

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRPERSON BOB RANEY**, on February 1, 1991, at 3:00 pm.

ROLL CALL

Members Present:

Bob Raney, Chairman (D)
Mark O'Keefe, Vice-Chairman (D)
Beverly Barnhart (D)
Vivian Brooke (D)
Ben Cohen (D)
Ed Dolezal (D)
Orval Ellison (R)
Russell Fagg (R)
Mike Foster (R)
Bob Gilbert (R)
David Hoffman (R)
Dick Knox (R)
Bruce Measure (D)
Tom Nelson (R)
Bob Ream (D)
Jim Southworth (D)
Howard Toole (D)
Dave Wanzenried (D)

Staff Present: Gail Kuntz, Environmental Quality Council
Paul Sihler, Environmental Quality Council
Lisa Fairman, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: **CHAIR RANEY** announced HJR 10, HB 375, and HB 377 will be heard.

HEARING ON HJR 10

Presentation and Opening Statement by Sponsor:

REP. MARY LOU PETERSON, House District 1, Eureka, distributed an informational handout with petitions of support attached. **EXHIBIT 1** She stated HJR 10 seeks to keep the status quo of Ten Lakes Scenic Area by recommending to Congress the creation of the Ten Lakes Recreation Area. Designation of the Ten Lakes area occurred in 1964 as part of Lee Metcalf's bill. The size of the area has grown with an addition of 15,700 acres in 1974. In

response to a declining timber industry, economic and development advice from the Resource Conservation and Development Program was sought. Tourism was highlighted for economic stability. Designation of a Ten Lakes Recreation Area fits into the goals of the economic plan.

Proponents' Testimony:

Dennis Winters, Montana Market Development, supported HJR 10. He said he worked closely with the people of Eureka. Mr. Winters stated Eureka is barely surviving. With the decline in the timber industry the town needs to transfer its economy to tourism. Any loss of tourism potential is critical to the community.

Jerry Syth, Ten Lakes Snowmobile Club, supported HJR 10. He stated during the RARE II studies he recommended Wilderness designation for the Ten Lakes Area. He supported the designation of Wilderness with an inclusion to allow snowmobile use. Ten Lakes area provides the only place to snowmobile in the general vicinity. He stated wildlife is not present in the areas where they would snowmobile. Additionally, snowmobiles do not impact the environment. Because the area is remote and harsh, skiers and snowshoers can not access it. Wilderness designation would make it a "no man's land", prohibiting senior citizens from appreciating it.

Mark Svoboda, Tobacco Valley Economic Development Council, supported HJR 10. He stated Lincoln County currently has 15% unemployment and a dwindling timber resource. Ten Lakes area should be protected from harvesting and mining. Snowmobiling and recreation uses are important and should be allowed. The use of paid recreation guides may offer employment opportunities. EXHIBIT 2. Mr. Svoboda submitted written testimony of support from the Lincoln County Board of Commissioners and Blanche Meeker, Tobacco Valley Board of Commerce. EXHIBIT 3 and EXHIBIT 4.

SEN. ELEANOR VAUGHN, Senate District 1, supported HJR 10 for previously stated reasons. HJR 10 would protect the area while providing for tourism and access for the elderly and handicapped.

Opponents' Testimony:

Loren Kreck, Columbia Falls, opposed HJR 10. EXHIBIT 5

Morris Olsen, Local 3038, Bonner, opposed HJR 10. He said he represents mill workers who were involved with the Kootenai-Lolo Accords negotiations. The Ten Lakes area is an integral part of the Accords. A change in the status of the Ten Lakes area would require the Accords to be renegotiated which could take up to a year to do. Settlement of the Wilderness issue is important to the timber industry and the Accords may accomplish this settlement. Mr. Olsen submitted petitions and newspaper articles

supporting the Accords. EXHIBIT 6 and 6A

Louise Bruce, Montana Wilderness Association, opposed HJR 10. EXHIBIT 7. She submitted written testimony from Winton Weydemeyer and Dave Erickson who also opposed HJR 10. EXHIBITS 8 and 9.

Bill Maloit, Back Country Horsemen of Montana, opposed HJR 10. EXHIBIT 10

Mark Johnson, Eureka, opposed HJR 10. EXHIBIT 11

Brian Erhart, Lumber and Sawmill Workers Locals 3038 and 2812 - Missoula, opposed HJR 10. He read testimony from Don Wilkins and Brenda Gibbs. EXHIBITS 12 and 13.

Vikki Woodruff, Eureka, opposed HJR 10. EXHIBIT 14

Mike Simson, Montana Outfitters and Guides Association, opposed HJR 10 for reasons previously stated.

Chester Kinsey, Montana Senior Citizens Association, opposed bill for reasons previously stated.

Jim Bremer, Trego, opposed HJR 10. EXHIBIT 15

David Nesbitt opposed HJR 10. EXHIBIT 16

Don Judge, AFL-CIO, opposed HJR 10. EXHIBIT 17

Ross Titus, Montana Wilderness Association-Flathead Chapter, opposed HJR 10 for reasons previously stated.

Tom Kilmer said that the passage of HJR 10 communicates to our children and the world that the increase in global warming caused by the consumption of fossil fuels for recreation use is acceptable. He opposed HJR 10 for this reason.

Valerie Horton, Montana Wilderness Association and Montana Flyfishermen, opposed HJR 10. She stated the passage of HJR 10 would threaten the Accords and may impact woodland caribou. Ten Lakes doesn't need to be opened up to snowmobilers since they already can access greater than 80% of the Forest.

Janet Ellis, Montana Audubon Legislative Fund, opposed HJR 10 for reasons previously stated.

John Gatchell, Montana Wilderness Association, opposed HJR 10. He said three points need to be examined when considering passage of HJR 10. Historically, the area was first proposed for wilderness protection in 1925. The proposed area was much larger in size than now. The second point is the importance of respecting the negotiation process of the Kootenai-Lolo Accords. There is a great investment by numerous people in the Accords.

The third point is by retaining the Ten Lakes area for Wilderness designation does not close it to tourism. Wilderness use is a form of tourism. Snowmobiling can occur in other locations besides the Ten Lakes area.

Bob Decker, Montana Wildland Coalition (MWC), said MWC is comprised of numerous organizations, one of which is Libby Rod and Gun Club. Mr. Decker reiterated the importance of protecting the Ten Lakes area for wilderness values and for investment in the Kootenai-Lolo Accords. Protecting the process of the accords and the trust in legal process is very important. HJR 10 is a threat to the community involvement process. He added the appropriate time for the Legislature or legislatures to become involved in this issue was at an earlier date, when negotiations were occurring. State legislation is not appropriate for this issue at this time.

Joan Montagne, Bozeman, submitted written testimony opposing HJR 10. EXHIBIT 18

Joe Gutkoski, Bozeman, submitted written testimony opposing HJR 10. EXHIBIT 19

REP. BOB REAM, HD 54 - Missoula, presented numerous letters from constituents opposing HJR 10. EXHIBIT 20. He opposed HJR 10.

CHAIR RANEY, HD 82 - Livingston, presented numerous letters from constituents opposing HJR 10. EXHIBIT 21. He opposed HJR 10.

Questions From Committee Members:

REP. DICK KNOX asked Mr. Sikes what is the present management for summer access into the Ten Lakes area and what is his proposed management. Mr. Sikes replied access is wide open but closed to motorized vehicles. REP. KNOX asked again how access is presently managed during the summer. Mr. Sikes responded the area is managed under Kootenai National Forest Plan. REP. KNOX asked if this means there will be no motorized access in the Scenic area during the summer. Mr. Sikes indicated yes.

REP. VIVIAN BROOKE asked Mr. Winters what is the projection of motorized recreational tourism in Montana with consideration to gas prices and the Gulf situation. Mr. Winters stated the cost of raw resources and petroleum will increase no matter what happens globally. Towns have specific needs and special methods to meet their needs. In Eureka, tourism makes up for the loss of timber jobs. If snowmobiling is removed as an option in tourism, Eureka will suffer. REP. MARK O'KEEFE asked Mr. Winters to respond in one word what is the most important industry to the community of Eureka. Mr. Winters answered timber.

Closing by Sponsor:

REP. PETERSON stated the hearing resulted in good, open

discussion. Supporters of HJR 10 are interested in protecting the unique area from logging and mining. There is commitment to preserve its wild values. Currently, Lincoln County has 16% unemployment. The communities are looking for options to better their economic status. Snowmobiling is part of the quality of life in the area. Local snowmobile groups worked with the Forest Service and Fish, Wildlife and Parks to protect the natural values found in the Ten Lakes Area. REP. PETERSON stated she supported HJR 10.

HEARING ON HB 375

Presentation and Opening Statement by Sponsor:

REP. STELLA JEAN HANSEN, HD 57 - Missoula, stated the idea of HB 375 originated with a constituent, Blanch Rogers. Ms. Rogers is active in fighting pollution. The bill raises the fine for littering from \$100 to \$250 for first offense and \$250 to \$500 for a second offense. She stated the current litter law is not effective. This bill may generate some revenue and help to reduce littering.

Proponents' Testimony:

REP. BEN COHEN, supported HB 375. He stated he has a similar bill that addresses controlling disposal of wastes and refuse in an acceptable method. Littering is not a small problem and needs to be addressed.

Jim Jensen, Montana Environmental Information Center (MEIC), supported HB 375.

Opponents' Testimony: none

Questions From Committee Members:

REP. ORVAL ELLISON asked REP. HANSEN if she considered taking the money to establish a hot line similar to the poaching hotline. The main problem with littering appears to be enforcement. REP. HANSEN responded positively to the idea. She suggested littering enforcement could be added to game wardens responsibilities. Littering is very detrimental to wild animals. REP. HOFFMAN suggested the current highway statute addressing littering could be amended to increase the fines rather than creating a new statute.

Closing by Sponsor: REP. HANSEN closed.

HEARING ON HB 377

Presentation and Opening Statement by Sponsor:

REP. BOB RANEY, House District 82, Livingston said there is a need to prepare for importation and consolidation of wastes. The

bill addresses licensing and managing megalandfills (landfills that dispose of more than 200,000 tons of garbage a year). Developers will need to submit a long range plan of the proposed development to the Board of Health. The plan will include, but is not limited to, studies on the environmental, economic, and sociological effects of the development. Because of its importance, hydrology will be studied closely. A two year prior notification will be required. This will allow the Department of Health and Environmental Sciences to research the site and to prepare for licensing work load. The landfill developers will need a certificate of site acceptability from the Board of Health. Section 15 of the bill outlines the environmental factors that need to be addressed during the planning and operation process. The applicant will pay a filing fee of \$40,000 to offset the costs accrued by the Department. The filing costs were based on estimations of the expected costs to Department. The filing fee may be adjusted when actual costs are accrued. Additionally, a fee of \$0.20/ton is imposed on landfills disposing more than 200,000 tons/year. The Department must file a report on the application in one year. The Board will base its evaluation and decision on the criteria listed on page 18. The Board may require additional requirements, such as monitoring. The bill is intended to coordinate with the Montana Environmental Policy Act (MEPA) and existing laws. HB 377 allows for citizen involvement and enforcement. The bill outlines the enforcement and penalties for failure to comply with the Montana Waste Management Act and this Megalandfill Siting Act.

Proponents' Testimony:

Brian McNitt, Montana Environment Information Center (MEIC), supported HB 377. EXHIBIT 22

Paul Hawkes, Northern Plains Resource Council (NPRC), supported HB 377. The issue of waste dumping is a concern for numerous reasons. The threat to the water resource is an especially great threat. Mr. Hawkes stated he would like to see all importation of out-of-state waste halted.

Scott Elds, Custer Resource Alliance (CRA), supported HB 377. He opposed any importation of garbage. He doesn't want to see Montana become a cheap dumping ground for other people's garbage. If people reduced, recycled and reused new landfills and megalandfills would not be necessary. Examples of communities reducing, recycling and reusing can be found in the eastern United States. As a result of these efforts, new landfills are not necessary. Mr. Elds suggested amendments to HB 377 and supplied a fact sheet on solid waste to the committee. EXHIBITS 23 and 24

Linda Lee, Montana Audubon Legislative Fund, supported HB 377. Improper waste management can have enormous environmental consequences. Water is a major concern. Sound certification, monitoring, and enforcement are key to the program.

Richard Parks, NPRC, supported HB 377. He presented amendments and urged their adoption. **EXHIBIT 25**

Ron Erickson, University of Montana Environmental Studies professor, Missoula, agreed with NPRC that water is the critical issue. He stated safe transport of wastes is another key issue that needs to be closely examined. Garbage is a resource that should be considered an alternative energy source under the Montana Major Facilities Siting Act. In the long term, large dumps of garbage can produce menthane. There are three main factors necessary for the production of methane: deep garbage, warm temperatures, and water. The use of large dumps or megalandfills as future energy sources should be examined. Environmentally sound management of dumps is absolutely necessary.

Georgia Mentikov, CRA, supported HB 377. He stated megalandfills may have large amounts of household hazardous wastes. Property values near megalandfills may suffer. The risks associated with megalandfills are too high for the possible benefits. **Mr. Mentikov** requested that Section 25, page 28, be changed to allow local governments to decide on modifications rather than the Board or Department of Health and Environmental Sciences.

Susan Stanton, school teacher and member of CRA, supported HB 377. The bill would provide local communities with some protection. She explained some of her concerns with HB 377. On page 27, lines 3-5, the term "minimize" is used in a comparative fashion. Minimum amounts or maximum effects should be described. A maximum amount of ash should be included in the definition of ash. Hearings need to be closer to the proposed site. She supported HB 377 and emphasized the need for community participation and protection of the environment.

Kristin Page, Montana Public Information Research Group (MontPIRG), supported HB 377. She stated the last resort in managing garbage is the creation of new landfills. People need to reduce, recycle and reuse more often. Megalandfills are a great threat to the environment.

Scott Snelson, Montana Wildlife Federation, supported HB 377. He said the "wastelands" in Eastern Montana, as they often are referred to, are critical to wildlife. Megalandfills have the potential of significantly detrimentally affecting these areas.

Sue Raker, professional forester and farmer from Michigan, supported HB 377. She had been a Montana resident and doesn't want to see Montana make the same mistakes Michigan made. When the dumps were created in their rural area, the local people were told that they would be protected from spillage and that the soils would prevent seepage. Michigan Department of Natural Resources test wells show that major seepage and groundwater contamination has occurred. The damage is beyond restitution. Personal treasures are bankrupt in attempts to clean up the

damage and to get the responsible parties to act on clean up processes. Ms. Raker emphasized there is no safe dump and she can not understand why anyone would want a megalandfill in or near their community.

Diane Hoff, Dawson County Resource Council, supported HB 377. She stated transportation practices need to be closely scrutinized. The farther wastes are transported the greater the risk of accidental spills. She said she does not want to see any importation of waste into Montana.

Lyle Quick, McCone County, stated HB 377 will provide counties with a tool to help make development decisions. Because environmental and sociological impacts will need to be addressed prior to the project siting, better decisions will be made.

Opponents' Testimony:

Charles Madler, Baker, stated he is considering developing a dump in Fallon county. He opposed HB 377 because the bill would prohibit development of dumps. HB 377 is a vehicle to stop the importation of garbage. It would financially discourage the creation of dumps. The bill is not good solid waste management. Defining megalandfills to be dumps that receive greater than 200,000 tons/year is unfair. Survival of some communities will be dependent upon the creation and operation of megalandfills. HB 377 is bad and illegal legislation. The bill banning importation of waste also is illegal. Mr. Madler stated HB 377 is just a reaction to an emotional issue.

Questions From Committee Members:

REP. REAM asked Ms. Raker if she would send him some information concerning their landfill issue. She replied yes. He thanked her for coming all the way to share her concerns. REP. DICK KNOX asked Ms. Raker what is the average rainfall in her area. Ms. Raker responded average rainfall is 27.8"/year.

Closing by Sponsor:

REP. RANEY stated that the issues of methane production, water resources and transportation need to be closely evaluated when considering megalandfills and when debating HB 377. His preference would be to prohibit importation of waste but realizes it may not be possible. HB 377 will provide for better and more safe management of megalandfills. REP. RANEY responded to comments made by an opponent, Mr. Madler. REP. RANEY stated the 200,000 tons/year is an arbitrary number based on approximations of amount of garbage created in-state and out-of-state. He is very willing to lower the amount. The \$5/ton fee is an estimate of regulation costs. If the actual amount is less, then the fee can be reduced. A moratorium on garbage importation is not illegal or unconstitutional. HB 377 is a good law. It is

unanimously supported by the Environmental Quality Council. A great amount of public and scientific input was considered when developing the bill. The situation in Michigan, described by Ms. Raker, exemplifies what occurs when planning does not occur. Montana does not want to be in the same situation. HB 377 allows for the necessary planning to occur. Planning is not over reacting. The issue is emotional because of the potential deleterious effects caused by megalandfills. REP. RANEY closed by urging his support for HB 377.

EXECUTIVE ACTION ON HB 266

Motion: REP. COHEN MOVED HB 266 DO PASS.

Motion: REP. GILBERT moved to adopt the amendments requested by Department of State Lands. EXHIBIT 26

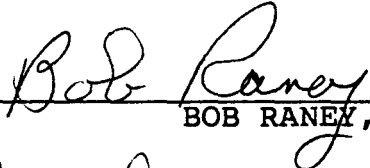
Discussion: Gail Kuntz, Committee Staffer, explained that the amendments bring the current state coal act into compliance with the standards in Federal laws.

Vote: Motion to adopt the amendments carried.


Motion/Vote: REP. COHEN MOVED HB 266 DO PASS AS AMENDED. Motion carried unanimously.

ADJOURNMENT

Adjournment: 7:00 pm.



BOB RANEY, Chair



LISA FAIRMAN, Secretary

HOUSE OF REPRESENTATIVES
NATURAL RESOURCES COMMITTEE

ROLL CALL

DATE 2-1-91

NAME	PRESENT	ABSENT	EXCUSED
REP. MARK O'KEEFE, VICE-CHAIRMAN	/		
REP. BOB GILBERT	/		
REP. BEN COHEN	/		
REP. ORVAL ELLISON	/		
REP. BOB REAM	/		
REP. TOM NELSON	/		
REP. VIVIAN BROOKE	/		
REP. BEVERLY BARNHART	/		
REP. ED DOLEZAL	/		
REP. RUSSELL FAGG	/		
REP. MIKE FOSTER	/		
REP. DAVID HOFFMAN	/		
REP. DICK KNOX	/		
REP. BRUCE MEASURE	/		
REP. JIM SOUTHWORTH	/		
REP. HOWARD TOOLE	/		
REP. DAVE WANZENRIED	/		
REP. BOB RANEY, CHAIRMAN	/		

CS05NATRES.MAN

The Ten Lakes National Recreation Area Petition

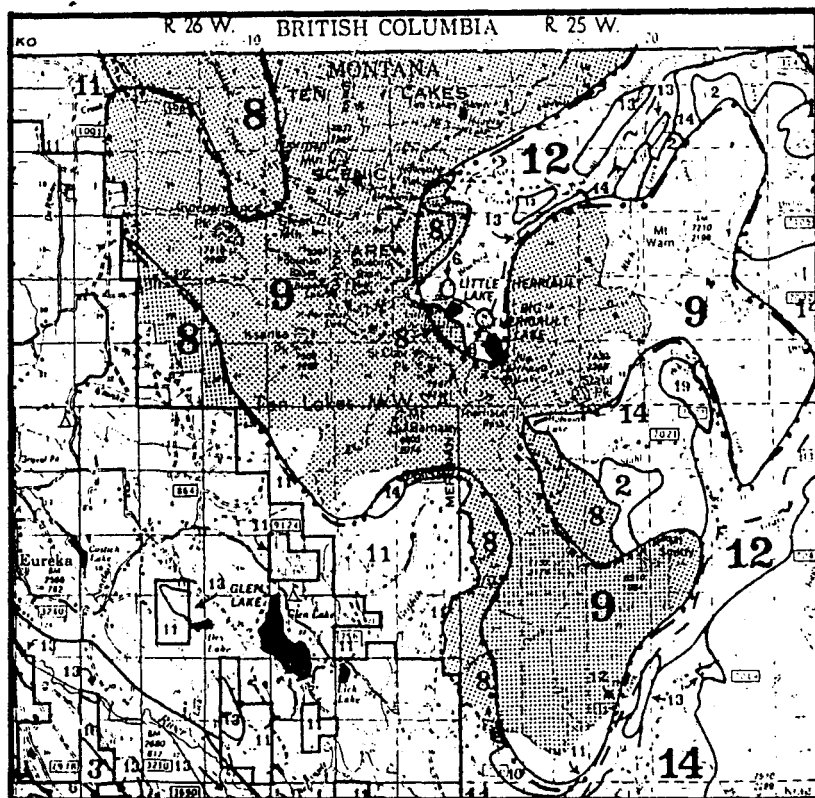
We, the undersigned, hereby petition the United States Congress and President to designate the Ten Lakes Scenic Area and certain contiguous lands northeast of Eureka, Montana, totalling approximately 41,000 acres and owned by the U.S. Forest Service, as the Ten Lakes National Recreation Area.

Currently managed for wilderness characteristics and values, the lands in question contain superb mountain scenery, high quality fish and wildlife habitat and great potential for recreation throughout the year. The most significant difference in how these lands are currently managed and how they would be managed under federal wilderness designation would be the prohibition of over-the-snow motorized vehicles (snowmobiles).

This petition seeks to strike a balance in the management of the Ten Lakes area, part of which is proposed for wilderness designation by the U.S. Forest Service, which would prohibit snowmobile access. Under the National Recreation Area designation, the lands would be managed along the guidelines listed in the 1987 Kootenai National Forest Plan. A summary outline of the management guidelines for the Ten Lakes National Recreation Area based on the Forest Plan is attached, and persons are urged to read it.

The Ten Lakes National Recreation Area would encompass the approximately 41,000 acres of land labeled as Forest Service Management Areas 8 and 9, currently managed for wilderness values and characteristics according to the 1987 Kootenai National Forest Plan with the exception of snowmobile access in the winter under Forest Service regulation.

The dotted area is recommended by the Forest Service for wilderness designation, but this petition seeks all of the Management Area 8 and 9 lands to be under National Recreation Area status.



In summary, we petition the U.S. Congress and the President to create federal law to prohibit resource extractive development such as timber harvest, mining and petroleum (oil and natural gas) development in the Ten Lakes National Recreation Area and continue to allow over-the-snow motorized vehicle access under Forest Service regulation.

Summary outline of Management Areas 8 and 9 land management guidelines for the proposed Ten Lakes National Recreation Area based on the U.S. Forest Service 1987 Kootenai National Forest Plan.

GOALS

Retain wilderness characteristics and values
Allow natural ecological processes to continue
Maintain opportunity for primitive forms of recreation
Provide habitat to contribute to the recovery of the grizzly bear

STANDARDS

Visual quality objective is preservation
Predominantly primitive and semi-primitive recreation
Horseback riding and hiking accommodated
Over-the-snow motorized vehicle use permitted from winter solstice to spring equinox, and thereafter in spring if not in conflict with grizzly bear habitat and other wildlife standards *
Overused sites will be monitored and restricted if damage occurs
"No trace" camping and "pack it in, pack it out" hiking required
Grizzly bear information will be provided

WILDERNESS

Permanent facilities for commercial outfitter and guides not permitted
The cabin at Wolverine Lake will be retained

FISH AND WILDLIFE

Wildlife habitat enhancement using prescribed fire, both planned and unplanned ignition, may occur, especially in winter range areas
Mature timber and old growth considered a part of the old growth area of the Kootenai National Forest, and shall not fall below 10 percent of a particular drainage in the Ten Lakes National Recreation Area
Stocking of lakes of indigenous fish permitted unless sites adjacent to those lakes become overused
Isolated enclaves of pure strain trout species will be identified and preserved

RANGE

No allotments for grazing domestic livestock
Recreational pack stock will be permitted

TIMBER

Not suitable for timber production
Timber harvest will not occur

SOIL, WATER AND AIR

All site rehabilitation will be done in a manner to protect wilderness values, using only native species for revegetation
Comply with Smoke Management Plan published by the Montana Department of Health and Environmental Sciences and administered by the Montana State Airshed Group

RIPARIAN AREAS

Forest Plan standards to maintain desirable riparian conditions will be carried out

MINERALS AND GEOLOGY

No mineral leases will be issued
Extraction of common minerals not permitted
No petroleum (oil and natural gas) leases will be issued **
Petroleum exploration and extraction not permitted **

LANDS

No rights-of-way, easements or cost-share agreements permitted

FACILITIES

No road construction permitted
New trails may be constructed except when in conflict with grizzly bear Situations 1 and 2
Land will be a corridor exclusion area

FIRE

Prescribed fire, both planned and unplanned ignition, acceptable as a means of wildlife habitat enhancement and must be consistent with Forest Plan cavity habitat management, old growth requirements and applicable soil, air, visual and water quality standards. Wildfire suppression strategy will adhere to wilderness standards

* Time frame included as addition to Forest Plan text

** Included in petition as addition to Forest Plan text

Exhibit 1 also contains 24 pages of signed petitions. The originals are stored at the Historical Society, 225 N. Roberts, Helena, MT. 406-444-4775.

Tobacco Valley Economic Development Council

P. O. Box 788 • Eureka, Montana 59917-0788

January 30, 1991

Rep. Robert H. Raney, Chairman
Natural Resources Committee
Montana House of Representatives

SUBJECT

House Joint Resolution 10 (Peterson)
to endorse federal designation of the
Ten Lakes National Recreation Area

Dear Mr. Chairman and Committee Members,

The Tobacco Valley Economic Development Council supports passage of House Joint Resolution 10 requesting Congress and the President to create the Ten Lakes National Recreation Area east of Eureka, Montana.

The approximately 41,000-acre area in question is currently proposed by the U.S. Forest Service for designation as wilderness. The most significant change in the area's current management under wilderness designation would be the prohibition of over-the-snow vehicles, a popular local recreational activity and winter tourism attraction.

Other motorized access, such as all-terrain wheeled vehicles and motorcycles, has not been allowed in the area since it was initially proposed for wilderness designation over a decade ago. Over-the-snow vehicles (snowmobiles) have been permitted since that time and have been used in the area for about a quarter century.

National Recreation Area designation as outlined in HJR-10, in prohibiting extractive development such as timber harvest, mining and oil and gas development, would accomplish the great majority of environmental protection objectives achieved through wilderness designation, yet still allow local residents the opportunity to snowmobile in the most scenic and therefore most popular snow-laden alpine areas of Lincoln County.

This access is vital to retaining the potential for winter tourism in the Tobacco Valley, an area where increasing restrictions upon extractive development, primarily timber harvest, demand keeping economic diversification options open.

The council urges you to approve this unique compromise in Montana's public land management debate, which would both protect valuable natural resources located in the state and keep social and economic opportunities open for future Montanans.

Sincerely,



Mark A. Svoboda, President

BOARD OF COUNTY COMMISSIONERS

LINCOLN COUNTY
STATE OF MONTANA

DISTRICT NO. 1, LIBBY
GERALD R. CRINER

DISTRICT NO. 2, TROY
LAWRENCE A. (LARRY) DOLEZAL

DISTRICT NO. 3, EUREKA
NOEL E. WILLIAMS

CLERK OF THE BOARD AND COUNTY RECORDER, CORAL M. CUMMINGS
512 CALIFORNIA AVENUE
LIBBY, MONTANA 59923

January 30, 1991

Natural Resources Committee
House of Representatives
Montana State Capitol
Helena, Mt. 59601

EXHIBIT 3
DATE 2-1-91
HB HJR 10

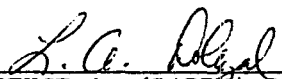
Dear Chairman Raney and Committee Members:

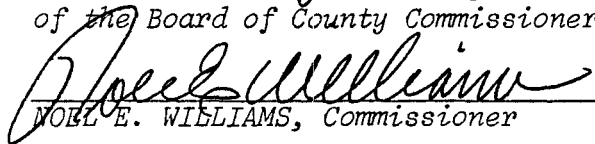
We as a Board are united in our support for House Resolution #10 requesting that the U.S. Congress designate the 41,000 acre Ten-Lake Scenic Area as a National Recreational Area protected from any and all types of extractive development. We join with the preponderance of our constituents in North Lincoln County who are devoted to the preservation of this jewel, but yet are pragmatic enough to realize that, without snowmobile access, wintertime enjoyment of this wonderland would be limited to those few purists capable of extreme physical duress.

We are convinced after many years of observation that wintertime snow-mobiling in this area has caused no measurable environmental damage, nor is it likely to. We are not suggesting that this access be totally unregulated, however, as there are legitimate concerns relative to emerging bears, etc.

We suggest that any such conflicts could be more flexibly dealt with under an NRA designation rather than the rigid and inflexible "lock-out" that wilderness designation would impose.

Sincerely,


LAWRENCE A. (LARRY) DOLEZAL, Chairman
of the Board of County Commissioners


NOEL E. WILLIAMS, Commissioner


GERALD R. CRINER, Commissioner

CC: Mary Lou Peterson
Eleanor Vaughn
Paula Darko

Tobacco Valley...

*...where the pioneer spirit
still lives*



January 28, 1991

EXHIBIT 4
DATE 2-1-91
~~HB~~ HJR 10

I am writing to ask for your support of HJR-10. I have lived in the Eureka area for over 30 years and have enjoyed the use of the Ten Lakes Scenic Area many times. During the last decade the management guidelines have prohibited timber harvest, mining, and oil and gas development. As a senior citizen I am still able to pick huckleberries and fish without a lot of hiking. Those of us that are getting older are being deprived of this type of recreation by groups that want areas cut off from accessibility and used only by those that are able to hike at long lengths.

In the winter there is very little activity there, but it is a pristine scenic location used by many snowmobilers in Lincoln and Flathead Counties. This group of people is very diligent about policing its actions and very concerned about not damaging small trees and grassland.

Our area is being very hard hit by timber appeals and surely needs the added income the snowmobilers bring to our area in the winter. We were very honored this January when the Trans-Montana Ride for Multiple Sclerosis ended their ride from Ennis, Montana at the Canadian border near Frozen Lake. About \$12,000.00 was raised from this event. I would like your support for HJR-10 so we can continue activities like this to help not only the economy of our area, but also those with handicaps and aging problems to enjoy the Ten Lakes Scenic Area.

Respectfully,

Blanche Meeker
BLANCHE MEEKER, President
Tobacco Valley Board of Commerce

HJR-10 Hearing

Chairman Ranney and H.N.R.C. members

My name is Loren Kreck - resident of Columbia Falls, Mt.

EXHIBIT 5
DATE 2-1-91
HJR 10

1951-just 40 years ago this coming spring I hiked into the center of this area your committee will judge for its future recreational use. I mention this date because in the intervening years I have observed the primitive nature of this area reduced by way of intensively maintained system roads and vast clearcutting of the contiguous Blue Bird basin. I saw the insensitive treatment of the Forest Service to bulldoze a boat launching ramp into Therriault Lake, what was then a gem of a high Mt. undisturbed lake with a healthy population of cut-throat trout and Barrow's Golden-eye ducks - NO MORE! - now outboard motors ply the waters and hard side trailers preempt the campsites during the summer season. The quiet and solitude has been lost forever as a concession to the easy access demanded by some user groups. They got what they wanted, but the wilderness quality is gone forever!

Therriault Lakes won't be included in the "Ten Lakes Basin" proposal - now trailheads start at their periphery - pushed back once again to the last high peaks and the few lakes still remaining - are we going to reduce this too with the motorized intensity and access that upset the natural balance and solitude that Terreault once enjoyed? If so, what is ahead? Without Congressional Wilderness designation and under the impending legislation at the state level considered here today we can expect motorized pressure groups from motorcycles and the ubiquitous ORV "quads" to demand access to augment the summer season. "Equal access", once any motorized use is established, is a powerful wedge that's seldom denied under local administrative direction.

The Ten Lakes Basin was the flagship of the S-393 bill study areas in our state and a critical link binding the Kootenai Accord proposal. I would urge this committee to have the wisdom to limit future access to non-motorized use, and, in light of the testimony, make a forceful statement favoring "Wilderness" as its best designated use.

EXHIBIT 5
DATE 2-1-91
HB HJR 10

With All Sincerity,
Loren L. Kreck
Loren L. Kreck
P.O. Box 536
Columbia Falls, Mt. 59912

LLK/mk

We, the undersigned citizens, do hereby

Petition the United States Congress...

o urge passage of the agreements negotiated by sawmill workers, sportsmen, and conservationists, who live and work in Western Montana, known as the Kootenai-Lolo Accords.

These historic agreements, of mutual benefit to timber workers and conservationists, resolve disputes over wilderness and timber in northwest Montana. We compliment those who have put aside their differences to negotiate these agreements and respectfully request the members of Congress to enact the Kootenai-Lolo Accords.

Signature	Name (Please Print)	Address (Please Print)	Zip
1 Lee A Brundin	Lee A. Brundin	906 W. Balsam Libby, MT	59923
2 Ernest Lundberg	Ernest Lundberg	7155 Hwy 72 South. Libby, MT.	59923
3 Glenn Gibson	Glenn Gibson	195 Cedar cr. ext, Libby, MT	59923
4 Greg Smith	Greg Smith	1009 Louisiana Ave, Libby, MT	59923
5 Krissie L. Tereseck	Krissie L. Tereseck	281 So. Central Rd, Libby, MT	59923
6 Al Bratkovich	Al Bratkovich	2247 Bear Hill Cutoff Libby, MT	59923
7 Jon Tereseck	Jon Tereseck	281 South Central Rd, Libby, MT	59923
8 Chuck Harris	Chuck Harris	185 Airfield Road - Libby MT	59923

"The first glimmer of hope that 12 years of bitter confrontation over Montana wilderness could actually be settled by the combatants... We wish them luck, because we indeed think both accords are landmark moves-done, can you imagine, without politicians."

-Helena Independent Record, June 9, 1990

"The Lolo-Kootenai proposal is the first effort we have seen that brings so many divergent groups into agreement. The pact should be implemented and politics should not be allowed to subvert it."

-Butte Montana Standard, July 24, 1990

"When the history of environmental politics is written, this tiny logging town (Libby, MT) may figure as the place where the divisive hysteria gave way to useful compromise. It was here that environmentalists and sawmill workers-among the most bitter enemies-quietly worked out a precedent-setting accord."

-San Francisco Examiner, August 5, 1990

EXHIBIT C

DATE 2-1-91

FILE HARID

Exhibit 6 contains 242 pages of signed petitions. The originals are stored at the Historical Society, 225 N. Roberts, Helena, MT. 406-444-4775.

EXHIBIT 6A
DATE 2-1-91
~~HB~~ HJR 10

HJR-10 SEEKS TO REMOVE TEN LAKES WILDERNESS

-an attack on historic forest agreements

HJR-10 seeks a resolution of the Montana legislature that, if passed, would severely undermine the balance struck in the historic Kootenai Accord. HJR-10 seeks the support of the state legislature to remove the Ten Lakes Wilderness from the Kootenai-Lolo Accords Act recently introduced in the U.S. Senate by Senator Max Baucus.

Ten Lakes: Vital Part of Kootenai Accords

Ten Lakes is a crucial element of agreements negotiated between mill workers, sportsmen, and conservationists in Lincoln and Sanders Counties to resolve the divisive wilderness & timber debate on the Kootenai National Forest. These agreements have been characterized as the *"first glimmer of hope that 12 years of bitter confrontation over Montana wilderness could actually be settled by the combatants."* (Helena Independent Record-June 9, 1990)

It would be a great step **backward** if the Montana legislature undermined months of negotiation and study by local citizens by passing this resolution to remove the Ten Lakes Wilderness.

Ten Lakes is a very popular, pristine region of lake basins and forest trails, the last such area in the heavily-roaded Whitefish-Galton Range. The mountainous backbone of the area is rocky and open, providing vistas of the Canadian Rockies, Glacier National Park, and the Cabinets and Purcells to the west.

Historical recreational use in the area is 92% non-motorized, hunting, fishing, camping, horseback, hiking, etc, according to the U.S. Forest Service.

~~Most snowmobiling in the area occurs outside the boundaries of the~~ proposed Ten Lakes Wilderness. Some occurs inside the boundaries, estimated by the USFS as 8% of recreational use. However, steep terrain and avalanche-prone slopes limits use in much of the area to experts only.

Approximately 80% of the Kootenai National Forest will remain open to snowmobiling if the accords are passed. Some snowmobilers, however, are not satisfied with 80% and now seek the rest of 10 Lakes too.

The Kootenai Accord team already made two boundary changes at the request of snowmobile clubs, deleting parts of Northwest Peaks and Buckhorn Ridge. Yet, the accords did not gain one bit of support for this unilateral concession.

The Ten Lakes proposal in the Kootenai Accords does not include any suitable timber. It was recommended for wilderness by the Forest Service.

THE WESTERN MONTANA Messenger



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CREDIT 64
DATE 2-1-91
HB HJR 10

The Kootenai and Lolo Accords

Jobs and Wilderness

The sawmill workers, sportsmen, and conservationists who negotiated the Kootenai and Lolo Accords, just want to say thanks to the many groups and individuals who worked to find solutions to the tough, divisive debate of wilderness and timber supply on the national forests surrounding our communities.

THANKS, MONTANANS

Workers at Champion's Mill in Bonner, Local #3038 Lumber Production and Industrial Workers – Members of Missoula-Bitterroot Chapter, Montana Wilderness Association – Workers at White Pine and Sash, Local #2812, Lumber Production and Industrial Workers – Members of the Western Montana Fish and Game Association – Workers at W-1 Forest Products, Thompson Falls, Local #2719, Lumber Production and Industrial Workers – Members of the Libby Rod and Gun Club – Workers at D.A.W. Mill, Superior, Local #3-249, International Woodworkers of America – The Montana Chapter Trout Unlimited – Members of the Kootenai Wildlands Alliance – Workers at Stone Container, Frenchtown, Local #885, United Paperworkers International – Members of the Missoula Backcountry Horsemen of America – The Concerned Citizens of Superior Ranger District – Workers at Missoula Mill, Local #2685 Lumber, Production and Industrial Workers, Members of the Cabinet Resources Group – ASARCO Inc. – Members of the Montana Wildlife Federation – Members of the Kootenai Fly Fishers – Champion International – The Montana Wildlands Coalition – Workers at Champion Mill in Libby, Local #2581, Lumber, Production and Industrial Workers – Montana Outfitters and Guides.

The biggest obstacle now is politics

We feel that the Kootenai and Lolo Accords represent the best of what we have to offer Montana and our communities. It reflects years of hard work from diligent members of Montana's conservation community who represented their interests with vigor. It represents the tenacity of mill workers who worked to guarantee the security of their jobs and the vitality of their communities.

And it represents the ability of Montanans to sit down together across the table and reach agreement.

Sincerely,

Gerry Slingsby – president, Local #3038, Lumber Production and Industrial Workers, Bonner, MT

George Whittaker – Montana Wilderness Association State Council

Don Wilkins – Business Representative, Local #2581, Lumber production and Industrial Workers, Libby MT

Jim Cullen – president, Local #2719, Lumber Production and Industrial Workers, Thompson Falls, Montana

Doug Ferrell – Cabinet Resources Group, Trout Creek, Montana

We welcome your questions, comments, or suggestions!

Please write us at:



Kootenai - Lolo Accords

P.O. Box 8284 Missoula, Montana 59807

THANKS, MONTANA!

Exhibit 6A also contains 15 pages of newspaper clippings. The original exhibit is available at the Montana Historical Society, 225 North Roberts, Helena, MT 59601. (Phone 406-444-4775)



Montana Wilderness Association

February 1, 1991

EXHIBIT

87

DATE

2-1-91

HB

HJR 10

Dear Chairman Raney and members of the committee:

My name is Louise Bruce and I'm from Dillon. I'm the vice president of the Montana Wilderness Association, and I appear today on their behalf in opposition to HJR 10.

The Montana Wilderness Association is a grassroots organization that has been a leader in wilderness education and advocacy since its formation 1958. We have four chapters and over 1600 members and supporters statewide.

The first statement I have for you today is from Mr. Winton Weydemeyer of Fortine. Mr. Weydemeyer is a founding father of the Montana Wilderness Association and was our first president. In addition to being a long-time wilderness advocate, he is extremely well respected in his profession as a rancher and tree farmer. He also a local historian. Mr. Weydemeyer was unable to attend today's hearing, but would like his statement entered into the hearing record.

The second statement I have to present to you today is from Mr. Dave Erickson. Mr. Erickson is the President of the Kootenai Wildlands Alliance; our chapter based in Libby. Mr. Erickson could not be here today, but would also like his statement entered into the hearing record.

Thank you very much.

Sincerely,



Louise Bruce
Vice President

Mr. Bob Raney, Chairman
House Natural Resources Committee

Box 77, Fortine, MT 59918

2-1-91
HB HJR 10

EXHIBIT 8
DATE 2-1-91
HJR 10

Dear Mr. Raney:

Re House Joint Resolution No. 10: Ten Lakes National Recreation Area.

The area involved in this resolution has long been considered for Wilderness designation, and included in Wilderness bills introduced in Congress. The issue here is: should it be a Wilderness Area or only a special recreational area, for the benefit of snowmobilers?

Doubtless your committee will receive conflicting information regarding the chronology of consideration for Wilderness designation and snowmobile use of the area named. For this reason, I am submitting the following information, backed by official Forest Service records.

CONSIDERATION FOR WILDERNESS

SNOWMOBILE USE

66 years ago, in a national magazine, I proposed that the heart of the Whitefish Range, including what is now the Ten Lakes Scenic Area, be established as a Wilderness Area.

Following years: many residents suggested Wilderness Area protection.

May 4, 1964: The Ten Lakes Scenic Area was established by the USFS. No motorized equipment to be used in the area.

Not permitted

June 18, 1965. District officials of the USFS recommended that the Regional Forester recommend the Ten Lakes Area for Wilderness Area designation.

Sept. 20, 1970. USFS officials and local residents hike through the Ten Lakes area, confer on recommendations.

1977. Congress passes Public Law 95-150, the Montana Wilderness Study Act, including study of the Ten Lakes area for Wilderness designation.

Sept. 19, 1979. USFS conducts a workshop in Eureka on Ten Lakes and Mt. Henry.

1980. Wilderness advocates and Forest Service men conduct a two-day study trip in Ten Lakes.

1983. USFS holds Eureka hearing on wilderness classification for Ten Lakes. Local study committee holds meetings and submits wilderness boundary recommendations.

1987. USFS recommends Wilderness designation for Ten Lakes Area.

1990. Ten Lakes is included in Kootenai Accord proposal.

1969. Area is patrolled for snowmobile and trail bike violations.

1970. Three local residents are fined in Kalispell district court for snowmobiling in the area.

1971. Violations continue.

1976. Snowmobiling allowed

1980s. Snowmobiling in the area increases.

Saturday, Jan 19, 1991. First sunny mild day in Jan. Snow conditions good.

10 pickups are parked at Grave Creek takeoff site. Some riders, probably not all, may have gone 25 miles further to the Ten Lakes area.

(more)

During the past 75 years I have hiked, climbed, and ridden in the Ten Lakes area many times. Yes, and climbed from the valley to the area in winter, on skis. Claims of some that the area can be visited in winter only by the use of snowmobiles is inaccurate.

Having hiked and climbed in much of the Whitefish Range and Galton Range mountains in winter, on foot, skis, or snowshoes, I can assure you that tens of thousands of acres other than in the Ten Lakes area are well suited for snowmobiling. Here riders can deny other visitors quiet and solitude; they should permit these experiences in the relatively small Ten Lakes area, through Wilderness designation.

I strongly support inclusion of the Ten Lakes area in a Montana or Kootenai-Lolo Wilderness Bill. Thus I urge that Resolution No. 10 not be approved.

Respectfully,

Winton Weydemeyer
Winton Weydemeyer
Rancher, Tree Farmer

cc/ Montana Wildlands Coalition
Montana Wilderness Association

KOOTENAI WILDLANDS ALLIANCE

P.O. Box 588
Libby, Montana 59923

EXHIBIT 9
DATE 2-9-91
FB HJR 10

Bob Rainey, Chairman
Natural Resources Committee
Capitol Station
Helena, MT 59620

Dear Mr. Rainey and Respected
Members of the Committee:

The Kootenai Wildlands Alliance, local mill workers, and several other conservation and recreation groups on the Kootenai have spent months working out a solution to the wilderness issue on the Kootenai National Forest. Our proposal would resolve the wilderness debate and help provide a more reliable source of timber on the largest timber producing forest in Montana.


Wilderness designation for the Ten Lakes area is a vital component of our agreement known as the Kootenai Accord. For that reason, we strongly oppose National Recreational Area designation for the Ten Lakes Area. We ask you to vote "No" on HJR 10. Furthermore, we ask that you support wilderness designation for the Ten Lakes Area as proposed by the Kootenai Accord, the Forest Service, and previous wilderness bills proposed for Montana.

The Kootenai National Forest provides far fewer wilderness opportunities than other Forests in Montana. While the average National Forest in Montana has about 20% of its land set aside as wilderness, the Kootenai has only 4%. When the Kootenai Accord is passed, 80% of the Forest would still be available for snowmobiling and other types of ATV recreation.

Ten Lakes as wilderness has received excellent public support for many years. Few areas on the Kootenai offer the wilderness characteristics of Ten Lakes. Wilderness designation for the Ten Lakes area would still insure that the vast majority of the area around Eureka would remain open to snowmobiling and other types of recreation.

We ask that you join with us, organized labor, the Forest Service, and other conservation and recreational groups on the Kootenai in supporting total and complete wilderness designation for the Ten Lakes area.

Sincerely,


Dave Erickson, President
Kootenai Wildlands Alliance

June Chandler, February 1991

EX 11

2-1-91

HJR 10

THANK YOU FOR THIS OPPORTUNITY TO TESTIFY

- MARK JOHNSON OF EUREKA, MT.

- I ENJOY SNOWMOBILING,
BACKCOUNTRY SKIING, AND WINTER CAMPING,

- I ALSO AM AN ACTIVE MEMBER OF
THE SAR COMMUNITY, HAVING

(M) HELD OFFICER POSITIONS IN A
VARIETY OF ORGANIZATIONS.

- AFTER THE HERRING IN LIBBY LAST
SPRING, MAX BACUS REQUESTED
THE PRESIDENT OF KWA TO
NEGOCIATE A COMPROMISE WITH
LOCAL SNOWMOBILERS,

3:10 PM
- LAST JULY, I CHAIRED A
MEETING WITH MEMBERS OF
THE TEN LAKES SNOWMOBILERS CLUB
OFFERING THE ORIGINAL F.S.
RECOMMENDATION, WHICH
REDUCED THE AREA BY 500 ACRES
AS PROPOSED IN THE ACCORD.
- THIS PROPOSAL WAS DECLINED.

- I ASK YOU AT THIS TIME
TO VOTE NO ON HJR 10, AS
THE TEN LAKES AREA IS
WORTHY OF WILDERNESS
DESIGNATION. SUPPORT THE
KOOTENAI/LOW ACCORD AND
HELP OUR TIMBER INDUSTRY
TO GET BACK TO WORK.

Thank you



BACK COUNTRY HORSEMEN OF MONTANA

P.O. Box 5431
Helena, MT 59604

Statement of Bill Maloit
Back Country Horsemen Of Montana
February 1, 1991

EXHIBIT 10
DATE 2-1-91
HB HJR 10

Mr. Chairman, members of the house Natural Resources Committee,
Ladies and Gentlemen.

I am Bill Maloit, State Chairman of the Back Country Horsemen of Montana.

We are incorporated under the laws of the State of Montana as a non profit educational corporation. Our members come from all walks of life, ranchers, farmers, oilmen, teachers, foresters, doctors, lawyers, loggers, mill workers, outfitters, contractors, employees of State and Federal governments, corporate landowners and small business men, Montanas who use and respect our remaining wild lands. We have chapters at Kalispell, Libby, Eureka, Plains-Thompson Falls, Polson, Missoula, Hamilton, Helena, Great Falls, Bozeman, Conrad and Billings.

The Kootenai Accord is an agreement drafted by the people who live and work in Lincoln and Sanders Counties to resolve the debate over wilderness and timber supply on the Kootenai National Forest.

An agreement by the people not the politicians. The workers in the timber industry, business people in the communities, the major lumber companies and conservationist. A grass roots approach, a reasonable solution of the wildlands debate in Northwest Montana.

An agreement that has been entered into legislation in the 102nd Congress on January 14, 1991.

The Ten Lakes Area is an integral part of the agreement and legislation.

BACK COUNTRY HORSEMEN OF MONTANA



P.O. Box 5431
Helena, MT 59604

Ex. 10
2-1-91
HJR 10

(Page-2)

An area of approximately 44,500 acres. It has high wilderness values. It lies against the British Columbia border and is the home of the Grizzly Bear, Elk, Mule Deer, Wolverine, Pine Martin and Fisher. Woodland Caribou have been known to inhabit the area. A pristine lake basin area in the Whitefish Range.

We must recognize there are dissenters on both sides. Individuals and groups that would advocate more acres in wilderness and those that have special interest that would delete areas proposed in the Accord.

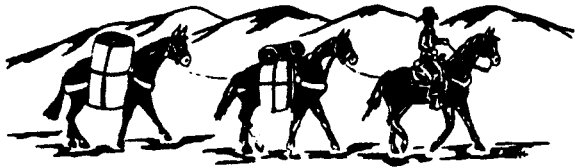
We must also recognize that an act of the State Legislature cannot change Federal Legislation. This resolution HJR-10 could be a political move to sidetrack passage of a two forest wilderness bill. Perhaps national politics not the efforts of Montanan's stands in the way of resolving Montana's roadless land issue.

Jobs, saw logs, wood products versus recreation for a minority when there is already 8,000 miles of snowmobile trails on the Kootenai forest.

The benefits are that 98% of the timber base will be available for multiple use management! Jobs for Montanas timber industry! The Kootenai Accord will release 1,234,290 acres of suitable timber lands and create 430,610 acres of wilderness. Release would mean that development actions could not be challenged.

Wilderness degegnation will protect and preserve watersheds and wildlife values and provide recreation opportunities for Montanans and guest.

Ladies and Gentlemen of the house Natural Resources Committee, we



BACK COUNTRY HORSEMEN OF MONTANA

P.O. Box 5431
Helena, MT 59604

EX. 10
2-1-91
HJR 10

(Page-3)

speak as concerned citizens. No industry or agency supports our cause and purpose. I urge you to vote against House Joint Resolution-10.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Bill Maloit".

Bill Maloit, State Chairman
Back Country Horsemen Of Montana

Mark Johnson
2400 Therriault Pass Rd.
Eureka, MT. 59917-9621

EXHIBIT 11
DATE 1-1-91
HJR 10

January 31, 1991

HOUSE NATURAL RESOURCES COMMITTEE,

Please vote NO on HJR 10. I ask instead that you support Wilderness designation for The Ten Lakes area in The Galton Mountain Range east of Eureka.

I am an active member of the Search and Rescue Community with many officer positions held in a variety of organizations over the past 12 years. As a certified Winter Mountaineering Instructor and certified Avalanche Rescue Instructor, I respect the inherent risks and appreciate the excitement in Ski Touring The Ten Lakes area. I am a frequent user of the area in which I've acquired a great deal of knowledge pertaining to this pristine wilderness environment. I enjoy Winter Mountaineering, Snowmobiling, and Winter Camping. Most of all, I love to experience the peace and solitude of The Ten Lakes.

The proposed Ten Lakes Wilderness area is a roadless forested alpine mountain region of rock faces, alpine lakes, pristine basins, abundant wildlife, and dramatic weather patterns. The 44,500 acres proposed for wilderness designation is located east of Eureka in northwest Montana along the Canadian border in The Galton Mountain Range of Kootenai National Forest.

The issue of snowmobiling in the area has delayed the passing on the Kootenai/Lolo Accord Bill. If this bill passes, over 80% of Kootenai National Forest will continue to be open to snowmobiling on over 8000 miles of road. This does not justify that primitive winter recreation user groups be subjected to the sport of snowmobiling in the rest of the forest. Snowmobiling hinders the "wilderness experience" for primitive user groups. Snowmobiling visually scars the snow cover, harms vegetation, and imposes noise and air pollution upon primitive forms of winter recreation. Snowmobiling also adversely affects wildlife.

Historically The Ten Lakes has been home to the Grizzly Bear, Elk, Mule Deer, Cougar, and Wolverine. The Ten Lakes is one of a few areas in the lower 48 states with a documented record of Gray Wolf, and Woodland Caribou visiting the area. Wildlife in The Ten Lakes is one feature that adds to the "wilderness experience" here.

I cannot understand how a handful of expert snowmobilers that can travel in less than 25% of the area in question can jepordize the preservation of such a spectacular mountain range. This area is not a family snowmobile area. Though I love to snowmobile, I still see the need to preserve The Ten Lakes area for generations to come.

Ex 11

2-1-91


HJR 10

Continued ...

A sanctuary needs to be created in this last significant roadless area of north Lincoln County for primitive forms of winter recreation. Winter Mountaineering and Backcountry Skiing have grown in popularity in The Ten Lakes area because of the pristine "wilderness experience" the area offers.

If The Ten Lakes area is not worthy of Wilderness designation, then no other roadless area in the Kootenai National Forest deserves Wilderness recognition.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Mark Johnson', with a long horizontal flourish extending to the right.

Mark Johnson

LOCAL UNION NO. 2581

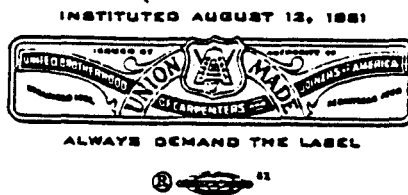
United Brotherhood of Carpenters and Joiners of America

EXHIBIT 12

DATE 2-1-91

RE HJR 10

February 1, 1991



Good Afternoon Mr. Chairman,

My name is Don Wilkins, I am the Business Representative for L. P. I. W. Local #2581 in Libby, Montana. I represent the employees who were part of the process that negotiated what is now called the Kootenai Accord.

As you are aware the State of Montana has been struggling for 15 years to resolve the roadless land issue, with no success. What this Accord does, along with the Lolo Accord, settles that issue on the two most productive timber producing forests in Montana. In fact 62% of the timber that is harvested in Montana comes from these two forests.

A lot of work went into trying to come up with a workable solution to satisfy the issue of timber supply, recreation, and in reserving part of Montana's heritage for future generations - your grandchildren and mine.

There are efforts by some to erode this accomplishment. We believe HJR - 10 is just such an effort. To piece meal parts of the Kootenai Accord out of the agreement would eliminate any chance for the work that millworkers, the conservation community, and sportsmen in Montana has strived to accomplish. The area in question, 10 Lakes, has been considered for wilderness designation in every wilderness bill the congressional delegation has come up with in years passed, and rightfully so. The Kootenai Accord team has made concessions for the motorized recreation enthusiasts. We adjusted our boundaries, knowing full well that we would not get the local snowcat clubs' endorsement for the rest of the Accords, in the Northwest Peak Area and the Buckhorn Ridge Area; two areas that were utilized by motorized recreation.

We were able to do that without eliminating the integrity of these areas. To do the same for 10 Lakes would gut the area and ruin its wilderness values.

In closing, Mr. Chariman, we believe this state legislature has more pressing problems to deal with in regards to the problems the State of Montana is facing. This legislature does not need to nor does it have the time to

Ex. 12

2-1-91

HJR 10

Feb. 1, 1991

Page 2 (Kootenai Accord)

deal with these types of issues. Senator Baucus has reintroduced the Kootenai-Lolo Accords Forest Management Act of 1991. Hearings on that bill are currently being scheduled.

I would suggest to this committee and to this body that this process be allowed to continue without any interference by this body so that we can get the issue resolved on these two forests once and for all. I am asking you not to support HJR - 10 . Thank you.

Sincerely,

Don Wilkins
Business Representative
L.P.I.W. Local # 2581
Libby, Montana



CARPENTERS LOCAL UNION No. 2812

(LUMBER AND SAWMILL WORKERS)
UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA

MISSOULA, MONTANA



February 1, 1991

EXHIBIT 13
DATE 2-1-91
~~OF~~ HJR 10

ADDRESS OF WRITER

Mr. Chairman,

On behalf of the Lumber Production & Industrial Workers Local 2812, White Pine, Missoula, Montana who participated in the Lolo Accords, we wish to express our opposition to HJR-10. This bill would undermine the good faith negotiations and sincere efforts that mill workers, conservationists, and sportsmen accomplished through many long negotiations this past year. We stand by the product of these negotiations as it creates a balance between wilderness and jobs.

We have asked the Congressional Delegation to hold full and complete public hearings. We are pleased that both Senators have now agreed to do so and look forward to resolving this vital issue.

Local 2812 supports the work that was accomplished by mill workers on the Kootenai Forest and urge you to oppose HJR-10.

Sincerely,

Brenda Gibbs

Brenda Gibbs
President
Local 2812

WIKKI WOODRUFF

3400 THERIAULT PASS RD.
EUREKA, MT. 59917-9621

EXHIBIT 14
DATE 2-1-91
HB HJR 10

FEB. 1, 1991

HOUSE NATURAL RESOURCES COMMITTEE

MAY I ASK THE COMMITTEE TO P-L-E-A-S-E VOTE NO
ON HJR 10.

I LIVE NEAR THE TEN LAKES AND EXPERIENCE THIS BEAUTIFUL
SCENIC WONDER OF CRYSTAL LAKES, ROCKY FACED CLIFFS, AND
AN ARRAY OF ANIMALS THAT WOULD EXCITE ANY WILDLIFE
BIOLOGIST. THIS PLACE IS TRULY MAGICAL!

I STRONGLY FEEL THAT WE MUST PRESERVE IT AND TO DO THIS
WE HAVE TO PULL TOGETHER AND SUPPORT THIS HIDDEN
DIAMOND IN NORTHWEST MONTANA. THE HABITAT WILL
MOST CERTAINLY BENEFIT WITH A WILDERNESS DESIGNATION,
AND JOYFULLY I WOULD LOVE TO SEE THE WOODLAND
CARIBOU BROUGHT BACK. A LOCAL KOOTENAI NATIONAL
FOREST RANGER EXPLAINED TO ME THAT INTRODUCING
THE WOODLAND CARIBOU WOULD DEFINITELY BE A GOAL.
THE WILDERNESS DESIGNATION WOULD BE ABLE TO
MAINTAIN AN ENVIRONMENT SUITABLE FOR THIS EASILY
INTIMIDATED CREATURE. OTHERWISE, MACHINES OF ANY
NATURE WOULD BE DETRIMENTAL TO THEIR INTRODUCTION,
THEREFORE A RECOVERY PLAN WOULD NOT BE FEASIBLE.

CONTINUED

Ex. 14

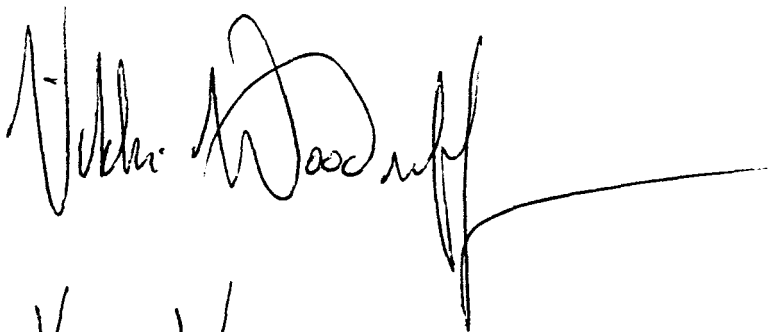
2-1-91

HJR 10

I COULD GO ON AND ON ABOUT THIS AREA OF GREAT SPIRITUAL CHARM. MOST PEOPLE CAN EXPOUND INCREDIBLY WELL JUST AFTER ONE HIKING OR SKIING TRIP - IT CAN LITERALLY DRAW YOU IN LIKE A MAGNET.

AGAIN PLEASE, VOTE NO TO HJR 10.

THANKS SO MUCH FOR YOUR PRECIOUS TIME.

A handwritten signature in cursive script, reading "Vikki Woodruff". The signature is fluid and stylized, with a long horizontal flourish extending to the right.

VIKKI WOODRUFF

EXHIBIT 15
DATE 2-1-91
HB HJR 10

January 31, 1991

Jim Bremer
P.O. Box 173
Trego, Mt. 59934

Mr. Bob Rainey:

The Ten Lakes Scenic Area is very important to me and I feel a wilderness designation is the only way to properly protect this special scenic area.

I feel this is a National issue and that is why we should approach it on a National level. Max Baucus is our national representative who won overwhelmingly in his last election, showing strong support from Montanans. He has taken the advice of the Forest Service and included the 10 Lakes Scenic Area in his Wilderness Bill. It doesn't seem right for a handful of local snowmobilers to over-ride what should be settled on a Federal level.

Here are some problems with snowmobiling in 10 Lakes that I have noticed:

- (1) The tops of trees are being run over, breaking them off which causes insightly growth.
- (2) Trail maintenance crews are not allowed to even use chainsaws to clear trails, so why are noisy snowmobiles allowed?
- (3) The Fish and Wildlife Service has stated that snowmobiling is prohibited after the first of March due to Grizzly Bears coming out of hibernation, yet enforcement is non-existent.
- (4) If 10 Lakes is removed as wilderness from the Kootenai Accord, other Forest Service land would have to be found to replace it. This land would most likely come out of the sustainable timber program, which would meet opposition from the timber industry. Removing 10 Lakes from wilderness designation could jeopardize all the hard work put into the Kootenai Accord.
- (5) Forest Service Concern: Snowmobiling allows easy access of trap lines.

A no vote on HJR-10 is a vote yes on Forest Service recommendation for wilderness. It's a yes to Max Baucus and all the effort he's put into the Kootenai Accord. For the sake of Montana's Natural Heritage, vote NO on HJR-10.

Thank you

Jim Bremer

1-31-91

Mr. Robert Rainey
Chairman
House Natural Resources Committee

EXHIBIT 16
DATE 2-1-91
HB HR 10

Dear Mr. Rainey,

I wish to express my opposition to HJR 10, the resolution presented to your committee by the Representative from the Eureka area, Mary Lou Peterson.

I have lived in the Tobacco Valley for over 10 years. and over this time frame, I have been fortunate enough to hike every trail in the Ten Lakes, and the adjoining areas. I have watched the progression of the proposed Wilderness Designation for the Ten Lakes, and the tremendous amount of time dedicated to this process. My hope is to see this work brought to fruition, and for a finalization of this process.

The United States now has as much pavement as it has of ground with wilderness designation. The Ten Lakes deserves to be wilderness and the future generations of Americans deserve to have ~~for~~ unique areas like the Ten Lakes to hike and camp in.

Thank you for your time, and for your consideration of no vote on HJR 10.

Sincerely

David Rabitt
Box 116



DONALD R. JUDGE
EXECUTIVE SECRETARY

110 WEST 13TH STREET
P.O. BOX 1176
HELENA, MONTANA 59624

(406) 442-1708

EXHIBIT 17
DATE 2-1-91
HJR 10

TESTIMONY OF DON JUDGE ON HJR 10 BEFORE THE HOUSE NATURAL RESOURCES
COMMITTEE, FEBRUARY 1, 1991.

Mr. Chairman, members of the Committee, for the record, I am Don Judge, Executive Secretary of the Montana State AFL-CIO.

I am here today to echo opposition arguments and reaffirm worker's unserving support for the historic Lolo and Kootenai accords, and the Kootenai and Lolo National Forest Management Act of 1991 now before Congress. Frankly, HJR 10 as a threat to the integrity of those accords.

Members of 7 local unions in the wood products industry met with sportsmen and conservationist groups to hammer out the accords. The accords represent a bargaining process with enough "give and take" to achieve a "real" compromise on a traditionally divisive issue -- an issue of significant importance to our State.

HJR 10 would jeopardize the compromise in the accords, adding fuel to a fire that has been declared "contained" since the signing of the accords.

Organized Labor stands steadfast in it's support of the accords, having adopted a resolution at the 1990 Convention of the Montana State AFL-CIO. I have submitted a copy of the resolution to the secretary of the Committee for the record.

The Montana State AFL-CIO urges you to oppose HJR 10 and to support the process well underway to achieve a lasting and meaningful resolution to the wilderness question in the State of Montana. Thank you for considering our position.



DONALD R. JUDGE
EXECUTIVE SECRETARY

110 WEST 13TH STREET
P.O. BOX 1176
HELENA, MONTANA 59624

(406) 442-1708

2X. 17
2-1-91
HJR 10

RESOLUTION 22

WHEREAS, Montana State AFL-CIO affiliates United Paperworkers Local 885, Lumber, Production and Industrial Workers Locals 3038, 2812 and 2685 in Missoula, 2719 in Thompson Falls, 2581 in Libby, and Woodworkers Local 3-249 in Superior, sportsmen and conservationists have over the past six months negotiated an agreement to settle the difficult and divisive question of wilderness for the Kootenai and Lolo National Forests; and

WHEREAS, these historic agreements have been forged by individuals willing to set aside differences to work for the long-term interest of people, our lands, and their communities; and

WHEREAS, these millworkers, sportsmen and conservationists believe these agreements to be of mutual benefit to timber industry workers and the conservation community; and

WHEREAS, by working together on issues of mutual interest and concern, these groups believe unnecessary conflicts may be avoided with positive results for our people, lands, and communities;

THEREFORE BE IT RESOLVED, United Paperworkers Local 885, Lumber, Production and Industrial Workers Locals 3038, 2812 and 2685 in Missoula, 2719 in Thompson Falls, 2581 in Libby, and Woodworkers Local 3-249 in Superior strongly support these historic "accords"; and

BE IT FURTHER RESOLVED, that the Montana State AFL-CIO support a speedy resolution to the conflict in the other national forests in Montana; and

BE IT FINALLY RESOLVED, that a copy of this resolution be sent to the 34th annual convention of the Montana State AFL-CIO in Great Falls, Montana, for its concurrence and that upon adoption, copies be sent to our congressional delegation and the governor.

SUBMITTED BY: Lumber, Production and Industrial Workers 2581 -- Similar resolutions submitted by Lumber, Production and Industrial Workers Locals 2685, 2812 and 3038

ADOPTED AS AMENDED BY THE 34TH ANNUAL MONTANA STATE AFL-CIO CONVENTION

EXHIBIT 18

DATE 2-1-91

~~HB~~ HR 10

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 1st day of February, 1991.

Name: JOAN MONTAGNE

Address: 1105 S. TRACY
BOZEMAN, MT

Telephone Number: 587-2406

Representing whom?

Self

Appearing on which proposal?

HOUSE JOINT RESOLUTION #10

Do you: Support? Amend?

Oppose? X

Comments:

The Ten Lakes Scenic Area has been in every Montana Wilderness Bill ever introduced. The attempt to remove this area from wilderness protection status smacks of greed by the snowmobilers who want it all. The majority of the Kootenai National Forest is open to snowmobilers. It is in the best interests of the people of Montana and the people of the United States to preserve this small island in the sea of resource misuse. In a sea of clearcuts the Ten Lakes area is one of the few areas that escapes the impacts of motorized use. Let there be peace and quiet and allow natural regulation of wildlife populations not impacted by easily traveled snowmobile trails. Let nature take its own course without the impact of man in this small area.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

EXHIBIT 19
DATE 2-1-91
HB HJR 10

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 1 day of Feb, 1991.

Name: Joe Gutkoski

Address: 304 N. 18th Av. Bozeman MT. 59715

Telephone Number: 537-3242

Representing whom?

Gallatin Wildlife Assoc.

Appearing on which proposal?

House Joint Resolution - 10

Do you: Support? Amend? Oppose? ✓

Comments:

The Kootenai Accord was an agreement between industry, labor and conservationists. This resolution changes the agreement. This has been in every Wilderness bill so far introduced.

Snowmobilers have 90% of the Kootenai National Forest and they do not need any additional land.

Bob Keam
State Capital
Helena

27 January 1991

EXHIBIT 20
DATE 2-1-91
HJR 10

Dear Bob:

I write to encourage you to vote NO on HJR-10.
Over the years, I have visited Ten Lakes several
times and think it is a wonderful place. We know
that it should be given maximum protection primarily
for the caribou to say nothing of the other critical
species. It doesn't seem fair to allow much more
as snowmachining in this area.

Realizing you are not my representative, I
appeal to you anyway as a concerned citizen,
with best personal wishes.

Jerry DeSanto
Box 91
Gabo, MT 59411

Bob - Please make a copy for Kinky for the
official record. Thanks

JJ

February 4, 1991

Committee on Natural Resources
Room 317
State Capitol Bldg.
Helena, Mt. 59601

Re: HJR 10

Gentlemen:

I would like to go on record as opposing Bill #10
which is now in your Committee.

Thank you for your attention to this matter.

EXHIBIT 20
DATE 2-1-91
HB HJR 10

Sincerely,



Danny W. Quigley
2125 W. Echo Drive
Billings, Mt. 59105

Feb 1, 1991

To whom it may concern,

20
2-1-91
HJR 10

My name is Diana Olson,
I've been a member of Local 3038
(Lumber, Production Industrial Workers),
at the Champion Plywood Plant in
Bonner, Montana for 17 years.
Numerous family members have
also worked at the Bonner Complex
for over a total of 50 years.

My Husband and I became
involved in the Accords process
in the beginning because, we believe
in "Jobs and Wilderness" in Montana.
We both work in the timber industry,
But we also hunt, fish and hike
in the Great Montana Outdoors.

Please support The Accords,
as I believe it will end The
political Battle of Timber - vs - Conservationists.
We all Love Montana?

I thank you
Diana Olson
Local 3038
Bonner, Mt. 59823

1/28/91

EXHIBIT ²⁰
DATE 2-1-91
HJR 10

Dear Bob,

I am writing to voice my opposition to HJR-10. I have spent a lot of time in and around the Ten Lakes scenic area, ~~and~~ I support inclusion of this area in the Wilderness system.

Very little of the area is accessible to the average snowmobiler. Granted, as snowmobile technology advances, more snowmobilers will have access to this pristine area. However, just because a man and a machine are capable of penetrating this high country does not mean that they (snowmobiles) belong there.

Thank you,

Glenn Libby
195 Cedar Cr. Ext.
Libby, MT 59923
293-3869 - Home

EXHIBIT 21

2-1-91

HJR 10

House Natural
Resources Committee

92 Letters to Rep. Bob Raney

Opposing HJR 10

EXHIBIT 22

DATE 2-1-91

HB 377

HOUSE BILL 377

The Montana Environmental Information Center strongly supports the intent of House Bill 377. We urge the Committee to pass the Bill with the amendments proposed by Northern Plains Resource Council and Representative Raney.

If Montana does begin to allow out-of-state waste to be dumped here, we must have in place the most stringent regulations possible to protect the environment. We are especially concerned with ^{an} amendment pertaining to the determination of need. If waste gets imported into Montana it should be required that to the greatest extent possible, the waste has been reduced, re-used and recycled. ~~Amendment number (8) on the sheet would accomplish this.~~

Once again, M.E.I.C. supports House Bill 377 and urges the Committee to include all of the amendments proposed by N.P.R.C. and Representative Raney. Thank You. Brian McNitt

Suggested Amendments to HB 377
The Megalandfill Siting Act
February 1, 1991
House Natural Resources

HB 377
DATE 2-1-91

1. Page 4, line 10

Following: "solid waste"

Insert: "or any ash monofill which accepts 50,000 tons or more a year of incinerator ash, either fly ash or bottom ash or both."

2. Page 5,

Following: line 9

Insert:

(11.) "Water protection area" means the area proposed for the facility that would be subject to the certificate and the area that is one mile up-gradient by two miles cross-gradient by three miles down-gradient of the respective hydrologic slopes of surface water and ground water flowing through the proposed certified area.

(12.) "Water protection plan" means the operator's written proposal, as required and approved by the board, for the protection of water resources within the water protection area. The board shall adopt rules setting forth requirements for the content of the proposal, providing that the proposal must include the following elements:

(a) a list containing the names and addresses of all water users in the water protection area;

(b) a detailed assessment of the existing water resources, hydrology, and beneficial uses within the water protection area, including a two-year baseline study, sufficient to enable the department to assess the potential and probable cumulative impacts of the proposed operations upon the hydrology, quantity, and quality of water resources and beneficial uses in the water protection area;

(c) an assessment of the consequences of the proposed operations on the hydrology, quantity, and quality of water resources in the water protection area, including the potential for diminishment or degradation of water resources and the potential for adverse effects on beneficial uses;

(d) an assessment of the potential for water resources and beneficial uses that may be diminished or degraded to be permanently restored or replaced to approximate hydrologic characteristics, quantity, and quality that existed prior to the commencement of the proposed operations and the proposed methods of restoration or replacement; and

(e) the estimated cost of restoring or replacing any water resources that may be diminished or degraded by the proposed operations and the estimated cost of ensuring that continuation of beneficial uses within the water protection area at no greater cost to water users than under conditions that existed prior to the commencement of the proposed

operations.

(13.) "Water resources" means all streams, lakes, wells, springs, irrigation systems, wetlands, watercourses, waterways, drainage systems, and other bodies of surface water and ground water, including natural and man-made water bodies that are outside the state's boundaries but within the boundaries of a water protection area.

(14.) "Water user" means any person or entity holding a water right as provided in Title 85, chapter 2, and any state or federal agency or unit of local government with jurisdiction over water resources or beneficial uses.

3. Page 8, line 17
Following: "environmental,"
Insert: "social and economic values"
4. Page 9, line 17
Following: "environmental"
Insert "social and economic"
5. Page 9, line 24
Following: "locations"
Insert: "which must include a two-year baseline study of water resources within the water protection area;"
6. Page 10,
Following: line 4
Insert "(vi) a water protection plan."
7. Page 12, line 21
Following: "social"
Strike: "benefits"
Insert: "impacts"
8. Page 13, line 25
Following line 25
Insert "(a) the economic impact on the local area, local government infrastructure, and existing industries in the area;"
9. Page 14,
Following: line 20
Strike: "and"
Insert "(j) the water protection plan; and"
10. Page 15,
Following: line 2
Insert: "(d) inspection practices for preventing the illegal dumping of hazardous wastes into the facility."
11. Page 15,
Following: line 2
Insert: "(8) Transportation practices, including: (a) route and mode of transporting waste; (b) environmental, social and economic impacts of transportation facilities; and (c) transfer facilities."

- exhibit 23
2-1-91
HB 377

12. Page 19, line 8
Strike: "or"
Insert: "and"
13. Page 19, line 22
Strike: "environmental impact"
Insert: "environmental, social and economic impacts"
14. Page 27, lines 3 - 5
Strike: "that the facility minimizes adverse environmental impact,"
Insert: "that the facility constitutes a minimal adverse impact on the environment"
15. Page 27, line 8 - 14
Following: line 7 "regulations"
Strike: "except that the board may refuse to apply any local law or regulation if it finds that, as applied to the proposed facility, the law or regulation is unreasonably restrictive in view of the existing technology, of factors of cost or economics, or of the needs of consumers, whether located inside or outside of the directly affected government subdivisions;"
16. Page 27,
Following: line 23
Insert: "(h) the adequacy of the water protection plan."
17. Page 28
Insert: "(g) the legal and financial history of the applicant, including, but not limited to, convictions for violations of any law or regulation, and financial soundness."
Renumber: subsequent sections
18. Page 31, line 25
Following: "property"
Insert: "or water user"
19. Page 32,
Following: line 8
Insert: "If the owner or water user uses water in the water protection area, the burden of proof is on the landfill operator to show with clear and convincing evidence that the water damage was not the fault of the operation of the landfill."

2-1-91
HB 377

Solid Waste, Landfills and Groundwater Contamination

EXHIBIT 24
DATE 2-1-91
HB 377

A Northern Plains Resource Council Factsheet

January 1991

GARBAGE IS CATCHING UP

Americans are fast approaching the 21st century full of optimism and enthusiasm for a cleaner and brighter world. But, the affluent, fast paced and disposable American culture is producing garbage at a stupendous rate. U.S. garbage generation grew 80%, from 1960 to 1986, rising from 87.5 million tons to 157.7 million tons. It is expected to increase 22% by the year 2000 (Time Magazine, 9/5/88, "Garbage, Garbage, Everywhere").

Each U.S. citizen generates roughly 1,600 pounds of garbage each year. Montanans collectively generate 600,000 tons each year. Urban as well as rural areas are simply running out of options for disposing of their waste, most of which is now hauled away to landfills, dumped in the ocean or incinerated. This factsheet examines the consequences of burying garbage in landfills.

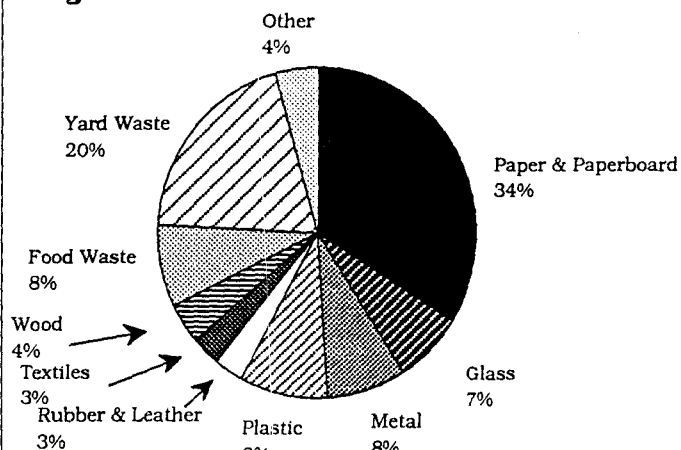
The Environmental Protection Agency (EPA) is issuing new regulations that recognize the hazards of solid waste and the problems with disposal in landfills. These regulations make siting and monitoring of landfills strict and consequently very expensive. The result has been that small, older landfills are closing and fewer larger landfills are being developed. Further, many urban areas are looking to sparsely populated states to take care of their waste.

IT'S JUST HOUSEHOLD GARBAGE...

The total amount of solid waste sent to our landfills each year amounts to approximately 150 million tons (Utne Reader Nov/Dec 1990). The municipal solid waste produced in this country in just one day fills roughly 63,000 garbage trucks which, lined up end, to end would stretch the distance from San Francisco to Los Angeles (Scientific American December 1988 Vol. 259 No. 6 "Managing Solid Waste").

Figure 1 shows the average "profile" of U.S. garbage.

Figure 1.



Sources: The U.S. Postal Service; Environmental Defense Fund; and Franklin Associates Ltd.

Household garbage contains a whole host of products and chemicals that when mixed together create a toxic situation. Paint, paint thinner, fertilizer, pesticides and cleansers are household items that end up being hauled to the city dump or buried on private property. Additionally, one thousand new chemicals are invented each year, making it virtually impossible to predict all the possible combinations of chemicals that will be created inside a landfill. According to a study conducted by Geraghty and Miller of Port Washington, New York, under contract to EPA, wastes that are deposited in landfills continue to weather and leach for years. Chemical interactions within a landfill do not cease when dumping stops.

BUILDING LANDFILLS, A LEAKY SCIENCE

All landfills leak. According to several studies, most notably the one by Geraghty and Miller, even the most modern and up-to-date landfill technologies cannot prevent leakage after a relatively short period of time. EPA discovered that 86% of the landfills studied had contaminated underground water supplies beyond the boundaries of the landfill.

Northern Plains Resource Council

DATE 2-1-91
HB 377

February 1, 1991

Testimony for the Northern Plains Resource Council Supporting House Bill 377

Mr. Chairman, members of the Committee, for the record my name is Richard Parks. I own and operate a sporting goods store and fishing outfitting service in Gardiner, MT. My entire industry is dependent on the maintenance of good water quality though I appear today as Legislative Chair of the Northern Plains Resource Council. As many of you know we have been concerned with water quality since our earliest days as an organization and over the last three years have been developing what we believe is a coherent approach to the water quality challenges faced by Montana. Obviously a mega-landfill constitutes a major threat to water quality.

The observation driving our concern is that Montana is a desert state. Under those conditions water is often THE critical resource controlling our economic development, even life itself. As the excellent work done by the Environmental Quality Council during the interim session points out, it is also a resource uniquely vulnerable and difficult to repair. Our proposal has four main points: 1. Extend pre-development baseline data collection; 2. Define, on the basis of that data, a water protection area and develop a comprehensive water protection plan as part of the application for certification process; 3. Back up this plan with a water-specific bond that helps clarify to the developer his interest in being realistic in his proposal and consistent in his compliance, and; 4. Expand the protection afforded prior water users by clarifying their right to protection or replacement and placing the burden of proof on the developer in a damage situation. I will walk through the water protection aspects of the amendments we are submitting and point out where they fit, both on the master list of amendments and as implementation of our protection concepts.

1. [2] Section 3, Definitions, page 5, following line 10; Insert:

(11.) "Water protection area" means the area proposed for the facility that would be subject to the certificate and the area that is one mile up-gradient by two miles cross-gradient by three miles down-gradient of the respective hydrologic slopes of surface water and ground water flowing through the proposed certified area.

(12.) "Water protection plan" means the operator's written proposal, as required and approved by the board, for the protection of water resources within the water protection area. The board shall adopt rules setting forth requirements for the content of the proposal, providing that the proposal must include the following elements:

(a) a list containing the names and addresses of all water users in the water protection area;

(b) a detailed assessment of the existing water resources, hydrology, and beneficial uses within the water protection area, including a two-year baseline study, sufficient to enable the department to assess the potential and probable cumulative impacts of the proposed operations upon the hydrology, quantity, and quality of water resources and beneficial uses in the water protection area;

(c) an assessment of the consequences of the proposed operations on the hydrology, quantity, and quality of water resources in the water protection area, including the potential for diminishment or degradation of water resources and the potential for adverse effects on beneficial uses;

(d) an assessment of the potential for water resources and beneficial uses that may be diminished or degraded to be permanently restored or replaced to approximate hydrologic characteristics, quantity, and quality that existed prior to the commencement of the proposed operations and the proposed methods of restoration or replacement; and

(e) the estimated cost of restoring or replacing any water resources that may be diminished or degraded by the proposed operations and the estimated cost of ensuring that continuation of beneficial uses within the water protection area at no greater cost to water users than under conditions that existed prior to the commencement of the proposed operations.

(13.) "Water resources" means all streams, lakes, wells, springs, irrigation systems, wetlands, watercourses, waterways, drainage systems, and other bodies of surface water and ground water, including natural and man-made water bodies that are outside the state's boundaries but within the boundaries of a water protection area.

EXHIBIT 25
DATE 2-1-91
HJR 10

(14.) "Water user" means any person or entity holding a water right as provided in Title 85, chapter 2, and any state or federal agency or unit of local government with jurisdiction over water resources or beneficial uses.

2. [6] Section 13(1)(a)(iv), page 10, line 24 Following: "locations" Insert:

"which must include a two-year baseline study of water resources within the water protection area;"

3. [7] Section 13(1), page 10, Following: line 4 Insert

"(vi) a water protection plan."

4. [11] Section 15(6), page 14, line 20

Strike: "and"

Insert "(j) the water protection plan; and"

5. [19] Section 24(2), page 27, Following: line 23

Insert: "(h) the adequacy of the water protection plan."

6. [22] Section 24(3), page 28 Following: line 7

Insert: "(g) the legal and financial history of the applicant, including, but not limited to, convictions for violations of any law or regulation, and financial soundness. (renumber subsequent sections)

7 [23]. Section 32, page 31, line 25

Following: "property"

Insert: "or water user"

Ex. 25

2-1-91

HB 377

8. [24]. Section 32, page 32,

Following: line 8

Insert:

"If the owner or water user uses water in the water protection area, the burden of proof is on the landfill operator to show with clear and convincing evidence that the water damage was not the fault of the operation of the landfill."

This last clause may be challenged on the basis that it presumes guilt rather than our constitutionally required presumption of innocence. My response is that it does so in the same way, and for the same basic reasons as our DUI laws which have been tested and passed by the courts.

Thank you

Richard C. Parks

EXHIBIT 26

DATE 2-1-91

~~HB~~ H.B. 266

Amendment to House Bill No. 266
First Reading Copy

Requested by the Department of State Lands
For the Committee on Natural Resources

Prepared by Gail Kuntz
February 1, 1991

1. Page 7, line 8.

Following: "beginning"

Strike: "surface coal"

Insert: "strip- or underground-coal-"

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

1 of 3

HJR 10 - Natural Resources

COMMITTEE

BILL NO. HJR 10

DATE 2-1-91

SPONSOR(S) Peterson

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Jim Bremer P.O. Box 173 Trego, MT 59434	Self		X
Maurice W. Olson Morris Olsen Box 18 Milltown MT	Local 3038 Boomer		X
LISA BAY 31 DIVISION ST HELENA	MIKE & LISA BAY		X
Katherine Berry 123 13th St., Helena	self		X
Don Judge Helena	MT STATE AFL-CIO		X
Louise Bruce Dillon	MT Wilderness Assoc.		X
Tom & Judy Kilmer	Citizens of Montana		X
Tamara Blank	Montana Alliance for Progressive Policy		X
Bob Decker	MT Wildland Coalition		X
Janet Ellis	MT Audubon		X
Karen Feather Clem. Racy has copy of testimony	Pdebridge Chamber of Commerce		✓
CEDRON JONES 940 WILDER HELENA	MYSELF		✓
Sara TOUBMAN 940 WILDER Helena	self		✓
Eleanor L. Vang	Senator	X	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Ten Lakes Scenic

Natural Resources

COMMITTEE

BILL NO. HJR 10DATE 2-1-91SPONSOR(S) Rep. Peterson

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Dennis Winters	Mt. Mt. Developer	✓	
Bert Malot 5361 Kipi Helena	Back Country Horsemen of Montana		✓
Bert Malot 5361 Kipi Helena	Back Country Horsemen of MT		✓
David Nesbitt Box 116 Fortine	Self		✓
Jim Jensen	M.E.I.C.		X
John Gatchell	MT Wilds Assoc.		X
Ed Madey	MT SIENNA CLUB		X
MARK A. SVOBODA	Tobacco Valley Economic Development Council	X	
LOREN L. KRECK	Self		X
Ross Titus	FLATHEAD CHAPTER MONTANA Wilder. Ass'n	X	X
Jerry M Syth	Ten Lakes Snowmobiles Inc.	X	X
Bryan Erhart	Lumber & Sawmill Workers Locals 3038 & 2812 MSLC, MT		X
MARK JOHNSON EUREKA, MT	LOCAL WINTER RECREATOR		X
VIKKI WOODRUFF EUREKA, MT.	PRIVATE GUEST HOUSE FOR TOURISTS AND SELF		X

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

3 of 3

DEPARTMENT(S) STAIR 10 DIVISION _____

PLEASE PRINT

[illegible]

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

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Natural Resources

COMMITTEE

BILL NO. HB 375

DATE 2-1-91

SPONSOR(S) Rep. Stella Hansen

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<i>Jim Jensen</i>	<i>MEIC</i>	<i>X</i>	
<i>Scott Elder</i>	<i>CRA</i>	<i>X</i>	
<i>Jim Hunter</i>	<i>CRA</i>	<i>X</i>	
<i>/</i>			

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

HB 377

Nature Resources

COMMITTEE

BILL NO. ~~HB 377~~

DATE 2-1-91

SPONSOR(S) ~~W. B. B. B.~~ Perry

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Neva Hassanein	NPRC	✓	
Teresa Erickson	NPRC	✓	
Lyle Quick	McCone County	✓	
Ellen Pfister	Yellowstone Co. (Bull Lake Rd. Overlook)	✓	
Richard Parks	NPRC	✓	
Georgia Mentikoff	CRA --	✓	
Susan Stanton ^{mils City}	Custer Resource Alliance	✓	
Louise Bruce Dillon	NPRC	✓	
Jean Clark	Cottonwood Resource Council	✓	
Nelen Clark	CRC	✓	
Quinton Ehley	CRC	✓	
Mona Tyler	CRC	✓	
JOAN Humiston	B.A.	✓	
Loretta Long	B.A.	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

2 of 3
megaland file

Natural Resources

COMMITTEE

BILL NO. HB 377 -

DATE 2-1-91

SPONSOR(S) Rep. Bob Raney

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Ron Erickson - Missoula	self	✓	
Charles Madler - Baker	Fallon County		✓
Kristin Page	Mont PIRG	✓	
Jim Jensen	M.E.I.C.		
John Gatchell	Montana Wilderness		
Alyce Bucken	Carter Co. Comm. ^{of Ekalaka}		✓
Gladys Hannuksela	Self	✓	
Janet Ellis	MT Audubon	✓	
Sara Toubman ^{940 Wilder} Helena	self	✓	
Brian McKittrick	MEIC	✓	
Heidi Svoboda		✓	
Scott SRELSUN	MT Wildlife Federation	✓	
Ernest O. Redlix Jr.	BMRC/NPRC	✓	
Michelle LeFurky			✓

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

3063

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Natural Resources COMMITTEE BILL NO. HB 377
DATE 2-1-91 SPONSOR(S) Raney
PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<u>Alena Hoff</u>	<u>Dawson Co. Resource Council</u>	✓	
<u>ANN PRUNUSKE</u>	<u>SELF</u>	✓	
<u>SUE RAKER</u>	<u>SELF</u>	✓	
<u>DAVID PRICE, GARDINER</u>	<u>Bear Ck Council</u>	✓	
<u>Randy Hansen</u>	<u>Fallon County Landowner</u>		✓
<u>Donald Ruge</u>	<u>Fallon County</u>		✓

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