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Testimony

Before the Committee on Natural Resources

Subcommittee on National Parks, Forests and Public Lands

Legislative Hearing on HR 980 – Northern Rockies Ecosystem Protection Act

May 5, 2009

Mr. Chairman, members of the Committee, good afternoon! I appreciate the opportunity to appear before you today. It is indeed an honor and I thank you.

As a lifelong Montanan, I have spent much of my adult life supporting rural communities and their citizens, helping to defend and protect the custom and culture of the unique and wonderful places we call home, our ability to make a living in a place of our choosing and to enjoy the beauty and opportunities afforded by living in the Big Sky Country. For the last 23 years, I have lived in a small town in southwest Montana, population of less than 1000. I am employed by, and a partner in, the Montana firm of Environomics, a full service public relations and issue communications firm.

In addition to wearing the proud title of lifelong Montanan, I serve as a Trustee for the Northwest Mining Association, a 114 year-old non-profit mining industry trade association with 1,965 members residing in 40 states. Our members are actively involved in exploration, mining, and reclamation operations on BLM and USFS administered land in every western state, in addition to private land. Our membership represents every facet of the mining industry including geology, exploration, mining, reclamation, engineering, equipment manufacturing, technical services, and sales of equipment and supplies. Our broad-base membership includes many small miners and exploration geologists as well junior and large mining companies. More than 90% of our members are small businesses or work for small businesses. I represent one of those small businesses.

I oppose H.R. 980, the Northern Rockies Ecosystem Protection Act. I would like to briefly discuss my points of contention with NREPA.

VISION AND COURAGE?

H.R. 980 is a heavy-handed approach which would result in making sweeping changes to the landscape of the Northern Rockies without the concurrence or support of most of our elected representatives or for that matter, most of the people who reside in the Northern Rockies region.

With all due respect to the members of Congress who have introduced or support this legislation, and I sincerely do have respect for every member in this body who is serving their own constituencies and the nation, I must point out that this legislation continues to lack the support of the people it directly impacts. Not a single person elected by the people of Montana, Wyoming, Idaho, or Oregon have signed on in support of H.R. 980.

I know the proponents of NREPA tire of hearing this and attempt to explain away this notable omission. For those of us who live in one of these four states, the lack of notable support from our elected representatives is not something to be dismissed with a casual wave of the hand.

On Representative Maloney's web site, you will find a posted press release dated October 18, 2007, entitled "**Rep. Maloney Testifies in Support of Ecosystem Protection Bill.**" (http://maloney.house.gov/index.php?option=com_content&task=view&id=1478&Itemid=61)

Rep. Maloney includes the following quote from her testimony on the ecosystem protection bill in this news release:

"Now, you'll certainly hear some people say that NREPA is a "top-down" approach. This could not be further from the truth. In the early 1990's local scientists, economists, conservation leaders, researchers, and others in Montana, Idaho, Wyoming, Washington and Oregon became concerned with the fragmenting of these precious, rare lands. The potential loss of wildlife and their way of life if something was not done to protect the Northern Rockies prompted the legislation that is now NREPA. These people in the region went to the Alliance for the Wild Rockies to write this bill. **And then, when those local advocates went to their elected officials, no one had the vision or courage to sponsor the bill. This is what they told me. So, people in the region had to seek out other legislators to support their vision.** [Emphasis added] I would not be here today if it were not for the local grassroots advocates, scientists, economists, conservation leaders who have been championing NREPA for years. NREPA could not be further from a "top-down" approach."

What I take away from this quote is that the Alliance for the Wild Rockies believe that duly elected representatives of the Northern Rockies' states are men and women of no vision and are cowards. The second striking point made here is that Representative Maloney apparently concurs with that assessment by agreeing to step in to save the wilderness advocates from their hapless representation. Frankly, I am dismayed at the statement contained in this press release.

Let me make it very clear that I certainly believe that any member of this body is within his or her right to bring forth or support any piece of legislation they choose, and I respect each member for their dedication to issues that are important to them and to the people back home that they serve. I suppose I just expect the same respect for the people that Montana voters, or voters from any other state, send to our nation's Capitol to serve.

Representative Dennis Rehberg has been a public servant since 1984, as a Montana lawmaker, Montana's Lt. Governor and as a member of the U.S. House. Senator Max Baucus has served the people of Montana continuously since 1973, as a Montana lawmaker, a member of the U.S. House of Representatives and as a United States Senator. And Sen. Jon Tester, serving in his freshman term in the United States Senate has a long history of service to Montana, having served eight years in the Montana Senate and serving as its President prior to his election to the United State Senate.

While I am certain my elected representatives are completely capable of defending themselves and their impressive records of accomplishment, I will do so nonetheless. Senator Baucus, Senator Tester and Representative Rehberg are not men without vision and are not men lacking courage. To infer that they are, based on their lack of endorsement for NREPA, does all of us and all of you a disservice.

TO RELEASE OR NOT TO RELEASE

I will constrain my remarks to things I know about and leave others to talk about what they know to be true. What I know is that the debate about additional wilderness designation in Montana has been going on a very long time and is likely to continue well into the future. The fundamental problem with achieving the necessary consensus for further designation of wilderness in Montana is the unwillingness or inability to deal with release language. Many in Montana would likely be willing to sit at the table and work to finalize these issues but without the agreement to release the lands not designated as wilderness to true multiple use once and for all, there is little room for consensus building or for compromise.

Wilderness advocates would rather not have any designation if it means other lands are released. Those who subscribe to public lands being open for multiple uses want to see the issues truly resolved in some tangible and meaningful fashion by being assured that remaining public lands are responsibly managed for all uses, including such things as mineral entry, energy development, timber harvest and recreation.

Consensus and compromise require that no one person or entity gets everything they want and that everyone gets something. It's the way it works; it's the definition of the words. It is the only way this contentious issue will ever be resolved.

MADE IN MONTANA

Montana is working in its own fashion and in its own way to address conservation issues. We are making progress. NREPA does nothing to further that progress in addressing real issues like forest health, development, our economy and conservation of lands for future generations.

Specifically addressing the contents of NREPA, the 60th Montana Legislature passed House Joint Resolution 31, stating its opposition to H.R. 1975, today's NREPA as introduced in 2007 as the Rockies Prosperity Act.

The 2007 resolution begins with:

“WHEREAS, bills with the same content have been introduced in the Congress for the past three sessions, named successively the Northern Rockies Ecosystem Protection Act of 2001, the Northern Rockies Ecosystem Protection Act of 2003, and the Rockies Prosperity Act of 2005;”

And it concludes with:

“NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA: That the Montana Legislature is opposed to the passage of these acts. BE IT FURTHER RESOLVED, that the Montana Legislature urge the members of Congress, especially the Montana delegation, to vigorously oppose these acts and any revisions of these acts and to vote against these acts at every opportunity.”

The 61st Montana Legislative Session adjourned Sine Die one week ago today. There are a few pieces of legislation I would like to bring to your attention because they are very relevant to the debate over NREPA and its effect on Montana. These pieces of legislation give you a sense of the realities that Montana is wrestling with and some of the things that Montana is implementing or ascribing to that assist in addressing those realities.

House Joint Resolution 4 has been delivered to the Montana Congressional Delegation, President Obama, the Western Governor’s Association and the National Association of Counties and clearly states that Montana wants Congress to enact legislation increasing gubernatorial authority with respect to hazardous fuels emergencies and reduction. The state of Montana and the duly elected members of the Montana Legislature are keenly aware that the contributing factors of drought, extensive tree mortality due to insect infestation and current federal land management policies that allow for extensive accumulations of biomass make Montana’s forest lands highly susceptible to catastrophic and environmentally destructive wildfires that threaten public health, safety, and welfare.

A second resolution has been delivered to the Senators Baucus and Tester and Congressman Rehberg, President Obama, The Secretary’s of Agriculture and Interior, the Chief of the United States Forest Service, the Regional Forester of the United States Forest Service for Region 1 and the Director of the Bureau of Land Management. House Joint Resolution 7, passing with only 13 Nays out of 150 votes, unequivocally outlines the resolve of the Montana Legislative body urging Congress and the Administrative to immediately modify federal land management and wildfire policies to ensure that there is safe and aggressive initial attack on wildfires on all federal lands if there is a potential for the fires to move to state or private land. HJ 7 requests that Congress and the President ensure that state and local governments can actively engage in land and wildfire management operations on federal land in order to protect the public health, safety and welfare and further requests that federal road closures that may restrict access to areas for wildland fire suppression be minimized.

My state has recognized the danger facing our communities, our lands, our forests, our climate and our health with the passage of these two Joint Resolutions and clearly NREPA flies in the face of what is acceptable and desirable for Montana and what the Montana Legislature requests of its national leaders and agency heads.

Conservation is not a dirty word in Montana, I assure you. I want to emphasize that conservation of Montana lands is continually occurring and much credit goes to some effective public/private partnerships.

Years ago an idea was dreamed up to conserve 310,000 acres of Montana timberland, mostly owned by Plum Creek. In 2007, an ambitious plan was drawn up. The land in the sites of primary drafters of the plan, The Nature Conservancy (TNC) and the Trust for Public Lands (TPL,) were what is commonly referred to as the Swan, Fish Creek, Lolo, and the Potomac. In the spring of 2008, Montana's Senator Max Baucus crafted legislation that would make federal money available for a conservation project like the one TNC and the TPL was contemplating. The purchase price for all of the acreage TNC and TPL desired to see undeveloped was pegged at a little more than a half a billion dollars. The conservation groups believed they could raise 20% of the necessary funding from private sources for the purchase of the Plum Creek lands. The conservation groups were hopeful that some of the funding could come from the Baucus legislation.

The senator, Plum Creek and the conservationists went public in June of 2008 with the Montana Legacy Project, the largest conservation land deal in U.S. history. A round of 60 or so public meetings helped to settle which lands to buy with which pot of money. In December 2008, 130,000 acres were purchased with \$150 million in private funds, completing phase one of the project. The money was loaned against TNC and TPL assets, and the groups now hope to re-sell the acres, possibly to the state, among others according to several news articles.

Phase II, which involved the federal money, was completed in February of this year with \$250 million being paid for 111,000 prime acres in the Lolo and Blackfoot valleys, but mostly in the Seeley-Swan. That leaves 90,000 acres in Phase III, to be purchased.

Completing part of a huge, conservation land deal in western Montana and helping Montana's timber industry were the motivations that led to the passage of bi-partisan legislation last month in Helena. A package of two bills were introduced, passed and have been delivered to the Governor.

The first bill was House Bill 674 which authorizes the state to issue \$21 million in general obligation bonds to purchase 26,000 acres in an area generally referred to as the Potomac located in the Blackfoot River corridor. This is former Plum Creek land that under state management will add desperately needed money to Montana school budgets. The land purchased will be owned by the state and managed by Montana's Department of Natural Resources and Conservation. Some recreational uses of the land will continue to be allowed as is prudent and timber resources will be managed to ensure that our forests are healthy, our watersheds supporting important habitat are healthy, and the communities of Montanans surrounded by the acres are safe from catastrophic wildfire.

The 26,000 acres will be conserved for the benefit of Montanans and the land will not be developed in tracts for trophy homes or "Mc Mansions" (as we sometimes refer to them) and from other development.

The second piece of the package, House Bill 669, sets up a revolving loan fund targeted at keeping the last remnants of Montana's timber infrastructure in place. If we are to prevent catastrophic fire events that threaten our communities, our watersheds, our wildlife and our forests and if our goal is to ensure that our forested lands are healthy and vigorous, it will require timber infrastructure. If we allow that infrastructure to be dismantled and parted out at an auction, we will never get it back. Again, in bi-partisan fashion, the Montana Legislature passed this second bill, to make the package complete. This was not a one sided debate. In a House that is evenly split between Democrats and Republicans with 50 members each, HB 674 garnered 98 votes and HB 669 was resoundingly endorsed with 96 votes. Montana is working on the issues and is coming together to do the right things.

CONSERVATION, MONTANA STYLE

A friend of mine is the Executive Director of the Montana Association of Land Trusts. The Trusts mission is to promote and support excellence in private voluntary land conservation in Montana through leadership, collaboration, education and outreach. Montana land trusts have assisted private landowners in conserving over one million acres in the state since 1978. The twelve land trusts that make up the association are working together and separately to conserve lands throughout Montana and have been successful in developing the kind of private partnerships necessary to fulfill their missions and have been equally successful in developing some public/private partnerships with state and local governments that are bearing fruit for Montana. Kudos to them for their efforts. While I do not always agree with every deal or plan brought forth from the various land trusts, I certainly support the concept that agreements made with individual land owners using private funds preserves the important tenants of private property rights and is the kind of local implementation of conservation that is to be respected.

WILDERNESS-BASED ECONOMICS

One of the proponent's largest selling points this year for H.R. 980 is economics. On virtually every web site, in every news release and in every comment I have read, proponents are saying that H.R. 980 is good for the economy, will create jobs, and will save taxpayers money. It's like a carnival barker saying, "Step right up Ladies and Gentlemen. You'll win a prize every time. Set your money down folks. You can't lose."

Some claim that NREPA will create 2300 jobs. While the proponents argue the creation of jobs and the benefit to our local economies from a wilderness or restoration based economy, I can just as easily argue that few of the jobs will be created, and that our local economies will be devastated while we wait for years and years for the supposed restoration economy to arrive as federal land agencies are attempting to adjust their budgets to find the necessary money for NREPA implementation.

I dare say that wilderness proponents will be quick to generate tens of thousands of mass emails or postcards supporting the wilderness designations. I suspect that those same proponents will not step forward to deluge federal agencies, whose budgets are already being hammered and shrunk, to step up and allocate the money necessary for road obliteration and the other restoration work envisioned in H.R. 980.

WHERE, OH WHERE...?

Scant information is available outlining where the funding will come from for implementation of NREPA or for that matter how much money it is assumed will be required.

As I searched for information on the costs of NREPA implementation, one of the few things I could find was at **HuffingtonPost.com**. (http://www.huffingtonpost.com/todd-wilkinson/the-return-of-citizen-kin_b_190749.html)

Todd Wilkerson writes in **“The Return of Citizen King”** that “the \$300 million needed to implement NREPA would not come from a new appropriation but by shifting priorities in the agencies charged with stewarding the lands in question: the U.S. Forest Service, National Park Service, Bureau of Land Management, Fish & Wildlife Service and Bureau of Indian Affairs.”

Wilkerson also writes this:

“The bill also identifies wildland recovery areas where a special corps of re-tooled loggers and others with a yen for working outdoors could utilize their talents. While novel, it is not unprecedented and gathers part of its inspiration from the Civilian Conservation Corps of the 1930s mobilized during the Depression to look after the backcountry, shore up crumbling infrastructure, and construct new trailheads that millions of Americans since have enjoyed. NREPA would create an estimated 2,300 local jobs and help rural communities hard hit by the downturn.”

H.R. 980 says in Sec. 405, National Wildland Recovery Corps., subsection (a):

Establishment- There is hereby established a special unit of the Forest Service, to be known as the National Wildland Recovery Corps. The National Wildland Recovery Corps shall hire the necessary personnel and purchase the necessary equipment to carry out its land recovery responsibilities under this title.

So this newly created Corp might be made up of “re-tooled loggers or others with a yen for working outdoors” while the legislation directs only one agency, the U.S. Forest Service, to hire the personnel and purchase the necessary equipment to do the work. And we are supposed to believe that all the other agencies are going to strip some part of their budget and hand it over to the Forest Service to do this.

I have questions. Economic Opportunity? For who? For how long?

SHOVEL READY?

Members of the Committee, what NREPA envisions for restoration is not shovel work. It is not work that can be accomplished by taking someone with a “yen for working outdoors” and putting a shovel in their hands.

The requisite skill and equipment necessary to conduct restoration work on the scale that is envisioned by NREPA will likely be done by a couple large construction firms that move with the projects throughout the region. They will come into an area, complete seasonal work for a few months and then move on. These are not permanent jobs; these are not people who will make their homes in our communities. The dam building era of the Corp of Engineers comes to mind when I think about this. Highly skilled workers in many trades moved into an area, constructed the dams and when the work was done, they moved on. Those that tried to stay in the area were met with frustration and lack of further employment opportunities even when having a strong desire to make their current worksite their permanent home.

Groups like the Alliance for the Wild Rockies that support NREPA decry the boom and bust economies brought by the likes of mining and wood products. Yet, they are creating just that. Boom and bust economies that do nothing to further the viability and future of our rural areas and can only sustain themselves for a few years. I will hold up my mining town against this type of promised economy anytime.

PLAY TIME

George Bernard Shaw said, “We don't stop playing because we grow old; we grow old because we stop playing.”

Those that support NREPA tell us that wilderness is good for our economy and those wilderness/recreational economies grow around protected lands. I'm not so sure. I certainly believe that current wilderness drives certain economic benefits to our local and state economies. I, however, am not certain that additional wilderness will provide additional economic benefits.

Statistically only about 3% of the population utilize wilderness areas. That number has remained pretty static. A much, much higher percentage of the American population utilize non-wilderness lands for recreation. These recreational uses including hiking, riding ATVs, snowmobiling, mountain biking, horseback riding, boating, fishing, camping and the like. And those numbers are growing. Most of this country's citizens experience the great outdoors in non-wilderness settings.

If anything, wilderness outfitters might have more places to choose from, but the cliental won't increase. The very young, the old, the disabled, are all precluded from deep wilderness experience. I wonder sometimes, who are we protecting it for? Or who are

we protecting it from? We keep saying it is for future generations. We are locking out 97% of the population, and by doing so precluding our ability to provide minerals, fuels, wood products and recreational opportunities for what?

I can tell you that on many, many occasions while my family has been camped at a fully developed Forest Service campground, visitors have told me in conversation that it is “sure great to be out in the wilderness”. Just being in the out-of-doors for many people equates to a wilderness experience. Many people do not distinguish true wilderness from just being in the woods and trees.

If we listen, the members of the public seem to be telling us what they want. Consider that over 4,500,000 people pay to visit Yellowstone and Glacier Park a year. Only .3% of all the forest users in the Flathead visit the Bob Marshall Wilderness, which is free to experience. According to the Forest Service’s own data, the average Bob Marshall visitor’s age is growing and the stays are shorter than has been in the past. Ironically, the Flathead Forest spends 2/3’s of its trails budget on trails in the Bob Marshall. In contrast, campgrounds, boat landings, etc. in the forest are at full capacity all season long. The public willingly pays for these services.

Wildlife seems to share in this affinity for managed lands. According to the bear study in the Swan Valley (13 collared bears) of MT, 99.9% of the bears spent 99.9% of their time on Plum Creek lands. Only one bear went into the Bob Marshall Wilderness for a period of less than one day. Plum Creek property is actively and properly managed and shows how through this type of hands on management, bear and animal habitat is improved.

WON’T YOU BE MY NEIGHBOR

As a contrast to these promised jobs and the promised wilderness based economy, let me tell you about my home. The Golden Sunlight Mine is my neighbor. Golden Sunlight is Montana’s largest gold mine. I live a few miles north of the Whitehall town limits. As I step out my backdoor and look to the east, I can see the western portion of the mine and on a clear day, when the mine was placing non-ore rock on the western perimeter, I could hear the bucket of the haul truck close.

Currently, 154 people are employed directly by the mine and there are about 100 contractors on the premises, primarily working on a small underground operation. Golden Sunlight has been in continual operation since 1982. That is 27 years of employment, 27 years of tax dollars, 27 years of main street spending, 27 years of families having good health insurance, 27 years of college educations, and 27 years of a having a good corporate citizen that stands at the ready to help the community out in countless ways. My husband has supported our family for 23 of those 27 years as an electrician at Sunlight.

ALL POLITICS ECONOMICS ARE LOCAL

A few years ago, I worked with a community based group, the Community Transition Advisory Committee, to remind members of our community about the benefits of our neighbor Golden Sunlight, but also to begin the dialogue and hard work necessary to determine what a future without Golden Sunlight would look like. Golden Sunlight Mine, its parent company Barrick Gold and its predecessor Placer Dome have been active participants in helping this community begin working toward a sustainable future that does not include them. Everyone who lives in Whitehall knows that, while not in the immediate future, at some point, we will inevitably need to transition from a mining community to something else. What that something else will be, we are not certain, but our community is determined to make that transition in the best possible manner, with the future being one that works for us.

So what will it take to replace our neighbor when the time comes? What is a mine worth? Jefferson County is home to three mining operations: Golden Sunlight, Montana Tunnels and Ashgrove Cement. 57% of the land base in Jefferson County is federal land. Jefferson County had the highest median household income in the state in 2007, according to the Montana Department of Labor and Industry, with median household income of \$54,719. Jefferson County is also one the fastest growing counties in the state. Outside of Northwestern Energy (our utility company) and the government, these three mines are the largest taxpayers in the county, taking turns to see who is at the top of the list in any given year.

WHAT'S A MINE WORTH TO MAIN STREET?

Let's look at the three Montana mines. The Stillwater Mine, Golden Sunlight, and Montana Tunnels spend in excess of \$80 Million per year in goods and services. These are real numbers; these are not guesses or estimates. Much of that money is spent in Montana. In fact, the Golden Sunlight Mine purchases goods and services from 419 Montana businesses and since 1991, has spent in excess of \$220 Million in Montana.

These three mines provide 1500 jobs, \$125 Million in Payroll and \$80 Million in Main Street spending each and every year.

All told, mining in Montana contributes \$361 million per year in direct economic impact and a total of \$1.9 billion in total economic impact. Mining contributes an additional \$79 million in state and local taxes.

THE BOTTOM LINE

I sit before you today telling you that living in a community with a mine in its backyard is pretty nice. I know, some will hold their nose and gag at the thought. But ask me if I want a wilderness based economy, or if I want a mine in my backyard, and I won't hesitate. That hill has provided wonderful things for this community and continues to do so. We have the benefit of having our schools funded, paychecks that provide for our families, the security of having health insurance, dental care and glasses. It has allowed our community to not face school mill levies every spring as many, many communities do. We have good schools and a caring community. We are working on our present and our future. We are working on planning a sustainable future for the inevitable day when mining ceases. That's what we do in Montana. And I am confident that is what residents do in places like Wyoming, Idaho, Oregon and Washington as well. We do have a vision for our future and we certainly have the courage to work to achieve the future we desire.

In Closing

In an Idaho Statesman article, published on 23 March, 2009 and written by Rocky Barker, entitled **"Carole King's Democratic ties give her wilderness clout"**, the article stated ... "the strategy was to gain national support and roll over the congressmen in Idaho, Montana and Wyoming". Doesn't that fly in the face of how Congress does business? Only rarely has such a strategy succeeded. Alliance for the Wild Rockies Executive Director Michael Garrity said supporters of the Northern Rockies bill are not naïve. "We know how sausage is made," he said.

Well, Mr. Garrity is astute, I will give him that. We too know how sausage is made and the promise of jobs and economic salvation for our rural areas as promised by the promoters of NREPA is awfully thin soup. It is the carrot on the end of the stick that is designed to make this legislation seem reasonable.

Thanks, but no thanks. My Dad taught me that a bird in the hand is worth two in the bush. Jefferson County will continue to support our mines, our timber businesses, our ranchers and our way of life and our boundless outdoor opportunities. We will support responsible conservation measures and activities, such as the recent legislation that authorizes the expenditure to allow for the Potomac land purchase. We will support local empowerment for our state and communities to protect and defend our communities from the ravages of catastrophic wildfire events. We will sit at the table with reasonable people and will work toward solutions, but we will not support NREPA or the false premise upon which it is founded and urge you to oppose the passage of HR 980.

I want to thank you again for the opportunity to share my views and I wish you well as you proceed to deal with the nation's current troubles and its opportunities. Godspeed!