

### **Comments by petitioner Bill Hand, 1/30/2018**

In 2014 citizens of southern Stillwater County approached the county commissioners to hopefully work together to react to proposed oil and gas development along the Beartooth Front. Citizens in southern Stillwater County seek to maintain and preserve the qualities of this rural agricultural region in accordance with the Stillwater County Growth Policy 2007 and the Montana Code for Part I Citizen-Initiated Zoning (MCA 76-2, Part 1) and under the Montana Constitution (Article 9, Section 1) that guarantees the right of Montanans to a clean and healthful environment.

The petitioners are not seeking to stop oil and gas development nor to manage the mineral estate but only ask that regulations be established to protect the surface land and administrative values important to all Montanans including, but not limited to, the following.

- Assure that water quality is maintained and practices are required to assure that oil and gas activity does not degrade ground water or significantly reduce its quantity.
- Assure facilities are maintained to eliminate escape of volatile and poisonous gasses into the ambient air.
- Assure that impacts are kept to a minimum by establishing a buffer distance from inhabited dwellings, and using location and camouflaging techniques to reduce visual impacts on scenic views.
- Assure county infrastructure is protected through the use of sufficient bonding to ameliorate oil and gas related wear and tear and damage to bridges, roads, and other infrastructure.
- Reclamation of abandoned drill pads, roads, pipeline rights-of-way is required of the oil and gas operators.

Our goal with the Beartooth Front CIZ petition is to ensure southern Stillwater County's unique quality of life and agricultural prosperity will be preserved and passed down to future generations.

### **Comments by petitioner Joan Brownell, 1/30/2018**

It is now 2018 and we petitioners, composed of over 60% of landowners within the proposed Beartooth Front Citizen-Initiated Zone (CIZ) in southern Stillwater County, are no closer to realizing our goals. Please consider the following timeline relative to our efforts and Stillwater County's obstruction and delay to these efforts.

Fall 2014. The Beartooth Front CIZ petition representatives spoke and attempted to speak with county personnel numerous times requesting guidance in regard to collection of signatures for a CIZ petition. The county failed to provide any concrete assistance.

Nov 10, 2015: Beartooth Front CIZ Petition presented to the county commissioners signatures with over 50% of the proposed CIZ land mass and over 60% of landowners signatures within the proposed CIZ District.

*Over three months later*

March 22, 2016: Petitioners receive signature verification process from Clerk & Recorder.

*One month later*

April 27, 2016: Beartooth Front CIZ petitioners respond to county regarding verification process after one month review, agreeing to obtain affidavits for over 100 individuals who signed the petition in a representative capacity although having already acquired their signatures previously

*Over two months later*

July 8, 2016: County Attorney notifies petitioners regarding verification process and agrees to accept method for acquiring affidavits as now required by county

*Seven months later*

February 9, 2017: Beartooth Front CIZ petition re-submitted to county commissioners with over 60% landowner's signatures and over 50% land mass. It took seven months to obtain affidavits as now required by county per letter of July 8, 2016.

*Over two months later*

March 23, 2017: Rather than considering our petition, county announces consideration of action to pursue Part I or Part II zoning.

March 28, 2017: County Commissioner Meeting regarding above ended with no formal decision.

April 11, 2017: County Commissioner's move that the end of acceptance of signed petition was April 14, 2017 and signature verification will be completed on August 9, 2017

*Over five months later*

August 23, 2017: County Attorney notified petitioners through their attorney that the petition was signed by 60.08% of affected landowners, enough to put the petition in front of the Commissioners.

October 2017: County Attorney states that she is going to request an Attorney General Decision relative to whether mineral interests need to be considered in the petition process.

*Three months later*

December 2017: Attorney General declines to provide an opinion in regard to mineral rights. County Attorney decides to obtain a second opinion on the mineral right question

*One month later*

January 30, 2018: Clerk & Recorder provides correspondence to county commissioners that Beartooth Front petitioners have not reached the 60% threshold due to mineral rights owners. This directly contradicts the county attorney's statement in July 2017 that the petitioners had achieved the 60% threshold with the re-submittal in February 2017.

It is unfortunate that the county has hindered the process rather than support the efforts of landowners of southern Stillwater County regarding the Beartooth Front Citizen-Initiated Zoning District for the benefit of all.

### **Comments by petitioner Burt Williams, 1/30/2018**

We petitioners for the Beartooth Front CIZ District have spent much time acquiring an understanding of the law guiding land use and the right to petition for a zoning district, one that asks reasonable controls be placed on use of the surface land. We disagree with the new interpretation by the County of the need for the signatures of owners of mineral estate and will take whatever action is necessary to counter the decision to reject the approximately 61% to 62% of land owners owning well over 60% of the land surface, both exceeding thresholds required by law, that have signed our petition.

#### Specific Comments:

- It appears that the County has purposely refused to help, consciously delayed processing, and placed obstructions to hinder the petitioners in following a law clearly a right of citizens of Montana (i.e., petitioning for a Part 1 citizen initiated zoning district). That resistance came even though we petitioners demonstrated a careful consideration of the law pertaining to land resources and use, and proposed reasonable protection of water, air, county infrastructure and other resources important to our petitioners, while expressly allowing the development of oil and gas.
- With the latest finding that we have inadequate signatures of landowners by adding mineral estates holders' signatures the county has:
  - Placed the interests of non-resident holders of mineral interests above the clearly expressed interests of landowners in the proposed zone.
  - Denied the potential for tax paying landowners (mineral interests holders do not pay taxes on their property interests) to fairly require a special interest group to be responsible to surface land use interests.
  - Refused to consider the best interests of the county in protecting the infrastructure that allows for general prosperity and well being.
  - Failed to represent the interests of the every day landowners' to help the county and themselves in being responsible for the natural bounty of this part of Montana, as required by the Montana Constitution.
- We petitioners believe the Commissioners finding that we have not reached the 60% threshold of landowner petitioners is an incorrect interpretation of the law and we will seek redress. We find it difficult to believe that the County Commissioners would so ignore the wishes of over 60% of landowners in an 80,000-acre swath of land encompassing the foothills of one of the more beautiful mountain settings in Montana, and so deny them reasonable regulation of the use of those lands, as well as responsible management of the county's investments in infrastructure.

**Comments by petitioner Rita Westrum, 1/30/2018**

Since we didn't achieve 60% of the mineral rights owners according to your standard, please tell us the exact percentage we did achieve.

(County officials refused to respond)

In trying to understand your standard, you are saying that someone who sold their one acre lot 50 years ago and retained their mineral rights and who now has 25 heirs, each of whom owns a fraction of their mineral rights, each of whom has not paid \$1 in property tax, now has an equal vote with a family ranch held in a corporation whose owners have paid property taxes for 50 years, and who will bear the burden of development?

(County officials did not respond)