

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON NATURAL RESOURCES**

**Call to Order:** By **CHAIRPERSON BOB RANEY**, on March 21, 1991, at 3:00 p.m.

#### **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:**

#### **HEARING ON SB 253**

**Tape 1A**

##### **Presentation and Opening Statement by Sponsor:**

**SEN. ESTHER BENGTON, SD 49 - Shepherd**, said she went to the Department of State Lands (DSL) on behalf of some of her constituents who were having trouble getting surety bonds for their gravel pit. DSL added language to the Open Cut Mining Act to address these bonds. SB 253 allows for a letter of credit to be used in lieu of a surety bond, provides for a reclamation account and resolution of violations of the Open Cut Mining Act, and talks about reclamation bond forfeiture.

**Proponents' Testimony:**

Steve Welch, DSL Open Cut Mining Bureau Chief, testified on the bill and urged support. EXHIBIT 1

**Opponents' Testimony:** None.

**Questions from Committee Members:**

REP. RANEY asked why a person would be unable to get any other form of bonding. Mr. Welch said he assumes it is a matter of capital. Most bonding companies won't write them anymore, especially for small family-owned operations. It would cost them about \$9,000 per bond and they just don't have the money.

REP. RANEY asked if they would be a bad risk and how anyone would know they could get the reclamation. Mr. Welch said a letter of credit could be used for bond.

REP. RANEY asked if they could sell everything and walk away from the site under a letter of credit. Mr. Welch said he didn't think so.

**Closing by Sponsor:**

SEN. BENGTON closed.

**HEARING ON SB 386****Presentation and Opening Statement by Sponsor:**

SEN. BENGTON said SB 386 clarifies Montana water law. It allows a person to temporarily obtain and use another person's water right. This reduces the risk to water users from entering voluntary arrangements for short periods, such as during a drought. SB 386 came out of the drought management section of the Montana Water Plan.

**Proponents' Testimony:**

Gary Fritz, Water Resources Division Administrator for the Department of Natural Resources, said SB 386 is the fourth of four state water plan bills presented to the Legislature this session. The others were water storage, salvage and the drought management committee bill. This is the temporary transfer bill, which was developed by the Drought Management Steering Committee.

The bill allows an existing water-right holder to temporarily change the water's use and provide the right to someone else. An irrigator could temporarily transfer his water right to a city, if the city were having a tough time providing enough water to residents during a drought. The arrangement can continue for 10 years, with an extension of 10 more years if the party gains approval through an abbreviated change process.

An irrigator would not be accused of abandoning the water right if it were temporarily granted to another party. The water-right change process ensures third parties are not adversely impacted by the transfer. It also provides protection and assurance to recipients of temporary water rights that they are using valid water rights. The fundamental concept is that it provides flexibility during droughts. The Department supports the bill.

**Jo Brunner, Montana Water Resources Association Executive Secretary,** supported SB 386.

**Stan Bradshaw, Trout Unlimited,** said agriculture suggested irrigators be allowed to lease water for in-stream flows. The bill says "temporary change." It means leasing. It is a good idea. This is a straight-forward bill. It allows them to do it in 10-year increments. SB 425 provides small improvements to in-stream flow leasing. The committee should keep in mind that the sponsor of SB 425 will present some good amendments. He urged support of SB 386

**Gary Spaeth, Montana Water Users Coalition,** supported SB 386. He said the bill gives needed flexibility.

**Tony Schoanen, Montana Wildlife Federation,** supported SB 386. He said he wanted to echo Mr. Bradshaw's comments and asked the committee to consider all water rights bills as they come along.

**Opponents' Testimony:** None.

**Questions from Committee Members:** None.

**Closing by Sponsor:**

**SEN. BENGTON** closed.

#### **HEARING ON SB 425**

**Presentation and Opening Statement by Sponsor:**

**SEN. LORENTS GROSFIELD, SD 41 - Big Timber,** said SB 425 extends and expands water leasing concepts passed by the 1989 Legislature. He distributed a set of amendments. **EXHIBIT 2** The amendments were agreed upon by agriculture and recreation interests. They extend the length of the study, require some reporting by the Department of Fish, Wildlife and Parks (FWP), allow extension of the lease, and provide funding authority from license revenue. He urged support of the amendments. The study would be extended to 1999 with the amendment, and to 1995 without the amendment. HB 707 last session allowed leasing on up to five streams. SB 425 would increase it to 10.

**Proponents' Testimony:**

**Mr. Bradshaw** asked the committee to support the bill with **SEN.**

**GROSFIELD's** amendments. He said he is frustrated by what he views as excessive paranoia about in-stream leasing in Montana. He wishes things would move faster. He credited stock growers, who adamantly opposed leasing last session, for being more accepting this session. He would like to go further than what is provided in the bill; but in the spirit of cooperation, he recognizes progress is being made. He is confident people will eventually realize that leasing for in-stream flows is not the big problem some people think it is, and that this will become a permanent part of the law.

**Ms. Brunner** said the **Montana Water Resource Association** is a strong supporter of in-stream flow leasing, extension of the study and contract, reporting, and funding from license revenue. The association would not support any other means of funding.

**Robert Story, Montana Stockgrowers Association, Montana Cattlemen and the Montana Association of Conservation Districts**, said these groups support SB 425 as amended. Water leasing has come a long way in the last two years. They are cautious and hope the leasing process will move slowly. They support the study and want to see results from leases before they will support a full-fledged leasing program.

**Mr. Spaeth** supported SB 425 as amended. He said it shows the process works.

**Marvin Barber, Agriculture Preservation Association**, said the association two years ago was hesitant about water leasing. This is a good bill. Water leasing is moving along at a good pace. No one will get hurt. He supported the bill with amendments.

**Susan Lenard, Montana Audubon Legislative Fund**, supported SB 425 and proposed amendments.

**Pat Graham, FWP**, submitted written testimony and a copy of an amendment proposed in the Senate. **EXHIBIT 5**

#### **Opponents' Testimony:**

**Scott Snelson, Montana Wildlife Federation**, said Montana water law doesn't recognize all Montanans as equal. The federation introduced SB 212 to put everyone on equal footing in the allocation of water. Leasing is not sufficient to deal with more than 2,500 miles of dried up streams that occur nearly every year because of water-rights bills. He distributed proposed amendments and written testimony. **EXHIBIT 3-4** The federation would like FWP be able to get as many leases as possible and to extend them for as many years as possible.

#### **Questions from Committee Members:**

**REP. REAM** said he shares some of **Mr. Bradshaw's** frustration. He was on the State Water Planning Advisory Council and doesn't

think the state made any progress. He asked **Mr. Bradshaw** what progress was made. **Mr. Bradshaw** said not a lot.

**REP. REAM** asked how the committee can pass a bill like SB 386 and not consider in-stream flow in the same light.

**Mr. Bradshaw** said little progress was made in the first two years to get water leased. SB 425 tries to address some of the reasons. He hopes the amendments will at least begin to get water in the stream. There were other complications. Maybe FWP could have been more aggressive. The agency may have been more cautious than some would have liked because of the outcry last session.

There was some confusion initially about what direction to go on reporting and justification for each stream. FWP says the process reviewed by the Board of Natural Resources and the Fish and Game Commission was difficult but not a major obstruction to moving forward.

One accomplishment was the identification of streams that could sustain in-stream flow leasing without adversely affecting anyone. Debate last session indicated this could not be done without harming irrigated agriculture because of the impacts on return flows. That may be true in some cases, but research revealed some streams that can sustain leasing.

He noted a project on Big Creek, a tributary to the Yellowstone River. A ditch company wants to replace leaky ditches with something more efficient. Salvaged water would be leased to FWP to run when spawning of cutthroat trout usually gets wiped out. It is a promising project that is unfolding slowly.

SB 425 doesn't go as far as he would like, but it moves the state in the right direction. If it must be done this way to make people more comfortable, then do it. What is being suggested in SB 386 isn't much different from where things are at now. He is willing and obligated to live with SB 425 to bring people along in a cooperative effort.

**REP. REAM** asked **SEN. GROSFIELD** if he will come back next session and ask to extend the study. **SEN. GROSFIELD** said the study will continue to 1999 if the committee accepts the amendments. There would be no need to return next session with that request.

**REP. COHEN** asked **SEN. GROSFIELD** to respond to proposed amendments from the Montana Wildlife Federation. **SEN. GROSFIELD** said the amendments would allow leasing of an unlimited number of streams for an unlimited amount of time. Two years ago he supported water leasing and lobbied for it, and got a lot of static. Parties got together and agreed to extend and expand it. There is progress. This is a very difficult issue. Pages 1-2 of the bill indicate what will be studied, methods for determining critical stream flow, contractual parameters and legal hurdles. Some of the parties have agreed on the amendments, obviously not the Montana

Wildlife Federation. He is sure agriculture would withdraw support if the federation's amendments were adopted. The bill should go forward. It is possible to have a winning solution.

**REP. RANEY** asked **SEN. GROSFIELD** how he accounts for all the things that have to be done for in-stream flow for fish but not for further irrigation. **SEN. GROSFIELD** said a lot of that has to do with the comfort level. This is a new area of law. Montana is the only state he is aware of that has the kind of reservation system to reserve large quantities of water for in-stream flow. Montana has reserved 5.5 million acre-feet in the Yellowstone River. Now the state is looking to expand into in-stream flow protection for leasing. It is a relatively new area. Any lease is going to have to go through a process to ensure no one will be adversely affected. The same thing will apply in **SEN. BENGTSON's** bill. He envisions SB 425 being used more than **SEN. BENGTSON's** bill until people get used to leasing.

**REP. RANEY** asked **Mr. Bradshaw** if there will be more than 10 stream applications between now and the next Legislature. **Mr. Bradshaw** said no.

**REP. RANEY** asked if people who love fish are comfortable with the 10 streams limit in this bill. **Mr. Bradshaw** said he believes so. If the process begins to work more quickly, the limit could be reviewed in two years. That is one reason he is willing to accept far less than what he wants. As people become more comfortable with this, more will be leased.

**REP. RANEY** asked the reason for the 10-year time limit. **Mr. Bradshaw** said he doesn't have a good answer for that. **SEN. GROSFIELD** said it comes back to the comfort level. There are some limitations to lease terms. **Mr. Bradshaw** said it doesn't have to be 10 years. One of the amendments allows for a 10-year extension. Under the previous bill, it was four years. Fish and Game found that a lot of people didn't want to bother with a four-year lease if they would have to do capital improvements to salvage water. **Mr. Graham** was going to offer an amendment that was much more expansive. Agriculture would not have been comfortable with it because of concerns for the Big Creek project. Trout Unlimited's amendments may not be enough. There is some legitimate concern about term length. What was arrived at here would certainly help.

**REP. RANEY** asked if the lease automatically renews after 10 years. **Mr. Bradshaw** said no. But an entire change proceeding is not necessary to renew it. Users who would be potentially affected would have an opportunity to bring in new evidence at the end of 10 years. Lacking that, they could renew the lease.

**REP. RANEY** asked **Mr. Bradshaw** if he believed he could get another 10 years after the first 10 years expired. **Mr. Bradshaw** said yes, but no one knows for sure.

REP. BROOKE asked how long it takes to process an application. Mr. Bradshaw said Fish and Game had to develop stream selection criteria within six months after the bill came out. Then the agency slowly and cautiously started looking for streams. Some streams were identified in January 1990. It took three months or more before the board granted final approval to the agency to negotiate the lease. The change proceeding can take up to two years, once the lease is negotiated. The proceeding is a judicial-style hearing. It can get quite protracted if there are a lot of objections. That is why the four-year period is not realistic.

**Closing by Sponsor:**

SEN. GROSFIELD said another reason the time frame is 10 years is because this is a study period. He also was frustrated with the slow pace, so he asked to amend the bill, Lines 17-21 of Page 5. The Department, Fish and Game Commission, Board of Natural Resources also want the bill to go forward. He urged support.

**HEARING ON SB 426**

**Presentation and Opening Statement by Sponsor:**

SEN. GROSFIELD said SB 426 is an act clarifying the water reservation process for federally designated wilderness areas. It allows the federal government to go through the Board of Natural Resources to get a water reservation for wilderness. Every 10 years the board can review and modify water reservations. Federal officials won't be happy if their water right is subject to periodic review and modification, or possible revocation by a board. These amendments take away that ability from the board. The board could only modify or reallocate a reservation if asked to do so by the federal entity holding the reservation.

**Proponents' Testimony:**

Mr. Spaeth supported SB 426.

Ms. Brunner supported SB 426.

**Tape 1B**

Don MacIntyre, Department of Natural Resources (DNRC), supported SB 426. He said this would be the mechanism Montana could use if Congress grants only authority to a land-management agency to acquire a water right.

**Opponents' Testimony:**

Bob Decker, Montana Wildlands Coalition, said SB 426 will be used to weaken water rights in wilderness areas. Up to the point when Ronald Reagan took office, there was generally no question that the federal government had certain water rights for wilderness areas. Those rights were rooted in the creation of national forests at the turn of the century. There were no real contests

over those rights until President Reagan took office. At that time, he directed federal agencies, including those that administer federal wilderness areas, not to aggressively assert or defend water rights for wilderness areas. That meant the Forest Service, Bureau of Land Management and other agencies didn't fight for one of the resources Congress was trying to protect in wilderness legislation.

President Reagan's attorney general issued legal opinions that bolstered his policy. President Bush apparently is continuing the same policy. Congress sees one of the primary intentions of wilderness legislation being rebuffed by the administration. In the last few wilderness bills, Congress has had clear language to protect wilderness water rights in the form of federal reserved rights.

SB 426 does not endorse those rights or protect what Congress has set out to protect. It opens an avenue for people in Congress to say federal reserved water rights are not needed in wilderness legislation. They can say Montana enables the federal government to participate in the state water-rights system, so there isn't a need for federal reserved rights.

This legislation provides the avenue but doesn't motivate anyone in the federal government to use the avenue. The federal government, under the current administration, will decide not to seek rights, and wilderness will again be left without clear water rights.

It would be different if SB 426 were amended to endorse federal reserved water rights for non-consumptive flows. SB 426 does not do that. People in Congress who are opposed to wilderness and wilderness water rights will argue that they do not need federal reserved rights.

Most wilderness areas are headwaters areas. Montana should seek every possible ally to protect that water, including federal reserved water rights. He urged the committee to oppose the bill.

#### Questions from Committee Members:

**REP. KNOX** asked **Mr. Decker** what kind of consumptive use he foresees in wilderness areas in Montana. **Mr. Decker** said out-of-state industries and municipalities may try to get unused water from wilderness areas. Efforts are being made to tunnel into a wilderness area in Colorado to use its water for municipalities.

**REP. KNOX** asked how that threat can be applied in Montana. **Mr. Decker** said that as demands for water increase in dry areas of the West, people will travel further and pay more to get it. **REP. KNOX** asked how water could be taken from a wilderness area such as the Bob Marshall. **Mr. Decker** said pipelines or channels.

**REP. KNOX** said that would require a complete revamping of



wilderness legislation because that type of impact is not permitted. **Mr. Decker** said that is his point. Until the beginning of the last decade, that is what people thought. Wilderness water rights was not an issue. When the Reagan administration relaxed its defense of those water rights, threats and attacks on certain wilderness areas increased. There are proposals now to withdraw water from high mountain areas.

**REP. FAGG** said it seems that if the Legislature does nothing and the bill doesn't pass, the situation could be worse. If it passes, it gives federal agencies the chance to reserve water rights. If they do, the priority date will be the date the area became a wilderness area. It seems more beneficial to wilderness areas to pass the bill. He asked if he were wrong. **Mr. Decker** said no. But he is asking the committee to look further down the road. Congress has written strong federal reserved rights into wilderness legislation. The question is whether federal agencies would want or have to apply for reservation of water. The committee should ask why the state is considering wilderness reserved rights differently from other federal reserved rights. He asked why wilderness reserved water rights can't be treated through the Compact Commission like other reserved rights. National parks, refuges and recreation areas have reserved rights. He asked why they aren't all treated the same.

**REP. FAGG** said he isn't clear why it would be beneficial to do nothing rather than to pass the bill. **Mr. Decker** said it is not a matter of doing nothing. It is a matter of opening an avenue that will compete with attempts to protect the water in wilderness areas. This bill, if passed, will become an alternative for Congress to passing strong federal reserved rights. People opposed to preserving wilderness water will tell Congress it doesn't have to pass such legislation because Montana opened it up. Some may agree to play the states' rights game and preserve Montana's statute. The problem could be exacerbated if the Bush administration doesn't want to protect those rights and obtain a reservation. Montana cannot make them do it. This is all potential loss and no gain. **REP. FAGG** said he is starting to see the point.

**REP. REAM** said the Wilderness Act of 1964 says the president may, if it is in the public interest, build dams, transmission lines, power plants, or anything he wants to in a wilderness area. **REP. KNOX** said he understands that. But that hasn't happened.

**REP. REAM** asked for clarification of language on Page 6 of the bill. **SEN. GROSFIELD** said that if a wilderness area has been designated, an implied federal reserved water right is created with it. This act would apply to wilderness areas on which Congress does not put an implied right, and instead gives the land-management agency the authority to get a state right to protect the wilderness area.

Closing by Sponsor:

**SEN. GROSFIELD** said this is a state's rights issue. The bill deals with who controls Montana water. Obviously this bill and the Legislature cannot mandate the federal government to act in any way on this. The bill provides a vehicle.

SB 426 would take care of Montana's position in negotiating a federal water right that was either expressed or implied under the federal act. It provides a means for the federal agency to come to the state for a water right.

He envisions questions arising in Congress regarding water in the Wilderness Act. It has been a sticky question in recent years. If SB 426 passes, another tool will be thrown into the discussion. He finds it hard to believe that the federal government will decide not to seek a water right, as **Mr. Decker** has said. If the federal government doesn't come after a water right under this bill, it won't come after an implied water right either. He predicts wilderness advocates would participate in negotiations to urge federal officials to obtain the water right.

#### HEARING ON SB 303

##### Presentation and Opening Statement by Sponsor:

**SEN. CECIL WEEDING, SD 14 - Jordan**, said SB 303 is a product of the Environmental Quality Council (EQC), on which he served, and SJR 22, passed two years ago. SJR 22 instructed the EQC to conduct a groundwater-quality study and bring appropriate legislation to the 53rd session. This is part of that package of bills.

SB 303 authorizes the DNRC to consider affects on water quality and aquifer recharge rates when issuing permits and approving changes in appropriation rights.

The recharge section of the bill says that in granting underground water rights, the Department should consider whether there is adequate recharge to maintain the aquifer. The balance of the bill deals with the issuance of water-use permits and changes in use as granted by the Board of Natural Resources or the Department.

The Department shall take water quality problems into consideration when reviewing an application for a water permit or a change-in-use permit. He referred to language on Lines 14-15 on Page 2 of the bill.

He submitted proposed amendments to tighten discharge language. **EXHIBIT 6** He highlighted No. 4.

##### Proponents' Testimony:

**Kim Wilson, Clark Fork Coalition**, supported SB 303. He said the Clark Fork River is used for dilution by several waste facilities

under permit with DHES. It is crucial that enough water be in the river for those permits. SB 303 will enable that and recognizes the importance of maintaining and preventing the draw down of the state's aquifers. He submitted a letter in support of the bill by **Larry Weeks, Technical Director of Stone Container Corp. EXHIBIT 7**

**Jim Jensen, Montana Environmental Information Center**, said it is time for the state to acknowledge that water quantity decisions impact water quality, which is a highly valued resource in Montana. SB 303 moves Montana in the right direction. He urged support of the bill in the form it came to the committee.

**Mr. Bradshaw** said that by allowing the language on Lines 1-4, Page 5, the state will stray from the traditional prior-appropriation doctrine. It is time to change that. Dual standards for protesting permits are proposed in the amendments by **SEN. WEEDING**. The language should say "adversely affect," as it does in existing language. He urged support of the bill.

**Mr. Snelson** supported SB 303.

**Ms. Lenard** supported SB 303.

#### Opponents' Testimony:

**Mr. Spaeth** opposed SB 303. He said the bill states that water quality is important, but the bill isn't workable. He referred to Page 4, Lines 8-25. Water quality should be looked at comprehensively. How water quality and water rights are tied together, and how discharge permits are dealt with should be considered.

He noted he doesn't understand the language, "has no information from any source." He wanted to know what kind of activity or affirmative action is needed to constitute substantial credible evidence. He questioned how public application would be handled and wondered what would happen if there were no objections. He expressed other concerns about language in other areas of the bill.

**Ted Doney, Montana Dairymen's Association**, said SB 303 has more impact on water rights than any other bill this session. The bill has the potential of destroying the administration of water rights in Montana. It will close down aquifers and several basins from further water development. SB 303 has some serious problems. **SEN. WEEDING's** amendments help. He would prefer 50 percent, rather than 10 percent. He urged adoption of the amendments.

**Mr. Story** opposed SB 303.

**Ms. Frank** opposed SB 303.

Questions from Committee Members: None.

**Closing by Sponsor:**

SEN. WEEDING said EQC studied the issue for 18 months. Everything was done in open meetings. Opponents were present. He thought there was consensus when the bill was drafted. Something happened since then. He doesn't believe the flaws are as serious as opponents have stated.

He directed the committee to Page 1 of the bill and the statement of intent. He noted DNRC is given authority to develop rules to implement provisions of the act. Not all details are in the act, but that doesn't mean the Department doesn't have the expertise to define aquifer recharge or "substantial credible evidence from any source." He explained other language that raised concerns.

It was felt it would be foolhardy to continue granting permits when water quality was a problem. Changes in use, by virtue of moving up and down the stream, strain existing uses. Water quality should be looked at before those things are done. That is the reason for the bill.

**HEARING ON HB 984, HB 991 AND HB 971**

Tape 2A

**Presentation and Opening Statements by Sponsors:****HB 984:**

REP. MEASURE, HD 6 - Kalispell, said the issue of a forest practices act has been controversial for at least 15 years in Montana. Industry has resisted it. Stream-side management has not been improved in many areas, which is one reason to bring the forest practices act before the committee.

This bill makes mandatory the practices that industry adopted itself. DSL would implement mandatory practices and is well-versed in this type of management. The bill creates a bond between DHES and DSL in enforcing air quality standards.

An excise tax on timber is the area of this bill that is controversial. The tax is 75 cents per 1,000 board-feet of timber. It would raise \$934,000, which is significantly more than what is needed to implement mandatory Best Management Practices (BMPs), air quality standards and the tax program itself.

The initial fiscal note included three law enforcement officers to enforce the penalty portion of the bill. They were deleted from the bill, which saves a substantial amount of money.

The first biennium requires a great deal of money to finance implementation of the severance tax. It will probably be done on a contract basis. About 2.5 FTEs will be needed in the Department of Revenue to implement this each year.

The primary benefit of mandatory enforcement of BMPs is to keep

air and water clean, and make industry the good neighbor it wants to be. Of the total amount raised, \$360,000 would be needed to operate the program, according to the fiscal note. Some things can be removed once this is implemented. He referred to Page 1, Line 3, of the fiscal note.

Farmers and ranchers are gun shy of the forest industry. They either have had an unskilled or an unscrupulous logger in the past do a terrible job that they were unable to reclaim with proceeds from the timber they sold.

Extension foresters would work with small, woodland, non-commercial tract owners; train loggers in BMPs; and try to stimulate some sort of trust between them in small, non-commercial sales. Everyone will benefit. If **REP. MARY ELLEN CONNELLY's** bill goes through, the BMP information specialist would not be needed.

The tax mechanism is a problem. An excise tax spells disaster for many forest landowners. It tells them to convert their stands to timber when the market is high. It doesn't say anything about good management of timber resources. It's not the best tax for managing forest lands. But the existing tax on timbered lands isn't working well either. Industry has complained about it for years.

About six or eight years ago, the state tried to implement a productivity tax. It was felt that it would be the most fair and workable tax in managing forest lands. It has never been implemented.

He would like to add a two-year sunset clause to the excise tax proposed in the bill. Because so much revenue would be generated, he wants to lower the amount per thousand being charged. Some money could be retained for the Department of Revenue to study implementation of a productivity tax. If the Department can come up with a way to implement a productivity tax by the next session, the excise tax could sunset and some revenue from the productivity tax could be earmarked to run the mandatory BMP program.

This would be a good compromise between requiring industry to do all the planning, implementation and ensure BMPs work without interference by the state, and forcing industry to accept whatever a state agency comes up with. It is a good plan. Industry participates. Maybe there would be more consensus. BMPs and mandatory enforcement are needed at least for now. He urged support of the bill.

**HB 991:**

**REP. DOLEZAL, HD 34 - Great Falls,** said HB 991 is the second part of the second piece of legislation that will be introduced to address a different concept of BMPs. Rules will need to be

adopted to maintain scenic and visual qualities of the land. This is new. It recognizes clear cutting can be detrimental if done in mixed conifer stands. It recognizes there is a delicate balance between the water that flows through these lands and the surrounding environment.

He showed slides demonstrating adverse effects of clear cutting. He reviewed provisions of the bill. **EXHIBIT 8** Proposed amendments redefine civil penalties and remove the mining industry from the law. **EXHIBIT 9**

He said he had the same concerns with the fiscal note as **REP. MEASURE**. His primary concern was the number of FTEs it would take to administer the bill. It appears the same number of people are being applied to manage each program, even though newly hired people may be able to manage all three bills.

**HB 971:**

**REP. COHEN, HD 3 - Whitefish**, said HB 971 culminates six years of work on forest practices. In 1987, he introduced a forest practices act that would have put cumulative-effects cooperatives into law to protect water quality throughout Montana's forest drainages. The bill failed in the House, but the House Natural Resources Committee felt it was time to address the issue.

That committee produced a resolution for an interim study by the EQC. **REP. GILBERT** was on the study commission and carried legislation last session that reflected results of the study. That legislation mandated notification of logging on private lands, and voluntary onsite consultations between the Department and landowner.

HB 971 would take existing regulations and expand them into a forest practices act. It would be done in a way that private landowners won't notice a difference. He reviewed the bill, noting that the federal Clean Water Act requires states to have BMPs in place for forestry and agriculture.

The bill provides rule making authority to the Department of Revenue to administer the severance tax. The definition of cumulative effects is important because many drainages have private, state and national forest ownership. Hydrological impacts of logging can be excessive.

State and national foresters have been unable to allow logging on public lands because of the tremendous hydrological impacts from massive logging on private land. There must be a balance to ensure a steady stream of timber off these lands without negative hydrological impacts.

Section 13 will ensure a steady flow of timber from state lands to mills and a steady flow of revenue to the education trust fund. Section 14 establishes the timber severance tax and

Sections 15-24 are for the Department of Revenue to administer the tax.

Section 25 provides funding and an expanded extension forestry role because many small, private timber owners are going to be pressed to harvest new timber. Greater assistance is needed to enable them to better manage their lands.

**Proponents' Testimony:**

**Larry Campbell, a geologist**, said he lives on Rye Creek, one of the most critical spawning streams in the Bitterroot. He and his neighbors have seen the worst deviations from voluntary BMPs. He recounted the case of Darby Lumber, which received a \$1.9 million loan from the state and was later found to have violated voluntary BMPs and caused severe water quality problems. The company was not penalized.

After a year of abuse on at least six sections of land, the state Water Quality Bureau filed suit against Darby Lumber for \$20,000, which is the amount for one violation for two days. The case won't be heard until August, nearly one year from the day the suit was filed and two years from the first evidence of violations and deviations from BMPs.

This is just one example of situations occurring statewide. It demonstrates flaws in the system. Voluntary BMPs are being ignored and water quality law enforcement is too cumbersome. Time is a critical factor. If the intent of the law is to protect the water and the fish, then quick response is critical.

HB 971 and HB 984 lack effective, immediate enforcement. They lack public participation in rule making and fail to require dust abatement to protect public health as part of the air pollution restrictions. HB 991 seems to contain a loophole in the definition of clear cutting by allowing it in a monocultural stand. The provision can be abused.

**Tape 2B**

There is no excuse for allowing voluntary damage to these resources or a dysfunctional system to continue in lieu of a comprehensive forest practices act. He urged action to protect Montana's water, fish and wildlife.

**The remainder of Tape 2B was blank. Testimony was culled from notes.**

**Mr. Jensen** said it is government's role to protect Montana's resources. Clear cutting destroys the land, water and riparian environment through erosion. It must be stopped. He submitted testimony from **Jeanne-Marie Souvigney, Greater Yellowstone Coalition. EXHIBIT 10**

**Joe Gutkoski, Bozeman landscape architect**, supported approval of a strong forest practices act. **EXHIBIT 11**

**Sherman Janke, Montana Chapter of the Sierra Club**, urged the committee to combine the three bills into a single forest practices act. **EXHIBIT 12**

**T.H. Crawford, Bozeman rancher**, supported HB 971 with proposed amendments. **EXHIBIT 13**

**Tag Rittel, Wolf Creek rancher**, testified in support of a bill that includes the Department of State Lands. He distributed photographs showing damage from clear cuts. **EXHIBIT 14-15**

**Bill Haskins, The Ecology Center in Missoula**, supported HB 991. He opposed HB 984 and HB 971, saying they don't go into enough detail.

Tape 3A

**Keith Hammer, Chairman of the Swan View Coalition in Kalispell**, urged the committee to combine HB 971 and HB 991. **EXHIBIT 16**

**Mike Bader, Executive Director of the Alliance for the Wild Rockies in Missoula**, said all three bills fall short. He urged the committee to develop a strong forest practices act that includes Alliance recommendations. **EXHIBIT 17** He submitted written testimony on behalf of **Bill Cunningham, Missoula resident**. **EXHIBIT 18**

**Howie Wolke, Darby resident and outdoor guide**, said the process has a long way to go. He is angry about what is happening on private timber industry lands in Montana. He is angry to see entire watersheds denuded, streams smothered with sediment, wildlife disappearing and Montana's quality of life being destroyed. These three bills are a good start, but strong provisions are needed.

Any bill that is enacted should include a complete ban on clear-cutting, a 200-foot buffer as proposed by the Alliance for the Wild Rockies, prohibition of herbicide use, mandatory sustained yield of the forest ecosystem on state and private lands, tax penalties on private industry for each acre that is not under forest cover to encourage reforestation, and criminal penalties for violations done in a knowing manner.

The industry continues to whine about government control and private property rights. That is arrogant. He urged the Legislature to enact the strongest possible legislation.

**Marilyn Olsen, a Darby resident, registered nurse and wilderness backpacking guide and outfitter**, supported a strong forest practices act to enable habitat recovery. **EXHIBIT 19**

**Ron Stephens, a resident on the North Fork of Rye Creek**, said BMPs do not provide a mechanism to demand correction of improper logging activities. It took a violation of the Clean Water Act before anything would be done about the pollution in Rye Creek. The case is still unresolved nearly one and a half years after



the violation. He described an existing problem with logging alongside a tributary of the creek and urged the committee to support a forestry practices act.

**Mr. Bradshaw** said opponents insist these bills are a substantial infringement on people's rights to do what they want on their land. Law in this country has never recognized that people have a right to do whatever they want on their land. When the effects of a person's activities spill over to someone else's land or water, that property right has been exceeded. Society has a right to exact some kind of price, be it monetary, regulatory or both. That is what this act is about. There are enough examples of how activities on private land have affected lands and waters far beyond the boundaries of that land. Impacts are many and expansive.

The committee previously passed HB 731 to establish stream-side management zones. That is a small part of the mosaic. Many other things are going on in the forest that have the same kinds of detrimental effects. The committee should work with these three bills to find an approach to address the rest. He urged support in some form.

**Noel Rosetta, a retired forester,** said he strongly supports an effective forest practices act, possibly a combination of the three bills. It is essential to protect Montana's watersheds, wildlife, fishing and forest recreation. In the haste to liquidate Montana's private forest, thousands of acres of prime big-game ranges and many miles of wild trout streams have been damaged, some severely. Sediment from logging roads and clear cuts are destroying spawning beds.

Water quality laws and other environmental protections are not working. Voluntary observance of the law has not worked. Montana is the only state in the Northwest without a working forestry practices act.

**Timothy Bechtold, Missoula County resident,** said the DSL should not be allowed to determine what BMPs are because the agency has demonstrated it is incapable of doing it. There has to be more people besides government deciding what BMPs are. There should be some sort of licensing for foresters so that they can carry out BMPs correctly.

**Darcy Tickner, American Wildlands,** supported HB 971 with American Wildlands recommendations. **EXHIBIT 24** She submitted written testimony in support of HB 991, **EXHIBIT 25**, and opposition to HB 984, **EXHIBIT 26**.

**Steve McCue, Helena attorney,** said he is speaking on behalf of his family and other cabin owners on Lindbergh Lake in the Swan Valley. He generally supports the concept of strong forest practices legislation in Montana. He asked the committee to remember the slides shown by **REP. DOLEZAL**. He saw thousands of

clear-cut acres. Some photos were taken in the Swan Valley. He urged the committee to think about whether that is the kind of forest management that should be passed on to future generations in Montana. It is time to stop the private marketplace experiment the state has been engaged in for the last 100 years and introduce reasonable restraints on private timber cutting.

**Mr. Wilson** urged support of HB 984 and HB 971. There is a compelling and immediate need for mandatory BMPs to protect Montana's water quality. These bills in some form will create that vehicle.

**Valerie Horton, Montana Wildlife Federation**, supported a forest practices act and mandatory BMPs to protect wildlife habitat and public forests for future generations.

**Janet Ellis, Montana Audubon Legislative Fund**, said she would talk to committee members individually about the pluses and minuses of the three bills.

**Jeff Juel, Missoula resident**, submitted written testimony in support of a forest practices act. **EXHIBIT 20**

**Daniel Funsch, Missoula resident**, submitted written testimony in support of a forest practices act. **EXHIBIT 21**

**Dan La Crosse, member of the Lolo-Clearwater Forest Defense group and the Alliance for the Wild Rockies**, submitted written testimony in support of a strong forest practices act. **EXHIBIT 22**

**Jacqueline Cross, Missoula resident**, submitted written testimony in support of HB 991 and an amended HB 971. **EXHIBIT 23**

#### **Opponents' Testimony:**

**Bud Clinch, staff forester with the Missoula Logging Association**, said the association has been involved in Montana's BMP program and its efforts have spawned production of a booklet and brochure, and numerous workshops. Substantial changes have occurred with on-the-ground forest practices across Montana. While isolated incidents have occurred, loggers, landowners, foresters and those in the forest products industry are exhibiting unprecedented awareness and sensitivity to the wide varieties of resource values, including water quality, wildlife habitat and visual concerns.

Change often occurs slower than most people would like. But change that is slow, and is affected by people who feel an ownership in that change, is often long-lasting. Montana has debated the issue of mandatory forest practices for a number of years and the amount of change seems insignificant to some. It is unlikely that a regulatory, mandatory forest practices act will improve resource protection. Violations will be cited and fines assessed. But minimum standards will be met to avoid penalties

and will not be at the level to protect resource needs.

A mandatory forest practices act will provide few things. It calls for assessment of a special timber severance tax across all ownerships, including private property. The money will finance enforcement of regulations, which are aimed at forcing private property owners to provide an increasing menu of resource values and opportunities to an unrelenting public. The act also will assure minimum standards are met sometimes; and in some instances, rehabilitation, mitigation and fines may be assessed.

Mandating management options on private lands will fuel the fire over public access to private property. Additional public pressure to restrict, govern or eliminate harvest options on private lands will create a groundswell of resentment against such proponents, recreation advocates and the public. Private landowners will become embroiled in adversarial positions. It will be loggers versus preservation advocates, landowners versus regulatory agencies, and public versus private - all that with no assurance of any improved resource management.

The money should be put to beneficial use. He has been involved in cooperative efforts with BMP education. Diverse relationships and dialogues have been developed with differing entities. The common goal is better awareness, sensitivity and implementation of forest practices. The current regulatory approach will erode such a cooperative effort and encourage opposing factions to go to the regulations for enforcement or to prove they met minimum standards, rather than to cooperatively apply site-specific solutions for better resource management.

Industry has demonstrated strong support of solutions to resource problems. That is evidenced by the association's lead in BMP education, promotion of HB 906 for expansion and funding of extension forestry, and the compromise on HB 731. HB 731 is the stream-side management act, which would provide mandatory enforcement of harvesting practices within a stream-side management zone. These acts, plus the association's continued commitment to BMP education, promises change in Montana's forest practices. He encouraged the committee to weigh these considerations before putting faith in a regulatory forest practices act. He urged rejection of all three bills.

**James Hill, Western Council of Industrial Workers**, said he lives in Missoula and has worked in the timber industry for 35 years. He represents about 1,000 laid-off Champion workers. Section 10 of HB 971, under penalties, is prohibitive to companies that are hard-pressed to log in a proper manner at a cost to be able to survive.

Penalties under Section 11 are severe enough to put people out of business. Section 13 talks about sustained yield. No one knows what that means except that there could be a lot of lawsuits by concerned groups. This bill addresses one opinion of what

sustained yield means.

The provision for a severance tax under Section 14 would be detrimental to logging practices and make it harder to get the council's members back to work.

Section 6 of HB 984 discusses sustained yield. There needs to be a continuous supply of timber to maintain jobs. Section 7 talks about civil penalties, which are detrimental to the council's members. Section 11 discusses the timber severance tax, which also is detrimental.

Section 2 of HB 991 talks about clear cutting. He is not advocating clear cutting, but language in this section is contrary to what Forest Service practices say. Section 3 prohibits clear cutting on more than 50 percent of a piece of land. Section 5 talks about enforcement and Section 8 specifies criminal penalties of up to \$10,000 per day and a year imprisonment. Section 10 talks about the severance tax, which would be detrimental to the membership.

The association is not opposed to a forest management act. It opposes particular aspects of these bills. HB 731 is a good bill. He urged the committee to look at that legislation as a forest management act.

**Lorraine Gillies, Montana Farm Bureau Federation**, testified against HB 991, and submitted written testimony in opposition to HB 971 and HB 984. **EXHIBIT 27-29**

**Betty Swift, a Ravalli County citizen**, opposed all three bills. She testified against HB 971. **EXHIBIT 30**

**Glenn Conklin, a private landowner and farmer in the Flathead Valley**, said he worked as a forester and woods boss for F. H. Stoltze Land & Lumber Co. for 20 years. He opposed all three bills. **EXHIBIT 31**

**Tape 3B**

**Robert Pfister, Montana Society of American Foresters**, submitted an editorial on forest practices and a special report by the society. **EXHIBIT 32-33** He said he opposes all three bills but shares environmental concerns expressed by proponents. Annual hearings on proposed forest practices and the threat of legislation have been very effective. Complaints are being heard. Changes are taking place. Professional foresters are the best people to help companies have conservation consciences. If the committee is going to write a forest practices act that has a chance of getting through the Legislature, the society would like to help develop it with reasonable management and conservation philosophy, and to aim it at specific problems rather than try to cover everything with one bill.

**Darrell Holzer, Montana State AFL-CIO**, concurred with Mr. Hill's testimony. He said the labor organization does not object to

development of a forest practices act. Local unions responsible for negotiating the Lolo-Kootenai wilderness accords also recognize the need for ongoing dialogue and action to address issues such as sustained yield, responsible clear-cut practices and other timber values. The organization was not advised nor afforded opportunity to offer advice regarding these bills. Union members whose livelihoods depend on sustained harvest of timber remain committed to that process.

Clear-cutting restrictions in HB 991 are too restrictive, particularly the 50 percent level. Faced with current market conditions and tax implications, these restrictions prohibit reopening idle mills and could force closure of other mills. Definitions of sustained yield in HB 971 and HB 984 may need clarification. It appears no weight is being given to economics, communities, taxes and jobs. These are all serious matters that need further consideration. The AFL-CIO recommends these bills do not pass.

**Paul Tisher, Libby logger**, said he is out of work and opposes all three bills. **EXHIBIT 34**

**Paul Brown, Libby logger**, opposed all three bills. He said that the greater the government control, the greater the resistance by the public. Studies show 3 percent of the total sedimentation in Montana comes from logging and logging roads. He asked where the rest comes from. He asked if HB 971 will effect only loggers or other industries. One instance of neglect has been discussed repeatedly. For each instance of neglect, there are probably thousands of successes. Voluntary BMPs need a chance to work. They have been around for only two years. More time is needed to get away from old practices. In HB 991, mature stands needs to be defined. **REP. COHEN** talked about the natural setting in the Flathead Valley and Big Mountain. The Flathead Valley is the biggest clear-cut people can see.

**Scott Wilke, Missoula logger**, said Montana has been recognized nationally for its safety programs in the timber industry. That is due in part to the Montana Logging Association's efforts in annual first-aid seminars each spring and Flathead Valley Community College's sawyer certification program. Mills are asking all contractors to have documented and enforced safety plans. This relates to BMPs.

In November, the organization brought together a small group of loggers who met with Bob Logan of the Montana Extension Foresters' Office to see if the logging industry could duplicate the success it had with safety in a logger certification program. The success of the safety program is because workers get to participate in its design. Workers are proud of their safety record, not because some governmental regulatory body says they ought to be safe, but because they are part of the program. The same type of program will work with BMPs. He urged the committee to oppose all three bills.

**Steve Marks, Clancy landowner, rancher, sawmill operator and sportsman,** opposed all three bills. He said the bills would take away the rights of property owners. If a landowner wants to harvest timber, that person will have to write a full environmental impact statement (EIS) or a report equivalent to an EIS. The voluntary BMP program has rules and guidelines to follow and must be given a chance to work. He attended a BMP workshop, which showed landowners and loggers how to harvest timber in the most environmentally safe way.

These bills will create a team of bureaucrats and are a nightmare for the landowner, logger and wood products industry. HB 971 will cost him between \$7,000 and \$10,000 per year in timber severance tax. He does not have a big mill. The money will be gobbled up through enforcement of ridiculous laws instead of being used to create better forests. This kind of forest practices act will result in a continued decline in timber supplies for Montana mills. Private landowners won't sell timber if it costs money to do so. Regulations and guidelines in this bill will devalue private timber in Montana.

The relationship between landowners and recreation interests will be further eroded if these bills pass. Landowners will not tolerate further governmental intervention and will lock up their lands forever. He urged the committee to find ways to keep businesses in Montana, instead of closing them.

**John Hollenback, Montana Association of Conservation Districts,** opposed the bills. EXHIBIT 35

**Larry Male, Stevensville logger,** said the woods workers he represents care deeply for the forests of Montana. It is their job, their livelihood and in their best interest to handle it right. There were 300 participants in voluntary BMPs when they were developed in 1989. There were 1,000 the following year. This year there are 10,000 copies of a new 36-page BMP booklet due out in April. He follows BMPs. The logging community is trying very hard to do the job right. He can show clear cuts and seed-tree units that are growing up beautifully. He can show other procedures that have been followed that left behind viable growing forests.

There are many beautiful places in Montana that should never be logged. There are other places that, if it weren't for logging roads, no one would ever see the areas because of miles of waist-high windfall or rough terrain. If it were left unmanaged, it would either rot or burn down. These problems can be resolved. Neither side is against planting and thinning trees, better management and logging methods, and cleaning up an old mess. Neither side is against learning from mistakes and doing a better job in the future, or education of the public about logging and environmental concerns. These laws would create hurdles to jump over. He supports voluntary compliance.

**Tom Milesnick, Montana Stockgrowers Association,** said sustained yield is money in the bank for a timber owner. The cattle market is down. He wants the option of selling some of his timber. It must be something that can be done as he goes along and not require a two- to three-year permitting process.

**Glen Marx, Natural Resource Policy Adviser in the Governor's Office,** said that on August 31, Gov. Stan Stephens spoke to the Montana Wood Products Association. In his speech, the governor said, "Because the BMPs have been in place for only a short time, I support them and they are working. I continue to resist a mandatory forest practices act. It is not needed at this time. The majority in the industry is complying and those who are not are being discovered and being dealt with accordingly." **Mr. Marx** said he would leave a copy of the speech for **Mr. Campbell** so he never misrepresents the governor's words again.

**John Bowdish, Kalispell,** said the private forest landowner and taxpayer is an endangered species. If these bills are passed, it hastens his demise.

**Floyd McCubbins, F. M. Stoltze Land and Lumber Co.,** submitted testimony on behalf of the company, a statement from **Rem Kohrt, Stoltze sawmill manager at Darby,** and **Bill Noble, Stoltze logging manager at Darby.** EXHIBIT 36-38

**Rory Fagenstrom, Cascade rancher,** said he is a small landowner. He sold about half his timber and takes issue with anyone who says he isn't interested in taking care of his land.

**Paul Uken, a small landowner from Plains in the Flathead Valley,** said he owns and manages 120 acres of timberland. He opposes the bills because of the mandatory effects. He manages his land under voluntary BMPs and they work fine.

**Lyle Brist, a Libby logging contractor,** said people who don't believe voluntary BMPs work should just think of it as Operation Desert Storm.

**Don Allen, Montana Wood Products Association,** said the association strongly opposes all three bills. He will detail opposition in a statement to the committee. The association is strongly committed to continuing voluntary BMPs and adjusting the new committee to HB 731.

**John Hansen, Montana Logging Association,** opposed all three bills.

**Bart Cooper, a Boulder logging contractor,** said he has a motto that any job worth doing is worth doing right. He submitted written testimony. EXHIBIT 39

**Ross MacPherson, Montana East Side Forest Practices Committee President,** said his members support BMPs to protect water soil

and air quality, but oppose these three bills. **EXHIBIT 40**

**Buck Boles, Montana Chamber of Commerce**, opposed the three bills. He said many of the proponents who discounted the value of the voluntary program said these bills aren't enough. He doesn't think anything will satisfy them.

**A representative of A.W. Forest Products in Superior**, supported voluntary BMPs. He opposed all three bills.

**Dave Dennis, a local landowner**, said he is tired of losing his rights. Supporters of HB 971 will probably be back next session asking for legislation to require a permit before a housewife can harvest her garden.

**REP. GILBERT** submitted a written statement indicating he is a strong opponent to all three bills. **EXHIBIT 41**

**REP. FOSTER** said he also would like to be listed as a strong opponent to the three bills.

**Ron Johnson, an industrial forester from Bozeman**, submitted written testimony opposing mandatory BMPs. **EXHIBIT 42**

**Rod Hanneman of Darby** submitted written testimony opposing HB 971. **EXHIBIT 43**

**Janet Hanneman of Darby** submitted written testimony opposing HB 971. **EXHIBIT 44**

**Rich Lane** submitted written testimony opposing a mandatory forest practices act. **EXHIBIT 45**

**Michael Atwood, Brand S Lumber in Livingston**, submitted written testimony opposing the three bills. **EXHIBIT 46**

**John Beebe, timberland owner in Libby**, submitted written testimony opposing mandatory BMPs. **EXHIBIT 47**

**Questions from Committee Members:** None.

**Closing by Sponsors:**

**REP. MEASURE** said there appears to be no middle ground in this issue. It is typical of all forest management issues. He is not firmly tied to any of the provisions other than to ensure clean water in Montana. He appreciates the interests of the private landowners and doesn't want to impose restrictions on them. At the same time, he doesn't want to allow a private landowner to dump sediment into streams. There is a middle ground. If the issue were worked on in committee, he believes a bill could be developed that would be acceptable to many individuals. Certainly it won't please everyone.



REP. RANEY told REP. MEASURE it will be up to him, REP. COHEN and REP. DOLEZAL to come up with the middle ground. The committee has no time.

REP. DOLEZAL said the hearing was excellent. He extended his appreciation to both sides and said this is the kind of bill in which there is no middle ground. As the committee tries to resolve the issue, it is important to realize timberlands and water are being affected. Somewhere along the line, a compromise must be reached. Opponents say they are engaging in BMPs. Proponents say they are not. Evidence shows BMPs are not being followed in certain areas. This is what must be addressed. These bills are breaking new ground and forcing everyone to look at prevention. They also represent change, which everyone resists. These bills provide the tools to work something out that will promote the best change for everyone.

REP. COHEN said this hearing was the best one on the topic in the last six years. HB 971 was written intentionally so that individuals who are following notification requirements and meeting voluntary BMPs will find no changes from present practices they engage in now. He praised the Montana Logging Association for its workshops. When people's attitudes are changed, actions follow. When action is forced, resentment can result. Montana has a forest resource that is rapidly disappearing. Everyone has an obligation to protect it so that it can continue to provide a major source of livelihood for Montanans.

REP. RANEY reminded the sponsors of the tight time frame to move the bills out of committee and said they must come forward with something that will be acceptable.

Committee members received a comparison of the three forest practices bills. **EXHIBIT 48**

**ADJOURNMENT**

**Adjournment:** 7 p.m.

  
\_\_\_\_\_  
REP. BOB RANEY, Chairman

  
\_\_\_\_\_  
LISA FAIRMAN, Secretary

BR/lf

**HOUSE OF REPRESENTATIVES**  
**NATURAL RESOURCES COMMITTEE**

**ROLL CALL**

**DATE** 3-21-91

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	✓		

DEPARTMENT OF STATE LANDS  
TESTIMONY FOR SENATE BILL 253

EXHIBIT 1  
DATE 3-21-71  
SB 253

(3:00 pm March 21, 1991 HOUSE NATURAL RESOURCES)

This proposed legislation would provide the Department and the Opencut Operator with additional flexibility in implementing the Montana Open Cut Mining Act in the areas of:

1. Successful reclamation after reclamation bond forfeitures;
2. Remining areas previously reclaimed;
3. Reclamation bonding; and
4. Resolution of Violations of the Open Cut Mining Act

**SECTION 1**

All too frequently, bonds that are forfeited for failure to reclaim an opencut mining site, are insufficient to adequately restore that affected land to a productive use. Most of the bonds that have been forfeited were written a number of years ago, and the costs that were adequate then, are now much higher. In addition, mining plans may not have been followed such that reclamation techniques must be altered to achieve the desired post-mine land use, and/or the mined area may have been expanded without authorization and bond.

Funds made available by amending the statute would allow the Department ability to contribute sufficient money to a project for a complete reclamation job.

In addition, certain operations are located in harsh environments, or create very harsh conditions that make reclamation extremely difficult. The Department would like to conduct small research projects to determine optimum species selection, and reclamation methods, on some of these sites instead of requiring the operator to gamble on specific species or methods over the entire affected area just to have them fail, and return to try again.

**SECTION 2**

It is not uncommon for an operator to expend considerable funds and resources to reclaim mined sites, only to discover that another party has gone back in and redisturbed the area and destroyed the reclamation just completed. Many times, this re-entry into a site is done without benefit of topsoil salvage, and almost always without regrading, retopsoiling, or seeding.

The amendment proposed would ensure that mining in completed reclamation would be done in an acceptable manner such that it could again be reclaimed.

#### **SECTION 4**

Most surety companies are now unwilling to write reclamation bonds if the applicant does not currently hold a bond, or the area applied for is not being utilized in conjunction with a larger project that is also bonded. The other forms of bonding that are acceptable by statute are cash, property, and Certificates of Deposit. Too frequently, these forms are not available to an applicant either. If an applicant cannot furnish an acceptable bond, then the state is unable to enter into a Mined Land Reclamation Contract, and the site applied for cannot be mined. The Department is currently reviewing an application that is facing that very problem, and unless alternative bonding is approved, we will be required by statute to deny the application.

#### **SECTION 5**

Current sections that address penalties and enforcement for violations of the Opencut Mining Act require the Department to sue, through the Attorney General, for recovery of civil penalties, without benefit of an informal hearing, and therefore creating the potential for requiring the action to go before district court.

Changes proposed in those sections would allow an operator the opportunity for an informal hearing to discuss the violation, and if not satisfied with the results, request a formal hearing. If still not satisfied with the decision, they could request judicial review.

These changes would simplify court civil penalty procedures for both the operators and the department by limiting the court review to an administrative record.

The Department of State Lands respectfully requests your support of the proposed amendments.

EXHIBIT 2  
DATE 3-21-91  
~~SB~~ 425

DRAFT  
Amendments to Senate Bill No. 425  
Third Reading Copy

Requested by Senator Grosfield  
For the Committee on Natural Resources

Prepared by Paul Sihler  
March 21, 1991

1. Page 4, line 2.

Following: "1."

Insert: ", but may be renewed once for up to 10 years"

2. Page 4, line 16.

Following: "1."

Insert: "Upon receiving notice of a lease renewal, the department shall notify other appropriators potentially affected by the lease and shall allow 30 days for submission of new evidence of adverse effects to other water rights. A lease authorization is not required for a renewal unless an appropriator other than an appropriator described in subsection (2)(i) submits evidence of adverse effects to his rights that has not been considered previously. If new evidence is submitted, a lease authorization must be obtained according to the requirements of 85-2-402."

3. Page 5, line 10.

Strike: "measuring"

4. Page 5, line 14.

Following: "board"

Strike: "and"

Insert: ", "

Following: "commission"

Strike: "a"

Insert: ", and water policy committee an annual"

5. Page 5, line 15.

Following: "December 1"

Strike: ", 1991"

Insert: "of each year"

6. Page 5, line 19.

Following: "December 1"

Strike: ", 1991"

Insert: "of any year"

7. Page 5, line 25.

Strike: "1992."

Insert: "1998"

Strike: "1995"

Insert: "1999"

8. Page 6, line 1.

Strike: ")"

Insert: "; and

(4) This section does not create the right for a person to bring suit to compel the renewal of a lease that has expired."

9. Page 6, line 20.

Page 7, line 2.

Strike: "1995"

Insert: "1999"

10. Page 6, line 22.

Page 7, line 8.

Strike: "1995"

Insert: "1999"

11. Page 7.

Following: line 2

Insert:

**"NEW SECTION. Section 7. Appropriation.** There is appropriated to the department of fish, wildlife, and parks \$22,500 from the federal special revenue fund and \$7,500 from the state special revenue fund provided for in 87-1-601(1) to lease existing water rights as provided in 85-2-436(2)(a) for the biennium ending June 30, 1993.

Renumber: subsequent sections

12. Page 7.

Following: line 8

Insert:

**"NEW SECTION. Section 8. Effective date.** [This act] is effective upon passage and approval."

EXHIBIT 3  
DATE 3-21-91  
~~SB~~ SB 425

Amendments to SB 425  
Submitted by the Montana Wildlife Federation

Page 4, line 1

Strike "(e) The lease may....10 years."

Page 6 line 13

after "designate"

strike "no more than **five** 10 "

Page 6, line 15

strike "If the department.....section."

Mr. Chairman members of the committee, my name is Scott Snelson and I am speaking on behalf of the over 6500 members of the Montana Wildlife Federation.

Mr. Chairman, members of the committee. As far as the citizens that make up the Montana Wildlife Federation are concerned, existing water law make a mockery of the fact that water is a public resource. Unlike all other public resources, water in Montana, is for all practical purposes, controlled by less than 5% of Montanans.

The Department of Fish, Wildlife and Parks estimates that nearly every year, over 2500 miles of Montana streams go dry because of water withdrawals. And unless you own a water right there's not a single thing you can do about it and a person can not hold a water right if she wants to leave it in the stream for fish.

Because of existing Montana Water Law, the 95% of us don't own water rights are for all practical purposes, ignored in the decision making process regarding how our water ought to be managed.

That wrong, it's unfair and this bill continues to treat us, those people that want to keep water in our streams, as second class citizens.

The original instream flow study has been a flop, not a single drop of water has continued to flow in any stream because of its passage. The sportspeople of this state are out a great deal of money trying to obtain one of these leases, with its myriad of bureaucratic roadblocks that do not exist for any other use of water, and we've got little to show for it.

Mr. Chairman, we do support the amendments offered by Mr. Bradshaw in that they bring us closer to what ought to be, But they do not get us to where we need to be. What this state needs is water laws that treat all Montanans, irrigator and fisherman, farmer and floater as equals in the allocation of our water.

SB 425 is merely an expensive band-aid approach who's cost will be borne by sportspeople with no guarantee that there will be any long term benefit. Restricting instream flow interests to leasing alone is like giving us a sewing needle to change a flat tire. Especially considering that the state has given diverters of water



Ex. 4

3-21-91

SB 425

an entire tool box full of tools, a jack and a heated garage for nearly 100 years.

While it appears to be too late this session to pass legislation that will allow all Montanans to stand as equals before the states water trough, we hope that you will amend this bill to allow FWP to obtain many more water leases than 10 and allow the leases to extend to the same extent that we allow all other water uses.

I've passed out to you some amendments that I think will achieve that end and the citizens of the Montana Wildlife Federation would appreciate your consideration.

Thank you Mr. Chairman.

SB 425  
March 21, 1991

Testimony presented by Pat Graham, Dept. of Fish, Wildlife & Parks  
to House Natural Resources Committee

Despite our best effort to obtain water leases, our department has met with only limited success. This bill proposes to address some of the limitations in the original water leasing legislation. SB 425 extends the leasing study for 2 years, increases the number of eligible streams from 5 to 10, provides the board the ability to switch stream designations and increases the term of lease to 10 years.

The current law limits our department to a lease of no longer than 4 years with a renewal for up to 10 years if the legislation does not sunset. The limitations on the term of the lease have been an issue in our negotiations with water right holders. For example, one of the leasing opportunities we are currently pursuing involves construction of an irrigation pipeline and leasing the conserved water. The term of lease is a particular problem in circumstances like this where it may take more than 20 years to pay the costs of the water development project through a lease arrangement and a long-term commitment cannot be made.

You have before you amendments to SB 425 which would extend the term of the leasing program to 1999 and provide the option of a 10 year lease extension. These amendments would provide the opportunity to enter into a lease where a long term commitment is needed to address project financing. We believe this will help us enter into water leasing agreements that might otherwise be unavailable because of the lease restrictions in the existing law and those contained in SB 425.

I have also attached an amendment that we proposed in the Senate which would address more specifically the problem with helping finance water conservation projects through this program. In combination with the other amendment, it would greatly improve our flexibility.

While SB 425 is a step toward addressing some of the inherent difficulties in the water leasing legislation, it is only a small step, and additional streamlining of this legislation will be needed in the future. As water leasing demonstrates its value as a tool for improving instream flows, and that leasing can be accomplished without adversely affecting other uses, the statutes must be streamlined to take full advantage of the concept.

After studying water leasing for 2 years, we do not feel that the process merits the concern that is often expressed. However, it is clear that its full potential will not be realized without the cooperation of the organized agricultural community.

Ex. 5  
3-21-91  
SB 425

AMENDMENT TO SB 425  
INTRODUCED (WHITE) COPY

1. Page 4, line 2.  
Following: "years"  
Strike: "."  
Insert ", except that a lease of water made available from the development of a water conservation or storage project is not restricted in length of term.

Amendments to Senate Bill No. 303  
Third Reading Copy

For the Committee on Natural Resources

March 19, 1991

1. Page 4, line 22.

Following: "WILL"

Strike: "ADVERSELY AFFECT"

2. Page 4, line 23.

Following: "(A)"

Insert: "adversely affect"

3. Page 5, line 1.

Following: "(B)"

Insert: "cause substantial harm to"

4. Page 5, line 3.

Following: "."

Insert: "For purposes of this subsection, substantial harm means at least a documented 10% increase in annual capital and operating costs for wastewater treatment."

5. Page 10, lines 9 and 10.

Following: "WILL" on line 9

Strike: "ADVERSELY AFFECT"

6. Page 10, line 11.

Following: "(A)"

Insert: "adversely affect"

7. Page 10, line 13.

Following: "UNUSABLE"

Strike: "FOR ITS PRIOR USE"

8. Page 10, line 14.

Following: "(B)"

Insert: "cause substantial harm to"

9. Page 10, line 16.

Following: "."

Insert: "For purposes of this subsection, substantial harm means at least a documented 10% increase in annual capital and operating costs for wastewater treatment."

10. Page 17, lines 4 and 5.

Following: "WILL" on line 4

Strike: "ADVERSELY AFFECT"

11. Page 17, line 6.

Following: "(A)"

Insert: "adversely affect"

EX. 6  
3-21-91  
SB 303

12. Page 17, line 8.

Following: "UNUSABLE"

Strike: "FOR ITS PRIOR USE"

13. Page 17, line 9.

Following: "(B)"

Insert: "cause substantial harm to"

14. Page 17, line 11.

Following: "."

Insert: "For purposes of this subsection, substantial harm means at least a documented 10% increase in annual capital and operating costs for wastewater treatment."

**Stone Container Corporation**Missoula Mill SB 303Mullan Road  
Drawer D  
Missoula, Montana 59806-4707

Containerboard and Paper Division

March 21, 1991

406 626-4451

Chairman Bob Raney and Members of the  
House Natural Resources Committee  
Department of Natural Resources and Conservation  
1520 East 6 Avenue  
Helena, MT 59620

Dear Chairman Raney and Members of the  
House Natural Resources Committee:

Stone Container Corporation operates a large pulp and paper mill near Missoula, Montana, which produces about 1900 tons of linerboard per day and employs over 700 people. The treated wastewater from this mill must be processed by direct discharge or percolation into the Clark Fork River while meeting some very strict water quality regulations. The toughest standard that the mill must meet is a color standard which only allows the background river color to be increased by five color units. This requirement also forces the mill to store effluent during the summer, fall and winter which is then discharged during the spring.

Under average river flow conditions, the mill has been able to process its waste water and still comply with all of its permitted requirements. However, under low flow conditions, the color standard prevents the complete emptying of the storage ponds.

As a result of the above situation, any application for a new permit to beneficially use water in the Upper Clark Fork River Basin could potentially impact our ability to maintain water quality. Applications which result in a consumption of water which would otherwise flow down the river, have the potential to increase the number of color violations that can be attributed to Stone's discharge.

Stone Container would like to go on record as supporting Senate bill #303 which would require the Department of Natural Resources and Conservation to consider the impacts of new applications on the holder of a discharge permit.

Thank you.

Respectfully submitted,

A handwritten signature in cursive script that reads "Larry Weeks".

Larry Weeks  
Technical Director

sp

**Summary, HB 991**  
Rep. Ed Dolezal

EXHIBIT 8  
DATE 3-21-91  
HB 991

**Statement of Intent:** Directs the Board of Land Commissioners to adopt regulations that protect water quality, and maintain the scenic and visual qualities of forest lands. The Board shall prohibit clearcutting except in monotypic stands of timber and shall consult with federal, state and private forestry officials in drafting the regulations.

**Sec. 1. Title:** Montana Forests for the Future Act

**Sec. 2.** Clearcutting is defined.

**Sec. 3.** Clearcutting is prohibited in mixed conifer timber stands. It is allowed in monotypic stands such as lodgepole pine.

**Sec. 4.** Directs the Board to adopt rules to implement this act.

**Sec. 5.** Civil penalties: violators are subject to a civil penalty of \$10,000 and they shall forfeit the value of the timber harvested illegally.

**Sec. 6.** Authorizes the Department to serve a violator with a compliance order with specific conditions on how and when they must comply.

**Sec. 7.** The Department may seek a permanent or temporary injunction to restrain the violator.

**Sec. 8.** Allows for criminal penalties: willful or negligent violators are subject to a fine not to exceed \$10,000 for each violation or imprisonment of not more than one year, or both.

**Sec. 9.** Creates a forest practices enforcement account.

**Sec. 10.** Establishes a severance tax of 15 cents per 1,000 bd. ft. of timber cut. Tax is deposited in the enforcement account.

**Sec. 11.** More definitions for the taxation sections of the bill.

**Sec. 12.** Requires the severance tax to be paid quarterly.

**Secs. 13-20.** Provide direction on specifics of tax assessment, collection and payment.

Sponsor's proposed amendments, HB 991

March 21, 1991

House Natural Resources Committee

EXHIBIT 9  
DATE 3-21-91  
HB 991

Page 2, line 22

add: (4) "Person" means the owner of the forest product or products subject to regulations adopted by the Board under this act.

Renumber subsequent sections.

Page 3, line 3

following "."

add: This prohibition does not apply to activities regulated under Title 82, MCA."

Page 3, line 9

following "." strike "Each day of violation"

Page 3, line 10

strike "constitutes a separate vioation."

Page 5, line 1

following "\$10,000"

strike "for each day of violation"

Page 5, line 4

following "\$20,000"

strike "for each"

Page 5, line 5

strike: "day of violation"





# Greater Yellowstone Coalition

March 20, 1991

EXHIBIT 10  
DATE 3-21-91  
HB 971, 984, 991

Rep. Bob Raney, Chairman  
Natural Resources Committee  
Capitol Station  
Helena, MT 59620

Dear Rep. Raney:

The Greater Yellowstone Coalition would like to express its support for proposed forest practices legislation. We understand there are three bills that will be heard in your committee on March 21, and would like your consideration of the following provisions for inclusion in any bill that is passed by your committee.

\* Mandatory, enforceable best management practices, including penalties for non-compliance, and adequate funding for enforcement

It is clear that voluntary best management standards have not been successful, as indicated by the 1990 state audit of best management practices. This is particularly the case where high risk BMP's - those most important for protecting watersheds - are involved, with only about half of the high risk BMP's in the audits meeting requirements, and slightly more than half providing adequate protection. One of the major problems noted was stream crossing design resulting in sediment discharge.

The report noted that the 1990 audits generally resulted in lower ratings than those of previous audits, suggesting the trend is not towards improved BMP's as we would have hoped after the promises last session by industry that voluntary BMP's were adequate. Additionally, the 1990 audits found a higher percentage of sites with major departures and impacts than previous audits, and a much higher average number of major impacts per site than earlier audits. Clearly, voluntary BMP's are not working.

Enforceable rules, and penalties for non-compliance, go hand-in-hand with legislated BMP's. Without these provisions, BMP's will have no teeth, and the resources we are trying to protect will suffer. This includes adequate funding for consultation, monitoring and enforcement, which most appropriately should come from the industry developing the resource as a cost of doing business.

\* Require management for sustained yield on state forests

In order to encourage the biological productivity of our state lands and protect our watersheds, wildlife and recreational economies, we must recognize the need for sustained yield of merchantable timber from state lands. It is the only way we can protect our resources, while at the same time ensuring a sustainable supply of timber to our forest products industries. Without this sustained yield requirement, we are encouraging overcutting and the destruction

of forest resources, leading inevitably to the elimination of many of our forest-dependent industries, including timber, recreation, and tourism.

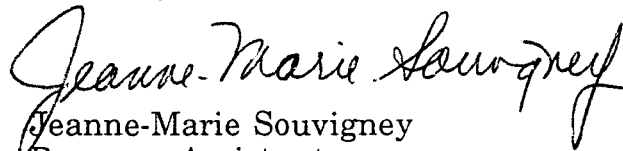
\* Revise BMP's to address certain resource needs not adequately protected under current provisions:

Old growth forests have been heavily harvested on private lands, so that what remains is largely located on federal and state lands, giving impetus to the need to protect effective old growth on private lands. There is substantial difference between protecting old growth, and maintaining **effective old growth**. Effective old growth is necessary to maintain biological diversity, characterized by a rich assemblage of wildlife and flora species. These species include cavity-nesting birds, and certain indicators for old growth, such as the goshawk, pileated woodpecker and pine marten. We support standards and BMP's for protecting effective old growth.

**Clearcutting**, while perhaps the least costly method of harvesting trees, can have severe site-specific and cumulative impacts on watersheds, big game cover, regeneration potential, soils and other resources. It can be very objectionable to recreational users and residents because of the visual impacts. Clearcutting should be restricted to reflect these impacts.

We appreciate the opportunity to comment on these forest practices bills, and request your consideration of these concerns.

Sincerely,

  
Jeanne-Marie Souvigney  
Program Assistant

507 30. 10 11 12.  
Bozeman MT. 59715  
March 21, 1991

EXHIBIT 11  
DATE 3-21-91  
HB 971, 984 & 991

To: Mont. House of Representatives  
Natural Resources Committee

Subj: A Mont. Forest Practices Act.

From: Joe Gutkoski, Landscape Architect.

A strong enforceable Forest Practices Act is needed.

We must combine the best aspects of all three submitted  
plans for a workable forest practices act.

Riparian areas serve as wildlife travel corridors, serve as a  
buffer to erosion and protect clean water and fish.

Streamside clearcutting can no longer be tolerated.

Logging should not exceed the hydrologic limitations of a drainage.  
It is the balance between forested and non-forested land,  
to insure proper spring run-off protection for flood control,  
erosion and mass failure protection.

A minimum of 20% per drainage left in old growth retention  
to maintain biologic diversity and minimum wildlife populations.

Excessive roading is responsible for loss of wildlife security  
cover. Roading must be kept to a minimum.

A timber severance tax should be adequate enough to finance  
site inspection and enforcement of the law. A fiscal analysis  
should be made so that the Dept. of State Lands would be sufficiently  
funded to fully apply the mandates of the law.

Notification to the Dept. of S.L. of logging plans and activities prior  
to the start of harvest.

Voluntary compliance will not work. Substantial penalties must  
be applied for non-compliance.

Sincerely,  
Joe Gutkoski

TESTIMONY OF SHERMAN H. JANKE

concerning House Bills 971, 984, and 991  
before the House Natural Resources Committee, 21 March 1991

Chairman Raney and members of the committee:

My name is Sherman H. Janke; I reside in Bozeman where I am a self-employed businessman, with substantial investments in Montana bonds. This testimony is being offered on behalf of the Montana Chapter of the Sierra Club, which chapter I serve as national Council delegate and as Headwaters Group Chair.

In recognition of long-standing need, the chapter strongly supports the concept of state forest practice legislation. However, instead of supporting any one of the bills before you, we urge that first you combine the best features of these measures into a single bill, and then add build upon the result, in order to obtain truly progressive and forward-looking legislation. Examples:

We support:

- Protection of in-stream water quality, as for example by...
- The prohibition of clear-cutting on excessively steep slopes, and
- The maintenance of harvest-free zones along stream banks
- The prohibition of clear-cutting in mixed conifer stands
- Minimizing construction of new roads
- Closure of logging roads which have served their purpose
- Mandatory reforestation

- Leaving at least 20% of old-growth (sometimes called ancient forests) in any area considered for timber harvest, and doing so in some cases by leaving intact drainages, so as to maintain biodiversity, scenic and esthetic values, and maximum water quality in those drainages
- A requirement for sustainable (not necessarily "sustained"--there is a difference) yield management
- A specific time frame requirement for the formulation of best management practices; an open-ended process will permit continued resource damage

- A timber severance tax level sufficient to fund on-site inspection, before during, and after harvest, and to fund other enforcement procedures, as well as the initial process of formulating best management practices. (Our information is that in states which have enacted state forest practices legislation, such as Oregon and Washington, to the extent that the process has failed, it has done so because of insufficient funding for enforcement.) We tend therefore to favor the higher tax levels set forth in these three bills.

- Notification of the Department of State Lands prior to the commencement of harvesting activities

- Substantial criminal penalties for non-compliance

We strongly oppose reliance upon voluntary compliance with a set of alleged best management practices which in themselves may be inadequate (as for example simply reporting proposed or actual harvested volumes).

*Sherman H. Janke*



T. Crawford Enterprises

*C<sub>3</sub> Ranches*

13  
3/21/91  
991, 984, 971.

Chairman Raney, Members of the House of Representatives Natural Resources Committee....

I would like to go on record in support of H.B. 971 with serious qualifications. There are omissions, which are not likely to be corrected in any subsequent bill and therefore I urge you not to pass H.B. 971 without including the following:

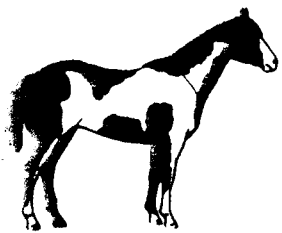
Timber cutting in riparian zones cannot be allowed, as our water quality is a great part of the quality of life in Montana.

A maximum road allowance must be established, and I suggest from one-half to three-quarters of a mile per section, depending on steepness of terrain and soil types.

There also needs to be some minimum percentage of "Old Growth" left unharvested to maintain biological diversity and something more than minimum viable populations of indigenous wildlife species. Thirty percent "Old Growth" might be adequate per drainage.

Thank you for this opportunity to testify.

T.H. Crawford  
1 West Main  
Bozeman, MT 59715

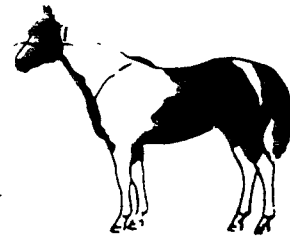


# BLACKTAIL RANCH

Tag Rittel, Inc.  
Wolf Creek, Montana 59648  
Phone: 406-235-4330

TAG RITTEL

SANDRA RENNER



SEMINARS • RETREATS • REUNIONS • RANCH VACATIONS • MUSEUM • CAVERN • PAINT HORSES • HUNTING

EXHIBIT 14

March 21, 1991

DATE 3/21/91

HB 971, 984, 991

Chairman Bob Raney and Committee Members,

I own a ranch on the east front of the divide, just east of Rogers Pass. This Area has a history of being dry. It takes years for a forest to grow. It is a mixture of Douglas fir on the north mountains sides. Lodge pole pine on the tops and Ponderosa pine through out the area. A old burn on the head waters of the South Fork of the Dearborn burnt out in the 1920's. There is no timber on it today. Our area has high winds, the soil shallow and rocky. Extra care and good management is a must in this front area.

I have read all three bills, HB 971, HB 984, and HB 991. If you took all three and made one bill, you would still be missing a very important part that has to be included. As I see it all three bills relate to privately owned forest lands. I have proof that its about time some one took a carefull look at what is happening to our state lands. How can you ask the private land owner to clean his act up, when the State of Montana is doing a job that land owners wouldn't think of.

I am passing pictures taken on a school section next to my ranch. I want you to look very carefully as you see roads cut into steep mountain sides, clear cuts with piles of trees just bulldozed into heap. No regard to enviornment or water shed. No water bars, so called seed trees blown over, and a lovely crop of knapp weed that is scattering over this mess onto private land.

Is there no rules, laws, or regulations on the state? The State Dept. of Lands must live by the same laws and rules they place on the private forest lands.

This isn't the only State land that have recieved this thoughtless abuse. Another tract of land to the north of this school section was logged also. Road cut through a rock pile, no water bars, and knapp weed. Right now, there is more land owned by the state to the east, up little Wolf Creek getting the same treatment.

I am asking that in Making a good bill for forest lands, Lets not forget to include the State Dept. of Lands in any bill made today.

Sincerely,


Tag Rittel  
Wolf Creek, Mt.  
59648



# 1990 State of Montana

## Logging Practices

### NOTICE

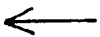
How can you ask Private landowners  
to be responsible (?) when our State  
Dept. of Lands mistakes our  
State lands in this fashion. 

Wind Rows  
Clean Cut  
Notice Mess →  
Mostly Small  
Trees

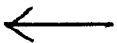


Pictures of Montana School  
Section  
Sec 36-116 N - R2 N  
Pictures taken Oct. 2, 1911

Wind Blown  
Fallen Seed Trees



Sheep hillside





Whole Lodge Pole  
And Fir Dored  
Ink Piles

Complete Ines



Pictures of Montana Lake  
Section  
Sec 36 - 116 N - R E W  
Pictures taken Oct 2, 1999

DATE 3-21-91  
15  
166 486 176  
971 984 991

Another Example of Brush Piles



Sheep Hillsdale  
Where Has Water Shed Gone ?



Knapp Weed By Road  
On School Section  
Brought In By  
Logging Trucks  
→



Records of School Section  
Sec 36-16N-REW  
Pictures taken Oct 2, 19

More Knapp Weed Next To Logging Area  
As Well As Private Property  
↓



More Knapp Weed  
Who Is Responsible?  
↓



**SWON VIEW COALITION**

PO Box 1901, Kalispell, MT 59901

EXHIBIT 16  
DATE 3-21-91  
HB 971, 984, 991

March 21, 1991

Bob Raney-Chairman  
House Natural Resources Committee  
Capitol Station  
Helena, MT 59620

RE: Hearing on Montana Forest Practices Acts.

Dear Mr. Raney;

Please include this letter in the formal record in the above matter. Having read House Bills 971, 984 and 991, we submit the following comments.

The time for mandatory and enforceable minimum management requirements for Montana forests has come. The conscientious loggers and landmanagers of Montana have nothing to fear from reasonable management practices becoming law, with strict penalties for their violation. No longer can Montanans sit by and watch the degradation of our environment by those who short cut environmental safeguards. Indeed, a strong Montana forest practices act will level the playing field in order that the careless logger no longer has a competitive advantage over the careful logger.

While House Bills 971 and 991 have numerous positive attributes, these positive points from each bill must be strengthened and combined into a final Act. In this regard, we will highlight some of the positive points that need to be included in final legislation.

1. Best Management Practices must not only be made mandatory and subject to penalties for their violation, they must be expanded beyond protection of water quality and include minimum management requirements for numerous other resources, including:

a. Riparian zones and wetlands - an adequate protective zone where all cutting is prohibited must be required around and along these most essential wildlife habitats and corridors.

b. Old growth forest - a minimum retention standard of 20% old growth forest in each hydrologic drainage must be included, along with adequate definitions of old growth and further requirements regarding the distribution of old growth forest.

c. Road closures - a maximum allowable open road density of 0.5 mile of open road per square mile of land must be instituted in order to limit the effects of open roads on numerous wildlife species, including big game. Areas over which a given open road density is calculated should not exceed 5,000 acres in order to be in keeping with wildlife behavior and the research which gave rise to the assessment of open road densities.

d. Slash burning - alternatives to slash burning must be pursued in order to limit air pollution and to maintain adequate down and dead woody material required by numerous species. This will help in maintaining biological diversity in harvested areas.

e. Visual quality - criteria for maximum acceptable changes to the visual appearance of the landscape must be established and adherence to them made mandatory.

f. Forest cover - minimum standards for the maintenance of hiding and thermal cover must be established based on sound biology and adherence to these standards made mandatory.

g. Reforestation and site preparation - minimum standards for adequate restocking and soil scarification must be established to achieve adequate reforestation, control the spread of noxious weeds, and prevent the destruction of important wildlife foods which may be eliminated or significantly reduced through excessive scarification.

2. The Act must require that the writing of the regulations and minimum management requirements be accomplished in a time period of less than one year.

3. The prohibition of clearcutting in HB 991 must be extended to prohibit even-aged management of any kind. This single provision would do much to either aid in the achievement of the minimum management requirements listed above or obviate the need for them.

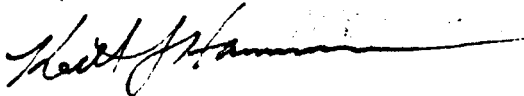
4. We find the penalties and fines for violations of HB 971 to be too weak and ask that penalties and fines more on the order of HB 991 be included in final legislation.

5. We support the higher timber severance tax of HB 971 (\$1.50/MBF) in order to fund more effective forest practices and enforcement programs.

6. We fully support requirements for the management for sustained yield. We must insist, however, that sustained yield be defined in terms of sustaining the forest ecosystem, not the volume of wood fiber produced from forests converted to tree farms. Again, this provision and definition would go far in either achieving or obviating the need for the minimum management requirements listed above.

We greatly appreciate this opportunity to comment on forest practices in Montana.

Sincerely,



Keith J. Hammer  
Chairman

# Alliance for the Wild Rockies

Box 8731 Missoula, Montana 59807 • 406-721-5420

EXHIBIT 17  
DATE 3-21-91  
HB 971, 981, 991



## Testimony Before the Montana House of Representatives Committee on Natural Resources Regarding House Bills 991, 971, and 984.

My name is Mike Bader, and I reside in Missoula. I represent the Alliance for the Wild Rockies as executive director. The Alliance consists of 109 member organizations and businesses, and 1,000 individual members.

We are organized as a non-profit corporation in the state of Montana for the purposes of protecting biological diversity, wildlife, wilderness, wildland ecosystems, ancient forests, recreational opportunities, and associated amenity values. We have several concerns regarding the proposed bills on forest practices within the state of Montana.

Our organization, and myself personally have been witness to incredible abuses resulting from logging activity. These abuses have taken place on state, private, and federal lands. Major abuses include clearcutting of massive areas resulting in excessive soil erosion, reduction in wildlife habitat effectiveness, reduction in reforestation potential, and loss of scenic viewsheds. Associated roadbuilding has led to serious soil erosion and sediment deposition in streams, impacting fisheries and water quality. Poor road design and construction have also led to serious water quality violations. Excessive open road densities have serious effects on elk populations and many other species, including ecological specialists and old-growth dependent species like goshawk, fisher, pine marten, lynx, pileated woodpeckers, voles, and owls, not to mention federally protected threatened and endangered species such as grizzly bear, caribou, and gray wolf.

While all three bills before us today are what we feel is an important step in the right direction, all three fall short in several areas for what we feel is needed to adequately regulate logging activity. A positive step would be to take the best of all three bills and pass one good solid forest practices act for Montana. Decent legislation would include:

1) A ban on clearcutting in all stands and forest habitat types, regardless of age or species. Clearcutting means the removal of all standing trees over the geographic area being subjected to logging activity. Seed tree cuts are basically a two-stage clearcut, and we count this silvicultural treatment as a clearcut.

2) Best management practices must be defined within the legislation. Leaving this job up to the Department of State Lands will result in more foot-dragging, and delay of decent forest practices. Mandatory BMPs should be developed no later than August 1, 1991.

3) Any committee established to develop BMPs must have representatives of conservation organizations. It should also have at a minimum a wildlife biologist, fisheries biologist, soil scientist, and old-growth forest expert, and hydrologist.

4) Plenty of information is currently available in the scientific literature regarding open road densities. An open road density standard of 0.5 to 0.75 miles of open road per square mile should be in the legislation now. State Lands should not be allowed to wiggle around on this issue.

5) Old growth forest resources are mentioned in the proposed bills, but are not given the weight they deserve. A retention standard of 20% old growth per drainage should be included in the legislation. Biological diversity is dependent on such a retention program.

6) Penalties for violations must be substantial. One bill calls for \$10,000.00 fines. We agree with this figure.

7) A citizen suit provision must be included in legislation, including the right to seek injunctions.

8) Current ecological research must not only be considered, but should be incorporated into legislation.

9) A timber severance tax figure of \$1.50 per thousand board feet seems reasonable and should be in the legislation. The purposes of these funds contained in H.B. 971 are sound.

10) Logging must be banned within riparian areas. A streamside buffer of at least 200 feet where logging is banned should be included in the legislation.

EXHIBIT 17  
DATE 3/21/91  
HB 971, 984, 996

Thank you for the opportunity to present this testimony.

Respectfully submitted this 21st day of March, 1991.

A handwritten signature in cursive script, appearing to read "Mike Bader", written over a horizontal line.

Mike Bader  
executive director

**WILD WINDS**



**BILL CUNNINGHAM**

15990 MILL CREEK ROAD  
FRENCHTOWN, MT 59834  
(406) 626-5646

EXHIBIT 18  
DATE 3-21-91  
HB 971, 984, 991

STATEMENT BY BILL CUNNINGHAM ON THE PROPOSED MONTANA FOREST PRACTICES ACT, HB-971 FOR INCLUSION IN THE MARCH 21, 1991 HOUSE NATURAL RESOURCES COMMITTEE HEARING RECORD.

As a professional forester who has worked and traveled extensively throughout Montana's forests for more than 30 years I am firmly convinced that Montana urgently needs a strong enforceable forest practices act. Serious environmental problems from inappropriate and damaging logging and roading are well documented. The economic cost to tourism alone in terms of lost or diminished amenity and recreational values is immeasurable.

I feel that HB 971 provides a starting point for the kind of tough legislation that is really needed. I support and recommend the following changes to the bill:

--Statutory rules that are clearly defined and enforceable. We simply cannot wait for DSL to design the standards that are already available and needed.

--the bill should provide for a minimum 20% per drainage old-growth habitat retention to maintain biological diversity and health.

--the bill should clearly define and enforce open road density standards at no more than .75 miles of open road per section in order to maintain a 70% "habitat effectiveness" for elk and other wildlife. The .50 standard employed on the Gallatin National Forest would be better yet.

--Montana's most precious resource is water. The bill should provide clear quantitative standards for protecting riparian zones for wildlife, water quality and fisheries.

I request that this statement be made a part of the official hearing record. Thank you for your consideration of my concerns.

Bill Cunningham



I want to thank you all for ~~starting this~~  
long overdue process. We have a long way  
to go towards restoring our savaged private  
lands destroyed by the arrogance of the  
greedy timber industry. I am outraged by  
the horrible holocaust that has already  
occurred on industry lands and I think  
a case could be made for the state  
enacting the right of eminent domain  
and confiscating these lands to be given  
to outfits such as the Nature Conservancy  
for habitat recovery. But we are here today  
to talk about the Forest Practices Act  
and since the industry has already  
proven that strict guidelines are essential.  
I would like to propose that the following  
be included in Montana's Forest Practices  
Legislation: - uneven aged management with  
individual tree selection only. - absolutely  
no use of herbicides or pesticides. - No cutting  
of riparian zones. - No logging of endangered  
species habitat. - No new permanent roads  
- mandatory restoration of any private lands  
that have not reforested. - Moderated  
slash burning

Humans have no special divine right to own land but rather a responsibility of stewardship to ensure the protection of the intricate web of life that is so interdependent on ethical forest practices. Habitat does not stop at private property boundaries so we must provide for the rights of all species wherever they exist. Montana needs a Forest Practice act based on an ethical relationship with the land!

Marilyn Olsen

West Fork Rd

Darby, Montana 59829

Testimony For Montana House of Representatives Natural  
Resources Committee on H.B. 971, March 21, 1991  
EXHIBIT 1991-20  
DATE 3-21-91  
HB 971, 984, 991

It is good that the state of Montana is considering enacting legislation to protect what's left of its forests. The measures already written up are but a small step in the right direction. I urge legislators to pass a bill which goes well beyond those in order to really protect our forests.

I am here to counter the arguments by the timber industry that restrictions are either not needed to protect the forests, or that restrictions would damage the state's economy. If few restrictions and lax enforcement would make for a healthy economy, then why, with so much of our forests gone, is the state's economy said to be so unhealthy? Restrictions are needed, because what's being damaged are watersheds, biological diversity, and the possibilities for a truly sustainable economy.

Montana needs a Forest Resources Management Act with the following provisions:

1. Enforceable rules written into the law rather than having watered-down standards written by non-elected, appointed officials sometime in the too-distant future.

2. Stiff fines for violators. We've seen that ~~merely~~ voluntary ~~having~~ Best Management Practices ~~do~~ not work. Violations must be made not worth the risk. Enact legislation which provides heavy penalties for violators. There needs to be motivation for companies to police themselves.
3. The law should ban all even-aged management. These include clearcuts, seed-tree cuts, and shelterwood cuts. Such even-aged management practices are one of the biggest causes of loss of biological diversity.
4. Old-growth forests should be left standing. There are already too many threatened, endangered, and rare species of plants and animals because of the already extensive logging which fragments habitats.
5. There should be no logging or mechanized activity allowed within 250 feet of streams or other riparian areas. Clean water is too valuable a resource to be allowed to be degraded.
6. Open road densities should be no more than one-half mile per square mile of forest. Open roads are the greatest degrader of water quality. High open road densities threaten big game and threatened and endangered species.
7. Enforce the laws enacted on the U.S. Forest Service

DATE 3/21/91  
HB 971, 984, 991

land in Montana also. We all know the Forest Service has abused the public trust by allowing the land to be severely degraded.

8. Ban the burning of slash altogether. With the problems of the worldwide greenhouse effect, there is no sense in burning. We certainly don't need to be breathing the smoke. The leftovers from logging would best be part of the forest if left to natural processes other than fire.

Thank you,

Jeff Suel  
325 E. Front St. #1  
Missoula, MT 59802

Jeff Suel

Daniel Funsch  
Box 7613  
Missoula, MT 59807

Rep. Bob Raney, Chair  
House of Reps - Natural Resources Comm.

Dear Rep Raney & members of the committee:

Please consider my comments on the three forest practices acts before your committee.

I believe that this type of legislation is long overdue - the evidence of the failure of voluntary compliance with "BMPs" is widespread - from Rye Cr. in the Bitterroot, to the Clearcuts of the Yaak, to Little Joe Creek on the Lolo NF.

- ① HB 984 (Measure) - Advisory committee should include representatives from conservation, wildlife biology, & soil science.
- ② HB 971 (Cohen) - I support this bill, with changes.
- ③ HB 991 (Dolezal) - I support this, with amendments.

- \* Please combine 971 and 991 to strengthen these bills.
- \* Please make BMPs a matter of law, not regulation.
- \* Please make BMPs more specific, to include:
  - a prohibition on riparian harvest;
  - road density standards of .5 mi/mi<sup>2</sup> of land;
  - old-growth retention standards - 20% per drainage minimum;
  - prohibition on clearcutting, and other even-aged management in →

- over -

all age classes and species; enforcement  
and strict penalties (\$10,000 per day minimum).

Thank you for your consideration of these  
comments.

Sincerely,

Dan Finsel

EXHIBIT 22  
DATE 3-21-91  
HB 971, 984, 991

EXHIBIT 22  
DATE 3-21-91  
HB 971, 984, 991 3-21-91

WRITTEN COMMENTS TO THE MONTANA  
HOUSE OF REPRESENTATIVES COMMITTEE ON  
NATURAL RESOURCES CONCERNING HOUSE BILLS  
991, 971, 984.

My name is Dan LaCrosse. My address  
is: Box 8732 Missoula, MT 59807

I am a member of the Lolo-Clearwater  
Forest Defense group and of the  
Alliance for the Wild Rockies.

I am quite concerned about Forest  
Practices on Private Lands, as well as on  
Forested land managed by the BLM and the  
U.S.F.S. I have witnessed many abuses  
of "B.M.P.'s" in the state of Montana  
and firmly believe we need to enact as



2

Strong and solid a Forest Practices Act as we possibly can. I am encouraged to see there are three bills before the House to address this important issue.

None of the three bills alone provides enough protection to adequately solve the problem. It is my opinion that we could have a good, solid Bill by combining elements of all three bills into one bill.

I am in favor of the following provisions of the Bills:

1. Fines of \$10,000 per day with injunctions.

2. Severance tax of \$1.50 per 1,000 board feet.

3. Required sustained yield for state forests.

4. Mandatory BMP's for water quality.

These BMP's must be defined by the Law by

August of 1991 - Not left up to the Dept. of

State lands to enforce or define.

EXHIBIT 22

3

DATE 3/21/91

HB 971, 984, 991

1. The Law should include a ban on all  
clearcutting in all stands and forest types.

2. This includes seed tree cuts.

The law should include a 200 Foot buffer zone  
in riparian areas on either side of streams.

3. An open road density standard of .5 to .75  
miles of open road ~~per~~ per square mile,  
should be in the law.

4. The committee to develop BMP's should include  
a fisheries biologist, wildlife biologist, Hydrologist,  
Soil scientist and an old-growth forest expert.

I would like to conclude my comments by pointing  
out that three incumbent legislators in Montana  
who were loggers were unseated in November, 1990 elections.  
A fourth candidate from Pyramid Lumber was defeated. This  
proves that Montanans are speaking out loud and  
clear against further abuse of our state lands.

Thank you for the chance to comment. Daniel Rose

March 21 1991/HB

## Comments on Forests for the Future bills:

It is urgent that laws are passed which mandate Best Management Practices for timber sale activities. The importance of conserving the integrity of watersheds and protecting fish and wildlife must be taken into consideration before any logging is begun. Therefore, I support H.B. #991 and H.B. #971. However, the following points should be added to H.B. #971.

- H.B. #971 should set firmer guidelines and mandates for immediate implementation ~~of the~~ and enforcement of the standards it suggests.
- H.B. #971 should recognize the importance of preserving old growth habitat for species such as lynx, woodpeckers, pine marten, owls, voles and goshawks. Instead of looking at old growth as "timber stands," it should recognize that much of the remaining old growth forests must be left alone.
- H.B. #971 should set up guidelines to regulate the amount of open roads that exist in order to insure that wildlife habitat effectiveness (75 miles of open road per section) is maintained at 70% at least.
- Clearcutting must be prohibited in riparian zones. H.B. #971 should provide for this prohibition.

Submitted by:

Jacqueline Cross  
JACQUELINE CROSS  
429 MADISON  
MISSOULA, MT 59802



## American Wildlands

127 W. Main, Suite I, Bozeman, Montana 59715  
(406) 586-8175

EXHIBIT 24  
DATE 3-21-91  
HB 971

### Testimony for HB #971

My name is Darcy Tickner. I am the Program Director for the Northern Rockies office of American Wildlands, a national conservation organization. We commend Ben Cohen for the introduction of this bill. We support the establishment of mandatory BMPs, notification of forestry practices, provisions for enforcement and penalties, management for sustained yield, and the creation of a timber severance tax. While we do support HB #971, American Wildlands does have several problems with the bill as it is currently written.

First of all, we'd like to see the bill include a provision that allows for public input in the determination for onsite consultation. Hunters, hikers, and other recreationists often have an excellent understanding of the condition of a specific area in regard to wildlife habitat, watershed, riparian areas, fisheries, old growth stands and other land management activities in the area.

Secondly, American Wildlands believes that enforceable BMPs are needed now. Thus, the establishment and enforcement of BMPs must be given top priority.

Next, we feel quite strongly that timber harvest in streamside areas is not tolerable. By leaving trees in these areas, the streambanks will remain stabilized, the riparian area can more effectively filter sediment from entering the streams, future large woody debris recruitment will be enhanced, and shading of streams can be maximized. In addition, riparian areas act as wildlife travel corridors. We request that HB #971 define riparian zones as no-entry areas, which must be clearly marked on the ground for each timber sale.

Old growth habitat has generally been managed from the following perspectives:

- 1) 5-10% old growth is adequate to maintain all old growth-dependent species; and
- 2) all old growth stands are the same, without any consideration of their size, their effectiveness, or their proximity to existing harvest units or roads.

However, as current research has shown, a major problem with small stands of old growth is that almost the entire stand may be edge rather than effective old growth habitat, since detrimental edge effects can extend up to 600 feet into a stand. Thus, we ask that HB #971 require timber sale proposals to include a habitat management plan for the maintenance of effective old growth habitat which includes considerations for size, location in relation to clearcuts and immature forest, connections to other old growth islands, and incorporation of localized areas of heavy timber mortality. Ideally, a minimum of 20% old



growth habitat should be retained for each drainage in order to maintain viable populations of old growth-dependent species such as the goshawk, pine marten, and pileated woodpecker.

Finally, because it is widely accepted that excessive open roads are the greatest threat to wildlife security, we request that HB #971 require that wildlife habitat effectiveness be maintained at a minimum of 70%.

Thank you for the opportunity to comment on HB #971.

Sincerely,

Darcy Tickner  
Program Director



## American Wildlands

127 W. Main, Suite I, Bozeman, Montana 59715  
(406) 586-8175

EXHIBIT 25  
DATE 3-21-91  
HB 991

### Testimony for HB #991

My name is Darcy Tickner. I am the Program Director for the Northern Rockies office of American Wildlands, a national conservation organization. American Wildlands is supportive of HB #991 principally because of its provision to prohibit clearcutting in mixed conifer stands. In a memo from Dale Robertson, Chief of the U.S. Forest Service he states:

We should seek opportunities to reduce clearcutting when other alternatives will meet our land management objectives. In making the determination, it is essential to use the best information available with full interdisciplinary involvement. When clearcutting is determined to be the selected method for a site-specific prescription, we must be confident that it truly is the optimum choice given the specific circumstances involved.

Despite this memo, clearcutting remains a popular method of harvesting timber, with little consideration of other harvest methods.

We feel that the timber severance tax of 15 cents per 1,000 board feet is too low. In order to generate enough revenue to effectively enforce forest practices, this tax must be raised to at least 75 cents per MBF.

Thank you for the opportunity to express the comments of American Wildlands regarding HB #991.

Sincerely,

Darcy Tickner  
Program Director



Recycled Paper



## American Wildlands

127 W. Main, Suite I, Bozeman, Montana 59715  
(406) 586-8175

EXHIBIT 26  
DATE 3/21/91  
HB 984

### Testimony for HB #984

My name is Darcy Tickner. I am the Program Director for the Northern Rockies office of American Wildlands, a national conservation organization. American Wildlands commends Representative Measure for introducing this bill, and supports portions of the bill including the establishment of enforceable BMPS, management for sustained yield, establishment of a timber severance tax, and enactment of civil and criminal penalties for non-compliance. American Wildlands is opposed to HB 984 for a number of reasons. First and foremost, the bill would establish an advisory committee to assist the Board in adopting Best Management Practices without conservation representation. We feel quite strongly that conservationists who have been involved in timber management issues must be represented in the establishment of adequate BMPS. If it is the intent of the bill to involve conservationists in this process, then this must be clearly stated in Section 5 of the bill.

Secondly, American Wildlands feels that the absence of a notification and onsite consultation plan is a detriment to HB #984. Currently, it is private lands which have the least protection for wildlife and watersheds. Mandatory BMPs are a start, but they may not be enough. The potential for onsite consultation with the Department of State Lands prior to beginning forest practices on private lands provide an incentive for operators to be truthful when completing notification reports. Thus, we feel that HB #984 does not go far enough to protect the natural resources on private or National Forest lands.

Thank you for the opportunity for American Wildlands to comment on HB #984.

Sincerely,

Darcy Tickner  
Program Director



Recycled Paper



**MONTANA FARM BUREAU FEDERATION**

502 South 19th • Bozeman, Montana 59715  
Phone: (406) 587-3153

EXHIBIT 27  
DATE 3-21-91  
HB 991

BILL # HB 991 ; TESTIMONY BY: Lorraine Gillies

DATE 3/21/91 ; SUPPORT \_\_\_\_\_ ; OPPOSE Oppose

Mr Chairman, members of the committee:

For the record, I am Lorraine Gillies, speaking on behalf of the Montana Farm Bureau Federation.

We are opposed to HB 991. It is inappropriate that control over private land should be placed in the hands of the land commissioners. With all due respect to the Board, we feel it is not their province to determine "best management practices" for land with a crop intended to provide a return on the investment of those in the private sector.

We, in agriculture realize that ~~AMP~~ are essential to economic well-being. Taxes collected on an agricultural product to fund the policing of activities on private land is not our idea of the American way of life. If a landowner chooses to cut old growth as a deterrent to wildfire or any other hazard, that should be his choice, not that of a board and an advisory committee. Roads should be built and maintained in whatever manner the landowner sees fit. Legislation is simply not the way to conduct a free enterprise system!

Education of and information to the private landowner should not be a mandatory program. Voluntary good stewardship practices will harvest a better crop than a dictated program. Riparian areas will be protected because they are part of a considerable investment by <sup>the</sup> landowner-businessman.

Montana Farm Bureau and ~~and~~ its member families urge this committee to give HB 991 a do-not-pass vote.

Thank you.

SIGNED: Lorraine Gillies





**MONTANA FARM BUREAU FEDERATION**

502 South 19th • Bozeman, Montana 59715  
Phone: (406) 587-3153

EXHIBIT 28  
DATE 3-21-91  
HB 971

BILL # HB 971; TESTIMONY BY: Lorraine Gillies  
DATE 3/21/91; SUPPORT \_\_\_\_\_; OPPOSE Oppose

Mr. Chairman, members of the committee:

For the record, I am Lorraine Gillies representing  
Montana Farm Bureau.

We strongly oppose HB 971 as an encroachment on private property rights. One of Farm Bureau's oldest and strongest policies maintains that an individual has a right to own and manage private property. We support the concept that any erosion of that right weakens all other rights guaranteed to individuals under the constitution. In this light we protest this and any other legislation that places control of private property in the hands of a government entity. Not only does HB 971 dictate land management practices to private citizens, but it places an onerous double tax burden on the land owner. They must pay tax on the income generated by timber cutting, and also foot the bill for policing activities on their own property.

When landowners can no longer control the harvest of whatever legal crop they choose to harvest, and must comply with "best management practices" that may place recreation and scenic values as a priority over livelihood, then constitutional rights are in jeopardy.

The \$1.50 per thousand bd. ft. tax will be paid by the producer, and ultimately the consumer. This type of taxation will devastate Montana's staggering economy.

We urge this committee to consider the ramifications of HB 971 and give it the nay vote it deserves.

Thank you.

SIGNED: Lorraine Gillies

FARMERS AND RANCHERS UNITED



**MONTANA FARM BUREAU FEDERATION**

502 South 19th • Bozeman, Montana 59715  
Phone: (406) 587-3153

EXHIBIT 29  
DATE 3-21-91  
HB 984

BILL # HB 984 ; TESTIMONY BY: Lorraine Gillies

DATE 3/21/91 ; SUPPORT \_\_\_\_\_ ; OPPOSE Oppose

Mr. Chairman, members of the committee:

For the record, I am Lorraine Gillies, representing Montana Farm Bureau. We are in opposition to HB 984. This piece of legislation is only slightly less onerous than the preceding bills. Although a tax of 15¢ per thousand bd. ft. seems innocuous compared to \$1.50, it is still used to fund enforcement of regulations set down by committees and board on private lands in private enterprise. The elimination of any option in the manner of harvesting trees on private ground is, once again, infringement on private property rights. It is not the state's duty to dictate private land management.

At the risk of repeating lines from previous testimony, Farm Bureau reiterates our policy that maintains that an individual has a right to own and manage private property. We support the concept than any erosion of that right weakens all other rights guaranteed to individuals under the constitution. We protest any legislation that places control of private property in the hands of any form of government.

For this reason, and the reasons given in my previous testimony, Farm Bureau asks that you give all three of these "Forest Practices" bills a do-not-pass.

Thank you.

SIGNED: \_\_\_\_\_

*Lorraine Gillies*

DATE 3-21-91HB 971 March 21, 91

House Natural Resource Committee  
Chairman Raney, and members of the Committee

My name is Betty Swift--From Ravalli County. I'm here as a concerned citizen, in opposition of HB 971, which I think is a bad bill for Montana's economy, its citizens and a healthy Montana natural environment.

We hear a lot these days about our state's anti-business climate and the need to change this. In my opinion this bill will only further this anti-business image. Its adding another complicated, expensive and mandatory dictate to what people can do with their own lands---especially timberlands.

I think you are all aware that the base of all economic wealth comes from mother earth herself, in the form of minerals, wildlife, agriculture and timber resources. Montana has been and is dependent economically on these resources----and we are indeed blessed with an abundance of all. But we need to be able to dev't and manage them, if we are to continue to prosper, which in the past few years has not been the case.

Efforts---and successes--by environmentalists to restrict----and even stop----development of our natural resources, has had a drastic negative impact on our economy. Those of you from the east know of the problems and excessive taxation that has been placed on our coal, oil and gas industries, making them in many ways, non-competitive with surrounding states and we in western Montana can attest to the negative impacts to our wood industries caused by environmentalist's appeals, threatened appeals and court actions, occurring on our Federal forest lands. Small <sup>timber</sup> operations, dependent on wood fiber from public lands, are going broke.

Those in agriculture are now beginning to feel the blunt of the environmentalist's trust, as anti-dev't legislation proposed--- and too often passed---puts regulations and controls on their ranch and farm operations, and now even threatens to restrict and limit their lifeline----their Water!

The legislation before you today---HB 971---is an attempt by the environmental community to now control timber development on our private land. If passed, it will tell land owners,--- big and small----if, when and how they can manage their property and the trees thereon. Its an un-American bill that would usurp yet another individual freedom from us citizens.

I think also, that this bill, with its bureaucratic red tape and taxing mechanism, would be a disincentive for private land owners to harvest their timber and also manage and improve their lands.

I'm sure most of you understand that healthy forests aren't by accident. They come about thru proper management. Yes, mother nature manages too---in her own cruel and wasteful way---thru wildfire. The fire season of 88 and Yellowstone Park testifies to this fact. Periodic wildfire is part of our forest's history-- and along with it, <sup>causes</sup> air and water pollution, soil erosion, loss of all gr things plus the lives and homes of thousands of God's creatures.

We can simulate what mother nature does, by cutting and utilizes and replanting our forests----and not suffer all the other losses-- including wood fiber---that goes up in smoke when mother nature prevail

Lastly, I'd like to briefly mention HB 678--the voluntary Best Management Practice passed in the 89 session. As requested, the Department of State Lands subrited their audit last Dec., showing very successful progess in this voluntary approach to protecting our waterways. The program is still in its infancy, and more

education work remains to be done. To date, the wood product industries have been cooperative and striving to meet the logging requirement set up in BMP, and to correct mistakes. Remember, its a new learning procedure. Certainly this voluntary approach is more desireable than forced dictate thru government.

Lets give thie voluntary BMP sufficient time to do its job.

I ask you to please, in the best interest of Montana, vote "NO" on HB 971.

Betty Swift  
236 Rose Lane  
Hamilton, Montana  
363-2172 or 443-4378

The July field review of Darby Lumber levied them with charges of erosion and sedimentation to the North Fork of Rye Creek. No doubt improper grading did contribute to creek disturbances, but considering the road's 70 years of heavy use by previous logging operations, the Forest Service and all other users, I think its unfair now to blame them for all damages. This narrow, low standard road, constructed by the F.S along the creek in the 1930's, is of low standards and always created problems to the creek. No funds till now have been available for improvements, up till now, but it is finally due for reconstruction in the next year or two.

There are also charges against Darby Lumber stemming from improper road building on the logging site. Damages did occur, but I'd like you to be aware of the adverse and unexpected rain downpours that occurred during road building. I compare this to what a farmer would experience if his water was turned in before he had time to clean out his irrigation ditches. Darby Lumber has corrected this errors, even to the satisfaction of the State and the Governor. The voluntary program does work.

# A Logger's Lament

BY LEILA L. KYSAR

**M**y father was a logger. My husband is a logger. My sons will not be loggers. Loggers are an endangered species, but the environmental groups, which so righteously protect endangered species in the animal kingdom, have no concern for their fellow human beings under siege. Loggers are a much misunderstood people, pictured as brutal rapists of our planet, out to denude it of trees and, as a result, of wildlife.

It is time to set the record straight. Loggers take great pride in the old-growth trees, the dinosaurs of the forests, and would be sorry to see them all cut. There are in the national forests in Washington and Oregon (not to mention other states) approximately 8.5 million acres of forested land, mostly old growth set aside, never to be used for timber production. In order to see it all, a man would have to spend every weekend and holiday for 60 years looking at timber at a rate of more than 1,000 acres per day. This does not include acreage to be set aside for spotted-owl protection.

In addition to this huge amount of forested land never to be logged, the State of Washington Forest Practices Act, established in 1973, specifies that all land that is clear-cut of trees must be replanted unless converted to some other use. As a tree farmer generally plants more trees per acre than he removes, more trees are being planted than are being cut. In the last 20 years in Clark County, Wash., alone, the Department of Natural Resources has overseen the planting of at least 15,000 acres of previously unforested private lands.

The term logger applies to the person harvesting trees. A tree farmer is the one who owns the land and determines what is to be done with it. To a tree farmer, clear-cutting is no more than the final harvest of that generation of trees. The next spring, he reforests the land. To the public, clear-cutting is a bad word. Does the public cry shame when a wheat farmer harvests his crop and leaves a field of stubble in place of the beautiful wheat?

In the Pacific Northwest, in five years, the newly planted trees will grow taller than the farmer's head; in 10 years, more than 15 feet tall; and in 20 to 30 years, the trees will be ready for the first commercial harvest. The farmer then thins the trees to make room for better growth. In 40 to 50 years, he will be ready to clear-cut his farm and replant again. Contrary to public opinion, it does *not* take 300 to 400 years to grow a Douglas fir tree to harvestable age.

Tree farming keeps us in wood products. We build with wood, write on paper and even use the unmentionable in the bathroom. But in order to keep this flow of wood products available, we need to keep it economically feasible to grow trees. If we restrict the tree-farming practices

because we do not like clear-cuts or because some animal might (and probably might not) become extinct, or we restrict markets for the timber by banning log exports or overtax the farmer, we are creating a situation where the farmer will no longer grow trees. If he cannot make money, he will not tree-farm. He will sell his tree farm so that it can grow houses. The *land* that grows trees is the natural resource; the *trees* are just a crop.

Legislation is constantly being introduced to take away the private-property rights of tree farmers. They are beleaguered by the public, who believe that any forest belongs to the public. Who, after all, buys the land and pays the taxes? Who invests money in property that will yield them an income only once every 20 to 30 years? Would John Q. Public picnic in a farmer's wheat field?

The tree farmer must have a diversified market. When there is a building slump in this country, it is vital to the industry to have an export market. Earlier recessions were devastating to tree farmers until markets were developed overseas. Some trees have little market value in the United States. The logs China and Korea bought in the late '80s could not be sold here to cover the cost of delivery.

As to the wildlife becoming extinct, that is a joke that is not very funny. Animals thrive in clear-cuts better than in old-growth timber. Look at the Mount St. Helens blast area.

Nature created an immense clearing and now deer, elk and other wildlife are returning in numbers. Why? Because there is more food growing in an open area than under the tall trees. And as for the spotted owl, surely the 8.5 million acres set aside is enough to maintain quite a respectable owl population. Numerous recent observations show that the owl lives in second-



**Environmental groups would like to make woodmen an endangered species**

growth timber as well as in old growth. In the Wenatchie National Forest there are more than 250 examples of spotted owls living in other than old-growth timber. The owl is a tool of the environmentalist groups to get what they want: the complete eradication of the species *Logger*.

**Beautiful new trees:** Consider the scenic value of a preserved old-growth forest versus a managed stand of timber. In Glacier National Park, Mont., for example, which is totally untouched, one sees the old trees, the dead and dying trees, the windfalls crisscrossing the forest. In a managed forest, one sees the older stands with the forest floor cleared of the dead windfalls, leaving a more parklike setting. In the younger stands, one sees the beautiful new trees with their brilliant greens thrusting their tops to the sky and, in the clear-cuts, before the new trees obscure the view, one sees the huckleberry bushes with their luscious-tasting berries, the bright pink of fireweed and deer and elk feeding. True environmentalists husband the land; they do not let the crops stagnate and rot. Tree farming regenerates the trees and utilizes the product.

A tree farmer from Sweden (where they are fined if they do *not* tree-farm their forests) asked me recently why we do not just explain these facts to the environmental groups so that they will work *with* us instead of *against* us. Well, do you know the difference between a terrorist and an environmentalist? It is easier to reason with the terrorist.

*Kysar is the business manager of a tree-farm-management business in Washington state.*

# Industry effort takes time

By DON ALLEN

**M**ontanans, perhaps more than people who live anywhere else, have a great sense of pride and independence. In keeping with that spirit, the word "voluntary" continues to have more widespread appeal than the word "mandatory."

One issue that has been the focus of much discussion and action revolving around these two words during the last three years involves Best Management Practices, which refer to on-the-ground activities applied during the harvesting of timber.

Montana's Environmental Quality Council, made up of eight legislators from both political parties and four citizen members, established a timetable for field audits to be conducted in 1988.

Based on results of those audits, the EQC recommended to the 1989 Legislature that voluntary implementation of BMPs be continued with another set of audits to be conducted in 1990. While these audits show improvement is still needed, they did not conclude that mandatory BMPs are necessary. In addition, the 1989 Legislature passed a law requiring mandatory notification by the Department of State Lands prior to any timber harvest in the state. The last round of audits did not reflect the implementation of this law, which should result in consultation with landowners and loggers in situations where logging requires special attention.

Following the first round of audits, the EQC adopted a set of BMPs as standards to be implemented and which can be modified by the EQC.

The Water Quality Bureau then adopted these BMPs as standards and made them part of Montana's State Water Plan, which must be approved by the federal Environmental Protection Agency. The timber industry endorses strong enforcement of Montana's water quality laws and regulations.

During the 1989 session, the forest products industry pledged a strong commitment of time, money and people to establish an effective educational program and to promote an attitude among all loggers, landowners and foresters about the importance of properly implementing BMPs. Most companies



we would do.

Under the capable leadership of Bud Clinch, staff forester for the Montana Logging Association, the industry, in cooperation with the Department of State Lands, Department of Fish, Wildlife and Parks, and Water Quality Bureau, with the assistance of Bob Logan, the extension forester, joined in developing an aggressive educational program. Over 1,000 loggers and landowners attended a series of nine workshops earlier this year. A color brochure was prepared and 25,000 copies printed for distribution. A detailed booklet with easy-to-understand

variety of audiences will be produced in the near future.

The following are some of the major reasons why the industry would like to continue with voluntary BMPs:

- The tremendous expense to the state and to the industry of a bureaucratic regulatory approach with no indication of superior results. There is no clear evidence that water quality is better protected in states with mandatory practices than in Montana.

- Landowners will be much more willing to implement "forest practices" that evolve from an educational effort as opposed to "forced practices" as dictated by a regulatory agency. Forced practices may catch a few violators, but the general enthusiasm to implement sound practices will be less, resulting in worse resource management.

- Mandatory practices will mean forcing costly regulation on a majority — already subject to current laws designed to protect water quality — because of the sins of a few.

- The voluntary approach has resulted in an effective interdisciplinary field audit process including conservationists, agency staff, private individuals and industry representatives. This system, which is endorsed by all parties involved in the audits, will erode under state regulation if responsibility shifts to make the audit team members inspectors.

- Voluntary practices focus on forestry audits by interdisciplinary professionals, while mandatory BMPs would evolve into forestry politics by extreme environmental activists.

- Voluntary measures respect the rights of private forest property owners, of which Montana has 11,000. Mandatory measures would seek to erode such rights, first in the name of "water quality" but would rapidly expand to include a wide range of resource issues, fulfilling a much broader environmental agenda.

- Voluntary BMPs have made tremendous gains through education. Long-term changes in attitudes and subsequent activities can really only be effectively implemented on an ongoing and lasting basis through education and increased awareness.

Improvement of resource management is a process, not an event. Let's give it a chance to work.

2/9/81 M. J. ...

## FOREST PRACTICES

EX. 30  
3-21-91  
HB 97

# Mandatory controls aren't necessarily the answer yet

By CHARLES E. KEEGAN III  
and ROBERT D. PFISTER

**I**t appears that there are several bills to be considered by the 1991 Montana Legislature that want to make mandatory many forest management practices on private forest lands.

Legislation requiring mandatory forest practices has been discussed at previous legislative sessions. The Environmental Quality Council conducted a study on the relationship between forest management and watershed effects for the 1989 Legislature, which resulted in the recommendation of a series of "best management practices" (BMPs) for timber harvesting activities. These BMPs were implemented through enactment of House Bill 678.

The implementation of BMPs was to be on a voluntary basis and field audits of timber harvested areas were to be conducted with a report issued for consideration by the 1991 Legislature.

When mandatory BMPs were first being considered by the Environmental Quality Council the Montana Society of American Foresters was actively involved in evaluating the need for such legislation.

In December 1988, the Montana SAF took an official stand, which it still advocates, in support of voluntary BMPs to protect water quality on forest lands.

This past December, the Department of State Lands, Forestry Division, issued their BMP audit report. That same month, the Missoulian published an editorial entitled "Enforce forest ethics/It's time to back BMPs with law since voluntary route has failed." As evidence, the editorial cited the state's 1990 audit report.

After careful study, the Montana SAF strongly feels that the 1990 audit report does not provide adequate basis for abandoning the voluntary approach.

The Missoulian editorial stated, "This year's audit, conducted at the Legislature's request by the Department of State Lands, found that problems caused by ignoring BMPs are even worse and more widespread than those found in a similar audit in 1988."

There is no factual basis for

this statement. The 1990 audit results are not directly comparable with the audits of 1988 and 1989. The following reasons are listed on Page 5 of the 1990 audit report:

■ "The 1990 audits met the criteria for selecting high hazard sites and therefore looked at more sites with potential problems than other years had." (More than 75 percent of the 1990 audit sites met the high hazard criteria while only 18.4 percent of the 1988 audit sites met the same criteria.)

■ "More sites with new roads were evaluated due to a change in selection criteria. New roads are usually the main source of sediment from timber harvest sites."

■ "Definitions were added to the effectiveness rating. These definitions had not existed for previous audits."

■ "Team members had a clearer definition of a 'stream', and therefore a better idea of where SMZ (Stream Management Zone) BMPs applied."

■ "More practices were evaluated. The (evaluation) form was revised to include additional BMPs."

The Missoulian editorial stated: "The voluntary approach isn't working."

The public should know that the mandatory notification and information approach embodied in HB 678 was intended for timber sales starting after Jan. 1, 1990.

The 1990 audit report states: "Although they (timber harvest areas) may have been harvested during 1990, all of the harvest operations audited on private land started before Jan. 1, 1990. Therefore, none of the sites audited were subject to the notification and information requirements of HB 678. ... Under HB 678, landowners and loggers receive information about BMPs and an on-site consultation for proposed operations in sensitive areas. H.B. 678 has also spawned new BMP education. Further evaluation will be required to measure the benefits of HB 678."

The Legislature passed HB 678 as a reasonable approach to protect water quality through voluntary practices coupled with an information program. We would ask if there is a basis to say that the voluntary approach is not working? The 1990 audit report clearly cautions the reader that

the results can not be used as a measure of the effectiveness of HB 678.

Although HB 678 did not address education, a voluntary, cooperative education program was started in 1989. The number of trainees, as reported by Bob Logan, Montana Extension Forester, were as follows: 300 loggers, 50 foresters and others, and no landowners in 1989; 825 loggers, 50 foresters and others, and 25 landowners in 1990.

This represents a major voluntary effort by the Montana Logging Association, the Forestry Division and the Montana Extension Service. This active education program has the potential of leading to the increased implementation of BMPs throughout the state.

In November, the Forestry Division reported to the Environmental Quality Council on the implementation of HB 678 that the "BMP information service" is operational statewide. In the first nine months they serviced 802 notifications — 20 percent more than predicted, and they are making field consultations on close to 10 percent of the cases.

The officers of the Montana SAF recommend the following:

■ Encourage the BMP education efforts already initiated and we strongly encourage the participation of more private forest landowners.

■ Future field audits should use the same criteria as were used in the 1990 audits, including site selection, so that results can be compared.

■ Fund the Forestry Division, so that it will be able to adequately provide the information about BMPs and conduct on-site consultations for proposed logging and road building in sensitive areas as required by HB 678.

■ Further discussion is needed on what constitutes an acceptable level of performance.

■ We should wait until future audits are completed before evaluating the success or failure of the current legislation (HB 678). If it is determined at that time that the voluntary BMP program is not working, we will support legislation making BMPs mandatory.

*Charles Keegan is chairman and Robert Pfister is chairman-elect of the Montana Society of American Foresters. Other SAF officers also contributed to this article.*



SUBMITTED IN OPPOSITION TO: HB 971, HB 984, HB 991 EXHIBIT 31

Mr. Chariman - Committee Members

DATE 3-21-91

HB 971, 984, 991

My name is Glenn Conklin owner of a small farm and livestock operation including 60 acres of timber. I meet the criteria as both an owner and an operator as described in two of the bills, having served as both a forester and a woods boss for F. H. Stoltze Land & Lumber Co. for the last 20 years. Forest management started for me in fire control in 1947 for the Northern Montana Forestry Association. The last 44 years of daily on the ground, in the forest activity is what prompted me to stand before you today in OPPOSITION TO ALL THREE FORESTRY HOUSE BILLS.

This Legislature is caught up in what I term as "Shotgun Forestry". The idea seems to be to fire as many bills relating to forestry, with as many pellets as can be put in each in the air hoping to hit something so certain legislators can go home proudly carrying a trophy. My greatest fear is that dead trophy will be the goose that lays the golden egg. The goose I refer to is Montana's timber base related industries.

I have lived my life by the conservation creed and have been very satisfied working for Stoltze whose natural resources management plan is simply "Treat it like it's your own". It is with that same respect for the land that most of our great state's 11,000 family forest landowners manage their resources.

These bills are little decisive vendettas against one or two large corporate landowners who for all practical purposes have already cut out their land holdings. It is the little guy who will bear the brunt of this legislation. The proposed penalties that are little more than a slap on the wrist to large corporations would be killing blows to family operations that have in some cases gone on for generations. Remember that even without numerous forestry education programs which have sprung up in the last two years, Montana is still known as the "last best place". That couldn't be said if things were as bad as the bills imply.

It is my belief that all three bills were written for the wrong reason, addressed the wrong subjects, and in several cases will have exactly the opposite effect on the ground as the author intended. I would invite any questions on the validity of this statement.

Two of the bills started out by stating how "forest products contributes significantly to the economy of Montana and to the well-being of it's people". All three then proceed to build up cumulative effects that will have significant and debilitating effect on the forest. More regulations, taxes, fines, bureaucrats and paperwork will detract from rather than help the ground. You cannot legislate morality. Only through education will small landowners improve and numerous programs directed at them in the last two years will get a better job done on the ground where needed voluntarily.

## FOREST PRACTICES

# Mandatory controls aren't necessarily the answer yet

By CHARLES E. KEEGAN III  
and ROBERT D. PFISTER

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- Further discussion is needed on what constitutes an acceptable level of performance.

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Charles Keegan is chairman and Robert Pfister is chairman-elect of the Montana Society of American Foresters. Other SAF officers also contributed to this

EXHIBIT 32  
DATE 3-21-91  
HB 971, 984 & 991

Submitted 3/21/91 in Opposition to HB 971, 984, and 991  
EXHIBIT 33 by R.D. Pfister  
DATE 3-21-91 Chairman-elect  
HB 971, 984 + 991 Montana SAF

# SPECIAL REPORT

POSITION OF THE  
MONTANA SOCIETY OF AMERICAN FORESTERS  
ON  
FOREST PRACTICES LEGISLATION

THE  
PROFESSIONAL  
VIEW

Montana



Society of American Foresters

**EXECUTIVE SUMMARY**  
**POSITION OF THE**  
**SOCIETY OF AMERICAN FORESTERS**  
**ON**  
**FOREST PRACTICES LEGISLATION**

The forest policies of the Society of American Foresters (SAF) provide the basic authority for participation in the issue of how forest practices in Montana affect water quality and whether or not these practices should be formally regulated by statute. SAF can further its participation by presenting the professional view in a formal position statement.

The issue emerged in the 1987 Montana Legislature when a bill to regulate forest practices was introduced. SAF opposed the bill because it did not meet the criteria for a state forest practices act as defined in the national SAF position. Subsequently, SAF participated in two task forces set up to study the issue and structured the 1988 annual meeting around the topic. Following the meeting, a special SAF task force was appointed to give a report on the issue which would be the basis for a formal SAF position.

The task force considered three alternatives:

1. Continue current voluntary application of best management practices (BMP's).
2. Develop a more effective approach to using voluntary BMP's through incentives and better education.
3. Enact forest practices legislation which mandates adoption of and compliance with BMP's.

On the basis of the task force recommendation, SAF has adopted alternative 2 as its position. To implement this alternative, SAF specifically recommends implementation of an education program to insure that all landowners are aware of and understand BMP's and that private landowners be required to report their intent to engage in timber harvesting and associated practices so that they may be given educational materials and on-site inspections of their operations to assure that they have the opportunity to apply BMP's if they desire. Implementation of BMP's would be solely at the discretion of the landowner.

It is proposed that this alternative be implemented through the Department of State Lands in that contact already is required to obtain a hazard reduction agreement before harvesting. In addition, SAF recommends increased funding to implement this program as well as to better administer existing laws.

POSITION OF THE  
MONTANA SOCIETY OF AMERICAN FORESTERS  
ON  
FOREST PRACTICES LEGISLATION

Introduction

The forest policies of the Society of American Foresters (SAF) recognize the importance of various forest resources and that, "The use of natural resources to meet human material and energy needs cannot be considered apart from the environmental impacts of such use." Forestry professionals are charged to "...provide leadership in planning and implementing programs relating to trees and other forest resources to improve the quality of the human environment and to meet material and energy needs."

The issue of how forest practices in Montana affect water quality and whether or not these practices should be formally regulated has been at a high level. In order for forestry professionals to meet their leadership obligations, SAF should actively participate in the issue by presenting the professional view in a formal position statement.

Background

Early attempts to enact forest practice legislation in Montana failed with the last being in the 1970's. However, more recently concerns have been voiced about possible damage to watersheds resulting from accelerated harvest on private lands. As a result, legislation was introduced in the 1987 Montana Legislature which would regulate forest practices. SAF opposed this legislation because it did not meet the criteria for a state forest practices act as defined in the national SAF position. Subsequently, the bill did not pass, but the Environmental Quality Council was charged with studying the issue and reporting to the 1989 legislature. SAF participated in the two task groups formed for the study.

In addition, SAF organized its 1988 annual meeting around the issue as an open forum. The purpose of the forum was to define the issue more precisely. Following this meeting, a Task Force on Forest Practices and Water Quality was formed to create a report which would be the basis of an SAF position. That report is attached and made part of this position statement.

The Task Force considered whether or not to look beyond the water quality issue and decided that best management practices (BMP's) should be limited to activities that influence soil and water values even though SAF recognizes that other issues such as

wildlife habitat and aesthetics are of major concern. For many forest resources like timber products or livestock forage, the best practice depends on the landowner's objectives. The management of those resources on one ownership does not greatly affect other ownerships or the public interest. Effective management of a resource like wildlife habitat depends on many practices carried out over an extensive area likely to include many owners. For these reasons, it is not reasonable to define best management practices for resources that depend on manipulation of forest vegetation on multiple ownerships managed for different objectives.

With the exception of water yields, forest practices cannot directly improve soil and water resources. However, the influence of forest practices on soil and water values can extend to other ownerships and can infringe on public interests. It is reasonable in consideration of these basic values to define acceptable limits of disturbance. Even so, best management practices applied to one ownership cannot assure acceptable cumulative effects for an entire watershed.

### Alternatives

Four key questions need to be considered in developing alternative ways to protect watersheds during forestry operations.

What is the range of options available to insure that forest practices do not result in unacceptable impacts on water quality?

What best management practices are currently being recommended?

How can BMP's be applied most successfully?

What new approaches might be adopted to insure that all landowners who are planning to harvest timber know about BMP's?

From a discussion of these questions, three alternatives emerged.

1. Continue current voluntary application of BMP's
2. Develop a more effective approach to using voluntary BMP's through increased incentives and better education of landowners about BMP's and their use.
3. Enact forest practices legislation which mandates adoption of and compliance with the accepted BMP's as defined in the Act.

### Discussion of Alternatives

From the amount of interest and concern expressed about forest practices and their impact on water quality and the fact that many private landowners are not familiar with BMP's or their application, it is clear that there must be an approach that goes beyond a purely voluntary program based on BMP's. A new approach with the potential to make substantive improvements in forest practices must be considered.

The 1988 SAF state meeting provided an excellent forum for discussion of various ways to monitor and guide forest practices. Significant portions of this meeting focused on forest practices legislation. After evaluation of these presentations, it was concluded that little support for such legislation was expressed. The points of view of foresters, landowners, conservationists, public land managers and others were heard, and no strong consensus developed in support of legislation. In addition, there already is sufficient legislation to control forest practices. These existing laws, if enforced, would seem sufficient. Finally, there is evidence from other states that the administration of a forest practices act usually involves considerable expense, and adequate funding is necessary to obtain objectives. Consequently, other approaches should be tried before Montana assumes this financial burden.

### Recommendations

The Montana SAF recommends the adoption of Alternative 2 as the best approach to the issue of forest practices and water quality at this time. To implement this alternative, SAF further recommends:

1. That an expanded educational program be implemented to insure that all landowners are aware of and understand the recommended best management practices.

2. That private landowners be required to report their intent to engage in timber harvesting and associated practices. Any landowner planning such activities should register their intent with the Department of State Lands prior to beginning the operation. This mandatory notification process will insure that the complete education effort regarding BMP's as well as the interaction of other forest resources is made available to all individuals planning to harvest timber. This educational process would include on-site evaluations of the planned operation by forestry professionals before and during operations. Implementation of BMP's would be solely at the discretion of the landowner.

There is already precedent for requiring a mandatory contact with the Department of State Lands. Under the Montana Fire

Hazard Reduction or Management Act a landowner or contractor must contact the Department of State Lands and sign a fire hazard reduction agreement prior to cutting any timber. A landowner could satisfy both the requirement to obtain a hazard reduction agreement and receive information on BMP's with a single contact.

To implement these recommendations, the following is suggested:

1. Legislation be passed requiring that all private landowners contemplating timber harvest or related activities register their intent with the Department of State Lands to assure an opportunity to obtain information on BMP's and to schedule on-site evaluations of the harvest area before, during and after operations.

2. The Department of State Lands, local Soil Conservation Districts and the Department of Health and Environmental Sciences be authorized the necessary budget and personnel to support implementation of this program and to administer existing laws.


3. Fund the Department of State Lands Renewable Resource Development grant request for a "Forestry BMP Education Project" to fund the development of educational materials, the sponsorship of workshops and the establishment of networks.

### Conclusion

SAF believes that compulsory registration of harvesting activities in order to pass on information and education on BMP's and an expanded system of BMP education is a sound one. The larger industrial private forest landowners and the state and federal land management agencies have been working together for some time within the framework of a cumulative effects cooperative. This organization framework has facilitated the development, review and common understanding of best management practices. This approach has demonstrated that voluntary BMP's will work if all parties understand what they are and how to follow them. The SAF proposal builds on this concept and carries it over to private forest landowners.

### Adoption

Adopted this 6th Day of December, 1988, by a vote of the membership of the Montana Society of American Foresters. This position expires three years from the date of adoption.

  
\_\_\_\_\_  
Chair, Montana Society of American Foresters



Mr. Chairman  
members of  
Committee

PAUL TISHER  
LIBBY  
Contract Logger

EXHIBIT 34  
DATE 3-21-91  
HB 971, 984, 991

A new law is not the answer  
to Best Management Practices. These  
BMP's are already being done  
voluntarily. BMP's are a continuing  
education program that have only  
been done now for 2 years.

We cannot throw this all away  
after only 2 years. ~~It is not~~

~~the~~ Workers will have a lot  
more pride in their work and  
do a lot better job thru  
voluntary BMP's than they ever  
will if it is forced upon us.  
I love the land we work on  
and also enjoy the recreation/

and have no intention  
to "rape it with a condom"

~~or spread Karpweed all over~~

PAUL TISHER  
LIBBY, MT.  
246 Upper Flower Crk. Rd.  
406-293-7536



EXHIBIT 35  
DATE 3-21-91  
HB 971, 984 & 991

MONTANA

Association of Conservation Districts

501 North Sanders  
Helena, MT 59601

(406) 443-5711

HB 971  
March 21, 1991

Mr. Chairman, members of the Committee, for the record my name is John Hollenback. Today I am representing the Montana Association of Conservation District, of which I am the chairman of the Range, Forestry, Public Lands Committee.

We rise in opposition to HB 971. I would like to take this opportunity to explain why the conservation districts are doing this.

At the November 1990 Annual Convention of the Montana Association of Conservation Districts in Billings, this committee discussed the idea of a mandatory Forest Practices Act for the state of Montana, and there was a resolution that we did not support this type of proposal for the following reasons.

We feel there has been good progress made the past few years, and believe that the concern that loggers and ranchers have shown in the proper management of our forest resources under the Best Management Practices should be allowed to prove itself.

Conservation districts have the responsibility to represent all of the land users in their districts. We believe in multiple use of our resources, and the wise use of these resources. Proper management is a must, but we do not believe that ~~proper management~~ can be "~~regulated~~" *the best way to insure* accomplished.

We believe that it is always better to give landowners reasons to do something rather than regulations to do it. Education is a reasonable way to introduce people to the reasons. It is less threatening to them and is a well proven technique that America believes in.

Our renewable natural resources must be managed properly. We have seen that in order to have proper range management, the resource must be harvested, either by cattle or wildlife, or else it turns sour and become weedy.

The same holds true for our forest natural resources. If we do not manage this properly we have the trees become the "weeds" and that is not a proper way to manage the renewable resource.

Conservation districts are involved in the rural economic development of Montana. We see that we need to have industry and job in order to maintain the quality of life that we have now. We do not support the concept of Montana becoming a "big green."

During the past few years we have seen our tax breaks on timber removed, they have increased the tax for timber lands, and now the proposal is to not allow you to sell the timber except when it is approved by a government agency.

In Montana during the past year a "Non-industrial forest landowners Stewardship" program has been developed. This program was developed to assist non-industrial private forest landowners in deciding how they want to manage their forest resource. Maybe they want to harvest the timber, or maybe they want to manage their lands for wildlife, but whatever their choice, there will be technical people available to assist them in making their decisions. Government agencies, private companies, and owners of private forest lands worked together to develop this fine program in Montana, with the funding coming from the USDA Forest Service and in-kind help from the cooperators.

We support this type of concept, rather than a regulatory program.

Thank you for giving me the opportunity to testify.

John Hollenback

EXHIBIT 36  
DATE 3-21-91  
HB 971; 984, 991

TESTIMONY OF FLOYD MCCUBBINS  
ON HB971, 984, 991  
BEFORE  
HOUSE NATURAL RESOURCES COMMITTEE  
MARCH 21, 1991

Good afternoon Mr. Chairman and Committee Members:

My name is Floyd McCubbins and I am here today representing F.H. Stoltze Land and Lumber Company. I have worked for Stoltze since 1978 as an engineer, as a Timber Manager at our defunct Dillon Mill, and as a Forester. (Not bad for a person with a degree in Wildlife Management.) I am here today to speak as an opponent to HB 971, HB 984 and HB 991.

Stoltze is a good land steward and we are committed to the future of good forestry and wise use management. We have been in Montana for almost 100 years. We take pride in being the largest family owned timber and lumber operation in Montana. Our charge at Stoltze Land and Lumber is to "Treat the land as if it were our own" and "Leave the land in better condition than we found it".

Two years ago Stoltze made a commitment to the previous legislature to help establish a Voluntary Best Management Program. We are still fully committed to that program. We have personally been a part of the education program to help reach logging contractors and landowners. It is Stoltze's feeling and commitment to this voluntary BMP program, that our company's position is as follows:

"If our company cannot help to make Voluntary Best Management Practices be the best they can be in the next two years, then F.H. Stoltze Land and Lumber Company will be the first to sit down at the table and help write what we perceive as a good Forest Practices Act."

EXHIBIT 37  
DATE 3-21-91  
HB 971, 984 & 991

TO: Mr. Chairman - Committeeman  
House Natural Resources Committee

SUBJECT: Forest Practices Bills HB971, HB984, HB981

My name is Rem Kohrt. I am a forester and sawmill manager working for Stoltze-Conner Lumber Company in Darby, Montana. I have worked in the forest products industry for over 30 years in Oregon, Idaho and Montana.

I am speaking in opposition to all of the proposed mandatory forest practices acts. I strongly urge the endorsement of Voluntary Best Management Practices predicated on prudent conservation concepts and practical resource management.

We're not here to craft Mandatory Forest Practice legislation, anyone can do that, even a sanitary engineer. We are here to determine whether this type of legislation is needed. I am not convinced the originators of this legislation have the background or expertise to make that determination.

You do, however, have the right and responsibility to make a correct political decision.

Montana is a bountiful, beautiful rural state. It's people are proud, hardworking and tied to this land. These very characteristics that make Montana unique are being challenged by out of state urban perceptions.

This mandatory forest practice acts will be a giant step toward destroying the Montana we know and admire.

I am proud of the Stoltze lands, operators and their land management ethics. We can do a better job carrying the burden of public approval on a voluntary basis than someone mandated to perform.

Give us the opportunity to continue to perform. If we can't, we'll be the first to admit it.

Three things are not taught in our K-12 educational system in Montana: economics, natural resources and common sense. If we must legislate, let's stick to that which is needed by all rather than that perceived by some.

*Rem Kohrt*

EXHIBIT 30  
DATE 3-21-91  
HB 971, 984 & 991

TO: Committee Chairman  
House Natural Resource Committee

RE: Forest Practices Act HB's #971,984,991

My name is Bill Noble. I am currently employed as the Logging Manager for Stoltze-Conner in Darby. I have been and continue to be employed for the last 20 years in the wood products industry.

I stand here today in opposition to all 3 proposed mandatory Forest Practices bills. The stated intent of these bills would indicate a need for punitive actions as a result of extremely poor operations and a failure in compliance with current voluntary BMP's. I would submit that<sup>that</sup> is not the case. We are only now seeing the positive effects of concentrated educational programs and voluntary BMP's.

Mandatory Forest Practices will only serve a process-oriented system, produce few results and quite basically limit the rights of private land owners.

I would urge you to consider the major consequences of these bills. More bureaucracy, taxes, regulations, and red tape is not the way to stimulate Montana economics and lifestyles.

*Bill Noble  
Stoltze - Conner Lbr Co.  
Box 410  
Darby, Mt.*

Introduction — Bart Cooper Logging Contractor Bascoer Inc  
A opposed to HB 971. for the following reasons.

1. Voluntary B.M.P. are working.
2. The 1990 B.M.P. audit report does not provide adequate basis for abandoning the Voluntary approach.
3. the 1990<sup>B.M.P.</sup> audit ~~report~~ results are not directly comparable with the audits of 1989 and 1988.
4. the reasons are listed on page 5 of the 1990 B.M.P. audit report. Please let me share them with you.
5. I think the State of Montana would be better served to continue Voluntary B.M.P. and the audits for at least 5 years. This way we would be able to monitor the effects of different weather patterns, not only summer rains but also the changes in spring runoff and the some B.M.P. criteria over a continued 5.
6. I don't feel HB 971 would be workable for logging operators because too many agencies could be involved in decision making.
7. The Forest Service is required to ~~add~~<sup>address</sup> so many laws to have a timber sale. they are helpless - (show 17) to conduct an ongoing timber sale program.



8. If HB. 971 is enacted it will just provide another step on the ladder for people to appeal timber harvest - only this time it will be on private land instead of federal land.

9. the core mission of HB 971 - HB 984 - HB 991 - have ~~a core mission~~ is to make it so difficult to harvest timber, no one will log to manage ~~the~~ forest. therefore 2 types of forest management either manage by logging or <sup>in the</sup> ~~the~~ <sup>nature</sup> ~~the~~

10. Mother nature continues to shoot herself in the foot, as an ~~example~~ example. the forest fires that burned Breiten Protected area in Montana in 1988 -

EXHIBIT 40  
DATE 3-21-91  
HB 971, 984, 991  
3-21-91

Chairman Ramey and Comm.,

My name is Ross MacPlerson. I am president of the Montana East Side Forest Practices Committee - an organization of Timber producers on Montana's East side. About 1100 people make their living with our members.

We support Best Management Practices to protect water, soil and air quality - but we oppose HB 971, HB 984, HB 991.

Sincerely,

Ross MacPlerson

Bx 1119

Livingston, MT 59047

3-21-91

EXHIBIT 41  
DATE 3-21-91  
HB 971; 984 & 991

Please enter my name as  
a Strong Opponent to all  
three bills HB 971, HB 984, and  
HB 991.

House Bill # 678 from the 1989  
Session is working. Let it  
work!

The three proposed Bills are  
not only a poorly disguised  
violation of private property  
rights but also just another  
tax on the Timber.

If the opponents <sup>would</sup> try to work  
with HB 678 instead of hunting  
for excuses for mandatory regulation  
the problem would not exist.

Shame-Shame-Shame!

Rep. Bob Gilbert

EXHIBIT 42  
DATE 3-21-91  
HB 991, 971, 984

3/21/91

TO: Chairman Raney and Members of the Committee:

RE: HB 971, 984, 991.

I have worked as an industrial forester for 17 years. When the first BMP audits were conducted about 3 yrs. ago (maybe 4), one of my timber sales was among the first inspected. During that inspection, the team members kicked every clod of dirt, looked through every culvert, and generally argued about every aspect of the harvest. I was shocked! At first I was insulted that someone would ask so many silly questions! But later, as I designed other sales, my mind kept reflecting back to that audit. I studied, and thought about all of the impacts of timber harvests. As the next few months unfolded, my company stressed BMP's; eventually to the point that BMPs were on every forester's mind. The company issued directives that BMP would be followed implicitly! Shortly thereafter, we began a program to educate our loggers about the

harvesting methods recommended by the BMP's. I personally wrote the contract language that required all loggers to comply to the BMP's. These guidelines were enforced.

Since those early days, our foresters and loggers have steadily improved our harvesting methods to be sensitive to all practices in the guidelines. Our record from BMP audits reflect our commitment.

As a professional forester, I have seen thousands of timber sales. Some were harvested in the 40's and 50's. The quality of our work has improved and continues to improve. We are sensitive, caring land stewards, a fact that is often ignored.

I have seen voluntary BMP's work effectively. Please do not impose an unnecessary law upon us. It is simply not needed.

Thank You,

Ron Johnson

790 Damorell Rd.  
Bozeman

59715

Mr Chairman and members of the Committee.

I oppose H. B. 971 on these points.

1. Removal of property owners rights
2. The double standards between the air quality on wilderness areas and private property.

3. The added tax on forest products.

Please consider these points in your decision.

Bob Hanneman  
Darby Mont.

Mr Chairman and members of the Committee.

I am an independent logger wife, a member of the Bitterroot Chapter of Montana Women in Timber, a member of Grassroots for Multiple Use and Vice Chairman of the Ravalli County Republican Central Committee.

I am strongly opposed to House Bill 971. It threatens our very job and that of our employees.

This bill strips landowners of their property rights and continues to erode the feeling that we have a right to and ownership over what we own. This goes against all that the Montana independent life style has always represented.

Montana is a great place because we have been good stewards of the land. We support the voluntary BMP program.

This bill will only add more costs and administration that is not needed to forest products.

Janet Hanneman 3948 Bascom

TO: Chairman Raney & members of the committee  
FROM: Rich Lane  
Subj: HB 971, 984, 991

I am writing in opposition to a mandatory forest practice act for Montana. Voluntary BMPs & an intense educational process can & do protect our forest resources for the future.

Many of the pictures you saw of clearcuts had young trees growing under the snow. Federal regulations currently in place protect National Forests, water, fisheries, big game & threatened species. Water quality regulations protect our streams & rivers.

Violators of BMPs should be promptly prosecuted so the whole industry does not suffer from a few bad apples.

Sincerely,

Rich Lane



WRITTEN TESTIMONY - 971, 984 & 991

EXHIBIT 46

DATE 3-21-91

HB 971, 984, 991

Mr. Chairman Roney  
members of the Committee,

I represent Brand S Lumber in Livingston  
MT. Our Company is opposed to: 971 - Coten,  
984 & 991. We do support the amended  
bill offered by Senator Robert Keam that  
was negotiated in good faith with Timber  
Industry representatives.

Senator Keam has satisfied concerns for  
mandatory BMP's within Stream Management  
while allowing "common-sense" no-regulation  
BMP's to be applied ~~by~~ through strong  
commitment by the Industry.

Sincerely,

Michael B. Alwood  
Timber Manager

3/20/91

Natural Resources Committee

"Let's not fix something that ain't broke." I think that statement accurately reflects ~~my~~ feelings in regards to forestry practices in our Montana.

Near Libby, our family has owned 140 ~~acres~~ timbered acres for two generations. We've selectively harvested logs, pines trees, boughs, wood, fence posts, etc. for many years and yet we have clean air, clean water, extensive forests and more wildlife than ever before. Montanans have a history of using natural resources carefully.

We also have a history of enjoying freedom from governmental regulation. Many people have worked long and hard on the voluntary "Best Management Practices" program. Don't tie our hands with mandatory rules when voluntary ones are working. Let's give the voluntary program more of a chance than just a couple of years. Thank you.

sincerely,

John K Beebe  
9590 Farm to Market Rd.  
Libby, Montana 59923

EXHIBIT 48  
 DATE 3-21-91  
 HB 971, 984 & 991

Comparison of Forest Practice Bills

	HB 984 - Measure	HB 971 - Cohen	HB 991 - Dolezal
Water quality BMP	Yes	Yes	No
Air Quality	Yes	Yes	No
Site Specific	No	Yes	No
Riparian Zones	Yes	Yes	No
Cumulative Effect	Yes	Yes	No
Clearcut	No	No	Banned in mixed conifers
Sustained Yield	Required for state forests	Required for state forests	Not required
Regs. or Committees	Forest Practices Advisory Committee	Requires prior notification and possible onsite inspection	Current law
Timber Severance Tax	75 cents per 1000 board feet. Money to fund education on BMPs	\$1.50 per 1000 board feet. Money to fund education on BMPs	15 cents per 1000 board feet. Money to enforcement account
Penalties- Criminal	Fine of up to \$10,000 each day. Injunction possibility	Up to \$5000; indemnify dept. at twice rate of rehab; injunction	Up to \$10,000 each day. Subsequently, up to \$20,000 or jail; injunction

**HOUSE OF REPRESENTATIVES  
VISITOR REGISTER**

Natural Resources

COMMITTEE

BILL NO. SB 253

DATE 3/21/91

SPONSOR(S) Sen. Bengtson - Revise open cut mining Act

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
STEVE WELCH	DEPT of STATE LANDS	✓	
Gary Amosky	Dept of State Lands	✓	

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HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Natural Resources COMMITTEE BILL NO. SB 386  
 DATE 3/21/91 SPONSOR(S) Sen. Bengtson - water right transfer

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Robert A. Story 2	MSGA			X
Jim Johnson	MSGA			X
Tom O. Miller	MSGA + self			X
Susan Broke	MSGA			X
Tony Schoonen	Mont Wildlife Fed.			X
Larna Frank	MT. Farm Bureau			X
Stan Bradshaw	MT. T.U.			✓
Scott Swenson	MT Wildlife Fed			X
Gay Spauld	MT. Water Users Coll			X

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HOUSE OF REPRESENTATIVES  
VISITOR REGISTER

Natural Resources

COMMITTEE

BILL NO. SB 425

DATE 3/21/98

SPONSOR(S) Sen. Gosfield - water leasing study extension

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Marvin Barber	H. P. H.	<sup>SB 425</sup> X	
Robert B. Story Jr	MSGA MACD	X	
Jim [unclear]	MSGA	X	
Tom C. M. [unclear]	MSGA & self	X	
Steve [unclear]	MSGA	X	
Peggy Truitt	WETA	X	
Lorna Frank	MT. Farm Bureau	X	
Kay [unclear]	WIFE	X	
Cecilia [unclear]	WIFE	X	
Susan [unclear]	MT Audubon	X	
Scott [unclear]	MT Wildlife Fed	X	X
Stan [unclear]	MTU	supplement ments	
CAROL MOSHER	MT. CATTLEWOMEN	X	
Lang [unclear]	MT- Water Users Coalition	X	

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**HOUSE OF REPRESENTATIVES  
VISITOR REGISTER**

Natural Resources COMMITTEE BILL NO. SB 426

DATE 3/21/91 SPONSOR(S) Sen Harp - fee for mt-g-state

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Robert R. Story Jr	MSGA	X	
John P. [unclear]	MSGA	X	
Don O. M. [unclear]	MSGA + [unclear]	X	
Lorna Frank	Mt Term Bureau	X	
Marvin Barber	H-P-A.	X	
CAROL MOSHER	MT. CATTLEWOMEN	X	
Gay [unclear]	MT Water Users Coalition	X	

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HOUSE OF REPRESENTATIVES  
VISITOR REGISTER

Natural Resources

COMMITTEE

BILL NO. SB 303

DATE 3/21/91

SPONSOR(S) Sen. Weeding - consider effects of water use on  
natural quality

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Gwen Brooke	MSGA		
Jim Jensen	MEIC	X	
Susan Leonard	MT Audubon	X	
Scott Elnson	MT Wildlife Fed	X	
Don Bradshaw	MT. T.U.	✓	
Ted J. Dorey	MDA		✓
Marvin Barber	A P A		✓
Lorna Frank	MT. Farm Bureau		X
CAROL MOSHER	MT. CATTLEWOMEN		X
Jan [unclear]	MSGA		X
Don O. Matsumoto	MSGA + self		X
Robert R. Story Jr	MSGA MACD		X
Gary [unclear]	MT. Water Use Coalition		X

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HOUSE OF REPRESENTATIVES  
VISITOR REGISTER

1 of 9

Natural Resources COMMITTEE BILL NO. HB 984  
DATE 3/2/91 SPONSOR(S) Rep. Messine - forest practices act

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
PORY FAGENSTROM <sup>Cascade</sup> MT	ANDERSON RANCH CO 101 Chesnut Valley Rd		X
Jack Mahon <sup>Box 1194</sup> Townsend	R-Y Timber		X
S.C. Lowman <sup>P.O. Box 343</sup> W.S.S.	Valley Tree Farming		X
Scott Wilke <sup>15655 Queen Anne's Ln</sup> Florence			X
Daron Duncan <sup>527 S. Oaks</sup> Helena	R-Y Timber		X
Keith Hamner <sup>3165 Foothill Rd</sup> Kalispell, MT	Simon View Construction		X
Betty Swift - <sup>2121 5th</sup> Helena	SELF		X
224 Peaceful Dr. HAMILTON Michele KAPOR	common sense		X
<sup>HAMILTON</sup> MT	SELF		X
Joanna Dixon	Dixon & Dixon Post & Pole		X
Lorraine Gillies	MT Farm Bureau		X
Ben Kennedy	self		X
Eric Weiner <sup>Darby MT</sup>	Darby Lumber		X
Katherine Berry <sup>123 13th</sup> Helena	self	X	

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## HOUSE OF REPRESENTATIVES

## VISITOR'S REGISTER

NATURAL RESOURCES COMMITTEE BILL NO. 984  
 DATE 3-21-91 SPONSOR(S) MEASURE

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
<i>Neil P. Meyer</i>	<i>Self</i>		<input checked="" type="checkbox"/>	
<i>Barton L. Cooper</i>	<i>B. L. Cooper Inc</i>	<i>984</i> <i>971</i>	<input checked="" type="checkbox"/>	
<i>Jan Cooper</i>	<i>B. L. Cooper Inc</i>	<i>984</i> <i>971</i>		
<i>Cliff Clarkson 2415 Country Haven Club</i>	<i>Huleana Outdoor Club</i>			<input checked="" type="checkbox"/>
<i>Stephen L Wallace PO Box 1279 Hilo 96724</i>	<i>Self</i>			<input checked="" type="checkbox"/>
<i>Robert R. Story Jr</i>	<i>MACD</i>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Peggy Parmelee</i>	<i>INACD Mt. Assoc. of CD's</i>		<input checked="" type="checkbox"/>	
<i>Peggy Olson Trenk</i>	<i>WETA</i>		<input checked="" type="checkbox"/>	
<i>Margaret K. Schuman</i>	<i>Self</i>			<input checked="" type="checkbox"/>
<i>Tony Schaner</i>	<i>Skifing Sportsman</i>			<input checked="" type="checkbox"/>
<i>Jim Tatum</i>	<i>MSGA</i>		<input checked="" type="checkbox"/>	
<i>Barbara Rogers Hohen</i>	<i>Self</i>		<input checked="" type="checkbox"/>	
<i>Keith Benson</i>	<i>Benson Logging</i>	<i>984</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

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## HOUSE OF REPRESENTATIVES

## VISITOR'S REGISTER

NATURAL RESOURCES COMMITTEE BILL NO. 984  
 DATE 3-21-91 SPONSOR(S) MEASURE

WATCH REVERSAL

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Robert D Pfiker Box 97 Bainbridge, MT	Montana Society of American Foresters	984	X	
Lance Erickson Helena	Erickson Logging	984	X	
Bob Erickson Helena	Erickson Logging	984	X	
JACKIE CROSS 429 Madison Missoula 59802			X	
Jeff Juel 325 E. Front #1 Missoula 59802	Self			
Floyd McCubbins Box 83 Hungry Horse, MT	F.H. Stoltze Land & Lbr. Co. Coh. Falls, MT		X	
Glenn H. Cockerly 73540 Emma Hill Rd Kalispell 59901	Self		X	
John Bowditch 300 Bowditch Rd Ka 59901	Private Forestland Owner		X	
Ed Stott 6195 Delama Loma MT 59847	Stone Container		X	
Jay S. Blackman Craig St. Wolf Creek mt. 59870	Stearns Ranch Co		X	
Larry G. Mike 864 S. Sunset Blvd Rd. Stevensville Mt.	Self-Employed Logger		X	
Paul W. Plain 648 Upper Buckhorn	Self		X	
Frank C. Thompson	Self		X	

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## HOUSE OF REPRESENTATIVES

## VISITOR'S REGISTER

NATURAL RESOURCES COMMITTEE BILL NO. 984  
 DATE 3-21-91 SPONSOR(S) \_\_\_\_\_ MEASURE \_\_\_\_\_

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
JAMES A. HILL BOX 7651 - MSLA, MT. 59507	Western Council of Industrial Workers		X	<del>X</del>
Janef Ellis	MT Audubon			X
Nael Rosetta	Self			X
George Holton 1216 11th Ave Helena	Self Retired Fisheries Biologist			X
David P. Hollis	SECF			X
Ron Kohrt	Stoltz Conner Jr		X	
Bill Noble	Stoltz Conner Jr		X	
Herb H. Nash	DAM		X	
John Hollenback	Self		X	
Steve Marks	Self		X	
David H. Dennis	Self		X	
Billie Desjardis	Self		X	
Thomas R. Cuddy	Self		X	

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HOUSE OF REPRESENTATIVES  
VISITOR REGISTER

NATURAL RESOURCES

COMMITTEE

BILL NO. HB 984

DATE 3/21/91

SPONSOR(S)

MEASURE

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Berni Schraft	Senate Dist. 32 & Self		X
Ellie Arguimbau	self	✓	
Scott SNELSON	MT Wildlife Fed	X	
CAROL MOSHER	MT. CATTLE WOMEN		X
Lorna Frank	MT. Farm Bureau		X
Sara Toubman	self	✓	
Stan Brackley	MT FH	✓	
Juan Brabe	Stockgrowers/Watergrowers		X
Genea Marx	Gov. Stephens		X
Ann Grace	SELF		✓
Red Hanneman	SELF		✓
Janet Hanneman	Bitterroot Chapter Montana Women in Fender Committee for Multiple Use		✓
Doris Meyer	self		X
Susan Leonard 438 Barbara Helena	SELF	X	

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HOUSE OF REPRESENTATIVES  
VISITOR REGISTER

Natural Resources COMMITTEE BILL NO. HB 984

DATE 3/21/91 SPONSOR(S) Rep Masone - Forest Practice Act

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Darcy Tickner, 127 W. Main, Suite I, Bozeman, MT 59715	American Wildlands		✓
Bill Haskins 101 E Broadway #602 Missoula MT 59802	Ecology Center Missoula		X
Tom Huth 544 Garnett Crk. Townsend MT 59644	Huth Logging		X
Jim Thompson 326 Garnett Creek 59644	Thompson Land & Livestock		X
Dan Pittman Box 620 Glacier MT 59027	Pittman Forestry		X
James H Emerson 1705 Wilder Helena	Emerson Pottery		X
Christine Paulson 3115. Franklin E. Msls MT 59801	Self		X
Dan Funsch Box 7613 Msls 59807	Self		X
TIMOTHY BECHTOLD Box 7051 Msls 59807	Self		X
Mike Bader Box 8375 Missoula MT 59807	Alliance for the Wild Rockies	w many amendments I would support	X
Howie Wolke West Fork Rd Dartmouth MT 59829	Self	needs to be stronger	
Marilyn Blum West Fork Rd Dartmouth, Montana 59829	all the cutters	all need to be working	
BOB DECKER 726 S. RODNEY HELENA 59601	SELF	X	
Tucker Hill	Champion Int'l		X

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2 of 9

**HOUSE OF REPRESENTATIVES  
VISITOR REGISTER**

NATURAL RESOURCES COMMITTEE BILL NO. 984  
DATE 3.21.91 SPONSOR(S) MEASURE

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Mike Jostrom	Self		✓
Paul Davis	self		✓
Harold Langenbach	Self		X
Harvard Dixon	Dixon - Dixon Post & Pole		X
LYLE BRIST	BRIST Logging		X
PAUL FISHER	Self		X
PAUL BROWN	Self TBC TIMBER		✓
John Hansen	Montana Logging Association		X
Kim Wilson	Clark Fork Co-lim	✓	
Stephen R. McCue 2224 Gold Rush Ave., Helena 59601	self	✓	
Chris Kaufmann	Self	✓	
Al Kingston	Self		X
Bredney Brown	Self		X
Katharine A. Brown	Self	X	

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## HOUSE OF REPRESENTATIVES

## VISITOR'S REGISTER

NATURAL RESOURCES COMMITTEE BILL NO. 984  
 DATE 3-21-91 SPONSOR(S) MEASURE

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
<i>Robert L. L.</i>	<i>Self</i>			<input checked="" type="checkbox"/>
<i>Bill Buck Jones</i>	<i>Montana Chamber</i>		<input checked="" type="checkbox"/>	
<i>Tom Goulard</i>	<i>me</i>			<input checked="" type="checkbox"/>
<i>PAUL RICHARDS</i>	<i>DEER LODGE FOREST DEFENSE FUND</i>			<input checked="" type="checkbox"/> <i>with amendment</i>
<i>PATRICIA HELVEY</i>	<i>SELF</i>		<input checked="" type="checkbox"/>	
<i>Floyd Quinam</i>	<i>Quinam Logging</i>		<input checked="" type="checkbox"/>	
<i>Richard Hargrove</i>	<i>Hargrove Trucking</i>		<input checked="" type="checkbox"/>	
<i>Don Allen</i>	<i>Don Allen Products Inc.</i>		<input checked="" type="checkbox"/>	
<i>Lonnin Byle</i>	<i>Self</i>		<input checked="" type="checkbox"/>	
<i>VALERIE HORTON</i>	<i>NWTF</i>			<input checked="" type="checkbox"/>
<i>Pat Flanigan</i>	<i>Self</i>		<input checked="" type="checkbox"/>	
<i>Ernie Forrey</i>	<i>Self</i>		<input checked="" type="checkbox"/>	
<i>GARY D. MARKS</i>	<i>MARKS-MILLER Post &amp; Tele</i>		<input checked="" type="checkbox"/>	

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HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Natural Resources COMMITTEE BILL NO. 984  
 DATE 3-21-91 SPONSOR(S) DOVER MEASURE

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Joann Cowger	Cowger Trucking	984	X	
Bill Cowger	LI	984	X	
Chris Bodle	Bodle Logging	984	X	
Don Womack	Womack Trucking	984	X	
Rich Lane	self	984	X	
Norm G. Miles	MSGA + self		X	
Ron Johnson	self		X	

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HOUSE OF REPRESENTATIVES  
VISITOR REGISTER

1 of 10

Not Resoures

COMMITTEE

BILL NO.

991

DATE

3-21-91

SPONSOR(S)

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
David H. Dennis	Self		✓
Ellen Dennis	self		✓
Stephen L. Wallace PO BOX 1279 Helena 59624	Self	✓	
CHIP CLAWSON 2915 Country Club Ave Helena	self	✓	
FAYE BERGAN 418 W Lawrence Helena	Self	✓	
MARK SHARLET 419 ADAMS, HELENA	Self	X	
Robert R Story Jr Park City	MACD		✓
Peggy Parmelee	MACD		✓
Peggy Olson Trenk	WETA		✓
Wynne W Schoonen	Self	X	
Jon Schoonen	Styline Sportsman	X	
Jim Fitts	MSEA		✓
Thomas R. Cuddy	Self		✓
Babara Leppert Bo Hess	self	✓	

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2 of 10

HOUSE OF REPRESENTATIVES  
VISITOR REGISTER

Natural Resources COMMITTEE Dolezal BILL NO. 991  
DATE 3-21-91 SPONSOR(S) \_\_\_\_\_

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
JAMES A. HILL BOX 7651 - MSLA, MT 59807	Western Council of Industrial Workers		X
Janet Ellis	MT Audubon	trend X	
Noel Rosetta	Self	Amend X	
George Holton 1219 11th Ave Helena	Self Retired Fisheries Biologist	Amend X	
David P. Hollis	SELF	X	
Sam Kohn	Stoltz, Corner Lbr Co		X
Bill Noble	Stoltz - Corner Lbr Co		X
Hub & Rash	DAW		X
John Hollenback			X
Frank C. Thompson	Self		X
Gerald V. Parker	Pyramis Mountain Lumber		X
Neil F. Meyer	Self		X
Steve Markin	Self		X
Gerald V. Parker	Pyramis Mountain Lumber		X

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HOUSE OF REPRESENTATIVES  
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Natural Resources

COMMITTEE

BILL NO.

991

DATE 3.21.91

SPONSOR(S) Rep Dolezal

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Katherine Bering 123 13th Helena	self	X	
RICHARD THURATT 36 Harmon Helena	Dept. of State Lands		
Robert D. Pfister Box 97 Bonner, MT	MONTANA SOCIETY OF AMERICAN FORESTERS		X
Robert Erickson Helena	Erickson Logging		X
Lance Erickson Helena	Erickson Logging		X
JACKIE CROSS 429 Madison Missoula 59802		X	
Jeff Juel 325 E. Front St #1 Missoula 59802	Self	Strengthen X	
Floyd W. McCubbins Box 83 Hungry Horse, MT 7354 Vermilion Blvd Helena 59701	F.H. Stoltz Land & Lbr. Co Col. Falls, MT		X
Glen N. Embler 59701	Self		X
John Bowditch 300 Bowditch Rd Helena 59901	Private Forest Land Owner		X
Ed Stoots 6195 DeLange Dr Lolo, MT 59847	Stone Container		Strongly X
Larry G. Male 59870 864 S. Sunset Bench Rd Stevensville	Self-Employed Logger		Strongly X
Paul Weber 648 Upper Lumber Mt	Self		X
Loyce BLACKMAN CRAIGT-WOLF CREEK, MT.	STERLING RANCH CO OWNER		X

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VISITOR REGISTER

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Natural Resources COMMITTEE BILL NO. HB 991  
DATE 3/21/91 SPONSOR(S) Rep. Dolezal - future forest act

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Woe Gutkoski 304 N. 18th Bozeman	Gallatin Wildlife Assoc	✓	
JC. Lowman P.O. Box 343 White Sulphur Springs	Valley Tree Farming		✓
Jack Mahon Box 1194 Townsend	R-Y Timber Inc		✓
Marv Duncanson 527 S. Calhoun Helena	R-Y Timber		✓
Keith Hammer 3165 Foothill Rd Kalispell, MT	Sivan View Coalition	X with revision	
Scott Wilke Florence Mt.	Drawback Logging		X
Rory Faggenstrom Cascade	Anderson Ranches		X
Betty Swift - 236 Rose Ln Hamilton	self		X
R. Bolger Hamilton	SANITY		X
Michelle Kagan Hamilton	Common Sense		X
JOANNA Dixon	Dixon & Dixon Post #601e		X
Lorraine Gillies	MT Farm Bureau		X
Ben Kennedy	self	X	
Eric Weiner Darby	Darby Lumber		X

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## VISITOR'S REGISTER

House Natural Resources

COMMITTEE

BILL NO. HB 991, ~~985~~ 991DATE 3/21/91SPONSOR(S) Bolegol

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
<u>Stephen R. McCre</u>	<u>self</u>			X
<u>LYLE BRIST</u>	<u>BRIST Logging</u>		✓	
<u>HOWARD DIXON</u>	<u>Dixon &amp; Dixon Forest Products</u>		X	
<u>Chris Kaufmann</u>	<u>INERC</u>			X
<u>Al Kington</u>	<u>Self - For Consultant</u>		X	<del>X</del>
<u>Katharine A. Brown</u>	<u>Self</u>			X
<u>Bernie Swift</u>	<u>Senate Dist #32 Self</u>			X
<u>Ellie Arguimbau</u>	<u>S&amp;F</u>			✓
<u>Scott SNELSON</u>	<u>MT Wildlife Fed</u>			X
<u>CAROL MOSHER</u>	<u>MT. CATTLEWOMEN</u>		X	
<u>Lorna Frank</u>	<u>MT. Farm Bureau</u>		X	
<u>Stan Bradshaw</u>	<u>MT T.U.</u>			✓
<u>Richard Hargrove</u>	<u>Hargrove Trucking</u>		X	

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HOUSE OF REPRESENTATIVES  
VISITOR REGISTER

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Natural Resources

COMMITTEE

BILL NO. HB 991

DATE 3/21/91

SPONSOR(S) Rep Dobzal - future forest Act

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
101 E. Broadway #602 Bill Haskins Missoula MT 59802	The Ecology Center, Missoula	X with revision	
Darcy Tucker, 127 W. Main, Suite 1, Bozeman, MT 59715	American Wildlands	✓	
Tom Huth 544 Burnett Crk. Townsend MT, 59644	Huth Logging		X
Jim Thompson 326 Burnett Creek 59644	Thompson Land & Livestock		X
Dan Pittman Box 620 Emigrant MT 59027	Pittman Forestry		X
✓ Ann P. Emerson 1205 Wilder Helena	Emerson Pottery	X	
David Vander Ploeg 226 S. 1st W #3 Missoula	Self	X	<del>X</del>
Christine Paulson 2115 Franklin St Missa 59801	self	X with amend	
Dan Funsch Box 7613 Mssa 59807	self	X w/ amends.	
Box 7051 TIMOTHY BECHTOLD Mssa MT 59807	self	X w/ amend.	
Box 8395 Mike Bader Missoula, MT 59807	Alliance for the Wild Rockies	w many amendments	
West Fork Rd. Howie Wolke Darby MT 59829	self	X all 3 need to be signed	
West Fork Rd Maine Chubb Darby, MT 59829	all the Butters	all are too weak	
726 S. RODNEY BOB DECKER HELENA	SELF	X	

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## VISITOR'S REGISTER

Natural Resources COMMITTEE BILL NO. HB 791  
 DATE 3/21/91 SPONSOR(S) Rep Doezal - Future Forests act

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Tucker Hill	Champion Int'l		✓	
Paul Davis	Self		✓	
Harold Langenbach	Self			X
Jim Jensen	MEIC			X
Ray Pittel	Rancher SELF			X
Larry Campbell	self			X
Don Shepherd	Self			X
Mr. Cuddy	Self		✓	
Bud Clinch	MLA		X	
PAUL TISHER	Self		X	
PAUL BROWN	Self		X	
John Hansen	Montana Logging Association		X	
Kim Wilson	Clark Fork Coalition			+

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## VISITOR'S REGISTER

Natural Resources COMMITTEE BILL NO. HB 991  
 DATE 3-21-91 SPONSOR(S) DOUGLAS

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Stan Green 713 Middle Rd. Hallowell, ME	SELF		L	
Lance Byrd	Self		L	
Don Allen	MT. Wood Products Assoc.		L	
Pat Flaherty	Self		✓	
Ernie Forrey	Self		X	
Joann Cawger	Cawger Trucking	991	X	
Bill Cawger	Self	991	X	
Joe Balke	Balke Logging	991	X	
Ray Wornack	Wornack Trucking	991	X	
Rich Lane	Self	991	X	
Tom O-Mahoney	MSFA Self		X	
Gary D. Marks	MARKS-MILLER Post Bldg		X	

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HOUSE OF REPRESENTATIVES  
VISITOR REGISTER

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Natural Resources COMMITTEE BILL NO. 991  
DATE 3.21.91 SPONSOR(S) DOLEZAL

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Robert Low	Self		✓
St. Buck Bros	Montana Chamber		✓
PAUL RICHARDS	DEER LODGE FOREST DEFENSE	with strengthening amendment ✓ clear cut by and 10,000 time	
PATRICIA HELVEY	SELF	✓	
Floyd Quirkman	Quirkman Logging		✓
Sara Trabman	self	✓	
Sharon Bwoke	Stockgrowers/Woolgrowers		X
Glenn Marx	Gov. Stephens		X
Jim Grace	SELF		✓
Janet Hanneman	Pettermont Chapter M.T. women in Timber Grassroots for Multiple Use		✓
Bob Hanneman	SELF		✓
Reiko Meyer	self		✓
Susan Lenard Helver	438 Dearborn SELF	X	
MARK MELOY	312 PINE HELPERA SELF	✓	

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Natural Resources COMMITTEE BILL NO. 991  
DATE 3.21.91 SPONSOR(S) DOLEZAL

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
VALERIE HORTON	Mwf	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**HOUSE OF REPRESENTATIVES  
VISITOR REGISTER**

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Natural Resources

COMMITTEE

BILL NO. HB 971

DATE 3/21/91

SPONSOR(S) Rep. Cohen - Forest Resources mgmt act

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Bill Huskins 101 E. Broadway #202 Missoula MT 59802	The Ecology Center, Missoula	X with revision	
Keith Hammer 3165 Foothill Rd Kalispell MT	Swan View Country Club	X with revision	
Jack Mahon Box 1194 Townsend	R-Y Timber Inc		X
S.C. Lowman Box 343 W.S.S.	Valley Tree Farming		X
Darou Duncan 527 S. Old Helena	R-Y Timber		X
Scott Wilke Florence MT	Drawback Logging		X
Geo Chiffel	self		
Rory Fagendstrom Cascade MT	Anderson Ranch Co		X
Michele Kapke HAMILTON	common sense		X
W. J. R. HAMILTON MT	" "		X
Betty Swift - Hamilton	self		X
JOANNA Dixon	Dixon & Dixon Post & Pole		X
Lorraine Gillies	MT Farm Bureau		X
Ben Kennedy	self	X	

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HOUSE OF REPRESENTATIVES  
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Natural Resources COMMITTEE BILL NO. HB 971  
DATE 3/21/91 SPONSOR(S) Rep Coken - forest resources mgmt act  
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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Darryl Tickner; 127 W Main, Suite I; Bozeman, MT 59715	American Wildlands	✓	
Tom Huff 594 Garnett Crk. Townsend MT, 59644	Huff Logging		X
Jim Thompson 326 Garnett Creek 59644	Thompson Lands Livestock		X
DW Pettit Box 670 Bannock, MT 59027	Pettit Farming		X
James H Emerson 1205 Wilder Helms	Emerson Pottery	X	
David VanderPlay 226 S 3rd W Missoula 59801	Self	X	
Christine Paulson 211 S. Fourth E. Missoula 59801	Self	X with changes	
Dan Funsch Box 7613 Missoula 59807	Self	X w/changes	
TIMOTHY BECHTOLD Box 7051 Missoula 59807	Self	X of amended.	
Mike Bader Box 8371 Missoula, MT 59807	Alliance for the Wild Rockies	w many amendments	
Dan La Grasse Box 8732 Missoula, MT 59807	Lolo-Clearwater Forest Defense	X with amendments	
Howie Wolke West Fork Rd Darby MT 59829	Self	X with amendments to strengthen it	
Manuella Libera West Fork Rd Darby, MT 59829	all the matters	make language stronger	
BOB DECKER	SELF	X	

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NATURAL RESOURCES

COMMITTEE

BILL NO.

HB 971

DATE 3.21.91

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Eric Weiner Box 390 Darby, MT	Darby Lumber		X
Katherine Berry 123 13th Helena	self	X	
Robert D. Pfister Box 97 Bonner, MT	MONTANA SOCIETY OF AMERICAN FORESTERS		X
Lance Erickson 8860 N. Montana Helena	Erickson Logging		X
Bob Erickson 8860 N. Montana Helena	Erickson Logging		X
Jeff Juel 325 E. Front St. #1 Missoula 59802	self	X strengthen	
Floyd McCobbins Box 83 Hungry Horse 59119	F.H. Stotzel Land & Lbr. Col. Falls.		X
Jackie Cross 429 Madison Missoula MT 59802		X	
Glenn H Conklin 235 Yeoman Hall Rd Kalispell 59901	Self		X
John Bowdish 300 Bowdish Rd Kal 59911	Private Forest Landowner		X
Ed Stoots 6195 Dehanka Lake, MT 59847	Stone Container		strongly X
Larry G. Mahc 864 S. Summit Bend Rd Stevensville 59870	Self Employed logger		strongly X
Paul Utter Plains Mt 648 Upper Indian	Self		X
James A. Hill P.O. Box 7671 - MCLA, Mt. 59802	Western Council of Industrial Workers		X

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NATURAL RESOURCES COMMITTEE BILL NO. 971  
DATE 3.21.91 SPONSOR(S) COHEN

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Janet Ellis	MT Audubon	✓	
Joyce S. BLACKMAN CRAIG RT. WOLF CREEK-147.	STERLING DANCER OWNER.		X
Joel Rosella	Self	X	
David P. Hollis	SELF	X	
Ben Kohrt	Stoltz Gunner P Co		X
Bill Noble	Stoltz - Conner P Co		X
George HOLTON 1219 11th Ave Helena	Self RETIRED FISHRIES BIOLOGIST	X	
Frank C Thompson	Self		X
Steve H Nash	DBW		X
John Hollenbeck	M A C D		X
Neil Meyer	Self		X
Grand V. Parker	Pyramid Mountain Lodge		X
Ellen Dennis	Self		X
Steve Marks	Self		X

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NATURAL RESOURCES COMMITTEE BILL NO. 971  
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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
David H Dennis	Self		✓
Stephen L Wallace PO Box 1278 Helena 59604	✓	✓	
Chap Clavner 2915 Country Club Ave Helena	Helena Outdoor Club	✓	
FAYE BERGAN 418 W Lawrence Helena	Self	✓	
MARK SHABLEY 419 ADAMS, HELENA	Self	X	
Peggy Parmelee	MT Assoc. of CD's		✓
Robert R Story Jr	" " " "		✓
Peggy Olson Trenk	WETA		✓
Wendy K Schonen	Self	X	
Jim Feltner	MSGA		X
Tony Schonen	Skyline Sportsman	X	
Thomas R. Cuddy	Self		X
Barbara Pepper Botness	self	✓	
Daugh Benson	Benson Logging		X

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**HOUSE OF REPRESENTATIVES  
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NAT RESOURCES COMMITTEE BILL NO. HB 971  
DATE 3-21-91 SPONSOR(S) Cohen

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Tucker Hill	Champion Int'l		✓
Mike Jostrom	Self		✓
Paul Davis	self		✓
Jim Jensen	MEIC	+	
Harold Sengenbach	Self	X	
LYLE BRIST	BRIST Logging		✓
WARD DIXON	DIXON - DIXON Post & Pole		X
PAUL TISHER	Self		X
PAUL BROWN	self-TBC TIMBER		✓
John Hansen	Montana Logging Association		✓
Kim Wilcox	Clark Fork Coalition	✓	
Stephen R. McQue 2224 Gold Rush Ave., Helena 59601	self	✓	
Chris Kaufman	MEIC	✓	

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HOUSE OF REPRESENTATIVES  
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NATURAL RESOURCES COMMITTEE BILL NO. 971  
DATE 3.21.91 SPONSOR(S) COHEN

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<i>David Benson</i>	<i>Benson Logging</i>		X
<i>AL Buck Baker</i>	<i>Montana Chamber</i>		X
<i>Mike L. C.</i>	<i>Self</i>		X
<i>Tom Gouvar</i>	<i>me</i>	*	
<i>Patricia Helvey</i>	<i>self</i>	X	
<i>PAUL RICHARDS</i>	<i>DEER LODGE FOREST DEFENSE FUND</i>	<i>with strong ✓ opposing amendment</i>	
<i>Floyd Quiram</i>	<i>Quiram Logging</i>		X
<i>TREDDE LEPPER</i>	<i>very concerned citizen</i>	X	
<i>Al Kington</i>	<i>Self For Consultant</i>		X
<i>Katherine A. Brown</i>	<i>Self</i>	X	
<i>Bernie Aught</i>	<i>Senate Dist 32 &amp; Self</i>		X
<i>Ellie Arguimbau</i>	<i>self</i>	✓	
<i>Scott Snelson</i>	<i>MT Wildlife Federation</i>	X	
<i>CAROL MOSHER</i>	<i>MT. CATTLE WOMEN</i>		X

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## HOUSE OF REPRESENTATIVES

## VISITOR'S REGISTER

NATURAL RESOURCES COMMITTEE BILL NO. 971  
 DATE 3.21.91 SPONSOR(S) COHEN

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Lorna Frank	Mt. Farm Bureau		X	
Jack Toulman	self.			✓
Stan Brodshaw	MT. T.C.			✓
Allen Brooke	Stockgrowers/Woodgrowers		X	
Glen Marx	Gov. Stephen		X	
Jim Chase	SELF		X	
Carol Hanneman	Betterment Chapter Mt. Women in Tander. Grassroots for Multiple		X	
Bob Hanneman	SELF		✓	
Dottie Meyer	self		X	
SUSAN LENARD	SELF		<del>X</del>	(X)
VALERIE HORTON	MLW			✓
Paul Art	ATC		X	

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NATURAL RESOURCES

COMMITTEE

BILL NO.

971

DATE 3.21.91

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Greg R Rawlings	Self and Rawlings Family	X	
Pat Hanley	Self		X
Ernie Forrey	Forrey Trucking		X
Joann Cowger	Cowger Trucking		X
Bill CowGER	Self		X
Les Bodle	Bodle Logging		X
Don Wornack	Wornack Trucking		X
Rich Lane	Self	971	X
Tom D. Malsman	MSGA + Self		X

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HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

NATURAL RESOURCES COMMITTEE BILL NO. 971  
 DATE 3.21.91 SPONSOR(S) MEASURE Cohen

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Don Alb	Nat. Acad. of Sciences	971	✓	
Ross MacPherson	Mont. Coast Side Forest Practice Comm.		✓	
Mike A. Wood	Brand S. Lunson		✓	
Dannell H. Miller	Personnel & Business	971	✓	
GARY D. MARKS	MARKS-MILLER Post & Pde	971	✓	
Barton L. Cooper	B. L. Cooper Inc.	971	✓	
Janice M. Cooper	B. L. Cooper Inc.	971	✓	

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