SENATE NATURAL RESOURCES
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Testimony for HB 278

Senate Natural Resources Committee
Neil Harrington
March 9, 2009

Mr. Chairman and members of the committee, my name is Neil Harrington and I am Chief of the Industrial and Energy Minerals Bureau of the Department of Environmental Quality (DEQ). My bureau administers the Montana Strip and Underground Mine Reclamation Act, which regulates coal and uranium mining, prospecting, and related activities and requires a variety of environmental standards be met during active operations and land reclamation. On behalf of DEQ, I provide the following testimony in support of HB 278.

Currently the Act requires that, for any lands disturbed by coal mining and associated activities, a minimum 10-year period must elapse after final seeding and planting before those lands are eligible for revegetation bond release. HB 278 would remove the minimum 10-year period on certain selected disturbances, including soil stockpiles, sediment ponds, roads, and other lesser disturbed sites. Nevertheless, the standards for revegetation would still have to be met, which might still require a period of 10 years or longer in certain instances.

HB 278 would create the potential of allowing these selected disturbances to be evaluated for revegetation and released from revegetation bond sooner than the current minimum 10-year period allows. These sites may be among the last sites to be reclaimed on a coal mine. Thus, the main rationale for the change in this bill would be that these miscellaneous disturbances would potentially allow earlier release from revegetation bond of whole parcels of reclaimed lands. In turn, this would ultimately create the possibility of the lands being completely released sooner for full use again by the landowner or lessee. It would benefit DEQ by relieving bureau staff of continuing responsibility for inspections of reclaimed lands for extended periods of time, without compromising the quality of the revegetation. It would obviously benefit the coal industry by freeing up bonding capacity sooner so that it could be applied to other mining projects.

I am available for any questions.