

Official Testimony of Cody Ferguson on behalf of the Northern Plains Resource
Council OPPOSING HB 399
House Ag. Committee 2/1/05

Mr. Chairman, members of the committee, for the record, my name is Cody Ferguson and I am testifying on behalf of the Northern Plains Resource Council. Northern Plains is a grassroots conservation and family agriculture group of 3000 Montanans working to protect water quality, family farms and ranches, and our unique quality of life. Our members, who themselves are plagued with on-going drought, are concerned about the prospect of cloud seeding in Montana because of its ability to change rain patterns either resulting in sudden and unusual down pours that disrupt their operations and do little for the drought situation in eastern Montana, or that may result in rain not making it to eastern Montana.

The current cloud seeding laws housed in Title 85 are about responsibility. The permit, bond, and environmental impact statement ensure that weather modification does not occur in a haphazard manner but only after careful consideration of the environmental and economic impacts cloud seeding may have. In addition, the current process ensures that those who propose doing cloud seeding take some responsibility for their actions—a fly-by-night operation with questionable qualifications cannot simply obtain a license, load the plane with silver iodide, and head out over private and public land to make it snow. If an entity is proposing cloud seeding, current law asks them to make an investment of time and money to ensure that the possible problems with the operation are worked out and if damages occur, the money is there to take care of those damages.

One note on environmental impact statements: I've heard it said that the environmental impact statement process is too cumbersome. While our members tend not to agree that the environmental impact statement is too cumbersome—rather, cloud seeding, which covers a large geographic area with a number of potential intended and unintended consequences, is exactly the kind of project the legislature intended when it passed the Montana Environmental Policy Act—we empathize with those suffering from drought and understand the desire to speed up the process. However, I submit to you that this bill does not exempt cloud seeding from the environmental impact statement process. The bill proposes cloud seeding over the Rockies, most of which is owned by the federal government. Cloud seeding over other national forests in other states has required environmental review under the National Environmental Policy Act which can take years. Furthermore, if a proposed project involves more than one national forest—say the Gallatin and Beaverhead—the process could be slowed further. An EIS provides for the development and analysis of alternatives and public comment. Public comment on the dropping of silver iodide

over national forest including wilderness and wilderness study areas and private land could be extensive as could be the likelihood of appeal. We empathize with what the sponsor is trying to do, but are doubtful that dropping MEPA will speed up the process.

HB 399 drops three important components of current atmospheric weather modification law—the permit, bond, and environmental impact statement in the hope of getting some much needed precipitation to southwestern Montana, but it goes too far. Cloud seeding has the potential to bring some much needed precipitation to southwestern Montana, but not without consequences. Those consequences need to be understood and possible damages need to be covered. For these reasons, Northern Plains encourages you to vote no on HB 399.