

MONTANA WILDERNESS

HEARING
BEFORE THE
SUBCOMMITTEE ON
NATIONAL PARKS, FORESTS AND PUBLIC LANDS
OF THE
COMMITTEE ON
NATURAL RESOURCES
HOUSE OF REPRESENTATIVES
ONE HUNDRED THIRD CONGRESS
FIRST SESSION
ON
H.R. 2473

TO DESIGNATE CERTAIN NATIONAL FOREST LANDS IN THE STATE OF
MONTANA AS WILDERNESS, TO RELEASE OTHER NATIONAL FOREST
LANDS IN THE STATE OF MONTANA FOR MULTIPLE USE MANAGE-
MENT, AND FOR OTHER PURPOSES

HEARING HELD IN WASHINGTON, DC
JULY 20, 1993

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JULY 20, 1993

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**H.R. 2473, TO DESIGNATE CERTAIN NATIONAL
FOREST LANDS IN THE STATE OF MONTANA
AS WILDERNESS, TO RELEASE OTHER NA-
TIONAL FOREST LANDS IN THE STATE OF
MONTANA FOR MULTIPLE USE MANAGE-
MENT, AND FOR OTHER PURPOSES**

TUESDAY, JULY 20, 1993

**HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS
AND PUBLIC LANDS,
*Washington, DC.***

The subcommittee met, pursuant to call, at 10 a.m. in room 1324, Longworth House Office Building, Hon. Bruce F. Vento [chairman of the subcommittee] presiding.

STATEMENT OF HON. BRUCE F. VENTO

Mr. VENTO. The Subcommittee on National Parks, Forests and Public Lands will be in order. Today we are meeting to hear testimony on H.R. 2473, the Montana wilderness bill, introduced by our colleague on the subcommittee, and friend, Pat Williams.

[Text of the bill, H.R. 2473, and background information follow:]

103D CONGRESS
1ST SESSION

H. R. 2473

To designate certain National Forest lands in the State of Montana as wilderness, to release other National Forest lands in the State of Montana for multiple use management, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 18, 1993

Mr. WILLIAMS introduced the following bill; which was referred jointly to the Committees on Agriculture and Natural Resources

A BILL

To designate certain National Forest lands in the State of Montana as wilderness, to release other National Forest lands in the State of Montana for multiple use management, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be referred to as the "Round 16 of
5 the Montana Wilderness Act 1993".

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) **FINDINGS.**—The Congress finds that—

1 (1) Many areas of undeveloped National Forest
2 System lands in the State of Montana possess out-
3 standing natural characteristics which give them
4 high value as wilderness and will, if properly pre-
5 served, contribute as an enduring resource of wild
6 land for the benefit of the American people.

7 (2) The existing Department of Agriculture
8 Land and Resource Management Plans for Forest
9 System lands in the State of Montana have identi-
10 fied areas which, on the basis of their land form,
11 ecosystem, associated wildlife, and location will help
12 to fulfill the National Forest System's share of a
13 quality National Wilderness Preservation System.

14 (3) The existing Department of Agriculture
15 Land and Resource Management Plans for National
16 Forest System lands in the State of Montana and
17 the related congressional review of such lands have
18 also identified areas that do not possess outstanding
19 wilderness attributes or possess outstanding energy,
20 mineral, timber, grazing, dispersed recreation, or
21 other values. Such areas should not be designated as
22 components of the National Wilderness Preservation
23 System but should be available for multiple uses
24 under the land management planning process and
25 other applicable law.

1 (4) Montanans and those interested in Mon-
2 tana's wildlands have been fully involved in the for-
3 mulation of this wilderness proposal. That the wil-
4 derness designations recommended in this legislation
5 have been developed with the support of Montana
6 wilderness advocates and is therefore the product of
7 years of negotiations.

8 (b) PURPOSES.—The purposes of this Act are to—

9 (1) designate certain National Forest System
10 lands in the State of Montana as components of the
11 National Wilderness Preservation System, in fur-
12 therance of the purposes of the Wilderness Act (16
13 U.S.C. 1131 et seq.), in order to preserve the wilder-
14 ness character of the land and to protect watersheds
15 and wildlife habitat, preserve scenic and historic re-
16 sources, and promote scientific research, primitive
17 recreation, solitude, and physical and mental chal-
18 lenge; and

19 (2) ensure that certain other National Forest
20 System lands in the State of Montana will be man-
21 aged under the national forest land and resource
22 management plans.

23 **SEC. 3. WILDERNESS DESIGNATIONS.**

24 (a) DESIGNATION.—In furtherance of the purposes of
25 the Wilderness Act of 1964, the following lands in the

1 State of Montana are designated as wilderness and, there-
2 fore, as components of the National Wilderness Preserva-
3 tion System:

4 (1) Certain lands in the Beaverhead, Bitterroot,
5 and Deerlodge National Forests, which comprise ap-
6 proximately 31,660 acres, as generally depicted on a
7 map entitled "Anaconda-Pintler Wilderness Addi-
8 tions—Proposed" (North Big Hole, Storm Lake,
9 Upper East Fork), dated June 1993, and which are
10 hereby incorporated in and shall be deemed to be a
11 part of the Anaconda-Pintler Wilderness.

12 (2) Certain lands in the Beaverhead National
13 Forest, which comprise approximately 29,200 acres,
14 as generally depicted on a map entitled "Italian
15 Peaks Wilderness—Proposed", dated June 1993,
16 and which shall be known as the Italian Peaks Unit
17 of the Great Divide Wilderness.

18 (3) Certain lands in the Beaverhead National
19 Forest, which comprise approximately 79,600 acres,
20 as generally depicted on a map entitled "East Pio-
21 neer Wilderness—Proposed", dated June 1993, and
22 which shall be known as the East Pioneer Wilder-
23 ness.

24 (4) Certain lands in the Beaverhead National
25 Forest, Montana, comprising approximately 35,000

1 acres, as generally depicted on a map entitled "West
2 Big Hole Wilderness—Proposed", dated June 1993,
3 and which shall be known as the West Big Hole
4 Unit of the Great Divide Wilderness.

5 (5) Certain lands in the Bitterroot, Deerlodge,
6 and Lolo National Forests, which comprise approxi-
7 mately 64,800 acres, as generally depicted on a map
8 entitled "Stony Mountain Wilderness—Proposed",
9 dated June 1993, and which shall be known as the
10 Stony Mountain Wilderness.

11 (6) Certain lands in the Bitterroot and Lolo
12 National Forests, which comprise approximately
13 55,600 acres, as generally depicted on maps entitled
14 "Selway-Bitterroot Wilderness Additions—Pro-
15 posed", dated June 1993, and which are hereby in-
16 corporated in and shall be deemed to be a part of
17 the Selway-Bitterroot Wilderness.

18 (7) Certain lands in the Custer National For-
19 est, which comprise approximately 9,400 acres, as
20 generally depicted on a map entitled "Lost Water
21 Canyon Wilderness—Proposed", dated June 1993,
22 and which shall be known as the Lost Water Canyon
23 Wilderness.

24 (8) Certain lands in the Custer National For-
25 est, which comprise approximately 28,000 acres, as

1 generally depicted on a map entitled "Custer Absa-
2 roka Beartooth Wilderness Additions—Proposed"
3 (Burnt Mountain, Timberline Creek, Stateline, Line
4 Creek Plateau, and Mystic Lake), dated June 1993,
5 and which are hereby incorporated in and shall be
6 deemed to be a part of the Absaroka Beartooth Wil-
7 derness.

8 (9) Certain lands in the Deerlodge and Helena
9 National Forests, which comprise approximately
10 19,000 acres, as generally depicted on a map enti-
11 tled "Blackfoot Meadow-Electric Peak Wilderness—
12 Proposed", dated June 1993, and which shall be
13 known as the Blackfoot Meadow Unit of the Great
14 Divide Wilderness.

15 (10) Certain lands in the Flathead and
16 Kootenai National Forests, which comprise approxi-
17 mately 118,000 acres, as generally depicted on a
18 map entitled "North Fork Wilderness—Proposed
19 (Tuchuck, Thompson-Seton, and Mount Hefty)",
20 dated June 1993, and which shall be known as the
21 North Fork Wilderness.

22 (11) Certain lands in the Flathead, Helena,
23 Lolo, and Lewis and Clark National Forests, which
24 comprise approximately 254,600 acres, as generally
25 depicted on maps entitled "Arnold Bolle Additions to

1 the Bob Marshall Wilderness—Proposed” (Silver
2 King-Falls Creek, Renshaw, Clearwater-Monture,
3 Deep Creek, Teton High Peak, Volcano Reef, Slip-
4 pery Bill, Limestone Cave, Choteau Mountain, and
5 Crown Mountain), dated June 1993, which shall be
6 known as the Arnold Bolle-Bob Marshall Wilderness
7 Additions and are incorporated in and shall be
8 deemed to be a part of the Bob Marshall Wilderness.

9 (12) Certain lands in the Flathead National
10 Forest, which comprise approximately 960 acres, as
11 generally depicted on a map entitled “Mission Moun-
12 tains Wilderness Additions—Proposed”, dated June
13 1993, and which are hereby incorporated in and
14 shall be deemed to be a part of the Mission Moun-
15 tain Wilderness.

16 (13) Certain lands in the Flathead and Lolo
17 National Forests, comprising approximately 175,500
18 acres, as generally depicted on maps entitled “Jewel
19 Basin/Swan Wilderness—Proposed”, dated June
20 1993. Those lands contiguous to the west slope of
21 the Bob Marshall Wilderness referred to in this
22 paragraph are hereby incorporated in and shall be
23 deemed to be a part of the Bob Marshall Wilderness,
24 while the remaining lands shall be known as the
25 Swan Crest Wilderness.

1 (14) Certain lands in the Gallatin National
2 Forest, which comprise approximately 14,440 acres,
3 as generally depicted on a map entitled "Gallatin
4 Absaroka Beartooth Wilderness Additions—Pro-
5 posed" (Dexter Point, Tie Creek and Mt. Rae),
6 dated June 1993, and which are hereby incorporated
7 in and shall be deemed to be a part of the Absaroka
8 Beartooth Wilderness.

9 (15) Certain lands in the Gallatin and Beaver-
10 head National Forests, which comprise approxi-
11 mately 20,100 acres, as generally depicted on a map
12 entitled "Lee Metcalf Cowboys Heaven Addition—
13 Proposed", dated June 1993, and which are hereby
14 incorporated in and shall be deemed to be a part of
15 the Lee Metcalf Wilderness.

16 (16) Certain lands in the Gallatin National
17 Forest, which comprise approximately 18,300 acres,
18 as generally depicted on a map entitled "Earthquake
19 Wilderness—Proposed", dated June 1993, and
20 which shall be known as the Earthquake Unit of the
21 Great Divide Wilderness.

22 (17) Certain lands in the Helena National For-
23 est, which comprise approximately 19,900 acres, as
24 generally depicted on a map entitled "Camas Creek
25 Wilderness—Proposed", dated June 1993, and

1 which shall be known as the Camas Creek Wilder-
2 ness.

3 (18) Certain lands in the Helena National For-
4 est, which comprise approximately 15,000 acres, as
5 generally depicted on a map entitled "Mount Baldy
6 Wilderness—Proposed", dated June 1993, and
7 which shall be known as the Mount Baldy Wilder-
8 ness.

9 (19) Certain lands in the Helena National For-
10 est, Montana, which comprise approximately 10,000
11 acres, as generally depicted on a map entitled
12 "Gates of the Mountains Wilderness Additions—
13 Proposed" (Big Log), dated June 1993, and which
14 are hereby incorporated in and shall be deemed to
15 be part of the Gates of the Mountain Wilderness.

16 (20) Certain lands in the Helena National For-
17 est, which comprise approximately 10,700 acres, as
18 generally depicted on a map entitled "Black Moun-
19 tain Wilderness—Proposed", dated June 1993, and
20 which shall be known as the Black Mountain Unit
21 of the Great Divide Wilderness.

22 (21) Certain lands in the Kootenai National
23 Forest, which comprise approximately 34,840 acres,
24 as generally depicted on a map entitled "Cabinet
25 Mountains Wilderness Additions—Proposed", dated

1 June 1993, and which are hereby incorporated in
2 and shall be deemed to be part of the Cabinet Moun-
3 tains Wilderness.

4 (22) Certain lands in the Kaniksu and Kootenai
5 National Forest, which comprise approximately
6 50,000 acres, as generally depicted on a map enti-
7 tled "Scotchman Peaks Wilderness—Proposed",
8 dated June 1993, which shall be known as the
9 Scotchman Peaks Wilderness.

10 (23) Certain lands in the Kootenai National
11 Forest which comprise approximately 22,000 acres,
12 as generally depicted on a map entitled "Yaak Wil-
13 derness—Proposed" (Roderick Mountain), dated
14 June 1993, which shall be known as the Yaak Wil-
15 derness.

16 (24) Certain lands in the Kootenai and Lolo
17 National Forests, which comprise approximately
18 17,900 acres, as generally depicted on a map enti-
19 tled "Catarack Peak Wilderness—Proposed", dated
20 June 1993, which shall be known as the Cataract
21 Peak Wilderness.

22 (25) Certain lands in the Lolo National Forest,
23 which comprise approximately 17,900 acres, as gen-
24 erally depicted on a map entitled "Cube Iron/Mount
25 Silcox Wilderness—Proposed", dated June 1993,

1 which shall be known as the Cube Iron/Mount Silcox
2 Wilderness.

3 (26) Certain lands in the Lolo National Forest,
4 which comprise approximately 94,700 acres, as gen-
5 erally depicted on a map entitled "Great Burn Wil-
6 derness—Proposed", dated June 1993, which shall
7 be known as the Great Burn Wilderness.

8 (27) Certain lands in the Lolo National Forest,
9 which comprise approximately 60,100 acres, as gen-
10 erally depicted on a map entitled "Quigg Peak Wil-
11 derness—Proposed", dated June 1993, which shall
12 be known as the Quigg Peak Wilderness.

13 (28) Certain lands in the Kootenai National
14 Forest, which comprise approximately 25,000 acres,
15 as generally depicted on a map entitled "Trout
16 Creek Wilderness—Proposed", dated June 1993,
17 and which shall be known as the Trout Creek Wil-
18 derness.

19 (29) Certain lands in the Helena National For-
20 est, which comprise approximately 19,000 acres, as
21 generally depicted on a map entitled "Nevada Moun-
22 tain Wilderness—Proposed", dated June 1993, and
23 which shall be known as the Nevada Mountain Unit
24 of the Great Divide Wilderness.

1 (30) Certain lands in the Helena National For-
2 est, which comprise approximately 44,900 acres, as
3 generally depicted on a map entitled "Elkhorn Wil-
4 derness—Proposed", dated June 1993, and which
5 shall be known as the Elkhorn Wilderness.

6 (31) Certain lands in the Gallatin National
7 Forest, which comprise approximately 500 acres, as
8 generally depicted on a map entitled "North Absa-
9 roka Wilderness Addition—Proposed (Republic
10 Mountain)", dated June 1993, and which are hereby
11 incorporated in and shall be deemed a part of the
12 North Absaroka Wilderness.

13 (32) Certain lands in the Beaverhead National
14 Forest, which comprises approximately 90,000 acres,
15 as generally depicted on a map entitled "Snowcrest
16 Wilderness—Proposed", dated June 1993 and shall
17 be known as the Snowcrest Wilderness.

18 (33) Certain lands in the Beaverhead National
19 Forest, which comprise approximately 4,700 acres,
20 as generally depicted on a map entitled "Mount Jef-
21 ferson Wilderness—Proposed", dated June 1993
22 and shall be known as the Mount Jefferson Unit of
23 the Great Divide Wilderness.

24 (34) Certain lands in the Deerlodge National
25 Forest which comprise about 30,300 acres, as gen-

1 erally, depicted on a map entitled "Flint Creek Wil-
2 derness—Proposed", dated June 1993 and shall be
3 known as the Flint Creek Wilderness.

4 (35) Certain lands in the Gallatin and Lewis
5 and Clark National Forests, which comprise approxi-
6 mately 35,000 acres, as generally depicted on a map
7 entitled "Crazy Mountain Wilderness—Proposed",
8 dated June 1993 and shall be known as the Crazy
9 Mountain Wilderness.

10 (b) MAPS AND LEGAL DESCRIPTIONS.—(1) The Sec-
11 retary of Agriculture (hereinafter referred to as the "Sec-
12 retary") shall file the maps referred to in this section and
13 legal descriptions of each wilderness area designated by
14 this section with the Committee on Energy and Natural
15 Resources of the United States Senate and the Committee
16 on Interior and Insular Affairs of the United States House
17 of Representatives, and each such map and legal descrip-
18 tion shall have the same force and effect as if included
19 in this Act.

20 (2) The Secretary may correct clerical and typo-
21 graphical errors in the maps and the legal descriptions
22 submitted pursuant to this section.

23 (3) Each map and legal description referred to in this
24 section shall be on file and available for public inspection
25 in the office of the Chief of the Forest Service, Washing-

1 ton, D.C. and at the office of the Regional Forester of
2 the Northern Region.

3 (c) ADMINISTRATION.—Subject to valid existing
4 rights, each wilderness area designated by this section
5 shall be administered by the Secretary of Agriculture in
6 accordance with the provisions of the Wilderness Act of
7 1964, except that, with respect to any area designated in
8 this section, any reference to the effective date of the Wil-
9 derness Act shall be deemed to be a reference to the date
10 of enactment of this Act.

11 (d) WILDERNESS AREA PERIMETERS.—Congress
12 does not intend that the designation of wilderness areas
13 in this section will lead to the creation of protective perim-
14 eters or buffer zones around such areas. The fact that
15 nonwilderness activities or uses can be seen or heard from
16 areas within a wilderness area shall not, of itself, preclude
17 such activities or uses up to the boundary of the wilder-
18 ness area.

19 (e) GRAZING.—The grazing of livestock, where estab-
20 lished prior to the date of enactment of this Act, in wilder-
21 ness areas designated in this section shall be administered
22 in accordance with section 4(d)(4) of the Wilderness Act
23 of 1964 and section 108 of an Act entitled “An Act to
24 designate certain National Forest System Lands in the
25 States of Colorado, South Dakota, Missouri, South Caro-

1 lina, and Louisiana for inclusion in the National Wilder-
2 ness Preservation System, and for other purposes" (94
3 Stat. 3271; 16 U.S.C. 1133 note).

4 (f) STATE FISH AND GAME AUTHORITY.—In accord-
5 ance with section 4(d)(7) of the Wilderness Act of 1964,
6 nothing in this Act shall be construed as affecting the ju-
7 risdiction or responsibilities of the State of Montana with
8 respect to wildlife and fish in the national forests of Mon-
9 tana.

10 (g) HUNTING.—Nothing in this Act or the Wilder-
11 ness Act of 1964 shall be construed to prohibit hunting
12 within the wilderness areas designated in this section.

13 (h) COLLECTION DEVICES.—(1) Within the wilder-
14 ness areas designated in this section, the installation and
15 maintenance of essential hydrological, meteorological, or
16 climatological collection devices and ancillary facilities is
17 permitted, subject to such conditions as the Secretary
18 deems desirable.

19 (2) Access to the devices and facilities described in
20 paragraph (1) shall be by the means historically used, if
21 that method is the least intrusive practicable means avail-
22 able. Access, installation, and maintenance shall be com-
23 patible with the provisions of the Wilderness Act.

24 (i) The provisions of the Federal Advisory Committee
25 Act notwithstanding, the wilderness managing agencies

1 are hereby authorized to use citizen advisory groups, task
2 forces, and ad hoc committees among the public involve-
3 ment techniques employed to assist the agencies in the de-
4 velopment of wilderness management direction.

5 **SEC. 4. WATER.**

6 (a) **FINDINGS, PURPOSE, AND DEFINITIONS.**—(1)
7 Congress finds that—

8 (A) the lands designated as wilderness by this
9 Act are located at the headwaters of the streams
10 and rivers on those lands, with no actual or pro-
11 posed water resource facilities located upstream
12 from such lands and no opportunities for diversion,
13 storage, or other uses of water occurring outside
14 such lands that would adversely affect the wilderness
15 values of such lands;

16 (B) the lands designated as wilderness by this
17 Act are not suitable for use for development of new
18 water resource facilities, or for the expansion of ex-
19 isting facilities; and

20 (C) therefore, it is possible to provide for prop-
21 er management and protection of the water-related
22 wilderness values of such lands in ways different
23 from those utilized in other legislation designated as
24 wilderness lands not sharing the attributes of the
25 lands designated as wilderness by this Act.

1 (2) The purpose of this section is to protect the
2 water-related wilderness values of the lands designated as
3 wilderness by this Act by means other than those based
4 on a Federal reserved water right.

5 (3) As used in this section—

6 (A) the term “water resource facility” means ir-
7 rigation and pumping facilities, reservoirs, water
8 conservation works, aqueducts, canals, ditches, pipe-
9 lines, wells, hydropower projects, and transmission
10 and other ancillary facilities, and other water diver-
11 sion, storage, and carriage structures; and

12 (B) the term “historic”, used with reference to
13 rates of flow, quantities of use, or timing of use of
14 water, means the pattern of actual use or operation
15 of a facility over a representative period of time to
16 the date of enactment of this Act.

17 (b) RESTRICTION ON RIGHTS AND DISCLAIMER OF
18 EFFECT.—(1) Neither the Secretary nor any other officer,
19 employee, or agent of the United States shall assert any
20 claim, and no court or agency of the United States shall
21 consider any claim asserted by any other person, to any
22 right with respect to any waters in the State of Montana
23 based on any construction of any portion of this Act or
24 the designation of any lands as wilderness by this Act as

1 constituting an express or implied reservation of water or
2 water rights.

3 (2)(A) Nothing in this Act shall be construed as a
4 creation, recognition, disclaimer, relinquishment, or reduc-
5 tion of any water rights of the United States in the State
6 of Montana existing before the date of enactment of this
7 Act.

8 (B) Nothing in this Act shall be construed as con-
9 stituting an interpretation of any other Act or any des-
10 ignation made by or pursuant thereto.

11 (C) Nothing in this section shall be construed as es-
12 tablishing a precedent with regard to any future wilder-
13 ness designations.

14 (c) NEW OR EXPANDED PROJECTS.—Notwithstand-
15 ing any other provision of law, on and after the date of
16 enactment of this Act neither the President nor any other
17 officer, employee, or agent of the United States shall fund,
18 assist, authorize, or issue a license or permit for—

19 (1) the development of any new water resource
20 facility within the lands designated as wilderness by
21 this Act; or

22 (2) the enlargement of a water resource facility
23 or the expansion of the historic rate of diversion,
24 quantity of use, or timing of use of a water resource

1 facility within the lands designated as wilderness by
2 this Act.

3 Except as provided in subsection (d) of this section, noth-
4 ing in this Act shall be construed to affect or limit oper-
5 ation, maintenance, repair, modification, or replacement
6 of water resource facilities in existence on the date of en-
7 actment of this Act within the boundaries of the lands des-
8 ignated as wilderness by this Act.

9 (d) ACCESS AND OPERATION.—(1) Subject to the
10 provisions of this subsection, the Secretary shall allow rea-
11 sonable access to water resource facilities in existence on
12 the date of enactment of this Act within lands designated
13 as wilderness by this Act, including motorized access
14 where necessary and customarily employed on routes exist-
15 ing as of the date of enactment of this Act.

16 (2) Subject to the provisions of this subsection, the
17 Secretary shall allow the present diversion, carriage, and
18 storage capacity of water resource facilities existing on the
19 date of enactment of this Act within wilderness areas des-
20 ignated by this Act, and access routes to such facilities
21 existing and customarily employed as of such date, to be
22 operated, maintained, repaired, and replaced as necessary
23 to maintain the present function, design, and serviceable
24 operation of the facilities, so long as such activities have

1 no greater adverse impacts on wilderness values than as
2 of the date of enactment of this Act.

3 (3) Water resource facilities, and access routes serv-
4 ing such facilities, existing on the date of enactment of
5 this Act shall be maintained and repaired when and to
6 the extent necessary to prevent increased adverse impacts
7 on wilderness values.

8 (4) The historic rate of diversion, quantity of use, or
9 timing of use of water resource facilities existing on the
10 date of enactment of this Act within lands designated as
11 wilderness by this Act shall not be increased.

12 (e) MONITORING AND IMPLEMENTATION.—The Sec-
13 retaries of Agriculture and the Interior shall monitor the
14 operation of and access to water resource facilities within
15 the boundaries of the lands designated as wilderness by
16 this Act and take all steps necessary to implement the pro-
17 visions of this section.

18 **SEC. 5. SPECIAL MANAGEMENT AREAS.**

19 (a) DESIGNATIONS.—For the purposes of conserving,
20 protecting and enhancing the exceptional scenic, fish and
21 wildlife, biological, educational and recreational values of
22 certain National Forest System lands in the State of Mon-
23 tana, the following designations are made:

24 (1) The Mount Helena National Education and
25 Recreation Area located in the Helena National For-

1 est, comprising approximately 5,120 acres, as gen-
2 erally depicted on a map entitled "Mount Helena
3 National Education and Recreation Area—Pro-
4 posed", dated September 1992.

5 (2) The Hyalite National Education and Recre-
6 ation Area located in the Gallatin National Forest,
7 comprising approximately 18,900 acres, as generally
8 depicted on a map entitled "Hyalite National Edu-
9 cation and Recreation Area—Proposed", dated Sep-
10 tember 1992.

11 (3) The Northwest Peak National Recreation
12 Area located in the Kaniksu and Kootenai National
13 Forests, comprising approximately 16,700 acres, as
14 generally depicted on a map entitled "Northwest
15 Peak National Recreation and Scenic Area—Pro-
16 posed", dated September 1991.

17 (4) The Buckhorn Ridge National Recreation
18 Area located in the Kaniksu and Kootenai National
19 Forests, comprising approximately 20,000 acres, as
20 generally depicted on a map entitled "Buckhorn
21 Ridge National Recreation Area—Proposed", dated
22 September 1991.

23 (5) The West Big Hole National Recreation
24 Area located in the Beaverhead National Forest,
25 comprising approximately 90,000 acres, as generally

1 depicted on a map entitled "West Big Hole National
2 Recreation Area—Proposed", dated September
3 1992, and which shall be known as the West Big
4 Hole National Recreation Area.

5 (6) The LeBeau Natural Area located on the
6 Kootenai and Flathead National Forests comprising
7 approximately 6,000 acres, as generally depicted on
8 a map entitled "LeBeau Natural Area—Proposed",
9 dated June 1993.

10 (7) The Ross Creek Cedars Natural Area lo-
11 cated on the Kootenai National Forest comprising
12 approximately 600 acres, as generally depicted on a
13 map entitled "Ross Creek Cedars Natural Area—
14 Proposed", dated June 1993.

15 (b) MAPS.—The Secretary shall file the maps re-
16 ferred to in this section with the Committee on Energy
17 and Natural Resources, United States Senate, and the
18 Committee on Interior and Insular Affairs, United States
19 House of Representatives, and each such map shall have
20 the same force and effect as if included in this Act: *Pro-*
21 *vided*, That correction of clerical and typographical errors
22 in such maps may be made. Each such map shall be on
23 file and available for public inspection in the office of the
24 Chief of the Forest Service and the office of the Regional
25 Forester of the Northern Region.

1 (c) **MANAGEMENT.**—(1) Except as otherwise may be
2 provided in this subsection, the Secretary shall administer
3 the areas designated in subsection (a) so as to achieve the
4 purposes of their designation and in accordance with the
5 laws and regulations applicable to the National Forest
6 System.

7 (2) Subject to valid existing rights, all federally
8 owned lands within the areas designated in subsection (a)
9 are hereby withdrawn from all forms of entry, appropria-
10 tion and disposal under the mining and public land laws,
11 and disposition under the geothermal and mineral leasing
12 laws.

13 (3) Commercial timber harvesting is prohibited in the
14 areas designated by this section with the following excep-
15 tions:

16 (A) Nothing in this Act shall preclude such
17 measures which the Secretary, in his discretion,
18 deems necessary in the event of fire, or infestation
19 of insects or disease.

20 (B) Fuel wood, post and pole gathering may be
21 permitted.

22 (C) Commercial timber harvesting may be per-
23 mitted in the Hyalite National Recreation and Edu-
24 cation Area, but must be compatible with the pur-
25 poses of its designation.

1 (4) Where the Secretary determines that such use is
2 compatible with the purposes for which an area is des-
3 ignated, the use of motorized equipment may be permitted
4 in the areas subject to applicable law and applicable land
5 and resource management plans.

6 (5) The grazing of livestock, where established prior
7 to the date of enactment of this Act may be permitted
8 to continue subject to applicable law and regulations of
9 the Secretary.

10 (d) NATIONAL RECREATION AREAS AND NATURAL
11 AREAS.—(1) The Secretary shall manage the Mount Hel-
12 ena and Hyalite National Education and Recreation Areas
13 with a focus on education. All management activities shall
14 be conducted in a manner that provides the public with
15 an opportunity to become better informed about natural
16 resource protection and management.

17 (2) The Secretary shall manage the LeBeau and Ross
18 Creek Cedars Natural areas for the enhancement of
19 biodiversity and scientific study. These forests' unique
20 natural qualities are to be the focus of the area's manage-
21 ment.

22 (e) LAND AND RESOURCE MANAGEMENT PLANS.—
23 Those areas established pursuant to subsection (a) shall
24 be administered as components of the national forests
25 wherein they are located. Land and resource management

1 plans for the affected national forests prepared in accord-
2 ance with the Forest and Rangeland Renewable Resources
3 Planning Act, as amended by the National Forest Man-
4 agement Act, shall achieve the purposes for which the
5 areas are designated. The provisions of the national forest
6 land and resource management plan, relating to each area
7 designated by this section, shall also be available to the
8 public in a document separate from the rest of the forest
9 plan.

10 **SEC. 6. WILDERNESS STUDY AREAS.**

11 (a) DESIGNATION.—The following areas are hereby
12 designated as wilderness study areas and shall be man-
13 aged in accordance with the provisions of this section:

14 (1) Certain lands on the Gallatin National For-
15 est, comprising approximately 21,500 acres, as gen-
16 erally depicted on a map entitled "Sawtooth Moun-
17 tain Wilderness Study Area—Proposed", dated Sep-
18 tember 1992.

19 (2) Certain lands in the Lolo National Forest
20 which comprise approximately 22,000 acres, as gen-
21 erally depicted on a map entitled "Sheep Mountain
22 Wilderness Study Area—Proposed", dated Novem-
23 ber 1991.

24 (3) Certain lands in the Lewis and Clark and
25 Gallatin National Forests, which comprise approxi-

1 mately 115,000 acres, as generally depicted on a
2 map entitled "Crazy Mountain Wilderness Study
3 Area—Proposed", dated October 1992. The Forest
4 Service shall complete a study of public and private
5 land consolidation alternatives for this area which
6 shall be submitted to the appropriate committees of
7 Congress 2 years after the date of the enactment of
8 this Act.

9 (4) Certain lands in the Gallatin National For-
10 est, which comprise approximately 4,500 acres, as
11 generally depicted on a map entitled "South Cotton-
12 wood Wilderness Study Area—Proposed," dated
13 September, 1992, and shall be managed as part of
14 the Gallatin Wilderness Study Area in accordance
15 with Public Law 95-150.

16 (b) REPORT.—When the forest plans are revised, the
17 Secretary shall submit a report to the Committee on En-
18 ergy and Natural Resources of the United States Senate
19 and the Committee on Interior and Insular Affairs of the
20 United States House of Representatives containing rec-
21 ommendations as to whether the areas designated in sub-
22 section (a) should be added as components of the National
23 Wilderness Preservation System.

24 (c) MANAGEMENT.—Subject to valid existing rights,
25 the wilderness study areas designated in subsection (a)

1 shall be managed to protect their suitability for inclusion
2 in the National Wilderness Preservation System.

3 (d) MAPS.—The Secretary shall file the maps re-
4 ferred to in this section with the Committee on Interior
5 and Insular Affairs, United States House of Representa-
6 tives, and the Committee on Energy and Natural Re-
7 sources, United States Senate, and each such map shall
8 have the same force and effect as if included in this Act:
9 *Provided*, That correction of clerical and typographical er-
10 rors in these maps may be made. Each map shall be on
11 file and available for public inspection in the office of the
12 Chief of the Forest Service and the Regional Forester of
13 the Northern Region.

14 **SEC. 7. BADGER-TWO MEDICINE AREA.**

15 (a) WITHDRAWAL.—(1) Subject to valid existing
16 rights including rights held by the Blackfeet nation under
17 existing treaties and statute, all federally owned lands as
18 depicted on a map entitled “Badger-Two Medicine Area”,
19 dated September 1991, comprising approximately 116,600
20 acres, are withdrawn from all forms of entry, appropria-
21 tion, and disposal under the mining and public land laws
22 and from disposition under the geothermal and mineral
23 leasing laws. Until otherwise directed by Congress, the
24 Secretary shall manage this area so as to protect its wil-
25 derness qualities.

1 (2) Nothing in this section shall preclude the gather-
2 ing of timber by the Blackfeet Tribe (the "Tribe") in exer-
3 cise of valid treaty rights within the Badger-Two Medicine
4 Area.

5 (3)(A) With respect to oil and gas leases on Federal
6 lands within the Badger-Two Medicine Area, no surface
7 disturbance shall be permitted pursuant to such leases
8 until Congress determines otherwise.

9 (B) Notwithstanding any other law, the term of any
10 oil and gas lease subject to the limitations imposed by this
11 section shall be extended for a period of time equal to the
12 term that such limitation remains in effect.

13 (b) REVIEW.—The Secretary shall conduct a review
14 of the area referred to in subsection (a) in accordance with
15 the Wilderness Act of 1964 and the provisions of this sub-
16 section. Not later than 5 years after the date of enactment
17 of this Act, the Secretary shall report to Congress. In con-
18 ducting this review:

19 (1) The Secretary shall establish a committee
20 composed of 1 representative each from the Black-
21 feet Tribal Business Council, the Blackfeet Tribal
22 traditionalists, and the National Park Service, as
23 well as at least one representative of various con-
24 cerned user groups, including proportional represen-
25 tation for environmental groups and industry

1 groups. The Committee shall not exceed eleven mem-
2 bers. The Blackfeet Tribal Business Council shall
3 choose the 2 Tribal representatives. The Blackfeet
4 Tribal Business Council shall conduct a public meet-
5 ing to receive recommendations of the community re-
6 garding the selection of these members. The commit-
7 tee shall regularly advise the Secretary during the
8 preparation of the report required in this subsection
9 and submit its findings to Congress concurrently
10 with those of the Secretary.

11 (2) Special consideration shall be given to the
12 religious, wilderness and wildlife uses of the area,
13 taking into account any treaties the United States
14 has entered into with the Blackfeet Nation.

15 (3) In consultation with the committee, the Sec-
16 retary shall establish a process to provide informa-
17 tion to the Tribe and interested public about options
18 for future designation of the Badger-Two Medicine
19 Area.

20 (c) RIGHTS.—Nothing in this section shall be con-
21 strued to diminish, prejudice, add to, or otherwise affect
22 the treaty rights of the Blackfeet Tribe or the rights of
23 the United States.

1 **SEC. 8. LANDS ADMINISTERED BY BUREAU OF LAND MAN-**
2 **AGEMENT.**

3 (a) **FINDINGS.**—(1) The Congress has reviewed the
4 suitability of a portion of the Axolotl Lakes Wilderness
5 Study Area (MT-076-069, BLM Wilderness Study Num-
6 ber) as generally depicted on a map entitled “Released
7 portion of Axolotl Lakes WSA”, dated September 1992,
8 for wilderness designation and finds that this portion has
9 been sufficiently studied for wilderness pursuant to section
10 603 of the Federal Land Policy and Management Act of
11 1976 (43 U.S.C. 1782).

12 (2) The Congress has reviewed the suitability of the
13 Bitter Creek Wilderness Study Area (MT-BLM Wilder-
14 ness Study Number) as generally depicted on a map enti-
15 tled “Bitter Creek WSA”, dated June 1993, for wilderness
16 pursuant to section 603 of the Federal Land Management
17 and Policy Act of 1976 (43 U.S.C. 1782).

18 (b) **DIRECTION.**—The area described in subsection
19 (a) shall no longer be subject to the requirement of section
20 603(c) of the Federal Land Policy and Management Act
21 of 1976 pertaining to management in a manner that does
22 not impair suitability for preservation as wilderness.

23 (c) **ADMINISTRATIVE JURISDICTION.**—Those lands
24 designated as wilderness pursuant to paragraphs (3) and
25 (27) of section 3(a) of this Act, which, as of the date of
26 enactment of this Act, are administered by the Secretary

1 of the Interior as public lands (as defined in the Federal
2 Land Policy and Management Act of 1976), are hereby
3 transferred to the jurisdiction of the Secretary of Agri-
4 culture, and shall be added to and managed as part of
5 the National Forest System, and the boundaries of the
6 adjacent National Forests are hereby modified to include
7 such lands.

8 (d) LAND AND WATER CONSERVATION FUND.—For
9 purposes of section 7 of the Land and Water Conservation
10 Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries
11 of affected National Forests, as modified by this section,
12 shall be considered to be the boundaries of such National
13 Forests as if they were the boundaries of the National
14 Forests as of January 1, 1965. Money appropriated from
15 the Land and Water Conservation Fund shall be available
16 for the acquisition of lands, waters, and interests therein
17 in furtherance of the purposes of this Act.

18 **SEC. 9. MONTANA ECOSYSTEM AND ECONOMICS STUDY.**

19 (a) PURPOSE.—The purpose of this section is to pro-
20 tect and enhance ecological values of the Northern Rockies
21 Ecosystem within the State of Montana and to assure that
22 disruptions to communities and local economies are mini-
23 mized through the sustainable use of the natural resources
24 in the State of Montana: *Provided*, That the scope of the

1 study shall be limited to the State of Montana. To accom-
2 plish the purpose, the Secretary shall—

3 (1) assess current environmental and economic
4 conditions in the Montana ecosystem;

5 (2) evaluate the recent and likely trends in
6 those conditions under current management;

7 (3) determine sustainable environmental condi-
8 tions and economies dependent thereon; and

9 (4) identify opportunities and requirements to
10 achieve and improve sustainability of the natural re-
11 sources and the economy.

12 (b) STUDY.—(1) The Secretary of Agriculture, acting
13 through the Forest Service Research Branch, shall under-
14 take a Montana Ecosystem and Economics Study
15 (“Study”). In conducting the study, the Forest Service
16 shall draw from expertise throughout the Research Branch
17 and cooperate with other Federal agencies, relevant State
18 agencies, local governments, Tribal governments, and the
19 relevant departments (such as biology, ecology, forestry,
20 range, wildlife and fish, recreation, business, economics,
21 law, etc.) of public universities in the State of Montana.

22 (2) The Secretary of Agriculture shall establish an
23 Advisory Panel consistent with the Federal Advisory Com-
24 mittee Act to meet to review and comment on: (A) the
25 study plan; (B) contractor, background, and interim re-

1 ports, if any; and (C) the final report. The Advisory Panel
 2 shall represent a balance of groups and individuals inter-
 3 ested in or affected by natural resource management, in
 4 an equitable manner.

5 (3) The Study shall address the following topics:

6 (A) The current ecological trends and condi-
 7 tions, environmental sustainability within the State
 8 of Montana, including but not limited to—

- 9 (i) air and water quality;
- 10 (ii) timber quantity, quality, and growth;
- 11 (iii) rangeland quality;
- 12 (iv) riparian areas;
- 13 (v) diversity of native plant and animal
 14 species;
- 15 (vi) connectivity among isolated
 16 ecosystems;
- 17 (vii) uncommon, rare, threatened, and en-
 18 dangered species;
- 19 (viii) populations of animals for consump-
 20 tive and nonconsumptive uses;
- 21 (ix) wilderness areas;
- 22 (x) dispersed recreation opportunities; and
- 23 (xi) developed recreation facilities.

24 (B) The current contribution of commodity and
 25 non-commodity uses and output of natural resources

1 to the local and regional economies, including, but
2 not limited to—

3 (i) distinguishing among the various re-
4 source uses and outputs;

5 (ii) examining the distribution of resource-
6 related economic activities among local commu-
7 nities; and

8 (iii) distinguishing the contributions from
9 each landowner class: Federal, State, Tribal,
10 other government, forest industry, other major
11 private corporations, and other private (non-in-
12 dustrial) landowners.

13 (C) The sustainable contribution of commodity
14 and non-commodity uses and outputs of natural re-
15 sources, using the same distinctions specified in sub-
16 paragraph (B), and assuming:

17 (i) achievement of State air and water
18 quality standards; and

19 (ii) maintenance of or increase in the qual-
20 ity of natural resources in the State of Mon-
21 tana, including: the timber available; range
22 lands grazed by livestock; riparian areas; the di-
23 versity of plant and animal species; connectivity
24 among isolated ecosystems; uncommon, rare,
25 threatened, and endangered native species; pop-

1 ulations of animals for consumptive and
2 nonconsumptive uses; wilderness areas; dis-
3 persed recreation opportunities and developed
4 recreation facilities.

5 (D) Opportunities to improve environmental
6 conditions that could permit an expansion of the
7 sustainable contribution of commodity and non-com-
8 modity uses and outputs of natural resources. The
9 assessment shall identify the financial and non-fi-
10 nancial costs for the various opportunities, and the
11 likely or possible incidence of those costs. Opportuni-
12 ties shall include each of the following:

13 (i) Increasing desirable natural vegetative
14 growth including: reforestation with native spe-
15 cies, thinning and other timber stand modifica-
16 tions, prescribed burning, and seeding or plant-
17 ing native grasses, forbs, and shrubs.

18 (ii) Improving the quality of other biologi-
19 cal resources (such as species diversity and ani-
20 mal populations), including: habitat restoration,
21 extended timber rotations, alternative timber
22 harvesting systems and grazing regimes, re-
23 serves to protect and improve connectivity
24 among isolated ecosystems, and different stand-

1 ards and methods for road construction, main-
2 tenance, closure, and eradication.

3 (iii) Enhancing the quality of non-biologi-
4 cal resources (such as recreation trails and fa-
5 cilities, wilderness areas, and watersheds and
6 streams), including: site restoration and reha-
7 bilitation, demand management (user regulation
8 and enforcement, marketing to shift timing and
9 location of uses, etc.) and different standards
10 and methods for road construction, mainte-
11 nance, closure, and eradication.

12 (E) Recommendations on investments and prac-
13 tices for agencies responsible for natural resource
14 management.

15 (c) SCHEDULE.—(1) The study plan shall be ready
16 for review by the Advisory Panel within one year after the
17 enactment of this Act.

18 (2) Contractor, background, and interim reports shall
19 be presented to the Advisory Panel as they are completed.

20 (3) The draft report shall be ready for review by the
21 Advisory Panel within 2 years after the Panel's meeting
22 to review the study plan. With Advisory Committee input,
23 the Secretary shall arrange peer review of the draft report
24 among appropriate independent experts in the relevant
25 fields.

1 (4) The final report shall be presented to the Com-
2 mittee on Interior and Insular Affairs of the United States
3 House of Representatives, the Committee on Energy and
4 Natural Resources of the United States Senate, to the
5 Chief of the Forest Service, and to the heads of other Fed-
6 eral and State agencies who have jurisdiction over wild
7 land management or are responsible for regulating man-
8 agement practices or impacts in the State of Montana.

9 **SEC. 10. MISCELLANEOUS PROVISIONS.**

10 (a) **REDESIGNATION.**—(1) Those lands comprising
11 the Rattlesnake National Recreation Area and Wilderness,
12 as designated in Public Law 96-476 are hereby redesign-
13 ated as the “Rattlesnake National Education and Recre-
14 ation Area and Wilderness”.

15 (2) Those lands comprising 200 acres, as generally
16 depicted on a map entitled “West Pioneers Study Dele-
17 tion—Proposed”, are hereby released from study under
18 Public Law 95-150.

19 (b) **WITHDRAWAL.**—Those lands comprising approxi-
20 mately 27,000 acres, as generally depicted on a map enti-
21 tled “Gibson Reservoir Mineral Withdrawal Area—Pro-
22 posed”, dated October 1992, are hereby withdrawn from
23 all forms of entry, appropriation and disposal under the
24 mining and public land laws, and disposition under the
25 geothermal and mineral leasing laws.

1 (c) **ACREAGES.**—All acreages cited in this Act are ap-
2 proximate and in the event of discrepancies between cited
3 acreage and the lands depicted on referenced maps, the
4 maps shall control.

5 (d) **ACCESS.**—It is the policy of Congress that the
6 Forest Service acquire and maintain reasonable public ac-
7 cess to National Forest System lands in the State of Mon-
8 tana.

9 (e) **SCAPEGOAT AND GREAT BEAR WILDERNESS**
10 **NAMES.**—In order to consolidate existing contiguous wil-
11 derness areas, those lands comprising the Great Bear Wil-
12 derness Area designated by Public Law 95-946 and any
13 amendments thereto and the Scapegoat Wilderness Area
14 designated by Public Law 92-395 and any amendments
15 thereto are hereby incorporated in and deemed to be a
16 part of the Bob Marshall Wilderness. The designations of
17 the Great Bear Wilderness and Scapegoat Wilderness
18 shall refer to units within the Bob Marshall Wilderness.

19 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

20 There are authorized to be appropriated—

21 (1) such sums as are necessary for the develop-
22 ment of a wilderness education and ranger training
23 complex at the Ninemile Ranger Station, Lolo Na-
24 tional Forest, Montana; and

1 (2) such sums as are necessary to carry out this
2 Act.

3 **SEC. 12. WILDERNESS REVIEW.**

4 (a) FINDINGS.—The Congress finds that—

5 (1) the Department of Agriculture has studied
6 the suitability of roadless areas for inclusion in the
7 National Wilderness Preservation System; and

8 (2) the Congress has made its own review and
9 examination of National Forest System roadless
10 areas in the State of Montana and the environ-
11 mental impacts associated with alternative alloca-
12 tions of such areas.

13 (b) RELEASE.—Those National Forest System lands
14 in the State of Montana which were not designated as wil-
15 derness, special management, national recreation, or wil-
16 derness study areas by this Act shall be managed for mul-
17 tiple use in accordance with land and resource manage-
18 ment plans developed pursuant to section 6 of the forest
19 and Rangeland Renewable Resources Planning Act of
20 1974, as amended by the National Forest Management
21 Act of 1976, and other applicable law, and those areas
22 need not be managed for the purpose of protecting their
23 suitability for wilderness designation prior to or during re-
24 vision of the land and resource management plans.

1 (c) **PLAN REVISIONS.**—In the event that revised land
2 management plans in the State of Montana are imple-
3 mented pursuant to section 6 of the Forest and Rangeland
4 Renewable Resources Planning Act of 1974, as amended
5 by the National Forest Management Act of 1976, and
6 other applicable law, areas not recommended for wilder-
7 ness designation, need not be managed for the purpose
8 of protecting their suitability for wilderness designation
9 prior to or during revision of such plans, and areas rec-
10 ommended for wilderness designation shall be managed for
11 the purpose of protecting their suitability for wilderness
12 designation.

13 (d) **FURTHER REVIEW.**—Unless expressly authorized
14 by Congress, the Department of Agriculture shall not con-
15 duct any further statewide roadless area review and eval-
16 uation of National Forest System lands in the State of
17 Montana for the purpose of determining their suitability
18 for inclusion in the National Wilderness Preservation Sys-
19 tem.

20 (e) **PREVIOUS PLANS.**—Except as specifically pro-
21 vided in sections 3, 5, 6, and 7 of this Act and in Public
22 Law 95-150, with respect to the National Forest System
23 lands in the State of Montana which were reviewed by the
24 Department of Agriculture under Public Law 94-557, the
25 unit plans that were in effect prior to completion of RARE

1 II, the 1978 Forest Plan for the Beaverhead National
2 Forest, that such reviews shall be deemed an adequate
3 consideration of the suitability of such lands for inclusion
4 in the National Wilderness Preservation System, and the
5 Department of Agriculture shall not be required to review
6 the wilderness option prior to the revision of the Land and
7 Resource Management Plans.

8 (f) REVISIONS.—As used in this section, and as pro-
9 vided in section 6 of the Forest and Rangeland Renewable
10 Resources Planning Act, as amended by the National For-
11 eign Management Act, the term “revision” shall not in-
12 clude an amendment to a land and resource management
13 plan.

14 (g) SIZE.—The provisions of this section shall apply
15 to those National Forest System roadless lands in the
16 State of Montana which are less than 5,000 acres in size.

17 (h) WILDERNESS SUITABILITY REVIEW.—Except as
18 provided in Public Law 95–150, the wilderness suitability
19 review and evaluation of national forest system lands in
20 the State of Montana completed as a part of Land and
21 Resource Management Plans that were completed prior to
22 the enactment of this Act, constitute an adequate consid-
23 eration of the suitability of such lands for inclusion in the
24 National Wilderness Preservation System and the Depart-
25 ment of Agriculture shall not be required to review the

1 wilderness option prior to the revision of the plans, but
2 shall review the wilderness option when the plans are re-
3 vised, which revisions will ordinarily occur on a 10-year
4 cycle, or at least every 15 years, unless, prior to such time
5 the Secretary finds that conditions in a unit have signifi-
6 cantly changed.

○

BACKGROUND ON H.R. 2473
MONTANA WILDERNESS

The ten National Forests of Montana include over 6 million acres of roadless lands. Not only do they contain minerals, range, timber, and oil and gas in varying amounts, but they also include wilderness of outstanding scenic and pristine quality. This wilderness resource is noted for its high mountain scenery, large, contiguous blocks of undeveloped land containing opportunities for solitude and abundant wildlife. Moose, deer, bear, bighorn sheep, mountain goats, wolverines and the nation's largest elk herds live on these roadless acres. Furthermore, several threatened and endangered species are found on these lands. Grizzly bears, gray wolves, peregrine falcons, bald eagles and the grayling are all residents and survival of these species may be dependent on the future management of these roadless areas. Commodity resources are also found on the roadless lands of Montana's national forests. Timber harvesting, mining and oil and gas development are important elements of the state's economy.

Congress has long recognized the importance of the wilderness resource in Montana's national forests. Since the Wilderness Act of 1964, Congress has enacted into law ten separate bills that designated wilderness in Montana. Today, the State has approximately 3.4 million acres of national forest wilderness. The largest and best known is the million acre Bob Marshall Wilderness.

H.R. 2473 would put or keep in various degrees of protected status approximately 2.6 million acres of national forest roadless lands in Montana. This includes 35 new wilderness units, 6 new special management areas, 7 new study areas, and maintaining in protected status 8 existing study areas. It would release approximately 3.4 million acres to non-wilderness uses. The bill is similar to a bill that passed the House and Senate, but was vetoed by President Reagan in 1988 and to a bill which passed the House in the last Congress. H.R. 2473, puts 100,000 more acres in protected status than the House passed bill of the last Congress.

In 1977, Congress enacted Public Law 95-150, the Montana Wilderness Study Act. This Act designated one million acres of wilderness study areas in 10 areas. H.R. 2473 leaves 8 of these areas totalling approximately 700,000 acres in protected status and places five new areas in protected study status. Although H.R. 2473 provides designations only for national forest lands and does not designate any BLM lands as wilderness, it does release two BLM wilderness Study Areas, Bitter Creek and a portion of Axolotl Lakes. Bitter Creek with approximately 60,000 acres is the largest BLM wilderness study area in Montana.

H.R. 2473 DESIGNATIONS

Wilderness: 1.56 million acres in 35 areas or additions

New Wilderness Study: 234,000 acres in 5 areas

Spec. Mgmt. Areas: 157,000 acres in 7 areas

Existing Study Areas Left in Study Status: 700,000 acres in 8 areas

Total Protected Areas: 2.6 million acres

Released Roadless Lands: 3.4 million acres

NEW DESIGNATIONS NOT FOUND IN THE 102ND CONGRESS
HOUSE PASSED BILL

New wilderness

- Mt. Jefferson
- Snowcrest
- Line Creek Plateau addition to the Absaroka-Beartooth Wilderness (previously in study status)
- Addition to Black Mt. proposed wilderness (Ninemile drainage)
- Addition to the Rocky Mountain front additions to the Bob Marshall Wilderness (Elk Pass)
- Addition to the Swan Crest proposed wilderness

New wilderness study areas

No change from House-passed bill of the 102nd Congress.

New Special Management Areas

- Le Beau Natural Area
- Ross Creek Cedars Natural Area

RELEASE LANGUAGE

For several years, statewide national forest wilderness bills have included what has become known as standard release language. This language became necessary after the Ninth Circuit Court of Appeals found that the Forest Service's second Roadless Area and Review EIS (RARE II) inadequately studied roadless areas for their wilderness potential. Standard release language precludes judicial challenge to the wilderness recommendations contained in RARE II and releases non-designated roadless lands to uses other than wilderness. However, it allows these lands to be reconsidered for wilderness in the next round of forest planning.

With the completion of forest plans with new wilderness recommendations, RARE II and the Ninth Circuit Court decision no longer apply. H.R. 2473 includes release language that references the forest plans instead of RARE II, and still releases non-designated lands to non-wilderness uses.

WATER

Section 4 of H.R. 2473 deals with water and water rights. Its provisions generally resemble some water-related provisions of H.R. 631 (Colorado wilderness) as favorably reported by the Natural Resources Committee, although the provisions of H.R. 631 were developed solely in the context of Colorado water law.

Asserted Basis for Water Provisions

Subsection 4(a) recites findings upon which the section is based, states the section's purpose, and provides definition of two terms used in the section.

The stated findings of subsection 4(a)(1) are--

A) that the lands the bill designates as wilderness are located at the headwaters of the streams and rivers located on those lands, with no actual or proposed water resource facilities located upstream, and no opportunities for diversion, storage, or other uses of water that could occur outside these areas that would adversely affect the wilderness values of the areas;

B) that the lands designated as wilderness by the bill are not suitable for use or development of new water resource facilities or the expansion of existing water resource facilities; and

C) that therefore, proper management and protection of the wilderness values of the specific areas covered by section 2(a) can be provided for in ways different from those utilized in legislation designating as wilderness lands not sharing these particular attributes.

Purpose of Water Provisions

Subsection 4(a)(2) states that section 4 is intended to protect the wilderness values of the lands described in section 2(a) by means other than those based on a Federal reserved water right.

Restriction

Subsection 4(b)(1) would prohibit any U.S. officer, employee, or agent (including the Secretary of Agriculture) from asserting, and prohibit any U.S. court or agency from considering, any claim for water or water rights in Montana based on construing any portion of the bill (or the designation by the bill of any lands as wilderness) as constituting either an express or implied reservation of water or water rights.

Scope and Effect

Paragraph 4(b)(2) clarifies several aspects of the bill's effects with regard to water or water rights:

--Subparagraph 4(b)(2)(A) states that nothing in the bill is to be construed as a creation, recognition, disclaimer, relinquishment, or reduction of any water rights of the United States in Montana existing before the bill's enactment;

--Subparagraph 4(b)(2)(B) provides that nothing in the bill is to be construed as constituting an interpretation of any other Act or any designation made by or pursuant thereto; and

--Subparagraph 4(b)(2)(C) provides that nothing in section 4 of H.R. 2473 is to be construed as establishing a precedent regarding future wilderness designations.

Water Resource Facilities

Subsection 4(c) would prohibit any U.S. officer, employee, or agent (including the President) from funding, assisting, authorizing, licensing, or permitting the development of any new water resource facility (i.e., irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, transmission and other ancillary facilities, and other water diversion, storage, and carriage structures) or the enlargement of any existing water resource facility within any of the lands the bill designates as wilderness.

Access and Operation

Subsection 4(d) addresses access to and operation of existing water resource facilities within the lands the bill designates as wilderness. Paragraph 4(d)(1) would direct the Secretary to allow reasonable access to such facilities in existence on the date of enactment of the bill, including motorized access where

necessary and customarily employed on routes in existence on that date, subject to the provisions of subsection 4(d).

Paragraph 4(d)(2) specifies that existing access routes within the lands the bill designates as wilderness customarily employed as of the date of the bill's enactment may be used, maintained, repaired and replaced to the extent necessary to maintain their present function, so long as such activities have no greater adverse effects on the wilderness areas' resources and values.

Paragraph 4(d)(3) would require that water resource facilities, and access routes serving such facilities, in existence on the date of the bill's enactment within the bill's wilderness areas be maintained and repaired when and to the extent necessary to prevent increased adverse impacts on wilderness values.

Paragraph 4(d)(4) would prohibit increases in the historic rate of diversion, quantity of use, or timing of use of water resource facilities existing on the date of the bill's enactment within the areas the bill designates as wilderness.

Monitoring and Implementation

Subsection 4(f) provides that the Secretaries of Agriculture and the Interior are to monitor the operation of and access to water resource facilities within the bill's wilderness areas and are to take all steps necessary to implement section 4.

Mr. VENTO. H.R. 2473 deals with the long-standing controversy over National Forest roadless lands in Montana. Over 6 million acres of roadless lands are involved in this consideration.

Through a combination of wilderness areas, special management areas and study areas, the bill puts or keeps in various degrees of protected status approximately 2.6 million acres of National Forest and releases to general Forest Service management 3.4 million acres. This bill also deals with some BLM lands. The bill protects 100,000 more acres than the Montana wilderness bill that the House passed in the last Congress.

This is an important matter for the Montana delegation. It is an important national issue of concern to all Members of the Congress. The Montana roadless issue has been debated in the subcommittee forum for 7 years.

In the 100th Congress, we held a 9-hour hearing which produced nearly 700 pages of printed testimony, and last year we held another lengthy hearing on this issue. Those are just two of the numerous hearing records on Montana wilderness. Today's hearing will update and build on the record for 1993.

In 1988, Congress sent the President a bill to resolve the Montana roadless lands issue. Just before the November election, the President vetoed that bill. In 1992, the House passed another Montana wilderness bill only to have it fail in the last days of the Congress because of a problem in the Senate.

It is my intention to continue to work with all interested parties in an effort to bring this issue to a conclusion that is appropriate in terms of classification of the land. I want to solve what is possible in this Congress and advance down the policy path as far as is possible in achieving consensus.

Only two States, Montana and Idaho, have outstanding RARE II National Forest legislation which has not successfully been enacted. The polarization that has ensued has taxed all of our energies as we continue to attempt to resolve this issue, most especially those Members who represent those States.

We had many more witnesses request to testify today in person than we are able to accommodate. It is not possible to place all on the witness list who request such a personal appearance.

However, anyone interested may submit written testimony within 10 working days and that testimony will be included in the hearing record and will be available for review by Members and staff in considering the Montana wilderness bill or any other issues before the subcommittee.

We have an extensive witness list today, which includes a cross section of Montanans representing a diversity of viewpoints. I would request that each witness adhere to the committee rules and present their testimony in 5 minutes or less so that we may hear in a timely manner from all of the witnesses who are scheduled to testify. All witnesses' full written statements will be made part of the hearing record.

Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Chairman.

First of all, let me submit for the record Mr. Hansen's statement. [Prepared statement of Mr. Hansen follows:]

STATEMENT OF HON. JAMES V. HANSEN

Mr. Chairman, I look forward to yet another hearing on Montana wilderness.

As the author of the 1984 Utah Forest Service Wilderness Act that became law and a BLM wilderness bill Mr. Orton and I are working on, I am well aware of the difficult balancing act involved with this issue.

I am a bit concerned that the Montana bill we are hearing today contains twice as much wilderness as was recommended by the Forest Service during the RARE II process. Although I would have hoped we could stay closer to the recommendations of our professional land managers, I am also painfully aware of the pressures that Mr. Williams and the rest of the delegation are facing on this issue.

The water language in this bill appears to be virtually identical to that contained in the Colorado wilderness bill that passed the House yesterday. Although it is a vast improvement over the federal reserved water right we created with the 1989 Nevada wilderness bill, it needs more refinement and clarification. For example, it is not clear to me what role Montana State courts would have under this provision.

Again, I look forward to hearing today's witnesses and hope the entire Montana delegation can agree on a bill that will ultimately be enacted this Congress.

STATE OF HON. CRAIG THOMAS

Mr. THOMAS. This is not a new issue, as you point out, and I am delighted that you are moving forward on it. I think it is being done properly. I think the people from Montana, the delegation from Montana certainly is taking the leadership in it, and that is as it should be.

There are some generic issues, of course, such as water language. It is my understanding the language in this bill is similar to that in Colorado. It leaves a little something to be desired in terms of defining the role of the state court, I think, but reasonably good language.

The other, of course, is how this extends. In the last bill, there were some study areas that extended into the surrounding States, and I understand that is not there this time.

So, Mr. Chairman, I look forward to the hearing and I am pleased that we are moving forward with it.

Thank you.

Mr. VENTO. Well, I appreciate the gentleman's observations. I note it does include the Colorado water language, but this isn't Colorado; is it?

Mr. THOMAS. No, it isn't. But you know, I don't agree with the Chairman that every proposition is a new discovery. There are some principles involved in Western water and they apply pretty universally, in my view. So if we can get away from that Federal reservation, which the Chairman likes so much, and some of the other things, then I think that is a good idea.

Mr. VENTO. The gentleman from Montana is barely established in his seat here. I think in deference to the sponsor, if there is no objection, I will recognize the gentleman at this time, to share his opening statements with his colleagues.

Mr. Williams.

STATEMENT OF HON. PAT WILLIAMS

Mr. WILLIAMS. Thank you, Mr. Chairman.

I am sorry I am late. I was writing my opening statement.

I began this process with determination, impatience, frustration, but above all, determination. I didn't introduce this bill and begin

this process because I, Pat Williams, enjoy this struggle. I didn't do it just because I believe the consideration of this legislation is important, and it is, vitally important.

I didn't do it just because our Federal land managers have, for more than a decade, said it was critical to future management of our forests, or just because our resource-dependent industries realized just a few years ago that we must get this issue behind us, if they are to have management certainty in harvest. We aren't doing it just because private and public fish and game managers believe it is important if Montana is to maintain one of, if not America's greatest fishing and hunting seasons.

Nor am I doing it just because Montanans have had it with the debate and the disagreement and the struggle, but rather, because of all of those things. So we are assembled here again with a fine group of Montanans who traveled out here to testify on this legislation, and I know we will hear testimony that will prompt discussion of amendments. I am supportive of that.

The proposal that is before you, Mr. Chairman, and my colleagues, is not etched in stone. This isn't a "take-it-or-leave-it proposal." Beginning today, the proposal will be discussed and is open for amendments. And I hope will move quickly through this subcommittee, the full committee, the House, and then, although out of our hands, I want to enlist my colleagues to help me to get the Senate to move with equal haste.

With this bill, I have now introduced five pieces of legislation specifically addressing the remaining RARE II wilderness lands out our way in Montana. This will be the 15th piece of legislation introduced by some Member or other of the Montana congressional delegation.

This will be the 16th year that Montanans have watched this issue move to no success. Even heavyweight championship fights are limited to 15 rounds. I have titled this bill the "16th round."

So if this bill is fortunate enough to move through committee and be passed by the House, it will be the 6th piece of legislation to enjoy passage in one or the other chamber, and one bill passed both chambers, and ended up on former President Reagan's desk, and in a cynical political gesture, no more, no less, he vetoed it.

The statistics are impressive, by any legislative standard, and let me take a moment to list them for you. As I say, 15 pieces of legislation introduced over as many years. A Montana wilderness bill, various Montana wilderness bills, I should say, have been the subject of 50 congressional hearings. We have sat through 235 hours of testimony.

My library has 20 printed hearing record volumes. We have testimony from several hundred Montanans. We have testimony from more than a dozen Montana organizations which, by the way, claim to represent a membership within Montana that is double the population of our State. I have counted. Somebody out there is smudging just a tad.

Since I began consideration of this issue, four Presidents have managed our National Forests, and all four, including former President Reagan, have urged resolution of this issue. These were not casual partisan requests. They were bipartisan requests. They said

to us, settle Rare II or we will be unable to manage the Nation's resources located within Montana and, I might add, Idaho, in an appropriate way. That has been the constant message from the administration to the Congress.

I am eager today to hear from our agency witnesses, because I am confident that the current administration is as dedicated as the past administrations, with the exception of the Reagan administration, have been to end this legislative gridlock. We have heard a lot about gridlock over the last couple of years, and I want to say, perhaps parenthetically, that wilderness and the inability to resolve it in Montana and Idaho are among the chief examples of how destructive political gridlock can be to the Nation's economy and civility.

Were our land managers right about the importance of resolving this issue? Well, even a casual observer of the land management record in Region One of the Forest Service, which covers Idaho and Montana, can now see the land planning chaos, and the cost—pity the poor taxpayer.

If one was to add up all of the money involved in just the printing of documents needed to accompany these bills, that would run into hundreds of thousands of dollars, just the printing costs. If one were to include the wages and expenses of Congress, its employees; the administration, its employees, and those who travel around Montana and back to Washington, DC, to lobby on this issue, the cost is several million dollars, and nothing to show for it. Nothing.

Congress knew a lot less about and had spent a lot less time in examining our commitment to troops in the Middle East, and more lately in Somalia, than we have spent on this issue in Montana and, I might add, Idaho.

We like to call Montana the "last best place," and we do it both with pride and some sadness. We are proud of the job we have done as stewards of the natural resources out our way. Montanans have always understood that some of the wild lands, wild lands that protect our game herd and give birth to our great rivers, fuel our economies and, yes, restore our souls, would need to be protected as wilderness. And so it was a Montana Senator who was there at the beginning in the 1964 Wilderness Act, Lee Metcalf, and Montana legislators have tried to lead the way in applying that law to the protection of our important wild land heritage.

We have had some success. We think that some of the places out our way are flagships of the national protected system, the Bob Marshall, the Great Bear, the Selway/Bitterroot, the Absaroka Beartooth. We also know that there are less grand and well-known but equally important places like the Welcome Creek, the Rattlesnake and the Pintlar and the Scapegoat, and they, too, are a heritage of which Montanans and Americans are rightfully proud.

Now, 28 other States have preceded Idaho and Montana in the future course of management on their Federal lands. Perhaps it is the value and importance of the lands in Idaho and Montana that have made the delay in this process inevitable. Think about it. Fifteen million acres of the last of it, unroaded, wild lands across two States, the largest wild landmass in the Lower 48; the last remaining home of some of the great roaming land animals, including the

grizzly, home of the Nation's largest herds of elk and big horn sheep, mountain goats; the Nation's healthiest population of lynx, mountain lion and cougar. Montana is the gatekeeper of two of America's great national parks, its first one, Yellowstone, and the one that Charles Kuralt calls America's greatest corner, Glacier.

Although some folks in the Midwest aren't so pleased with this, we nonetheless are the headwaters for the Missouri, and to our west, the Columbia. Private, State and national efforts have made the Rocky Mountain Front in Montana the largest game recovery effort in the history of the Nation. It is America's Serengeti. There is no question but that the stakes are high and the losses are high, if we do nothing.

There is no wilderness in this legislation, none, not an inch, that has not been advocated by Montanans. I have spent 14 years in their front rooms and I have reviewed every comment, without exception, over 15 years; every comment made by Montanans, whether on the phone, by fax, letter, or whatever, and this legislation reflects that work by Montanans.

This legislation, finally, is very similar to last session's bill, but it is not identical. This is an issue that continually evolves in this legislation as each bill that has come along addresses changing circumstances. For example, in this one, the Bureau of Land Management, as you know, has completed its wilderness inventory, and because of peculiar management arrangements, has recommended Forest Service lands for wilderness which were not inventoried by that agency in its wilderness review. Mount Jefferson is an example in this situation.

Montanans have made a good case for the protection of species diversity, a goal that specifically is addressed in the 1964 Wilderness Act. There are changes in this legislation that reflect my desire to meet those goals, such as the Snow Crest Range in Southwestern Montana which I would place in wilderness with this bill, but have not in others.

There have been land consolidation efforts in Montana that have opened the opportunity for the first time to designate wilderness where just a few years ago checkerboard ownership, private checkerboard ownership, virtually stopped the possibility of wilderness designation, and the example of that is the designation here in the Crazy Mountains.

So as I said, Mr. Chairman, I anticipate that we will hear testimony today that may bring some issues into clearer focus and I am certain those suggestions may lead to other changes; there certainly will be a call for other changes. The appropriate management of our Federal lands is not something that is solved by one piece of legislation or one action of Congress. Good stewardship requires vigilance and dedication, and we have people in this room that I could introduce you to who have practiced that vigilance and dedication for more than a decade or two out in Montana.

This hearing being held quickly, Mr. Chairman, is another commitment by you to try to do this subcommittee's and your part in resolving what has become a critical issue, not only for Montana, for folks out there who need jobs, particularly in the timber industry, or folks who want to protect some of the last "best places"

without harming the natural resource extractive job base, and I appreciate you holding the hearing.

Mr. VENTO. Thanks for your comments, Pat, and your work. I hope that we can bring this to a conclusion in this session.

[Prepared statement of Mr. Williams follows.]

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STATEMENT CONGRESSMAN PAT WILLIAMS
REGARDING H.R. 2473
ROUND 16 OF THE MONTANA WILDERNESS ACT OF 1993
JULY 19, 1993

Mister Chairman, I begin this process with determination, impatience, frustration -- but above all else determination.

I did not introduce this bill and begin this process because I, Pat Williams, enjoy this struggle -- not because I solely believe this consideration is important, although it is -- but because our federal land managers believe it is critical to future management of our forests; because our resource dependent industries cry out for resolution and management certainty; because our state and private game managers believe it is important if we want continued quality hunting without a lottery; and because our local communities are demanding an end to the 16 years of disagreement and controversy.

Today we have assembled again a fine group of Montanans to testify on this legislation and I am certain we will hear testimony which will prompt the discussion of amendments. The proposal I have presented is not etched in stone and this is not a take-it or leave-it proposal like the Senate offered the House last session. Beginning today this proposal will be discussed and open for amendment and I hope quickly passed through the House. We can only hope that the Senate shares our concern and will also let the process work.

With this bill I have introduced five pieces of legislation specifically addressing the remaining RARE II wilderness designation in Montana. This will be the 15th piece of legislation introduced by some member of the Montana delegation on this issue of roadless designations. If this bill is fortunate enough to move through committee and be passed by the House it will be the sixth piece of legislation to enjoy passage in one or the other chamber, with one bill gaining acceptance in both chambers only to be vetoed by former President Reagan.

The statistics are impressive by any legislative standard. Fifteen pieces of legislation introduced over as many years. The Montana Wilderness bill has been the subject of 50 Congressional hearings. We have heard 235 hours of direct testimony. We have twenty printed hearing records. We have testimony from hundreds of Montanans from organizations claiming, by the way, to represent double the State's entire population.

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Since I began consideration of this issue, four Presidents have managed our national forests. All four have urged resolution of this issue as this region's highest priority for job protection. These were not casual partisan requests. They were bipartisan requests in response to direct testimony before several committees. "Settle RARE II or we will be unable to manage this nation's resources in an appropriate way" has been the constant message sent to Congress by the Forest Service. This fact is somewhat surprising because after calling for its passage, President Reagan as I have said vetoed the Montana bill Congress presented to him in 1988. This remains the only sustained veto in the history of the Wilderness Act. I am eager today to hear from our agency witnesses because I am confident that the current Administration is dedicated to ending legislative gridlock and wilderness in Montana. I might add that these issues are among the chief examples of how destructive bickering gridlock can be.

Were our land managers right about the importance of resolving this issue? Even a casual observer of the land management record in Region One of the Forest Service, which covers Montana and Idaho, can see land-planning chaos. And the cost -- pity the poor taxpayer.

If we were to add up all the money involved in just the printing of the documents needed to accompany bills of this type, it would run into the hundreds of thousands of dollars. If one were to include the wages and expenses of Congress, Congressional employees, and the many folks who have lobbied this issue, it would run easily into the millions of dollars. All of this with nothing to show for it.

Congress knew less about, and spent less time examining, our commitment of troops to Somalia than we have to the designation of wild lands in Montana.

We do call Montana the "last best place" and as Montanans we are proud of the job we have done as the stewards of this nation's natural resources. Montanans have always understood that some of the wild lands -- wild lands that protect our game herds, give birth to our rivers, fuel our economies, and restore our souls -- would need to be protected as wilderness. It was a Montana Senator that oversaw the beginnings of the 1964 Wilderness Act and Montana legislators have led the way in applying that law to the protection of our important wild land heritage. Their successes are the flagships of our national wilderness system -- The Bob Marshall, The Great Bear, The Selway/Bitterroot, The Absaroka/Beartooth. They understood the less grand or less well-known wild places as well, places like

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Welcome Creek, the Rattlesnake, the Pintlar and the Scapegoat. This is a heritage of which all Americans can be proud.

Twenty-eight other states have, however, now proceeded Idaho and Montana in setting the future course of management on their federal lands. Perhaps the value and importance of these lands made this process inevitable. Think of the resources we are dealing with; 15 million acres of unroaded wild lands across two states, the largest wild land base in the lower 48 states; the last remaining home of the grizzly outside of Alaska; the home of this nation's largest herds of elk, big horn sheep, mountain goats as well as this nation's healthiest populations of lynx, mountain lion, and cougar. Montana is the gatekeeper of two of this nation's most popular National Parks, and we are the purifiers of some of this nation's most important rivers like the Missouri and the Columbia. Private, state, and national efforts have made the Rocky Mountain Front in Montana the largest game recovery effort in the history of this nation and now many consider the Front the Serengeti of the American west. There is no question that the stakes are high, but the losses even higher if we do nothing.

There is no wilderness in this legislation that has not been advocated by local Montanans and Montana citizen groups. I have spent 14 years in the frontrooms of the homes of too many Montanans to name and I have reviewed every comment submitted over that time by Montanans about my proposal for wilderness. This legislation reflects those efforts and those suggestions.

If you want to know the bill that has taken into account the snowmobile concerns of the West Yellowstone Chamber of Commerce - it is this one. If you want to know if a bill takes into account the proposal put forward by the Big Hole ranchers and the Beaverhead County Commissioners -- this one does. If you are concerned that the Clearwater Monture still reflects the historic agreements between timber and conservationists -- my bill does. If you support wilderness and mining in the Cabinet Mountains then you will want to know that the mining-wilderness agreements still stand on Scotchmen Peak -- in my legislation they do. There are many, many examples making this a very precise piece of legislation. I still believe that Montanans know what is best for the stewardship of the lands that surround them. I submit this legislation as a reassertion that Montanans can best determine management of our roadless lands.

Does this mean that everyone is in agreement, no. We will hear disagreement in testimony today. There are far too many opinions on this subject for everyone to completely agree. There are far too many paid dissenters to believe that legislation won't have its group of opposition. But if you strip away the

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dogmatic rhetoric and address specific concerns within the precedent carefully set and developed by this committee then you arrive at something close to this legislation.

This legislation is very similar to last session's bill, but not identical. This is an issue that continually evolves and this legislation addresses the new circumstances we have today. For example, the Bureau of Land Management has completed it's wilderness inventory and because of peculiar management arrangements has recommended Forest Service lands for wilderness which were not inventoried by that agency in its wilderness review. Mount Jefferson is an example of this situation. Montanans have made a good case for the protection of species diversity, a goal not specifically addressed in the 1964' Wilderness Act. There are changes in this legislation that reflect my desire to meet these goals, areas like the Snowcrest range in southwestern Montana. There have been land consolidation efforts in Montana that have opened the opportunity to designate wilderness where just a few years ago checkerboard ownership would have stopped designation, the Crazy Mountains is an example of this situation.

I anticipate that we will hear testimony today that may bring some issues into clearer focus and I am certain those suggestions will lead to other changes. The appropriate management of our federal lands is not something that is solved by one piece of legislation or one action of Congress. Good stewardship requires vigilance and dedication. This hearing is another example of the committee's commitment to this belief and I look forward to hearing from those who have travelled to share their thoughts.

Mr. VENTO. Congressman LaRocco from Idaho is mentioned prominently among our colleagues, and I know he is working hard on a different set of problems in his own State.

Congressman.

STATEMENT OF HON. LARRY LAROCO

Mr. LAROCO. Thank you, Mr. Chairman. I appreciate the opportunity to make a brief opening statement.

First of all, I want to commend you for holding these hearings. This committee is to be commended as well in the work that we do to move legislation along dealing with natural resources issues, and that is why I am a proud member on this committee and why I sought a seat on this committee when I first came to Congress.

I also want to commend my colleague from Montana. This is not an easy issue for anybody who comes from a public lands State and his perseverance and the history of this issue over the period of years has been dramatic, and I think speaks to the difficulty in resolving these types of issues.

Mr. Chairman, you mentioned in your opening remarks that you were working towards a conclusion, and I agree with that, because I think we need some finality on these long-simmering issues. It has been talked about today regarding the polarization that these issues bring, and sometimes I think they bring out the worst in us instead of the best. But I think it is our job to plow ahead to get resolution, and as I say, to get certainty, stability for our timber-dependent communities, for our State, and for the Nation as a whole.

Like my colleague from Montana, I am working on a similar issue. There are 15 million roadless acres between our two States. Nine million acres in Idaho I believe are headed towards resolution, and I am certainly doing all I can in that regard.

The gentleman from Montana and I are working on areas such as the Scotchman Peaks in the Great Burn area which are contiguous potential wilderness areas. At least I feel that those two areas are suitable for wilderness, and I propose those in H.R. 1570. But there has been a great deal of communication between my colleague and me on these issues.

I would like to speak a little bit to the polarization, because I think it is appropriate at this time. We are going to hear later on from the Alliance for the Wild Rockies, and I look forward in this forum to hear somebody speak in a hearing setting about these wilderness bills because recently, Mr. Chairman, there has been something floating around my district, at least in Idaho, from the Alliance for the Wild Rockies called an "Urgent Ecosystem Alert," really saying I think inappropriate things about me and my colleague from the State of Montana.

I am looking forward to hearing how these two bills are going to cost hundreds of millions of dollars, as stated here. I am excited and anxious to hear how this is a public forest giveaway. I am interested in hearing how this is containing hits on citizens and judicial review and how our bills are only rocks and ice.

I am interested in hearing how this is even an act when it only has four sponsors, and that just happened recently, and I think

that the language in this alert demonstrates how polarized and nonproductive these two debates can be.

For example, this says see other side for details. The details are listed in five parts here of a 42-page bill that my colleague has worked so hard on and hundreds of Montanans have commented on. I think that this has been used to raise money for these efforts to destroy our reputations as Members of Congress and the work that we do on the natural resources issues.

I think that these fliers are meant to be hysterical, emotional appeals to people, and I decry them. So I look forward to the testimony today from people whom I think are trying to derail our efforts of coming to some conclusion that is rational, that is proper for the Nation and for our regions, and these are not easy issues, Mr. Chairman.

I just want to state for the record that I plan to hold meetings as a way of getting some testimony out in Idaho in the latter part of August so that we can then move on to Washington, DC hearings on an all-Idaho bill.

I know that Pat Williams and I are committed to resolving these issues and do the best we can for the Nation and for our States. That is our job.

We took an oath of office to work on these types of issues. There are many things that we could be working on that don't bring out so much emotion and such polarization. Many, many things. But we have chosen, Pat Williams and I, and I am new to the process, but with his leadership, I have somehow summoned, not courage, but the desire to resolve this issue as well in Idaho.

So I commend the gentleman, because I think he is leading the way in the 103d Congress to resolve these issues for Idaho and Montana. I think he is leading the way in these hearings so that we can get some testimony on the critical water rights language.

He is leading the way on certainty and the way on release language. He is leading the way on special management areas, and he is leading the way in Section 9 of this bill for an ecosystem and economic study. And I think that he has shown the leadership that is necessary to resolve these issues.

I look forward to the administration's statements, too, on this bill, because this is the new administration, and I look forward to hearing what they have to say.

So with that, Mr. Chairman, I look forward to this hearing as a precursor to what we can do in the two States that have so much at stake, and I am pledged to try to resolve this with a balanced consensus. Compromise is never easy, especially with people like the Alliance for the Wild Rockies who want it all. And I don't think they are going to get it all. So I look forward to hearing what they have to say and everybody else.

Thank you, Mr. Chairman.

Mr. VENTO. I would note that Congresswoman Shepherd was here and has been, I think, very insistent in terms of appearing at hearings and participating, and I regret that we couldn't get to her opening or other comments. Perhaps she will return.

In any case, I am pleased that the Members are participating and working hard. As you say, these issues don't get any easier,

as they remain unresolved. So I hope that we will find a path that builds a solid consensus and good policy.

Mr. VENTO. I am pleased to welcome Hank Montrey, the Associate Deputy Chief of the Forest Service to present the administration's testimony.

Mr. Montrey, welcome. Your testimony has been made a part of the record. We appreciate receiving it yesterday so that we could review it.

Please proceed with your statement, and you might want to introduce your associate who is to be seated with you.

STATEMENT OF HANK MONTREY, ASSOCIATE DEPUTY CHIEF, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE, ACCOMPANIED BY THOMAS DONOHUE, STAFF, WILDERNESS RECREATION AND HERITAGE PROGRAM, NORTHERN REGION

Mr. MONTREY. Thank you.

Good morning, Mr. Chairman and members of the subcommittee. I greatly appreciate the opportunity to present the views of the Department of Agriculture concerning Round 16.

With me today is Mr. Thomas Donohue from the Wilderness, Recreation, and Heritage Program staff at the headquarters of our Northern Region in Missoula, and he will be available to help me answer any questions you and the other members of the subcommittee may have, Mr. Chairman.

We commend the committee and the Montana delegation for their efforts to complete a statewide wilderness bill for the National Forests in Montana. The debate has gone on for many years and the difficulty in resolving the issue has resulted in considerable uncertainty for Montanans and has greatly limited our ability to implement Forest Plans. In brief, we are ready to move ahead.

The Department of Agriculture recommends enactment of this bill, if it is amended in a few ways, which I will briefly summarize.

By way of summary, H.R. 2473 would designate 35 additions to the National Wilderness Preservation System, 7 special management areas and 4 wilderness study areas. The bill would also release remaining National Forest roadless areas in Montana to management under the Forest Plans, except for those study areas which were previously designated as study areas under the Montana Wilderness Study Act.

These would continue to be managed and maintain their wilderness character. The bill also addresses the issue of water and water rights, management of the Badger-Two Medicine area, and would provide for a study of environmental and economic conditions in Montana.

Section 8 of H.R. 2473 addresses lands under the jurisdiction of the BLM. We would of course defer to the Department of the Interior regarding that section.

The bill also includes standard wilderness administrative provisions concerning State jurisdiction for management of fish and wildlife, hunting, buffer zones, and livestock grazing.

Now a few comments and a few concerns. First of all, we recognize that wilderness designation in Montana is controversial. However, the administration supports this effort to resolve the issue,

for among other reasons, so that we can move forward with implementing our National Forest Plans. Even though the bill would designate more wilderness and special management areas than recommended in the Forest Plans, we are able to support the bill and feel strongly that we can, because the areas involved would still provide what to us is an acceptable balance between wilderness and non-wilderness uses in the National Forests in Montana.

The balance contained in this bill is important. We greatly appreciate the efforts of the Montana delegation to weigh resource information that we have provided to the delegation, as well as public input from a variety of sources. We congratulate them on achieving a balance that we believe is both acceptable and workable.

Our support for the bill would then be contingent on retaining this balance between wilderness designation and release of areas to other uses.

I would like to say, Mr. Chairman, that passage of this bill would end the roadless area debate in Montana, but that is not likely to be the case. There are, roughly, 6 million acres of roadless lands within the National Forests in Montana, and this bill would directly affect a little over one-third of those.

While other lands would be released to non-wilderness uses, implementation of the Forest Plans when implementation would change the roadless nature of those released lands are certain to be controversial and subject to what will undoubtedly be administrative appeals and judicial review.

But for us, as well as other land managers operating within a multiple-use charter, controversy is a way of life and we believe that moving ahead at this time within the framework provided by the bill is in the best interest of all involved.

Let me just briefly address a small handful of concerns that we have under four categories: Some of the wilderness boundaries designated; the water language on the bill; comments on the wilderness study areas identified; and some comments on the release language.

First of all, relating to the wilderness boundaries, we will recommend several minor, we think minor, boundary adjustments to resolve some potential management conflicts which can be easily avoided. In the aggregate, the adjustments that we recommend will not significantly change the acreage recommended for wilderness designation, and we will of course be willing to provide these adjustments and our rationale for recommending them to you.

Related to the water language, we read the language to, in effect, fix water developments and uses at current levels. We strongly support this approach, because we believe it would protect water-related wilderness values.

The approach works in this case because the areas in the bill are all headwaters areas, and the combination of that unique geography and the language in the bill will, we believe, assure that additional upstream diversion or storage will not be allowed to occur. We do have some concerns about the clarity of the language in a few provisions in the water language section, because of some ambiguities concerning responsibilities of the owners of existing facilities and how those relate to administrative responsibilities. We will

be seeking amendments to clarify those responsibilities in this section and we will provide those to the subcommittee.

Also, the use of language similar to this in other legislation, specifically this session's Colorado bill has raised at least one constitutional question, which we will defer to the Department of Justice to comment on.

Related to the wilderness study areas, in the past and still, we generally oppose creating new wilderness study areas within a State wilderness bill, because we believe a statewide bill should resolve the wilderness issue across-the-board. But in this case, because of the length and intensity of the debate, we believe that the issue is too complex to be resolved at this time. So we support the designation of these new wilderness study areas, and particularly because recommendations related to wilderness for these study areas are to be made through the forest planning process rather than by separate process, and that we support.

Related to release language, we don't object to the language in the bill. The bill language ties release of areas not designated to the analysis and recommendations in the Forest Plans. But in addition to that language, we would like to include the areas which have been studied in accordance with the Montana Wilderness Study Act, and I believe there are, roughly, 500,000 acres of those identified in the bill.

We would like to see those areas released from the study area status to be managed in accordance with the Forest Plans in those areas. We can, of course, provide language that addresses those concerns.

So in summary, we commend efforts on the part of the committee, particularly the delegation, to develop a statewide wilderness bill. We believe the bill provides a framework for resolving a long-standing issue and we stand ready to work with the committee and the delegation to sort out our concerns and enact a wilderness bill for the State of Montana.

We will suggest a couple of minor technical edits, but we are ready to move ahead, Mr. Chairman.

[Prepared statement of Mr. Montrey follows:]

STATEMENT OF
HANK MONTREY, ASSOCIATE DEPUTY CHIEF
UNITED STATES DEPARTMENT OF AGRICULTURE

Before the
Subcommittee on National Parks, Forests, and Public Lands
Committee on Natural Resources
United States House of Representatives

Concerning H.R. 2473, the "Round 16 of the Montana Wilderness
Act 1993"

July 20, 1993

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

I appreciate the opportunity to present the views of the Department of Agriculture concerning H.R. 2473, "Round 16 of the Montana Wilderness Act 1993."

Mr. Chairman, we commend the Committee and the Montana delegation for their efforts to complete a statewide wilderness bill for National Forests in Montana. The debate over wilderness designation in Montana has gone on for many years. The difficulty in resolving the issue has resulted in considerable uncertainty for Montana and has limited our ability to implement Forest Plans. We are ready to move ahead on the question of wilderness in Montana.

The Department of Agriculture recommends enactment of H.R. 2473, if amended as suggested herein.

H.R. 2473 would designate 35 additions to the National Wilderness Preservation System totaling 1.6 million acres, 7 special management areas totaling 142,600 acres, and

4 wilderness study areas totaling 149,800 acres. The bill would release the remaining National Forest roadless areas in Montana to management under Forest Plans, except for study areas designated under Public Law 95-150. These wilderness study areas total about 501,100 acres, and would continue to be managed to maintain their wilderness character. The bill also addresses the issue of water and water rights, management of the Badger-Two Medicine area, and would provide for a study of environmental and economic conditions in Montana.

Section 8 of H.R. 2473 addresses lands under the jurisdiction of the Bureau of Land Management. We defer to the Department of the Interior regarding that section of the bill.

The bill also includes standard wilderness administrative provisions concerning State jurisdiction for management of fish and wildlife, hunting, buffer zones around wilderness, and livestock grazing.

We recognize that wilderness designation in Montana is controversial. However, the Administration supports this effort to resolve the issue, so we can move forward with implementing the National Forest Plans. Even though H.R. 2473 would designate more wilderness and special management areas than were recommended in Forest Plans, we are able to support the bill because the areas involved still provide an acceptable balance between wilderness and nonwilderness uses in the National Forests of Montana.

The balance contained in this bill is important. To achieve this balance, the Montana delegation has weighed resource information provided by the Forest Service, as well as public input from a variety of sources. Our support for the bill is contingent on retaining a balance between wilderness designation and release of areas to other uses. We remain willing to work with the Committee and the Montana delegation towards passage of a bill that is acceptable to both the Congress and the Administration.

We also wish to point out that passage of H.R. 2473 will not end the roadless area debate in Montana. There are 6 million acres of roadless lands within the National Forests of Montana. This bill would directly affect about one-third of the roadless lands. While other lands would be released to nonwilderness uses, timber sales, roads, and other projects that would change the roadless nature of the released lands are certain to be controversial and are subject to administrative appeals and judicial review. However, we believe that moving ahead within the framework provided by H.R. 2473 is in the best interests of all involved.

Briefly, I will address several concerns we have regarding the bill.

Wilderness Boundaries

Although significant progress has been made compared to past bills, we still recommend several minor boundary adjustments to resolve potential management conflicts which can be easily avoided. The adjustments would not significantly change the acreage of the areas. We are willing to provide the adjustments and the rationale for recommending them to the Committee.

Water Language

A key to resolution of the Montana wilderness issue is the water language in this bill. This language in effect fixes water developments and uses at current levels. We support this approach because we believe it would protect water-related wilderness values. It works because the areas in this bill are all headwaters areas and this unique geography coupled with the bill language assures that additional upstream diversions or storage will not occur. We have concerns about the clarity of several provisions in this section concerning responsibilities of the owners of existing facilities and administrative responsibilities. We will be seeking amendments to clarify roles and responsibilities for implementation of this section.

The use of similar water language in other legislation has raised constitutional questions. We defer to the Department of Justice concerning the constitutionality of this section.

Wilderness Study Areas

We generally oppose creating new wilderness study areas, feeling that a statewide bill should resolve the wilderness issue. However, considering the debate over these areas, we believe that the issues may be too complex to be resolved at this time. We also note that the recommendations concerning wilderness for the study areas are to be made through forest planning, rather than by a separate process, and we support this approach if a study is to be done.

Release Language

We do not object to the release language in H.R. 2473. The bill language ties release of areas to the analysis and recommendations in the Forest Plans. We would also like to see the areas which have been studied in accordance with the Montana Wilderness Study Act (Public Law 95-150) released from their study area status to be managed in accordance with the forest plan direction developed for these areas. We can provide language that addresses these concerns.

Summary

In summary, we commend these efforts to develop a statewide wilderness bill for Montana. We feel this bill provides a framework for resolution of the issue and would like to work with the Committee and the delegation to enact a wilderness bill for the State of Montana. We will suggest several minor technical edits to the bill. We understand that the Department of the Interior has some comments on this bill and will submit a report on H.R. 2473 soon.

Mr. Chairman, this concludes my prepared statement and I would be pleased to answer the Subcommittee's questions concerning H.R. 2473.

Mr. VENTO. Thank you.

Let me say, and I didn't say in my opening statement, that I recognize what is in this bill, and I think the gentlemen from Montana and Idaho and others know my concerns on the water and the release questions. But I also recognize what isn't in the bill.

In other words, in terms of the sunsets and other things on studies that were a controversy, I think that is a concern. So my inclination is, I think, based on the fact that we had worked so hard on this, and based on the guidance, basically the administration is saying yes, on the water language we did this in Colorado, why can't I do it in Montana, sort of a suggestion to the Chairman, even though we say these things, obviously if it worked for one State; does it work here?

Well, it might work. Insofar as all of this is headwaters, I think that the Wilderness Society testimony, Mr. Montrey, and we suggest one small portion isn't wilderness. So that is something we have to address.

Then on the second issue, in terms of the release language, I will ask some questions again on that, which get into why we should, since it is not a RARE II study anymore, but really operating on Forest Plans, you know, what is the effect of this language.

But I think that the testimony that occurs to me with regards to Forest Service here, points out that this does not end the roadless debate in Montana; in a sense, it releases 6 million acres into general forest management. Is that correct, Mr. Montrey?

Mr. MONTREY. A little bit less than 4 million acres.

Mr. VENTO. A little bit less than 4 million acres in the general forest management. This actually releases 3.5 million, doesn't it, this particular bill?

But then you have other general forest in the area that have already been released. What is the total amount of general forest that you would have, excluding special management wilderness areas in Montana, at that point? Can you give me that number?

Mr. MONTREY. I will refer to my local expert on that.

Mr. VENTO. Okay.

Mr. Donahue.

Mr. DONAHUE. I am not real sure how many acres are in there right now.

Mr. VENTO. Well, we know it is in the bill, it is 6 million here, we are giving up 3.4 for general forest management. You have some other portions of the various forests in Montana that are released, so that there are just generally millions of acres.

The concern that is being brought to us by some of the principal critics is dealing with the stewardship of the Forest Service. I mean, I think we may as well just put it right out here in the open.

They are saying the only way to protect these lands in terms of preservation and the other qualities we think important is to make them wilderness. I mean, that is really the proposition that is being made to the Members of Congress, to the policymakers in this instance. And, of course, that gets back to whether we are going to maintain policies of clear cut, watersheds, grazing and a lot of other questions, Mr. Montrey.

How would you generally respond to that type of criticism, since it is being made of the Forest Service in terms of its management, general management of the forest plans?

Mr. MONTREY. Well, Mr. Chairman, if I could refer to the Forest Plans in Montana, we have, as you know, recommended a considerable acreage for wilderness designation in those plans. I think the total of what has been recommended in those plans in the aggregate is about 800,000 acres for wilderness designation. What is identified in this bill for wilderness designation is 1.6 million, roughly twice that resulting from a public participation process, which entails collecting perspective, opinions, input, direction, advice, counsel, from a variety of sources representing the users and the beneficiaries of those National Forests. Those Forest Plans then represent our best effort at projecting the multiple use of those forests, given the broad variety of input sources, and out of that came more wilderness designation.

Mr. VENTO. Well, I think, Mr. Montrey, that keeping that system inviolate, the participatory process, the appeals process, and so forth, is a very great concern. Obviously, we modify that to some extent in the legislation.

But my point is, and I think I understand why you are saying we are accepting twice the amount that we recommended for study, but the real question here is the integrity and the ability and the stewardship of the Forest Service in terms of not just saying we have a process, but making that process work. I think we all recognize that Montana and Idaho, the eastern cascades, are coming under increasing pressure. As we make changes in policy direction west of the cascades in Region Six, we see greater and greater pressure being put on our public forests, all the way, I suppose, even to Minnesota and Michigan.

So the question here is, Can you take the pressure? Can you implement new forestry? Do we have a policy path that is going to basically build the type of credibility and competence that is going to suggest to individuals that we don't have to put this in a classification of wilderness in order to protect the integrity of these general forest lands?

In other words, we aren't going to be clearcutting in every instance, that we are going to be looking at new forestry and other types of management techniques. Right now that confidence level, frankly, doesn't exist.

But I would like to point out, the Forest Service today has the authority to allow logging, mining and road building in Montana's roadless lands right now without this legislation, even in areas that are RARE II areas. Because if the planning process has gone through the cycle, if we do not pass legislation, does the Forest Service have the right to enter those areas with the exclusion of the 800,000 acres that have been recommended for wilderness? Does the Forest Service have that authority today, Mr. Montrey?

Mr. MONTREY. Mr. Chairman, we believe that we do. But, on the other hand, we do believe that providing some release language in the bill serves a number of useful purposes.

Mr. VENTO. Well, I understand the release language in the bill, and you don't want to have to go through it. I think the purpose for that is not to go back into the planning cycle to, in essence, pre-

clude the utilization of lands or to keep going through administrative appeals, again in a cycle like that.

My point is, if the Forest Service wanted to act in a way that was simply divisive and/or a full utilization of this, it wouldn't respect the fact that Congress hasn't acted on this particular issue, but simply could and would implement its plan. But I am not recommending that you do that. I am just trying to offer that as a defense of the Forest Service in terms of the fact that they are not necessarily acting completely arbitrary, either in the past administration, which may have had a different view of what the forest policies ought to be, or certainly in the current administration.

Let me get back to my questions. You know, trying to serve you up some healthier defense, Mr. Montrey, is not my role, but I think these questions must be answered and resolved, and others must understand what the options are in terms of reasonable policy. Reasonable policy is not declaring millions of acres wilderness, simply because we have a deficiency in terms of the Forest Service planning and management process, in my judgment. And that is my concern.

But let me get to the specifics of this. Now that the Forest Service in Montana has completed Forest Plans, do we really need release language?

You say it would serve a purpose based on the plans. Why do we want to do that in this instance? You said it would serve a good purpose.

Mr. MONTREY. It eliminates any ambiguities in a number of ways, Mr. Chairman. We think release language provides a clear statement from you, the Congress, that the wilderness question has been adequately considered. It has been our experience that no one has attempted to challenge release language in previous bills. Any such release language would prohibit statewide wilderness reviews unless they were authorized by you, the Congress.

It would release from consideration as wilderness those areas that are less than 5,000 acres in size, which are not included in the RARE II definition, and also states roadless areas would not have to be managed to maintain their wilderness character while being considered for recommendation as wilderness.

Mr. VENTO. But doesn't the Forest Service under its plan again have the authority to enter lands not designated wilderness without release language?

Not that I want you to do that. In fact, I would like to be able to say that you weren't going to do it, without necessarily trying to prohibit it. I think the problem coming from the other standpoint is it precludes the opportunity for administrative appeals, and so forth, that might come forth. That is at least the reason that it is being put in there.

Is that a problem, or do you have confidence enough in your plans that you don't believe that you would be tied up in appeals?

Mr. MONTREY. Well, Mr. Chairman, it has been our experience in the National Forests in Montana that projects whose implementation would involve entry into roadless areas, and these are primarily, as you know, timber harvest projects, that 90 percent of those are being appealed.

Mr. VENTO. But aren't you through a lot of the planning process right now. Even with appeals, haven't you worked most of that through at this point?

Where are you at in terms of the plans? You have got the plans in place; are many of them under appeal right now?

Mr. MONTREY. Yes, Mr. Chairman.

Mr. VENTO. Mr. Donahue?

Mr. DONAHUE. Right now, of the 10 National Forests, all of them were appealed and we have worked through the appeals on all but 4 of those Forests.

Mr. VENTO. There are 4. When would the planning cycle be? I think the real concern here of my colleagues is not the current plan status, I might say in fairness, but the new cycle that might be coming up, which obviously could result in a lot of unwarranted appeals?

The Forest Service I think is getting a lot better at handling these appeals, too. When is the next series? Could you give us some idea of that?

Mr. DONAHUE. We probably will be looking at the forest planning process again at revising the forest plans in, roughly, 5 years from now.

Mr. VENTO. About 5 years. How many forests has it completed then that we are dealing with here? For 6 of the 10?

Mr. DONAHUE. Four of the plans aren't complete, but we haven't completed or answered all of the appeals on those plans yet.

Mr. VENTO. Ten have completed plans, is that correct? How many have completed plans?

Mr. DONAHUE. Six.

Mr. VENTO. Six, okay. Four have completed plans, but they are revolving—

Mr. MONTREY. Mr. Chairman, if I could interject, another category of appeals of course are appeals on project decisions, and the Forest Plans in these Montana forests outlined, in most cases, projected timber sales in what would be—

Mr. VENTO. But I mean the problem is what does that mean? If we get through one cycle or we give you so many years that as soon as you get back into this you are going to have the same appeal process.

Mr. MONTREY. No, I am sorry, Mr. Chairman. I am talking about the regulations which allow a project decision at the Forest Supervisor level to be appealed which, in essence, then stays implementation of that decision until the appeal is resolved and then appealed at the next level.

Mr. VENTO. I will have some other questions here. Let me change the topic. The bill directs the Forest Service to do a Northern Rockies ecosystem study, but that is only limited to Montana. The National Forest Service scientists think this study should include more of the ecosystem than just Montana, such as Idaho, Wyoming.

Mr. MONTREY. Mr. Chairman, our research branch of the Forest Service is at the moment planning a fairly comprehensive array of ecosystem studies. The plan calls for an inventory, an assessment of natural resources by ecoregion which would cut across the geographic boundaries of our administrative units.

Mr. VENTO. Well, I know the reason my colleague didn't include this is because he wanted to have deference towards the study but wanted to enlist the support on a positive or voluntary basis of those that might be affected, including Idaho and other States. So I respect what the effort here is, but I want to make certain that we don't preclude the opportunity for an existing or an ongoing type of analysis that would prove most beneficial.

Let me yield to my colleague from Montana. I have taken more than my five minutes.

Mr. Williams.

Mr. WILLIAMS. Thank you, Mr. Chairman.

This marks the first time in all these years that the Forest Service has come here and supported the Montana wilderness bill. So it is more than a breath of fresh air. It is very, very welcome. And I appreciate the administration and the Forest Service's support of this legislation and of ending what has been this interminable controversy in Montana.

I hear the changes that you would like. Let me comment on each of them.

The wilderness boundary changes I am aware of. They are not, in fact, significant but involve adjusting for some trailheads and the like, and it would amount to probably less than 1,000 acres. We will continue to make adjustments as we have all these years and certainly appreciate your good counsel in continuing to do that.

The water language as you know has been worked out in another Western bill, the Colorado bill, and I understand there are some technical language changes that at least at this sitting appear not to affect the policy of the water language, and so we will be seeking your advice on that as well.

One of the differences, though, from other Forest Services and under other administrations is that you are not opposing the wilderness study areas, and I think that that makes political good sense. As a policy issue I, too, think it is a close call, but it makes political sense because we can't resolve those areas and that Congress would like to reserve them for future consideration.

I personally am not very supportive of reserving their study capacity open-ended forever, but that is a controversy within this subcommittee, and we will deal with that as we go.

On the release language, let me not so much comment on what you have said in your statement with regard to release as to ask you a question about it. Am I correct that the Forest Service believes that it could be susceptible to lawsuits, particularly capricious herbalist lawsuits, unless it is buffered with the release language that is in this bill? Is that why the Forest Service supports the continuation of release language?

Mr. MONTREY. I would say, Mr. Chairman, we believe our exposure to legal action is higher without the release language than with it.

Mr. WILLIAMS. Without the release language?

Mr. MONTREY. Yes, sir.

Mr. WILLIAMS. So, basically, my assumption is correct.

Mr. MONTREY. That is correct. Although we cannot assess how high the risk is, nonetheless, we believe it is a little higher.

Mr. WILLIAMS. You can't get in the heads of the appealers so that is the reason you don't know.

When the former President Reagan vetoed the only bill, the Montana wilderness bill that had resulted thereto that had ever reached a President's desk, he cited as one of the main reasons for doing it, it would set the plans back, that you have to start the planning process over again, that that was the effect of not following the Forest Service's recommendations specifically.

As I understand it, this Forest Service does not hold to that.

Mr. MONTREY. That is correct. We would not hold to that. No, sir.

Mr. WILLIAMS. Some folks within industry, not just in Montana but out West, have indicated their belief that the Forest Service cannot prepare sites for timber harvest and then move to harvest without hard release language. Many of us have disagreed with that. Would you comment on it?

Mr. MONTREY. I believe we can implement without the hard language.

Mr. WILLIAMS. Say it again.

Mr. MONTREY. We can implement without hard language.

Mr. WILLIAMS. You can. You can move to harvest without—

Mr. MONTREY. But proceed, I should say, rather than implement. Because proceed means a project decision—proposed project—with public involvement in the NEPA process, the project decision.

Then what happens next, as I said, from our experience—hopefully, my local expert will bear me out—is that when those decisions relate to timber sales that our experience is, with 90 percent of them, the project decisions are immediately followed by one or more appeals.

Mr. WILLIAMS. Yes.

Mr. MONTREY. Many of those with subsequent legal proceedings.

Mr. WILLIAMS. Say that again.

Mr. MONTREY. Many of those accompanied also with some legal proceedings.

Mr. WILLIAMS. Finally, Mr. Donahue, let me thank you for coming to Washington to be with us, but I specifically want to thank you for your technical help through the years through your good offices. You have been very helpful to us and have been a staff person not of ours but of the public and the United States who has lent considerable expertise to this issue.

Mr. DONAHUE. Thank you.

Mr. WILLIAMS. We don't blame you that we haven't been able to resolve it through all these years, but you have certainly done your part, and we are very grateful for that.

And, finally, now having said that, Mr. Chairman, I want to point out what I said at the beginning and that is this is the first time the administration has come forward and supported a bill, very first time in all of these years. That is despite the fact that individual forest supervisors, Region 1 forest supervisors, people on the ground in Montana and Wyoming, have privately and, to the best they could, publicly supported the effort and the bills that have been introduced here in the Congress because they knew the alternative eventually would bring us to the day we are at now, which is chaos, particularly economic chaos.

And despite the fact that people on the ground in both Montana and Idaho, Forest Service folks, were supportive of the various pieces of legislation, supportive not of all of them but of the main-line pieces that were moving through the Congress, they were unable to convince people here in Washington at the Forest Service to support what they knew to be best.

American people last November, Mr. Chairman, voted for change, and in this committee room today I see change in this administration, and I am grateful for it.

Mr. VENTO. The gentleman from Idaho, Mr. LaRocco.

Mr. LAROCOCO. Thank you, Mr. Chairman.

Mr. Montrey, what we are all striving for with release or with the special management areas is certainty. I don't think it is any secret that there is a great deal of distrust of the Forest Service by many of the user groups. And that has come out in all of the town meetings that I have had. And what people have said, use science, use an ecosystem approach, but use the wilderness bill as a vehicle for providing the certainty on the areas outside of the wilderness boundaries.

Certainly the release language has been fairly standard and can have a difference in our bills with regard to the five-year tenure issue. But, nevertheless, in many portions of my bill what I have done is simply taken all of the work that has been done to the planning process and simply put it into the statute because that deals with the mistrust-distrust issue.

I might add anecdotally and parenthetically that this has gotten to such a point that it has this acronym of SMA, and it has gotten to such a point that we now use it as a verb, and everybody knows what you are talking about. So we have tried to determine whether we are going to SMA the world and everything outside the wilderness boundary to provide this certainty.

My question to you is, How does the Forest Service feel about that? I mean, at the headquarters of the Forest Service office, if we were to make use of these SMAs and really take advantage of the planning process—to provide for that certainty. I think the delegation in Idaho has said that this is where we are ought to be headed.

In fact, we have a task force right now that is working with Stephen Mealy, the supervisor of the Boise National Forest, and a timber supply task force to deal with the language that we are calling prescriptive language. The challenge to us is not to be overly prescriptive to tie your hands and not to be less prescriptive so that SMAs are not really meaningful in terms of what we are trying to do on the ground.

How do you feel about those SMAs as a tool as they exist in the statute?

Mr. MONTREY. If you would allow me to get back to you with an answer to that question I would appreciate it because that is a question that we have talked about around here in the headquarters office, the chief and his immediate staff—but in terms of a collective position how we feel about that, I could not give that to you right now.

But you will give me impetus to go back and get an answer to that which I will report back.

Mr. LAROCO. Okay. You might take a look at my bill because that is where I am headed anyway. But there are other things that will be forthcoming, as a product of the timber supply task force and its prescriptive language. And it is not, as some people have said, a way of clear-cutting. It is a way of getting to the certainty question.

My only admonition or suggestion to you as you are preparing that is that this committee moves with lightening speed. We will go to another hearing of the full committee or go to markup very quickly, so try and get that to us before the bill is passed.

Mr. MONTREY. We will try to move much more quickly than we did in catching up with the sentiment of our Montana forest supervisors on this bill.

Mr. VENTO. I will just say in comment, I know Ms. Shepherd was here earlier. You know, the Chairman and I think the Members should have some concern about when we designate national recreation areas or SMAs when they are done for conservation purposes or for other purposes. Generally, they are done for conservation purpose.

What the impact is in the forest management impact and our experience in the reports we got back from GAO on this are that the Forest Service is not necessarily delineated a different management scheme from any of those. In fact, they are managed like general forest.

I know here with regards to the SMAs and some of those that we did in Colorado and others they are very restrictive so that hasn't been as much of a problem, but we are getting to NRAs—I know that the gentleman has a different purpose I should say for some that he is proposing so we are playing close attention.

I just wanted to comment on some of these special designations that we have done so they do carry a meaning. It is not something done administratively. We certainly want them to follow through on it.

I know Pat especially has worked in terms of educational focus on some of these. Those are still in the bill, I presume, Pat.

I am pleased Congresswoman Karen Shepherd from Utah, who was here earlier and, as I said, has been very diligent in terms of appearing at these meetings. I am pleased that she has returned to focus on this issue.

Ms. Shepherd.

Ms. SHEPHERD. Thank you, Mr. Chairman. I am delighted to be here and I am here to learn. I don't have any questions at this time or a statement.

Mr. VENTO. Thank you very much. I know we have got a busy schedule today.

Of course, it is a concern back in Minnesota as well as in other States like Montana, but how will the administration's plan to phase out below-cost timber sales affect the management of Montana's roadless lands?

Mr. Montrey or Mr. Donahue, can you comment? Would those areas specifically that are roadless also be the areas that might be also impacted by below cost, presuming, I guess, normal market conditions and there are no great spikes in terms of increase of price on timber?

Mr. MONTREY. Mr. Chairman, the administration's proposal, which at the moment we are trying to figure out how to implement, would phase out all below-cost timber sales in the National Forests across the Nation over the next 4-year period, as you know. Also, to the extent that some of the timber sales planned within roadless areas of Montana are deemed to be below-cost timber sales then they would be affected.

Mr. VENTO. I think we can do a little better than that. I think as I recall, looking at the list of phased out, that Montana was particularly hit hard. Am I incorrect in that?

Mr. MONTREY. Well, we have not made any final judgments.

Mr. VENTO. I know that. The New York Times has reported this. We haven't waited for you to make a recommendation. They have had the whole list of the 90-some forests I believe that are affected. I didn't bring that with me today, but in any case, is there a significant impact in Montana without having made any final recommendations, Mr. Montrey? Any new news through the news media who has already reported everything you have done? Is there a significant impact in Montana?

Mr. MONTREY. Mr. Chairman, lacking some incredibly insightful and effective cost-effectiveness measures, we would right now view 8 of the 10 National Forests in Montana as quote—

Mr. VENTO. So it has found impact in this State, and I think it points out as perhaps in my State I know there are 2 forests, the Chippewa and Superior, which are marginally below cost. I don't know what the magnitude is here. I don't suspect, knowing the State of Montana, that they would be pretty close calls, I guess, in the process. I don't know.

But I wanted to ask that question not to point out the difficulties but to point out the contentious nature of these policies that could visit change irrespective of what the classification in this bill does.

You know, the Forest Service has actually looked at this question of water policy or water rights for wilderness areas. What is the Forest Service's policy toward Federal reserve water rights for wilderness areas that have not had such rights explicitly reserved in the legislation? If there is water release language such as found in this bill would the Forest Service claim a reserved water right for wilderness or not? In other words, what is your view towards reserve water rights for wilderness and the reservation and what would you do with the language you find in this bill?

Mr. MONTREY. In the case of this bill, Mr. Chairman, we don't feel any additional language is needed to provide necessary protection, but, in general, our policy related to this is to seek necessary water rights under State procedures. We recommended in the past and still do that the Congress express what its wishes are regarding wilderness water rights.

You have the authority to reserve water for wilderness, and we think it is desirable for you or the State to attempt in that regard, absent that the courts would interpret it.

Mr. VENTO. We are trying to take a path here where we are saying that it is not necessary because these are headwaters. There is a contention here that one portion of this wilderness is not headwaters. Would you be concerned if that were, in fact, the case?

Mr. MONTREY. We would have to sit down and talk about that. Yes, sir, Mr. Chairman.

Mr. VENTO. You do reserve a caveat on that.

Mr. Williams, do you have any further questions of Agriculture? Anyone else have any further questions?

If not, Mr. Montrey I appreciate the fact that you said there are a number of minor map problems that we have and that you want to work with us on that, and I suspect that the principal sponsor would also be interested in that, so we look forward to working with you as we try to move forth expeditiously on this important measure. Thank you very much.

Thank you, Mr. Donahue.

We are pleased to welcome the first panel which includes Michael Scott, The Wilderness Society, from Bozeman, Montana; Norm Newhall, The Montana Wilderness Association, from Dillon, Montana; Stan Frasier, The National Wildlife Federation, from Missoula; and Mike Bader, the Executive Director of the Alliance for the Wild Rockies, Missoula, Montana. Gentlemen.

Your statements have been made part of the record. I would like each of you to take no more than five minutes to summarize your statement. We appreciate getting the statements yesterday from most of you, and I think that we have looked them over and have a few questions for you. So if you could summarize your statements it would help us to expedite our hearing.

We have, each of us, other responsibilities, I know, with regards to important measures before the Rules Committee and on the Floor.

PANEL CONSISTING OF MICHAEL D. SCOTT, NORTHERN ROCKIES REGIONAL DIRECTOR, THE WILDERNESS SOCIETY, BOZEMAN, MT; NORM NEWHALL, MONTANA WILDERNESS ASSOCIATION, DILLON, MT; STAN FRASIER, VICE PRESIDENT OF OPERATIONS, NATIONAL WILDLIFE FEDERATION, MISSOULA, MT; AND MIKE BADER, EXECUTIVE DIRECTOR, ALLIANCE FOR THE WILD ROCKIES, MISSOULA, MT

Mr. VENTO. Mr. Scott, please proceed.

STATEMENT OF MICHAEL D. SCOTT

Mr. SCOTT. Chairman Vento, Congressman Williams and members of the subcommittee, my name is Michael Scott. I am the Northern Rockies Regional Director of the Wilderness Society, based in Bozeman, Montana. I am here today representing both the Society and the Sierra Club.

We are pleased to be here today to testify on H.R. 2473. We want to express our sincere appreciation to Representative Williams for introducing the bill. It is an excellent start.

Representative Williams, wilderness is a difficult and contentious issue in Montana. We applaud Congressman Williams for his courage in taking the lead on this thorny issue and also, Mr. Chairman, kudos to you as well for not only sitting through all the hearings that Congressman Williams described, virtually all of them, but also doing it with such tenacity and grace.

H.R. 2473 contains some significant improvements over last year's bill, S. 1696. Several areas such as the Snowcrest Ridge,

Line Creek Plateau and Elk Creek have been added as wilderness. We want to thank Congressman Williams for these and other areas he has added.

We also appreciate the fact that Congressman Williams has left the Montana Wilderness Study Act areas intact and entirely alone. These areas deserve close examination on their own.

We note our opposition to the Forest Service recommendation to release these areas—not only has the Forest Service recommended some of them for wilderness, but many others such as the Gallatin range are not ready to be examined closely.

Another bill, parallel, that Congressman Williams passed through this body just a couple of months ago, attempts to do that, consolidate land ownership patterns in the Gallatin range so that Congress will have the opportunity to examine that area in the future. Both the Greater Yellowstone Coalition and the Wilderness Society would oppose that decision to release S. 393 areas.

I would like to focus my testimony in three areas: release language, water rights, and the ecosystem and economic study contained in the bill.

Mr. Chairman, release language: H.R. 2473 contains a version of release language developed in the waning days of the last Congress. It is different from the form of release language this committee included in last year's bill. We urge the committee to delete the release language contained in H.R. 2473. We continue to believe that release language is outmoded.

Perhaps just a brief background would be helpful in this issue. Release is an issue whose time has gone, especially for Montana. The release provisions of the 1984 compromise were designed to solve a particular problem: to move beyond the stalemate caused by the Forest Service's difficulties in preparing an adequate EIS supporting its wilderness recommendations.

By 1987, wilderness was irrelevant in Montana. Because of the inability to pass a Montana wilderness bill or at least having passed one, having had it vetoed, the Forest Service restudied the wilderness suitability in the forest plans of all the proposed areas and consolidated those in something called Appendix C. There has been no equivalent lawsuit invalidating Appendix C of the Forest Plans. This was tried in *ICL v. Mumma* and failed. So, thus, there is no legal reason to include release language in wilderness bills any longer.

The fact that release keeps turning up indicates both a lack of understanding that it is no longer necessary and that the timber industry regards it as a terrific wedge for wholesale changes in NFMA.

As I mentioned earlier, the release language in the bill is similar to that developed by this committee except in this one fundamental respect. Section 12(h) has been added which states that wilderness review in Forest Plans is deemed an adequate consideration of the suitability of roadless lands for inclusion in the National Wilderness Preservation System. This section charts dangerous ground and should be removed, even if this committee decides that release language should be included in a Montana wilderness bill.

Separating out Forest Plans by insulating parts of them from challenge sets a dangerous precedent. Congress should not be in

the business of selectively judging the adequacy of all or parts of Forest Plans, especially where there has been no demonstrated need.

While at first the Congress might limit its scope of review to the wilderness review portion of forest plans, it is clearly is not the long-term agenda of industry. In subsequent Congresses, industry will try to broaden the adequacy determinations to include other problems like forest health. This is something that the timber industry is now vigorously pursuing in its negotiations in the Idaho wilderness bill.

Another serious problem for Forest Plan release is how the courts may interpret it. This problem stems from the fact that Forest Plans, unlike the RARE II EIS, are multipurpose documents. They plan for a broad range of activities.

It is extremely difficult, if not impossible, to separate out from a Forest Plan and its EIS its wilderness study elements and insulate them. This is because the EIS and plan are interwoven documents. The same environmental analysis that is used to justify a non-wilderness recommendation for a particular roadless area is also the basis for the decision to allocate the area to a development prescription.

Thus, a court is likely to conclude that, absent its original need, newly constructed release language must mean something new and move us into new realms of interpretation of release language that could very well be dangerous.

Rather than face these and other problems, we recommend the committee reject the approach, that language associated with language in Section 12(h). We urge the committee to reject this approach.

Release language is no longer needed, but if this committee decides to put release language in we recommend that Section 12(h) be removed from that release language.

Now let me turn to water rights for a moment.

H.R. 2473 contains water language modeled after that found in this year's Colorado wilderness bill. It is our position, arrived at after careful analysis, that an explicit reservation of water is needed for Montana wilderness areas and all wilderness areas. The reason we prefer an explicit reservation is that it operates to protect wilderness water rights regardless of hydrology, geography or the vagaries of State water law.

A Colorado-style approach has to be tailored specifically to comport with the facts situation in each area and in accordance with State water law. At a minimum, relying on this approach—that is, the Colorado approach—rather than an express reservation demands much more attention to detail by the Congress than has been received in the context of H.R. 2473.

In addition, one issue that was raised a little earlier by the Forest Service is that if we were to adopt this approach in Montana we would set up a dual system of water rights in the State of Montana or a dual system of wilderness. The existing areas in Montana enjoy a federally reserved water right. The new areas that might be created by this bill in fact would not enjoy such a right. They would be subject to the new provisions of this law.

The Colorado language sets a supposed compromise between protecting wilderness water rights by virtue of the fact that areas are headwaters and in exchange for that exempting the designated areas from sections of the wilderness act and freezing water rights holders' use at a specific point in time.

That solution was tailored to work in Colorado on specific pieces of land under specific water law. The Coloradans had to look at two major issues: whether the language met the needs of the wilderness areas within the particular context of Colorado water law and whether all the areas were, in fact, headwaters.

We have submitted the Colorado law to several Montana water lawyers who are currently reviewing the text of this section. We would recommend before this committee would make a decision to move forward with this language that it get some sort of an official legal interpretation as to whether this language comports with Montana law. If not, it might lead to more litigation than solution.

As mentioned earlier by you, Mr. Chairman, we did a cursory review of areas proposed in this bill as well as areas that we have recommended not included in this bill and have found one area that is not a headwaters or one portion of one area. That is, as Congressman Williams is aware, the Straight Creek flows out of the Renshaw addition onto National Forest land adjacent to the South Fork campground and back into wilderness in the South Fork.

That area, which encompasses 4,000 to 6,000 acres of roughly downstream wilderness, essentially would create a very significant problem for the application of this bill. We recommend that that is something that has to be solved before this bill can be moved forward.

Finally, Mr. Chairman, we applaud Congressman Williams' economics and ecosystem and offer five principles in our statement that sets forth some principles that we think need to be applied to any study.

Thank you. We would be happy to answer any questions.

Mr. VENTO. Thank you. Your time has expired.

[Prepared statement of Mr. Scott follows.]



THE WILDERNESS SOCIETY

**TESTIMONY OF MICHAEL D. SCOTT REPRESENTING
THE WILDERNESS SOCIETY AND THE SIERRA CLUB ON H.R. 2473, "ROUND
16 OF THE MONTANA WILDERNESS ACT 1993", BEFORE
THE HOUSE NATURAL RESOURCES SUBCOMMITTEE ON PARKS,
FORESTS AND PUBLIC LANDS, JULY 20, 1993**

Chairman Vento, Representative Williams and members of the subcommittee, my name is Michael Scott. I am the Northern Rockies Regional Director of the Wilderness Society, based in Bozeman, Montana. I am here today representing both The Society and the Sierra Club. The Wilderness Society is a 55 year-old national conservation organization dedicated to the preservation and protection of American lands, principally public lands. We have some 300,000 members nationwide, with over 1,500 members in Montana. The Sierra Club is a 100 year-old conservation organization with 530,000 members nation-wide and 1,500 in Montana.

I am pleased to be here today to testify on H.R. 2473. We want to express our sincere appreciation to Rep. Williams for introducing H.R. 2473. It is an excellent start. Wilderness is a difficult and contentious issue in Montana. We applaud Rep. Williams for his courage in taking the lead on this thorny issue.

H.R. 2473 contains some significant improvements over last year's version of a Montana wilderness bill - S. 1696. Several areas such as the Snowcrest Range, Line Creek Plateau and Elk Creek have been added as wilderness. We thank Rep. Williams for these and the other areas he has added. We also appreciate the fact that Rep. Williams has left the Montana Wilderness Study Act areas entirely alone. These areas deserve close examination on their own.

Others here today will detail needed additions to H.R. 2473. With the additions they propose - areas like Tenderfoot-Deep Creek, Allen Mountain and Mt. Garfield - H.R. 2473 will be a major step toward protection for Montana's wild places and in providing the wilderness legacy Montanans want and deserve.

This morning I would like to focus my testimony on three areas; release language, water language and the ecosystem and economics study provision in H.R. 2473. In addition, I will cover some of the miscellaneous provisions in the bill.

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A. RELEASE

H.R. 2473 contains a version of release language developed in the waning days of the last congress. It is different from the form of release language this committee included in last year's House-passed Montana wilderness bill. We urge the committee to delete the release language contained in H.R. 2473. We continue to believe that release language is outmoded.

Background

Release is an issue whose time has gone, especially for Montana. The release provision of 1984 was designed to solve a particular problem--to move beyond the stalemate caused by the Forest Service's difficulties in preparing an adequate environmental impact statement (EIS) supporting its wilderness recommendations and to prevent both additional litigation and a third round of roadless area review. At the time, the Forest Service had been attempting to complete this review for more than ten years while both wilderness designation and non-wilderness forest management languished.

The release compromise shielded from judicial review the question of the adequacy of the Forest Service's evaluation of the suitability of national forest lands for inclusion in the national wilderness preservation system, an evaluation contained in the EIS for the second Roadless Area Review and Evaluation (RARE II). The compromise was a narrow one of limited effect. For the first round of forest plans, and the first round only, the Forest Service's determination of the category to which national forest lands were assigned in the forest plan --wilderness or non-wilderness-- could not be challenged in court. All other agency decisions, including timber sales, could be appealed on the basis of inadequate compliance with the National Environmental Policy Act (NEPA) or other environmental laws, or because of potential environmental impacts, including impacts to wilderness qualities and values. Management prescriptions and allocations of particular lands to particular uses were not included in the compromise.

By 1987, release was irrelevant for Montana. Because a statewide bill had failed to pass in the early 1980's, the Forest Service restudied wilderness suitability in the forest plans prepared for the national forests of the state. The RARE II EIS was superseded by Appendix C to these forest plans. No lawsuit invalidated these appendices, as California v Block invalidated the RARE II EIS. No injunction prevented the Forest Service from making land management decisions. Thus, the circumstances that had necessitated and produced the release compromise no longer obtained. There was no longer any reason to include release language in a Montana wilderness bill. This view is supported by a recent CRS analysis of the release question. (see "Analysis of Release and Judicial Review Provisions in S. 1696, CRS, American Law Division, March 8, 1992)

The fact that release keeps turning up indicates both a lack of understanding that it is no longer necessary, and that the timber industry regards it as a terrific wedge for wholesale changes to the National Forest Management Act (NFMA). The industry is counting on conditioned behavior--the inclusion of release language in wilderness bills whether it means anything or not. It argues that release means "certainty," an assurance that lands will be available for timber harvest. To guarantee that this will occur, the industry claims that release must mean reduced public participation in the forest planning process, the elimination of appeal rights, and mandated cutting areas. It is also asking to extend the ban on judicial review through two rounds of forest planning, effectively foreclosing consideration of wilderness for Montana for twenty-five years.

The industry's claims distort the meaning of the original release bargain. Release is not the same as certainty. The inclusion of release language in a wilderness bill, even the so-called "updated" version of Senator Melcher's 1988 bill and the version currently in H.R. 2473, will not assure that any forest lands will be available for timber harvest or any other extractive activity. Release does not offer mandated cutting areas. It does not insure that lands labeled in a forest plan as non-wilderness will be available for timber harvest. It does not mean that no appeals are permitted of agency decisions concerning development of forest lands.

This important point was made very clearly in Idaho Conservation League v. Mumma. In this case, plaintiff environmental organizations challenged the roadless area restudy portion of the forest plan for the Panhandle National Forest as inadequate to support the agency's wilderness/non-wilderness recommendations. (Such a challenge would have been prohibited by release language, if an Idaho bill had passed.) The court concluded that the plaintiffs had suffered no injury to their interests in seeing wilderness designated in Idaho. Based on the arguments of the Forest Service, the court found that a forest plan does not make decisions. Rather, it is a general guidance document which includes recommendations concerning wilderness suitability. A plan does not propose or commit the agency to any specific development on non-wilderness lands. It merely allows the possibility of such development in the future. Agency decisions on that development are fully appealable.

The Panhandle decision indicates that, regardless of whether release language is included in a wilderness bill, the timber industry has no certainty concerning future development activities on national forest lands. Even if the wilderness/non-wilderness recommendation of a forest plan is shielded from judicial review, decisions concerning timber sales and other activities on lands recommended as non-wilderness in that plan may be challenged.

H.R. 2473 Release Language

The release language in H.R. 2473 is similar to that developed by this committee last year, except in one fundamental respect. A section, Sec. 12(h), is added which states that the wilderness review in forest plans is deemed an adequate consideration of the suitability of roadless lands for inclusion in the National Wilderness Preservation System. This section charts dangerous ground and should be removed - even if the committee decides that release language should be included in a Montana wilderness bill.

As discussed above, there is no need to insulate forest plans from any form of judicial review or to make any affirmative finding that their wilderness reviews are adequate since no one has successfully challenged the wilderness restudy portion of forest plans.

There is, thus, no analogous situation to the California v. Block days when the timber industry, and the Forest Service, felt there was a sword hanging over their respective heads.

Since there is no legal need for such language, why include it? Some argue that it provides an assurance to industry that no one will be allowed to challenge the wilderness portion of forest plans. This might seem a benign request, but it is one fraught with problems.

First, wading into forest plans sets a precedent. Congress should not be in the business of selectively judging the adequacy of all, or parts, of forest plans, especially where there has been no demonstrated need.

Entering this debate only puts us on a slippery slope. While at first, the congress might limit its scope of review to the wilderness review portion of plans, this clearly is not the long-term agenda of industry. In subsequent congress's industry will try to broaden the adequacy determinations to include other "problems" like forest health. This is something the timber industry is now vigorously pursuing in its negotiations of an Idaho wilderness bill.

Another serious problem with including adequacy language in this bill relates to how the courts may interpret it. This problem stems from the fact that forest plans, unlike the RARE II EIS, are multi-purpose documents. They plan for a broad range of activities and the EIS accompanying a plan describes not just each activity but the interrelationships between them.

It is extremely difficult, if not impossible, to separate out from a forest plan and its EIS its wilderness study elements and insulate them. This is because the EIS and plan are interwoven documents. The same environmental analysis that is used to justify

a non-wilderness recommendation for a particular roadless area is also the basis for the decision to allocate the area to a development prescription.

If a court has to determine what adequacy means, it will have to wrestle with this problem. The issue is additionally compounded by virtue of the fact that release language is no longer needed. Thus, a court is likely to conclude that, absent its original need, newly constructed release language must mean something new. Especially if such language moves into the realm of forest plans.

Rather than face these and other problems associated with the language in Sec.12(h), we urge the committee to reject the approach altogether. Congress should not entertain proposals to insulate, or find adequate, portions of forest plans.

A. Release Language Test

Last year, the conservation community put forth a set of tests for any proposed release language in a March 10, 1992 letter to Senator Patrick Leahy. Those tests are:

- 1) Whether the release language precludes judicial review of any portion of a forest plan;
- 2) Whether the release language is restricted to the wilderness suitability review and evaluation;
- 3) Whether the release language is restricted to compliance with the Wilderness Act or whether it affects other statutes such as the Endangered Species Act, the National Forest Management Act; and,
- 4) Whether the term of the release language is limited to the first generation of forest plans.

(Sierra Club, Wilderness Society
letter to Senator Patrick Leahy,
March 10, 1992)

The release language in H.R. 2473 fails the first test. Sec. 12(h) contains an adequacy finding for the wilderness suitability portion of forest plans. If this section were removed, the language in the bill, it would comply with the first and other three tests.

B. WATER RIGHTS

H.R. 2473 contains water language modeled after that found in this year's Colorado Wilderness bill, H.R. 631. It is our position, arrived at after careful analysis, that an explicit reservation of water is needed for Montana wilderness areas and all wilderness areas. The reason we prefer an explicit right is that it operates to protect wilderness water regardless of the hydrology, geography or vagaries of state water law. A Colorado style approach has to be tailored specifically to comport with the

fact situation in each area and in accordance with state water law. At a minimum, relying on this approach rather than an express reservation demands much more attention to detail by the Congress than is received in the context of H.R. 2473.

The language in H.R. 2473 departs from the long standing practice of the committee and the Congress. Congress has an eighty year history of silence on water for federal land reservations, thereby relying on the implied reserved water rights doctrine.

In recent years this committee has explicitly reserved water for wilderness. This is the approach, for example, taken in the Arizona BLM wilderness bill, Nevada forest wilderness bill and the Washington national parks wilderness bill.

The Colorado language is neither silent, nor does it explicitly reserve water. Rather, the approach is premised on the unique headwaters nature of the areas contained in the Colorado bill.

The language states that neither any relevant federal agency nor any individual may seek a water right for wilderness; in the words of one Colorado conservationist remaining "officially agnostic" on the question of whether a wilderness water right exists.

Instead, the Colorado language provides protection for wilderness water resources by exempting the newly created Colorado wilderness areas from Sec. 4(d)(4)(1) of the Wilderness Act. This section allows the President to exempt a water project from the provisions of the Wilderness Act. Because all the Colorado areas are headwaters, the removal of this provision means there is no legal way to build a new water resource facility in a headwaters wilderness area or enlarge an existing water resource facility.

The Colorado language also limits the ability of existing water right holders to changes in water rights, including changes in rate of diversion, purpose and timing, that will have adverse impacts on water resources and wilderness values. This assures existing rights holders that they can continue to use their rights and facilities, but also provides future protection to the wilderness areas by assuring that current water uses stay as they are.

This is a solution tailored to work in Colorado on specific pieces of land under Colorado water law. It was not a solution designed to be used in other states.

In order to determine whether the language works, Coloradans had to do two things; 1) assure that the language met the needs of wilderness within the particular context of Colorado state water

law; 2) assure that all areas to be designated wilderness were truly headwaters.

Compatibility with Montana law

We have submitted the Colorado language to several Montana water lawyers who are currently reviewing the text of this section.

We urge the committee before it decides to adopt the Colorado approach for Montana to be absolutely certain that the provisions of the "Colorado compromise" comport with Montana state law. Without such an assurance, the Colorado language may turn out to be unworkable in Montana or anywhere else in the West.

Headwaters Areas

Conservationists have preliminarily reviewed the areas proposed for wilderness in H.R. 2473 to determine if they are all headwaters areas. Our initial review shows that all areas, except one, in H.R. 2473 are headwaters. The area that is not a headwater is the Renshaw Mountain addition on the Rocky Mountain Front.

Straight Creek flows out of the Scapegoat Wilderness, into the Renshaw addition, then out of the addition and back in. As far as we are able to determine, the land outside proposed wilderness through which Straight Creek flows is owned by the United States. There is a campground and cabins adjacent to the east shore of Straight Creek outside of the proposed addition.

Straight Creek presents a real problem for the language in H.R. 2473. Either the popular Renshaw addition has to have a significant portion removed or the Congress will have to restrict water development on those portions of Straight Creek outside of the proposed wilderness. Much preferable to either alternative is an explicit reservation of water for the areas designated in H.R. 2473.

Water rights and Uses in Proposed Areas

With the help of the State Water Resources Division we examined each proposed area and identified every known water right and structure listed in state files. We have not, as Coloradan's have done, examined each use on the ground to see how well it comports with state records.

Nor has every filing for a right or use been adjudicated by the state. Many of the rights we examined date back to the late 1800's and were filed for mining purposes. It may well be that when the state adjudicates basins containing these filings it will find that no right currently exists due to state law principles of abandonment or non-use.

Because of this uncertainty it is critically important that the language in the bill not imply any grant of a right for water filings not adjudicated by the state of Montana.

Summary

Use of Colorado water language in Montana will not work unless we can confirm the compatibility of Colorado language to Montana water law, that each area in the bill is clearly a headwaters and that water rights filings and structures in proposed areas are actually validly adjudicated or that language is included making it clear no additional rights are created. Given these uncertainties, and the enormous expenditure of effort to reach certainty, we recommend to the committee that it continue its policy of expressly reserving water for the wilderness areas in Montana.

C. ECOSYSTEM AND ECONOMICS STUDY

We want to commend Rep. Williams for his foresight in including this provision in H.R. 2473. As we understand it, Sec. 9 is designed to determine just what constitutes environmental sustainability on the forests of Montana and how a sustainable environment can lead to sustainable economies. The section was developed to head off the "train wreck" people are currently experiencing in the Pacific Northwest.

We desperately need this sort of a study. The last 12 years have seen an almost complete disregard for environmental sustainability practices. Instead, the last two Administrations have pushed commodity production at any cost.

And the cost has been high, both in terms of environment and community. It is an unfortunate truth that were we undertaking this kind of study just ten years ago our options would be greater than they are today. Today we face the prospect of whole drainages, such as Lolo Creek, Rock Creek and the Shields closed to extractive activities because of past overcutting abuses.

It will take time for these places to heal. In the meantime, the area left, where choices can be made regarding extractive activities, has shrunk.

The task facing those involved in this study will be daunting and the outcome probably sobering. But we need to do it now. Communities need to know what they can count on from the forests, including both commodity and non-commodity resources, to sustain them and we need to know what it will take to sustain our forests ecologically.

Study Principles

We are still reviewing the specific language in Sec. 9. As soon as we have suggested amendments we will provide them to the committee. We offer several principles which we believe ought to guide any study of the region.

1. Any study should first define what is environmentally sustainable, then determine commodity and non-commodity outputs.

The forests of the Northern Rockies have been put in jeopardy because ecologically necessary principles have been "balanced" against commodity "needs". This type of balancing ultimately leads to ecological disaster because it sets no environmental standard.

The study should not make the same mistake as the forest plans of the region. It should first determine what it will take to manage the region on a sustainable basis. Then, the study should determine what outputs, both commodity and non-commodity, can be sustained within an ecologically sound framework.

This approach is both fair to the environment and to communities. Managing land unecologically leads to unrealistic promises made to communities and fosters boom and bust cycles, disruptive both locally and regionally.

2. Any study should be of the entire Northern Rockies region

Sec. 9 limits the study to Montana. This should be changed to provide for a look at the entire Northern Rockies. Montana does not exist in isolation. Wildlife, water and communities span the three states of the region. It makes little sense to limit the scope of a study examining ecological and economic needs to a small part of the puzzle.

3. Roadless areas should be put off-limits to development until their importance to local ecological integrity is determined

Many of the roadless lands left in the Northern Rockies play a particularly important role as refuges to wildlife, as sources of clean and dependable water and, increasingly, as important revenue generators for local economies.

Given the importance of these lands and their ecological fragility, we urge the committee to include a provision in Sec. 9 imposing a moratorium on roadless land development until we know which lands are needed to assure ecological values are protected.

4. The study should be conducted by independent scientists

Sec. 9 contemplates that the Forest Range and Experiment Stations will conduct the study. The Range and Experiment Stations

are part of the Forest Service. Having the stations conduct such a study raises questions about the impartiality of the results.

We urge the committee to change this provision in Sec. 9 and substitute a provision which calls for independent scientists to conduct the study.

5. The study should not be used as a substitute for wilderness designation

Many of the critical lands of the Northern Rockies ecosystems are well known and deserve protection now. Linkages, such as those areas not in H.R. 2473 along the Great Divide, are important wildlands in their own right, serve as corridors to connect major ecosystems and deserve immediate protection as wilderness.

D. BLM RELEASE

Section 8 of H.R. 2473 releases one BLM Wilderness Study Area and a portion of another. We recommend the committee delete this section.

H.R. 2473 is a Forest Service wilderness bill. We approached the Montana delegation requesting that certain small BLM WSA's adjacent to Forest Service wilderness areas be included in the bill as wilderness. We were told that the delegation did not intend this bill to address BLM wilderness. Given that, it makes no sense to release BLM WSA's. The two WSA's in the bill should be held for consideration in a future BLM wilderness bill.

BLM WSA's offer superlative wilderness values. Bitter Creek, released entirely by the bill, is the largest WSA in Montana. The 59,000 acre area is known locally as a source of trophy mule deer and approximately 50 prehistoric sites have been identified in the WSA. The area is one of the last and largest intact sections of mixed grass prairie remaining in the United States. Bitter Creek should clearly be held for a future BLM wilderness bill.

Axolotl Lakes WSA, a portion of which is released by the bill, is home to the rare Axolotl Lakes salamander. It is a popular fishing area on the top of the Gravelly Range. If designated wilderness, it would become the Gravelly Range's only wilderness.

E. COLLECTION DEVICES

Section 3(h) exempts the installation of meteorological and hydrological facilities within wilderness areas from the provisions of the Wilderness Act.

This is a dangerous precedent. Any activity in wilderness, except those involving human safety or health emergencies, should be consistent with the Wilderness Act. Indeed, the administrative

provisions of the Wilderness Act provide adequate flexibility to address this issue. Therefore, we recommend this section be deleted.

F. HUNTING

The Wilderness Society and the Sierra Club support the right to hunt in wilderness, but we believe the Wilderness Act adequately protects that right. The language in Section 3(g) assures hunting continues in wilderness is therefore unnecessary, allows for misinterpretations by special interests and could well lead to needless arguments over hunting and wildlife management.

Mr. Chairman, Rep. Williams, we appreciate the opportunity to share the views of The Wilderness Society and the Sierra Club on H.R. 2473. I would be happy to answer any question about our testimony.

Mr. VENTO. Mr. Newhall, take about five minutes, would you please?

STATEMENT OF NORM NEWHALL

Mr. NEWHALL. Chairman Vento, Congressman Williams and Members of the House subcommittee and staff, I want to thank you for the opportunity of being here today. My name is Norm Newhall. I appear representing the Montana Wilderness Association.

I have some preliminary matters. I want to offer here today the written testimony of Bart Koehler of the Greater Yellowstone Coalition that I will file with the committee and also the testimony of the Wild Divide Chapter of the Montana Wilderness Association.

Mr. VENTO. Without objection, they will be added to the record.

Mr. NEWHALL. Thank you.

[The statements follow:]



Greater Yellowstone Coalition

TESTIMONY BY BART KOEHLER, ASSOCIATE PROGRAM DIRECTOR; RE: **HR 2473**
 "ROUND 16 OF THE MONTANA WILDERNESS ACT --1993"; BEFORE THE HOUSE
 NATURAL RESOURCES SUBCOMMITTEE ON PUBLIC LANDS; 7/20/93

MR. CHAIRMAN:

My name is Bart Koehler, and I live in Gallatin Gateway, Montana. I'm pleased to testify today re: HR 2473, on behalf of the Board & members of the Greater Yellowstone Coalition. For the record, GYC is composed of 100 local, state-wide, regional, and national conservation organizations -- with a combined membership of well over one million Americans. Also, for the record, I have an M.S. in Natural Resource Management and Planning from the University of Wyoming, and over 20 years of experience working with grassroots conservation groups in defense of America's wild country. (Both in the far hinterlands and here in Washington, D.C.)

In May of this year, GYC announced our Campaign for Greater Yellowstone. A keystone action in this long-term Campaign is the proposed designation of over 3.6 million acres of new Wilderness Areas on National Forest and Bureau of Land Management Lands in portions of Montana, Idaho and Wyoming. We are using our Campaign goals as an important reference point when we examine and discuss HR 2473.

Mr. Chairman, when we wrote our initial comments re: HR 2473 to Congressman Pat Williams, we said that "GYC is heartened, disappointed and totally watchful." Today, that reaction still stands.

Although HR 2473 in several ways is a bigger and better bill than the measure which passed the House of Representatives late last year --- GYC feels that amendments to strengthen the policy language and grant greater protection for ecosystems; plus major amendments aimed at adding more acres and more areas to the existing bill are absolutely necessary. These actions are definitely needed in order to produce legislation which will truly honor the wildlife, watersheds, and wild spirit which still endure within the wildlands of Montana.

Since we provided your Subcommittee with extensive testimony last year on this issue, the remainder of this statement will merely provide a succinct summary of our concerns. I will be happy to provide greater detail to you and the Committee as this process moves forward. The following comments reflect our views at this date:

AREA-SPECIFIC COMMENTS

* GYC is heartened that key areas in Greater Yellowstone Ecosystem which were added/improved as part of '92 House Process are in this bill:

--Cowboys Heaven

--Crazy Mountains

--Tie Creek/Mt. Rae

--Line Creek Plateau & S. Cottonwood Canyon WSA

* It must be noted that these areas are not "only rock and ice" areas; they embrace mid and lower elevation habitats -- down to Forest Boundaries.

*GYC is heartened that this year's bill includes stronger protection for Line Creek Plateau -- it is proposed for Wilderness instead of WSA. It is listed as part of the Custer NF additions to the A-B Wilderness.

*GYC is heartened that this year's bill includes two new key areas in the Greater Yellowstone Ecosystem -- the Snowcrest Range, and Mt. Jefferson in the Centennials. The Snowcrest is a magnificent wildlife area with very high scenic and recreation values -- with little or no conflicts (much of area is closed to all motorized use, and none of the area is scheduled for timber harvest). There is a 6,800 acre BLM WSA adjacent to Snowcrest as well. Mount Jefferson is a small but important piece of the Centennial Range/Great Divide which was recommended for Wilderness by the Forest Service. (See attached Snowcrest Article) Again, these areas are not "only rock and ice" areas; they embrace mid and lower elevation habitats -- down to Forest Boundaries.

*GYC is disappointed that a number of key areas in Greater Yellowstone are left out of this '93 Bill. These areas should be declared Wilderness:

--Tobacco Root Range: 57,000 acres

--Bridger Range: 45,000 acres (includes lands not in Land Exchange Bill)

--George Lake (Dexter R.) ~~See G.~~ *Dome Mtn. additions to A-B Wilderness

--Mt. Garfield (a key unit along the Great Divide, also known as Lima Peaks): 42,000 acres. In Idaho it's called Red Conglomerate Peak

--Several units in the Gravelly Range: more than 100,000 acres

--Wapiti Mtn. near Red Lodge: 12,000 acres

--Tendoy Range: 40,000 acres

It must be noted that these areas are not "only rock and ice" areas; they embrace mid and lower elevation habitats -- down to Forest Boundaries.

*Key areas in Greater Yellowstone are in this bill but still need bigger boundaries, in order to protect crucial wildlife habitat areas:

--Earthquake (a key unit along the Great Divide, known as Lionhead in Idaho)... Coffin Creek and Watkins Creek watersheds need to be added back. Conservationists want 12,900 acres added.

--Pryor Mtns.-- although the Lost Water Canyon boundary is an improvement, it needs to be beefed up by 10,000 acres in the Custer NF. Conservationists also want to add adjacent BLM and NPS lands.

--Line Creek Plateau -- although now proposed for Wilderness, we suggest that the boundary be expanded to include 2,500 additional acres to bring the line down to the Forest Boundary and add the rehabilitated dry-hole drill site. It's listed as an addition to the A-B Wilderness.

--Crazy Mountains -- add a southern unit to the Wilderness. We are also working with local ranchers to propose possible logical boundary adjustments for the Wilderness Study/Land Consolidation Study Area.

--Cowboys Heaven -- a small but important addition is required.

--Italian Peaks -- this proposal should be larger, as well. It is bigger than '92, but conservationists still want 20,000 acres added.

* The Sawtooth WSA should be designated as Wilderness.

* Although far east of GYE.....the Tongue River Breaks should be designated as Wilderness...it was proposed for Wilderness by USFS.

WE HAVE ATTACHED DETAILED MAPS AS PART OF OUR TESTIMONY.

*Within this testimony, we have limited our views to the Greater Yellowstone Area in Montana. We feel strongly that additional qualified lands in Idaho and Wyoming within the Greater Yellowstone Ecosystem should also ultimately be designated as Wilderness. Furthermore, as far as Montana goes, GYC supports Wilderness for a number of important ecosystem linkage areas that connect Greater Yellowstone with other large wildland ecosystems. These proposed Wilderness areas include: Allan Mtn.; West Bighole; Chief Joseph Complex; East & West Pioneers;

Camas Creek; Mount Baldy; Big Snowies; Black Mountain; Middle Fork Judith; Nevada Mountain; Elkhorns; Gates of the Mountains; Smith River-Tenderfoot-Deep Creek; Electric Peak/Little Blackfoot Meadows; Sapphires; Stony Mountain; Anaconda-Pintlar Additions; Quigg Peak and Flint Creeks. These areas amount to over 1 million acres of critical ecosystem linkages. (See the attached list for detailed acreages)

* POLICY ISSUES --

-- The Ecosystem Study Language should include Montana, Idaho and Wyoming and be strengthened to grant interim protection for roadless lands,plus well-known corridors (such as the Great Divide from Yellowstone to beyond Italian Peaks -- identified by the USFWS as a critical wildlife corridor) should be designated as wilderness or as special management ecosystem linkage areas.....now. It also must be noted that we strongly believe that Wilderness is the most essential and most effective way to safeguard the integrity of wildland ecosystems.

--We feel that release language is no longer necessary; Williams' bill contains the last gasp attempt of '92. In comparison to HR 2473, the House Passed Release language of '92 is a better product.

--We support the designation of restoration areas, as part of HR 2473.

--We support the views of TWS and the Sierra Club on water language.

*ALONG THE GREAT DIVIDE

**It's important to review the situation along the Great Divide, since you'll be looking at Idaho sometime in the near future. In the GYE, there are four key chunks of wild country along the Divide: 1) Earthquake(Mt.)& Lionhead (Ida.); 2) Centennials (which include BLM proposed Wilderness, Mt. Jefferson, Sheep Station lands in Montana plus roadless lands in the Targhee in Idaho); 3) Mt. Garfield/Red Conglomerate Peaks; and 4) Italian Peaks (Mt.) & (Idaho). In the Montana Bill, the Earthquake proposal needs work; we are just beginning to designate wilderness in the Centennial's with Mt. Jefferson (we expect the rest will happen in relation to a Montana BLM Bill); there is absolutely nothing proposed for Mt. Garfield, and Italian Peaks is better, but needs work. All the areas in Idaho (Lionhead, Centennials, Red Conglomerate Peaks, and Italian Peaks)

are/will be important units of the Great Divide Wilderness and should be designated as part of any bill which addresses Idaho Wilderness.

** In relation to the above, the two-state Centennials Wilderness proposal is 92,000 acs & includes a complex of federal agency wildlands.

GYC greatly appreciates the opportunity to provide testimony on this critically important matter. We look forward to working with you and your staff to ensure that major strengthening amendments are adopted to create a much bigger and better version of HR 2473.

Thank you,

A handwritten signature in black ink, appearing to read "Bart Koehler", written in a cursive style.

Bart Koehler
Associate Program Director

ATTACHMENTS

Snowcrest wilderness debated

By Perry Backus
Standard Staff Writer

DILLON — The proposed inclusion of an estimated 90,000 acres of the Snowcrest Range for wilderness designation is being met with enthusiasm and shock by different interest groups.

The Snowcrest Range south of Ennis has been included in the wilderness bill recently introduced by Rep. Pat Williams, D-Mont. It is the first time the area has been included in a wilderness bill.

Wilderness spokesmen say wilderness designation of the area should be virtually conflict-free, but a local rancher says that isn't so.

Art Noonon, Williams' legislative assistant, said the Snowcrest area has been considered a candidate for wilderness designation for a number of years.

When the Bureau of Land Management made its recommendations for additions to the wilderness system, it included the Centennial Mountain range.

After considering that BLM proposed addition, Noonon said it became clear that the Snowcrest Range was "the missing link" in keeping a biological corridor open for wildlife to travel from Yellowstone Park to the Pinter wilderness and the Sapphire Mountains beyond that.

"What Pat has done is to try and fill in the gaps for a wildlife corridor through Southwest Montana," said Louise Bruce, president of the Montana Wilderness Association.

The Snowcrest Range proposed wilderness is the largest addition to the present wilderness bill, Bruce said, but there should not be any conflicts over the proposal.

The area is virtually roadless and is being managed as non-motorized by the Forest Service, Bruce said. There are no plans for timber harvest and it contains no mining claims, she said.

Any grazing under way will continue, Bruce said.

Mark Petroni, the Forest Service's Madison District Ranger, said there probably would be some grazing allotments included in the wilderness proposal. He has yet to see

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Montana Standard, Butte
Thursday, July 8, 1993

Snowcrest

Continued from Page 1

the maps of the proposed wilderness.

Past wilderness bills have contained clauses that allow for grazing, Petroni said, and grazing allotments are in the Lee Metcalf Wilderness area.

"We've never found any grazing allotments that were eliminated because of an area being designated wilderness," said Bruce.

"It's just logical that this area would be included in the wilderness bill," she said. "That is essentially what it is now."

Al Luebeck, chairman of the Beaverhead Forest Concerned Citizens, said he's "really enthusiastic" about the proposed Snowcrest Range Wilderness area.

The area is one of the most valuable wildlife areas in the state and it would add diversity to the Montana wilderness system, Luebeck said.

The Snowcrest range is itself a "very diverse area, with a wonderful mosaic of grasslands, meadows and scattered patches of timber," he said. "It's a wonderful habitat for elk and deer."

Designating the area wilderness would protect the "marvelous hunting opportunities that are there," he said, adding that most hunters using the area seek a "semi-pristine, traditional hunting experience."

"It would be one of the most valuable additions to the state's wilderness system," Luebeck said.

But local rancher Joe Helle disagreed.

grees.

"I was absolutely shocked that the Snowcrest would be included as wilderness," Helle said. "It's not wilderness type of country."

Helle said he has traveled through Snowcrest range off and on over a 30-year period.

"I know the Snowcrest and it is not wilderness," he said, adding it has been managed under a multiple-use mandate "very satisfactorily" for many years.

The Snowcrest Range's inclusion "discredits the whole (wilderness) bill for me," said Helle. "If these are the kinds of areas they are including throughout the state ... it's just not credible."

"It looks to me that they want essentially all our mountain peaks in Montana to be designated as wilderness," Helle said. "Montana has a good wilderness system now ... we don't need to include every mountain peak in the state."

Noonon said he's given up trying to predict the outcome of Montana's wilderness bills. He's been involved in the process since 1980.

"It's been quite a journey," he said.

What many don't recognize is the loss Montanans have suffered because of the continued conflict over the issue, Noonon said.

Due to the overwhelming number of issues facing Congress, only so much time can be devoted to matters pertinent to each state, he said.

Over the past 10 to 14 years, about three-quarters of all the time devoted to Montana has been used to debate wilderness, Noonon said.

"It has been for nothing," he said. "Montana has chosen to use up all its chits for nothing. It's turned into craziness."

This bill does attempt to resolve concerns over water rights language that was a concern the last go-around, Noonon said. There were fears about the federal government having water rights reserved in wilderness areas, he said.

Language included in this latest bill would prohibit the federal government from claiming water rights in wilderness areas in headwaters areas, Noonon said.

This change should do away with any concerns over the water rights issue in proposed wilderness areas, he said.

KEY ROADLESS LANDS IN ECOSYSTEM LINKAGE AREAS OUTSIDE GYE,
RECOMMENDED FOR WILDERNESS BY CONSERVATIONISTS

Allan Mountain - Idaho 50,000/Montana 103,000

West Big Hole - Idaho 51,000/Montana 86,000

18 Mile - 50,000

Mount Naomi - 16,000

Chief Joseph Complex - 74,000 (MT/ID includes Anderson Mtn in
Montana and Idaho)

East Pioneers - 140,000

West Pioneers - 240,000

Camas Creek - 29,510

Mount Baldy - 14,600

Big Snowies - 100,00

Black Mountain - 23,000

Middle Fork Judith - 87,000

Nevada Mountain - 50,000

Elkhorns - 89,000

Gates of Mountains - additional 10,500

Smith River/Tenderfoot/Deep Creek - 94,000

Electric Peak/Little Blackfoot Meadows - 44,000

Sapphires - 116,000

Stony Mountain - 103,000

Anaconda Pintlar - (North Big Hole) additional 52,000

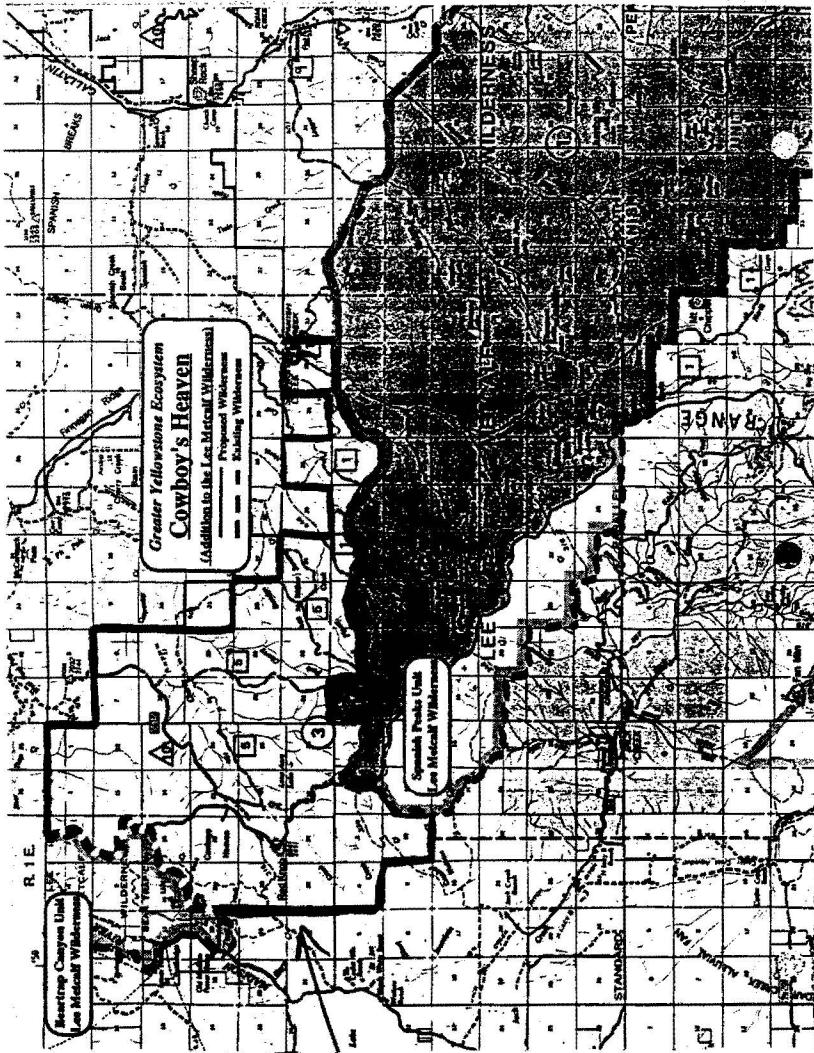
Quigg Peak - 70,000

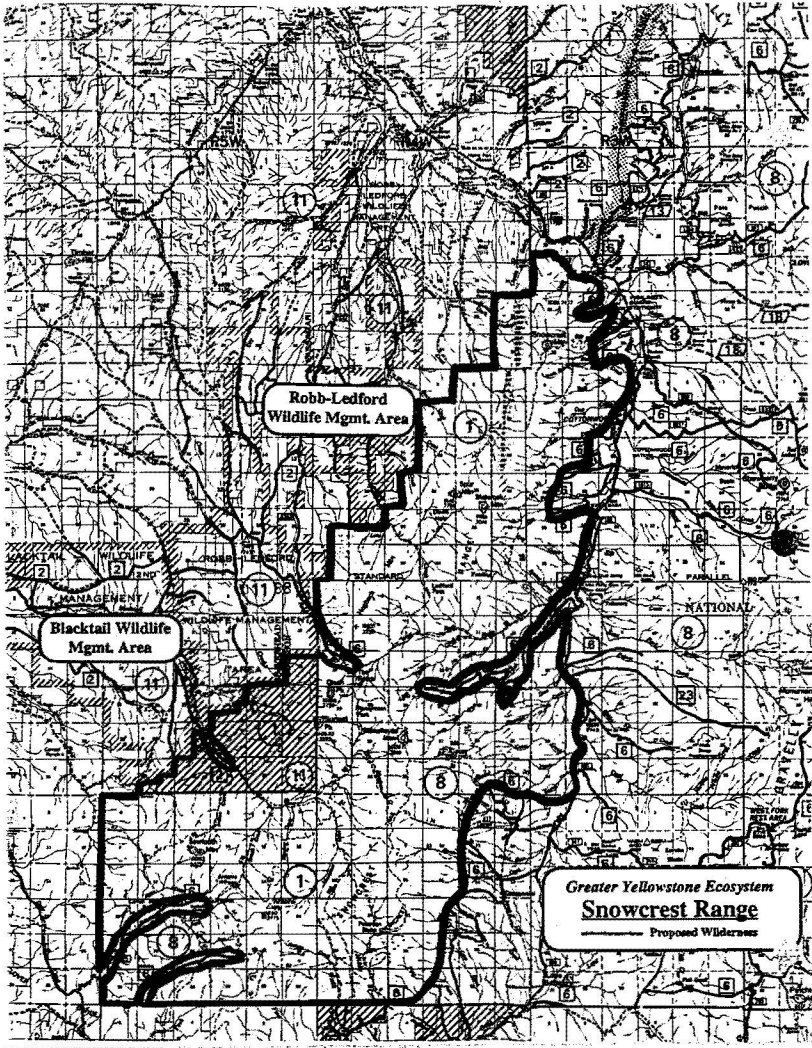
Flint Creek - 61,000

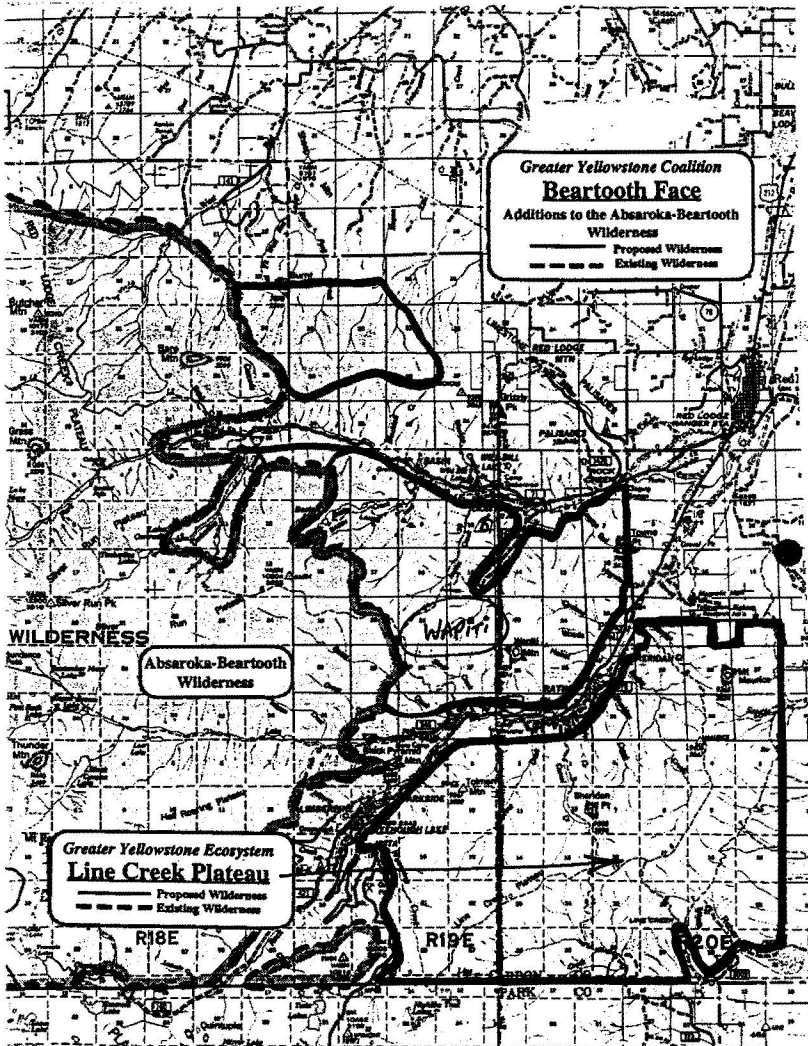
Bluejoint - 65,000

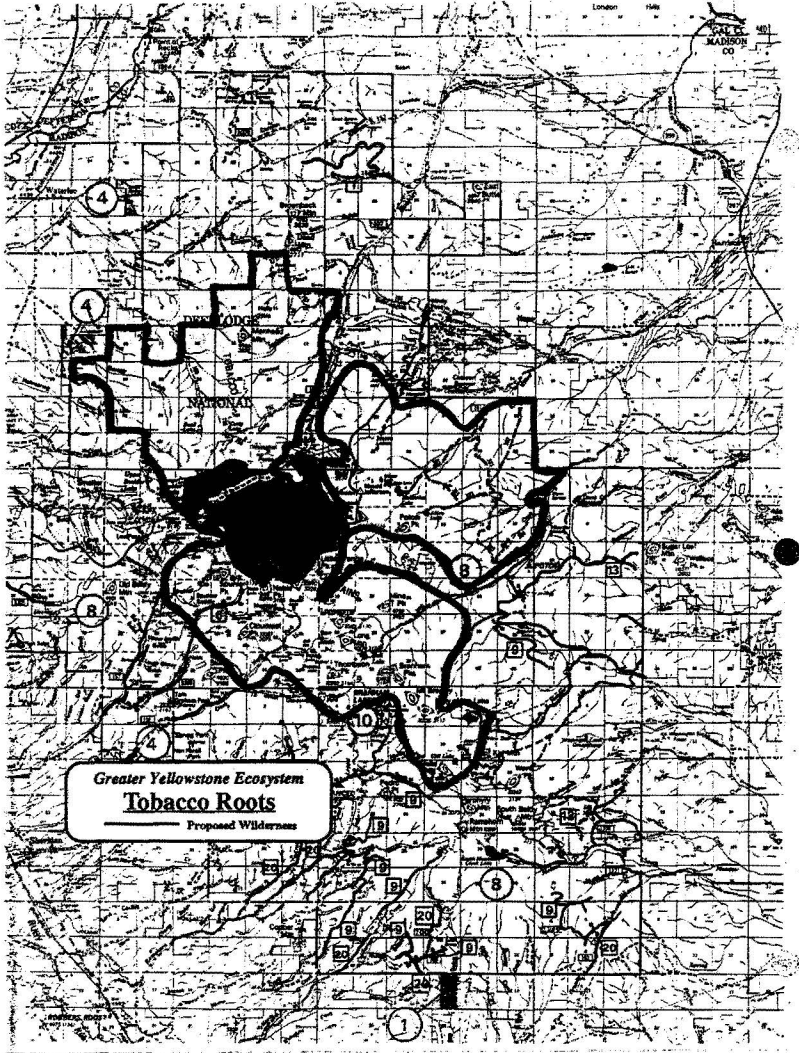
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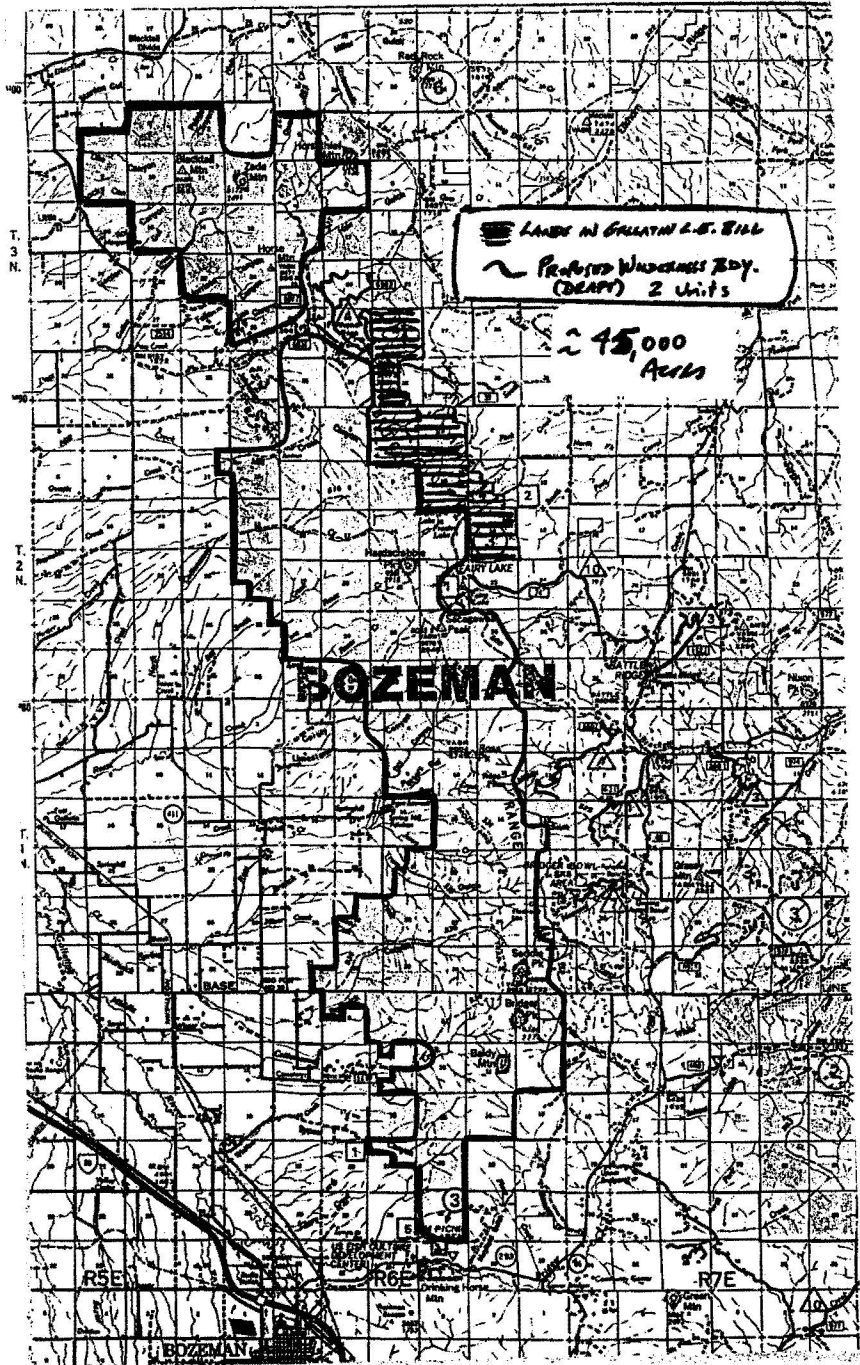
PROPOSED WILDERNESS MAPS

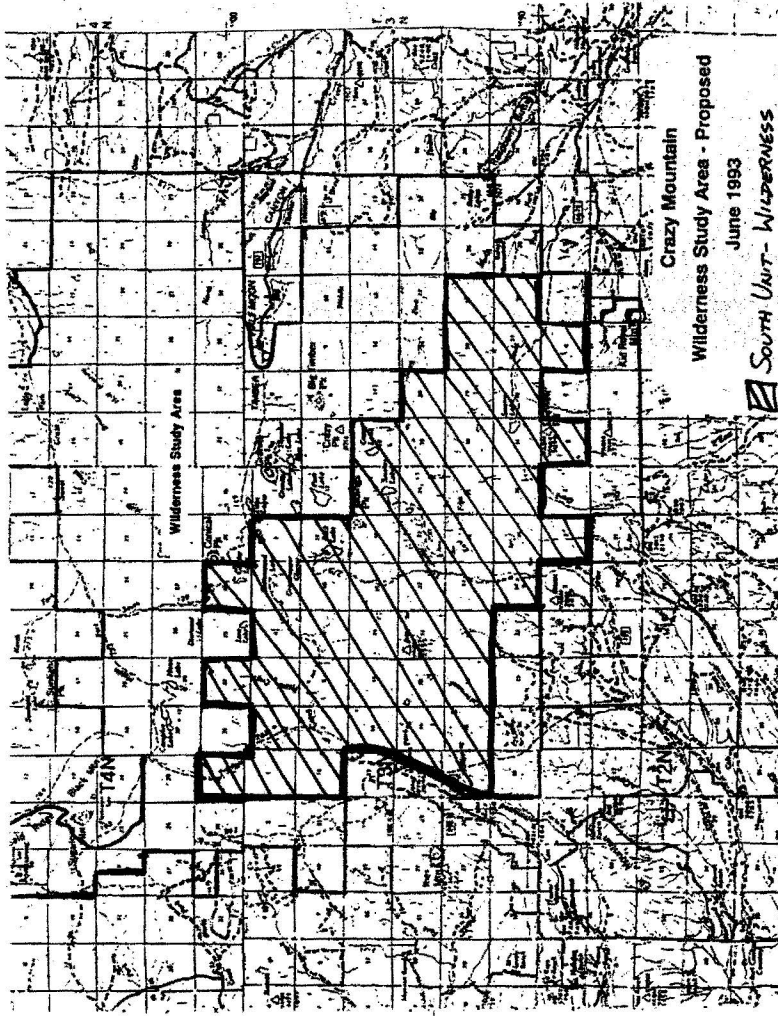


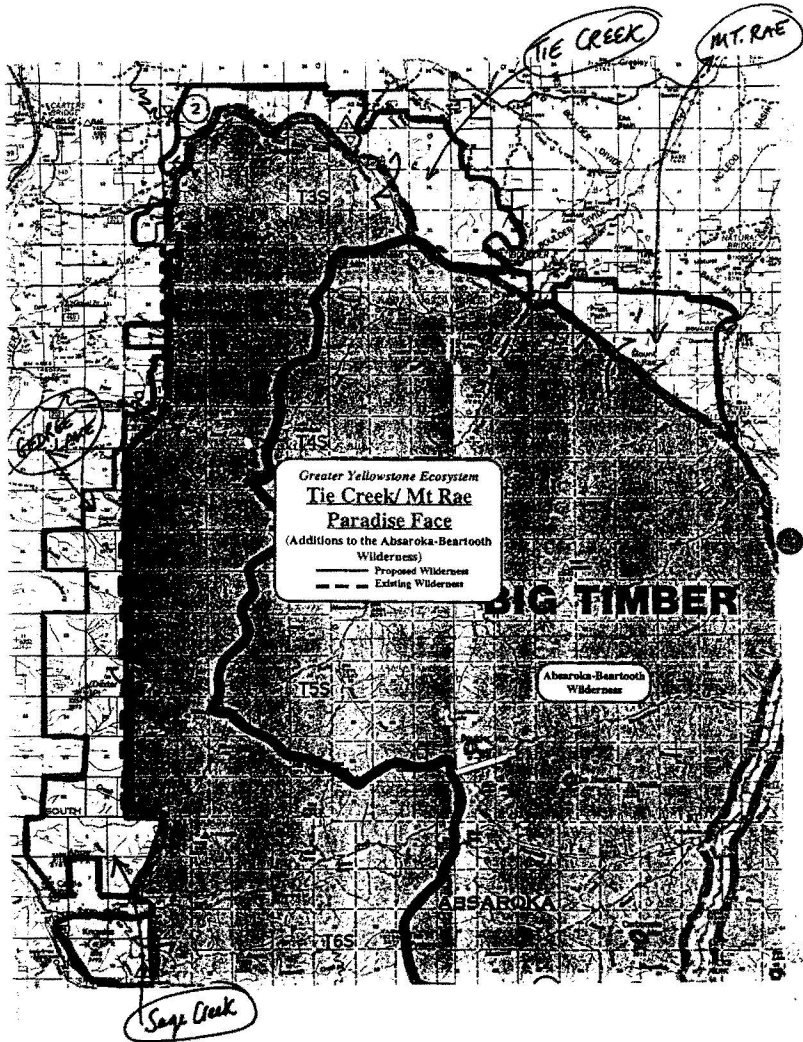


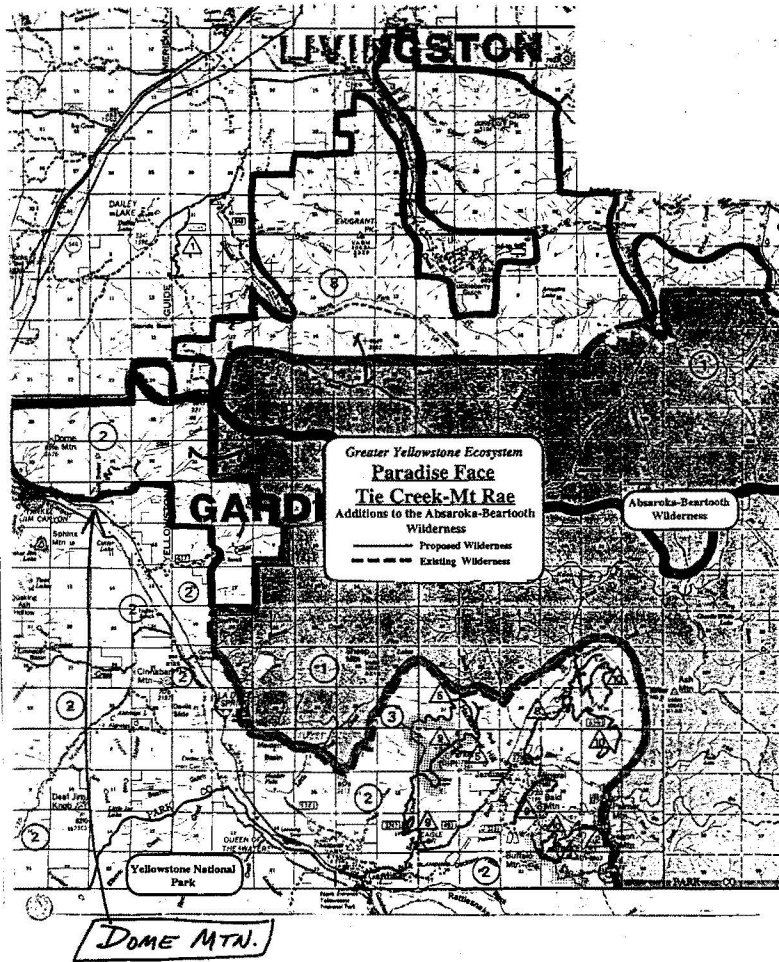


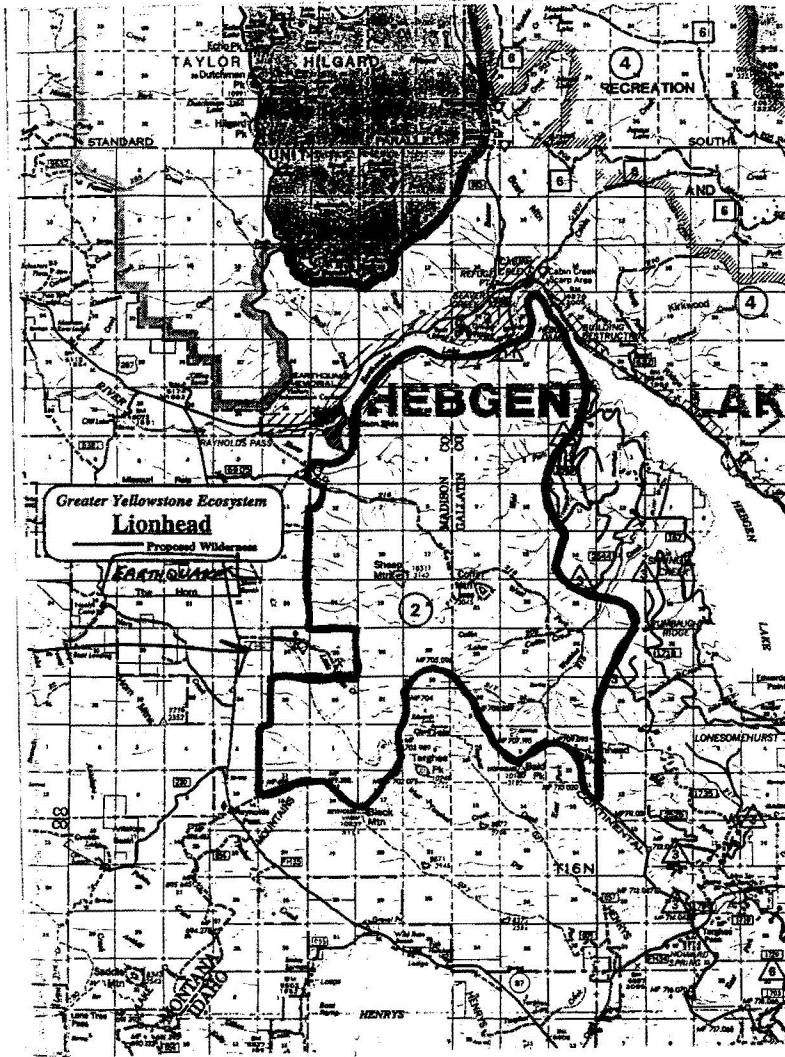


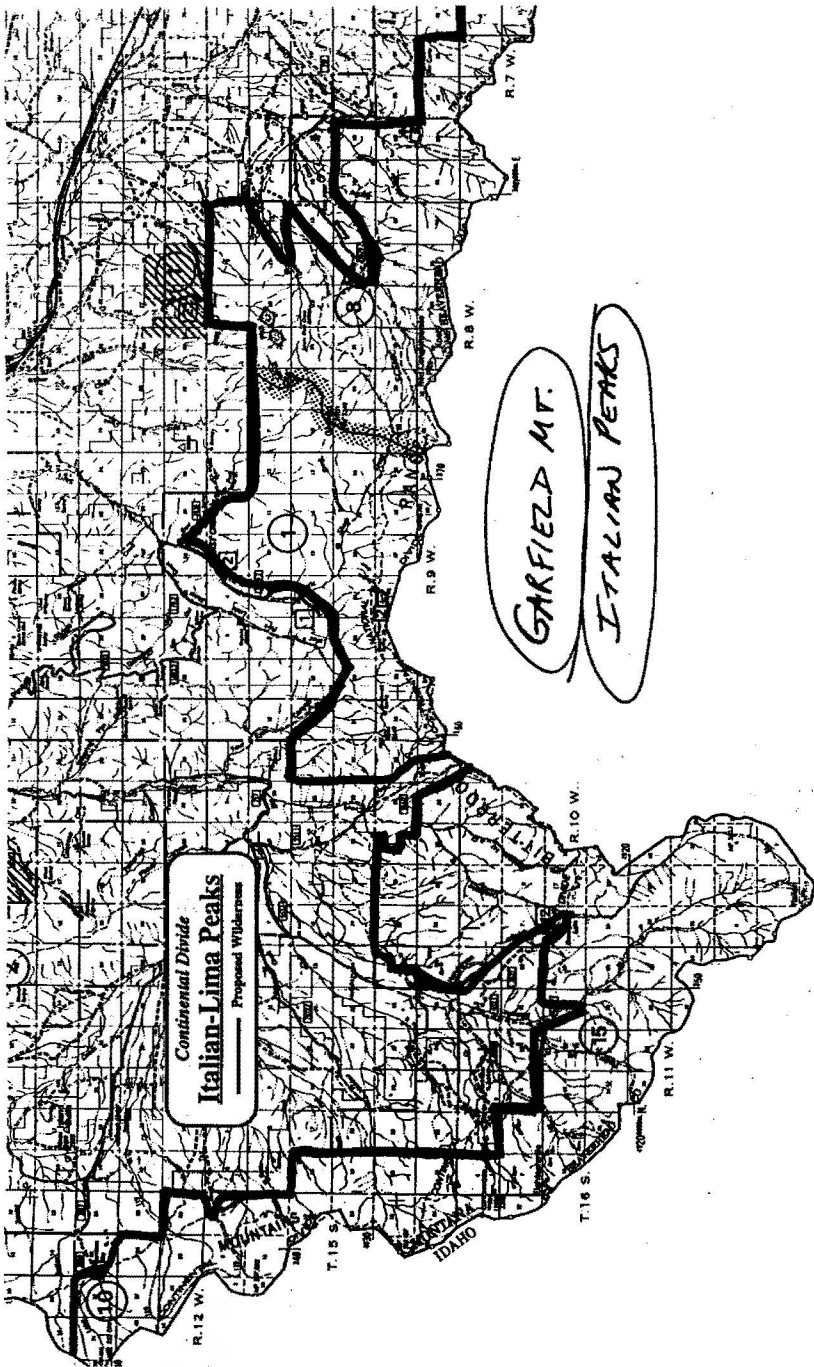


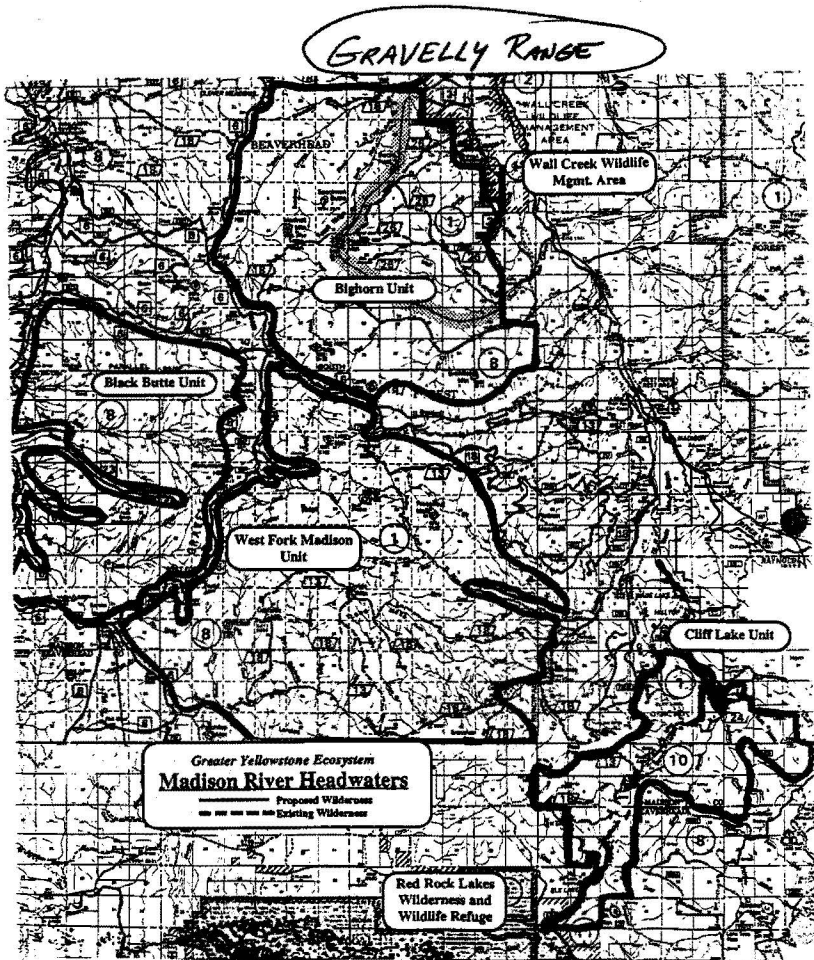


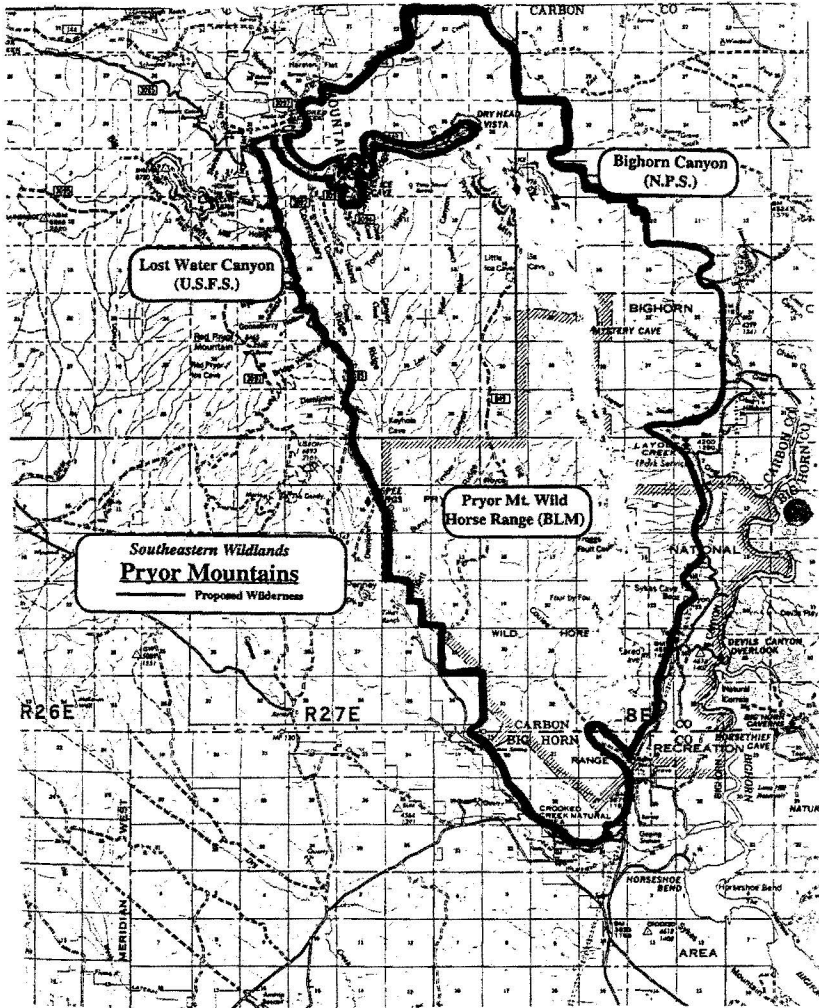


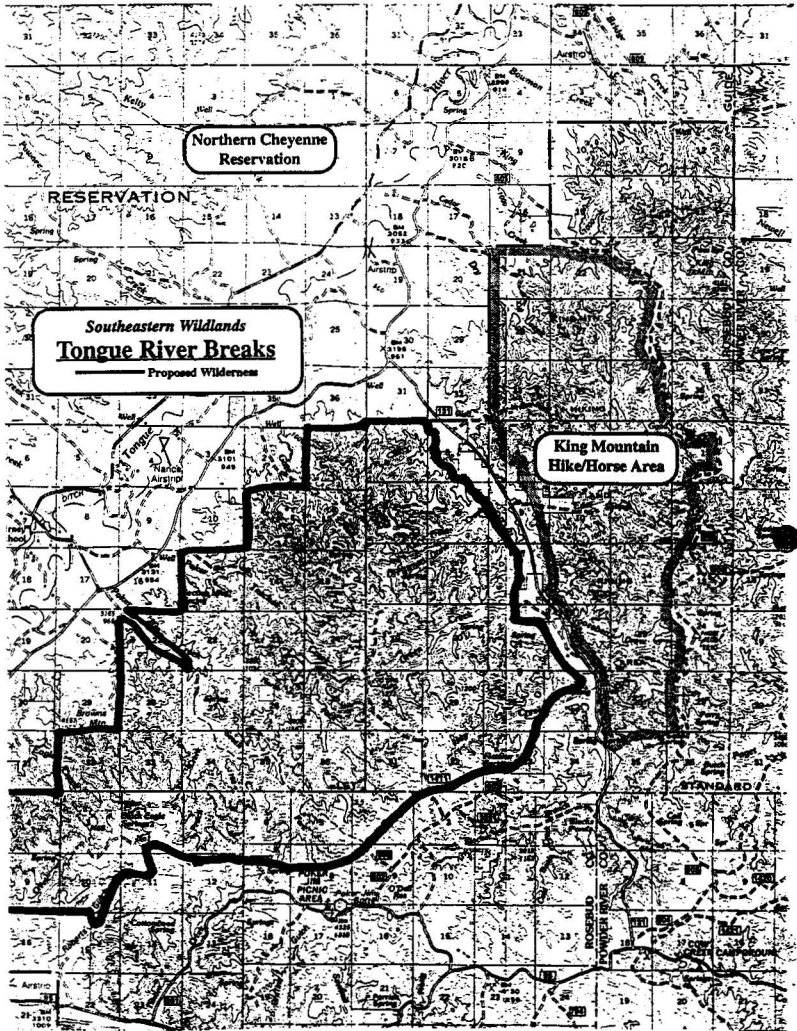












TESTIMONY OF THE WILD DIVIDE CHAPTER

of the

MONTANA WILDERNESS ASSOCIATION
HELENA, MONTANA

regarding

H.R. 2473

"Round 16 of the Montana Wilderness Act 1993"

Presented to The House Subcommittee on Public Lands

For the Hearing Record of July 20, 1993

The newly formed Wild Divide Chapter of the Montana Wilderness Association (MWA), based in Helena, Montana is dedicated to the wise use and protection of the natural resources found on the Helena Forest and surrounding public lands in Lewis and Clark County. Since 1979 Helena MWA members have been actively involved in the forest planning process, and in supporting wilderness designation for less than one/half of the remaining roadless areas on the Helena Forest and in Lewis & Clark County.

These areas were carefully selected based upon their outstanding wildlife, watershed, non-motorized recreation and scenic values. All are utilized extensively by day hikers, cross-country skiers, horseback riders, backpackers, hunters, and anglers. Ranging in elevation from the 4,000-foot stream bottoms in the Black Mountain area to the 9,500-foot peaks of Mount Edith and Mount Baldy, our proposal includes every possible land-type on the public lands surrounding our community.

The distribution of the nine areas we advocate for wilderness designation maximizes their value as vital security areas for elk, bighorn sheep, mountain goats, and other wildlife which need solitude from the ever encroaching network of roads on the Forest. Their size and close proximity to Helena would enable Helenans of all ages to enjoy a wide variety of wilderness experiences within easy driving distance from the city. The outfitting and guiding business that these areas support contribute renewable and sustainable income to our state's economy. As our community grows, the demand for these quiet wild places will continue to increase dramatically.

The Wild Divide Chapter is pleased to have the opportunity to provide the following comments on the specific roadless areas on the Helena Forest and public lands within Lewis & Clark County, that we feel are deserving of wilderness designation:

1. MOUNT BALDY

Only 30 miles southeast of Helena, Mount Baldy and Mount Edith tower nearly 5,000 feet above the Missouri River Valley, stretching to elevations of over 9,400 feet. Their pointed, rock-crowned summits are known to catch the first snows of autumn and hold the last snowbanks of summer. To the north of the rugged ridge that connects their summits lies the spectacular Birch Creek Basin, a glacial cirque filled with over 12 gem-like lakes. Near the center of this basin "The Needles," a series of jagged limestone spires, rise above a fragile alpine meadow.

The Mount Baldy ridge provides a unique "above the timberline" hiking experience for local residents and the Birch Creek Basin is extensively used for walk-in fishing and hunting. Healthy populations of cutthroat, rainbow and brook trout inhabit the four largest lakes in the basin. Dense stands of small diameter lodgepole and limber pine provide irreplaceable security and escape cover for deer, black bear and elk. "The Needles" area is known for its heavy concentration of elk "wallows." A thriving population of mountain goats inhabits the high ridges between Mount Baldy and Mount Edith.

We fully advocates this entire unique and pristine 16,300 acre roadless area as wilderness. HR 2473 leaves out 1,300 acres on the slopes facing Highway 287. Any type of development in this area would be a visual scar to travelers and valley residents. Please amend HR 2473 to include all 16,300 acres of this area.

2. CAMAS CREEK

The Camas Creek area is about 33 miles east of Helena and straddles the Big Belt Divide. Two main peaks, Boulder Mountain and Boulder Baldy, are nearly 9,000 feet in elevation. The area itself is a fascinating jumble of open parks, cliffs, rock slides, small streams, and steep-sided forested valleys and the jewel-like Boulder Lakes and upper and lower Camas Lakes. This area is home to a large elk herd, mule deer, grouse, black bear, and a variety of other wildlife. There is good trout fishing in the lakes, and people frequently sojourn in the lakes for fishing, hiking, and camping. Wilderness hunters use it heavily during the hunting season.

Camas Creek is an example of a roadless area that has been rapidly lost to development over the past ten years. In 1979 the area included 38,700 acres. By 1984, logging and roading reduced the size of this vital wildlife habitat to 29,510 acres. None of these timber sales resulted in a net gain to the federal treasury. Now HR 2473 further reduces the protection of this area to only 19,000 acres, because one mining company (Pegasus) wants to explore for gold on adjacent areas.

We advocate the designation of the entire remaining 26,000-acre roadless area as wilderness, which coincides with the 1987 and 1988 proposed wilderness legislation. At a minimum, the release of any of these lands from wilderness consideration should be prohibited until an evaluation is conducted of the value of these lands as wilderness verses its potential for mineral development.

3. ELECTRIC PEAK

The Electric Peak Roadless Area is located approximately 30 air miles SW of Helena and 25 air miles north of Butte. Nearly 13 miles of the Continental Divide are within its borders. Electric Peak, Thunderbolt, Cliff and Bison mountains tower to elevations over 8,000 feet along this natural watershed boundary that divides the Continent. On the Columbia River side of the Divide, numerous small streams, springs and groundwater seeps join together to form the fragile and beautiful Blackfoot Meadows, "land of 1,000 beaver ponds." On the Missouri River side, Cottonwood Lake (the only lake in the roadless area) is the most prominent landmark, nestled at the base of an alpine meadow that stretches for nearly a mile towards the rugged slopes of Electric Peak and Cliff Mountain. Here anglers can enjoy walk-in fishing for cutthroat and brown trout. The entire area receives an extraordinary amount of recreational use from hikers, anglers, and hunters, and is critical wildlife habitat.

Large clearcuts surround this roadless area. Without the protection provided by wilderness, the pristine watershed of Cottonwood Lake and its drainage, Thunderbolt Creek, will be degraded. Thunderbolt Creek is the cleanest and clearest tributary of the Boulder River, since nearly all other streams in the basin have been impacted by logging, mining or road building activities. The Cottonwood Lake drainage contains numerous springs and fragile wetlands and provides vital big game security areas as well as critical forage and calving sites. Big game outfitting is important business in the area surrounding Cottonwood Lake. Deer, black bear, and several hundred elk extensively use the Electric Peak Roadless Area for summer range, some winter range and as escape cover from the expanding road network that accesses virtually all of the national forest lands that surround this area. Grizzly bear also occasionally use this country.

We are very disappointed and concerned about the proposed wilderness boundary in HR 2473 and the reduction of its size from the 1984 wilderness bill proposal. This earlier proposal and former Governor Schwinden's 1984 proposal both called for establishment of a 30,700 acre wilderness. Only 19,000 acres of wilderness are proposed in HR 2473. In light of this, we offer the following comments:

A. Our major concern is the deletion of Cottonwood Lake and its entire drainage on the Deer Lodge Forest portion of the area, and the eastern portion of the Continental Divide toward Bison Mountain. Cottonwood Lake is the only lake in the roadless area. The entire area receives an extraordinary amount of recreational use including hikers, anglers, and hunters, and is critical wildlife habitat. Large clearcuts surround this portion of the roadless area. Without the protection provided by wilderness, the pristine watershed of Cottonwood Lake and its drainage, Thunderbolt Creek, will be degraded. Thunderbolt Creek is the cleanest and clearest tributary of the Boulder River, since nearly all other streams in the basin have been impacted by logging, mining or road building activities.

The Cottonwood Lake drainage contains numerous springs and fragile wetlands and provides vital big game security areas as well as critical forage and calving sites. In 1987, Representative Williams stated that the only reason Cottonwood Lake was left out of legislation that year was because of snowmobile use in the area (Helena Independent Record, June 14, 1987). We submit that claims about snowmobile use in the area are exaggerated, that actual use is minimal, and is not typically of a kind conducted by family groups.

The inclusion of Cottonwood Lake as wilderness certainly would not jeopardize the snowmobiling opportunities in the area, as virtually all National Forest lands surrounding this small roadless area is available for snowmobile use. The Cottonwood Lake drainage is an area truly deserving of wilderness protection. We ask that HR 2473 be amended to include Cottonwood Lake and its drainage as wilderness.

B. On the eastern edge of the roadless area, we are concerned about the deletion of the Monarch Creek drainage and the "peninsula" of wildland extending east of Bison Mountain. The Monarch Creek area contains portions of two trails (including their trailheads) that currently provide a loop hike from Kading Campground through the Little Blackfoot Meadows and down Larabee Gulch to the Kading Road. The "peninsula" to the east of Bison Mountain provides critical hiding cover for a large elk herd. We ask that the bill be amended to include the Monarch Creek drainage and the eastern edge of Bison Mountain.

C. The Electric Peak Roadless Area is a heavily used non-motorized family recreational area. We feel that the inclusion of the roadless lands north of the Kading Road as wilderness would substantially increase the opportunity for the young and elderly to enjoy a wilderness experience without having to hike long distances. We are also very concerned about the deletion of sections 20, 21, and 29, T8N R7W, which would eliminate roughly one and a half miles of the most heavily used trail into the Little Blackfoot Meadows. Presently, a deeply eroded jeep road crosses this area, but it is unusable by most vehicles and is a sediment source to the Little Blackfoot River.

D. The southwest portion of the roadless area, particularly the land around Cliff and Sugarloaf Mountains and Electric Peak, has negligible timber values, while being of vital importance to local elk herds, and should be included as wilderness.

The Wild Divide Chapter asks that this entire fragile country straddling the Continental Divide be included in HR 2473.

4. BLACK MOUNTAIN

Nestled in the shadow of the Continental Divide and within walking distance of Montana's Capitol City is the unique 13,000 acre Black Mountain Roadless Area. This area of rugged and steep valleys is home to a diverse wildlife population including elk, moose, bear, deer, mountain lion, and numerous small mammals and birds. It contains spectacular and important remnants of old growth forest, and forms the headwaters of a portion of the Helena municipal water supply. The area is used extensively by Helenans for hiking, hunting, photography, and as a haven of solitude from city life. Popular hiking access to the Black Mountain area is from Mount Helena City Park.

Significant portions of the Ten Mile Creek drainage within the roadless area are vital to protect. The City of Helena has spent nearly \$10 million to upgrade its Ten Mile Creek Water Treatment System. This upgrading was necessary to remove high levels of sediment that are found in Ten Mile Creek and its tributaries. Protection of the portions of the Ten Mile Creek Watershed found within the Black Mountain Roadless Area is essential to prevent the need for and cost of additional treatment in the future.

While the watershed arguments for wilderness protection of the Black Mountain area are very strong, the wildlife arguments are just as significant. As moose, elk, mountain lion, deer and bear utilize the fragile Ten-Mile Creek watershed extensively, the Black Hall Meadows Basin is equally important to wildlife. This is an area of fragile wetlands interspersed with the most scenic display of limestone spires in the roadless area. Black Hall Meadows provides vital big game forage and calving areas. It contains the most dense concentration of moose that can be found adjacent to Helena. Logging is occurring at an accelerated pace in the Spruce Hills and Travis Creek areas just to the south of Black Hall Meadows, increasing the need for this area as critical big game hiding cover.

Including Black Mountain in the wilderness system will provide a continuous wilderness quality corridor from Helena to the town of Rimini. The Wild Divide Chapter wishes to thank Pat Williams for including the Black Mountain Roadless area in HR 2473, and expanding its protection to include 3,000 of 7,000 adjoining roadless acres. The inclusion of the remaining 4,000 acres would make protection of this area complete.

5. NEVADA MOUNTAIN

The Nevada Mountain Roadless Area lies between Helena and Lincoln along some 15 miles of the major spine of the Continental Divide. The area's namesake, Nevada Mountain, and its sister, Black Mountain, each tower over 8,000 feet in the southern portion of the roadless area and are some of the more prominent geographical features. The area also includes the major divide between Nevada and Poorman creeks, the site of the historic Gould-Helmville wagontrail. Numerous scenic rocky cirques and a 2,200-acre forest fire burn that provides excellent wildlife forage, characterize the south and east boundaries of the area. The portion on the west slope of the divide consists of densely covered, steep-sided finger ridges laced with numerous parks on the south-facing slopes which provide ideal big game habitat.

Up to 1000 elk and nearly as many mule and whitetail deer utilize the area for security during summer and fall. The Beartrap Burn, the windblown Continental Divide and lower elevation southern exposures provide winter range for some of the deer and elk. Black bear, wolverine, cougar, and blue and ruffed grouse are also permanent residents. Grizzly bear also frequent the area. Wilderness-quality hunting and cross country skiing are readily provided to hundreds of visitors each year.

For over a decade Helena area MWA members have worked hard to resolve conflicts for wilderness designation of the area. Extensive research has confirmed that oil and gas potential in the area is low. Mining potential is low to moderate.

Unfortunately, the lumber mill at Seeley Lake has demanded access to the eastern and western portions of the area so a few pockets of old growth Douglas Fir can be logged at a great expense to taxpayers, and to the detriment of Nevada Mountains' premier elk herds. HR 2473 gives in to these demands. The excluded areas contain some of the most rugged and steep country, as well as areas used as major migration routes for the area's thriving elk population.

HR 2473 reduces the protection of this rugged 52,000 acre roadless area even further, to a mere 19,000 acres, to accommodate motorized vehicles. A recent Montana Department of Fish Wildlife and Parks Survey demonstrates that Helena Forest Users prefer quiet trails 9 to 1 over trails where motorized users are allowed. Unique areas like the Nevada Mountain roadless area should not be sacrificed when there are hundreds and thousands of miles of public roads and trails already available for motorized use.

The Wild Divide Chapter asks that HR 2473 be amended to include wilderness protection for all 52,000 acres of this rugged country.

6. GATES OF THE MOUNTAINS WILDERNESS ADDITIONS

We support the inclusion of the Gates additions as wilderness as proposed in HR 2473. These additions will greatly enhance the wilderness attributes of the entire area.

7. ELKHORNS

The Elkhorn Mountains, on the doorstep of Helena, contain one of the largest unprotected tracts of wild land remaining in central Montana. Formed over 75 million years ago, this range contains seven mountain lakes, 30 perennial streams and five peaks above 8,000 feet. Over 2,000 elk are supported by one of the largest expanses of public elk winter ranges in the country. Black bear, deer, goshawk, lynx, mountain goats and many other wildlife species also make their homes here. Traditional uses of the area by humans include hunting, hiking, photography, x-country skiing, wildlife observation, fishing and horse-back riding. The Montana Department of Fish, Wildlife and Parks data indicates that the Elkhorns attract more elk hunters than any other area of Montana.

In 1976 Congress found the Elkhorn Mountain Range to be suitable and deserving of wilderness protection, and included the entire area in wilderness study legislation. Now 17 years later, HR 2473 leaves the recreational jewel of the Elkhorns - the Tizer Basin - unprotected. Also left out of HR 2473 is the vital elk caving habitat of the South Fork Warm Springs/Dutchman area, the area surrounding prominent Elkhorn and Crow Peaks, and the Muskrat Creek drainage. Ironically, over half of the acres protected in HR 2473 are the lands burned in the 1987 Warm Springs Creek Fire!

The Wild Divide Chapter asks that you include all of the aforementioned critical areas as wilderness in HR 2473.

8. SILVER KING - FALLS CREEK

The Silver King-Falls Creek Roadless Area is the southernmost section of the Rocky Mountain Front, southwest of Augusta. The area includes the beautiful falls and pools section of the Deerborn River and 15 miles of the Continental Divide. These undisturbed lands, especially near Crown Mountain and the Welcome Pass area, provide critical summer and fall grizzly bear habitat and contain important bear migration corridors. Important elk calving grounds have also been identified by state wildlife biologists. South of Falls Creek, a historic ancient travois trail followed by Meriwether Lewis is still visible above Alice Creek as it climbs toward the Continental Divide.

Despite being closed to motorized vehicles in the Forest Plan, the shrunken wilderness boundary found in HR 2473 excludes the Crown Mountain trailhead and five miles of the Petty Creek trail

system to allow motorized trail vehicles into grizzly habitat. Critical bear habitat at the head of Alice Creek is left unprotected as is the historic travois trail discussed above.

The Wild Divide Chapter asks for full, not partial protection of this spectacular wild country in HR 2473. Please amend the bill accordingly.

9. RENSHAW/SAWTOOTH ADDITION TO THE BOB MARSHALL WILDERNESS

This unique roadless area is found just to the north of the Silver King-Falls Creek area, along the Rocky Mountain Front west of Augusta. The South Fork of the Sun River portion of the area include low elevation trails popular with anglers, hikers and horseback riders. The remote Patrick's Basin and Lange Creek provide excellent grizzly bear habitat. The open grasslands of Fairview and Ford Creek plateaus include important bighorn sheep and elk caving areas as well as winter and fall ranges. Herds of elk as large as 4,000 migrate across important lands adjacent to the Sawtooth Ridge between the Bob Marshall and the Sun River Wildlife Reserve.

The shrivelled wilderness boundary in HR 2473 excludes the important Fairview and Ford Creek plateau caving and lambing areas described above. And the Lime Gulch-Agropyron Flats are left out all together. All the lands within the Renshaw Sawtooth area deserve wilderness preservation. Please include them within HR 2473.

The Wild Divide Chapter hopes you will find the information provided in this testimony helpful and of interest. If we can provide you with further information, please don't hesitate to request it.

Respectfully submitted by



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Wild Divide Chapter
Montana Wilderness Association
PO Box 635
Helena, MT 59624

Mr. NEWHALL. I am also submitting newspaper articles and the most current Montana roadless inventory of the Montana Wilderness Association in support of my own testimony.

[EDITOR'S NOTE.—The Montana roadless inventory may be found in the archival file.]

[The newspaper articles follow:]

Great Falls TRIBUNE

Great Falls, Montana No. 64 -- 109th Year 50¢

Logging boom hits Bear's Paws

Range attracting firms from afar; fast pace raises concern on impacts

By WILLIAM BROCK
Tribune Staff Writer

HAYRE — With better pickings close at hand, Montana lumber mills have long ignored the timber supply in the Bear's Paw Mountains.

But increased competition for timber lately has sparked a logging boom in the isolated mountain range south of here.

"It's probably doubled in the last five years," said Leo Faber, who owns 7,500 acres in the foothills east of Big Sandy. "I know there's going to be a lot more log hauling around here pretty soon."

The Bear's Paws are a little corner of the world that no one paid much attention to," added Mike Atwood, general manager for Braud's Lumber in Livingston, 280 miles to the south. "We've been real active up there in the past

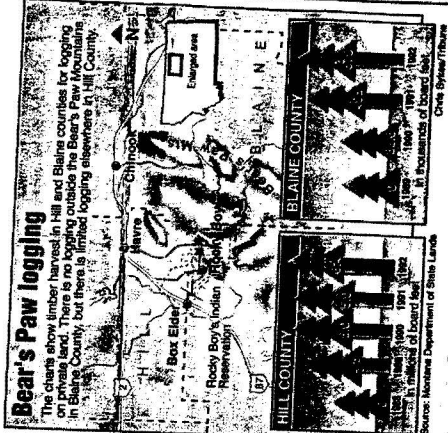
- Rocky Boy's Reservation gets serious about logging / 10A
- State lands saw sharp increase in timber harvest / 10A

three years, but it's a short-lived supply that's probably not going to last long."

Some observers fear that the small mountain range, with its thin soils and harsh conditions, can't withstand intensive logging. With more logging inevitable, problems of erosion, stream contamination and reduced cover for wildlife are bound to worsen.

"At the rate they're cutting, it won't take many years before they cut themselves right out of the Bear's Paws," warned Bruce Reid, a former forester with the Montana

See BEAR'S PAWS, 10A



Source: Montana Department of State Lands
Chris Spitzer/Tribune

Friday, July 16, 1993

Bear's Paws: No longer ignored

FROM 1A

Department of State Lands.
Records kept by Paul Moore, a state lands forest protection specialist in Missoula, show that the reservation logging boom, Moore's monitoring logging on private lands on a county-by-county basis, nearly all of the land in the Bear's Paw Mountains is private.

In Blaine County, which has virtually no timber outside of the Bear's Paws, there was no logging until 1990. In 1991, some 88,000 board feet was cut; in 1991, the figure jumped to 495,000 board feet. In 1992, the timber harvest was 579,000 board feet.

In Hill County, which has limited timber in other areas, there was no logging until 1988. Countywide that year, some 4.5 million board feet was cut. In 1989, the figure rose to 5 million. In 1990 and 1991, in 1992, the timber harvest in Hill County was 6.4 million board feet.

Several factors have contributed to the upturn in logging in the Bear's Paw Mountains. Among them:

- Lumber mills in Washington and Oregon, hampered by supply problems on public lands, are turning to Idaho and western Montana for logs.

- Montana mills are felling the sequoias and are turning to private lands beyond their traditional range of operations.

- Landowners, many of them ranchers, are often strapped for cash and see logging as an easy money maker. Once logged, the land can sometimes accommodate up to twice as many grazing animals as before.

Faber was one of the first Bear's Paw landowners to begin logging his land. He estimates he's sold 14 million board feet of timber in the

Reservation gears up for logging

HAVRE — Tribal leaders at the Rocky Boys Indian Reservation are getting serious about logging. A 25-acre, 320,000 board foot sale is expected to be announced in the next few days.

"The tribal council has decided they want to cut about a million and a half feet every year," said Ken Van Zee, Rocky Boys forest manager for the Bureau of Indian Affairs. They've never really cut before, but with timber prices going up, they've decided to get into timber business.

Roughly 800,000 board feet will be offered for sale this year, Van Zee said. A total of three sales are

planned — including two of roughly 25 acres apiece and one of about 15 acres. The sales will be in the Wolf Creek and Bower Peak areas of the reservation.

The first sale should be awarded sometime in September and the other two will likely follow in September, Van Zee said. The larger sales will probably go to larger, out-of-town mills, Van Zee said. The smaller sale will be tailored for small, nearby timber operations, he added.

"We're going to try to get some of the local guys interested in the logging business," Van Zee said.

— By BNE Breck

Paw Mountains and knows the country — and its inhabitants — said some landowners are still smarting from roughed treatment by logging contractors.

"I heard them say, almost on a daily basis, 'If only I'd known, I'd never have signed a contract or I'd have worked it differently.'"

"Most of these people are farmers and ranchers," Reid continued, "but when you talk about logs, it's a whole new field for them."

His advice to landowners contemplating a timber sale: "Don't be afraid to ask questions, because the time and effort of asking around is well worth it, especially when it's time to sell the land. It's just like getting a second opinion from a doctor."

Sample timber sale contracts are available from Moore's office in Missoula. The sample contracts can

be altered to suit a landowner's needs and specify the hours during which loggers can operate, what trees they can harvest and other fine points of low-impact logging.

Some logging companies are practicing good conservation techniques, Reid said, "and they're doing their best to promote it among their peers." Generally speaking, larger out-of-town firms are more careful and respectful than local loggers, he said.

There's no shortage of out-of-town firms cutting timber in the Bear's Paw Mountains.

Champion International of Missoula, Fremont Lumber of Seeley Lake, R.V. Lumber of Townsend and Brand-S lumber all have logging operations there.

"I can tell you that we haul logs from a lot further away than that," said Brand-S manager Dave Molebash. "Everybody's hating to reach out farther."

As evidence, Molebash said lumber mills from Oregon are buying and cutting timber in areas east of Livingston.

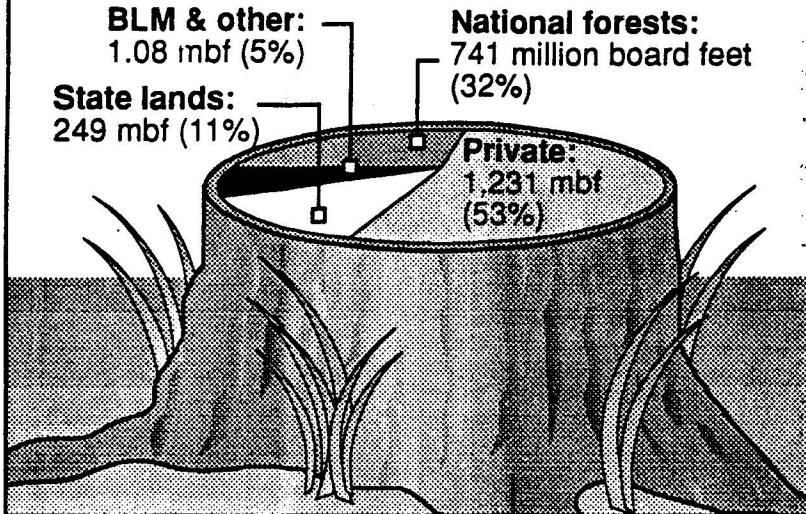
Cary Hegberg, executive vice president of the Montana Wood Products Association in Helena, confirmed that the Bear's Paw Mountains have been "discovered" by Montana timber companies.

The cut there has dramatically increased in the last year," he said.

Faber, who's a lifelong resident of the area, said he was amazed to be firm when negotiating with logging companies.

"Some weren't tough enough when writing their contracts," he said, "and they got poor loggers in and it didn't work out. They did a poor job and made a mess. Logging, even at its best, doesn't look very good when it's done."

1992 Timber harvest for Montana and northern Idaho



Source: AP

Chris Sykes/Tribune

Timber harvest up in '92

MISSOULA (AP) — Timber harvests in Montana and northern Idaho increased by 1 percent last year, with a 53.1 percent jump in harvest from state-owned forests offsetting a reduced cut on federal lands, the Forest Service reported Thursday.

David Spores, timber director for the Forest Service Northern Region, headquartered in Missoula, said the total timber cut in the region in 1992 was 2.329 billion board feet, up 1 percent from 1991's total of 2.306 billion board feet.

More than half the cut came from private land within the region. A total of 1.231 billion board feet of timber came from private land, 53.5 percent of the total.

But that was down 3.5 percent from the 1991 cut, and the harvest

from federal lands also was down.

The national forests in the region yielded 740.6 million board feet, or 32.2 percent of the total, down 2.7 percent from 1991. The harvest from national forests in Idaho was down 12.9 percent, offsetting a 16.6 percent increase in the cut on national forests in Montana.

The harvest on state lands of Idaho and Montana both were up sharply.

The state lands yielded 248.75 million board feet of timber, up 53.1 percent from the 1991 cut of 162.52 million board feet. The state land share of the total timber harvest was 10.8 percent, compared to 7.1 percent in 1991 and easily the highest percentage in a decade.

Mr. NEWHALL. First of all, I want to thank Congressman Williams sincerely for the courage to jump into the fray here on this contentious issue. From the perspective of the western third of Montana, this bill is a move in the right direction.

With respect to the western third of Montana, we have proposed amendments to expand boundaries for nearly two dozen proposed wilderness areas included in this bill. The proposed boundaries have been outlined in yellow, and we have already filed these with the committee with respect to our proposals.

These amendments we feel are necessary to ensure that we conserve wilderness with integrity, with habitat and watersheds intact. We feel we must avoid the old habit of drawing wilderness boundaries to exploit pockets of virgin timber at lower elevations when it is precisely these lower elevation areas that provide the most important wildlife habitat and watershed protection.

From the perspective of the eastern two-thirds of the State, however, we do not feel this is a Montana wilderness bill. Rather it is a western Montana wilderness bill.

The Island Mountain Ranges are a feature of the Rocky Mountains that are unique to central and north central Montana. Most of them are in the Jefferson Division of the Lewis and Clark National Forest, precisely six to be exact. One range alone, the Little Belt Mountains, is the size of the State of Rhode Island.

To put it bluntly, out of 1.2 million acres of National Forest in the island ranges of the Jefferson Division, not one acre is presently conserved as wilderness. And, except for the Crazy Mountains, there is no wilderness for the entire eastern two-thirds of the State of the Montana.

We don't propose that the Island Mountain Ranges be included in toto as wilderness, but we do propose wilderness for four specific areas: Tenderfoot/Deep Creek in the Little Belt Mountains, the middle fork of the Judith in the Little Belt Mountains, the Big Snowy Mountains, and Pilgrim Creek in the Little Belt Mountains. These areas are not newcomers to the wilderness issue. They have been previously proposed in several other wilderness bills.

We would like to include them for several reasons:

One, we do not feel that wilderness should be confined to the most remote crags and peaks. These areas provide wilderness that is accessible.

Two, they have never been logged. They have never been mined or experienced oil exploration and are not subject to significant pressure from these activities. They can be preserved without significant impact upon the extractive industries.

Three, inclusion of these areas still leaves nearly 1 million acres in the Jefferson Division available for off road vehicle use. When a Forest Service survey shows that 90 percent of the people use National Forests for non-motorized uses, every last acre should not be subjected to the minority ORV users.

Finally, H.R. 2473 as presently drafted is grossly out of balance. There are 60 million acres east of the main Rockies in Montana. It contains our two largest cities, yet presently only one-half of one-tenth of 1 percent of those acres is included in wilderness. The Little Belt Mountains alone contain 14 roadless areas and yet not one acre is conserved.

These are the areas that are memorialized by the cowboy artist, Charles M. Russell, whose statue is here in the Capitol Rotunda. They haven't changed for the most part since they were on his original canvas. They were included in previous bills. They should be included now.

What has changed is the politics. Congressman Williams has maintained an open mind with respect to the wilderness issue. Our previous Congressman from the Eastern District of Montana—what was formerly the Eastern District—did not.

Congressman Williams has graciously agreed to be receptive to amendments. H.R. 2473 should be amended to include these areas. Thank you.

Mr. VENTO. Thank you very much for your testimony, and I look forward the gracious acceptance of Mr. Williams to some of these amendments. I expect that he is going to have to look at them very carefully. But I do appreciate the work that you have done and the points that you have made. And these are obviously important areas in terms of the riparian and other qualities.

[Prepared statements of Mr. Newhall follow:]



Montana Wilderness Association

**Testimony of the Montana Wilderness Association
on H.R. 2473,**

**"Round 16 of the Montana Wilderness Act 1993"
The House Natural Resources Subcommittee on Parks,
Forests, and Public Lands, July 20, 1993**

Chairman Vento, Representative Williams and members of the subcommittee, my name is Norm Newhall. I speak to you today on behalf of the 2600 members of the Montana Wilderness Association. We are a Montana based grassroots organization that has been working diligently since 1958 to protect and preserve Wilderness through education and advocacy. We have seven chapters throughout the state - three new chapters have formed in the cities of Great Falls, Helena, and Billings since January of this year.

I appreciate the opportunity to be here today to testify on H.R. 2473. The members of the Montana Wilderness Association are glad to have the leadership of Representative Williams as we begin another round of the wilderness issue.

H.R. 2473 is better wilderness legislation than any to date. In addition to the key areas in last year's bill - Cowboy's Heaven, the Crazy Mountains, Tie Creek/Mt. Rae, Line Creek, and South Cottonwood Canyon - H.R. 2473 includes some needed additions to existing wilderness areas, establishes previously unprotected wilderness areas and new wilderness study areas, and designates two "natural areas". We sincerely thank Representative Williams for listening to the wilderness advocates of Montana and making improvements over past legislation.

The Montana Wilderness Association has more members now than any time in the history of our organization. Our members look forward to working with Representative Williams and members of the subcommittee, as we have in the past, to make changes in H.R. 2473 that reflect the advocacy of constituencies of wilderness advocates. There are constituencies for areas that are not included in

this bill. In keeping with spirit and intent of Section 2 (a)(4) we ask that the areas described on the attached pages be added to H.R. 2473.

There is consensus about Montana wilderness. You hear people on both sides of the issue say "we just want it to stay the way it is."

I can tell you now with great confidence that this consensus is genuine among Montanans. We are fiercely protective about our landscape. We want things to remain the way they are. Change is an unwelcome character at our fishing streams, in the places where we hunt, on our hiking trails, on our ski trails, at our scenic vistas, and in the watersheds that store the lifeblood of the agricultural economy - water.

Whether talking to ranchers in the Big Hole who like to ride their horses on quiet trails, or hunters in Dillon who came upon an unexpected clearcut in their favorite hunting spot, the common theme is that they just want things to stay the same.

Wilderness is not the agent of change. We cannot create more wilderness. Our choice is to protect wildlands that remain, or lose them forever. Wilderness designation keeps the landscape the same - the way we are accustomed to experiencing it.

Evidence of this consensus can be found in the public opinion polls commissioned by the Northern Region of the U.S. Forest Service last year. In a survey sample that included 2,000 Montana residents, two out of three opposed logging roadless areas and 58 percent favored more management for wilderness values. Three out of four Montanans disagreed with the statement that more areas of the national forests should be made available to motorized recreation, such as snowmobiling, motorcycling, and other off-road vehicles.

These national forest surveys show a strong public consensus for conservation of roadless lands, quiet trails and wilderness values, characterized by those words - "We just want it to stay the way it is."

In places like the Snowcrest Range, this bill does that - provide a promise to the future. The Snowcrest Range will remain the way it is; providing watershed, grazing, hunting, outdoor recreation, quiet backcountry trails and excellent wildlife habitat.

There are other areas, however, that H.R. 2473 doesn't insure that Montana wildlands will stay the same.

For example, virtually all pockets of the national forest deemed suitable for logging, including many areas vital to wildlife, trout fisheries, and maintenance of biological diversity have been deleted from proposed wilderness boundaries. Less than one percent (.77) of suitable timberlands on Montana national forests would be protected as wilderness in H.R. 2473. Amendments are needed to insure that proposed wilderness does a good job of conserving mountain watersheds, cutthroat and bull trout fisheries, and providing secure habitat for lynx, marten, wolverine, grizzly bears, and healthy big game herds. All of these things depend on habitat that includes suitable timber and intact forests. These amendments are necessary to insure that we conserve wilderness areas with integrity - with habitat and headwaters intact, not just recreational resources.

- In the headwaters of **Rock Creek**, blue-ribbon trout fisheries depend upon sustained flows from pristine drainages that have been omitted from the boundaries of **Stony Mountain** from **Wyman Gulch** on the **Lolo National Forest** south to **Stony** and **Duncie Creeks** on the **Deerlodge National Forest**.
- Along the **Continental Divide**, boundary amendments are needed to maintain fragile watersheds, native cutthroat fisheries, wildlife habitat and migration corridors on the rugged east side of the **Anaconda-Pintlar Wilderness**, south of **McDonald Pass** near **Jericho Mountain**, and in **Little Blackfoot Meadows** and in **Nevada Mountain** where half of the roadless habitat essential to maintain healthy elk herds, grizzly bears, moose, and wolverine, as well as native cutthroat and bull trout has been excluded from the small core proposals in H.R. 2473.
- In the **Cabinet-Yaak** ecosystem of northwest Montana, boundaries need to include areas of suitable timber to conserve old growth-dependent species at lower elevations bordering the **Cabinet Mountains Wilderness** and the proposed **Cube Iron-Mt. Silcox** wilderness, as well as in the **Yaak River Valley**.
- A dozen years ago, Representative Williams and members of this committee, successfully defended the integrity of the **Bob Marshall Region** from the assaults of former Interior Secretary **James Watt**. Over the past twelve years, broad coalitions of local citizens have

fought off ill-advised plans to develop this great wild area Montanans simply call "the Bob."

H.R. 2473 can and should become the legislative vehicle to complete this legacy, to truly save "the Bob" for the future - "just the way it is." Boundary amendments are necessary to protect traditional wilderness trails and wildlife ranges essential to the integrity of the Bob Marshall Ecosystem.

- Along the **Rocky Mt. Front**, amendments are needed to protect winter and spring ranges and migration corridors for the big game herds of the Bob Marshall on **Ford Creek Plateau, Blackleaf Canyon** and in the **Sawtooth** roadless area adjacent to the Sun River Game Range. The legal protection of the Bob Marshall Wilderness should begin at it's wilderness trailheads in the **Teton River, Crown Creek** and in the headwaters of the **Big Blackfoot River**. In the tributary of Alice Creek, you can literally walk in the footsteps of Meriwether Lewis, who followed this ancient Nez Perce travois trail over the Continental Divide on July 7, 1806.
- Wilderness trails and surrounding habitat in the remote **Spotted Bear River** area should be fully protected including trails to **Dean and Bruce Ridges, Lost Jack, Harrison Creek, Schaeffer Creek** and the lower seven miles of the **Spotted Bear River trail**.
- In the **Pryor Mountains** of eastern Montana, H.R. 2473 protects only 9,400 acres, omitting both **Crooked Creek Canyon and Commissary Ridge** on the Custer National Forest, as well as adjacent wildlands administered by the National Park Service and BLM and *recommended for wilderness by both agencies*, fragmenting what should be a unified Pryor Mountains Wilderness.

In addition to the above amendments we would like to comment on the ecosystem study proposed in H.R. 2473. Wilderness is the basis of a sound ecosystem. Wilderness areas are the least influenced by the actions of people, and are pristine. We need to have a good wilderness preservation system before we make the move ecosystem management. We concur with the testimony presented by The Wilderness Society and the Sierra Club.

I would also like to submit a copy of MWA's most recent edition of our *Montana Roadless Inventory* for the record. This inventory

represents our current proposal for wilderness in National Forest lands in Montana.

Thank you for the opportunity to be here today.

Amendments Needed For Montana Wilderness

H.R. 2473

For every acre of Montana roadless land protected in H.R. 2473, two would be available for logging, road construction, mining, oil and gas leasing or off-road vehicle use. Less than one percent (0.77) of suitable timberlands on Montana national forests would be protected as wilderness in H.R. 2473. Here is an outline of areas that must be amended in H.R. 2473.

Cabinet-Yaak Ecosystem

Yaak -Big Creek wildlands

H.R. 2473 proposes only one of eight qualifying roadless areas in the battered Yaak River Valley (Roderick Mt) as wilderness. **Buckhorn Ridge and Northwest Peaks** are proposed as national recreation areas-a category which will allow logging and off-road vehicles. A network of nearly 4,000 miles of logging roads has fragmented habitat needed to maintain wildlife migration between the Cabinet-Yaak ecosystem and British Columbia and Idaho wildlife populations.

*** H.R. 2473 must be amended to conserve all remaining roadless areas in the Yaak River region of the Kootenai National Forest.**

Cabinet Mountains

The Cabinet Mountains Wilderness requires substantive additions to maintain the backcountry of the Cabinet Mountains. The east face of the Cabinet Mountains Wilderness additions fail to protect old-growth forest. The steep slopes of **Treasure Mountain** are deleted from the Cabinet Wilderness additions to accommodate plans for a downhill ski area that may never be built. And boundaries in Swamp Creek on the Cabinet Ranger District must reach the trailhead.

In the southern end of the Cabinet Mountains, H.R. 2473 includes a core wilderness in **Cube Iron-Mt Silcox**, but omits old-growth forest in the lower three miles of Thorne Creek and roadless lands adjacent to the Mt Dept. of Fish, Wildlife and Parks bighorn sheep range.

*** H.R. 2473 must be amended to extend protection along the east face of the Cabinet Mountains, Swamp Creek and to conserve wildlife habitat in Cube Iron-Mt Silcox.**

Glacier-Bob Marshall Ecosystem

Glacier Region

In the Whitefish and Galton Ranges, west of Glacier National Park, the **Ten Lakes-Winton Weydemeyer** wilderness is not included in this bill, despite the fact that it has twice been included in legislation approved by the House.

*** H.R. 2473 must be amended to restore the Ten Lakes-Winton Weydemeyer Wilderness, similar to bills passed in 1987 and 1988 by the House.**

Bob Marshall Wilderness Additions

H.R. 2473 fails to extend boundaries to major trail portals and essential wildlife habitat of the Bob Marshall Wilderness complex. Inclusion of historic trails into the Bob Marshall Wilderness complex will maintain current uses.

H.R. 2473 must be amended in the following areas to maintain the integrity of the Bob Marshall Wilderness complex:

Flathead-Swan Ranges

* Spotted Bear Trails : Spotted Bear River trail, the Dean Ridge trail, Schaeffer Creek trail (Green Mt-Gunsight Lake), Bruce Ridge, Harrison Creek and Lost Jack trails.

Rocky Mountain Front-north to south

* Blackleaf Canyon trail

* Upper Teton River trails- Roughly seven miles of lower trails omitted including portions of four major portals into the Bob Marshall- West Fork Teton, Washboard Reef, North Fork Teton and Route Creek Pass trails.

* Sawtooth roadless area bordering Sun River Game Range

* Fairview Mt-Ford Creek Plateau

* Crown Creek trail-portal to Scapegoat Wilderness

* Alice Creek travois trail-followed by Meriwether Lewis, July 7, 1806.

Island Ranges

Little Belts and Big Snowies

H.R. 2473 does not protect a single acre of wilderness in the Little Belt Mountains, including the limestone canyons of Tenderfoot Deep Creek along the Smith River. Middle Fork Judith and Big Snowies are unaffected by H.R. 2473.

* H.R. 2473 must be amended to include Tenderfoot Deep Creek, Middle Fork Judith and the Big Snowies as wilderness.

Crazys, Big Belts and Elkhorns

The Crazy Mountains are proposed as a combination wilderness and wilderness study in areas of checkerboard private inholdings. Conservationists support this proposal as a step in the right direction and urge that wilderness boundaries include all roadless public lands. In the Big Belts, H.R. 2473 fails to include critical elk habitat in Confederate Gulch, Atlanta and Mule creeks of Camas Creek. The Elkhorns proposal in H.R. 2473 omits roadless lands in the Deerlodge National Forest, Muskrat Creek (BLM) and the Tizer Basin area.

* H.R. 2473 must be amended to include consolidated public lands in Big Elk Creek, the American Fork and Middle Fork Cottonwood Creek of the Crazy Mountains and critical elk habitat in Camas Creek and the Elkhorn Mountains.

Southeast Wildlands

H.R. 2473 protects only 9,400 acres of the Pryor Mountains, omitting spectacular Commissary Ridge and Crooked Creek Canyon on the Custer National Forest. Adjacent wildlands administered by the National Park Service and Bureau of Land Management *and recommended for wilderness by both agencies* are not included in Williams' bill, foolishly fragmenting what should be a unified Pryor Mountains Wilderness. The colorful **Tongue River Breaks** receive no protection in H.R. 2473, despite being recommended for wilderness by the Custer National Forest.

*** H R 2473 must be amended to include Tongue River Breaks and a unified proposal for the Pryor Mountains Wilderness.**

Greater Yellowstone Ecosystem

H.R. 2473 fails to protect **Dome Mountain**, **Emigrant** and **Chico** additions along the Paradise Valley and deletes the popular **George Lake** trail from the **Paradise Face** addition. Also missing from A/B additions are very popular wilderness trails in **Silver-Run** and **Basin Creek** area, north of **Red Lodge**.

H.R. 2473 fails to protect seven miles of the Continental Divide in **Lionhead**, 10 miles west of **Yellowstone National Park**. This deletion cuts out important bighorn sheep wintering areas as well as companion proposals in **Targhee Creek** (Idaho) of the **Henry Mountains**.

*** H. R. 2473 must be amended to include Wapiti-Silver Run, George Lake trail, and the Dome Mt-Emigrant and Chico complex of additions, just north of Yellowstone National Park. Watkins and Coffin creeks should be restored to Lionhead.**

Continental Divide (south)

West of **Yellowstone National Park**, H.R. 2473 includes sound proposals for **Mt. Jefferson** and **Italian Peaks**, but omits **Garfield Mt.** and **Lima Peaks**, along the **Continental Divide National Scenic Trail**.

*** H.R. 2473 must be amended to include Garfield Mt.-Lima Peaks.**

Blue Ribbon Headwaters

Proposed additions to the **Anaconda-Pintler Wilderness** omit lands on both slopes of the Continental Divide, east of **Storm Lake**. The **Sapphires** wilderness study area, on the northwest borders of the **Anaconda-Pintler Wilderness**, is not addressed in H.R. 2473. H.R. 2473 omits most of the **Deerlodge National Forest** section of the **Stony Mountain** proposed wilderness, as well as excellent wildlife habitat in **Wyman**, **Williams** and **Juno Gulch** of the **Lolo National Forest**, bordering the blue-ribbon trout waters of **Rock Creek**.

The Flint Creek Range is split into two small, fragmented wilderness units. Not a single acre of the Tobacco Roots roadless area is protected in H. R. 2473, despite being included in previous wilderness bills passed by the House.

* H.R. 2473 must be amended to include solid boundaries on for Anaconda-Pintler Wilderness additions. Stony Mountain must include expanded boundaries in the Rock Creek watershed of both the Deerlodge and Lolo National Forests. Dolus Lakes must be joined to the main Flint Creek Range proposal. The Tobacco Roots must be included in amendments to H.R. 2473.

Bitterroot Crest

The 150,000-acre Allan-Piquett roadless area, straddling the Idaho -Montana border, is released in H.R. 2473, as is a string of roadless areas in the Bitterroot Range near Chief Joseph Pass. These roadless areas are essential stepping stones of excellent habitat linking wildlife populations of the Central Idaho wilderness complex to those of the Greater Yellowstone and Glacier-Bob Marshall ecosystems.

* H.R. 2473 must be amended to conserve these vital ecosystem links.

Continental Divide (north)

H.R. 2473 protects only half of the popular Little Blackfoot Meadows and Nevada Mountain roadless areas, omitting vital elk, bear, wolverine and lion habitat and travel corridors along the Continental Divide. H.R. 2473 omits Bear Gulch and several miles of the Continental Divide trail from the Black Mountain proposed wilderness.

* H.R. 2473 must be amended to include remaining roadless lands in Little Blackfoot Meadows, Jericho Mt-Bear Gulch, and Nevada Mountain areas.

Bureau of Land Management--Wilderness Study

H.R. 2473 removes the 59,000-acre Bitter Creek prairie from wilderness study status. Bitter Creek is the largest BLM study area in Montana and the largest area under wilderness consideration in the American prairie. H.R. 2473 also release a portion of the Axolotyl Lakes BLM wilderness study area. No BLM lands are proposed for wilderness in this bill.

* H.R. 2473 must be amended to restore BLM wilderness study areas.

TESTIMONY OF NORM NEWHALL
PRESIDENT OF THE ISLAND RANGE CHAPTER OF THE
MONTANA WILDERNESS ASSOCIATION

Chairman Vento and Members of the House Subcommittee. My name is Norm Newhall and I am currently President of the Island Range Chapter of the Montana Wilderness Association. Thank you for allowing me to testify today regarding House Bill 2473, the Montana Wilderness Act of 1993.

The Island Range Chapter is based in Great Falls, Montana. Its territory extends from south central Montana to the Canadian border and east from the Continental Divide to the beginning of the Fort Peck Reservoir on the Missouri River - a territory nearly the size of the State of Virginia.

The island mountain ranges in our Chapter territory are a feature of the Rocky Mountains that is unique to central Montana. They rise precipitously from the surrounding prairies - forested islands in a sea of high plains. There are six island ranges in the Jefferson Division of the Lewis & Clark National Forest. One range alone, the Little Belt Mountains, comprises an area the size of Rhode Island.

Portions of House Bill 2473 are well conceived; however, as drafted, this is not a Montana Wilderness Bill. Rather it is a Western Montana Wilderness Bill. Out of 1.2 million acres of national forest in the island mountain ranges of the Jefferson Division not one acre is preserved as wilderness. Except for the Crazy Mountains near Billings, the Bill preserves no wilderness at all in any of the entire eastern two-thirds of Montana.

We do not propose wilderness for all of these ranges. Rather, we propose wilderness for four specific areas:

1. Tenderfoot/Deep Creek in the Little Belt Mountains
(including Smith River Canyon);
2. Middle Fork of the Judith River in the Little Belt Mountains;
3. The Big Snowy Mountains; and
4. Pilgrim Creek in the Little Belt Mountains.

These areas are not newcomers to the Wilderness debate. Both the Middle Fork of the Judith River and the Big Snowys are wilderness study areas under the 1977 Metcalf Wilderness Bill (S. 293). The timber industry included the Tenderfoot/Deep Creek area as wilderness in a 1988 proposal to Senator Baucus. In the unsuccessful Burns/Baucus Bill of 1992, Tenderfoot/Deep Creek was proposed as a national recreation area. Pilgrim Creek is in close

proximity to Tenderfoot/Deep Creek. It is a natural adjunct to Tenderfoot/Deep Creek and, as such, should be included in the present Bill.

These areas provide spectacular scenery, critical wildlife habitat, important watershed protection and abundant recreational opportunities in the form of hunting, fishing, backpacking, etc. But these attributes do not make them unique from many other wilderness areas. Why then should these areas be included in HB 2473?

First, a criticism often leveled at wilderness is that it denies access to large numbers of people. Perhaps the most notable feature of wild lands in the island mountain ranges is their accessibility. Wilderness should not be confined only to the highest and most remote mountain crags and peaks. We agree that wilderness should be accessible. Inclusion of these areas will protect wilderness that is accessible.

Conversely, the accessibility of wild lands in the island mountain ranges is also their Achilles' heel. These pristine areas are particularly vulnerable because of their accessibility. Their value as wild lands will not be preserved without protection as wilderness.

Second, to date, these areas have not been subjected to significant pressures from logging and mining interests that have made wilderness designation in other areas of the state so controversial. Only 25% of all lands in the Jefferson Division have been classified as "suitable" for timber production. Not one of these areas has ever been logged; not one of them has experienced significant oil drilling or mining development. The preservation of these areas is a win/win proposition -- the areas can be preserved as wilderness with little or no impact upon extractive industries.

Third, significant pressure by off-road vehicle users to omit these areas from wilderness consideration only highlights the urgency of including them. If the areas we propose are included in the Wilderness Bill, off-road vehicle users still have nearly one million acres of the total of 1.2 million acres in the Jefferson Division of the Lewis & Clark National Forest available for recreation.

Some would argue that wilderness "locks out" off-road vehicle use. To the contrary, off-road vehicle use of every acre of public land in the Jefferson Division of the Lewis & Clark National Forest discourages use of those lands by non-mechanized recreationalists. Recent polls conducted by the Lewis & Clark National Forest

indicate that more than 90% of all trail use in the forest is non-motorized. The interests of the vast majority of people should not be subordinated to the interests of a few.

Fourth, as drafted, HB 2473 is grossly out of balance. The area of Montana lying east of the main Rockies includes 60 million acres. Presently only one-half of one-tenth of one percent of that area is conserved as wilderness. (UL Bend of the Missouri River and Medicine Lake) According to the Lewis & Clark National Forest Plan there are 650,000 acres of roadless land in the Jefferson Division alone. Just one of the island ranges, the Little Belt Mountains, includes 14 inventoried roadless areas. Yet not a single acre is conserved as wilderness.

One of our most famous Montanans, cowboy artist, Charles M. Russell, whose statue is here in the Capitol Rotunda said, "These parks and the mountains behind them swarmed with deer, elk, mountain sheep, and bear. . . . The creeks were alive with trout. Nature had surely done her best, and no king of the old times could have claimed a more beautiful and bountiful domain." Charlie Russell was not talking about the high and distant Rockies, he was talking about the Judith River in the Little Belt Mountains of central Montana -- the "original canvas" for Charlie's works.

These areas have not changed since they were last proposed for wilderness. They were included in earlier bills and they should be included now. What has changed is the politics. Congressman Williams has approached the wilderness issue with an open mind in the past - Ron Marlenee did not. Congressman Williams has graciously avowed to be receptive to amendments of this Bill. HB 2473 should be amended to include these areas.

I conclude with what I have said before. We are not asking for the moon - we are asking only that the entire eastern two-thirds of Montana not be forgotten; that balance be restored to the wilderness debate in Montana; that these last few areas in the island ranges of central Montana be included as wilderness in House Bill 2473.

Mr. VENTO. Mr. Frasier from the National Wildlife Federation, we are pleased to welcome you. Try to give your statement in about five minutes, please.

STATEMENT OF STAN FRASIER

Mr. FRASIER. Thank you. Mr. Chairman, members of the committee, my name is Stan Frasier. I am a lifelong resident of Helena, Montana, and I am here today speaking as vice president of the Montana Wilderness Federation and also on behalf of the Montana Wildlife Federation and also on behalf of the National Wildlife Federation.

While we appreciate the hard work that went into H.R. 2473, we do believe that some improvements are needed. The conservationists, hunters, anglers and wildlife enthusiasts who make up the membership of the Montana and National Wildlife Federations have long supported comprehensive wilderness legislation because habitat protection is essential for wildlife. And, quite simply, the future of Montana's world-class fish and wildlife populations depend on the pristine watersheds and forests these wilderness areas provide.

As we have come to better understand the critical importance of naturally functioning habitats to all fish and wildlife species, the importance of building a strong and comprehensive wilderness system has been further underscored. Wilderness designation protects these wilderness areas upon which the native fish and wildlife species of the Northern Rockies depend.

Since the 1930s, Montanans have worked to ensure healthy wildlife populations. Winter game ranges have been established. Elk and bighorn sheep have been transplanted into habitats from which they were previously eradicated, and the State of the Montana has carefully managed hunting seasons to provide for the abundant and healthy wildlife populations that the State enjoys today.

But now some of these achievements are in jeopardy. Many of Montana's western valleys are being heavily subdivided. This development is fracturing big game corridors and destroying wildlife habitats. And, at the same time, heavy timber harvests on both public and private timberlands and the development of an extensive forest road network have increased wildlife vulnerability and seriously degraded many outstanding watersheds.

Montana is losing habitat, and when habitat is lost, we lose wildlife. That is why the Montana wilderness legislation before you is so very critical for the sportsmen and sportswomen of Montana and the Nation.

We certainly appreciate the inclusion of the Snowcrest Range and the north end of the Crazyes which also provides protection for outstanding big game habitat.

I think the opportunity exists in this session of Congress to protect additional areas that warrant inclusion in the national wilderness system, and I would urge this committee to include the following lands in this bill: The Helena Lewis and Clark National Forest, the Black Mountain area, Little Blackfoot Meadows and Nevada mountain, which contains an elk herd of approximately 1,000 elk,

and the Tenderfoot Deep Creek areas, which is the headwaters of the Smith River.

In northwestern Montana, the Kootenai Forest, we would like to see the boundaries of Kootenai and Mount Silcox wilderness area expanded and also the Cabinet wilderness additions.

Along the Rocky Mountain, which is the gateway to the Bob Marshall wilderness complex, we would like to add the Blackleaf Canyon and expand the Renshaw area around Ford Creek Plateau.

We would also like to add the middle fork of the Judith which has the largest elk herd in central Montana.

And the Rock Creek in western Montana, we would urge the inclusion of the entire Stony Mountain wilderness area.

I would like to briefly address the issue of economics as it pertains to H.R. 2473. This bill provides protection for only 3 percent of the suitable timber found on roadless lands in Montana. Wilderness legislation will not impact the timber industry in any negative way. However, tourism, outdoor recreation, hunting and fishing are a vital part of Montana's economy. In fact, recreation in Montana is now the number two segment of our economy behind agriculture.

This bill is a good start, and with our amendments we believe it can be a better bill. If we can provide greater protection for the wildlife habitat that is critical for the survival of our fisheries and big game.

Wilderness is not about acres and not about jobs. Wilderness is about places where wildlife needs to survive. These wild places are a benefit to all of us even if we never go there. The benefits come to us in the form of clean air, clean water and abundant wildlife.

And I also have some letters I would like to submit from fish and game biologists from around the State that work for the State of Montana and also from sportsmen and sportsmen's groups from around the State who would like to see these wilderness areas that they use preserved and protected. Thank you.

Mr. VENTO. Thank you, Mr. Frasier.

[Prepared statement of Mr. Frasier follows.]



MONTANA WILDLIFE FEDERATION

P.O. Box 1175, Helena, MT 59624 406-449-7604

Wildlife Legacy Council

**STATEMENT OF
STAN FRASIER, VICE-PRESIDENT OF OPERATIONS
MONTANA WILDLIFE FEDERATION
ON BEHALF OF THE
NATIONAL WILDLIFE FEDERATION
AND THE
MONTANA WILDLIFE FEDERATION
BEFORE THE
HOUSE NATURAL RESOURCES COMMITTEE
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS,
AND PUBLIC LANDS
REGARDING HR 2473**

July 20, 1993

Preserving for future generations the legacy of Montana's wildlife



Mr. Chairman and members of the committee, my name is Stan Frasier, and I am a volunteer conservationist speaking today as Vice-President for the Montana Wildlife Federation (MWF) and on behalf of the National Wildlife Federation (NWF). Both MWF and NWF strongly endorse H.R. 2473 -- the 1993 Montana wilderness bill -- and believe that with certain key improvements, it will be a piece of wilderness legislation that the entire nation can view with pride. At the outset, I would like to extend my thanks to Congressman Pat Williams for both the perseverance and the leadership he has shown on this difficult issue. This bill was developed with the trademark Williams approach. It was built on the solid work of past legislative efforts to protect Montana's wild lands, but as in years past, it was finally written only after hundreds of hours of discussion with Montanans from across the state. As such, this legislation represents the best effort to date to reach balance and consensus in Montana's wilderness designation process.

The conservationists, hunters, anglers and wildlife enthusiasts who make up the membership of the Montana and National Wildlife Federations have long supported strong and comprehensive wilderness legislation for a single reason: what is good for wilderness is good for wildlife. Quite simply, the future of Montana's world-class fish and wildlife populations depends on the pristine watersheds and forests which wilderness designation protects. As we have come to better understand the critical importance of naturally functioning habitats to all fish and wildlife species, the importance of building a strong and comprehensive wilderness system has been further underscored. Wilderness provides the core protected areas upon which the native fish and wildlife species of the northern Rockies depend.

Since the 1930s, Montanans have worked to ensure the healthy wildlife populations that exist today. Winter game ranges have been established, elk and bighorn sheep have been transplanted into habitats from which they were previously extirpated, and the state of Montana has carefully managed hunting seasons to provide for the abundant and healthy wildlife populations the state enjoys today. But now, these achievements are in jeopardy.

Many of Montana's western valleys are being heavily subdivided as former ranches and farms are turned into recreational and residential home sites. This development is fracturing wildlife corridors and destroying wildlife habitat. At the same time, heavy timber harvesting on both public and private timberlands and the development of an extensive forest road network have increased wildlife vulnerability and seriously degraded many outstanding watersheds. Other threats, such as a booming hard rock mining industry and the heavy utilization of Montana's limited water resources, are also threatening fish and wildlife habitat.

The combination of these events is moving Montana in a direction that is very simple to understand: we are losing habitat, and when habitat is lost, so is wildlife. That is why, Mr. Chairman, the Montana wilderness legislation before you is so very critical to the sportsmen and women of Montana and across this nation. If this issue is resolved progressively, Montana wildlife wins, and when Montana wildlife wins, our state and our nation have a chance to preserve a resource that simply is not and cannot be found elsewhere.

H.R. 2473 makes an excellent start in protecting the critical wildlife habitat that is rapidly becoming imperiled in Montana. Specifically, the inclusion of the Snowcrest Range and the north end of the Crazies provides protection for outstanding big-game habitat and recreational opportunities. Certainly, when these important additions are viewed within the context of the extensive improvements achieved by Congressman Vento and Congressman Williams in the last session of Congress, H.R. 2473 is a excellent piece of legislation.

But while we sincerely appreciate the excellent work that has been done to date, the opportunity exists, in this session of Congress, to protect additional areas that warrant inclusion in the national wilderness system. We would urge the committee to give close consideration to including the following lands in the final bill that is reported to the House floor:

Helena National Forest Additions: The Helena National Forest has been heavily impacted by logging, but two outstanding roadless areas deserve wilderness protection. While H.R. 2473 makes a good start by designating the Black Mountain/Mount Helena wilderness area on the west side of the forest, the Little Blackfoot Meadows and Nevada Mountain should also be brought into the wilderness system. Both of these areas provide critical security areas for the elk populations centered along the Continental Divide.

On the east side of the Helena Forest, every effort should made to protect the Smith River watershed. This river has gained national attention in the past 10 years, and is now recognized as one of the premier floating and fishing opportunities in the country. An expanding recreational economy is developing within the watershed, even while potentially significant water quality problems remain. As an example, Rock Creek, an important tributary, has been heavily impacted by logging and now contributes unacceptable levels of sediment to the Smith. As such, we strongly recommend wilderness designation to protect the Tenderfoot/Deep Creek and Pilgrim Creek areas, which are mainstays of the Smith's watershed, providing late-season flows and high-quality waters. This addition makes sense not only from a biological perspective, but also from an economic one.

Northwest Montana: Of all the national forests in Montana, the Kootenai has been the most heavily impacted by logging and road building. As such, the few areas of roadless land that remain are critically important to the threatened grizzly bear, the endangered wolf and the region's big-game populations. Given these facts, we urge the committee to expand the boundaries of the proposed Cube Iron/Mt Silcox wilderness area to include lands identified by the committee of environmentalists and mill workers that developed the Kootenai-Lolo Wilderness Accords in 1990. Again, because of the critical importance of protecting wildlife security areas, we also urge the committee to modify H.R. 2473 to include an additional 41,000 acres adjacent to the Cabinet Mountain Wilderness. These additions were also agreed upon in the Accords.

The Rocky Mountain Front: As the gateway to the Bob Marshall Wilderness complex, and as an area of exceptional biological productivity, perhaps no part of Montana better symbolizes the state's heritage of wildlife and wilderness than the Rocky Mountain Front. Yet even today, two important areas along the Front need protection. First, the Blackleaf Canyon, which provides essential grizzly bear, mountain goat and bighorn sheep habitat, should be included in H.R. 2473. Second, in the Renshaw Area around Ford Creek Plateau, areas that serve as critical elk calving and bighorn lambing grounds should be added.

Middle Fork of the Judith: Roadless lands are a rare commodity in central Montana, and so we urge the committee to include the Middle Fork of the Judith roadless area in H.R. 2473. The Middle Fork of the Judith has the largest elk herd in central Montana. Because the Middle Fork abuts the existing Judith Game range, its designation as wilderness would create a significant wildlife reserve in this region. Designation of the Middle Fork would also protect the area's fishery and high-quality waters.

Rock Creek: East of Missoula is the Rock Creek drainage, with a growing national reputation for its great beauty and outstanding hunting and fishing. Like the Smith, the long-term maintenance of this storied stream is dependent on the protection of its tributary waters, and the Stony Creek roadless area is a key component of this goal. Under H.R. 2473, the Stony Creek area, which borders Rock Creek, is only partially protected. We urge the inclusion of the entire Stony Creek roadless area.

As the committee considers these proposed additions, I would like to briefly address the issue of economics as it pertains to H.R. 2473. Montana's roadless inventory consists of some six million acres. Of this inventory, the Forest Service has identified timber suitable for logging on about 1.2 million acres. H.R. 2473 protects, through wilderness designation, only 50,000 acres or three percent of the suitable timber found on roadless lands in Montana. These facts make it patently clear

that this wilderness legislation will not impact the timber industry in any negative way; indeed, by finally ending this round of the wilderness debate, H.R. 2473 should help stabilize the industry by providing certain answers on the available log supply.

At the beginning of my statement I made the observation that Montana is changing. As a part of that change, our state's dependence on tourism and recreational as a vital economic component is increasing astronomically. Whereas strong arguments can be made from a biological perspective for protection of these roadless lands, in this day and age such debates often come down to economics.

In this light, I would request that this committee recognize the economic value of this bill as it fits into the emerging recreation-based economy of Montana, especially when juxtaposed with its minimal effect on a timber economy that is clearly on the wane in our state.

Mr. Chairman, members of the committee, H.R. 2473 is a good bill, and with our amendments, it will be a great bill. Montanans want this issue resolved, and this bill will accomplish this goal while protecting wildlife habitats that are critical to the northern Rockies. Thank you.

Mr. VENTO. And I note that Mr. Newhall had mentioned that you had a newspaper article and some other materials that you wanted us to consider. And if you would submit those, we will make a determination as to what would be in the record and what should be in the committee files.

It seemed to me there was a lengthy presentation and, unless there were modifications in the appendix, we obviously would put that in the record, Mr. Frasier, so that the letters that you have commented on there, if you would pass those to the clerk at your right, we will place those in the record without objection.

[The letters follows:]

**Montana Department
of
Fish, Wildlife & Parks**



July 9, 1993

1404 8th Avenue
Helena, MT 59620

John Gatchell
Montana Wilderness Association
P.O. Box 635
Helena, MT 59624

Dear John:

Regarding your request for wildlife information pertinent to the proposed Nevada Mountain and Black Mountain Wilderness areas, and the proposed Mt. Helena recreation corridor I offer the following profession opinions.

Nevada Mountain is a critical component of the elk ecosystem between Helen and Lincoln, in addition their is gathered evidence of this areas importance as grizzly bear habitat. This logical extension of occupied grizzly bear habitat is important because of the recognized need to maintain genetic linkages to other bear populations. Nevada Mountain includes the adjacent peaks and watershed headwaters of Little Prickly Pear Creek (Missouri River tributary), Poor Man, Nevada, Washington, Ophir, Three mile, Snowshoe, and Dog Creek (Blackfoot Tributaries). All drainages have been heavily logged up to the current roadless boundary so that Nevada Mountain remains a timbered island surrounded by roads and timber cutting units. As a result, its value as secure intact wildlife habitat is significantly magnified.

The Department of Fish, Wildlife & Parks recently entered into an agreement with local landowners on the northeast edge of the Nevada Mountain area to manage their range for wildlife, particularly for big game winter range. Many of the elk and mule deer that winter east of the continental divide and Nevada Mountain in little prickly pear creek summer on the divide on and around Nevada Mountain, Nevada Mountain becomes extremely important in the fall as breeding habitat and a secure haven that provides substantial hunter opportunity

The proposed Black Mountain wilderness, because it is within walking distance of the Helena city limits and because the surrounding land has been significantly altered by home development, mining, logging and roads, has also become an area exceptionally valuable because of its relationship to degraded habitat that surrounds it. In particular, moose, elk and mule deer

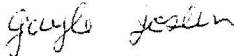
John Gatchell
July 9, 1993
Page 2 of 2

rely on Black Mountain for nescic summer habitats and fall security.

Linked to Black Mountain, by way of the Mt. Helena ridge, is the proposed Mt. Helena recreation corridor. The Mt. Helena ridge, bordered by grizzly gulch on the east and ten mile creek on the west, constitutes winter range for all the species summering in the proposed Black Mountain wilderness. Big game not only migrate south to Black Mountain from their winter range on the Mt. Helena ridge, but also east to Skyhi Peak, Jackson Peak, and Sheep Mountain near Clancy, and west toward Priest and Mullen passes on the continental divide. This winter range extends to the Helena city limits it self, and as such provides a unique opportunity for preserve the ecological relationship between our wildlife heritage and the human culture of Montanas capital city.

We thank you for requesting information on these extremely valuable wildlife areas.

Sincerely,



Gayle Joslin
Wildlife Biologist

GJ/bc

**Montana Department
of
Fish, Wildlife & Parks**



July 9, 1993

1404 8th Avenue
Helena, MT 59620

John Gatchell
Montana Wilderness Association
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Nevada Mountain is a critical component of the elk ecosystem between Helen and Lincoln, in addition there is gathered evidence of this areas importance as grizzly bear habitat. This logical extension of occupied grizzly bear habitat is important because of the recognized need to maintain genetic linkages to other bear populations. Nevada Mountain includes the adjacent peaks and watershed headwaters of Little Prickly Pear Creek (Missouri River tributary), Poor Man, Nevada, Washington, Ophir, Three mile, Snowshoe, and Dog Creek (Blackfoot Tributaries). All drainages have been heavily logged up to the current roadless boundary so that Nevada Mountain remains a timbered island surrounded by roads and timber cutting units. As a result, its value as secure intact wildlife habitat is significantly magnified.

The Department of Fish, Wildlife & Parks recently entered into an agreement with local landowners on the northeast edge of the Nevada Mountain area to manage their range for wildlife, particularly for big game winter range. Many of the elk and mule deer that winter east of the continental divide and Nevada Mountain in little prickly pear creek summer on the divide on and around Nevada Mountain, Nevada Mountain becomes extremely important in the fall as breeding habitat and a secure haven that provides substantial hunter opportunity

The proposed Black Mountain wilderness, because it is within walking distance of the Helena city limits and because the surrounding land has been significantly altered by home development, mining, logging and roads, has also become an area exceptionally valuable because of its relationship to degraded habitat that surrounds it. In particular, moose, elk and mule deer

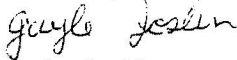
John Gatchell
July 9, 1993
Page 2 of 2

rely on Black Mountain for nescic summer habitats and fall security.

Linked to Black Mountain, by way of the Mt. Helena ridge, is the proposed Mt. Helena recreation corridor. The Mt. Helena ridge, bordered by grizzly gulch on the east and ten mile creek on the west, constitutes winter range for all the species summering in the proposed Black Mountain wilderness. Big game not only migrate south to Black Mountain from their winter range on the Mt. Helena ridge, but also east to Skyhi Peak, Jackson Peak, and Sheep Mountain near Clancy, and west toward Priest and Mullen passes on the continental divide. This winter range extends to the Helena city limits it self, and as such provides a unique opportunity for preserve the ecological relationship between our wildlife heritage and the human culture of Montanas capital city.

We thank you for requesting information on these extremely valuable wildlife areas.

Sincerely,


Gayle Joslin
Wildlife Biologist

GJ/bc

**Montana Department
of
Fish, Wildlife & Parks**



Stan Frasier
Montana Wildlife Federation
Box 1175
Helena, Montana 59624

7/15/93

I am writing in regards to the Little Blackfoot Meadows and the Black Mtn.-Mt. Helena wilderness proposals.

The area proposed for inclusion into wilderness in the Little Blackfoot Meadows area takes in a major portion of the spring, summer and fall habitat of the elk herd in Hunting District 215-01. This herd currently consists of about 500 head which is the management objective. The winter range for this population lies to the west at lower elevations on public and privatelands.

The elk herd utilizing the proposed extension of the Black Mtn.-Mt. Helena wilderness area consists of between 50-75 head that winter just to the west of the area in Mike Renig Gulch. These elk depending on weather conditions will use parts of Sect. 14 & 23 T9N R6W on the west side of the Divide during the winter. The proposed extension incorporates part of this herds spring, summer and fall range. There appears to be some interchange between this herd and a group of elk that winter between Tensile creek and Colorado Gulch.

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MONTANA WILDLIFE FEDERATION

P.O. Box 1175, Helena, MT 59624 406-449-7604

1990 Outstanding State Affiliate of the National Wildlife Federation

March 3, 1993

Representative Bruce Vento, Chairman
Natural Parks, Forest and Public Lands Subcommittee
U S House of Representatives
Washington, D.C. 20515

Dear Representative Vento;

Montana's Rocky Mountain Front roadless lands, an important part of the Glacier-Bob Marshall Ecosystem, needs wilderness protection in the 1993 bill. Teton Peaks, Choteau Mountain and Blackleaf Canyon are home to grizzly, goat, big horn, elk, falcon and eagle. In the southern end of the front is Silver King Falls and Alice creeks and the historic Nez Perce buffalo trail which Meriwether Lewis walked in his journey of 1806. Steamboat to Crown Mountain wild lands include over 20 miles of wild trails and wildlife habitat. The Sawtooth roadless area within the Gibson Reservoir mineral withdrawal area is used as a wildlife migration corridor for the Sun River Game Range. We recommend these lands be included into wilderness.

Sincerely,

Joe Gutkoski, Vice President
Montana Wildlife Federation

Kathy Hadley, President
Montana Wildlife Federation

CC:
Conrad Burns
Max Baucus

Fifty-seven Years of Preserving the Last of What's Best





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Fifty-seven Years of Preserving the Last of What's Best



July 10, 1993

To Whom It May Concern:

The Medicine River Canoe Club (MRCC) supports Congressman Williams' pursuit of the wilderness bill this year. Although this is an issue that we do not normally get actively involved with, we believe that this is important enough to let people know how we feel.

The MRCC thinks that everyone should know that it is Montanans that are speaking out in favor of more wilderness, not just out of state interests. Wilderness should not be considered as play areas for a few people in the present but as the only place for ALL man-kind to cherish in the future.

These areas protect all types of living creatures, especially in the preservation of healthy elk herds and grizzly habitat. They also do not take away jobs or access from anyone as claimed because these special interest groups do not have them now. The suggested increase to wilderness should be added because they are just a drop in the bucket compared to the land that has already been used and abused in Montana and across the entire United States.

The areas that we are most familiar with that are essential to be included in the wilderness bill are: Little Belts, Tenderfoot/Deepecreek and the Middle Fork of the Judith.

We would appreciate your assistance in including these areas and passing a wilderness bill that will be fair to all sides of the issue without giving away critical areas for future generations to enjoy. Please preserve the "Last Best Place".

Thank you for your help.

Sincerely yours,



Alan Rollo, Representative
Medicine River Canoe Club
808 52nd Street South
Great Falls, Montana 59405

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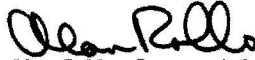
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808 52nd Street South
Great Falls, Montana 59405



Prickly Pear Sportsmen's Association

JULY 12, 1993

Senator Max Baucus
706 Hart Senate Office Building
Washington, D.C. 20510-2602

Dear Senator Baucus:

Rep. Williams current wilderness bill includes many of the areas we are interested in preserving. However we would like to see some additions to the areas around Helena. These are the areas we hunt in and they are the headwaters areas for our fisheries. We hope these important areas will remain unspoiled so that our children will be able to enjoy them in the future.

One of the areas we would like to see expanded is Black Mountain. The area west of Black Mtn. which runs along the top of the Divide and west of Jericho Mtn. is important to the 500 elk which range there. We would also like to see some sort of protection for the Mtn. Helena Ridge area which these same elk need for winter range.

Another area we would like to see expanded is Nevada Mountain. We would like additions on the SW, NW, N, and East sides. The total acres would be approximately 50,000. There are about 1,000 elk which use this area throughout most of the year.

We feel that wilderness designation is the best method we currently have available to protect these wilderness areas which are so important to our elk herds and our fisheries. These wild areas provide recreation and enjoyment to hundreds of thousands of sportsmen every year, even if they never enter the boundaries.

Sincerely,

GARY STURM, PRESIDENT
PRICKLY PEAR SPORTSMEN'S ASSOCIATION
146 BRIARWOOD LANE
HELENA, MT 59601

Serving the Interests of Helena-area Sportsmen since 1958.



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Representative Bruce Vento, Chairman
Subcommittee on National Parks & Public Lands

From the Hyalite peaks on the North to the Porcupine, Buffalo Horn Creeks and the Yellowstone Park boundary on the South the Gallatin Range is a superb mountain wild land that still retains the qualities of wilderness. It is a natural elk, deer, big horn horn and bear production system. It has an optimum ratio of cover and feed area that cannot be improved by man. The necessary winter range combined with back country escape area help balance the wildlife system to make it one of the most productive in Montana.

Despite roading and logging by the Forest Service, the Burlington Northern RR and private landowners, there is still enough left to form a viable land unit that should be under the protection of wilderness classification.

Prior logging activities have decreased wildlife and has produced land instability with increased stream bedloads in Squaw Creek. Mass land movement and erosion have been triggered on Portal & Bozeman Creek drainages. It is now time to place what is left in wilderness protection. Any additional roading and logging of these marginal timberstands will upset the delicate balance, damage wildlife and erode the fragile uplands.

Three issues must be addressed if wilderness designation is to be made in the Gallatin Range:

1. Private lands intermingled with public lands:

The 35,200 acres of BN lands that the wilderness should be purchased with Federal Funds.

2. Road building and logging:

Previous logging has already taken most of the commercial and much of the marginal and sub-commercial timber stands in the Gallatin Range. This was done through subsidized logging practices. A wilderness boundary can be delineated that would include no commercial timber stands.

3. Snowmobiles, motor bikes, 4-wheel drives & firewood cutting:

The many miles of roads and skidtrails in the Gallatin Range should remain open to motorized use and firewood gathering. The area that remains roadless is proposed for wilderness. It seems only fair that the undisturbed part of the Gallatin Range remain a wilderness.

Mountain wilderness is a unique and precious resource in the lower 48 states. The vast plains of mid-America lack this diversity. "Born in America" means an inheritance to roam the land, breath the air and drink clean water. Thank you.

Joe Gutkoski, President, Gallatin Wildlife Association

Mike Vashro
1204 Sorenson Road
Helena, MT 59601
July 13, 1993

Representative Bruce Vento
Chairman, Public Lands Subcommittee
House Natural Resources Committee
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Vento:

I would like to make a couple of comments on the most recent Montana Wilderness Bill (H.R. 2473). I will also address a couple of roadless areas left out of the bill.

First, this wilderness bill is playing a numbers game once again with acreage. Instead the proposed roadless area should be looked at from the merits they display as wilderness and how they interlink with other areas. Why is acreage always being displayed as the all important factor in all the past bills, including this one? Second, if monetary gain is going to be looked at lets not always look at what will be lost in the short-term, but what will these areas mean monetarily over the long-term and what use will be best? Setting up wilderness areas is similar to setting up trust funds for our future.

The first area I would like to see included into this bill would be a natural southern link to the Blackfoot Meadows proposed wilderness which is southwest of Helena. This area includes high plateaus, wet spruce bogs, and low willow swamps. The continental divide trail makes the northern boundary and includes Cottonwood Lake. Wildlife in this area is very diverse with elk, wolverines, pine martins, and boreal owls, to name just a few of its inhabitants. There are many small mammal and bird species. It also is an important holding area for animals such as elk and deer passing from summer to winter ranges.

This area gives hunters a wilderness experience when linked with the Blackfoot Meadows that can be enjoyed by foot and horse hunters alike. Within the boundaries I have mentioned there are no roads, so I don't understand the holdup of linking these areas together. Also, there are no timber sales planned in the area. Please don't let this area go unprotected. I would like to hear any justifiable reasons why this was not connected to the Blackfoot Meadows proposed wilderness.

The other area I would like to comment on is the proposed Nevada Mountain wilderness. To reduce this 60,000

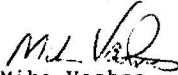
July 13, 1993
Page 2

acre roadless to a 19,000 acre wilderness because of one motorized trail is a travesty. This proposed wilderness area seems to shrink every time a new wilderness bill is proposed.

This area is heavily hunted and recreated by surrounding populations. It holds attributes that make it a perfect wilderness. It is home to a large elk herd, grizzly bears frequently use this area, and now wolves have been sighted on a frequent basis. This is almost like an island ecosystem with animals living year round in its boundaries. Please don't leave out the remaining 40,000 acres just because of "one" ten mile ORV trail which runs along the ridge tops, essentially dividing the whole roadless area in half.

If I can be of any further assistance in identifying boundary assets or general information on these two areas, please feel free to contact me. Lets not hold wilderness designation hostage because of a numbers game and lets look at the merits of all roadless areas. Thank you.

Sincerely,


Mike Vashro

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1204 Sorenson Road
Helena, MT 59601
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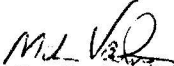
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Mike Vashro

John Daggett
1323 2nd Ave. So.
Glasgow, MT 59230

July 13, 1993

The Honorable Representative Pat Williams
2457 Rayburn Building
Washington, D.C. 20515

Dear Representative Williams:

I am writing to give you my thoughts on your Wilderness Bill just introduced in June. Will you please enter my comments in the Official Hearing Record on H.R. 2473?

My comments pertain to the Big Snowies, Middle Fork Judith and Crazy Mountain ranges. Before I start I want to say that I grew up in Marlinton and have used all of these areas most of my life. I know that neither the Big Snowies or Middle Fork Judith are in the bill which keeps them in study status. I would prefer both of these areas designated wilderness. I thank you for your efforts to keep Middle Fork Judith from being released last year and thus keep it in study status. I realize the politics of the wilderness issue and I know designating them wilderness may cause a stir as the total bill's acreage would go up. However, I have spent a lot of my time in and around these areas and I believe they rank with the best in what wilderness is all about. Just last week I took my family into the Lost Fork of the Middle Fork Judith. While it rained most of the time, there was up to eight vehicles, five with horse trailers, using this one area. Around the Middle Fork is a sea of clearcuts and roads. This area is quite popular and needs protection. I hope you do all you can to see that it gets it. At a minimum keep the Big Snowies and Middle Fork Judith in study status if politics won't allow them to be wilderness now.

The other area I want to comment on is the Crazy Mountains. I applaud your efforts to protect these mountains, however, I encourage you to adjust the wilderness and wilderness study boundaries somewhat. I have enclosed a map and highlighted areas I believe should be in your bill in the North Crazy Mountains. It is very important that you bring your wilderness boundary on the northwest side westward to the Middle Fork of Cottonwood. The area to the west of the Middle Fork has been heavily logged by the Forest Service and especially by Errol Galt, the previous private owner. Much of his logging was done in this area over the past three years, after he signed a buy-sell agreement with the Forest Service. Please protect this area and this watershed. The boundary of your study area needs to come out to the Forest boundary in section 10 and 11 as shown and include Bear Springs section 8 on the northeast as wilderness. You need to include section 29 North Fork Big Elk as study and section 32 Big Elk as wilderness. You also need to include the American Fork drainage as wilderness study. I don't believe changing these boundaries will affect any timber harvest on Forest lands from my discussions with the Forest Service. Also see attached letter.

I have enclosed some pictures in the North Crazies taken 2½ weeks ago to show you what I am talking about.

In closing, I want to state that I read about Art Noonan's meeting in Wilsall. Many of the folks at the meeting wanted to keep the Crazies the way they are. I do

too, at least the part that hasn't been raped yet. I have seen the Crazies change in a big way the last twenty years and I do not like the change I have seen. Without wilderness, they will keep changing. I also noticed some of the landowners expressed concern about the publicity the Crazies would get if they were protected as wilderness. It seems kind of odd that some of the landowners are outfitters or lease to outfitters who put out brochures and advertise in hunting magazines expounding on the great beauty and wildlife populations in the Crazy Mountains.

Sincerely,

John Earl Daggett
John Daggett

P.S. I FORGOT TO MENTION SOME OF THE
WILDLIFE POPULATIONS IN THESE AREAS.
THE CRAZIES NOW HAVE ABOUT 1500 ELK
MOST IN THE NORTHERN PART. THE MIDDLE
FORK JUDITH HAS OVER 1000 ELK AND
THE BIG SNOWIES ARE A TROPHY ELK
AREA. THE CRAZIES HAVE ROCKY MOUNTAIN
GOATS AND BIG HORN SHEEP PLANTS
ARE PLANNED TO THIS HISTORIC ^{WILD} SHEEP
AREA. ALL AREAS HAVE LOTS OF DEER, MOUNTAIN
GROUSE AS WELL AS NUMEROUS SPECIES
OF NON GAME ANIMALS. NATIVE CUTTHROAT
TROUT ARE STILL IN MIDDLE FORK JUDITH
AND DRAINAGES OF THE CRAZIES.

Mr. VENTO. Finally, we have on this panel Mike Bader, who is the executive director of the Alliance for the Wild Rockies.

Welcome, Mike. Please proceed for about five minutes.

STATEMENT OF MIKE BADER

Mr. BADER. Mr. Chairman and members of the committee, thank you for the opportunity to address H.R. 2473, Round 16 of the Montana Wilderness Act. It is an honor to appear before the committee.

My name is Mike Bader and I reside in Missoula, Montana. I represent the Alliance for the Wild Rockies. The Alliance consists of more than 4,200 members and over 400 businesses and organizations of which more than 200 are located in Montana.

We appreciate the committee's attention to the issue of protection for Montana's world-class wilderness resources. The bill before us today attempts to protect our wilderness. While we do appreciate the efforts of Representative Williams, we do not support the bill in its current form.

Mr. Chairman, by your request, I will summarize my testimony. We feel this bill does not go nearly far enough toward protection of Montana's wilderness. Two out of every three acres of Montana's de facto wilderness are released by this bill for management under outdated Forest Service plans which call for extensive logging in these areas. Miles and miles of new roads would be built into these roadless areas, and they would be logged at massive losses to the American taxpayer.

The 10 National Forests in Montana lost more than \$57 million in below-cost timber sales in 1992 alone. Not only is this subsidy costly, the loss of pristine wilderness habitat is incalculable.

Scientists would warn this would result in irreparable fragmentation of the Northern Rockies ecosystem. There are dozens of areas left out of the bill that qualify for wilderness designation in every way. These include Tenderfoot Deep Creek, Allan Mountain, Mount Bushnell and Ten Lakes, to just name a few.

Our position is that a multi-State ecosystem approach is necessary. We agree with Vice President Gore's statements about this issue last year when we questioned whether they should automatically defer these decisions to the Members of Congress from the States involved.

This is a national resource and treasure. We have numerous concerns about the bill language. We are troubled by the very opening words which are similar to language throughout the bill that splits wilderness off from the multiple uses established legally through the Multiple Use Sustained Yield Act of 1960 which explicitly includes wilderness as a multiple use.

We also believe the purposes listed are incomplete. Protection of ecosystem integrity and biological diversity should be explicitly listed as purposes of the act.

Purpose number 2 makes the Forest Plans law. These plans are in violation of existing laws, and many are before the courts at this time. John Mumma testified before Congress that these plans contain illegally high Allowable Sale Quantities. To grandfather the high ASQs is wrong.

We feel the ecosystem study language is weak and artificially confined to Montana, while the Northern Rockies ecosystem covers

several States. This section is also canceled out by the release language in other sections of the bill. We feel that section should be changed so that it, one, covers the entire Northern Rockies ecosystem; two, provides interim protection for roadless areas during the term of the study; and, three, implements the recommendations of the science panel.

We feel the release section should be completely deleted from the bill. This language splits wilderness off from the other multiple uses and renders the ecosystem study moot through section 12(d) which prohibits a State-wide review of roadless areas, which are the key component of biological diversity in the Northern Rockies. We feel it also limits judicial review.

We hope this testimony will help guide you as you amend this bill up to the ecosystem protection standard developed by the scientific and economic community. We will continue working with the committee to ensure this result is achieved.

Legislation covering the entire Northern Rockies has been introduced in the House. The Northern Rockies Ecosystem Protection Act, H.R. 2638, is, we believe, the proper approach for the committee to take. We urge the committee to review it prior to taking further action on Representative Williams' bill. With the full set of information on both bills, we believe the committee can come to agreement on the need for ecosystem protection in the Northern Rockies.

In summary, we plead with the committee to use extreme caution. At this time, as a result of reduced timber harvests in the spotted owl forest, the pressure is greater than ever on Montana's forest. Big corporate mill owners from the West Coast are sweeping the Northern Rockies like a vacuum cleaner searching for every piece of timber they can pluck off our mountain side.

Again, I thank you very much for providing the opportunity to testify before your committee.

Mr. VENTO. Thank you, Mr. Bader.

[Prepared statement of Mr. Bader follows:]

**BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS,
NATIONAL PARKS, & FORESTS
U.S. HOUSE OF REPRESENTATIVES**

HEARING ON H.R. 2473, "ROUND 16 OF THE MONTANA WILDERNESS ACT"

JULY 20, 1993

**TESTIMONY OF MIKE BADER
ON BEHALF OF THE ALLIANCE FOR THE WILD ROCKIES**

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My name is Mike Bader and I reside in Missoula, Montana. I represent the Alliance for the Wild Rockies. The Alliance consists of more than 4200 members and over 400 businesses and organizational members. More than 200 of these businesses and groups are located in Montana. Our organization is dedicated to implementation of multi-state ecosystem protection for the Northern Rockies.

We appreciate the committee's attention to the issue of protection for Montana's world-class wilderness resources. The bill before us today attempts to provide protection for our wilderness. While we do appreciate the effort represented by H.R. 2473 and Rep. Williams, we do not support the bill in its current form.

This bill does not go nearly far enough towards protection of Montana's wilderness areas. Two out of every three acres of Montana's de facto wilderness areas are released by this bill for management under existing Forest Service management plans. These plans call for extensive logging within these areas. Thousands of miles of new roads would be built into these roadless areas and they would be logged at massive losses to the American taxpayer. The ten national forests in Montana lost more than \$57 million dollars on below-cost timber sales in 1992 alone. Virtually every roadless area released for logging under this bill could only be logged at below-cost rates. Not only does this subsidy for big industry result in direct losses to the taxpayer, the loss of pristine wilderness habitat is incalculable. Repairing the damage to native forests, wildlife and fish populations, and stream courses costs millions.

There are dozens of areas left out of the bill that qualify for wilderness designation in every way. These include Tenderfoot-Deep Creek, Allan Mountain, Mount Bushnell, Ten Lakes, and Pilgrim Creek, to name just a few. Yet these areas do not receive protection under H.R. 2473. Many areas must be added to the bill.

Our position on wilderness legislation for the Northern Rockies is that an ecosystem approach is necessary and that the state-by-state approach will fragment critical fish and wildlife habitat. We agree with the statements of Vice President Albert Gore last year in regards to the Montana wilderness bill when he said on the Senate floor that we should not automatically defer to the members of Congress from the affected states. He said the state by state approach puts this unique ecosystem at risk. Our approach is embodied in the Northern Rockies Ecosystem Protection Act, H.R. 2638.

We are also concerned that no field hearings on this bill have been held within the State of Montana even though this bill contains an entirely new ecosystem and economic study section which has not been reviewed by the public in Montana. There are several additional new provisions and language in the bill that ought to be discussed in Montana.

We suggest the following changes to the language in H.R. 2473:

Page 1- The very opening words of this bill are similar to language throughout the bill that appears to split wilderness off from the multiple uses established legally through the Multiple Use Sustained Yield Act of 1960, which explicitly includes wilderness as a multiple use. The National Forest Management Act of 1976 and the Federal Land Policy and Management Act of 1976 also include wilderness within the multiple uses. Removing wilderness from the multiple uses sets a dangerous precedent that can easily be remedied with language changes.

Page 2, paragraph 3- Again, this language treats wilderness as a non-multiple use.

Page 3, paragraphs (b)(1) and (b)(2)- The purposes listed are incomplete. Protection of ecosystem integrity and biological diversity should be explicitly listed as purposes of the Act. An ecosystem study is included "to protect and enhance ecological values of the Northern Rockies Ecosystem..." yet this purpose is not included in the purposes section. This goal should be listed as an explicit

purpose on page 2 of the Act.

Purpose number 2 clearly is an attempt to implement the Forest Plans. This presents major problems including the fact these plans are in violation of several laws and many are now before the courts at this time. For another, Rep. Williams himself has said publicly he believes these plans are fraudulent and based on purposely rigged numbers. Why implement fraudulent plans? John Mumma testified before Congress that these plans contain illegally high Allowable Sale Quantities. To grandfather in the high ASQs is wrong and this purpose should be stricken from the bill.

Page 14, paragraph (d)- This paragraph defeats the whole concept of ecosystem protection as defined by the independent scientific community. Reserve system design entails protection of core areas, surrounded by buffers, and linked with corridors. While this language may be standard to past wilderness bills, knowledge about ecosystems has added new importance to lightly managed buffer areas. This paragraph should be deleted from the bill.

Page 16, Sec. 4.- This section is weak since no federal reserved water right is created for wilderness areas. This section should be replaced with the water rights language developed by the Sierra Club.

Page 23, paragraph (3)(A)- This language creates a salvage logging loophole for the Forest Service. On some western forests, salvage outweighs the ASQ by several times. Thus these special management areas are not protected from logging. This language may also be standard to past bills but the time has come to delete this language.

Page 23, paragraph (3)(C)- This language for the Hyalite area sets a bad precedent for National Recreation Areas in Montana. Right now the standard is set through the language for the Rattlesnake NRA, which prohibits all commercial timber harvest. This language seems intended to grandfather in planned timber sales which are now the subject of litigation. It also degrades the recreation values that citizens of Bozeman hold for this area.

Page 24, paragraph (e)- This seems to indicate that a new EIS must be prepared prior to implementation of management direction for the established Special Management Areas and NRAs created by the bill. If this is true it should the language should be clarified to clearly state that.

Page 27, Sec. 7- This language should be replaced with language developed by members of the Blackfeet spiritual community which is included in H.R. , the Northern Rockies Ecosystem Protection Act.

Page 30, Sec. 8- What study has Congress produced in regard to the BLM WSAs? This section explicitly abrogates the public process in regards to BLM WSAs. This is illegal and improper. This section should be deleted from the bill. Subsection (c) transfers land to the Forest Service. Nobody has heard of this before. This is a major federal action under NEPA and must undergo public review and comment.

Page 31, Sec. 9- This language is very weak and is artificially confined to Montana while the Northern Rockies Ecosystem covers many states. This section is cancelled out by the release language and other sections of the bill. This section needs to be replaced with entirely new language that: 1) covers the entire Northern Rockies Ecosystem; 2) provides interim protection for roadless areas during the term of the study; and 3) implements the recommendations of the science panel.

Page 37, Sec. 10- This section appears to release 200 acres of S. 393 wilderness study lands, protected by the late Sen. Lee Metcalf's Montana Wilderness Study Act. This also has received no public notice or comment. What are the reasons for the deletion?

Page 38, Sec. 11(1)- This should be contained in separate legislation. This has no connection to the purposes outlined by this Act and should be sought as part of efforts to establish wilderness management training within the Forest Service.

Page 39, Sec. 12 (a)(2)- Where is the study claimed to exist here? We know of no Congressional documents or reports that examine the environmental impacts of alternative allocations of roadless areas.

Page 39, Sec. 12(b)- This is hard release that again attempts to split wilderness off from the multiple uses. This section also renders the ecosystem study section moot as it ties the hands of the science panel by eliminating wilderness designation as one of the issues to be studied. **Sec. 12(c)** indicates that plans can be implemented before they are formally revised yet roadless areas are left unprotected. **Sec. 12(d)** cancels out the ecosystem study by prohibiting review of roadless areas, which are the key component of biological diversity in the Northern Rockies Ecosystem. **Sec. 12(e)** violates the provisions of NEPA. There are new Forest Plans and they supersede plans from 1978. The old plans are

obsolete both legally and scientifically. To implement them ignores new information including endangered species recovery zones. Sec. 12 (f) exempts Forest Plans amendments. How many amendments does it take until the Plans do not resemble anything like their former selves? Sec. 12(g) targets remaining old growth forests in Montana, which largely exist in small roadless areas. This also renders the ecosystem study meaningless. Sec. 12 (h) is sufficiency language. The Forest Plans for the spotted owl forests were not legally sufficient nor are those for the Northern Rockies. It should be deleted from the bill.

We hope this testimony will help guide you as you amend the bill up to the ecosystem protection standard developed by the scientific and economic community. We will continue working with the committee to ensure that this result is achieved.

As you may know, legislation covering the entire Northern Rockies region has been introduced in the House. The Northern Rockies Ecosystem Protection Act, H.R. 2638, is, we believe, the proper approach for the committee to take. We urge the committee to review this bill prior to any action on Rep. Williams' bill. With the full set of knowledge about both bills, we believe the committee can come to agreement on the need for ecosystem protection in the Northern Rockies.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Mike Bader", with a stylized flourish at the end.

Mike Bader
executive director

Mr. VENTO. And we had received your testimony, and I appreciate you specifically pointing out where you feel there are problems. I have gone through most of them, and I will go through the remainder to try and resolve those questions that I think are a problem.

I think we have to be judged mostly on historic precedence in terms of how those activities were used. For instance, you are concerned about the fact that we referred to, in essence, no buffer zones in the legislation. That has not been a problem in any areas where we used it, has it?

Mr. BADER. I feel it hasn't. We have seen a lot of management by the Forest Service where clear-cutting has literally gone right up to the wilderness boundaries and in some cases entered the wilderness. We saw this in the Three Sisters wilderness areas in Oregon.

Mr. VENTO. But if it was into the wilderness, that would be a violation of the designation.

But what I am concerned about from the standpoint of this language is the wilderness areas perimeters, is that in fact it is a barred—any type of enforcement of the wilderness qualities are lost.

The only thing we talk about here is noise. Non-wilderness activities that can be heard or seen from within wilderness shall not in and of itself preclude such activities or uses. This has nothing to do with harvesting trees in the wilderness.

Mr. BADER. Well, I think our main point here is that the leading independent scientific researchers who have been deeply involved in designing ecosystem reserve proposals have pointed out that it consists of three fundamental elements: core reserve areas surrounded by buffers and then connected by corridors. And I think if we are going to move towards effective ecosystem protection and management, the concept of buffers is critical.

And then, again, towards the issue of the timber harvest. Where we have had this happen in the Mission Mountains wilderness in Montana, because there is no buffer we open up the possibility of error, surveying mistakes—where they think they are right on the wilderness line when they are across it—and by leaving that open I think that we do leave these designated wilderness areas vulnerable, their integrity as well as the overall ecosystem reserve.

Mr. VENTO. Let me just say I think that if they are survey errors we can have a problem. But that isn't what this addresses. I don't disagree that if we are going to move toward ecosystem types of management that that has to be incorporated into the forest management plans and into the land management practices that follow.

But the question is, in terms of designation of wilderness, whether or not we ought to use this as the vehicle or try to be sensitive to the question as to what the land management plan is because that is going to be implemented. If it is going to be an ecosystem plan, I would tend to agree that different techniques and different policies must be developed—and as we develop new knowledge that we ought to implement it. That is my point.

Anyway, let me get back to Mr. Scott with a question.

You point out, I think in some detail, why release language is no longer needed in wilderness bills. Could you repeat that again—I want to make certain that nobody misses that point.

In this instance it is five years. The next planning cycle is somewhat of a compromise, again based on the hard language that was being pursued by my colleague from Montana. But in any case could you repeat that? In other words, what do you think the effect of having the release language is and why shouldn't it be in this bill?

Mr. SCOTT. Well, there were a number of reasons that I went on.

Mr. VENTO. I read your testimony, but I wanted you to summarize.

Mr. SCOTT. In the testimony, Mr. Chairman, I think that—briefly summarizing again—release language that wades into the issue of forest plans by getting in and looking at forest plans and insulating portions of forest plans sets a very dangerous precedent. There is no legal reason to do it. And you open to the courts the opportunity for the courts to perhaps create new interpretations of what release language means because there is no longer any legal reason to have release language.

And, in summary, what I indicated was that if the committee chooses to proceed with release language, at least remove provision 12(h) which is the section of the release language in the bill that enters the question of whether or not to insulate portions of forest plans from judicial review.

Mr. VENTO. As I said, we will look at the Renshaw matter in terms of the headwaters issue.

In this instance, do you think that using the water language in this bill will adversely affect it if indeed we are talking about almost all headwaters areas, with the one exception you had? Do you think the effect will be that we will basically preserve the wilderness qualities by use of this language?

Mr. SCOTT. As we indicated in testimony, Mr. Chairman, there are a couple of tests, I think, that the committee would need to apply which will take a bit of time if it is going to choose to use this kind of the Colorado-style language.

One is to determine whether, in fact, the language comports with Montana State law because, as you recall and I am sure are painfully aware having sat through the negotiations, that Colorado language was devised very specifically to deal with Colorado State law.

So one thing is it would have to make sure that Colorado language works under Montana law. Otherwise, we will open the doors to significant litigation.

The other thing that has to happen is that we have to look and make sure that all areas are headwaters areas. Otherwise, what happens is that you will be denying to a downstream area—in this case Renshaw being an example, part of the Renshaw—any protection for its water.

In a final note on that particular issue, Montana, for instance, is different than Colorado in the way that it quantifies its water. In Colorado, the courts do it. In Montana, it is done by the Department of Natural Resources.

And, for instance, one of the things that we picked up that may need to be changed are provisions that would protect wilderness areas from any future adjudicatory claims by water rights claimants who may be found not to have a valid claim under State law, but if this language grants them some sort of a grandfather right, they could have a Federal right not established under State law.

So, because of those things we recommend in our language that it is easier to rely on an express reservation of water.

It is a more difficult task to go through—

Mr. VENTO. It is true that the adjudication process in Colorado is much more defined. It has been much more exhausted. We certainly don't want to create any new water rights that wouldn't exist under prior appropriation and have been at least in some standard of claim.

I note that the other two witnesses specifically that I have not asked questions of, Mr. Frasier and Mr. Newhall, that you are asking for substantial modifications of boundaries.

I expect that these are issues that the author has explored, that we have explored in the past and that Mr. Frasier's boundary changes are somewhat more modest. Is that assumption correct?

Mr. NEWHALL. I believe that that is probably correct.

Mr. VENTO. Not to characterize, so we will try and sort through that.

I don't know that there are some key areas that have been excluded that we might prevail to add to it. Mr. Bader is seeking much more, and that is, the use of the wilderness I think in a way that has not been utilized in the past in terms of designation and protecting much larger areas.

So I am cognizant of that, paid attention to what your testimony was in these areas and am familiar generally with those areas, having gone over them many years ago and will again do so with staff and the sponsors to see what sort of modifications would be acceptable. But thank you both for your testimony.

Mr. Williams do you have questions?

Mr. WILLIAMS. Thank you.

You have all been helpful, and we appreciate your continued involvement and along with us your patience in this process.

I can't help note, though, the irony that—with the exception of one member at that table, you are all earnestly hoping—a bill not this good passed the Senate last year. I know that is your task to try to improve bills as they come along, and you ought to try to do that. But the irony of your support for a bill not this good in the Senate in the waning hours of the last session is not lost on this Member.

Let me say first to my friend, Mr. Scott, that, as you know, Mr. Scott, the water language has enormous sensitivity. I have taken your suggestion before you made it and have asked the Attorney General in Montana to review this language, and they have provided us with an original draft only, kind of a seat-of-the-pants look at it, and they are going to go back and do a full-blown critique of it for me.

But I do want to tell you something that you and your colleagues at the table know full well and that is there is enormous sensitivity with changing this water language, enormous sensitivity in Mon-

tana, in the West and on committee. Many changes—the bill is a goner. No question about it. I can't say that about any other part of the bill, but I can say it about water. Many changes. Down the drain. No pun intended.

Mr. Newhall and Mr. Frasier, let me just use Tenderfoot Deep Creek as an example of the changes you have asked for. A number of Montanans have said there were a lot of people that want Tenderfoot Deep Creek or parts of it in wilderness. A number of people have pointed out to me that the timber industry has recommended Tenderfoot Deep Creek for wilderness so they say why don't you do it?

Well, the mere fact that an area has wilderness characteristics and probably ought to be wilderness doesn't mean it is ready to be wilderness. Tenderfoot Deep Creek is simply not ready. There are inholdings there. There is a lot of off-road use in there. There are patented claims in there.

Before areas ever make it to this bill, they go through a lot of work in Montana—easements, boundary adjustments, trades—that this committee and the Congress has to culminate. When much of that pre-work is done, then they make it into this bill. The fact that Tenderfoot Deep Creek is not placed in wilderness in this bill does not mean that it will never be wilderness. It simply means the work hasn't been done on the ground.

And, by the way, I and my staff can't do all that work. There aren't just enough hours in the day for us to be out there doing it all. That is why your groups and groups like yours have been so helpful in the past in assisting us in issues around Yellowstone, in particular, but throughout the State.

Mr. Bader, my friend from Idaho, Mr. LaRocco, is not going to want to hear this, but you and I at least have been getting along a little better these days so I am going to turn any lacing of you over to him.

Now that I have done to you what you all did to me and that is commend me first and then tell me where I am wrong, let me commend you first, Mr. Bader, for at least what I sensed a month or two ago was a somewhat new attitude on the part of the Alliance in wanting to work within the process. Not that you have been willing to compromise the way which you believe to be correct, but you wanted to try to work within the process. I commend you for that.

Now having done that, let me tell you something: Your testimony is wrong. It is just simply not accurate. It is wrong, and maybe you and I could exchange letters or comments in my office about where it is wrong.

I made a number of notes on your testimony that I don't want to particularly take the time of the committee to raise. But let me put it to you this way: I want you and the members of your Alliance to know that if I believed your concerns about what is going to happen to the land if this bill passes were real, I wouldn't have my name on this bill. I would be working to defeat it.

It isn't that you want to protect the land more than I do. It isn't that you have a higher ethic about the place than the Chairman does. It is just that you have a different view of what the words mean in the bill than we have. You have a different view of wheth-

er the Forest Service is going to manage or do a better job in managing the bill. You have a different view of that, managing the land. Rather, you have a different view of that than we do.

We don't disagree about the fact that the place ought to be protected. We probably disagree fairly significantly about what jobs can be allowed to go forward to extract some natural resources on the land.

But everybody, at least on this side, that is, all the members of the committee on this side—and I must say several on the other side—while they want the jobs to go ahead, still want the land protected every bit as much as you do, so the disagreement isn't in that. The disagreement is in what do the words mean and how will the Forest Service manage it if we release it.

I personally believe that in most of your contentions that brings you finally to your beliefs, most of those contentions are wrong.

And you believe the same of me. But I did want to make that point, that we both want to protect and preserve the place out there, while having a viable economy go forward.

Thank you, Mr. Chairman.

Mr. VENTO. Thank you. Mr. LaRocco, the gentleman from Idaho, wants to carry on questions here.

Mr. LAROCO. Yes. Thank you, Mr. Chairman.

Mr. Scott and Mr. Newhall, thank you very much for your helpful testimony. I think it is really important to have your specific comments on these areas. And I would expect no less of the Wilderness Society than to be helpful and constructive and to come to this committee with meaningful testimony that represents your constituencies.

I have a question whether the Montana Wilderness Society is in agreement with the national groups or if there is any conflict right now and where you are in moving this bill ahead.

Because sometimes when we sit up on the stage and these areas are looked upon, the State is closer to the ground and on the ground. And I am not saying they have a tendency to compromise more than the national groups, but I am just interested what the dynamics are between the national group and the State organizations.

Can you comment on that?

Mr. SCOTT. I am here testifying on behalf of the Wilderness Society. I come from Bozeman, Montana, and work in our Northern Rockies office, which covers Montana and northern Wyoming. We overlap a little bit of eastern Idaho as well with Craig Erkley. So we don't distinguish between the national and State. It is just the Wilderness Society.

We work very closely with groups like the Montana Wilderness Association, the Greater Yellowstone Coalition and Wildlife Federation, and others. And I think that our testimonies dovetail in that regard.

Mr. LAROCO. Good. There is a portion of your testimony that confuses me, and I need some help. Let me read to you what is in your written portion that you summarized.

Entering this debate only puts us on a slippery slope. While at first, the Congress might limit its scope of review to the wilderness review portion of plans, this clearly is not the long-term agenda of industry. In subsequent Congresses, industry will try

to broaden the adequacy determinations to include other, quote, problems, unquote, like forest health. This is something the timber industry is now vigorously pursuing in its negotiations of an Idaho wilderness bill.

I am totally unaware of those negotiations in Idaho, and I really have my ear to the ground; and this has consumed a major portion of my life for the last year. I am unaware of those negotiations. Could you elaborate on what is going on?

Mr. SCOTT. I can certainly appreciate that. I am sorry for the confusion. What I was referring to in here was the discussions by industry to try to set aside areas where lands would be specifically allocated to timber harvest.

Now, that has happened over the last two or three years. I don't know the most recent discussions in Idaho. What I was referring to is, over the sense of history of background here, what industry has been attempting to seek by entering the forest planning debate. And maybe that at this point Idahoans have moved beyond that debate. But this was at a point two or three years ago when the debate was hot and heavy a couple of times.

Mr. LAROCO. It is still hot and heavy.

Mr. SCOTT. I understand that.

Mr. LAROCO. I think your frame of reference may be in the negotiations that were sponsored by the legislature where a professional negotiator, a mediator, was hired and negotiations were pursued.

Mr. SCOTT. That is what I was referring to.

Mr. LAROCO. Subsequent to that time that was dropped. But movement was accomplished, at least with an understanding, as it always is when people talk to one another. And subsequent to that has come my legislative vehicle and have now determined within the congressional delegation that we will try and move this issue to a resolution. So that puts that into perspective.

Mr. SCOTT. There was no intent here to impugn the process that you were working on.

Mr. LAROCO. Okay.

Mr. Bader, let me say that I condemn your guerrilla tactics. I strongly disagree with your tactics. I applaud the mainstream groups that have tried to be productive and enter meaningful debates with the Congress. Now you are here in a room that I enjoy coming to at every opportunity. Many debates have ensued, many decisions have been made here, and many important developments on public lands have occurred here. You are now here, but this flyer still exists.

I think that you are really trying to raise money, raise emotion, and raise the heat on the backs of my reputation; and I deplore those tactics, quite frankly. I think you are trying to push an agenda at the expense of my good name.

My colleague, Mr. Williams, has already said that if we thought that anything that we would be doing would accomplish what you have said we would in documents like this and in statements that have been made, we would be on your team. We didn't come here to propose forest destruction, massive clearcutting; and there are people in this room, quite frankly, that would find your statements about me being a representative or a tool of the timber industry

laughable because they represent industry; and they may testify to that later on.

I just want to say that, you know, using this type of approach gets us nowhere; and I think that, you know, your bill is simply dead on arrival. You find four cosponsors, somebody from Manhattan, which I applaud you for finding a colleague that was willing to step up to the plate and do that. But now you have a bill number. You called it an act, when it was not an act. When this went out, it wasn't even a piece of legislation that was introduced in the halls of this Congress.

But for my colleague and me, we have worked long and hard. This is a top priority on my staff. I have hired extra staff to work, held town meetings, walked the plank in many different ways, and it is just the beginning.

So I welcome the type of testimony that the Wilderness Society and the Wildlife Federation has proposed. But my friend from Montana thinks that your testimony is inaccurate. And, once again, I think even in this room, the inaccuracies continue. But when my reputation is being impugned, when my name is being impugned, and when I think that you are simply trying to raise money to continue this campaign on my back, I have problems with that, severe problems.

And I think it is appropriate for me to mention it in this hearing room, because, you have been in my office, and on my office hangs a quote from Teddy Roosevelt. It says:

The Nation behaves well when it treats its natural resources assets to be passed on to the next generation increased and not impaired in value.

And that drives me.

But what you say is a lie about my actions and my intent. You use the word "guise." You are bringing up my intent. And, furthermore, I don't think you can substantiate the hundreds of millions of dollars that you say that my bill would cost. You can't substantiate that for a minute.

And, Mr. Chairman, I yield back the balance of my time.

Mr. VENTO. Mr. Bader?

Mr. BADER. Yes. I would like to comment on a couple of those things.

Mr. VENTO. I would like to just give you an opportunity to reply. I don't want to engender another response and argument here this morning.

Please proceed for a minute.

Mr. BADER. Yes. One thing on the alert. I would ask you to point out where we asked anybody for money in that alert. It is not in there.

Secondly, if I was getting rich at this, boy, I am in the wrong line of work. If we are bringing in piles of money, boy, we are not in the right place. But I just want to set that aside first.

But then to deal with the substance of your question on the cost of these bills. You said in your own statement earlier in the day, before the panels began, that you were using your wilderness bill as a vehicle to provide certainty, and that you also put the planning process into statute in your bill. And I guess as to our view of that, the Forest Service plans for logging these roadless areas, if that is put in the statute, then that is part of the responsibility

that your bill carries. And these forests are losing money, as we heard from the Forest Service officials earlier.

So the cost of implementing those plans, which your bill does, and what Representative Williams' bill does as well, it is a fundamental purpose of the act, that is a cost associated with that bill, if that is the fundamental purpose of the bill. And we do feel it is fair to attribute the costs of the road building, the management planning, all those administrative costs that are associated with implementing these plans, which we do feel are outdated, and have heard Representative Williams state publicly on many occasions that he feels these numbers are not accurate in the plans, that Muehntz testimony was the tip of the iceberg. And I think we are all pretty much in agreement.

I think the four of us on that panel, if you look at our testimony and read the details of it, you will find very little difference in any of the conclusions we have drawn about language, about areas, about the general thrust of where we ought to be going. So I stand by our alert our staff put that together. I am proud of what they did. I think it is accurate. And I think that we are entitled to have a difference of opinion. This shouldn't be taken personally. I don't take it personally. I wish you wouldn't either. I am not saying that your intent personally is that you would like to see every tree chopped down in Idaho and expansive clearcuts.

I don't believe that is in your heart, and I know it is not in Representative Williams' either. But I do think that when we attempt to legislate and put into statute the forest plans, you bought the whole nickel there with those plans.

Mr. VENTO. Well, thank you. I wanted you to have a response.

Let me just say, in my judgment, I don't know that when we pass wilderness bills—and release land—that we could claim savings by not permitting road building in wilderness and so forth. I don't think we would get CBO to score it that way or we could make everyone a money-saver. And I guess you are entitled to add it up any way that you want to in a sense. But we couldn't get a CBO score on that particular basis, Mr. Bader; and I don't think any place else or under any administration.

I think there are questions about the low-cost timber sales where my colleagues and I would disagree in terms of what we would do. But to put the whole burden in terms of classification of land in terms of management on someone that is proposing to do wilderness for an area is an unusual means. But you can argue, I suppose, that way. You are entitled to your own arguments, but you are not entitled to your own facts. So let me leave it at that.

You both have had a little bit to say about it. Obviously there are strong feelings here. I would remind you, you are working on the Montana bill, at least that is the topic of this hearing. I think the exchange and, hopefully, the indication of positive work on the part of all of the groups here, although they differ in terms of the boundaries and so forth, can be that there at least should be a common understanding as to what we are doing so that we can argue it on that basis.

I thank you all for your testimony and look forward to working with you as we bring this to a conclusion in the next weeks or months.

PANEL CONSISTING OF JERRY BUSH, PRESIDENT, LUMBER PRODUCTION AND INDUSTRIAL WORKERS UNION; HARVEY REIKOFSKI ON BEHALF OF THE MONTANA TRAIL BIKERIDERS ASSOCIATION MONTANA 4X4 ASSOCIATION, MONTANANS FOR MULTIPLE USE, AND MONTANA SNOW-MOBILE ASSOCIATION; BILL BALLARD ON BEHALF OF THE MONTANA PETROLEUM ASSOCIATION AND THE ROCKY MOUNTAIN OIL AND GAS ASSOCIATION; JAY CHAMBERLIN, MANAGER, EAST BENCH IRRIGATION UNIT, AND PRESIDENT, MONTANA WATER RESOURCE ASSOCIATION; AND JAMES S. RILEY, EXECUTIVE VICE PRESIDENT, THE INTERMOUNTAIN FOREST INDUSTRIES ASSOCIATION

Mr. VENTO. Finally, we have the second panel, Mr. Jerry Bush, President, Lumber Production and Industrial Workers Union, from Missoula, Montana; Harvey Reikofski, Montana Trail Bikeriders Association and Montana Snow Mobile Association from Kalispell, Montana; Bill Ballard, the Montana Petroleum Association, Billings, Montana; Jay Chamberlin, the Montana Water Resource Association from Helena; and, finally, Jim Riley, the Intermountain Forest Industries Association, Lewiston, Idaho.

Mr. WILLIAMS. Mr. Chairman, would you yield?

Mr. VENTO. Yes, I would be happy to yield to the sponsor.

Mr. WILLIAMS. I notice that the president of the Montana Wilderness Association has moved from the front to the back of the room. And I just want the Chair and the gentleman from Idaho, as well as the staff, to note the presence of Miss Louise Bruce who I introduced not just as a friend and because she is president of the Montana Wilderness Association but because she gave her place in testimony to one of the members of her association.

Louise was originally chosen by the committee to testify. The association, as with other groups, had hoped that they could have more than one witness. And because there was another witness, Mr. Newhall, who earnestly wanted to testify, the president of the association was willing to give up her testimony and her seat to him. And that was a more generous thing, Mr. Chairman, than I have noticed in 15 years that most of our witnesses are willing to do.

And so, Louise, we appreciate your flexibility; and we hope that is going to be the hallmark that will see this bill through, because we are going to need a lot of that sort of thing in the next few months.

Thank you.

Mr. VENTO. I thank the gentleman for his observation, and I appreciate the patience and understanding of those that might have wished to testify but were unable to formally present their statements.

And we would like this panel of witnesses each to take no more than five minutes to explain their position on the bill. And then we will probably have a few questions.

We are pleased to welcome Jerry Bush from Local 3038. Mr. Bush, please proceed.

STATEMENT OF JERRY BUSH

Mr. BUSH. Thank you, Mr. Chairman, members of the committee.

For the record, my name is Jerry Bush. I serve as president of the LPIW local 3038, located in Bonner, Montana. I represent more than 650 members who work in the lumber, plywood, and manufacturing industries.

I am here to testify generally in favor of H.R. 2473. We support the boundaries but would like to see 10-year release language added, being as our forest plan is coming to the end of the cycle.

Mr. Chairman, along with my written statement, I would also like entered into the record letters from the Montana State AFL-CIO; a letter from Jim Hill, Western Council of Industrial Workers, representing 1700 workers; and LPIW No. 2581 of Libby, which represents approximately 550 workers.

Mr. VENTO. Yes. Without objection, they will be made a part of the record.

Hearing no objection, so ordered.

[The letters follow:]



Montana State AFL-CIO

110 West 13th Street, P.O. Box 1176, Helena, Montana 59624

Donald R. Judge
Executive Secretary

406-442-1708

July 15, 1993

Honorable Bruce Vento, Chairman
National Parks, Forests and Public Lands Sub-Committee
Natural Resources Committee
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Vento:

I am writing to encourage your committee's favorable consideration of HR 2473, recently introduced by Montana's Congressman, Pat Williams, to end our state's long-lasting Wilderness debate. Although perhaps whimsically titled "Round 16 of the Montana Wilderness Act, 1993", this legislation represents a very serious effort to put a destructively divisive issue to rest.

Enclosed is a copy of Resolution #51, unanimously adopted by the delegates to the 37th Annual Convention of the Montana State AFL-CIO in June, 1993. Although simple in content, this resolution reflects years of hard work by Montana trade unionists to find compromise to Montana's wild lands debate. Perhaps the most important lines contained in the resolution can be found in the third "WHEREAS" which reads as follows: *"It is obvious that Montanans want this issue resolved, not only to protect jobs and local economies, but to protect those lands that truly deserve wilderness designation;"*

Clearly, these words point to a rejection of both extremes to the debate -- those who wish to designate all remaining lands to wilderness -- and those who wish to designate no more lands to wilderness. And, these words were backed up by action.

Beginning in 1990, representatives of AFL-CIO local unions employed in Montana's timber industry sat down with representatives of Montana's conservation community to attempt a compromise of the decade old wilderness debate. For more than six months, workers and conservationists met almost weekly in the communities of Missoula, Libby, Thompson Falls and Superior to negotiate wilderness resolution on the Lolo and Kootenai National Forests. They reviewed forest lands drainage by drainage and, sometimes, acre by acre. They discussed habitat, water quality, timber value and harvesting procedures. They negotiated, traded and held fast when warranted. And, in the end, they reached agreement. They then traveled to Lewistown, Polson, Kalispell, Helena, Billings, Great Falls and Bozeman to present their plan to others.

Workers and conservationists, together, testified before U.S. Senate committees to urge support of their compromise. They traveled with each other to Washington, D.C., to voice their support for an end to the controversy.

Unfortunately, the voices of the extremes, led by former U.S. Congressman Ron Marlenee and Republican U.S. Senator, Conrad Burns, protested too loud. The compromise was derailed by industrial politics which found an unholy alliance in the advocates of a multi-state ecosystem plan. Neither was willing to compromise, nor was either prepared to accept a balanced solution resulting from the hard work of others.



July 15, 1993
Chairman Vento
Page 2

Despite these setbacks, workers and conservationists in Montana continue to believe that negotiation and compromise represent the best hope for resolution. As the enclosed resolution states: "the Montana State AFL-CIO [is instructed to] do everything in their power to help reach a balanced solution for Montanans;"

Congressman Williams's bill represents our best hope of reaching that balanced solution. It is, perhaps, not perfect. But, it does present the best of what has been worked out in the past, and it offers a vehicle for settling this issue once and for all.

Chairman Vento, the citizens of Montana deserve an end to this controversy. Their communities and their families want to gage their futures based upon more than prolonged debate and extremism. Enough is enough. An end is warranted and Congressman Williams has introduced HR 2473 to achieve that end.

We encourage your committee to give favorable consideration to Montana's communities, it's workers and those who want to protect the last of the best place in America. Please give "Round 16" your support and your vote.

Thank you for considering our thoughts.

Sincerely and respectfully submitted,



Donald R. Judge, Executive Secretary
Montana State AFL-CIO

cc: Congressman Pat Williams
Montana local unions employed in timber industries

enclosure



Montana State AFL-CIO

110 West 13th Street, P.O. Box 1176, Helena, Montana 59624

Donald R. Judge
Executive Secretary

406-442-1708

RESOLUTION 51

WHEREAS, for years, Montanans have been locked in a very divisive battle over the designation of wilderness on our remaining roadless lands; and

WHEREAS, the industries that derive their resources from public lands need this issue resolved; and

WHEREAS, it is obvious that Montanans want this issue resolved, not only to protect jobs and local economies, but to protect those lands that truly deserve wilderness designation;

THEREFORE BE IT RESOLVED, that LPIW Local 3038 will continue to work with Montana's congressional representatives to reach a balanced solution to the wilderness issue; and

BE IT FURTHER RESOLVED, that the Montana State AFL-CIO do everything in their power to help reach a balanced solution for Montanans; and

BE IT FINALLY RESOLVED, that upon passage, this resolution be submitted to the 37th annual Montana State AFL-CIO convention for its consideration and concurrence.

Submitted by Lumber, Production and Industrial Workers Local 3038

ADOPTED BY THE 37TH ANNUAL MONTANA STATE AFL-CIO CONVENTION

LOCAL UNION NO. 2581

United Brotherhood of Carpenters and Joiners of America



July 16, 1993

Honorable Bruce Vento, Chairman
National Parks, Forests and Public Lands Sub-Committee
Natural Resources Committee
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Vento:

Well, we're at it again. For the past 16 years Montana has been trying to resolve the Roadless Lands debate. Diverse groups have been arguing this issue, dividing communities and in some cases even dividing family members. It is time to put the rhetorical garbage aside and work on a true resolution to this debate.

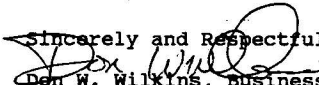
Reasonable Montana citizens, whether they work in the mills or recreate in the Forests or both would like this issue to come to a close. For too many years extreme groups have had a heyday on this issue. Those groups, who have used it for political gain do not want the issue to die. Each election year they bring it to the forefront. Last Congress, the issue was almost taken out of the hands of Montanans and resolved by out of state interests which would not have had a positive impact on jobs and the economy.

Your committee is addressing the bill today introduced by Congressman Pat Williams. We applaud Congressman William's effort to again address the issue which becomes more controversial and less beneficial to those of us who work in the wood products each year.

We want the issue resolved as well. Any bill passed by Congress ought to bring an end, to some degree, of the Forest Service having to manage the lands for their wilderness values for a period of time. That is the reason members of our Local Union feel it important that the "ten-year" release language be included in this bill.

We encourage your committee to give full consideration to Congressman Williams' bill, include the "ten-year" release language and resolve this issue. Montanans' can have and deserve a future based on more than just rhetoric. We need to access some of these roadless lands now before the dead and dying timber is no longer good for anything other than a fire.

Thank you.

Sincerely and Respectfully,

Don W. Wilkins, Business Rep.
LPIW Local #2581
Libby, Mt. 59923

WESTERN COUNCIL OF INDUSTRIAL WORKERS

UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA

BLUE MOUNTAIN
CENTRAL CALIFORNIA
CENTRAL OREGON
CENTRAL WASHINGTON
COSE BAY AREA
INLAND EMPIRE

(503) 228-0235

NORTHERN CALIFORNIA
PORTLAND OREGON COLUMBIA
PUGET SOUND
REDAWOOD
WILLAMETTE VALLEY



721 S.W. OAK STREET

PORTLAND, OREGON 97205

July 16, 1993
P. O. Box 7651
Missoula, Montana 59807

Honorable Bruce Vento, Chairman
National Parks, Forests and Public Lands Sub-Committee
Natural Resources Committee
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Vento:

It only seems appropriate for me to write to you in regards to HR 2473. I can only add to whatever probably has been said in person before your committee. I represent seven Lumber, Production and Industrial Workers Locals and about 1700 members located in Libby, Olney, Thompson Falls, Missoula, Bozeman and Columbus, Montana. This membership manufactures everything from laminated beams to using the sap of Larch trees for products they produce. Without a base timber supply this membership could decline or in some cases completely disappear.

The Montana Wilderness Act of 1993 is one of a long series of Bills that have come before Congress during the last two decades. I can only urge you and the rest of Congress to pass this Bill and make it the last one.

Representative Pat Williams has made sure that both what should be saved as Wilderness is set aside and what should be released for multi-purpose use administered in the proper way by the appropriate Federal

WESTERN COUNCIL OF INDUSTRIAL WORKERS

UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA

BLUE MOUNTAIN
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INLAND EMPIRE

15031228-0235

NORTHERN CALIFORNIA
PORTLAND EMPIRE DISTRICT
PUGET SOUND
REDWOOD
WILLAMETTE VALLEY



721 S.W. OAK STREET

PORTLAND, OREGON 97205

agencies. This Bill is a compromise that will probably not satisfy either extreme. The people that want to set it all aside and the people that want to log it all.

The main concern that I have is if passed without amendments we could be back in arguing about the released lands because we are coming to the end of the Forest Plans. I along with the membership I represent would like to see that this bill be amended so that we do not get into that situation.

Thank you for your consideration of our concerns.

Regards

James A. Hill

James A. Hill
Western Council of Industrial
Workers
Inland Empire Area Representative

Mr. BUSH. Mr. Chairman, representatives from our local were here last year to testify in favor of S. 1696. We watched the progress of S. 1696 as it was passed by the Senate, amended by the House, amended again in conference, only to die a quick death in the closing hours of the Congress, having not been allowed to be heard by the Senate.

It was sad to see S. bill 1696 join the previous Montana wilderness bills in the graveyard of uncompromising self-interest.

This debate has gone on long enough. Montana needs a balanced solution to the debate. We need a solution that protects our jobs, our communities, our way of life; and we need to protect our wild lands that really do deserve wilderness designation.

Mr. Chairman, our organization has been involved in this issue for over 3½ years now. After watching for better than a decade the extreme elements from both the industry and the environmental communities use Montana as a battleground, it became very obvious to us that if we sat by and watched this continue, we would never reach a resolution to this issue.

This observation led our organization to sit down with conservationists, outfitters, sportsmen, and anyone else who wanted to have input on the question of wilderness and try to resolve this issue on the Lolo Forest. We did just that. This agreement, the Lolo Accord, was the first of its kind.

We proved that when people come together and begin by hanging their rhetoric, their mistrust and their egos and their preconceived notions at the door, an atmosphere can be created which leads to a fair resolution of the issue. The mill workers found out that not all conservationists want to lock up all the lands and take away our jobs. And, on the other hand, the conservationists found out that not all mill workers want to clearcut every tree in sight. Congressmen, the majority of that agreement reached on the Lolo Forest is contained in H.R. 2473.

Beyond a doubt, the most valuable lesson learned was this: With a spirit of compromise, this, in fact, was a solvable issue. Without that spirit, those discussions would never have started. We commend Representative Pat Williams for coming up with a bill that represents the concerns of people on all sides of the issue, keeping in mind the value and multiple uses of our roadless lands.

We hope that you will look at the work Representative Williams has done on this bill to reach a balanced solution, a solution that protects our jobs, communities, and forests, both now and in the future.

Mr. Chairman, it is obvious to us that Montanans want this issue resolved and they favor a balance between wilderness and multiple use.

We believe we can have both. We can protect our jobs and local economies and protect those lands that truly deserve wilderness designation. Passage of this legislation will do just that.

In conclusion, Mr. Chairman, members of the committee, we urge you to carefully consider this legislation and to make H.R. 2473, "Round 16 of the Montana Wilderness Act 1993," the final round in the debate over designation of Montana's remaining roadless lands.

Thank you.

Mr. VENTO. Thank you, Mr. Bush.
[Prepared statement of Mr. Bush follows:]

LUMBER, PRODUCTION & INDUSTRIAL WORKERS

Local Union



No. 3038

UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA
BONNER, MONTANA 59823

ADDRESS OF WRITER

TESTIMONY OF JERRY BUSH

SPEAKING ON BEHALF OF THE UNITED

BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA, LUMBER
PRODUCTION AND INDUSTRIAL WORKERS UNION, LOCAL #3038, AFL-CIO

BEFORE THE HOUSE NATURAL RESOURCE SUBCOMMITTEE OF
NATIONAL PARKS, FORESTS, AND PUBLIC LANDS.

MR. CHAIRMAN, FOR THE RECORD, MY NAME IS JERRY BUSH. I SERVE AS PRESIDENT OF THE LPIW LOCAL #3038, LOCATED IN BONNER, MONTANA. I REPRESENT MORE THAN 650 MEMBERS WHO WORK IN THE LUMBER, PLYWOOD, AND MANUFACTURING INDUSTRIES. I AM HERE TO TESTIFY GENERALLY IN FAVOR OF HR 2473. WE SUPPORT THE BOUNDARIES, BUT WE WOULD LIKE TO SEE TEN-YEAR RELEASE LANGUAGE ADDED, BEING AS OUR FOREST PLAN IS COMING TO THE END OF ITS CYCLE. MR. CHAIRMAN, ALONG WITH MY WRITTEN STATEMENT, I WOULD LIKE ENTERED INTO THE RECORD LETTERS FROM THE MONTANA STATE AFL-CIO, WHICH REPRESENTS 23,000 MONTANA WORKERS; JIM HILL, WESTERN COUNCIL OF INDUSTRIAL WORKERS, REPRESENTING 1700 WORKERS; AND LPIW #2581 OF LIBBY, WHICH REPRESENTS

MEMBER OF INLAND EMPIRE DISTRICT COUNCIL AND WESTERN COUNCIL. LUMBER, PRODUCTION & INDUSTRIAL WORKERS

unclassified printer

JERRY BUSH TESTIMONY, PAGE 2

550 WORKERS. ALL OF THESE LETTERS OFFER SUPPORT TO A SOLUTION TO THIS ISSUE.

MR. CHAIRMAN, REPRESENTATIVES FROM OUR LOCAL WERE HERE LAST YEAR TO TESTIFY IN FAVOR OF S.B. 1696. WE WATCHED THE PROGRESS OF S.B. 1696 AS IT WAS PASSED BY THE SENATE, WAS AMENDED BY THE HOUSE, AMENDED AGAIN IN CONFERENCE, ONLY TO DIE A QUICK DEATH IN THE CLOSING HOURS OF THE CONGRESS, HAVING NOT BEEN ALLOWED TO BE HEARD BY THE SENATE.

IT WAS SAD TO SEE S.B. 1696 JOIN THE PREVIOUS MONTANA WILDERNESS BILLS IN THE GRAVEYARD OF UNCOMPROMISING SELF-INTEREST.

THIS DEBATE HAS GONE ON LONG ENOUGH. MONTANA NEEDS A BALANCED SOLUTION TO THE DEBATE. WE NEED A SOLUTION THAT PROTECTS OUR JOBS, OUR COMMUNITIES, OUR WAY OF LIFE, AND WE NEED TO PROTECT OUR WILD LANDS THAT REALLY DO DESERVE WILDERNESS DESIGNATION.

MR. CHAIRMAN, OUR ORGANIZATION HAS BEEN INVOLVED IN THIS ISSUE FOR OVER THREE AND ONE-HALF YEARS NOW. AFTER WATCHING FOR BETTER THAN A DECADE THE EXTREME ELEMENTS FROM BOTH THE INDUSTRY AND THE ENVIRONMENTAL COMMUNITIES USE MONTANA AS A BATTLE GROUND, IT BECAME VERY OBVIOUS THAT IF WE SAT BY AND ALLOWED THIS TO CONTINUE, WE WOULD NEVER REACH A RESOLUTION TO THIS ISSUE.

THIS OBSERVATION LED OUR ORGANIZATION TO SIT DOWN WITH CONSERVATIONISTS, OUTFITTERS, SPORTSMEN, AND ANYONE ELSE WHO WANTED TO HAVE INPUT ON THE QUESTION OF WILDERNESS AND TRY TO RESOLVE THIS ISSUE ON THE LOLO FOREST. WE DID JUST THAT. THIS AGREEMENT, THE LOLO ACCORD, WAS THE FIRST OF ITS KIND.

JERRY BUSH TESTIMONY, PAGE 3

WE PROVED THAT WHEN PEOPLE COME TOGETHER AND BEGIN BY HANGING THEIR RHETORIC, THEIR MISTRUST, THEIR EGOS, AND THEIR PRECONCEIVED NOTIONS AT THE DOOR, AN ATMOSPHERE CAN BE CREATED WHICH LEADS TO A FAIR RESOLUTION OF THE ISSUE. THE MILL WORKERS FOUND OUT THAT NOT ALL CONSERVATIONISTS WANT TO TAKE AWAY OUR JOBS AND LOCK UP THE FORESTS, AND ON THE OTHER HAND, THE CONSERVATIONISTS FOUND OUT NOT ALL MILL WORKERS WANT TO CLEARCUT EVERY TREE IN SIGHT. CONGRESSMEN, THE MAJORITY OF THAT AGREEMENT REACHED ON THE LOLO FOREST IS CONTAINED IN H.R. 2473.

BEYOND A DOUBT, THE MOST VALUABLE LESSON LEARNED WAS THIS: WITH A SPIRIT OF COMPROMISE, THIS IN FACT WAS A SOLVABLE ISSUE. WITHOUT THAT SPIRIT, THOSE DISCUSSIONS WOULD NEVER HAVE STARTED. WE COMMEND REPRESENTATIVE PAT WILLIAMS FOR COMING UP WITH A BILL THAT REPRESENTS THE CONCERNS OF PEOPLE ON BOTH SIDES OF THE ISSUE, KEEPING IN MIND THE VALUE AND MULTIPLE USES OF OUR ROADLESS LANDS.

WE HOPE YOU WILL LOOK AT THE WORK REPRESENTATIVE WILLIAMS HAS DONE ON THIS BILL TO REACH A BALANCED SOLUTION; A SOLUTION THAT PROTECTS OUR JOBS, COMMUNITIES, AND FORESTS, BOTH NOW, AND IN THE FUTURE.

MR. CHAIRMAN, IT IS OBVIOUS TO US THAT MONTANANS WANT THIS ISSUE RESOLVED, AND THEY FAVOR A BALANCE BETWEEN WILDERNESS AND MULTIPLE USE.

WE BELIEVE WE CAN HAVE BOTH. WE CAN PROTECT OUR JOBS AND LOCAL ECONOMIES, AND PROTECT THOSE LANDS THAT TRULY DESERVE WILDERNESS

JERRY BUSH TESTIMONY, PAGE 4

DESIGNATION. PASSAGE OF THIS LEGISLATION WILL DO JUST THAT.
 IN CONCLUSION, MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, WE URGE
 YOU TO CAREFULLY CONSIDER THIS LEGISLATION AND TO MAKE H.R. 2473,
 "ROUND 16 OF THE MONTANA WILDERNESS ACT 1993", THE FINAL ROUND IN
 THE DEBATE OVER THE DESIGNATION OF MONTANA'S REMAINING ROADLESS
 LANDS.

Mr. VENTO. Mr. Reikofski.

STATEMENT OF HARVEY REIKOFSKI

Mr. REIKOFSKI. Thank you. I am here today representing the Montana Snowmobile Association, the Montana Trail Vehicle Riders Association, the Montana 4X4 Association, and Montanans for Multiple Use. These four groups represent a membership numbering over 5,000 people and are representative of the many thousands more who enjoy motorized recreation in the State of Montana. Our members are not willing to give up historic motorized recreation areas simply to resolve the wilderness issue.

We appreciate the opportunity to comment on H.R. 2473 and agree that the issue of additional wilderness in Montana needs to be resolved. However, we do find fault with some of the areas in H.R. 2473. We are also concerned that there is no provision to end the wilderness debate in the foreseeable future.

Issues that need to be addressed include release language that allows management of those lands not designated as wilderness for multiple use and in a time frame that would contribute to the resolution of this issue and not allow it to be rekindled in 2-3 years.

We disagree with the concept of wilderness designation as a tool for wildlife management when past history shows that motorized recreation can coexist in areas such as the Flathead National Forest. Wildlife officials in Montana have stated that deer, elk, and mountain lion populations are at an all-time high. But while elk herd numbers are up generally, they are down slightly in wilderness areas. Grizzly bear has achieved a 100 percent recovery goal in certain areas that snowmobiling and trail bike riding has taken place for the past 30 years.

In a sense of fairness, it does not seem appropriate to designate more wilderness in areas that already have close to 50 percent designated wilderness. Yet the Flathead National Forest being one of these areas states in their 1991 Monitoring Report, and I quote, trends are static or declining for more vigorous types of dispersed wilderness recreation uses such as backpacking. However, trends are increasing for the more service-oriented, less strenuous types of activities, end quote.

Another misleading justification is the impact of motorized recreation. Many areas proposed in this bill, because of their pristine qualities, have remained so even with historic motorized use. Programs are in place on all forests to maintain and manage the use of forest trails, often resulting in the expense of time and money by Montana groups such as those I represent here today.

National recreation areas should be managed at the same levels as they are presently. The public's input must be ensured to retain the traditional and historic motorized uses those areas have had. We vigorously object to the archaic method of allowing an individual determining arbitrarily the proper use of public lands put into special management. Again, the public needs to retain their rights for input on management of these areas and Congress gave us the direction on how this would be managed through the passage of the National Forest Management Act.

We are sure that the committee will agree that large-scale compromises are no longer possible. Meaningful changes on boundaries

of some areas through the use of trails and travel corridors as boundaries would go a long way toward the resolution of this issue. We know that there are management options that have worked in the past such as using Inspiration Trail as a boundary in the Lee Metcalf Wilderness. Several areas such as Dexter Basin, East Pioneer, Blodgett Creek, Flint Creek Trail No. 63, Swan Crest, Thompson Seton, Crazy Mountain, and areas in the Great Burn would benefit from this approach.

Currently in Region 1, approximately 50 percent of trails are closed to motorized recreation. H.R. 2473, in its current form, would bring total closures to nearly 75 percent or more of the entire trail system.

I would like to point to the importance of motorized recreation to Montana and to its communities. The trails into our public lands are vital to their economic and recreational use of our national forests. Snowmobiling, for example, has been a traditional non-resident tourist activity in Montana long before tourism became an industry funded by our bed tax. While the Institute for Tourism and Recreation has not tracked tourist spending on trail bikes and ATVs, it has found that nonresident snowmobilers are, and I quote, some of the largest spenders. The Institute has also found that, quote, the economic impact to the regions surrounding Yellowstone Park, Seeley Lake, and Lincoln is relatively large, end quote.

On the Flathead National Forest alone, figures show that 77 percent of the recreation that takes place there is motorized recreation. The disparity of the motorized versus non-motorized land base is reflected by the amount of land use allowed by Region 1 forests which is allotted at just 25 percent of the total land base for motorized recreation.

In summarizing, we hope that you will be able to study our supporting testimony and hopefully realize the devastating impact this bill has on certain areas used for motorized recreation. Thank you.

Mr. VENTO. Thank you for your testimony, Mr. Reikofski.

[Prepared statement of Mr. Reikofski and attachments follows:]

Montana**SNOWMOBILE****Association**

TESTIMONY BEFORE THE HOUSE INTERIOR SUBCOMMITTEE
ON PUBLIC LANDS, NATIONAL PARKS & FORESTS
COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES
HONORABLE BRUCE VENTO, CHAIRMAN

H.R. 2473
ROUND 16 OF THE MONTANA WILDERNESS BILL
JULY 20, 1993

BY HARVEY REIKOFSKI
REPRESENTING
MONTANA SNOWMOBILE ASSOCIATION
MONTANA TRAIL VEHICLE RIDERS ASSOCIATION
MONTANA 4X4 ASSOCIATION
MONTANANS FOR MULTIPLE USE

Mr. Chairman, honored members of the Subcommittee, my name is Harvey Reikofski. I am here today representing the Montana Snowmobile Association, the Montana Trail Vehicle Riders Association, the Montana 4X4 Association and Montanans For Multiple Use. These four groups represent a membership numbering over 5000 people and are representative of the many thousands more who enjoy motorized recreation in the State of Montana. Our members are not willing to give up historic motorized recreation areas simply to resolve the wilderness issue.

We appreciate the opportunity to comment on H.R. 2473 and agree that the issue of additional wilderness in Montana needs to be resolved. However, we do find fault with some of the areas in H.R. 2473. We are also concerned that there is no provision to end the wilderness debate in the foreseeable future.

Issues that need to be addressed include, release language that allows management of those lands not designated as wilderness, for multiple use and in a time frame that would contribute to the resolution of this issue and not allow it be rekindled in 2 to 3 years.

We disagree with the concept of wilderness designation as a tool for wildlife management when past history shows that motorized recreation can coexist in areas such as the Flathead National Forest. Wildlife officials in Montana have stated that deer, elk and mountain lion populations are at an all time high. But while elk herd numbers are up generally, they're down slightly in wilderness areas. The Grizzly bear has achieved a 100% recovery goal in certain areas that snowmobiling and trail bike riding has taken place for the past 30 years.

* Footnotes, see attached page

In a sense of fairness it does not seem appropriate to designate more wilderness in areas that already have close to 50% designated wilderness. Yet, the Flathead National Forest being one of these areas states in their 1991 Monitoring Report, and I quote, trends are static or declining for more vigorous types of dispersed (wilderness) recreation uses such as backpacking. However, trends are increasing for the more service-oriented, less strenuous, types of activities....., end quote.'

Another misleading justification is the impact of motorized recreation. Many areas proposed in this bill because of their pristine qualities have remained so even with historic motorized use. Programs are in place on all forests to maintain and manage the use of forest trails--often resulting in the expense of time and money by Montana groups such as those I represent here today. "

National Recreation Areas should be managed at the same levels as they are presently, the public's input must be insured to retain the traditional and historic motorized uses those areas have had. We vigorously object to the archaic method of allowing an individual determining arbitrarily the proper use of public lands put into special management. Again, the public needs to retain their rights for input on management of these areas and Congress gave us the direction on how this would be managed through the passage of the National Forest Management Act.

We are sure that the committee will agree that large scale compromises are no longer possible. Meaningful changes on boundaries of some areas through the use of trails with travel corridors as boundaries would go a long way to the resolution of this issue. We know that there are management options that have worked in the past such as using Inspiration Trail as a boundary in the Lee Metcalf Wilderness. Several areas such as Dexter Basin, East Pioneer, Blodgett Creek, Flint Creek Trail #63, Swan Crest, Thompson Seton, Crazy Mountain and areas in the Great Burn would benefit from this approach.'

Currently in Region One, approximately 50% of trails are closed to motorized recreation. H.R. 2473 in its current form, would bring total closures to nearly 75% or more of the entire trail system.

I would like to point to the importance of motorized recreation to Montana and to its communities. The trails into our public lands are vital to their economic and recreational use of our national forests. Snowmobiling, for example, has been a traditional non-resident tourist activity in Montana long before tourism became an industry funded by our bed tax. While the Institute for Tourism and Recreation has not tracked tourist spending on trail bikes and ATV's, it has found that non-resident snowmobilers are, and I quote, some of the largest spenders, end quote. The Institute has also found that, quote, the economic impact to the regions surrounding Yellowstone Park, Seeley Lake and Lincoln is relatively large, end quote.'

On the Flathead National Forest alone, figures show that 77% of the recreation that takes place there is motorized recreation. The disparity of motorized versus non-motorized land base is reflected by the amount of land use allowed by Region 1 Forests which is allotted at just 25% of the total land base for motorized recreation. In H.R. 2473 the available land base for motorized recreation will be cut by 30% in the Flathead alone.'

In summarizing, we hope that you will be able to study our supporting testimony and hopefully realize the devastating impact this bill has on certain areas used for motorized recreation.

1. HUNGRY HORSE NEWS, Big Game Numbers Continue To Rise Steadily, Thursday July 8, 1993, page 7.
2. DRAFT ENVIRONMENTAL IMPACT STATEMENT, OPEN ROAD DENSITY STANDARDS, November 1990, page III-5 & III-6.
3. FLATHEAD NATIONAL FOREST, LAND & RESOURCE MANAGEMENT PLAN, Annual Monitoring Report, fiscal year 1991, page 16.
4. MONTANA TRAIL VEHICLE RIDERS ASSOCIATION, testimony on H.R. 2473, July 20, 1993, page 3-4.
5. INSTITUTE FOR TOURISM & RECREATION RESEARCH, University of Montana, Research Report #12, May 1990, page 3 (snowmobiling).
6. FLATHEAD NATIONAL FOREST, M AVE. ANNUAL 86-91, Flathead National Forest Recreation Visits. FLATHEAD NATIONAL FOREST PLAN ROS M ACRES, Flathead National Forest Land Allocations. FLATHEAD NATIONAL FOREST, Forest Acres by Management Emphasis, Fiscal year 1990.

Outdoors

Big game numbers continue to rise steadily

Improved wildlife habitat key to healthy deer, elk

By BECKY SHAY
Staff Writer

KALISPELL — Game herd populations are on the rise, and so are successful hunters, but will the trend last?

Better habitat and game management are part of the reason why herd numbers have risen since the mid-1970s, according to Shawn Riley, area wildlife biologist for the state Department of Fish, Wildlife and Parks (FWP) in Kalispell.

He said the challenge in keeping healthy herds lies not in maintaining large numbers of elk, moose and deer, but in preserving habitat for their survival.

Game harvest statistics show efforts to improve wildlife habitat are paying off for hunters.

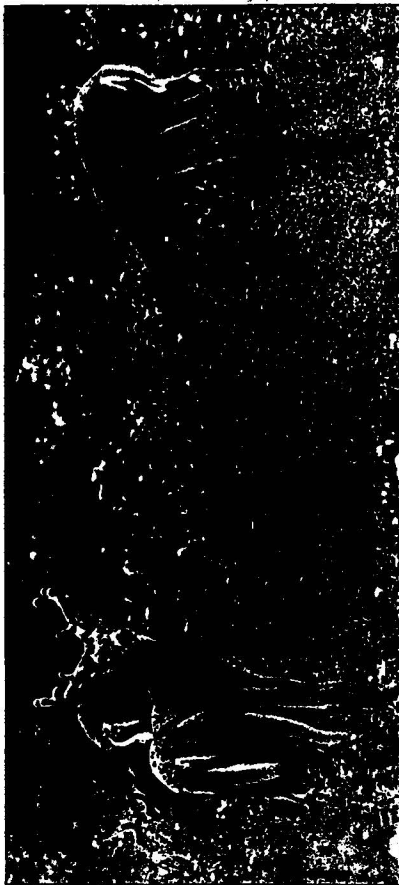
According to FWP data, hunters in 1974 harvested a total of 331 white-tailed and mule deer in the North Port of the Flathead River. That figure more than doubled to 737 in 1991.

Figures for 1992 are not yet available. Riley said the increase from 1974 to 1991 has actually been slight but steady, and is higher compared to increases over the last 30 years. He noted the boom has stabilized, partially due to predation from lions, wolves and bears.

"There's a fear that (predators) will control the population and take from the hunters' bag," Riley said. "At some point that is certainly possible, but not likely."

He added calf elk survivorship is lower in northwestern Montana than in the southwest or southeastern parts of the state. Riley said the problem is not one of fewer pregnancies — FWP blood tests on the elk prove pregnancies are high in the winter. The clincher is whether or not calves can survive until their first birthday.

Fewer survivorship in the spring is generally low, Riley said, because the animals are newly born and "everything is trying to eat them."



Game herd populations have been generally on the rise since the mid-1970s. Better habitat is one reason why. "Then they go through the winter in a snow-dominated area like this, and it's hard on them," Riley said. But while elk herd numbers are up generally, they're down slightly in wilderness areas, such as the South Port of the Flathead River. Total elk harvest on the South Port, outside wilderness areas, rose from 129 in 1990 to 198 in 1991. But, within the wilderness areas, harvest dropped nearly 50 percent from 143 tagged in 1990 to 100 in 1991. Riley said the succession of age is tight, and the overall productivity of the herd is not as great. Because the vegetation is overgrazed with timber and snow summer and winter forage is tight, and the overall productivity of the herd is not as great.



**DRAFT ENVIRONMENTAL IMPACT STATEMENT
OPEN ROAD DENSITY STANDARDS**

**Amendment No.10 to the
Flathead National Forest
Land and Resource Management Plan**

For Non-Wilderness Portions of the Forest in
Flathead, Lake, Lincoln, and Missoula Counties, Montana

November 1990

2. Wildlife

a. Threatened and Endangered Species

The LRMP FEIS estimated the existing population of grizzly bear on the Flathead National Forest to be between 150 and 180 (LRMP FEIS II-27).

In 1986, the Montana Department of Fish, Wildlife, and Parks issued the "Final Programmatic Environmental Impact Statement on the Grizzly Bear in Northwestern Montana," which estimated 549 to 813 grizzly bear exist in the U.S. portion of the Northern Continental Divide Ecosystem (NCDE). This information was cited by the U.S. Fish and Wildlife Service amended July 18, 1988, biological opinion on the LRMP as the best source of current estimates of grizzly bear numbers in the NCDE. The current estimated population of 193 to 294 grizzly bear on the Flathead National Forest is the sum of the

III - 5

Montana Department of Fish, Wildlife, and Parks estimates for the Red Meadow (100 percent), Southern Whitefish Range (60 percent), South Fork (100 percent), Swan Front (70 percent), Mission Mountains (60 percent), and Scapegoat (30 percent) density units (reference Montana Department of Fish, Wildlife, and Parks Final Programmatic EIS on the Grizzly Bear in Northwest Montana, 1986, 41 to 50 and 227 to 233).

RECREATION
I — RECREATION USE

Table #1-2. ACTUAL RVD USE PER YEAR BY ROS CLASSES, FY 86-91; FLATHEAD NATIONAL FOREST

Period Of Use	RECREATION OPPORTUNITY SPECTRUM (ROS)							TOTAL
	Primitive	Semi-primitive Non-motorized	Semi-primitive Motorized	Rural	Urban	Roaded Natural Appearing (Dispersed)	Roaded Natural Appearing (Developed)	
FY 86	140,900	27,800	28,700	0	2,200	284,900	198,700	683,200
FY 87	134,400	28,900	31,600	0	2,500	292,900	206,100	696,400
FY 88	125,100	27,400	27,700	0	2,600	257,600	207,100	647,500
FY 89	137,800	30,800	34,600	0	2,400	286,100	237,600	729,300
FY 90	141,300	32,400	40,000	0	3,700	313,100	264,500	795,000
FY 91	199,200	39,500	41,500	0	5,700	336,100	292,900	864,900
Avg 86-91	138,120	31,130	34,020	0	3,180	295,120	234,480	736,050

Interpretation

For the 1986-1995 planning period, the *Forest Plan* projected 1,102,000 recreation visitor days (see *Forest Plan* page II-9 and this report's Table #1-1 and Figure #1-1). Figure #1-2 shows the present and projected trends needed to achieve the projected decade average. To achieve the projected decade average, recreation use would have to increase to approximately 1,500,000 RVDs annually. Dispersed use shows an upward trend, but less than the *Forest Plan* projected. Developed use increased in fiscal year 1991 yielding a fairly level trend. Wilderness use decreased in fiscal year 1991, yielding a slight downward trend. It is unlikely that the projected levels of recreation use will be attained during the planning period.

Developed recreation use for fiscal year 1991 was 91% of the projected average annual use for the decade. The average for developed recreation use for the first six years of the decade is only 79% of the projected average annual use for the decade. Winter use of the Big Mountain Ski Area is considered developed recreation use. Winter use on Big Mountain increased by 11,000 visitor days between fiscal year 1990 and fiscal year 1991. Since fiscal year 1988, winter use on Big Mountain has increased by 34,700 RVDs (44%). Big Mountain winter use accounts for 85% of the increase in developed recreation use since fiscal year 1988. Campground contributions to developed recreation use account for less than 6,300 RVDs (less than 15%) of the increase since fiscal year 1988. This is partially due to lack of available developed site facilities. Developed recreation use will not reach the projection for the

planning period.

Dispersed recreation use for fiscal year 1991 was 78% of the projected average annual use for the decade. The average for dispersed recreation use during the first six years of the decade is 61% of the projected average. Increased automobile travel along the Middle Fork of the Flathead River and Highway No. 2 and an increase in summer use on Big Mountain are the major contributors to the growth in dispersed use. Dispersed recreation use will not reach its projected average annual use for the planning period.

The six-year average of wilderness use is 62% of the average annual projection. Use decreased from fiscal year 1986 to fiscal year 1988 then began a gradual increase to date. However, fiscal year 1991 use is still 7% below the use level of fiscal year 1986.

Trends are static or declining for the more vigorous types of dispersed (wilderness) recreation uses such as backpacking. However, trends are increasing for the more service-oriented, less strenuous, types of activities provided in campgrounds or in "adventure"-type activities (such as whitewater rafting). Wilderness use will not reach the *Forest Plan's* projected 205,000 RVDs per year during the planning period.

Discussion

Actual recreation use on the Flathead National Forest in fiscal year 1991 is 78% of the average annual recreation visitor days (RVDs) projected for the decade. Fiscal year 1991's

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H.R. 2473

ROUND 16 OF THE MONTANA WILDERNESS ACT

OF 1993

Subcommittee on Public Lands, National Parks and Forests
Committee on Natural Resources
U.S. House of Representatives

July 20, 1993

by

Linda Ellison
Land Use Coordinator
3301 West Babcock
Bozeman, MT 59715

ECONOMIC OVERVIEW

Montana's National Forests serve a resident off-highway vehicle (OHV) community - snowmobilers, trail motorcycle, all-terrain vehicle riders, and conventional sized four wheel drive users - of approximately 300,000, plus an estimated 108,000¹ non-resident snowmobilers and a similar number of summertime non-residents on an average of only 25% of the total trail system.²

The retail market value of trail motorcycle and all-terrain vehicle (ATV) sales in Montana is estimated at \$38.5 million.³ Approximately 3/4 of that is judged to be recreation oriented. This does not address the direct and indirect economic values to communities near where these OHVs are used, where gas, lodging, and other purchases are made. There are an estimated 82 franchised and non-franchised motorcycle dealerships in Montana, employing approximately 600 people, with an annual payroll of \$10.1 million.⁴ There are an estimated additional 80 shops across the state that derive at least a portion of their income from the repair of OHVs.

Widely accepted studies agree wilderness use has been on a steady decline since the 1970's.⁵ Surveys have regularly shown that approximately 94% of all recreation takes place outside of wilderness areas.⁶ Statistics in forest plan supporting documents indicate that for many of the roadless areas under consideration, motorized recreation is the largest single use calculated in recreation visitor days (RVDs).⁷ Many Montana communities need the economic stability of tourism, via motorized recreation, to augment the seasonal effects of commodity production.

MANAGEMENT CONCERNS

OHV activity is primarily a backcountry activity, dependent on trail resources and roadless areas for recreational opportunities. OHV recreation potential relies on trail networks to disperse activity, to provide varying degrees of challenging terrain, to provide specific aesthetic elements (destinations), and avoid user conflict. Due to inherent design characteristics of the vehicles, most

¹ SNOWMOBILING IN MONTANA, The Bureau of Business and Economic Research, University of Montana, Missoula, MT. Fall 1988.

² ORV SUMMARY, Northern Region, U.S. Forest Service, May 1989.

³ MOTORCYCLE STATISTICAL ANNUAL, Motorcycle Industry Council, 1992.

⁴ Ibid.

⁵ RECREATION 2000, A STRATEGIC PLAN. U.S. Department of Interior, Bureau of Land Management, 1988.

⁶ NATIONAL TRAILS ASSESSMENT, 1985. U. S. Department of Interior.

⁷ ENVIRONMENTAL IMPACT STATEMENTS, Forest Plans: Gallatin, Beaverhead, Flathead, Lolo, and Lewis and Clark National Forests. (Re: specific area descriptions.)

cannot be made "street legal" for licensing, and may not be used on roads, including forest service system roads, unless such roads are specially designated for that use.⁸ H.R. 2473 will destroy the current pattern of recreation use in Montana's roadless areas.

The majority of the trails the Montana OHV programs depend on to disperse current activity and fashion environmentally sound recreation opportunities for the future are found throughout these roadless lands now under consideration - and nowhere else! Although only a quarter of the total national forest trails are in designated wilderness and another quarter in proposed wilderness, this does not mean that there are large blocks of trail country in the remaining 50%.⁹ The 50% of trail mileage outside of designated or proposed wilderness is frequently in short unconnected, and uninteresting fragments.¹⁰ HR 2473 will increase fragmentation of the OHV trail system.

Competition with other resources and the planning criteria unique to OHV recreation severely limits our ability to "make do" with the minimal trail mileage elsewhere in the system. Considering the economic benefit to the state, it makes good business sense to support our excellent statewide OHV programs with an adequate land base and good environmental sense to expand the pro-active protection efforts of these programs.

Acres are not the issue. The issue is trails. Snowmobile trails are not synonymous with opportunities for trail motorcycles and all-terrain vehicles. North slopes and meadows where the snow lies deep in winter are entirely too wet for summertime access.

Further, protection of groomed snowmobile trails is only half the battle. Groomed trails are merely avenues of access to the main event - snowmobile play areas - which occur mostly above timberline in deep and wind set snow conditions.

SOLUTIONS - AMENDMENT CONCEPTS

The creation of special management areas is one alternative to wildlands protection without the extreme restrictions of wilderness designation. However, for OHV management, past experience has proven that these "special" designations often fall short of providing that "middle ground."

"Standard language" does not adequately define "National Recreation Areas", "National Education and Recreation Areas," or "Special Management Areas" with regard to continued motorized recreation activities. It fails to make clear that maintaining these areas as "roadless" is not synonymous with "non-motorized." HR 2473's discretionary determination of special management area activities is a step backward in reality from current NEPA process.

Creating trail corridors or utilizing some trail corridors as boundaries can help to alleviate the OHV landbase crunch, allowing us to maintain ties to aesthetic-

⁸ FEDERAL REGISTER, Vol. 53, No. 178, Wednesday, September 14, 1988.

⁹ WILD MONTANA, A Special Publication of the Montana Wilderness Association, October, 1998.

¹⁰ Ibid.

dally important or historically used areas. (Examples: George Lake Trail/Dexter Point addition to Absaroka/Beartooth W. Stateline Trail/Great Burn Proposal, Fisher Point-Sandstone Ridge/Quigg Peak Proposal, Stateline Trail/Trout Creek Proposal.

Specific language must amend HR 2473 to correct the technical oversight regarding the intent of Congress during the creation of the Lee Metcalf Wilderness in 1960 to utilize Inspiration Trail as a motorized boundary. For fully ten years, motorized use has been uncontested.

RELEASE/S. 393

We strongly object to the addition to and the retention of the remaining Montana Wilderness Study Act Areas (Public Law 95-150) in wilderness study status. As a minimum, a "sunset" provision should be provided in HR 2473 to amend Public Law 95-150. The Forest Plans need elbow room to work. We cannot do long term planning on lands that may be up for wilderness consideration again within less than two year's time.

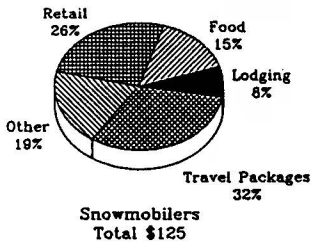
ITEMS OF SPECIAL INTEREST

Legislation implementing the Continental Divide National Scenic Trail was specifically written so that OHV recreationists could retain access to portions of the trail. The CDNST is a national drawing card for OHV users as well as hikers for the same cultural, historical, and aesthetic reasons and motorized use should be preserved on those portions where it now exists.

We encourage consideration for restoring the Slough Creek Corridor through the Absaroka-Beartooth Wilderness as a National Recreation Area with motorized options.

Snowmobiling

Spending Patterns Per person per day, in percent



Non-resident snowmobilers are some of the largest spenders, averaging about \$3,372 per trip (4.5 days) per group (6 people). The majority of this amount is spent on lodging, snowmobile related retail, and eating and drinking expenses.

Economic Significance of Snowmobiling in Montana (1988 Dollars)

	Total Industry Output	Employee Compensation
Direct Effects *	\$15,300,000	\$3,800,000
Indirect Effects	8,700,000	1,800,000
Induced Effects	11,300,000	3,400,000
TOTAL IMPACT	\$35,300,000	\$9,000,000

* Data Source: Bureau of Business and Economic Research, University of Montana.

These results may include the impacts from other market segments (such as downhill skiing). Therefore, the impacts from this market segment can not be combined with those of other segments as some overlap would occur.

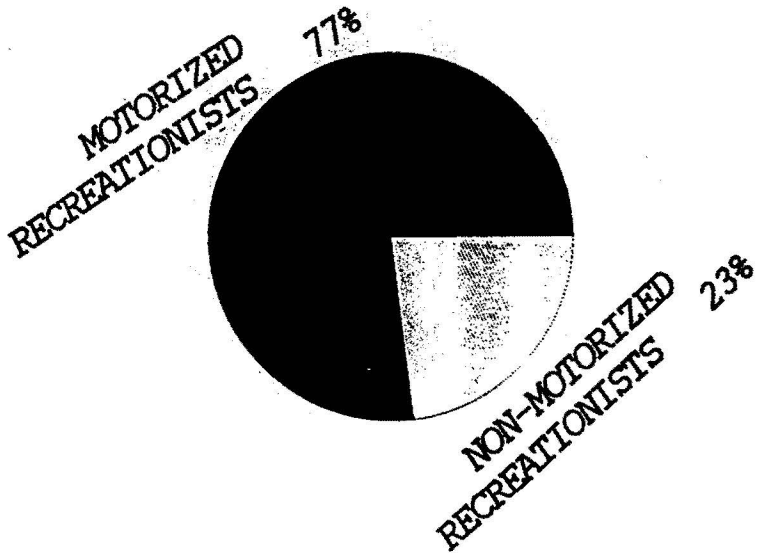
Compared with other market segments, the snowmobiling component of Montana's tourism industry is relatively small on a state wide basis. However, the impact to the regions surrounding Yellowstone National Park, Seeley Lake and Lincoln is relatively large. Like the skiing segment, snowmobiling provides seasonal employment between the peak summer seasons.

EFFECTS OF H.R. 2473 ON MOTORIZED RECREATION
ON THE FLATHEAD NATIONAL FOREST

The Flathead National Forest is comprised of 2,336,000 acres of which 50% is currently designated wilderness. Forest Plan provides for an operating land base for motorized recreation of 32 percent. Given these figures 32% of the land base equals 760,000 acres. The total acreage included for further designation as wilderness in H.R. 2473 for the Flathead National Forest is 253,119 acres. Clearly a little more than one third of the available motorized recreation land base would be lost.

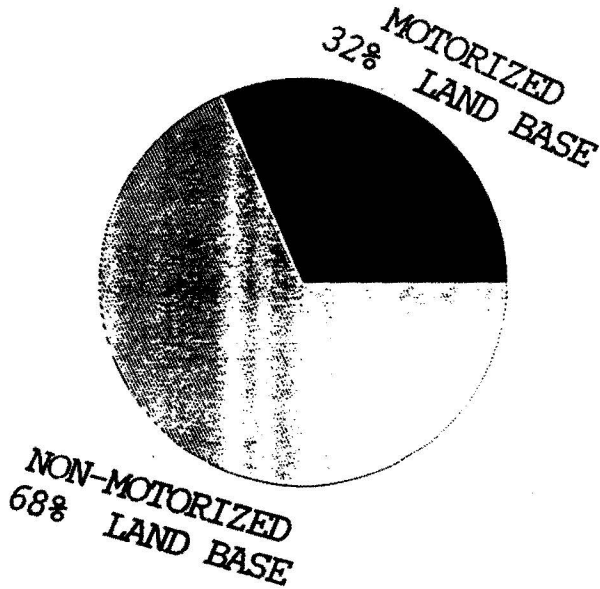
* attached pages have been supplied by the Flathead National Forest,
Supervisors Office, Kalispell, MT.

**FLATHEAD NATIONAL FOREST
RECREATION VISITS**



M AVE. ANNUAL 86-91

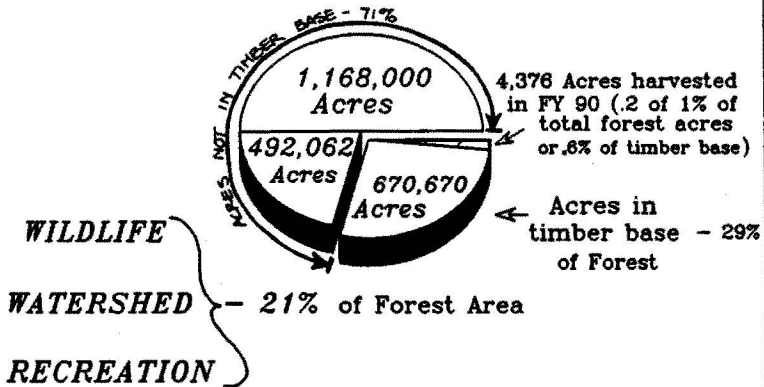
FLATHEAD NATIONAL FOREST
LAND ALLOCATIONS



FOREST PLAN ROS M ACRES

FOREST ACRES BY MANAGEMENT EMPHASIS

WILDERNESS - 50% of Forest Area



TOTAL FOREST AREA IS 2,336,000 ACRES

Flathead

SNOWMOBILE

Association

P.O. BOX 5041
KALISPELL, MT 59903-5041

*H.R. 2473
ROUND 16 OF THE MONTANA WILDERNESS BILL
OF 1993*

*SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS
COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES*

JULY 20, 1993

H.R 2473 AND IT'S EFFECTS ON SNOWMOBILING ON THE FLATHEAD NATIONAL FOREST

Snowmobiling has been taking place on the Flathead National Forest since the mid 1960's. The first dealerships were established in and around Columbia Falls because of its proximity to the most desired areas to snowmobile. The early snowmobilers were naturally establishing their play areas by using the same areas they used in the other seasons of the year.

Snowmobile cross-country races were first held on the roads surrounding Hungry Horse Reservoir beginning in the mid 1960's. The more popular areas to be ridden were the treeless alpine basins and then the tree thinned areas remaining from logging activities. The Flathead Snowmobile Association was formed in 1972 to address the needs and concerns of snowmobiling. The first trail grooming began about the same time and the trail system has grown since then to amount to around 200 miles of snowmobile trails in the Flathead today.

The purpose of the groomed trails was to access the many play areas the snowmobilers enjoyed. These areas included the following:

HUNTSBERGER LAKE/WHALE CREEK

This area is located on the Whitefish Divide north of Olney Montana. It is reached by climbing the Whitefish divide and traveling the ridge north from a groomed trail that ends at Red Meadow Lake. There are several other alpine lakes in the vicinity just south of Huntsberger. A trail that was once a major arterial logging road passes into the Whale Creek drainage, this road is now shown as a trail. It is used as a loop route by snowmobilers that enter the area from either Olney or Whitefish traveling the Divide to Huntsberger Lake and it provides access to and from the groomed trails. Snowmobilers travel to Huntsberger Lake from Williams Creek. The Williams Creek Trail is another abandoned logging road that has been proposed for a groomed trail by the Ten Lakes Snowmobile Club. This area has significant historical use and benefits snowmobilers from all of Northwest Montana. This area has an abundance of snow that enables snowmobilers to access it into late May and early June.

RED MEADOW RIDGE

This area is within a few hundred feet of an existing and very popular groomed snowmobile trail. Use of the area by summer and winter recreationists is high. The Flathead Snowmobile Association uses the area to promote family oriented activities. Several lakes in the area include Link Lake, Chain Lakes and Nasukoin Lake. Several abandoned logging roads are located in this area along with old logging activities which are used for or to access the many play areas and alpine basins.

FAWN LAKE/DORIS LAKES

This is a high basin that is accessed from the Alpha/Beta Lake road. It is an area that is extremely challenging to get to and is used mostly by expert snowmobilers in the spring.

JENNY LAKE

This Lake is accessed by traveling up the Doris Creek drainages on an existing logging road through a past logging unit and up to the top of the crest. There are two smaller lakes that can be reached to the north by traveling cross country. This area has been recognized by the Flathead National Forest as prime snowmobile recreation and has been given consideration by special management variations of the open road density standards so that access to this area will continue after April 1st. An abundance of snow and connecting drainages allow this area to be used until the end of May.

HASH MOUNTAIN

This area is reached by traveling up the Lost Johnny Road to its end then traveling cross country to the Swan Crest at the top of Hash Mountain. This area rivals the groomed trails in the North Fork for popularity and use. The Department of Fish, Wildlife & Parks set out trail counters in the winter of 1983-84 as a means to document the request to groom this area. Those figures were as follow: Winter of 1983-84, 30 days counted, 580 snowmobiles. Winter of 1984-85 30 days counted, 1060 snowmobiles. These figures were almost as much as was accumulated on the groomed trails for the same period of time. There are several play areas on Hash Mountain that are used primarily for hill climbing and cross country traveling. This area is the center for exploring other areas to the north and south. Other areas such as Otilla Basin and Strawberry Lake are reached by cross country travel through connecting drainages and ridges. This area is used by family and expert snowmobilers. This area can be accessed as early as November and as late as July because of the abundance of snow and its north and east facing slopes that hold snow late into the year.

STRAWBERRY LAKE

This Lake is reached by traveling south cross country from Lost Johnny/Hash Mountain. This is an area used by expert snowmobilers and completes or starts a route that travels across ridges and through drainages to connect Hash Mountain, Otilla Basin, Silver Run, Doris Basin, Jenny Lake and "No Name Lake". The loss of this area would be devastating to the snowmobiling community of the Flathead.

TOM TOM LAKE/NORTH BIGELOW

This area is in the upper reaches of Wheeler Creek and can be reached from Wheeler Creek or from the Quintonkin Creek drainage. This area provides for some spectacular scenery from the Swan Crest and it provides some very challenging riding to access it. This area can also be reached by long distance cross country travel from a trail head at Sixmile Creek in the Swan Valley at the town of Swan Lake. An abundance of snow makes this area accessible until the end of May to the first of June.

SIX MILE

This trail head accesses the Hall Lake, Hall Mountain, Quintonkin and Wheeler Creek drainages. It is the challenge of the terrain that motivates snowmobilers to ride this area and it provides for a very unique snowmobile experience. All of the areas in the Swan Crest are accessed using the general direction of Alpine Trail #7 in combination with the ridges that spread from it. Snowmobilers are not in conflict of use by other groups in these areas in the winter as they are normally the only form of recreation taking place in the winter.

BUNKER CREEK

This area was previously used for primitive non-motorized recreation before implementation of the current Forest Plan. It provided for some very unique opportunities for snowmobiling until management direction changed the opportunity for access. It is presently roaded and has been requested for a management change to allow snowmobiling in portions of it. Access used to be from the Hungry Horse Reservoir road and more frequently by cross country travel from the Swan Valley. The residents of the Swan and the Flathead would like to see this area reopened to snowmobiling to help mitigate for lost opportunities in other areas.

SUMMARY

A large amount of the areas included in the Swan Crest and the North Fork are reached by abandoned logging roads and past logging activities. The establishment of a boundary on the Swan Crest starting at an elevation level of 5200 feet defeats the purpose of snowmobiling these areas. There are very few areas before the 5200 foot elevation for off road use because of the steep wooded drainages that roads follow. Off road use begins where the road ends, at around 5200 feet in elevation.

Respectfully submitted by.

Harvey Reikofski
Chairman, Public Lands Committee
Flathead Snowmobile Association

Mr. VENTO. Mr. Ballard, if you would take about five minutes. I know you have testified before on this subject, and you have a long statement. So if you would summarize it, I would appreciate it.

STATEMENT OF BILL BALLARD

Mr. BALLARD. Thank you, Mr. Chairman.

For the record, my name is Bill Ballard. I am president of a small independent oil and gas company located in Billings, Montana. I am a geologist by training, and my area of expertise has been the Northern Rocky Mountains throughout most of my career.

I have served as president of the Montana Petroleum Association and also the Rocky Mountain Oil and Gas Association in the past. And I presently serve on the National Petroleum Council.

The oil and gas industry is anxious to resolve this wilderness issue, as I testified last year. We feel that we have worked at it long enough. And it is time now to put this issue behind us so that we can get on with our development of our natural resources in the State of Montana. We presented you with written testimony which I ask you to read very carefully as you deliberate this bill in committee.

My oral remarks today I want to restrict to the findings of a study that was suggested by me last summer when I testified before this committee on the Senate version of the wilderness bill.

Chairman Vento, as I recall, agreed that such a study was in order; and it took about six weeks to complete this study. We used data from various industry sources from the United States geological survey and from the U.S. Bureau of Mines. And we compiled it all and put it together to try to help evaluate the oil and gas potential of the area, which is being proposed for wilderness.

Representative Williams had an opportunity to visit my office in Billings after completion of this project last year. And we did have a chance to discuss it with him. And I am happy to say that he has used some of this information as he put together this bill that is before us today.

In order to have an oil and gas field, there are certain conditions that must have been met in the geologic past. There must be hydrocarbon source rocks present, reservoir rocks must be present, and trapping mechanisms must be present. As we discussed last year, the easiest thing to evaluate is the hydrocarbon source bed potential. It takes nothing more than a rock hammer and a sack and then a chem lab in order to accomplish this.

Again, as I mentioned earlier, we collected the data that was in private company files, USGS files, and the U.S. Bureau of Mine files and compiled it in order to evaluate the source bed potential in the area that we are considering today.

Now, after the hearings last summer and after putting all of this material on the base, we have been able to identify the areas where hydrocarbons have been generated in the area of the wilderness proposal. And this map that I have on the board here, which I doubt you can see from where you are sitting, has the areas that this data would show have had definite hydrocarbon generation in the past.

I have also identified with these orange arrows a refinement of these areas. In other words, we have gone beyond the source bed study and gotten into some company files and found areas where there has been geophysical and additional geologic work accomplished in order to identify the trapping mechanism, which would be step two in this hydrocarbon evaluation process.

The areas that we would like to recommend to the committee that be omitted from this, there are several on here that would qualify. But we are focusing on three specific areas which have had source bed study accomplished. They have had the geophysical and the geological evaluation accomplished, and it is now ready for drilling.

These areas are all comparable to the Waterton Field which lies just off of this map approximately 10 miles north of the border in Canada.

We can show in Exhibit A, if you would refer to that in your packets, a very close analogy between the Waterton Field in both vertical dimension and horizontal dimension. So it is reasonable to say that with the data that we have, we can describe at least three years in the State of Montana which has this type of potential available to us.

The areas that I would like to recommend be removed from the bill and from the wilderness designation would be a portion of the Elk Horse. Now Representative Williams has taken into account the study that we did last summer, and a portion of this was removed from what the Senate had been considering last year.

However, the boundary needs to be about three miles further north than it presently is to take care of the full trap that has been identified through the geophysical means. The other two that we would recommend be omitted from the bill would be the Silver King-Falls Creek area and the Deep Creek area along the mountain front, Deep Creek being part of the Arnold Bolle additions to the wilderness.

There are several others that would also have high priority. But we believe that we are far enough along in the evaluation process that we can say specifically that these three areas have the opportunity to be size fields in the State of Montana, and we have gone beyond the standard statistical chances that a wildcat well would have as you go into a process like that.

Here, since we have identified the source beds, we have identified the traffic mechanism. I think it is reasonable to say that we are looking at a shot of maybe one in three or one in four as a probability for discovering a Waterton-type field on our side of the border. And this is opposed to saying the standard statistics of one in ten for a wildcat well.

The fiscal side of this thing is important to consider as well. I was interested in Representative Williams' statement earlier about the plight of the taxpayers in the State of Montana. And he is certainly right on target when he talks about that. I happen to be one of them, and certainly we are aware of the situation in the State of Montana in terms of that. We have been going through a number of exercises in the State legislature trying to determine ways of handling our budget, cutting expenses, finding new revenues, just as you have in the Federal Government here in Washington.

This situation is such that if we could find one Waterton Field on our side of the border and if we applied the existing Montana severance and LGST tax rate to that production, we would produce \$1 billion in revenue to the citizens of Montana, to the State government, without taking one nickel out of the ordinary taxpayers' pockets. And I believe this is something that needs to be considered as we look at the wilderness proposals that are before us.

When we asked for the removal of these three areas, we are talking about approximately 100,000 acres in total land out of the 1.52 million acres that has been proposed. We do believe that that is a very reasonable request.

Thank you for the opportunity to present this.

Mr. VENTO. Thank you, Mr. Ballard.

[Prepared statement of Mr. Ballard follows:]

**TESTIMONY
OF THE
MONTANA PETROLEUM ASSOCIATION
AND THE
ROCKY MOUNTAIN OIL & GAS ASSOCIATION
REGARDING THE
MONTANA WILDERNESS BILL
BEFORE THE
HOUSE NATURAL RESOURCES COMMITTEE
SUBCOMMITTEE ON NATIONAL PARKS,
FORESTS AND PUBLIC LANDS
JULY 20, 1993
WASHINGTON, D.C.**

My name is Bill Ballard. I am president of Ballard and Associates, an independent oil and gas company in Billings, Montana. I am a geologist, and my area of expertise is the northern portion of the Rocky Mountain states, including Montana. I am a past president of the Montana Petroleum Association (MPA) as well as the Rocky Mountain Oil & Gas Association (RMOGA).

Thank you for the opportunity to present this statement on H.R. 2473, "Round 16 of the Montana Wilderness Act of 1993". I am speaking today on behalf of the Montana Petroleum Association, a division of the Rocky Mountain Oil & Gas Association. RMOGA is a trade association representing hundreds of companies and individuals involved in all phases of oil and gas activities throughout the Rocky Mountain states. Our membership is diverse, and includes major companies as well as small and medium-sized independent operators active in this region. These operators account for more than 90% of the oil and gas resources produced in this eight state area. Continued access to federal lands for oil and gas exploration and development is of paramount importance, not only to our members, but to the local, state, regional and national economy as well.

As we have testified before, the petroleum industry is not opposed to wilderness designation. On the contrary, we would support balanced legislation designating new areas as wilderness. We recognize that there are lands which are unique and sensitive and which qualify for wilderness protection. I and many people in our industry hunt, fish, hike, ski and enjoy the scenery, as all Montanans do; and we, too, would like to have certain areas set aside for wilderness preservation.

However, we believe that there are two factors which must be taken into account in the determination of which lands should be designated as wilderness.

First, in order to determine the highest and best use of various lands, Congress must have all the available information about the land's resources--both surface and subsurface. In many cases here in Montana, the information about the subsurface or mineral resources is sketchy, largely because exploration has been prohibited from occurring. However, companies do have some limited information about the mineral potential of these areas and this data must be taken into account.

Second, wilderness designation is not the only way an area's surface resources can be protected from harm. There are scores of statutes and attendant regulations which currently provide superlative protection for all environmental

-2-

resources. It is incorrect to assume that unless an area is designated wilderness it will not be protected from harm. Obviously, if that were the case, there would be no lands which would qualify for wilderness at all. The Forest Service has successfully managed these lands without wilderness protection to date.

Industry's technological capability to operate safely in environmentally-sensitive areas, along with the extensive environmental laws, regulations and policies currently in effect, make wilderness designation unnecessary in order to protect the environment.

We have heard the pros and cons of establishing more wilderness in Montana for over a decade. The only information that is lacking about most of these areas is an accurate evaluation of their mineral potential. This, of course, can only be accomplished through exploration and drilling.

For some time now, all national forests in Montana have been off-limits to the oil and gas industry--even areas not under consideration for wilderness. (In fact, no national forest land in Montana has been put up for lease for more than eight years!) Unfortunately, one of the highest potential areas in this nation--the overthrust province--is almost entirely within national forest and potential wilderness areas. The inaccessibility of these lands is having an adverse impact on discoveries, on federal royalties that help fund education in Montana, and on investment and employment opportunities in the state.

Even though the price of oil has stabilized somewhat in recent years, drilling continues to decline. The annual rig counts of the past five years echo the early 1950's, before some of Montana's most significant oil fields had been discovered. Further, Montana's annual oil production has declined to the level of 1955, and for 1994 is projected to be only 17.7 million barrels. If exploratory drilling doesn't occur, oil and gas production declines, and that is exactly what is happening. Montana mirrors national trends. This nation imported more than 8 million barrels a day in May of 1993, while producing less than 7 million barrels. This means, of course, that we are importing over 50% of the oil that we use.

Ordinarily, an increase in price triggers an increase in drilling, which happened in the late 70's and early 80's; but conditions are quite different in the petroleum industry now. Most of the smaller independent companies just do not have the funds for extensive drilling programs due to decreased cash flows, debt repayment and difficulty in finding investors. The larger independents and

the major oil companies only look for the "impact prospects", or those that will significantly affect their reserves and bottom line. For the most part, these companies are investing a majority of their drilling capital in foreign countries.

Does that overseas investment mean that America does not have any large prospects left? The answer to that is a resounding "No!". The United States Geological Survey (USGS) estimates that billions of barrels of oil and trillions of cubic feet of gas are yet to be discovered within our borders. However, the most likely areas for large reserve prospects are in Alaska, the Rocky Mountain Overthrust, and offshore--all of which have very limited access for industry due to various governmental restrictions.

Here in Montana, it is a geologic fact that lands in the western half of the state hold tremendous potential for major oil and gas deposits. Many of these potential lands are already within wilderness boundaries, but there are other potential areas which can be explored, if they are not locked up. To emphasize the fact that giant oil and gas deposits may be present, I have prepared exhibits comparing an area near Townsend, Montana, and the Silver King-Falls Creek Area, with the Waterton Field of southern Alberta, which lies along the same structural trend as these areas. (Exhibit A, Figures 1-5, shows the relationship between the Montana Overthrust Belt and the Canadian producing overthrust province. It also compares the geology of the Waterton Field with the geology of specific projects.) The Waterton Field was discovered in 1956 and will produce 2.75 trillion cubic feet of gas and 120 million barrels of oil before abandonment. The prospect near Townsend lies partly on fee land, and partly in the area proposed by this bill for the Elkhorn Wilderness. Because the fee lands exist, the company was able to obtain seismic data which allowed them to make a comparison with Waterton Field geology, and the accompanying cross-section shows a remarkable similarity. Geophysical data across Silver King - Falls Creek reveals the same similarity. The conclusion, therefore, is that an extremely high probability exists for Waterton-type oil and gas fields in these areas.

We should be doing similar studies throughout western Montana, but this can not be done if an area is designated as wilderness. Without these studies, no reliable evaluation can be made in areas such as this.

Modern geological and geophysical techniques are much more accurate in identifying potential oil and gas areas than older methods. Even data examined in the 1970's which led to labeling certain areas as having no oil or gas potential need reexamination with modern techniques before a decision to lock

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up the lands is made. With our present high dependence on foreign oil, no area should be locked up without an evaluation utilizing today's advanced technology.

While it is not possible for me or anyone else to say with certainty the exact location of oil and gas deposits in unexplored areas, what I can do is identify the general areas where conditions exist that favor the presence of oil and gas fields. These conditions include the presence of rocks capable of generating hydrocarbons (source rocks), rocks capable of holding fluid (reservoir rocks), and geologic mechanism for localizing oil and gas into commercial accumulations (traps).

Last summer, during consideration of Senate Bill 1696, I testified before this committee and the House Agriculture Committee concerning a study to evaluate the hydrocarbon source bed potential of the area as a means of grading the proposed wilderness parcels on their oil and gas potential. Representatives Olin and Marlenee and Chairman Vento suggested that this study be done as an aid in the wilderness evaluation. The study took approximately six weeks, but an opportunity to present it to these committees never occurred. (I did, however, have an opportunity to discuss it with Representative Williams during one of his visits to Billings.)

The study identified specific areas where oil or gas, or both, have been generated, and any area of generation would have potential for accumulation. Work accomplished since the source bed study involved accumulation of geologic and geophysical data for additional area refinement and, based on these studies, it is apparent that the following areas have extremely high oil and gas potential: (See maps in Exhibit B)

Line Creek
Elkhorn
Volcano Reef (Arnold Bolle addition)
Choteau Mountain (Arnold Bolle addition)
Deep Creek (Arnold Bolle addition)
Silver King - Falls Creek (Arnold Bolle addition)

I propose at a minimum that these areas be eliminated from the bill and exploration for hydrocarbons be allowed. The Badger-Two Medicine area also has extremely high oil and gas potential, and exploration should be allowed to proceed there as well.

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Other areas proposed for wilderness in this bill have high to moderate potential, but prospect definition is not as advanced as in those areas listed above. Nevertheless, Congress should not close its eyes to the tremendous oil and gas potential that lies within these areas. Based on my analysis and that of many other members of the industry, the following areas in the current bill should be considered to have high oil and gas potential and, as such, should be excluded from wilderness designation at this time:

Italian Peaks
 Absaroka-Beartooth Wilderness Additions
 Lee Metcalf Cowboys Heaven
 Camas Creek
 Mount Baldy
 Gates of the Mountains
 Badger-Two Medicine
 Mount Helena
 North Absaroka Wilderness Additions
 Sawtooth North Wilderness Study Area
 North Fork Wilderness
 Tenderfoot/Deep Creek National Recreation Area
 Jewel Basin-Swan

The following areas should be considered to have at least moderate potential, and should also be excluded from wilderness at this time:

East Pioneer
 Lost Water Canyon
 North Mission Mountains
 Earthquake
 Black Mountain
 Blackfoot Meadows-Electric Wilderness
 Snowcrest

It must be noted that an area's subsurface resources are potentially as important as an area's surface resources. An area's mineral resources must be explored prior to placing it in a highly restrictive status or to making permanent decisions regarding land management. This was also the approach taken by Congress for designating wilderness areas when it provided, in the 1964 Wilderness Act, a 20-year window for mineral exploration and development before permanently withdrawing these lands from access.

The State of Montana is a geologic frontier for oil and gas exploration. Less than 3% of Montana has been fully evaluated for its oil and gas potential.

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Although four small oil and gas fields have been developed in the Montana Disturbed Belt along the Rocky Mountain Front, a major reserve has not yet been discovered, largely because of severe access restrictions placed on high potential areas and the recent economic slump in the energy industry. However, it is important to reiterate that major production has been established directly across the Canadian border in Alberta, as well as to the south in the Overthrust Belt in Wyoming. Both of these areas are geologically very similar to the Montana portion of the Rocky Mountain Front.

The petroleum industry is particularly interested in exploration in Montana because in the 78 years since the first commercial wells, Montana has produced 1.2 billion barrels of oil and around 2.2 trillion cubic feet of gas. That 2.2 TCF produced in 76 years is less than Shell Canada's Waterton gas field, 50 miles north of the border, has produced in 30 years. The potential is clearly there, but Montana's frontier lands need to be explored in a careful fashion and, if resources are found, they should be produced in an environmentally safe manner.

The oil and gas industry has proven that our operations are entirely compatible with the environment. In fact, in the Gros Ventre Wilderness, designated in the Wyoming Wilderness Act of 1984, two well sites had been previously drilled and reclaimed with no noticeable environmental impacts. So unnoticeable were these impacts that the area was thought to be totally wild, and was found to be entirely suitable for wilderness designation, even though drilling had taken place.

Modern industry operational techniques minimize the area and amount of disturbance, and rehabilitation capabilities have reached such a level of competence that the impacts of oil and gas operations are virtually, if not entirely, unnoticeable, and in all cases, are only temporary in nature. Reclaimed drillsites on the Rocky Mountain Front and other environmentally-sensitive areas in Montana are evident only from the metal marker. In places where the marker was cut off below the ground at the land owner's request, there is NO visible evidence of oil and gas exploration.

I would like to address several other areas of H.R. 2473.

Fiscal Impact on the State of Montana

Montana, like the Federal Government, is having problems balancing its budget and the State is considering new taxes for revenue enhancement. One Waterton Field in Montana would yield one billion dollars to the State during its

lifetime, and studies thus far have identified four such opportunities. If allowed to develop these opportunities, a high probability exists that raising taxes on private citizens will be unnecessary.

Release Language

The most critical component of any balanced wilderness legislation is language providing for the actual permanent release of lands determined to be unsuitable for wilderness designation. The "release" language in H.R. 2473 is a misnomer, since lands will not actually be released from wilderness study to nonwilderness multiple uses. In fact, the opposite is true.

We have experienced the particular inadequacy of the existing "soft" release language included in the Wyoming Wilderness Act and other states' wilderness acts for which it has been adopted. The language seems only to ensure that nonwilderness lands will be released from wilderness study until the next round of land management planning; it does not release them for nonwilderness multiple uses or resource development. This weak release language provides that these areas "need not" be managed to protect their wilderness suitability, so the Forest Service continues to manage them as though they were wilderness, or in another highly restrictive, semi-primitive classification. This, we believe, does not provide an equitable balance for all public land users.

Moreover, the release language in this bill only provides relief from further wilderness study until the next round of forest planning--which is already beginning and will be well underway for all Montana forests within the next couple of years. This can hardly be termed "relief" from wilderness study. While the bill states that forest plans completed prior to date of enactment of this act are exempt from further wilderness study, the fact is that all plans are being revised in Montana but few will be completed in the next 2 years. If this bill were enacted, forests would be required to halt their plan revision process and begin another wilderness study almost immediately! This would be a complete waste of time, resources, and taxpayer dollars.

Our experience with "soft" release language is that it is tantamount to continued *de facto* wilderness management in so-called "released" areas. We believe specific changes must be made to the release language contained in a wilderness bill to ensure the practical release of lands, making them available for all multiple uses. We have submitted proposals for adequate release language on numerous occasions, but would be happy to work again with the Committee to develop acceptable language.

Special Management Areas

We must also voice our opposition to the concept of special management areas. H.R. 2473 would place 157,320 acres into a Congressionally-mandated special management classification, even though the Forest Service is clearly in the best position to determine how these areas should be managed. In reality, the special management proposed for these areas is no different than wilderness designation and should be recognized as such. With few exceptions, these areas will also be withdrawn from multiple use by the bill.

Congress has already given policy mandates for land management to the Forest Service in the form of the Multiple Use and Sustained Yield Act of 1960, and the Rangeland and Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976. Besides the relatively clear direction of these statutory instructions, the Congress has seen fit to fund the employment of nearly 35,000 permanent, full-time employees nationwide in the Forest Service to implement these directions.

But still there is a perceived need by Congress to create special classifications and take the management of these lands out of the professional hands of the Forest Service. We believe that forest plans are the most appropriate vehicles for determining land management prescriptions. Forest plans are designed specifically to protect the resources of certain lands, and are developed by those professionals with the greatest on-the-ground knowledge of an area's resources.

The alleged purpose of special management areas is to protect certain resources while permitting selected other uses. Yet, this is one of the specific purposes of forest plans. However, under forest plans, decisions are dynamic and can be changed as situations and conditions change. Special management areas which are legislatively mandated do not allow for change.

Forest management plans are developed under a disciplined process requiring that lands be managed for as many uses as possible, and requiring that when allocations are made for single or few uses, the trade-offs must be recognized, analyzed, and justified. Further, such planning decisions are subject to appeal by parties adversely affected by the decision. Again, not so of the legislative process.

We do not question the authority of the Congress to create special classifications of land. We only suggest that the classifications created in this bill remove the authority of the Forest Service to manage, even though through

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its planning process the Forest Service may reach the same conclusions about how these areas should be managed. The forest planning process was developed under the guidance of Congress, and although we have our differences with specific aspects of the process, we believe it is a fundamentally sound management structure. We also believe that the trained professionals within the Forest Service are best able to make the on-the-ground decisions necessary to implement this system.

Thus, we respectfully submit that the process be allowed to work. We believe legislation should be limited to which areas should be designated as wilderness, and should leave the management of the remainder of the National Forest System to the Forest Service in accordance with existing Congressional mandates.

Further Study Areas

The 163,000 acres of land proposed for further study in this legislation have already been studied for wilderness for more than 15 years. Unless "further study" includes a thorough evaluation of their subsurface resources, no amount of additional study will result in more information. In fact, the legislation itself does not require any actual study of these areas; rather, it seems clear that Mr. Williams simply could not decide whether these areas should be wilderness or not. We believe that if there is such doubt about their wilderness suitability or the best use for these areas, and, recognizing that no serious attempt is being made to learn more about the areas, they should be released to multiple use management under the forest plan.

Similarly, we believe the decision to re-evaluate the 116,600 acres of the Badger-Two Medicine area under the pretense that further study is required ("study" which will be performed by a clearly biased committee) is a transparent ruse to postpone indefinitely the wilderness decision for the area, yet withdraw it in the meantime.

Valid Existing Rights

Unlike most previous wilderness bills, the proposed wilderness legislation fails to recognize valid existing rights and therefore places current lessees at a distinct disadvantage. Payment for oil and gas leases is a strong indication of a company's interest in the geology of an area and of its commitment to development. All existing oil and gas leases should be excluded from the boundaries of the proposed wilderness area.

However, regardless of the mere mention of protection of valid existing rights, the practical fact remains that it would be extremely difficult to obtain permits for operations on lands within the wilderness boundaries. Strong language governing the valid existing rights included in any legislation designating new wilderness, or in other special management areas, is vital. Such language is needed to demonstrate Congress' intent to protect the rights of the leaseholder and to assure that the leaseholder has access to his property.

We have several examples of instances where, despite Congressional intent, leaseholders of lands "protected" by vague valid existing rights language are experiencing difficulty in maintaining access. The Gros Ventre Wilderness Area in Wyoming is one such example where access has been an issue of great controversy, even though pre-existing leases are present.

In light of this need to protect valid existing lease rights, I am compelled to again bring up the Badger-Two Medicine Area. We strenuously object to a new five year wilderness study in the area because it is also clearly inconsistent with valid existing lease rights. In addition, the area has already been extensively studied by both the Forest Service and the Bureau of Land Management in its eight year preparation of an Environmental Impact Statement at a cost of more than \$1 million. This additional study is redundant and an unnecessary expense to the taxpayers. Moreover, the language prohibiting surface disturbance "until Congress determines otherwise" could leave the leaseholders in the untenable position of having the study conclude that exploration is acceptable but preventing any activity until Congress specifically authorizes the project.

Congress should recognize the valid existing lease rights in the Badger-Two Medicine Area, its tremendously high oil and gas potential, as well as the recommendations of the land management agencies in the area, and return this land to multiple use management.

Montana Ecosystem and Economics Study

This provision states that its purpose is to protect and enhance the ecological values of the Northern Rockies Ecosystem in Montana "and to ensure that disruptions to communities and local economies are minimized...". Yet the substance of the study pays only lip service to the economics of the State of Montana and focuses almost exclusively on ecological needs and environmental sustainability.

Paragraph (3)(B) requires the study to address the current contribution of commodity and non-commodity uses and outputs, yet no effort will be made

to study the potential outputs and contributions. As I have set forth in this statement, most of Montana's high potential oil and gas reserves are presently off limits due to governmental action. Any study that purports to look at the economics of commodity and non-commodity uses in Montana must realistically address the state's oil and gas potential along with the environmental values. To do less than that, as the Act now allows, sets up the framework for a one-sided and ultimately useless study, wasting additional tax dollars in the process.

Miscellaneous Provisions

The bill also withdraws 27,000 acres from the area depicted on a map as "The Gibson Reservoir Mineral Withdrawal Area--Proposed, dated October 1992" from mining and mineral leasing. We assume the map referred to was one from last fall's Congressional consideration of the Montana Wilderness bill. Clearly, in order to keep the acreage designated wilderness as low as possible, for public acceptance, this legislation tries to accomplish virtually the same goal by withdrawing the area from mineral entry. No reason is given. Yet this is an area which has extremely high oil and gas potential. We urge the Committee to delete this provision for mineral withdrawal.

Conclusion

Section 2(a) of this bill lists the findings of Congress. The last finding in paragraph (4) states that Congress finds "that the wilderness designations recommended in this legislation have been developed with the support of Montana wilderness advocates and is therefore the product of years of negotiations." This statement is absolutely correct and reveals very clearly why we cannot support the bill. This bill has been developed with input only from environmentalists, wilderness advocates and select others, and is not representative of the concerns of the rest of Montanans. It certainly does not recognize any of the concerns of the oil and gas industry. In fact, despite our submission of specific geologic information --- at the request of the Montana Delegation and this Committee last year --- NOT ONE OF OUR CONCERNS HAS BEEN ADDRESSED BY THIS LEGISLATION.

Montana has already committed 4.7 million acres of land to national parks and national wilderness lands. These acres are withdrawn forever from oil and gas exploration and production. The legislation under consideration today would withdraw 1.56 million acres from multiple use through wilderness designation, and another 464,000 acres through special management and continued wilderness study. Moreover, the nonwilderness lands which remain will continue to be studied and withdrawn so that multiple users are actually left with very little land at all.

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While we agree that some of this land should indeed be designated as wilderness, we believe the Congress should exclude any areas of moderate to high oil and gas potential from such designations. In addition, we recommend that stronger release language be provided to give multiple users the assurance that lands deemed unsuitable for wilderness can and will be utilized for the full range of nonwilderness multiple uses.

Finally, we urge you to make a final decision on the 163,000 acres of further study areas or else permit oil and gas exploration activities in these areas. The Forest Service has "studied" these areas for years, and yet has not made any attempt to better evaluate their oil and gas potential. This is the only missing piece of information about these areas' suitability for wilderness. Any further study of potential wilderness areas must include actual oil and gas exploration efforts to learn more about what values may be foregone by a wilderness designation. Otherwise, we are wasting time, money and resources, simply because of a reluctance to make a decision or uncertainty as to whether these areas should be designated wilderness or returned to multiple use.

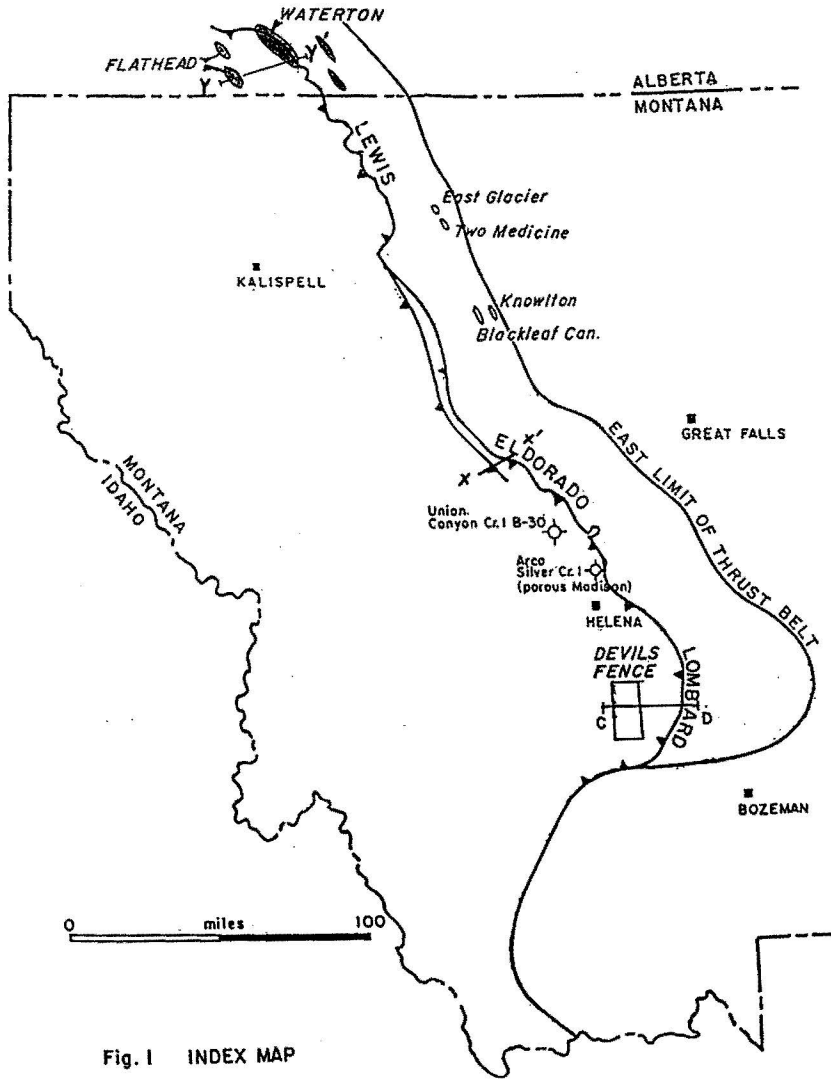
We also encourage you to return the 157,320 acres of special management areas to Forest Service management.

We applaud the members of the Montana Delegation for their continuing efforts to resolve this cantankerous issue. However, resolution at any cost is a far inferior goal than resolution based on sound reasoning and foresight. Any legislation must take into account the resource potential of the unexplored lands in Montana and those where the geology indicates significant potential for vast new discoveries. Congress can always designate those lands as wilderness later, after they have been fully evaluated; but once placed in wilderness, Montana and the nation will never know the resource potential of these areas, and may forego their valuable contribution to our domestic energy security.

Thank you for your consideration of our views. I will be happy to try to answer any questions you may have.

EXHIBIT A

Figures 1 - 5



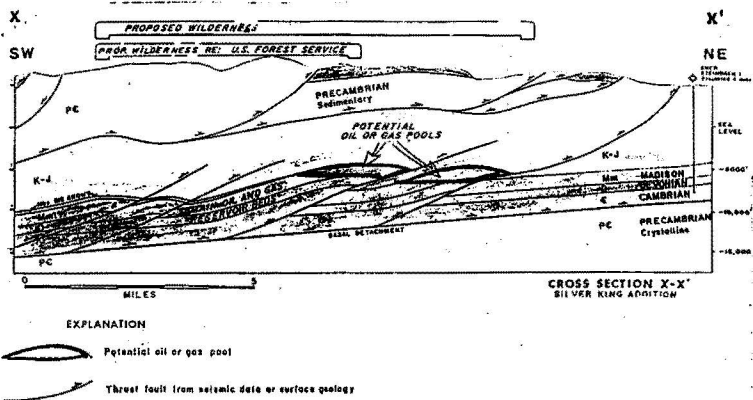


Figure 2. Cross Section X-X' through the Silver King area in the Montana Disturbed Belt. For location see Figure 1. The configuration of the beds is based on seismic surveys, geologic mapping and one hole drilled by Arco. The potential oil or gas pools are similar to thrust anticlines which produce major amounts of oil and gas in Canada as shown on Figure 3 below.

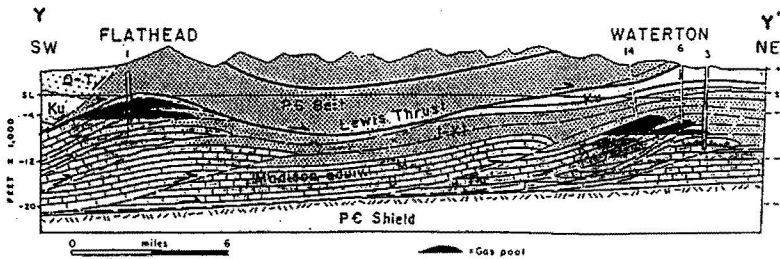


Figure 3. Cross Section Y-Y' through the Waterton-Flathead area just north of the Montana border. The gas-bearing structures here are analogous to undrilled potential oil and gas traps in the Montana Disturbed Belt as shown in Figure 2 above.

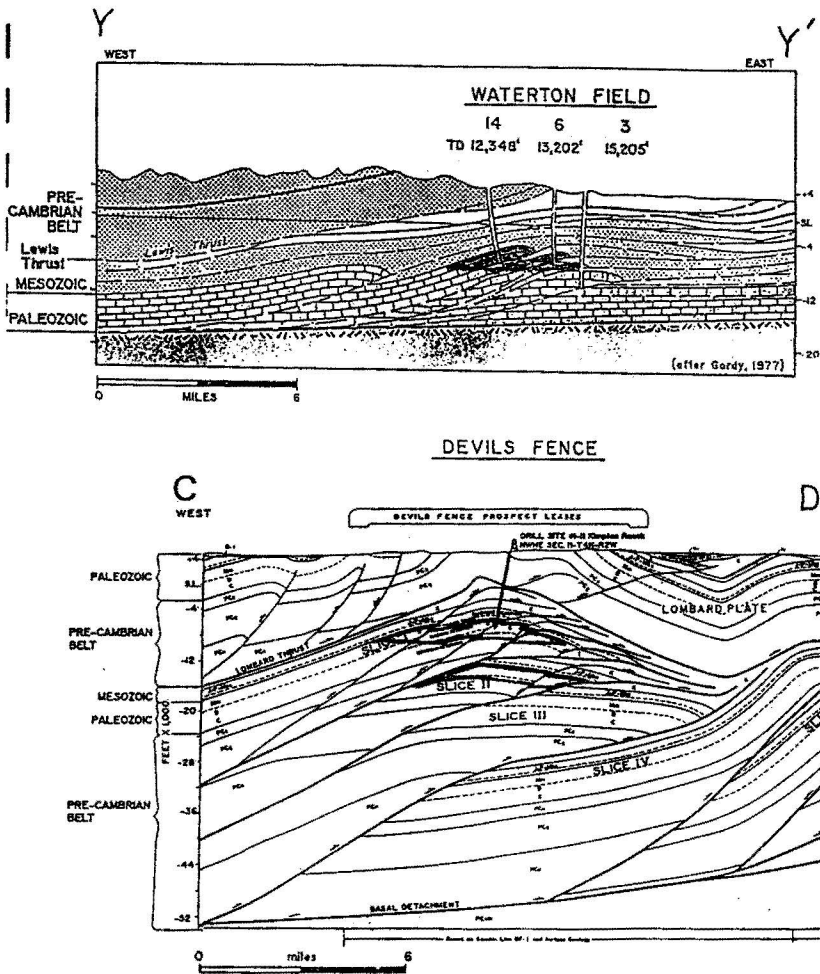


Fig. 4 Structural Sections - Devils Fence and Waterton Field

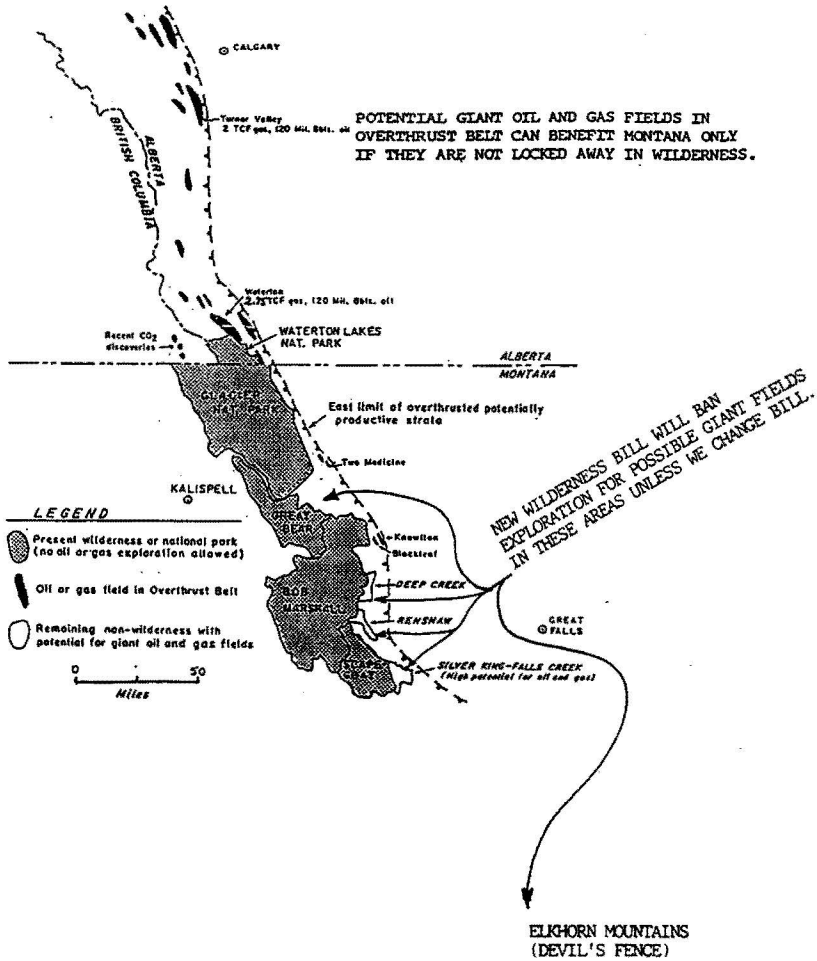


FIGURE 5

Mr. VENTO. Mr. Chamberlin, would you proceed for about five minutes.

STATEMENT OF JAY CHAMBERLIN

Mr. CHAMBERLIN. Thank you, Mr. Chairman.

For the record, my name is Jay Chamberlin. I am manager of the East Bench Irrigation Unit, a Federal irrigation project which is located in Madison and Beaverhead Counties in southwestern Montana.

I am currently president of the Montana Water Resources Association. I am testifying on behalf of the Montana Water Resources Association, referred to as MWRA. MWRA membership includes ditch companies, irrigation districts, individual farmers and ranchers, and other entities interested in Montana's water. The majority of our membership owns land lying adjacent to Federal lands and whose water supply flows from Federal lands, so which are included in the proposed Montana Wilderness Act of 1993.

Our testimony will be directed to Section 4, Water. I wish to congratulate the authors of this section of the act in providing the means to operate, maintain, and repair visiting historic water resource facilities located within boundaries of the proposed areas.

Prior to moving to the Dillon area, I was manager of the Bitterroot Investigation District. Several important, small storage facilities were located within the National Forest, which were later designated as wilderness. Initially, there was no problem with operating, maintaining, and repairing these small facilities. However, because of the vagueness in the language of the act, a new Forest Service supervisor made a restrictive interpretation of the act, making it impossible for the water users to operate and maintain the facility.

The structures approached the point of becoming hazardous. All of this because of the vague language in the 1964 Wilderness Act. Section 4, Paragraphs 2 and 3, of H.R. 2473 include vague language. For this reason, the MWRA cannot support the water language as written in the proposed bill.

In Section 4, Paragraph A, it states that there are no resource facilities located upstream of lands designated wilderness by this act. However, the proposed bill does not include a storage resource facility located upstream of proposed wilderness land. See Stoney Mountain map. The Burnt Fork Lake's water source comes from the Skalkaho Game Preserve area which is included in the proposed wilderness boundaries.

It is the recommendation of the MWRA to move the proposed boundaries eastward to the top of the Continental Divide excluding Burnt Fork Lake and Burnt Fork Creek to prevent operation and maintenance problems.

In section 4, Paragraph B, it states that there are no lands included that are suitable for development of new water storage facilities or for the expansion of existing facilities. That is not the case. There are possible sites that would allow storage facilities to capture spring runoff and release it later in the summer months which would help maintain low stream flows. This, in turn, would enhance the fisheries.

For example, the Clark Canyon Dam located in southwestern Montana, has improved the Beaverhead River to being the most productive stream in Southwestern Montana. It was stated by Jerry Wells, fish biologist for Department of Fish and Wildlife and Parks, that only the Big Horn River in central Montana can come close to the Beaverhead River's productivity and both of these rivers owe this feature to their dams. See Exhibits A-1 through 5.

Other concerns on H.R. 2473 is which the courts, State or Federal, shall have jurisdiction over matters related to Section 4, water? Which legal entity shall determine and decide the future challenges, problems, and interpretations related to water, its uses or nonuses, in this very controversial act.

We strongly recommend that the act, as written, be amended to provide that the appropriate Montana courts be the initial legal entity for legal decisions on any and all matters related to water use, non-use, quality, and the quantity on all Federal lands, including the proposed and other wilderness areas within the State of Montana.

The State of Montana has worked hard to appropriate and adjudicate the waters that lies within its boundaries through the Department of Natural Resources and Conservation.

The State of Montana also has in place the Reservation Application process as well as the Compact Commission. The Compact Commission is comprised of two house members, two senate members, and a number of citizens selected by the governor.

Be it resolved that The Montana Water Resource Association supports Montana's right to appropriate and administer all wilderness water and wilderness water rights within its boundaries.

And be it further resolved that the MWRA opposes the inclusion of existing irrigation and storage facilities in any newly created wilderness or national recreation area.

We support the position of timber, mining, and motorized recreation organizations concerning H.R. 2473.

Mr. Chairman, thank you.

Mr. VENTO. Thank you, Mr. Chamberlin.

[Prepared statement of Mr. Chamberlin and attachments follow:]

TESTIMONY
OF
JAY CHAMBERLIN
IN THE MATTER OF
H.R. 2473

"ROUND 16 OF THE MONTANA WILDERNESS ACT 1993"

I wish to thank Chairman Vento for the opportunity to testify on H.R. 2473, entitled "Round 16 of the Montana Wilderness Act 1993". My name is Jay Chamberlin. I am the Manager of the East Bench Unit, a federal irrigation project, which is located in Madison and Beaverhead Counties in Southwestern Montana. I am also the current President of the Montana Water Resource Association. I am testifying on behalf of the Montana Water Resource Association (MWRA). The MWRA membership includes ditch companies, irrigation districts, individual farmers and ranchers, and other entities interested in Montana's water. The majority of our membership owns land lying adjacent to federal lands and whose water supply flows from federal lands - some which are included in the proposed Montana Wilderness Act, 1993.

My testimony will be directed to Section 4 - Water. I wish to congratulate the authors of this section of the act in providing the means to operate, maintain, and repair existing, historic water resource facilities located within the boundaries of the proposed wilderness areas. Prior to moving to the Dillon area, I was the Manager of the Bitterroot Irrigation District in the Bitterroot Valley. Several important, small storage facilities were located within National Forests which were later designated as wilderness. Initially there were no problems with the operation, maintenance, and repair of these small facilities. However, because of the vagueness in the language of the act, a new forest supervisor made a restrictive interpretation of the act, making it impossible for the water users to operate and maintain the facilities. The structures approached the point of becoming hazardous. All of this because of the vague language in the 1964 Wilderness Act. Section 4, Paragraphs 2 and 3 of H.R. 2473 include vague language. For this reason, MWRA cannot support the water language as written in the proposed bill.

In Section 4, Paragraph A, it states that there is no resource facilities located upstream of lands designated wilderness by this act. However, the proposed bill does include a storage resource facility located upstream of proposed wilderness land. (See Stoney Mountain Map). Burnt Fork Lake's water source comes from Skalkaho Game preserve area which is included in the proposed wilderness boundaries. It is the recommendation of the MWRA to move the proposed boundaries eastward to the top of the Continental Divide excluding Burnt Fork Lake and Burnt Fork Creek to prevent operation and maintenance problems.

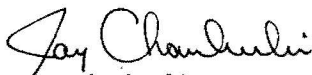
In Section 4, Paragraph B, it states that there are no lands included that are suitable for development of new water resource facilities or for the expansion of existing facilities. That is not the case. There are possible sites that would allow storage facilities to capture spring runoff and release it later in the summer months which would help maintain low stream flows. This in turn would enhance fisheries. For example, the Clark Canyon Dam located in southwestern Montana has improved the Beaverhead River to being the most productive stream in Southwestern Montana. It was stated by Jerry Wells, Fish Biologist for Department of Fish, Wildlife, and Parks, that only the Big Horn River in central Montana can come close to the Beaverhead River's productivity and both these rivers owe this feature to their Dams. (See Exhibit A1-5).

Another concern on H.R. 2473 is which court, state or federal, shall have jurisdiction over matters related to Section 4, Water. Which legal entity shall determine and decide the future challenges, problems and interpretations related to water, it's use or non-use, in this very controversial act? We strongly recommend that the act as written be amended to provide that the appropriate Montana courts be the initial legal entity for legal decisions on any and all matters related to water use, non-use, quality and quantity on all federal lands, including the proposed and other wilderness areas within the State of Montana. The State of Montana has worked hard to appropriate and adjudicate the waters that lies within it's boundaries through the Department of Natural Resources and Conservation. The State of Montana also has in place the Reservation Application process as well as the Compact Commission. The Compact Commission is comprised of two house members, two senate members, and a number of citizens selected by the Governor.

Be it resolved that The Montana Water Resource Association supports Montana's right to appropriate and administer all wilderness water and wilderness water rights within it's boundaries, and be it further resolved that the MWRA opposes the inclusion of existing irrigation and storage facilities in any newly created wilderness or National recreation area. We support the position of Timber, Mining and Motorized Recreation organizations concerning H.R. 2473.

Again, I wish to thank you for the opportunity to appear before this committee.

Respectfully,


Jay Chamberlin

BHUNE-EXAMINER
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Dillon, Montana
 Tuesday, August 25, 1981

Opinion

Cooperation saves hundreds of trout

Cooperation between irrigating farmers and fishermen has saved the lives of hundreds of adult brown trout in the Beaverhead River.

For the last three years, hundreds of adult brown trout have died in early July on the Beaverhead River between Clark

Canyon Dam and Barrett Station. The cause was a bacterial disease, furunculosis, brought on by stress. A common disease in hatcheries, furunculosis prevailed when the river flow was dropped for the first hay cutting on the East Bench last year.

The sudden decrease in the water level

raised the temperature of the water and "put the critters under additional stress," Jerry Wells, fishery biologist for the Fish and Game Department said.

This year, however, fish losses were prevented with the help of Dick Kennedy and the East Bench Irrigation District.

Wells said he requested the East Bench not to drop the water level during the first hay crop if there was adequate water left in the reservoir. "They kept it high and

we avoided the fish kill," Wells said.

"Everybody fishing the river should realize that the operators of the dam did exactly as we requested. Fishermen owe the East Bench Irrigation District a thank you," Wells said.

Wil C. Phinney

at the ribbon's end

By CHUS CAULIE

Staff Writer

It's a spectacular sight, enough to make a fisherman think he has discovered the Ultimate Lure. Fish are coming from everywhere. Big ones, little ones, rainbow trout, brown trout, even whitefish and little sculpins. All swimming rapidly toward a long pole tipped with a triangular piece of metal.

It's as if Moses touched the water with his staff and commanded all the fishes to swim to him.

BUT IT'S not Moses, and it's not a new lure. It's the biologists for the Department of Fish, Wildlife and Parks conducting a harmless electro-shocking fish survey along the Beaverhead River.

"The worst part about this work," Jerry Wells said as he lifted another arm-aching netful of big Beaverhead trout into a live-well on the boat, "is to know how many fish are here when you come back in the summer and don't catch any."

Wells isn't kidding. As the Department's area fisheries biologist and an expert fisherman, Wells may know more about the Beaverhead and its finny denizens than anybody around. And as Wells is quick to point out, there are a lot of finny denizens to know.

"The Beaverhead River is the most productive trout stream in Southwestern Montana," Wells said. "In fact, only the Big Horn River in central Montana can come close to the Beaverhead's productivity, and both rivers owe this feature to their dams."

HAMS? In most cases, a dam on a free-flowing river is enough to make a grown fisherman cry, but for the Beaverhead, Clark Canyon Dam seems to have provided some surprising benefits. It was built in 1964 as an irrigation project.

According to Wells, two major benefits relate to the reservoir itself. It serves as a huge settling basin for nutrients, and it is a vast temperature regulator.

"The reservoir is fed by Red Rock Creek and Horse Prairie Creek," Wells explained. "These streams are very rich in nutrients, and these nutrients

eventually settle and concentrate at the bottom of the lake."

Fortunately for the downstream fishery, Wells said, the dam discharges water from the bottom of the lake, pulling out the nutrient-concentrated water.

"The upper river receives a tremendous benefit from this situation," Wells said. "The bottom draw results in discharge water that is very rich and productive."

WELLS ALSO said the discharge water is "winter warm and summer cool," another benefit for downstream trout.

"In the winter the water temperature averages about 40 degrees," Wells said. "This is significantly better for trout growth than, say, the Big Hole River where the temperature falls to 32 degrees."

"During the summer," Wells said, "the cool water at the bottom of the reservoir prevents the water temperature—at least in the upper river—from becoming too high. This also helps trout growth."

THE COMBINED effects of optimum water temperature and nutrient concentration is quite evident in growth rates, Wells pointed out. He said brown and rainbow trout average about seven inches in length at the end of their first year, a tremendous increase in size from a tiny egg.

Wells went on to say two-year-old brown trout average 13 inches, two-year-old rainbows average 12, three-year-old browns run about 18 inches, and three-year-old rainbows average 17.

By comparison, two-year-old trout in the blue-ribbon section of the Big Hole River only average 9½ inches in length, and three-year-old trout average slightly less than 13.

"The Beaverhead has the fastest growth rates—by far—of any stream in Southwestern Montana," Wells said. He added that since 1973 there has been a five-fold increase in the numbers of trout, and a three-fold increase in the overall poundage of trout in the river.

"THESE INCREASES," Wells emphasized, "are entirely through the cooperation of the East Bench Irrigation District."

East Bench operates Clark Canyon Dam, while irrigation is the reservoir's primary function, the way East Bench controls discharges is vitally important to the downstream fishery.

According to Wells, the key to maintaining large fish in the river, especially large rainbows, is a winter flow of 200-250 cubic feet per second (cfs). This winter the flow was reduced to 100 cfs.

"When we go below 200 we start to lose fish," Wells said. "But I understand why there's been a reduction this year. There simply hasn't been enough precipitation to fill the reservoir."

"When they have the water, we get it," Wells said.

DICK KENNEDY, manager of East Bench, says he recognizes the need for minimum winter water flows. "We would like to give 200-250 feet," Kennedy said, "but our inflows determine the amount we can discharge. Actually the more we can give the fishery the better it is for us because that means we have the water."

In addition to minimum winter flows, discharges during the spring rainbow spawning season and the autumn brown trout spawning season are critical, Wells said.

Steve Sando, a fisheries student who is conducting spawning success research on the river, said water fluctuations could affect several different stages in reproductive success.

"Severe drawdowns could decrease the available spawning areas," Sando said. "This in turn could cause crowding on remaining areas."

SANDO ALSO said very low drawdowns may decrease fry survival by depriving fry of shoreline cover. "I think they would be more vulnerable to predation," Sando said.

According to Wells, violent water fluctuations before 1973 were the primary factor limiting spawning success.

Kennedy said, "In 1973 or 1974 things came together with the Fish and Game, East Bench and the Army Corps of Engineers. Since then we've been trying to operate the thing for the benefit of everyone when we can."

Kennedy pointed out the attempts East Bench has made to reduce water fluctuations during the spawning seasons. "About late September we try to determine what the most reasonable minimum flow will be," Kennedy said. "Then once we set it we leave it."

The stable fall flow benefits the brown trout spawning.

"IN THE SPRING when the rainbows spawn, about the only thing that could happen would be to increase the water, but we usually hold it and stretch it out until the middle of April before we start releasing a lot of it," Kennedy said. Most rainbow spawning is over by this time, he noted.

Kennedy also said that even during the irrigation season he tries to minimize fluctuations by changing the

gate releases in two or three different stages instead of abruptly.

The cooperation of East Bench has shown up in the numbers of fish in the river. "There are probably more fish in the river now than ever," Wells said.

Another important factor in the Beaverhead's trout population is the amount of cover, Wells said.

"Cover, especially in the form of streamside brush and willows, is tremendously important," Wells said. "It provides shade, places to hide, it breaks the velocity of the current and it stabilizes the stream bank."

"In fact, studies have shown there are three to four times more fish in sections with cover as opposed to sections without cover on several rivers in Southwestern Montana."

For the future, Wells said, he is concerned about the plans to install electric generators at the dam, but he hopes the effects on the river will be minimal.

"As long as they keep it a bottom draw I can see no major problem with

it," Wells said. He indicated that temperature changes and nitrogen saturation problems should be considered, but Kennedy indicated these problems will not develop.

"We do not have that kind of head for nitrogen saturation," Kennedy said. "And I don't see how we can change the temperature of the water."

"The releases will not be changed," he added.

THE DEPARTMENT of Fish, Wildlife and Parks has been studying the Beaverhead since 1964. "We probably have more data on this river than any other," Wells said.

The studies certainly seem to be worthwhile.

"This is an exceptionally valuable river because of its ability to produce large numbers of trout and large numbers of large trout," Wells said. "We feel obligated to know as much about it as we can."

"The Beaverhead is a unique river," Wells said. "It's definitely one of the best."

Madison Tribune 5/21/85

Beaverhead river should be hot spot

By PERRY BACKUS

Fishermen had a beautiful day to break out those boats, dig out those rods and reels and head out to their favorite haunts on opening day Saturday.

From all reports fishing was great.

Gisela Hildreth of Clark Canyon reservoir said fishing both on the reservoir and on the river was "very good."

She said one gentleman caught a six and three quarter pound rainbow, "which was not too bad. He was pretty happy."

"It was a good opening day," she said.

The Beaverhead River had record numbers of big brown trout lying in wait for a well aimed girdle bug or a tasty looking glob of nightcrawlers to come floating by, according to fisheries biologist Dick Oswald.

"The numbers of big fish in the Beaverhead have never been higher," Oswald said about the stretch of river from the dam down to the Barrett's diversion dam.

"Things couldn't be better in the Beaverhead," he said, adding there were some "whopping fish" in that river.

"The thing that puts the Beaverhead head and shoulders above any other river in the state is the number of four pound and larger fish you could catch."

"But just because they're there, they are still hard to catch," Oswald said, adding he has shocked the river for a number of years and probably handled more big fish in that time than a fisherman would ever catch in a lifetime, but "I've yet to catch my first huge one on a fly."

"IT'S JUST A hard river to fish, there is a hell of a lot of overhanging cover and it is a deep and swift river" so that makes it hard to wade, he said.

Oswald said the reason the Beaverhead River is such a good fishery has a lot to do with the reservoir.

The "growth and comfort range" of the Beaverhead stays somewhat constant because the water it drawn off the bottom of the reservoir, he said, adding so in the summer the water is cooler and in the winter it's warmer.

Plus the reservoir tends to settle out the sediment so the river's water tends to be "super clear," he said.

And the nutrient rich reservoir water "kicks off a chain of production that's just unbelievable. Insect samples are higher than anywhere else in the state," he said.

The effect from the reservoir tapers off as it goes down the river, he said, adding it is almost done with by the time it gets to Barrett's.

Oswald said in one stretch of river he and his crew shocked this year they came up with over 430 brown trout in the 18 inch class or larger.

With 20 inch and bigger fish common, even abundant, this makes the Beaverhead a very exceptional river, he said.

The high flows the river has been experiencing during the last couple of years have really helped the fisheries, he said, especially for the larger fish the winter flows are critical.

OSWALD SAID 300 cfs is the optimum flow and last winter it never dropped below the optimum in the winter. "The winter of 1984 handled the biggest number of five pound and larger trout that has ever been handled in the river."

Other rivers also had good years, he said.

"We've had three stupendous years in a row in the Big Hole River," he said. In the special regulations area between Divide Dam and Melrose Bridge "we've had overwhelming success beyond our wildest dreams."

The number of trout 18 inches and bigger have increased from 40 per mile in 1982 to 155 per mile last year.

He said his department has yet to go through the 1985 data, but it appears "it may have finally topped out."

Oswald said fishermen on the Madison River should take careful notice of special regulations for the area they plan to fish. "It's our testing ground."

DILLON TRIBUNE EXAMINER

April 22, 1986

Report: Plenty of fish in Beaverhead

'At the present time...the Beaverhead River has greater number of trout larger than 18 inches...20 inches...22 inches per mile than any other river in Montana. —Fish and Wildlife report

By TOM BROSSART

Fishing pressure coming from floating the Beaverhead River causes "no demonstrable damage" to the fish population and petitions seeking to close part of the river to fishing should be denied, according to a state report.

The Montana Fish, Wildlife and Parks Department prepared a study of the Beaverhead River in response to petitions seeking to close the river to all floating and float fishing. The petitions were filed under the stream access law and Fish, Wildlife and Parks commissioners will act on the recommendations at their May 18 meeting.

The report, completed by Jerry Wells, regional manager and Pat Graham, fish management bureau chief, said the requests sought in the petitions should be denied.

The report says fish information from the river does not support the need to reduce fishing pressure on this stretch of the Beaverhead River, that no demonstrable damage has resulted from float fishing to the fish population and that present fishing regulations are able to maintain the fishery under the present level of fishing use.

"AT THE PRESENT time, this reach of the Beaverhead River has greater numbers of trout larger than 18 inches, larger than 20 inches and larger than 22 inches per mile than any other river in the state of Montana. The river also continues to provide the opportunity of catching both brown and rainbow trout in excess of five pounds," the two said in their report.

The nine page report outlines a number of alternatives, but says none are needed. Alternatives included eliminating fishing from boats, allow floating but no fishing from the boats, closing the stream to all boat fishermen to eliminate boat-bank fishermen conflict and adopting restrictive regulations to ease fishing pressure.

The two investigators say changing the floating or fishing regulations are not needed as the number of large fish has actually increased from the 1970s to 1985.

Seven of the eight petitioners to the state fish and game department were contacted and interviewed by Wells and Graham. The petitioners requested restrictions on floating from Clark Canyon Dam to Pipe Organ Bridge or Grasshopper Creek. Most of the petitioners did their fishing on the Hildreth Ranch between the High Bridge and Henneberry Bridge. Petitioning for the river to be closed to floaters or other restrictions were Leonard and Kerma Kidd, Clyde Hawley, Jr., E.E. Harshbarger, Sr., William Crozier, M. Gene Blair, Edgar Helm, Taylor Cottle and Donald Koontz.

ACCORDING TO THE fish and game report the petitioners said they had received a blank petition with specific instructions on how to fill it out in an envelope without a return address. The sender of the petitions claimed to represent an organization dedicated to saving the Beaverhead River.

According to the report the petitioners had "a sincere concern about the fishery of the Beaverhead River. Several of the petitioners have fished the river for more than 15 years and have observed dramatic increases in boat traffic on the river."

The petitioners told the fish and game investigators "they were catching far fewer trophy trout (five pounds and larger) than they were five, 10 or 15 years ago."

The petitioners also said the number of floaters had increased markedly in the last five years. According to the report all of the petitioners described conflicts between themselves and float fishermen. Some of the petitioners also described confrontations between Lowell Hildreth and float fishermen but were unaware of any conflicts between other landowners and float fishermen, according to the report.

lack of the law enforcement on the river. "Several of the petitioners told us they had never been checked by a warden on the river," the investigators' report said.

The report said the petitioners "perceived that they were catching far fewer trout over 18 inches than they did five,

10 or more years ago. Nearly all the petitioners, in fact, told us they were catching far fewer trout of any size than they did five, 10 or more years ago," the report said.

The investigators said the river is completely controlled by water releases from the Clark Canyon Dam with low releases, 100 to 250 cfs during non irrigation season and quite high water flow, 700 to 1,000 cfs, during irrigation season. The irrigation runs from mid-May to mid-September and current velocities, average depth and dense willow cover on the banks make wade fishing difficult at best.

"The only way to effectively fish this reach of the river during the bankful period is from a drifting boat. Float fishing on the Beaverhead River has a long history and in fact existed prior to the construction of the dam," the report said.

Float fishing has increased in popularity and while, no exact numbers exist of floaters, the report said, "it would not be unusual to observe 30 boats in a given day in August."

"During the irrigation season we would estimate that between 80 and 90 percent of all fishing in this reach of the river takes place by float fishermen," the two investigators said.

THE FISH and game investigators in preparing their recommendations for the commissioner used information compiled during the past 20 years. The Beaverhead River had been managed as a wild trout fishery and intensive monitoring of the trout population has taken place since the mid-1960s.

Studies show that by the early 1980s the numbers of trout in the Hildreth study section had increased from the 1968-74 average of less than 700 to more than 3,000. The investigator said a period right after the dam was built was characterized by low numbers of trout but relatively large numbers of trophy trout.

Trout in the river were big during those years since they had very few other fish to compete with for both food and space, the report said. Stable spawning flows during the spring and fall since 1974 has led to better reproductive success for brown trout and increased but irregular reproductive success for the rainbow trout, the report said.

Brown trout populations appeared to reach the carrying capacity in the late 1970s and has remained fairly stable since then despite increased fishing pressure. "Numbers of 18 inch and larger brown trout was greater in 1985 than in any year since we began electrofishing," the investigators' report said.

Exhibit A-4

DILLON TRIBUNE EXAMINER May 13, 1986

Angling predicted outstanding opening day

The upper Beaverhead River is supporting more, bigger trout than ever before.

By PERRY BACKUS

Area rivers and reservoirs look very promising for opening day of fishing season, this Saturday.

According to state fisheries biologist, Dick Oswald, the Beaverhead River just "gets a better every year." The upper Beaverhead is holding more 18 or 20 or 22 inch and bigger brown trout, which I call a big fish, in that section than we have ever observed since the dam was built.

The numbers of trophy rainbow trout, five pounds plus, have been on a downward trend since 1984, he said, but that's "only temporary."

Oswald explained that in 1983-84 the Beaverhead held the largest number of big rainbows coming off a great reproductive year of 1977.

"The bad news is those older fish are fading out of the picture, but the good news is that 1982-83 was an excellent reproduction year and the river is just loaded with 18-22 inch rainbows which should result in the next one to three years setting new all time highs for numbers of trophy fish."

THE ONLY NEGATIVE news on the Beaverhead River is that low winter flows combined with large numbers of trout have produced some skinny fish, Oswald said, adding that condition is only temporary and as soon as normal flows are released for a time, the fish should bounce back quickly.

Oswald said fishermen seeking a limit of trophy trout from the crowds concentrating on the upper Beaverhead should consider the rest of the river.

A lot of people fish the upper section because they know it holds a lot of large fish, he said, while the rest of the river doesn't

receive near the pressure. "The remainder of the river doesn't produce the numbers of large trophy trout, but it can and it does produce some large fish and it supports an incredible number of 16 to 20 inch trout and with lighter fishing pressure, a guy can actually find better fishing downstream."

One other thing to note as you're fishing the Beaverhead this year and don't notice near the number of nightcrawlers containers or beer cans, you might want to mentally thank Dillon's chapter of Trout Unlimited. Club members recently floated the upper section of the river and picked up some 100 pounds of pickup loads of trash from the riverbanks.

SPECIAL RESOURCE FOLKS also gave a hand in the clean up effort. Trout Unlimited is planning a project for this summer to make a wheel chair trail into Minneopa Lake in the Pioneer Mountains.

The Big Hole River is "hanging in there," Oswald said, adding the special regulations section between Divide and Metcove has seen the population of large fish, 18 inches and larger, quadruple. The numbers are now beginning to level off, he said, but there is a "slow creep in growth" on that section.

"We're seeing more 20 inch and bigger browns and 18 inch and larger rainbows," he said. There has also been an increase "happily enough" in numbers of large fish outside of the special regulations section, with big guys are starting to move.

The special regulations are three fish and 13 and one fish brown trout, with flies and flies only.

HE SAID POPULATIONS on the Big Hole got through last year's low water, "pretty well." The lowwater situation last July was saved "just in the nick of time with timely August rains and cool weather. It really bailed

the river's fisheries out."

The Ruby River is "lightly fished" and although the resident fishery doesn't support large amounts of big fish, the Ruby River supports "incredible numbers of 13-16 inch brown trout," which are scrappy fish to catch. "The river also poses 'some surprisingly is brown trout in the fall, when the Jefferson browns migrate into the Ruby to spawn," said.

Trend information shows the trout population in Clark Canyon Reservoir are on an upward swing, he said, adding fishing should be good there.

Oswald said, and it has a good population of wild rainbow trout. They aren't the big, fat rainbows people are used to catching in Clark Canyon, but they do average some 13-16 inch he said.

"WE'VE SEEN ABOUT a 60 percent in

crease in the numbers of rainbows there and we aren't stocking the reservoir. It's just filled with wild rainbow trout and it might warrant for some people who want a different reservoir fishing experience to try the Ruby River. People should be aware," Oswald said, of a new limit on Elk Lake in the Centennial Mountains is five fish. Also special trophy regulations have been set for McDonald, Culver and Wigwag ponds. Also a new refuge policy will delay those ponds opening until July 15 to protect swan nests.

The Jefferson River has been set to catch and release for all rainbow trout, Oswald explained.

The smaller tributary streams almost all support large populations of brook trout and often rainbow trout, he said. The smaller streams often give fishermen the opportunity to catch pan sized fish in a pretty uncrowded setting, he concluded.

Mr. VENTO. And, finally, Mr. Riley, I invite you to give your testimony.

STATEMENT OF JAMES S. RILEY

Mr. RILEY. Mr. Chairman, I am Jim Riley, the executive vice president of the Intermountain Forest Industry Association.

I would like to correct for the record that my central office is actually in Coeur d'Alene, Idaho, not Lewiston, as reported.

I am here today representing our Montana members and on behalf of my affiliate office in Helena, Montana. That is the testimony I bring to you.

Joe Brook of Eagle Studs Company from Hill, Montana, had wished to testify and was unable to do so because of confusion last week about the witness list and how these panels were going to be organized. I am sure Joe will be in touch with members of the committee as this bill moves forward.

I hope all of you will appreciate how difficult it is, at least for this forestry spokesman, to speak dispassionately about the issues before us here. We have, for the last 12 months, been besieged, in our view, by a flood of new Federal forest policy issues which threaten to engulf us, just the same as the mighty Mississippi has wiped out the heartland of this country.

Last fall, the Forest Service came to us and announced that they were going to begin a new program of ecosystem management in the forests of the West. Disturbing to us was not so much their commitment to look at new ways to do things in their woods, but their abandonment of the long-standing commitments that they had made in their forest plans in maintaining a continuity of programs that our businesses and communities depend upon.

While we were in the middle of trying to work this out with the Forest Service, the President announced this spring the brand new, low-cost sale policy. Ironically, the Forest Service ecomanagement program requires tremendous new investments and reduced revenues in the woods. And at the same time they are doing that, President Clinton comes forward and identifies eight—we learned today—national forests in Montana which will no longer have a timber sale program because they don't have the right measure of financial return.

As we are grappling through that, this summer we are besieged by the summit recommendations from this President, which announced a substantial declines of timber sale programs on the West Coast. Those programs that were put in place almost surely have an impact on Montana as well as adjacent States. This fall will be the season when we try to deal with the wilderness bill and an appropriations bill which sets record low levels for the Forest Service.

Against all that, I come to you today fresh from a meeting in Kalispell that I was at late last week where we were in the woods with a group of foresters and loggers from Montana and some representatives of the Forest Service and the Fish and Wildlife Service.

The simple issue we had before us was, wasn't there a way to harvest the standing dead white pine timber, some of the most valuable in the country to existing products. In many cases, the trees could have been logged without even moving off of the existing

roads in a way that was consistent with removing them before they were dead beyond recognition.

We have listened to a long day of litany from our Forest Federal employees about how that was impossible and a long list of reasons why that couldn't be done, which is certainly not at all gratifying news for people who are struggling for the very wood to sustain their businesses. We were done with that. And we are sort of having a debriefing session amongst ourselves. And I hate to tell you the intensity of feeling that exists in Montana that one of the logger friends of mine that remarked to me that, as Members of Congress are spending their time waxing eloquently about letting Montana being the last best place, Montana loggers have come to think of Washington, DC and the policymakers here as the worst place for them and their families.

Today Montana's forest industry hangs on the balance of a precipice of mill closures, shift layoffs, and employment dislocation unprecedented in Montana's history, all because of a gridlock and tremendous declines of forest timber programs.

In 1992, timber sales from the Forest Service lands in Montana dropped 250 million, the lowest level in decades. And amounts to less than 40 percent of the levels set by the forest plans.

Throughout the State, the Forest Service and those of us who rely on this agency to carry out purposeful and timely management programs are nothing but disappointed and frustrated. The government has proven itself repeatedly to be unable to put in place, and then to execute, reliable management programs for our national forests.

The Forest Service has become an agency which is able to do nothing and whose credibility has all but eroded completely amongst our members.

Mr. Williams, you offer this bill today; and to use your words earlier on the premise on the need to resolve the economic chaos in Montana. We have pledged our support to work with you in the past to achieve this objective. We certainly agree that chaos exists, and this is an objective that needs to be achieved. And we, again today, pledge our cooperation in working towards this goal.

In reviewing the legislation you offer, we offer four considerations that we believe are necessary to meet this objective. All of these are issues which we have discussed with you before and shouldn't be particularly new news, the first of which is, we believe it is essential to resolve the wilderness study areas in Montana. Many of these areas have been studied for more than a decade; therefore, some of them have been identified as proper for wilderness, while others have been recommended for multiple-use timber management. And there is nothing really more to be learned by more delay and more study. It is time to decide.

We have provided your staff in previous years with our recommendations for each of these areas and will do so again to attempt to get this issue resolved.

We also have asked and reiterate our request today that this committee include the fundamental release measures in this bill that have been adopted by this committee since 1984. That includes release language which exempts the Forest Service from

conducting new, highly contentious wilderness evaluations on all lands for a 10-year period of time.

Release language is also needed which prohibits continued litigation over Forest Plans and implementing actions because of wilderness issues. These are small but, in our view, essential concepts which, if you are interested in support for bringing variety to this debate, are essential to achieving that objective.

Third, we have taken issue with the new requirement in this legislation for a whole new layer of ambiguous planning. If anything, in our view, the Forest Service needs more streamlined and more workable plans, a way to make the pristine planning process work, not yet another requirement to do more planning and less action.

I have, in the past, expressed our support for looking at the National Forest to the spectrum of ecosystem management and some of the concepts that are borne therein. We continue to do that but suggest that, if we want to change the Forest Service process, the right way to do that is to reopen all the planning considerations rather than require them to take yet another unworkable layer of planning.

Beyond these fundamental concerns for the framework of the bill, there are issues which we have raised in the past; and I won't go through the details today because we are on the record about them, about specific area and boundary considerations we have raised. Throughout Montana, they are included in this recommendation areas of timber lands most suitable and tentatively suitable, using the Forest Service jargon, which we believe should be made available for multiple-use management.

Before I close, I want to speak to the issue of jobs. There has been a lot of debate, both in the press and here today, about the issue of what jobs are at stake and what alternatives exist for jobs.

I am not sure I am going to throw another number into the pot. What I do know is that there are 10,000 direct jobs in Western Montana which depend on the forest products industry. There are approximately 30,000 indirect jobs which result in the support sectors, in the gas stations, and the restaurants because of that.

By recent estimates, 50 percent of the western Montana economy is dependent on the forest products industry. And I would tell you that all of those jobs are in jeopardy today unless we can find a way to bring rationality back to the forest management process.

So that there is no confusion, I want to make sure that you are clear. Our industry is looking for the opportunity to harvest approximately one-third. And that is all of the growth of the available public forest lands in Montana. Our logging companies are some of the most technologically advanced of anywhere in the world, and we are confident that by working with other professionals, we can find ways to do that which are fully consistent with the principals of sustainable ecosystems.

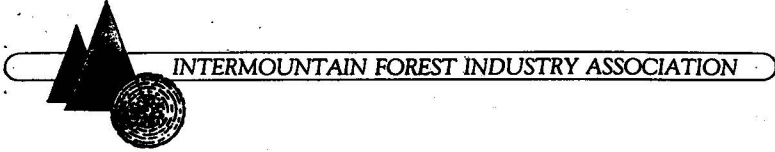
As you know, our people in Montana also have a strong commitment to doing the job right and are second to none anywhere in this country in their dedication to that principal.

Mr. Williams and Mr. Vento, I know your intent is to move this bill forward as quickly as possible after this hearing. I would hope that maybe we could look at some of these broader issues. But I, again, want to pledge my support, if you do move this forward, for

trying to work with you on amendments to the issues that I have raised in this discussion.

Thank you very much for the opportunity to testify.

[Prepared statement of Mr. Riley and attachments follow:]



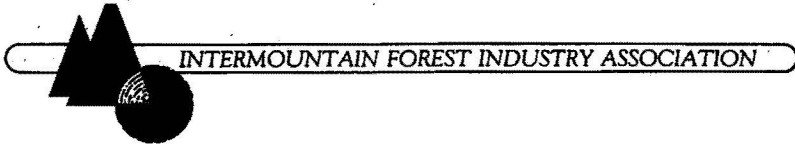
STATEMENT
OF
JAMES S. RILEY
INTERMOUNTAIN FOREST INDUSTRY ASSOCIATION
BEFORE THE
HOUSE INTERIOR AND INSULAR AFFAIRS COMMITTEE
SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS
ON
HR 2473
ROUND 16 OF THE MONTANA FOREST WILDERNESS ACT OF 1993
July 20, 1993

Mr. Chairman, with the permission of this subcommittee, I am submitting a written statement today which was presented to this subcommittee in June 1992 by Rem Kohrt, General Manager of FH Stoltze Land and Lumber Company of Columbia Falls Montana on behalf of our organization on the predecessor legislation to HR 2473, S 1696, The Montana Wilderness Act of 1993.

HR 2473 does contain several new wilderness and special management additions which were not included in S 1696, which we have analyzed in general and which we wish to be on record today as opposing because of their adverse impact on an already critical federal timber availability problem in Montana. We are conducting detailed analyses of these areas which we will provide to Mr. Williams and the Subcommittee as they are completed.

The positions and issues outlined in our 1992 statement remain valid today with respect to HR 2473. I do note for the record, however, that our association believes wilderness legislation, particularly HR 2473, will do little but exacerbate the already critical timber availability crisis in Montana, rather than bringing about some much needed stability and certainty as previously hoped.

We appreciate this opportunity to testify.



STATEMENT OF
REM KOHRT
GENERAL MANAGER
FH STOLTZE LAND AND LUMBER COMPANY
REPRESENTING THE
INTERMOUNTAIN FOREST INDUSTRY ASSOCIATION
AND THE
MONTANA WOOD PRODUCTS ASSOCIATION
BEFORE THE
HOUSE INTERIOR AND INSULAR AFFAIRS COMMITTEE
SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS
ON
THE MONTANA NATIONAL FOREST MANAGEMENT ACT OF 1992
S.1696
JUNE 9, 1992

I am Rem Kohrt, General Manager for FH Stoltze Land and Lumber Company. I am testifying today on behalf of my company, the Intermountain Forest Industry Association and the Montana Wood Products Association which represent the forest industry in Montana.

With me today is James S. Riley, Executive Vice President of the Intermountain Forest Industry Association who has followed the details of this legislation for several years and who can answer specific questions which may arise out of my area of expertise.

I am encouraged by this hearing today. I have personally been a part of the wilderness debate in Montana for almost two decades. Since that time SEVEN separate wilderness bills have been enacted for Montana which have created the 3.4 million acres of wilderness that we have today.

I am encouraged today in what I hear to be a sincere interest in compromise - an interest in making "principled compromises" and "striking a fair balance between protecting jobs and the environment" - to use Senator Baucus's most welcome words when he first introduced this legislation.

Although the Montana National Forest Management Act of 1992, the bill before us today, is the largest wilderness/special use public lands bill ever introduced for Montana, I am here today to make our pledge to work with other reasonable people in the state to put this issue behind us.

The forest industry has a great deal at stake in this legislation. So does Western Montana where our industry is the base for close to 50% of the entire economy and employs tens of thousands of workers. This is an issue about land - but it is also an issue about PEOPLE.

It has been frustrating to watch as national forest management in Montana has dragged to a standstill, with the Forest Service's multiple use management plans remaining far from accomplished. Today Montana forest businesses are closing at record rates, workers are being laid off, communities and local economies are being disrupted, all because of inadequate log supplies. Nearly three times the amount of timber dies each year on the Montana National Forests than is even planned for harvest. But, our federal forest management programs are in complete chaos. Forest Service managers spend their days planning and re-planning, analyzing and re-analyzing, and responding to appeal after appeal and court case after court case - meanwhile the timber resources which are our lifeblood and our future are left to rot in the woods.

WILL THIS LEGISLATION SOLVE THE PROBLEM? - NO - but if done right, it may help.

We view enactment of a reasonable wilderness bill as a step in bringing back much

needed stability and predictability to Forest Service management programs in Montana. But if this step, once completed, is not followed by a desperately needed second step of reforming the Forest Service appeals, litigation, and planning process, this legislation will only serve to further inflame an already intolerable situation.

Completing this legislation will require addressing three equally important challenges.

1) **RESOLVING RESOURCE CONFLICTS**

There are serious resource consequences of S. 1696. In spite of broad claims to the contrary, there are considerable acres of highly productive forest lands - lands which the Forest Service plans for harvest - which will be placed off limits by this bill. Also there are hundreds of thousands of acres of productive timber lands which the current Forest Service plans classify as "tentatively suitable" for harvest - lands which have commercial potential but are not scheduled for active management at this time. These so called "tentatively suitable" lands are extremely important. Many national forests in Montana currently plan for concentrating too much timber harvest in accessible areas, while leaving other areas unmanaged. Criticism of Montana forest plans is already showing this to be an unwise and unworkable strategy. In order to maintain the productivity of Montana's forest lands, as well as the sustained flow of forest resources for Western Montana's economy, flexibility must be maintained to manage a larger land base, less extensively.

Tentatively suitable timber lands are also important as we face the exciting challenge of developing "new forestry" techniques, or as some call it "environmental forestry". Our experience with these new silvicultural techniques in recent years has been most rewarding, both on public lands and on private lands. I think we have already shown some promising new gains for both forestry and for other environmental and multiple use interests. However, our ability to make new forestry work in Montana will again depend on the flexibility to manage more land, less intensively than current practices.

Other witnesses today will discuss a wilderness proposal from the Western Environmental Trade Association to help resolve this debate. Montana's forest industry has been an active participant in developing the WETA proposal and we stand firmly behind their recommendations. We believe this is an important proposal which deserves your special consideration. We have, and continue, to pledge 120% of our efforts to work with our WETA coalition colleagues to find a solution which is acceptable to all of us.

Last fall Senators Burns and Baucus reached a compromise agreement on the area and boundary considerations of this legislation. Their compromise includes many new wilderness areas which our industry has long advocated for multiple use timber management. This legislation is a bitter pill - a very bitter pill indeed - for many of us to swallow. Yet we know that in order to resolve this issue we must be willing to work within the area and boundary balance offered by the two Senators. Provided this bill truly resolves the wilderness debate in Montana by resolving wilderness study areas and by extending

meaningful release language to the non-wilderness lands, our industry is prepared to stand behind this proposal. However, I want there to be no doubt that this bill presses us to our absolute limit - In fact, this bill goes beyond the limit for some of our members. Any further additions of productive multiple use forest land to this legislation will press us to a position of active opposition.

2) STUDY AREAS

The authors of this legislation and the members of this committee have discussed time and again the need to resolve the wilderness issue in Montana. We, too, are anxious for such a resolution. But, for this legislation to meet that goal it must resolve the status of the wilderness study areas in Montana. There has been much discussion of the so called S.393 lands - the nearly seven hundred thousand acres of wilderness study areas established by the Montana Wilderness Study Act of 1977. Timber harvest and other resource uses of these areas are prohibited by the 1977 Act until Congress passes legislation to resolve the status of these areas.

Resolution of the wilderness study lands is a threshold issue for us. These lands were recognized in 1977 to contain some of the most difficult resource issues in Montana. Those issues have now been studied for more than 15 years in many cases. The Forest Service has accumulated extensive data on each of the areas and has developed forest plans which provide their management recommendations as well. In many cases the integrity of the timber sale programs on several Montana National Forests depends on an adequate resolution of the S.393 study lands.

S.1696 stops far short of resolving the wilderness study areas. In fact, S.1696 establishes new study areas in the Thompson-Seton and Sheep Mountain areas. To reach the goal of resolving Montana's wilderness debate, wilderness study areas must be addressed. Enacting S.1696 in its current form will only create yet another platform for the debate to rage on and the incentive for some to obstruct the development of released roadless lands because of the inevitability that a future wilderness legislation will be forthcoming.

S.1696 does, for some study areas, establish the concept that studies should not continue indefinitely and terminates, for example, the study for the Sheep Mountain area after seven years. At a minimum, this concept needs to be extended to all study areas in the legislation and the time period shortened to three years.

3) RELEASE LANGUAGE

Mr. Chairman, the other central issue in this debate is release language - what it does and how long it should last.

In 1987, we testified before this committee on Congressman Williams' wilderness proposal H.R. 2090. At that time we requested an amendment which would provide a more complete resolution of the management questions on all roadless lands in Montana. It was the industry position at that time to oppose any wilderness bill for Montana which did not include such an amendment. In the ensuing five years our position has changed. Although we would vastly prefer a bill which extends greater certainty to the future management of released roadless areas, our industry is prepared today to accept a Montana wilderness bill without such provisions, provided (1) the areas designated as wilderness do not preclude the timber supplies necessary to sustain the continued operation of our businesses, (2) the bill brings some degree of finality to the wilderness dispute by resolving all current Wilderness Study Areas and does not create new Study Areas in the State, and (3) the release language in S. 1696 is written to extend at least ten years.

Our change of position is not because the problems we identified four years ago have been resolved. To the contrary, they have become demonstrably worse. However, we have received commitments from the Montana Congressional delegation to pursue a solution to the broader forest management problems following enactment of a Montana wilderness bill. With these commitments in hand, and being desperate to find some solution to the timber availability crisis in Montana, the forest industry is now prepared to support enactment of a wilderness bill within the criteria set forth above.

Specifically on the release language in S.1696, I wish to respond to those who are critical of this bill today because of the release provisions. The release language in S.1696 was negotiated in the spring of 1990 in the Senate at the request of Senators Baucus and Burns. We participated in those difficult negotiations along with the professional staff of the Senate Energy and Agriculture committees and representatives of environmental organizations. Our discussions were limited in scope only to developing language which would implement the release concept agreed to by this committee and the Senate in 1984, but would make the language current with Forest Service plans as they exist today. The result is the language included in S.1696.

I am astounded today that some of the same organizations who helped produce this language in 1990 are opposing the same language in this legislation today.

The allegations that our industry single handedly drafted the release language and that the language goes beyond the long agreed to release formula are patently false. Attachments A & B to this statement include memos from the Wilderness Society and the National Wildlife Federation which verify this position.

The one legitimate problem with the release language in S.1696 is the question of timing and expiration. It has been a long standing principle of the Montana Wilderness debate that release language must extent for at least one full cycle of forest plans. This position is consistent with the 1984 release language agreement reached by this committee. The language in S.1696 will expire, on some national forests, possibly as early as next year.

You will find a supplement to my statement which provides suggested language to insure a full forest planning cycle will be available after enactment of this legislation. Without these additions to S.1696 the release language section will serve little, if any, purpose and defeat the fundamental objective of bringing about a true resolution of this issue.

CONCLUSIONS

As we face the difficult challenge of the days ahead to complete this legislation, I believe the one facet of the debate which will make, or break, this bill is this committee's willingness, and in particular the willingness of the Montana delegation members to reject the POLITICS OF POLARIZATION which has characterized this debate for more than a decade.

People in organizations who have, and who continue, to work hard on compromising should be encouraged and rewarded for their progress. Our industry is very interested in continuing to support a reasonably balanced compromise. We showed our support for compromise in 1987 when we offered a new and very large wilderness proposal and we have done so again in working through the WETA coalition to arrive at the proposal they have described today. As we have made these steps it has been extremely distressing to see our adversaries on the other side of the issue moving away from the middle.

For example, as WETA moved from a position of "no wilderness" to a proposal approaching the magic number of almost one million acres, the Montana Wilderness Association simultaneously announced a change in their position from 2.6 million acres to nearly 3.5 million acres. It seems clear their intent is only to polarize the debate without ever reaching compromise.

It is up to you gentlemen who will ultimately make this decision and the members of this committee to decide whether you will allow this to happen. In my view you have an opportunity today to make very clear to those of us who are interested in working hard to find a reasonable middle ground that our efforts will not be in vain. Also, you need to send a message to those who are interested only in extending the fight by advancing polarized positions and controversies, that they will not gain leverage in these deliberations by advancing extreme positions.

I welcome the opportunity to testify today on be happy to answer any questions at this time.

Excerpt from S.1696 -- The Montana National Forest Management Act 1991

Suggested additions in **bold and underlined**

Suggested deletions in ~~strikeout~~

SEC. 5 RELEASE TO NON-WILDERNESS MULTIPLE USE.

(a) FINDINGS.-- The Congress finds that--

(1) the Department of Agriculture has adequately met the wilderness study requirements of Public Law 94-557;

(2) the Land and Resource Management Plans and associated Environmental Impact Statements (hereinafter referred to as "Land and Resource Management Plans") for all the National Forests in the State of Montana have been completed as required by section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976;

(3) the Department of Agriculture, with substantial public input, has reviewed the wilderness potential of these and other areas; and

(4) the Congress has made its own examination of National Forest System roadless areas in the State of Montana and of the environmental and economic impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress determines and directs that--

(1) without otherwise passing on the question of the legal and factual sufficiency of the Land and Resource Management Plan and their associated environmental impact statements for National Forest System lands in the State of Montana completed prior to the enactment of this Act, prior to the revision of such plans **on or after ten years from the date of enactment of this Act** decisions to allocate roadless areas to wilderness or nonwilderness categories, and the environmental analyses directly related to such allocations

shall not be subjected to judicial review:

(A) *Provided, however,* That, except for decisions allocating lands to wilderness and nonwilderness categories, nothing in this section shall preclude judicial review of Department of Agriculture decisions implementing such Plans or decisions made concerning the management of National Forest lands subsequent to their allocation to wilderness and nonwilderness categories:

(B) *Provided further,* That, except for decisions allocating lands to wilderness and nonwilderness categories, nothing in this section shall preclude judicial review of Forest Service regional guides and other departmental policies of general applicability, nor prevent a court from invalidating forest planning decisions which fail to comply with applicable law;

(2) except as specifically provided in sections 3,6,7,8, and 9 of this Act and in Public Law 95-150, with respect to the National Forest System lands in the State of Montana which were reviewed by the Department of Agriculture under Public Law 94-557, the unit plans that were in effect prior to completion of RARE II, the 1978 Forest Plan for the Beaverhead National Forest, and the Land and Resource Management Plans, that such reviews shall be deemed an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System, and the Department of Agriculture shall not be required to review the wilderness option prior to the first revision of the Land and Resource Management Plans to occur on or after ten years from the date of enactment of this Act, but shall review the wilderness option when such plans are then and thereafter revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless prior to that time the Secretary finds that conditions in a unit have significantly changes;

(3) those National Forest System lands in the State of Montana referred to in paragraph (2) of this subsection which were not designated wilderness, special management, or wilderness study areas shall be managed for multiple use in accordance with land and resource management plans pursuant to section 6 of the Forest and Rangeland

Renewable Resources Planning Act, as amended by the National Forest Management Act, and those areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during ~~the first~~ revision of the ~~initial~~ Land and Resource Management Plans on or after ten years from the date of enactment of this Act:

(4) if revised Land and Resource Management Plans for the National Forest System lands in the State of Montana are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act, as amended by the National Forest Management Act and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act, as amended by the National Forest Management Act, and other applicable law; and

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of Montana for purposes of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act, as amended by the National Forest Management Act, the term "revision" shall not include an amendment to a land and resource management plan.

(d) Except as where specifically provided elsewhere in this Act, the provision of this section shall also apply to those National Forest System roadless lands in the State of Montana which are less than five thousand acres in size.



ATTACHMENT A

THE WILDERNESS SOCIETY

June 22, 1990

MEMO

TO: Interested Folks
 FR: Michael Scott
 SB: New Release language and the Kootenai and Lolo Agreements

There has been some confusion about what the release language agreed to for the Kootenai and Lolo Forests means as well as who agrees to it.

The original draft of the language was developed by Jim Cubie, chief staff person to Senator Pat Leahy on the Senate Agriculture Committee. He had Steve Quarles, representing the timber industry, and The Wilderness Society, Sierra Club, National Wildlife Federation and National Audubon Society review it and offer suggestions. After an involved back and forth we all agreed to the language attached to this memo.

WHAT THE LANGUAGE MEANS

Background

The release language developed in 1980 and refined in 1984 was designed to deal with the legal invalidation of the RARE II EIS. The Ninth Circuit Court of Appeals had ruled the RARE II EIS inadequate to determine the allocation of roadless lands to wilderness and non-wilderness categories. Thus, any person walking into a Forest Service office could have challenged any development decision in a roadless area by invoking California v. Block, the Ninth Circuit decision.

The timber industry argued to Congress that it needed a provision in wilderness bills to insulate the RARE II EIS from legal challenge. This was needed, industry said, to prevent "double-dipping" wherein a wilderness bill passes and the next day someone attempts to lock up all the remaining roadless lands by invoking California v. Block.

Congress agreed that double-dipping was not appropriate and crafted language, added into each wilderness bill, which prohibited challenging development of released roadless lands on the basis of California v. Block.

The Current Issue

Because Montana has taken such a long time to deal with wilderness, the Forest Service, by law, had to restudy all the roadless areas in the state in each forest plan. The timber

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industry argued that, because forest plans had restudied the roadless areas, the RARE II EIS was no longer the document that made the decision about which lands to recommend for wilderness and which to release.

Industry wanted to update release language to insulate the wilderness, non-wilderness decision contained in forest plans rather than the RARE II EIS. Conservationists had resisted this update because of concerns that insulating allocations in forest plans could affect the ability of citizens to challenge development decisions in released roadless lands.

The Solution

To accommodate the concerns of industry and the needs of conservationists, Sec. (b)(1) of the standard release language was modified and a new preamble added to Sec.(a).

Sec. (b)(1) now insulates the wilderness allocation decision in forest plans and the environmental analyses directly related to such allocations. To insure there was no question that people could continue to challenge development decisions in released roadless lands as well as the type of management area prescription released roadless lands were allocated to, two provisos were added.

The first proviso makes it clear that "except for decisions allocating lands to wilderness and non-wilderness categories, nothing in this section shall preclude judicial review of...decisions implementing...Plans or decisions made concerning the management of national forest lands."

This proviso says people can challenge development decisions implementing forest plans in released roadless lands as well as appeal forest plan planning decisions affecting roadless lands. Thus, for instance, people will still be able to challenge timber sales as well as the allocation of released lands to a timber prescription.

The second proviso insures that people will be able to challenge decisions made in regional guides which might, region-wide, affect released roadless lands.

Thus, Sec. (b)(1) only precludes citizen challenges to allocation of lands to wilderness or non-wilderness categories. This was the essence of the original release formula and is preserved in this version.

Finally, it is important to note that this new version of release does not, in any way, effect the requirement that the Forest Service re-examine its lands for wilderness in the next forest planning cycle. This proposal is not hard release. It preserves the original soft release formula.

In addition, the attached language adds findings making the language specific to the Kootenai and Lolo and drops the section contained in standard release which prohibits the Forest Service from conducting any further statewide wilderness review. Since this is not a statewide bill, such a provision is not needed.

According to the attorneys for our various organizations the changes in release language preserve all the rights we had under the old formula and gives us the ability to revisit the issue as it affects other forests.

ATTACHMENT B



NATIONAL WILDLIFE FEDERATION

Northern Rockies Natural Resource Center
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(406) 721-6705

MEMO: January 31, 1992

TO: Larry Mehlhaff, Doug Honnold

FROM: Tom France

RE: Montana release language

I appreciated receiving Doug's memo and the Club's testimony on release language contained in the Burns-Baucus wilderness legislation. I have a few thoughts in response that I would like to share with you and any others interested in the issue.

First, as the Club's testimony correctly pointed out, the so-called "standard" release is out of date, since the RARE II EIS has been made obsolete by Forest Plan NEPA documents. As such, I completely agree with the Club that since the "standard" language means nothing in a legal sense, there is no need, legally speaking, for any release language. Where I part company with the Club, I guess, is on falling back on "standard" release as a compromise. If it has no legal meaning, I have a hard time arguing for its inclusion in legislation.

While no release language might be preferable, the senators apparently feel that the compromise forged in the wake of California v. Block to prevent litigation over wilderness evaluations after Congress has acted needs to be carried forward. As you both know, the language included in the Burns-Baucus bill was first developed for the Lolo-Kootenai Accords by Jim Cubie, chief staff on the Senate Agriculture Committee, and then reviewed by lawyers with both the timber industry and the conservation community. As a compromise effort it is certainly no model of legislative drafting, but I do not share Doug's fears over how it would be interpreted in the courts.

Doug's concern focuses on part of one sentence contained in the release provisions of the bill which states that Forest Plan decisions to "allocate roadless areas to wilderness or nonwilderness categories and the environmental analysis directly related to such allocations shall not be subject to judicial

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review." According to Doug, since this language has no perfect analogue in the Forest Planning process, a court might broadly interpret it to preclude appeals and litigation over every aspect of forest plans, including plan implementation.

I think Doug would concede that his analysis of the provision in question is a worse-case interpretation. While he is certainly correct that the exact terms used are not found in forest planning, a plain intent of both the language and its context within a wilderness bill is to deal with wilderness questions and not the larger issues of forest planning. More importantly, Doug's evaluation ignores not only other language in the same sentence, but whole provisions in the bill that not only preclude the interpretation he offers, but expressly maintain rights of appeal and litigation beyond the wilderness issue.

To begin with, the sentence that concerns Doug begins by stating: "without otherwise passing on the legal or factual sufficiency of (forest plans)..." This language underscores the narrow purpose of the release provision by articulating a clear congressional intent to not deal with any issue except wilderness. The bill goes on in two separate provisos to state that "nothing in this section shall preclude judicial review" of decisions implementing the plans, regional guides, or other policies of the Forest Service and Department of Agriculture. In other words, to reach the result Doug fears, a court would not only have to first agree with his worse-case interpretation on the wilderness allocations language, it would then have to totally dismiss express language preserving judicial review for other causes of action. Without wanting to become overly legalistic about this, a court would have to ignore all the maxims of statutory construction to reach such a result.

While I think Doug's analysis does not square with what the release language in the Burns-Baucus bill says, it is certainly not my purpose to get into a legal argument with Doug that can't be finally resolved this side of a Supreme Court opinion. I have said for years that if you concede the need for release language at all, then it becomes a drafting problem wherein the issue is fashioning language which does nothing more than simply extend the "standard release" language to forest plans. Two years ago, in analyzing the Kootenai-Lolo bill, Doug wrote that his concerns could be addressed by slightly modifying the release language. Specifically, Doug proposed the following change (which I have taken the liberty of adapting to the Burns-Baucus bill):

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Prior to the revision of such Plans, decisions recommending for wilderness or not for wilderness in [forest plans] and the environmental analyses directly related to such recommendations shall not be subject to judicial review.

Doug Honnold memo, June 28, 1990.

I can see no reason for not suggesting this change to Burns, Baucus, Williams, or the appropriate committees, and I can see fewer reasons why it would not be accepted at some point of the process, although how Congress does business never ceases to amaze. I have just recieved a copy of of the Senate committee report lanaguage, which I have attached, which emphasizes the narrow scope of the release lanaguage. I am fairly certain we could find even more room for the kind of clarification that Doug seeks in the legislative history of the bill on the House side.

Please feel free to share this memo with anyone you think appropriate.

Mr. VENTO. Well, we appreciate the testimony of all of the witnesses. There are outstanding differences concerning various issues.

For instance, Mr. Reikofski, you worked a lot on the issues of snowmobiles. Are you suggesting that we open up the boundary issue again to substantially expand or reduce the size of wilderness to afford snowmobile opportunity?

Mr. REIKOFSKI. I believe in certain areas that we should.

Mr. VENTO. What about the public opinion polls in the State that suggest that three-quarters of the residents feel that there should not be additional areas open up to snowmobiling?

Mr. REIKOFSKI. These are traditional areas that we are talking about. They are areas of historic use that have been used for the past 30 years.

Mr. VENTO. You disagree specifically with the platted or other areas which have been or remain open in this bill, as I understood, that there were basic negotiations that went on over most of these areas, weren't there?

Mr. REIKOFSKI. No. There are some areas in the Gallatin that are of contention also.

Mr. VENTO. Mr. Ballard, I appreciate the work that you have done on the mapping for these resource areas. I think some of them are contentious areas, but we will take another look at them considering the work that has been done. I will talk to my colleagues about that.

Mr. Ballard, a lot of what you said is that there is continuing disagreement about the impact of the language. Obviously, there is a world of difference between a timely exemption from plans versus the Rare II study process.

There really, I think, was the intent to fill the gap between the Rare II process and the time for the plans to actually be engaged. So there is a fundamental difference here. And I think what Mr. Williams has tried to do is to provide some opportunity without judicial appeal and administrative appeal.

Mr. Bush, you talked about trends and factors. And timber jobs have been discussed greatly here. We are not announcing any news here. We are just repeating articles that the timber industry released to the New York Times several months ago in terms of the low-cost timber sales.

In fact, Mr. Montrey was unwilling, unless there is something new that the Forest Service has come out with today. Are you aware of that? Is there something new that has come out today, Mr. Riley?

Mr. RILEY. I hope I followed you on that, Mr. Chairman. We did not release anything to the New York Times. The first we learned of the specifics of the Forest Service for the Clinton administration proposed low-cost policy was when the New York Times, much like many Members of Congress.

What we did do was 2 years ago before the Senate Agriculture Reforest Subcommittee, which Secretary Lyons came and testified. At that point in time he said pointedly it was his position that they would not be implementing the program as defined by the New York Times.

Mr. VENTO. I hope they try to include you some more in the process, because you have been so helpful in terms of this particular issue. I am certain that you are going to win a lot of cooperation. You certainly have impressed me and your industry in terms of that process.

In any case, the trends and factors affecting loss of timber jobs in Montana is, even as the cuts have gone up, as in other areas, has been a definite impact in terms of modernization, as a factor in job loss.

We keep hearing stories about out-of-state purchase of Montana timber. Is that actually occurring? And is it affecting timber jobs?

Mr. BUSH, are you aware of any of these?

Mr. BUSH. Yes, I am. I know for a fact. In fact, I helped cut off some stakes off a logging trip last week as a matter of fact, that were being hauled to Idaho, from eastern Montana, because of, you know, their inability to get lumber any closer. He was making a 1,300-mile round trip.

I know that there have been some Oregon mills that bid runner timber. You know, I am sure the reasons that they are bid runner timber right now is because there isn't any within their—you know, for them to bid on. I think they look at it as a way to prolong their business rather than to shut it down. It is kind of a last resort. They have been paying rather high prices for that timber.

As far as mill closures, there is still Summer Mill and Bardy, I guess. Our own particular mill is Champion Mill. They haven't announced a closure because of the market, but they have recorded a lot of losses, you know, because they had great gains earlier in the year. But right now, because of what they paid for logs due to these other companies coming in and bidding on timber—and when the market dropped it really—they are losing money now.

Mr. VENTO. Mr. Williams?

Mr. WILLIAMS. Thank you, Mr. Chairman.

Also, with this panel, I want to thank each of you. We will continue to work with you on your suggestions and recommendations. This bill is open for amendment, as we say; and I appreciate you being here and look forward to continuing to work with you.

I did mention at the beginning in my opening statement my frustration, and there are at least a couple of Members of this panel that add to that frustration. Because no matter what we do, no matter how far we move to try to satisfy some special interest groups in Montana, that can't get the job done. Even though we move far enough, we can't get the job done.

Let me speak to you about that, Mr. Chamberlin. I don't know how we can move any farther to protect water in Montana. If we can, I am willing to do it. You want to be assured, according to your testimony, that all adjudication takes place in Montana State courts. We moved way beyond that. We left you behind. We don't allow any adjudication of Montana water that flows from wilderness areas in this bill. We don't allow any adjudication. It isn't a question of which court is going to adjudicate. Here is what the bills says: "Neither the Secretary, nor any officer, employee or agent of the United States shall assert any claim. And no court or agency of the United States shall consider any claim asserted by

any other person to any right with respect to any waters in the State of Montana."

Now, how can we beat that? How can Montana be more protected than to pass a law saying no one can challenge us, including the United States of America in any court?

I think your association has a totally different agenda than protecting water, because we have ultimately protected it. And you come here to tell us that is not good enough.

Do you care to respond to that?

Mr. CHAMBERLIN. Mr. Chairman, Representative Williams, we appreciate the language; I think you have come a long ways to accommodate us in the last bill and the language with the storage facilities and such.

I guess the only thing that, again, we are concerned about is the administration on the local level; and that seems to be where we have run into this same problem is with the storage facilities, with the water language as it is.

It is not so much what happens here, it is what happens to the folks out in the field, and with those people that interpret this law, of those that are trying to administer it. We thought the same thing with the 1964 act, that those storage facilities would, indeed, be able to continue to be operated and maintained in a safe, orderly manner.

You are familiar with the Montana Dam Safety Act that is going to be enforced shortly in the years to come. We thought those people were protected, too. But due to the interpretation of a supervisor, we run into some real major problems.

I guess as far as the association is concerned, I don't know why we have to leave some vagueness in there. Why don't we just say that all waters that lie within the boundaries of the State will be controlled or administered by the State process? I appreciate your language, but—

Mr. WILLIAMS. It is better than what you want. It is better for Montana's water users than what your association is requesting. It says you can't adjudicate it. It doesn't say you can go in this court or that court. It doesn't even say, Montana water users, you are going to run the risk of courts ruling against you. It says nobody can challenge you. Bingo. You win. I don't know why you come here and object to that.

Now, I am going to go back and look at the bill with regard to the Burnt Fork Lake problem. I thought we had taken care of it. But as a result of these hearings, you raised an indication here that perhaps we haven't.

With regard to the High Country Dams of the Bitterroot, that is an issue that I think I have tried to provide some leadership on—I have disagreed with the Forest Service. We have some regulatory relief on it.

And, then, in this bill, we just grant legal relief for the work on those dams.

Well, in any event, it can be frustrating. I don't think you intend to come here and frustrate me. I mean I don't mean to act angry toward you or your association, because I am not. But we really have done all we can to try to protect Montana's water rights. And I have said in the past and say on behalf of Senator Baucus and

Senator Burns, because they have said it publicly as well, and that is that no bill passes this Congress that jeopardizes Montana's water rights.

Mr. Reikofski, let me, in the interest of time, just go to the end of your testimony. You mention that in my bill, quote, "the available land base for motorized recreation will be cut by 30 percent in the Flathead alone."

Mr. REIKOFSKI. Correct.

Mr. WILLIAMS. It is almost meaningless. Because you use available land base instead of trails.

Mr. REIKOFSKI. Because that is what I am most interested in is the off-road travel.

Mr. WILLIAMS. Well, sure. But I mean the conclusion of that is that you want it all, because if it is available, you want it.

Mr. REIKOFSKI. It is not all available.

Mr. WILLIAMS. You use all available.

Mr. REIKOFSKI. When you already have a million and 69,000 acres in wilderness—

Mr. WILLIAMS. That is a different issue. But we are talking about whether or not we try to protect trails. Myself and my staff, Senator Burns, Senator Baucus, and former Senator Metcalf—the three things we spent the most time doing on this bill is spreading out the maps, getting down on our hands and knees with our staff looking for patented mining claims, trying to identify the best oil reserves. Although, as Bill can tell you, that is hard to do, even if you are in the industry—making sure we protect water and roads and trails for off-road vehicle use. And we have spent more time on snowmobile and trail bike protection for that use over the past 15 years than we have any other single element of this bill.

For example, this bill protects 95 percent of the current trail use in the Flathead. Ninety-five percent. The problem that many environmentalists in Montana and in the Flathead have with this bill is that it protects 95 percent of the snowmobile and trail bike use in the Flathead. I mean it is a difficulty of no matter how far you go, you haven't gone far enough.

Now it is, well, you didn't protect our trails; now, well, there is other available land out there, and we want that.

Why don't you respond to that.

Mr. REIKOFSKI. The issue was not the trails. The issue has always been the off-road destinations adjacent to those trails. And we have stated that many times in the past.

Mr. WILLIAMS. Well, the big play areas we protected.

Mr. REIKOFSKI. What play areas are you—

Mr. WILLIAMS. You go up this trail, and we know that this is a major play area and it is a fairly significant use. We protect it. Now you go beyond that and say, yeah, but there is another 30 miles out there that we would also like to go to that shouldn't be wilderness? Well that means that potential wilderness would shrink significantly in this bill just to protect what snowmobilers and bikers may want to do.

That is an impossible task for the Congress.

Mr. REIKOFSKI. Well, they weren't protected in the north end of the Swan Crest play areas.

Mr. WILLIAMS. As I said, we spent a lot of time doing it. Let me just say—and then I will conclude, Mr. Chairman—there is one reason in the West Big Hole that my bill goes below the wilderness recommended by the Forest Service, one reason, bikers and snowmobilers. Had to go below what the Forest Service itself recommended for wilderness, which is way below what some people want. And I went below the Forest Service, one reason. Two associations in Montana, and the bike and snowmobile rides I took myself on the West Big Hole to see what they were talking about. Dexter East Point, same sort of thing. Lion Head, the Chamber of Commerce practically drew the boundary for Lion Head based upon what the snowmobilers needed, and it is in this bill. And the environmentalists and some others don't like it, but I did it because I wanted to protect historic motorized use. The the trail was left open.

We created NRAs for the purpose of motorized recreation. You are saying to us, but you ought to take away from the Forest Service any latitude to manage those areas with regard to that use. I think that is going a step beyond what would be appropriate interference by this Congress in the management direction of the local foresters. But I create NRAs specifically for your users.

Let me just give you one other thing. Your association and the other motorized association in Montana supported the Senate bill last time—there is the irony of that—and opposed my bill. My bill kept more trails open for you than the Senate bill did. It kept more trails open. It kept more play areas open, protected snowmobiling and trail bike use beyond what the Senate bill did. Your association officially supported that bill and opposed mine. I question the agenda when that happens.

Thank you, Mr. Chairman.

Mr. VENTO. Thank you.

I appreciate the patience of the witnesses. This concludes our hearing. We will take statements, as I said, for 10 days up to the tenth legislative day. We will be acting on the bill in the near future. And we would engage others in the process as is appropriate.

The hearing stands adjourned.

[Whereupon, at 1:00 p.m., the subcommittee was adjourned.]

APPENDIX

JULY 20, 1993

ADDITIONAL MATERIAL SUBMITTED FOR THE HEARING RECORD

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NORMAN L. NEWMALL
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July 8, 1993

Congressman Bruce Vento
National Parks, Forests and Public Lands
U.S. House of Representatives
Washington, D.C. 20515

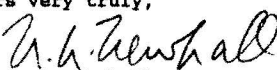
Dear Congressman Vento:

Will you please make this letter a part of the hearing record for HR-2473 on the Wilderness Bill?

I have been visiting and am interested in the Middle Fork Judith River area in the Little Belt Mountains ever since the early 1930's. Although my home is in Minneapolis, I visit Montana regularly and always try to get into that area, which is one of the most beautiful that I have ever known.

I strongly urge that your committee protect the Middle Fork Judith River as a wilderness area. I certainly oppose allowing logging in this beautiful spot and the same goes for off-the-road vehicles. The area is accessible by horseback and by one "4-wheel drive" road. I have personally gone in by walking, horseback, jeep, and once by helicopter.

Yours very truly,


Norman L. Newhall

NLN:mmm

Enclosures

Alexander, Baucus & Linnell, P.C.

WAYNE E. LINNELL
 NORMAN L. HEWELL
 WARD E. TALEFF
 JOHN P. PAUL
 RICHARD J. MARTIN
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OUR FILE MO67-01

June 29, 1993

N. L. Newhall, Esq.
 Lindquist & Vennum
 4200 IDS Center
 Minneapolis, Minnesota 55402

Mr. Phil Newhall
 5309 Rogers Drive
 Minnetonka, Minnesota 55343

David Newhall, Esq.
 Lindquist & Vennum
 4200 IDS Center
 Minneapolis, Minnesota 55402

Dear Dad, Dave and Phil:

For lack of a bigger dupe, I was recently elected the first president of the Island Range Chapter of the Montana Wilderness Association. This is a Great Falls based organization whose primary purpose is to see that some small amount of wilderness is preserved in the island ranges east of the Continental Divide. The island ranges, of course, are those mountain ranges, such as the Little Belts, that are detached from the main portion of the Rockies along the Continental Divide. Aside from the Little Belts, they include the Big Snowies, the Judiths, North and South Moccasins, Highwoods, Big Belts, Crazy's, Elkhorns, Bear Paws, Sweetgrass Hills, etc., etc. As you know from your experience in the Little Belts, these ranges often contain areas of outstanding scenery, as well as excellent wildlife habitat, blue-ribbon trout fishing and unusual geology.

Since the island ranges are east of the divide, they are semi-arid, receiving approximately 12-15 inches of moisture per year. Being in a semi-arid climate, the forests in the island ranges are much slower to recover from resource degradation by logging, roadbuilding, mining and off-road vehicle use, than similar wildlands that are west of the divide and which receive considerably more annual moisture. Additionally, the island ranges are unusually accessible and, as such, are no doubt tempting to logging interests in particular. The Little Belts are already receiving increased pressure for logging and if you have any doubts about the impact, I suggest you take the back road from the ranch to Monarch and drive off on any one of the numerous logging roads that are approximately 2-3 miles east of Dry Wolf Canyon.

0010366.WF

N. L. Newhall, Esq.
 David Newhall, Esq.
 Mr. Phil Newhall
 June 29, 1993
 Page 2

The Montana congressional delegation has wrestled with 15 different wilderness bills, all of which have been unsuccessful. Most of these bills have addressed wilderness lands on the Rocky Mountain Front (east of the divide) or in lands which are west of the divide (near Kalispell, Missoula, Butte and Bozeman). The only two significant areas of the island ranges in northcentral Montana that have been mentioned in previous bills are the Big Snowies and the Middle Fork of the Judith. Both of these areas were set aside as wilderness study areas in Senate Bill 393, passed in 1977.

Since then, virtually all of the unsuccessful bills have ignored the island ranges. Our lone congressman has just introduced a 16th bill which comes up for hearing before a House subcommittee on July 20. We have been in contact with the congressman's aide and are advised that he is amenable to amending the bill to include some areas in the island ranges. We are pushing particularly hard for inclusion of the Middle Fork of the Judith. If it is not included, its wilderness study status may be lost and it will become susceptible to multiple use, including logging, mining, roadbuilding and off-road vehicle use. Designation as wilderness protects it from these uses, but does not impair its existing recreational uses, i.e. hunting, fishing, hiking, etc. Additionally, access to the Korell/Arnott private lands in the middle of the tract is grandfathered in, as are the forest grazing permits.

With respect to the Little Belts in particular, they are the largest single mountain range in Montana without any designated wilderness; they contain fourteen separate, inventoried roadless areas (including the Middle Fork of the Judith), none of which are presently designated as wilderness; and inclusion of the Middle Fork of the Judith as wilderness would involve less than 20% of the total acreage of the Little Belts.

Interestingly, the most influential congressman on the House subcommittee is Bruce Vento of Minnesota, who is the chairman. Thus, I think it would be particularly influential if he received a flood of letters from various Minnesota people expressing their support for wilderness designation of the Middle Fork of the Judith (you should use this full designation, lest it be confused with another "Middle Fork" that is also part of the wilderness bill). The letters need not be long. A large number of letters is probably more influential than their content.

A letter from each of you would help. It should be written in time to be made a part of the record before the July 20 subcommittee hearing. Dad, would you also send an alert to the ranch

N. L. Newhall, Esq.
David Newhall, Esq.
Mr. Phil Newhall
June 29, 1993
Page 3

owners, sons, daughters, grandchildren and any other potential supporters (e.g., Bop Doerr)? Thanks.

Very truly yours,


Norman L. Newhall

WILDERNESS BILL ALERT

Congressman Pat Williams has introduced his Wilderness Bill. As written, the bill contains no wilderness designation whatever for any of the island ranges in northcentral Montana — none!! Williams has commented publicly that he is agreeable to appropriate amendments. Hearings on the bill are July 20. To have any effect on this legislation, letters must be received by Williams and other influential congresspeople no later than July 20. Please write Williams immediately to correct the bill's obvious omissions. You don't need to be a technical expert to voice your support for Montana's wild places. The most effective letters are often short and handwritten, but heartfelt. Mention something about yourself, your work, place of residence or roots in Montana. Clearly state your support for protection as wilderness of specific roadless areas: Tenderfoot Deep Creek along the Smith River and the Middle Fork Judith in the Little Belt Mountains, the Big Snowies or Rocky Mountain Front. Be creative. Include a snapshot. Add more signatures to your letter or include notes from friends, relatives, daughter, grandmother, neighbors, or hunting partners to be included in the hearing record. Be brief, be clear and respectful and you will be heard. Encourage your friends and relatives to write also. *This may be your last chance to have any input into this important issue affecting all of northcentral Montana.*

Below is a checklist of ideas that you may or may not wish to include in your letters. All letters should be copied to Bruce Vento, Chair of the House Committee that will hear the bill. You should specifically request that the letter be "made part of the hearing record for HR 2473".

Congressman Pat Williams
U.S. House of Representatives
2457 Rayburn Building
Washington, D.C. 20515-2601
(406) 771-1242

Congressman Bruce Vento, Chair
National Parks, Forests and Public Lands
U.S. House of Representatives
Washington, D.C. 20515

Sen. Max Baucus
U.S. Senate
Washington, D.C. 20510
(406) 761-1574

Congressman George Miller, Chair
National Resources Committee
U.S. House of Representatives
Washington, D.C. 20515

Sen. Conrad Burns
U.S. Senate
Washington, D.C. 20510
(406) 452-9585

1. The number and diversity of Montana's island ranges make Montana unique.
2. As in the case of our national park system which began over 100 years ago, our wilderness areas will seem small and overburdened in 50-100 years from now, when the world population has nearly doubled. Our grandchildren will commend us for our foresight if we act now.
3. From the period 1980 through 1990, only five counties in Montana experienced population growth. All five of those counties were adjacent to existing wilderness areas. That population growth is not a coincidence. Wilderness has an appeal which will work to Montana's long-term economic benefit. We should not sacrifice the long-term economic and environmental welfare of our grandchildren in exchange for short-term gain.
4. Comments of politicians to the effect that wilderness is supported only by outsiders and movie stars is a blatant attempt to prejudice the wilderness debate. The most steadfast and consistent opponents of wilderness are the large timber, mining and oil companies that certainly are not Montana owned. The persons working for wilderness at the grass roots are Montanans who recognize that Montana has a unique opportunity to preserve wild lands that no longer exist in any of the other 48 states.
5. Recent wilderness bills have failed to protect significant areas in the "island" ranges such as the Little Belt Mountains (Middle Fork Judith River, Tenderfoot/Deep Creek and Pilgrim Creek), Crazy Mountains and the Big Snowies. The Middle Fork Judith River and Big Snowies were designated as wilderness study areas in the Metcalf bill of 1977 and should continue to be protected. Similarly, Tenderfoot/Deep Creek has been suggested for wilderness study status in subsequent bills.
6. The entire northcentral portion of Montana, including virtually all of the island ranges, should not be totally excluded from wilderness consideration.
7. HR 2473 does not contain one acre of wilderness in the Little Belts even though the Little Belts are the largest single mountain range in Montana without wilderness designation and even though they contain fourteen separate inventoried roadless areas.
8. Areas in the island ranges that deserve wilderness protection include areas of critical wildlife habitat, blue ribbon trout fishing, unique geology, rare plant life, and unusual fossils.
9. A recent public opinion survey commissioned by the U.S. Forest Service shows a strong majority of people favoring management of forest lands for wilderness values and opposing the construction of more roads. A large majority oppose opening up more of the forest lands to off road vehicles and nearly four times as many people stated they had been hiking or horseback riding (77%) as those who mentioned driving off road vehicles (20%).

Wilderness backers attack bill

Group says important ranges omitted

By MARK DOWNEY
Tribune Staff Writer

Except for the Crazy Mountains by White Sulphur Springs, central Montana's island mountain ranges are not included in the wilderness bill Congressman Pat Williams introduced last week.

"At this point in time I think the bill is a bust in eastern Montana and treats us as though we don't even exist," Norm Newhall, president of the Crazy Mountains Chapter of the Montana Wilderness Association in Great Falls said Wednesday.

"We're disappointed," he said. "We're asking for the moon."

Williams' bill would designate 1.4 million acres of public lands as basically roadless National Forest lands in Montana as wilderness.

The debate over Montana's potential wilderness is entering its 10th year.

The Island Range Chapter of the Montana Wilderness Association was formed in March to work specifically for protection of the island ranges. "The bill doesn't mention what we want to protect," Newhall said. "It doesn't say what their name implies — isolated groupings of

mountains not connected to major ranges."

"We're hopeful that the bill can be amended to include suitable acreages in the island ranges," Newhall said.

He added that during discussions with Williams' representatives during recent weeks he understood that the island ranges would probably be excluded from the island bill.

"The Little Belts contain 14 inventoried roadless areas but this bill doesn't contain one acre of them as wilderness," he said, adding that

unwise influence by the off-road vehicle users" is part of the reason. Williams, who aides said was on Capitol Hill all day Wednesday, could not be reached for comment.

Area in the Montana Wilderness Association's wilderness designation by the Montana Wilderness Association but excluded from Williams' bill are:

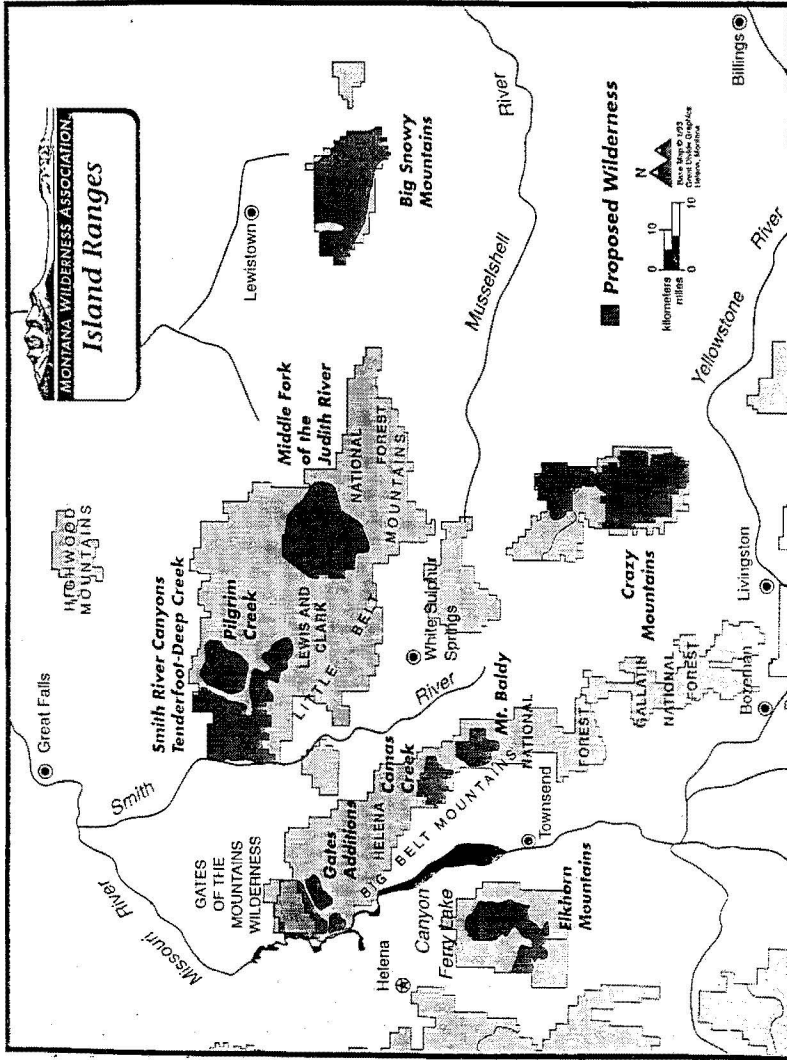
- Tenderfoot Deep Creek. The Wilderness Association recommended that the area, 8,400 acres in the Little Belt Mountains. The land is adjacent to the Smith River and only 27 miles south of Great Falls. Tenderfoot Creek is the largest tributary of the Smith River.
- The Smith has received national attention for its trout, elk, deer, and fishing and is a popular river for float trips in Montana.
- Middle Fork of the Judith River. The Wilderness Association calls for setting aside 87,000 acres of this area on the east slope of the Little Belt Mountains.
- Judith River State Wildlife Range. Included are the Middle and Lost forks of the Judith River. The area harbors a herd of about 1,200 elk.
- Big Snowy Mountains. Proposed for 99,840 acres of designated wilderness by the Wilderness Association. The mountains are south of Lewistown.

The Crazy Mountains are included in Williams' bill. In years past, the Crazies have been included as wilderness or a study area in five bills between 1987 and 1992. Last year, 100,000 acres of the Crazies would have become wilderness in a bill that was passed in the House of Representatives. The exact acreage of the Crazies being proposed for wilderness in Williams' current bill wasn't available Wednesday.

WILDERNESS BILL ALERT!

Great Falls, Montana 59403
P.O. Box 233
Island Range Chapter

Non Profit Organization
U.S. Postage Paid
Permit No. 153
Helena, Montana 59601



*Island Ranges***Tenderfoot Deep Creek****(Smith River)****Conservation proposal:** 93,440 acres

Stunning riverside geology, blue-ribbon fishing, trailside waterfalls and undisturbed elk habitat characterize Tenderfoot-Deep Creek, along the Smith River. The largest remaining roadless area in the Little Belt Mountains is just 27 miles south of Great Falls.

The limestone canyons and pristine reaches of Tenderfoot-Deep Creek are a big reason the Smith is one of the most popular river trips in Montana.

Tenderfoot Creek is the largest tributary of the Smith River, tumbling through a series of 20-30 foot waterfalls before reaching the main river. Unlike much of the surrounding country, the upper watershed of Tenderfoot Creek is still intact and unlogged, contributing critical late-season flows to sustain one of Montana's finest blue-ribbon trout fisheries.

Deep Creek and its many parks and meadows provide excellent habitat for elk, mule deer, black bear, mountain lion and grouse.

Boundary Rationale

The proposed boundaries follow topographic features and national forest boundaries along the banks of the Smith River. These boundaries protect the upper watershed of Tenderfoot Creek and the excellent wildlife habitat of Deep Creek, abutting 25 miles of the beautiful Smith River.

Potential Conflicts

Timber: There are 9,600 acres of suitable timber lands within the proposed wilderness, in the Tenderfoot Creek watershed.

Logging and roading would come at great cost to downstream fisheries, water quality and backcountry hunting opportunities.

Minerals: Hardrock mining activity has occurred outside the proposed boundaries. There are several patented mining claims in Deep Creek Park and near Taylor Hills. There is very low potential for oil and gas.

Off-Road Vehicles: Off-road-vehicle abuse is the main source of resource degradation occurring in the Tenderfoot Deep Creek roadless area. Despite the efforts of Great Falls conservationists and local landowners, the Lewis and Clark Forest continues to allow ORV abuse that is destroying traditional recreation and hunting opportunities and degrading wildlife habitat and wilderness values.

Traditional Uses

Hunting, fishing, horsepacking, floating, canoeing and hiking are increasingly popular in this area. A number of guest ranches and troutfitters depend upon the Tenderfoot Deep Creek watershed and proposed wilderness.

Legislative History

Tenderfoot Deep Creek was included as a wilderness study area in legislation introduced by Senator Baucus in 1987.

Conservationists urge Congress to include the full proposal as wilderness, using wilderness study in areas of intermingled private lands.

Island Ranges

Middle Fork Judith River

Conservation proposal: 87,000 acres

The Middle Fork of the Judith River wilderness study area lies on the east slopes of the Little Belt Mountains, 40 miles southeast of Great Falls. The proposed wilderness encompasses the Middle and Lost Forks of the Judith River and adjoin the Judith River State Wildlife Range.

Both forks of the Judith River have cut deep, twisted canyons through multicolored limestone cliffs. These river canyons form the heart of the wildland. The higher elevations to the west are forested with lodgepole and Whitebark pine. To the east, Douglas fir and Ponderosa pine are interspersed with open parks and meadows.

Central Montana's largest elk herd, over 1,200 animals, depend upon the Middle Fork Judith study area for calving, spring, summer and fall ranges. Winter ranges are located on the newly expanded Judith River Wildlife Range.

The Middle Fork Judith is also home to mule deer, black bear, lynx, wolverine, golden eagle and prairie falcons. The study area contains over 29 miles of rivers and tributaries loaded with native cutthroat and rainbow trout.

Boundary Rationale

The proposed boundaries will maintain excellent wildlife habitat, primitive recreation and hunting opportunities in an area of otherwise heavily impacted national forest lands.

Potential Conflicts

Timber: There are 11,000 acres of lands classified as suitable for timber production in the Lewis and Clark Forest plan. Poor productivity, rugged topography, and extremely slow growing conditions typify these lands.

Minerals: A 1979 U.S. Geological Survey report concludes that the area holds little promise of hardrock or oil and gas development. There are several patented mining claims totaling less than 200 acres near Grendah Mountain on the western border.

Private Inholdings: There are 1,150 acres of private lands along the Judith River. Conservationists support eventual acquisition on a willing seller basis.

Off-Road Vehicles: A primitive four-wheel drive route is occasionally used to reach private inholdings on the Middle Fork. Some four-wheel drive use occurs on the periphery where several short jeep spurs penetrate the edges of the wilderness study area.

Traditional Uses

Hunting and fishing are very popular in the Middle Fork Judith wilderness study area, with hiking, backpacking and horse travel on the rise.

Legislative History

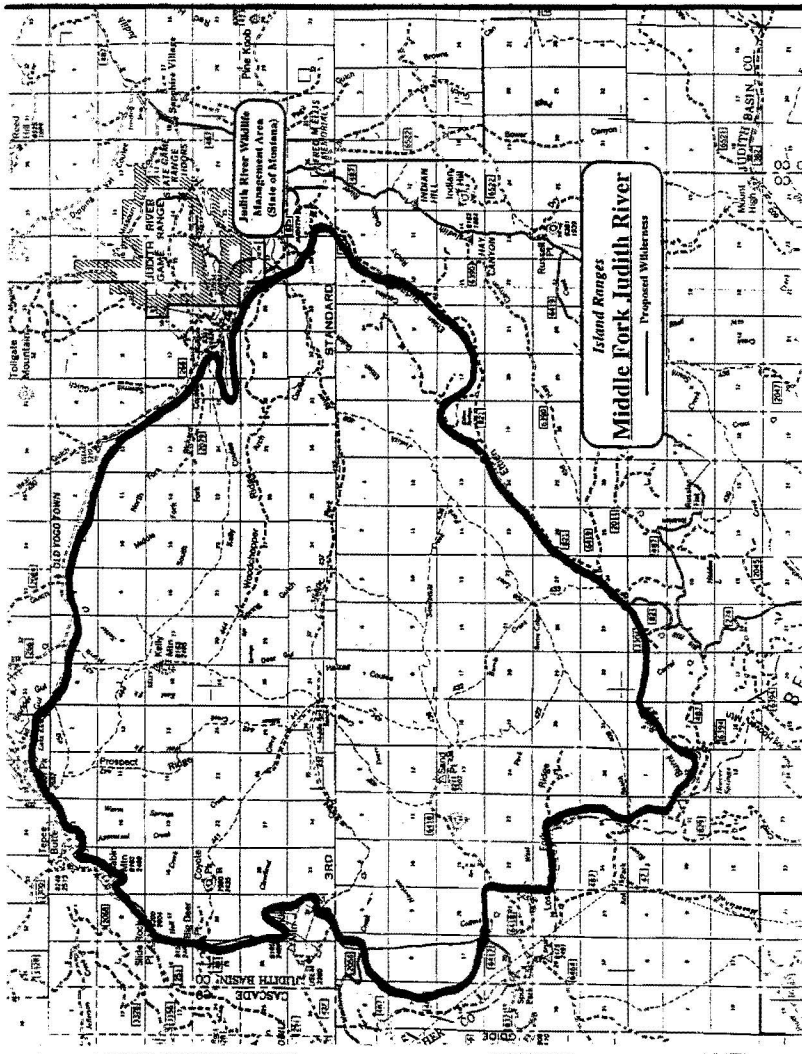
The Middle Fork Judith was selected as one of ten premier wilderness candidate areas when Congress passed the Montana Wilderness Study Act of 1977, S-393. The Judith was selected for its outstanding wild resources and the complete absence of designated wilderness in the Little Belt Mountains.

In 1992, the Senate-passed legislation included a provision to remove existing congressional protection. The House-passed bill proposed to maintain current legislative protection.

Historical Values: As a young man, Montana's renowned cowboy-artist Charles M. Russell spent years hunting, trapping and riding the forks of the Judith River with mountain man Jake Hoover. Here's how Russell described the Judith River backcountry:

"Shut off from the outside world, it was a hunter's paradise, bounded by walls of mountains containing miles of grassy open spaces, more green and beautiful than any man-made parks. These parks and the mountains behind them swarmed with deer, elk, mountain sheep, and bear, besides beaver and other small fur-bearing animals. The creeks were alive with trout. Nature had surely done her best, and no king of the old times could have claimed a more beautiful and bountiful domain."

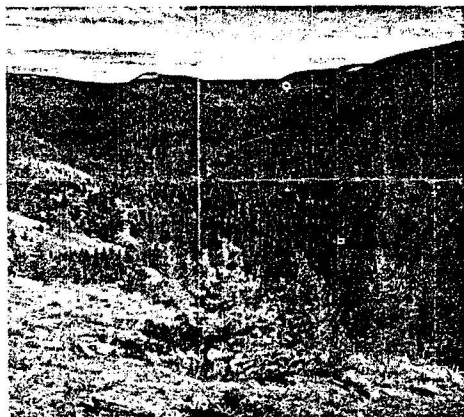
-Charles M. Russell





Middle Fork Judith

Backpacking Montana's heartland



Classic Charlie Russell country? Well, sort of. Although the nearby town of Utica was one of Charlie's favorite hangouts, it may well be that he never actually set foot in the upper Middle Fork of the Judith River drainage. Still, these central Montana mountains form the distant horizon of many of the famous artist's most well known paintings: images that capture the spirit of Montana's wilder, less developed days—a spirit that lives on in a wildland without roads. We call it the Middle Fork Judith.

This 92,000-acre roadless area is located in the heart of the expansive Little Belt Mountains on the Lewis and Clark National Forest. Hemmed by roads and hydrologic divides, the roughly circular pocket of country stretches nearly 17 miles, from the prominent headwall basins of the Middle and Lost forks of the Judith River, east to lower foothill and canyon country, with a north-south extent of 13 miles.

Most of the steep-walled mountains rise several thousand feet above rush-

ing streams, with elevations ranging from the 8,800' summit of Yogo Peak on the north-central boundary to the 5,040' point where the Middle Fork leaves its roadless headwaters at the eastern extremity. The broad ridge tops have gentle to moderately rolling topography, with open parks and meadows. Every so often an outcrop of limestone cliff or rock adds a striking contrast to blankets of lodgepole pine interspersed with grassy parks.

Middle Fork Resources—A Closer Look

Most of the area's geology consists of massive, tan-colored limestone and dolomites. These carbonate rocks were deposited on an ocean floor some 300 to 400 million years ago. Starting around 70 million years ago, a mountain-building period called the "Laramide orogeny" produced the Little Belt Range. The entire area was domed up, with igneous rocks intruding into the existing sedimentary rocks, forming significant deposits of sapphires. The famed

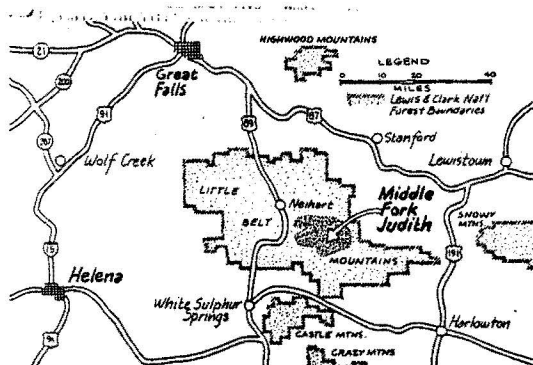
Yogo sapphire deposit lies along the northeast corner. The flat sedimentary rocks of the Lost Fork and Middle Fork were gently tilted eastward. Subsequent erosion has produced today's varied landscape.

My several trips into the Middle Fork have reinforced two dominant impressions about the area's weather: constant winds and sudden temperature changes. Although most of the annual precipitation falls as snow, warm chinook winds keep accumulated snowfall down to an average of 16 inches in the lowlands and to only a couple of feet in the higher country.

As you'd expect, the "monsoon" season arrives in May and usually lasts until late June.

This relative abundance of moisture, combined with a stable watershed, explains why the Middle Fork is the only year-round stream flowing from the east side of the Little Belts.

The vegetation is typical of east-side Montana forests. Douglas fir and ponderosa pine mingle on sun-drenched southern slopes. Spruce is



also found at lower elevations and with Douglas fir in the stream bottoms. Patches of "doghair" lodgepole pine grow on the protected slopes and higher up the mountainsides. The upper timberline consists mostly of white bark pine and subalpine fir. Open ridges and dry parks are dominated by bunchgrass, with timothy and bluegrass growing in moist bottom lands.

Each of these diverse habitats provides a home for a variety of wildlife such as mule deer, grouse, black bears, a few white-tailed deer, mountain lions, wolverines, lynxes, golden eagles and prairie falcons. The endangered bald eagle sometimes is spotted during spring and fall migrations. Suitable, unoccupied nesting habitat for peregrine falcons has been found at the confluence of the Lost and Middle forks of the Judith.

But of all these varied and fascinating wild creatures none has stirred as much public concern as the wily *wapiti*. Having once been wiped out, elk were planted in the Little Belts in 1915 and again in 1928 and have fared exceptionally well. The Middle Fork herd is one of the most prolific in the state, with a cow-calf ratio exceeding 50 percent at times. This herd of some 1,200 animals relies on the Middle Fork's spring, summer and fall ranges. During late fall the elk migrate north-eastward to the winter range on the adjacent state-operated Judith River Game Range.

Some 20 years ago the Forest Service began selling timber in the upper reaches of the Middle Fork, with additional proposals for roads and

logging in the more pristine Lost Fork tributary. With one of the largest elk herds in the state occupying one of the largest central Montana wild areas, Montana sportsmen, notably Hilger-area rancher John Gilpatrick, sought some form of compromise that would protect the area and its wildlife. According to him, "The Middle Fork and Lost Fork—both are nearly synonymous—represent one of the largest nearly undeveloped areas in the Little Belts. As such, they provide needed seclusion to calving elk in the spring and vital escape cover in the fall if we are to maintain unlimited bull hunting." The area is adjacent to the state-owned Judith Game Range, which winters around 1,200 elk, and acts as a staging and dispersal area for them. Gilpatrick explained.

Approximately 29 miles of the Middle and Lost forks and their larger tributaries provide fair fishing for rainbow and cutthroat trout. A small strain of cutthroat exists in the upper Lost Fork despite a fairly high silt load in the stream from streambank erosion along Burris and Sandpoint creeks. Trout habitat is actually better in the Middle Fork due to less siltation.

A past as colorful as the multi-colored limestone

Geological history is recorded in sea and animal fossils embedded in limestone cliffs. There is also abundant evidence of prehistoric use of the Middle Fork by Indians.

In 1879 rumors of rich placers in Yogo Creek created a gold rush and development of townsites. Yogo City and Hoover City, on the northern

edge of the area. The bust came as quickly as the boom and by the end of the first season most of the 1,500 miners had left. It wasn't until 1891 that four prospectors wondered if the little blue stones in their sluice box had any value.

"What in hell is a sapphire?" asked miner Frank Hobson when informed as to what they were. Thus began the famed Yogo Sapphire Mines—one source of the sapphires in the crown jewels of England. It is likely that some \$4 million worth of sapphires were extracted until the mines were closed in 1929. Even during their heyday the mines were tough to reach. They were a long way from the railroad, and supplies had to be hauled over a wagon road from Utica or via a horse trail from Neihart across the mountain. Today, a recent discovery and modest development of a second sapphire mine is occurring just north of the Middle Fork.

An additional historical point of interest is the 1909 Judith Guard Station near the mouth of the Middle Fork. This picturesque forest cabin is being nominated as a national historic site.

Middle Fork management

The Middle Fork, like most other unallocated roadless areas in Montana, and like the proverbial pendulum, has a future that seems to swing between enduring wilderness management and all-out development. In reality, neither of these events is likely in the foreseeable future.

Years of public concern over the elk herd resulted in the Middle Fork Judith becoming one of nine congressionally-mandated wilderness study areas in the 1977 Montana Wilderness Study Act authored by Senator Lee Metcalf (D-MT). In 1982 the Forest Service completed the wilderness study report and recommended non-wilderness with a blend of development and semi-primitive recreation. The 1986 Lewis & Clark Forest Plan reaffirmed this by proposing that nearly 11,000 acres in a major Middle Fork tributary—Harrison Creek—be available for logging with most of the remaining roadless lands to be managed for semi-primitive recreation.

Under terms of the Montana Wilderness Study Act (S. 993), Congress has reserved the final say as to how the

Middle Fork will be managed, Rep. Pat Williams (D-MT) has introduced a House-passed Montana wildlands bill that would eliminate the wilderness study status of the Middle Fork, Meanwhile, Senator Max Baucus (D-MT) is sponsoring legislation that would continue the present wilderness study status so that a separate decision can be rendered after passage of the long-awaited Montana statewide wilderness bill. Until Congress decides, the Forest Service is required to maintain the existing wilderness potential of the Middle Fork Judith Wilderness Study Area.

The management question is complicated by the existence of six different private in-holders owning 1,154 acres in a single block along the Middle Fork in the heart of the study area. Another 250 acres are privately owned on four patented mining claims. On several occasions the Forest Service has tried unsuccessfully to exchange or purchase one 300-acre inholding. At this writing, negotiations have ceased.

To the south and directly above these private inholdings rises 8,211' Sand Point, from which one of the grandest views of the surrounding wild country can be enjoyed. It was near here on July 6, 1985 that lightning struck under-day fuels, creating a firestorm that consumed more than 6,000 acres on that day alone. By the time the fire was extinguished, 11,300 acres of the 25,000-acre Lost Fork drainage was left in ashes. Concern immediately centered on the impacts of increased sediment on the Upper Missouri cutthroat trout, a Montana species of special concern. The next month the Forest Service began helicopter seeding the stream bottoms and firelines with grass seed. Erosion was further controlled with road closures on and near Sand Point and Lost Fork Ridge. Thanks in part to these preventive measures, natural vegetative succession already is taking hold in the 1985 burn area.

The entire 92,000-acre study area is within an area-wide vehicle closure under the Forest Travel Plan. Lewis & Clark Forest Supervisor Dale Gorman explains that "all motorized use is restricted to designated roadways and trails during certain times of the year to minimize potential effects on the existing wilderness characteristics."

This means that cross-country motorized use is prohibited and that certain trails are open only to nonmotorized use during hunting season to safeguard wildlife habitat.

Middle Fork recreation: what to do and where to do it

Compared to more accessible national forest lands, the remote Middle Fork offers its relatively few visitors ample solitude. The most popular activity is the annual autumn pursuit of big game. Motorized recreation is fairly widespread, even though much of the area's 75-mile-long trail system is closed to motorized vehicles during hunting season. Regardless of mode of transport, most visitors are drawn to the Middle Fork Judith for hunting, fishing, hiking and taking in wild mountain scenery.

A primitive, low-standard roadway up the Middle Fork offers vehicular adventure for risk-takers. With some 30 stream crossings, one might conclude that walking or horse-back riding would make more sense. This past summer saw completion of the Arch Coulee trail #21, which avoids most of the river crossings in the lower Middle Fork. The new trail starts from Wood-chopper Ridge Road #25 and joins trail #47 at the mouth of Arch Coulee. Continued trail relocation is planned up the Middle Fork, which will avoid private land wherever possible and reduce the number of river crossings.

The steep King Creek trail #57 was also reconstructed during the summer of 1987. This route takes off from patented mining claims near Greendale Mountain and is perhaps the most direct access to the grassy parks along the main Middle Fork.

To their credit the landowners have allowed public access across their private property as long as people stay on the trails and refrain from littering or disturbing livestock and buildings.

If you're an angler with a yen for the natural setting, then the Middle and Lost Forks are for you—even though the action is rarely fast. The hunting can be better, especially in the country untouched by the Sand Point fire. This is where thick forest cover provides habitat and escape cover for elk.

If you're in the market for scenery, perhaps the single most spectacular attraction is the lower four miles of the Middle Fork drainage with its sheer limestone cliffs, canyons and broken topography. Sand Point offers the best view of the interior of the Middle Fork. Lost Fork and 1985 burn. Four-wheeled vehicles can drive the first 3½ miles of primitive roadway #118. During hunting season, the final two miles to Sand Point are closed to all motorized traffic.

The winter enthusiast can rent the Forest Service cabin atop Kings Hill on Highway 89 on the westernmost tip of the study area. From here su-

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Island Ranges

Big Snowy Mountains

Conservation Proposal: 99,840 acres

Lewis and Clark National Forest: 92,940 acres

"Twin Coulees" BLM study area: 6,900 acres

South of Lewistown, grainfields and grasslands end abruptly in a massive mountain arch, like a great whale rising from a sea of prairie. The flanks of the range are deeply dissected by rugged limestone canyons; long and densely-forested on the north. South aspects cut the craggy face of the Snowies into huge bowl-shaped drainages. The entire range is composed of sedimentary rocks exposed in numerous limestone cliffs such as Knife Blade Ridge on the eastern edge of the range. The crest of the Snowy Mountains yields excellent fossils from prehistoric sea-beds.

Mule and white-tailed deer, mountain goats, elk, bobcat, mountain lion, wild turkey and black bear inhabit the Snowy Mountains.

The Big Snowies include excellent hiking trails that lead through remote canyons to delicate tundra atop the crest of the range. Here your feet encounter a thick carpet of wildflowers eight miles long. Under this immense sky, light and shadow dance across distant crag and forest as winds push cumuli clear to the rounding edge of the earth.

Surface water is scarce. Many canyons support seasonal streams due to the porous nature of the rock. However, the Big Snowies provide Montana residents with the state's purest drinking water. Snowmelt waters filtered through miles of limestone bubble to the surface at Big Springs, where it is bottled and shipped across the state.

Boundary Rationale

Much of the roadless boundary corresponds with the national forest and BLM boundaries, excluding the main access road and campground at Crystal Lake and some old logging sites on the southern periphery of the range. No further loss of wilderness characteristics should occur.

Potential Conflicts

Timber: There are 4,500 acres of suitable timber lands according to the Lewis and Clark National Forest, in scattered pockets.

Minerals: The U.S. Geological Survey reports that mineral potential is very low. However, Shell Oil has applied for leases covering the southwest third of the Snowies in 1986. No development is allowed in the Big Snowies Wilderness Study Area until Congress acts.

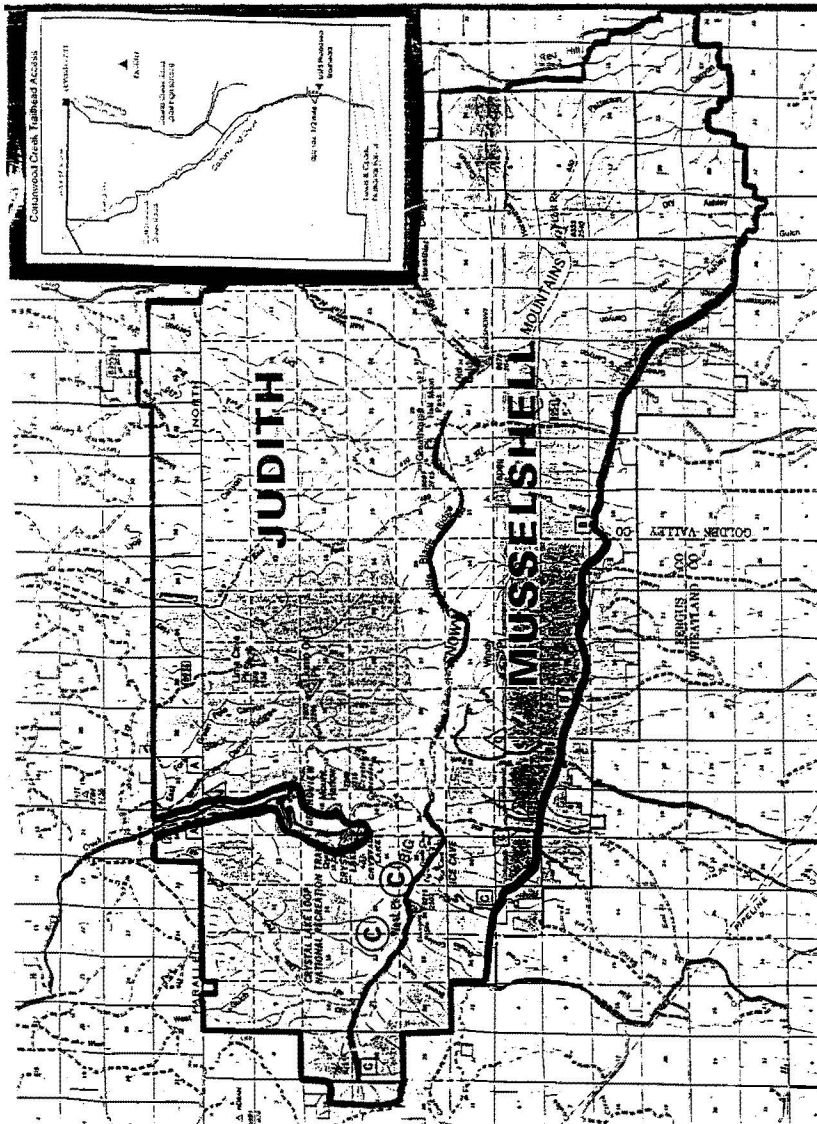
Off-road vehicles: Off-road vehicles are generally limited by access and the travel plan to the periphery of the range. Backcountry trails from Crystal Lake are for non-motorized uses.

Traditional Use

Hiking, hunting, nature observation and camping are the major uses of the Big Snowies wilderness study area. The Snowies are a vital watershed replenishing underground aquifers and springs of the surrounding plains.

Legislative History

The late Senator Lee Metcalf included the Big Snowies in the Montana Wilderness Study Act of 1977 (S-393). This legislation prohibits the U.S. Forest Service from permitting activities destructive of wilderness resources. Portions of the Snowies have been included as wilderness in three bills introduced or passed by Congress since 1987.



Thursday, June 24, 1993

Great Falls Tribune

Section B

MONTANA

Questions or news tips? Call City Editor Tom Kotynski, 791-1477 or 1-800-438-6600.



Classified
advertising
Pages 3-8B

INSIDE:
Obituaries
Records
Across the Big Sky... 2B

2B
2B

Wilderness backers attack bill

Group says important ranges omitted

By MARK DOWNEY
Tribune Staff Writer

Except for the Crazy Mountains by White Sulphur Springs, central Montana, the bill would designate 1.4 million of the 6 million acres of basically roadless National Forest lands in Montana as wilderness. The debate over Montana's potential wilderness is entering its fifth year, with the House Committee on Natural Resources last week producing a bill that would protect 1.4 million acres of Montana's potential wilderness. The bill, which was introduced last week, would protect 1.4 million acres of Montana's potential wilderness. The bill, which was introduced last week, would protect 1.4 million acres of Montana's potential wilderness.

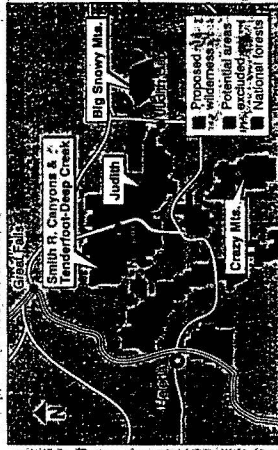
"We're disappointed," he said, "mountains not connected to major ranges." Williams' bill would designate 1.4 million acres of basically roadless National Forest lands in Montana as wilderness. The debate over Montana's potential wilderness is entering its fifth year, with the House Committee on Natural Resources last week producing a bill that would protect 1.4 million acres of Montana's potential wilderness. The bill, which was introduced last week, would protect 1.4 million acres of Montana's potential wilderness.

See WILDERNESS, 2B

Wilderness: Areas left out

...by the off-road vehicle users' part of the reason. Williams, who aides said was on Capitol Hill all day Wednesday, couldn't be reached for comment. Areas in central Montana recommended by the Montana Wilderness Association but excluded from Williams' bill are:

- Tenderfoot, Deep Creek. The Wilderness Association recommendation calls for the area to be set aside as 97,000 acres. The land is adjacent to the Smith River and only 27 miles south of Great Falls. Tenderfoot Creek is the largest tributary of the Smith River. The Smith has received national and state recognition for its scenery and fish and wildlife habitat.
- Middle Fork of the Judith River. The Wilderness Association calls for setting aside 87,000 acres of this area on the east slope of the Little Belt Mountains. The area includes the Judith River State Wildlife Range. Included are the Middle and Last forks of the Judith River. The area harbors a herd of about 1,200 elk.
- Big & Snowy Mountains. (Proposed by the Montana Wilderness Association.) The mountains are south of Lewistown. The area includes the Crazy Mountains. Williams' bill, in years past, the Crazy Mountains have been included in the bill. The bill, in years past, the Crazy Mountains have been included in the bill. The bill, in years past, the Crazy Mountains have been included in the bill.



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Bruce Vento
Wash. D.C.
Public Lands & Natl. Parks
 202-225-0449
 447-8304

Bruce Vento
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 202-225-0449
 447-8304



City County Building
 P.O. Box 1724
 316 North Park
 Helena, Montana 59624
 Telephone 406/447-8304

LEWIS AND CLARK COUNTY

Board of County Commissioners

July 30, 1993

The Honorable Rep. Bruce Vento, Chairman
 Subcommittee on Public Lands and National Parks
 U.S. House of Representatives
 Washington, D.C. 20515

For the official hearing record of H.R. 2473, Montana wilderness legislation

Dear Rep. Vento:

Lewis and Clark County is one of Montana's largest counties. It spans the Continental Divide in westcentral Montana and includes significant portions of the Helena and Lewis and Clark National Forests. Since 1979, its board of commissioners, comprised of three individuals elected at large in the county, has taken great interest and played an active role in the consideration of wilderness designations within the county.

In our county's 14 years of involvement with the wilderness issue, the makeup of its governing body has turned over continually, but its support for wilderness has not wavered. In fact, from the county's initial involvement in the question of roadless land management, which was to voice local support for the protection of the southern Rocky Mountain Front from oil and gas development, our support for wilderness designation of deserving roadless areas has strengthened. The commission maintains its steadfast interest in protecting the Front, but we now believe that protection for a couple of other areas addressed by Rep. Pat Williams pending wilderness bill, H.R. 2473, should be expanded.

Here is how we believe H.R. 2473 should be amended to address key roadless areas in Lewis and Clark County:

• **Falls Creek/Silver King (Rocky Mountain Front)**

We appreciate Rep. Williams' inclusion of the Elk Pass area as wilderness in H.R. 2473; this is an important improvement from previous bills. We are

Rep. Bruce Vento
 July 30, 1993
 Page Two

concerned, however, about two areas within Falls Creek/Silver King that are not included in the bill:

1) in the area around Crown Mountain (far northwest end of the Falls Creek/Silver King area), three or four sections which include trailhead segments of the Crown Mountain and Petty Creek Trails should be added to the Scapegoat Wilderness. This is a highly scenic area, and we know of no substantial reason why the area has been omitted.

2) at the southeast end of the area, the roadless portion of the Alice Creek Basin, extending east to Lewis and Clark Pass, should be designated wilderness. This area is important grizzly bear habitat and popular with hunters and hikers, and it also includes an intact segment of a historic route (the "Travois Trail") followed by mountain Native American tribes to reach buffalo hunting grounds east of the Continental Divide. If this valuable piece of Montana's history is not protected by wilderness designation, it may eventually be lost to recreational vehicle use.

• **Renshaw Mountain/Sawtooth Ridge (Rocky Mountain Front)**

As a land bridge and wildlife corridor between the Bob Marshall Wilderness and the renowned Sun River Game Range (State of Montana) on the foothills to the east, this area constitutes one of the most biologically important tracts on the entire Rocky Mountain Front. As the winter home to large herds of elk and other game species that migrate from the Bob Marshall Wilderness, the Sun River Game Range represents a significant commitment of state and local resources; we must not undermine that commitment by failing to protect the federal roadless land that borders it.

Wilderness designation of Sawtooth Ridge is particularly important, as it forms the entire western boundary of the Sun River Game Range. While we understand that H.R. 2473, as introduced, would withdraw the northern bulk of Sawtooth Ridge from mineral entry and mining activity ("Gibson Reservoir Mineral Withdrawal Area"), we think that a stronger form of protective management is necessary to limit road construction and off-road vehicular access in a highly sensitive area for wildlife.

(As for vehicular restrictions to benefit wildlife, you might be interested to know that the Beaver-Willow road, which separates the Renshaw Mountain roadless area on the west from Sawtooth Ridge on the east, is closed during the

Rep. Bruce Vento
 July 30, 1993
 Page Three

critical elk migration period each autumn.)

• Nevada Mountain

As the Helena National Forest's largest unprotected roadless area and an important wildlife link on the Continental Divide, Nevada Mountain is deserving of much more wilderness protection than the 19,000 acres designation proposed in the Williams bill. There currently are about 50,000 roadless acres in Nevada Mountain, most of which deserve wilderness designation.

The people of Montana, through the actions of the Department of Fish, Wildlife and Parks, have invested heavily in the recreational and wildlife resources of the east flanks of Nevada Mountain by leasing conservation rights on the extensive Grady ranch, primarily to preserve important elk winter range. That kind of local investment must be supported by corresponding federal preservation, i.e. wilderness designation, of Nevada Mountain, the summer range for those elk herds.

Nevada Mountain is extremely popular with hunters in the fall, skiers in the winter and hikers in spring and summer. In addition to its importance to elk and associated hunting opportunities, Nevada Mountain has been identified by wildlife biologists as a natural and important extension of grizzly bear habitat from the Bob Marshall Wilderness complex.

The Williams bill would shrink Nevada Mountain on all sides, leaving a small, high-elevation wilderness core that cannot withstand the development that is sure to encroach upon the area in future years. If the protection of low-elevation roadless areas for biological and ecological reasons is, in fact, an important objective of your committee in federal land management and wilderness legislation, the boundaries of Nevada Mountain should be significantly expanded.

• Black Mountain Wilderness/Mount Helena National Education and Recreation Area

We think that Rep. Williams' proposal for a wilderness/educational corridor linking the Continental Divide to the city of Helena is a truly visionary idea and deserves high praise for a number of reasons:

- by designating Black Mountain as wilderness, a small but important

Rep. Bruce Vento
 July 30, 1993
 Page Four

roadless area with outstanding wildlife attributes will be protected;

- by extending protection west of the Rimini Road in the Ten Mile Creek drainage, an important watershed for the City of Helena's municipal supply will remain undisturbed

(note: to fully protect the watershed, this addition should be enlarged by about 4,000 acres to protect roadless land along the Continental Divide);

- through the "Education and Recreation" designation, one of the Helena community's most accessible and popular forest trails (the "Ridgeline Trail") will retain its character.

In suggesting the above amendments to H.R. 2473, we do not take lightly the economic debate that swirls around the Montana wilderness issue. In fact, one of the reasons our constituents have elected us to office is to promote intelligent economic growth in the county, and to fulfill that mandate we work closely with federal land agencies to encourage mining, timber harvest and other developments on public land where those developments may occur with minimal and acceptable environmental consequences.

At the same time, we recognize that wilderness has a significant and growing economic worth, not only in the direct jobs it provides to local outfitters, guides and the tourism industry, but in the high quality of life it offers to business people who strive to locate their employees and their families near large natural areas. Although this indirect economic benefit of wilderness is difficult to measure, evidence as to its importance is occasionally published, and, of perhaps greater significance, our day-to-day contact with county residents provides continual verification of its existence.

But the wilderness designation of deserving roadless areas extends beyond the question of economics. We know that residents of Lewis and Clark County feel a deep attachment to wild areas that cannot be measured in dollars or statistics or acreage figures; that attachment takes many forms, from the joy of the elk hunt to the pleasures of family camping to the contentment of living near areas of undisturbed beauty and health.

We urge you and your committee to study our recommendations and do all you can to build upon the good start that Rep. Williams has made on this issue. If passed, H.R. 2473 will affect Montana and its character for a long, long time. Please do all you can to see that the bill is one that Montana and the nation can be proud of.

Rep. Bruce Vento
Page Five
July 30, 1993

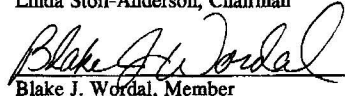
We appreciate this opportunity to comment on this important legislation and we thank you for your consideration of our request.

Sincerely,

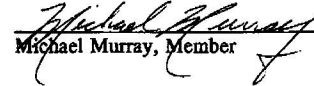
Lewis & Clark County Commission



Linda Stoll-Anderson, Chairman



Blake J. Wordal, Member



Michael Murray, Member

July 30, 1993

Honorable Bruce Vento
Chairman, House Interior Subcommittee
on Public Lands, National Parks, & Forests.
U.S. House of Representatives

Dear Mr. Chairman,

I am writing in response to testimony given before your subcommittee on H.R. 2473. I did not have the opportunity to respond properly to questions put to me by Congressman Pat Williams. Because of hostility displayed towards me by congressman Williams I felt that my rebuttal would be lost in the heat of his fiery barrage.

I would like to respond to several of Mr. Williams remarks and also to correct figures quoted by him from a survey done in Montana by the Forest Service.

First of all, motorized recreationists in the Flathead Forest have always taken the position that the areas that our trail systems access were of equal importance, the trails were established to gain access to those areas. Without these prized areas no trail systems would exist. The off road experience of snowmobiling motivates many people to seek the escape of high alpine basins because of the challenge and the personal gratification derived from the use of those areas.

Congressman Williams accused the Montana Snowmobile Association of having a different agenda by approving the Senate version of last years Montana wilderness bill, that statement is incorrect. The MSA has had a standing resolution since 1988 that it will not support any further wilderness additions in Montana. The MSA however supported the WETA AD-HOC wilderness proposal last year in the effort to resolve the debate.

Congressman Williams quoted a figure of 90% of Flathead residents who felt that no more areas should be open to motorized recreation. That survey conducted by A&I Research of Kalispell, MT. actually read on page 16 and I quote "Areas of the FNF should be available to motorized recreation, such as snowmobiling, motorcycling, and other off-road vehicles." 68% disagreed with that statement. On the other hand on page 21 of the same survey the question "The FNF should develop more recreational areas, such as campgrounds, picnic areas, and groomed snowmobile trails." 49% of the respondents agreed with this statement.

Obviously the two statements answers are in conflict with each other and the conclusion of the survey that the public wants no more areas open to motorized recreation is false. I believe that the respondents did not know how much area is actually open for motorized recreation and probably assumed all areas outside wilderness designation is open. This might lead those respondents to think that motorized recreation would look to wilderness areas for expansion and therefor the reasoning for their answer.

It is important to remember that wilderness is not the only area closed to motorized recreation in the FNF. Special management areas including those with many miles of logging roads and wildlife winter ranges shrink our available land base.

Congressman Williams remarks about working with other groups and chambers of commerce for compromise in other portions of the state did not apply to the Flathead. Last year the county commissioners testified that although they felt that we had enough wilderness here, they endorsed the WETA Ad-HOC proposal if it would resolve the wilderness debate. The Columbia Falls Chamber of Commerce testified on behalf of the same proposal.

I would like to urge you to hold field hearings in the Flathead valley so that more people who requested to testify can be heard. It is important that a more balanced public input be involved before any such major decision be made in regard to additional wilderness designation.

Sincerely yours,

Harvey D. Reikofski Jr.
 Harvey D. Reikofski Jr.
 Chairman, Public Lands
 Flathead Snowmobile Assn.
 15 Grace Rd.
 Columbia Falls, MT. 59912

Congressman Bruce Vento, Chair
 Subcommittee on National Parks & Public Lands
 U.S. House of Representatives
 Washington, D.C. 20510

20 July, 1993

Re: Eastern Montana Wildlands, relating to H.R. 2473

Dear Congressman Vento:

This bill is an excellent start especially in regard to the protection given to Line Creek Plateau and the Crazy Mountains. However, I feel that Federal Reserve water rights should be strengthened and the release provisions deleted. Also, I strongly support the addition of certain lands as recommended by the Eastern Wildlands Chapter of the Montana Wilderness Association. Maps of these areas are listed below and are enclosed, herewith. **Please include the maps and this letter as part of the Official Hearing Record.**

Reasons based on fact for including all of these eastern Montana wildlands are as follows:

1. Less than 1% of eastern Montana has wilderness protection.
2. The Forest Service survey made public in the Gazette Dec. 27, 1992 showed:
 - A. Overwhelming support for wilderness protection for qualifying lands.
 - B. Current users of Custer National Forest are almost all wilderness compatible - only 5% snowmobilers and 4% ORV.
3. Only 72,000 acres of wilderness are included in the bill: another 500,000 will be released for development.
4. Jobs versus wilderness is not a problem.

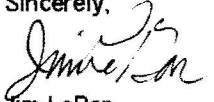
This should be enough to give cause to include all qualifying lands. But there is a much more significant consideration, appropriate for recognition during these deliberations. We are informed daily by the media of the ongoing wholesale destruction of natural places. There is a growing awareness of this tragedy among sensitive intelligent people throughout the world, who recognize the need to show some respect for this small space ship we call Earth. We must start treating this generous, life-giving planet with some TLC!

Eastern Montana Wildlands, relating to H.R. 2473.....page 2

There will never be a more appropriate time than now to commence here, in our own front yard, with a Wilderness Bill crafted by responsible, visionary, public servants who recognize the overriding importance of this moral/ethical issue.

Thank you for the opportunity to comment on this important piece of legislation.

Sincerely,

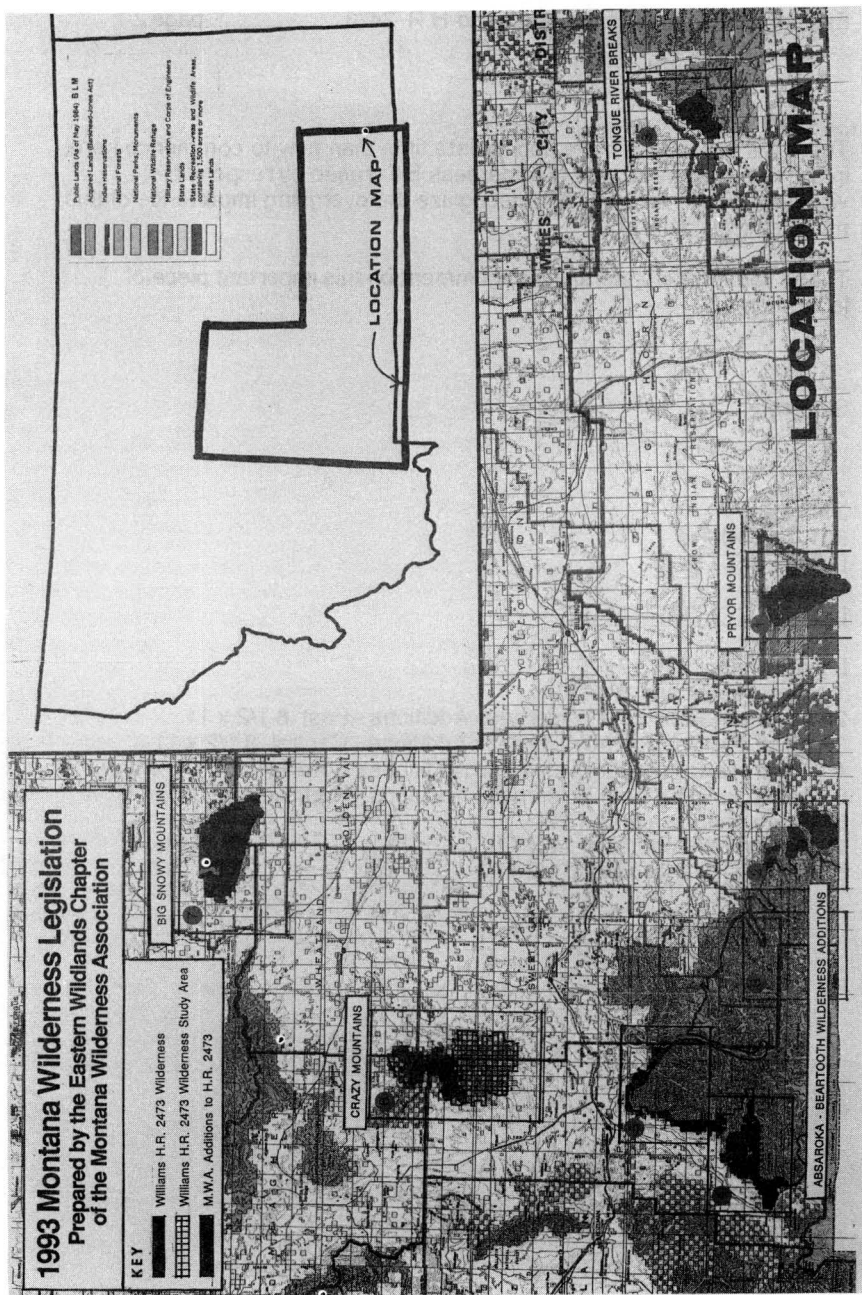


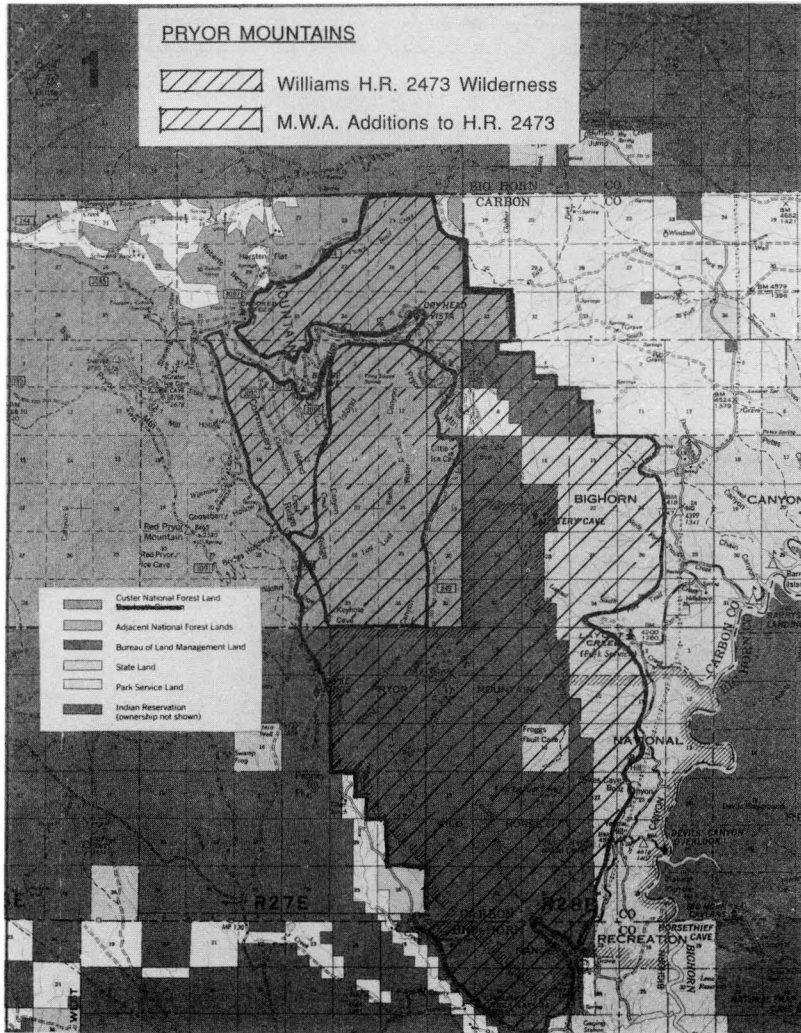
Jim LeBar
801 Rimrock Rd.
Billings, MT 59102

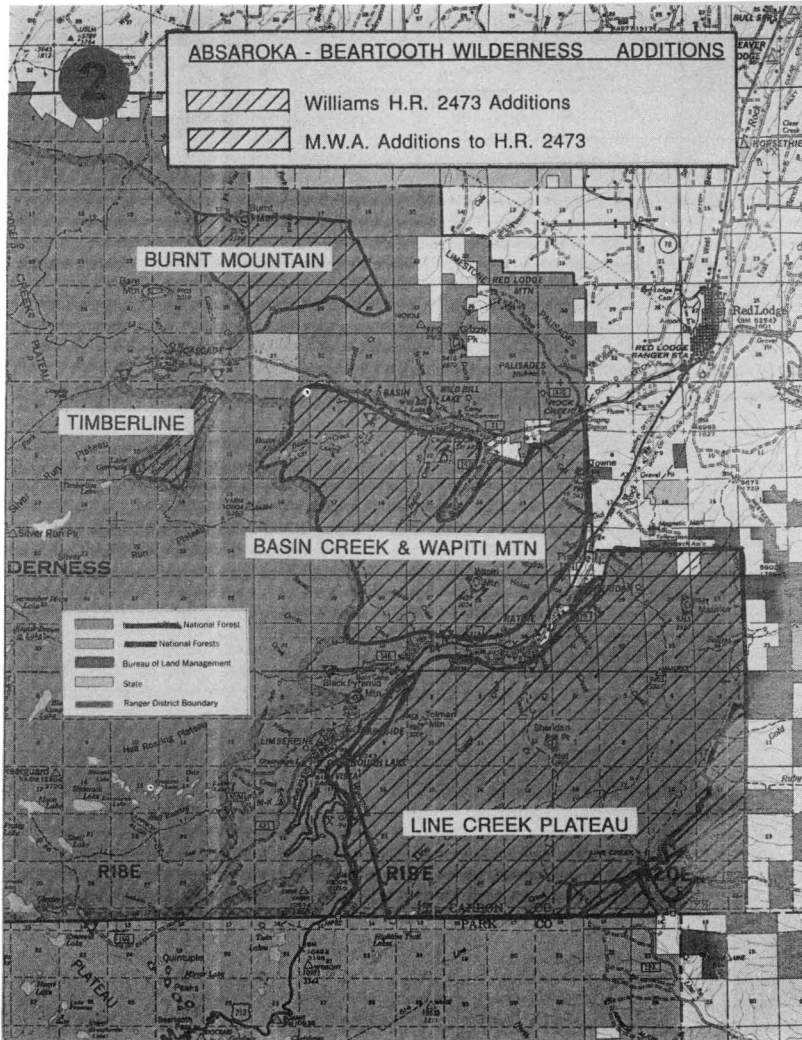
LIST OF COLORED MAPS

Location map 11x 17

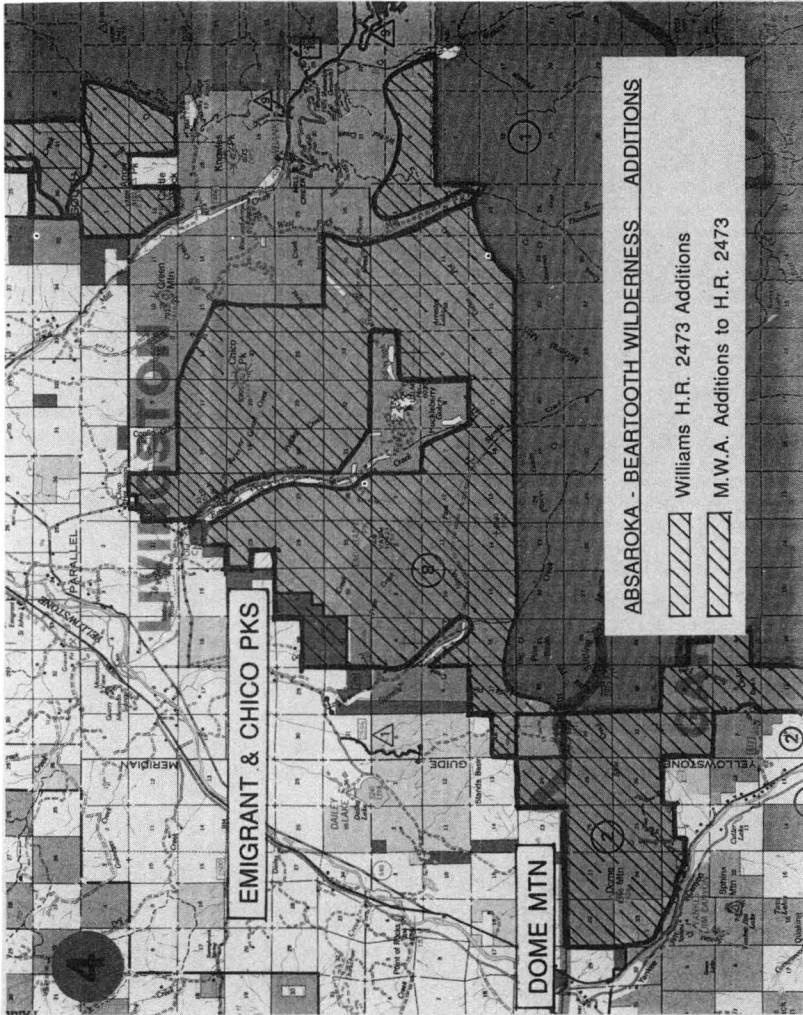
1. Pryor Mountains 8 x 11
2. Absaroka-Beartooth Wilderness Additions - East 8 1/2 x 11
3. Absaroka-Beartooth Wilderness Additions - Central 8 1/2 x 11
4. Absaroka-Beartooth Wilderness Additions - Southwest 8 1/2 x 11
5. Absaroka-Beartooth Wilderness Additions - Northwest 8 1/2 x 11
6. Crazy Mountains 11 x 17
7. Big Snowy Mountains 11 x 17
8. Tongue River Breaks 8 1/2 x 11

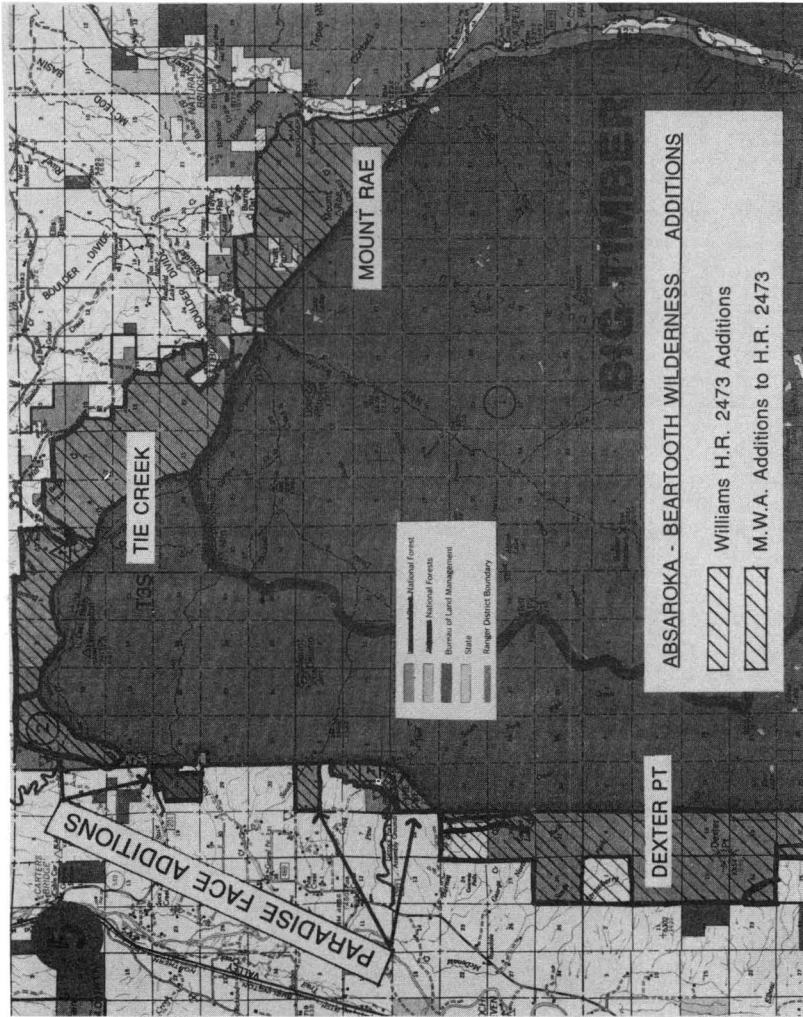


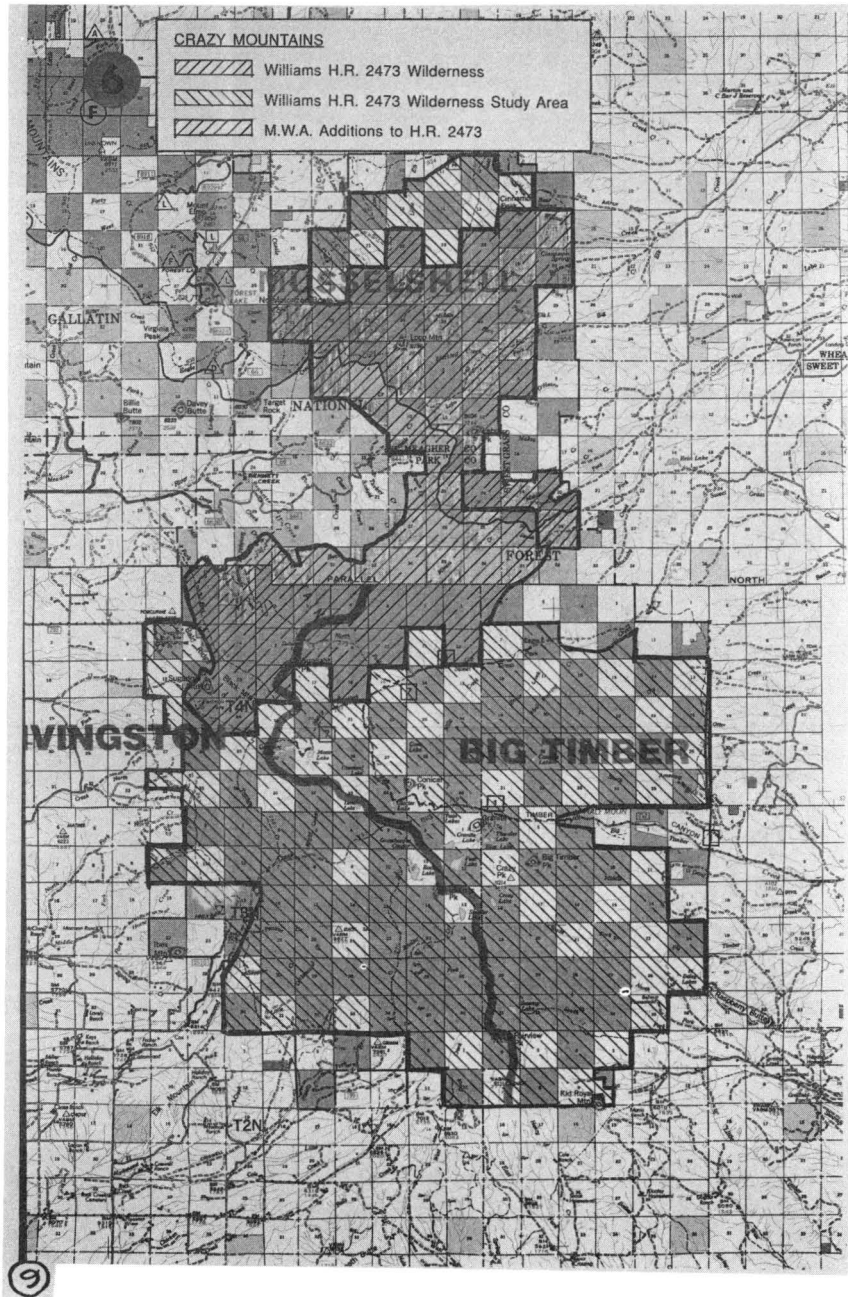


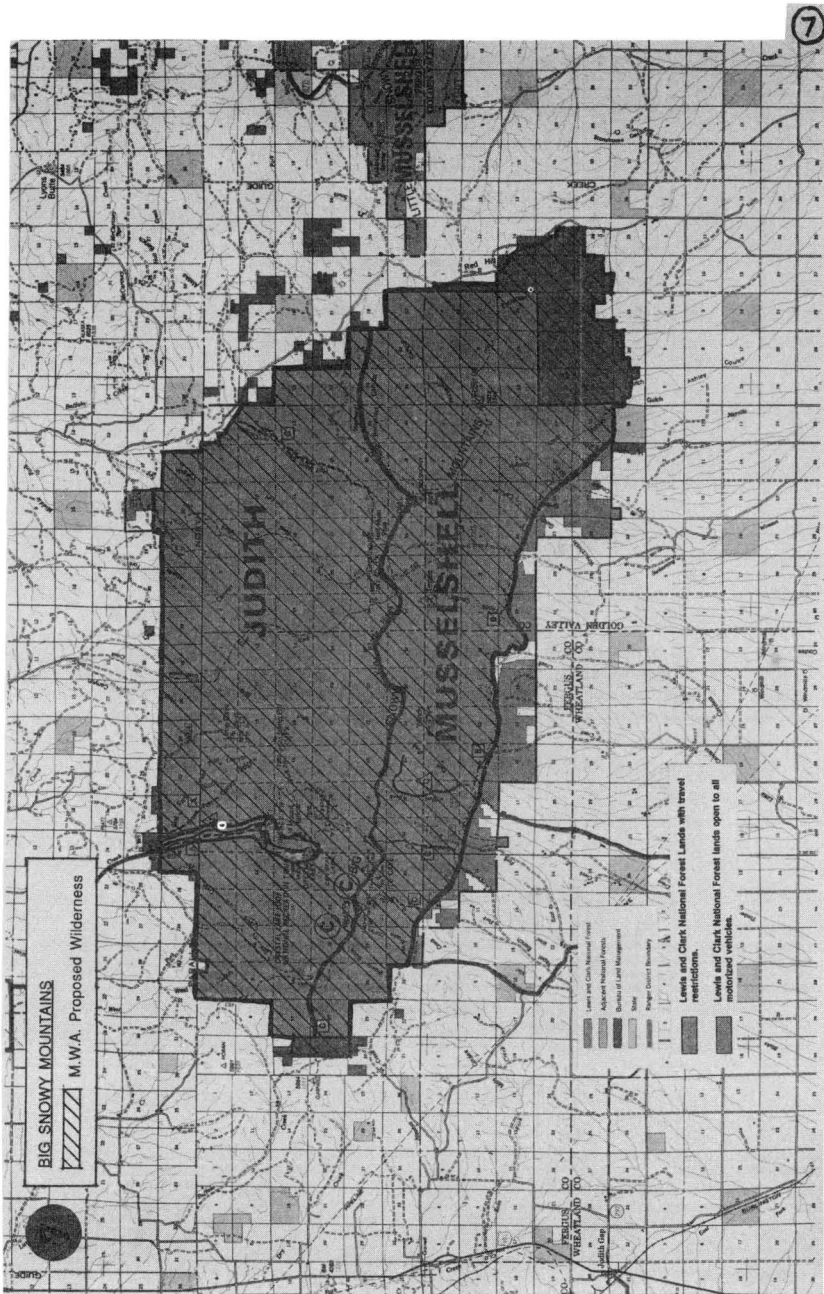


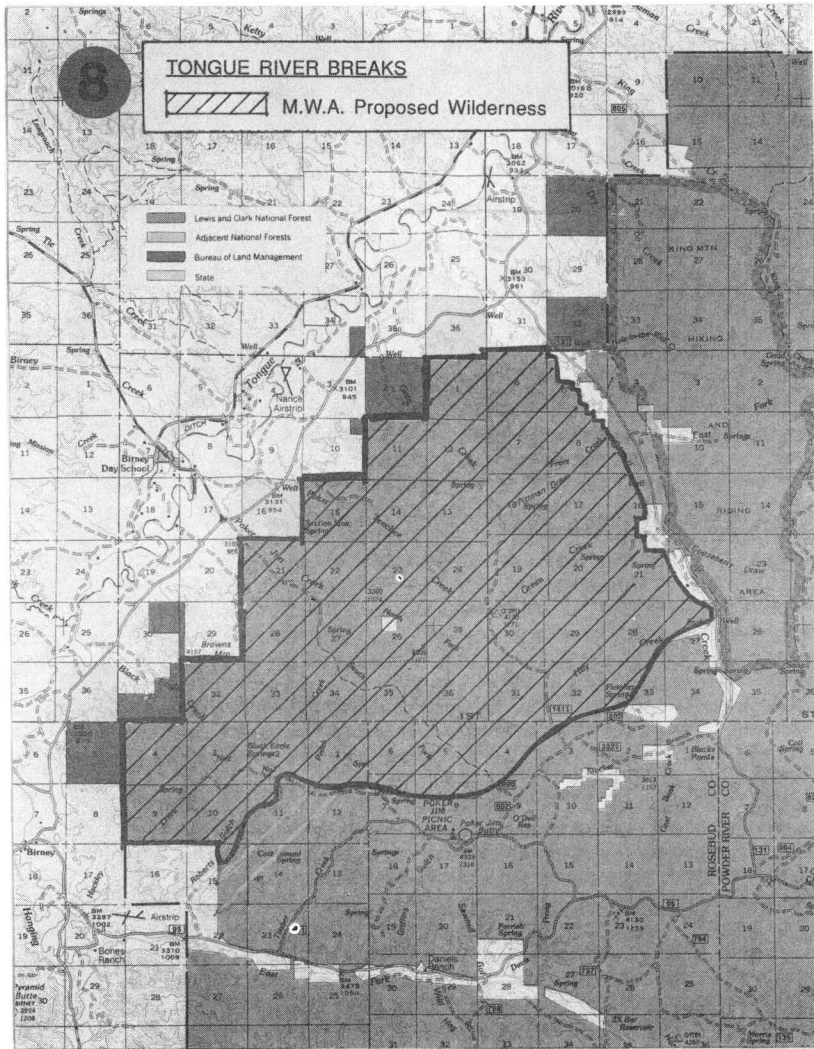












3116 8th Ave. N.
Billings, MT 59101
July 24, 1993

Dear Representative Vento:

I am writing in support of amendments to H.R.2473 and would like my letter to become part of the official hearing record.

I grew up in Great Falls and spent my high school years living in Glacier National Park. I lived in Kalispell for 12 years after marriage and we currently are residing in Billings. This has given me an opportunity to see a variety of lands in Montana and has really made me appreciate the beauty of all our wildlands.

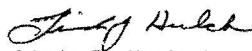
The bill, as introduced by Williams, is a good start. I think the addition of the Snowcrests for wildlife is applaudable, and the protection of lands adjacent to the Absaroka-Beartooth was long overdue. But the bill falls short in many areas.

One is the Pryors. I have hiked and camped in the desert in Big Coulee, southern portions of the Wild Horse Range, and in canyons along the western edge of the range--but never in the tiny corner that is mentioned in the bill. All the roadless areas need protection for the wildlife, scenic variety (from mountain to desert), history and prehistory, and opportunities for seclusion. To eliminate portions of public land--Forest Service, Park Service, and BLM--because of jeep trails only encourages the development of these trails into roads. Set an example of combining public lands, under different jurisdictions, into a large protected area.

ALL LANDS THAT ARE STILL ROADLESS IN MONTANA SHOULD BE PERMANENTLY PROTECTED NOW!! The process has dragged on for so long that the remaining wild areas of this state have diminished in size and number. I supported protection of Mount Henry and Big Creek back in the days of S393, but instead saw them lost. During the past twenty years new threats, such as ORV's and snowmobiles, have appeared. Wild Montana is part of my heritage, it is why I remain in Montana, and I don't want to keep seeing more of my state destroyed by special interests who want to make a fast buck or flaunt their money. Remember, Wilderness is a Multiple Use--more so than the destructive methods used currently in logging and mining. Push for amendments to protect ALL that's left and let Montanans keep what remains of their heritage.

Thank you for considering my thoughts, and adding this letter to the hearing record.

Sincerely yours,


Linda Z. Hurlock

pc:Representative Pat Williams
Senator Max Baucus
Senator Conrad Burns

801 Rimrock Road
Billings, MT 59102
July 25, 1993

Representative Bruce Vento
Chairman, Public Lands Subcommittee
House Natural Resources Committee
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Vento;

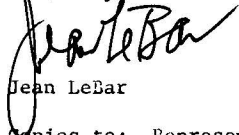
Because less than 1% of eastern Montana has wilderness protection and so much additional land is available, it is sad that H.R. 2473 shorts this part of the state so badly. Of particular importance is the fact that we have the most unique wilderness-qualifying land of any place in the state, typified by the Line Creek Plateau, Tongue River Breaks, and the Pryor Mountains. This country is not the usual 'rocks and ice' type wilderness country. Further, the Breaks and Pryors are accessible for use the entire year, unlike the rocks and ice of the A.B. Wilderness.

Of course the Pryors are the most important because of their location to Billings, but also they are rich in diversification of animal and plant life. The additions to H.R. 2473 as defined by the Eastern Wildlands Chapter of the Montana Wilderness Association map, herewith enclosed, including Commissary Ridge, the BLM country with its wild horse herd, and the Park Service Land along the Big Horn Reservoir, is a MUST for inclusion in a real Pryor Mountain Wilderness.

Thank you for the chance to speak out for protection of a most valuable and unique ecosystem so important to the future of Billings and eastern Montana residents.

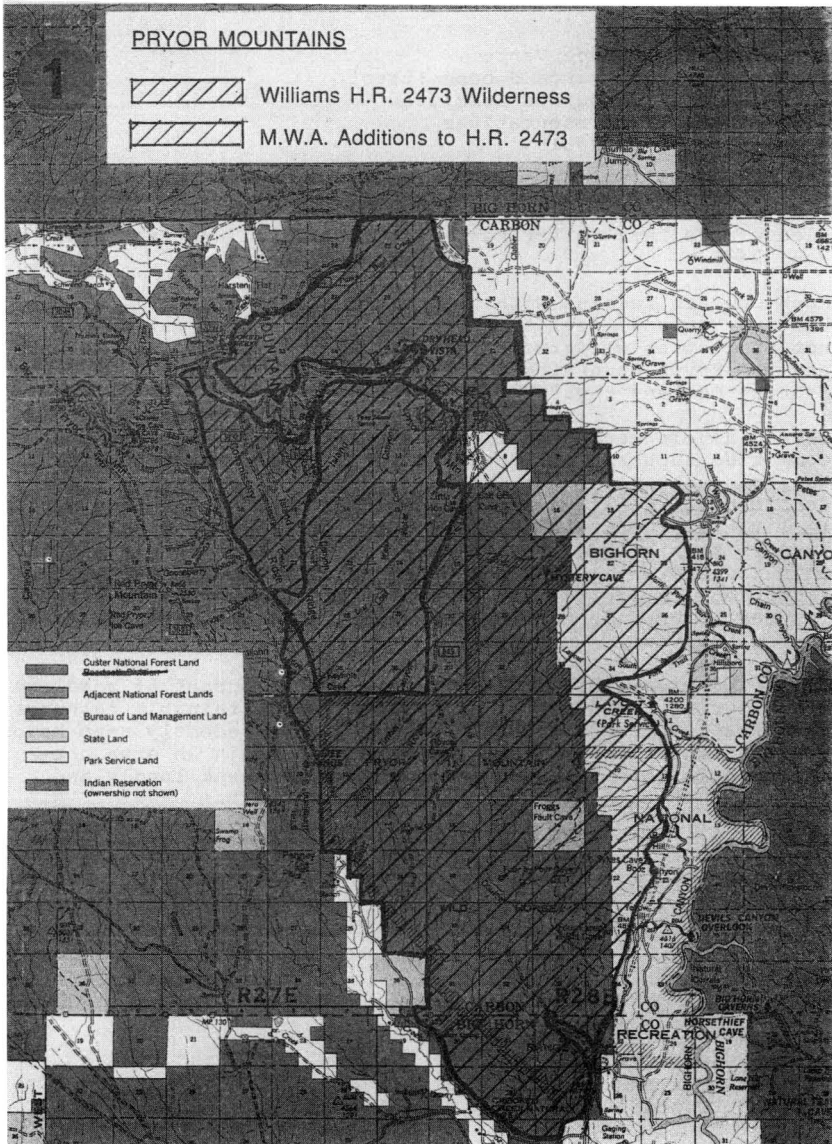
Please enclose this letter and map in the official hearing record.

Sincerely,



Jean LeBar

Copies to: Representative Pat Williams
Senator Max Baucus
Senator Conrad Burns



July 21, 1993

Representative Bruce Vento
Chairman, Public Lands Subcommittee
House Natural Resources Committee
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Vento:

Please make this letter part of the official hearing record on H.R. 2473.

Much concern remains with the structure of this bill. We, in Eastern Montana, feel that the bill does not go far enough by not protecting wilderness lands along the Tongue River Breaks and the Pryor Mountains as well as the Big Snowies. Lands in Eastern Montana require protection.

Recent developments startle me and I strongly ask that the committee supports all the wilderness preservation possible. Having sought return of sacred lands to the Native Americans, resisted oil drilling and mining in the Bear Tooth Mountains, I feel it is urgent that we make every effort to include as much land in this bill as possible. We seem to have an element in this country which does not understand that our natural resources are limited and we must start now to preserve them for the seventh generation, a concept most of corporate America does not fathom.

Please make an effort to restrict the development of roadless areas during the study of ecosystems and sustainable resource management in the Northern Rockies. I have recently seen major destruction of trees, land and water source in an area not included in this bill and I would like to speak loudly and clearly that we must change our ways. We must.

Thank you.

Sincerely,



Jo Reid Smith
2034 Custer Avenue
Billings, MT 59102

cc: Rep. Pat Williams
Sen. Max Baucus
Sen. Conrad Burns

July 23, 1993

Chairman Bruce Vento
Subcommittee On National Parks
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Vento

We are writing regarding the Wilderness Bill. We request that the letter be included as a part of the official hearing record on H.R. 2473.

My wife and I now live in Bozeman, and we love it. We have always appreciated and enjoyed the mountains, and it is nice to be near the mountains. Thus, we are glad to learn that this Bill has been submitted to the House which, when passed will protect Montana wilderness areas. We believe very strongly that such protection is needed so that some of these "last frontier" lands will remain protected for our enjoyment and for the enjoyment and appreciation of future generations.

We are delighted to see that this Bill has a lot of excellent qualities directed towards Western Montana. We are, however, quite concerned that little attention is given to the eastern part of our great state. We urge you to encourage the submission of amendments to H.R. 2473 which will provide adequate protection for more of the wonderful wild country of Eastern Montana!

Our family lived in Miles City for 20 years before we moved to Bozeman in 1990. During that time we had the opportunity to travel by foot and by Jeep through a lot of Eastern Montana territory. Much of that country, while different, will rival the beauty, the ruggedness, the pristine quality of the Western Montana lands.

We are disappointed that very little Eastern Montana lands are included in the Bill which you are now considering.

We urge you to work towards getting amendments included in H.R. 2473 which will recognize the roadless lands in the Pryor Mountains, the Crazy Mountains, the Tongue River Breaks, the Line Creek Plateau and the Beartooth Face as wilderness.

Thank you for your consideration. We need your help to save the rugged and beautiful wilderness lands of Eastern Montana!

Sincerely,

DON AND NANCY HAMILTON
123 W. Curtiss
Bozeman, Montana 59715

18 July, 1993

Congressman Bruce Vento
 Subcommittee on National Parks & Public Lands
 U.S. House of Representatives
 Washington, D.C. 20515

Dear Chairman Vento,

I understand you are holding hearings on Pat Williams' Montana wilderness bill (H.R. 2473). This bill desperately needs some improvements. Below are some comments on the Pryor mountains - the area which I know best. The enclosed map should help you understand my comments.

PLEASE INCLUDE THESE COMMENTS IN THE OFFICIAL HEARING RECORD FOR H.R. 2473

I want to emphasize that the proposed Lost Water Canyon Wilderness as it has been defined in H.R. 2473 is extremely inadequate. **The very minimalist proposed pocket wilderness is just tokenism both for eastern Montana and for the Pryor Mountains.**

The proposed Lost Water Canyon Wilderness (area "A" on the map) is less than 10,000 acres of the approximately 50,000 acres of wilderness quality public land (Forest Service, BLM, and Park Service) in the Pryor Mountains east of Crooked Creek. Another approximately 40,000 acres of wilderness quality National forest land exists west of Crooked Creek on and around Big Pryor Mountain. **Thus the proposed wilderness is only about 10% of what should be wilderness in the Pryors.**

The first correction to H.R. 2473 which is needed is to add the Cave Creek, Island Ridge, Commissary Ridge area west to the Crooked Creek Road west of Crooked Creek Canyon. This is west of the Lost Water Canyon area. See area #2 on the map. This would add about 6000 acres.

Second, areas ("B" and "C" on the map) in the Pryor Mountains proposed as wilderness by the Bureau of Land Management and the National Park Service (Big Horn Canyon National Recreation Area) need to be added to the wilderness bill. Not to include these at this time is to take a piecemeal approach to this very important area. **The future of the Pryor Mountains should not be sacrificed because we have divided its management between three different federal agencies.** If the BLM wilderness is not included with the National Forest there is a near certainty that the wilderness qualities will continue to deteriorate. Some high officials in the BLM have plans for the Pryors which are incompatible with wilderness values. Unfortunately jeep tracks have been gradually "improved" under the guise of "maintenance". The BLM is encouraging the Billings Chamber of Commerce to lobby them to "open up" the Pryors. I think they envision another Pompey's Pillar type attraction.

Addition of the National Park land to the wilderness should not be controversial, and the Park Service has already proposed it as wilderness. Failure to include BLM and NPS land will leave the wilderness incomplete. Furthermore if not included the following "chain reaction" is likely.

- a. The Sykes Ridge Road (Mystery Cave Road) will not be closed.

This "road" is a very rough jeep track.

b. The narrow strip of BLM land east of the road and west of the NPS land will not be included in the wilderness because it is too small to include by itself if the road is not closed and NPS land is not included. This will remove the most spectacular ridge line in the Pryors from the wilderness.

c. Pressures will build both inside and out of the BLM to greatly improve the Sykes Ridge Road to improve access to the wilderness.

d. This "improved" road will totally destroy the character of the ridge (it is practically on the edge much of the way) and seriously impact the entire wilderness which it overlooks.

The boundaries of the BLM proposed wilderness need to be improved eliminating the odd holes and strange boundaries as shown on the map (#4, #5, #6, #7, #8). This can be done very simply. Include all BLM land east of the Crooked Creek Road, west of the Big Horn Canyon National recreation Area, and north of the Montana line. This will include the Demijohn Flat - Penney Peak area (#9 on the map) which is an excellent piece of desert badlands. Of course the approximately 1000 acres of private land (the Tillett Ranch) would be excluded. The Tillett Ridge Road and the Sykes Ridge Roads should be closed.

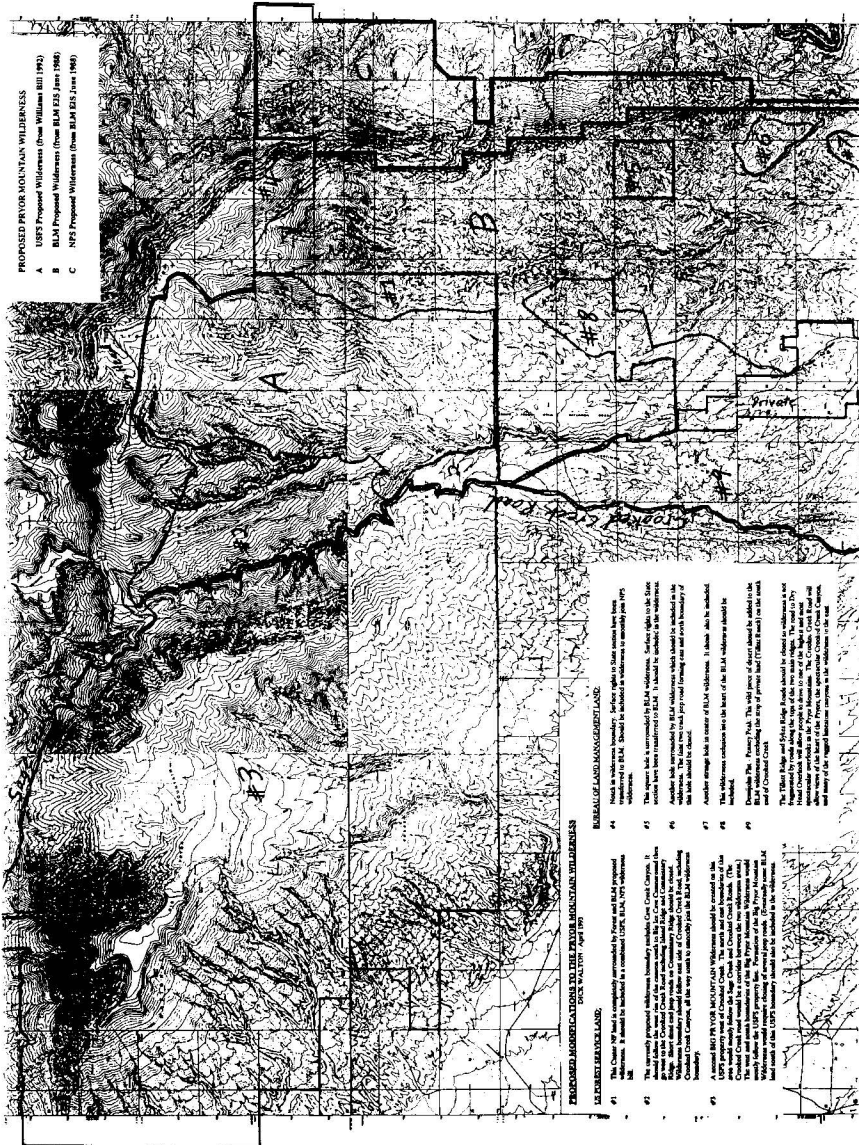
Finally the Forest land west of Crooked Creek (#3) also needs to be protected. This should be established as the Big Pryor Mountain Wilderness Area.

We have a chance in the Pryors to protect a very wide range of important ecosystems ranging from subalpine to desert badlands. This area is an ecological treasure with numerous rare plants and plant communities, and a variety of important animals ranging from rare bats to reptiles. It has not yet been adequately studied scientifically. The area is extremely important archaeologically, and is also very important to the modern Crow Indians. It is a truly magic and wonderful place where many people, without motors, can enjoy an unmatched solitude. A few more motors will totally destroy the solitude for everyone and irreparably damage the land. The tiny Lost Water Canyon wilderness proposal simply does not begin to protect these wide ranging values. This area is unlike any other wilderness area I am aware of. It is very arid and extremely fragile, and is being seriously threatened by increasing and inappropriate activity. We truly do not have much time left to protect it. Let's do it right - now!

Sincerely,



Dick Walton
2928 W. MacDonald Dr.
Billings MT 59102



Joel G. Vignere
931 Willow Ridge Rd.
Hudson, WI. 54016

July 14, 1993

Congressman Bruce Vento
Chairman, Public Lands Subcommittee
House Natural Resources Committee
U. S. House of Representatives
Washington, DC. 20510-5

Dear Congressman Vento:

I would like the following letter to be made part of the official hearing record on H.R.2473, the Montana Wilderness Bill.

My interest in the bill is that it involves lands that belong to all the citizens of the United States and I believe I have a duty to comment. Some would claim that this is a local issue and the rest of us should mind our own business. While I do not believe it is necessary to justify my interest to those people, I will offer the information that I am a Montana property owner and taxpayer.

While the battle for Montana Wilderness has been long and arduous, I do not believe we should settle for a bill that is less than adequate. In fact, I have come to conclude that what is really needed can only be obtained by something like the Northern Rockies Ecosystem Protection Act. Anything less is only a piecemeal approach to solving the problem. Anything less, leaves us with islands of habitat, with no real travel corridors so necessary for the survival of biodiversity in so many species of plants and animals.

H.R. 2473 is a good bill but by no means complete. In eastern Montana, it is very inadequate. Critical areas omitted by the bill are the Big Snowies and the Little Belt mountains. The boundaries in the Prior Mountains are too restrictive.

In western Montana, the omissions on both sides of the divide are numerous. The additions to the Cabinet Wilderness delete several deserving augmentations. The Ten Lakes area has been recommended for Wilderness since 1925. It too has been omitted. Essential areas in the West Pioneers and Tobacco Roots have been left out. In almost all cases, boundaries have been drawn too high and critical habitat at lower altitudes is missed.

Last but certainly not least is the Badger-Two Medicine. Thank God, Secretary Babbitt has prevented, for now, the desecration of this magnificent place. The Badger-Two Medicine is THE essential addition to this Wilderness bill. Thank you.

Sincerely,



WILLIAM B. HORN
2813 QUINCY
BUTTE, MONTANA 59701
(406) 494-4598

July 15, 1993

Representative Bruce Vento, Chairman
Subcommittee on National Parks and Public Lands
U.S. House of Representatives
Washington, D.C. 20515

Re: HR 2473 Montana Wilderness Bill Hearing

Dear Chairman Vento,

I would like this communication to be considered and entered into your hearing records of July 20, 1993.

I strongly support the above bill presented by Representative Pat Williams, and recommend that it be approved as presented.

The areas in our immediate vicinity specifically those entitled the West Big Hole, the North Big Hole, East Pioneers, Italian Peaks and Snowcrest Mountains are all prime and necessary candidates to our wilderness system.

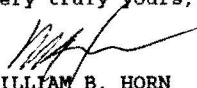
Other areas, which may not be in my immediate area, but of which I have considerable knowledge and appreciation for, also have ample support for wilderness designation. These areas should not be lost by future amendment to the bill. They are:

Stony Mountain - Selway Bitterroot additions - Blackfoot Meadows, Bob Marshall Additions, Cowboys Heaven, Great Burn, Quigg Peak, Nevada Mountain, Elkhorn, North Absorkee Additions, Flints and Crazy Mountains.

I have hiked in these areas and they all represent areas of extreme beauty and tranquility. Many of them represent great diversity and are truly areas that must be protected for enjoyment of future generations of Montanans and Americans.

Montana is blessed with many areas which have, so far, escaped the chain saw and pick. Most of these areas have limited extractive resources, but provide ideal wilderness qualities. Strong economic arguments also can be made for their future potential for attracting tourism; an attraction which could be lost by failure to classify them as wilderness. Many other areas are not included in the bill. I have hopes that areas such as Allen Mountain, Sapphires, Big Snowies and other prime wilderness areas will be added by amendment prior to final passage.

Very truly yours,



WILLIAM B. HORN
WBH/dcr

Paul Cowie
 Rt. Box 970
 Plainfield, VT
 05667
 7/14/93

Dear Mr. Kuo,

I write to ask that my views expressed in this letter be included in the official record of H.R. 2473 -- a bill introduced by Rep. Pat Williams on Montana wildlands.

I graduated with a Forestry degree from the University of Montana and have since done my best to remain informed on Montana wildlands issues & the environmental concerns of this country in general.

Montana wildlands include many of the most ecologically intact ecosystems remaining in the lower 48. Any bill dealing with Montana Roadless public lands should treat them on such status deserves. The Montana Wilderness Association has cited many roadless lands left out of Williams' Bill. The Missoula based Alliance for Wild Rockies cites many more.

I think it's time for the law makers & public servants dealing with the Montana wildlands issue to listen to the wants of the American public & give Montana wildlands

the protection they deserve. You are well aware of the public outcry over the fur Montana "Wilderness" Bill introduced by Senator Baucus. Timber, oil & gas, mining & recreational vehicle interests have had much too much influence over management of these special places. We have a chance now to protect what's left of wild Montana & the fragile wildlife populations those lands sustain. Where else can you find viable populations of elk, deer, mountain goats, bighorn sheep, mountain lions, grizzly bears, Canada lynx, pine marten, fishers, Wolverines & gray wolves in the lower 48!? I have hiked extensively in Montana & have seen most of these splendid animals while afoot. Jann Weaver, a nationally known Missouri based wildlife biologist has noted how populations of lynx & wolverine are dropping because of logging pressures. It's high time law makers recognize that we share this planet with these animals.

I urge you to grant maximum Wilderness protection to the roadless public lands of Montana. Give my public lands the protection they deserve. A bill more akin to the Northern Rockies Ecosystem Protection Act would be more favorable than Williams' bill.

Respectfully,

Paul Christ

cc: Pat Williams

Sen. Max Baucus

Sen. Conrad Burns

Rep. Bart Stupak

Sen. Patrick Leahy

Sen. Jim Jeffords

Kerrie Byrne
5 Fir Ave.
Whitefish, MT 59937

July 14, 1993

Rep. Bruce Vento
Chairman, Public Lands Subcommittee
House Natural Resources Committee
U.S. House of Reps.
Washington, D.C. 20510

Please include this letter as part of the official hearing record on
H.R.2473

Dear Rep. Vento,

Once Again a wilderness bill for Montana is in the works, and I commend the effort you have put into this process. In general, I would like to see more lo-elevation forest land protected, and greater emphasis on saving more of what's left in the eastern part of the state. My main concern is wildlife habitat.

I am pleased to see Tuchuck-Hefty and Thompson Seton included as wilderness, but am at a loss as to why the Winton Weydemeyer-Ten Lakes area is not. Also, the boundaries in the Swan range should include more lower elevation land.

There's no question in my mind that ALL remaining roadless land should remain so, regardless of how it's labeled and legislated. We need to preserve what is wild, and learn to live in balance with what we have already impacted. There is still time, and you are in the unique position to have power over the future. Please use your hard-earned power to defend the voiceless land.

For all that's wild,

Kerrie Byrne

cc:Rep. Pat Williams
Sen. Max Baucus
Sen. Conrad Burns

109 Record Street
Frederick, Md. 21701
17 July 1993

Rep. Bruce Vento
Chairman, Public Lands Sub-Committee
House Natural Resources Committee
U.S. House of Representatives
Washington D.C. 20515

Dear Sir:

I am writing in reference to Rep. Pat Williams Bill (HR 2473) and Montana's last and best wild places which are left out of the bill. I strongly urge you and the committee to include the areas I list below for protection in addition to those covered in HR 2473. Near Springdale, Montana where I lived many years and enjoyed solitary treks and fishing in the Crazy Mountains, the entire Crazy Mountains plus tHenderfoot Creek, Pilgrim Creek and Middle Fork Judith in the Little Belts should all receive protection as Wilderness.

2. In addition to Roderick Mt. in the Cabinet - Yaak River Wildlands I urge that Grizzly Peak And Mt. Henry plus lower elevation habitat in the Cabinets from Libby south to Thompson Falls be included.

3. Also, Winton - Jedemeyer - Ten Lakes Wilderness lower habitat in the Swan Range and Spotted Bear River addition.

4. And, in the Pryor Mts. area particularly the Tongue River Breaks and extend Pryor to follow Crooked Creek and Dry Head Vista Roads on the west and north including Commissary Ridge. The Bill should also include BLM and NPS Wilderness proposals.

5. And The Tobacco Roots and east and west side additions to Absaroka/Beartooth and Watkins Creek - Lionhead Mt. areas in the Lionhead proposal should most definitely be included.

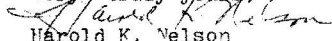
6. And, the great elk habitat in the upper Big Hole roadless areas including Rock Creek headwaters from Wyman Gulch to Stony and Duncie Creeks strongly need protection.

7. Plus, in the Bitterroot Crest area the Allen - Piquett, Bluejoint and Chief Joseph wildlands form a roadless area for wildlife migration between central Idaho wilderness and the Continental Divide which is essential to be included as wilderness.

8. And finally, in the Great Divide North area Little Blackfoot Meadow and Nevada Roadless areas please also give wilderness protection.

Please make this letter a part of the official hearing records on House Bill 2473. Thank you for your consideration.

Very truly yours,


Harold K. Nelson

(Soon to retire to Montana--my birthplace and where I graduated from the University at Missoula.)

1-1988-10-10

July 16, 1993

Congressman Bruce Vento, Chair
National Parks, Forest and Public Lands
U.S. House of Representatives
Washington, D.C. 20515

JUL 21 1993

Dear Congressman Vento:

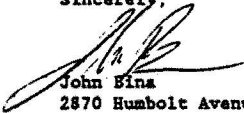
As a resident of Minnesota and a land owner in Montana, I urge you to reverse the anti-conservation agenda of Ron Marlenee by supporting wilderness in the Little Belts and Snowies of Central Montana. At a minimum, wilderness should be recognized for the roadless lands of Tenderfoot Deep Creek and Pilgrim Creek in the Little Belts together with the Middle Fork Judith River and Big Snowies Wilderness Study Areas established by Senator Lee Metcalf in 1977. I along with my inlaws in Montana own a summer cabin on the edge of the Bob Marshall Wilderness.

Comments of Senator Burns and Ron Marlenee to the effect that wilderness is supported only by outsiders and movie stars is a blatant attempt to prejudice the wilderness debate. The most steadfast and consistent opponents of wilderness are the large timber, mining and oil companies that certainly are not Montana owned. The persons working for wilderness at the grass roots are Montanans who recognize that Montana has a unique opportunity to preserve wild lands that no longer exist in any of the other 48 states. I consider myself an insider since our family is a land owner in Montana.

I have traveled through the state and have seen entire mountains leveled by mining companies and vast forests clear cut for timber. All I am asking, is that a couple of small pieces of Montana be left untouched so that my children and my grandchildren have an opportunity to see a true wilderness. I believe we should be able to have "hands off" policy on selected public land throughout the United States. There is no need to develop every square foot of this great country of ours.

I strongly urge you to include these deserving lands of Central Montana in this year's legislation. I ask that my letter be included in the hearing record HR 2473.

Sincerely,



John Bina
2870 Humbolt Avenue S. #12
Minneapolis, MN 55408

Please do what is right on the Long Run. ☺

July 26, 1993
 519 Highland Pk. Dr.
 Billings, Mt. 59102

Rep. Bruce Vento
 Chairman, Public Lands Subcommittee
 House Natural Res. Committee
 U.S. House of Representatives
 Washington, D.C. 20515

Dear Representative Vento,

Please make this letter part of the official hearing record on H.R. 2473.

I support Rep. Pat Williams' bill protecting additional wilderness areas in Montana, but feel that Eastern Montana needs more wilderness than is included in the bill. We have a growing population here that are using the wilderness near here to death, and other natural areas are being overused because of the lack of protection.

The BLM and National Park Service both recommended areas in the Pryors that are not being included in this bill. The Tongue River Breaks and Absarokee-Beartooths both need more wilderness. They should be added to the bill.

I have been enjoying Montana's wild places for over 30 years as part of my bird watching avocation, and am noticing more wild areas being denuded by clear-cuts and eroded by 4 x 4s. Wilderness is a long term proposition, which many people do not comprehend. There are many jobs that wilderness protects in the long term. Let's keep these jobs, instead of the fly by night operations.

Sincerely,



Helen Carlson

copies to:
 Pat Williams
 Max Baucus
 Conrad Burns



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