

BUSINESS REPORT

**MONTANA SENATE
62nd LEGISLATURE - REGULAR SESSION**

SENATE NATURAL RESOURCES COMMITTEE

Date: Wednesday, February 16, 2011
Place: Capitol

Time: 3:00 PM
Room: 422

BILLS and RESOLUTIONS HEARD:

SB 312 - Revise metal mine laws
SB 317 - Generally revise the Montana Environmental Policy Act
SB 348 - Revise funding for wolf management

EXECUTIVE ACTION TAKEN:

SB 299 - Do pass as amended
SB 286 - Do pass as amended

Comments:



SEN. Debby Barrett, Chair

MONTANA STATE SENATE
 ROLL CALL
 NATURAL RESOURCES
 COMMITTEE

DATE: February 16, 2011

NAME	PRESENT	ABSENT/ EXCUSED
Vice Chair Hinkle	✓	
Senator Brenden	✓	
Senator Hamlett	✓	
Senator Jackson		✓
Senator Kaufmann	✓	
Senator Keane	✓	
Senator Larsen	✓	
Senator Peterson		✓
Senator Steinbeisser	✓	
Senator Tropila	✓	
Senator Vincent	✓	
Senator Walker	✓	
Senator Wanzenried	✓	
Chairperson Barrett	✓	

14 Committee Members



SENATE STANDING COMMITTEE REPORT

February 16, 2011

Page 1 of 2

Mr. President:

We, your committee on **Natural Resources** recommend that **Senate Bill 299** (first reading copy -- white) **do pass as amended.**

Signed:

Debby Barrett
Senator Debby Barrett, Chair

And, that such amendments read:

1. Title, page 1, line 7.

Following: "MCA;"

Insert: "DEFINING THE TERM "NAVIGABLE"; REPEALING SECTION 70-18-202, MCA;"

2. Page 1, line 17.

Strike: "change"

Insert: "avulsion occurred"

Following: "in"

Insert: "the"

3. Page 1, line 18.

Strike: "an island"

Insert: "wholly surrounded by water"

4. Page 1.

Following: line 20

Insert: "(4) For the purposes of this section, "navigable" means a river or stream adjudicated as navigable for title purposes by a court of competent jurisdiction."

5. Page 1, line 24.

Following: the second "section"

Insert: "and subject to Title 70, chapter 18, part 2"

6. Page 2.

Committee Vote:

Yes 13, No 1

Fiscal Note Required

SB0299001SC.sdr

DR

Following: line 4

Insert: "(3) For the purposes of this section:

(a) "abandoned bed" means a river bed or stream bed with no water over it; and

(b) "navigable" means a river or stream adjudicated as navigable for title purposes by a court of competent jurisdiction."

Insert: "NEW SECTION. **Section 3. Repealer.** The following section of the Montana Code Annotated is repealed:

70-18-202. Sudden removal of bank -- right of owner to reclaim."

Renumber: subsequent sections

- END -



SENATE STANDING COMMITTEE REPORT

February 16, 2011

Page 1 of 4

Mr. President:

We, your committee on **Natural Resources** recommend that **Senate Bill 286** (first reading copy -- white) **do pass as amended**.

Signed: _____

Debby Barrett
Senator Debby Barrett, Chair

And, that such amendments read:

1. Title, page 1, line 4.

Strike: "CLARIFYING"

Insert: "MODIFYING"

2. Title, page 1, line 5 through line 6.

Strike: "CLARIFYING" on line 5 through "PROCEDURES;" on line 6

3. Page 1, line 11 through page 3, line 15.

Strike: section 1 in its entirety

Insert: "**Section 1.** Section 82-4-226, MCA, is amended to read:

"**82-4-226. Prospecting permit.** (1) Except as provided in subsection ~~(8)~~ (7), prospecting by any person on land not included in a valid strip-mining or underground-mining permit is unlawful without possessing a valid prospecting permit issued by the department as provided in this section. A prospecting permit may not be issued until the person submits an application, the application is examined, amended if necessary, and approved by the department, and an adequate reclamation performance bond is posted, all of which prerequisites must be done in conformity with the requirements of this part.

(2) An Except for an application filed pursuant to subsection (8), an application for a prospecting permit must be made in writing, notarized, and submitted to the department in duplicate upon forms prepared and furnished by it. The application must include among other things a prospecting map and

Committee Vote:

Yes 14, No 0

Fiscal Note Required

SB0286001SC.sdr

DR

a prospecting reclamation plan of substantially the same character as required for a surface-mining or underground-mining map and reclamation plan under this part. The department shall determine by rules the precise nature of the required prospecting map and reclamation plan. Any applicant who intends to prospect by means of core drilling shall specify the location and number of holes to be drilled, methods to be used in sealing aquifers, and other information that may be required by the department. The applicant shall state what types of prospecting and excavating techniques will be employed on the affected land. The application must also include any other or further information that the department may require.

(3) Before the department gives final approval to the prospecting permit application, the applicant shall file with the department a reclamation and revegetation bond in a form and in an amount as determined in the same manner for strip-mining or underground-mining reclamation and revegetation bonds under this part.

(4) In the event that the holder of a prospecting permit desires to strip mine or underground mine the area covered by the prospecting permit and has fulfilled all the requirements for a strip-mining or underground-mining permit, the department may permit the postponement of the reclamation of the acreage prospected if that acreage is incorporated into the complete reclamation plan submitted with the application for a strip-mining or underground-mining permit. Any land actually affected by prospecting or excavating under a prospecting permit and not covered by the strip-mining or underground-mining reclamation plan must be promptly reclaimed.

(5) The prospecting permit is valid for 1 year and is subject to renewal, suspension, and revocation in the same manner as strip-mining or underground-mining permits under this part.

(6) The holder of the prospecting permit shall file with the department the same progress reports, maps, and revegetation progress reports as are required of strip-mining or underground-mining operators under this part.

(7) (a) Prospecting that is not conducted in an area designated unsuitable for coal mining pursuant to 82-4-227 or 82-4-228, that is not conducted for the purpose of determining the location, quality, or quantity of a mineral deposit, and that does not remove more than 250 tons of coal is not subject to subsections (1) through (6). In addition, coal prospecting that is conducted to determine the location, quality, or quantity of a mineral deposit outside an area designated unsuitable, that does not remove more than 250 tons of coal, and that does not substantially disturb the natural land surface is not subject to subsections (1) through (6). However, except for a prospecting operation for which a permit is required by subsection (7)(b), a person who conducts prospecting described in this subsection shall file with the department a notice of intent to prospect that contains the information required by the department before

commencing prospecting operations. If this prospecting substantially disturbs the natural land surface, it must be conducted in accordance with the performance standards of the board's rules regulating the conduct and reclamation of prospecting operations that remove coal. The department may inspect these prospecting and reclamation operations at any reasonable time.

(b) Prospecting conducted to determine the location, quality, or quantity of coal outside an area designated unsuitable that is not included in a valid strip-mining or underground-mining permit and that does not remove more than 250 tons of coal may not be conducted without a valid prospecting permit issued pursuant to subsection (8).

(8) (a) An application for a coal prospecting permit required by subsection (7)(b) must contain:

(i) the name, address, and telephone number of the person who seeks to prospect;

(ii) the name, address, and telephone number of the person's representative who will be present at and responsible for conducting the prospecting activities;

(iii) a narrative describing the proposed prospecting area or a map of the prospecting area at a scale of 1:24,000 or greater showing:

(A) the general location of drill holes and trenches;

(B) existing and proposed roads;

(C) occupied dwellings;

(D) topographic features;

(E) bodies of water; and

(F) pipelines;

(viii) a copy of the documents upon which the applicant bases its legal right to prospect, including documentation that the owners of the land affected have been notified and understand that the department will make investigations and inspections to ensure compliance;

(iv) a statement of the period of intended prospecting; and

(v) a description of the method of prospecting to be used and the practices that will be followed to protect the environment and reclaim disturbed areas, including plugging of prospecting holes in accordance with rules adopted by the board.

(b) Within 10 working days of receipt of an application, the department shall notify the applicant in writing as to whether the application is complete and preliminarily acceptable. If the department determines that the application is not complete or not preliminarily acceptable, the department shall include a detailed identification of information necessary to cure the deficiency.

(c) Within 5 working days of receipt of the applicant's response to the identified deficiencies, the department shall review the response and notify the person as to whether the application is complete and preliminarily acceptable. If the department determines the application is not complete or preliminarily acceptable, the department shall notify the person

in writing and include a detailed identification of information necessary to make the application complete and preliminarily acceptable.

(d) When the department determines that the application is complete and preliminarily acceptable, the department shall notify the applicant in writing. The notification must include the amount of bond that is required to be posted in order for the permit to be issued.

(e) Upon receipt of the department's determination of preliminary acceptability, the applicant shall place an advertisement in a newspaper of general circulation in the locality of the proposed prospecting. The notice must describe the application and a place in the locality where the public may examine the application and must notify the public that it may submit written comments by delivering or mailing them to the department within 10 days following publication of the notice.

(f) After close of the public comment period, the department shall notify the applicant as to whether the application is acceptable. The department shall issue the notification within 5 working days of the close of the comment period if no comments are received and within 10 working days if comments are received. In the notice of acceptability, the department shall notify the applicant of any adjustment in the amount of the bond.

(g) A permit issued pursuant to this subsection (8) is subject to subsections (3) through (6)."

- END -

MONTANA STATE SENATE
Roll Call Vote
NATURAL RESOURCES COMMITTEE

DATE 2/16/11 BILL NO SB 299 MOTION NO. _____
 MOTION: amendment

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	<u>If Proxy Vote, check here & include signed Proxy Form with minutes</u>
<u>SENATOR GREG HINKLE, VICE CHAIR</u>	✓		
<u>SENATOR JOHN BRENDAN</u>	✓		✓
<u>SENATOR BRADLEY MAXON HAMLETT</u>	✓		
<u>SENATOR VERDELL JACKSON</u>	✓		
<u>SENATOR CHRISTINE KAUFMANN</u>		✓	
<u>SENATOR JIM KEANE</u>	✓		✓
<u>SENATOR CLIFF LARSEN</u>	✓		
<u>SENATOR JIM PETERSON</u>	✓		✓
<u>SENATOR DONALD STEINBEISSER</u>	✓		✓
<u>SENATOR MITCH TROPILA</u>	✓		
<u>SENATOR CHAS VINCENT</u>	✓		
<u>SENATOR EDWARD WALKER</u>	✓		
<u>SENATOR DAVID WANZENRIED</u>	✓		✓
<u>SENATOR DEBBY BARRETT, CHAIR</u>	✓		

MONTANA STATE SENATE
Roll Call Vote
NATURAL RESOURCES COMMITTEE

DATE 2/16/11 BILL NO SB 299 MOTION NO. _____
 MOTION: as amended

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	<u>If Proxy Vote, check here & include signed Proxy Form with minutes</u>
<u>SENATOR GREG HINKLE, VICE CHAIR</u>	✓		
<u>SENATOR JOHN BRENDAN</u>	✓		✓
<u>SENATOR BRADLEY MAXON HAMLETT</u>	✓		
<u>SENATOR VERDELL JACKSON</u>	✓		
<u>SENATOR CHRISTINE KAUFMANN</u>		✓	
<u>SENATOR JIM KEANE</u>	✓		✓
<u>SENATOR CLIFF LARSEN</u>	✓		
<u>SENATOR JIM PETERSON</u>	✓		✓
<u>SENATOR DONALD STEINBEISSER</u>	✓		✓
<u>SENATOR MITCH TROPILA</u>	✓		
<u>SENATOR CHAS VINCENT</u>	✓		
<u>SENATOR EDWARD WALKER</u>	✓		
<u>SENATOR DAVID WANZENRIED</u>	✓		✓
<u>SENATOR DEBBY BARRETT, CHAIR</u>	✓		

MONTANA STATE SENATE
Visitors Register
SENATE NATURAL RESOURCES COMMITTEE

Wednesday, February 16, 2011
SB 312 - Revise metal mine laws
Sponsor: Senator Chas Vincent

PLEASE PRINT

Name	Representing	Support	Oppose
Brianna Randall	CFC		X
Tommy Johnson	Revelt Minerals / MMA	✓	
Jon Allen	WETA	X	
Mark Thompson	Barrick Golden Sunlight	X	
Les Foster	Self	X	
Tim Dimock	Barrick Golden Sunlight	X	
Tom Bennison	Montana Chamber	X	
Debbie O'hea	MMA	X	
Jim Jensen	MEIC		X
Bob Winger	Bullmackers Local U	X	
Clayton Elliott	Nonther Plains		X
Tim Rawls	Self	X	
Margaret Morgan	Helcim Fedint	✓	
Harold Blatter	Mt Assoc of Hard Rock Mining	X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register
SENATE NATURAL RESOURCES COMMITTEE

Wednesday, February 16, 2011

SB 317 - Generally the Montana Environmental Policy Act

Sponsor: Senator Chas Vincent

PLEASE PRINT

Name	Representing	Support	Oppose
Brianna Randall	CFC		X
Sarah Sather	Mont PIRG		X
Jammy Johnson	Revelt Minerals	X	
Jon Allen	WETA	X	
Mark Thompson	BARRICK Golden Sunlight	X	
Kess Foster	Self	X	
Jon Beunber	MT Chamber	X	
Chadwick Wilt	ANRC - Info		
Janet Ellis	MT Audubon		X
Bob Winger	Boilermakers Local 11	X	
Clayton Elliott	North Plains		X
U. Metzger	Self	X	
Save GAT	MAA	X	
Ana Hedger	NETC		X
Tim Ruvold	Self / COCTP		X
Montana Contractors Assn by GAT		X	
Carol Lambert	WIFE	X	
Todd O'Hair	Cloud Peak Energy	X	
Jason Todhunter	Montana Logging Assoc.	X	
PATRICK HOFFERMAN	MT WOOD PRODUCTS ASSOC	X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.