

February 11, 2005

**Testimony of Julia Page in support of SB 281**

SENATE PUBLIC HEALTH, WELFARE & SAFETY 281	
EXHIBIT NO. <u>3</u>	# <u>3</u>
DATE: <u>2-11-05</u>	SB281
Bill NO	

My name is Julia Page. I am a river outfitter from Gardiner and am a current and long time member of the board of the Gardiner Chamber of Commerce. ~~I'm not speaking for the Chamber,~~ but I know that abundant, visible wildlife is fundamental to the continued economic success of our small town. Gardiner promotes the fact that we have the only year round driving access to the park and that all the big animals of the park can be seen either in town or within a short drive from town. Fishing is also extremely important to our economic well-being. The Chamber has always voiced its concern for the protection of the fish and wildlife that are so important to our tourist-based economy.

I mention the Chamber because there is often an assertion that the protection of fish and wildlife is a luxury that comes at the expense "real" business, and that "real" businesses ought to have precedence. I disagree. The tourism industry in Montana is the second biggest economic sector in the state after agriculture. It's made up of a wide variety of small and large businesses. The Main Street businesses and business owners involved in tourism form the core of many communities in this state. Industry should not be able to destroy the basis of our tourist economy or destroy the quality of life (public health and safety) in our towns.

SB 281 before the committee this afternoon returns common sense into the permitting of projects in the state that undergo review by allowing agencies to impose conditions on those projects in order to protect public health and safety and fish and wildlife. Industry representatives will screech that such conditions will make it impossible for them to operate; that they'll not be able to do business; that such latitude is too much discretion in the hands of an agency; that an agency involved in permitting oil and gas doesn't know how to protect fish and wildlife; that frivolous concerns will shut down an important business; that conditions will be imposed with no scientific basis!! Industry will throw out some hypothetical examples, but I don't believe industry has actual examples of egregious conditions imposed on them that were unfair or unfounded.

Public health and safety and fish and wildlife are worthy of our protection. The example I know best of a permit being conditioned was that for the waste water systems for the Church Universal and Triumphant in 1989. In the course of the environmental review, all sorts of concerns were raised about impacts to fish and wildlife from the developments and activities of the church. The then Department of Health and Environmental Sciences approved the permit with a signed mitigation agreement as part of the final decision. Mitigations included the use of carpooling on the dirt roads through the ranch; construction of a bear-proof fence around the tree farm; moving the poultry processing facility from the south ranch next to the park, up to the north ranch, further from bears; moving the composting operation to avoid grizzly bear conflicts; use of a catch and release program on Mol Heron Creek during the church's annual conference; restricting domestic sheep from pastures adjacent to the herd of big horn sheep that frequented the base of Cinnabar Mountain to prevent the transmission of disease.

It makes sense to allow for protective conditions to be imposed when real threats are discovered. Industry representatives have no examples to back up their chorus of complaints about the discretion this gives to agencies. MEPA, in 75-1-103 (3) recognizes that each person is entitled to a clean and healthful environment, to enjoy private property free of undue government regulation and each person has a responsibility to contribute to the preservation and enhancement of the environment. The implementation of these rights requires the balancing of the competing interests associated with the rights by the legislature in order to protect the public health, safety and welfare. SB 281 is a good idea and I urge the committee to support it.