



A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA OPPOSING THE DESIGNATION OF NATIONAL MONUMENTS IN MONTANA WITHOUT THE CONSENT OF THE MONTANA LEGISLATURE AND THE GOVERNOR.

WHEREAS, the Antiquities Act of 1906, 16 U.S.C. 431 through 433, authorizes the President of the United States to proclaim national monuments on federal lands without the consent of Congress or states and without regard to federal, state, and local land management policies; and

WHEREAS, a United States Bureau of Land Management (BLM) internal draft memorandum states that an area identified as "Montana's Northern Prairie", a 2.5-million-acre expanse bordering the Bitter Creek Wilderness Study Area in Northeastern Montana and Grasslands National Park in Canada, may be a good candidate "for National Monument designation under the Antiquities Act"; and

WHEREAS, the BLM internal memorandum states that this "cross-boundary conservation unit would provide an opportunity to restore prairie wildlife and the possibility of establishing a new national bison range"; and

WHEREAS, the BLM internal memorandum also states that this "landscape conservation opportunity would require conservation easements, willing seller acquisitions, and withdrawal from the public domain"; and

WHEREAS, the Montana grasslands referred to in the internal memorandum are currently managed by the BLM pursuant to the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. 1701, et seq., which directs the BLM to manage public lands in a manner consistent with resource management plans; and

WHEREAS, the BLM is currently developing and revising a resource management plan for the lands within the area referenced in the BLM internal draft memorandum; and

WHEREAS, BLM's revision process calls for broad input and participation consistent with existing state and local land management laws and policies; and

WHEREAS, the designation of a national monument in the areas referred to in the BLM's internal memorandum would undercut the integrity of the resource management plan development and revision process; and

WHEREAS, a presidential proclamation designating a national monument by the stroke of a pen without the state's consent and in derogation of local, state, and federal land management policies exceeds the bounds of legitimate presidential authority provided by the United States Constitution; and

WHEREAS, the Antiquities Act states, "The President ... may reserve as a part [of a national monument] parcels of land, the limits of which in all cases shall be confined to the smallest areas compatible with the proper care and management of the objects to be protected"; and

WHEREAS, the lands referenced in the BLM's internal memorandum exceed 2 million acres and do not meet the "smallest areas compatible" requirement as set forth in the Antiquities Act; and

WHEREAS, the lives and livelihoods of Montanans in the area depend on multiple-use access to BLM-managed lands and will be adversely affected by a national monument designation.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the State of Montana expresses its opposition to the presidential designation of any new national monument in Montana, including a national monument referred to by the BLM as "Montana's Northern Prairie", without the consent of the Legislature and the Governor.

BE IT FURTHER RESOLVED, that the Legislature urges Congress to amend the Antiquities Act to require land reserved as part of a national monument to be confined to small discrete monuments or memorials and to preclude the presidential designation of a national monument from taking effect without the consent of Congress.

BE IT FURTHER RESOLVED, that the Legislature urges the federal government to manage federal public lands in Montana according to state and local resource management plans and policies and with public input as required by FLPMA.

BE IT FURTHER RESOLVED, that the Legislature strongly opposes any presidential action that would unnecessarily restrict public access to or use of federal lands.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the members of Montana's Congressional Delegation, and the Governor of the State of Montana.

- END -

I hereby certify that the within joint resolution,
HJ 0004, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2011.

President of the Senate

Signed this _____ day
of _____, 2011.

HOUSE JOINT RESOLUTION NO. 4

INTRODUCED BY K. PETERSON

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