

January 31, 2009

Senator Jerry Black, Chair
Energy & Telecommunications Committee

Dear members of the Energy & Telecommunications Committee:

Had I known that this Committee is planning to hold no more hearings pertaining to the current status of the Facilities Siting Act, I would have attended the January 29, 2009, hearing and provide you with these comments.

Previous legislatures have weakened the Facilities Siting Act from its original intent. The result has been that the public has been denied meaningful participation in the decision making process for the issuance of permits.

I am referring to the statement by one of your Committee members, during the last part of the above cited hearing, that there is the temptation to abolish the Facilities Siting Act.

Such an action eliminates public participation in permitting decisions from local zoning through state levels. The effect will be that it forces the people of Montana to resort to expensive litigation, and seek redress for their concerns in the judicial system. This means that the People of Montana have lost their right to make laws and issue permits affecting their environment and livelihood.

The recent experience of the Highwood Generating Station, to be placed near the City of Great Falls, is a clarification of my constitutional concern.

Throughout its EIS process many public comments were either blatantly ignored or rejected by the writers of the FEIS. They had been hired by SME and the DEQ staff had collaborated to expedite the project. Public suggestions were rejected about a different type of coal burning process known to be more compatible and friendly to the environment. Others questioned the wisdom of locating this facility in one of most productive agricultural areas in Cascade County. The placement of this electric generating plant would impact negatively many who earn a livelihood from farming.

To add insult to injury, in January 2008, our Cascade County farming community learned during the long and exhaustive zoning hearings that, according to SME officials, there will be "takings" of land. The public was arrogantly and blatantly told that electric generation facilities have "special" standing and have priority to place their transmission lines, railroad, etc. to accommodate its infrastructure.

Montana Citizens should not have to turn to the judicial system to have their concerns and grievances addressed. This can only unnecessarily delay economic development. By not allowing public input, the Peoples Legislature has surrendered its Sovereignty.

The Energy & Telecommunications Committee should propose legislation that guarantees public participation in economic development at early stages and throughout is process.

I will also make myself available as an informational witness.

Sincerely,

A handwritten signature in cursive script that reads "Aart Dolman".

Aart Dolman
3016 Central Avenue
Great Falls, MT. 59401

Ph. 406-452-5554

January 31, 2009

Senator Black, Chair
Energy and Telecommunications Committee
Senate

Dear Chairman Black:

With a great deal of interest I had listened yesterday to the Energy and Telecommunications Committee proceedings at 3pm. on January 29, 2009.

I listened because I was looking forward to providing public testimony to some of the issues related to the DEQ permitting process, and what our community had experienced in the case of the Highwood Generating Station to be located near the City of Great Falls.

Needless to state, I was greatly disappointed to be notified that last night that the forthcoming Committee meeting scheduled for February 3, 2009, was cancelled. And this happened once before to accommodate SME. So once again I have to change my personal schedule for the third time.

I feel that it is important that the members of the Committee and Legislature be informed about the horror of the current permitting process and DEQ operations as seen by citizens.

In fact, I can assure you that there were others, including myself, who had planned to drive several hundred miles, absorbing the time and expense, to drive to this particular meeting.

Can I respectfully request that the forthcoming meeting not be cancelled?

Sincerely Yours,



Aart Dolman
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