

MINUTES OF THE MEETING OF THE NATURAL RESOURCES COMMITTEE
MARCH 23, 1981

The House Natural Resources Committee convened in Room 104 of the Capitol Building on Monday, March 23, 1981, at 12:30 p.m. with CHAIRMAN DENNIS IVERSON presiding and fifteen members present (REPS. SALES, NORDTVEDT, and KEEDY were absent).

CHAIRMAN IVERSON opened the hearing on SB 123.

SENATE BILL 123 SENATOR MARK ETCHART, chief sponsor, presented the bill, section by section. See Exhibit 1.

Speaking as a proponent was SENATOR WILLIAM HAFFERMAN.

SENATOR TOM KEATING stated that he has worked with the BLM in developing and managing lands and is familiar with the regulations used. One of the basic rights we have as citizens is the ownership of land.

SENATOR JOHN MANLEY spoke in support.

SENATOR LARRY TVEIT said he supported the bill because of the mismanagement of the federal government in regard to these lands.

BERNARD HARKNESS, Chairman of the Sagebrush Rebellion, presented the committee with a fact sheet relating to SB 123. See Exhibit 2.

ROBERT HELDING, Executive Director of the Montana Wood Products Association, spoke in support. See Exhibit 3.

LLOYD MCCORMICK, Joint Council of Teamsters, said his organization is interested in jobs and therefore he supported the bill.

JAMES SHAW of Wibaux felt all of the land should be claimed on behalf of the state. We are in a huge problem with the railroad because of the same type of action and he did not feel that should happen with the land.

ROSANA WINTERBURN, representing the Montana Cowbells, supported the bill. See Exhibit 4.

JACK CASEY of the Montana Cattlemen's Association supported the bill.

JO BRUNNER, W. I. F. E., supported the bill. See Exhibit 5.

DONALD JOHANNSEN felt the state could do a better job and attain a better return on the land. He felt that in every instance in this bill existing rights are maintained.

JOHN BAUCUS, representing the Montana Wool Growers, stated that his organization has passed a resolution supporting the Sagebrush Rebellion concept. There are people in the State of Montana who can administer this land through the Department of State Lands.

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GLEN CHILDERS, Secretary of the Sagebrush Rebellion, spoke in support of the bill. See Exhibit 6.

JO DEE ISAACS supported the bill. See Exhibit 7.

GLADYS SILK spoke in favor. See Exhibit 8.

PAUL RINGLING, President of the Montana Cattlemen's Association, supported the bill. See Exhibit 9.

ELMER HANSON, Montana Stockgrowers, supported the bill. See Exhibit 10.

BOB DENNIS, Northwest Energy Employment and Development, Inc., supported the bill. See Exhibit 11. In addition to his prepared statement, he said he felt we, as citizens of Montana, have no choice in what happens on these lands or to us when we are on the lands.

RAY BECK, Montana Association of State Grazing Districts, supported the bill in the form of a resolution from his organization. See Exhibit 12.

MONS TEIGEN, representing Montana Public Lands Council, Montana Chamber of Commerce, Montana Taxpayers Association, Agricultural Preservation Association, and the Montana Stockgrowers Association, said all of those organizations have adopted resolutions endorsing the Sagebrush Rebellion.

JOHN ELIEL, Beaverhead County, supported the bill. See Exhibit 13.

GENE CHAPEL, Montana Farm Bureau Federation, endorsed the bill. See Exhibit 14.

WALT COLLINS, representing the Garfield-McCone Legislative Association supported the bill with Exhibit 15.

DARLENE HILDRETH, Beaverhead County, gave a short lesson on the United States Constitution and then supported the bill with Exhibit 16.

JERRY COLDWELL, Chairman of the Fort Peck Game Range Committee, spoke in favor of the bill. See Exhibit 17.

Others speaking in favor of the bill were GLENN MORRISON, RAY LYBECK, REP. GERRY DEVLIN, DAVE MCCLURE, JOHN ASAY, DREA BERGQUIST, ELAINE ALLESTAD, REP. AUDREY ROTH, and KENNETH VOLDSETH.

See additional statements attached as Exhibit 18.

Speaking as an opponent was WILBUR REHMANN of the Montana Wildlife Federation. His main concern was access guarantee to recreation land. This bill is written in such a way as to address the ownership problem by statute which is really only a two-year contract. Montana taxpayers cannot afford to administer the land. In order to pay for the cost of administration, the land could be sold into private ownership.

WILLA HALL, League of Women Voters, spoke in opposition. See Exhibit 19.

JERRY DRISCOLL, Laborers Local 98, said his organization passed a resolution opposing the bill because of concern over public access.

THURMAN TROSPER, representing the Tribal Council of the Confederated Salish and Kootenai Tribes, opposed the bill with Exhibit 20.

MICHAEL CHANDLER, Western Montana Fish and Game Association and Back Country Horsemen of America, opposed SB 123. See Exhibit 21.

CHARLES ABELL, representing Whitefish Outdoors Unlimited, expressed concern over the sale of the lands. He felt that would be the only way the state could afford to administer the land.

PHIL TAWNEY, Montana Democratic Party, opposed the bill. See Exhibit 22.

RICK GRAETZ, Montana Magazine, opposed the bill with Exhibit 23.

FRED BURNELL, University of Montana Forestry School Alumni, opposed the bill. See Exhibit 24.

NOEL ROSETTA, Montana Audubon Society, spoke in opposition of the bill. See Exhibit 25.

NEAL RAHM used Exhibit 26 to explain his opposition to SB 123.

JOHN R. MILODRAGOVICH opposed the bill. See Exhibit 27.

MIKE MALES, Environmental Information Center, opposed the bill. See Exhibit 28.

MERLE ROGNRUD, Montana Chapter of the Wildlife Society, indicated opposition to the bill. See Exhibit 29.

BILL FALLIS spoke in opposition to the bill. See Exhibit 30.

DON SNOW presented a letter on behalf of the Wildlands and Resources Association in protest of the bill. See Exhibit 31.

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Additional statements in opposition are attached as Exhibit 32.

Further opponents were JULIE FOSBENDER, Gallatin Wildlife; REP. GLENN MUELLER; JIM JENSEN, Senior Citizens; REP. HERB HUENNEKENS; and, REP. ART SHELDEN.

SENATOR ETCHART closed on the bill.

During questions from the committee, REP. ROTH asked MR. RINGLING if he experienced problems with hunters on his property and if he granted access to his land. The answer was that he did grant access and he simply required that the hunters ask permission.

The meeting adjourned at 3:10 p.m.

Respectfully submitted,



DENNIS IVERSON, CHAIRMAN

Ellen Engstedt, Secretary

VISITORS' REGISTER

HOUSE NATURAL RESOURCES COMMITTEEBILL SB 123Date 3/23/81SPONSOR ETCHART

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Glenn L. Dick	Glenn L. Dick	self	X	
Walter Etchart	Massena	self	X	
John H. Dick	"	"	X	
Ran Holland	Glenn L. Dick	self	X	
Eric M. Dick	Helen	self		X
William P. Dick	Stearnsville	self		X
Don E. Dick	Stearnsville	self		X
Don E. Dick	Helen	self		X
Rip King (King)	Helen	FD # 8		X
Spencer Richardson	Helen	self	?	?
Sandy Lewis	Helen	self	X	
Lydia L. Dick	Polson	self		
Lincoln Vance	Polson	self		
Pearl B. Dick	Polson	self		
W. H. Dick	Polson	self		
Pave Couch	Helen	self		X
John L. Dick	Massena	self		X
Walter M. Dick	Massena	self		X
Walter M. Dick	"	"		X
Therman T. Dick	RT#1 Box 43	Salish & Kootenai Tribes		✓

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE _____

COMMITTEE _____

BILL _____

On SB 123

Date _____

SPONSOR _____

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Deane Hartman	Lib. Mt.	Sagebrush Rebellion	X	
Janet H. Ellis	Helena Helena	self		X
John Burns	Helena	self		
M. F. Wells	Helena	Pickley P&R		X
John Paul	Helena Mt.	self	-	
Charles R. Abell	Whitefish, MT	Wildland Cult. Fed.		X
Don Snow	Helena	Wildland Resources Org.		✓
Thomas Volosch	Martinsdale	Self	✓	
MIKE MALES	HELENA	E.T.C.		X
Hert Huerfano	Big Spring	Legislature		X
Glen Muelch	Libby	Legislature		X
Art Wheeler	"	"		X
Audrey Rota	Big Sandy	Legislature	✓	
Jerry Donsoll	Billings	LABORERS LOCAL 98		X
JIM JENSEN	Helena	LISCA		X

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VISITORS' REGISTER

HOUSE _____

COMMITTEE _____

 BILL 5123

Date _____

SPONSOR _____

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Alfred H. Kohn	1812 35 St. Milwaukee	self		X
John R. Winodsky	3x3804 Wula	Self.		X
Thurman Tresser	21 Bay 43 Room	Salish & Kootenai Tribe		X
Noel Rosetta	Helena, Mont.	Mont. Audubon Soc.		X
Merle Reginald	Helena, M.T.	Mont. Capt. Wildlife Soc.		X
Killa Hall	League of Women Voters	Helena		X
W. R. Farris	Frenchtown, Mont.	self		X
Gene Chapel	Lewistown Mont.	Montana Farm Bureau	X	
Harry M. Chase	Lewistown - Mont.	self	X	
Bob Dennis	Libby MT.	N.E.E.D.	X	
Murtle Rector	E. Helena	SELF	X	
Gladys Silk	Glasgow	"	X	
John J. McInnis	Great Falls	Joint Council 1942	X	
Fred Small	Stevensville	U.F.M. For. Alumni	X	
Or Brunner	Helena	W.I.F.F.		
Neddy Thompson	Brighton	myself	X	
Walt Allina	7th Beach	Harfield - Malone	X	
Wilbur Reimann	Helena	Mont Wildlife Fed		X
Alfred Johnson	Helena	self	X	
Moises Toigca	"	M.L. Publ. Law (Comm)	X	

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VISITORS' REGISTER

HOUSE _____

COMMITTEE _____

BILL S.B. 123

Date _____

SPONSOR _____

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Ray Lybeck	500 E. Reservoir - Kalispell	Mont. Cattlemen Assn	X	
Jim Jensen	Helena	LISCA		X
Jerry Driscoll	Billings	Laborer's Local 98		X
Julie Foshender	Nsta.	Collier Wildlife ^{*self}		X
Deanne Winkler	Oran	Self		X
Edna Jackson	Harmon MT	Self	✓	
Bill Brown	Bozeman	Farm Bureau	✓	
Deet Smith	Helena	Self		X
Max Doherty	Helena	Self		X
Lin Barber	Ford B. Ranch - Augusta	self	just listening	
Bob Perrier	Helena Helena	self		X

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VISITORS' REGISTER

HOUSE NATURAL RESOURCES COMMITTEEBILL SB 123Date 3/23/81SPONSOR ETCHART

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Bernard Jackson	Self	Self	X	
Jerry Caldwell	Jordan Mt	East Peck Home Range	X	
Ray Beck	Helena	Mt. Carmel St. George Dist	X	
John Saacs	Jordan Mt.	concerned high school student	X	
Jenni Caldwell	Jordan, MT.	Self	X	
Elaine Alstead	Big Timber	Self	X	
Don Burgess	Big Timber	Self	X	
Donald Francis	Shelby Mt	Self	X	
Rodney Winterburn	Helena	Cowbelle	X	
James H. Shaw	Wibaux	T C Inc.		
Norm Shepherd	Helena	MACO	X	
Larry Reed	Franklin	Self	X	
Chris Pyllie	Helena	Mont Cattlemen/N.F.O.	X	
Shirley Gooden	Helena	Self	X	
Senator F. Hoffman	Libby		X	
John Asty	MT Deer Lodge	MT Cattlemen Assn	X	
Robert Helms	Billon	Montana Furman Institute	X	
Blaine Morrison	Billon	Self on Farmers Right	X	
Michael Chandler	Minneapolis	West. Mont. & Idaho Assoc. Back Country Association of America		X
Dwight Reed	Big Sandy	Rancher	Self	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE _____ COMMITTEE _____

BILL SB 123

Date _____

SPONSOR _____

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Fred Brown	Stevensonville	Montana Fore. Educ.	X	X
Patricia Russell	Stevensonville	self		X
Bob Gilbert	Helena	self	X	
J.M. Banner	Helena	Mont. Woodworkers Assn	X	
Roll Rasmussen	Helena	Mont. Audubon		X
Merle Rognrud	Helena	Mont. Chapt. Wildlife Soc.		X
W.E. SUTTER	—	SELF		X
Gail Mueller	Eugene, Oregon	self		
John Shumway	Helena	NPRC		
James L. Harris	Bozeman	Mont. Stockgrowers	X	
Harold Johnson	White Sulph. Springs	Mont. Stockgrowers	X	
Bob Hedberg	Missoula	MT. World Products	X	
Pat Henderson	Bozeman	MT. Farm Bureau	X	
JOE LAMSON	HELENA	MT. DEMOCRATIC PARTY		X
PAUL TAWNEY	HELENA	MT. DEMOCRATIC PARTY		X
Rep. Gerry Berlin	Terry MT	Self	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

WITNESS STATEMENT

NAME Mons Teigen ^{Senate} BILL NO. 133
ADDRESS Helena DATE 3/23/81
WHOM DO YOU REPRESENT Mont. Public Lands Council, Mont. Chamber of Commerce and
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Mont. Taxpayers Assn., Agric Preservation Assn and
Mont. Stock growers Assn.

WITNESS STATEMENT

Name Ray Beek Date 3-23-81
Address 7 Edwards Support ? X
Representing Mt Assoc of State Legging Dist Oppose ?
Which Bill ? SB-123 Amend ?

Comments:

The Mt Association of State Legging
Districts would like to be shown in the
record as being in support of SB-123.

thank-you

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

NAME Bernard J. Hurdness BILL No. 123 S.B.
ADDRESS Dell, Montana DATE _____
WHOM DO YOU REPRESENT Sagebrush Rebellion
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

WITNESS STATEMENT

NAME John Isaacs BILL No. SB 123
ADDRESS Jordan, Montana DATE 3/23/84
WHOM DO YOU REPRESENT concerned high school student
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

WITNESS STATEMENT

NAME Walt Collins BILL No. SB123
ADDRESS 7t Beck DATE 3/23/81
WHOM DO YOU REPRESENT Garfield-McCone Leg Ass'n
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

WITNESS STATEMENT

NAME PAUL BINGLING BILL No. SIB 123

ADDRESS Box 1029, Miles City, MT DATE 3/23/81

WHOM DO YOU REPRESENT _____

SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Paul Bingling

WITNESS STATEMENT

NAME Jerry Caldwell BILL No. S.B. 123
ADDRESS Jordan Mt DATE 3/23/81
WHOM DO YOU REPRESENT Fat Rick Game Range Committee
SUPPORT / OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

WITNESS STATEMENT

NAME Shel J Mc Connick BILL No. SB-123
ADDRESS Great Valley Road DATE 3/23/198
WHOM DO YOU REPRESENT Joint Council of Translators #2
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

WITNESS STATEMENT

NAME Wilbur Rehmann BILL No. SB123
ADDRESS Box 801 DATE _____
WHOM DO YOU REPRESENT Mont. Wildlife Federation
SUPPORT _____ OPPOSE X AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Sports men are opposed

WITNESS STATEMENT

NAME

Allen C. Childers

BILL No.

58, 123

ADDRESS

Bowling Green

DATE

3/23/81

WHOM DO YOU REPRESENT

myself

SUPPORT

X

OPPOSE

AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

WITNESS STATEMENT

NAME RICK GRAETZ BILL No. SB 123
ADDRESS BOX 5630 - HELENA DATE 3/24/81
WHOM DO YOU REPRESENT MONTANA MAGAZINE
SUPPORT _____ OPPOSE X AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

WITNESS STATEMENT

NAME Phil. Townsend BILL No. 518113
ADDRESS Holmes DATE _____
WHOM DO YOU REPRESENT Mt. Democratia Parish
SUPPORT _____ OPPOSE ☒ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

WITNESS STATEMENT

NAME MIKE MALES BILL No. SB 123
ADDRESS Box 1184 HELENA DATE 23 MAR 1981
WHOM DO YOU REPRESENT ENVIRONMENTAL INFO. CENTER
SUPPORT _____ OPPOSE X AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: SEE WRITTEN TESTIMONY

WITNESS STATEMENT

NAME Bob Dennis BILL No. SB-123
ADDRESS Rt 2 Box 717 Libby Mt. 59923 DATE 3-23-81
WHOM DO YOU REPRESENT N.E.E.D.
SUPPORT ☒ OPPOSE ☐ AMEND ☐

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

WITNESS STATEMENT

NAME Merle Reunrad BILL No. S.B. 123
ADDRESS 2205 8th Ave, Helena, Mt. DATE 3-23-81
WHOM DO YOU REPRESENT Montana Chapter of the Wildlife Society
SUPPORT _____ OPPOSE X AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I wish to have a resolution ^{adopted} ~~passed~~
by the Wildlife Society ^{Montana} Chapter read
into the record. I also wish to
present a personal letter addressed
to the Committee.

SB 123 CLAIMS THE BLM LANDS, THE FOREST SERVICE LANDS, AND THE CNR WILDLIFE REFUGE AS A NEW CATEGORY OF MONTANA LANDS TO BE KNOWN AS "MONTANA RESOURCE LANDS." THESE LANDS WILL NOT BE ADMINISTERED AS OUR PRESENT STATE SCHOOL TRUST LANDS ARE. AN ENTIRELY NEW MANAGEMENT PLAN WILL BE DEVELOPED BY THE STATE LAND BOARD IN THE NEXT TWO YEARS UNDER GUIDELINES ENUMERATED ON PAGE 5 OF THE BILL. THE MANAGEMENT PLAN WILL THEN BE PRESENTED TO THE 1983 LEGISLATIVE ASSEMBLY FOR FINAL APPROVAL, MODIFICATION, AND ADOPTION.

EXPLANATION OF THE BILL

SECTION 1, PAGE 2, GIVES THE SHORT TITLE OF THE BILL WHICH IS THE "MONTANA LAND REFORMATION ACT."

SECTION 2 DEFINES THE TERMS USED IN THE ACT SUCH AS "MULTIPLE USE," "BOARD," AND MOST IMPORTANTLY, "RESOURCE LAND."

IF YOU TURN TO PAGE 3; LINE 7 ON THE SECOND READING BILL, YOU WILL FIND WHAT LANDS ARE BEING CLAIMED AS MONTANA RESOURCE LANDS. THIS GOES ON TO PAGE 4, LINE 5.

RIGHTS

SECTION 3 CLAIMS THE RESOURCE LAND FOR THE STATE OF MONTANA. THIS INCORPORATES THE TURNAGE AMENDMENT WHICH PROVIDES THAT THE TITLE OF THE LAND WILL ACTUALLY TRANSFER AFTER EITHER AN ACT OF CONGRESS OR A FAVORABLE DECISION BY THE U.S. SUPREME COURT. SUB (2), LINE 20, GUARANTEES THAT THE RIGHTS AND PRIVILEGES OF THE PEOPLE GRANTED UNDER THE PROVISIONS OF EXISTING FEDERAL LAW ARE PRESERVED UNDER ADMINISTRATION BY THE BOARD.

ACCESS AND PAYMENT IN LIEU OF TAXES

SECTION 4 ADDRESSES MANAGEMENT AND SHOULD ANSWER THE OPPONENTS OF THE BILL ON MATTERS OF PUBLIC ACCESS (PAGE 5, LINE 22), CONSERVATION (PAGE 5, LINE 25), POLICY REGARDING TRANSFERS FOR PUBLIC USE TO OTHER GOVERNMENT ENTITIES (PAGE 6, LINE 2); QUESTIONS ON FEES, ROYALTIES, RENTALS, AND PENALTIES AT RATES THAT WILL RESULT IN MANAGEMENT OF SUCH LAND WITHOUT A LOSS OF GENERAL FUND REVENUE TO THE

STATE (PAGE 6, LINES 7 & 8); AND IN LIEU OF TAXES, MATTERS TO PROVIDE THAT DISPOSAL OF REVENUE IN SUCH MANNER THAT LOCAL GOVERNMENT RECEIPTS ARE NOT DIMINISHED (PAGE 6, LINE 9).

PLAN

THIS SECTION (4) BASICALLY PROVIDES THAT THE STATE LAND BOARD WILL MAKE A TWO-YEAR STUDY TO DEVELOP A MANAGEMENT PLAN WHICH SATISFIES THE ABOVE CRITERIA; ANSWERS THE PROBLEMS, AND REPORTS BACK TO THE 1983 LEGISLATURE FOR FINAL APPROVAL. THIS WILL PRESERVE LEGISLATIVE CONTROL OF THE PROCESS.

SALE

SECTION 5 IS ONE OF THE MOST IMPORTANT SECTIONS OF THE BILL AS IT ANSWERS THE QUESTIONS WHICH MANY HAVE THAT THE LAND NOT GO INTO PRIVATE OWNERSHIP. THIS SECTION WAS AMENDED IN THE COMMITTEE WHERE WE ADOPTED LANGUAGE PROPOSED BY SENATOR TURNAGE. THIS REALLY TIGHTENED UP THE LAW TO INSURE THAT RESOURCE LANDS WILL STAY IN PUBLIC OWNERSHIP. NO SALE, TRANSFER, OR EXCHANGE CAN BE MADE WITHOUT LEGISLATIVE APPROVAL, AFTER MEETING THE OTHER RESTRICTIONS IN THIS SECTION.

SECTION 6 PROVIDES THAT THE BOARD MAY GRANT INTERIM MANAGEMENT AUTHORITY TO THE FEDERAL GOVERNMENT, AND

SECTION 7 PROVIDES A PENALTY FOR THE FEDERAL LAND MANAGERS IF THEY DO NOT COOPERATE AND RECEIVE PERMISSION FROM THE BOARD TO ADMINISTER MONTANA RESOURCE LANDS AFTER THE LANDS ARE TRANSFERRED.

SECTION 8 ADDRESSES THE AUTHORITY OF THE ATTORNEY GENERAL, AND PROVIDES THAT HE MAY JOIN OTHER WESTERN STATES IN LITIGATION ON THE RESOURCE LANDS.

ON THE QUESTION OF WHETHER OR NOT WE CAN AFFORD TO TAKE OVER THE LANDS. USING 1980 FIGURES, I SHOW THAT IF THE BLM WERE MANAGING ITS LAND AS EFFICIENTLY AS THE STATE, WE COULD SHOW A PROFIT OF \$1,300,000 OVER AND ABOVE THE \$18,026,924 WHICH IS BEING PAID TO STATE AND LOCAL GOVERNMENTS AND INCLUDES THE IN LIEU OF TAXES MONEY.

MONTANA HAS 492,240 ACRES OF FOREST LANDS WHICH ARE SHOWING THE STATE A \$2,089,631 PROFIT ON \$2,830,794 GROSS INCOME WITH \$741,163 OPERATING COSTS. THIS TRANSLATES TO ABOUT A \$4,000,000 PROFIT PER MILLION ACRES OF FOREST LAND. SINCE THERE ARE ABOUT 13.5 MILLION ACRES OF FOREST LAND AFTER WE TAKE OUT THE 3.1 MILLION ACRES OF WILDERNESS ALREADY DESIGNATED, WE SHOULD GROSS ABOUT \$54,000,000 (13.5×4) AND NET \$34,000,000 TO THE STATE AFTER PAYING \$18,000,000 TO THE STATE AND LOCAL GOVERNMENTS IN 25% FUND PAYMENTS IN LIEU OF TAXES PAYMENTS, AND FOREST HIGHWAY PAYMENTS, AND \$2,000,000 FOR FIGHTING FIRES.

WE HAVE A BILL INTRODUCED (HB 836) WHICH WILL PROVIDE FUNDING OF \$200,000 TO THE BOARD TO IMPLEMENT THE PROVISIONS OF THE ACT. THIS WILL BE SPENT MAINLY ON DEVELOPING THE MANAGEMENT PLAN, AND WILL BE ADMINISTERED BY THE STATE LAND BOARD.

FACT SHEET
RELATING TO
SB 123
AT THE
NATURAL RESOURCES COMMITTEE HEARING
ON
MARCH 23, 1981
BY
BERNARD HARKNESS
DELL, MT.

Since the area known as the Western states was brought into the territory of the United States, the federal government has released very little of the lands of the West to private ownership. A combined effort by federal bureaucrats and special interest groups has resulted in the federal government dominating the economic and political history of the West by controlling the land.

The result is 70% ownership of the land mass west of the 100th meridian, ranging from 29% of Washington state to 97% of Alaska.

With federal control of 30% of Montana comes bureaucratic regulation, red tape and needless impediments to the legitimate and appropriate development of Montana's resources.

The problem is Washington control of Montana lands and water--The problem is bureaucratic denial of states rights--The problem is the inequality of Montana with other states.

The solution is simple.

Divest the federal government of public lands and place the control in the State.

We believe Senate Bill #123, Montana Land Reformation Act, is the first and one of the major steps necessary to control Montana's destiny and correct the major source of the inequality between the states. The vesting of the ownership and management of the public lands in Montana means a rebirth of the prestige and power of the State Government and a long overdue withdrawal of the massive dominance and power of the federal bureaucracies over Montana.

COMPARISON OF BLM AND STATE LAND MANAGEMENT COSTS

Many questions have been asked as to whether state governments could economically own and manage the federal lands. The attached information has been developed by the American Farm Bureau Federation to provide statistical data for use in discussing this question.

The numbers used in these calculations were taken from published agency reports or from personal interviews with an official of the agency. In all instances, the workpapers' footnotes will identify the report and page number, or, if received by interview, the name of the agency official providing the information.

To achieve uniformity and reduce misunderstanding, the following descriptions are provided:

Acreage Managed (Column #1)

This number is the acreage owned and administered by the Bureau of Land Management, surface and subsurface.

Total Revenue (Column #2)

This includes revenue from all sources. The only exception is those state land agencies which have substantial annual interest income produced by long-term capital investments. For this comparison, interest income has been deducted from the "total revenue" figure.

Expenditures (Column #3)

This is the management expenditure for the year 1978. In some instances, the state agency may be on a calendar year and BLM on a fiscal year. For this comparison, a 12-month period that overlaps as much as possible with the BLM's fiscal year was used.

Number of Staff (Column #4)

This is the total of year-round permanent employees. The agencies all report the use of part-time employees. Where the employee is not retained for a full year, he/she is not included in this column.

Time Period

The period of time used in this comparison is 1978. The BLM's published reports are for fiscal year October 1, 1977 to September 30, 1978. The state land agency numbers are for a 12-month span that overlaps as much as possible the period of October 1, 1977 through September 30, 1978.

It is anticipated that some of the comparisons on these workpapers will be criticized as improper. Some may suggest that state lands are of a better quality than BLM lands. This is not technically correct. The states, with the exception of "in lieu" selections, had no choice in the quality of land they manage. The states were given by Congress land grants of specific sections of land in each township. "In lieu" selections provided states the only opportunity to upgrade the quality of state lands they received.

Some may also criticize that state land agencies manage only for optimum economic return and BLM must provide multiple use management. This, again, is only partially correct. The state land agencies, by law, are required to manage for maximum economic return to the institution awarded the land grant. Under that mandate, it is common for a state land management agency to have five or six multiple use leases in effect during a given year on the same piece of land. The difference in higher BLM management costs and lower economic return results from the difference in "how" the lands receive intensive management. The state agencies generally have the private sector (or leaseholders) make capital improvements and provide management services for the land resources. BLM, on the other hand, makes capital investments from available funds and attempts to provide management, via its employees and agency directives.

The proposed cost comparisons on the attached workpapers have some apple-orange comparisons. However, they can be defended as very useful in demonstrating that BLM services, when compared to state land management agencies' services, are not cost-efficient. Most importantly, the comparisons should be the means of discussing whether all of BLM's ongoing services are needed or desirable and whether BLM's management philosophy is counterproductive to Congressional directives.

The following statement has appeared in many state BLM fiscal and statistical reports:

"REVENUES AND EXPENDITURES

Revenues collected by BLM from resource management programs far outweigh the expenditures. The BLM is one of the few agencies in the federal government which annually produces a profit from their operation. Most BLM employees are proud of this record and feel that we have performed a service that pays our way.

"The revenues received from public lands are divided with the states and counties and a part goes to the U.S. Treasury to pay the bills of other agencies."

(Quote from BLM Fact Book.)

WORK PAPER COMPARISON OF BLM & STATE LAND MANAGEMENT COST

Zack Stevens

1978

State Staff

Leonard H. Johnson, ARBF STAFF-NER DIV.

MONTANA

State

AGENCY	#1 ACREAGE MANAGED	#2 TOTAL REVENUE (INCOME)	#3 EXPENDITURES (ACTUAL)	#4 NO. OF STAFF	#5 NO. OF STAFF PER MIL. ACRES	#6 INCOME PER STAFF	#7 NET INCOME OR LOSS	#8 MANAGE- MENT COST PER ACRE	#9 INCOME PER ACRE	#10 BLM ACRES COMPARED TO STATE ACRES
BLM	27,665,588 Page 8	\$19,260,195 Page 23	\$16,469,000 Page 18	571 Page	49	\$33,731	\$2,791,195	.60	.70	5.3 larger
STATE	5,224,247 Page 3	\$11,703,942 Page 5	\$1,161,794 Page (a)	55 Page (b)	11	\$212,799	\$10,542,148	.23	2.24	5.3 smaller

SOURCE OF INFORMATION

BLM Public Lands Digest 1978-79.

STATE Montana Department of State Lands Statistical Report plus Hank Whitaker letter. (9/25/79)

(a) & (b) received by phone from Hank Whitaker.

FOOTNOTES

BLM in Montana manages 5 1/4 times larger acreage, 14 times larger budget and 10-1/3 times larger staff than the State Land Department, yet BLM only produces 1.6 times larger dollar income when compared to the State Land Department. It cost BLM 60¢ per acre managed compared to 23¢ per acre for state management. BLM collects 70¢ of income per acre compared to \$2.24 per acre managed by the state. Revenue generated per BLM employee is \$33,731 compared to \$212,799 per employee in the State Land Department.

WORKPAPER
COMPARISON OF BLM & STATE LAND MANAGEMENT COST
1978

CHART 3

Bureau of Land Management Statistics - B

State Land Management Agency Statistics - S

Prepared by AFBR - NEH Division

STATE		11 ACREAGE MANAGED	12 TOTAL REVENUE (INCOME)	13 EXPENDITURES (ACTUAL)	14 NO. OF STAFF	15 NO. OF STAFF (PER MIL. ACRES)	16 INCOME PER STAFF	17 NET INCOME OR LOSS	18 MGMT. COST PER ACRE	19 INCOME PER ACRE
Arizona	B	12,596,058	2,887,775	8,269,825	253	20	11,414	(5,382,050)	.66	.23
	S	9,581,976	18,610,873	2,588,500	95	10	195,904	16,022,373	.27	1.94
California	B	15,607,125	38,913,980	23,484,000	734	47	53,016	15,429,980	1.50	2.49
	S	4,000,000	106,954,000	8,094,000	243	61	440,134	98,860,000	2.02	26.74
Colorado	B	7,996,260	31,431,014	17,399,000	580	73	56,874	14,032,014	2.10	4.13
	S	2,617,978	11,458,552	524,674	27	10	424,391	10,933,878	.20	4.39
Idaho	B	11,949,386	6,036,741	14,389,000	492	41	122,698	(8,352,259)	1.20	.51
	S	2,520,065	16,760,466	10,233,400	233	92	719,333	6,527,066	4.06	6.65
Montana	B	27,665,588	19,260,195	16,469,000	571	49	33,731	2,791,195	.60	.70
	S	5,224,247	11,703,942	1,161,794	55	11	212,799	10,542,148	.23	2.24
Nevada	B	49,163,442	12,693,446	10,922,200	402	8	31,576	1,771,246	.22	.26
	S	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-
*Nevada does not own state grant lands and was not included in totals.										
New Mexico	B	12,959,665	126,226,624	15,292,600	326	40	387,198	110,934,024	1.18	9.74
	S	9,222,690	104,681,253	1,541,993	119	13	879,674	103,139,260	.17	11.35
Oregon/ Washington	B	16,034,694	194,808,320	44,447,199	1,091	68	178,559	150,361,121	2.77	12.15
Oregon	S	765,493	15,060,000	3,340,500	34	44	442,941	11,711,500	4.30	19.67
Washington	S	2,267,963	97,303,336	11,937,000	438	193	221,950	85,366,336	5.26	42.90
Utah	B	22,076,000	27,565,309	12,389,515	409	19	67,397	15,175,794	.56	1.25
	S	3,629,122	8,473,816	612,451	19	5	445,990	7,861,365	.17	2.34
Wyoming	B	17,793,173	161,255,000	10,208,000	570	32	282,904	143,047,000	1.02	9.06
	S	3,654,807	24,959,567	1,125,000	50	14	499,191	23,834,567	.31	6.83
Total	B	193,841,391	621,078,404	181,270,339	5,428	397	1,225,367	439,807,383		
Total	S	43,484,349	405,432,805	41,167,312	1,113	453	4,482,307	374,795,493		

GROSS INCOME TO U.S. FOREST SERVICE BY STATE AND BY SOURCES IN 1978.
 COLUMN #5 IS ESTIMATED INCOME TO STATES FOR 1979 FROM FOREST LANDS
 IF ALL U.S. FOREST SERVICE LANDS HAD BEEN IN STATE OWNERSHIP

STATE	FOREST SERVICE TOTAL ACRES #1	TIMBER #2	INCOME		1978 TOTAL #5
			GRAZING #3	ALL OTHER #4	
Alabama	642,820	1,165,619.	1,014.	155,987.	1,222,620.
Alaska	20,594,144	1,209,089.	10.	119,886.	1,228,965.
Arizona	11,270,325	11,351,077.	1,798,765.	742,423.	14,392,265.
Arkansas	2,469,314	5,069,318.	11,326.	1,203,031.	6,283,575.
California	20,359,362	156,131,792.	590,763.	5,439,125.	162,161,680.
Colorado	14,338,911	584,934.	1,121,393.	2,121,066.	3,527,393.
Connecticut	10				
Florida	1,083,479	2,528,481.	10,429.	641,066.	3,179,976.
Georgia	858,646	2,028,001.	2,338.	82,984.	2,113,323.
Idaho	20,410,637	27,425,063.	939,872.	528,473.	28,893,408.
Illinois	257,815		1,016.	62,726.	63,742.
Indiana	182,858	118,305.		29,736.	146,041.
Kansas	107,700				
Kentucky	662,387	8,532.	2.	172,194.	160,728.
Louisiana	597,032	7,740,892.	9,071.	348,407.	8,098,370.
Maine	51,442	17,926.		19,360.	37,266.
Michigan	2,713,675	974,059.		454,181.	1,428,240.
Minnesota	2,794,467	303,738.		276,706.	580,444.
Mississippi	1,139,689	13,334,122.	5,446.	1,702,714.	15,092,282.
Missouri	1,457,224	290,162.	9,672.	6,527,823.	6,827,657.
Montana	16,768,524	16,758,425.	818,051.	498,129.	18,074,605.
Nebraska	351,499		160,385.	18,487.	173,872.
Nevada	5,143,270	236,033.	388,463.	293,945.	918,441.
New Hampshire	683,193	259,025.		279,744.	538,769.
New Mexico	9,244,709	5,146,180.	1,108,510.	464,254.	6,718,944.
New York	13,232				
North Carolina	1,155,568	486,668.		160,931.	647,599.
North Dakota	1,105,585				
Ohio	170,421	129,736.		28,949.	158,685.
Oklahoma	291,326	826,130.	986.	37,940.	865,056.
Oregon	15,605,290	330,040,189.	623,271.	1,221,410.	331,864,870.
Pennsylvania	508,586	1,404,689.		165,801.	1,570,490.
Puerto Rico	27,846	1,624.		14,144.	15,768.
South Carolina	607,568	5,560,179.		33,680.	5,593,659.
South Dakota	1,995,077	1,524,387.	141,033.	134,012.	1,799,432.
Tennessee	621,110	252,814.		89,915.	342,729.
Texas	781,601	3,165,763.	6,341.	214,297.	3,386,506.
Utah	8,045,869	894,686.	769,745.	797,736.	2,462,167.
Vermont	266,012	62,022.	92.	74,968.	137,082.
Virginia	1,609,784	308,714.	1,510.	224,026.	534,250.
Virgin Islands	147				
Washington	9,096,709	98,860,416.	148,807.	633,717.	99,642,940.
West Virginia	963,345	148,053.	5,769.	318,619.	472,441.
Wisconsin	1,495,120	915,854.		190,032.	1,105,886.
Wyoming	9,252,329	1,547,520.	713,722.	534,395.	2,795,637.
TOTAL	187,845,657				

- NOTES: 1. Timber receipts are generally allocated to the states and counties on a 25-75 split. There are exceptions, i.e., C & C lands, Coos Bay lands.
 2. Mineral receipts are allocated to states by SLM.
 3. Grazing receipts are allocated on same authority as SLM employees.

SOURCE: Unpublished Report of the Forest Service - 1978.

PILT PAYMENTS TOTAL \$8,078,067

Montana's counties will receive some \$8 million for FY 1980 payments-in-lieu of taxes from the Department of Interior, Bureau of Land Management.

The payments, by county, are as follows:

Anaconda-Deer Lodge	\$113,227 453	Madison	\$212,436 850
Beaverhead	224,471 898	McCone	131,196 525
Big Horn	24,911 100	Meagher	95,420 882
Blaine	251,461 1006	Mineral	63,354 253
Broadwater	156,332 625	Missoula	226,388 906
Butte-Silver Bow	137,164 549	Musselshell	34,870 139
Carbon	304,529 1218	Park	366,003 1464
Carter	78,701 315	Petroleum	32,210 129
Cascade	149,817 599	Phillips	145,702 583
Chouteau	108,889 436	Pondera	75,320 301
Custer	232,366 929	Powder River	100,529 402
Daniels	148 1	Powell	109,493 438
Dawson	49,808 199	Prairie	42,612 170
Fallon	73,514 294	Ravalli	411,864 1647
Fergus	341,382 1365	Richland	34,087 136
Flathead	250,589 1002	Roosevelt	3,052 12
Gallatin	467,629 1871	Rosebud	232,439 930
Garfield	82,625 331	Sanders	89,427 358
Glacier	293,851 1175	Sheridan	974 4
Golden Valley	22,510 90	Stillwater	132,356 529
Granite	69,891 280	Sweet Grass	140,846 563
Hill	33,972 136	Teton	186,134 745
Jefferson	215,517 862	Toole	31,783 127
Judith Basin	130,801 523	Treasure	8,145 33
Lake	32,589 130	Valley	309,287 1237
Lewis and Clark	703,452 2814	Wheatland	47,504 190
Liberty	21,992 86	Wibaux	17,146 69
Lincoln	175,835 703	Yellowstone	49,517 198

33,312.00

ORGANIZATIONS TESTIFYING

1. GARFIELD-McCONE COUNTY LEGISLATIVE ASSOCIATION - Glen Childers
2. FORT PECK GAME RANGE - Jerry Coldwell
3. MONTANA TAXPAYERS' ASSOCIATION - S. Keith Anderson
4. STILLWATER COUNTY AGRICULTURE LEGISLATIVE ASSOCIATION
5. SWEET GRASS COUNTY PRESERVATION ASSOCIATION)
6. AGRICULTURE PRESERVATION ASSOCIATION) Jess Kilgore
7. PARK COUNTY LEGISLATIVE ASSOCIATION)
8. MONTANA WOMEN IN TIMBER - Barbara Buentemeyer
9. MONTANA WOOL GROWERS' ASSOCIATION - Bob Gilbert
10. MONTANA FARM BUREAU FEDERATION - Bill Brown
11. MONTANA CATTLEMEN'S ASSOCIATION - Paul Ringling
12. MONTANA 4-WHEEL DRIVE ASSOCIATION - Harold Brown
13. MONTANA COW BELLES - Mrs. Earl Lindgren
14. MONTANA ASSOCIATION OF GRAZING DISTRICTS - Bill Wagner
15. MONTANA STOCKGROWERS ASSOCIATION - Mons Teigen
16. MONTANA PUBLIC LANDS COUNCIL - James E. Courtney
17. MONTANA CHAMBER OF COMMERCE - Forrest H. Boles
18. FREEMAN INSTITUTE - Darlene Hildreth
19. DUDE RANCHERS ASSOCIATION - Tack Van Cleve
20. NATIONAL FARM ORGANIZATION - Don Johanson
21. MONTANA WOOD PRODUCTS ASSOCIATION - Robert Holding

SENATE BILL 123

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, MY NAME IS ROBERT N. HELDING. I'M THE ATTORNEY AND EXECUTIVE DIRECTOR OF THE MONTANA WOOD PRODUCTS ASSOCIATION BASED IN MISSOULA, MONTANA. I WISH TO APPEAR IN SUPPORT OF THE SENATE BILL 123--MONTANA LAND REFORMATION ACT--COMMONLY CALLED THE SAGEBRUSH REBELLION BILL. OUR ASSOCIATION BELIEVES THAT THIS BILL IS VITAL AND VERY IMPORTANT TO MONTANA AND THE OTHER WESTERN STATES BECAUSE THE FEDERAL GOVERNMENT OWNERSHIP OF LAND COMPRISES ABOUT 63.4 PERCENT OF THE TOTAL LAND AREA OF THE 11 WESTERN STATES WEST OF THE MISSISSIPPI RIVER. NINETY-FIVE PERCENT OF THE FEDERAL LAND OWNERSHIP RESIDES IN THESE RESPECTIVE STATES AND THE NATURAL RESOURCES THAT FLOW FROM THESE FEDERAL LANDS ARE OF A VITAL AND CONTINUING NECESSITY TO THE WESTERN STATES NATURAL RESOURCE ECONOMIES. IN MONTANA THE FEDERAL LAND OWNERSHIP IS SLIGHTLY LESS THAN 30 PERCENT AND IF YOU ADD IN THE 9 INDIAN RESERVATIONS THAT ARE UNDER THE CONTROL OF THE BUREAU OF INDIAN AFFAIRS--A FEDERAL DEPARTMENT--THEN THIS OWNERSHIP APPROXIMATES SOME 34 PERCENT OF THE LAND AREA IN THIS STATE. UNCLE SAM OWNS APPROXIMATELY 27 MILLION ACRES OF THE 93 MILLION ACRES THAT MAKE UP THE STATE OF MONTANA. THIS PERCENTAGE IS MUCH GREATER IN OTHER WESTERN STATES--FOR EXAMPLE IN THE STATE OF NEVADA IT IS 87 PERCENT.

MY ASSOCIATION IS VITALLY INTERESTED IN THE PROBLEM OF NATURAL RESOURCES FROM THE PUBLIC LANDS BECAUSE MONTANA HAS SOME 22,770,000 ACRES OF FORESTED LANDS OF WHICH SOME 15,983,000 ACRES ARE CLASSIFIED AS COMMERCIAL FOREST ACRES. APPROXIMATELY 3/4 OF THE COMMERCIAL FOREST LAND IS IN PUBLIC OWNERSHIP WITH THE UNITED STATES FOREST

SERVICE OWNING THE LARGEST BULK--SOME 61 PERCENT (9.8 MILLION ACRES). THE FOREST PRODUCTS INDUSTRY OWNS SLIGHTLY MORE THAN 6 PERCENT OF THE COMMERCIAL FOREST LAND IN MONTANA (1.1 MILLION ACRES). THE BALANCE OF SOME 5 MILLION ACRES IS OWNED BY THE STATE OF MONTANA WITH ITS 500,000 ACRES AND SOME 19,000 RANCHERS AND FARMERS WHO OWN THE BALANCE OF 4 1/2 MILLION ACRES.

IN 1970 THE NATIONAL FOREST YIELDED SOME 654 MILLION BOARD FEET OF TIMBER FOR SALE IN THE STATE OF MONTANA. THE CONSTITUTED 59.8 PERCENT OF ALL TIMBER OFFERED FOR SALE THAT YEAR IN THE STATE OF MONTANA.

IN 1979 THE FEDERAL FOREST SERVICE OFFERED FOR SALE SOME 452 MILLION BOARD FEET OF TIMBER OR 41.2 PERCENT OF TIMBER OFFERED FOR SALE.

THE STATE OF MONTANA IN 1970 OFFERED FOR SALE SOME 28 MILLION BOARD FEET OF TIMBER FROM STATE OWNED COMMERCIAL FOREST LANDS AND THIS CONSTITUTED 2.6 PERCENT OF THE SALES OFFERED THAT YEAR.

IN 1979 THE STATE OF MONTANA OFFERED THE SAME TOTAL OF 28 MILLION BOARD FEET FOR SALE DURING THAT YEAR AND THIS ONCE AGAIN CONSTITUTED 2.6 PERCENT OF THE TOTAL TIMBER OFFERED FOR SALE.

IN 1970 PRIVATE LANDS CONTRIBUTED 343 MILLION BOARD FEET FOR SALE OR 31.4 PERCENT OF THE TOTAL.

IN 1979 THESE SAME PRIVATELY OWNED LANDS IN MONTANA CONTRIBUTED 567 MILLION BOARD FEET OF TIMBER FOR A TOTAL OF 51.8 PERCENT OF THE TOTAL OFFERED FOR SALE.

THESE FIGURES SHOW THAT FROM 1970 TO 1979 THAT THE FEDERAL FORESTED ACRES IN MONTANA WERE OFFERING A REDUCED SALES VOLUME FOR

THE TIMBER MARKET EACH YEAR WHILE THE STATE OF MONTANA SALES VOLUME STAYED CONSTANT AND THE TIMBER SECURED FROM PRIVATE LANDS INCREASED DRAMATICALLY. THIS IS THE SITUATION TODAY--THAT STATE AND PRIVATE LANDS IN MONTANA ARE CONTRIBUTING OVER 50 PERCENT OF THE DEMANDS OF THE MARKET PLACE NOW AS COMPARED TO WHEN THE FOREST SERVICE AND OTHER FEDERAL LANDS CONTRIBUTED APPROXIMATELY 60 PERCENT IN 1970. THIS MEANS THAT EVEN THOUGH THE FEDERAL GOVERNMENT OWNS APPROXIMATELY 3/4 OF THE COMMERCIAL FOREST LAND IN MONTANA THE ANNUAL ALLOWABLE CUT BEING OFFERED FOR SALE IS CONSTANTLY BEING REDUCED TO WHERE IT IS NOW SOME 41.2 PERCENT OF THE TOTAL INSTEAD OF APPROXIMATELY 60 PERCENT.

THIS REDUCTION HAS COME ABOUT MAINLY BECAUSE OF FEDERAL WILDERNESS PROGRAMS, FEDERAL WILDERNESS STUDY PROGRAMS AND OTHER FEDERAL REGULATION THAT EMINANT FROM THE VARIOUS FEDERAL AGENCIES THAT HAVE A TENDENCY TO REDUCE THE COMMERCIAL FOREST ACREAGE AVAILABLE FOR TIMBER PURPOSES IN THE STATE OF MONTANA.

IN MONTANA AT THE PRESENT TIME WE HAVE 3,107,963 ACRES CLASSIFIED IN PERMANENT WILDERNESS CLASSIFICATION WITH AN ADDITIONAL 5,396,305 ACRES PRESENTLY BEING STUDIED UNDER THE ROADLESS AREA REVIEW AND EVALUATION II--A STUDY BY THE U. S. FOREST SERVICE OF NATIONAL FOREST LANDS IN MONTANA FOR POSSIBLE INCLUSION INTO THE NATIONAL WILDERNESS SYSTEM. WHETHER OR NOT ALL OR SOME OF THESE ACRES MENTIONED WILL GO INTO WILDERNESS, THE FACT REMAINS, THAT AS LONG AS THEY ARE IN THE STUDY CATEGORY, FOR ALL INTENTS AND PURPOSES, THESE ACRES ARE OFF THE TIMBER SALE MARKET. THE RARE II PROGRAM IS NOW STALLED IN CONGRESS AND HAS NO DEFINITE DATE SET AT THE PRESENT MOMENT FOR FINAL

DISPOSITION OF THIS MATTER. IN SOME CASES IT WILL PROBABLY BE YEARS BEFORE FINAL DISPOSITION IS MADE, AND IN THE MEANTIME, NONE OF THESE ACRES WILL BE OFFERED FOR SALE UNDER A FEDERAL TIMBER PROGRAM.

WE HAVE HAD VARIOUS AREAS IN MONTANA THAT HAVE ALREADY EXPERIENCED THE LOSS OF SAWMILLS AND OTHER WOOD PROCESSING PLANTS BECAUSE OF AN INADEQUATE SUPPLY OF FEDERAL TIMBER BEING OFFERED FOR SALE. IT IS QUITE EVIDENT THAT OTHER AREAS UTILIZING OTHER NATURAL RESOURCES SECURED FROM PUBLIC LANDS WITHIN THE STATE OF MONTANA ARE SUFFERING THE SAME PROBLEM. I AM SURE YOU WILL HEAR FROM THE CATTLEMEN AND THE MINERS AND OTHERS AS TO THEIR RESPECTIVE PROBLEMS ACCORDINGLY. THIS POINTS UP THEREFORE THE GREAT PROBLEM THAT THE WESTERN STATES AND THE STATE OF MONTANA ARE HAVING IN REGARD TO "THE ABSENTEE LANDLORD" (THE FEDERAL GOVERNMENT) AND THE MANAGEMENT OF THE FEDERAL LANDS IN THE RESPECTIVE STATES. THIS IS WHAT THE "SAGEBRUSH REBELLION" IS ALL ABOUT. THE WESTERN STATES, BY FOCUSING ON THE PUBLIC LAND OWNERSHIP WITHIN THEIR RESPECTIVE JURISDICTIONS, ARE STRIVING TO SECURE THE ATTENTION OF THE CONGRESS AND THE PEOPLE OF THIS NATION TO DISCUSS ON A NATIONAL BASIS THE VITAL AND VERY IMPORTANT PART THAT THESE NATURAL RESOURCES SITUATED ON PUBLIC LANDS CONTRIBUTE. THIS IS NOT ONLY TO THE RESPECTIVE STATES ECONOMY BUT ALSO TO THE ECONOMY AND WELL BEING OF THE NATION AS A WHOLE. BY FOCUSING ON THE FEDERAL LAND IT IS GETTING THE ATTENTION OF THE FEDERAL GOVERNMENT.

I WANT TO DIRECT YOUR ATTENTION TO THE NEWSWEEK ARTICLE OF SEPTEMBER 17, 1979 THAT IS IN THE PACKET THAT I AM GIVING TO YOU. I SINCERELY SUGGEST THAT YOU READ THIS ARTICLE BECAUSE IT IS ONE OF

THE BEST DISCUSSIONS OF THE TOTAL PICTURE THAT I HAVE EVER READ. IT ALSO WILL GIVE YOU A BETTER UNDERSTANDING IN REGARD TO MONTANA'S WATER PROBLEMS AND MONTANA'S COAL TAX PROBLEMS AND THE OTHER PROBLEMS THAT YOU PEOPLE ARE DEALING WITH HERE AT THE MOMENT. YOU WILL ALSO SEE A MAP THEREIN THAT GIVES THE OWNERSHIP IN THE RESPECTIVE WESTERN STATES OF FEDERAL LANDS.

I ALSO WISH TO BRING TO YOUR ATTENTION A PAMPHLET ENTITLED PUBLIC LANDS IN MONTANA, "THEIR HISTORY AND CURRENT SIGNIFICANCE". I EXTRACTED FROM THIS STUDY THE INFORMATION DEALING WITH THE RESPECTIVE COUNTIES OF MONTANA AND THE ACREAGE AND PERCENTAGE OF OWNERSHIP OF FEDERALLY CONTROLLED LANDS IN EACH RESPECTIVE COUNTY IN MONTANA. THERE IS ALSO ATTACHED A MAP OF FEDERALLY CONTROLLED LANDS IN MONTANA BY COUNTY DATED 1948-49. THIS WILL GIVE YOU SOME IDEA OF THE IMPORTANCE OF PUBLIC LANDS IN EACH RESPECTIVE COUNTY OF MONTANA AND SHOULD BE OF INTEREST TO YOU LEGISLATORS IN REGARD TO TAXES AND THE TOTAL ECONOMY IN YOUR AREA.

ANOTHER PAMPHLET FOR YOUR INFORMATION IS ENTITLED GOVERNMENT LAND ACQUISITION AND IT SHOWS THE PERCENTAGE OF FEDERAL AND STATE GOVERNMENT AND TAX EXEMPT INDIAN LANDS IN THE UNITED STATES AS OF JUNE 30, 1964. I'VE TAKEN THE PRIVILEGE OF UNDERLINING THE WESTERN STATES SO THAT YOU CAN SEE FOR YOURSELF THE AMOUNT OF PUBLIC LANDS THAT WE'RE TALKING ABOUT IN THE RESPECTIVE WESTERN STATES.

I WAS PRIVILEGED TO BE A MEMBER OF MONTANA'S LAND LAW REVIEW COMMISSION IN 1965 AND 66 WHEN THE QUESTION OF PUBLIC LANDS WERE DISCUSSED. AS A RESULT I BECAME VERY INTERESTED IN THIS SUBJECT AND

I WROTE AN ARTICLE IN REGARD TO THIS MATTER IN 1966 ENTITLED REVIEW BODY WILL DETERMINE FUTURE OF WESTERN FORESTS. I ENCLOSE THIS FOR YOUR REVIEW. IN IT I DISCUSS HOW THE WEST WAS CREATED AND THE DIFFERENT TYPES OF LAND PROGRAMS THAT ESTABLISHED WHAT WE KNOW NOW AS THE WESTERN UNITED STATES AND INVOLVED ALSO SOME OF THE PROBLEMS THAT HAVE ARISEN AS A RESULT AND SOME OF THE PROJECTIONS AS TO THE PROBLEMS THAT HAVE ARISEN AND SOME OF THE PROBLEMS THAT WE ARE GOING TO HAVE IN THE FUTURE AS A RESULT. I URGE THAT YOU READ THIS AND I HOPE THAT IT WILL GIVE YOU A BETTER UNDERSTANDING OF THE TOTAL PROBLEM THAT WE ARE NOW DISCUSSING HERE TODAY.

I WANT TO EMPHASIZE THAT THE SAGEBRUSH REBELLION IS NOT A KNEE JERK REACTION OF SOME DISGRUNTLED TIMBERMEN OR CATTLEMEN OR WHAT HAVE YOU. WHEN YOU HAVE 7 WESTERN STATES ALREADY INVOLVED THROUGH THEIR LEGISLATURES, INCLUDING THE STATE OF CALIFORNIA, AND THAT YOU HAVE THE STATE OF MONTANA CONSIDERING IT ALONG NOW WITH THE STATE OF IDAHO AND I'M TOLD THAT OTHER WESTERN STATES WILL BE TAKING THE SUBJECT UP VERY SHORTLY, IT'S FAR MORE THAN A CASUAL PROBLEM. YOU HAVE ALL READ ABOUT THE WATER SHORTAGES IN THE EAST AND THE IMPORTANCE OF WATER AND THIS POINTS UP MONTANA'S UNIQUE POSITION BECAUSE IT SITS IN THE HEADQUARTERS OF THE HUDSON BAY DRAINAGE, THE MISSOURI RIVER DRAINAGE AND THE COLUMBIA RIVER SYSTEM. MONTANA ALSO SITS ON A VAST SUPPLY OF OIL AND GAS AND OF COURSE COAL. THIS POINTS UP SOME REAL PROBLEMS FOR MONTANA COMING DOWN THE ROAD. IN THE NEWSWEEK ARTICLE MENTIONED ABOVE THEY QUOTE THE THEN MONTANA LT. GOVERNOR SCHWINDEN

TO THIS EFFECT. "WE KNOW WE HAVE A RESPONSIBILITY TO SHARE OUR RESOURCES AND BE PART OF THE ENERGY SOLUTION". "WHAT WE DON'T WANT TO DO IS TURN OVER CONTROL TO OUTSIDERS--AND THAT MEANS OPEC, WASHINGTON AND THE EAST COAST." THIS INDICATES TO ME THAT GOVERNOR SCHWINDEN HAD THE FORESIGHT TO UNDERSTAND THE MAGNITUDE OF SOME OF MONTANA'S FUTURE PROBLEMS AND I'M SURE THAT HE HAS A GRASP OF THE DIFFICULTIES AHEAD.

IF WE WESTERN STATES INCLUDING MONTANA DO NOT CURE MANY OF THESE SIGNIFICANT PUBLIC LAND PROBLEMS WITHIN THE NEXT 10 YEARS I'LL MAKE A PREDICTION THAT WE WILL HAVE PHYSICAL CONFRONTATION OF A VIOLENT NATURE IF WE DO NOT. WATER WILL BE OF EXTREME IMPORTANCE AS WELL AS OTHER NATURAL RESOURCES AND MONTANA WILL BE FACING THE POLITICAL REALITIES OF THE POLITICAL SYSTEM IN THE UNITED STATES. AT THE PRESENT MOMENT 65 PERCENT OF OUR TOTAL POPULATION LIVES EAST OF THE MISSISSIPPI RIVER WITH 35 PERCENT LIVING IN THE WEST RESIDING ON 95 PERCENT OF THE TOTAL FEDERAL LAND OWNERSHIP. IF OUR WESTERN ECONOMIES ARE GOING TO SURVIVE WE WESTERNERS MUST INSIST ON INPUT INTO THE FINAL DECISION MAKING PROCESS. THIS IS WHAT THE SAGEBRUSH REBELLION BILL IS ALL ABOUT--THIS IS WHAT SENATE BILL 123 IS ALL ABOUT AND I SINCERELY URGE THAT YOUR COMMITTEE MAKE A "DO PASS" RECOMMENDATION ACCORDINGLY.

THANK YOU.

WITNESS STATEMENT

NAME Rosana Winterburn BILL No. SB 123
ADDRESS HELENA, MT. DATE 3-23-81
WHOM DO YOU REPRESENT MONTANA COWBELLES
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

We have studied SB 123 and give it our unqualified support. The growing encroachment of the Federal land managing authorities on our ranching industries is a real burden. The only relief that we see is the possibility of state administration such as envisioned by Senator Etchhart.

The cost of making this basic plan could be the best investment the Montana Legislature could be the best investment the Montana Legislature could make. We urge you to give this measure a do pass Recommendation.

WITNESS STATEMENT

NAME Jo Brunner BILL No. SB 123
 ADDRESS Helena DATE 3/23
 WHOM DO YOU REPRESENT W.I.F.E.
 SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: Mr. Chairman, members of the committee, my name is Jo Brunner, and I represent Women Involved in Farm Economics. Ladies and Gentlement, the citizens of the United States have a very marveleous document to govern our land. The preamble of that document reads: WE, the people of the United States, IN ORDER TO FORM A MORE PERFECT UNION, ESTABLISH JUSTICE, INSURE DOMESTIC TRANQUILITY, PROVIDE FOR THE COMMON DEFENCE, PROMOTE THE GENERAL WELFAREAND SECURE THE BLESSINGS OF LIBERTY TO OURSELVES AND OUR POSTERITY, DO ORDAIN AND ESTABLISH THIS CONSTITUTION OF THE UNITED STATES OF AMERICA. Article IV, Section 2 of this constitution of the United States, of which Montana is one,--states that the citizens of each state shall be entitled to all priviliges and immunities of citizens in the several states.-----~~the citizens of each state shall be entitled to all priviliges and immunities of citizens in the several states.~~

~~the citizens of each state shall be entitled to all priviliges and immunities of citizens in the several states.~~
 Section 4 of Article IV of this Constitution of the United States declares---the United States shall guarantee to every state in this Union a Republican form of government, and shall protect each of them against INVASION; and on the application of Legislature, or of the Executive, against domestic violance.

It is W.I.F.E.'s contention that Montana is a state of those several states, that we have the right of protection from invasion--even though that invasion be from this same government charged with our protection.

1 of this article to prescribe the manner which such acts, records and proceedings shall be proved, and the effect thereof, does only that, prescribes the manner in which our laws shall be administered and proved. IT DOES NOT ALLOW the Government of the United States of America to make the laws and control the lands of those several states.

Thank you.

Glen Childers
7-V Ranch
Brusset, Montana 59318
March 23, 1981

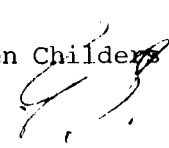
I am Glen Childers Secretary of the Sagebrush Rebellion

Senate Bill 123, The Montana Land Reformation Bill, is a Bill that all Montanans should become knowledgeable about and voice their opinions on. The issue is not State ownership of public lands but is an issue of States rights. Do the People of Montana want to govern the management of those public lands in our State? If they do, how do they want to handle the process? Senate Bill 123 asks these questions and allows the Legislature to set up a mechanism whereby the process can be initiated if and when Congress approves the requests of the Western states in having a voice in managing these lands within each State.

All they are really saying in Senate Bill 123 is that the people feel they are as well qualified to determine the management and operation of the public lands located within the borders of Montana as those who have never nor will ever see these lands: namely, the Washington bureaucrats. In my opinion, landowners, sportsmen, land managers and our legislative body have all the ability to determine what is the best policy for management of these lands and I as a stockman and outfitter in one of the heaviest impact areas concerned will gladly support their efforts.

I would be disappointed if my legislator would vote to deprive me of the opportunity to answer these questions.

Thank you for the opportunity to comment.

Glen Childers


3/23/81

EXHIBIT 7

My name is Jo Dee Isaacs, my purpose in being here is to testify in favor of Senate bill 123. My main objective, however, is to help you realize the tremendous well of feeling that exists in Eastern Montana, having to do with the Sagebrush Rebellion.

My home is in rural Jordan, in Garfield County, near the border of the C. M. Russell Wildlife Range. Naturally, sentiment is strong in the area because several of my neighbors are in danger of losing their livelihood. The principle cause is the practice of using Washington urban priorities to set and administer policy for lands located in Montana.

Those in the Sagebrush Rebellion feel that Montanans' ability to manage land lying within our borders, in the best interest of that land, and the people who use it, is necessarily better than anyone else's.

We want you to understand that we in the Sagebrush Rebellion feel that no one should question the right of a government to govern its people, nor to administer the land it finds within its borders. However, it is appropriate for the people governed to question the limit of any government's authority where it excessively hinders the people's personal freedom. It is always and forever not only a right, but a responsibility for all of us to concern ourselves with government excesses.

This is what the Sagebrush Rebellion is about; people concerned with what they believe is an excess by the Federal Government.

The Sagebrush Rebellion people feel that the Federal Government has only an incomplete idea of the real needs and priorities of the land under their (the Federal Government's) control. On the other hand, Washington bureaucrats seem to feel that they have a better idea than that of the people.

The difference of opinion that exists here is one of the bones of contention in this issue, but it is not the principle one.

The main issue is federal control. Where does it begin, where does it end?

1

This issue is being debated even now, outside of the Sagebrush Rebellion problem.

The Federal Government, specifically the Supreme Court, is being asked to decide if the severance tax on Montana coal levied by Montanans, for the benefit of Montanans, is constitutional or not. Actually what will be decided is whether a state has the right to protect itself against the social and environmental impacts of coal development within its borders.

Another example of the debate over federal control is in the area of wildlife management on the C. M. Russell National Wildlife Refuge. Who is the prime authority there? Who decides what policies are to be implemented, and who should implement them? Which authority, federal or state, has control over the wildlife there?

It is absurd to think that the Washington authority has a better idea than the local people of the correct policy, with regard to Montana land, or that their stake in Montana land is greater than ours.

It is a mistake to believe that in any case, where no one's rights are undermined, the Federal Government has the right to control the destiny of any man, especially a man whose livelihood depends on that decision.

The case boils down to one question; whose stake in this issue is greatest? The people outside of this state who simply visit here, and get control of land within our borders by their vote and by present law for their interest; or the people who live here, work here, and get their living and their lives ultimately from this, our land?

Testimony to committee on natural resources, Montana House of Representatives, SB123, March 23, by Gladys Silk, Glasgow, Montana.

The Billings Gazette of Jan. 11 condensed the essence of our entire 178-year history in a headline of just five words: "The west's new colonial governor." It was a Baltimore Sun story about Secretary of the Interior James Watt.

Within six weeks, Watt met with Gov. Ted Schwinden to discuss this dual governorship role. Gov. Schwinden had high hopes that the state could have a voice in land management.

But in a news release of Feb. 28, Watt "sternly informed him (Schwinden) that there are constitutional problems with such shared decision-making."

We have constitutional problems, too. We were promised equal footing with the 13 original states in the U.S. Constitution and in the enabling legislation that paved the way for statehood. But ~~that~~ same enabling legislation made equal footing impossible when we were forced to declare that we ~~would~~ forever disclaim all right and title to the unappropriated land lying within our borders.

The federal government has become so irresponsible to its western colonies that it wiped out its payment in lieu of tax dollars (PILT) in the 1982 Carter budget without so much as an announcement or apology. We heard this in February from Congressman Ron Marlenee when an attempt was being made to restore a portion of these funds. Since then, -silence.

How long can we tolerate a government that reaps the harvest of our state's resources, locks up other resources, yet ignores its share of taxes? If we, the people, refused to pay taxes we would be divested of that property.

SB 123 assures us of PILT funds, and every economic evaluation indicates that public resource land income could adequately fund PILT, pay the land management and improvement costs, plus chalk up a profit.

Add 2

We are unbelievably gullible if we swallow hook, line and sinker the claims of efficiency in federal land management policies. What we see every day is poor land management judgement, waste, inefficiency, and a fast growing number of chiefs not qualified to do their jobs -- adding -up to astronomical costs for bureaucratic ~~Yungling~~ ^{g.}

For example, range scientists repeatedly say that experience is the key ingredient to grazing management. Range scientist Richard H. Hart of Cheyenne, Wyo., points out that this experience ingredient comes from stockmen who have learned and observed the effects of stocking rates on range condition and animal performance.

The BLM does not utilize this experience information that comes free of charge. So what kind of range management are we getting and how reliable is the information going into the Environmental Impact Statements that are formulating the plans for the future?

We can find some answers in the court records in Billings. Last September, BLM evicted some 50 ranchers from federal lands and exerted unauthorized control over hundreds of deeded acres. BLM contended lands were in emergency condition because of drought and cattle were to be immediately removed to prevent further damage to the range resource. The irony of this is that BLM is so out of touch that it sent eviction notices to some ranchers who had vacated lands early in the grazing season. Most others had cut numbers considerably and were monitoring the situation daily.

Gus Hormay, former BLM employe, and Dr. Donald Ryerson of MSU, testified for the ranchers and BLM, respectively, in the Federal Court, both agreeing that drought conditions never create an emergency with respect to the range resource. Both brought in the experience factor. They said these ranchers

Add 3

had been in business all of their lifetimes and had judged the condition of the range resource and had acted appropriately . Judgement favored the ranchers.

This case exposes, for all to examine, the myth that BLM is a responsible land manager. With all if its hundreds of people, it does not have range scientists who understand the experience factor and are able to utilize this formula in the overall plan for top quality range management.

Fellow Montanans, these multiple-use lands within our borders deserve the most qualified people in the various disciplines who can create and maintain our resources in the best possible condition for the stockman, the hunter, the recreationist, the loner seeking solitude, and above all, the generations of Montanans yet to come.

SB 123 guarantees multiple us. The federal government is taking that away from us. Hunting trails shrink every year on the Charles M. Russell Game Range (CMR) and walk-in hunting is suggested for the 59,112 acre proposed Bitter Creek Wilderness that prompted more than 12,000 protests from northeast Montana. In BLMs own assessment, the Bitter Creek is suitable for only one-day hikes because its too cold in winter, too hot in summer, winds can bring the chill factor down to 55 below zero, the snowbanks can be too deep to negotiate there"s not enough water and too many mosquitoes.

Does it make sense to lock out hundreds of hunters so a lone backpacker can share his solitude with hordes of mosquitoes?

But most plans envisioned by bureaucrats in far off places make no sense. They hired ABT Associates of Englewood, Colo., to find out what ails the people in northeast Montana. They can get this infomration free at any one of the dozens of public mæetings.

Does it make sense that the one-million acre CMR with all its thousands of acres of prairie dogs has no plan ~~lim~~ writing to cope with such diseases

Add 4

as rabies and bubonic plague, endemic in skunks and prairie dogs, respectively, in much of the west? It's a real threat, too, because Phillips County right now is under quarantine for rabies with six people undergoing rabies treatment. A portion of CMR is in Phillips County.

-

Does it make sense that the Montana Land Board was not privy to the plans that went into the various EIS statements, therefore the fate of the school trust lands is questionable? School trust lands total 35,645 acres in CMR inholdings, plus the thousands of other trust lands intermingled with other federal lands.

Six small ranch inholdings are on the CMR hit list. Are school trust lands more sacred?

When we look back and see that there has been no shared decision making and Watt assures us there will be none, then we should take our cue right from the Declaration of Independence that tells our story better than we can do it ourselves: "When a long train of abuses and usurpations, pursuing invariably the same object evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies."

Our only hope is SB 123, and I would urge you to support it.

CXHB177

SENATE BILL 123

MONTANA LAND REFORMATION ACT.

Paul J. Gering
For Montana Cattlemen

THE MONTANA CATTLEMENS ASSOCIATION SUPPORTS SENATE BILL 123 AND THE CONCEPT OF CONTROL BY THE STATE OF LANDS WITH IN ITS BORDERS.

THE QUESTION WE RAISE IS - DO MONTANANS ACTUALLY BELIEVE MANAGEMENT DECISIONS MADE IN WASHINGTON, D. C. ARE SUPERIOR TO THOSE MADE IN HELENA. HAVE YOU TAKEN THE TRAIN LATELY, AND HOW ABOUT THE POSTAL SYSTEM WHICH HAS HAD THE BENEFIT OF THIS MANAGEMENT FOR OVER A CENTURY.

MONTANA HAS DONE A SUPERIOR JOB OF MAINTAINING, CONSERVING, AND FUNDING THE SCHOOLS FROM ITS PRESENTLY MANAGED STATE LANDS, AND THERE IS NO REASON TO ASSUME IT WOULDN'T DO AS WELL WITH ADDITIONAL LAND.

THE SPECTERIS RAISED THAT ARABS, JAPANESE, MINING CO'S. AND OTHER NEFARIOUS GROUPS WOULD BUY THE LAND. THAT ISN'T HAPPENING NOW AND WILL NOT IN THE FUTURE. THERE IS A CERTAIN HYSTERIA IN THE OPPONETS OF SENATE BILL 123 WHEREIN THEY CLAIM IF THIS LEGISLATION PASSES: ARABS WILL OWN THE LAND, THE FISH WILL HAVE NO RIGHTS, THERE WILL BE NO GAME HABITAT, AND THE YELLOWSTONE WILL GO DRY THE ANSWER TO THESE CLAIM IS - BALONEY! THE BIG SKY WILL NOT FALL ON THESE CHICKEN LITTLES.

THE FEDERAL GOVERNMENT OWNS 776 MILLION ACRES NEARLY EQUAL IN SIZE TO ALL OF THE UNITED STATES EAST OF THE MISSISSIPPI RIVER, PLUS ARKANSAS, LOUISIANA AND TEXAS. 90% OF THIS IS IN 12 WESTERN STATES. FOR EXAMPLE: FEDERAL OWNERSHIP IN NEW YORK STATE IS 1%.

MONTANA FOUGHT THE INTERESTS TO A STAND STILL FOR GOOD RECLAMATION LAWS. WE HAVE STOOD BY OUR COAL SEVERANCE TAX IN THE LEGISLATURE AND OUR COURTS. GIVEN THE OPPORTUNITY WE WILL DO A SUPERIOR JOB OF ADMINISTRATING ADDITONAL STATE LANDS.

SENATE BILL 123 DOES NOT DIVIDE US BETWEEN THOSE THAT LIKE CARBON-MONOXIDE, AND TOSE WHO PREFER FRESH-AIR, THOSE WHO LIKE SPARKLING STREAMS AND THOSE WHO PREFER SLUDGE, NOR THOSE WHO WEAR WOFFLE STOMPERS AND THOSE WITH THE POINTY BOOTS. SENATE

BILL 123 DOES NOT DO AWAY WITH YELLOWSTONE, AND GLACIER PARKS, NOR WITH WILDERNESS AREAS, NOR NATIONAL MONUMENTS NOR IN FACT MOTHERHOOD AND APPLE PIE. WE CAN HAVE THOSE WITHOUT THE FEDERAL GOV'T OWNING 1/3 OF THE NATIONS LAND AT THE EXPENSE OF 12 STATES

SENATE BILL 123 DOES GIVE US AN OPPORTUNITY TO EXPRESS MONTANA'S COMMITMENT ALONG WITH THE OTHER MOUNTAIN STATES TO THE PROPOSITION THAT WE ARE SUPERIOR MANAGERS ON OUR OWN TURF. IT IS PAST TIME FOR MONTANANS TO SHAKE OFF THEIR COLONIAL STATUS AND TAKE OUR RIGHTFUL PLACE ON AN EQUAL FOOTING WITH THE REST OF THE NATION.

WITNESS STATEMENT

NAME Elmer D. Hanson BILL No. 123
ADDRESS White Sulphur Springs DATE 3/23/81
WHOM DO YOU REPRESENT Mont Stockgrowers
SUPPORT ☒ OPPOSE ☐ AMEND ☐

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Post President Montana Stockgrower - Director National Cattlemen
Comments: Lewis & Clark Forest Service Advisory Board

Local control of management has many
advantage for range improvements & control of use
Including grazing, recreation, timber & energy
also for establishing wilderness areas - wild horses
Visiting with office staff of Wilderness Society
2 weeks ago in Washington D.C. a more
compromise ~~at~~ atmosphere was very noticeable
This I am sure is due to the Sage brush Rebellion
Montana needs to be in position to take over
management of Public Domain Land within the state.



For the record my name is Bob Dennis and I represent Northwest Energy Employment Development Corp.

We feel that ~~perhaps~~ several agencies at the Federal level have overstepped their bounds in that regulations beyond the scope of Legislative action have been made and accepted by some as law.

Our Federal elected Congress who we elect, make very few of the laws that are enforced upon us today.

Most of the Federal regulations that are being enforced on people today are made by Bureaucrats, who are not elected therefore the people no longer have the choice of who their law makers are.

The U.S. Constitution Art. 1 Section 1, clearly states "ALL Legislative powers shall be vested in a Congress of the U.S., which shall consist of a Senate and House of Representatives."

We think Bureaucrats should not have the authority to make laws, such as the U.S. Forest Service.

I personally have gone through a nightmare having to defend myself against Federal Bureaucrats, the U.S. Forest Service, who tried to prosecute me and make an example of me for driving through a gated road. I won the case and was found not guilty. I certainly do not want to go through it again. We oppose the Forest Service gating roads on public lands.

It is our understanding that those who oppose S.B. 123, feel that large Corporations may in the future acquire huge portions of these lands and exclude the average American citizen, use of what is now public lands.

Lincoln county is approximately 80% owned by Government, so we are aware of public land ownership.

Article 6 paragraph 2 states, "This Constitution, and the laws of the United States which, shall be made in pursuance thereof; and all treaties made under the authority of the United States, shall be the Supreme Law of the land; and the Judges in every state shall be bound there by, ANYTHING IN THE CONSTITUTION OR LAWS OF ANY STATE TO THE CONTRARY NOTWITHSTANDING".

According to this Section, I do not see where Bureaucrats, either State or Federal, have the right to make laws, but they are.

Exhibit "A" in the folder will show the Federal ownership of land in Montana.

Exhibit "B" is a resolution adopted by unanimous vote from the Lincoln County Democratic Womens Club in support of S.B. 123.

Exhibit "C" is a copy of the invitation I recieved from the U.S. Forest Service, to appear in U.S. Magistrate court.

We would like you to vote to pass S.B. 123

WHEREAS the Constitution of the United States does not provide for excessive government ownership of land, WHEREAS, the federal government promised territories equal footings with existing states to entice them to become states, WHEREAS the federal government claims ownership to a large percentage of land in Montana, WHEREAS the Declaration of Independence states: Quote- "He has erected a multitude of new offices and sent hither swarms of officers to harrass our people, and eat out their substance", a situation exactly like the one that exists today, WHEREAS the states rights to control public land have been infringed upon by various agencies of our federal government, THEREFORE BE IT RESOLVED that the L.C.D.W.C. support S.B.123, introduced by Senator Mark Etchart.

S. B. 123

MONTANA ASSOCIATION OF STATE GRAZING DISTRICTS

RESOLUTION NO. 1

SAGEBRUSH REBELLION

Adopted: Oct. 15, 1980

WHEREAS the Montana Association of State Grazing Districts wishes to reaffirm its stand at last year's convention regarding the sagebrush rebellion which reads:

WHEREAS the encroachment of Federal land policy decisions has become burdensome to the economic development of the western states; and

WHEREAS the Nevada Assembly in 1979 enacted legislation claiming for the State of Nevada the public lands in that state; and

WHEREAS this movement has caught the attention of the governors of several of the Western States and Legislators as well.

NOW THEREFORE BE IT RESOLVED that the Montana Association of State Grazing Districts support the "Sagebrush Rebellion" effort and provide whatever leadership necessary to get our state and political community involved.

WITNESS STATEMENT

NAME JOHN ELLIOT BILL No. SB 123
 ADDRESS Box 148, Litchfield, ME. DATE MARCH 23 1981
 WHOM DO YOU REPRESENT BEAVERHEAD CO AND SELF
 SUPPORT ✓ OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I am a farmer and rancher from Beaverhead Co. operating in the Wisdom and Dillon areas. Let's operate on decided land only so feel I can be objective in my assessment of this matter.

I also am a Beaverhead Co commissioner representing District #3.

The concern of most of our area residents that I must work concerning this bill's concept relate to retention of these lands in public rather than private hands and the matter of revenues - "Will there be a loss of revenues should these lands revert to state control?"

In my opinion these matters have been properly and adequately addressed by this bill.

As you know counties, particularly our rural ones, have received considerable revenues from the U.S. Government in payments in lieu of taxes. As long as these funds would be replaced by adequate state funds there would be no ^{financial} loss on the county governments. I also believe the control of these funds at the state rather than federal level would give our local governments more assurance of the continuity of these revenues.

Mr. Chairman, I support this bill, SB 123.

John Elliot

To: House Natural Resource Committee

From: Montana Farm Bureau Federation

Re: Testimony on Senate Bill # 123

Mr. Chairman and distinguished Representatives of the Natural Resource Committee. My name is Gene Chapel and I ranch in Fergus County.

Today I represent the Montana Farm Bureau Federation and its 5000 agriculture families. We as individuals and as an organization have very strong feelings as far as Senate Bill #123 is concerned. As you probably already know, Farm Bureau has been very active with the Sagebrush Rebellion movement throughout the United States. Within our organization we have a Natural Resource Division with committees on County, State and National levels. I have had the privilege to serve on these committees and Public Land Policy has been an area that we have directed a lot of effort towards.

The federal land managing agencies have completely abandoned a good neighbor policy and become a very aggressive landlord. We have seen every policy and philosophy that the BLM and Forest Service was created under abandoned and a bureaucracy has been spawned that is not responsive to land management for the good of the people or country. Their main concern is to create an empire that is impractical and can no way ever operate efficiently. The decisions are made in Washington, D.C. and then this same policy has to apply to every location in the country.

We do not advocate a take-over of our Public Land by Big Business. We only want the control and decisions to be on a State Level. This would at least let policy be made in the same area that it is supposed to apply to.

Remember this land is not going to be sold or there is not going to be any lock up of Public Lands. The public will enjoy every privilege that they have now.

From the very figures that the BLM and Forest Service have made public we can see that this act of the State taking control of the public lands will not cost our taxpayers a red cent. We all know that the State will be able to manage this land much more efficiently and it could turn into a very important piece of revenue which would ease the burden on our taxpayers.

Those who oppose the Sagebrush Rebellion because of the loss of the payment "In Lieu of Taxes" that goes to local governments had better back up and take another look. Outgoing President Carter deleted all provisions for these payments. With the mood of the Reagan Administration there is scant chance that these funds will be restored. This sum amounts to approximately 8 million dollars in our State that we may never see and have become very dependent on it. When these lands are transferred to the State our Counties will be able to budget without the threat of funding cut-offs.

In Montana the most precious resource we have is our water. The Federal Government is asserting ownership of all water that falls or arises on Federal Lands. We have administered our water ever since statehood. Can you imagine the chaos and dislocation of traditions that will take place when the Fed's claim and administer our water. We can kiss our doctrine of appropriation and beneficial use good-bye.

The Eastern Establishment has passed the word and they have plenty of friends here in Montana that are opposing Senate Bill # 123. These people do not address the problem of Senate Bill # 123. They are chasing goblins and I know you have better things to do than play the Goblin Game. I implore you to look to the true Montana people who have a love for our State and a feel for our land to help you make a decision.

The Problem is Washington Control of Montana Lands and Water -- The Problem is Bureaucratic Denial of States Rights -- The Problem is Inequality of Montana with other States.

The Solution is Simple: Divest the Federal Government of Public Lands and Place the Control in the State.

We of Montana Farm Bureau urge you to look at this solution closely and give a do pass to Senate Bill # 123.

Thank You


Gene Chapel, Vice President

Montana Farm Bureau Federation

Testimony regarding SB 123 (Public Land Resource Bill)

3/23/81

To: House Natural Resource Committee

From: Garfield-McCone Legislative Ass'n & ~~Fort Peck Game Range Committee~~
Walt Collins, Representative

This testimony helps to illustrate why Montana should enact legislation to gain ownership and control over the public lands that lie within the boundaries of the State of Montana.

First, as you know, 30% of Montana is owned and controlled by the federal government. Much of that 30% lies in the National Forest and since a great portion of the water come off that public land, the federal government is demanding more flow thru Montana for other downstream uses. If we are to retain control of our water, then we must also control the public lands where the waters originate. For 100 years or more, an element of state sovereignty has been the control of water. This has been especially important in the West and Montana. Now a recent Department of Interior solicitor's opinion says in essence that the federal government should follow state water law where it is convenient, but is not bound by state water law.

Secondly is the Trust Theory. Authority exists for the contention that the U.S. merely holds its public lands in trust for eventual disposition to the states and their people, and that the provision of the 18 Organic Act declaring a federal policy of retention is a breach of trust.

In cases over the years, the court saw that the intent of the founders was that new territories that should come to the nation would (A) be divided into new states, and (B) the lands themselves disposed of for the general good. There was no option on disposal. In short, the federal government has no express constitutional authority to hold unappropriated public domain lands in perpetuity. To the contrary, the history of the Constitution and the U.S. Supreme Court interpretations indicate that there is a duty to dispose of such land.

Of the states that have passed this type of legislation in the West, 90% of the legislators voted in favor of this concept. I believe as those 90% believed, that this type of legislation is needed to help provide our share of the needed energy that this nation requires for a strong and healthy economy. As you may well know, the federal government has locked up 67% of the West's resources along with denying and limiting access to our public lands. Let me assure you that the State of Montana would not only be a better manager of our public lands, but would also do a better job of coordinating

with local government on crucial matters such as land use planning, public land transfers for community needs, and continuation of in-lieu of tax payments.

Lets get back to a basic constitutional government. If Texas with 25 federal land can run their large state without government help and interference, so can Montana. North Dakota with only 5% federal land passed a resolution to adopt and support the other western states with their so called Sajo-brus' bills. I surely hope that Montana will pass this legislation so we can be part of the western coalition to pursue this issue united.

Your support and vote is vitally needed at this time so that the concerns of local government may be properly addressed.

WHY GOVERNMENT CONTROLLED LAND IN OUR STATES IS ILLEGAL AND UN-EQUAL TO THE STATES

Article IV: Section III: of the constitution provides for the creation of new states. The Northwest Ordinance adopted by Congress July 13, 1787, provides for all new states that enter in the union to be on an equal footing with the original states in all respects (whatever). Therefore, it is not right that the government should own land in some states and not in other states.

Article 1: section VIII: paragraph 17: states that the government cannot have or own property other than the 10 square miles in Washington, D.C. other than lands for forts, naval bases, etc. needed to defend our country.

Thomas Jefferson said there were not enough chains on our Judicial form of government. He warned us to watch it closely. It could become the germ of dissillusion and gradually get all power working by gravity, moving by day and by night, gaining a little here and a little there, noiselessly stepping like a thief over jurisdiction, gobbling it up until all power should be usurped from the states. To all this Thomas Jefferson said, I am opposed because when all government shall be drawn into Washington as a center of all power, it will render helpless the power of checks provided and will become oppressive as the government of George III that we have separated ourselves from. This is what E.P.A., Osha, etc. are now doing to us.

It is apparent the size of the government is way out of control. In George Washington's time, there were 350 people to help him run the federal government. Now there are over 3,000,000 people to help run the government and doing a good job of bogging down the government. The ration is now more than 100 times greater per capita than in George Washington's time.

The government was definitely not to go into business for itself. Yet it now has over 11,000 businesses and over 700 corporations, most of them running at a loss to the taxpayers while competing with sound private enterprise.

One example of how expensive and burdensome the government is when it interferes with the state's business is in Phoenix, Arizona. The Salt River floods almost every year and wipes out six bridges, damages property and always snuffs out lives. The government each time re-builds the bridges. The only bridge that continues to take the main traffic and holds up under all the river flood waters is the Carl Hayden bridge built in the early 1900's by private enterprise. Yet Congressman Morse Udall of Arizona, instead of taking care of this shameful problem in Arizona, comes to Montana to help Congressman Pat Williams to turn over more land in Beaverhead County to the federal government, saying "We know what is best for you." This sounds like rulers law instead of peoples law. No state should want congressmen and senators from 49 other states telling them how to manage their lands.

Let's get back to a basic constitutional government. If Texas can run their great and large state without government interference so can MONTANA!!!

3/23/81

Mister Chairman, fellow members of the committee, I am Jerry Coldwell, a Garfield County rancher, and Chairman of the Fort Peck Game Range Committee. I am speaking today in support of SB. 123, Public Land Resources Bill.

We have heard the Sagebrush Rebellion referred to as the great terrian robbery, the theft of lands won by blood and taxes, the movement of large corporations to take and pilage the land for lust and greed. We have heard the U.S. Government and it's bureaucrats are the only ones smart enough to manage the natural resource lands.

Lets get some facts straight. We are only asking to manage all the lands within our borders to the best advantages of the peoples of our state. The State of Montana and it's people are quite capable of managing these resource lands and have proven so for years in the management of our school trust lands. As for being capable of managing these resource lands, we believe the State can and is doing a much better job then the U.S. Government. Figures already established have proven so.

In Garfield County there are 93,829 animal unit months leased by the B.L.M. to livestock permittees for the amount of \$277,733.84 last year and \$221,436.44 this year. We believe the State can very easily use this type of income.

How did the U.S. bureaucrats become so smart? Although they are people the same as you and me, they live two thousand miles away and don't really know or understand our problems.

As an example of their ignorance, these same bureaucrats claim that erosion is the main enemy of the land, yet have decided between six thousand and sixty thousand acres of prairie dog towns are allowable on the Charles M. Russell National Game Refuge and about six million acres on B.L.M. lands. Anyone who has seen a prairie dog town knows how the vegetation has been destroyed, causing massive sheet erosion. Their conclusion: reduce domestic livestock grazing.

Two years ago we applied for the drilling of a water well on B.L.M. land in our winter pasture. We were assured the B.L.M. had sufficient funds to do so. Eight different B.L.M. personnel in eight separate vehicles came at eight different times to look over the well site, saying it looked feasible. We still do not have the well. Is this efficiency? The permittee is not allowed to drill a well on his own, on B.L.M. land without a permit, yet it is nearly impossible to get a permit.

Sportsmen have voiced fears about access to these lands if the State gains control. Aren't these sportsmen fellow Montanans? Won't they have just as much say when the legislature writes the final rules and regulations in 1983, as called for in S.B. 123? We think so, as urban population far outnumber rural population.

Opponents to the Sagebrush Rebellion claim the U.S. Government must, for our own good, keep control of public

lands and their uses. What they really are saying , is to maintain control over the States in which these lands and natural resources lie. Eastern state's Congressmen claim the West would not survive without subsidies from the East. Eastern states have taken Montana's oil, gas and other resources while Montana realized very little monetary gain. When we would tax our coal, the cry of injustice went up.

Just a little over a week ago, some Eastern Congressmen decided Montana needed but one Representative in Washington D.C., yet our voice is already quite small when compared to theirs. The thirteen original colonies went to war for independance with England over less problems then the Western States are having with Washington D.C. right now.

Although passage of such a bill as S.B. 123 will not gain control of public lands for us, it will have put management machinery in gear, preparing us for the time, if and when our natural resource lands are turned over to the State. The U.S. Supreme Court or the Congress must return the lands to the states. In that event, we must be adequately prepared if Montana is to decide what is best for it's land and people.

We therefore urge this committe to pass S.B. 123 and work for it's passage in the full House.

WITNESS STATEMENT

NAME Ray Lybeck BILL No. S.D. 123ADDRESS 501 E. Reserve Dr. DATE 3-23-81WHOM DO YOU REPRESENT Mont Cattleman's Assn.SUPPORT X OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I don't now have or plan to acquire a state or federal land lease. But in 30 odd years I've lived in the Flathead Valley I observed 1st hand the operation of state and Federal Forest programs and the growth of vehicles and personnel has grown many times and there is no more land in their jurisdiction ^{now} than there was 30 years ago. S.B. 123 would address this problem very nicely.

Thank you for your time.



I am Willa Hall, representing the League of Women Voters of Montana. With a long history of concern for the wise management of our public land resources in the public interest, the League cannot remain silent on this 'Sagebrush Rebellion' issue. We must oppose SB 123 Why?

1st, we do not agree that these Federal lands legally belong to Montana.

2nd, How will Montana's small population provide for adequate funding to properly manage these 23 million acres? In 1979, user fees on Forest Service land brought in only \$40 million, while the expense for these lands was \$130 million, leaving a loss of \$90 million. In addition, the Forest Service paid about \$30 million to the State and counties within the state, in lieu of taxes etc. The rest of the nation has traditionally helped to support these lands that rightfully belong to all U.S. citizens.

3rd, how will we keep these public lands from being sold? The bill contains no protection from the sale of this land and most certainly each legislative session you will be pressured to sell some, and by whom? Large corporate or special interests? The small farmer surely will not be able to compete with these groups. The League does not want to see the loss of public use on public land. One of the greatest benefits of living in Montana is recreational access to public lands. Montanans will agree that hunting, fishing and hiking access to federal lands here is better than access, say to state school lands. We are not only concerned about the possible loss of these public lands, but also about the management of the land. Will the State or private interests protect the air and watershed, as well as the land quality? While we agree the Federal Government has been remiss in some cases in their management responsibilities, the mechanism is there and improvements can be made.

Finally, the League does not agree with this bill's statement that federal control of public federal lands in Montana "works a severe, continuous and debilitating hardship on the people of Montana." On the contrary, the facts are that those who have grazing leases on federal land in Montana are currently being subsidized by the federal government, subsidized by the support of taxpayers of other states as well as Montanans. According to the BLM'S August, 1980 draft EIS on management of the Charles M. Russell National Wildlife Refuge, grazing permittees pay \$1.89 per AUM on the refuge. Private rates are at least \$8.40 per AUM and around Lewistown, Montana rates range from \$10 to \$12 per AUM.

In closing, The League's land use position states that we recognize that land is a finite resource, not just a commodity, and we believe that land ownership, public or private implies responsibilities of stewardship. We do not believe SB 123 will promote that stewardship. There are no provisions in the bill that would guarantee better or more efficient management of Federal lands in Montana.

We urge a 'do not pass' for this bill.



Forest Service Facts

Jan. 1981 - Willa Hall

Figures taken from Forest Service files in Helena, Montana from John Sherrod, U.S. Forest Service.

These figures cover the year of 1979

Forest Service land in Montana: 16,750,534 (excluding wilderness)
Wilderness acquired after Dec. 31, 1976: 1, 852, 130
leaves a total acreage of: 14, 898, 100

add to that the about 8,300,000 BLM land (this is estimate from forest service)

Total possible Federal Land that is being considered by SB 123 : about 23 million

Total user fees collected by Forest Service in '79 was: \$40,293,000
Total expenditures: \$131,054,985
Total loss: \$90,761,985

In addition the Forest Service paid the state directly or to counties within the state, nearly \$30 million.

25% payment to Counties: (of the \$40 million)	\$9,460,390
Highways	2,400,000
Mineral Leases	7,689,585
Payments in lieu of taxes	10,794,869

Of that \$40 + collected \$38,829,666 was from Timber
the expenditure of timber 67,909,703
Firefighting cost \$11,057,476

If you have additional questions you may want to check directly with the Forest Service in the Federal Building in Helena or call the Director, John Ledgewood

STATEMENT BY THURMAN TROSPER BEFORE THE HOUSE NATURAL RESOURCES
COMMITTEE ON Senate Bill 123

My name is Thurman Trospen. I reside in Ronan, Montana and I am a tribal member of the Confederated Salish and Kootenai Tribes. I am here today representing the Tribal Council. They have asked me to voice their opposition to Senate Bill 123 because tribal hunting and fishing rights on the National Forests and public domain lands would be lost if these lands are eventually transferred to the States.

To state it another way, the transfer of federal lands to the States would be an abridgment of the rights guaranteed the Salish and Kootenai Tribes by the Hellgate Treat of 1855. This treaty states unequivocally that Indians have the right to hunt and fish upon all open and unclaimed lands in common with the settlers within their aboriginal hunting and fishing grounds. This treaty provision was included in most of the treaties with Montana Tribes. Not only the Indians in Montana but the Indians throughout the West are opposed to the transfer to the States of federal lands whether National Forest or public domain.

Thurman Trospen

WITNESS STATEMENT

NAME MICHAEL CHANDLER BILL No. J.B. 123
 ADDRESS 4401 SOUTH AVE. W. DATE 3/23/81
 WHOM DO YOU REPRESENT WEST. MONT. FISH & GAME ASSOC., BACK COUNTRY HORSEMEN OF AMER
 SUPPORT _____ OPPOSE X AMEND _____
I SELF AS LAND BROKER

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Montana has historically been a net tax beneficiary with a large portion of this benefit coming from the 152 million + dollars the federal government spends in this state for administration and management of lands. This net benefit would be lost and the need for a costly new state bureaucracy would develop as Sec. 4 of this bill requires the same "multiple use", sustained yield intensive management that the U.S. is now required to provide.

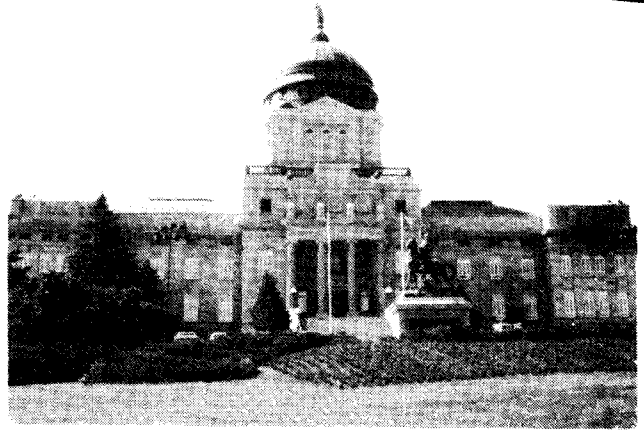
Admittedly there are many inefficiencies in federal land management but they do have the advantage of an in place department. A new agency or expanded agency would most likely require more new plant and personnel than the Montana citizen would agree to support. In the final analysis there would be a compelling public need to sell off in conformity with Sec. 5.6. of this bill.

If these vast lands were sold the only persons to benefit would be the energy and land investment interests as they would "out bid" legitimate agricultural interests.

The maybe surprising loss would be the rancher plus all recreationists, the resources involved, and the United States public. The rancher's greatest wealth - his land value would suffer greatly if not just from increased grazing fees, then also competition from sale of what has been federal land. The recreationist would lose access and wildlife resources. The general public would lose a great portion of what has always been a national heritage and birthright.

Montana Democratic Party

*"hard at work for
good government"*



POLICY COMMITTEE

Issue Brief No. 6

THE SAGEBRUSH REBELLION

The Policy Committee was created by the Montana Democratic Party's Executive Board in November of 1979 to assist in the developing of ideas and the gathering of information on the critical issues facing Montana in the 80's.

This Issue Brief was prepared by the Policy Committee and is not necessarily an official party statement. It is, however, consistent with past party positions. This is a background and informational paper meant to provide a greater understanding of this issue for Democratic candidates and members of the Montana Democratic Party.

Montana's Democratic Party is working hard to be an effective voice for Democrats. One of the needs expressed by our membership is the interest in getting more documentation about what it means to be a Montana Democrat.

That is why the party started the Democratic Party Policy Committee which has produced the issue briefs listed below. The first copy of each issue brief is free; if you wish extra copies, they are 30 cents each.

All you have to do to receive your issue briefs is send a stamped, self-addressed envelope to: Montana Democratic Central Committee, P. O. Box 802, Helena, MT 59624. (If you are requesting a copy of more than one brief, please send a large enough envelope and postage for them. A set of all six briefs needs a large manila envelope and \$.67 for third class postage.)

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PLEASE SEND ME:

- _____ copies of Issue Brief No. 1: The Coal Severance Tax
- _____ copies of Issue Brief No. 2: Right to Work
- _____ copies of Issue Brief No. 3: Water Rights
- _____ copies of Issue Brief No. 4: Tax Indexing
- _____ copies of Issue Brief No. 5: The Equal Rights Amendment
- _____ copies of Issue Brief No. 6: The Sagebrush Rebellion

(Enclosed is \$ _____ for the extra copies.)

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To enable the party to keep publishing papers on issues of importance, see the last page of this issue brief.

THE SAGEBRUSH REBELLION: THE WRONG APPROACH

What Is The Sagebrush Rebellion?

Simply stated, the so-called sagebrush rebellion claims to be a move to turn vast acres of the public domain over to state and private ownership. The focus of this effort is aimed primarily at the 174 million acres of public land administered by the Bureau of Land Management (BLM) and secondarily at the Forest Service (USFS) and smaller land managing agencies of the federal government.

The rebellion emerged from the passage of statute #633(1979) in the 1979 Nevada Legislature. This law appropriated all of the 48 million acres of BLM-administered public domain in Nevada for the state of Nevada. The purpose of this statute was to force the federal government into court so it could be sued for control of the lands.

Sen. Orrin Hatch (R-Utah) has introduced S. 1680 in the U.S. Senate, which, if passed, would turn over all of the nation's public domain and National Forests to the states in which they are located. A similar bill, H.R. 7837, has been introduced in the U.S. House by Rep. Jim Santini (D-Nevada). The rebellion has also taken the form of legal challenges by the Denver-based Mountain States Legal Foundation, a law firm specializing in natural resource issues and representing pro-development and speculative interests. The director, James Watt, is President Reagan's nominee for Secretary of Interior. The main focus, however, remains the relinquishing of public control of the public's land. In Montana the rebellion has taken the form of S. 123, introduced by Sen. Mark Etchart (R-Glasgow).

In a recent article, Dr. Bernard Shanks of Utah State University described the move by saying that "behind the principled rhetoric of the sagebrush rebellion lies a simple goal--the liquidation of the west's mineral and energy resources... the intent is to plunder the west."

Along with the intent of "plundering the west" there is a less dramatic but far more disastrous long-term goal. Behind the rhetoric of states' rights, backers of the sagebrush rebellion are seeking to weaken federal land management policies and enforcement of federal land management laws. Federal land management policies and laws were developed to protect the long-term productivity of the public domain for the multiple of uses of the public. They were necessarily passed to protect public lands from future misuse and exploitation that had already occurred for centuries.

The sagebrush rebellion is an attempt to remove public control of our public lands with the expressed interest of removing federal land laws and management. The intent behind this attempt may be sincere or motivated by greed, but the effort is to make public land more accessible to private control.

What Is The Public Domain, Where Did It Come From?

The public domain is all land owned by the people of the United States and administered by the federal government. After the American Revolution, the lands from the Appalachian Mountains west to the Mississippi River were claimed by seven

of the 13 original states. However, because this land was "wrestled from the common enemy by the blood and treasury of all of the thirteen states," it was considered the common property of all the states (Journal of Congress, VI, October 10, 1780: 146). After much controversy and debate, the seven states ceded their claims for the western lands to the new government with the understanding that they would be settled, formed into states and admitted into the Union.

The remaining land within the present day borders of the United States was acquired either by blood or purchase. In 1803, Thomas Jefferson helped the United States acquire the Louisiana Purchase that added 827,987 square miles to the public domain. Florida was ceded to the United States from Spain in 1819 after several negotiations and an armed intervention in western Florida by American troops.

Table I: Origins of the Public Domain

Date of Acquisition		Millions Acres	% of Total U.S. Land Area
1781-1802	Cession by Original States	237	10.2
1803	Louisiana Purchase	560	24.2
1819	Florida Purchase	46	2.0
1846	Oregon Compromise	183	7.9
1848	Mexican Treaty	339	14.6
1850	Purchase from Texas	79	3.4
1853	Gadsden Purchase	19	0.8
1867	Purchase of Alaska	375	16.2
	TOTAL	1,838	79.3

source: Bureau of Land Management, 1980.

The United States attempted to purchase the Texas territory several times without success. Texas was finally annexed in 1845 after their war of independence with Mexico. Five years later the public bought an additional 123,270 square miles of land around the present day border of the state of Texas. In 1846, the Oregon Territory was ceded to the United States in a treaty with Great Britain. The United States also went to war with Mexico in 1846. At the close of the war the present day southwestern boundary of the United States was established with the exception of the area known as the Gadsden Purchase. This 29,000 square mile area was later purchased from Mexico for \$10,000,000. Alaska was purchased from Russia in 1867 for the sum of \$7,200,000. The Hawaiian Islands were annexed through a treaty.

The total amount of land added to the public domain amounted to 2,503,330 square miles or at its peak, 2.1 billion acres, nearly 80 percent of the land area in the United States. From this total 34.6 million acres were subtracted for private claims. The western states of Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Washington and Wyoming were formed out of these lands.

Today the federal government administers about 765 million acres of public land. Over 312 million acres are managed by the National Park Service, the Forest Service, the Bureau of Indian Affairs, the Fish and Wildlife Service, the Bureau

of Reclamation, Department of Defense, Department of State, Department of Energy, the Tennessee Valley Authority and the National Aeronautics and Space Administration. The remaining 453 million acres of national resource lands are administered by the Bureau of Land Management and comprise the public domain. Approximately 300 million acres of public land are in Alaska.

Almost two-thirds of the land in Nevada, half of Utah and nearly half of New Mexico and Wyoming are under public ownership. Significant portions of California, Idaho, Arizona, Oregon, Colorado and Montana are also federally controlled. Of the original 1.8 billion acres of public domain, 1.1 billion has been appropriated. The sagebrush rebellion is aimed at these unappropriated public lands.

How Has the Public's Land been Managed?

The history of federal land policies was based on the view that, at least until the 1900's, land was viewed as wilderness that ought to be free to the person who subdued it. The amount of land allowed to each person was hotly debated, but it was agreed that land was a just reward for the person who redeemed it from its wild state. Land had been essentially free because it was abundant--no one could imagine limits on the amount of land. If it became depleted of timber, minerals or soil, it was easy to move on to a new area. During this time there were no real policies directing the management of the public domain, only a series of expedient actions that, when gathered together, could be called public land policy. This was based on the premise that settlement was desirable above all other considerations.

In 1879 the Public Lands Commission was established to assess the condition of the public domain and improve land dispositions. Twelve years later the Forest Reserve Act of 1891 withdrew lands from settlement and exploitation. These withdrawals formed the basis of the Forest Reserves which were established in 1897. In 1901 the reserves were transferred to the Department of Agriculture and designated as National Forests. In 1910, the Pickett Act authorized withdrawals for irrigation, reclamation and power sites. Minerals not managed under the Mining Law of 1872 were managed under a leasing system established in the Mineral Leasing Act of 1920. These included oil and gas, coal and other minerals. In 1934 the Taylor Grazing Act was passed with the intent of ending the indiscriminate settlement and use of the remaining unappropriated lands, except for Alaska, with the intent of classifying, developing, improving and conserving public lands.

With the onset of the 1900's people began to realize that there were in fact limits to the amount of land available as well as on the carrying capacity of specific lands. Men such as Theodore Roosevelt, Gifford Pinchott, John Wesley Powell, W.J. McGee, F.H. Newell, and B.E. Barrow advanced the concept that public land should be used for the greatest benefit for the greatest number over the longest time. The purpose of this effort was to impress upon the people the importance of the conservation of natural resources which, without exception, had been used without regard to the limits of their supply. It was from this basis that 234 million acres of land was withdrawn from the public domain. The 1900's signaled the end of the era of "laissez faire" philosophy that dominated the approach of the government and the public to the public domain. New policies based on the concept of "scientific management" and multiple use and sustained yield of public lands became the foundation for present day land management. National policy, until the turn of the century, had been centered on the disposal of the public domain. As understanding of the

limits of land, resources and, in many cases, their nonrenewability grew, disposition was replaced by scientific management and conservation. Table II, below, shows how much of the public domain was given away or sold.

Table II: Disposition of the Original Public Domain-1781 to 1977

to Private Interests	Million Acres
Confirmed as Private Land Claims	34
Granted to Veterans as Military Bounties	61
Granted or Sold to Homesteaders	287
Sold under the Timber and Stone Act	14
Sold under the Timber Culture Act	11
Sold under the Desert Land Act	10
Granted to Railroad Corporations	94
Disposed of in other ways *	302
	<u>TOTAL 813</u>
to States for:	
Support of Common Schools	78
Reclamation of Swamp Lands	65
Construction of Railroads	37
Support of Other Institutions and Schools	21
Canals and Rivers	6
Construction of Wagon Roads	3
Alaska Statehood Act **	104
other purposes	14
	<u>TOTAL 328</u>
<u>TOTAL DISPOSITION</u>	<u>1,041</u>
ORIGINAL PUBLIC DOMAIN	1,837
AREA REMAINING IN PUBLIC OWNERSHIP	796

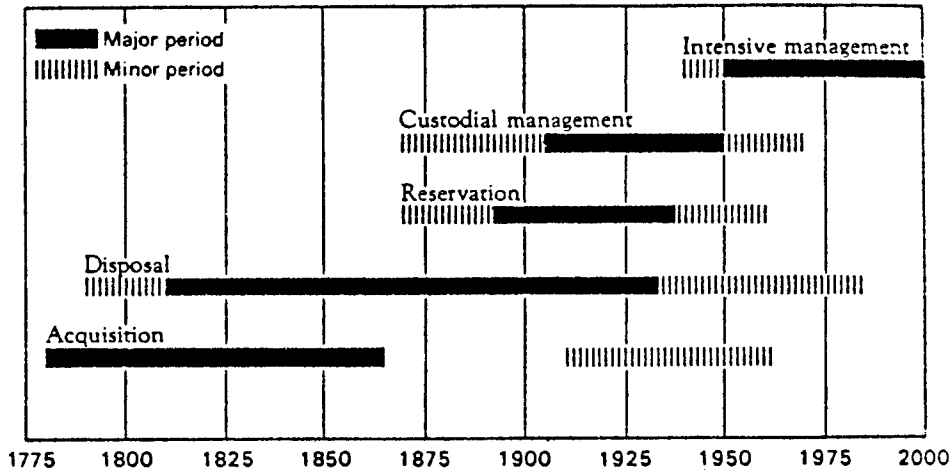
*chiefly by public, private and pre-emptive sales, and through mineral entries, scrip locations and sales of lots and sites.

**of this total, 36 million acres were conveyed by 9/30/77.

source: Bureau of Land Management, Public Land Statistics, 1977.

The Grazing Service and General Land Office were combined in 1946 to form the Bureau of Land Management (BLM). The passage of the Federal Land Policy and Management Act (FLPMA) in 1976 gave the BLM a legal mandate as a land managing agency instead of a land disposal agency. The formalization of BLM's multiple use and sustained yield mandate is another source of contention of the proponents of the sagebrush rebellion.

Table IV: Changes in Management of Public Land Acquisitions



source: Bureau of Land Management, Public Land Statistics, 1977.

Arguments For and Against the Sagebrush Rebellion

Dean Rhodes, proponent and author of the original Nevada sagebrush rebellion bill, claims that "the people resent Washington, D.C. comin' out here with a packet of regulations tellin' us what we can do." Rhodes called the federal government that "perfidious absentee landlord on the Potomac." He claims "all we are asking is for equal justice." He contends that because the majority of remaining public land is in the West that "the West is a colony of the Washington bureaucracy." According to Sen. Orrin Hatch (R-Utah), those bureaucrats "are minions of the cult of toadstool worshippers," referring to those people concerned with conserving and managing public lands under the principles of multiple use and sustained yield. Sen. Paul Laxalt (R-Nevada), a key member of the Reagan campaign in 1980, claims that "all we are asking is control over our own destiny." Rhodes claims the West "is being run by little old ladies from Connecticut, for the most part, who want to ride herd on the west from their trusty rocking chairs."

In essence, proponents are claiming that the states and private industry could do a better job managing the public domain than the federal government. They contend that our public land should be relinquished because:

- * the states would manage in the best interest of the land users,
- * western states do not have "equal footing" with other states,
- * easterners are telling westerners how to manage their land,
- * there is too much federal regulation, and
- * the policy of disposing of the public domain has been changed to multiple use management.

The point of whether or not Montana could do a better job in managing the public domain is restricted by both institutional and political barriers. Most western states' constitutions require that state lands be managed for the greatest economic return. Most public lands turned over to the state would either have to be sold or leased for single uses that would return the greatest dollar amount to state government. Similarly, the state of Montana does not currently have large sums of money available to appropriate for the management of public lands. Even if funds were

available, the current mood of the citizens and legislature to cut back government spending would limit appropriations needed for such a massive program. The effect would be that the lands would not be managed, managed poorly or sold to private interests. It is doubtful that agricultural interests could bid against energy and mineral interests for much of the public domain in Montana. Political barriers would come in the form of pressure groups. Heavy pressure would be placed on public officials to sell off parcels of the most valuable and productive lands. As Montanans saw in the 1979 Legislature, pressure groups will continue to try to weaken or dismantle the state's land management laws. The exploitation of Montana's resources on a scale similar to that of the last century would result from the absence or weakening of such laws. It could be hard to defend against attacks from out-of-state multinational interests.

Given the personnel and adequate funding of state land managing agencies, the states probably could manage the public domain. They would eventually go through a process of trying to balance competing uses and end up with a system the same as the present management policies of the federal government. The economic, political and institutional barriers mentioned above would limit the ability of the states to manage public lands. In Idaho, for example, the state constitution mandates that state lands must be managed for their highest economic return to the state school fund--sound familiar? In reality lands could be sold or leased for timber, minerals or grazing when in fact the best use may be watershed or wildlife management. Similarly, it may be in the immediate interest of the private owner to abuse an area through overgrazing, for example, which would diminish that land's long-term productivity. Such management practices would mean that the local user is the de facto owner of the land, and not the American people. It must be remembered that all the people of this country, living and yet to be born, are the owners of the public domain, not any one interest group or person or agency. Not only could single-use replace multiple-use, but the public would, as on state lands in Montana, be excluded from use of the land for recreational activities such as hunting, fishing, hiking and snowmobiling.

Sagebrush rebels claim that because the public owns large tracts of land in western states, that those states do not have "equal footing" with other states in the Union. The doctrine of "equal footing" was created by the Supreme Court and not established in the U. S. Constitution nor the Articles of Confederation. "Equal footing" was a concept intended to assure that when new states entered the Union, they did so with the same rights and were equal in political power. Political issues, and not economic or land use issues, were the intent of this doctrine. If this argument is explored more fully and, for example, Connecticut is compared to Montana (even excluding the public domain), Connecticut is at a much greater disadvantage in both the land area and natural resource base. On the other hand, Connecticut has a much larger population and a greater industrial and manufacturing base. Who has the "unequal footing"?

Proponents are trying to use the claim of inequality to negate the land-holding function of the federal government after an area becomes a state. When a territory becomes a state, the people of the state are allowed to claim lands from the public domain in addition to lands that are given to the states for special purposes such as public schools. Furthermore, if the state needs additional land, there are specific

mechanisms through which more public land could be transferred to the state. Remember, the state never owned the public domain, therefore public lands can never be returned to the state; they can only be given or sold by the all the people of the Union. When a state enters the Union, as Montana did in 1889, it agrees to drop any further claim to the public domain. For example, the Enabling Act of 1889, which established the state of Montana and was ratified by both the state legislature and the Congress, stated:

That the people inhabiting said proposed states do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof...

The public domain was acquired through the resources of all the people, either through their blood or their taxes. It therefore belongs to all the people, not to any one state or group of people who reside in that state and use the public domain. Laying claim to the public domain at this time clearly violates the contract between the state and the American people that admitted the state to the Union.

The sagebrush rebellion is not an East versus West conflict but rather a regional version of a continuing confrontation between conflicting values and uses of a limited amount of public land. Similarly, it is only a states' rights issue because of an apparent conflict with the federal government. These same conflicts would exist regardless of whether it was state or federally administered land. If it becomes private land it would become a totally different issue. The federal government is clearly not violating the rights of states in its management of public lands.

The contention of too much federal regulation is a common complaint when people feel forced to change patterns of behavior. Federal laws governing land management are the result of 200 years of misuse and abuse of public lands. The sagebrush rebellion is an expression of frustration by local users with the role of the federal government in the day-to-day lives of public land users. Included in this is frustration with national energy policies, pollution control laws, defense policy and the MX missile, and government regulations. Frank Gregg, director of the Butte District of the BLM, quite succinctly summed up the argument of too much government regulation:

... it's accurate and important to emphasize that that at its root the rebellion is an understandable reaction by certain public land users, most pervasively the public land grazing industry, to the BLM's steady progress in implementing the balanced multiple-use management program called for by the Federal Land Policy and Management Act of 1979.

The Federal Land Policy and Management Act (FLPMA) incorporates in its policy provisions that: 1) the public domain be retained in federal ownership, 2) some lands should and can be managed to protect environmental or cultural values, 3) the public should receive fair market value for use of those lands, 4) procedures must be established to dispose of or acquire land when it would be in the national interest and 5) local and state governments be compensated for burdens incurred from the federal governments immunity to taxation of public land.

How Would the Sagebrush Rebellion Affect Montana?

There are roughly 27 million acres of public land in Montana managed primarily by the Forest Service, Bureau of Land Management, Fish and Wildlife Service and the National Park Service. From a land base of 93.2 million acres, 66 percent is in private ownership, 6 percent is administered by the State of Montana and 28 percent is public domain. It must be reiterated that the public domain was never part of the state lands.

The cost of managing public lands in Montana and other states is shared jointly by all Americans. If Montana appropriates the public domain and other public lands, it will have to assume those costs. Will Montana also give the American public fair return for its land? In addition to Montana not having to bear the full costs of managing the public lands located within our boundaries, the state and counties receive a significant portion of the income from those lands. In addition to direct payments, the state and counties receive indirect benefits from the payment of salaries and management programs that bring economic activity to local areas.

The Bureau of Land Management generated \$737 million in receipts on the national level in fiscal year 1980. Forty percent of that, or \$324 million, was returned to the states through direct payment programs. Another 34 percent or \$253 million was returned through the Reclamation Fund and other nationwide programs. The states were given another \$83 million in lieu of tax payments (federal government cannot be taxed). Only 22 percent of the \$737 million was deposited in the U. S. Treasury. It is important to point out that while the BLM made \$737 million in 1980, it expended \$917 million in management programs, resulting in a net loss. The programs were for the public benefit in contrast to programs that would primarily exploit public resources for private economic gain. In any bill to give public land to state or private interests, the future management policies of those lands must be carefully scrutinized.

The Bureau of Land Management manages slightly more than 8 million acres of surface and 27 million acres of subsurface mineral estates on the public lands in Montana. In fiscal year 1979 the BLM earned \$22.8 million in receipts in Montana. Eighty five percent or \$19.3 million was given to the state through direct payments. Additionally, the Bureau paid more than \$10.8 million in salaries in 15 Montana communities.

The Forest Service manages 16.7 million acres of public land within Montana's borders in ten National Forests located throughout the state. The total management expenditures for the Forest Service in fiscal year 1979 were \$89.2 million, of which \$53.5 million were for salaries. The total receipts from resource use were \$31.2 million. The Forest Service returned \$22.1 million to the counties in which the National Forests are located in direct payments through four programs.

Mike Anderhold observed in the Nov./Dec. issue of Montana Outdoors that:

It's one thing to take [public land] and another to control the very real problems of overgrazing, motor vehicle abuse, water pollution, and archaeological vandalism. Where would the state get the millions of dollars necessary to enforce multiple use programs? Do the grazers really want state grazing fees [BLM fees are \$2.40/Animal Unit Month, Forest Service \$2.31/AUM and private fees range from \$8.00 to \$18.00/AUM in contrast to state fees which are \$3.85/AUM.

Table V: How Much the Montana Taxpayer Would Have to Spend to Manage the Public Domain if Appropriated by the State.

<u>NATIONAL FORESTS</u>	
Costs to Administer National Forest Lands	\$89,200,000.
Payments to State and Counties	22,100,000.
Forest Highway Funds	<u>5,100,000.</u>
Total Federal Funds	\$116,200,000.
Less Receipts from Resource Use	31,200,000.
NET COST (deficit)	\$ 85,200,000.

<u>BUREAU OF LAND MANAGEMENT</u>	
Administrative (program) Costs	\$14,276,000.
Payments to State	8,555,000.
Payments to Counties	10,795,000.
Total Federal Funds	<u>\$33,626,000.</u>
Less Receipts from Resource Uses	22,814,000.
NET COST (deficit)	\$10,812,000.

Source: Public Lands Institute, Denver, Colorado, February, 1980.

Montana administers roughly 5.1 million acres of land through the Department of State Lands (DSL). Half of the staff of 70 employees are involved directly in land management programs. In fiscal year 1980, the DSL receipts were \$ 44 million. The primary source of receipts was: direct payments from the federal government, oil and gas leasing, interest on investments, penalties on drilling leases, forfeiture of reclamation bonds and private and federal project grants.

If Montana took over control of the public domain, it would have to take over the management costs as well. To maintain the current level of resource planning and management would cost the state approximately \$96 million annually. In contrast, the proposed 1981 budget of the Montana Department of State Lands is only \$ 1.1 million. This \$96 million represents 41 percent of the 1980 general fund of the State of Montana. If the state opted not to maintain the present levels of management, several communities would lose their economic base and primary employers. But, more importantly, the public would lose its resources.

Who Is Behind The Sagebrush Rebellion?

The Sagebrush Rebellion began with the passage of the Nevada bill which appropriated 49 million acres of the public domain located within the borders of that state. Five states--Arizona, New Mexico, Utah, Washington and Wyoming--have since

passed similar bills. California and Colorado have authorized formal studies to assess whether or not it would be beneficial for them to pass similar bills. Up until now the strategy has been on the state and court level, but with the November 1980 election results, the focus has changed to the national level and focused on the Congress.

But who are the "sagebrush rebels" and where do they get support? LASER, the League of States Equal Rights, is the apparent "national" organization behind the move. Finding out who LASER's constituency and funders are is another matter. John Harmer, the group's leader, flatly refuses to tell who are his group's financial backers. John Nice of "High Country News" wrote in a December 2, 1980 article:

Despite Harmer's tight lips, hints about LASER's constituency lie on the name tags at the \$145 admission conference (held last summer in Salt Lake City): Conoco, Citizens for Mining, Club 20, National Inholders Association, Wyoming Farm Bureau, U.S. Borax, Stewart Capital Corporation, International Snowmobilers Association, Louisiana Pacific and others.

Mining, timber, grazing and other single use groups as well as individuals hoping for personal gain off the public domain are the main movers behind the sagebrush rebellion. It depends on what the major resources are that are found on the public domain in a particular state. In Oregon it is timber interests, in Wyoming it is mining and grazing, in Montana it is grazing because FLPMA and actions by the BLM threaten the long standing control of grazing interests. The following is a list of supporters of a Nevada-style bill in Montana:

MT Stockgrowers Associaton, MT Woolgrowers Assoc.,
MT Cattlemen's Assoc., MT Stockmen's Assoc.,
MT Farm Bureau, the McCone-Garfield County
Legislative Group.

These are generally the same groups that lead another unsuccessful attempt to claim control of the public land in the 1940's.

The effort to appropriate the public domain in Montana is being lead by Sens. Mark Etchart (R-Glasgow) and John Manley (R-Drummond). Manley left the Democratic Party after the election to join with the Republican majority in the legislature. Sen. Etchart has already had the Legislative Council draft a bill to seize the BLM, Forest Service and Fish and Wildlife Service lands.

It is interesting to note that the Etchart family has 156,684 acres of BLM, state and private grazing leases in addition to 36,127 acres of grazing leases on the Charles M. Russell (CMR) Game Refuge. What is the intent of the sagebrush rebels?

Another strong supporter of the Sagebrush Rebellion in Montana is John Baden, formerly from Utah State University and now director of the Center for Political Economy and Natural Resource Pol a privately funded group located at Montana State University. The center's purpose is to analyze public policy and resource problems in a market context where decisions are reached based on the highest economic value. Market economics are used as the basis for resource decisions. Controversy exists as to whether the market works in such a way that would also protect long-term ecological values as well as maximize short-term profits for users. Funding to the tune of half a million dollars has been raised for the center from such right wing conservative foundations as:

The Heritage Foundation (supported by contributions from business and resource multinationals), the Liberty Fund, Scaife Family Trust, Samuel Nobel Foundation, the Earhart Foundation, the Murdock Trust of Vancouver, Washington and Amax Corp.

Support also is coming from the Montana Republican Party, whose 1980 Party Platform contains the following resolution:

Be it resolved that the Republican Party supports the concept of the "Sagebrush Rebellion." The legislature is therefore charged with the responsibility to prepare legislation to request the federal government to relinquish certain lands to the state government.

Although the Republican National Committee in convention during the summer of 1980 refused to adopt a resolution supporting or opposing the concept, newly-elected President Ronald Reagan told a group of Utah supporters during the campaign to "count me in as a sagebrush rebel." He also added "I happen to be one who cheers and supports the sagebrush rebellion."

Similarly, James Watt, Reagan's new Secretary of Interior, said (12/24/80) "I am part of the sagebrush rebellion." "Some of the lands do need to be transferred." Mr. Watt was the director and chief council of the Mountain States Legal Foundation, a group bankrolled by conservative beer brewer Adolf Coors, Amax Corp., Asarco, Boise Cascade, Consolidated Coal, Stauffer Chemical, Scaife Trust and other big corporate names (High Country News, Dec. 26, 1980). Will there be a conflict of interest between Mr. Watts' former corporate clients, his support for the sagebrush rebellion and the oath he will swear to uphold and enforce the laws of the land such as FLPMA? Most of Ronald Reagan's advice on whom to appoint and the policy directions of his transition team and administration are coming from a special series of papers commissioned from the Heritage Foundation and the Hoover Institute, both institutions with strong ties to Badens' Center for Political Economy and Natural Resource Policy.

What is the Public's Opinion?

The so-called sagebrush rebellion, according to a recent poll by the Behavior Research Center of Arizona, is opposed by over two-thirds of the people living in the western states. Although other areas were not polled, it is suspected that the opposition is greater. The poll found that those westerners who favored the rebellion also favored the seizure of National Parks and Monuments, Wilderness Areas, Wildlife Refuges and Military and Indian Reservations as well as the BLM and Forest Service lands.

The poll showed that 60 percent opposed the idea of seizing public lands. Interestingly, 67 percent of the Republicans opposed the rebellion which compared to 63 percent of those who called themselves political moderates or conservatives.

Nevada was the only state that had a majority supporting the rebellion, where only 56 percent favored and 44 percent opposed. The majority of residents in other states were overwhelming opposed to the transfer of public land to state or private ownership.

Montanans also have strong concerns over the sagebrush rebellion. A poll commissioned by Gov. Ted Schwinden last summer found 54 percent did not believe federal lands should go to the state. Forty percent favored the concept and 6 percent were undecided.

Montanans' opposition to turning federal lands over to private interests was even stronger. Seventy two percent were opposed to this proposal while only 25 percent supported private ownership of federal lands.

What is the Democratic Party's Position on the Sagebrush Rebellion?

The Montana Democratic Party, in convention at Kalispell in August 1980, passed a plank to oppose the sagebrush rebellion. The platform statement reads:

While we recognize the legitimacy of complaints of the users of public lands toward the arrogance and insensitivity of the federal bureaucracy, we believe that the removal of lands from public ownership would harm legitimate family farmers and ranchers and other users while benefiting only large, wealthy corporations.

The Democratic Party has always tried to represent and be representative of the people of our state rather than looking out for private or vested interests. The party's platform was formulated through a long process of public involvement that reflects the commitment of the party to the people. While the people of Montana feel that there are some problems with the way our public lands are managed in Montana, we do not feel that the heritage and treasure of the public domain should be handed over to the state or private owner. The party feels that the public domain is just that, land that belongs to all the people of Montana and the nation. It belongs to this generation and our children's generations for all to use and enjoy. It is not the state's to claim and cannot be returned to state ownership because it never belonged to the state.

Conclusion

The sagebrush rebellion boils down to a gigantic land grab and play on the legitimate concerns of many westerners. It is the intent of the sagebrush rebellion to either gain ownership of the resources and the public domain or render unenforceable federal land management laws to give a carte blanche to exploitive interests to grab the nation's public resources.

The sagebrush rebels have made no mention of reimbursing the public for all the the money they have paid into the acquisition and management of their lands. More importantly, the public lands are not the states' to claim--they have never belonged to states or to private interests. That minority of land that was once in private ownership was repurchased by the federal government.

The sagebrush rebellion is another step in the history of several attempts of exploitive interests to take over the public domain. To quote an editorial in the Great Falls Tribune (7/10/80):

Turning ownership of federal lands to the states -
and ultimately to private hands - is an idea whose
time should never come.

What YOU Can Do...

You can help by contacting your state Representative and Senator and letting them know you oppose SB 123 and HJR 13, the proposals in the legislature supporting the Sagebrush Rebellion. Write them in care of Capitol Station, Helena, MT 59620 or by calling them at 449-4800.

You can also help by joining the Democratic Party.

Montana's Democratic Party is working hard to represent your interests in government. If you agree with the party's position on the Sagebrush Rebellion, you ought to join the party and help make its voice stronger.

Yes, I want to help Montana's Democratic Party

- ☐ As a sustaining member (\$12 a year, \$24 preferred)
- ☐ As a Century Club member (\$100 a year)
- ☐ Other _____
- ☐ Check here if you would like to make your contribution automatic through Demo-matic, a bank draft of \$_____ drawn monthly, quarterly or annually. (Please underline your choice.)

NAME _____

(Please Print)

ADDRESS _____

CITY _____ STATE _____ ZIP _____

PHONE NUMBER _____ STATE HOUSE DISTRICT _____

SPONSOR _____ OCCUPATION _____

(Information required by the Federal Election Commission)

MONTANA DEMOCRATIC CENTRAL COMMITTEE, P. O. BOX 802, HELENA, MT 59601

MONTANA

M A G A Z I N E

TESTIMONY ON SENATE BILL-123 "SO CALLED SAGEBRUSH REBELLION BILL"

Many interests have trouble now and then with federal ownership of land. Farmers, ranchers, exploiters and conservationists alike have problems; it's not just one group. We do, because they are public lands and more than one interest must be considered and served.

The same problems would most likely occur with state ownership and they do, but on a smaller scale as comparatively there is much less state land. The bigger areas where conflicts are more likely to occur are all owned by the federal government.

A bureaucracy is needed to manage public lands and we don't need another massive state bureaucracy to do it. Federal managers are just as competent as any state would hire. Many of them are Montanans and have been trained here at our universities. For the most part they are people with much experience and understanding of the areas they manage. Remember again, they have a myriad of interests to consider; They aren't going to please everyone. Bad or good land management depends on whom you are talking to and their interests.

An interesting side note is Nevada, the ones who started this. They have proven that they can't manage their state lands properly in the view of many interests. Other states have squandered their lands through questionable practices.

This bill started in Montana primarily over the CMR Wildlife Refuge. The folks out there who farm and ranch the surrounding areas have had some legitimate concerns, and I'm sympathetic to their problems. There are however, many other areas in the state where people have had far fewer, if any problems with federal ownership. Most Montanans benefit greatly from federal ownership of land as opposed to private or even state ownership. Montanans benefit greatly from federal ownership not only owing to the recreational opportunities and commodity uses available, but the overall economy of the state is served well. More dollars flow into the state in the form of an excellent Federal payroll, outdoor recreation businesses are flourishing and the tourist attraction is very real.

Government agencies have been put on warning that they may have to be more responsive. Lets let it stay at that and avoid extremist legislation that will hurt Montana.

Rick Gratz

STATEMENT CONCERNING MONTANA S.B. 123

Presented by:

University of Montana Forestry School Alumni

March 23, 1981

Montana Forestry School Alumni
Executive Committee

Charles Fudge, President

Joseph Gorsh, Vice President

Rudyard Jennings, Secretary-Treasurer

Fred Burnell, Legislative Committee

Text of the Montana Forestry School Alumni Committee Statement

I am Fred Burnell from Stevensville, Montana and I am Legislative Chairman of the University of Montana Forestry School Alumni Association.

There are about 3000 Montana Forestry School Alumni with about 1000 residing in Montana. A majority of the active alumni in Montana oppose major changes in Federal land system ownership or management because they believe major changes would be detrimental to both State and National interests.

The lands in question have been set aside through national legislation to be managed in perpetuity for the benefit of all the people of the United States. Under present management practices these lands contribute values of both local and national scope.

Significant portions of these lands make vital and continuous contributions to other areas far removed. Huge areas of these lands are contiguous and contain similar values so they require similar management practices and/or need to be managed as units. These areas are often crossed by state lines.

As an example, almost all the major mountain divides in the west are Federal lands. Because of their altitude they produce few conventional forest products of value. An important function of this land is to serve as a catch basin and storage for a significant portion of the stream water produced west of the Mississippi. Many of these divides serve as state lines. In other instances one state controls headwaters of several major drainages vital to down stream states.

To break these lands by state boundaries and/or manage them through practices dictated by local rather than national needs would result in conditions critical and adverse to our national well being.

Therefore, the Montana Forestry School Alumni Association opposes Montana Senate Bill 123.

Mr. Chairman:

EXHIBIT 25

March 23, 1981

My name is Noel Rosetta. I represent the Montana Audubon Society of about 2,000 members.

If there is one thing supporters and opponents of the Sagebrush Rebellion agree on it is what will happen to federal lands if they are transferred to the states. Most supporters believe ~~that~~ they should become private property, and the opponents fear they will.

And this is the reason why a substantial majority of the public in Montana opposes SB123. Today these are public lands, tomorrow they could lie behind "no trespass" signs.

It is true that SB123, in language at least, is a pretty good imitation of what we already have in federal ownership--multiple-use, sustained yield, and right of access.

The one thing we don't have is a guarantee that lands transferred to the states would stay that way. We have only the record to go on. On one side we have a longterm stable ownership, and reasonably good management on the part of the federal government; on the other, is the unenviable record of most western states of little or no management, no public access, and a program in which some or nearly all of their lands have been lost irretrievably to the public. California has sold nearly all of its lands; Nevada has twice received lands and ~~twice~~ sold nearly all; Oregon has sold off most of its lands, and Utah ~~the majority~~ ^{about half} of its lands. Just recently the Arizona legislature was debating whether to sell a large acreage of state land near Tucson for industrial development, and Montana, with perhaps the best record of all, has sold ~~over 700,000~~ ^{732,916} acres of state land too.

The desire of a minority of the public--mostly commodity interests--to take over these federal lands is clearly understandable. They have become immensely valuable. Why? Because we, the entire U. S. public, have invested billions of dollars over the years to protect them from fire, from erosion, and from the more ~~exploitive~~ ^{exploitive} instincts of the few. Today we have an integrated system of federal ownership in which there is improved management, multiple-use and sustained yield, and almost unlimited public access.

The strategy of the Sagebrush Rebellion is to break down the integrity of the federal system, state by state. Although SB123 appears innocuous, the real purpose of its sponsors is to pass this bill and get Montana on the Sagebrush bandwagon. Then if the U. S. Congress is shown unanimous support for the Rebellion there is a better chance to transfer this federal land to the states.

In the past the West has not supported such action; hopefully Montana will not provide that support today. If these lands are transferred all citizens will suffer an irreparable loss of one of our great freedoms--the right of public access to these lands. We hope this committee will vote this bill down because, like all Sagebrush bills, it has dangerous implications which reach far beyond the language of the proposal.

STATEMENT BY NEAL M. RAHM BEFORE THE HOUSE NATURAL
RESOURCE COMMITTEE OPPOSING SENATE BILL 123.

CHAIRMAN IVERSEN AND COMMITTEE MEMBERS:

My name is Neal Rahm and I reside at 1852 35th Street, Missoula,
Montana.

I am a professional forester and range manager with 38 years experience
in all the natural resources in most of the western states and Washington, D.C.
I retired in 1971 as Regional Forester of the Northern Region.

I do not represent any organization or special interest group. I speak
for myself, and, if anything, for the silent majority of citizens throughout
the United States who own an undivided interest in the Public Lands and don't
want any part of it given to a State or sold into private ownership.

I am opposed to Senate Bill 123 because of its underlying objectives
and intent--more specifically, because it is bad legislation.

In addition to our renewable resources, two-thirds of our energy
resources such as coal, oil, oil shale, and uranium underlie these
federal lands. This nation cannot rely on the vagaries of individual States
to conserve, coordinate and develop these resources. This is the 20th
Century and we can't turn back the clock to the laissez faire philosophies
of the thirteen colonies to guide us into the atomic and energy era.

Open range livestock production is very important to any rancher
grazing on public lands, but it amounts to less than 2% of the total meat
production in the United States. Secretary of Interior Watt remarked that
the problem should be resolved at the level where it originated. In effect,
don't throw the baby out with the bathwater.

During my 38 years in the Forest Service I have observed many raids on public lands by special interest groups. The last significant attempt before the Sagebrush Rebellion excursion was in the late 1940's. It was known as the "Stockmen's Bill," but better known as Congressman Barrett's "Wild West Show." Bernard DeVoto, the nationally-known conservation writer, in the July 1948 issue of Harper's magazine describes the tactics of the livestock industry to wrest control of grazing on public lands from the Forest Service and Bureau of Land Management. The immediate objective was to prevent the Forest Service from making reduction in numbers of livestock permitted on some National Forests, but various other long-term objectives were more critical.

First, the industry wanted to change the grazing permits to permanent rights. Associated with both efforts was a recurrent one to open both kinds of public land to private purchase. To do this, the plan was to turn all publicly-owned grazing land over to state ownership as a step toward private sale.


Regardless how legislative bills read today, the objectives in the origin of the Sagebrush Rebellion in Nevada were almost identical with the Stockmen's Bill in the 1940's. Should it come to pass that our public lands are turned over to the States, it will be only a matter of time until some future legislature will amend the bill to permit sale of public lands to finance timber management and fire control. The costs of reforestation, timber sale roads and administration are escalating sharply.

In 1967, dry lightning storms starting August 11 continued until the middle of September, causing massive fires in Montana and Idaho.

We had 7,000 men on the firelines at a cost of $1\frac{1}{2}$ million dollars a day. The Governor of Idaho phoned me and asked the Forest Service to take over and suppress their fires since Idaho had exhausted its manpower, equipment, and finances. We took over their fires and controlled them, but not without the loss of two men on the Sundance fire. It started on State lands five miles outside the National Forest, blew up with a 40-mile-per-hour wind and burned 52,000 acres in one twelve-hour burning period.

Any state with fuels comparable to Montana and Idaho must weigh the painful consequences of assuming fire control and National Forest administrative costs.

Thank you,

A handwritten signature in dark ink, appearing to read "Neal M. Rahm", written in a cursive style.

NEAL M. RAHM

STATEMENT MADE BY JOHN R. MILODRAGOVICH BEFORE THE
HOUSE NATURAL RESOURCE COMMITTEE ON S.B. 123.

March 23, 1981

Committee:

MR. CHAIRMAN AND MEMBERS OF THE NATURAL RESOURCES ~~COUNCIL~~

For the record - my name is John R. Milodragovich. I am a native Montanan, a retired forester and presently engaged in a small ranching operation in Missoula County. I appreciate this opportunity to appear before this committee to express my views on S.B. 123.

This is the third time ^{IN MY EXPERIENCE} ~~since 1963~~ that efforts have been made to dispose of the public lands. The previous attempts were made in the mid-1940's and the mid-50's.

During my career I had the privilege of working with diverse user groups and individual users of the National Forests. Differences of opinion occurred, yes, and on occasion, major disagreements. In most cases we resolved the differences and worked out mutually satisfactory solutions within the laws and regulations which guide management of the National Forests.

I also had the privilege of working with the Montana Forestry Department and, most recently, with the Division of Forestry. While assigned as the Division Chief of State and Private Forestry, United States Forest Service, Region 1, I had the responsibility for cooperative fire control, cooperative forest management, reforestation, insect and disease control, and rural fire defense. Through these cooperative efforts real progress has been made and continues to be made in the protection and management of federal, state and private lands.

Congress enacted a number of new laws relating to management and use of public lands during the 1960's and 70's. As land managers implemented these new laws the Sagebrush Rebellion emerged as an expression of frustration and resentment with what some users feel is over-regulation, over control, and over environmentalism.

Senate Bill 123 appears to be an attempt at a quick fix. A simple solution--turn the ^{FEDERAL} lands over to the State.

This brings to mind some important questions.

--How would Montana handle 16.7 million acres of Forest Service land and 8.1 million acres of BLM land?

--How much would it cost Montana to enact a multiple use program?

--What would be the cost of range improvements, ^{TIMBER SALES} reforestation, timber stand improvement, road construction, fire management, fish & wildlife habitat management, ^{& OTHERS?}

--Where would the money come from to replace federal dollars lost in the 25% Fund, Payment-in-lieu of taxes, forest highway payments, ^{INTENSIVE HWY PROJ} and others?

Answers to these questions are not available. This is shown in ^{MONTANA} Fiscal Note #101-81, signed by David M. Lewis, Budget Director, Office of Budget and Program Planning. I quote, "Fiscal Impact - No dollar estimates can be made for Senate Bill 123. The Department of State Lands has no data which can be used as a basis for an estimate on the fiscal impact of this bill." End of quote.

Mr. Chairman, I believe a rededication of effort to work together in resolving mutual problems is the better solution.

ENVIRONMENTAL INFORMATION CENTER TESTIMONY OPPOSING SB 123
To House Natural Resources Committee, 23 March 1981

We regret having to oppose SB 123 because there are many good things to say about the concept of state management of most public lands in Montana. It is a principal of government that the closer ^{land} managers are to people who use the land, the better and more responsive the management will be.

Except for national parks, national recreation and wilderness areas, defense establishments, and federal buildings, the vast majority of the federal land in Montana is used almost exclusively by Montanans.

We believe it is possible that the state of Montana could manage federal lands better than could the federal government. It would take a fundamental revolution in the way the state now manages land, but that is not our primary concern about SB 123.

Our primary concerns are that SB 123 is (1) a statute, (2) has been presented to this legislature without the input from a wide variety of interests that befits legislation to govern 30% of the land in this state (and two 90-minute legislative hearings and 3 hours of debate are not enough to incorporate those excluded interests), and (3) that passage of this bill will be used by pro-Sagebrush interests to promote their cause in Washington, D.C., which may not be the cause of the people of this state. Many backers of the Sagebrush Rebellion in Congress have no concept of or interest in the welfare of the people of Montana.

Any legislation which deals with 30% of the land in this state should be in the form of a constitutional amendment, drafted after a series of public meetings around the state to gather input from many and diverse interests concerned about public land management, endorsed by 100 legislators, and ratified by the voters. The patchwork SB 123 has become makes this bill ludicrous in its present form, but the root cause is that the draft of this very important bill was not submitted to a variety of reviewers for comment prior to introduction.

Let me give you one example of the defect of making this legislation a statute. Proponents of this bill call opponents hysterical for believing that SB 123's so-called guarantees against public land sales actually leave this state wide open to the sale of all public lands to private interests. However, the fact is that SB 123 would allow any future legislature to repeal the guarantee and irrevocably sell every square foot of public land in this state to private interests for any purpose simply by a vote of 51 representatives and 26 senators. The vote requirement in SB 123 for any future legislature to sell every scrap of public land at one sitting (a simple majority is less than the vote required to override a governor's veto (2/3 of both houses) or appropriate even a few dollars from the coal trust fund (3/4 of both houses), or place even the simplest and most innocuous constitutional amendment up for vote (100 legislators).

If we had drafted a Sagebrush bill, it would have included iron-clad guarantees

against the sale of public lands. We would probably have required a 9/10 vote of both houses plus unanimous consent of the board of land commissioners. The drafters of SB 123 may have had serious concerns to prompt their choice of language, but the fact is that sale of public lands is not one of their burning concerns. There are other problems with SB 123 as well, and most of them stem from the failure of the drafters of this bill to expose it to varied public land users.

We are talking about 25 million acres, 30% of the fourth largest state in this nation. We need more than a statute written on shifting legislative sands, no matter how flowery its language is.

We are not talking, further, about an issue that has been studied to death. No one has yet taken the concept of who should manage public lands to the people of Montana, to determine first of all if they want any federal land managed at the state level at all; second, which lands; third, what aspects of federal land management they want changed by the state; fourth, what guarantees are needed regarding the management, access to, use of, and disposal of public lands; and fifth, what the economic, environmental, and policy implications of this kind of land transfer are.

There are many forms of state commissions, interim studies, and so on that can hold hearings around the state to make recommendations for a constitutional amendment which would delineate policy for any federal lands transferred to state control. In this regard, the study mandated by SB 123 for the Department of State Lands to perform to determine a management plan is emphatically not what we have in mind, because a thorough study with maximum public input is needed before legislation can even be drafted. The study should be for the purpose of drafting a law in the first place, not for setting up a management plan for legislation already passed. The study should incorporate a determination of whether Montanas even want federal land managed at the state level -- the only poll on the subject I've seen shows they don't -- not give an endorsement to such transfer.

We urge you to kill SB 123 not because we are unalterably opposed to the management of certain federal lands at the state level, but because SB 123 is not based on well-thought-out economic and environmental studies nor on diverse input. SB 123's supporters may want to send a message to Washington, but the only message SB 123 would send is that first of all, Montana is uncertain about whether we want this land; second, that we have no concrete policy other than a simple statute to govern it; and third, that the seriousness which befits such a massive land transfer is not present at the state level. A constitutional amendment which incorporates a variety of interests after careful study is the only form the federal government and the people of this state can take seriously. We urge your "no" vote on SB 123.

Re: S.B. 123

2205 8th Avenue
Helena, Montana
March 23, 1981

Mr. Dennis Iverson, Chairman
Natural Resources Committee
House of Representatives
State Capitol
Helena, Montana

Dear Mr. Iverson and Members of The Committee:

I wish to express my opposition to S.B. 123.

This bill does not favor the general public. It is indirectly favoring a minority of landowners in the state. It seems to have been proposed because certain landowners and the federal agencies managing the C.M. Russell Game Range could not resolve their differences concerning grazing by livestock and wildlife as well as other problems.

Turning federal lands over to state government would likely allow landowners to have more influence in the management of these public lands. Sale of public land to landowners in the area could also perhaps be achieved under state ownership. People who do not own farms and ranches could be denied access to these public lands for recreation purposes or severely limited, in such access.

There was a land grab proposed by livestock interests in the 1940's. This bill and the so called "sagebrush rebellion" in general seems to be repeating history. The movement was defeated in the 1940's and this bill should also be killed.

Thank you for your consideration of my viewpoint.

Sincerely yours,

Merle Rognrud
Merle Rognrud

CC: Senator Steve Brown
Representative Hal Harper

Resolution of the Montana Chapter of The Wildlife Society

On

. The Montana Land Reformation Act (Senate Bill 123)

The Montana Chapter of the Wildlife Society is a nonprofit organization of professional wildlife biologists and others dedicated to preserving Montana's wildlife resources and the habitats on which they depend for existence. It further recognizes that man, as well as wildlife, is dependent on the environment and believes that wildlife, in its many forms, is basic to the maintenance of a quality human existence.

The Chapter has reviewed Montana's 1981 Senate Bill 123 and is evaluating the concept of the "Sagebrush Rebellion" with respect to their impacts on Montana's wildlife resources. The following resolution refers only to SB 123.

WHEREAS, Senate Bill 123 (the proposed Montana Land Reformation Act) is worded so generally and with such ambiguity concerning the preservation of Montana's wildlife and wildlife habitats;

WHEREAS, the administration and management of federal lands transferred to state ownership by this bill would be the responsibility of the Montana Department of Lands;

WHEREAS, the Montana Department of State Lands has historically not practiced "multiple use" management of state school lands;

WHEREAS, the Montana Legislature recently defeated a bill to allow the practice of "multiple use" management on the state school lands;

WHEREAS, anticipated state management potentially could severely damage existing wildlife habitat;

WHEREAS, "multiple use" management legally recognizes the values of wildlife resources and the public benefits accrued from hunting and viewing those resources;

WHEREAS, the Chapter supports the concept of wildlife refuges as a tool to preserve wildlife;

and, WHEREAS, the language contained in Section 2, (2), (d) suggests that nonwildlife-oriented special interest groups are attempting to specifically confiscate the Charles M. Russell National Wildlife Refuge for their own uses;

BE IT THEREFORE RESOLVED, that the Montana Chapter of The Wildlife Society is opposed to Senate Bill 123.

Adopted by the Montana Chapter, The Wildlife Society, February 6, 1981.

Presented by Mark Reginald, representing the Montana Chapter

March 23, 1981

W. R. Fallis

The Sagebrush Rebellion was spawned several years ago, largely by livestock producers using federal lands, in Nevada. The banner has since been picked up by sympathizers in other western states. Ranching interests in Utah, Arizona, & Nevada have been particularly active, altho the western states in general, including Alaska, all have supporters for transferring federal lands to state ownership. Endorsers of the movement include those involved in ranching, mining, oil & gas, timber, real estate & related interests - all of whom can foresee possible reduced levels of ^{in dealing with administrative agencies as well} frustration, as economic benefits. Similar movements have previously occurred with the most recent effort of any consequence being unsuccessful in the 1940's.

The BLM seems to get most of the criticism for controversies which have arisen between

the federal government & land users, altho the Forest Service must also share some of the responsibility. Greatly increasing pressures for resources & uses of the western federal lands have been the stimulus. As interest in various land uses increased, conflicts became inevitable & generally pitted traditional consumptive users of federal lands against those - who for want of a better term - are often referred to as "preservationists." The resulting struggles resulted in Congress passing a number of new laws involving wilderness, wild horses, endangered species, archeology, wildlife, mining reclamation, air & water quality, etc. Government agencies such as the BLM & Forest Service were expanded & new people employed to implement the provisions of these new laws. The resulting confusion & frustration between users and land management agencies is understandable.

3)

Transferring the federal lands to state ownership is not the answer and in the long run would be most unsatisfactory - if not totally disastrous.

I was employed by the federal government for more than 30 years, primarily in some phase of range management - so worked closely with ranchers & others in the livestock

My comments have therefore been limited to that general subject. industry. Federal land prog. permittees are among my closest friends, & in my experience, differences in philosophy between users & land administrators have been of a minor nature or involved details which were worked out to the mutual satisfaction of all concerned. Such differences will always arise & usually provide a healthy ^{atmosphere in which} to develop solutions to questions. ~~which may be solved by consultation.~~

A few facts of life that should be kept in mind when considering the objectives of the Sagebrush Rebellion are:

1. In dealing with natural resources, demands generally exceed available supplies and federal land grazing permits provide a good example for discussion. The land is capable of producing only so much forage; like money in the bank, only the interest can be removed each year if the principle is to be maintained for sustained production in future years. Thus, grazing permits have become a valuable asset & those on the national forests sell on the free market for figures varying from \$600 to \$1800 per animal unit depending on the circumstances. No doubt some of this value can be attributed to the difference between grazing fees on federal lands as compared to private land. Nevertheless, for whatever reason, ^{grazing} permits are very valuable & those that are available cannot supply the demand for them. Changing ownership of the lands involved will not remedy this situation & might very well

5) further complicates the problem, in my judgement.

2. There are no alternatives to sustained yield when managing renewable resources. State Land Board management programs with which I am familiar have been unable to meet this need. Land Boards are charged with producing maximum revenue. Too often when dealing with grazing leases, for example, other resource considerations (wildlife, water, etc) are not adequately considered. Thus, land productivity is impaired. This is not a condemnation of Land Boards, but it must be recognized that their objectives relate to maximum revenue — and they are usually not financed to perform a satisfactory level of land management. Additionally, State Land Board grazing leases often provide for permittees to post the land, and/or under certain conditions, state lands may be sold. Certainly there

2)

are situations where land pasturing and/or disposal are reasonable actions. At the same time, however, they raise ~~some~~ legitimate questions in the minds of the public — and if carried to excess society as a whole will suffer.

3. Questions regarding land disposal are becoming more important as foreign interests and large corporations make increasingly large investments for land in this country. The most obvious question might be whether the modest rancher or land owner can compete if & when certain lands might be offered for sale. Under present laws & current policies, the sale of federal lands is not a serious concern, but for various reasons that may not be the case under state ownership. Incidentally, I lived on the east coast several years and the lack of public land was one of the biggest disadvantages experienced. Escaping from the city & throngs of people is virtually impossible

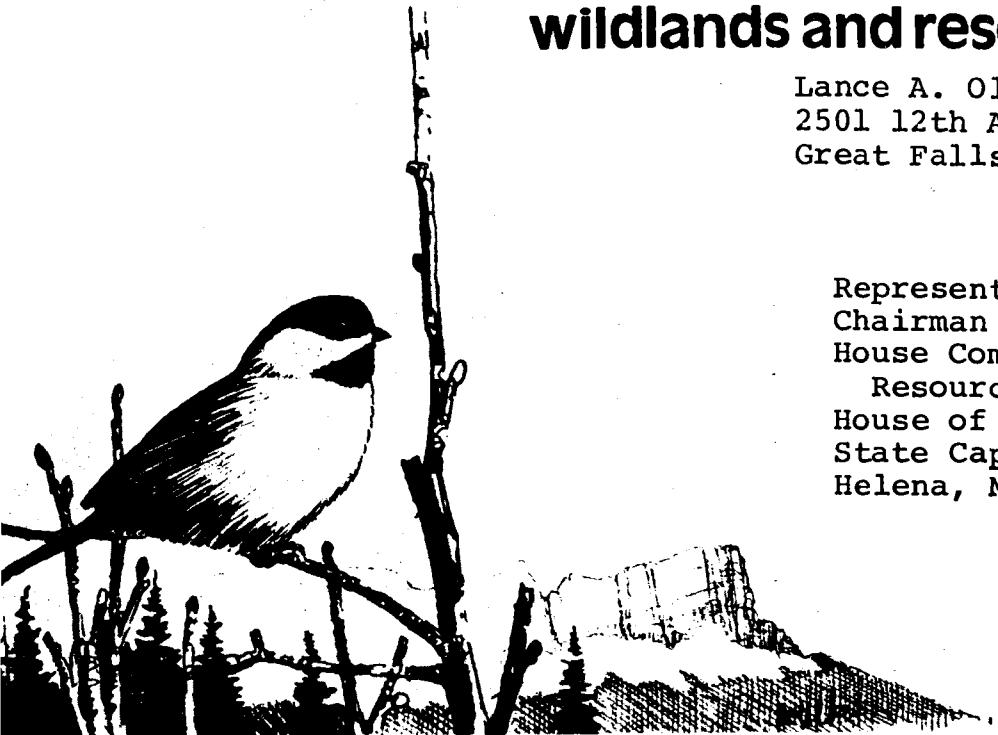
In summary, satisfactory land management carries with it the mandate that sustained yield principles apply - other considerations must be secondary. There is no way to defend or justify management practices which impair productivity potential. The problems experienced by those who fault federal ownership & land management are appreciated - and every effort should be made to improve that situation. In doing this, however, care must be exercised to be sure the baby is not thrown out with the bathwater. That could be the final result if the federal lands in the west are transferred to state ownership.

* Statement of W. R. Fallis at public hearing on SB[#] 123 in Helena on 3/23/81

EXHIBIT 21
wildlands and resources association

Lance A. Olsen, President
2501 12th Avenue South
Great Falls, Montana 59405

Representative Dennis Iverson
Chairman
House Committee on Natural
Resources
House of Representatives
State Capitol Building
Helena, Montana 59620



March 19, 1981

Dear Representative Iverson:

I write on behalf of the Wildlands and Resources Association in order to present our position on SB 123, an act entitled, "An Act Relating to Public Resource Land; Providing for State Ownership . . .", etc. Let this be our statement for the record.

The Wildlands and Resources Association's position is that this bill should not be passed; We oppose it.

We do not believe that cutting the national public out of decisions about publicly owned land in Montana is a good way to carry Montana into the future. We oppose "Sagebrush" legislation in any form, including the amended SB 123. We strongly prefer that no such legislation come out of Montana, even in token form, since this would or could be taken to indicate that Montanans in general endorse the "Sagebrush" idea. Montanans do not; SB 123 should be killed.

Thank you for entering these, our conclusions, into the record of discussion of SB 123. We appreciate the opportunity to make known our views on this important proposed legislation.

Sincerely,



Lance A. Olsen, President

Officers

Lance A. Olsen, President
Harold Scurlock, Vice President
Dan Levine, Secretary/Treasurer

Board of Directors

Dr. David Anderson
Orville Gray
Carley McCaulay
Cal Ryder
LeRoy Schelly
Ed Spinler

14 February 1981

The Honorable Dennis Iverson
Chairman, Committee on Natural Resources
State of Montana, House of Representatives

Dear Mr. Chairman;

My name is Peter F. Carroll. I am a registered voter in the state of Montana and presently attending the University of Montana in Missoula. I'm writing today to offer testimony on "The Montana Land Reformation Act", S.B.#123. My schedule does not afford me time to personally attend any Committee hearings in Helena, yet I hope you will consider my opinions toward this Bill.

First, I would like to discuss with you two of the definitions which are found in the Bill. In this part of my discussion I will be using the "Multiple Use and Sustained Yield Act" of June 12, 1960 as a guide. (a copy of which is enclosed) When I compare the definitions of "multiple use" and "sustained yield" from both Bill's it seems that S.B.#123 is lacking in clarity. The term "multiple use" in S.B.#123 does well to define fine multiple uses but does not offer any guidelines as to the extent of such use. Both the definitions of multiple use and sustained yield are lacking of any phrase which would preserve the lands quality. A phrase similiar to the MUSY's "without impairment to the productivity of the land" I feel, should be required in this type of legislation. As a final comment in this area of concern I should like to point out that in S.B.#123 the term "sustained yield" is used to define "multiple use". The term "multiple use" is used in defining "sustained yield". This seems to create some type of paradox, and I do not believe it is proper to do and warrants correction.

I would now like to discuss the basis for the Bill, namely the land disclaimer which was included in Montana's Statehood Act. The proponents of this Bill claim that Congress acted beyond it's power in making such a requirement. I will direct you then to the U.S. Constitution, Article IV, Section 3, paragraph two. It states;

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudiced any claims any claims of the United States, or of any particular State.

It seems clear that since Montana was a territory prior to its acceptance into the Union, Congress did act within their bounds. Which brings up the amendment that the state Senate added to the Bill before it passed their House. It seems to indicate that

if the State is given reason to believe that the Federal Government were to allow such a transfer of lands (ie; the case pending in the State of Nevada) then the Bill will take effect. This action effectively washes Montana's hands of any court battles but does not substantiate the need for such an action.

Proponent's of the Bill claim that there is lack of access to these lands and the resources on them. I do not believe that this is the case, the amount of grazing leases of Federal land in Montana alone should defeat this opinion. Not to mention the continued mining exploration that occurs on the Federal land. Surely there are restrictions on these activities, but without them how could we be assured of the lands continued productivity?

Then there is the question in my mind as to whether the State of Montana can effectively manage these lands and their resources. The Bill, as it now reads, gives the board of land commissioners control of these lands. I do not know the extent of this boards present workload, yet it seems that the extra burden of these lands on the board will certainly reduce the boards present effectiveness. Perhaps some changes in the Bill are warranted in this area.

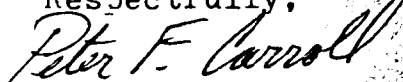
Another aspect of the Bill which I do not accept is the allocation of \$200,000 dollars to carry out the purposes of the act. In that the Federal Government has already accessed this land, and that the Federal Government has access to a wider range of information I do not believe the board could produce a better management plan or assessment than what we already have. It appears to me that this appropriation is a flagrant waste of the taxpayers money.

Finally, I think that you should be aware that the Secretary of the Interior, James Watt, has openly indicated his support of states primacy and a desire to defuse the Sagebrush Rebellion. The passage of this Bill will only show contempt for, rather than a willingness to, work with the Federal Government in solving these problems.

In light of all I have said, I am urging you to defeat this Bill in Committee. If this is not possible then I would hope that you at least make some changes to make this piece of legislation respectable.

Thank you very much for your time.

Respectfully,



Peter F. Carroll
Box 7963
Missoula, MT.

59807

Sec. 5. This Act may be cited as the 'Multiple-Use Sustained-Yield Act of 1960'. (16 U.S.C. 528 (note))

Billings Rod & Gun Club
Box 33
Billings, Mont. 59044
March 19, 1981

Chairman
House Natural Resources Committee
Capitol Station
Helena, Mont.

Dear Sir,

The Billings Rod & Gun Club, representing 650 family memberships cannot support SB 123. We ask for a do not pass on this bill.

This bill would be like remembering to close the corral gate after the horse got out. The gate is closed, but the horse is lost.

We don't want to lose our lands, so lock the gate, do not pass SB 123.

Sincerely,

James Knight

James Knight
President Billings Rod & Gun Club

Representative Iverson, Chairman
Natural Resources Committee
Montana State Legislature

Great Falls, MT.
19 March, 1981

Dear Representative Iverson & Committee Members,

I am attaching a copy of a statement I made at the Senate Hearing on SB 123 and am including some additional comments and information that I would like to have included in the Hearing Record in opposition to SB 123.

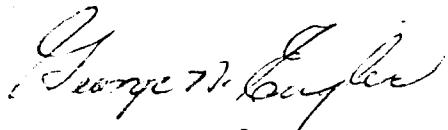
The supporters of SB123 suggest that there is far too much federal land in the State. Lets examin~~e~~ the other side of that coin. Most census data shows that the agricultural sector comprises less than 5 % of the population. Since 30 percent of Montana is Federal land then approximately 70 percent is private. The big end of this is owned by agricultural interests. If less than 5 percent allready own 70 percent of the State why should they try to gain control of the other 30 percent? To onderstand why, perhaps we should consider the statement in the February issue of the Society for Range Management's journal called Rangelands, by Dr. Gene Wunderlich, an economist with the Agriculture Research Service. He said, " Land is a means for distributing and exercising power. " I believe if we examine the list of sponsors for SB 123 we can understand how incompatible the Bill is with the interests of 95 percent of the State's population.

I would also call attention to a news article of a couple of weeks ago (copy attached) concerning a report of the Public Land Institute on management of State administered trust lands. As you can see from the article the report does not give high marks to Montana.

Without adequate enabling legislation the State cannot even provide appropriations for adequate land management. Because the State has not yet passed an adequate Forest Practices Act slash disposal and reforestation programs on private lands are completeley inadequate. I would also point out that in this legislature a Bill was introduced in the Senate to extend the concept of multiple use to State Forestry lands. It was killed in committee.

Because of the past actions of the Montana legislature, I am not willing to risk my present heritage and privileges on the public land. I therefore urge the defeat of SB 123.

Respectfully submitted,



George M. Engler
2412 5th Ave. South
Great Falls, MT.

Great Falls Tribune
about 3/6/81

Panel gets conflicting a

By CHARLES S. JOHNSON
Tribune Capitol Bureau

HELENA — A House committee heard conflicting solutions Tuesday on how to raise enough money to repair Montana's deteriorating highways and build new roads.

THE DEBATE CAME at a House Taxation Committee hearing on HB499, sponsored by Rep. Danny Oberg, D-Havre. His bill in effect would raise the state tax on gasoline from 9 to 11 cents a gallon and increase the diesel fuel tax from 11 to 13 cents.

Oberg's bill drew support from the Montana Contractors Association, Montana League of Cities and Towns, Montana Intermountain Oil Marketers Association and House Taxation Chairman Ken Nordtvedt, R-Bozeman.

It was opposed by the Schwinden

administration, which has its own proposals, the Montana Highway Users Federation, Montana Taxpayers Association, Montana Motor Carriers Association, Montana Automobile Association and Mountain Bell.

The committee took no immediate action on the bill. It is expected to be held in committee for now, Nordtvedt said, because highway financing has become part of the money battle between the Republican-controlled Legislature and Gov. Ted Schwinden, a Democrat.

"Montanans are angry and frustrated at the state of our road system," Oberg said, adding that "potholes are threatening to engulf cars" along some stretches.

He acknowledged that raising gasoline taxes is unpopular politically but said something must be done. The state's philosophy has been to make

highway users pay for new highways through the gasoline tax, he said.

With current fuel taxes, the state will be able to reconstruct only 26 miles of primary roads and 26 miles of secondary roads over the next 10 years, Oberg said.

Inflation has had devastating effects on highway building, Oberg said.

In 1971, \$1 million would pay for 2.3 miles of interstate highway, 1.5 miles of primary highway or 1.5 miles of maintenance, he said. Today, Oberg said, \$1 million buys .8 mile of interstate, 1.5 mile of primary road or 350 miles of maintenance.

Bill Olson of the Contractors Association supported the bill and said the condition of the state's highways has contributed to the state's increasing highway death toll.

Western states doing poor job with trust lands, report claims

WASHINGTON — Western states in general are doing a poor job of managing their trust lands, according to a report issued by the Public Lands Institute.

The Wildlife Management Institute, Washington, said the report "is doubly interesting in that a goal of the so-called 'Sagebrush Rebellion' is to transfer federal public land in the West to state and eventually private ownership.

According to the report, the eleven contiguous states lying wholly west of the 100th meridian own more than 40 million acres of "trust" lands that were granted by the federal government at statehood. Much more than 40 million acres were given the states originally but many have disposed of some or all of their trust lands.

The PLI report states that with two possible exceptions, "the responsible state agencies are inadequately staffed to take care of the lands. They have been kept impoverished by the state legislatures."

The report notes that with few ex-

ceptions, "the trust lands are off-limits to citizens seeking recreation in the out-of-doors. The 'multiple uses' for which the lands are available are restricted by law or policy to revenue producing activities such as mining, oil and gas production, and livestock grazing."

Among the more understaffed agencies, according to the report, are the Colorado Board of Land Commissioners with only 29 people to manage 2.9 million acres, and the Utah Division of State Lands, with only 47 for 3.6 million acres.

Arizona, with only 97 employees and 9.5 million acres; and Montana, with 65 employees and 5.1 million acres are hardly better off, according to the Institute report.

Colorado field appraisers, the report states, try to check lands leased for grazing about once every five years. Montana appraisers try to see their grazing lands at least once in the life of a ten-year lease.

The New Mexico commissioner

was quite frank, the Institute report says. He depends chiefly on the lessees to tell him how much grazing pressure the land can sustain.

The report is available to business and government agencies for \$10 a copy, to individuals and public interest organizations at \$3.50 from the Public Lands Institute, 1740 High Street, Denver, Colo. 80212.

Only At
Sherwin
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Senator Dover, Chairman
Natural Resources Committee
Montana State Legislature

Great Falls, Mt.
26 January, 1981

Dear Senator Dover and Committee Members,

I am George Engler of Great Falls. I am retired from the U. S. Forest Service after over thirty years of natural resource administration and management. I continue active in Forest and Range Resource consulting. I speak on behalf of myself in opposition to Senate Bill 123.

The reasons are several:

1. It is obviously special interest legislation designed to strengthen the voice of industry and facilitate the economic exploitation of the public land. This is contrary to public policy reaffirmed by the Congress in passing the National Forest Management Act and the Federal Land Policy and Management Act.
2. Although SB 123 expresses the intent to continue multiple use management this would apparently be left up to the management plan developed by the State Land Board. This does not inspire confidence as the objective of the Land Board is to maximize income. It is my view that multiple use, wildlife and recreational values would be sacrificed in order to increase economic return.
3. If in fact the State did adopt the policy of continuing public ownership and multiple use management, then I ask how would it be financed? I submit the State simply could not afford to shoulder the financial burden. The increase in cost to the taxpayer would be devastating. This in turn would militate against continuing a multiple use policy. The Board would be pressured to maximize income and perhaps selling the land to relieve the financial burden. All of my apprehensions then would be valid. Perhaps it is significant that a financial impact study has not been made, or at least is not public.
4. I am also concerned that adverse social or cultural change would result. The agriculture sector of Montana has long been, and still is, comprised of family ranches. Those small family ranches presently dependent on national forest and BLM administered land simply could not compete in an open market for grazing leases or land purchase. Instead of strengthening the family operation we would hasten its demise.
5. Senator Manley, one of the Bill's sponsors, has said publicly the State could do a better job of timber sale administration than the U.S. Forest Service. That is not my observation. Quality of timber sale administration is directly related to the funds available to do the work. The State legislature has not demonstrated the will to accomplish good timberland management. It has not provided adequate funds or the legal tools. I would remind the committee that the legislature refused to pass a very basic Forest Practices Act in 1975 after an interim committee headed by Rep. Burt Hurwitz had worked long and hard to develop an acceptable Bill with industry and landowners.

In summary I urge the defeat of SB 123. Montana simply cannot afford to shoulder the burden of financing the complex management of public resource lands.

Respectfully submitted,

George N. Engler

George N. Engler, Great Falls, MT.