major Facility Siting Act.

March 11, 1987

SENATE NATURAL RESOURCES

EXHIBIT NO. 11

DATE March 11, 1987

BILL NO. HB 397

Mr. Chairman and members of the committee, my name is Sandy Seaton, and I live in Livingston, Montana and work in Park County as a ^{guide} ~~outfitter~~.

Mr. Chairman, Park County has recently, and promises to be, the site of increased development activity. This activity comes from proposed mineral development, expansion of the Church Universal Triumphant, and expansion of facilities that service Yellowstone National Park. These all need power!

Mr. Chairman, I'm not sure that I understand this bill, particularly as it relates to "property owners", their rights and their options?

It would seem to me that several large property owners would have the major say as to whether a transmission line falls under the Siting Act or not? What happens if you have several large property owners, ones who own ^(75%) most of the land along a proposed centerline, but as the line approaches a town, such as Livingston, where you have smaller lots, but a lot more concentrated development. Would all the owners of these small lots have an equal say in a lines location?, Or whether it falls under the Siting Act?

I would sure appreciate if one of you would ask the sponsor to explain what happens in this kind of situation?

Mr. Chairman, I'm not a lawyer, but I understand that the right of condemnation is narrowly given to those that show that their need is truly a "public use". Well, if thats the case, then anything that could possibly lead to the taking of someones property should be open to public review and in this case that means should fall under the Siting Act. Thank you for your time, and I hope someone will answer my questions.

NAME Jerry Jack BILL NO. HB 397

ADDRESS PO Box 1679 DATE 3/11/87

WHOM DO YOU REPRESENT Montana Stockgrowers

SUPPORT _____ OPPOSE ☒ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY. SENATE NATURAL RESOURCES
EXHIBIT NO. 12

Comments: DATE March 11, 1987

BILL NO. HB 397

We oppose passage of this bill in that we feel the bill, as written, will adversely affect the rights of landowners who may oppose the line's location. If 3/4's of adjacent owners are in favor, the right of way will be issued with no further applicant rights, whether the line impacts hay fields, calving grounds, or other improvements. Landowners have adequate protection under the current facilities siting act. As such, we urge you to do not pass H.B. 397.

DEPARTMENT OF STATE LANDS

TESTIMONY FOR HB 370

(1:00 P.M. MARCH 11, 1987, SENATE NATURAL RESOURCE COMMITTEE)

HB 370 is being introduced as the request of the Department of State Lands. This amends the Opencut Act to include provisions for (1) allowing the holder of a valid opencut contract to mine up to 1,000 cubic yards in an unpermitted location without first obtaining departmental approval; (2) the permitting of processing facilities that are contiguous to a mine site; and (3) waiver of the civil penalty requirements for minor violations of the Opencut Act.

The amendment that allows the holder of a valid opencut contract to mine 1,000 cubic yards in an unpermitted area was developed in response to concerns expressed by counties that in times of unexpected or emergency situations, they need the flexibility to obtain gravel without having first obtained authorization from the department. The specific criteria outlined in the amendment is designed to protect the public and the environment.

For your reference, 1,000 cubic yards of gravel is equivalent to 200 loads in trucks similar to those used by the Montana Highway Department snowplow trucks.

The inclusion of processing facilities that are contiguous to the minesite such as access roads, mineral stockpile areas and treatment or sediment ponds into the permit area will provide for better reclamation of the entire opencut mine site, not just the pit itself. This is necessary because under existing law only the pit area is required to be reclaimed but the associated disturbances can be left unreclaimed. This provision will also help reduce weed problems that are associated with unreclaimed disturbed sites.

The waiver of the civil penalty provision for minor violations will allow for more flexibility in the administration of the Act and eliminate civil penalties for those violations that do not represent potential harm to public health, public safety or the environment.

The Department recommends your support of these amendments.

3/11/87 DATE March 11, 1987BILL NO. HB 404

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 (as amended) remedies the problem by requiring the BNRC to make a centerline decision within 60 days after the commencement of the noncontested case proceeding. 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 two regularly scheduled (bi-monthly) meetings to discuss the centerline issues. After completion of the DNRC centerline report, the DNRC could notify the BNRC and the public about the report and commence the noncontested case proceeding at the next BNRC meeting. Conference calls between meetings 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 the transmission facility, in a timely fashion. The applicant, and its customers, deserve no less.

Montana Power Company
Arthur V. Wittich

STANDING COMMITTEE REPORT

March 11 19 37

MR. PRESIDENT

We, your committee on **NATURAL RESOURCES**

having had under consideration **HOUSE BILL** No. **246**

THIRD reading copy (**BLUE**)
color

REQUIRING WELL-SPACING UNIT; POOLING APPLICANTS TO GIVE ACTUAL NOTICE

COBB (Anderson)

Respectfully report as follows: That **HOUSE BILL** No. **246**

BE CONCURRED IN

~~XXXXXX~~
~~DO PASS~~

~~XXXXXX~~
~~DO NOT PASS~~

.....
Senator Thomas F. Keating, Chairman.

STANDING COMMITTEE REPORT

March 11

37

..... 19.....

MR. PRESIDENT

We, your committee on.....**NATURAL RESOURCES**.....

having had under consideration.....**HOUSE BILL**..... No. **379**.....

THIRD..... reading copy (**BLUE**)
color

GENERALLY REVISES LAWS RELATING TO THE OPENCUT MINING ACT

ASAY (Abrams)

Respectfully report as follows: That.....**HOUSE BILL**..... No. **379**.....

BE CONCURRED IN

~~DO PASS~~

~~DO NOT PASS~~

SENATOR THOMAS F. REATING,.....
Chairman.

STANDING COMMITTEE REPORT

March 11 19.....97

MR. PRESIDENT

We, your committee on NATURAL RESOURCES

having had under consideration..... HOUSE BILL No. 404

THIRD reading copy (BLUE)
color

PROVIDES A TIME LIMIT FOR CENTERLINE DECISIONS

HARP (Gage)

Respectfully report as follows: That..... HOUSE BILL No. 404

BE CONCURRED IN

~~DO NOT PASS~~

~~DO NOT PASS~~

SENATOR THOMAS F. SLATING, Chairman.