

**Testimony in SUPPORT of
SB 117 (Montana Coordination Act of 2011)
Presented to the Montana House of Representatives
Local Government Committee
Mar. 17, 2011**

Mr. Chairman and members of the committee

Good afternoon.

My name is Ron Olfert.

I am testifying in SUPPORT of SB117.

I represent the Sanders Natural Resource Council, formed 5 years ago to develop a Natural Resource Plan for the County and help develop the process of coordination. It is comprised of a broad cross-section of interests in the county, and has completed its mission to provide the Plan to the County Commissioners. Their only agenda is to see reason and common sense prevail in the management of natural resources on public lands.

Jobs and the Economy

Jobs & the economy are uppermost on the minds and agendas of members of this legislature and the general public. This bill is a positive Jobs and Economy bill. The Act it creates will do more to recover lost jobs in the natural resource industries, such as timber harvest, mining and others than any other program. Coordination is a proven concept and federal mandate.

Framework and guidance for coordination for local governments

Local government needs guidance and a framework from which to use the coordination principles and process. This Act provides that framework but also allows flexibility in the details of implementation.

Specific methods and operational rules are not spelled out in this Act because the mechanics of how coordination is to be implemented are not written in federal law. It simply requires that local government use whatever lawful means necessary to bring federal agencies to the table and incorporate local policies into their planning decisions.

Special Interests Checked

Special interests will no longer have unchecked, undue influence on the federal land managers. The people, through their elected local government officials, will have a meaningful say.

Working Relationship with Federal Agencies

The current working relationship between Sanders County and the Forest Service could not be worse. The Commissioners have abdicated their duty to the citizens by refusing to sit at the table in a meaningful way. Instead they have chosen to rubber-stamp all of the discretionary decisions made by the District Rangers, contrary to the wishes of 95% of their constituency. This bill will provide a guideline for the meaningful involvement of citizens through their elected representatives needed to improve the working relationship with the Forest Service and other agencies.

Basis for Coordination

Congress has recognized that local citizens should have a strong influence in policies, plans and activities of federal agencies. That is why they embedded the coordination mandate into many federal Acts, starting with the Federal Land Policy and Management Act (FLPMA), the National Environmental Policy Act (NEPA) and the National Forest Management Act (NFMA).

Threat of Lawsuits

Over the past 18 years experience has shown that the threat of lawsuits is diminished, not increased, by the use of coordination. Red herring arguments that local government will be subject to more legal challenges are not supported by historical fact nor common sense logic. What grounds for lawsuit could there be from the simple process of government-to-government (local government to federal government) meetings and information exchange with the purpose of negotiating decisions? There are none.

Supremacy

This Act does not create a supremacy dilemma between local and federal governments. The legally defensible roles of each level of government are not brought into question in the proper implementation of the coordination process.

Discretionary Actions

What this bill and Act addresses are the 90% of decisions and plans of the federal agencies that are discretionary. For example, there is no law that says Road No. x in a National Forest must be closed, even if it is included in a written plan, policy or Environmental Impact Statement. Plans, policies and statements are not law, a conclusion established by court decisions in the past.

Local government can and should have a meaningful say in these discretionary decisions. The established law giving a county the right to declare and prove that a road is an "RS2477 road" and therefore is a road that cannot be legally closed, is an example of a county's right to stop road closures by federal agencies.

Road (travel) management is just one of an endless number of issues that can be effectively addresses to give local citizens a say in federal management decisions. Fire

management decisions, wildlife, predator control, weed control, timber sales, watershed management, endangered species listings are some of these other issues.

Funding

There is no unfunded mandate in this Act. Local governments have complete discretion in spending and methods of implementing coordination. In most cases the bulk of the work involved is done by volunteer advisory groups, a common practice either specified or allowed by statute. If a governing body sees a net benefit in spending money on consulting or legal representation, that is at their discretion, not mandatory.

Additional Information and Examples

For further explanations of coordination please refer to the Report submitted by Senator Greg Hinkle. Especially take note of the long list of local governments across the nation that are implementing coordination successfully. These examples have been given to the Commissioners of Sanders County repeatedly, contrary to the false statement made in their letter to the Legislature in opposition to SB117.

Please vote YES on SB117.

Thank you

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