

SENATE JOINT RESOLUTION NO. 14

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A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA TO RELEASE CERTAIN WILDERNESS STUDY AREAS IN MONTANA FROM CONSIDERATION FOR INCLUSION IN THE NATIONAL WILDERNESS PRESERVATION SYSTEM.

WHEREAS, Congress has passed the Federal Land Policy and Management Act of 1976 and the Montana Wilderness Study Act of 1977; and

WHEREAS, the Montana Wilderness Study Act required the Secretary of Agriculture to review certain lands within 5 years to determine suitability for preservation as wilderness and report the findings to the President; and

WHEREAS, the Federal Land Policy and Management Act defines the management responsibilities of the Bureau of Land Management, including land inventories and land-use plans; and

WHEREAS, the Roadless Area Conservation Rule was published in 2001, directing the U.S. Forest Service to inventory roadless areas, generally limiting timber harvest, road construction and reconstruction; and

WHEREAS, almost 663,000 acres of land in Montana are designated under the Montana Wilderness Study Act, including:

- (1) West Pioneer Wilderness Study Area comprising approximately 151,000 acres;
- (2) Blue Joint Wilderness Study Area comprising approximately 61,000 acres;
- (3) Sapphire Wilderness Study Area comprising approximately 94,000 acres;
- (4) Ten Lakes Wilderness Study Area comprising approximately 34,000 acres;
- (5) Middle Fork Judith Wilderness Study Area comprising approximately 81,000 acres;
- (6) Big Snowies Wilderness Study Area comprising approximately 91,000 acres; and
- (7) Hyalite-Porcupine-Buffalo Horn Wilderness Study Area comprising approximately 151,000 acres; and

1 WHEREAS, the 5-year period for review mandated by the Montana Wilderness Study Act expired in
2 1982; and

3 WHEREAS, the vast majority of Montana lands identified in the Montana Wilderness Study Act have
4 never been formally recommended by the Secretary of Agriculture for inclusion in the National Wilderness
5 Preservation System and no law has been signed by the President to designate these lands as wilderness; and

6 WHEREAS, a 2000 Secretary of the Interior order created the National Landscape Conservation
7 System and designated wilderness study areas on Bureau of Land Management lands, including:

- 8 (1) Antelope Creek Wilderness Study Area comprising 12,350 acres;
- 9 (2) Axolotl Lakes Wilderness Study Area comprising 7,804 acres;
- 10 (3) Beaver Meadows Wilderness Study Area comprising 595 acres;
- 11 (4) Bell and Limekiln Canyons Wilderness Study Area comprising 9,650 acres;
- 12 (5) Big Horn Tack-on Wilderness Study Area comprising 2,470 acres;
- 13 (6) Billy Creek Wilderness Study Area comprising 3,450 acres;
- 14 (7) Bitter Creek Wilderness Study Area comprising 59,660 acres;
- 15 (8) Black Sage Wilderness Study Area comprising 5,926 acres;
- 16 (9) Blacktail Mountains Wilderness Study Area comprising 17,479 acres;
- 17 (10) Bridge Coulee Wilderness Study Area comprising 5,900 acres;
- 18 (11) Burnt Lodge Wilderness Study Area comprising 13,730 acres;
- 19 (12) Burnt Timber Canyon Wilderness Study Area comprising 3,430 acres;
- 20 (13) Centennial Mountains Wilderness Study Area comprising 27,691 acres;
- 21 (14) Cow Creek Wilderness Study Area comprising 34,050 acres;
- 22 (15) Dog Creek South Wilderness Study Area comprising 5,150 acres;
- 23 (16) East Fork of Blacktail Deer Creek Wilderness Study Area comprising 6,230 acres;
- 24 (17) Elkhorn Wilderness Study Area comprising 3,585 acres;
- 25 (18) Ervin Ridge Wilderness Study Area comprising 10,200 acres;
- 26 (19) Farlin Creek Wilderness Study Area comprising 1,139 acres;
- 27 (20) Henneberry Ridge Wilderness Study Area comprising 9,806 acres;
- 28 (21) Hidden Pasture Creek Wilderness Study Area comprising 15,509 acres;

- 1 (22) Hoodoo Mountain Wilderness Study Area comprising 11,380 acres;
2 (23) Humbug Spires Wilderness Study Area comprising 11,175 acres;
3 (24) Musselshell Breaks Wilderness Study Area comprising 8,650 acres;
4 (25) North Fork Sun River Wilderness Study Area comprising 196 acres;
5 (26) Pryor Mountain Wilderness Study Area comprising 12,575 acres;
6 (27) Quigg West Wilderness Study Area comprising 520 acres;
7 (28) Ruby Mountains Wilderness Study Area comprising 26,611 acres;
8 (29) Seven Blackfoot Wilderness Study Area comprising 20,250 acres;
9 (30) Sleeping Giant/Sheep Creek Wilderness Study Area comprising 10,454 acres;
10 (31) Square Butte Wilderness Study Area comprising 1,947 acres;
11 (32) Stafford Wilderness Study Area comprising 4,800 acres;
12 (33) Terry Badlands Wilderness Study Area comprising 44,910 acres;
13 (34) Twin Coulee Wilderness Study Area comprising 6,870 acres;
14 (35) Wales Creek Wilderness Study Area comprising 11,580 acres;
15 (36) Woodhawk Wilderness Study Area comprising 8,100 acres;
16 (37) Yellowstone River Island Wilderness Study Area comprising 53 acres; and

17 WHEREAS, except for Bureau of Land Management lands included in the Lee Metcalf Wilderness, no
18 Montana lands identified by the National Landscape Conservation System have been formally designated as
19 wilderness; and

20 WHEREAS, the U.S. Forest Service has designated areas in Montana as inventoried roadless areas,
21 such as Garfield Mountain and Italian Peaks, adding more than 60,000 acres of defacto wilderness; and

22 WHEREAS, these Montana lands are in legal limbo, a situation that causes extensive federal litigation
23 as to what uses of the lands are appropriate and, in turn, places a burden on federal court resources; and

24 WHEREAS, uncertainty and wide swings in federal Executive Branch philosophy regarding the
25 administration of these lands are costing the public millions of dollars as forest assets burn and deteriorate and
26 as investments in forest road construction and improvements are being deliberately destroyed; and

27 WHEREAS, Montana's historic heritage, customs, and culture are linked to the proper stewardship and
28 use of the state's natural resources; and

1 WHEREAS, these lands are managed and treated as defacto wilderness in lieu of congressional action
2 to designate or release the lands, a situation that has resulted in a waste of forest assets, no management of
3 public forests, and a harmful reduction in forest road construction and multiple-use access improvements; and

4 WHEREAS, the failure by Congress to release the lands designated for study by the Montana
5 Wilderness Study Act of 1977 and the National Landscape Conservation System or designated as roadless by
6 the Roadless Area Conservation Rule severely impedes Montana citizens from multiple uses of the lands,
7 thereby severely harming agriculture, timber harvesting, and other multiple-use interests, as well as Montana
8 communities and Montana families economically supported by those activities; and

9 WHEREAS, it is the consensus of the Montana Legislature that more than sufficient time has passed
10 for the study of these lands as to their suitability for preservation as wilderness; and

11 WHEREAS, national forest lands released from wilderness study or the roadless inventory would still
12 be subject to the National Forest Management Act, which requires extensive public involvement as the agency
13 develops and updates plans for the management and use of resources in each forest; and

14 WHEREAS, the Montana Legislature on behalf of the citizens of the state assert that the time is ripe for
15 final disposition of these lands.

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

19 That the Legislature supports scientific adaptive management to implement the multiple-use mandate
20 of public land use as mandated by the Multiple-Use Sustained-Yield Act of 1960 and the Federal Land Policy
21 and Management Act of 1976 to ensure the protection and improvement of public land health and to maintain
22 and improve the sustainability of federal lands, including forests, located in Montana.

23 BE IT FURTHER RESOLVED, that the Legislature formally petitions Congress to enact legislation
24 releasing all wilderness study areas identified and specified in the Montana Wilderness Study Act of 1977 and
25 in the National Landscape Conservation System and all inventoried roadless areas identified by the Roadless
26 Area Conservation Rule in order to secure the rights of Montana citizens to use these public lands for public
27 purposes, including multiple uses, unless Congress confirms a study area for inclusion in the National
28 Wilderness Preservation System.

BE IT FURTHER RESOLVED, that the Legislature petitions Congress to release all wilderness study areas and inventoried roadless areas and implement the concept of multiple use in order to fulfill the federal mandate as required by the Organic Act of 1897 to manage the national forests to "improve and protect the forest within the reservation, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States".

BE IT FURTHER RESOLVED, that in its deliberations, Congress consider the land management alternatives in view of the Organic Act of 1897 in conjunction with the 2007 water rights compact between the state of Montana and the U.S. Department of Agriculture Forest Service, since land management directly impacts the volume, quantity, and timing of water flows from watersheds in these wilderness study areas and impacts downstream water rights holders.

BE IT FURTHER RESOLVED, that the Legislature urges the Secretary of the Department of Agriculture to direct the Forest Service to immediately evaluate the impacts of the land management alternatives on the watersheds in the Montana wilderness study areas and downstream water rights holders to help inform Congress in its deliberations.

BE IT FURTHER RESOLVED, that the Legislature urges the Secretary of the Department of the Interior to direct the Bureau of Land Management to immediately evaluate the impacts of the land management alternatives on the watersheds in the Montana wilderness study areas and downstream water rights holders to help inform Congress in its deliberations.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the Governor, the Montana Congressional Delegation, the United States Secretary of the Interior, the United States Secretary of Agriculture, the Chief of the Forest Service, and the Director of the Bureau of Land Management.

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