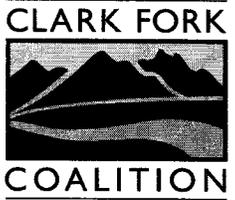


EXHIBIT 5  
DATE 2/2/11  
HB 364



February 2, 2011

- |                                         |                               |
|-----------------------------------------|-------------------------------|
| House Natural Resources Committee       | Kelly Flynn (R-Townsend)      |
| Chair: Gordon Hendrick (R-Superior)     | Alan Hale (R-Basin)           |
| Vice Chair: Brian Hoven (R-Great Falls) | Bill Harris (R-Mosby)         |
| Vice Chair: Betsy Hands (D-Missoula)    | Cleve Loney (R-Great Falls)   |
| Dick Barrett (D-Missoula)               | Mike Miller (R-Helmville)     |
| Gerald Bennett (R-Libby)                | Michele Reinhart (D-Missoula) |
| Pat Connell (R-Darby)                   | Wendy Warburton (R-Havre)     |
| Virginia Court (D-Billings)             | Kathleen Williams (D-Bozeman) |

**Oppose HB 364 - Too expensive for Montanans**

Dear Mr. Chairman and Members of the Committee:

The Clark Fork Coalition urges a "do not pass" for HB 364, as it will hamper Montanans' ability to apply for permits to use and manage our resources. The Coalition is comprised of 2,600 members dedicated to protecting the Clark Fork River watershed, a 22,000-square-mile basin in western Montana.

While we appreciate and support the concept of agencies coordinating with communities and applicants during the decision-making process, this bill is too vague to benefit our members. For instance, what authority would the stakeholder groups have over DEQ or DNRC? Would these groups overlap with the existing public processes - such as rulemaking and hearings - that govern permitting decisions? What is the associated fiscal impact to local governments and taxpayers for coordinating "to the fullest extent possible" (Section 1 (1) and Section 3 (1)) with these agencies during decision-making?

In addition, the Coalition is extremely concerned with Section 2 and Section 4. If the DEQ and DNRC are not allowed to rely on computer modeling during permitting decisions, the onus—and the exorbitant costs—will fall instead on the applicant to provide complicated scientific models related to groundwater/surface water interactions, nutrient concentrations, or even wind patterns. This financial burden is unacceptable for Montanans applying for permits. It's also a waste of the already-invested taxpayer dollars that have gone toward developing working models related to our state's natural resources.

Please reject HB 364 in order to protect citizens' public health and natural resources. Thank you for your time, and for considering the potential negative impacts of this bill.

Sincerely,  
*Brianna Randall*

Brianna Randall  
Water Policy Director

PO Box 7593  
Missoula, MT 59807  
406/542-0539 Phone  
406/542-5632 Fax