

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
53rd LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON NATURAL RESOURCES**

**Call to Order:** By **CHAIRMAN DICK KNOX**, on February 12, 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 379, HB 374, HB 264, HB 454, HB 457,  
HB 488 and HJR 11  
Executive Action: HB 350, HB 264, HB 379 and HJR 11

**HEARING ON HJR 11**

**Opening Statement by Sponsor:**

**REP. FRITZ DAILY, HD 69, Butte,** said HJR 11 supports mine waste cleanup as it relates to National Environmental Waste Technology Center (NEWTEC). These sites surround Butte and comprise

valuable tailings. The Berkeley Pit contains valuable resources such as 32 million pounds of copper and 100 million pounds of zinc aluminum and 27,000 ounces of silver totaling \$155 million. A letter from Senator Max Baucus urging continued support for NEWTEC was submitted as testimony. **EXHIBIT 1** Funding for NEWTEC will be generated by the Department of Energy, Environmental Protection Agency (EPA) and the Defense Department.

**Proponents' Testimony:**

**Russ Ritter, Montana Resources Inc.,** said HJR 11 will create an environment for new jobs. HJR 11 could solve problems with the Berkeley Pit, he said.

**Opponents' Testimony:** None

**Questions From Committee Members and Responses:**

**REP. SWANSON** asked **Don Peoples, NEWTEC,** when the facility will be constructed and operational. **Mr. Peoples** said NEWTEC is currently operational with construction beginning late 1993.

**Closing by Sponsor:**

**REP. DAILY** said HJR 11 is not a solution for Berkeley Pit problems.

**EXECUTIVE ACTION ON HJR 11**

**Motion/Vote:** **REP. GILBERT** MOVED HJR 11 BE CONCURRED IN. Motion carried unanimously.

**HEARING ON HB 488**

**Opening Statement by Sponsor:**

**REP. RAY BRANDEWIE, HD 49, Bigfork,** said HB 488 encourages better use of salvaged timber through development of a timber program.

**Proponents' Testimony:**

**Dale Williams, Whitefish,** submitted proponent testimony. **EXHIBIT 2**

**Tim Egan, Brand S. Lumber, Livingston,** told the committee state forested lands are losing growth. Downed timber, he added, is a fire hazard. **Mr. Egan** said he is working closely with the Department of State Lands (DSL) on forested sections needing timber management

**Don Allen, on behalf of Montana Wood Products Association,** said HB 488 will direct DSL to develop the type of program needed to

manage Montana's timber salvage program.

REPS. BIRD and WAGNER rose as proponents of the bill.

Opponents' Testimony: None

Questions From Committee Members and Responses:

REP. SCHWINDEN proposed an amendment to the bill. EXHIBIT 3

REP. SWANSON asked Jeff Jahnke, DSL, if the harvest mix includes both salvaged and green timber. Mr. Jahnke replied the salvage program is currently integrated.

REP. SWANSON asked Mr. Jahnke to explain the purpose of HB 488 given that DSL currently has a salvage timber program in place. Mr. Jahnke explained that HB 488 will provide further direction regarding the salvaged timber program.

REP. WAGNER asked legal counsel to prepare amendments relating to Title 76.

REP. RANEY asked Mr. Jahnke to explain changes in the current timber program with passage of HB 488. Mr. Jahnke replied passage of the bill will not change but will aid the current management of salvaged timber.

REP. WAGNER noted that additional legislation regarding salvaged timber will be introduced without cost to the general fund. Timber is Montana's most valuable resource, he added, with a substantial return on the investment.

Closing by Sponsor:

REP. BRANDEWIE closed on HB 488 by presenting a Volume and Collection Summary for salvaged timber, dated July 1, 1987 through January 15, 1993. EXHIBITS 4 and 5

#### HEARING ON HB 454

Opening Statement by Sponsor:

REP. RANDY VOGEL, HD 86, Billings, presented HB 454, an Act amending the Megalandfill Siting Act requiring solid waste companies moving to Montana to meet certain requirements.

Proponents' Testimony:

Jim Flisrand, on behalf of the city of Billings, told the committee the Billings landfill is operating safely, receiving approximately 200,000 tons of waste per year. EXHIBIT 6

Jon Dilliard, Department of Health and Environmental Sciences,

DHES, testified as a proponent of the bill.

Opponents' Testimony:

Richard Parks, Gardiner business owner, said additional solid waste tonnage transported to Billings is an insufficient reason to change the Megalandfill Siting Act. Forty percent of materials in landfills are compostable.

Dan Steen, on behalf of Montana Public Interest Resource Group (MontPirg), testified in strong opposition to the bill which, he said, will undercut the power of citizens. Many companies disposing of solid waste will not qualify for the definitions cited within HB 454, he added.

Questions From Committee Members and Responses:

REP. RANEY asked Mr. Flisrand to explain waste disposal improvements in Billings. Mr. Flisrand stated Billings has four waste disposal areas. The city, however, does not have a curb-side or sophisticated recycling program.

REP. RANEY asked Mr. Flisrand why the city failed to meet megalandfill regulations two years ago. Mr. Flisrand replied that guidelines were stringent.

REP. RANEY asked Mr. Dilliard to detail the Billings landfill. Mr. Dilliard said the Billings landfill is in compliance with current landfill regulations. Thus far, there has been no release of leache into the aquifer or the alluvium of the Yellowstone River.

REP. RANEY asked if the Billings landfill could presently meet current megalandfill criteria. Mr. Dilliard said some changes at the landfill could become more difficult for it to be in compliance in the future.

REP. TUNBY asked Mr. Dilliard how long the Billings landfill could remain useful. Mr. Dilliard said the landfill has adequate space until the year 2025.

Closing by Sponsor:

REP. VOGEL said thirty-one cents per ton is charged for disposal of waste in a landfill. Megalandfill costs are \$5 per ton. A large portion of the Billings landfill is made up of composted materials. He emphasized he did not advocate importation of out-of-state garbage.

Opening Statement by Sponsor:

REP. JOHN COBB, HD 42, Augusta, stated HB 264, which will reorganize the Department of Natural Resources and Conservation, DNRC, should be tabled. Budget recommendations for the bill are incomplete, he explained. EXHIBIT 6

Proponents' Testimony: None

Opponents' Testimony: None

Questions From Committee Members and Responses: None

Closing by Sponsor:

REP. COBB closed.

EXECUTIVE ACTION ON HB 264

Motion/Vote: REP. RANEY MOVED HB 264 BE TABLED. Motion carried unanimously.

HEARING ON HB 374

Opening Statement by Sponsor:

REP. DAVID EWER, HD 45, Helena, stated HB 374 enforces the Water Quality Act.

Proponents' Testimony:

Dan Fraser, Bureau Chief, Water Quality Bureau, DHES, said the bill will provide an opportunity to resolve water quality control issues, allow water quality conservation and education. The bill will also assess civil penalties. EXHIBIT 8

Mona Jamison, on behalf of the Mikelson Land Company, said HB 374 will avoid court litigation. If there are water quality violations, DHES can levy fines which will be less than potential court costs. HB 374 provides due process.

Jim Mockler, Montana Coal Council, said the Council supports the bill somewhat reluctantly. HB 374 is too open-ended.

Stan Bradshaw, Montana Trout Unlimited, testified in support of HB 374.

Leo Berry, attorney, Burlington Northern Railroad, said fines should be directed to the general fund rather than a special account.

Mike Pichette, on behalf of Montana Power, proposed an amendment to the bill. EXHIBIT 9

Brian McNitt, Montana Environmental Information Center (MEIC), testified in support of the bill.

Opponents' Testimony:

John Fitzgerald, on behalf of Pegasus Gold, said he has questions regarding the regulatory education program.

Questions From Committee Members and Responses: None

Closing by Sponsor:

REP. EWER said he closed.

HEARING ON HB 457

Opening Statement by Sponsor:

REP. STELLA JEAN HANSEN, HD 57, Missoula, told the committee 700,000 tons of lead from lead-acid batteries goes into Montana landfills yearly. HB 457 will decrease this flow and require retailers to post signs encouraging battery recycling. Amendments to the bill were presented. EXHIBIT 10 REP. HANSEN read a letter from the EPA encouraging the recycling of lead acid batteries.

Proponents' Testimony:

Brian McNitt, MEIC, stated the bill helps keep waste out of Montana landfills.

Jean Beaudoin, Chairman, Battery Council International, submitted proponent testimony. EXHIBIT 11

Montana Recycling and Billings Recycling Center representatives, testified in support of HB 457 as long as battery recyclers are not deprived of a recyclable commodity. EXHIBIT 12

James E. Leiter, Environmental Manager, BFI Waste Systems, Missoula, testified in support of the bill, favoring a legislative effort to prohibit disposal of lead acid batteries in solid waste managements systems. EXHIBIT 13

Opponents' Testimony: None

Questions From Committee Members and Responses:

REP. GILBERT asked Tony Tweetale to explain the consequences of battery disposal outside the 90 day requirement. Mr. Tweetale said most battery disposal can be accomplished in 90 days.

Jon Dilliard, DHES, said solid and hazardous waste storage requirements list at 90 days. Lead acid batteries that are intact are exempt from this ruling.

Closing by Sponsor:

REP. HANSEN stated HB 457 is a good environmental bill that should be passed with amendments.

HEARING ON HB 379

Opening Statement by Sponsor:

REP. ED GRADY HD 47, Canyon Creek, stated HB 379 will change current water quality standards. EXHIBIT 14

Proponents' Testimony:

John Fitzpatrick, on behalf of Pegasus Gold, told the committee there isn't a way to know if water quality standards are too low.

Gary Langley, Director, Montana Mining Association, testified in support of the bill.

Ted Doney, representing ASARCO, Inc., said HB 379 will help Asarco compete with out-of-state businesses.

Russ Ritter, Montana Resources Inc., rose in support of the bill and proposed changes to current water quality standards.

Opponents' Testimony:

Abe Horpestad, DHES, stated current water law should be based on effects not on detection levels. Lead levels cannot be detected, he noted.

Mona Jamison, Mikelson Mining Co., asked how the bill will affect Montana water resources. She noted the bill is capricious and subject to political whim.

Paul Hock, Helmsville, said a recent camping trip to the Bear Paw Mountains revealed water running almost red with a sign posted nearby stating that the water is unfit to drink. If these are current water quality standards, he said, lower standards are unacceptable.

Stan Bradshaw, MTU, stated the proposed amendment suggests Montana water should go to the lowest common denominator.

Bruce Farling, Clark Fork Coalition, said HB 379 is unnecessary and will not work. Stream studies will likely reveal that benefit uses are unprotected.

**Richard Parks, Northern Plains Resource Council (NPRC),** said NPRC concurs with previous proponent testimony.

**Robin Cunningham, Fishing Outfitters of Montana,** rose in opposition to the bill.

**Heidi Barrett, Cooke City,** said in order to uphold the current Water Quality Act, she will oppose HB 379.

**Jim Peaco, on his own behalf,** said HB 379 will adversely impact the Yellowstone River.

**Jim Barrett, Cooke City,** asked the committee to kill HB 379.

**Brian McNitt, MEIC,** said HB 379 is bad legislation.

**Beth Kaeding, Bear Creek Council,** said she could not support the legislation.

**Jean Clark, rancher, Sweet Grass County,** opposes the bill.

**Linda McMullen, rancher,** said water quality standards should not be lowered to detection limits. Costs of a water quality survey could exceed \$5 million.

**Farwell Smith, Big Timber,** noted lead levels in water adversely affect children. Mr. Smith said he strongly opposes HB 379.

**Sherman H. Janke, Bozeman,** submitted opponent testimony to the bill reminding the committee that HB 379 will allow for the unnecessary introduction of toxins into the state's water supply.  
**EXHIBIT 15**

**Questions From Committee Members and Responses:**

**REP. TOOLE** asked if there was a vast difference between harmful levels vs detection levels. He told the committee of his concerns that detection levels will be poor and inadequate.

**Mr. Horpestad** asked how federal and state standards compare. If the amendment to the bill is adopted, water quality could be altered to compare with water from a treatment plant.

**Closing by Sponsor:**

**REP. GRADY** suggested the committee look at the amendments before attaching them to the bill.

EXECUTIVE ACTION ON HB 350

Motion: REP. GILBERT MOVED HB 350 DO PASS AS AMENDED. EXHIBIT 16

Discussion: Treasure County Board of Commissioners, submitted opposition testimony to HB 350. EXHIBIT 17

Russell Huotari, Richland County, Office of Road, Bridge & Solid Waste Departments, urged the committee to evaluate the merits of HB 350 amendments in executive session. EXHIBIT 18

REP. GILBERT stated the amendments will allow the public to bid on 10%.

REP. RANEY questioned how the 10% could cover all impacts.

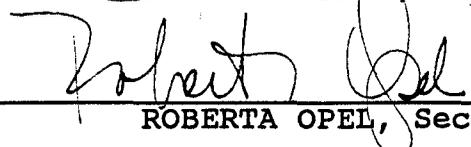
REP. GILBERT replied that 10% of grants are affected. This percentage will allow Whitefish and Missoula extra Coal Board grant monies.

Vote: HB 350 DO PASS AS AMENDED. Motion carried unanimously.

ADJOURNMENT

Adjournment: 6:50 p.m.

  
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DICK KNOX, Chairman

  
\_\_\_\_\_  
ROBERTA OPEL, Secretary

DK/ro

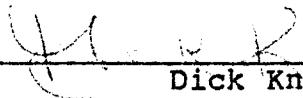


HOUSE STANDING COMMITTEE REPORT

February 15, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Natural Resources report that House Bill 350 (first reading copy -- white) do pass as amended .

Signed:   
Dick Knox, Chair

And, that such amendments read:

1. Title, line 6.

Strike: "PROVIDING THAT"

Insert: "LIMITING THE AMOUNT OF"

Strike: "MUST"

Insert: "THAT MAY"

2. Title, line 7.

Strike: "ONLY"

Strike: "DESIGNATED"

Insert: "NONDESIGNATED"

3. Page 3, lines 16 through 21.

Strike: Subsection (3) in its entirety

Insert: "(3) Except as provided in 90-6-205(5)(b), each year, the coal board may not award more than 10% of the funds appropriated to it for grants and loans to governmental units and state agencies for meeting the needs caused by coal development to local governmental units other than those governmental units designated under subsection (1)."

4. Page 4, line 24.

Following: "facility."

Insert: "However, local governmental units continue to be eligible for coal impact grants and loans in circumstances in which:

- (a) an impact exists in a community or area directly affected by the operation of a coal mine or mines; and
- (b) tax revenue is not available to mitigate the impact."

5. Page 4, line 24 through page 5, line 2.

Strike: "A" on page 4 line 24 through "facility." on page 5, line 2

Committee Vote:

Yes 0 , No      .

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HOUSE STANDING COMMITTEE REPORT

February 15, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Natural Resources report that House Joint Resolution 11 (first reading copy -- white) do pass .

Signed:   
Dick Knox, Chair

Committee Vote:  
Yes 10, No     .

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MAX BAUCUS  
MONTANA

WASHINGTON, DC  
(202) 224-2851

MONTANA TOLL FREE NUMBER  
1-800-332-8106

# United States Senate

WASHINGTON, DC 20510-2602

February 12, 1993

EXHIBIT 1  
DATE 2-12-93  
HB HSR 11

The Honorable Dick Knox  
Chairman  
House Natural Resources Committee  
Capitol Station  
Helena, Montana 59624

Dear Dick:

I am writing to support a Joint Resolution of the Senate and the House of Representatives recognizing and urging continued support for the National Environmental Waste Technology Testing Evaluation Center in Butte.

As Chairman of the U.S. Senate Committee on Environment and Public Works, I intend to put a great deal of emphasis on the development of Environmental Waste Technology and I think NEWTECC is right on track.

The Montana Congressional delegation and the federal agencies have provided increased financial and technical support for NEWTECC and it is important that they have support from the state of Montana.

Thank you for your consideration.

With best personal regards, I am

Sincerely,



MSB/slp

EXHIBIT 2  
DATE 2-12-93  
HB 488

NATURAL RESOURCES COMMITTEE

H.B. # 488

Mr. Chairman, Distinguished Members of the Committee,

I am here in support of the passage of H.B. 488 by this distinguished body. I am here in support, not just because it is another piece of legislation that has been introduced and requires your review, nor because it represents perceived interests of one group or another; I am here because it is right for the citizens of this great state to expect the legislature to insure priority through law that public policy will protect, preserve, and economically manage our forest resources to the reasonable advantage of its children, and citizens.

Born out of neglect, and nourished by the inability of interest groups to come to terms for the continued and timely harvest of our forest resource, it is fitting and proper that this bill delineates a policy placing the harvest of dead and down timber on equal footing with the sale of green timber.

With over 600,000 acres of State Forest under the direction of the Department of State Lands, it is critical to Montana that continued vigilance and persistence in the timely harvest of our dead and down timber to insure continued future supplies be immediately prioritized by that department. With some state forest offices being unable to reasonably execute green timber sales on a timely basis, the need for salvage harvests is growing at an unprecedented rate. The National Forest Products Association in an industry report suggested, "We have enough dead and dying timber on our national forests to cover the states of New Jersey, Maryland, and Delaware. Yet in 1991 we only treated an area slightly larger than the size of Rhode Island." The US Forest Service has reported that "In some states, like California, virtually every forested acre it manages has some type of forest health problem." It went on to list the highest risk areas in some eight states, and Montana was first on the list. It is reasonable to assume that the plague that rests within our national forests know no bounds, and the state forests must therefore be of immediate concern to us all.

My son represents a sixth generation Montanan. I by choice chose to stay in this state, having received a college education and returning to find employment in the financial field. I cannot help but be distressed when I see the loss of jobs that has taken place in the timber industry that supported my forefathers. Yet we are told that while the wood products jobs held their own in 1992--we can expect another 2500 jobs or over a 20 percent decline of jobs in the next decade. It is already estimated that we have lost over 30 percent of the timber related jobs in the last decade. Is it any wonder, that you have to wrestle with increased budgetary problems, when the tax base in this industry segment has steadily declined. Is it a surprise, that we now look at increasing educational funding problems when the land and its resources, dedicated to the public trust for the sole purpose of providing school funding is now in such disarray. Let us begin the process anew. Let us begin here and now to approach positively the implementation of a policy and direct the Department of State Lands to establish a priority policy plan

for the harvest of dead and down timber, on a timely basis.

The loss of jobs and wage revenues are staggering. The loss of 6,000 jobs in this industry at an average yearly income of \$25,000 translates into a direct wage loss of over \$150 million. At an average tax rate of 7%, the resulting loss to the general fund is placed at \$10.5 million. However, we all know that the economic impact of wages to a community must be multiplied by a minimum three times--therefore making the wage loss a whopping \$450 million and a general fund tax revenue loss of over \$31.5 million. Among your constituencies, what community would not welcome a share of a \$450 million resource venture. But the loss to schools is more frightening, not simply because of the loss of funding but far more importantly the segment of our population that is affected. Because of the priority placement of green timber sales that are being thwarted at an alarming pace, the lack of a consistent, steadfast program for the removal of dead and down timber has assisted in creating a vacuum of funding in our schools. The greatest harvest of dead and down timber over the past year has been in the gathering of wood for personal use. This is sold to the consumer on a \$10 wood permit or about \$10 a thousand board feet. The same wood product in most cases would bring the state, and the school trust fund, a \$150 a thousand board feet if salvaged on a timely basis. That's 15 times what we are earning now for the school trust. For every million board feet of timber we allow to go unharvested, including the diseased tree when left unchecked spreads that disease to its environment, including the blowdown which if left will be rendered useless inside of a two year span, we lose the ability to provide \$150 thousand of funding to our schools. Some industry experts place the total amount of dead and dying timber at a 12.5 million acre level. At an average of 1,000 board feet an acre which is unreasonably low at anyone's estimation that translates into a product worth nearly \$2 billion. And the simple fact is, there is hundreds of thousands of board feet on the ground or standing dead, not being utilized, not being sold for its highest and best use, not being used to the advantage of the trust, not being used to assist the taxpayers of this state in the support of educating our young Montanans. Isn't it time, here and now, to renew our commitment to providing the optimum advantage to our young through the wise management of our timber resource as called for by our Constitution, entrusted to the Department of State Lands, and as delineated in this bill.

Conservation is described as "planned management of a natural resource to prevent exploitation, destruction, or neglect". The new conservationism as called for as a result of this bill is not only in keeping with that definition, but the highest standard of environmental pragmatism. Salvage operations, generally by their very character are limited in scope, smaller in size, more easily monitored, less environmentally threatening, provides little displacement of wildlife, and ultimately encourages reforestation and growth of plants at a faster rate. Even the Second Review Draft of the Grizzly Bear Recovery Plan, Dated June, 1992 refer to salvage operations as a "minor activity" when discussing open road density's. Smaller operations may also promote actual job growth within the industry as it will be

financially sound for a small operator to actually be in business for himself with less financial liability from the necessity of not having to compete with large timber concerns, for a chance to bid on sales or receive permits. In other words, what may be economically unattractive to a large concern, may in fact be a very attractive way of life to a single family business.

Not addressed in this bill is the continuing plague of an allowed appeal process which stagnates the industry, singularly focus's our Department of Land employees, and results in mounds of paperwork (made out of the very product that is not being harvested due to this process) being amassed on individual sales that has had the affect of halting the orderly harvest of millions of board feet of green timber, much of it now literally rotting away. It is too bad, that the parties to whom a 29 cent stamp is equivalent to , a child's education, a families livelihood, or a communities well-being are not held accountable for the loss of revenues suffered as a result. The Department of State Lands must hold accountable those stalling the orderly process in the same manner that any of us would be held accountable for our actions, where the loss of revenue is an obvious result of deteriorating timber stalk.

The old proverb, "An ounce of prevention is worth a pound of cure" is certainly appropriate when discussing this topic. Both government and forest industry experts acknowledge that the problem of dead and down timber, having reached epidemic proportions now require infusion of millions of dollars not only to repair what is lost but to strengthen what remains. Quite frankly it is millions of dollars that Montana does not have, nor its citizens; but we do have the opportunity to prioritize the harvest, not only to benefit economically, but to begin the healing process, and to insure a viable supply for generations to come. Under the budgetary crisis this state finds itself in, why would we not want to use an established revenue source? What we will ultimately face in retrospect, in the years to come, is whether in looking back at this juncture, to this place, at this time, we had the courage and the wisdom to begin a new age of conservationism dedicated to the wise use of our living resource, or whether our inaction perpetuates the policy of waste and neglect that exists today. We cannot subordinate one facet of our forest management to another. At a time when the sale of green timber has been reduced to the numbers we now live with, or pending sales are stalled in litigation, we cannot overlook the fact that timber dies, blows down, and its limited life expectancy under these conditions is a mandate for action. Equal consideration and forceful direction must be given to the sale of dead and down timber. We have a brief moment in time to utilize the ill's of our state forests to bring about the best of our management skills. Let us now dedicate that moment in time to the establishment of a consistent salvage program for Montana forests, for our people, for our children.

Respectfully submitted 02/12/93  
Dale W Williams  
243 Goat Tr  
Whitefish, Mt. 59937

M, 55041.12N 12/2/92

# Infirm forests

## Deteriorating forests need man's help to heal, industry reports

By **SCOTT SONNER**  
Associated Press

WASHINGTON — Congress must spend 25 percent more on national forest rehabilitation to counter years of cost-cutting that have left the trees susceptible to insects, disease and wildfire, an industry report said Tuesday.

The National Forest Products Association suggested a \$35.5 million increase next year to help regenerate 12.5 million acres of dead and dying trees the Forest Service has identified on national forests, mostly in the West.

"We have enough dead and dying timber on our national forests to cover the states of New Jersey, Maryland and Delaware. Yet in 1991 we only treated an area slightly larger than the size of Rhode Island," NFPA Vice President Frank Gladics said.

"We must invest in forest health before epidemics and wildfires occur," the report said.

The report is based on a pending Forest

**'We have enough dead and dying timber on our national forests to cover the states of New Jersey, Maryland and Delaware.'**

— **Frank Gladics,**  
**National Forest Products Association**

Service review of the status of its lands. The 12.5 million acres of dead, dying and burned timber represent a 1.5 million-acre increase from 1990.

Seven years of drought in the West have compounded the health problems, weakening trees and making them more susceptible to insects and disease. Also contributing to the problem are years of complete fire suppression on the forests, which has stalled natural cycles, the report said.

"Forests in eastern Oregon, where insects have devastated millions of acres, are a harbinger of forest-health problems to be faced in other western states," the report said.

"In some states, like California, the U.S. Forest Service reports virtually every forested acre it manages has some type of forest health problem," it said.

Some of the highest risk areas are in the intermountain region — Montana, Idaho, Wyoming, Colorado, South Dakota, Nebraska, New Mexico and Arizona, the NFPA said.

The group said Congress has reduced spending on the Forest Service's timber sale program by 40 percent over the last three years, "thus severely impairing the Forest Service's ability to complete preventative forest health maintenance."

"The Forest Service has done a poor job of informing the public and Congress of its growing forest-health problems. ... Prescribed fires, precommercial thinning and even logging represent the most cost-effective tools available."

**FIRE EXPERTS SAY WEST WILL BE  
SCARRED BY FLAMES**  
article by IFIA



In a recent Wall Street Journal story, author Bill Richards points out that although 1992 was the fourth worst fire year in record in the western U.S. with 1.7 billion acres succumbing to flames, the worst fires may be yet to come. Referring to the Blue Mountain of northeastern Oregon, fire ecologist Dr. Boehne says, *This ground is going to burn just as surely as the tide is going to rise.* The Journal notes that the fires not only threaten valuable timber, but also will likely damage sensitive salmon spawning beds with resulting erosion and loss of shade cover.

Richards documents the danger to salmon, recalling that a relatively small 4500 acre fire in the Tanner Gulch area filled the Grande Ronde with *...scorched soil and tar and killed all the chinook salmon for 40 miles downstream.* The paper also noted that many environmental groups are on record as opposing salvage logging and fire control efforts. Andy Kerr, a well known forest management antagonist, is quoted saying, *The worst fire causes less ecological damage than the best logging.* Kerr's comments are balanced, in the story, by reference to a Northwest Timber Workers Resource Council ad, which urges forest managers to *Salvage the dead and dying timber, before time runs out.*

**IDAHO REPRESENTATIVE WRITES CLINTON**  
article by IFIA

Idaho State Representative Chuck Cuddy (D-Orofino) recently wrote a letter to President Bill Clinton describing the problems facing timber dependent communities in North Idaho. *The...issue revolves around the inability of the U.S. Forest Service to produce merchantable raw material for our industry. This is combined with a timber sales appeals process not being used as a delay tactic, even in the case of dead and diseased timber that, by any management standard, should be expeditiously removed.* Cuddy noted that in spite of the capability to produce over 150 million feet a year on a sustained basis, the Clearwater National Forest put up only about 20 million feet of timber 1992. *And a...projection...doesn't offer relief for 4-6 years in the future.*

EXHIBIT 2  
DATE 2-12-93  
HG 488

## Lost Silver timber sale clears regional hurdle

By BEN LONG  
The Daily Inter Lake

When the fight over the Lost Silver timber sale started several years ago, no one except foraging moose gave much thought to Pacific yew.

But now, yew is the latest bone of contention between the Forest Service and environmental activists opposing the hard-fought timber sale in the Swan Crest.

Those activists say Forest Service logging plans go against the agency's obligation to conserve yew trees, the bark of which has recently been developed as a cancer-fighting drug.

Six conservationist groups, and one independent activist have several other gripes about the sale. They took their complaints, in the form of six formal appeals, to the regional forester in Missoula. Recently, the regional forester rejected each appeal, upholding Flathead Forest Supervisor Joel Holtrop's OK of the logging plan.

But, The Swan View Coalition, Keep It Wild and the Montana Wilderness Association say they'll sue over the sale.

Opponents protest the logging of 8.1 million board feet of timber just west of the Hungry Horse Reservoir, saying some trees would come out of roadless areas, and the resulting clearcuts would destroy grizzly bear habitat and old growth stands. But timber mills hungry for logs would welcome the sale — the 8 million board feet equals about half the timber sold in 1992 on the Flathead National Forest.

The Montana Wilderness Association and the Swan View Coalition have threatened to sue over the logging plan, and the Swan View Coalition has asked the

chief forester in Washington D.C. to intervene.

But the most recent issue has been the plan's treatment of yew, the shrub from which taxol is extracted.

Keith Hammer, of the Swan View Coalition, compares the yew harvest with the bison slaughters of the 1800s, when the beasts were shot only for their hides. Only the bark is stripped from the shrubs; the rest is left on the forest floor.

The Forest Service could harvest the bark without killing the shrubs and could better use the foliage and heartwood, Hammer says.

Federal law requires the Forest Service to conserve yew, but the Lost Silver plan calls for "broadcast burns" of clearcuts, which wipe out yew, Hammer said.

But Warren Illi, Flathead timber officer, says the forest is trying to meet the demands for medicine, and protect the resource.

Hammer overstates the damage of fire, Illi says. The technology doesn't yet exist for squeezing taxol from wood and needles.

"It's beyond the capacity of the Flathead National Forest to turn that around," he said.

The logging plans call for 93 acres of adjacent cutting units. Hammer says that is equal to a giant clearcut, which will destroy grizzly habitat as prohibited by the Endangered Species Act.

At a recent panel discussion on timber, Holtrop said he will review the latest studies on logging's impact on grizzlies, as well as the federal Yew Protection Act, to see how they apply to Lost Silver.

12/17/92

Daily Inter Lake

## Researcher says wood industry's still in big trouble

MISSOULA (AP) — Although employment and production at Montana's wood products plants during the third quarter shows stability, University of Montana researcher Charles Keegan says the long-term outlook for the industry is poor.

Keegan is director of UM's Bureau of Business and Economic Research, which cooperates with the Montana Wood Products Association in compiling

Missoulian, Friday, December 18, 1992

## TANA

figures on 29 plants that produce more than 90 percent of the state's wood and paper products.

Montana's estimated lumber production was 356 million board feet in both the second and third quarters, Keegan said.

Plywood production was down from 174 million square feet in the second quarter to 169 million square feet in the third.

Compared with 1991, there were 260 more production workers and an \$11 million increase in production payrolls, Keegan said.

There were 4,414 production workers in the third quarter this year, compared with 4,419 in this year's second quarter.

Keegan said limited timber availability make increases unlikely in employment or production.

# State could lose 2,500 timber jobs

HELENA (AP) — Montana may lose up to 2,500 timber-related jobs in the next 20 years, chiefly because of dwindling timber supplies, according to preliminary figures from a study by state and federal foresters.

That would be more than 20 percent of the approximately 11,000 such jobs in the state.

Foresters with the University of Montana, the U.S. Forest Service and the Department of State Lands have been working on the study since January 1991 and expect to complete it early in 1993.

Pat Flowers, chief of the state agency's Forest Management Bureau, said the supply of timber to feed Montana's mills is predicted to decline as much as 25 percent by the year 2010 because of "policy issues" on public lands and a lack of mature timber on private lands.

Timber companies have harvested their private holdings "fairly aggressively" for the past

two decades, he said.

The amount of timber available from public lands will be reduced by habitat protection for endangered or threatened species, concerns about cumulative impacts, and appeals and litigation of proposed sales, he said.

Gary Hegreberg, executive vice president of the Montana Wood Products Association, said private timber has been harvested so aggressively because the Forest Service has failed to meet congressionally mandated timber targets on federal lands.

He noted that most of Montana's timber is on federal land, so as less of it becomes available, pressure on private lands increases.

Not so, said Jim Jensen, executive director of the Montana Environmental Information Center in Helena.

Timber companies have "butchered" their private hold-

ings because of greed and favorable tax laws during the Reagan-Bush administrations, in his view.

"They looked at trees as standing assets to be liquidated," Jensen said. "Now that they have irresponsibly mined the timber on their lands, they want public lands open to the same behavior."

Date the foresters have gathered indicate the reductions will come at a time when more timber is being grown in the state than is being cut.

Because growth will exceed cutting through 2010, they predict that supplies will decline significantly in the next five years, then stabilize as more of the returning forests mature.

Flowers said that stage should recover about 600 of the lost jobs.

Hegreberg disputed talk of shortages.

"There is plenty of timber available," he said. "The problem is getting access to it."

Timber audits

Mission  
12/2/92

Twice Lake  
12/1/92

# Logging practices improve

KALISPELL (AP) — Montana timber operators scored higher in almost every category in the state's third audit of how well they're complying with voluntary environmental guidelines.

Six teams of specialists checked 46 logging sites on federal, state and private forest lands throughout Montana.

The guidelines, called best management practices, are primarily designed to protect water quality. They recommend methods for building roads, leaving streamside buffers, skidding logs and other logging tasks.

The audit teams looked at five logging areas on state land, 16 each on federal and corporate lands and nine in non-corporate private forests. This year's audit was the third in the six years since the standards were drawn up. The last one was in 1990.

The final report is yet to come, but forester Jim Schultz of the Department of State Lands said logging practices met or exceeded the standards 87 percent of the time, up from 78 percent in 1990.

Non-corporate, private logging generally had the worst record, he said.

He said auditors this year found 90 percent of logging sites had "adequate" protections. The 1990 figure was 80 percent.

However, 20 of 46 logging sites, or 43 percent, had "major departures" from standards. That was an improvement over 1990, when it was 27 of 44 sites, or 61 percent.

"High-risk" logging practices, those more likely to damage streams, met standards 72 percent of the time. In 1990, it was 53 percent.

The average number of "impacts" per logging site this year was 4.6, down from eight in the last audit.

The audit teams had six members, including a hydrologist, forester, fisheries biologist, engineer, soil scientist and a representative from a conservation group.

Teams pick logging sites that were within 200 feet of a stream, covered at least five acres and included at least 7,000 board feet of timber. The areas were logged between 1990 and 1992.

EXHIBIT 2

DATE 2-12-93

HB 488

# Wood-products jobs held their own in '92

By JIM LUDWICK  
of the Missoulian

Employment in the wood-products industry in Montana was stable last year, even though the timber harvest was 8 percent below the average of the late 1980s.

Charles Keegan, an economist who specializes in the forest industry, offered several reasons why Friday during a seminar sponsored by the University of Montana's Bureau of Business and Economic Research.

There was an increase in the importation of timber from neighboring states, and it led to more timber being processed in Montana than was harvested here, Keegan said.

Prices were a factor. When they get more for their products, employers are encouraged to use more

labor. And because of higher prices, there was a harvest of timber that previously had been considered unrecoverable. Some of this timber does not show up in the harvest statistics, according to Keegan.

New forest practices often involve more labor-intensive logging operations, he said.

Furthermore, there was additional secondary manufacturing and employment, partly due to increased construction activity in Montana.

"Overall employment didn't decline at all, with an 8 percent decline in harvest," Keegan said.

"Revenues for timber owners have increased considerably. Timber sellers have been receiving much more for their timber," he said.

"The economy is going to improve. That should

(See WOOD, Page B-3)

## Wood

(continued)

increase construction activity. We should see prices pushed higher for wood products," he said.

In the long run, Keegan said, the bureau continues to project a significant decline in wood-products employment during the 1990s. But he said he could not be specific about the Missoula area, because "there are too many uncertainties."

Keegan's presentation was part of an annual seminar on the economic outlook. The seminar is being held at cities throughout Montana.

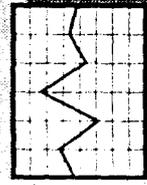
Here are some of the points that were made about other industries:

- Employment in non-fuel mineral mining has decreased during the last two years, but mining should rebound as the nation's economic recovery continues. In the short run, however, "metal prices will remain soft. Although we've had a turnaround in the national economy, we really haven't had a recovery in the types of industries that use industrial metals," said Larry Swanson, the bureau's director of economic analysis.

- Cattle producers will see a further decline in prices during 1993. Cattle prices were relatively high in the late 1980s, but herds were still rebuilding from an

earlier decline in numbers, and it limited the ability of Montana producers to benefit when times were good. "We just don't have the cattle numbers out there to respond to relatively good prices. It's kind of a tough situation," said Swanson.

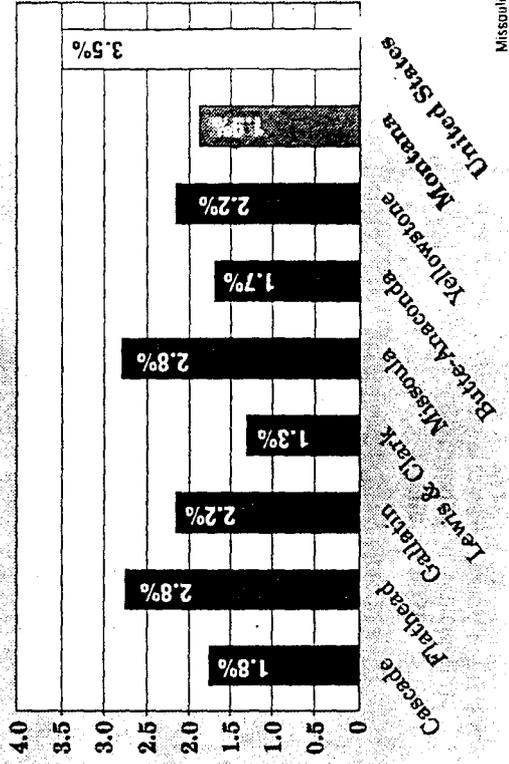
- The tourism and recreation industry continues to grow. Nationally, a 5 percent increase in domestic travel is forecast for 1993, according to Steve McCool, director of the UM Institute for Tourism & Recreation Research. "The number of non-residents to Montana increased to about 6.4 million in 1992. We've estimated the spending levels at about \$900 million. This represents an increase of 8.7 percent," McCool said.



## LOCAL AREA FORECASTS

Projected nonfarm labor income, average annual growth rate, 1992-1995.

Annual percentage change in constant dollars:



Sources: The WEA Group, and Bureau of Business & Economic Research, Economics-Missoula, The University of Montana

EXHIBIT 2

DATE 2-12-93

HL HB 488

# GRIZZLY BEAR RECOVERY PLAN

Second Review Draft  
June 1992

(Original Approved: January 29, 1982)

Prepared by: Dr. Christopher Servheen  
Grizzly Bear Recovery Coordinator  
U.S. Fish and Wildlife Service  
Natural Science 312  
University of Montana  
Missoula, Montana 59812

Approved:

\_\_\_\_\_  
Regional Director, U.S. Fish and Wildlife Service

DATE: \_\_\_\_\_

It is important that the open road density standard be maintained throughout the recovery zone in order to assure adequate habitat and distribution of bears. The open road density standard should be applied within all compartments throughout all grizzly bear recovery zones. Areas within designated wilderness should not be included within compartments used to calculate open road densities.

**CURRENTLY UNROADED AREAS:** Remaining unroaded areas (as per the unroaded area definition in Forest Plans) within recovery zones can and often do provide important refugia for grizzlies and other wildlife such as elk, and should be considered especially sensitive to further road building. Any unroaded land represents important and unique opportunities to assure adequate habitat and security for grizzly bears and other resource values such as watershed and big game security. Management should seek to maintain these areas as unroaded wherever possible. It is recommended that the road density standard for previously unroaded areas (those areas currently managed as "roadless" under existing forest plans) be less than 0.75 miles of open road per square mile where roading is absolutely necessary. It is further recommended that all new roads in previously unroaded areas (those areas currently managed as "roadless" under existing forest plans) be closed to non-official use during the activity, be of low standard, and be obliterated and replanted after management activities are completed.

**MAJOR AND MINOR ACTIVITIES:** The open road density standard of less than 1.0 mile/square mile should not be exceeded in compartments or analysis areas (usually 5,000 to 15,000 acre units) during major activities. In some instances the standard may be exceeded during a major activity, however access should be limited to administrative use and such use should occur behind closed gates. If the standard is exceeded, then the active period should be no longer than 3 consecutive years in duration and will be followed by 7 consecutive years of no major activities within that compartment. For each compartment within which a major activity is taking place, it is required that an adjacent security compartment be present in

which no major activity is taking place. Security compartments should be between 5,000 and 15,000 acres encompassing second or third order drainages where possible, and be fixed in location during the duration of the major activity. Minor activities in security compartments must be of less than 30 days duration and should occur within a seasonal time frame in which bears should not be expected to be using the area. Open road density standards should not be exceeded in these security compartments.

Some examples of major activities are timber harvesting, road construction, decking, and loading. Examples of minor activities include timber stand exams, site preparation, thinning, tree planting, berry picking, and small salvage sales. The transporting of logs through compartments that do not have current major activities is not considered a major activity. Exceptions and additions to the activities listed above should be based on the biological decisions of biologists involved in writing environmental assessments. Section 7 consultation between the land management agency and the U.S. Fish and Wildlife Service is required whenever a major activity is planned within grizzly bear recovery zones.

**CALCULATION OF OPEN ROAD DENSITY:** Current calculation of road density involves dividing the compartment area by the number of open miles of road in the compartment. The CEA process has the ability to calculate the percent of the habitat removed from effectiveness for bears through the use of the quarter mile influence zone along open roads. Where such CEA calculations are possible and they can be demonstrated to be equivalent to the open road density standards of 1.0 mile per square mile (or 0.75 on the Kootenai National Forest) these CEA-based systems can be used in lieu of the road density standard. Demonstration of equivalence shall be made through the Section 7 review process.

When computer-based habitat monitoring systems using CEA (cumulative effects analysis) are implemented throughout all grizzly bear recovery zones, road density for each compartment

EXHIBIT 3  
DATE 2-12-93  
47. 488

Amendments to House Bill No. 488  
1st Reading Copy

Requested by Rep. Schwinden  
For the Committee on Natural Resources

Prepared by Todd Everts, Committee Staff  
February 13, 1993

1. Page 3, lines 1 through 3.

Strike: "The" on line 1 through "lost." on line 3

Insert: "The department shall, to the extent practicable, harvest  
dead and dying timber before there is substantial wood decay  
and value loss."

VOLUME AND COLLECTION SUMMARY FOR EMAN UNIT SALVAGE - FY88 TO FY93  
 JULY 1, 1987 THROUGH JANUARY 15, 1993

EXHIBIT 4  
 DATE 2-1-93  
 ROADS # 488  
 HB

| FISCAL YEAR         | NUMBER        | PURCHASER           | VOLUME            | STUMPAGE \$         | T.S.I. \$          | BRUSH \$           |                  |
|---------------------|---------------|---------------------|-------------------|---------------------|--------------------|--------------------|------------------|
| 1988                | 12060         | EVENSON, DAVID      | 123.24 MBF        | \$ 1,399.12         | \$ 1,355.64        | \$ 1,355.64        |                  |
|                     | 12103         | WILLIAMS, WARREN    | 160.09 MBF        | \$ 1,725.75         | \$ 1,760.99        | \$ 1,760.99        | \$ 41.62         |
|                     | 12148         | WILLIAMS, WARREN    | 167.98 MBF        | \$ 2,070.25         | \$ 1,847.78        | \$ 1,847.78        | \$ 43.67         |
|                     | 12150         | EVENSON, DAVID      | 116.49 MBF        | \$ 1,712.37         | \$ 1,281.39        | \$ 1,281.39        | \$ 30.29         |
|                     | 12210         | WILLIAMS, WARREN    | 131.48 MBF        | \$ 2,934.38         | \$ 1,446.28        | \$ 1,446.28        | \$ 34.18         |
|                     | <b>Total:</b> |                     | <b>699.28 MBF</b> | <b>\$ 9,841.87</b>  | <b>\$ 7,692.08</b> | <b>\$ 7,692.08</b> | <b>\$ 149.76</b> |
| <b>\$ 23.62/MBF</b> |               |                     |                   |                     |                    |                    |                  |
| 1989                | 12150         | EVENSON, DAVID      | 89.15 MBF         | \$ 951.72           | \$ 980.65          | \$ 980.65          | \$ 23.18         |
|                     | 12210         | WILLIAMS, WARREN    | 51.74 MBF         | \$ 975.54           | \$ 569.14          | \$ 569.14          | \$ 13.46         |
|                     | 12255         | WILLIAMS, WARREN    | 120.47 MBF        | \$ 3,635.20         | \$ 1,325.17        | \$ 1,325.17        | \$ 31.32         |
|                     | 12257         | R.B.M. LOGGING      | 53.63 MBF         | \$ 3,539.58         | \$ 589.93          | \$ 589.93          | \$ 13.95         |
|                     | 12258         | R.B.M. LOGGING      | 91.58 MBF         | \$ 6,007.65         | \$ 1,007.38        | \$ 1,007.38        | \$ 23.81         |
|                     | 12259         | ERNST, ED           | 111.07 MBF        | \$ 6,775.27         | \$ 1,221.77        | \$ 1,221.77        | \$ 28.88         |
|                     | <b>Total:</b> |                     | <b>517.64 MBF</b> | <b>\$ 21,884.96</b> | <b>\$ 5,694.04</b> | <b>\$ 5,694.04</b> | <b>\$ 134.60</b> |
| <b>\$ 27.68/MBF</b> |               |                     |                   |                     |                    |                    |                  |
| 1990                | 12248         | EVENSON, DAVID      | 76.74 MBF         | \$ 2,430.51         | \$ 844.14          | \$ 844.14          | \$ 19.95         |
|                     | 12257         | R.B.M. LOGGING      | 57.76 MBF         | \$ 3,812.15         | \$ 635.36          | \$ 635.36          | \$ 15.02         |
|                     | 12258         | R.B.M. LOGGING      | 217.04 MBF        | \$ 14,237.82        | \$ 2,387.44        | \$ 2,387.44        | \$ 56.43         |
|                     | 12259         | ERNST, ED           | 113.15 MBF        | \$ 6,902.15         | \$ 1,244.65        | \$ 1,244.65        | \$ 29.42         |
|                     | 12260         | FLATHEAD LUMBER     | 41.15 MBF         | \$ 2,139.80         | \$ 452.65          | \$ 452.65          | \$ 10.70         |
|                     | 12261         | SINGLE BUCK LOGGING | 684.46 MBF        | \$ 39,014.22        | \$ 7,529.06        | \$ 7,529.06        | \$ 177.96        |
|                     | 12262         | ROST, LEE           | 117.34 MBF        | \$ 1,173.35         |                    |                    | \$ 30.52         |
|                     | 12262         | ROST, LEE           | 276.32 MBF        | \$ 16,855.52        | \$ 3,039.52        | \$ 3,039.52        | \$ 71.84         |
|                     | 12299         | WILLIAMS, WARREN    | 113.23 MBF        | \$ 4,452.98         | \$ 1,245.53        | \$ 905.84          | \$ 29.44         |
|                     | 12313         | WARREN WILLIAMS     | 137.10 MBF        | \$ 6,183.09         | \$ 1,508.10        | \$ 1,096.80        | \$ 35.65         |
|                     | 12314         | EVENSON, DAVE       | 4.68 MBF          | \$ 64.33            |                    |                    | \$ 1.80          |
|                     | 12314         | EVENSON, DAVE       | 91.80 MBF         | \$ 5,895.00         | \$ 1,009.80        | \$ 734.40          | \$ 23.87         |

Br.

VOLUME AND COLLECTION SUMMARY FOR SWAN UNIT SALVAGE - FY88 TO FY93  
 JULY 1, 1987 THROUGH JANUARY 15, 1993

| FISCAL YEAR NUMBER  | PURCHASER                                | VOLUME              | STUMPAGE \$          | T.S.I. \$            | RAUSH \$            | ROADS \$            |                  |
|---------------------|------------------------------------------|---------------------|----------------------|----------------------|---------------------|---------------------|------------------|
| <b>\$ 73.77/MBF</b> |                                          | <b>Total:</b>       | <b>1,930.77 MBF</b>  | <b>\$ 103,160.92</b> | <b>\$ 19,896.25</b> | <b>\$ 18,869.86</b> | <b>\$ 502.60</b> |
| 1991                | 12319 JOHNSON, CLARENCE                  | 82.93 MBF           | \$ 5,046.42          | \$ 912.23            | \$ 663.44           | \$ 21.56            |                  |
|                     | 12330 WARREN WILLIAMS                    | 118.01 MBF          | \$ 7,687.70          | \$ 1,298.11          | \$ 944.08           | \$ 30.68            |                  |
|                     | 12337 WILLIAMS, WARREN                   | 105.08 MBF          | \$ 9,314.28          | \$ 1,155.88          | \$ 840.64           | \$ 27.32            |                  |
|                     | 12340 DROWN, FRANK                       | 50.67 MBF           | \$ 2,507.49          | \$ 557.37            | \$ 405.36           | \$ 13.17            |                  |
|                     | 12346 R. B. M. LUMBER                    | 123.14 MBF          | \$ 9,467.73          | \$ 1,354.54          | \$ 985.12           | \$ 32.02            |                  |
| <b>\$ 90.16/MBF</b> |                                          | <b>Total:</b>       | <b>479.83 MBF</b>    | <b>\$ 34,023.62</b>  | <b>\$ 5,278.13</b>  | <b>\$ 3,838.64</b>  | <b>\$ 124.75</b> |
| 1992                | 12336 EVENSON, DAVE                      | 77.26 MBF           | \$ 3,966.17          | \$ 849.86            | \$ 618.08           |                     |                  |
|                     | 12361 WILLIAMS, WARREN                   | 144.79 MBF          | \$ 10,897.49         | \$ 1,592.69          | \$ 1,158.32         | \$ 37.65            |                  |
|                     | 12389 HULETT, THOMAS                     | 146.49 MBF          | \$ 12,817.88         | \$ 1,611.39          | \$ 1,171.92         |                     |                  |
| <b>\$ 94.47/MBF</b> |                                          | <b>Total:</b>       | <b>368.54 MBF</b>    | <b>\$ 27,681.54</b>  | <b>\$ 4,053.94</b>  | <b>\$ 2,948.32</b>  | <b>\$ 37.65</b>  |
| 1993                | 1243 F.H. STOLZE LAND AND LUMBER COMPANY | 210.00 MBF          | \$ 46,210.50         | \$ 4,620.00          | \$ 1,050.00         |                     |                  |
|                     | <b>Total:</b>                            | <b>210.00 MBF</b>   | <b>\$ 46,210.50</b>  | <b>\$ 4,620.00</b>   | <b>\$ 1,050.00</b>  |                     |                  |
| <b>Total:</b>       |                                          | <b>4,206.06 MBF</b> | <b>\$ 242,803.41</b> | <b>\$ 47,234.44</b>  | <b>\$ 40,092.94</b> | <b>\$ 949.36</b>    |                  |

# Why burn a resource?

EXHIBIT 5  
DATE 2-12-93  
HE 488

For some time now, we have been hearing about appeals to proposed Forest Service tree harvest units. Let's examine the facts and see if "Pay me now or pay me later" applies here.

- The Helena National Forest has almost wall-to-wall timber. The actual percentages are 90 percent forested land and 10 percent non-forested land. Of the forested lands, roughly 75 percent is unavailable for commercial timber harvest consideration for various reasons such as wilderness areas, wildlife management, riparian habitat and others. Only about 22.5 percent of the Helena National Forest is allocated to timber management in the Forest Plan.

Ages of the timber stand on the Helena National Forest are as follows: 51 percent is more than 120 years old (or old); 24 percent is between 90 and 119 years old (mature); 14 percent is 40 to 89 years old (suitable for poles); and the remaining 11 percent is 0 to 39 years old (saplings). Seventy five percent of this timber is the fuel which feeds forest fires. This older age timber is also affected with bug infestation and winter kill.

- Many logging appeals and prompt suppression of most forest fires over the years have caused a critical to deadly situation which will lead to catastrophic forest fires. It is obvious that this has already happened.

- The Helena National Forest and other eastside forests have more trees and big game animals than at any time in our history. This is accepted by almost everyone.

- The fires on the Helena National Forest since 1984 have burned approximately half our public lands dedicated to a single use resource, such as wilderness or wildlife habitat, to the tune of 246,000 acres in the Canyon Creek Fire, 47,000 acres in the Warm Springs Fire, 17,000 acres in the North Hill Fire, and 32,000 acres in the Beartooth Game Range Fire.

- Harvest units and roads serve to slow down fires and to provide access to areas for fire fighting resources so that many fires can be suppressed without difficulty, loss of property and loss of life.

Since the accumulation of heavy fuels in our forests constitutes a critical and deadly fire scenario, it would seem wise to eliminate as much of this heavy old age fuel as possible. Since this older age timber is highly suitable for lumber, we would gain in this category also.

Preservationists advocated letting Mother Nature take care of this condition by chance alone. Mother Nature permits lightning strikes in young tree stands as well as the old and dying tree stands, enabling "let burn" fires to burn up young trees as well as old trees.

Preservationists believe in letting "natural" fires burn, instead of promoting the wise use of resources. These "natural prescribed fires" are fires started by lightning in certain areas, and permitted to burn. Does it really make any difference what the source of the fire was: Mother Nature or man?

We have seen the consequences of this policy. In one fire alone, the Canyon Creek Fire of 1988, 246,000 acres of scenic beauty including tens of millions of trees were incinerated. This is about six times the 44,000 acres harvested on the entire Helena National Forest since 1943. The suppression cost of this fire alone was well over \$10 million, an amount equal to the total spent on harvest prepa-



GUEST COLUMN  
Jim Haslip, Jr.

rations on the Helena National Forest for the past 60 years. Adding in the cost and loss of trees, the public received absolutely no benefit — only loss of untold quantities of renewable resources and the loss of many thousands of animals.

The 46,000 acre Warm Springs fire cost the taxpayer well over \$7.5 million, burned numerous buildings, and put many lives at risk. It is clear that it costs much more to burn these resources than to harvest them.

Fortunately, there are other alternatives for reducing this deadly hazard. Harvesting is one, and selective prescribed burning by trained forest managers is another.

The simple fact is that this large buildup of fuel, without alternative methods of removal of some of this fuel, including harvesting, is going to result in the loss of some of our subdivisions, with probably loss of life.

Folks, it is not a matter of if it will happen, but when and where it will happen. And be sure to thank your local preservationist when your house in the woods no longer exists. It is really too bad that the people advocating for these policies cannot be held financially responsible for their actions.

Unfortunately, some sportsmen's organizations have been taken over by people with an agenda which is actually harmful to the well-being of the game animals which they value. Appealing timber sales in old age or dead timber stands preserves a desert for big game animals. The old trees and downfall will not permit the animals to walk through, let alone permit enough open space and sunshine to grow grass and the other understory which is vital for their survival. And when it is lost to uncontrolled fire, the current ecosystem is lost for a century or more along with unacceptable erosion and siltation of streams.

Out of a total of 975,000 acres on the Helena National Forest, 723,500 acres or over 74 percent of the forest is off limits to harvesting. Yet, preservationists are protesting harvests on the remainder, at an average of \$8,000 each in cost to taxpayers to resolve. It is time that they had to forfeit funds of their own for frivolous appeals that are not upheld for good reason.

"Pay me now, or pay me later." If you read the fine print, the word "later" can be translated into infinitely more expensive costs, both in terms of property, resources and most probably, lives, with no benefit to mankind.

Jim Haslip Jr. of East Helena has been a fire aerial observer and air attack group supervisor for more than three decades for the U.S. Forest Service and Montana Department of State Lands.



# CITY OF BILLINGS

PUBLIC WORKS DEPARTMENT  
Administration Division

510 North Broadway-4th Floor  
Billings, Montana 59101  
Office (406) 657-8230  
Fax (406) 657-8252

February 9, 1993

House Natural Resources Committee  
Capitol Station  
Helena, MT 59624

RE: HOUSE BILL #454  
"AN ACT AMENDING THE MEGALANDFILL SITING ACT"

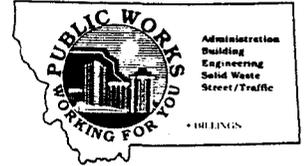


EXHIBIT 6  
DATE 2-12-93  
HB 454

Dear Sirs:

Today I am presenting testimony in favor of House Bill #454. I feel that there are very compelling reasons to pass this bill, some of these reasons are as follows:

1. During the 1991 Legislative Session, there was no magic involved with the 200,000 ton per year number. There was considerable discussion as to whether this would effect the City of Billings landfill or not. Through some erroneous information, several legislators had the impression that the City of Billings was sized at approximately 125,000 tons per year rather than the more accurate 180,000 tons per year.
2. The 300,000 tons per year would still accomplish the legislative purpose of assuring that a major solid waste operation moving into the state of Montana would have to meet stringent requirements.
3. The City of Billings landfill, which would be directly affected by this legislation, already has in place the necessary environmental and testing requirements that would be required under the Megalandfill Siting Act.
4. The passage of this act would continue the City of Billings ability to serve as a regional landfill in compliance with the State of Montana's longer range plans. The artificially imposed 200,000 per year cap could require us to not provide services to outlying communities.
5. The City of Billings landfill provides probably the best disposal method available for solid waste in the south central region of Montana. The site is able to be operated with basically no impact on the surrounding environment. If the usage of this site were cut back, it would create a situation where the solid waste of many other communities would have to be disposed of in what could be a less than ideal situation.

#### Background:

At the time the Megalandfill Bill was being debated in the 1991 Legislature, the City presented testimony that they felt they were near 180,000 tons per year annual usage. The City does not maintain a scale or weighing operation, so the volumes have been estimated through load counts of vehicles coming into the landfill. During the summer of 1991, the City experienced a major hail storm. This hail storm precipitated a major re-roofing boom for the City of Billings. Unfortunately, this re-roofing boom also created a large amount of solid waste which has been accepted at the landfill. Our load counts indicate that we may be very close to the 200,000 tons per year megalandfill cutoff point. In consultation with the State Solid Waste Bureau, we feel that the best way to avoid

problems in this area is to ask for legislative relief of the 200,000 tons per year. Since the State has not yet promulgated the Megalandfill Siting Act regulations, we are not assured that the administrative rules will exclude existing landfill operations or not. To assure that we do not have this problem, we are asking for legislative relief.

The City of Billings landfill provides service to all of Musselshell County and the City of Roundup, portions of Big Horn County, all of Carbon County and the incorporated communities within Carbon County, all of Stillwater County and the Town of Columbus, as well as all of Yellowstone County and the communities of Laurel and Broadview. Of the estimated 200,000+ tons per year coming into the landfill, we estimate that the City of Billings is generating 150,000 tons and the regional area that we are serving is generating the other 50,000 tons. Thus if we chose to provide service only to our citizens, we would, of course, not need the 200,000 ton cap increased. As responsible citizens, however, we do not feel that shutting off the landfill to our neighbors is a good solution to the solid waste management program in this region.

Since the last legislative session, the City has updated its long range master plan of the landfill operation and completed Hydrogeologic, Methane, Geologic and Run-Off studies. The technical results of all of these studies confirm our previous contention that the City of Billings landfill is operating in an environmentally safe manner. The technical reports show that there is no evidence that the landfill is impacting the uppermost water bearing unit beneath the landfill or is creating a methane air pollution problem for the area. Additionally, the programs that we have implemented assure that if, for any reason, this situation changed, we would be able to rapidly respond with any remedial actions that would be necessary. The City of Billings landfill site is rapidly becoming one of the best studied areas in the state of Montana and is continuing to prove itself as an extremely environmentally friendly site for a landfill operation. I have attached a copy of the Huntington Consulting Engineers Environmental Scientists Chen-Northern, Inc. Billings Sanitary Landfill Fact Sheet to this testimony. This report indicates that we are taking the steps that will be necessary to comply with the Federal Sub-Title D regulations for landfill operation and monitoring. We have targeted the Sub-Title D regulations since the State has not yet promulgated the rules and regulations to obtain primacy in this regulation.

I would be happy to answer any questions you may have on this subject.

Sincerely,



Ken Haag, P.E.  
Director of Public Works

KH:tlr

Attachment

## BILLINGS SANITARY LANDFILL FACT SHEET

- ◆ The City of Billings initiated geologic and hydrogeological investigations at the Billings Sanitary Landfill during 1978 (Henningson, Durham and Richardson, 1978). The first monitoring wells were installed at that time and groundwater samples were collected from the monitoring wells for laboratory analysis. The Billings Landfill was one of the first landfills in Montana to monitor groundwater conditions.
- ◆ Four new monitoring wells (DH-10, DH-11, DH-12, and DH-13) were installed at the landfill during 1984 (Northern Engineering and Testing, 1984). During 1985, the City of Billings began collecting and analyzing water samples from these wells on a regular basis.
- ◆ An operating plan was prepared for the landfill during 1990 (Damschen and Associates, 1991). Hydrogeological conditions at the landfill were further characterized in conjunction with preparing the operating plan. Recommendations were provided to the City of Billings regarding issues related to proposed Subtitle D regulations.
- ◆ In anticipation of the promulgation of Subtitle D regulations, the City of Billings contracted Chen-Northern, Inc. to implement recommendations contained in Damschen and Associates's report. From December, 1991 through April, 1992, Chen-Northern completed a hydrogeological investigation, a soil stability investigation, and installed methane monitoring wells at the Billings Sanitary Landfill (Chen-Northern, 1992). Four additional monitoring wells were installed at the landfill at that time.
- ◆ Information obtained during the hydrogeological investigation indicated that groundwater beneath the landfill generally flows to the north under a gradient of approximately 7%. This relatively steep gradient is indicative of low permeability water-bearing material. Slug-tests completed in monitoring wells at the landfill indicate the hydraulic conductivity of water bearing units range from  $1 \times 10^{-4}$  to less than  $1 \times 10^{-7}$  cm/sec.
- ◆ Groundwater samples were collected from seven monitoring wells at the landfill during April, 1992. The water samples were analyzed for an extensive list of parameters including inorganic and volatile organic compounds (parameters required by both Federal and State Rules). Conclusion related to groundwater quality data collected at the landfill include the following:
  - Background monitoring well DH-91-16 intercepts groundwater that is representative of groundwater at and downgradient of the landfill.
  - Nitrate in monitoring well DH-12 and cadmium in well DH-91-14 were the only parameters to exceed maximum contaminant levels for water samples collected during April, 1992. Nitrate concentrations have consistently been high in well DH-12 since it was installed during 1986. Because relatively high nitrate concentrations have not been measured in other monitoring wells located downgradient from the landfill, it is possible that the presence of nitrate in well DH-12 is attributable to other sources associated with the Blain Trailer Park (e.g. lawn fertilizers, sewage, etc.). Because only one background groundwater sample has been collected at the landfill, it is difficult to determine at this time whether cadmium in well DH-91-14 is related to the landfill.
  - All groundwater samples collected at the landfill for the period of record exhibit sulfate concentrations that exceed secondary maximum contaminant levels, including the sample collected from background well DH-91-16. The elevated sulfate concentrations are attributable natural sulfate minerals (i.e. gypsum) associated with the Frontier Formation.

EXHIBIT 6  
DATE 2-12-93  
HG 454

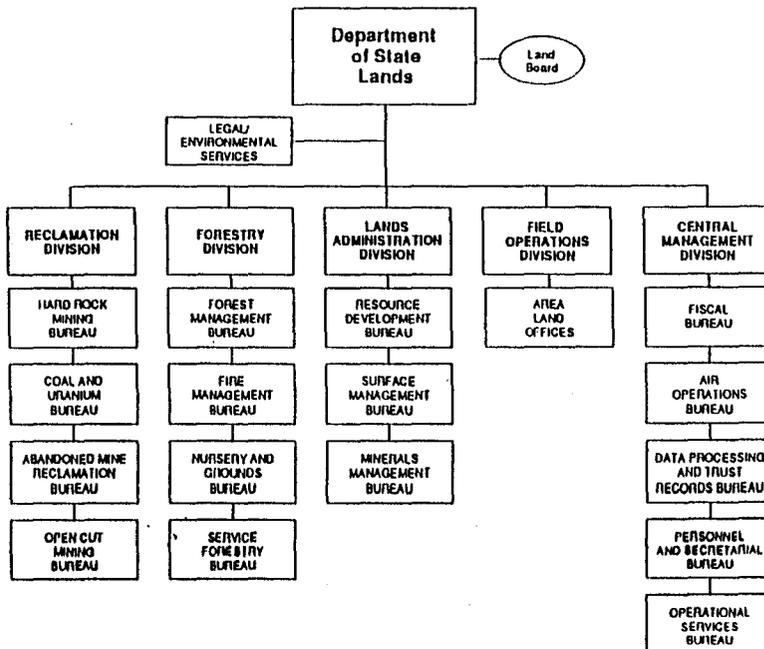
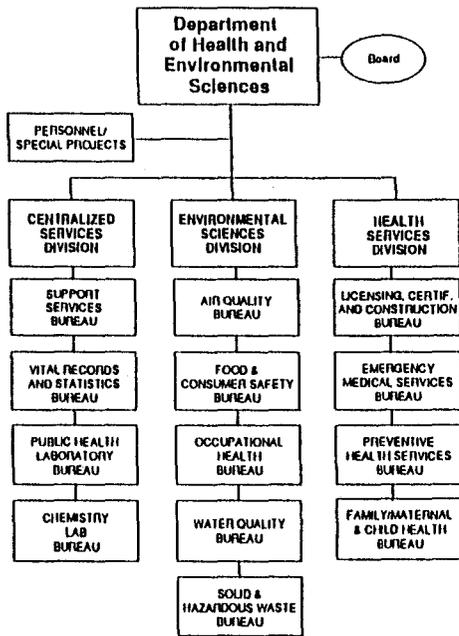
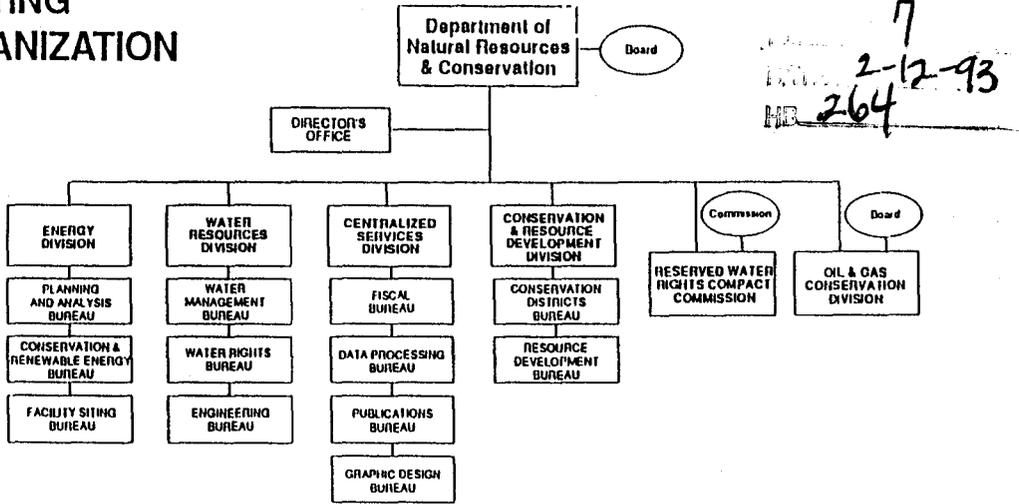
**BILLINGS LANDFILL FACT SHEET**  
**PAGE 2 OF 2**

- None of the groundwater samples collected at the landfill during April, 1992 contained volatile organic compounds (VOCs) at concentrations above their respective laboratory detection limits.
- ◆ Environmental data collected at the landfill by Chen-Northern do not indicate that the landfill is impacting the upper-most water-bearing unit beneath the landfill.
- ◆ Groundwater samples were collected from seven monitoring wells at the landfill during December, 1992 in compliance with State and Federal Regulations. Groundwater samples were collected in accordance with a state-approved Groundwater Sampling and Analysis Plan that was prepared for the City of Billings during the fall of 1992. The water samples are currently being analyzed.
- ◆ During December, 1992, the City of Billings contracted Damschen and Associates and Chen-Northern to design and oversee the construction of run-on and run-off control structures at the landfill in accordance with Subtitle D regulations. These structures are scheduled to be constructed during the summer of 1993.
- ◆ Chen-Northern is currently under contract with the City of Billings to complete groundwater sampling events at the landfill on a twice-year basis and perform methane monitoring at the landfill on a quarterly basis until June, 1994.

**REFERENCES CITED**

- Chen-Northern, Inc., 1992. Phase I Hydrogeological and Engineering Services. Prepared for the City of Billings Sanitary Landfill, Yellowstone County, Montana. September, 1992.
- Damschen and Associates, Inc., 1991. City of Billings Sanitary Landfill Analysis and Design. Prepared for the City of Billings by Damschen and Associates. February.
- Henningson, Durham & Richardson, 1978. Sanitary Landfill Study for City of Billings, Montana. March.
- Northern Engineering and Testing, 1984. Groundwater Monitoring Wells, City of Billings Sanitary Landfill. August 2, 1984.

# EXISTING ORGANIZATION



# PROPOSED RE-ORGANIZATION

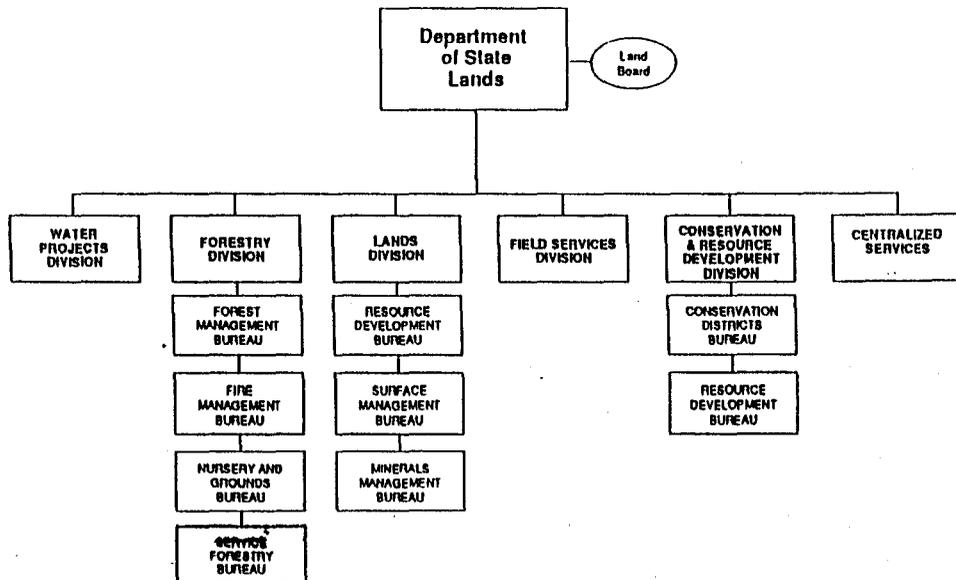
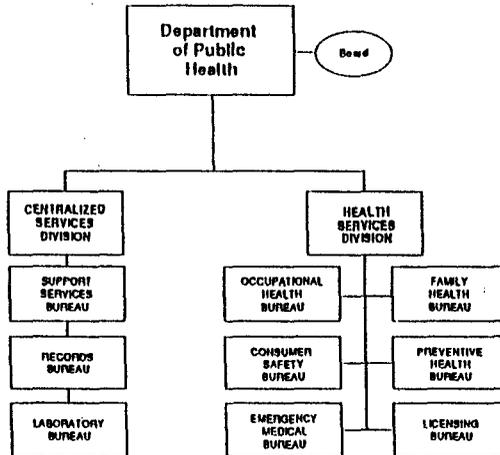
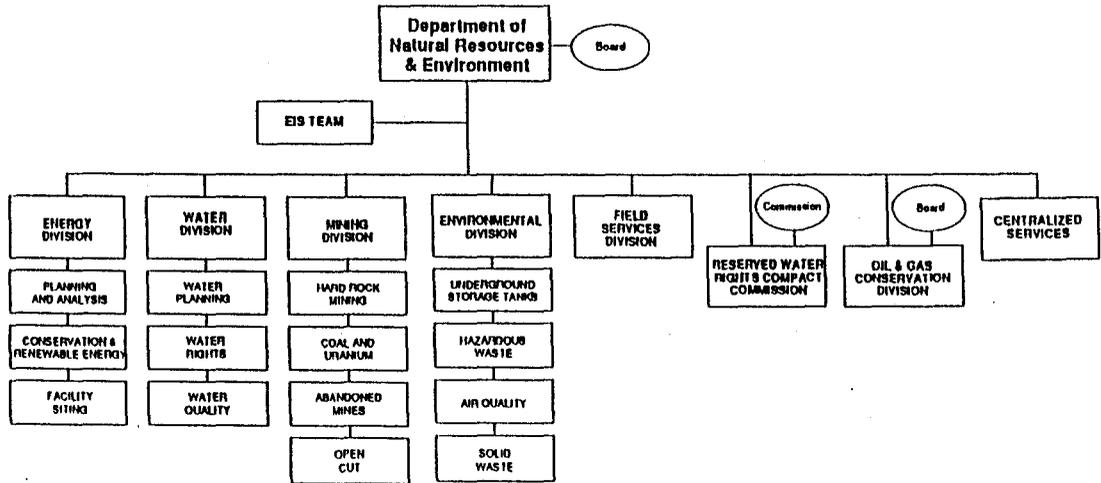


EXHIBIT 8  
DATE 2-12-93  
HB 374

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES'**

**TESTIMONY ON HB 374**

*I'm appearing today to inform the committee that the department supports bill no. HB 374. Passage of this bill will accomplish several important and unique amendments to the Water Quality Act. First, it will provide the department with the option to resolve water pollution control enforcement actions including penalty assessments, through administrative means, in addition to the present judicial options. It will add an administrative penalty assessment authority to the Act. Secondly, it will allow the Water Quality Rehabilitation Account, established by the 1991 Legislature, to be used for support of water pollution control and water conservation educational efforts. Thirdly, it will increase the amount of the civil penalty revenue collected under the Water Quality Act, which can be transferred for use in the Water Rehabilitation and Education Account from \$20,000 a year to \$50,000 per year.*

*The addition of administrative civil penalty authority to the Act will allow the department in a less resource intensive manner to resolve all issues, including penalty assessments no larger than \$10,000, involving cooperative defendants, through administrative procedures. This can be accomplished in most cases without necessitating the filing of lawsuits and the appearance of the parties in the district court system. Any administrative penalty assessment proposed by the department may be appealed, prior to payment, to the board and/or court, if that defendant determines the penalty is not appropriate. It's important for you to know that this provision continues to assure that all defendants have a right to their "day in court", if they choose, it just allows those who want to resolve the issues without court involvement to do so administratively.*

*Educational efforts provide great promise as long term tools for successful water pollution control and water conservation. This bill proposes to increase the amount of the penalty dollars already paid by violators of Montana's water pollution control requirements, which can be dedicated to the Water Rehabilitation Account, and then allow the use of that account, not only for emergency water pollution control measures, but*

*also for the support of educational efforts. This provision does not in any way increase the amount of any particular penalty assessed against a defendant, it simply allows a larger amount of the penalty dollars to be used in the Water Rehab Account and expands the areas of usage. After the annual contribution to the Water Rehabilitation Account, all additional civil penalty dollars collected by the department from violators of the Water Quality Act continue to be deposited into the state general fund.*

*As a final note, the department supports amendments proposed by the sponsor which correct an error in the original bill and eliminate the retroactive applicability date of October 1, 1992 in favor of the correct applicability date of October 1, 1993.*

*Dan L. Fraser 2/12/93*

**Dan L. Fraser, Chief  
Water Quality Bureau**

DATE 2-12-93  
HB 314

February 12, 1993

PROPOSED AMENDMENTS FOR HB 374  
REQUESTED BY THE MONTANA POWER COMPANY

1. Page 7, line 4.  
Following: "violation."  
Delete: "."  
Insert: ", provided, however, that the maximum penalty  
may not exceed \$100,000 for any related series  
of violations."

Amendments to House Bill No. 457  
First Reading Copy

Requested by Rep. S.J. Hansen  
For the Committee on Natural Resources

Prepared by Paul Sihler  
February 11, 1993

1. Page 1, line 13.  
Page 3, line 25.  
Page 4, line 2.  
Strike: "6"  
Insert: "7"

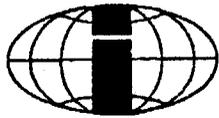
2. Page 2, line 9.  
Following: "(1)"  
Strike: "A"  
Insert: "Except as provided in subsection (4), a"

3. Page 2.  
Following: line 22  
Insert:  
"(4) A lead-acid battery that is attached to and sold as a component or part of a vehicle or other motorized equipment is not subject to the requirements of this section."

4. Page 3.  
Following: line 17  
Insert:

**"NEW SECTION. Section 6. Collection for recycling -- conditions.** Until July 1, 1994, a person who offers lead-acid batteries for retail sale or at wholesale shall accept, pursuant to [section 3 or 5], up to three used lead-acid batteries for each lead-acid battery sold."  
Renumber: subsequent sections

5. Page 3, lines 19 and 22.  
Strike: "5"  
Insert: "6"



**Battery  
Council  
International**

EXHIBIT 11  
DATE 2-12-93  
HB 457

WASHINGTON OFFICE:  
Weinberg, Bergeson & Neuman  
1300 Eye Street, N.W.  
Suite 1000 West  
Washington, D.C. 20005  
(202) 962-8585 / FAX (202) 962-8599

February 12, 1993

Via Facsimile

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

Dear Representative Knox:

I am writing on behalf of the Battery Council International ("BCI") in support of H.B. 457. The Bill, introduced by Representative Stella Jean Hansen on February 4, 1992, requires the recycling of lead-acid batteries and related measures. BCI has considerable interest in this legislation and requests that the following comments be read and placed in the record at today's scheduled hearing (before the House Natural Resources Committee) on H.B. 457.

Background

BCI is a nonprofit trade association whose members are engaged in the production of lead storage batteries for automotive, marine, industrial, stationary, specialty and commercial uses. BCI's members also include entities engaged in the reclamation and recycling of lead batteries once they are spent. BCI represents more than 99 percent of the nation's domestic lead battery manufacturing capacity and more than 84 percent of its lead battery recycling capacity.

BCI strongly supports legislation that mandates the recycling of lead batteries. To this end, BCI has developed model battery recycling legislation which has been promoted across the country since 1989 (see attached). BCI's model contains many of the elements included in H.B. 457. For instance, like H.B. 457, the BCI model prohibits the disposal of lead batteries in the solid waste stream, requires retailers, distributors, and manufacturers to take back used batteries for delivery to a recycling facility or secondary lead smelter, requires retailers selling new batteries to collect a \$10.00 deposit which is refunded if the customer returns a used battery, and requires point-of-sale notices to educate customers about lead battery recycling. Due in part to BCI's

Representative Dick Knox  
February 12, 1993  
Page 2

efforts, 34 states have enacted mandatory battery recycling laws that are substantially similar to BCI's model legislation.<sup>1/</sup>

### H.B. 457

As noted above, H.B. 457 is very similar to the BCI model and the legislation that has been adopted by 34 other states. Accordingly, BCI generally supports H.B. 457 and encourages its passage. There are, however, several minor, but necessary, amendments. There are as follows:

- revise the definition of lead-acid battery so that small sealed lead-acid ("SSLA")<sup>2/</sup> batteries are excluded from coverage;
- require that the Health and Environmental Sciences Department conduct a study on the recycling and disposal of SSLA batteries; and
- include an original equipment exemption.

Each of these suggested changes is described below.

#### A. Lead-Acid Battery Definition

The term "lead-acid battery" in H.B. 457 is defined to mean any "battery that consists of lead and sulfuric acid and that is used as a power source." Given this definition, all types of lead-acid batteries (AA size to automotive to industrial) are covered by the bill as proposed.

---

<sup>1/</sup> BCI's efforts, along with those of the state governments enacting recycling laws, have contributed to a lead-acid battery recycling rate in 1990 of 97.8% (U.S.). Smith, Bucklin and Associates, Inc., BCI 1990 National Recycling Rate Study (May 1992).

<sup>2/</sup> SSLA batteries are used in camcorders, laptop computers, hospital equipment and a variety of other consumer and industrial products. SSLA batteries are not normally used in vehicles, and only 1% of the lead used in batteries is put into small batteries. SSLA batteries weigh 25 pounds (11.3 kg.) or less and each one replaces hundreds of nonrechargeable batteries.

Representative Dick Knox  
February 12, 1993  
Page 3

EXHIBIT 11  
DATE 2-12-93  
H.B. 457

The existing recycling infrastructure, however, is designed principally to handle automotive, marine and larger type batteries. SSLA batteries, i.e., 25 pounds or less and used for non-vehicular purposes, present a unique set of circumstances which may require special management standards. As compared to automotive type batteries, which are sold by specific vendors such as service stations and auto parts stores, SSLA batteries are sold by a wide variety of vendors (electronics stores, toy stores, convenience stores, grocery stores, department stores, record shops, drug stores, hardware stores, etc.). Although likely unintentional, H.B. 457 would require that all of these lead battery vendors collect used SSLA as well as automotive lead-acid batteries. For this reason, BCI advocates that a study be conducted to determine the best way to recycle SSLA batteries, and that pending the outcome of this study these batteries be excluded from mandatory recycling requirements.

BCI is especially concerned that H.B. 457, as proposed, will cause SSLA batteries to be subject to the bill's \$10.00 deposit in-lieu-of trade provision. It is important to understand that the proposed \$10.00 deposit could exceed the purchase price of many SSLA batteries. This will discourage purchase of SSLA batteries. Indeed, SSLA batteries -- unlike automotive type lead-acid batteries -- compete in the marketplace against similarly priced non-lead batteries. The non-lead batteries, which are not subject to a deposit, could cost at least \$10.00 less than their lead counterparts. Thus, H.B. 457 creates a severe competitive disadvantage for SSLA batteries. BCI cannot support the placement of deposits on SSLA batteries because they have such a heavy, inequitable and unnecessary impact on "small" battery prices.

For the reasons stated above, BCI suggests that the following definition replace the existing lead-acid battery definition under Section 1.(2).:

- (1) The term "lead-acid battery" means "any battery that consists of lead and sulfuric acid and is used as a power source, except that this term shall not include a small sealed lead-acid battery, which means a lead-acid battery weighing 25 pounds or less, used in non-vehicular, non-SLI (starting, lighting and ignition) applications."

B. Study on The Recycling of Small Sealed Lead-Acid Batteries

As noted previously, SSLA batteries should be excluded from the mandatory recycling and deposit provisions of H.B. 457. Nevertheless, it is appropriate to develop tailored recycling programs for these batteries. The first step in the process is to study the various possible SSLA collection, recycling and disposal scenarios.

BCI therefore suggests that the following language be added to H.B. 457:

"(a) Within eighteen months after enactment of this section, the Health and Environmental Sciences Department shall conduct a study on the recycling and disposal of small sealed lead-acid batteries.

(b) Within twelve months after completion of the study required in paragraph (a), it shall be unlawful for any person to incinerate or place any small sealed lead-acid battery in a landfill.

Alternatively, since a number of states have laws requiring studies, Montana could defer regulation of SSLA batteries until completion of one or more of these studies. Thereafter, the appropriate recycling structure could be mandated in Montana. If you are interested in this approach, we would be happy to provide information on the states involved and help draft appropriate legislation language.

C. Original Equipment Exemption.

Deposits are intended to encourage the return of a used battery when a new, replacement battery is purchased. The same rationale for a deposit system does not necessarily apply in the context of original equipment purchase. While a consumer is likely to have a used battery to return when he or she purchases a replacement battery, a consumer not at all likely to have a used battery to return when purchasing a new car, new lawn mower, or other original equipment containing a battery. A deposit in the original equipment context would be a windfall to the retailers and unfair to consumers.

The state of Idaho exempts batteries sold as part of original equipment from the recycling law's deposit provision. BCI suggests that Montana consider adopting the language included in

Representative Dick Knox  
February 12, 1993  
Page 5

EXHIBIT 11  
DATE 2-12-93  
HB 457

the Idaho law as revised and quoted below. Idaho Code §39-7003(7) (1991).

"A person or entity who purchases equipment, including vehicles, which includes a lead-acid battery as a component part, is not subject to the fees in this chapter as long as the lead-acid battery is attached to and is a component part of said equipment or vehicle."

#### IV. Conclusion

As stated above, BCI wholeheartedly supports the intent of H.B. 457 and its provisions. Our comments are only meant to assure that H.B. 457, if enacted, will accomplish its goal to recycle lead-acid batteries without adverse affect.

BCI appreciates this opportunity to express its views and thanks you for your attention to the matter. If you have any comments or questions, please contact Kurt J. Olson of Weinberg, Bergeson, & Neuman, BCI's legal counsel, at (202) 962-8585.

Sincerely,

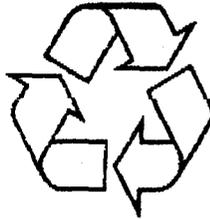


Jean M. Beaudoin  
Chairman  
BCI Environmental Committee

Attachment

# Billings Recycling Center

458 Charles St., Billings, MT 59101  
(406) 252-5721



MARK C. RICHLIN  
Vice President

Recyclers of  
Beverage Cans      Corrugated Cardboard  
Newspapers        Computer Paper  
Glass                Nonferrous Metals  
February 12, 1993

COMMENTS TO THE HOUSE NATURAL RESOURCES COMMITTEE

EXHIBIT 12  
DATE 2-12-93  
HB 457

This letter is a comment on House Bill 457, which is a bill requiring the recycling of batteries, placing a deposit on them, and prohibiting the disposal of them in landfills.

Automobile, truck, forklift, industrial phone and steel case batteries are a few of the items that Montana Recycling Inc. has handled in our 21 years of existence.

Generally, we do not support landfill bans because of consequences such as illegal dumping and "theft of Services" - people placing their garbage into other people's containers. However, because of environmental concerns, we feel it is desirable to eliminate batteries from the waste stream.

Montana Recycling Inc. would support this legislation if recyclers were not eliminated from the collection and marketing of batteries. Any recycling legislation should utilize the recycling industry that is already present in the state.

In regard to the deposit on batteries, we have mixed feelings. Deposit systems are costly to activate and maintain. There are also many other problems associated with deposit systems.

However, a battery deposit system could be used to create funding to cover the cost of administering this program. We would like to see the proposed deposit be controlled by the state, not the retailer. If controlled by the state, the retailer and recycler could each submit documentation to the state to collect the deposit. If the battery were not returned, the state could keep a portion of the deposit, and pass a percentage along to the retailer and recycler to cover costs of handling, warehousing and record keeping.

We at Montana Recycling Inc. could support House Bill 457, if battery recyclers were not deprived of a recyclable commodity.

Douglas C. Stewart

Montana Recycling Inc.  
806 W. Spruce  
Missoula, Montana 59802

Mark C. Richlin

Billings Recycling Center  
458 Charles St.  
Billings, Montana 59101

2 of 6

**Memo to:** House Natural Resources Committee  
Representative Dick Knox, Chairman

**Subject:** Comments on pending Subdivision Legislation  
before the 1993, Montana legislature

**Reference:** February 4, 1993 hearings on the subject  
legislation before the House and Senate Natural  
Resources Committees

Honorable Chairman and Committee Members:

I had the pleasure of participating in both hearings and during my brief testimony indicated I would follow that testimony with written commentary. As I also testified, it is crucial that we fix the loop holes in the current Subdivision and Platting Act. My comments reflect my own opinions as a private citizen and as a recently appointed member of the Whitefish City/County Planning Board. They are generic to all the proposed legislation and take the form of my recommendations.

In general I have found the current law reasonable and workable with the exception of the 3 exemptions focused on by everyone in the hearings.

#### **EXEMPTIONS**

**20 Acre:** After listening to all the testimony I can find no compelling reason to have an acreage based exemption at all, thus recommend eliminating it completely.

**Occasional sale:** I agree with all of those who propose to eliminate this exemption.

**Family Conveyance:** All the proposed derivatives of this exemption and the focus on "Agricultural Producers" vs others is confusing, potentially illegal and hard to administer. I would therefore recommend its elimination completely.

To address today's legitimate uses of particularly the Occasional Sale and Family Transfer Exemptions, I would streamline the process for minor subdivision review to minimize both the time and expense involved (discussed below).

**Mining Exemption (proposed):** Although the intent may be sound, I believe this exemption will open avenues of review avoidance that can and will be exploited thus it should NOT be added.

3 of 6

**Mortgage, Lien Exemption changes (proposed):** The proposed changes to the current Mortgage, Lien exemption should NOT be allowed as they appear to make it possible for nearly any parcel to qualify therefore creating more problems than solutions.

#### REVIEW PROCESS CONSIDERATIONS

**General Observations:** It has been my experience as a participant in the review process here in the Flathead Valley that it is working satisfactorily and does not need major surgery.

As a participant I would characterize the today's process as skewed in favor of development. We already have one of the most expeditious review cycles in the country; the development proposals are increasingly sophisticated and often accompanied with "expert" testimony: the local government staffs are often ill equipped to deal with Ph.D's in Hydrology, pesticide control, economics, traffic, etc.; as a result, that kind of developer input is often accepted without adequate examination. The public is even less equipped to deal with this sophistication given the time constraints of the approval cycle and the costs of acquiring the appropriate expertise.

As a new member of the local planning board I feel a compelling need to be objective and thorough and feel that the public interest is important, but just ONE of the inputs for consideration--the rights of the property owner are equally important. The "applause meter" so often mentioned in the hearings is not a serious influence in our deliberations.

Developers today, even without the current exemptions, would surely characterize Montana as the "Last Best Place" to exercise their profession.

Therefore, the areas of change I can **ENDORSE** include--

**Minor Subdivision Review:** I would endorse expediting the process in ways similar to those proposed the Senate bill and in some of the House bills.

**Parkland Dedication or in Lieu payments:** In concert with decisions to remove exemptions I would expect many more subdivisions to be review. Therefore it seems appropriate to restructure these provisions, e.g., adjust the in lieu payment schedule to provide equivalent income to the relevant governing bodies against the FAR larger number of eligible subdivisions. In that process consideration should also be given to totally eliminating this requirement for Minor Subdivisions.

EXHIBIT 12

DATE 2-12-93

HB 457

4 of 6

I am **OPPOSED** to the following proposed areas of change:

**Purpose of the Act:** It's clear enough as it is. Private property rights are protected in many ways already-- including the Montana Constitution. I don't believe that private property rights need any additional/special treatment in the Subdivision and Platting Act.

**Public participation:** Public participation is fundamental, protected in our form of government, and should not be constrained as some of the proposed legislation suggests. In fact, if anything we should take steps to increase this facet of the process. The requirement that ANY informational hearing be held ONLY if requested by a private citizen who can somehow demonstrate that he/she will be "substantially adversely affected" by the proposed development is wrong. Then to suggest that same citizen may have to pay for that hearing is compounding the problem. Although testimony is sometimes redundant and irrelevant, EVERYONE has the right to express themselves publicly and as a result this process has enhanced both the process itself and the resulting subdivisions.

Under some of the proposed legislation the constraints on information a local governmental can request and proposed limitations on their ability to specify the contents of the Preliminary Plat submission would make the public information hearing even more important. Also, there are several proposed changes that constrain Local Government's ability to reflect the unique needs of their responsibility domain into the process and the resulting subdivisions.

Collectively, these proposed ed changes and restrictions will have a devastating effect on public participation and any unique needs of a local area--to the detriment of everyone.

I believe the local governmental bodies responsible for listening and taking action in these hearing have done a good job of exercising their responsibility to citizens, developers, property owners and the laws they are sworn to uphold.

**Public interest:** Changing or removing public interest criteria damages an important basis for protecting the rights of the neighborhood and the community affected by the proposed subdivision. Although the basis of need and public opinion are often "subjective" they frequently provide a reasonable basis for helping communities differentiate between "good" and "not so good" developments when there are more proposed than a community can support. For many reasons these public interest criteria should remain in the Subdivision Act.

**Additional legal exposure:** Today, government bodies and individuals are already subject to law suit by developers claiming damage to their proposal and it happens more frequently than it should. Today it is not uncommon for a developer to implicitly or explicitly threaten legal action in support of their project. For most of us it is not a case of "right or wrong" but the need to go to court with all the attendant inconvenience and cost only to be vindicated, but never able to recover the cost and time involved. To introduce further legal liability into this act is redundant and will have a "chilling" affect on the process in several ways:

1. Actions of the public bodies will be unduly constrained with the additional liability.
2. If the testimony from local governments in the hearings was correct this will remove "legislative immunity" and cause local governments to seek special liability insurance coverage.
3. It will make it increasingly difficult to entice qualified citizens to take an active voluntary role in the process, e.g., local planning board membership.

**Constraints on information gathering:** We are breaking new ground with some of the subdivision activity and often important environmental-hazard data is not readily available. Restraints of requiring the developer to provide this data may be dangerous and will shift the burden of acquiring it to local government or the interested public.

**Responsibility shifting:** In general, I don't think it's appropriate to shift traditional responsibilities of the developer to local government thus indirectly requiring that public funds be used to support development proposals. Across our nation it remains the responsibility of the developer to support his request with the necessary information to allow responsible decision making on behalf of both the public and the developer.

**Sense of urgency:** According to informal conversations with surveyor friends the survey offices across the state are overflowing with requests to create 20 acre parcels in anticipation of possible change in this exemption. Please expedite your deliberations and actions before there is nothing remaining undivided except public lands--or make your legislation retroactive--or invoke some other legal remedy to delay those 20 acre divisions until you finish your deliberations and fix that exemption.

EXHIBIT 12  
DATE 2-12-93  
HB 457

**SUMMARY**

It should be clear that I favor legislation that preserves most of the current Subdivision Act but fixes the critical problems. I am VERY concerned that many of the changes under consideration will do irreparable damage to our ability to effectively manage growth while preserving a thoughtful balance among the interests of the public, the land owner, and the developer. I strongly support the bi-partisan focus discussed at the hearing but am frankly frightened that the process may decay into a partisan political battle before resolution. PLEASE don't let that happen and PLEASE give all of us who are working hard in this arena the "correct tools" to help preserve the best of what is left of the "Last Best Place".

Personal Participation: I am concerned enough about this legislation to make time available to return to Helena and provide any assistance or further testimony I can in the interest of helping to move this legislation through the process expeditiously.

Respectfully,

  
Don Spivey  
51 Penney Lane  
Columbia Falls, MT, 59912  
862-0724 or 237-0724

Comments to the House Natural Resource Committee

House Bill 457

An Act Requiring the Recycling of Lead-Acid Batteries..."

Browning-Ferris Industries of Montana operates a municipal waste landfill in Missoula. The landfill is one of one hundred sixteen such landfills which the company operates world-wide. In addition to the landfill, the company operates three municipal waste hauling companies in the state.

As part of our operation, we provide an area at our landfill for the public to set aside lead acid batteries for recycling at no charge. The batteries are taken to Montana Recycling Company for re-processing/recycling. Despite this service, some of our customers still hide waste batteries in their garbage cans or in loads brought to the landfill. From our perspective, it is desirable from both an environmental and an occupational safety perspective for car and truck batteries to be eliminated from the waste stream. While we generally do not favor landfill bans due to their effect on illegal dumping and "theft of service", (that is the illegal use of someone else's waste container), bans for batteries or other materials containing hazardous substances may be the best vehicle for eliminating such materials from our garbage containers and landfills.

For this reason we are in strong support of legislation which prohibits the disposal of lead acid batteries in the municipal waste stream.

We do, however, recognize some limitations to the deposit system proposed to encourage recycling and the requirement that all retailers act as collection centers for used batteries. In our experience, this may radically change the nature of distribution, sale and return of batteries. Specifically, deposit systems of any kind are difficult and costly to implement and maintain accurately. Deposit systems may require state or local auditing or oversight, meaning increased regulatory expense. In addition, many facilities may not have storage space for used and potentially leaking batteries, and environmental and health hazards may even be increased by requiring inadequate facilities to store waste. The proposed bill is not clear concerning any return of deposits to customers who "give" batteries to recycling centers. Any legislation should not cut recycling centers out of the loop of circulation of potentially recyclable items. There are other serious limitations to deposit legislation, however our main

Amendments to House Bill No. 379  
First Reading Copy

Requested by Rep. Grady  
For the Committee on Natural Resources

Prepared by Michael S. Kakuk  
February 12, 1993.

1. Title, line 5.

Following: "STANDARDS;"

Insert: "DEFINING "DETECTION LIMIT";"

Strike: "SECTION"

Insert: "SECTIONS"

2. Title, line 6.

Following: line 5

Insert: "75-5-103 and"

3. Page 1.

Following: line 8

Insert:

"Section 1. Section 75-5-103, "MCA, is amended to read:

"75-5-103. **Definitions.** Unless the context requires otherwise, in this chapter, the following definitions apply:

(1) "Board" means the board of health and environmental sciences provided for in 2-15-2104.

(2) "Contamination" means impairment of the quality of state waters by sewage, industrial wastes, or other wastes, creating a hazard to human health.

(3) "Council" means the water pollution control advisory council provided for in 2-15-2107.

(4) "Department" means the department of health and environmental sciences provided for in Title 2, chapter 15, part 21.

(5) "Detection limit" means the lowest concentration of a substance that can be reliably detected by an EPA-approved analytical method using natural water samples and performed in an EPA-certified commercial laboratory.

~~(5)~~(6) "Disposal system" means a system for disposing of sewage, industrial, or other wastes and includes sewage systems and treatment works.

~~(6)~~(7) "Effluent standard" means any restriction or prohibition on quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged into state waters.

~~(7)~~(8) "Industrial waste" means any waste substance from the process of business or industry or from the development of any natural resource, together with any sewage that may be present.

~~(8)~~(9) "Local department of health" means the staff, including health officers, employed by a county, city, city-county, or district board of health.

~~(9)~~(10) "Other wastes" means garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, offal,

night soil, oil, grease, tar, heat, chemicals, dead animals, sediment, wrecked or discarded equipment, radioactive materials, solid waste, and all other substances that may pollute state waters.

~~(10)~~ (11) "Owner or operator" means any person who owns, leases, operates, controls, or supervises a point source.

~~(11)~~ (12) "Person" means the state, a political subdivision of the state, institution, firm, corporation, partnership, individual, or other entity and includes persons resident in Canada.

~~(12)~~ (13) "Point source" means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, or vessel or other floating craft, from which pollutants are or may be discharged.

~~(13)~~ (14) "Pollution" means contamination or other alteration of the physical, chemical, or biological properties of any state waters which exceeds that permitted by Montana water quality standards, including but not limited to standards relating to change in temperature, taste, color, turbidity, or odor; or the discharge, seepage, drainage, infiltration, or flow of any liquid, gaseous, solid, radioactive, or other substance into any state water which will or is likely to create a nuisance or render the waters harmful, detrimental, or injurious to public health, recreation, safety, welfare, livestock, wild animals, birds, fish, or other wildlife. A discharge, seepage, drainage, infiltration or flow which is authorized under the pollution discharge permit rules of the board is not pollution under this chapter.

~~(14)~~ (15) "Sewage" means water-carried waste products from residences, public buildings, institutions, or other buildings, including discharge from human beings or animals, together with ground water infiltration and surface water present.

~~(15)~~ (16) "Sewage system" means a device for collecting or conducting sewage, industrial wastes, or other wastes to an ultimate disposal point.

~~(16)~~ (17) "Standard of performance" means a standard adopted by the board for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

~~(17)~~ (18) "State waters" means any body of water, irrigation system, or drainage system, either surface or underground; however, this subsection does not apply to irrigation waters where the waters are used up within the irrigation system and the waters are not returned to any other state waters.

~~(18)~~ (19) "Treatment works" means works installed for treating or holding sewage, industrial wastes, or other wastes."

{ Internal References to 75-5-103:

x 75-5-106

x 75-5-304

x 75-5-605

x 75-5-615

x 80-15-102 }

Renumber: subsequent sections

4. Page 1, lines 24 and 25.

Following: "(a)"

Strike: "must" on line 24 through "waters" on line 25.

Insert: "may not be more stringent than federal water quality standards promulgated in 40 CFR, parts 125, 129, 133, and 400 through 471"

EXHIBIT 14  
DATE 2-12-93  
HB 379

EXHIBIT 15  
DATE 2-12-93  
HB 379

NAME SHERMAN H. JANKE

ADDRESS 415 NORTH 17th

HOME PHONE 587-9782 WORK PHONE SAME

REPRESENTING SELF

APPEARING ON WHICH PROPOSAL? HB 379

DO YOU: SUPPORT  OPPOSE  AMEND

COMMENTS:

- I. HB 379 APPEARS TO ALLOW DEGRADATION  
OF MONTANA'S PRISTINE WATERS. AS SUCH  
IT WOULD FURTHER APPEAR TO VIOLATE  
MONTANA'S CONSTITUTION.
- II. DEGRADATION CONSTITUTES COST SHIFTING  
FROM THE ENTITY ALLOWED TO DISCHARGE  
EFFLUENTS TO THE GENERAL PUBLIC.
- III. THE PUBLIC'S COST IS BOTH MONETARY  
[FOR EXAMPLE IN PAYING FOR REMEDIAL  
TREATMENT] AND IN HEALTH RISK  
CAUSED BY DOWNSTREAM USE OF DEGRADED  
WATERS.

(over)

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

IV

I AM A TRUSTEE OF BOZEMAN DEACONESS HOSPITAL. WHILE NOT AUTHORIZED TO SPEAK ON BEHALF OF THE BOARD OF TRUSTEES, I CAN ASSERT THAT ONE OF THE MOST FORMIDABLE CHALLENGES FACING ANY HEALTH CARE PROVIDER IS THAT OF CONTROLLING THE COST OF MEDICAL SERVICES.

I HAVE ALREADY ASSERTED THAT IF THE AVOIDED COSTS ON THE PART OF THE ENTITY ALLOWED TO DEGRADE MONTANA WATERS RESULT IN HEALTH RISK TO DOWNSTREAM USERS, THOSE USERS PICK UP THAT AVOIDED COST. SO DO THE PROVIDERS WHO MUST IN SOME INSTANCES WRITE OFF UNCOLLECTABLE BILLS. [AT OUR HOSPITAL WE DO NOT REFUSE SERVICE TO ANYONE BASED ON THEIR INABILITY TO PAY.]

PREVENTIVE MEASURES ARE NORMALLY THE MOST COST-EFFECTIVE.

V

IN SUMMARY, LET US NOT MAKE IT EASIER FOR PEOPLE TO BECOME ILL, IN THE CASE OF HB 379 BY ALLOWING UNNECESSARY INTRODUCTION OF TOXINS INTO THE STATE'S WATERS.

*Sherman H. Jenks*

Amendments to House Bill No. 379  
First Reading Copy

Requested by Rep. Grady  
For the Committee on Natural Resources

Prepared by Michael S. Kakuk  
February 12, 1993.

1. Title, line 5.

Following: "STANDARDS;"

Insert: "DEFINING "DETECTION LIMIT";"

Strike: "SECTION"

Insert: "SECTIONS"

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Insert: "75-5-103 and"

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{Internal References to 75-5-103:

x 75-5-106

x 75-5-304

x 75-5-605

x 75-5-615

x 80-15-102}

Renumber: subsequent sections

4. Page 1, line 23 through page 2, line 1.

Following: "(1)"

Strike: "i" on page 1, line 23 through "(b)" on page 2, line 1.

EXHIBIT 16  
DATE 2-12-93  
HB 379

EXHIBIT 17 55  
DATE 2-12-93  
HB 350

TREASURE COUNTY

# Board of County Commissioners

Members:  
~~Walter DeLoach~~ Ole Redland  
~~Walter DeLoach~~ George Crater  
M. F. "Dick" Warrlich

P.O. Box 392  
Hysham, MT 59038  
(406) 342 6647

DATE: February 3, 1993

TO: Dick Knox, Chairman, Natural Resources Committee, House  
Members of the House Natural Resources Committee

Ed McCaffree, HD #27  
Cecil Weeding, SD #14

FROM: Board of County Commissioners, Treasure County *LR*

The Board of County Commissioners of Treasure County encourages your opposition to HB-350. This legislation would eliminate any grants from the Coal Board to Treasure County while we still have to deal with the impact created by the coal mining. Our major impact is the increased use of our roads going to the Colstrip mines and the Sarpy (Westmorland) mine. Since the mining is located in adjacent counties, Treasure County does not realize any increase in valuation but we have to deal with the impact which does not diminish or stop because the mine has been there for some time. In other words, we will continue to have the impact with no additional revenue or tax base to meet the added expenditures. With the mine traffic, we have and will continue to have increased maintenance costs to our roads, bridges and cattleguards. With the restrictions of I-105, we cannot ask our local taxpayers for more tax revenue and realistically they should not have to pay for the increased maintenance costs created by the mining industry. We do not believe the grant eligibility should be changed.

Copies for Comm.  
for Ex Action today  
COUNTY OF RICHLAND

Office Of  
ROAD, BRIDGE, & SOLID WASTE DEPARTMENTS  
2140 West Holly - Sidney, Montana 59270  
406-482-2106 FAX 406-482-3731

EXHIBIT 18  
DATE 2-12-93  
HB 350

Commissioners:  
DWIGHT E. THIESSEN, CHAIRMAN  
WARREN E. JOHNSON, VICE-CHAIRMAN  
GLORIA PALADICHUK, MEMBER

Department Staff:  
Russell Huotari, Gen. Supt.  
Rodney Kilsdonk, Bridge Foreman  
Clarence Vanas, So. Waste Foreman  
Nita Beltz, Admin. Secretary

February 9, 1993

The Honorable Dick Knox  
Montana House of Representatives  
Natural Resources Committee  
Capitol Station  
Helena, MT 59620

Re: House Bill 350

Dear Mr. Knox :

I would like to encourage the Natural Resources Committee to carefully evaluate the merits of the amendment to the referenced House Bill.

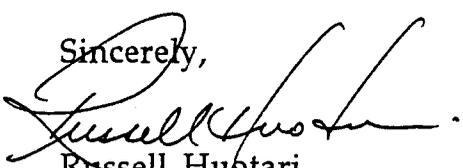
The County Road Fund has experienced a tremendous decline since 1986 (I-105). As evidenced by our Tax Levy Requirement Schedule:

1. Value of the Road Mill dropped from \$95,378 to \$16,676
2. Total Resources dropped from \$3,004,774 to \$1,691,774 even though the total mills was increased from 15.00 to 20.00 (maximum allowed)
3. Revenues from Property Taxes dropped from \$1,430,295 to \$333,520

Even though our current fiscal situation may be atypical to County government, we have had to endure severe cutbacks in our department. We must struggle to maintain our 1350 miles of roadway complete with 173 appurtenant bridges. Trying to perpetuate our paved roadway miles is going to be the most difficult part of our current projected maintenance schedule due to its enormous demand for dollars.

In the past, oil revenues carried the load for funding varied county impacts. However, now that they have waned, these other impacts are more apparent, such as the subject Coal Production/Transportation. Approval of HB 350 with its proposed amendment, will help our county cope with the significant impact coal has fostered. Coal Grant funds remain a legitimate source of aid to Richland County.

Sincerely,

  
Russell Huotari

HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

HB 374  
374  
264  
454  
HR 11  
HB 488 HR 457

Natural Resources

COMMITTEE

BILL NO.

HR 11

DATE 2/12/93

SPONSOR(S)

HB 488 HR 457

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

| NAME AND ADDRESS        | REPRESENTING                        | SUPPORT        | OPPOSE         |
|-------------------------|-------------------------------------|----------------|----------------|
| Susan Pauli, Big Timber | self/CRC/NPRC                       |                | 454<br>379     |
| Tim Egan/Livingston     | Brand S Lumber                      | 488            |                |
| <del>Dr Williams</del>  | Self                                | 488            |                |
| Jean Clark              | CRC/NPRC                            |                | 454<br>379     |
| Tony Tweedle            | self                                | 457            |                |
| <del>Paul Lambert</del> | NPRC                                |                | 379            |
| Don Oell                | MT Wood Product Assoc               | 488            |                |
| Janet Ellis             | MT Audubon                          | 374<br>457     | 379            |
| Jim Mockler             | MT Coal Assoc.                      | 374<br>264     |                |
| Pete Frazier            | City-Co-Health Dist<br>GT Falls, MT |                | 264            |
| Jordan Shapiro          | Mont BIRG                           | <del>374</del> | 454<br>379     |
| FARWELL SMITH           | Rancher                             |                | 454<br>379     |
| Les BARR                | BWRR                                | 374<br>amend   | <del>379</del> |
| Mike Pichette           | MT. Power                           | 374<br>amend   |                |

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

HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

HB = 379  
374  
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454

Natural Resources

COMMITTEE

BILL NO. HJR 11

DATE 2-12-93 SPONSOR(S)

HB 457  
HB 488

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

| NAME AND ADDRESS | REPRESENTING                   | SUPPORT  | OPPOSE         |
|------------------|--------------------------------|----------|----------------|
| Jim Barrett      | Flathead A/L                   |          | HB 379         |
| Jim Flisrud      | City of Billings               | ✓<br>454 | <del>379</del> |
| Hendi Barrett    | Cooke City Montana             |          | ✓<br>379       |
| Robert Paul      |                                |          | 454<br>379     |
| Beth Kardon      | Bear Creek Council             |          | 379            |
| HINDA McMillen   | Rancher                        |          | 379            |
| Juba Page        | Bear Council - NPCC            |          | 379            |
| SHERM JANKE      | MONTANA CHAPTER<br>SIERRA CLUB |          | 379            |
| Drummond Shebus  | Baker, MT                      |          | 379            |
| Robert Johnson   | L & C Health Dept              |          | 264            |
| Jim Peaco        | Self                           |          | 379            |
| Jonia M. Shebus  | Am. Can. Children Paper        |          | 379            |
| Abi Forrester    | DHFS                           |          | 379            |
| Mona Hansen      | Wickson Land Co.               |          | 379            |

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

Russ Rittel

M.R.

HJR 11 ✓

HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

HB'S 377  
374  
264  
454  
H&R 11

Natural Resources COMMITTEE

BILL NO. \_\_\_\_\_

DATE 2/12/93 SPONSOR(S) \_\_\_\_\_

HB 488 HB 457

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

| NAME AND ADDRESS  | REPRESENTING                          | SUPPORT | OPPOSE |
|-------------------|---------------------------------------|---------|--------|
| Stan Bradshaw     | MT. T.U.                              | 374     | 379    |
| Bruce Fadden      | Clark Fork Coalition                  |         | 379    |
| John F. [unclear] | Passaic Coal Corp                     | 379     | 374    |
| ROBIN CUNNINGHAM  | FISHING OUTFITTERS<br>ASSN OF MONTANA |         | 374    |
| GARY LANGLEY      | MONTANA MINING ASSOCIATION            | 379     |        |
| Diane Lohrer      | CRC                                   |         | 379    |
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