SJ20: THE FATE OF WILDERNESS STUDY AREAS

July 2020
Environmental Quality Council
Joe Kolman

FINAL REPORT TO THE 67TH MONTANA LEGISLATURE
2019-2020
ENVIRONMENTAL QUALITY COUNCIL MEMBERS

Before the close of each legislative session, the House and Senate leadership appoint lawmakers to interim committees. The members of the Environmental Quality Council, like most other interim committees, serve a 20-month term. Members who are reelected to the Legislature, subject to overall term limits and if appointed, may serve again on an interim committee. This information is included in order to comply with 2-15-155, MCA.

Senate Members

Senator Mike Lang, Vice Chair
P.O. Box 104
Malta, MT 59538-0104
(406) 654-1117
Sen. Mike.Lang@mt.gov

Senator Pat Flowers
11832 Gee Norman Road
Belgrade, MT 59714-8416
(406) 580-0035
Pat.Flowers@mtleg.gov

Senator Steve Hinebauch
610 Road 118
Wibaux, MT 59353-9058
(406) 365-7967
SteveHinebauch@midrivers.com

Senator JP Pominichowski
222 Westridge Drive
Bozeman, MT 59715-6025
(406) 587-7846
Sen.JP@mt.gov

Senator Cary Smith
6133 Timbercove Drive
Billings, MT 59106-8544
(406) 698-9307
Sen.Cary.Smith@mt.gov

Senator Gene Vuckovich
1205 W 3rd Street
Anaconda, MT 59711-1801
(406) 563-2313

House Members

Representative Jim Keane, Chair
2131 Wall Street
Butte, MT 59701-5527
(406) 723-8378

Representative Willis Curdy
11280 Kona Ranch Road
(406) 546-0523
Missoula, MT 59804-9790
Rep.Willis.Curdy@mt.gov

Representative Brad Hamlett
P.O. Box 49
Cascade, MT 59421-0049
(406) 799-5885
Rep.Bradley.Hamlett@mt.gov

Representative Steve Gunderson
310 Conifer Road
Libby, MT 59923-2965
(406) 334-4370
Rep.Steve.Gunderson@mt.gov

Representative Theresa Manzella
640 Gold Creek Loop
Hamilton, MT 59840-9742
(406) 546-9462
Rep.Theresa.Manzella@mt.gov

Representative Kerry White
4000 Blackwood Road
Bozeman, MT 59718-7621
(406) 587-3683
winwithwhite@gmail.com
Public Members

Mr. Scott Aspenlieder
7100 Commercial Ave., Suite 4
Billings, MT 59101
(406) 461-8392
scott@performance-ec.com

Mr. John C. Brenden
P.O. Box 970
Scobey, MT 59263-0970
(406) 783-5394
senatorbrenden@gmail.com

Mr. Rex Rogers
P.O. Box 1338
Boulder, MT 59632

Mr. Matt Vincent
P.O. Box 830
Butte, MT 59703
(406) 565-0234
Mattvincent.butte@gmail.com

Legislative Environmental
Policy Office Staff

Joe Kolman
Environmental Policy Analyst
jkolman@mt.gov
(406) 444-3747

Hope Stockwell
Resource Policy Analyst
hstockwell@mt.gov
(406) 444-9280

Jason Mohr
Resource Policy Analyst
JasonMohr@mt.gov
(406) 444-1640

Trevor Graff
Resource Policy Analyst
Trevor.Graff@mt.gov
(406) 444-4975

Dawn Field
Research and Publications
dfield@mt.gov
(406) 444-3742

Joe Carroll
Legal Staff
Erin.Bills@mt.gov
(406) 444-3804

Nadine Spencer
Legislative Secretary
Nspencer@mt.gov
(406) 444-4838
This report is a summary of the work of the Environmental Quality Council, specific to the EQC’s 2019-2020 Senate Joint Resolution No. 20 study as outlined in the Council work plan. This report highlights key information and the processes followed by the EQC. To review additional information, including audio minutes, and exhibits, visit the EQC website: www.leg.mt.gov/eqc
# Table of Contents

2019-2020 .............................................................................................................................................................................. i

Environmental Quality Council Members ....................................................................................................................... i
  House Members .............................................................................................................................................................. i
  Senate Members ............................................................................................................................................................... i
  Legislative Environmental Policy Office Staff .......................................................................................................... ii
  Public Members .............................................................................................................................................................. ii

History .................................................................................................................................................................................. 1

Current Uses of Wilderness Study Areas ........................................................................................................................ 3

Collaborative Attempts at WSA Resolution ................................................................................................................... 5
  Panelists ........................................................................................................................................................................... 6

Advice from the Hill ........................................................................................................................................................... 6
THE FATE OF WILDERNESS STUDY AREAS

HISTORY

The Wilderness Act of 1964 established areas across the country as worthy of preservation in a wilderness condition, "where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain."¹

More than 111 million acres, or about 18% of federally owned land in the United States, is designated as wilderness. More than half of that is contained in Alaska. Montana has about 3.5 million acres of wilderness, the majority managed by the U.S. Forest Service (USFS). The Bureau of Land Management administers just more than 6,000 acres of wilderness and the U.S. Fish and Wildlife Service managed about 65,000 acres.²

¹ Riddle, Anne and Hoover, Katie; Wilderness: Overview, Management, and Statistics, Congressional Research Service, July 2019.
² Ibid.
THE FATE OF WILDERNESS STUDY AREAS

Different in status but similar in management are wilderness study areas, which are the focus of Senate Joint Resolution No. 20 (SJ20) being studied by the EQC.

The Montana Wilderness Study Act designated almost 663,000 acres of federal land in 1977 to be reviewed for preservation potential, but Congress and presidents have yet to act on disposition of those lands. These lands are managed by the USFS under the Department of Agriculture.³

SJ20 notes there is legal uncertainty over how wilderness study areas affect forest management, road construction, grazing, motorized recreation, weed management, timber harvesting, and local communities.

Those lands include:

- West Pioneer Wilderness Study Area comprising approximately 151,000 acres;
- Blue Joint Wilderness Study Area comprising approximately 61,000 acres;
- Sapphire Wilderness Study Area comprising approximately 94,000 acres;
- Ten Lakes Wilderness Study Area comprising approximately 34,000 acres;
- Middle Fork Judith Wilderness Study Area comprising approximately 81,000 acres;
- Big Snowies Wilderness Study Area comprising approximately 91,000 acres; and
- Hyalite-Porcupine-Buffalo Horn Wilderness Study Area comprising approximately 151,000 acres.

As outlined in the federal legislation, a study of those areas to determine whether they should be designated as wilderness was concluded in 1982. However, Congress must pass legislation that is signed by the president to either designate these areas as wilderness or allow them to be managed like other Forest Service lands.

For the EQC, the Forest Service provided a background summary for each of its wilderness study areas that includes the original study decision as mandated by the Wilderness Study Act.

As an example, this is the finding for the Big Snowies WSA:

³ The BLM manages 35 wilderness study areas comprising 435,000 acres in Montana, but SJ20 and the EQC focused on those forested lands managed by the USFS.
THE FATE OF WILDERNESS STUDY AREAS

"The Forest Service released their Final Environmental Impact Statement (FEIS) and study of the Big Snowies and Middle Fork Judith WSAs in 1982 in accordance with the Montana Wilderness Study Act. After extensive research and public input, the Forest Service recommended the Big Snowies to be managed as nonwilderness stating:

"The Big Snowies contain 50 miles of road: 14 miles of primitive road and 36 miles of low standard road. Almost every stream bottom on the periphery has a road which penetrates the study area for varying distances. Motorized recreation takes place on these roads and some trails… The past and present mineral activity for base and precious metals has been minimal. The southern half of the area has a potential for accumulation of oil and gas. The Forest Service recommends nonwilderness for the Big Snowies Study Area."

CURRENT USES OF WILDERNESS STUDY AREAS

The Forest Service background summary includes current uses allowed under forest plans for the wilderness study areas.
The following table compares elements of each WSA managed by the Forest Service in Montana.

<table>
<thead>
<tr>
<th>WSA name &amp; unit</th>
<th>Acres</th>
<th>Forest plan recommended wilderness acres &amp; date</th>
<th>Non-winter motorized access</th>
<th>Non-winter mechanized access (mtn bikes)</th>
<th>Winter motorized access(\d)</th>
<th>Grazing</th>
<th>Suitable timber on nfs lands per forest plan(\d)</th>
<th>Mining activity</th>
<th>Utility corridors</th>
<th>Forest plan revision status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Big Snowies (HLC)</td>
<td>91,000</td>
<td>0 (1982)</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Underway</td>
</tr>
<tr>
<td>Blue Joint (Bitt)</td>
<td>61,000</td>
<td>28,500 (1987)</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>Not yet scheduled (TBD)</td>
</tr>
<tr>
<td>Hyalite/Porc/Buf (C-G)</td>
<td>151,000</td>
<td>0 (1987)</td>
<td>(Y) (motorcycles)</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Underway</td>
</tr>
<tr>
<td>Middle Fork Judith (HLC)</td>
<td>81,000</td>
<td>0 (1982)</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>Y (\d) (1)</td>
<td></td>
<td>Underway</td>
</tr>
<tr>
<td>Sapphire (Bitt/B-D)</td>
<td>94,000</td>
<td>0 (1987)</td>
<td>N (Bitt)</td>
<td>Y (B-D)</td>
<td>N (Bitt)</td>
<td>Y (Bitt)</td>
<td>N (Bitt)</td>
<td>Y (Bitt)</td>
<td>N (B-D)</td>
<td>B-D complete (09)</td>
</tr>
<tr>
<td>Ten Lakes (Koot)</td>
<td>34,000</td>
<td>26,000 (2015)</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y (\d)</td>
<td>Completed 2015</td>
</tr>
<tr>
<td>West Pioneer (B-D)</td>
<td>151,000</td>
<td>0 (1981 &amp; 2009)</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Completed 2009</td>
</tr>
</tbody>
</table>
Wilderness study areas are also covered under the 2001 federal roadless rule. In general, the rule prohibits road construction and reconstruction in selected areas in addition to restrictions imposed under the Wilderness Study Act. The Forest Service provided maps showing in more detail the roadless areas in and around WSAs.

In May 2020, three speakers explained current management, resources, and monitoring of wilderness study areas. Leanne Marten, the Region 1 Forester, spoke about management and forest planning. John Metesh, the state geologist at Bureau of Mines and Geology at Montana Tech explained the geologic data and mineral potential for the wilderness study areas. And since part of the federal mandate is that the wilderness character of study areas be maintained, the Forest Service enlisted the Wilderness Institute to conduct field monitoring. As part of the W.A. Franke College of Forestry and Conservation at the University of Montana, the Institute used Montana Conservation Crews and volunteers for the field work. Lisa Gerloff, the citizen science program director for the institute discussed reports that include findings for:

- Weed infestations;
- Wildlife observations;
- Streambank conditions;
- Infrastructure; and
- Trails

**COLLABORATIVE ATTEMPTS AT WSA RESOLUTION**

Documents from different sources provide some background on collaborative efforts of stakeholder groups to address concerns related to National Forest lands in Montana, which includes certain wilderness study areas managed by the Forest Service. The Montana Forest Collaboration Network is an “an independent organization of volunteers providing information and services to individuals and groups across the state of Montana that support the management and protection of natural resources. The mission of the organization is to assist collaboration in forest and grassland restoration, conservation, and resource utilization for the benefit of all.”

Sponsors include the Montana Wood Products Association, federal land management agencies, the Wilderness Society, the Society of American Foresters, and the Wilderness Association, among others. The 2019 Annual Report includes an overview of stakeholder efforts.
The Wilderness Society provided two related documents. The group compiled a summary of current collaboration efforts in the state (which are explained more in depth in the Collaboration Network report). The other document, Collaboration at a Crossroads, includes case studies of collaboration in the state.

Panelists

EQC staff consulted with Julia Altemus of the Montana Wood Products Association, Noah Marion of the Montana Wilderness Association, and others regarding panelists for the January EQC meeting. They suggested the following panelists who agreed to address the Council and answer questions. All are involved with at least one of the stakeholder collaboration efforts identified in the background documents.

<table>
<thead>
<tr>
<th>Name</th>
<th>Affiliation</th>
<th>Background</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brian Kahn</td>
<td>Artemis Common Ground</td>
<td>Attorney</td>
</tr>
<tr>
<td>Tony Colter</td>
<td>Sun Mountain Lumber</td>
<td>Logging industry</td>
</tr>
<tr>
<td>Barb Cestero</td>
<td>The Wilderness Society</td>
<td>Conservationist</td>
</tr>
<tr>
<td>Russ Ehnes</td>
<td>Independent</td>
<td>Motorized recreation activist</td>
</tr>
<tr>
<td>Ben Horan</td>
<td>MTB Missoula</td>
<td>Mountain bike activist</td>
</tr>
</tbody>
</table>

Advice from the Hill

Many of those who testified before the EQC reiterated that only Congress and the President can decide the fate of wilderness study areas.

Not surprisingly, wilderness delegations generate much interest. While the legislation establishing wilderness and study areas is more than half a century old, legislation is regularly introduced to designate wilderness and release wilderness study areas.

For its July 2020 meeting the EQC invited the congressional delegation or their representatives to discuss what Montana can do to determine what should be done with those areas in the state.