

**MONTANA STATE SENATE
2005 LEGISLATURE**

VISITOR REGISTER

NATURAL RESOURCES

DATE 2/11/2005 BILLS BEING HEARD TODAY SB 3

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
BRUCE WILLIAMS	307 672-7111	FIDELITY EXPLORATION & PRODUCTION	SB 336		X
CARL DEWEY	307 750 2735	SELF	SB 336		X
Deborah Hanson	406 232-2134	Self/NPRC	SB 336	X	
Alanna Coate	406 346-7804	Self	SB 336	X	
Kenzie Ortel	406 491-2190	Self		X	
CLINT MERRILL	347-5221	Self/RPA	" "	X	
DOUG MERRILL	477-6655	Rosebud Con. Dist. / Self	" "	X	
DENISE WOOD	984-6255	Diamond Cross Ranch	SB 336	X	
Ray Muggli	232-2038	NPRC Tongue River Irrigation	SB 336	X	
David Davenport	347-5243	Rosebud Conservation Dist.	SB 336	X	
DIXIE STARK	821-4636	Self	SB 336	X	
CHAD FENNER	665-9700	BIG HORN Co. Comm. Assoc.	SB 336		X
DEREK GOLDMAN	443-3949	Mt. Audubon ^{American} _{Fisheries} Society	SB 336	X	
JHAWN HIGLEY	443-3962	WNC ENGINEERING	SB 336		
Jeff Barber	594-2415	MEIC	SB 336	X	
Dana Hupp	442-8560	Group, Granhorn	SB 336		X
William Fitzgerald	254-1593	MCV	SB 336	X	
William Fitzgerald	252-3857	Northern Plains Res. Comm.	SB 336	X	
HARMON RANNEY	495-0781	POWDER RIVER GAS	SB 336		X
William Duffield	939-4443	MADAC Counties	SB 336		X
Patrick TENNYSON	307 469-5441	Butte Fly Tackle	SB 336	X	

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PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

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NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
<i>Julie Brunson</i>	457-8444	self	SB336	?	
<i>Dianne Cambella</i>	457-8444	self	SB336	X	
<i>John McKay</i>	442-8560	Fidelity/E+P	SB336		X
<i>Randall Van Dyke</i>	690-1728	NPRC	SB336	>	
<i>Julien Calabrese</i>	459-7599	self	SB336	?	
<i>GAIL Abercrombie</i>	442-7582	MT Petroleum Assoc	SB336		X
<i>Charles Brooks</i>	698-2380	Billings Chamber of Commerce	SB336		X
<i>Jim Kuroki</i>	782-3411	NPRC	SB336	✓	
<i>Tom Richmond</i>	656-0040	MT BOARD OF OIL & GAS	"		
<i>GENE FASDERSON</i>	437-6657	LABORERS UNION	SB336	X	
<i>Brian Goodman</i>	449-2121	CDM, Inc	SB336		✓
<i>Brona Lindlie-Hol</i>	442-3261	Tongue River Watershed Users	SB336	X	
<i>Don Judge</i>	459-1708	mt chapter Sierra Club	SB336	X	
<i>Norma Bixby</i>	670-1608	Norma Bixby	SB336	X	
<i>Pat Mitchell</i>	372-6690	Pat Mitchell	SB336	X	
<i>Tom Eberly</i>	441-7531	Nance Petroleum / Marathon Oil	SB336		X
<i>John Seelitz</i>	855-3622	Self	SB336	X	
<i>Don Allen</i>	443-5541	WEPA	SB336		X
<i>Bill Hansen</i>	442-3905	self	SB336		X

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY



MONTANA STATE SENATE

+++++ WITNESS STATEMENT +++++

NAME Pat A. Mischel

ADDRESS 47 RD 261

HOME PHONE: 377-6690 WORK PHONE: _____

REPRESENTING SELF

APPEARING ON WHICH PROPOSAL ? SB 336

DO YOU: SUPPORT OPPOSE _____ AMEND _____

COMMENTS:

This bill SB 336 is a reasonable approach to restore the land to a useable condition. Reclamation is not new to MT. Reclamation provides jobs & should be considered even before drilling for CBM.

Please support SB 336

Thank you!

PLEASE LEAVE PREPARED STATEMENT WITH
COMMITTEE SECRETARY

Holwick, Peg

From: Clarice Ryan [clardon@aboutmontana.net]
Sent: Thursday, February 17, 2005 5:32 PM
To: Holwick, Peg
Subject: Testimony given for SB417, 2-16 (for the record)

February 17, 2005

Regarding: Senate Bill 417, Roadless Bill submitted by Senator Aubyn Curtiss at a hearing Wednesday, Feb. 16, Room 405

TESTIMONY presented by Clarice Ryan, Bigfork, Montana

The current Roadless rule being applied, with onslaught, decommissioning and closures of our forest roads, was a top-down edict coming from the Clinton Roadless initiative. It is being administered on an on-going basis through the U.S. Forest Service nationwide.

This edict without public input or approval is against the principles of good government, against the public good, and is jeopardizing the health of our forests and the safety of wildlife contained therein.

Without roads it is impossible to perform, good stewardship, therefore impossible to maintain adequate forest health. We cannot reduce the heavy fuel loads that threaten our overgrown forests. Disastrous wild fires are increasing each year. These fires precipitate needless waste of a renewable natural resource, torturous death as well of loss of endangered species including the treasured grizzly bear. It renders our beautiful mountain sides a mass of ugly burned sticks with watersheds turning into mudslides along with repeat fires of dead and down timber.

Removal of roads eliminates the chance of effective fire fighting and forces us into unwanted "let burn" policy, now erroneously renamed to portray them as "thinning by burning". No, they do not thin . . . they simply incinerate everything in sight. This is desecration and total destruction of the environment and everything in it. Renaming it does not change what we **know** it is all about.

True selective thinning and harvest to accomplish forest balance of species, age and tree size is not possible without roads. We are being forced into the alternative approach of helicopter harvest. To be economically feasible it is then necessary to take the biggest and best trees, contrary to the claimed intent. Trash/slash, brush and small diameter tree removal cannot feasibly or economically be removed by helicopter. These constitute true, effective thinning.

Citizens knowledgeable of good forest management must again have a voice and be able to have meaningful input into correcting the sad state of our forests of today.

We must speak through our county commissioners and our elected legislators to give direction to our state's governor, who is the official liaison with our Congressmen at the federal level. Congress alone must approve Wilderness areas.

Road removal is primarily a devious back door way to gaining undeclared and unapproved wilderness, which in turn feeds into the massive, little known or understood Wildlands Project threateningly

2/18/2005

underway.

We must utilize official means as provided by our state and national Constitutions to work through our elected officials to reverse this trend and activity of road removal and closures. I ask that we give Senator Aubyn Curtiss our support in laying the groundwork to regain proper management of our forests and end the destruction of access roads. This is in the interests of citizens, wildlife, the environment and the forests themselves.

Please vote "yes" on SB 417. Thank you.

Respectfully submitted,

Clarice Ryan

PROPOSED ORDINANCE #1
AN ORDINANCE FOR PROTECTION OF WATER AND SOIL FROM COAL
METHANE PRODUCED WATER IN ROSEBUD CONSERVATION DISTRICT

Section 1. Intent—policy, purpose and findings.

- (1) It is the declared policy of this state, in Section 76-15-102, Montana Code Annotated, to provide for the conservation of soil and soil resources of this state, for the control and prevention of soil erosion, for the prevention of floodwater and sediment damages, and for furthering the conservation, development, utilization, and disposal of water and thereby to preserve natural resources, control floods, prevent impairment of dams and reservoirs, preserve wildlife, protect the tax base, protect public lands, and protect and promote the health, safety, and general welfare of the people of this state. The Montana legislature, in Section 76-15-702, Montana Code Annotated, has delegated the authority to formulate regulations governing the use of lands within conservation district boundaries in the interest of conserving soil and water resources and preventing and controlling erosion.
- (2) It is the policy of the Rosebud Conservation District to prevent soil erosion from Coal Bed Methane Produced Water Impoundments during runoff events, prevent the creation of saline seeps, prevent the wasting of our water resource, prevent the contamination of shallow ground water and raising of water tables that will create such saline seeps, and ensure the reclamation of such impoundments so as not to create salt flats etc.
- (3) The Rosebud Conservation District finds that utilization of stock tanks will minimize impacts of water discharged from coal seams.
- (4) Coal bed methane produced water is industrial waste and constitutes a discharge of pollutants within the meaning of the Federal Clean Water Act. Coal Bed Methane Produced Water Impoundments will contaminate nearby soils with salts and metals.
- (5) Coal Bed Methane Produced Water Impoundments constructed in intermittent or ephemeral drainages capture natural surface runoff and thereby interfere with the vested water rights of downstream users and otherwise alter the natural hydrologic regime of the watershed.
- (6) Coal Bed Methane Produced Water Impoundments pollute natural surface runoff and thereby degrade surface water quality.
- (7) Coal Bed Methane Produced Water Impoundments constructed in intermittent or ephemeral drainages may overflow during precipitation events and discharge methane produced water into such drainages. Such overflow events increase erosion and increase sedimentation of downstream surface waters. Such overflow events discharge pollutants into such drainages that contaminate natural runoff in subsequent precipitation events.

(8) The Montana Constitution requires the reclamation of all lands disturbed by the taking of natural resources and we have an obligation to satisfy this constitutional mandate. Recognizing our obligation under the Constitution, the District enacts this ordinance to take a pro-active approach to protecting the soil and water resources of the District.

(9) It is not the intent of this land use ordinance to preclude other water management plans that may be a better practice for the protection of the soil and water in Rosebud Conservation District. It is not the intent of the Rosebud Conservation District to stop coal bed methane development in our district by enacting this ordinance but to provide a protective measure to our soils and water and to encourage a method of coal bed methane extraction that allows for the permanent and beneficial use of all our natural resources.

Section 2. Definitions. For the purposes of this ordinance the following terms are defined as follows:

- (1) "Coal Bed Methane Produced Water Impoundment" means any impoundment into which water produced from coal bed methane operations is discharged.
- (2) "Coal Bed Methane Operation(s)" means production of gas from coal seams for profit or commercial sale.
- (3) "Coal Bed Methane Conservation Plan" shall include but is not limited to the following sections, 4 through 7.
- (4) "Operator" means the person that plans to produce or has produced gas from a Coal Bed Methane Operation.
- (5) "Water Management Plan" means the plan required by the Montana Department of Environmental Quality, Montana Board of Oil and Gas Conservation, and United States Bureau of Land Management Records of Decisions.
- (6) "Ephemeral Stream" means a stream or part of a stream, which flows only in direct response to precipitation in the immediate watershed or in response to the melting of snow and ice. The channel bottom is always above the local water table.
- (7) "Intermittent Stream" means a stream or reach of stream that is below the local water table for a least some part of the year and obtains its flow from both surface run-off and groundwater discharge.
- (8) "Reclamation Plan" means a plan to reclaim all areas disturbed by the impoundment. A Reclamation Plan must describe in detail how the conditions of Section 9 will be met.
- (9) "Reclamation Bond" means a reclamation bond payable to the District for an amount sufficient to reclaim the land.

Section 3. In-Channel Coal Bed Methane Produced Water Impoundments Prohibited. Coal Bed Methane Produced Water Impoundments constructed in intermittent or ephemeral drainages are prohibited.

Section 4. Land Application of Coal Bed Methane Produced Water. The following requirements for land application of coal bed methane produced water in Rosebud Conservation District are in effect:

(1) Surface run-off from land applied coal bed methane produced water is prohibited.

(2) Surface owner consent for land application is needed in writing, stating the location of the field to be irrigated.

(3) Irrigation and land application require a Conservation Plan through the Rosebud Conservation District for the specific area of use.

(4) No accumulation of sodium salts derived from coal bed methane produced water or consequential to discharges of coal bed methane produced water or soluble salts consequential to amendments applied to alter the consequences of disposal, dispersal, spreading, or seepage of coal bed methane produced water in or on the soils in these areas are allowed.

(5) Monitoring will include wells in the down gradient alluvium. Gypsum blocks or suitable method to measure soil moisture is required. Soil samples will be collected to establish baseline soil characteristics, particularly relative to soluble salts and exchangeable sodium before any coal bed methane water is applied and then annually at the end of the application period. Water quality and quantity shall be recorded by the Operator and entered annually into the Conservation Plan.

(6) Land application or irrigation is a beneficial use of coal bed methane water and is not to be water wasting or disposal of coal bed methane water in Rosebud Conservation District's soil.

(7) Items in Section 4 are minimum standards. The best available technology will be encouraged.

Section 5. Coal Bed Methane Produced Water Impoundments. Coal Bed Methane Produced Water Impoundments are allowed if all the following criteria are met:

(1) The impoundment shall not be constructed in intermittent or ephemeral drainages or alluvial aquifers.

(c) A groundwater report showing the location of monitoring wells, depth to water table, and baseline ground water levels and quality for ground water within 200 vertical feet of the impoundment.

(d) A soil survey and map for all areas disturbed by the impoundment. The survey shall include a detailed description of the soil types present and analysis of soil texture, EC, SAR, and other chemical constituents.

(e) Impoundments must be engineered to withstand a 24 hour/100 year rain event. These impoundments must be lined to prevent the accumulation of soluble salts and exchangeable sodium in the soils of Rosebud Conservation District.

(f) A report documenting the volume and quality of the produced water being discharged to the impoundment. This must be reported annually to the Conservation District.

(g) A Reclamation Plan for the impoundment describing in detail how the impoundment will be reclaimed to its original condition.

(h) A surface water and ground water monitoring plan for the watershed in which the impoundment is located. The monitoring plan shall satisfy the following minimum requirements:

(1) Established ground water monitoring wells down gradient of the impoundment. Monitoring of ground water levels and quality shall be conducted monthly.

(2) Established surface water monitoring stations for any surface waters located within three miles downstream of the impoundment. Monitoring of surface water quality shall be conducted quarterly.

(3) An Operator may consolidate multiple impoundments in the same watershed into a joint application.

(4) The Operator shall pay a \$4500 application fee per Coal Bed Methane Conservation Plan application to the District.

(5) The District shall notify the Operator that application is complete or that additional information is needed within 60-days of receipt of the application.

(6) The Operator shall have 60-days to provide additional information if the District determines the application is incomplete.

Section 8. Approval of Application.

(1) Upon receipt of a complete application, the District shall publish notice of the application in a newspaper of general circulation for Rosebud County and comply with the notice requirements of other laws.

Section 13. Compliance With Other Laws Approval for any land disturbance does not relieve, impair, diminish, divest, or control any existing laws of the State of Montana or the United States.

Section 14. Liability Neither the approval of a plan or any other action of the District or the supervisors under the provision of this ordinance, nor the compliance with the provisions of this ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law, nor impose any liability upon the district or the supervisors for damage to any person or property.

Section 15. Severability Clause If any section, clause, or portion of this ordinance shall be held by a court of competent jurisdiction to be invalid or unconstitutional, such finding shall not affect any other section, clause, or portion of this ordinance.

END
