



Montana Association of Conservation Districts

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President

Robert Fossum
Richland

February 17, 2005

Mr. Chairman and Members of the House Agriculture Committee:

Vice President

Buzz Mattelin
Culbertson

My name is Robert Fossum; I live in Opheim but my address is Richland. I have served on the Valley County Conservation District for 12 years and I am President of the Montana Association of Conservation Districts (MACD). I am also testifying in opposition to HB 635.

Treasurer

Robert Anderson
Poplar

Montana CDs were created close to 70 years ago in response to the dustbowl. As I drove here from Valley County yesterday, it occurred to me looking at the beautiful Montana landscape along the Highline--that despite a lingering and devastating drought in some areas--we really have succeeded in keeping Montana the very best last place. There are no dust clouds due to soil erosion as there would have been without the serious dedication of landowners working with and through their CDs and we are ready to do more.

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Over the past decades, the CDs' tremendous success rate with projects and excellent track record in dealing with local landowners prompted the state of Montana ask us to take on some responsibilities--like the Natural Streambed & Land Preservation (310) Law and the Coal Bed Methane Protection Program. Accordingly, the state made resources available to help CD's do the state's work.

As you have heard if HB 635 passes, much of the current successful work will be put in jeopardy and future efforts will undoubtedly slow down. For example:

- What will happen to the efforts already in place related to TMDLs?
- What affect will these changes have on the great collaborative efforts with the Dry Prairie and North Central Rural Water Systems, which Montana CDs were instrumental in getting started?
- What kind of burden will these changes place on the counties needing to adjust the tax roles because of land being forced out of its conservation district?

As a collogue of mine, Carl Fourstar of the Fort Peck Water Users Association, told me recently, "conservation should not be a political issue and HB 635 makes it political." And I agree, A great deal of effort would be put into figuring out all of the ramifications of this bill rather than getting conservation done on the ground, and that is not good public policy.

Former Senator Daryl Toews of Lustre, a town well within the boundaries of the Fort Peck Reservation, is opposed to this bill as well. It is a leap backward in our long, steady and successful march forward in smart natural resource work on private lands.

Much like a healthy riparian area with many strong and health components, Montana's CDs have built a tremendous system of local conservation practices utilizing numerous partners, like tribal conservation districts. HB 635 is like stream bank erosion that threatens to crumble the whole system.

Thank you for the opportunity to testify and I'd be happy to answer any questions.

Thursday, February 17, 2005

To: Robert Fossum
Fm: Carl Fourstar

Robert,

Following our discussion, I reviewed the proposed House Bill No. 635 and have the following comments.

There may be a need for separate Tribal Conservation Districts on some Reservations in Montana. However, one must be mindful that each Tribe has entered into Treaties with the United States with slightly different provisions. Therefore, the seven reservations in Montana are configured differently. It ranges from reservations that consist almost entirely of Tribally owned land...to reservations (approximate figures) where 50 percent of the reservation land is owned by non-Indians, 35 percent owned by Individual Indians (allotted) and 15 percent owned by the Tribal government.

Therefore, what is suitable to one reservation could be devastating to growers, operators and landowners of another reservation. And vice-versa.

I'm not going to try and offer a solution at one sitting. However, it does appear that each reservation should be addressed individually and problems worked out by agreements, etc. Cheers,

Carl.