

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRMAN DICK KNOX**, on January 8, 1993, at
3:00 p.m.

ROLL CALL

Members Present:

Rep. Dick Knox, Chairman (R)
Rep. Rolph Tunby, Vice Chairman (R)
Rep. Jody Bird (D)
Rep. Vivian Brooke (D)
Rep. Russ Fagg (R)
Rep. Gary Feland (R)
Rep. Mike Foster (R)
Rep. Bob Gilbert (R)
Rep. Hal Harper (D)
Rep. Scott Orr (R)
Rep. Bob Raney (D)
Rep. Dore Schwinden (D)
Rep. Jay Stovall (R)
Rep. Emily Swanson (D)
Rep. Howard Toole (D)
Rep. Doug Wagner (R)

Members Excused: None

Members Absent: None

Staff Present: Todd Everts, Environmental Quality Council
Michael Kakuk, Environmental Quality Council
Roberta Opel, Committee Secretary

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

Committee Business Summary:

Hearing: HB 64 and HB 30
Executive Action: None

HEARING ON HB 64

Opening Statement by Sponsor:

REP. ED GRADY, HD 47, Helena, and a member of the Environmental Quality Council (EQC) stated HB 64 is an EQC sponsored bill. The bill would delay the effective date of the law establishing a solid waste management fee on waste generated out-of-state.
EXHIBIT 1 The bill would require the Department of Health and

Environmental Sciences (DHES) to adopt rules establishing fees on the incineration of this waste. The Statement of Intent in the bill directs DHES to report to the 1995 legislature on the adopted fees. The intent of the bill is to keep Montana from subsidizing the disposal of solid waste generated from out of state through general fund expenditure.

Proponents' Testimony:

Christine Mangiantini, on behalf of the Montana League of Women Voters, said the League supports the involvement of state and local government with its citizens. The League further encourages safe storage and transportation of waste. Ms. Mangiantini asked if the bill precluded local entities from establishing and executing a similar fee structure for costs related to the siting of out-of-state waste.

VICE CHAIRMAN ROLPH TUNBY, HD 24, Plevna, told the committee that Fallon County has one regional landfill with only two towns presently using the site for disposal. There are counties in North Dakota that would like to utilize the disposal site which in turn would also benefit Fallon County residents. REP. TUNBY'S proposed amendments, EXHIBIT 2, require DHES to determine a disposal site fee by July 1, 1993 rather than October 1, 1993 and would not revert back to the \$5 fee.

Jon Dilliard, Department of Health and Environmental Sciences (DHES), noted that DHES did not have any problems with the proposed time-frame required in the Tunby amendments.

VICE CHAIRMAN TUNBY told the committee his amendments are dependent on a bill he will be presenting which would exempt these five counties from the moratorium on solid waste importation.

Dennis Olson, Northern Plains Resource Council (NPRC), said NPRC supports the intent of HB 64.

Opponents' Testimony: None

Questions From Committee Members and Responses:

REP. HAL HARPER asked if the fee addressed in the amendment would be based only on identifiable direct costs? VICE CHAIRMAN TUNBY responded that the term "indirect costs" could subject the fee to a court test and also seemed to be "a little too vague."

REP. HARPER noted the terms "direct" and "indirect" costs are in the Statement of Intent and are not addressed in REP. TUNBY'S amendments. VICE CHAIRMAN TUNBY stated his amendments would correct the confusion between "direct" and "indirect costs."

REP. BOB GILBERT suggested the committee correct REP. TUNBY'S amendments during executive action since the amendments are

merely proposed.

REP. BOB RANEY asked REP. GRADY if he agreed with the effective dates of October 1993 and July 1995, as noted in the amendment. REP. ED GRADY explained he was unaware of this amendment and noted that EQC needed this two-year effective date to develop cost figures for the fees.

REP. RANEY asked if there was a proposal from the federal government which would allow states to set fees above actual costs so that if the state chose to make any money on the importation of waste, it could.

Paul Sihler, EQC, stated the proposal involves a federal commerce clause which only allows congress to regulate interstate commerce.

REP. HARPER said he was having difficulty understanding the timeframes involved with the bill. He asked how DHES had the authority to adopt this fee and if there was a termination date for the rule. Mr. Sihler stated the \$5 fee enacted through SB 346 last session would become effective July 1, 1993. Section 1 extends that effective date to 1995, Mr. Sihler said. The second section of the bill requires DHES to establish a fee that is legally defensible.

REP. HARPER asked Mr. Sihler if there was presently sufficient statutory authority allowing DHES to propose and adopt these rules? Mr. Sihler stated there is, in statue, a \$5 per ton fee but DHES does not currently have the authority to promulgate rules to establish a fee for "direct" and "indirect costs."

Closing by Sponsor:

REP. GRADY thanked the committee and stated he hoped this bill would receive a do pass recommendation.

Presentation by Jean Riley, Petroleum Tank Release Compensation Board

Jean Riley, Executive Director, Petroleum Tank Release Compensation Board, presented a Summary of Title 75, Chapter 11, Part 3 MCA, Petroleum Storage Tank Cleanup. EXHIBIT 3

REP. EMILY SWANSON asked for clarification on the financial background of Title 75. Initially, the fee was one cent per gallon (July 1, 1989) and increased to three-fourths cent per gallon in 1991. Ms. Riley told the committee the fees were discontinued October 1, 1991 when the fund balance exceeded \$8 million. Ms. Riley indicated when the balance drops below \$4 million the fee will resume.

REP. RUSSELL FAGG asked Ms. Riley if there were claims that had

not been submitted. Ms. Riley replied 302 sites have been reimbursed. There are 1,000 new sites; 700 of which are currently active and 80 to 90% of those sites would be eligible for funding.

REP. SWANSON asked whose tanks were involved. Ms. Riley stated the tanks belong to service stations, farms, bulk stations, and businesses. The only tanks for which the board has not reimbursed are railroad tanks.

VICE CHAIRMAN TUNBY said he understood that the fund would run out of money at some point in time. Ms. Riley said the fee would kick back in when the balance in the fund drops below a certain level. It is anticipated that approximately \$3.3 million would potentially be generated.

REP. SCHWINDEN asked how the average Montana farmer would find out about the petroleum tank release program? Ms. Riley stated that once the tank release was referred to DHES, the Petroleum Tank Release Compensation Board would in turn notify the tank release program.

HEARING ON HB 30

Opening Statement by Sponsor:

REP. BOB RANEY, HD 82, Livingston, substituting for REP. JERRY DRISCOLL, told the committee that during the 1991 legislative session, a House Joint Resolution was requested by REP. DON LARSON who was concerned with lake shores and the use of Montana's lakes. The 52nd Legislature passed HJR 17 instructing the Environmental Quality Council to conduct an interim study on lake shore development. EXHIBIT 4

Paul Sihler, EQC Staff, stated that HJR 17 changes the definition of a lake shore from 20 to 50 feet. The current Lake-shore Statute directs counties with natural lakes to develop permitting regulations for activities which will affect the lake from an area 20 feet above the high water mark and into the lake.

REP. JERRY DRISCOLL, HD 92, Billings, said HB 30 is the product of a lake-shore study assigned by the 52nd Legislature. Violation of the lake-shore permitting requirements is currently a criminal offense under the Lake-shore Statute. REP. DRISCOLL presented his amendments to the committee. EXHIBIT 5

Proponents' Testimony:

Janet Ellis, Montana Audubon Legislative Fund, stated the bill was a step toward protecting water quality in some Montana counties. The extension to 50 feet is consistent with the Stream-side Management Zone Act for timber practices passed in the last legislative session. The penalty section, which adds

civil penalties as well as the possibility of a court injunction, is an important addition to the bill.

Jerry Sorenson, Planning Director, Lake County Land Service, submitted testimony favoring the bill. **EXHIBIT 6**

Brian McNitt, Montana Environmental Information Center (MEIC), testified in favor of the bill but noted MEIC had hoped the bill would be "a little stronger." Mr. McNitt noted water quality in Montana has deteriorated significantly in past years with the rate of decline increasing. Improper lake-shore development activities are responsible for this decline.

Stan Bradshaw, on behalf of Montana Trout Unlimited, appeared in support of HB 30.

Dick Wollin, President Flathead Lakers, Inc., testified as a proponent of the bill. **EXHIBIT 7**

Elna Darrow, Flathead Basin Commission, submitted testimony in support of the bill. **EXHIBIT 8**

Mike Volesky, Montana Association of Conservation Districts (MACD), stated MACD would be providing the committee with amendments to HB 30. He stated only a few conservation districts are currently participating in this permitting process, however. Districts who do participate like be given a permitting option.

Opponents' Testimony: None

Questions From Committee Members and Responses:

REP. SWANSON asked Mr. Volesky if the term "conservation district", as used on page three of the bill, referred to the same conservation district he spoke of in his testimony? Mr. Volesky replied yes.

REP. HOWARD TOOLE asked Mr. Sorenson to explain the permitting process. Mr. Sorenson responded that Flathead and Lake Counties have adopted regulations governing the type of structures built around lake-shores, i.e., docks, and boat-houses. The current standard is 20 feet from the lake. A dwelling placed any closer to the lake or removal of vegetation within this 20 feet would require a permit from the county. It must be demonstrated that the location selected is the best one for the home and would not cause lake-shore or water quality problems.

REP. TOOLE asked if the right to build within 20 feet of the lake-shore is conferred by local rule? Mr. Sorenson answered yes, local rule dictates approval. He also said if this law goes into effect, local regulations would dictate that residential homes not be located closer than 50 feet from the lake. Lake-related structures currently closer than 20 feet would require a

permit for any remodeling.

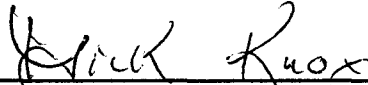
REP. BROOKE asked Mr. Sihler, EQC staff, if there were guidelines for the use of reservoirs for agricultural purposes? Mr. Sihler replied there were no guidelines for this type of usage. He said a reservoir is not a lake for the purposes of this Act if it is used exclusively for agricultural purposes.

Closing by Sponsor:

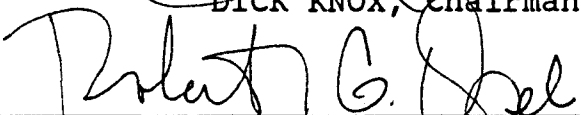
REP. DRISCOLL noted that HB 30 allows the county government an opportunity to designate a Lake Advisory Committee. Flathead and Lake Counties currently have a committee of this nature in place.

ADJOURNMENT

Adjournment: 5:30 p.m.



DICK KNOX, Chairman



ROBERTA G. OPEL, Secretary

DK/ro

HOUSE OF REPRESENTATIVES

Natural Resources

COMMITTEE

ROLL CALL

DATE

1/8/93

NAME	PRESENT	ABSENT	EXCUSED
Jody Bird	✓		
Vivian Brooke	✓		
Russ Fagg	✓		
Gary Feland	✓		
Mike Foster	✓		
Bob Gilbert	✓		
Hal Harper	✓		
Scott Orr	✓		
Bob Raney	✓		
Dore Schwinden	✓		
Jay Stovall	✓		
Emily Swanson	✓		
Howard Toole	✓		
Doug Wagner	✓		
Rolph Tunby, Vice Chairman	✓		
Dick Knox, Chairman	✓		

①

**Bill Summary
HB 64**

EXHIBIT 1
DATE 1-8-93
HB 64

Section 1:

WHAT: Delays for 2 years the effective date of the \$5.00 per ton fee on out-of-state solid waste disposed of in Montana. This fee was enacted by the 1991 legislature and would now become effective on July 1, 1993.

WHY: To allow DHES to time to adopt a lesser and more legally defensible fee by rule while maintaining the existing fee in statute.

Several recent U.S. Supreme Court rulings, and an Oregon Appeals court ruling on a similar law, have increased the likelihood that the \$5.00 fee, if challenged, would be ruled excessive and unconstitutional. Consequently, because the Legislature does not have adequate information to set a legally defensible fee, it is necessary for DHES (see section 2) to adopt a fee by rule.

Section 2:

WHAT: Directs DHES to adopt a fee on disposal of out-of-state waste based upon the direct and indirect costs to the state of regulating out-of-state waste.

The rules must be adopted by the expiration date of the moratorium on importation of solid waste (Oct. 1, 1993) and terminate on July 1, 1995 when the \$5.00 per ton fee becomes effective. The statement of intent directs DHES to report to the 1995 Legislature on the implementation of the fee. The legislature would then have the opportunity to repeal the \$5.00 fee and codify the fee adopted by the department.

WHAT: The intent is to keep Montanans from subsidizing the disposal of solid waste generated out-of-state via general fund expenditures. The fee revenue would be spent in place of general fund money.

EXHIBIT

2

lunby

DATE

1-8-93

HB

64

PROPOSED AMENDMENTS TO HOUSE BILL NO. 64

1. Title, lines 5 through 7.

Following: "ACT"

Strike: "DELAYING THE EFFECTIVE DATE OF THE LAW
ESTABLISHING A SOLID WASTE MANAGEMENT FEE ON WASTE GENERATED
OUT OF STATE;"

2. Title, line 10.

Following: "SECTIONS"

Insert: "75-10-118,"

3. Title, lines 11 and 12.

Following: "MCA"

Strike: ", AND SECTION 8, CHAPTER 398, LAWS OF 1991"

Insert: "."

4. Page 2, lines 11 through 14.

Following: Page 2, line 10

Strike: section 1 in its entirety

Insert: Section 1. Section 75-1-118 is amended to read:

75-10-118. (Effective July 1, 1993) **Solid waste management fee -- out-of-state waste.** (1) A person who owns an incinerator that burns solid waste or a solid waste disposal facility that is licensed pursuant to 75-10-221 and to rules adopted under 75-10-221 shall pay to the department a quarterly fee of \$5 ~~for each ton of solid waste generated outside Montana and incinerated or disposed of at a facility as determined by the department in accordance with 75-10-204(8).~~

(2) All fees must be deposited in the solid waste management account provided for in 75-10-117.

5. Page 3, line 8.

Following: "on the"

Insert: "identifiable"

Following: "direct"

Strike: "and indirect"

7. Page 3, line 24.

Following: "rules"

Strike: ":"

Insert: "must be adopted by July 1, 1993."

8. Page 3, line 25 through page 4, line 1.

Following: Page 3, line 24

Strike: subsections (a) and (b) in their entirety.

Summary of Title 75, Chapter 11, Part 3 MCA Petroleum Storage Tank Cleanup

In 1989 the Montana Legislature passed HB 603 which created the Montana Petroleum Tank Release Compensation Board and the Montana Petroleum Tank Release Cleanup Fund. In 1991 the Montana Legislature passed HB 973 which included coverage on certain tanks which were excluded in HB 603. The following is a summary of the responsibilities of the Board and what the Fund will reimburse to owners/operators.

The Board manages the Fund and determines the eligibility of owners/operators and whether the costs claimed are reimbursable. The Board may reimburse owners/operators for releases covered under the HB603 Program for 50% of the first \$35,000 spent then 100% of the next \$965,000. The total reimbursement of eligible costs could be \$982,500 if the owner/operator spends \$1 million. The Board may reimburse owners/operators for releases covered under the HB973 Program for 50% of the first \$10,000 spent then 100% of the next \$490,000. The total reimbursement of eligible costs could be \$495,000 if the owner/operator spends \$500,000.

The Board is made up of seven members appointed by the Governor for terms of three years. The members of the Board consist of the following:

- Department of Health and Environmental Sciences (DHES) Director or His Representative
- State Fire Marshal or His Representative
- Representative from the Petroleum Services Industry
- Representative from the Petroleum Marketers and Chain Retailers
- Representative from the General Public
- Representative from the Service Station Dealers
- Representative from the Insurance Industry

The Statute allows for the coverage of underground storage tanks, aboveground storage tanks with a capacity less than 30,000 gallons, and all piping connected to said tanks whether aboveground or underground. There are some types of tanks which are not covered as outlined by the statute. These tanks include:

- Tanks located at a refinery or a terminal of a refiner.
- Tanks located at an oil or gas production facility.
- Tanks that are or were previously under the ownership or control of a railroad.
- Tanks belonging to the federal government.
- Tanks owned or operated by a person who has been convicted of a substantial violation to state or federal tank rules.
- Mobile storage tanks used to transport petroleum products from one location to another.

Subject to the availability of Fund, an owner/operator who is eligible and complies with any rules adopted to implement this law must be reimbursed by the Board from the Fund for the following costs caused by a release from a petroleum storage tank:

- Corrective action costs.
- Compensation paid to third parties for bodily injury or property damage.

Not all expenses to the owner/operator are covered, the following are expenses which are not covered by the Fund :

- Corrective action costs or the costs of bodily injury or property damage paid to third parties that are determined by the Board to be ineligible for reimbursement.
- Costs for bodily injury and property damage, other than corrective action costs incurred by the owner/operator.
- Penalties or payments for damages incurred under actions by the department, Board, or federal, state, local, or tribal agencies or other government entities involving judicial or administrative enforcement activities and related negotiations.
- Attorney fees and legal costs of the owner/operator or a third party.
- Costs for the repair or replacement of a tank or piping or costs of other materials, equipment, or labor related to the replacement of a tank or piping.
- Expenses incurred before April 13, 1989 (HB 603) or May 15, 1991 (HB 973).
- Expenses exceeding the maximum reimbursements (\$982,500 or \$495,000).

As was previously stated, the owner/operator is eligible for reimbursement if they comply with the rules governing storage of petroleum in tanks. The following are the eligibility requirements as stated in the Statute:

- The release was discovered on or after April 13, 1989, and tanks were in place at that time.
- The DHES - Underground Storage Tank (UST) Program was notified of the release within 24 hours.
- The DHES - UST Program was notified of the existence of the tank, if required, using the UST notification form.
- The release was accidental.
- The operation and management of the tank complied with applicable state and federal laws and rules when the release occurred and remained in compliance following the detection of the release.

If an owner/operator discovers or is provided with evidence that a release may have or did occur from his/her petroleum storage tank and he/she is seeking reimbursement of eligible costs the following must be done:

- Immediately notify (within 24 hours) DHES - UST Program of the release and conduct an initial response to the release in accordance with state and federal laws and rules to protect public health and safety and the environment.
- Conduct a thorough investigation of the release, report the findings to DHES - UST Program, and as determined necessary by the UST Program, prepare and submit for approval by the UST program a corrective action plan that conforms with state and federal corrective action requirements.
- Implement the approved plan, the UST Program may oversee the implementation of the plan, require reports and monitoring for the owner/operator, undertake inspections, and otherwise exercise its authority concerning corrective action.
- Document in the manner required by the Board all expenses incurred in preparing and implementing the corrective action plan.
- Submit claims and substantiating documents to the Board in the form and manner required by the Board.
- Document and submit claims and substantiating documents to the Board for any payments to a third party for bodily injury or property damage caused by a release.

PETROLEUM TANK RELEASE COMPENSATION BOARD

CLAIM SUMMARY

DECEMBER 31, 1992

Claims Received:

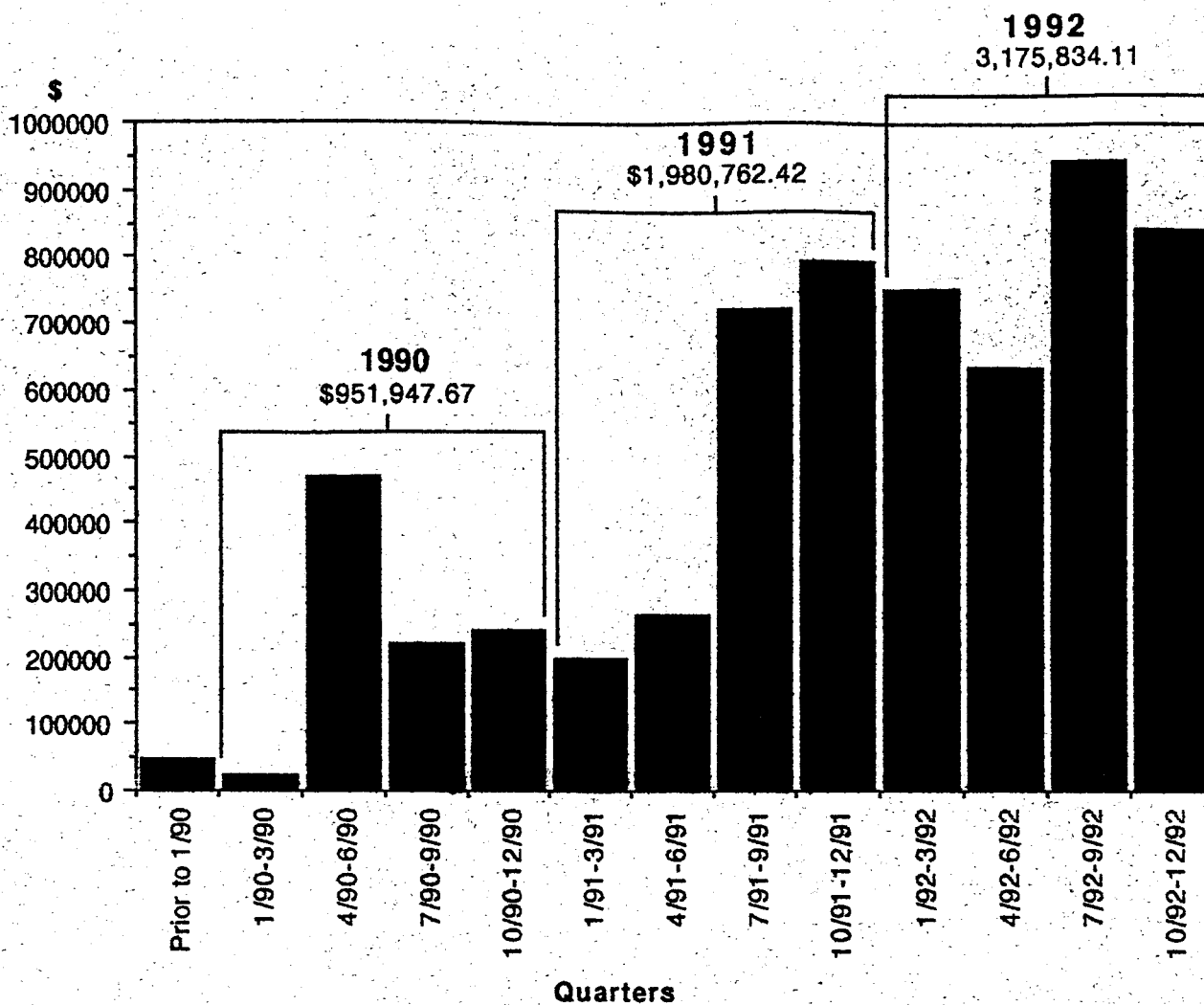
Major Tank Program	955
Minor Tank Program	80

Total Claims:

Paid	748
Ineligible	2
Denied	11
Withdrawn	2
Pending	272

Total Dollars Paid	\$4,550,962.96
Total Paid from Major Program	\$4,446,339.61
Total Paid from Minor Program	\$104,623.35
Largest Claim Paid	\$246,860
Smallest Claim Paid	\$22
Most Dollars Paid to Site	\$515,789
Least Dollars Paid to Site	\$22
Average Paid to Site	\$14,800
Sites Paid	302

Dollars Per Quarter Paid and/or Pending



Percentage of Reimbursed Claims for Different Types of Contamination

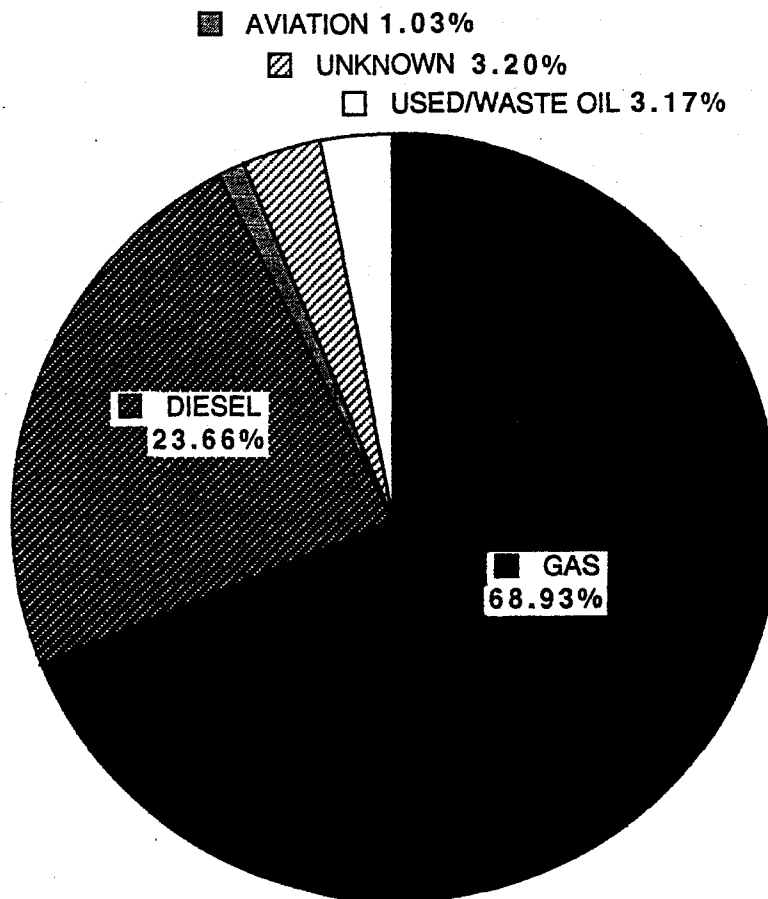


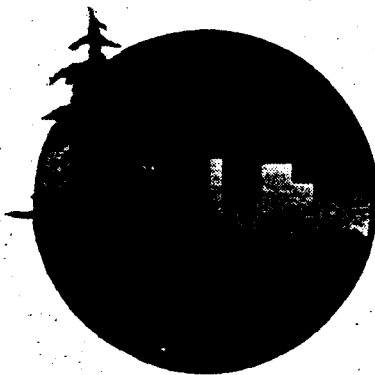
EXHIBIT 3
DATE 1-8-93
(PTRCB)

This document is stored at the Historical Society at 225 North Roberts Street, Helena, MT 59620-1201. The phone number is 444-2694.

HJR 17 INTERIM STUDY ON LAKESHORE DEVELOPMENT

EXHIBIT 4
DATE 1-8-93
HB 30

**Final Report to the 53rd
Montana State Legislature**



**Prepared by the Environmental Quality Council
December 1992**

Amendments to House Bill No. 30
First Reading Copy

EXHIBIT 5
DATE 1-8-93
HB 30

Requested by Rep. Driscoll
For the Committee on Natural Resources

Prepared by Paul Sihler
January 4, 1993

1. Page 3, line 20.
Following: "permit"
Insert: "granted under this part"

LAKE COUNTY LAND SERVICES

PLANNING AND SANITATION

106 Fourth Avenue East
Polson, Montana 59860-2175
Telephone (406) 883-6211

EXHIBIT 6

DATE 1-8-93

HB 30

January 5, 1993

Chairman Dick Knox
House Natural Resources Committee
State Capitol
Helena, Montana 59620

Re: House Bill 30

Dear Chairman Knox:

My name is Jerry Sorensen, and I have worked as a planner for Lake County for the last 14 years. I have also been a member of the Flathead Basin Commission for the last 9 years.

House Bill 30 is a general revision to the Lakeshore Protection Act. It has been prepared as a result of the study required by HJR 17 which passed in the 1991 regular session. I fully support the revisions.

The original lakeshore statute was passed in 1975 to protect and conserve the lakes in Montana because they are important to the continued value of lakeshore property as well as to the state's residents and visitors who use and enjoy the lakes. Lake County was the first local government to adopt regulations pursuant to the law, and in my time with the county I have overseen approximately 2000 permits, mostly on Flathead Lake.

To an extent, the law has worked well and met its objectives. However, a major feature of the law is to protect water quality. Within the context of the existing definition of lakeshore being 20 horizontal feet from high water it is not meeting this goal. An increasing problem with water quality in Flathead Lake is the increase in run-off from residential development. The proposed change in H.B. 30 defines the lakeshore as the land within 50 feet of highwater. This provides a much more functional area to manage erosion and run-off near the lake. The change is not a prohibition of construction within the lakeshore but will give local government the ability to ensure that work done within 50 feet of a lake is accomplished in a manner that will not impact water quality.

I also support the other changes proposed in the bill.
Representative Driscoll and the EQC have done a good job
evaluating the lakeshore stature and H.B. 30 represents a
positive approach to lakeshore and water quality protection.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jerry Sorensen".

Jerry Sorensen
Planning Director

cc: Representative Jerry Driscoll
Representative John Mercer
Representative Ray Brandewie
Representative Ervin Davis
Senator Ethel Harding
Senator Jeff Weldon

FLATHEAD LAKERS INC.

— A Non-Profit Corporation of Flathead Lake Residents —

P.O. Box 290, Polson, Montana 59860

January 5, 1992

EXHIBIT

DATE

HB

7

1-8-93

30

Representative Dick Knox
House Committee on Natural Resources
Capitol Building
Helena, MT. 59620

Dear Representative Knox,

I am writing this letter on behalf of the Board of Directors of the Flathead Lakers to indicate support of House Bill No. 30 relating to lakeshore protection.

The Flathead Lakers is a citizen organization that was organized in 1958 and is dedicated to the ecological protection of Flathead Lake and to the preservation of its high water quality and its outstanding aesthetic beauty. Its membership is open to anyone who is concerned with protecting and improving the environment of the Lake. Its present membership list of approximately 700 individuals and businesses makes it one of the largest lake protection groups in North America.

On October 16th and 17th, 1974, the Lakers organized public meetings in Helena and Polson to provide information on a bill that would "require and facilitate planning for areas which have unique and fragile natural characteristics" and would have made it possible for the Lakers to "do our own planning and zoning through Lake and Flathead Counties." Although that bill apparently did not pass, our concern for lakeshore protection has remained consistent over the years and is why we are supportive of the proposed bill.

The definitions, as provided in 75-7-203, of a lake, the high water elevation and local governing body are needed. We strongly support the provisions that give local governing bodies authority for lakeshore protection and for providing these bodies with judicial enforcement and civil penalties. It is hoped that the creation of lake advisory committees will encourage the development of lake protection groups throughout the state.

We also strongly support the provisions for penalties for violations and for defining the lakeshore as 50 horizontal feet from the high water elevations. We recognize that the sources of pollution to lakes are many but it is our understanding that research on water quality in lakes consistently points to the need for adequate buffer zones between the lake and land activities and development. We all live downstream!

We urge a "do pass" recommendation on House Bill No. 30.

Sincerely yours,

Dick Wollin

Dick Wollin
President

FLATHEAD BASIN COMMISSION

EXECUTIVE DIRECTOR
OFFICE OF THE GOVERNOR
CAPITOL STATION
HELENA, MT 59620
(406)444-3111

723 FIFTH AVENUE EAST
KALISPELL, MT 59901

(406)752-0081

January 7, 1993

Mr. Richard Knox, Chairman
House Committee on Natural Resources
Montana State Capitol
Helena, MT 59620

EXHIBIT

DATE

HB

#8

1-8-93

30

Dear Chairman Knox:

The Flathead Basin Commission is a non-regulatory entity created by the Montana Legislature in 1983 to provide cooperative protection for the water quality, natural resources and environment of the Flathead Basin. The work of the Commission involves high level representatives of 14 federal, state and county agencies and 6 members of the general public. A high level appointee from the government of British Columbia provides liaison with that government. Decisions and recommendations are made by consensus. We appreciate this opportunity to comment on House Bill 30, the bill introduced at the request of the Environmental Quality Council to revise laws regarding lakeshore development. The bill comes out of an interim study ordered by the 1991 Legislature, which has had extensive public participation. The Flathead Basin Commission has been involved in it from almost the beginning.

Water quality is the principal component of the environmental quality which has become the engine that drives the economy of the Flathead.

Flathead and Lake Counties are currently engaged in land use planning activities to help guide the directions development takes, both near the water and away from it.

Lakeshore regulation in both counties and in concert with the Confederated Salish and Kootenai Tribes on Flathead Lake has been largely successful. State-of-the-art sewage treatment plants in place at Bigfork and other areas around Flathead Lake and those in late stages of planning and construction at Kalispell, Evergreen and Somers make a measurable difference in our water: witness our mostly still-clean lakes. Subdivision review, zoning and lakeshore regulations together bear the remaining brunt of maintaining Montana's special resources.

We have recommended that current lakeshore law be expanded to regulate development around large reservoirs. HB 30 does that. Any land use around any water has the potential to pollute, degrade, erode or otherwise impair water quality values and should be under the guidance of local governing bodies.

We have recommended that lakeshore protection extend to 50 feet horizontal distance from mean annual high-water elevation. HB 30 does that.

The Flathead Basin Commission urges passage of HB 30 in all its parts. To do otherwise is to risk losing something we can't get back.

Sincerely,

Elna Darrow

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Natural Resources COMMITTEE BILL NO. HB 3064
DATE 4/8/92 SPONSOR(S) DeRose
PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Janet Ellis	MT Audubon	✓	
CHRISTINE MANGIANTINI	League of Women Voters	✓ (HB 64)	
Brian McNitt	MEIC	✓	
Elizabeth Hemlich	MEIC	✓	
Don Allen	MWPA	✓	
Mike Volsky	MAED		

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

Natural Resources

BILL NO.

HB 69

DATE**SPONSOR (S)**

PLEASE PRINT

PLEASE PRINT

[illegible]

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