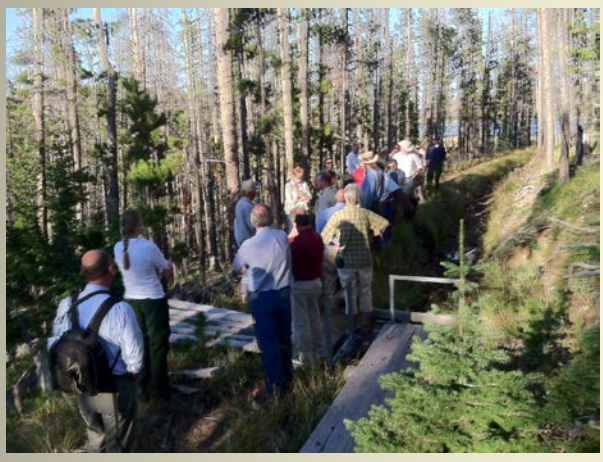
DRAFT REPORT FOR PUBLIC COMMENT

Comments Due: August 16

Email: jkolman@mt.gov

Subject: SJ15 Federal Land Study

The management of Forest Service and Bureau of Land Management lands in Montana has a significant and direct bearing on Montana's environment, education funding, economy, culture, wildlife, and the health, safety, and welfare of our citizens



Evaluating Federal Land Management in Montana

An identification of significant risks, concerns, and solutions

Environmental Quality Council 2013-14

Environmental Quality Council Members

Before the close of each legislative session, the House and Senate leadership appoint lawmakers to interim committees. EQC members can serve up to three 2-year terms if re-elected and reappointed. Members must be appointed before the 50th legislative day in accordance with 5-16-101, MCA.*

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* This information is included in order to comply with section 2-15-155, MCA.

This report is a summary of the work of the Environmental Quality Council, specific to the EQC's 2013-2014 study of federal land management as required by Senate Joint Resolution No. 15 and outlined in the 2013-14 work plan. Members received additional information and public testimony on the subject, and this report is an effort to highlight key information and the processes followed by the EQC in reaching its conclusions. To review additional information, including written minutes, exhibits, and audio minutes, visit the ETIC website:
www.leg.mt.gov/eqc

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Contents

Introduction....4
Step One: Survey of Montana Counties....7
SJ15 COUNTY SURVEY: COUNTY RESPONSES....11
Step Two: EQC Field Trip of 10 Mile Watershed....16
Step Three: SJ15 Study Matrix....17
Step Four: Findings....17
Step 5: Recommendations....19
Forestry Provisions in 2014 Farm Bill....20
Governor's Nomination of Restoration Projects....20
Press Release Announcing Nomination....20
County Recommendations for Restoration Priority Projects....25
Index to SJ15 speakers....27
Sept. 11, 2013 EQC....27
History and policy overviews of federal land management....27
Jan. 8, 2014 EQC....27
Feb. 20, 2014 SJ15 Work Group....27
March 6, 2014 SJ15 Work Group....27
March 19, 2014 EQC....27
April 14, 2014 SJ15 Work Group....28
April 28, 2014 SJ15 Work Group....28
May 14, 2014 EQC....28
Index to SJ15 additional materials....29
Timber management, wildfire, and fuel treatment....29
Costs of wildland fire management....29
Federal land management effects on water and wildlife....29
Federal land management and air quality related to wildfire....30
Litigation and appeals of federal land projects....30
Multiple use and access issues on federal land....30
Invasive weeds, pests, and disease on federal lands....30

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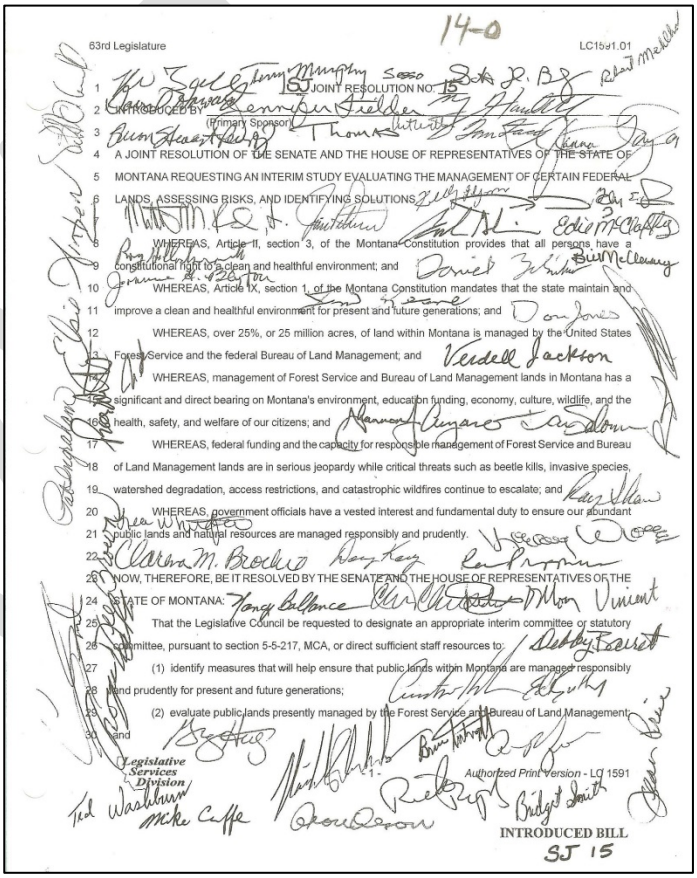
Federal reimbursements to local governments for federal lands 31
Scientific integrity of federal decision making 31
Federal management of Yellowstone National Park bison 31
Economic information related to production from federal lands 31
Endangered Species Act information 32
Jurisdiction over federal land 32
Livestock grazing on federal lands 32
Overview of Federally Held Public Lands 34
Compensation for Public Lands 34
Opposition to Federal Management 36
State and Local Involvement 39
Federal Laws and Regulations 39
Montana Laws 42
State and Federal Agreements 44
Collaborative Efforts 46
Table 1
Appendixes

DRAFT

Introduction

Over 29% of the land within Montana, about 27.4 million acres, is managed by federal agencies. Many of the nation's natural resources occur on these federally-managed lands, including timber, grazing, forage, minerals, coal, oil and gas, water, and wildlife. Management of these lands can greatly affect local economies, tax base, employment opportunities, public safety, the surrounding environment, and recreational opportunities.

This report is produced as a result of the 63rd legislature's passage of Senate Joint Resolution 15 (SJ-15) which authorized an interim study evaluating the management of certain federal lands, specifically U.S. Forest Service and Bureau of Land Management lands in Montana.



63rd Legislature LC1591.01

SENATE JOINT RESOLUTION NO. 15

INTRODUCED BY (Primary Sponsor)

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY EVALUATING THE MANAGEMENT OF CERTAIN FEDERAL LANDS, ASSESSING RISKS, AND IDENTIFYING SOLUTIONS

WHEREAS, Article II, section 3, of the Montana Constitution provides that all persons have a constitutional right to a clean and healthful environment; and

WHEREAS, Article IX, section 1, of the Montana Constitution mandates that the state maintain and improve a clean and healthful environment for present and future generations; and

WHEREAS, over 25%, or 25 million acres, of land within Montana is managed by the United States Forest Service and the federal Bureau of Land Management; and

WHEREAS, management of Forest Service and Bureau of Land Management lands in Montana has a significant and direct bearing on Montana's environment, education funding, economy, culture, wildlife, and the health, safety, and welfare of our citizens; and

WHEREAS, federal funding and the capacity for responsible management of Forest Service and Bureau of Land Management lands are in serious jeopardy while critical threats such as beetle kills, invasive species, watershed degradation, access restrictions, and catastrophic wildfires continue to escalate; and

WHEREAS, government officials have a vested interest and fundamental duty to ensure our abundant public lands and natural resources are managed responsibly and prudently.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

(1) identify measures that will help ensure that public lands within Montana are managed responsibly and prudently for present and future generations;

(2) evaluate public lands presently managed by the Forest Service and Bureau of Land Management; and

Legislative Services Division

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INTRODUCED BILL SJ 15

SJ-15 drew strong bipartisan support with 60 sponsors. It passed the Senate 46-4 and the House 81-19.

SJ-15 was ranked by the legislature as Montana's number two overall interim study priority.

SJ-15 was assigned to the Environmental Quality Council (EQC) 2013-14 Interim Committee, a bi-partisan committee comprised of an equal number of democrat and republican legislators along with four members of the public. The Governor's Natural Resource Policy Director served as an ex-officio member of EQC. The EQC Chairman appointed a bi-partisan working group of four legislators to conduct the SJ-15 study.

SJ-15 Working Group members met by tele-conference twice monthly and reported to EQC at regularly scheduled full council meetings. The work group developed and sent a survey to county commissioners in counties containing 15% or more federally managed public lands. Next they prepared a matrix to begin outlining concerns, desired corrections, barriers, and recommended actions. Extensive testimony and data were gathered and discussed throughout the process. All Work Group and EQC meetings were properly noticed and open to the public.

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(2) evaluate public lands presently managed by the Forest Service and Bureau of Land Management; and

(3) prepare a report and recommendations to the Legislature, including:

(a) an assessment to analyze available information pertaining to the Forest Service and Bureau of Land Management lands within Montana and identify significant concerns or risks associated with these lands relative to:

(i) environmental quality;
(ii) economic productivity and sustainability;
(iii) public health, safety, and welfare;
(iv) consistency with state and local objectives;

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(v) ownership and jurisdictional responsibilities; and
(vi) other aspects as considered appropriate by the assigned interim committee;

(b) a survey of county commissions whose counties contain 15% or more land area under the management of the Forest Service and/or Bureau of Land Management, incorporating their responses into the report;

(c) identification of solutions and goals to improve concerns or risks identified by subsection (3)(a);

(d) investigation of all lawful mechanisms, including actions implemented in other states, that may aid in achieving desired goals; and

(e) recommendations to agencies and the Legislature of necessary actions to achieve solutions and goals.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2014.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 64th Legislature.

-END-

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Step One: Survey of Montana Counties

During the summer of 2013, the SJ-15 Working Group developed and mailed a series of questions to ask of all the Boards of Commissioners representing Montana Counties that where 15% of the county's land is managed by the U.S. Forest Service (USFS), the Bureau of Land Management (BLM) or a combination of the two.

Twenty-eight of the 35 counties surveyed responded, although every county did not answer every question. The survey questions along with the number and percentage of county commission responses directly pertaining to each question are noted in the following summary.

The responses helped the EQC identify the greatest risks and concerns in each county and explore all possible solutions to correct significant problems.

SJ-15 SURVEY: SECTION 1 - PUBLIC HEALTH, SAFETY, AND WELFARE

1. Do current wildfire conditions on federal lands within your county pose a significant threat to:
   - 22 Public Health and Safety (88%)
   - 23 Public Property (92%)
   - 24 Private Property (96%)
   - 1 Unsure (4%)

2. Do you believe fire hazard on federally managed lands should be reduced to protect public health and safety within your county?
   - 23 Yes (88%)
   - 1 No (4%)
   - 2 Unsure (8%)

3. Regarding the water supply your citizens use, does current federal land management of watersheds:
   - 2 Optimize water yield (9%)
   - 14 Diminish water yield (64%)
   - 6 Have no impact (27%)

4. How important is it for people of your county to have motorized access to public lands for sustenance activities such as gathering wood, picking berries, harvesting wild game, etc.?
   - 24 Very Important (96%)
   - 0 Not Important (0%)
   - 1 Unsure (4%)

5. Is there an adequate supply of motorized roads on federal lands in your county to accommodate emergency ingress/egress, facility maintenance, public access, and resource management?
   - 6 Yes (23%)
   - 13 No (50%)
   - 7 Unsure (27%)

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6. Regarding multiple-use recreational access routes on federal lands, does your county desire:

17 Increased Multi-Use Access (68%)
0 Reduced Multi-Use Access (0%)
8 Keep Access As Is (32%)

SJ-15 SURVEY: SECTION 2 - ENVIRONMENTAL QUALITY

7. Do you believe current fuel loads on any of the federal lands within your county could result in severe, uncontrollable, or catastrophic wildfires?

24 Yes (96%)
1 No (4%)
0 Unsure (0%)

8. Is a high intensity wildfire on federal lands likely to cause a loss of important fish & wildlife habitat or harm Threatened or Endangered Species in your county (e.g. grizzly bears, lynx, sage grouse, black-footed ferret, bull trout)?

19 Yes (79%)
4 No (17%)
1 Unsure (4%)

9. Are environmental threats such as noxious weeds and bark beetle adequately controlled on federal lands within your county?

3 Yes (13%)
19 No (79%)
2 Unsure (8%)

10. Does the air quality in your county fall below acceptable health standards due to smoke originating from fires on federally managed lands?

16 Yes (62%)
5 No (19%)
5 Unsure (19%)

SJ-15 SURVEY: SECTION 3 - ECONOMIC PRODUCTIVITY AND SUSTAINABILITY

11. Is the Payment in Lieu of Taxes (PILT revenues) your county derives from federally managed lands equivalent to the amount that actual land taxation of these lands would bring?

2 Yes (9%)
21 No (91%)

12. Is the amount your county derives from the Secure Rural Schools (SRS) funds equivalent to the amount that your county could derive from responsible harvest or extraction of natural resources?

2 Yes (10%)

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18 No (90%)

13. Is the economic productivity and number of related private sector jobs commensurate with the resource production capacity of the federally managed lands within your county?

1 Yes (4%)
16 No (64%)
8 Unsure (32%)

14. Are federal policies for Threatened or Endangered Species adversely impacting private land owners, businesses, industries, or citizens within your county?

21 Yes (88%)
1 No (4%)
2 Unsure (8%)

15. Has federal land management resulted in adverse impacts to your county's economy?

17 Yes (71%)
2 No (8%)
5 Unsure (21%)

16. Do you believe changes in federal land management are necessary to increases your county's economy, employment opportunities, or tax base?

20 Yes (77%)
1 No (4%)
5 Unsure (19%)

SJ-15 SURVEY: SECTION 4 - CONSISTENCY WITH STATE AND LOCAL OBJECTIVES

17. Are federal land management actions consistent with your county's objectives?

1 Yes (4%)
18 No (75%)
5 Unsure (21%)

18. Would your county like state assistance incorporating local government objectives into federal land management actions?

12 Yes (48%)
8 No (32%
5 Unsure (20%)

SJ-15 SURVEY: SECTION 5 - OWNERSHIP & JURISDICTIONAL RESPONSIBILITIES

19. Has your county experienced conflicts with federal ownership or jurisdictional responsibilities?

12 Yes (52%)
11 No (48%)

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20. How much influence do you believe special interests have on the ability of federal agencies to develop and implement effective land and resource management plans on federal lands in your county?

1 None (4%)
2 Moderate (8%)
23 Significant (88%)

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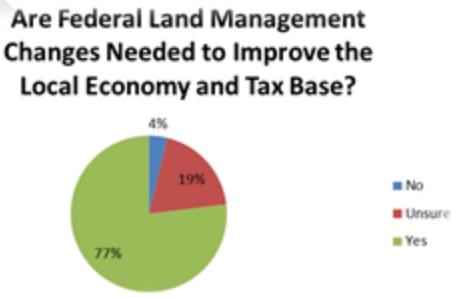
SJ15 COUNTY SURVEY: COUNTY RESPONSES

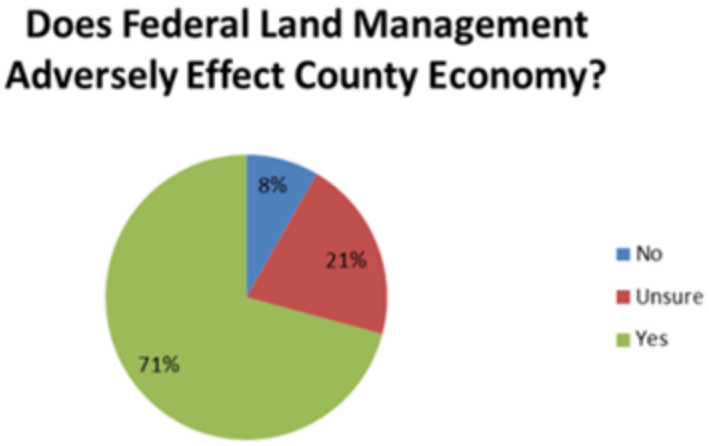
Surveyed counties were asked to describe their most significant concerns with federal land management, including current and past relations and communications with federal agencies and other relevant factors legislators should be aware of, and provide any ideas that may help reduce risks or resolve concerns. Many counties provided supplemental information which can be found in Appendix K or at http://leg.mt.gov/content/Committees/Interim/2013-2014/EQC/Committee-Topics/sj-15/county-survey-results.pdf

Selected results are displayed on following pages along with comments.

More and more access is being denied because of the policies for threatened and endangered species. Jobs are lost with lumber mills shutting down. Forests are not being harvested, creating unhealthy forests which become diseased and burn. Forest fires kill animals and fish, degrade air and water quality, and in some cases burn homes and infrastructure. Tourists come here to see healthy forests, not blackened trees and ground.
Flathead County

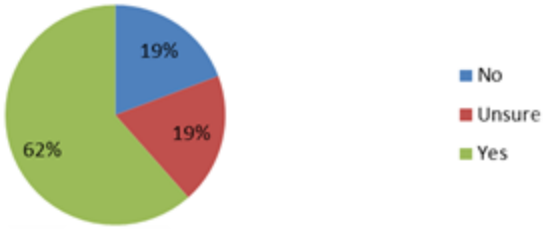


Non-extraction federal land management activities provide numerous local jobs including wildland fire fighters, contractors involved in implementing best management practices, and restoration professionals to name a few. Our economy benefits both directly and indirectly from the federal land within Missoula County's borders.
Missoula County

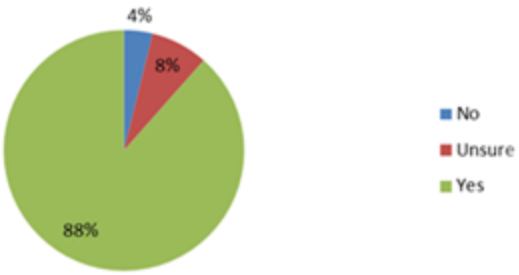


Air quality is affected by smoke originating from fires on all lands- federal, state, county and private.
Broadwater County

Does Smoke from Fires on Federal Land Reduce Air Quality Below Acceptable Health Standards?

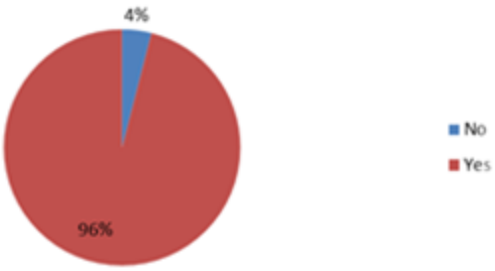


Should Fire Hazards Be Reduced on Federal Land?



In past years, when wild land fries have occurred on federal lands, the air quality has consistently fallen below acceptable health level during both day and night for the duration of the fire. Those with allergies or chronic disease have been required to either stay indoors or wear masks if they need to leave home.
Flathead County

Could Current Fuel Loads on Federal Land Result in Catastrophic Wildfire?



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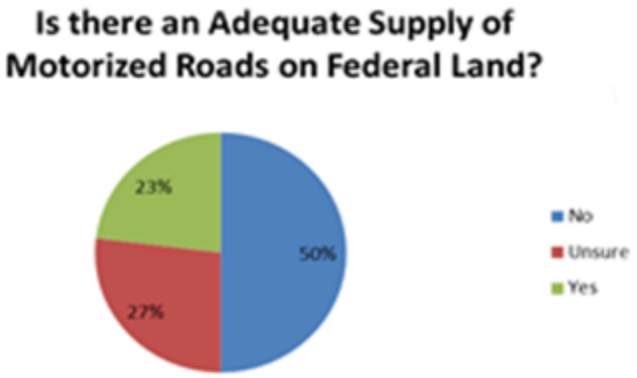
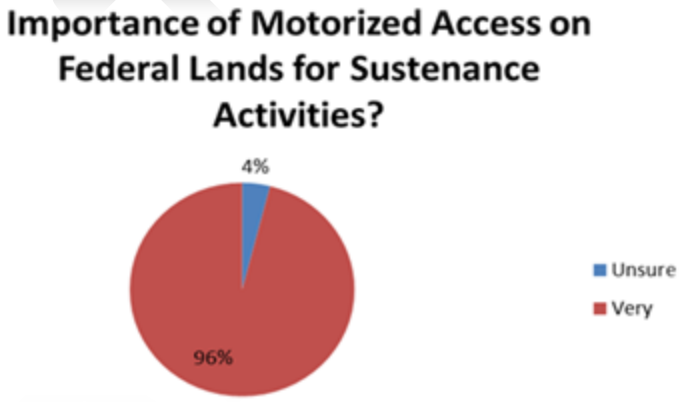
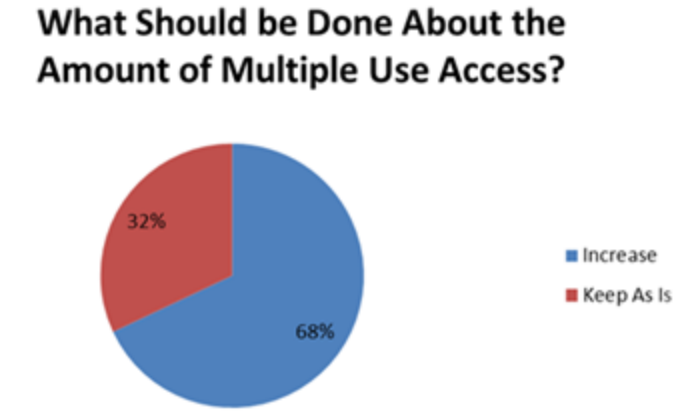
Most projects identified by the Lolo National Forest have road closures incorporated in them. Like most counties in the West we are forced to accept these projects due to the lack of projects.
Mineral County



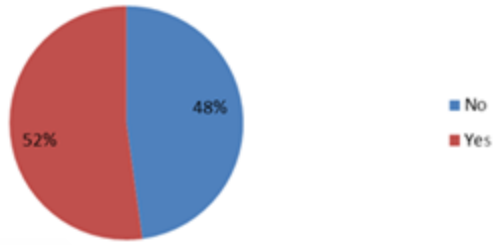
Our concerns with Federal Land Agencies is the longevity of road closures. This makes it extremely difficult for the aging population of our County to enjoy the Public Lands within Fergus County. It also makes it difficult for our Emergency Services to access many areas. As an example we had a foreign tourist lost this summer who still has not been found. We believe more access may have helped find this gentleman or may have alleviated him getting lost in the first place. Again, the pressure of closing more roads is not coming from our constituents but from outside influence groups.
Fergus County





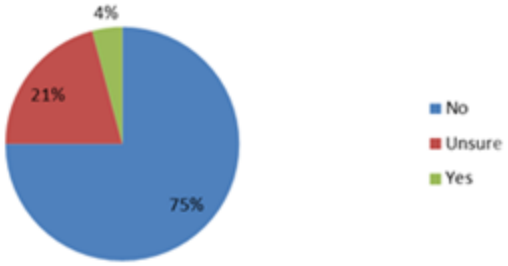
The most troublesome thing for our County is the lack of coordination between the federal property managers and our County government. Valley County needs livestock and agriculture production, and many federal policies are not favorable to those producers.
Valley County

Has County Experienced Conflict with Federal Ownership or Jurisdiction?

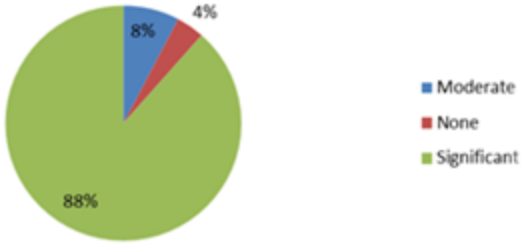


Counties work well with the Forest Service and their desired plans - special interest groups are hurting our communities - they are the problem. Extremist views are destructive. Our county works well with Federal agencies - the problem is the ability of a citizen, or group, to stop a vetted and studied project with only a stamp and no responsibility for the result.
Broadwater County

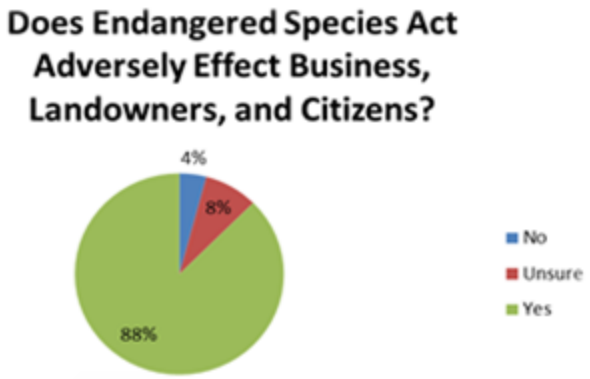
Is Federal Land Management Consistent with County Objectives?

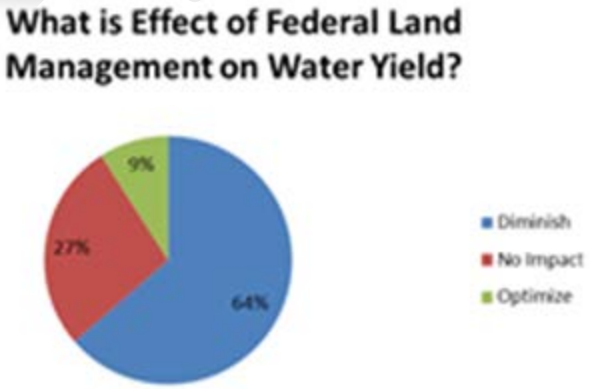


What is Influence of Special Interests on Federal Land Management?



The U.S. Fish and Wildlife Service continues to miss statutory deadlines for biological opinions on projects. This includes timber sales and new mining activities that have been in the permitting process for numerous years. The main focuses in Lincoln County due to the Endangered Species Act are the grizzly bear and bull trout. The delay in these mandatory biological opinions continues to delay numerous projects that have been in the planning process for years. This situation also restricts the Forest Service on their proposed projects. In discussions with the USFWS, they state that they are underfunded, understaffed, and working in the most litigious region in the State requiring them to do more extensive work on the opinions they provide.
Lincoln County





Poor land management results in unhealthy watersheds which result in higher downstream yields, which may result in a larger capture of water in reservoirs to the benefit of downstream users or recreationalists.
Lewis & Clark County

Step Two: EQC Field Trip of 10 Mile Watershed

In September 2013, representatives of the USFS accompanied members of EQC and City of Helena personnel on a field trip of the 10 Mile watershed and Chessman Reservoir in Lewis and Clark National Forest. This site was selected because it provides a clear example of the critical linkage between conditions on the National Forest and nearby communities.

EQC members, representatives of the Forest Service, the city of Helena, and others toured the 10 Mile watershed near Helena.

According to the City of Helena, this watershed provides 70% of the City of Helena's water supply. The U.S.F.S. supervisor testified that 95% of the trees within the watershed are dead from a bark beetle infestation that proliferates in dense, even aged stands of timber like this.

The testimony and field trip revealed the watershed is at extreme risk of intense wildfire, erosion, and related siltation and toxins which are likely to result in severe interruption and contamination of Helena's primary water supply.

At the time of the field trip, the USFS was in the final stages of a long running collaborative process and hoping it would result in broad support for plans to treat the affected acres using a combination of logging and prescriptive burning.

A flume system is a key part of Helena's municipal water supply system.

Concurrently, the City of Helena was working with adjacent landowners and actively reducing the woody fuels on property owned by the city and several pieces of private land in the immediate vicinity of the high mountain reservoir and canal system which supplies water to the city several miles below.

Shortly after the field trip, the Forest Service's proposed fuel reduction project was met with formal objections and, although the agency now considers the objections resolved, the project is subject to litigation under the Equal Access to Justice Act . The State of Montana Department of Natural Resources and Conservation (DNRC) has since entered into a Memorandum of Understanding (MOU) with the USFS to allow the state to take the lead in administering the timber sale in this project area.

Step Three: SJ15 Study Matrix

The Work Group met 16 times over the interim. During its two-hour meetings, the bipartisan work group discussed a wide range of issues. The work group devoted much of its time to identifying risks and concerns associated with federal land management, identifying barriers to achieving desired outcomes and exploring possible solutions.

That work was organized into a study matrix.

The study matrix should be viewed as a brainstorming document the work group used to organize risks and concerns, barriers to goals, and possible solutions. While the study matrix was not voted upon by the work group or the EQC, the document served as the foundation for much of the discussion by the work group and the EQC.

The full matrix can be found in **Table 1**.

The Findings and Recommendations sections of this are endorsed by a majority of the EQC.

Step Four: Findings

1. Risks and concerns associated with federal land management are serious and numerous. Survey results from county commissioners, analysis of available information, and testimony received from citizens, agency staff, interest groups, elected officials and experts affirm the urgent need to correct the way federal public lands are managed.

2. It is imperative to achieve better and more active management of public lands to a) aid in reducing dangerous wildfire fuel loads, b) increase economic productivity, c) protect and provide multiple use public access, and d) increase wildlife diversity and carrying capacity where desirable.

3. **REDUCE WILDFIRE FUELS**
    a. The risk of catastrophic wildfire due to excessive fuel loads on federal lands poses foreseeable imminent risk to citizens, communities, watersheds, utilities, roads, wildlife, eco systems, air quality, other public infrastructure, and private property.
    b. Vegetation must be better managed to reduce the risk of intense wildfire, especially where people and our environment are most vulnerable. Grazing and logging are valuable and beneficial tools that should be used to reduce dangerous fuel loads wherever possible.
4. **INCREASE OR MAINTAIN MULTIPLE USE ACCESS:**
    a. Multiple use access to public lands is highly desirable and also necessary to serve a broad range of important purposes including resource management, reduction of

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wildfire fuel loads, initial attack for wildland firefighting, emergency ingress/egress including crime control and search and rescue, recreation, tourism, sustenance activities, economic productivity, and border security.

b. Twenty-five of the 35 counties surveyed responded to a question regarding a desire to maintain, increase or decrease multiple use recreational routes on public lands. All of them reported a desire to maintain or increase multiple use access. Twenty-six counties answered the question if there is an adequate supply of motorized roads on federal lands. Six counties said the supply is adequate. Federal agencies have been and continue to reduce multiple use access on public lands at unacceptable rates.

c. Multiple use access needs to be maintained or increased in keeping with the desires of Montana citizens.

5. I**NCREASE ECONOMIC PRODUCTION**
    a. Economic production associated with natural resources on federally controlled public lands has fallen to a historic low. Production is not equivalent to the desirable level that could be achieved through a balanced approach to active management and use of natural resources, multiple use public access, or taxation of the land.
    b. Three-quarters of the counties responding to the survey believe changes in federal land management are necessary to increases their county's economy, employment opportunities, or tax base.
    c. Economic productivity needs to be substantially increased where appropriate and desired by Montana citizens.
6. **STRENGTHEN LOCAL INVOLVEMENT** Rural citizens and communities affected most by federal public land management decisions should be provided with adequate resources, supporting statutes, and/or expertise to enable better representation of their interests in federal land and resource related processes.
7. **INCREASE ACCOUNTABILITY:** State and local entities should ensure laws favorable to state and local priorities are being followed.

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Step 5: Recommendations

1. In cooperation with SJ15 work group members, the governor's office shall establish Federal Lands Committee that works to coordinate, collaborate, and assist federal, state, county, public, and private land managers to resolve problems and expedite project planning and implementation. The intent is to work in partnership with federal land managers to help meet forest management goals and objectives including goals for vegetation, wildlife, recreation, and watersheds by extending the SJ15 effort by continuing to explore and implement solutions to address the risks, concerns, and recommendations identified in this report.
2. Provide for an attorney and paralegal in the DOJ to promote Montana's priorities and interests relevant to federally controlled public lands, natural resources, and wildlife.
3. Provide for a resource specialist at DNRC to expedite fuel reduction projects and economic production on federally controlled public lands.
4. Identify funding options for assisting in the improvement of multiple use public access on federally controlled public lands.
5. Identify funding options for implementing habitat enhancement work which increases big game carrying capacity and reduces wildfire fuels in restoration priority areas within federally controlled public lands.
6. Provide education and expertise necessary to assist local governments and related entities in developing resource plans, implementing effective government-to-government relations, and incorporating local priorities in state and federal actions related to public land, natural resource, water, and wildlife issues.
7. Establish priorities in statute requiring state officials, whenever possible within the framework of their duties, to support efforts to implement the following priorities: reduce dangerous wildfire fuel loads; increase economic productivity; protect and provide multiple use public access; increase wildlife carrying capacity on federally-managed public lands wherever compatible with local government objectives and the other priorities described in this report; and protect irrigation and municipal watersheds, the wildland urban interface, and transmission and utility corridors.
8. Make it easier for volunteers to participate in work projects by creating an affordable group insurance policy that covers liability for injuries. This would require coordination with the Montana Auditor's office and insurance companies.
9. Consider enabling legislation that would include a WUI building code and/or strengthen voluntary Firewise program. Apply and enforce on public lands also. Broaden opportunity and time frame for fuel treatments including burning.
10. State agencies ,local governments, and other organizations should pursue coordination, collaboration, and cooperative agreements with federal land management agencies.
11. The Legislature should not pursue the transfer of federally-owned lands to the state of Montana until all other options are investigated.

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Forestry Provisions in 2014 Farm Bill

The 2014 Farm Bill passed by Congress included a number of forestry provisions, including some discussed by the EQC working group. Among the provisions in the bill are a permanent authorization of the stewardship authority under which Montana obtained an agreement in 2013.

The legislation also expanded the Good Neighbor Authority, which previously was limited to Colorado and Utah. Under the authority, states can take the lead for certain watershed restoration and protection projects.

The Forest Service also undertook the authority to designate insect and disease infestation treatment areas in each state at the request of the governor.

In April 2014, Montana Gov. Steve Bullock nominated more than 5 million acres as "priority landscapes" in need of forest management.[1] The areas are characterized by declining forest health, a risk of substantially increased tree mortality or an imminent risk to public infrastructure, health, or safety."[2]

While the nomination included areas in each of the state's national forests, specific projects were not included. The SJ15 working group sent a letter to 35 counties with the most federal land asking for details about areas in need of forest management.[3]

Governor's Nomination of Restoration Projects

Press Release Announcing Nomination

Governor Bullock Identifies National Forest Landscapes For Priority Attention

Priority landscapes the result of collaboration between industry and conservationists; will create more jobs for Montanans

HELENA – Recognizing the urgent need to address the failing health of our National Forests, today Governor Steve Bullock nominated landscapes in Montana for priority forest restoration work.

The Agriculture Act of 2014, commonly referred to as the "Farm Bill," sets forth a process where the Governor of a state may nominate area landscapes that are impacted by insects and disease, to the Secretary of Agriculture. If those landscapes are then designated by the Secretary, forest management in those areas will be pursuant to an efficient and prioritized planning process, with rigorous science and allowing for full public involvement. Only those areas characterized by declining forest health, a risk of substantially increased tree mortality, or an imminent risk to public infrastructure, health, or safety, may be nominated.

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[1] Map of Priority Landscapes. http://dnrc.mt.gov/Forestry/priority-landscapes/pdf/statewide.pdf
[2] http://governor.mt.gov/Portals/16/docs/040714%20FarmBillLandscapeNominations%20Release%20Final.pdf
[3] http://leg.mt.gov/content/Committees/Interim/2013-2014/EQC/Committee-Topics/sj-15/forest-restoration/county-response-results.pdf

DRAFT

In the letter to the US Department of Agriculture, Bullock said: "There is a lot of work to be done in the woods: to reduce fire risk, protect communities and municipal water supplies, and preserve and repair key streams and fisheries. In addition, our national forests, if sustainably managed, can be valuable carbon stores and play an important role in combating climate change. The health of our integrated wood products industry is critical as we look toward the future – the forest industry workforce is a vital tool to implement forest restoration projects that address these issues."

At over 5 million acres, these proposed priority landscape nominations appear to be relatively large. However, these nominations will chart the course for national forest management for the next 15 years. The scale of these nominations provides the flexibility to address forest health and restoration needs during that time period, and creates broad opportunity for Montanans to work together.

Additionally, it is important to note that these are landscapes being nominated, not actual projects. Specific projects will be identified which will occur within the priority landscapes, but work will not occur on the entirety of the acres nominated.

Many of these nominated landscapes arise from diverse groups of Montanans who are already working together to build forest management projects that meet a variety of needs, not only providing logs on trucks and reduced wildfire risk, but also restored trout streams and elk habitat, among other community objectives.

Groups working on identifying landscapes for nomination, and the projects proposed to occur within those landscapes, include:

- Representatives from the logging and wood products industry;
- Conservation groups including:
    - Trout Unlimited;
    - The Greater Yellowstone Coalition;
    - The Yaak Valley Forest Council; and
    - Blackfoot Challenge
- County Commissioners from affected counties;
- National Forest supervisors; and
- National Forest district rangers.

As a yardstick to measure progress, Bullock says his "expectation [is] that the Forest Service will prioritize projects that accomplish a few important objectives:

- Meaningfully address forest health issues at a landscape scale, mitigating wildfire risks to make our communities safer;
- Provide wood to local mills, sustaining and creating jobs and boosting our local economies;

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- Strengthen collaborative citizen efforts that build broad-based projects to not only address hazardous fuels, but also aggressively conduct needed restoration work for fisheries and wildlife; and
- Generate revenues that are sufficient to pay for the costs of implementing the projects.

"I believe that the Farm Bill Forestry Title represents a tremendous opportunity to move national forest management in Montana beyond the conflict and stagnation of the past two generations," Bullock said. More effort will be necessary by all of those involved to improve the health of our national forests, but I am optimistic that these nominations are an important first step toward achieving that end."

"You can't drive across Montana without noticing the devastation caused by the pine beetle. We must take action to clean up our forests. Between the Farm Bill and my Forest Jobs and Recreation Act, we have an opportunity to turn dead, red trees into good-paying jobs and healthy forests. I urge Secretary Vilsack to take a close look at Governor Bullock's proposal," Sen. Jon Tester said of the proposal.

"Montana forests need better management to restore forest health, improve fish and wildlife habitat, and reduce the risk of fire," said Senator John Walsh, the only Montana representative serving on an agriculture committee with oversight of the Farm Bill. "When I worked with the National Guard, forest fires threatened both our residents and our tourism industry, and cost money and resources to control and extinguish. I applaud Governor Bullock for taking advantage of this important Farm Bill initiative and look forward to working with him and Montana's stakeholders to implement it."

On May 20, Chief of the U.S. Forest Service approved Montana's nomination with some modification for areas that did not meet the criteria required for designation.

Bullock's letter to the US Department of Agriculture can be found at:
http://governor.mt.gov/docs/040714_FarmBillDesignations.pdf

A map of Bullock's proposed landscapes can be found below or at: http://dnrc.mt.gov/Forestry/priority-landscapes/pdf/statewide.pdf

The letter from Tidwell to Bullock and the approved map are at:
http://www.fs.fed.us/farmbill/areadesignations.shtml

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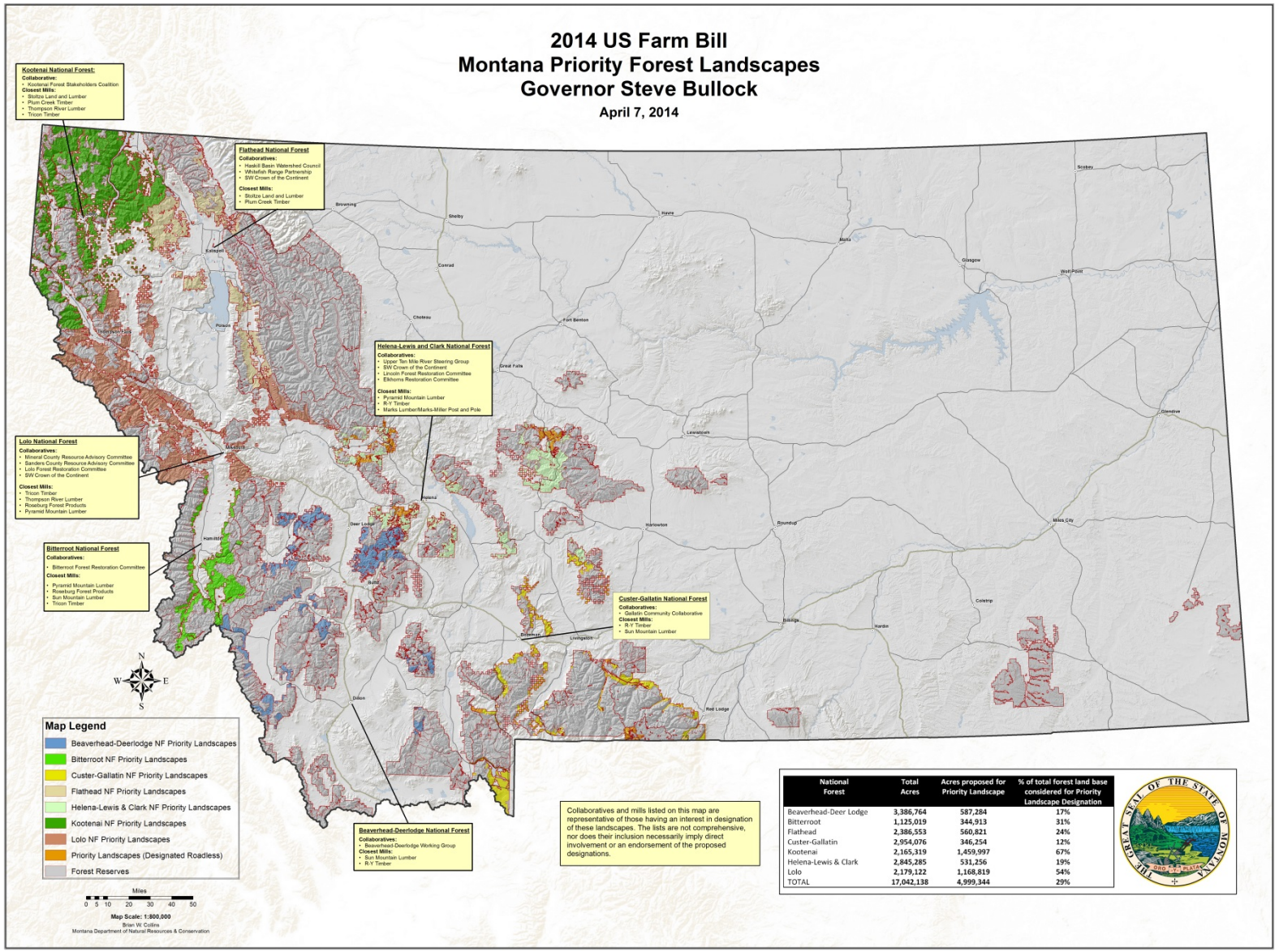
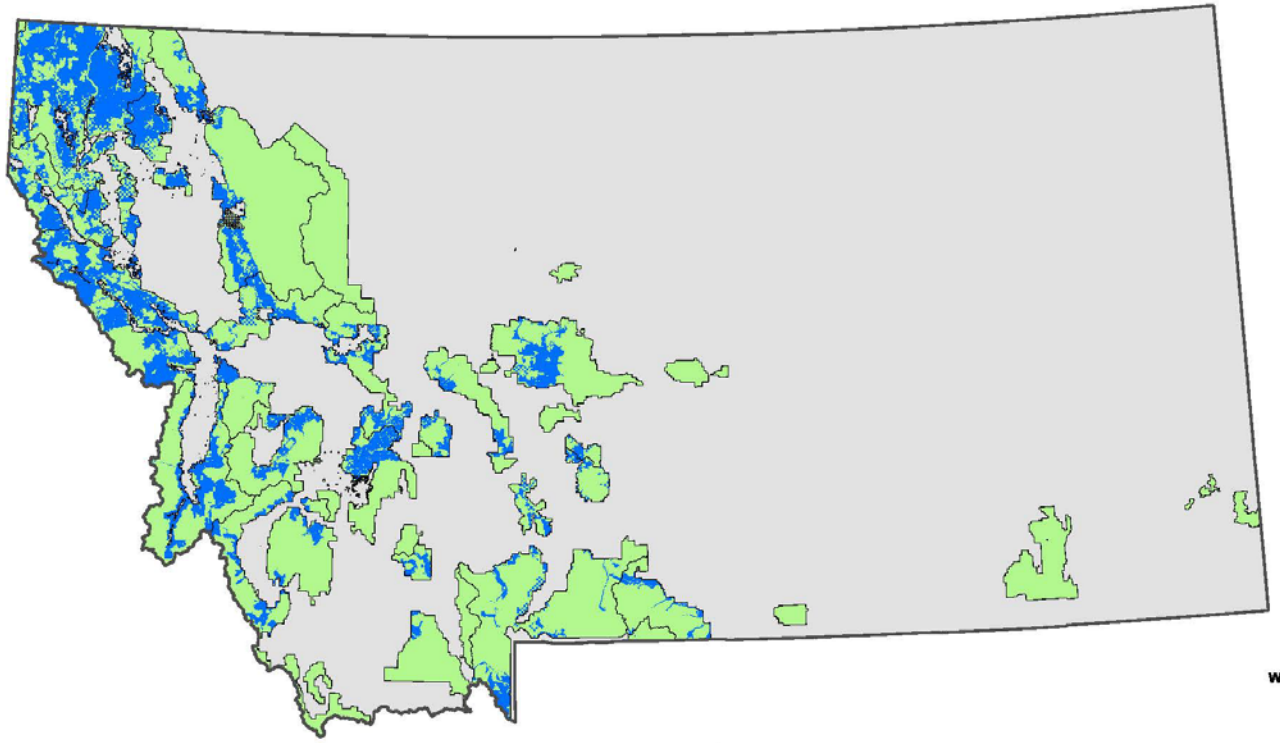
2014 US Farm Bill
Montana Priority Forest Landscapes
Governor Steve Bullock
April 7, 2014



Collaboratives and mills listed on this map are representative of those having an interest in designation of these landscapes. The lists are not comprehensive, nor does their inclusion necessarily imply direct involvement or an endorsement of the proposed designations.

National Forest	Total Acres	Acres proposed for Priority Landscape	% of total forest land base considered for Priority Landscape Designation
Beaverhead-Deer Lodge	3,386,764	587,284	17%
Bitterroot	1,125,019	344,913	31%
Flathead	2,386,553	560,821	24%
Custer-Gallatin	2,954,076	346,254	12%
Kootenai	2,165,319	1,459,997	67%
Helena-Lewis & Clark	2,845,285	531,256	19%
Lolo	2,179,122	1,168,819	54%
TOTAL	17,042,138	4,999,344	29%

National Forest System Lands Designated Under Section 602 of the Healthy Forest Restoration Act in Montana



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National Forest System Lands
Designated Under Section 602
of the Healthy Forest Restoration Act

Lands Within the National Forest Boundary

0 25 50 100 150 200
Miles

Note: Data displayed are for informational purposes only and depict designations made under section 602 of the Healthy Forest Restoration Act. Please contact Tony Tooke for details: ttooke@fs.fed.us

Map created by USFS Geospatial Service and Technology Center on May 12, 2014

County Recommendations for Restoration Priority Projects

The governor did not identify specific forest projects in his nomination. The SJ15 Work Group asked counties with 15% or more federal land to identify specific projects in need of forest restoration. The counties were asked to focus the list of specific projects on areas characterized by declining forest health, a risk of substantially increased tree mortality, or an imminent risk to public infrastructure, health, or safety.

Six counties responded, including Beaverhead, Jefferson, Missoula, Park, Powell, and Ravalli.

"The Beaverhead County Commissioners are pleased that Governor Steve Bullock has identified three landscapes totaling 214,028 acres in our area, " commissioners wrote. "The Commissioners believe this will have a positive impact on the overall forest health in the North, West, and South Big Hole."

The Jefferson County Commission commented on the Boulder River Salvage and Vegetation Management Project.

"Property and lives in this area are in extreme risk due to the condition of the forest, particularly in around the Towns of Boulder and Basin," Commissioner Leonard Wortman wrote. "Some fire behavior experts have described Boulder as like being at the end of a blow-torch under the right conditions. The Jefferson County Commissioners are considering declaring a State of Emergency due to the dangerous condition of the B-D and Helena forest land located within Jefferson County. It is imperative that work begins very soon to start mitigating these hazardous conditions."

Park County suggested work in the areas of Rock Creek, Cook City, Bear Creek Crevice Mountain near Gardiner, and the north end of Boulder River Road, near Green Mountain.

Missoula County commissioners wrote, "Missoula County is aware that the hazardous conditions existing on our national forests pose a threat to our constituents, public infrastructure, and public health. Therefore, we see timely treatment of these forest conditions as a high priority."

The Ravalli County Commission listed projects north and east of Downey Mountain, Canyon Creek Road, Maple Creek drainage, Mclean Creek drainage, the Sawtooth bridge and Sawdust Road. The commission also requested an increase in grazing allotments on a number of parcels.

The Powell County Commission is concerned about the Eastside Forest Stewardship Project.

"The project started approximately seven years ago when the Watershed Restoration Coalition approached the Board of Commissioners with a request for help addressing the Pine Bark Beetle kill in the forest and the threat of health and safety of our citizens. The Board approved $80,000 for a pre NEPA study and later Senator Tester earmarked $1,000,000 for a full NEPA study by a private contractor. The Deer Lodge-Beaverhead did not feel the quality of the study was adequate and repeated this study

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themselves. During this time, the new Forest Plan came about and reduced the approximately 30,000 acres of harvestable timber to approximately 2,000 acres.

“At the present time, the only thing that has been done is the removal of dead trees that would fall across the roads. A fire in this area could conceivably extend all the way to the Ten Mile project and the city of Helena.

“We still feel this should be a number one priority.”

Complete responses can be found here: http://leg.mt.gov/content/Committees/Interim/2013-2014/EQC/Committee-Topics/sj-15/forest-restoration/county-response-results.pdf

DRAFT

Index to SJ15 speakers

Sept. 11, 2013 EQC

History and policy overviews of federal land management

- Martin Nie, University of Montana
- Jay O'Laughlin, University of Idaho

Federal management responsibilities and issues

- Tom Schmidt, Northern Region Deputy Regional Forester
- Theresa Hanley, BLM Associate State Director

Private land management perspective

- Doug Mote, Mote Lumber

Jan. 8, 2014 EQC

A discussion of laws affecting ownership, jurisdiction and management of federal lands and an offering of solutions to effect desired improvements.

- Tom France, National Wildlife Federation attorney
- Ken Ivory, Utah state representative
- Peter Kolb, MSU Extension forestry specialist
- Doyel Shamley, natural resource consultant
- John Tubbs, DNRC director
- Martha Williams, UM Law School professor

Feb. 20, 2014 SJ15 Work Group

Relationship of land ownership to border security

- Craig Duff, U.S. Customs and Border Protection, Havre Sector
- Rafael Cano, Assistant Chief Office of Border Patrol, Washington, DC

USFS Region One timber program update

- Tom Martin, Assistant Director of Renewable Resource Management
- Jim Innes, stewardship, timber sale preparation and Secure Rural Schools coordinator

March 6, 2014 SJ15 Work Group

Contracting with the Forest Service – Acquisition and Procurement in Region One

- Frank Preite, Director, Acquisition Management, USFS, Region 1 and Region 4
- Dell McCann, Procurement Analyst, USFS, Region 1

Volunteer Partnerships and Agreements with the Forest Service

- Joni Packard, Regional Volunteer, Youth and Service Program Coordinator; Regional Conservation Education Coordinator; USFS Northern Region Missoula
- Bruce Hunn, volunteer
- Nancy Mehaffie, volunteer

March 19, 2014 EQC

Local government interaction with federal land management

- Doyel Shamley, Veritas Research Consulting

DRAFT

- Randy Phillips, USFS Liaison to the National Association of Counties

April 14, 2014 SJ15 Work Group

Forest management issues in Mineral County

- Duane Simons, Mineral County Commissioner
- Laurie Johnston, Mineral County Commissioner,
- Angelo Ververis, Chairman, Mineral County Resource Advisory Group
- Josef Kuchera, Mineral County Resource Advisory Group
- Kevin Chamberlain, Mineral County Extension Agent

April 28, 2014 SJ15 Work Group

Update on forest management issues in Mineral County

- Kevin Chamberlain, Mineral County Extension Agent
- Josef Kuchera, Mineral County Resource Advisory Group
- Laurie Johnston, Mineral County Commissioner
- Duane Simons, Mineral County Commissioner

Update on forest restoration landscape nominations

- Bob Harrington, DNRC state forester
- Christine Dawe, Acting Director, Renewable Resource Management, USFS Region 1

Update on Montana-USFS Stewardship Agreement

- Bob Harrington, DNRC state forester

May 14, 2014 EQC

Other state's efforts related to federal land management

- Wyoming - Sen. Eli Bebout, chair Federal Natural Resource Management Committee
- Idaho - Sen. Chuck Winder, chair, Federal Lands Interim Committee;
- Idaho attorney Bill Myers
- Utah - Rep. Keven Stratton, Public Lands Caucus
- Nevada - Elko County Commissioner Demar Dahl, chair Nevada Land Management Task Force

Update on forest management issues in Mineral County

- James D. Arney, senior forest biometrician, Forest Biometrics Research Institute
- Duane Simons, Mineral County Commissioner

DRAFT

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- Particle size-dependent radical generation from wildland fire smoke (Abstract only)

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DRAFT

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DRAFT

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DRAFT

Overview of Federally Held Public Lands

The Forest Service manages about 17 million acres in Montana as part of Region One, which includes another 8 million acres in Washington, Idaho, and the Dakotas. The budget for fiscal year 2012 is almost $273 million an 8% decrease from the prior year.

For the most recent year, fire management accounted for about $81 million in expenditures. All other management expenditures, for such things as grazing, recreations, and habitat, was about $116 million. **Appendix A**

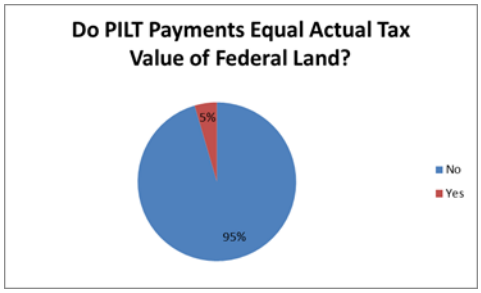
Revenues from Forest Service lands have decreased nationwide over the last two decades as well as in Montana. In 2012, the Montana portion of Region 1 brought in just more than $7 million. Of that, about $3.9 million is timber related revenue. Recreational user fees are the second largest money maker at about $1.9 million. Grazing and other land uses account for about a half million each in revenue. **Appendix B**

In Montana, the BLM manages almost 8 million acres of surface land and $37.8 million acres of subsurface minerals. **Appendix C**

The Montana-Dakotas unit of the BLM has a budget of about $78 million in fiscal year 2013, an 8% increase from the previous year. The largest category of spending last year was land resources, which is the general management of lands for renewable resources, commercial and recreation uses, forest health, and habitat. A decrease was planned for 2013.

Almost $8 million was spent in 2012 on energy and mineral management, a category planned to increase by almost another million dollars in 2013. More than $12.5 million was spent for reduction of hazardous fuels and other fire-related costs. **Appendix D**

In fiscal year 2012, lands managed by the BLM in Montana produced about $104 million in revenue, with almost $99 million coming from mineral development. Coal was the largest money-maker at more than $59 million. Grazing, timber, sales, recreation fees, and rights-of-way rentals made up most of the rest. **Appendix E**



Compensation for Public Lands

Federal lands are not subject to local or state taxes. For more than a century, Congress has been devising ways to compensate state and local governments for tax revenue that the federal land would have generated in taxes.

Revenue sharing is the oldest mechanism. The allocation of the revenue depends on the use that generates the money and historic purpose of the land. At least in the case of the Forest Service, revenue

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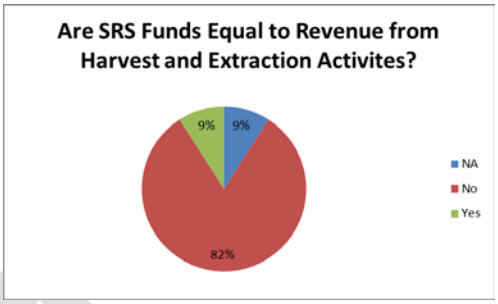
sharing may be the simplest form of compensation. The agency returns 25% of gross revenues - be it generated from timber sales, grazing fees, or other uses - to be used for roads and schools within counties that have Forest Service land.[4]



In the mid-1970s, as the shift from disposal of federal lands to retention of was being articulated in law, a permanent source of funding for lost tax revenue was created. The Payment In Lieu of Taxes program includes a maximum per-acre payment that is reduced by the sum of revenue sharing payments and subject to a population cap.

Declining timber sales and county payments in the 1990s led to the Secure Rural Schools Act of 2000, which provided counties with payments at the average of the three highest payments from 1986 to 1999. This act expired in 2012 but was renewed in 2013.

Grazing allotment acreage reduction and increased fees has hurt the livestock producer.
Stillwater County

Revenue from BLM lands is allocated by individual laws.

Within a grazing district, about half of the grazing revenue benefits counties. Outside a district, the local share is generally 12%. About half of mineral royalties are sent to the states of origin. In Montana, 25% of the state's share goes to the county of origin.[5]

In 2012, Montana received $99.1 million related to activities on federal lands, the largest portion, $47.2 million, from mineral royalties. Almost half went to the state government, 40% to counties, 6% to schools and the rest to resource advisory councils and grazing districts.

See **Appendix F** for information on state and local payments. Mineral royalty payments to counties are included in **Appendix G**.

[4] Federal Land Management Agencies: Background on Land and Resource Management, February 27, 2001, Congressional Research Service. http://www.nplnews.com/toolbox/fedreports/crs-fedlands.pdf
[5] 17-3-240, MCA.

Opposition to Federal Management

The 1970 report of the Public Land Law Review Commission and the subsequent passage of the Federal Land Policy Management Act were blows to Westerners who hoped the implied retention policy would be overturned. Instead, some disposal powers were repealed and the informal policy was put into black and white. The movement that ensued to turn federal lands over to the states is known as "The Sagebrush Rebellion" or "The Great Terrain Robbery."

The reaction included local ordinances, court challenges, federal regulatory changes, and proposals for new federal laws. Most efforts focused on BLM lands, but national forests also were included. Arizona, Hawaii, Idaho New Mexico, Nevada, North Dakota, Utah, and Wyoming passed laws asserting state authority over federal land. Nevada's assertion that retaining the lands was unconstitutional was dismissed in court and none of the state laws were enforced.[6]

In general, the states asserted that federal lands were held in trust pending eventual disposal to the states.[7]

Montana legislators in 1981 offered two Sagebrush-related bills.

Senate Bill No. 123, sponsored by Sen. Mark Etchart, R-Glasgow, called for the title to federal lands transfer to the state.

It asserted that:

> the attempted imposition upon the State of Montana by the Congress of the United States of a requirement in the Statehood Act that the state of Montana and its people "disclaim all right and title to the unappropriated public lands lying within (its) boundaries", as a condition precedent to acceptance of Montana into the Union, was an act beyond the power of the Congress of the United States and is thus void;

The bill claimed ownership of land, water, and minerals for federal lands outside of national parks, Indian reservations, national monuments, wilderness areas, and wildlife refuges, unless the refuge was larger than 400,000 acres.

Bernard Harkness of Dell, identified as chairman of the Sagebrush Rebellion, provided testimony that said, "The vesting of ownership and management of the public lands in Montana means a rebirth of the prestige and power of State Government and a long overdue withdrawal of the massive dominance and power of the federal bureaucracies in Montana."

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[6] Federal Land Ownership: Constitutional Authority and the History of Acquisition, Disposal, and Retention. 2007. Congressional Research Service.

[7] Ibid.

DRAFT

Other supporters included the Montana Wood Products Association, Wool Growers, Montana Cowbelles, Cattleman's Association, and the Joint Council of Teamsters.

Opponents included the Audubon Society, a former forester for the Northern Region, and the Montana Environmental Information Center.

Fred Burnell of Stevensville noted that federal lands in western Montana are the source of much water.

"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," said Burnell, representing the Montana Forestry School Alumni Executive Association.

Both opponents and supporters cited management of the Charles M. Russell National Wildlife Refuge as one factor among several for the legislation. In 1976, management responsibilities for the area were taken away from the BLM and given solely to the U.S. Fish and Wildlife Service.[8]

The bill passed the Senate, but died in the House. The other measure, House Joint Resolution No. 13, also died. It would have voiced legislative support for actions by western states to gain control of certain public lands within their boundaries.

At the national level, President Ronald Regan established the Property Review Board to review federal land for disposal.[9]

Although the president's action was seen as a nod to the sentiments of the Sagebrush Rebellion, the 1983 Montana Legislature reacted by passing a bill requiring the director of the Department of Natural Resources and Conservation to evaluate the sale or transfer of federal land within the state to determine:

> whether there would be any impact on the management of state lands, on agricultural, wildlife, or recreational resources of the state, or on the cost of government services provided by the state, by any school district, or by any county, city, or other local government unit because of the sale or transfer.[10]

Concerns of westerners about federal land ownership and management continue to persist at the local, state, and national level.

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[8] History of the Refuge. http://www.fws.gov/refuge/Charles_M_Russell/about/history.html

[9] The program stalled. The administration would not identify lands until Congress gave disposal authority and Congress would not approve the authority unit lands were identified. Federal Land Ownership: Constitutional Authority and the History of Acquisition, Disposal, and Retention. 2007. Congressional Research Service.

[10] 77-2-401, MCA.

DRAFT

In recent Montana legislative sessions, many bills addressed various aspects of federal land management, but three related specifically to disposal of federal land and another would have given land management power to counties.

House Joint Resolution No. 14 from 2007 said any sale of federal land proposed by Congress should include a right of first refusal at the appraised value for the state in which the federal land proposed for sale is located. It passed the Legislature.

In 2009, Senate Bill No. 34 broadened the existing definition of community decay to include the "natural accumulation of fuel, including noxious weeds, for fire that poses a threat to public health or safety." That would have allowed counties to regulate, control, and prohibit those particular aspects of community decay anywhere in the county. The bill passed the Senate but died in a House committee.

In 2011, House Bill No. 506 directed the Land Board to begin proceedings to have federally controlled lands that are not in accordance with the provisions of the United States Constitution transferred to Montana. It did not pass.

Senate Bill No. 254, also from 2011, gave the state eminent domain authority over federal lands except those possessed for the erection of certain buildings, including forts and dock yards. It passed the Legislature, but was vetoed.

> *Mineral County's economy is suffering due to this mismanagement of public lands within our county. We believe the solution is for the State of Montana or the local governments to reclaim the management of our states federally managed lands.*
> *Mineral County*

In addition to Montana, other states are debating federal land management too.

In 2012, Utah passed legislation requiring the United States to extinguish title to public lands and transfer title to the state before 2015.[37] The 2013 Legislature directed the Public Lands Policy Coordinating Office to conduct a study and economic analysis of the transfer of certain federal lands to state ownership.[11]

[11] http://le.utah.gov/~2012/bills/hbillenr/HB0148.pdf

The 2013 Nevada Legislature created the Nevada Land Management Task Force to conduct a study addressing the transfer of public lands. Each of 17 counties has one representative on the task force, which is conducting the study in contemplation of Congress turning over federal land to the state by June 30, 2015.[12]

Wyoming in 2013 created a task force to study the transfer of public lands. The bill also requires the attorney general to report on possible legal options available to compel the federal government to relinquish ownership and management of specified federal lands in Wyoming.[13]

Idaho also created a committee to study of the process for the state to acquire title to and control of public lands controlled by the federal government.[14]

The Arizona Legislature in 2012 passed a law similar to Utah's, however it was vetoed by Gov. Jan Brewer, The veto message said the measure violated the state's Enabling Act as well as the Property Clause of the U.S. Constitution, which gives Congress the power to dispose of and set rules for federal property[15]

A bill proposed, but not passed, in Colorado would have required United States to cede or extinguish title to all agricultural public lands and transfer title to the state.[16]

State and Local Involvement

Federal Laws and Regulations

Management of federal lands in Montana and other states is the responsibility of federal agencies under powers granted by Congress. However, states and local entities may influence decisions in a number of ways.

Many land management decisions are subject to the National Environmental Policy Act, which requires federal agencies to integrate environmental considerations into the planning and decision-making process. Federal agencies required to comply with NEPA must do so in "cooperation with state and local governments" or other entities that have jurisdiction by law over the subject action or special expertise.[17]

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[12] http://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB227_R1.pdf
[13] http://legisweb.state.wy.us/2013/Enroll/HB0228V2.pdf
[14] http://legislature.idaho.gov/legislation/2013/HCR021.pdf
[15] http://www.azleg.gov/legtext/50leg/2r/summary/s.1332bsfss_asvetoed.pdf
[16] http://www.leg.state.co.us/clics/clics2013a/csl.nsf/fsbillcont/3BC575329E0E94BB87257A8E0073C714?Open&file=142_01.pdf
[17] 42 U.S. Code § 4331

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A cooperating agency can expect to be asked to provide information to the lead agency as well as providing some staff support. A cooperating agency will normally use its own funds. In short, cooperating agency status allows a state or local government a seat at the table when it comes to identifying issues and developing information.[18]

Cooperating agency status may provide a state and local government with better legal standing should

> *NEPA efficacies are currently a topic of concern and the Forest Service is evaluating them at the local, regional and national level. By improving and possibly streamlining the NEPA review process that has become overly burdensome for both the federal government and those who wish to participate in the comment process, land management projects could move from planning to implementation more quickly. Missoula County*

court action ensue. What cooperating agency status does not do is affect the lead agency's authority under NEPA.[19]

Laws governing the Forest Service and the BLM also speak to state and local influence. The Forest Service, under the Multiple-Use Sustained Yield Act of 1960 and the BLM under the Federal Land Policy and Management Act of 1976 are required to coordinate their natural resource and land planning processes with those of state, local, and tribal jurisdictions.

Changes to land and resource management plans on forest service lands must be coordinated with state and local governments.[20]

The Forest Service is required to discuss the inconsistencies and document the extent to which the agency would reconcile its proposed action with the state or local plan or law.[21] When designating roads and trails on Forest Service lands, the agency shall coordinate with counties, local governments, and tribal governments.[22] However, federal regulations state that the Forest Service retains decision making authority and management may not be conformed to meet non-Forest Service objectives or policies.[23]

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[18] 40 CFR 1501.6

[19] Todd Everts, director of the Legal Services Office, has written extensively about state and local involvement in federal land management decisions. See Sept. 8, 2008 memorandum to the Fire Suppression Interim Committee. http://leg.mt.gov/content/Committees/Interim/2007_2008/fire_suppression/Cooperating_Agency_%20Status_Memo.pdf

[20] 16 U.S. Code § 1604

[21] 40 C.F.R. 1506.2(d)

[22] 36 CFR 212.53

[23] 36 CFR 219.4

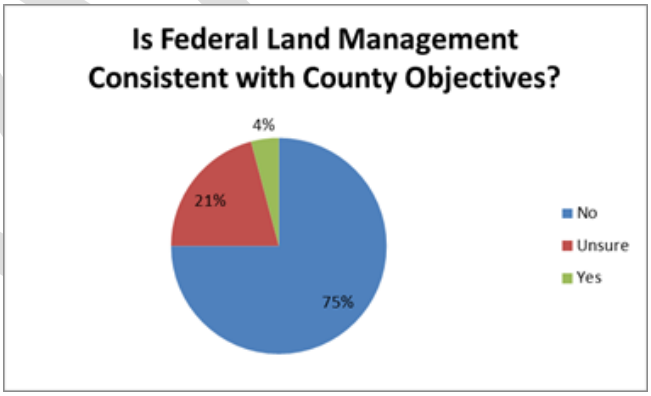
The BLM planning process should be consistent with state and local plans to the "maximum extent" allowed by federal law. However, it should be noted that BLM regulations provide that where "state and local government policies, plans, and programs differ, those of the higher authority will normally be followed.[24]

In addition to state, county, or city governments, other units of local government are eligible to coordinate. That includes school districts, irrigation districts, water quality districts, and fire districts. Coordination with federal land management agency planning processes can occur either through county growth policies or other local government authorized plans, policies, or laws.[25]

State and local entities have operated under these laws and regulations. Madison and Beaverhead counties were cooperating agencies for the revision of the Beaverhead-Deerlodge National Forest Plan.

Because the Lolo National Forest is not adhering to our County Resource Use Plan the results are road closures, lost tax base, and loss of jobs.
Mineral County

The counties of Jefferson, Madison, Beaverhead and the communities of Dillon and Whitehall were cooperating agencies on a proposal to build a transmission line.[26]



A pilot project created by Congress in 2000 went further by providing a state with some authority to manage federal land. The threat of wildfire posed by dense stands of beetle killed trees led to the Good Neighbor pilot project. The legislation allowed the Colorado State Forest Service to reduce hazardous fuels and conduct other activities on national forest lands when doing similar work on Colorado state and private land. In some cases, the state could act as an agent of the federal government, however the projects are still covered by the National Environmental Policy Act.[27]

[24] 43 C.F.R. 1610.3-2
[25] Todd Everts memorandum to Rep. Chas Vincent, April 28, 2010.
[26] http://www.blm.gov/pgdata/etc/medialib/blm/mt/blm_programs/lands/msti.Par.79135.File.dat/MSTI-Winter-2012-Newsletter.pdf
[27] U.S. Government Accountability Office. Federal Land Management: Additional Documentation of Agency Experiences with Good Neighbor Authority Could Enhance Its Future Use. GAO-09-277, Feb 25, 2009 http://www.gao.gov/products/GAO-09-277

Subsequent legislation included the BLM and extended the authority to Utah. And earlier this year, the passage of the 2014 Farm Bill made the Good Neighbor Authority a nationwide policy.[28]

Montana Laws

Montana legislators have long taken an interest in the management of federal lands within the state's borders. State laws on the subject focus on the authority state and local governments have when interacting with federal agencies.

Several Montana laws passed in recent years speak to involvement in federal land use decisions.

In 2007, the Legislature declared it the policy of the state, "to promote the sustainable use of all public forests within the state through sound management and collaboration with local, state, and federal entities."[29]

To implement that policy, the Department of Natural Resources and Conservation:

- shall represent the state's interest in the federal forest management planning and policy process, including establishing cooperative agency status and coordination with federal agencies;
- may assist local government entities in establishing cooperative agency status and coordination with federal agencies;
- shall promote the development of an independent, long-term sustained yield calculation on Montana's federal forests;
- has the authority to intervene in litigation or appeals on federal forest management projects that comply with state policy and in which local and state interests are clearly involved or involve fuel-loading conditions that the department considers to be a significant threat to public health and safety;
- has the authority to enter into agreements with federal agencies to participate in forest management activities on federal lands; and
- shall participate in and facilitate collaboration between traditional forest interests in reaching consensus-based solutions on federal land management issues.[30]

The Legislature did not appropriate funds specific to this statute and implementation of the provisions of 76-13-702, MCA that deal directly with the state engaging the federal government in land management decisions has been limited.

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[28] Forestry Provisions in the 2014 Farm Bill, Congressional Research Service. http://nationalaglawcenter.org/wp-content/uploads/assets/crs/R43431.pdf

[29] 76-13-701, MCA.

[30] 76-13-702, MCA.

Amendments to 76-13-702, MCA to assist local government entities were made at the request of the Montana Fire Suppression Interim Committee, whose work in 2007 and 2008 included a study of federal land management.[31]

But the Fire Suppression Committee concluded that "federal agencies can implement very little change in forest management without change at the national and congressional levels."

We actively engage federal/and managers to ensure they are aware of our objectives as they relate to jobs, forest health, wildlife habitat, etc. In most instances we agree on management actions, but in cases where we have differing objectives we are usually able to come to a mutual understanding.
Missoula County

In light of that finding, the committee sponsored a resolution urging Congress to grant a governor the authority declare a crisis when there is an excess of fire fuels on federal lands to create a process to fast-track a fuel reduction project. Another resolution sponsored by the committee asked that federal land management and wildfire policies be immediately modified to allow state and local governments to wildfire management activities and to minimize road closures that may restrict access to fight fires. Both resolutions passed the Legislature.[32]

Realizing that the state may have more resources than local communities to deal with federal land management plans, the Legislature in 2011 passed a bill allowing the Department of Commerce to advocate on behalf of local governments by reviewing, analyzing, and commenting on prospective impacts on local socioeconomic conditions from federal land management proposals. No requests to the department have been made.[33]

The state, through the DNRC and the Department of Fish Wildlife and Parks provided legal support in 2012 in the form of an amicus brief for the Colt Summit Restoration and Fuels Project just north of Seeley Lake. **Appendix H**

[31] http://leg.mt.gov/css/Committees/Interim/2007_2008/fire_suppression/default.asp
[32] House Joint Resolutions Nos. 4 and 7.
[33] 90-1-18, MCA and 90-1-182, MCA

The 2013 Legislature passed several bills dealing with federal land management.

House Bill No. 169 clarified in statute that a county growth policy may be used as a resource management plan for the purposes of establishing coordination or cooperating agency status with a federal land management agency.[34]

Two bills require the DNRC to advocate for federal legislation to establish a good neighbor policy that

Members of the EQC, Helena officials, and Forest Service representatives and others inspect the Red Mountain Flume in September 2013.

would allow the secretary of the interior or the secretary of agriculture to enter into a cooperative agreement or contract that would authorize the state forester to reduce wildfire threats and protect watersheds on federal lands. Authority is sought in both bills to treat insect-infested trees and reduce hazardous fuels. Both Senate Bill No. 201 and Senate Bill No. 217 allow the attorney general to intervene in litigation or appeals.[35]

State and Federal Agreements

Following the 2009 Legislature, the DNRC and Region One of the Forest Service signed a memorandum of agreement (MOA) acknowledging that both entities, "have obligations to the public in contributing to the quality of the human environment, the public health, and the regional economy and natural

[34] 76-1-607, MCA.
[35] http://leg.mt.gov/bills/2013/billpdf/SB0201.pdf http://leg.mt.gov/bills/2013/billpdf/SB0217.pdf

resource base. Our efforts will assist in maintaining a vibrant forest industry infrastructure in order to meet our natural resource goals." **Appendix I**

The agreement requires the Forest Service to: [36]

- Serve as the responsible party for ensuring compliance with all applicable federal regulations and guidelines relating to federal land management planning and policy development.
- Systematically notify the DNRC of opportunities to participate in the development of individual Forest planning revisions and amendments at the Forest level and in future federal forest policy development at the Regional level.
- Retain decision making authority for management of the National Forests. This authority is not modified by the MOA.

The DNRC is required to:

- Participate in the development of individual Forest plan revisions, and Forest plan amendments. This may include, but is not limited to assisting in the development of draft planning documents and establishing environmental objectives and monitoring systems.
- Participate in the development of federal forest policy including but not limited to climate change, renewable energy standards, forest restoration, and water resource protection.
- Provide advice and information throughout the Forest plan revision or amendment process to enhance a cross-jurisdictional partnership. DNRC will provide information or data on particular issues, including social, economic and/or forest health and wildfire hazard concerns. DNRC may assemble and present the data or information with the assistance of experts retained by DNRC. This MOA does not obligate DNRC to expend funds at the request of the Forest Service in furtherance of activities contemplated by this MOA.

Under a new agreement, the state and the Forest Service will share costs to reduce fire hazards in the Ten Mile area.

- Provide advice and information on regional management strategies and vegetation management project prioritization.
- Coordinate and communicate with the Forest Service regarding proposed planning documents and policies that require review and comment by the DNRC under this MOA.
- Work with the Montana forest products industry and the USDA- Forest Service Region One to improve communication and coordination regarding timber program issues, opportunities, and communications in order to sustaining a vibrant forest products infrastructure.

[36] The agreement expired in 2013. As of May 2014, revisions are under consideration. Correspondence with Bob Harrington, DNRC.

Chessman Reservoir is the primary drinking water source for the City of Helena.

In September 2013, the DNRC and Northern Region of the USFS signed an agreement allowed under congressional authority "to achieve land management goals for the national forests that meet local and rural community needs." The authority includes the ability to exchange goods, such as timber, for services, such as tree-thinning. Projects may include treatment of hazardous fuel loads, forest stand health improvements, and habitat enhancement. Non-timber related projects could include weed control and water-quality related improvements such as road maintenance, culvert replacements, and stream restoration. **Appendix J**

The first project undertaking thought by the new agreement is logging and restoration work in the Ten Mile Watershed outside of Helena. The area supplies much of the drinking water for the city of Helena and has been hammered by mountain pine beetles in recent years, leaving thousands of dead trees around Chessman Reservoir. At risk is the Red Mountain Flume.

The EQC toured the area in September 2013 with city and federal officials.

Under the agreement, the state shares costs and personnel with the Forest Service. The project is on federal lands, but nearby lands have been treated for fuel reduction. The 490-acre project on Forest Service land include removal of trees that could fall and damage the flume. Fuel reduction along the flume and near the reservoir aims to reduce the chance the area would experience a high-intensity fire, creating buffer zones against erosion, ash and sediment damaging the flume or contaminating the reservoir during a forest fire.

Collaborative Efforts

There are representatives of varied groups in Montana with interests in federal land management that work within existing laws and regulations by forming collaborative groups.

Two of them include the Montana Forest Restoration Committee and the Southwestern Crown Collaborative.

The Montana Forest Restoration Committee formed in 2007 to help guide restoration of Montana's national forests. Founding members included representatives of state and federal government, the wood products industry, environmental groups. The group's principles establish a "zone of agreement" where controversy, delays, appeals, and litigation are significantly reduced. The principles include

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integrating restoration with socioeconomic well-being, an emphasis on sustainable management, and reestablishing fire as a natural process on the landscape. [37]

There are local restoration committees in the Bitterroot, Helena and Lolo national forests as well as the Lincoln district and the Elkhorn Management Area. The group touts consensus on several projects.

In 2009, Congress established the Collaborative Forest Landscape Restoration Program. The goal is to encourage, "the collaborative, science-based ecosystem restoration of priority forest landscapes." [38]

In 2010, the federal program awarded just more than $1 million to the Southwestern Crown Collaborative, which covers the Bob Marshall Wilderness Complex and surrounding areas. State and federal officials are partners as well as representatives of other groups. Recent projects include stream restoration, weed control, and trail maintenance. [39]

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[37] http://www.montanarestoration.org/home
[38] http://www.fs.fed.us/restoration/CFLRP/overview.shtml
[39] http://www.swcrown.org/

Table 1 – Study Matrix of SJ15 Work Group

	A. Identify Risks & Concerns *(June-Oct)*	B. Identify Desired Correction and/or Condition *(Sept-Oct)*	C. Identify Barriers Currently Preventing Correction *(Oct-Nov)*	D. Brainstorm & Explore Solutions *(Nov-March)*	E. Develop Action Items *(April-August)*	F. References ***References in bold italics*** added at request of Work Group members. References in plain text added by staff, as directed by WG, to provide more information about the topic.
1	INFRASTRUCTURE: Excessive wildfire fuel loads due to insect, disease, and/or lack of active management place infrastructure on or near federally managed lands at risk - including electrical transmission lines, transportation facilities, communication towers, water systems, and other utilities. Costs associated with damage repair.	Active, immediate vegetation management to protect transmission lines and other infrastructure from wildfire, post fire erosion and other risks that can be resolved via active vegetation management while maintaining a desirable ecologic composition and sustainable economic production where practical.	1. Unfavorable Laws, Policies, Rules 2. Obstructive Litigation 3. Unfavorable Priorities 4. Prolific flaws in NEPA documents 5. Lack of Funding/Personnel 6. Problematic Financial Order, Lack of priorities, performance incentives. 7. Federal agency rule making inconsistent with legislative intent 8. Need intensive state scrutiny and action to avert unfavorable federal actions 9. Lack of understanding root law and jurisdictional authorities 10. Lack of consistency with local government objectives. 11. Prohibitions on active management leads to intense fuel load and limited access for initial attack in some areas. 12. Burn & "let-burn" fire use causes unhealthy or undesirable levels of	1. Acknowledge emergency condition 2. Expand ROW for maintenance 3. Generate funds 4. MO between Counties, State, & USFS – 5. Employ HSW Jurisdiction 13. Education on benefits of fuel reduction and resource use vs. costs of repairing damage after intense wildfire 14. Controls on rule making process 15. Need local public land and resource management plans to allow local governments to enter coordinating status, insert local objectives into federal land plans and decisions, and ensure federal plans are consistent with local plans.		***USFS Region 1 Presentation to Montana Public Service Commission, 2013*** ***http://leg.mt.gov/content/Committees/Interim/2013-2014/EQC/Committee-Topics/sj-15/matrix-references/FS-transmission-lines-presentation-to-psc.pdf*** Montana Legislature Fire Suppression Committee 2008 report: The Price of Flame http://leg.mt.gov/content/Committees/Interim/2007_2008/fire_suppression/FSC%20final%20report.pdf Government Accountability Office Reports on Wildland Fire Management http://www.gao.gov/key_issues/wildland_fire_management/issue_summary#t=0 Administrative Appeals in the Bureau of Land Management and the Forest Service, Congressional Research Service 2013 http://nationalaglawcenter.org/wp-content/uploads/assets/crs/R40131.pdf Relationships between moisture, chemistry, and ignition of Pinus contorta needles during the early stages of mountain pine beetle attack, Forest Ecology and Management, 2012 http://www.fs.fed.us/rm/pubs_other/rmrs_2012_jolly_w001.pdf Review of Fuel Treatment Effectiveness in Forests and Rangelands, USDA Rocky Mountain Research Station, 2011 http://www.fs.fed.us/rm/pubs/rmrs_gtr252.pdf Limited Data Available on USDA and Interior Attorney Fee Claims and Payments, Government Accountability Office, 2012 http://www.gao.gov/products/GAO-12-417R Information on Appeals, Objections, and Litigation Involving Fuel Reduction Activities, Fiscal Years 2006 through 2008, Government Accountability Office, 2010 http://www.gao.gov/products/GAO-10-337 Joint Science Fire Program, Fuel Treatment Effects and Effectiveness http://www.firescience.gov/JFSP_fuels_treatment.cfm

			smoke.			
2	NEIGHBORING COMMUNITIES: Excessive wildfire fuel loads due to insect, disease, and/or lack of active management on federally managed lands in Wildland-Urban Interface (WUI) place neighboring public and private property, facilities, infrastructure and communities at risk. Costs associated with damage repair.	Active, immediate vegetation management to prevent intense wildfire and related damages to communities, public and private property, infrastructure, and facilities, especially in wild urban interface (WUI), while maintaining a desirable ecologic composition and sustainable economic production where practical.		Consider enabling legislation that would include international WUI code.		***Request input from conservation district – Jeff Tiberi, State forester, firewise, feds.*** Montana Legislature Fire Suppression Committee 2008 report: The Price of Flame http://leg.mt.gov/content/Committees/Interim/2007_2008/fire_suppression/FSC%20final%20report.pdf Residential Wildfire Exposure Estimates for Western United States http://www.corelogic.com/about-us/researchtrends/asset_upload_file283_16407.pdf Government Accountability Office Reports on Wildland Fire Management http://www.gao.gov/key_issues/wildland_fire_management/issue_summary#t=0 USDA Office of Inspector General Audit: Forest Service Large Fire Suppression Costs, 2006 http://www.usda.gov/oig/webdocs/08601-44-SF.pdf
3	WATER: Excessive wildfire fuel loads and intense wildfires on federally managed lands threaten, poison, and/or physically impair municipal drinking water supplies as well as water supplies for residential, recreational, agricultural, natural, and other uses outside municipal watersheds. Watersheds are not being managed to maximize water yield. Costs associated with damage repair – municipal &	Active, immediate vegetation management to prevent damages from intense wildfire and optimize water yield in municipal water sheds as well as other waters outside municipal watersheds, including residential, agricultural, recreational, industrial, and fisheries, while maintaining a desirable ecologic composition and sustainable		Prioritize fuel reduction treatments in critical areas – a. municipal/people, b. agricultural, c. environmental, then prioritize those areas most susceptible to severe adverse effect.		***Sen. Greg Hinkle suggests looking at an Okanogan NF – Twisp logging project that significantly increased yields and stream flows*** ***Research on volume of water held by over-dense timber stands. Forests and Water in the Sierra Nevada: Sierra Nevada Watershed Ecosystem Enhancement Project, Sierra Nevada Research Institute, UC Merced http://ucanr.edu/sites/cff/files/146199.pdf*** Wildland fire in ecosystems: effects of fire on soils and water, USDA Rocky Mountain Research Station, 2005 http://www.fs.fed.us/rm/pubs/rmrs_gtr042_4.pdf Cumulative Watershed Effects of Fuel Management in the Western United States, USDA Rocky Mountain Research Station, 2010 http://www.fs.fed.us/rm/pubs/rmrs_gtr231.pdf Risk of Impaired Condition of Watersheds Containing National Forest Lands, USDA Rocky Mountain Research Station, 2010 http://www.fs.fed.us/rm/pubs/rmrs_gtr251.pdf

	agricultural.	economic production where practical.				
4	FISH & WILDLIFE: Large, intense fires on federally managed lands kill fish & wildlife, destroy habitat, poison water, and cause displacement which adversely impacts surviving populations of fish & wildlife beyond the burned area.	Vegetation management to prevent premature death of fish and wildlife and destruction of habitat caused by intense wildfires and to optimize water yield to provide for all needs including human life, economy, and natural environment, while maintaining a desirable ecologic composition and sustainable economic production where practical.		Assess quality of habitat in passive vs. active management areas. Assess quality of habitat in historic use vs current use patterns.		***Painted Rocks Reservoir - Documents submitted to WPIC*** ***http://leg.mt.gov/content/Committees/Interim/2011-2012/Water-Policy/Meeting-Documents/January-2012/saddle-creek.pdf*** ***http://leg.mt.gov/content/committees/interim/2011-2012/Water-Policy/minutes/January-10-2012/Exhibit05.pdf*** ***http://leg.mt.gov/content/committees/interim/2011-2012/Water-Policy/minutes/January-10-2012/Exhibit06.pdf*** ***Smoked Bear Report: 11 Western States Wildfire, Prescriptive, and Fire Use History*** ***http://leg.mt.gov/content/Committees/Interim/2013-2014/EQC/Committee-Topics/sj-15/matrix-references/smoked-bear-fire-tables.pdf*** Wildland fire in ecosystems: effects of fire on fauna, USDA Rocky Mountain Research Station, 2000 http://www.fs.fed.us/rm/pubs/rmrs_gtr042_1.pdf
5	AIR QUALITY: Significant health risks, premature death, and other adverse impacts to Montana citizens and visitors due to high volumes of smoke/toxic air pollution generated by large, intense fires on federally managed lands. In addition to health dangers, prolific and lingering smoke restricts activities, displaces people from their homes and communities, impedes	Manage lands to ensure safe and healthy air quality levels. Actively manage vegetation to prevent catastrophic fire events and keep dangerous levels of pollutants from entering the air. Do not burn or let burn unless air quality standards can be met or it is necessary to prevent or contain destructive fires and no other means of		Prioritize fuel reduction treatments in areas most susceptible to severe adverse effect. Broaden opportunity and time frame for fuel treatments including burning. Coordinate and pre-plan to prevent intense wildfire.		***Smoked Bear Report: 11 Western States Wildfire, Prescriptive, and Fire Use History*** ***http://leg.mt.gov/content/Committees/Interim/2013-2014/EQC/Committee-Topics/sj-15/matrix-references/smoked-bear-fire-tables.pdf*** ***Montana-Idaho Interagency Smoke Management Coordination Strategy (wildfire-focused):*** ***http://www.fs.fed.us/r1/fire/nrcg/Op_plans/2013SmokeStrategy_FINAL.pdf*** ***Montana-Idaho Airshed Group's Operations Guide (prescribed fire-focused):*** ***http://www.smokemu.org/docs/20100601OpsGuide.pdf*** Joint Science Fire Program, Smoke Management and Air Quality http://www.firescience.gov/JFSP_smoke_air.cfm Wildland Fire in Ecosystems Effects of Fire on Air, USDA Rocky Mountain Research Station, 2002 http://www.fs.fed.us/rm/pubs/rmrs_gtr042_5.pdf The relationship of respiratory and cardiovascular hospital admissions to the southern California wildfires of 2003 (Abstract only) http://www.ncbi.nlm.nih.gov/pubmed/19017694 California Wildfires of 2008: Coarse and Fine Particulate Matter Toxicity

	scenic views, and disrupts tourism.	doing so are available. Use fire to optimize environmental or economic productivity only when air quality standards are not exceeded.				http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2702402/ Estimated Global Mortality Attributable to Smoke from Landscape Fires http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3346787/ Particle size-dependent radical generation from wildland fire smoke (Abstract only) http://www.ncbi.nlm.nih.gov/pubmed/17482744 See notes.
6	MUTLIPLE USE ACCESS REDUCTIONS: Decommissioning and closing roads and trails severely diminishes access for desirable multiple use activities including resource management, sustenance and recreational uses, emergency ingress/egress, and commercial extraction of natural resources.	Keep access roads intact and available for multiple uses, resource management, and future resource extraction. Prioritize funding for maintenance and repairs of access roads. Allow enough public use to prevent roads from brushing in. Encourage and accommodate volunteerism for maintenance and repairs on roads and trails. Encourage fire wooding to remove downed trees and maintain fire breaks along roads. Increase or preserve multiple use access for all ages, abilities, interests, and classes. Protect RS2477 locally	1. Budget/Cost 2. Mngt classifications - compliance standards 3. Policy/Regulation 4. Paid/Stacked Collaboratives 5. Underappreciated value of access	1. Facilitate Volunteer maintenance contracts/workman's comp 2. RS 2477 Identification/Inventory and affirm local jurisdiction. 3. Prioritization system for roads necessary for initial attack, management of municipal watersheds, future generation timber sales, emergency ingress/egress, multiple use access component, etc. 4. Rotational uses 5. Verify/Modernize definition of multiple use. 6. Increase local authority 7. Consider S327 – HR2401 Good Neighbor Forestry Act		***Bruce and Nancy Mehaffie – Deep Creek*** ***Capitol Trail Riders Assoc – Townsend Ranger District, Helena National Forest*** See notes. RS2477 - Consent Decree for State of Utah, BLM, environmental groups Aug. 2013 http://earthjustice.org/sites/default/files/files/DeepCreekSettlement.pdf RS2477 Background - Government Accounting Office Opinion, Feb. 2004 http://www.gao.gov/decisions/other/300912.pdf RS2477 Background – Congressional Research Service Report, Nov. 2003 http://assets.opencrs.com/rpts/RL32142_20031107.pdf

		owned roads.				
7	INVASIVE PESTS, DISEASE, AND NOXIOUS WEEDS: Proliferation of invasive pests, disease, and noxious weeds is prevalent on federally managed lands and waters.	Control aquatic pests, specifically mussels, at point source. Treat point source. Actively manage to control, contain, and prevent devastating pests from spreading.		Map/inventory infestations Prioritize funding for most necessary and effective pest management. Promote statewide pest management consistency on all lands. Prioritize treatment areas to control, contain, and prevent devastating pests from spreading. Allow motorized access so land managers and private property owners can control pests on their lands.	Jurisdiction for control navigable waters	Testimony for Dr. K. George Beck, U.S. House Natural Resources Committee, 2013. Three percent of existing federal acres infested with invasive weeds were treated and restored in 2009. http://naturalresources.house.gov/uploadedfiles/becktestimony05-16-13.pdf Wildland Fire in Ecosystems: Fire and Nonnative Invasive Plants, USDA, Rocky Mountain Research Station, 2008 http://www.fs.fed.us/rm/pubs/rmrs_gtr042_6.pdf Invasive Forest Pests: Recent Infestations and Continued Vulnerabilities at Ports of Entry Place U.S. Forests at RiskGAO reports, 2006 http://www.gao.gov/products/GAO-06-871T Invasive Forest Pests: Lessons Learned from Three Recent Infestations May Aid in Managing Future Efforts, 2006 http://www.gao.gov/products/GAO-06-353 USDA Office of Inspector General Audit of FS Invasive species program 2010 http://www.usda.gov/oig/webdocs/08601-7-AT.pdf Congressional Research Service Report 2013 http://www.invasive.org/NAISN/Invasive_speciesmajorlaws_funding.pdf State of Montana references: http://fwp.mt.gov/fishing/guide/AIS/ http://agr.mt.gov/agr/Programs/Weeds/AquaticWeeds/ http://leg.mt.gov/content/Committees/Interim/2013-2014/EQC/Meetings/September-2013/Exhibits/September-12-2013/Exhibit20.pdf Other references: http://www.fs.fed.us/foresthealth/publications/Framework_for_Invasive_Species_FS-1017.pdf http://www.invasivespeciesinfo.gov/index.shtml http://www.invasivespeciesinfo.gov/laws/main.shtml http://www.fs.fed.us/invasivespecies/policy.shtml See notes
8	PILT, SRS, ROYALTIES: The substitute funding sources counties rely upon are unreliable and unpredictable due to dependency on renewed congressional approval and the ability of the federal	Increase economic production Generate positive revenue flows like they used to Increase predictability of		Assess PILT vs. actual taxable value		***Wyoming study*** Public Land Management in 21st Century: Delegation of Responsibility to State and Local Governments ***http://leg.mt.gov/content/Committees/Interim/2013-2014/EQC/Committee-Topics/sj-15/matrix-references/state-vs-fed-land-management-costs-baughman-presentation.pdf*** ***State Forests Management Superior to Federal Forests for Job Creation, Revenue Production, Local Economies and Fire Prevention, U.S. Rep. Doc Hastings*** ***http://leg.mt.gov/content/Committees/Interim/2013-2014/EQC/Committee-Topics/sj-15/matrix-references/house-nat-resources-state-vs-federal-forests.pdf***

	government to pay. PILT & SRS equate to a very low percentage of actual taxable value & resource production capabilities. Fund restrictions.	funding Let willing states counties own/manage public lands, generate revues locally				See notes. An analysis of PILT-related payments and likely property tax liability of Federal resource management lands, Rocky Mountain Research Station, 1999 http://www.treesearch.fs.fed.us/pubs/4550 PILT (Payments in Lieu of Taxes): Somewhat Simplified, Congressional Research Service, 2012 http://www.fas.org/sgp/crs/misc/RL31392.pdf Forest Service Payments to Counties—Title I of the Federal Forests County Revenue, Schools, and Jobs Act of 2012: Issues for Congress, Congressional Research Service, 2012 http://nationalaglawcenter.org/wp-content/uploads/assets/crs/R42452.pdf Keeping the Commitment to Rural Communities, 2013, Jay O'Laughlin, University of Idaho http://www.energy.senate.gov/public/index.cfm/files/serve?File_id=e11ece08-c8a2-4726-a6c5-d848a2b6581c Ideas for Reforming the Secure Rural Schools and Community Self-Determination Act (SRS) and Payments in Lieu of Taxes (PILT) , Headwaters Economics http://headwaterseconomics.org/land/county-payments-research
9	INADEQUATE FUNDING: Inadequate federal funding and/or prioritization for proper resource management, wildfire fuel reduction, wildfire rehabilitation, maintenance and repair of infrastructure, multiple-use access, and fire suppression.	Encourage prioritization toward situational prevention vs. post emergency repairs. Increase resource based economic productivity to generate positive revenue flows like they used to. Improve predictability of funding. Let willing states/counties own/manage public lands, implement local priorities and generate revenues locally. Encourage funding for work force commensurate		Assess State vs. Federal Economics		Chief Thomas Tidwell testimony, June 2013 http://www.energy.senate.gov/public/index.cfm/files/serve?File_id=e59df65c-09c6-4ffd-9a83-f61f2822a075 Wildfire Management: Federal Funding and Related Statistics, Congressional Research Service, 2013 http://nationalaglawcenter.org/wp-content/uploads//assets/crs/R43077.pdf Government Accountability Office Reports on Wildland Fire Management http://www.gao.gov/key_issues/wildland_fire_management/issue_summary#t=0

		with land management goals and legal obligations.				
10	SCIENTIFIC INTEGRITY: Inaccurate, selective, biased, and/or outdated science and technology are being used in resource management plans, reports, administrative rules, federal policies, decisions, and enforcement.	Ensure scientific integrity. Require reports upon which policy decisions are based to follow scientific and statistical confidence standards and blind peer review typical of scientific journal publication. Remove bias, concentrate on facts instead of philosophy. Require minority report.				Information Quality Act of 2001: http://www.fws.gov/informationquality/section515.html Background and 2006 GAO report on the Information Quality Act: http://www.gao.gov/new.items/d06765.pdf Congressional Research Service reports from 2004 on Information Quality Act: http://www.fas.org/sgp/crs/RL32532.pdf; https://it.ojp.gov/documents/CRS_IQ_Act_OMB_Guidance_and_Implementation.pdf Guidelines from the Office of Management and Budget: http://www.whitehouse.gov/sites/default/files/omb/fedreg/reproducible2.pdf USFWS Ensuring the Quality and Credibility of Information: http://www.fws.gov/informationquality/ USFS Quality of Information: http://www.fs.fed.us/qoi/ BLM data quality: http://www.blm.gov/wo/st/en/National_Page/Notices_used_in_Footer/data_quality.html NPS Information quality: http://www.nps.gov/notices.htm Links to other agency information quality sites: http://www.whitehouse.gov/omb/inforeg_agency_info_quality_links/
11	MISSION CONFLICT: Several federal laws, executive orders, and rules are in conflict with the original purpose and authority related to federal land acquisitions, federal reservations, and the mission of managing agencies. This has resulted in contradictory policies and management constraints that are sometimes adversarial	Establish clarity of mission and purpose for being and consistency of laws and regulations in accordance with that mission.				

	to the environment, economy, as well as public health, safety, and welfare.					
12	HABITAT CAPACITY: USFWS does not consider range or carrying capacity of habitat on federal lands when determining target populations of predators and other wildlife.	Base decision on carrying capacity balanced with multiple use -not unscientific political decisions. Take a programmatic approach to landscape habitat capacity, range, and multiple uses to optimize health of environment, species success, and desirable human uses of land. Prioritize protection of local social and economic values, including public health and safety. Optimize production of lands by utilizing grazing. Keep in mind livestock is restricted from moving freely, while wildlife flows across landscape.		Comprehensive analysis of compatibility of target fish or wildlife population with other present species, range, carrying capacity of habitat, and multiple uses including grazing and timber management. Integrate valid, updated scientific information into land management and target population considerations.		
13	YPN BISON– populations expanding beyond Yellowstone National Park boundary into Montana, creating jurisdictional questions				(consult w/Dept. of Livestock, A.G., FWP, Tribes, Federal agencies – DOI/NPS)	Staff legal memo: http://leg.mt.gov/content/Committees/Interim/2013-2014/EQC/Meetings/January-8-9-2014/legal-status-bison.pdf Interagency Plan and Agencies' Management Need Improvement to Better Address Bison-Cattle Brucellosis Controversy, Government Accountability Office, 2008 http://www.gao.gov/products/GAO-08-291 Interagency Bison Management Plan Library http://ibmp.info/index.php

	and management problems for the state of Montana.					
14	USFSW is not placing a priority on acknowledging adverse impacts of predators, invasive plant species, and wildfire on Sage Grouse populations. Comprehensive management considerations associated with multiple species seems lacking.	Retain state management of all fish and wildlife species. Recognize grazing's benefits to healthy plant communities. Need to recognize adverse impacts of cheat grass and other invasive species, wildfire, hunting, and predation on sage grouse.				***Jan 14-15-16 Sage Grouse Council*** ***Link to 30 year biologist's report***
15	TIMBER INDUSTRY VIABILITY: Although an over-abundance of timber exists in many national forests, the viability of timber and wood products industries and related jobs and infrastructure are threatened by bureaucratic impediments, declining forest health, and unpredictable supply due to federal policies, litigation and administrative costs, and management constraints.	Resource management which stimulates a viable timber industry and results in a broad distribution of mills across the state.				Forest Products Outlook 2013, Forest Products and Manufacturing, Bureau of Business and Economic Research http://www.bber.umt.edu/pubs/Forest/Outlook/forestproducts2013.pdf Timber Use, Processing Capacity, and Capability to Utilize Small-Diameter Timber Within USDA Forest Service, Region One Timber-processing Area, 2013, Bureau of Business and Economic Research http://www.bber.umt.edu/pubs/forest/capacity/R1_capacity_report_Final.pdf Trends in the Montana Forest Products Industry, 2013, Bureau of Business and Economic Research http://www.bber.umt.edu/pubs/forest/fidacs/COFE%20SWH%20final.pdf Montana Legislature Fire Suppression Committee 2008 report: The Price of Flame http://leg.mt.gov/content/Committees/Interim/2007_2008/fire_suppression/FSC%20final%20report.pdf
16	OWNERSHIP: Federally managed public lands might be sold or	Require state legislature's consent prior to sale,				77-2-401, MCA. Sale or transfer of federal land -- when hearing required. http://leg.mt.gov/bills/mca/77/2/77-2-401.htm 77-2-402, MCA. Hearing requirements.

	collateralized to private parties or foreign nations without state legislature's consent.	transfer, or acquisition of federally controlled public lands within Montana. Do not encumber public lands as collateral to lenders .				http://leg.mt.gov/bills/mca/77/2/77-2-402.htm 77-2-403, MCA. Action by director. http://leg.mt.gov/bills/mca/77/2/77-2-403.htm
17	OWNERSHIP: Checkerboard pattern of federal lands makes management and public access difficult.	Develop a fair and equitable system for consolidation of ownership to reduce difficulties in management, use, and access associated with land locked or limited access pieces.				***Economic Impact of Public Lands managed by the Federal Government, Pam Borda, Northeastern Nevada Regional Development Authority*** ***http://leg.mt.gov/content/Committees/Interim/2013-2014/EQC/Committee-Topics/sj-15/matrix-references/economic-impact-of-public-lands.pdf***
18	UNFAVORABLE TIMBER MANGEMENT: Unmanaged, overpopulated timber stands contribute to insect infestations, declining timber health, drought, intense wildfire, reduced watershed yields, and adverse effects on wildlife habitat. Policies favoring weak, less useful timber like pine instead of stronger more useful fir and larch are bad for commercial supply. Not cutting in accordance with sustained yield	Optimize health, resiliency productivity, of timber stands and watersheds. Manage forest and harvest timber to sustain biological diversity at a regional scale. Consider /Emulate most favorable range of historic variation spatially and with regard of intensity of disturbance. Reduce over populated stands to prevent crown fires and increase wildlife				

	capabilities.	forage vegetation and increase water yields. Cut sustained yield volumes.				
19	ADVERSE IMPACTS OF ESA: Adverse impact on state, counties, private property, industry, lives, use permits, and livelihoods associated with protected species policies and the magnitude of unknown costs and consequences. Arbitrary listings. Slow-cumbersome delisting process.	Strive for viable populations of species while minimizing adverse impacts to local communities and counties. Reform ESA to reflect original intent of preventing species extinction versus expanding species abundance and distribution. Concentrate on protecting species as a whole instead of managing sub species and distinct populations.		More involvement by County Commissioners. State & local government engage in coordination with USF&W service.		Endangered Species Act: The U.S. Fish and Wildlife Service Has Incomplete Information about Effects on Listed Species from Section 7 Consultations, GAO report, 2009 http://www.gao.gov/products/GAO-09-550 Endangered Species Act: Many GAO Recommendations Have Been Implemented, but Some Issues Remain Unresolved, GAO report, 2008 http://www.gao.gov/products/GAO-09-225R U.S. Fish and Wildlife Service: Endangered Species Act Decision Making, GAO report, 2008 http://www.gao.gov/products/GAO-08-688T Endangered Species: Many Factors Affect the Length of Time to Recover Select Species, GAO report, 2006 http://www.gao.gov/products/GAO-06-730
20	NON-ESSENTIAL CLASSIFICATION: Lands, resources, and personnel assigned to mage these resources that are so critical to Montana's economy and environment , and	Access, use, and management of public lands must be recognized as a top priority.				

	many Montanan's way of life and happiness, have been deemed non-essential and shut down by the federal government.					
21	UNSUSTAINABLE ECONOMICS: Revenues generated by BLM go to DC Treasury. USFS no longer generates positive revenues. Mineral royalties vulnerable to national politics and Montana in the minority.	Sustainable economic management. Keep revenues generated locally on the unit or in the county.				FOREST SERVICE: Barriers to and Opportunities for Generating Revenue, General Accounting Office Testimony, 1999 http://www.gpo.gov/fdsys/pkg/GAOREPORTS-T-RCED-99-81/pdf/GAOREPORTS-T-RCED-99-81.pdf See Notes
22	PUBLIC INVOLVEMENT: Notification and decisions, policies, meeting formats, length of documents, and technical procedures favor paid participation and disenfranchise average citizens leaving local residents, land owners, forest users, and small communities feeling overwhelmed and powerless.	Increase ability of local public to influence decisions while still meeting efficient project management.	Lack of Local Accountability Difficulty of local participation Montanans are in the minority nationally and worldwide.	Provide adequate notification of proposed actions to local citizens, provide open public hearings where comments are recorded at local meetings and made part of record.		
23	OWNERSHIP: Unconstitutional acquisitions and contradictory retention policy versus enabling act/statehood compact.	Clarify ownership and under what jurisdiction it falls? Where does revenue go how is it divided and how is it		Facilitate DNRC being able to manage. Abandon Railroad Easement, who gets ownership when designated use is abandon (Brandt case)? Can state acquire		SJ15 Primer: http://leg.mt.gov/content/Committees/Interim/2013-2014/EQC/Meetings/September-2013/SJ15-primer.pdf Taylor Grazing Act: http://www.law.cornell.edu/uscode/text/43/315 Federal Land Ownership: Constitutional Authority and the History of Acquisition, Disposal, and Retention, Congressional Research Service, 2007: http://www.law.umaryland.edu/marshall/crsreports/crsdocuments/RL34267_12032007.pdf

		decided? Ownership map and verify record of title/deed.		those abandon ROW's?		National Acquisition Plan for Departments of Agriculture and Interior, 2005: http://www.fs.fed.us/land/staff/LWCF/Final%20DOI-USDA%20Land%20Acquisition%20Report%20to%20Congress.pdf Marvin M. Brandt Revocable Trust v. United States, ownership of abandoned railroad right of way. Oral arguments U.S. Supreme Court, Jan. 2014 http://www.supremecourt.gov/oral_arguments/argument_transcripts/12-1173_7lh8.pdf
24	SHUTDOWN: Another shutdown of the public lands and treasured places controlled by the federal government.	No shutdown of public lands Contingency plan to protect MT interests in event of shutdown in future Higher priority in public lands ad resources in terms of essential status classification		What worked in other states? Logging Contracts? State takes over task until feds get back up and running. What can be closed and what can't		***http://www.opb.org/news/article/federal-judge-orders-logging-to-resume-immediately/*** DNRC/USFS Stewardship agreement, 2013
25	JURISDICTION: Confusion over jurisdiction.	Clarify jurisdiction over resource mngt and health, safety, welfare of the people.		Health, safety, welfare Inventory RS 2477 roads and ROW (Mark Lodine DOJ - USFS /Tony Rampton, Deputy A.G. - Utah)		***INVENTORY REPORT ON JURISDICTIONAL STATUS OF FEDERAL AREAS WITHIN THE STATES Compiled by GENERAL SERVICES ADMINISTRATION, 1962 http://leg.mt.gov/content/Committees/Interim/2013-2014/EQC/Committee-Topics/sj-15/matrix-references/federal-land-jurisdiction-report.pdf***
26	PERMITS: Cabin sites leases, grazing AUMs outfitting, mineral extraction, oil & gas. Expense and length of time to secure permits; vulnerability to subjective approval, denial, classification, and/or revocation of permits. Complications – Grazing ESA, fencing	GRAZING: size of cow should be considered in carrying capacity, AUM should be based on sustainability per range science not politics. Existing lease owners should have reasonable		Explore historic trends AUM's associated with various political entities. Separate range science from political decisions. Limit lease fee increases to avert cost spike. Look at averages instead of spikes.		http://beefmagazine.com/genetics/0201-increased-beef-cows See notes Fact sheet on BLM grazing: http://www.blm.gov/wo/st/en/prog/grazing.html BLM Rangeland Reports, 1989-2012 http://www.blm.gov/wo/st/en/prog/more/rangeland_management/rangeland_inventory.html Criticism of BLM grazing program, Public Employees for Environmental Responsibility: http://www.peer.org/news/news-releases/2012/05/14/livestock%E2%80%99s-heavy-hooves-impair-one-third-of-blm-rangelands/ Federal Grazing Fee formula: http://www.archives.gov/federal-register/codification/executive-order/12548.html

	requirements, water,	opportunity to retain their lease.				Grazing Fees: Overview and Issues, Congressional Research Service, 2012 http://nationalaglawcenter.org/wp-content/uploads/assets/crs/RS21232.pdf Livestock Grazing: Federal Expenditures and Receipts Vary, Depending on the Agency and the Purpose of the Fee Charged, U.S. Government Accountability Office, 2005 http://www.gao.gov/products/GAO-05-869 Montana state land grazing rules and study, 2011 http://dnrc.mt.gov/trust/agm/GrazingRateStudy/Default.asp
27	LACK OF PRODUCTION: – available resources not being utilized at an acceptable rate -- saw timber, small wood, oil, gas, and mineral resources not being utilized enough. Canadian subsidized timber effect on U.S.	Increased resource production.		(Look at national economy year by year compare extraction to commodity prices) Higher priority on production goals. Prioritize projects related to HSW (infrastructure). State manage a section of federal land to treat under state law, then rotate to next section. Manage certain areas under state law Streamline permitting Review the success of the cohesive strategy to prioritize and achieve desired condition in at risk areas.		US-Canada Softwood Lumber Agreement effective through 2015 http://www.uslumbercoalition.org/general.cfm?page=4 Softwood Lumber Imports from Canada: Issues and Events, Congressional Research Service 2006 http://research.policyarchive.org/3030.pdf General Accounting Office report on cabin site fees, Dec. 1996 http://www.gao.gov/assets/230/223486.pdf Press coverage of 2013 legislation to cap cabin site fees, Nov. 2013 http://www.rollcall.com/news/congress_looks_to_ease_fee_increases_for_national_forest_cabin_owners-229184-1.html?zkPrintable=true
28	FACTS - PUBLIC PERCEPTION – Lack of education and awareness about the benefits of sustained yield active mngt, utilization of natural resources, and related impacts on economy, jobs, environment, communities.	Increase public awareness Inform public about opportunities and benefits – pre & post project. Inform public about problems with obstructed management.		Active publicity of pre- project scoping Document and publicize post project benefits Schools, institutions, PBS, firewise		
29	HESITANCY: Some	Transparency		Protection of critics, seek		

	citizens, employees, permit holders, elected officials, etc. are hesitant to offer less than supportive or constructive criticism due to fear of offending federal decision makers, and/or suffering retribution via unfavorable funding and/or management outcomes.	Equal treatment High standard of recording actions, decisions, public interaction & comment, stream publicly.		recourse for mistreatment. Evaluation of fairness.		
30	CONGRESS: Ineffectiveness, complicated and contradictory policies, lack of: budget, financial security.	State would make decision on land management.				
31	BRINGING NON LOCAL COTRACTORS INTO AREAS WHERE LOCAL WORKERS WHO NEED WORK ARE AVAILABLE. Local employment opportunities are not emphasized.	Give more preference to local contractors.		Give consideration/preference to local small businesses. Allow chance for competitive bids vs 10 year contract on stewardship.		Standards used for awarding contracts in Region 1 Frank Preite – Director of Acquisitions Region 1 Dale Reckley -
32	BORDER SECURITY: Jeopardized by lack of access and denial of placement of communications equipment.	Allow proper access and placement of surveillance equipment to stop illegal entry and drug running.				Public and Private Land Ownership Maps: http://apps.msl.mt.gov/Geographic_Information/Maps/Land_Ownership/Default.aspx