

Testimony on SB 281
February 11, 2005

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SENATE PUBLIC HEALTH, WELFARE & SAFETY	
BILL NO. 281	
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SENATE PUBLIC HEALTH, WELFARE & SAFETY	

Mister Chairman and members of the committee, thank you for the opportunity to speak today. My name is Beth Kaeding, and I am from Bozeman. I am here today as a concerned citizen, and I want to give you my views on SB 281, which I heartily support.

The intent of MEPA is to ensure that agency decision makers take environmental factors into account when considering a project. MEPA is intended to prevent or at least minimize environmental damage that might result from a development project. The MEPA process helps agencies focus their attention on the **purpose and need for a project, all viable alternatives, and the environmental consequences of the alternatives**. MEPA does not say that an agency must choose the most environmentally sensitive alternative for a project, but it does say that the decision maker must weigh the environmental consequences and try to mitigate anticipated environmental damages. The purpose of MEPA is to ensure that the public benefits from a project outweigh their environmental costs.

Since the 1999 legislative session, MEPA has been under attack by interests that believe their projects, which often are providing them with great economic gain, should not have to consider other values and issues—despite the fact that these values and issues are important to many Montanans. Where is the “balance” in that?

In the 2001 legislative session, a series of bills were introduced that restricted public participation in the MEPA process, exempted numerous agency actions from MEPA, limited alternatives that could be considered during MEPA, set unrealistic timelines for completion of MEPA reviews, and prohibited agencies from imposing conditions or mitigation measures on a permit to be issued following the MEPA process unless another permitting law allowed it.

This last change (instituted by the passage of HB 473) is what we are here today reconsidering under SB 281. Since the passage of HB 473, we have had a number of situations where agencies could NOT condition permits. I want to note just two examples, there was no way to condition a proposal to place a natural gas pipeline under the Dearborn River, which would harm fishery resources and, second, there was no way to protect public health and safety from gunfire from a shooting range located close to a school and roads near the town of Musselshell.

Before 2001, what sort of MEPA-process-related permit conditions were imposed? Well, for example, in the mid-1990s, two game farm proposals in the Helena area were approved with the restriction that double fences that were 8 feet high had to be built—the game farms were not denied, but this restriction was imposed to protect Montana’s important wild ungulate herds. When the DEQ issued the permit authorizing the Meridian Minerals Company to mine coal in the Bull Mountains in 1992, stipulations were imposed to mitigate impacts from hauling the coal 40 miles to a railhead in Huntley. These stipulations or mitigations were designed to protect the health and safety of

Montanans and included paving a county road or providing adequate dust suppression to minimize dust to residents along the haul route, construction of a fence between a park in Huntley and the railroad to keep children away from the train cars, posting and enforcing a 15 mph speed limit for trucks on streets in Huntley, and covering the coal trailers with tarps to protect other vehicles along the roadways from chunks of coal as well as prevent the dispersal of coal dust.

Surely the ability of an agency to impose stipulations, mitigations, or permit conditions such as these can be considered sensible by most reasonable Montanans. I challenge industry to provide the committee with concrete examples—not hypothetical scare-tactic suppositions—of why HB 473 was necessary. By passing SB 281, **balance** would be restored to the MEPA process and the values of fish and wildlife as well as public health and safety would be better protected when considering a development project.

I strongly urge you to PASS SB 281.

A handwritten signature in black ink that reads "Belle Raeding". The signature is written in a cursive, flowing style with a long, sweeping tail on the final letter.