

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION COMMITTEE ON NATURAL RESOURCES

Call to Order: Chair Debby Barrett, on February 18, 2011 at 3:00 PM, in Room 422 Capitol

ROLL CALL

Members Present:

Sen. Debby Barrett, Chairman (R)
Sen. Greg Hinkle, Vice Chairman (R)
Sen. John Brenden (R)
Sen. Verdell Jackson (R)
Sen. Christine Kaufmann (D)
Sen. Jim Keane (D)
Sen. Cliff Larsen (D)
Sen. Donald J. Steinbeisser (R)
Sen. Mitch Tropila (D)

Members Excused: Sen. Bradley Hamlett (D)
Sen. Jim Peterson (R)
Sen. Chas Vincent (R)
Sen. Edward Walker (R)
Sen. David E. Wanzenried (D)

Members Absent: None

Staff Present: Kevin McCue, Committee Secretary
Sonja Nowakowski, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 364, 2/15/2011; SB 327, 2/15/2011; SB 316, 2/15/2011; SB 306, 2/11/2011; SB 367, 2/15/2011; SB 356, 2/15/2011

HEARING ON SB 364

Opening Statement by Sponsor:

00:00:53 Sen. John Brenden (R), SD 18, opened the hearing on SB 364, Clarify state land banking appraisal process.

Proponents' Testimony:

None

Opponents' Testimony:

00:02:34 Mary Sexton, Director, Department of Natural Resources and Conservation (DNRC)

Informational Testimony:

00:07:16 Will Soller, Performance Auditor, Legislative Audit Division (LAD)

Questions from Committee Members and Responses:

00:07:57 Sen. Keane
00:08:06 Mr. Soller, LAD
00:10:08 Sen. Keane
00:10:18 Dir. Sexton, DNRC
00:11:46 Sen. Hinkle
00:12:36 Dir. Sexton
00:14:39 Sen. Tropila
00:15:04 Dir. Sexton
00:17:02 Sen. Keane
00:17:15 Sen. Barrett
00:17:29 Ms. Nowakowski, Legislative Services Division (LSD)
00:17:43 Sen. Barrett
00:18:02 Sen. Brenden

Closing by Sponsor:

00:20:09 Sen. Brenden

HEARING ON SB 327

Opening Statement by Sponsor:

00:22:19 Sen. Cliff Larsen (D), SD 50, opened the hearing on SB 327, Require DNRC to assess each dam owned or controlled for hydroelectric potential.

EXHIBIT(nas40a01)

Proponents' Testimony:

00:25:52 Brianna Randall, lobbyist, Clark Fork Coalition (CFC)
00:26:41 Theresa Keaveny, lobbyist, Montana Conservation Voters (MCV)
00:27:11 Kyla Wiens, lobbyist, Montana Environmental Information Center (MEIC)
00:27:50 Mary Sexton, Director, Department of Natural Resources and Conservation (DNRC)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:29:24 Sen. Brenden
00:30:20 Sen. Larsen
00:31:19 Sen. Keane
00:31:37 Dir. Sexton, DNRC
00:32:55 Sen. Keane
00:33:11 Ms. Wiens, MEIC

Closing by Sponsor:

00:33:50 Sen. Larsen

HEARING ON SB 316

Opening Statement by Sponsor:

00:36:16 Sen. Verdell Jackson (R), SD 5, opened the hearing on SB 316, Challenge of certain water rights during adjudication.

Proponents' Testimony:

None

Opponents' Testimony:

00:50:45 Holly Franz, lobbyist, PPL Montana, LLC
00:53:40 Krista Lee Evans, Senior Water Rights Coalition (SWRC) and the Association of Gallatin Agricultural Irrigators (AGAI)
00:54:28 Tom Ebzery, lobbyist, Avista Corporation
[EXHIBIT\(nas40a02\)](#)
00:58:57 Mike Murphy, Montana Water Resources Association (MWRA)

Informational Testimony:

00:59:35 Mary Sexton, Director, Department of Natural Resources and Conservation
(DNRC)

Questions from Committee Members and Responses:

None

Closing by Sponsor:

01:00:54 Sen. Jackson

HEARING ON SB 306

Opening Statement by Sponsor:

01:08:55 Sen. Terry Murphy (R), SD 39, opened the hearing on SB 306, Revise mining laws regarding cyanide health and vat leach open-pit mining.

Proponents' Testimony:

01:11:38 Tammy Johnson, lobbyist, Montana Mining Association (MMA)

01:19:41 Tad Dale, President, Majesty Mining, Inc

EXHIBIT(nas40a03)

01:26:33 Tim Dimock, General Manager, Golden Sunlight Mine

01:30:00 Ted Antonioli, self

EXHIBIT(nas40a04)

01:39:41 Bruce Cox, self

01:43:00 Don Serba, President, Montanans for Multiple Use (MTMU)

01:44:27 Ronda Wiggers, lobbyist, Great Falls Chamber of Commerce

01:45:53 Don Allen, lobbyist, Western Environmental Trade Association (WETA)

Opponents' Testimony:

01:46:51 Warren McCullough, Environmental Management Bureau Chief, Department of Environmental Quality (DEQ)

01:53:19 Jim Jensen, lobbyist, Montana Environmental Information Center (MEIC)

EXHIBIT(nas40a05)

02:00:38 Brianna Randall, lobbyist, Clark Fork Coalition (CFC)

EXHIBIT(nas40a06)

02:03:40 Richard Parks, Northern Plains Resource Council (NPRC)

EXHIBIT(nas40a07)

02:05:45 Theresa Keaveny, lobbyist, Montana Conservation Voters (MCV)

02:07:42 Bonnie Gestring, on behalf of ranchers Alan and Stephanie Shammel

EXHIBIT(nas40a08)

02:10:51 Bruce Farling, Executive Director, Montana Trout Unlimited (MTU)

02:14:57 Jeff Barber, lobbyist, the Nature Conservancy (MT TNC)

02:16:27 Charlotte Trolinger, self

Informational Testimony:

None

Questions from Committee Members and Responses:

02:17:11 Sen. Wanzenried

02:17:47 Sen. Murphy

Closing by Sponsor:

02:20:21 Sen. Murphy

02:22:30 Recess

HEARING ON SB 367

Opening Statement by Sponsor:

02:33:53 Sen. Chas Vincent (R), SD 1, opened the hearing on SB 367, Establish nutrient standards variances.

Proponents' Testimony:

02:37:09 Jim Jensen, lobbyist, Montana Environmental Information Center (MEIC)

[EXHIBIT\(nas40a09\)](#)

02:42:55 George Mathieus, Water Quality Planning Bureau Chief, Department of Environmental Quality (DEQ)

02:46:27 Dave Galt, lobbyist, Montana Petroleum Association (MPA)

02:49:24 Alec Hansen, lobbyist, Montana League of Cities and Towns

02:51:58 Jeff Tiberi, lobbyist, Montana Association of Conservation Districts (MACD)

02:52:26 Brianna Randall, lobbyist, Clark Fork Coalition (CFC)

02:54:17 Don Allen, lobbyist, Western Environmental Trade Association (WETA)

02:56:16 Doug Parker, self

02:58:00 Tammy Johnson, lobbyist, Montana Mining Association (MMA)

02:59:13 Ron Alles, City Manager, Helena

03:00:09 Jessie Luther, lobbyist, BNSF Railway Company

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

03:00:45 Sen. Hinkle

03:01:08 Dir. Mathieus, DEQ

03:02:45 Sen. Kaufmann
03:03:11 Dir. Mathieus
03:05:34 Sen. Keane
03:05:49 Mr. Hansen

Closing by Sponsor:

03:06:08 Sen. Vincent

HEARING ON SB 356

Opening Statement by Sponsor:

03:08:32 Sen. Bradley Hamlett (D), SD 10, opened the hearing on SB 356, Clarifying definition of good cause for water right objections.

EXHIBIT(nas40a10)

Proponents' Testimony:

03:12:55 Abigail St. Lawrence, lobbyist, Montana Association of Realtors (MAR)
03:18:55 Holly Franz, lobbyist, PPL Montana, LLC
03:22:16 Krista Lee Evans, Senior Water Rights Coalition (SWRC) and the Association of Gallatin Agricultural Irrigators (AGAI)
03:22:55 John Youngberg, lobbyist, Montana Farm Bureau Federation (MFBF)
03:23:49 Mike Murphy, lobbyist, Montana Water Resources Association (MWRA)
03:24:30 Jay Bodner, lobbyist, Montana Stock Growers Association (MSGA)

Opponents' Testimony:

03:25:07 Laura Ziemer, Montana Water Project Director, Montana Trout Unlimited (MTU)
03:28:01 Bruce Farling, Executive Director, Montana Trout Unlimited (MTU)
03:30:33 Bob Lane, Chief Legal Counsel, Fish, Wildlife and Parks (FWP)
03:35:20 Mary Sexton, Director, Department of Natural Resources and Conservation (DNRC)

Informational Testimony:

None

Questions from Committee Members and Responses:

03:37:19 Sen. Keane
03:37:36 Mr. Farling, MTU
03:38:21 Sen. Vincent
03:39:07 Ms. Evans, SWRC & AGAI
03:39:26 Sen. Wanzienried
03:39:43 Ms. Ziemer, MTU
03:41:38 Sen. Tropila
03:41:59 Sen. Hamlett

03:42:51 Sen. Larsen
03:43:10 Ms. St. Lawrence, MAR
03:46:41 Sen. Keane
03:47:12 Ms. Franz, PPL
03:47:45 Sen. Barrett
03:47:59 Mr. Farling
03:51:01 Sen. Barrett
03:51:32 Ms. Evans
03:51:45 Sen. Barrett
03:52:05 Sen. Hamlett

Closing by Sponsor:

03:52:13 Sen. Hamlett

Additional Testimony

EXHIBIT(nas40a11)

Additional testimony related to SB 306 submitted by Kathleen Stachowski and distributed to committee on February 18th, 2011.

ADJOURNMENT

Adjournment:

03:56:50

Kevin McCue, Secretary

km

Additional Documents:

EXHIBIT([nas40aad.pdf](#))