

# Input and comments regarding efficiencies related to state processes for natural resource development

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**As received by Feb. 28, 2012 for the  
Natural Resources Subcommittee  
Select Committee on Efficiency in Government**

**From:** [Theresa](#)  
**To:** [Mohr, Jason](#)  
**Subject:** SCEG Natural Resources Subcommittee  
**Date:** Saturday, February 11, 2012 5:33:49 PM

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Jason Mohr,

I have several suggestions for improving efficiency in environmental regulations. I worked for state and county environmental agencies for 25 years, served on Ravalli County Board of Health, MT Petroleum Tank Release Compensation Board, and Montana Environmental Health Association Board.

1. The definition of trailer court needs to be standardized between DPHHS and DEQ. Current regulations confuse owners because the number of trailers to qualify your court as a trailer court is more than one for DEQ and more than two for DPHHS. There are numerous trailer courts in Montana that are not licensed and have inadequate water and sewer for the total number of trailers because of these conflicting definitions.
2. Air quality regulations need to be enforced consistently in western Montana. Burning garbage is common place in Ravalli County even though open burning regulations prohibit burning certain prohibited items. This list of prohibited items is so confusing that it is hard for people to understand so they just burn whatever they want. How about simplifying the list to just state that you cannot burn household garbage. Then state what you can burn, vegetation (trees, shrubs, and grass). The current open burning regulations are only enforced in counties with local programs. In counties without programs, the air quality regulations are not adequately enforced to protect public health partly due to this confusing list of prohibited items.
3. Many permitting programs are not consistent from county to county. For example, we have county minimum standards for septic (on-site wastewater) that are less stringent than wastewater requirements for subdivisions. This would be okay as long as the less stringent septic systems were at ranches that were never subdivided. However, this is rarely the case. It would be more efficient, less confusing, and more protective of public health if these regulations were the same. I was part of the group that rewrote these regulations in 2002 but we did not go far enough to merge the county regulations and the state sanitation in subdivision regulations.
4. The state needs to eliminate exemptions for individual wells. All wells in Montana need to be permitted. The Ravalli County well permitting program should be implemented statewide to help record wells and eliminate water pollution.
5. All on-site wastewater ( septic system) and well permitting should be computerized and available to the public. The property records are now available and the water and sewer records should also be available. This will help with more efficient permitting in the future, especially for replacement systems and adequate setbacks from neighboring systems.

I do have other ideas but am tired of typing now.

Theresa Blazicevich  
Stevensville, MT

**From:** [Dan and Karen Thompson](#)  
**To:** [Mohr, Jason](#)  
**Cc:** [Robbie Holman](#); [Charles Donaldson](#); [Russ Englund](#); [Betty Frost](#); [Brent Nelson](#); [Len Owings](#); [Lee Scharff](#); [Dennis Wessels](#)  
**Subject:** RE: Efficiency in Government  
**Date:** Thursday, February 16, 2012 10:17:30 AM

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Jason,

One more suggestion: Currently, Montana, Idaho, and Wyoming have reciprocity agreements for registration stickers for wheeled vehicles such as ATVs and motorcycles, but have no similar agreement for snowmobiles. Montana snowmobilers who wish to ride in Idaho or Wyoming must purchase a permit to do so, and *vice versa*. I don't know how many out-of-state snowmobile permits Montana sells each year, but I doubt that the revenue covers the administrative costs associated with issuing the permits. Moreover, the requirement to obtain a Montana permit for out-of-state snowmobilers discourages visitors with the associated loss of revenue to local economies.

I recommend that Montana recognize out-of-state snowmobile registration stickers as valid in Montana and abolish the permit requirement altogether. This will achieve administrative efficiencies and encourage out-of-state tourism.

Dan Thompson

--- On **Mon, 2/13/12, Mohr, Jason** <[JMohr2@mt.gov](mailto:JMohr2@mt.gov)> wrote:

From: Mohr, Jason <[JMohr2@mt.gov](mailto:JMohr2@mt.gov)>  
Subject: RE: Efficiency in Government  
To: "Dan and Karen Thompson" <[dkthomps@yahoo.com](mailto:dkthomps@yahoo.com)>  
Date: Monday, February 13, 2012, 1:47 PM

Dan,

Thank you for giving input regarding state processes related to natural resource development. Your comments will be provided to the subcommittee for its March 1-2 meeting.

Sincerely,

Jason Mohr

Research Analyst

Montana Legislative Environmental Policy Office

(406)444-1640

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**From:** Dan and Karen Thompson [mailto:dkthomps@yahoo.com]  
**Sent:** Monday, February 13, 2012 10:28 AM  
**To:** Mohr, Jason  
**Cc:** Charles Donaldson; Russ Englund; Betty Frost; Brent Nelson; Len Owings; Lee Scharff; Dennis Wessels  
**Subject:** Efficiency in Government

Dear Mr. Mohr,

I understand that the *Natural Resources Subcommittee of the Select Committee on Efficiency in Government* is requesting specific recommendations for finding efficiencies related to state processes for natural resources development. I have a suggestion which relates to recreational uses of State resources, but which would also benefit commercial uses of State Resources.

Let me start by relating a recent experience by the Bitterroot Ridgerunners Snowmobile Club. We wanted to do a one-day event in the Bitterroot Valley to host a group of active servicemen for a snowmobile ride as an expression of our gratitude for their service. We approached the Forest Service and they agreed to process our Special Use Permit application within two weeks and didn't see any obstacles to obtaining FS permission. Since we wanted to use the State-supplied groomer to groom the route, we then approached FWP to obtain permission to use the groomer to groom the route for our one-time-only one-day event. We were informed that our request would require full MEPA Environmental Assessment, including a 30-day public comment period, and they could not possibly process this request in less than 6-8 weeks. We have had to relocate our event to a less desirable location.

The point is this: MEPA does not allow quicker and simpler processes for activities on State Lands or using State resources that are small in scope and potential impacts. Federal NEPA requirements allow for Categorical Exclusions for small projects, and allow for even quicker and simpler review of Special Use Permits for recreational groups.

More specifically, we suggest that:

- MEPA be revised to allow Categorical Exclusions for small, routine activities on State Lands or for small routine commitments of State resources;
- Review and approval or disapproval of non-commercial recreational activities involving fewer than 70 persons which involve State lands or state resources should be delegated to the appropriate State official without the need for MEPA review.

I hope our suggestions will be helpful to the Subcommittee. Please feel free to call on us if you require any additional information.



Dan Thompson

Bitterroot Ridgerunners Snowmobile Club

(406)642-9824

**From:** [Dan and Karen Thompson](#)  
**To:** [Mohr, Jason](#)  
**Cc:** [Charles Donaldson](#); [Russ Englund](#); [Betty Frost](#); [Brent Nelson](#); [Len Owings](#); [Lee Scharff](#); [Dennis Wessels](#)  
**Subject:** Efficiency in Government  
**Date:** Monday, February 13, 2012 10:28:28 AM

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I understand that the *Natural Resources Subcommittee of the Select Committee on Efficiency in Government* is requesting specific recommendations for finding efficiencies related to state processes for natural resources development. I have a suggestion which relates to recreational uses of State resources, but which would also benefit commercial uses of State Resources.

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I hope our suggestions will be helpful to the Subcommittee. Please feel free to call on us if you require any additional information.

Dan Thompson  
Bitterroot Ridgerunners Snowmobile Club  
(406)642-9824



February 22, 2012

Mr. Jason Mohr  
Legislative Services Division  
P.O. Box 201706  
Helena, MT 59602

RE: Select Committee on Efficiency in Government

Dear Jason,

I would like to thank you for this opportunity to respond to the call for suggestions on how to improve efficiencies within government from the perspective of the Montana Wood Products Association.

The membership has a few suggestions listed below:

- Maximize the use current technology. Many state meetings are of short duration. Participants are better served by participating via conference and/or live meeting technologies.
- “Rule Making” flexibility and minimizing duplication. Case: during the burning season, the state DEQ and the Cooperative Smoke Management Group had duplicative services, requirements, and protocols. Burners should be able to call the DEQ “hot line” to hear weather forecast conditions for the following day and what the associated restrictions will be. Then burners have to call the Montana and Idaho Cooperative Smoke Management Committee to get the same information, status and restrictions.
- MT DNRC resource staff should be encouraged to meet with local, key timberland or resource management stakeholders annually.
- MT DNRC road use permit policies require payment to the DNRC before a requested road use permit can be initiated. For Montana timberland owners who have checkerboard ownership, or adjacent ownerships, are cooperators in cost share access road agreements. This new requirement seems excessive and delays the process.
- Due to recent cutbacks in state budgets and staff, there is not as much commitment by state employees to be customer oriented and committed to results.
- There seems to be a void in knowledge base between retiring employees and new hires. This may be due to unexecuted career orienteering for career employees. It definitely affects the public that relies upon a knowledgeable, customer oriented state workforce.

Again, thank you this opportunity to comment. We look forward to working with the select committee throughout the year.

Sincerely,

A handwritten signature in cursive script that reads "Julia Altemus".

Julia Altemus  
Executive Vice-President

**From:** [Nowakowski, Sonja](#)  
**To:** [Mohr, Jason](#)  
**Subject:** FW: SCEG natural resources subcommittee seeking public input  
**Date:** Wednesday, February 08, 2012 10:23:37 AM  
**Attachments:** [PreliminaryApplication.doc](#)

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Your first public comment.

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**From:** Gary Marbut/MSSA/TOS [mailto:mssa@mtssa.org]  
**Sent:** Wednesday, February 08, 2012 10:22 AM  
**To:** Nowakowski, Sonja  
**Subject:** Re: SCEG natural resources subcommittee seeking public input

Sonja,

Just in case committee members may be interested, I'll attach an MSWord file that describes a proposal I put together a few years ago (2005) to use portable biomass conversion units to turn forest cleanup waste into green power and to use the electrical grid to transport that product to market. FYI, I did not obtain the grant I sought to demonstrate this process.

Best wishes,

Gary Marbut, president  
Montana Shooting Sports Association  
<http://www.mtssa.org>  
Author, Gun Laws of Montana  
<http://www.mtpublish.com>

On 02/08/2012 10:09, Sonja Nowakowski wrote:

The [Natural Resources Subcommittee of the Select Committee on Efficiency in Government](#) is requesting specific recommendations for finding efficiencies related to state processes for natural resource development.

The subcommittee formed in January and began seeking recommendations to reduce unnecessary or overly burdensome processes. Members will discuss suggested changes in March.

The subcommittee is seeking feedback on the following:

- ways to use electronic forms and authorizations to streamline permitting;
- new technologies that can help advance development of innovative natural resource industries and sectors needs;
- requirements to facilitate investment and financing of natural resource development projects in Montana;
- improvements to project and program coordination, both between state programs, and between state and other government programs;
- improvements to public notice and opportunities for public participation;
- ways to further prevent or eliminate duplication and waste, in general.



Suggested changes can be submitted in the following ways:

- by email to [jmohr2@mt.gov](mailto:jmohr2@mt.gov)
- by filling out the online [public input tool](http://leg.mt.gov/sceg) found on the Committee's website (leg.mt.gov/sceg); or
- by mailing the recommendation to: Jason Mohr, Legislative Services Division, P.O. Box 201706, Helena, MT 59602

Please provide a specific process and identify the change that is needed. In order to compile information for the March 1-2 committee meeting, comments must be received by **February 24**.

If you have questions, feel free to email or call 444-1640.

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To Unsubscribe please visit this web site: [http://leg.mt.gov/css/email\\_logon.asp](http://leg.mt.gov/css/email_logon.asp). Thank you.

**Project Name:** Forest fuels reduction subsidy decrease via conversion of low-value biomass to electricity, infusion into power grid at grid point closest to forest cleanup project, and marketing of green power produced.

**Proponent/applicant:** Gary Marbut, dba B.I.T. Enterprises, Missoula, Montana

**Introduction:** Western forests are overgrown with fuels which need attention by landowners, private, tribal, state and federal. Experience demonstrates that landowners must invest in forest management, both for fuels and fire hazard reduction, and good habitat. Some treatment costs may be recaptured by sale of merchantable material extracted from forests. However, much of the biomass which must be addressed is "low-value". Low-value woody biomass is forest material from pine needle diameter to about 6' in diameter. The chief obstacle to dealing with this biomass is economic - transport cost. The traditional methods of addressing this biomass are either piling and burning slash, which wastes the resource and produces significant air pollution, or "lop and scatter", which fails to maximize the fire-hazard reduction potential, wastes the resource, and also has air quality and habitat implications. The cost of transport of this material exceeds the value of the material about 20 road miles from the forest cleanup site, which distance varies somewhat depending on quality of material, use of material, transport conditions, terrain, and more.

Proponent proposes to shortcut the transport cost dilemma by using the power grid as a method of transport. Proponent will use biomass gasification technology to convert low-value biomass wood chips into electricity and infuse that electricity into the power grid at the closest grid-point possible to the forest cleanup project. Proponent has explored various statutory, regulatory and engineering obstacles to this process and finds none insurmountable. Proponent also proposes to test-market green power (electricity produced from a renewable resource) to individual and commercial consumers, so as to establish price ceiling for green power, raise awareness and develop mechanisms for delivery of small-project green power to consumers.

Proponent has planned a three-phase activity to test this concept: A Pilot Project, a Demonstration Project, and commercial activity. The Pilot Project will be self-sponsored, but with numerous cooperators, will make initial test of efficiencies, strategies and results, and will attempt to treat about 300 acres of overgrown forest. Grant application will be made for the Demonstration Project, to treat about 1,000 acres, which will build upon the experience of the Pilot Project. Both the Pilot and Demonstration projects will be intensely monitored for inputs, outputs, and efficiencies. The ultimate goal will be to prove the concept, to develop necessary processes and to evolve a computer economic model which can then be applied to commercial activity - bidding contracts to apply forest fuels reduction work to other properties, federal, state, tribal and private. The commercial goal is to be able to treat forested lands at less cost than with other methods, and with significant reduction in air pollution and more effective fire hazard reduction, because of the biomass conversion to and sale of electricity. This reduction in necessary subsidy for forest management will allow more widespread forest treatment with finite investment, and more local employment.

**Technical Relevance and Merit:** Woody biomass gasification equipment is currently available in 15kW and 50kW packages. For eventual commercial activity, proponent seeks the most biomass conversion equipment that can be mounted on a highway-legal, flatbed trailer. The unit must be mobile for relocation from forest cleanup project to project. It is determined from surveys of biomass conversion equipment currently working in India, Scandinavia, South America and the U.S. that the size package needed will produce about 100kW of electricity. The Pilot Project will use a 15kW unit. The Demonstration Project will use either one or two of the currently-available 50kW units. The power

grid lines most likely to be encountered near a forest cleanup project will be those of rural electric cooperatives (REAs). The Bonneville Power Administration has indicated a willingness to offer technical assistance to REAs to help them overcome technical barriers associated with accepting distributed inputs to their systems. Proponent could sell the power produced to the REA at its "avoided cost", to the default supplier in Montana (NorthWestern Energy) at its avoided cost, or to consumers which proponent has recruited, in each case with or without the "green tags" associated with production of electricity from a renewable resource. Green tags could be marked separately, as may air pollution avoidance credits. Proponent's currently-preferred alternative is to market green-tagged power directly to consumers, and pay the REAs and default supplier for transport, but to market any air pollution avoidance credits separately. However, any permutation of these options will involve breaking new trails, which will remain available for any subsequent entity to use.

**Technical Approach/Work Plan:** Biomass gasification and energy conversion to shaft power is not new. Civilians in WWII Europe commonly converted motor vehicles to run on woody biomass, due to lack of motor fuel stocks tasked to the war effort. Conversion of shaft power to electricity is also proven technology. What is uncommon now, except in India and Scandinavia, is utilizing the full path of biomass to electricity by small producers. Many sub-processes will need to be developed in order to vet the entire concept. Biomass will be chipped *in situ* at the forest cleanup project. A Swedish tracked utility vehicle (BV206) will be used to transport chips from the forest to the conversion unit at the power grid. Use of this vehicle will nearly eliminate any need for roads into the forest cleanup area. Because biomass will be transported only from the cleanup project to the nearest distribution power line, transport distance can be kept to a minimum. The exact schedule of the grant-funded Demonstration Project will depend, in large part, upon what is learned from the Pilot Project. The Pilot Project, to treat about 300 acres, is tentatively scheduled to begin in May of 2005, and expected to last about eight weeks. The Demonstration Project, treating about 1,000 acres, could begin as early as August of 2005, or as late as May of 2006, and is expected to last about 16 weeks.

Thorough monitoring is intended to be one hallmark of both projects. Several cooperators have already agreed verbally to assist in developing the monitoring plan, and in the actual monitoring. These include the USFS, the National Center for Appropriate Technology, and the University of Montana, College of Technology. Others are welcome to participate. Monitoring will include initial, measurable and repeatable assessment of biomass available from the projects, so that may be extrapolated to other forest types and densities for later commercial consideration. Monitoring will also include all inputs such as labor, equipment costs, energy input, and administrative costs, and will include all outputs, such as merchantable forest materials, weight and volume of biomass converted, weight and volume of air pollution and ash produced, volume of electricity produced, and the overall efficiencies and flows of various components of the projects.

**Energy Efficiency/Displacement, Rural Economic Development, Environmental Benefits:** The biomass conversion units proponent will use are produced by the Community Power Corporation of Colorado. These units are rated at about 40% efficiency at converting woody biomass to electricity, depending in part on the moisture content of the incoming feedstock. The remaining 60% will be waste heat, some of which may be used to dry incoming feedstock to improve conversion efficiency. All electricity generated and sold will displace, in part, new energy sources using non-renewable resources. DOE estimates that the woody biomass available in Montana, only from federally-managed lands (not state, tribal or private), only from necessary fire hazard fuels reduction, only at a 40% conversion rate, may be as much as seven gigawatts. So, if this concept can be proven, 50 or 100 of the desired 100kW units could work forever in Montana forests, cleaning forests, reducing air pollution, employing people, and creating green power. Cost comparison with existing power production has not been made,

because the economic goal of this concept is to reduce the subsidy necessary to conduct fire hazard fuels reduction in overgrown forests, not to compete with the costs of commercial power generation. Willing consumers may pay more for the green power generated and marketed under this concept, but general electricity consumers will be unaffected. The distributed generation envisioned by this concept will decrease needed investment in long-distance transmission infrastructure, reduce air pollution, and will aid carbon sequestration. It should also help reduce long-term costs associated with wildlands fires, including firefighting costs, loss of forest resources, loss of homes, insurance costs, and more. Since biomass gasification gasses must be combusted in an internal combustion engine, the complete combustion and reduction of air pollution is nearly 100%. Ashes resulting from the combustion will be broadcast into the forest from which the biomass comes, to keep essential minerals in the forest.

**Technical, Management, and Facility Capabilities:** Proponent developed and submitted a successful grant application for the Tanana Chiefs Conference to (then) USDHEW for \$1.2 million to develop an emergency patient health care system for the Interior of Alaska, an area roughly the size of Texas, and administered and implemented that program. At the time, that project was held out by DHEW as a model rural/bush emergency patient care system. Proponent recently developed a grant application for the Western Montana Fish and Game Association to the Montana Department of Fish, Wildlife and Parks for a matching grant to implement major improvements to a local sports-shooting facility. That application has also been spoken of as a model project. Proponent is a long time resident of Montana and an entrepreneur, with diverse contacts and associations from which to draw collaboration for this project. Proponent was appointed by Montana Governor Ted Schwinden to the Governor's Advisory Council for Energy Conservation, and has served on other governor's advisory councils.

Other participants will include: Montana Resources Services, Inc. (project management), U.S. Forest Service, Northern Region and Lolo National Forest (collaboration and test forest parcels), Bonneville Power Administration, NorthWestern Energy and Missoula Electric Co-op (technical, transmission, etc.), University of Montana, College of Technology (monitoring), MCS Environmental (environmental consulting), Career Concepts (human resources), Galusha, Higgins and Galusha (accounting and administration), Community Power (equipment and consulting), Johnson Brothers Contracting, (merchantable timber handling), Spiker Communications (marketing green power), National Center for Appropriate Technology (monitoring, collaboration), Bonneville Environmental Foundation, (broker green power, collaboration), Montana Public Service Commission (legal, regulatory and economic issues), and Montana Department of Environmental Quality (environmental compliance, monitoring). Proponent has discussed the proposed project with all of these entities, and has verbal commitments to participate. Contact names and information can be provided upon request. The three-page pre-application size limit does not allow for a full contact information list, nor letters of commitment. Since nearly all of the Pilot and Demonstration projects will be conducted in the field, little in the way of facilities will be required. Proponent will propose rental of a small administrative office for the grant-funded Demonstration Project.

**Conclusion:** Under current circumstances, the Demonstration Project cannot be done without grant funds. With grant funds, proponent can explore, develop and validate the concept of aiding in forest fire-hazard reduction by converting low-value biomass into electricity. If the concept can be proven, it should achieve all of the following goals: Reduce the subsidy necessary for forest treatment, reduce air pollution, employ Montana people, provide a long-term, renewable source of electrical power, and reduce wildlands fire impacts. Once developed, this process may be used by any entity, and in many places in the U.S.

- End -

**From:** [Karin Hilding](#)  
**To:** [Mohr, Jason](#)  
**Subject:** SCEG Natural Resources Subcommittee  
**Date:** Monday, February 13, 2012 9:20:02 AM

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My suggestion for improving the state efficiency related to natural resources would be to create a State Energy Office. Utah and Wyoming both have state energy offices. This would help to centralize and improve efforts in use of biofuels including wood products and other energy sources related to natural resources.

Karin Hilding  
Senior Project Engineer  
City of Whitefish  
[khilding@cityofwhitefish.org](mailto:khilding@cityofwhitefish.org)

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Custom Value: *empty*

IP Address: 70.33.28.232

Response Started: Friday, February 24, 2012 2:58:48 PM

Response Modified: Friday, February 24, 2012 3:10:55 PM

1. What are your specific suggestions regarding efficiency improvements to public notice and opportunities for public participation?

In developing natural resources in Montana, there needs to be a more effective, respectful way to communicate with the affected public. When a project is first being considered, the affected public needs to be notified. When a project is being planned a list of affected public needs to be developed and the project developer needs to make contact with those individuals. A letter of intent should be mailed as soon as a project is considered to allow ample time for input and notification to the affected public, which is most likely a property owner impacted by the proposed project.

2. How would implementing your suggestion improve government efficiency in Montana?

Require project developers to obtain mailing addresses of affected landowners through the county treasurer. I'm specifically thinking about projects that would affect private property or BLM, State, and Federal use permits.

3. If you know of specific Montana [laws](#) or [rules](#) that need to be changed to implement your suggestion, please reference or describe them below, including how they need to be changed.

The only requirement right now to notify the public - even specific impacted landowners - is a small ad in the local newspapers. This has to change. To have to subscribe to a newspaper and read the fine print to find out what may happen to your property is not respectful or allowing for a workable relationship between the developer and the landowner(s).

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Respondent Type: Normal Response

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Custom Value: *empty*

IP Address: 216.14.230.239

Response Started: Friday, February 24, 2012 10:39:44 AM

Response Modified: Friday, February 24, 2012 10:44:13 AM

1. What are your specific suggestions regarding efficiency improvements to project and program coordination, both between state programs, and between state and other government programs (e.g., federal, tribal, local)?

More joint applications for permits, and sharing resources between agencies on combining "guides" or "how-to" information for applicants (i.e. like the joint application for Stream Permitting). Improve online capabilities for searching through public records, including maps of where existing projects are. Enhance online application forms for state agencies' grants and permit applications.

2. How would implementing your suggestion improve government efficiency in Montana?

Online applications would streamline permit time for DNRC and DEQ and other agencies. It would also waste less paper and postage funds. By combining applications (especially online) for all permits necessary for certain projects (i.e. a mine, a subdivision, a streambank stabilization project), the state would use less resources to send applications back and forth to each other and to the applicants. It would also save time and confusion for the public, and provide clearer, streamlined access to government resources.

3. If you know of specific Montana laws or rules that need to be changed to implement your suggestion, please reference or describe them below, including how they need to be changed.

No Response

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Respondent Type: Normal Response

Collector: New Link (Web Link)

Custom Value: *empty*

IP Address: 216.228.33.244

Response Started: Wednesday, February 22, 2012 4:00:15 PM

Response Modified: Wednesday, February 22, 2012 4:20:48 PM

1. What are your specific suggestions to facilitate investment and financing of natural resource development projects in Montana?

Since 1982 MT has been shut down for business and a huge reason for this was the enactment of MEPA, this act has all but shut down natural resource production in this state by making it either way too expensive or nearly impossible to do. We live in one of the richest states in the US and we run it like idiots by allowing outside special interest groups standing behind MEPA run our state! Just about all other states simply use the EPA standards to protect our air, water and a clean and healthful environment and it works for them, why not us? I'm saying get rid of MEPA, perhaps but at the very least trim it enough to encourage natural resource development in MT. Listen to the real working people of MT and not outside special interest groups we need to take our state back NOW!

2. How would implementing your suggestion improve government efficiency in Montana?

No more wasted hours in court, no more frivolous law suits, less paper work more time to be productive in government, less people needed to oversee permitting and more money in the pockets of all hard working Montanans. Better schools and better wages for our teachers.

3. If you know of specific Montana laws or rules that need to be changed to implement your suggestion, please reference or describe them below, including how they need to be changed.

MEPA is bad for the people of Montana and for Montana's economy, the west can no longer be allowed to live on the backs of the east we have coal, oil, gold and silver to name a few dog gone it lets be like our neighbors to the south and east and show the working people of MT that you really do care. Either chop up MEPA or completely rewrite it!



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Custom Value: *empty*

IP Address: 216.14.230.239

Response Started: Friday, February 24, 2012 10:44:32 AM

Response Modified: Friday, February 24, 2012 10:46:16 AM

1. What are your specific suggestions for creating and using [electronic forms and authorizations](#) to streamline project startup, reporting, monitoring, continuation, and expansion?

Use ONE website for all state agencies, rather than individual websites for each. This is similar to the grants.gov program for federal programs, that combines all funding applications on one site. Use the same standards for monitoring and reporting and contracting for ALL agencies, and have a "how to" guide PDF on the website that explains each requirement and its standards WITH examples.

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2. How would implementing your suggestion improve government efficiency in Montana?

No Response

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3. If you know of specific Montana [laws](#) or [rules](#) that need to be changed to implement your suggestion, please reference or describe them below, including how they need to be changed.

No Response

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Respondent Type: Normal Response

Collector: New Link (Web Link)

Custom Value: *empty*

IP Address: 161.7.79.56

Response Started: Friday, February 17, 2012 8:57:45 AM

Response Modified: Friday, February 17, 2012 9:28:11 AM

1. What are your specific suggestions regarding efficiency improvements to public notice and opportunities for public participation?

An option offered on the Select Committee on Efficiency in Government WEB site is to sign-up for electronic notices of committee activities/meetings, etc. When one gets to Step 2, Choose Topics of Interest, this committee is not listed. Closing this GAP by adding this committee and then having the process to execute committee activity notices will increase opportunity for public notice, awareness, and opportunities for participation which currently does not exist in this format for this committee.

2. How would implementing your suggestion improve government efficiency in Montana?

Institutionalizing this structure of public access and awareness for all state initiatives and not just the select committees or programs currently listed will provide a larger opportunity for citizen participation in government if this is what the true initiative is for this efficiency concern.

3. If you know of specific Montana [laws](#) or [rules](#) that need to be changed to implement your suggestion, please reference or describe them below, including how they need to be changed.

This should be a simple fix of internal awareness and WEB design change. No law or rule should be needed to effect functional and information structure aspects of technology we already own and administer.

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IP Address: 161.7.117.16

Response Started: Tuesday, February 14, 2012 9:54:14 AM

Response Modified: Tuesday, February 14, 2012 9:58:26 AM

1. What are your specific suggestions regarding efficiency improvements to project and program coordination, both between state programs, and between state and other government programs (e.g., federal, tribal, local)?

I suggest you be more effecient with Medicaid and families. If a family qualifies for medicaid, so be it. If they already have a family on Medicaid, don't allow them to keep having children. This is costing the taxpayers a lot of money! They keep getting more aid, food stamps, WIC, Medicaid, housing and utilities. This list just keeps going on. Make BOTH parents in the house hold work regardless of how many children they have. Working people have to pay their own insurance, food, housing, daycare, utilities and so on. If they are capable of working, make them. This continuing to have more children is not fair. The working class of people, only have one or two children, why? because that is all they can afford to take care of. Assistance people? Some have 3 or 4 or more children. Why? Because we continue to give them benefits. More kids? More benefits.

2. How would implementing your suggestion improve government efficiency in Montana?

Make people stand on their own. If there is a family, make both work.

3. If you know of specific Montana laws or rules that need to be changed to implement your suggestion, please reference or describe them below, including how they need to be changed.

No Response

**From:** [Steve Wade](#)  
**To:** [Mohr, Jason](#)  
**Cc:** [Nowakowski, Sonja](#)  
**Subject:** SCEG Natural Resources Subcommittee  
**Date:** Tuesday, February 28, 2012 9:30:16 AM

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Some suggestions for the SCEG committee's consideration:

1. Permitting and compliance submittals need to be allowed electronically (see previous comments made to full committee by me on behalf of the Montana Contractors Assn);
2. Duplicative and redundant permitting/impact review should be eliminated, there is "functional equivalent" doctrine used in federal programs that essentially allows compliance of one act to be accomplished when an equivalent analysis is conducted under another act. For example there are acts like air quality or reclamation that require significant analysis including environmental impacts that should be sufficient to address MEPA analysis requirements. This would allow one process, eliminate duplicative studies and analysis, and make certain permitting processes more efficient for both the applicant, the agency, and the public.

Thanks for the opportunity to comment.



# MONTANA MINING ASSOCIATION

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Jason Mohr  
Legislative Services Division  
P.O. Box 201706  
Helena, MT 59602

RE: Input on state processes to the Natural Resources Subcommittee of the Select Committee on Efficiency in Government

Natural Resources Subcommittee of the Select Committee on Efficiency in Government:

Thank you for the opportunity to provide input on this important issue. The Montana Mining Association (MMA) is a Montana trade association dedicated to helping mining companies, small miners and allied trade members succeed, understand, comply and function in a complex business and regulatory world. The primary purpose of the MMA is to protect and promote the mining industry in the state. There are a number of areas that more efficient government can benefit our heavily regulated industry. The large number of regulations, permits and approvals required for the mining industry take a significant amount of time, effort and capital for any activity. The lengthy and uncertain permitting process is an impediment to development of Montana's natural mineral wealth.

MMA suggests that there are several areas where the processing and evaluation of application and reporting documents could be simplified and/or take advantage of new technology. These include the following:

- The use of electronic forms and submittals for permit applications and reporting should be continued and expanded. Electronic forms that can be filled out on-line such as used for storm water general permits are easy and efficient. Electronic DMRs, other required monitoring reports, Small Miner Exclusion Statements, permit renewal actions and other interactions with State agencies could be expanded to the benefit of both the State and the regulated community.
- Use of conference calls and video conferencing could be facilitated and expanded to reduce the amount of travel necessary to conduct State business. Having standard call-in numbers available to agencies, regulated community and public could expand participation in a variety activities.



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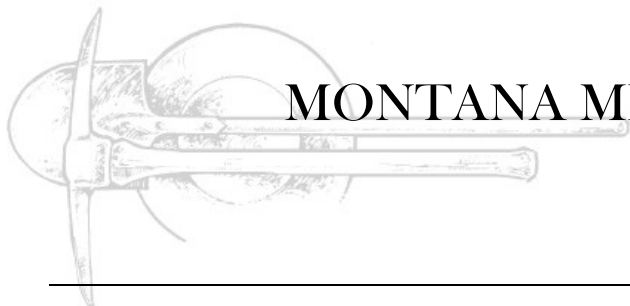
Website: <http://www.montanaming.org>

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- Coordination between State and federal agencies on natural resource projects often seem to “require” project specific MOUs or agreements. These agreements can take months to complete and involve large amounts of staff time. Having standardized agreements that cover permitting, MEPA/NEPA, monitoring, bonding and other common intergovernmental actions with the USFS, BLM, USCOE and other agencies could save time reduce bureaucratic red-tape.
- Agencies should be given directive to minimize the number of staff attending any given meeting. It is common for private sector companies to show up with two or three participants and for State agency to have five to 20 staff at a meeting. In some cases, circulation of meeting notes to agency staff would be sufficient to keep them informed of project status.

Another area of government that results in great uncertainty and cost for the mining industry is the judicial system

- Some items that could improve the efficiency of the government process and advance the environment for continued responsible development of Montana’s mineral resource include: Require the Judiciary to refer to the Executive Branch Agency on technical decisions and interpretation of legislation. We refer you to MCA 2-4-704 which provides standards of review for judicial review of agency decisions in Contested Cases under the Administrative Procedure Act (APA). Those standards could be appropriately tightened by allowing courts to overturn agency decision only where the agency clearly erred in the particular aspect of its decision which is under challenge. More importantly, the legislature could and should extend these standards, appropriately bolstered in terms of deference, to apply where a court is reviewing agency decisions which are not Contested Cases under the APA. Most of the legal actions against agency decisions in resource development cases do not arise as Contested Cases under the APA. The legislature has never provided appropriate judicial review standards on those non-APA cases. Left to its own devices, the judiciary has developed a hodge-podge of review standards, allowing the judiciary to decide for itself what level of deference is appropriate in those cases. This has created a significant level of risk and uncertainty for natural resource developers. The legislature can and should step in and require the appropriate level of deference.
- Requiring bonding for plaintiffs in challenges to permits and MEPA



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- Clarify that state environmental statutes, by definition, are protective of a clean and healthful environment. A duly authorized permit issued within compliance of all applicable state laws is by default protective of a clean and healthful environment and should not be able to be litigated under that constitutional argument.
- Clarify the distinction between the agency state actions where a permit is issued to a private entity or project proponent as opposed to state actions being conducted by the state with tax payer money (such as construction of a highway). Define the issuance of a permit to the private sector by a state agency as a mandatory action if the project is in compliance with all applicable laws and regulations.

Again, thank you for the opportunity to provide our input. If the committee would like additional information on any of the points raised in this letter, please feel free to contact the MMA at the address below.

Sincerely;

Debbie Shea  
Executive Director  
Montana Mining Association  
PO Box 5567  
Helena, Montana 59601