

[Briefly and informally commented by Bill Hallinan as per testimony at HR 4 Hearing, March 26, 2013.]

2013 Montana Legislature

HOUSE RESOLUTION NO. 4

INTRODUCED BY K. WHITE

A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA OPPOSING THE FEDERAL FOREST JOBS AND RECREATION ACT OF 2011.

WHEREAS, the State of Montana is known for its vast abundance of natural resources, such as minerals, oil, gas, and timber, and for its agricultural operations, all of which are vital to providing jobs to support our local and state economies; and

[Only the economically recoverable resources provide jobs. FJRA does not prohibit prospecting or mining, only in roadless and wilderness areas. FJRA does not affect grazing rights. FJRA mandates timber harvests.]

WHEREAS, federal wilderness and national monument designations diminish the ability for these natural resources to be utilized to the fullest extent for the benefit of the people; and

[Fullest extent could be non-motorized recreational hiking or hunting. The vague term "fullest extent" needs definition. Does the present generation decide what the fullest extent is for the future generation?]

WHEREAS, the health of Montana's landscapes depends on active management and use of these natural resources; and

[Define "health of Montana's landscapes". What is "active management?" There is plenty of evidence to suggest Federal lands are being actively managed. Passive management is also management. We bank minerals in the ground. We plan sustained harvests 75 years in advance. We manage Wilderness as untrammeled.]

WHEREAS, a recent statewide survey found that 52% of Montanans surveyed oppose new federal wilderness designations, while 32% support new federal wilderness designations; and

[What survey? I found no survey results on Google that indicate such a survey took place (Google: 32 52 Montana Wilderness Survey); Citation needed. In contrast, I found widespread support for wilderness in Montana and nationally. A starting point:

<http://www.pewenvironment.org/campaigns/us-forests-campaign/id/8589940508>

http://www.pewtrusts.org/our_work_detail.aspx?id=170

WHEREAS, a Beaverhead-Deerlodge National Forest survey found that 97% of users recreate on nonwilderness lands; and

[Few Wildernesses are established in Beaverhead-Deerlodge area, so obviously no opportunity to recreate. The pertinent question is "How many a recreated on roadless land and in a Wilderness Study areas?" No year, context, or number of users cited.]

WHEREAS, the resources contained in Montana are vital to our nation's economy and national security; and

[Such as and in what context? Provide examples for what and how in terms of vital and national security? Are we just talking about what is buried? What grows? What is made? What is installed? For example, is a resource a nuclear arsenal? If we can buy resources more cheaply than developing them, is that not the best fiscal decision?]

WHEREAS, the Beaverhead-Deerlodge National Forest is the largest national forest in Montana; and

[Agreed, but FJRA extends beyond the BHDL NF and positively affect many other forests and communities.

Although the Beaverhead-Deerlodge National Forest is the largest of the National Forests in Montana it is not the only forest. It covers 3.36 million acres (5,250 sq miles, a 72.46 square). It is broken into nine separate sections and stretches across eight counties in the southwestern area of the state.]

WHEREAS, the Beaverhead-Deerlodge National Forest is a mineral-rich forest; and

[Yes; and minerals are being prospected and developed in other parts of the forest when they are economically viable. It is statistically and economically more likely to find mineralization where it has already been mined – in roaded areas. Note also, some minerals are cheaper to produce synthetically like garnets and sapphires]

WHEREAS, access to these mineral resources is important to future generations and vital to our national security; and

[Vague. Given the documented mineral studies, there is nothing to suggest "vital" mineral resources only occur in Wilderness or roadless studies areas. What are the results of prospecting on private lands in the BHDL area? Is anyone actively developing on private lands around BHDL? Why or why not?]

WHEREAS, application of the federal Wilderness Act of 1964 necessarily requires that mineral resources be identified and inventoried prior to wilderness designation; and

[Mineral surveys have been done in for the areas covered by FJRA. Montana is probably has the most studied geology of any state. A simple search of "Beaverhead" on <http://pubs.usgs.gov> yields 75 such studies alone.]

WHEREAS, vast amounts of mineral resources will not have been identified and inventoried prior to federal designation as wilderness under the federal Forest Jobs and Recreation Act of 2011; and

[Not true. See reports above. However, if the sense of the statement is, "We have not actually prospected with drilling equipment in all these areas" then that is correct. The prudent course is to drill where drilling is currently allowed and practical, including the alluvial beds on private land. Has this been done? What do the results show?]

WHEREAS, application of the federal Wilderness Act of 1964 necessarily requires that all private inholdings be identified and inventoried prior to designation as wilderness; and

[This has been done. See gis.mt.gov as well as the forest service and BLM permitting systems.]

WHEREAS, private inholdings of land, fences, water facilities, grazing rights, and existing structures will not have been identified and inventoried prior to federal designation of land as wilderness under the federal Forest Jobs and Recreation Act of 2011; and

[This has been done. See BLM and Forest Service permits. What specific existing structures are known but not disclosed?]

WHEREAS, these private inholdings are vital to the economic well-being of communities; and

[Private inholdings are allowed in Wilderness. Driving on roads to them is not. What for example is of concern? How has it been documented? Point on a map to five specific examples.]

WHEREAS, taking of property violates the Fifth Amendment of the United States Constitution by restricting private property in such a way as to interfere with investment-backed expectations; and

[Yes, so what specifically is being taken and where? If this is a concern with FJRA be specific, point to it on a map, discuss, get involved. Were the investment-backed expectations prudent? Were they made knowing the risks? Why should the public pay for private folly?]

WHEREAS, the federal Forest Jobs and Recreation Act of 2011 may violate coordination requirements of the National Environmental Policy Act, the National Forest Management Act of 1976, the Multiple-Use Sustained-Yield Act of 1960, the Endangered Species Act of 1973, the Clean Water Act of 1977, the Clean Air Act, the Data Quality Act, the Administrative Procedure Act, and the Federal Advisory Committee Act and regulations of the Council on Environmental Quality; and

["may" is not good enough; be specific, how exactly and in what context.]

WHEREAS, coordination is critical to local governments in development and planning for the predictability and sustainability of their communities; and

[FJRA provides for coordination. Certainly better than the state of uncertainty that exists now.]

WHEREAS, the federal Forest Jobs and Recreation Act of 2011 removes the ability of local government to coordinate with federal land management agencies in actions directly impacting local economies; and

[Not true. Where exactly in FJRA is the language that prohibits coordination? I don't see it.]

WHEREAS, the federal Forest Jobs and Recreation Act of 2011 will designate an additional 650,000 acres as permanent wilderness; and

[Yes, this an area that in total is 1015 square miles or a square of 31.87 miles or 19% of the total BHDL forest that is untrammeled and has Wilderness characteristics worthy of national protection.]

WHEREAS, nothing in the federal Forest Jobs and Recreation Act of 2011 will guarantee continued access for multiple-use recreation.

[Not true. Read FJRA. It provides multiple-use recreation.]

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

That the members of this House of Representatives stand in opposition to the federal Forest Jobs and Recreation Act of 2011 until:

(1) all mineral resources and private inholdings are identified and inventoried;

[Completed]

(2) coordination requirements with local governments are included in the language of the federal Forest Jobs and Recreation Act of 2011; and

[Provide an example of the language so the specific concerns may be addressed.]

(3) trigger language is included to ensure mandated timber harvests are completed before permanent designation of wilderness.

[Not necessary. Timber harvest will happen because of law and due diligence. This is a divisive and unproductive statement because any party could call for trigger statements.]

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the President of the United States, the Majority Leader and Minority Leader of the United States Senate, the Speaker and Minority Leader of the United States House of Representatives, and the Montana Congressional Delegation.