SENATE NATURAL RESOURCES
EXHIBIT NO. 2
DATE March 9, 2017
BILL NO. HB278

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EXHIBIT NO.
DATE
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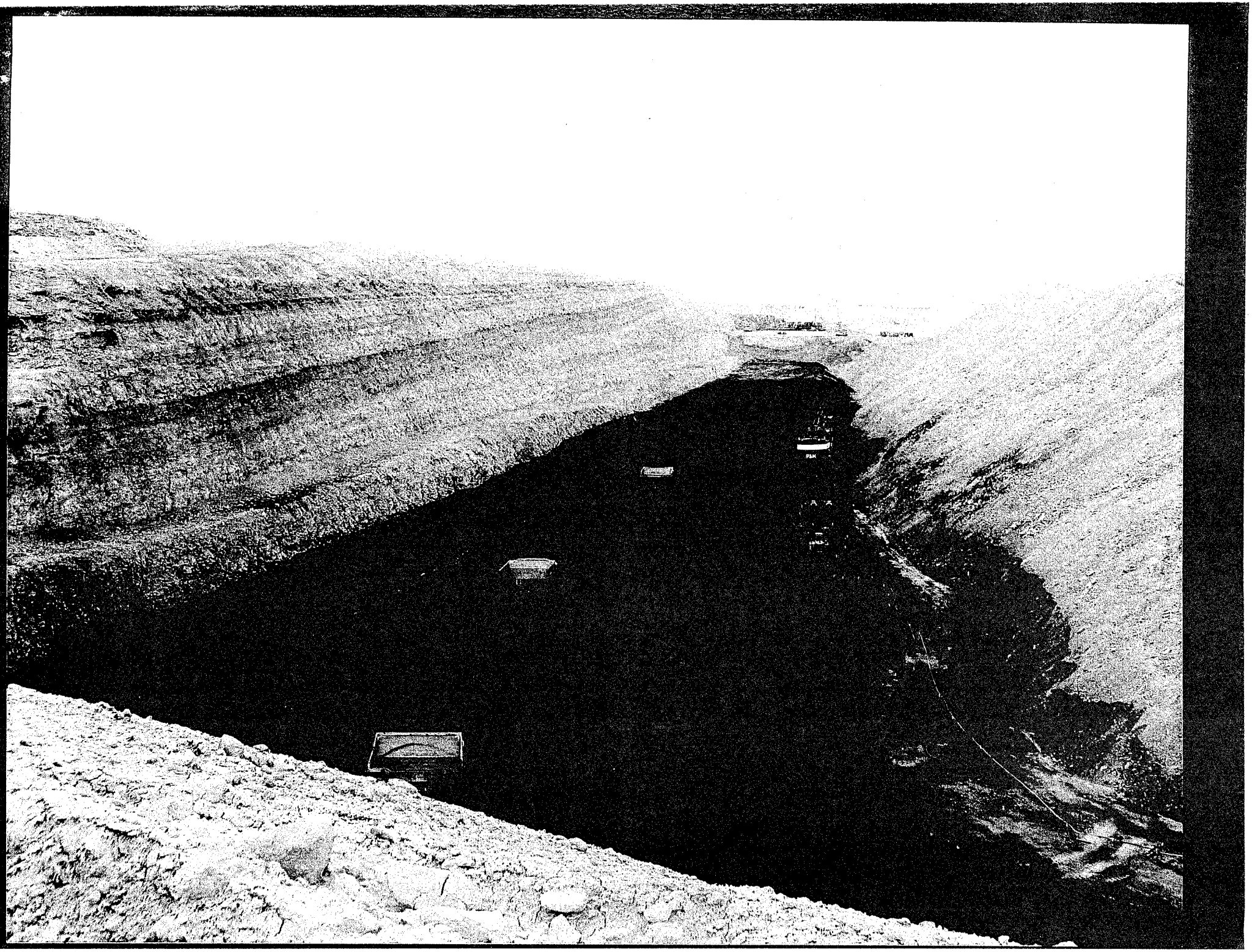
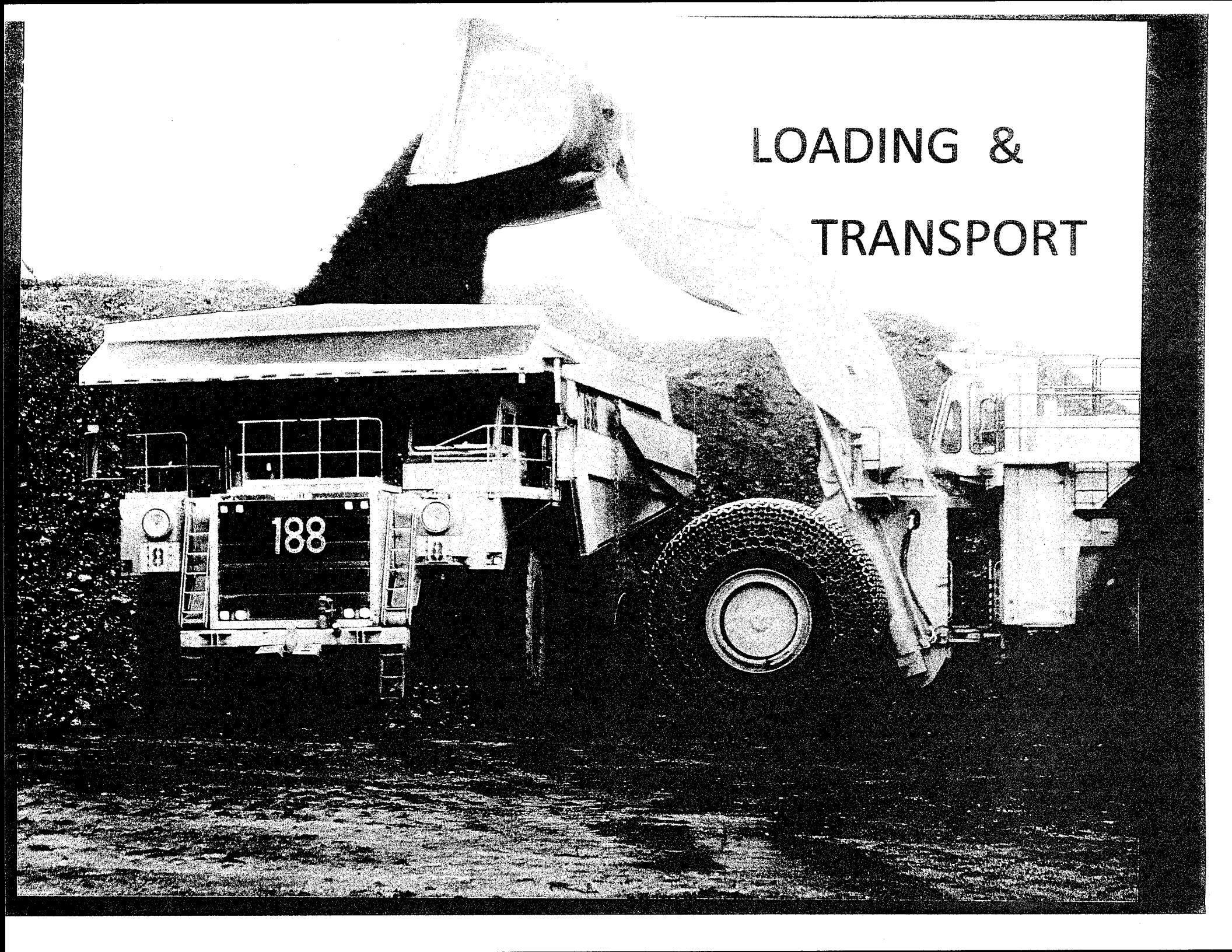
HB-278

"CERTAIN SUPPORT FACILITIES ELIGIBLE FOR BOND RELEASE IF THE VEGETATIVE COVER MEETS RECLAMATION STANDARDS"

*materials provided by Montana Coal Council

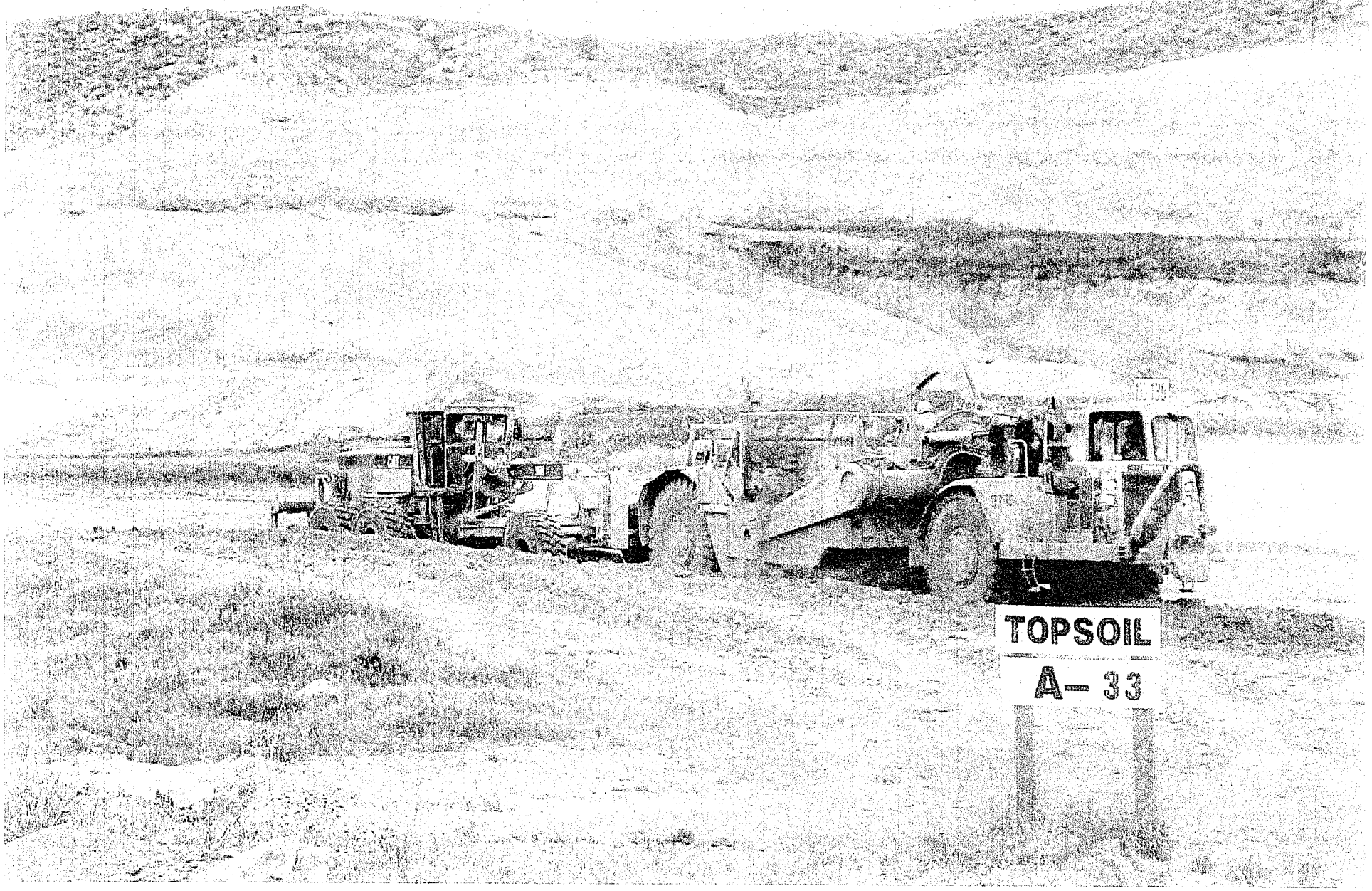


LOADING & TRANSPORT

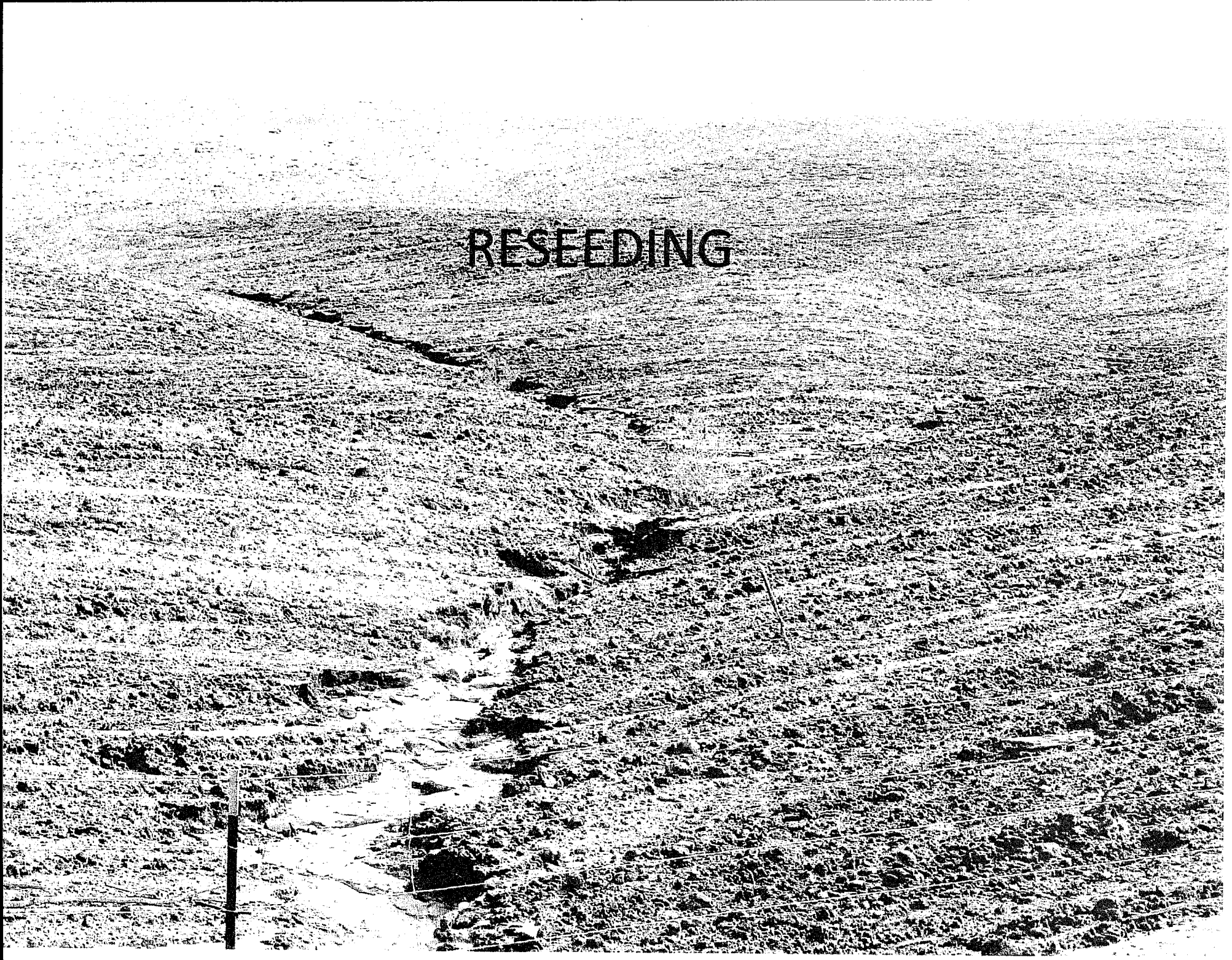


OVERBURDEN REMOVAL/BACKFILL

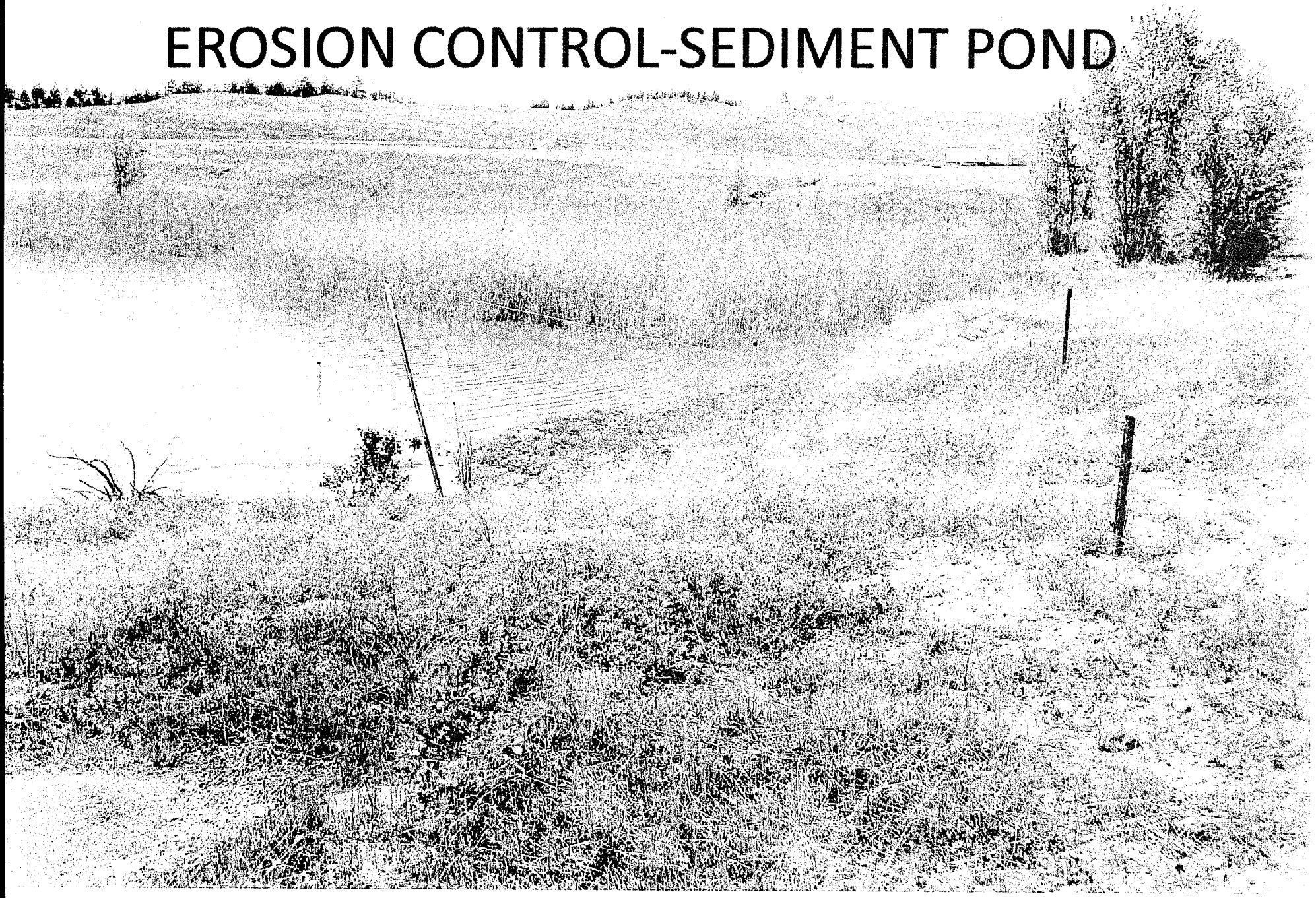
REGRADING & TOPSOIL REPLACEMENT

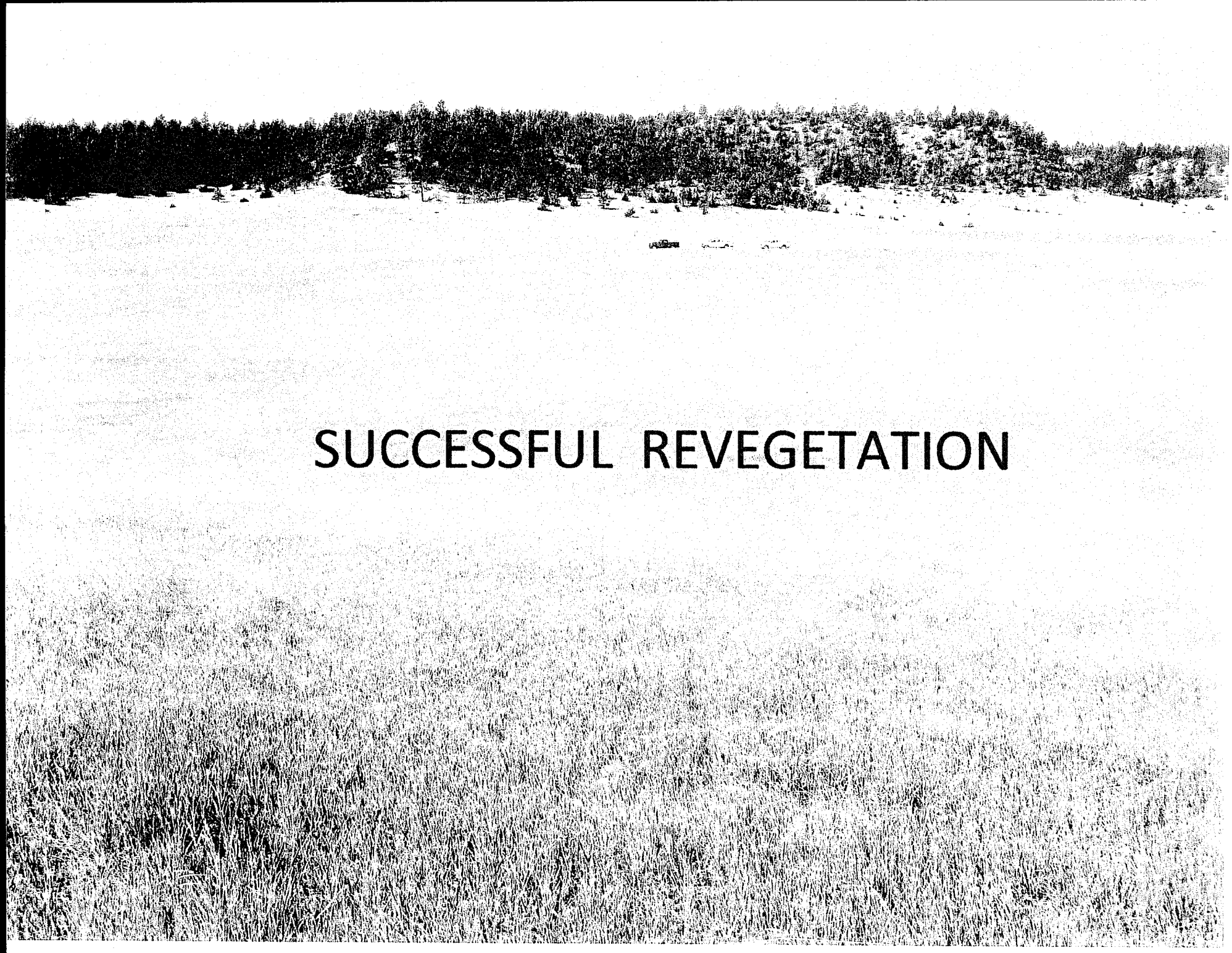


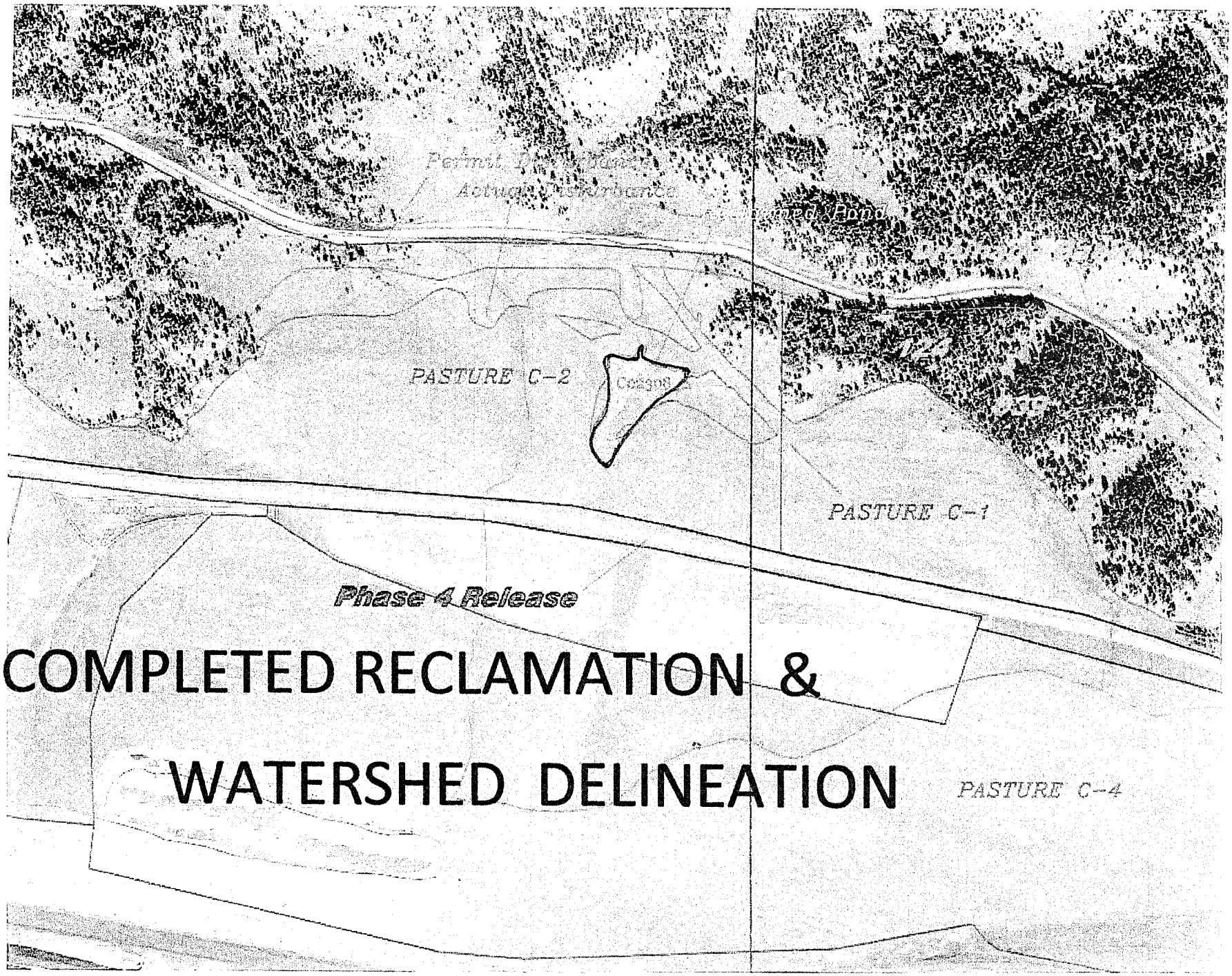
REGRADING & RECONTOURING


RESEEDING

EROSION CONTROL-SEDIMENT POND




SUCCESSFUL REVEGETATION



COMPLETED RECLAMATION & WATERSHED DELINEATION

EXPLANATION OF PREVIOUS PAGE

-THE AREA OUTLINED IN YELLOW IS KNOWN AS DRAINAGE BASIN "038" AND IT CONSISTS OF 280.40 ACRES.

-THE SMALL AREA OUTLINED IN BLUE IS A 2.7 ACRE SEDIMENT POND THAT WAS RECLAIMED AND SEEDED IN 2002 AND NOW MEETS REVEGETATION STANDARDS.

-CURRENT LAW REQUIRES A MINIMUM OF 10 YEARS TO EXPIRE FROM THE DATE OF SUCCESSFUL REVEGETATION BEFORE THAT SPECIFIC AREA IS ELIGIBLE FOR PHASE 3 BOND RELEASE. CONSEQUENTLY, THAT 2.7 ACRE SEDIMENT POND WON'T BE ELIGIBLE FOR PHASE 3 BOND RELEASE UNTIL 2012.

-FURTHERMORE, CURRENT RULES REQUIRE THAT ALL SUB-UNITS WITHIN A DRAINAGE BASIN MUST MEET PHASE 3 RECLAMATION STANDARDS BEFORE ANY PARCEL WITHIN THAT DRAINAGE BASIN CAN BE ELIGIBLE FOR PHASE 4 "FINAL" BOND RELEASE.

CONTINUED ON NEXT PAGE

-FACT: EVERYTHING IN DRAINAGE BASIN "038" HAS FULFILLED PHASE 3 REQUIREMENTS AND WAITED THE 10 YEARS WITH THE EXCEPTION OF THE 2.7 ACRE RECLAIMED SEDIMENT POND.

-FACT: REVEGETATION OF THE 2.7 ACRE POND WAS SUCCESSFUL IN 2002 AND IT NOW MEETS THE REVEGETATION STANDARDS. UNFORTUNATELY, CURRENT LAW REQUIRES THE 10 YEAR WAITING PERIOD APPLY TO EVERYTHING.

RESULT: PHASE 3 BOND RELEASE IS HELD UP UNTIL 2012 FOR THE 2.7 ACRES AND PHASE 4 "FINAL" BOND RELEASE IS HELD UP ON THE REMAINING 277.7 ACRES UNTIL 2012 EVEN THOUGH ALL THESE ACRES MEET THE CURRENT REVEGETATION STANDARDS.

HB-278 ALLOWS THAT CERTAIN INCIDENTAL "SUPPORT FACILITIES" ARE NOT SUBJECT TO THE 10 YEAR WAITING PERIOD. THE 2.7 ACRES COULD BE APPROVED FOR PHASE 3, AND THE ENTIRE 280.40 COULD BE APPROVED FOR FINAL BOND RELEASE. DETAILS TO BE DETERMINED THROUGH "RULES".

BENEFITS OF HB-278

(1)-ALLOWS THE PHASE 3 BOND RELEASE FOR CERTAIN QUALIFING FACILITIES AS SOON AS THEY MEET THE VEGETATION STANDARDS, RATHER THAN THE MANDATORY 10 YEAR WAIT.

(2)-FULFILLMENT OF (1) ABOVE WILL ALLOW THE SURROUNDING ACERAGE TO APPLY FOR PHASE 4 (FINAL) BOND RELEASE.

(3)ONCE FINAL BOND RELEASE HAS OCCURRED, THE LAND CAN BE RELEASED BACK TO THE SURFACE OWNER FOR THEIR MANAGEMENT.

SAFEGUARDS

-30 YEAR HISTORY OF SUCCESSFUL RECLAMATION

-DETAILS TO BE DEVELOPED THROUGH PUBLIC "RULE MAKING" PROCESS ADMINISTERED BY DEQ

-APPLICABILITY LIMITED TO WATER MANAGEMENT AND OTHER SUPPORT FACILITIES (DETAILED IN "RULES").

-SIZE LIMITED TO NO MORE THAN ~~20%~~ 10% OF THE SPECIFIC SURROUNDING DELINEATED "WATERSHED" AREA.