

**Exhibit Number: 6**

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**The following exhibit is several assorted documents that exceeds the 10-page limit therefore it cannot be scanned. A small portion has been scanned to aid in your research for information. The exhibit is on file at the Montana Historical Society and can be viewed there.**



STATE NATURAL RESOURCES  
PROJECT NO. 6  
DATE 2/16/05  
BILL NO. SB417

### Factual Inaccuracies Contained in SB 417

**Claim:** "WHEREAS, a federal roadless rule promulgated in 2001 contained in 36 CFR, part 294 has been the subject of several lawsuits and the U.S. District Court in Wyoming permanently enjoined the rule; and"

**Fact:** Federal courts with jurisdiction in Montana upheld the roadless conservation rule. A federal district court ruling in Wyoming (now on appeal) has no effect in Montana.

**Claim:** "WHEREAS, the rule was developed without substantive consultation with the states,"

**Fact:** 5,000 Montanans participated in 31 forest service hearings during development of the roadless conservation policy.

17,000 Montanans submitted comments. 78% supported a strong roadless conservation policy.

**Claim:** the rule "[resulted] in designated "roadless" areas containing campgrounds, gas stations, boat launches, rights-of-way to private lands,"

**Fact:** To our knowledge, none of this is true in Montana. Existing road access rights are protected. If a gas station or boat launch were accidentally mapped within a roadless area, MWA would approach the Forest Service to make a boundary correction.

**Claim:** "the rule resulted in an untenable patchwork of land use that denied access to private property as well as public access to areas used for hunting, fishing, hiking, snowmobiling, firewood gathering, and sightseeing;"

**Fact:** The rule did not address snowmobile or other motorized use and did not close any roads. Hunting in Montana's roadless backcountry is world class. There is no finer place to take a child fishing than the lakes and streams of Montana roadless areas. 4,848 miles of trails --*forty-two percent of all Montana's national forest trails*-- are within inventoried roadless areas.

July 26, 2004

Lee Kramer, Team Leader  
Western Montana Planning Zone Revision Team  
Lolo National Forest  
Fort Missoula, Building 24  
Missoula, MT 59804

Dear Lee,

We appreciate the opportunity to submit the following language for the "Bitterroot, Flathead, and Lolo National Forests Forest Plan Revision Proposed Action."

These comments grew out of meetings and correspondence between Pyramid Mountain Lumber, Smurfit Stone Container, Rick Rister, the Great Burn Study Group and Montana Wilderness Association. Each of these organizations and individuals has a great interest in the outcome of forest plan revision. All of us agree that we need a forest plan that makes and keeps commitments. The timber industry needs certainty; conservationists need roadless values protected.

The resulting proposal is a true collaborative effort, representing diverse opinions coming together to agree on a controversial issue. We have negotiated and compromised in order to create a solution. More importantly, the following language indicates our willingness to set aside our philosophical differences for the good of our lands and communities.

We offer this language in the spirit of cooperation and constructive dialogue and ask that they be included in the official record. Thank you again for the opportunity to comment.

Sincerely,

Gordy Sanders  
Resource Manager  
Pyramid Mountain Lumber

Bill Chandler  
Forest Resources Division, Region Manager  
Smurfit Stone Container

Rick Rister  
Concerned Citizen

Dale Harris  
Vice-President  
Montana Wilderness Association

Ellen Knight  
Board Member  
Great Burn Study Group

Attachment: Action FP-F1-A2

Action FP-F1-A2

Recommended changes to actions are in bold italics and underlined.

**We propose to actively manage forest lands in a careful and thoughtful way which effectively meets science-based and socially acceptable objectives to provide raw materials on a sustainable yield basis for the forest products industry and small businesses in rural communities.**

**We propose to concentrate timber harvesting and fuels reduction projects in existing roaded areas using existing roads. This work should begin in areas closest to the Wildland Urban Interface and then around communities in general. All work should be done using state of the art, low-impact harvesting equipment, and Best Management Practices, MEPA, NEPA, Clean Water Act, and ESA guidelines.**

**We propose to exclude inventoried roadless areas from the suitable timber lands. However, timber harvest would still be allowed as one tool for achieving ecosystem health as outlined in the Roadless Area Conservation Rule.**

## **Montana Landscape Solutions**

### **Three Elements Necessary for Success:**

- (1) Conserve Inventoried Roadless Lands.**
- (2) Active Restoration in Roaded, Lower-Elevation Forests.**
- (3) Ensure Supply of Logs to Help Sustain Small Mills.**

### **Principles Necessary to Success:**

**Tangible Outcomes**

**Linkage**

**Partnership Approach, Organized at Site-Specific Level**

#### **Roadless Landscapes**

**Allocate and Actively Manage Roadless Areas as Wilderness, Primitive and/or Semi-Primitive Winter Motorized.**

#### **Roaded Landscapes**

**Watershed Analysis Identifies Restoration Objectives for Fish, Wildlife, Watershed and Forest Conditions.**

**One year of analysis triggers up to 10 years of projects as long as multiple use restoration objectives are met.**

**Monitoring Committee Provides Independent Oversight**

**Montana**

**SNOWMOBILE  
Association**



P.O. Box 4714  
Missoula, MT 59806  
Phone/Fax (406) 549-4429

January 26, 2005

Senate Natural Resources Committee  
Senator Glenn Roush (D) Cut Bank, Chairman

**Subject: SJ 10**

Dear Senator Roush, and members of the Senate Natural Resources Committee:

Over the past four years, the Montana Snowmobile Association and its affiliate chapters in Seeley Lake, Kalispell, Cut Bank, Great Falls, White Sulphur Springs, and Lewistown have negotiated winter recreation agreements with members of the Montana Wilderness Association, ski clubs, and interested individuals, covering the following National Forest areas:

- Seeley Lake Ranger District-Lolo National Forest;
- Flathead National Forest;
- Little Belt and Big Snowy Mountains- Lewis and Clark National Forest.

For the past nine months we have met to discuss winter use and review maps of the Lincoln Ranger District, Helena National Forest. Except for a few minor details this project is also complete. We anticipate signing an agreement for this District in the next several weeks.

Our successful winter recreation agreements now include two Congressional created Wilderness Study Areas; the Middle Fork Judith and Big Snowy Mountains.

Our organization feels quite strongly that these successes can be the model for the future. Dialog, not lawsuits have been successful. It is our intention to continue constructive dialogue on other Wilderness Study Areas and

For comments, tips or corrections:  
Call Managing Editor Gary Moseman  
at (406) 791-1465 or (800) 438-6600

# OPINION

**Editorial board**  
Jim Strauss, President & Publisher  
Elaine Kuhlarek, Executive Editor  
Gary Moseman, Managing Editor  
Linda Carcaburu, Asst. Managing Editor  
Kathy Jack-Romero, Circulation Director

# Snowies/Little Belts travel pact an inspiration

Wouldn't it be nice if it always worked so well?

It was a genuine pleasure this week to read about the consensus reached among winter recreationists in the Lewis and Clark National Forest.

After a decade of contention and almost two years of negotiation and over-the-snow grunt work, ski organizations, snowmobile clubs and the Montana Wilderness Association Tuesday signed an agreement about winter travel rules in a big chunk of the L&C's Jeffer-

son Division.

The agreement takes in part of the Little Belt and Big Snowy mountains, which range from south of Lewistown to just southeast of Great Falls.

## OUR

## OPINION

It preserves a number of snowmobile trails, and it blocks the machines out of a number of road-

less, wilderness-study areas. If adopted as a travel plan, the compromise also will underscore restrictions on motorized travel in some popular ski areas, most notably around the Silver Crest Ski

Area and the Deadman and O'Brien Creek areas south of Nelhart. It doesn't change the rules in much of the area, but it may lead to more monitoring and enforcement of the existing rules.

Clint Dahlhausen of the Little Belt Snowmobile Club said riders gave up a few routes in the Big Snowies, but maintained their main trails and play areas in the Little Belts. Spokesmen for both sides said the agreement "blocks up" recreation areas so that everyone has sizable areas in which to pursue their sport. Comments on the Little

Belts/Big Snowies winter plan are being accepted for the next two months (see right).

"It's really great that we were all able to work together," said Linda McMahon, president of the Great Falls Snowmobile Club.

It is great, and we hope — against hope probably — that similar agreements can be reached on other parts of the Lewis and Clark travel plans.

Those plans are in various stages of pending — on the Rocky Mountain Front and in the Crazy and Castle mountains, and non-winter travel plans throughout the forest.

### To comment

The Forest Service is taking comments for 60 days on the interim restrictions based on the group's recommendations. Comments should be sent to Dick Schwecke, Winter Recreation/Travel Proposal, P.O. Box 869, Great Falls, MT, 59403. Electronic comments may be sent to comments-northern-lewisclark@fs.fed.us. Comments must be received by July 6. There also will be addi-

tional comment periods on travel plans for the forest.

For more information call Forest Service travel planner, Dick Schwecke, 791-7747.

### To see maps

Maps of the recommendation are available at [www.fs.fed.us/r/lewisclark](http://www.fs.fed.us/r/lewisclark). Maps also are posted at the Belt Creek, Judith Missettel and White Sulphur Springs ranger stations and the Forest Supervisor's Office in Great Falls.

# OPINION

## Snowmobile accord makes sense

The recent accord reached over snowmobiling on the Flathead National Forest is a remarkable achievement that has potential to bring some desperately needed clarity to recreation access on the forest.

The deal between the Flathead Forest, the Montana Wilderness Association and the Montana Snowmobile Association allows snowmobilers to retain access to nearly all the turf they have been accustomed to using. But it also sets limits on expanded snowmobile use.

The wilderness association entered the fight with a legitimate beef: snowmobiling was expanding across the forest, and on a practical enforcement level, there were no limits. When it came to winter recreation, the Flathead was essentially a forest with no policy.

A federal judge gave us every reason to

### Inter Lake editorial

believe that the judicial system would uphold the wilderness association's position that the Flathead Forest was failing to enforce motorized access restrictions outlined in a 1985 forest plan. And it was clear the court's remedy would be bitter medicine for everyone.

Popular snowmobiling areas would be split up or declared off limits. And that raised the potential for snowmobilers to look for new, remote areas that are, ironically, the wilderness association's primary concern. The boundaries delineating where snowmobiling would and wouldn't be allowed would be indistinguishable, making enforcement impossible for the Forest Service.

The agreement represents a reasonable, workable, definable alternative. Bird watch-

ers and snowshoers can know where to go for a quiet winter outing. Snowmobilers can know where to go without any complaints. Flathead Forest officials would have a clear understanding of what the forest's policy is regarding winter recreation.

We don't expect everyone to be happy with the agreement. But it is a huge accomplishment that the most polarized parties in this matter were able to sort out their differences. A crucial facet of the agreement is that it must meet the muster of a public review process to become an official amendment to the forest plan. The public absolutely has a right to consider the terms of this agreement, but we think the effort that produced it deserves some respect.

The alternative is continued, thresome uncertainty and bickering over winter recreation on the Flathead Forest.



**Senate Natural Resources Committee  
Senate Bill 417  
The testimony of John Gatchell, Conservation Director  
Montana Wilderness Association  
February 16, 2005**

Chairman Roush and members of the Senate Natural Resources Committee.

I appear before you today to represent the views of 6,000 members of the Montana Wilderness Association regarding SB 417.

The Montana Wilderness Association was founded 47 years ago by Montana hunters, conservationists and small business owners to conserve Montana's wild public lands.

Today—as in the 1950s—our members view Montana's remaining wilderness and wildlands as a public land trust, to be held and managed so that the character of the land and the clean waters, the hunting, fishing, camping and outdoor traditions these lands sustain remain intact for future Montanans.

SB 417 is another example of legislation that seeks a return to battles of the past. The rationale is built on misinformation. The process it mandates offers no constructive solutions.

SB 417 begins with a series of misleading statements about Montana's mountainous backcountry and the current roadless conservation policy of the U.S. Forest Service.

Except for one, I don't want to spend much time on these errors which are covered in a fact sheet.

SB 417 alleges Montanans and the state were not involved when the current roadless policy was developed.

Five thousand Montanans participated in 31 forest service hearings during development of the roadless conservation policy.

members can see in the attached directive.

The fact is the U.S. Forest Service is not being funded to maintain its existing road infrastructure—let alone build expensive new roads into remote mountain recreation area.

In 2004, the Flathead National Forest identified annual road maintenance needs totaling \$6.4 million dollars. They were budgeted for \$1.2 million dollars.

SB 417 fails to offer pragmatic solutions—solutions that unite rather than divide Montanans.

SB 417 ties the governor to a *proposed* federal regulation—a U.S. Department of Agriculture proposal that generated one million public comments yet to be analyzed. Twelve states objected.

USDA itself has been all over the map on this, promising one thing in 2003 then floating a completely different proposal in 2004.

SB 417 require the state to invest time and money to conduct an analysis of specific tracts of national forest lands—analysis already completed by the land managing agency—the U.S. Forest Service.

A close reading of SB 417 will show there is *no provision* for public hearings. Why not?

The USFS held 31 hearings. Five thousand Montanans attended those hearings. Seventeen thousand wrote comments—the vast majority supporting strong roadless conservation policies.

Instead of allowing Montanans to speak directly to the future of our mountain backcountry—*places where we hunt, fish, camp take our families*—SB 417 disenfranchises Montanans by establishing an insider track in which county officials select which wild public lands to conserve.

My son and I love to camp and fish in the Crazy Mountains roadless area—this is our land—we know it well—but it's not in our county. It's split by four counties.



## National Forest Roadless Areas Conservation

### What the existing conservation policy<sup>1</sup> does:

**RIGHT TO WAIVE POLICY:** In addition to exemptions listed below, the U.S. Forest Service reserves the right to approve "project-specific" exceptions to the following policy for certain road construction and timber projects within inventoried roadless areas. (Interim Directive No: 1920-2004-1)

**New federal road construction within inventoried roadless areas is generally not allowed *except* in one of the following circumstances:**

1. A road is needed to protect public health and safety in cases of an imminent threat of flood, fire, or other catastrophic event, that without intervention would cause the loss of life or property.
2. A road is needed to conduct a response action under the Comprehensive Environmental Response, compensation, and Liability Act (CERCLA) or to conduct a natural restoration action under CERCLA, section 311 of the Clean Water Act, or Oil Pollution Act.
3. A road is needed in conjunction with any mineral lease, license, permit, or approval issued for mineral leasing operations.
4. Road access is needed pursuant to reserved or outstanding rights or as provided by statute or treaty.
5. A road is needed for critical resource restoration and protection.
6. Road realignment is needed to prevent resource damage by an existing road that is deemed essential for public or private access, management, or public health or safety, and where such damage cannot be corrected by maintenance.
7. A road is needed to restore wildlife habitat.

**• Generally prohibits federal timber sales within inventoried roadless areas. The Chief reserves the authority to approve or disapprove proposed timber harvest in inventoried roadless areas, except for the following:**

- a) The timber is generally small-diameter material and the removal of timber is needed for one of the following purposes:

<sup>1</sup> FSM 1900—Planning, Chapter 1920—Land and Resource Management Planning, Interim Directive No. 1920-2004-1, USDA Forest Service Manual, National Headquarters (WO), Washington, DC, effective July 16, 2004 (attached).