



Montana Environmental Quality Council  
P.O. Box 201704  
Helena, MT 59620-1704  
Re: SJ15 Draft Report

August 15, 2014

Mr. Chairman and Members of the Environmental Quality Council,

Please include the following comments from the Montana Wilderness Association in the public record for the draft report titled "Evaluating Federal Land Management in Montana: An identification of significant risks, concerns, and solutions."

The Montana Wilderness Association (MWA) was founded 56 years ago by hunters and conservationists to safeguard Montana's wilderness heritage and public lands. We represent over 5,000 dues-paying members statewide.

Last year, the Montana State Legislature passed Senate Joint Resolution 15 (SJ15), which called for a study to "evaluate" and identify "measures that would help ensure public lands are managed responsibly." The duty of generating this study fell to the Environmental Quality Council (EQC). As an organization that has been actively engaged in federal and state land management for 56 years, we're writing to express serious concerns with the poor quality of this report and to request that the committee permanently table the report at the next opportunity.

Of primary concern to MWA is the poor quality of the survey of 35 of Montana's 56 County Commissions, as required by SJ15. Upon reading the report, it appears that the responses of 28 counties (7 Counties declined to return the survey) to this survey form the primary basis for the report's findings and recommendations, yet the report does not include a methodology or even a thorough explanation detailing how the survey was designed or conducted.

The survey appears to have been constructed without regard for best practices to ensure objectivity and to avoid biased results. Upon review of the survey, it seems clear to us that it was designed to generate pre-determined outcomes. For example, section one, titled "Public Health, Safety, and Welfare" contains just six questions. Question four reads:

*How important is it for people of your county to have motorized access to public lands for sustenance activities such as gathering wood, picking berries, harvesting wild game, etc.?*





This question is narrowly focused on “motorized access”, yet the survey contains no questions about public land access by foot, horse, or bicycle use for so-called “sustenance” activities. Question six under the same section of the survey adopts a similarly narrow scope. It reads:

*Regarding multiple-use recreational access routes on federal lands, does your county desire: increased multiple-use access, reduced multi-use access [or] keep access as is?*

This question is narrowly focused on “multiple-use” access; a term that is left undefined but is often used to refer to management policies that include or prioritize motorized use. Once again, the survey question and the survey in general, fail to reference hiking, cycling, horseback riding, hunting, fishing, or a wide range of other recreational activities or modes of travel that Montanans enjoy on public lands.

Another example of bias found in the survey is the repeated emphasis on certain land management challenges or issues and the conspicuous exclusion of other challenges or issues. For example, section two, titled “Environmental Quality”, contains just four questions that focus on wildfire, noxious weeds, and bark beetles. The heading of this section appears to be a good fit for questions concerning a wide range of additional issues such as watershed restoration, wilderness conservation, or the removal non-system roads that represent an economic and environmental liability. Yet, these issues are excluded in favor of questions that focus the participant narrowly on the challenges of reducing fuel loads and increasing timber harvest.

The examples above are just a sampling of the type of bias that is clearly evident in the survey questions. However, this isn’t the only concern we have with the survey. We are also disappointed to note that several of the questions deal with highly technical land management issues such as the impact of wildfire on endangered species or whether “the economic productivity and number of related private sector jobs [is] commensurate with the resource production capacity of the federally managed lands within your county?”

These questions would represent significant challenges for trained wildlife biologists, foresters, and economists, yet the opinions of experts with decades of knowledge in these fields are not considered in the report. Indeed, there seems to be an underlying assumption in the report that the responses of County Commissioners from 28 Montana counties to 20 narrowly focused questions are sufficient to establish findings and recommendations for future federal land management on 27 million acres of federal land in Montana despite the fact that Montana counties have no management experience or jurisdiction over federal lands.

To be clear, the opinions of County Commissioners on questions of federal land management are very important, yet the aggregate opinions of 28 County Commissions cannot determine whether “high intensity wildfire” *actually causes* “significant loss of wildlife habitat or harm endangered species.” Indeed, scientific research shows that the long-term effects of fire on birds, fish and wildlife are often beneficial.





A second concern we have with the report pertains to the lack of exploration and recognition of programs, projects, and legislative efforts intended to improve federal land management across our state. Here are a few examples:

- Over the last 10 years, many Montana businesses, government agencies, trade associations, and non-profit organizations, including MWA, have worked together through the Montana Forest Restoration Committee to increase the usage of stewardship contracting to achieve forest management objectives and create jobs. This work ranges from cooperative lobbying efforts at the federal level to expand stewardship contracting authority as well as time-intensive work on the ground with forest managers to ensure best project outcomes.
- Recently, a variety of new national forest management tools were created through the passage of the Farm Bill with support from MWA and many other organizations and commercial interests. Forest managers are just beginning to apply these new tools, which will expedite urgently needed forest restoration and fuels mitigation projects across Montana.
- Over the last five years, a wide variety of stakeholders have worked together to design legislation – the Forest Jobs and Recreation Act – to protect wildlife habitat, ensure access to federal land for a wide variety of recreational uses, and dramatically increase timber harvest and restoration on three national forests in Western Montana. This bill received a bipartisan vote in the U.S. Senate last fall and remains a viable solution to many federal land management challenges in our state.

While the Farm Bill is addressed in the report, its forestry provisions are not recognized in report as a replicable model for increasing forest restoration and timber harvest. The other two solutions mentioned above are not addressed in the report at all.

A third concern we have with this report is the contradiction between the remarkably broad direction given to the EQC by SJ15 and the very narrow focus of the report's findings and recommendations on a handful of federal land management challenges or concerns. To summarize, the report identifies a need to increase motorized use and "economic production", reduce wildfire, and increase opportunity for local input in federal land management decisions. After reviewing these findings, the reader would have to conclude that the EQC did not consider numerous other important needs.

A short list of these needs include the need to ensure robust populations of native fish and wildlife; the need to protect endangered flora and fauna that may be threatened by resource development; the need to adequately fund federal agencies to maintain recreational trails; and the need for congressional action on longstanding recommendations within national forest management plans across Montana.





Our fourth concern, and also our greatest concern, with this report lies with recommendation 11, which states that, “The Legislature should not pursue the transfer of federally-owned lands to the state of Montana until all other options are investigated.” This recommendation suggests that the Montana state legislature could, at some point in the future, pursue the transfer of federal lands to the state, and that such a transfer is a plausible legal option to resolve federal land management challenges.

In fact, state legislative efforts to transfer federal lands to individual states are neither legal nor plausible. The Constitution vests in Congress the power of disposition of federal lands and of making all needful rules and regulations. Congress has the absolute right to prescribe the times, the conditions, and the mode of transferring this property and to designate the persons to whom the transfer shall be made.

Moreover, proponents of transferring federal lands to Montana fail to recognize that a state with a 2015 revenue estimate of \$2.1 billion cannot effectively manage an additional 27 million acres of land, which amounts to five times the amount of land that the state manages today. If federal lands in Montana were transferred to the state, the only possible away to avoid an enormous new tax burden on Montana residents would be to sell a significant percentage of those federal lands. The sale of these publicly owned lands represents the single greatest threat to our outdoor heritage and to our hunting and fishing traditions in Montana. Indeed, the very notion of transferring federal lands to individual states threatens the rights and privileges of all Americans to access our country’s federal lands within Montana’s borders.

In conclusion, the survey results at the heart of the report were generated using biased questions that ignored best practices for generating meaningful public input to inform public policy decisions. The report ignores important projects and programs currently proposed or already underway in Montana to meet critical federal land management challenges. The report addresses a very narrow range of management challenges and opportunities despite the broad mandate granted to the EQC by SJ15, which is to “identify measures that will help ensure that public lands within Montana are managed responsibly and prudently for present and future generations”. The report also suggests that the transfer of federal lands to the state is a viable option for the Montana state legislature, when it is emphatically not a plausible legal or financial option. Moreover, the transfer of federal lands to the state and/or their sale would threaten the outdoor access and traditions of American citizens.

We believe the flaws apparent in this draft report are too numerous and substantial to be addressed between now and September 15, 2014, the deadline established for this report by SJ15. Therefore, we encourage the EQC to permanently table the report at the first opportunity. If the EQC decides to move forward with a final draft of this report then we request that all references to the transfer, sale, or disposal - including any reference to change in ownership - of our National Forests and Bureau of Land Management lands be removed from the final report.



Thank you for your consideration,

A handwritten signature in blue ink, appearing to read "Gabriel Furshong".

Gabriel Furshong  
State Program Director  
Montana Wilderness Association

Cc: Governor Steve Bullock, USFS Regional Forester Faye Krueger, U.S. Senator Jon Tester, U.S. Senator John Walsh, and U.S Congressman Steve Daines.