

January 28, 2009

I'd like to thank the Natural Resources Committee for giving me the opportunity to address HB 44.

My name is Rhoda Cargill and I am Chairman of the Lincoln County Natural Resource Council, a diverse group of volunteers that acts in an advisory capacity for the Board of Glen Lake Irrigation District in regards to natural resource management and land use decisions on federally managed lands.

It is good legislation and a positive step forward for the state to seek engagement of federal agencies whose decisions have the power to effect the health, safety and economic welfare of the citizens of the state of Montana, and for the state to support local governments to engage in conflict resolution with federal land management agencies at its initial level through the use of federal statutory mandate: coordination.

The LCNRC and GLID support HB 44 in the revised form that was previously submitted in testimony by Ron Olfert.

Lincoln County Commissioners, supported by hundreds of County Citizens attended meeting, after meeting with the USFS without a glimmer of hope that their concerns, their voice would have real effect in federal agency decisions that had devastating impacts to the economy of the County.

The commissioners looked to collaborations with environmental groups for compromise; the citizens just stopped attending, as it was an act of futility to continue.

Enter, Fred Kelly Grant. An attorney for over 50 years, he was the head of the Organized Crime Unit in Baltimore before he became president of Stewards of the Range. He is quoted in a recent article as saying, "The only difference between the Syndicate and the federal government is that the Syndicate is better organized and more efficient."

Grant offered a very real solution to the problem; the use of federal statutes that mandates the federal government to meet with local government on an equal footing.

Prior to 2007, there were two Counties that were successfully using this mandate. In 2007 Stewards of the Range planned a year of workshops across the West to introduce to local governments and citizens this very powerful tool.

As a result of that campaign, there are now 16 Counties, in six different states that have invoked their authority, and one Irrigation District; Glen Lake Irrigation District, Eureka Montana. The calls have not stopped; requests from Wisconsin, Pennsylvania, South Carolina, Colorado, California, Oregon, Arkansas, New York, Massachusetts have asked for Fred Kelly Grant's help to develop coordination.

Most recently, four Counties in Oregon, Baker, Union, Grant, and Wallowa asked Mr. Grant to speak with them about the coordination process. In Wallowa County, a commissioner stated they had “modest success” with cooperative agency status.

Closer to home, in 2007, then Commissioner Gary Hall stated that Flathead requested cooperative agency status, but was denied; it is discretionary on the part of the federal agency. In a letter he stated, “Flathead County considers cooperating agency status to be ineffective”

In regards to the water crisis in the Klamath Basin, Mr. Grant stated it could have been averted. “I spoke to (then Interior secretary) Gale Norton before she left office. I asked her what she would have done if the counties called on her to coordinate. She said, “I would have had to go to the table and make our actions consistent with their policy.” That is a tragic lack of understanding of the authority those counties had.

Cooperative agency status can be very effective, but it is not a stand alone tool. By itself, many Counties have discovered it to produce ineffective to modest results. In conjunction with the mandate of coordination, its results are amplified. The coordination mandate is the driver that makes cooperative agency status worth the time.

The author of the LEARN document, Dr. Michael Coffman, which speaks to the use of cooperative agency status exclusively, recently attend one of Mr. Grants work shops. In a radio interview, he is quoted as saying, “To really be effective, the local government should chose the coordination approach rather than cooperation”.

Glen Lake Irrigation District is the first government entity in the state of Montana to invoke and implement its coordination authority with federal agencies.

To date we have had two coordination meetings with the USFS and one with the USFWS. Coordination is the ultimate conflict resolution tool; it wholly supports the supremacy of the federal government for that is what makes it work. Through invoking the authority that Congress has given to local government, coordinating governmental entities are demanding the federal law be observed and upheld.

Fred Kelly Grant has been at every meeting we have had with the federal agencies. His statement about GLID’s efforts, supported by the LCNRC is, “In all my years of working with Counties in coordination, you have achieved more in less time then any other government entity I have worked with”.

At one time the GLID Board was very despondent about the future of the Irrigation District that has been the life Blood of the Tobacco Valley since 1896. Today, there is a very real change in that outlook, for today they are engaged in coordination talks, and resolution, equal resolution, is a beautiful thing.

Again, we support HB44, as revised and submitted by Ron Olfert and we ask you to support it, as revised.

Thank you for your time.

Sincerely,

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