

EXHIBIT 20
DATE 2.16.05
HB 591

Dear Mr. Jopek,

Thank you for sponsoring legislation to provide some local control over the gravel industry. As you are well aware, this issue is causing significant concern in the Flathead Valley for good reason. Mines generate a tremendous amount of traffic, dust and noise, all of which do not belong in residential neighborhoods. I have personally dealt with the county over this issue regarding a mining operation in my neighborhood. We had a problem with a mine site being a vector for spotted knapweed. Unfortunately, we were not successful in getting the owner to clean up his property, due to a lack of county enforcement. Because of this, the weed infected gravel is being distributed to building sites all over the county.

Another important issue to consider is the affect these gravel pits are having on groundwater. Dr. Jack Stanford of Yellow Bay has a great deal of information on how these pits are disturbing natural drainage and creating a warming affect. Perhaps you could contact him to get information on this problem.

Thanks for allowing me to provide input on your bill.

Jan Metzmaker
915 Dakota Ave.
Whitefish, MT 59937

House of Representatives Local
Government Committee

Re: HB 591 (LC 1280)
Clarify Applicability of Local
Zoning regulations to Sand and Gravel Operations

ATTN: Mike Jopek

I write as a resident of Kalispell, Montana with serious concerns regarding the operations and regulation of gravel pits in our State. My residence is on the east side of Harbin Hill Road directly opposite from the gravel pit operated by JTL.

My wife and I purchased our residence on 9-11-01 as our future retirement home. In discussions with our realtor at that time, it was represented that the purpose of the 10-15' high earth berm on JTL property next to the road was to suppress noise and reduce dust emissions from the gravel pit. The 8' chain link fence in front of the berm was to prevent children from entering this industrial site.

During the summer of 2003, one of our neighbors flew over the JTL property and took photographs to show the scope of the JTL operation and the condition of the area. One of these photos, looking south, was published in our local newspaper (The Daily Inter Lake) on 12-14-04. Although this photo shows the extent of current and past activity at this site, it does not clearly show details of this operation that concern me the most.

Attached to this letter is a more close-up view of the JTL works looking north east. When I first saw this photo, I was horrified to see that gravel had been mined with a near vertical cut right up to the berm described earlier. JTL made no provision for a supporting slope that could provide stability to my property and the Harbin Hill roadway. Clearly, this photograph shows how JTL has extracted every ounce of gravel possible with complete disregard for the safety of their neighbors and the motorists who travel Harbin Hill Road.

After much complaint from our neighborhood group, JTL has conceded that this may be a serious safety issue and began reinforcing this cut with large boulders in 2004.

What I have learned from this experience is that, had it not been for these aerial photos that exposed this operation, JTL would still be hidden behind their berm, maximizing corporate profits, while putting the health and safety of their neighbors at serious risk.

There are many gravel pits in Flathead County and throughout Montana. My concern is that there is another JTL and another Harbin Hill Road that we don't know about. Hopefully, our newspapers will not one day tell us of a tragic slide that could have been avoided by better regulated gravel mining.

Residents of our state must look to our elected representatives to protect our properties, health and well being. Our Libby, Mt. experience was a terrible lesson and should have taught us that we cannot rely on industry to regulate itself.

At the February 16, 2005 hearing by the House Natural Resource Committee, we strongly urge your support for HB 591 (LC 1280) Clarify Applicability of Local Zoning Regulations to Sand and Gravel Operations.

With your support, the gravel industry will continue to flourish and provide Montana jobs while maintaining a high quality environment for all Montanans to enjoy.

Henry Happy
83 Harbin Hill Rd.
Kalispell, MT 59901

I am writing to request the House of Natural Resources Committee support HB 591. This is a very important issue affecting thousands of people in MT, not just those living near current gravel pits. I believe local zoning rules should apply to opencut mining and more oversight is needed regarding the permits granted to pit owners. This industry affects our health and property values. County government should have reasonable control over what is extracted from the environment that will affect everyone in the area. At the least, they should have a process in place that allows for public opinion, required conditional use permits, enforced reclamation and stricter fines for violations. Please forward my comments to the committee. HB 591 is a step in the right direction to bring the State in line with practices common in so many other states. It's time to move forward.

Holly Staat
Kalispell, MT

Dear Representative Jopek,

My family moved into the sunrise terrace subdivision (east side of Kalispell) 22 years ago. Adjacent to our property was the McElroy & Wilken gravel pit. At that time they told us they just had a few years left on their permit and would start reclamation of the pit. Well 22 years later the pit is several times larger than the permit allowed for, and there are new owners (JTL) that tell us Mcelroy & Wilken nor themselves have to abide by any so called permits or reclamation. As this is a mining state and the powers that be will just look the other way with a wink and a nod! The dust, noise and odor level are at times unbearable. Could you please help to make the counties capable of regulating this industry for our health and property value. please support HB 591 (LC 1280).

With sincere thanks, Kim Moss and family 57 Harbin Hill Rd. Kalispell, Mt. 59901 406-755-1340