

48TH LEGISLATIVE SESSION

MINUTES OF NATURAL RESOURCES COMMITTEE MONTANA STATE SENATE

January 17, 1983

A joint meeting of the Senate Natural Resources and House Natural Resources Committees was called to order by Senator Harold L. Dover and Representative Hal Harper on Monday, January 17, 1983 at 12:00 pm in Room 325, State Capitol.

ROLL CALL: No roll call was taken, however a majority of both committees were present.

SUBJECT: The purpose of the meeting was presentation and briefing for Montana State legislators by the Western Conference of the Council of State Governments.

Rep. Harper explained that the Conference Council is made up of 13 western states, and is to give an opportunity for legislators to exchange ideas and to adopt policies that are similar. The Council meets once each year.

Senator Dover also gave opening remarks, stating that the idea of this meeting is to go beyond the sagebrush rebellion and learn ideas of how the state can have greater control over federal lands. Senator Dover acted as moderator, and made introductions of the persons to speak representing the Western Conference of the Council of State Governments. The meeting was also to release findings and recommendations of a two year study partially funded by the State of Montana. This study was mandated by the Conference in order to develop strategies for Western states to increase state control and ownership of federal public lands.

Speakers introduced were: Richard Cowart, law professor at the University of California; Sally Fairfax, professor of natural resources at the University of California; Richard Ganzel, professor of political science at the University of Nevada; Dan Sprague, Director of the Western Conference of the Council of State Governments; John Thorson, attorney, also with the Western Conference of the Council of State Governments; and Leonard Wilson, a senior research associate for the Council of State Governments.


Minutes
Senate Natural Resources
1-17-83

-2-

Topics included in the briefing were: Major causes of citizen and state unrest about federal public lands policies in the West; The impact of present or past federal policies on Western lifestyles and economies and opportunities for Western states, under the Reagan Administration's "New Federalism" for greater state role; Possible legal actions by states to regain greater control over federal lands and a candid evaluation of the potential of these strategies; The meaning and significance of this Administration's "good neighbor policies", programs to sell excess and surplus lands, and the Department of Interior's asset management program; Ways that states can gain greater control of federal land policies under existing federal law; and Positions that states can take before Congress and federal agencies.

An agenda of the meeting presented is attached as Exhibit '1'. A complete transcript of the meeting is to be prepared by the Council of State Governments Western Conference and sent to legislators in March of this year.

There being no further business to come before the committees, the meeting was duly adjourned at 2:10pm.



SENATOR HAROLD L. DOVER, CHAIRMAN
SENATE NATURAL RESOURCES COMMITTEE



Patricia Hatfield
Committee Secretary

ROLL CALL

SENATE NATURAL RESOURCES COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 1-17-83

NAME	PRESENT	ABSENT	EXCUSED
ECK, Dorothy (D)	✓		
HALLIGAN, Mike (D)			
KEATING, Thomas F. (R)	✓		
LEE, Gary P. (R)	✓		
MANNING, Dave (D)			
MOHAR, John (D)			
SHAW, James N. (R)	✓		
STORY, Pete (R)			
TVEIT, Larry J. (R)			
VAN VALKENBURG, Fred (D)	✓		
ETCHART, Mark (R) Vice Chairman	✓		
DOVER, Harold L. (R) Chairman	✓		

DATE _____

COMMITTEE ON NATURAL RESOURCE BILL NO. 1-17-83
Council of State Gov't.

BILL NO.

1-17-83

VISITOR'S REGISTER

[illegible]

(Please leave prepared statement with Secretary)

WESTERN CONFERENCE

THE COUNCIL OF STATE GOVERNMENTS

720 SACRAMENTO STREET, 3rd FLOOR SAN FRANCISCO, CALIFORNIA 94108 (415) 986-3760

**BEYOND SAGEBRUSH:
A Series of Briefings for State Officials on
Strategies for Asserting Greater Control Over
Federal Land Management Decisions**

January 1983

AGENDA

Part 1:

Welcome and Introduction
Organization of the Briefing
Historical Background Leading up to Present Conditions and Grievances
Public Land Law Review Commission Revisited
Litigation Status and Prospects
Questions and Answers

Part 2

Opportunities for Asserting State Policies
Assessing National Law Disposal Initiatives
Innovative Land Transfer Proposals
Summary
Questions and Answers

STUDY TEAM MEMBERS

Richard Cowart, University of California, Assistant Professor of Planning and Environmental Law, Schools of Law and Environmental Design; formerly Director, Vermont Environmental Board.

Dr. Sally K. Fairfax, University of California, Associate Professor, College of Natural Resources; co-author, Forest and Range Policy; member, National Science Foundation committees on rangeland issues.

Dr. Richard Ganzel, University of Nevada, Associate Professor, Department of Political Science; author and editor of public lands report for Nevada legislature and attorney general.

Dan Sprague, Director, Western Office of the Council of State Governments.

John Thorson, Attorney and Associate Director, Western Office of the Council of State Governments. *Born and in Mexico.*

Leonard Wilson, Council of State Governments, Senior Research Associate; consultant to National Governors' Association subcommittee on rangeland management.

Comprised of Legislators, representing the following States:

Alaska • American Samoa • Arizona • California • Colorado • Commonwealth of the Northern Mariana Islands
Guam • Hawaii • Idaho • Montana • Nevada • New Mexico • Oregon • Utah • Washington • Wyoming

THE WESTERN (LEGISLATIVE) CONFERENCE

The Western Conference is comprised of elected and appointed officials of the States of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, and the Pacific Territories of American Samoa, Guam, and the Northern Mariana Islands.

The purpose and objectives of the Western Conference are to foster and encourage interstate cooperation on and participation in the consideration of common problems in the west. The conference provides a medium for state legislators to exchange ideas, knowledge and experience toward the development of action research and policy positions on major western issues.

The Western Conference is governed by an Executive Committee composed of the Conference's elected officers, appointed state delegates, and chairs of the conference study committees. The Executive Committee sets interim conference policy and recommends bylaws to implement conference rules.

Conference members meet in committee sessions several times a year, and the entire membership meets annually for three days. During the committee meetings and the annual conference, held throughout the western region, legislators and appointed officials address a variety of issues of concern to the region. Each year, the Conference's leadership determines the priority issues within the region, and establishes policy committees to examine these issues.

For 1982-1984, legislative committees include:

- public lands
- water policy
- public safety
- fiscal affairs and federalism
- energy development and conservation
- hazardous materials and waste management
- transportation

The committees meet to examine policy approaches to these issues in member states. For example, the transportation committee would consider alternative methods of highway funding, and the corrections committee would review sentencing structures across the states. Committees also review federal legislation and develop regional policy positions on national statutory and administrative policies. Committee membership includes legislators appointed from both houses of each state, legislative staff and executive agency representatives.

Officers of the Conference

Chair, 1982-83	President Pro Tem Russ Donley (Wyoming)
Chair-Elect, 1982-83	Senator Sam Guess (Washington)
Vice Chair	Representative Dan Berry (New Mexico)
Past Chair	Senator Cary Peterson (Utah)

1983 Annual Meeting

September 11 - 14 Fairbanks, Alaska

COMMONLY USED ACRONYMS

BLM - Bureau of Land Management (Department of Interior)

FLPMA - Federal Land Policy and Management Act

MEPA - Montana Environmental Policy Act

MOU - Memorandum of Understanding

NEPA - National Environmental Policy Act

OCS - Outer Continental Shelf

SMCRA - Surface Mine Control and Reclamation Act

COMMONLY USED TERMS

Acquired lands:

Lands in Federal ownership which are not public lands. Acquired lands were obtained by the Government through purchase, condemnation, or gift or by exchange for such purchased, condemned, or donated lands or for timber on such lands.

Disposition:

A transaction which leads to the transfer of title of public lands, and/or resources upon or in these lands, from the Federal Government.

Entry:

An application to acquire title to public lands.

Federal land:

All classes of land owned by the Federal Government.

Lease:

An authorization to possess and use public land for a period of time sufficient to amortize capital investments in the land.

O & C lands:

Public lands in Western Oregon which were granted to the Oregon Central railroad companies (later the Oregon & California Railroad Company) to aid in the construction of railroads, but which were later forfeited and returned to the Federal Government by revestment of title.

Patent:

A government deed. A document that conveys legal title of public lands to the patentee.

Permit:

A revocable authorization to use public lands for a specified purpose.

Public land or public domain lands:

Original public domain lands which have never left Federal ownership; also, lands in Federal ownership which were obtained by the Government in exchange for public lands or for timber on public lands.

Reservation:

A withdrawal, usually of a permanent nature; also, any Federal lands which have been dedicated to a specific public purpose.

Reserved land:

Federal lands which are dedicated or set aside for a specific public purpose or program and which are, therefore, generally not subject to disposition under the operation of all the public land laws.

Sustained yield:

Management of the resource to assure continuous production with the aim of achieving, at the earliest possible time, an approximate balance between growth and harvest, by either annual or somewhat longer periods.

Wild free-roaming horses and burros:

All unbranded and unclaimed horses and burros on national resource lands managed under the Wild Free-Roaming Horses and Burros Act (Public Law 92-185, Dec. 15, 1971, 85 Stat. 649-651).

Withdrawal:

An action which restricts the disposition of public lands and which holds them for specific public purposes; also, public lands which have been dedicated to public purposes.

STATE/LOCAL MANAGEMENT STRATEGIES

Level of Involvement	Program Type			
	Consultation	Planning	Mitigation	Permit Review
Local	<ul style="list-style-type: none">•Local MOU	<ul style="list-style-type: none">•Local planning & zoning•FLPMA Sect. 202•Experimental stewardship	<ul style="list-style-type: none">•County bargaining•Prepayment of taxes	<ul style="list-style-type: none">•NEPA•County development controls
State and local	<ul style="list-style-type: none">•Umbrella MOU•Rangeland coordinating council (AZ, ID)•Training sessions	<ul style="list-style-type: none">•CRMPT (MT)•Utility corridor planning (MT)•Joint planning teams (AZ)		
State	<ul style="list-style-type: none">•Lead state agency•Rangeland coordinating council (CO, MT)•Training sessions	<ul style="list-style-type: none">•CRMP (ID, NV, WY)•Urban Lands Act (AZ)•Coal teams•Cumulative impacts task force (CO)	<ul style="list-style-type: none">•Range improvement loan (UT, MT)•State bargaining	<ul style="list-style-type: none">•Joint review•MEPA/NEPA (MT)•SMCRA primacy