



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

WHEREAS, the 95th Congress passed 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, almost 663,000 acres of land in Montana are designated under the Montana Wilderness Study Act, including the:

- (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

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

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

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

WHEREAS, uncertainty and wide swings in Executive Branch philosophy regarding the administration

of these lands are costing the public millions of dollars as forest assets burn and deteriorate and as investments in forest road construction and improvements are being deliberately destroyed; and

WHEREAS, administrative decisions and preservationist lawsuits have progressively reduced access to public lands for forest managers and the public; and

WHEREAS, the long-term sustainability of public lands depends on good stewardship and professional scientific site-specific management of forest resources; and

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

WHEREAS, these lands are defacto wilderness in lieu of congressional action, a situation that has resulted in a waste of forest assets, no management of public forests, and a harmful reduction in forest road construction and multiple-use access improvements; and

WHEREAS, the failure by Congress to release the lands locked up by the Montana Wilderness Study Act of 1977 severely harms agriculture, timber harvesting, and multiple-use interests, as well as Montana communities and Montana families economically supported by those activities; and

WHEREAS, it is the consensus of the Montana Legislature that more than sufficient time has passed for the study of these lands as to their suitability for preservation as wilderness to be completed under the Montana Wilderness Study Act; and

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

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

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

That the Legislature supports scientific adaptive management to implement the multiple-use concept of public land use as mandated by the Multiple-Use Sustained Yield Act of 1960, to ensure the protection and improvement of forest health, and to maintain and improve the sustainability of federal forests located in Montana.

BE IT FURTHER RESOLVED, that the United States Congress enact legislation to release all wilderness study areas identified and specified in the Montana Wilderness Study Act of 1977 in order to secure the rights of Montana citizens to use these public lands for public purposes, including for purposes of multiple recreation

use, unless Congress confirms a study area for inclusion in the National Wilderness Preservation System.

BE IT FURTHER RESOLVED, that Congress:

(1) release all wilderness study areas and implement the concept of multiple use in order to fulfill the federal mandate as required by the Forest Management 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"; or

(2) consider redesignating the wilderness study areas as national recreation areas or national conservation areas.

BE IT FURTHER RESOLVED, that in its deliberations, Congress consider the land management alternatives in view of the Forest Management Act of 1897 in conjunction with the 2007 water 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 wilderness study areas and downstream water rights holders to help inform Congress in its deliberations.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the Governor of Montana, the Montana Congressional Delegation, the United States Secretary of the Interior, the United States Secretary of Agriculture, and the Chief of the United States Forest Service.

- END -

I hereby certify that the within joint resolution,
HJ 0009, originated in the House.

Speaker of the House

Signed this _____ day
of _____, 2017.

Chief Clerk of the House

President of the Senate

Signed this _____ day
of _____, 2017.

HOUSE JOINT RESOLUTION NO. 9
INTRODUCED BY K. WHITE, C. VINCENT

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