This document is a sampling of the types of comments submitted to the US Senate Subcommittee on Public Lands and Forests regarding S1470, the Forest Jobs and Recreation Act, by members of the Last Best Place Wildlands Campaign. These comments were officially entered into the record for the Subcommittee's hearing on S1470.

The Last Best Place Wildlands Campaign is a coalition of conservation organizations and citizens dedicated to wildlands protection, forest restoration and the sound long-term management of America's public lands legacy. Our coalition includes 4th and 5th generation Montanans, hikers and backpackers, hunters and anglers, wildlife viewers, outfitters and guides, veterans, retired Forest Service and Bureau of Land Management officials, small-business owners, scientists, educators, craftspersons, and community leaders. Learn more about S1470 at http://testerloggingbilltruths.wordpress.com.

I am Stewart Brandborg. [1] I have lived the early and late years of my life in the Bitterroot Valley of western Montana. I worked for three decades for national environmental organizations and agencies in Washington, DC. During these years, I served as executive director of The Wilderness Society for 12 years, from 1964 to 1976. In my tenure as executive director, the U.S. Congress passed the Wilderness Act of 1964, landmark legislation that created our National Wilderness Preservation System and designated 9.1 million acres of National Forest wild lands as wilderness. Since passage of the Wilderness Act in 1964, Congress has protected 110 million acres of publicly-owned wild lands as Wilderness.

For 70 years, I have been involved with and worked on public lands issues. I currently live with my wife, Anna Vee, in our beloved Bitterroot Valley.

S. 1470 Threatens Our National Forests And Other Publicly-Owned Lands

It is with a deep personal concern that I share my insights and reservations about Senator Jon Tester's Logging and Recreation Bill, S. 1470. This measure, if enacted by Congress, poses a serious threat to our National Forests and other publicly-owned lands. It was conceived in private, it revokes protections currently in place for public lands and it places National Forest management in the hands of local extractive user groups.

I have a special appreciation of Montana's nine million acres of roadless wild lands, richly endowed with wildlife that is not to be found in such diversity and abundance anywhere else in the world. This grew out of my 12 years of research as a professional wildlife biologist in the Bob Marshall, Selway-Bitterroot, and Frank Church-River of No Return Wilderness Areas, and my experience in National Forest backcountry on timber and range surveys and lookout fireman jobs.

We have the best of it, to be enjoyed by all who value unspoiled, natural ecosystems and the bounty that these public wild lands provide us: Hunters, anglers, students of nature, and the many others who seek solitude, peace of mind, refreshment of spirit, and the privilege of experiencing the best of life in the backcountry.

This wild backcountry must be preserved for those generations who follow us.

S. 1470 Is A Product Of Closed Door Deliberations

The Tester bill is described by its supporters as a product of a collaborative effort that brought all parties - all stakeholders - together in its drafting. In fact, it was conceived and put together by a few corporate logging entities and a half dozen staff members of a few conservation groups.

Major players were excluded from the closed door deliberations - local county governments, watershed and irrigation interests, local and state land, wildlife, and wilderness interests, and a broad segment of other user groups - who have a primary concern for the long-term protection of our National Forests. In forming the Tester bill, a handful of people negotiated behind-the-scenes, in complete absence of much-needed broadly-based public involvement.

S. 1470 Is A Repudiation Of Meaningful Public Involvement

Senator Tester deserves credit for his stated desire to bring people together to work cooperatively in resolving our public land issues. Ultimately, this must occur in our communities, if present polarization and divisive politics are to be overcome in favor of sound, research-based management policies.

But closed-door negotiations between self-appointed agents from a few carefully screened special interest groups are hardly the proper methods for managing our public lands.

From my more than 70 years' involvement in public lands management, I know firsthand that respectful discussion must encompass extensive research-backed public information and spirited open debate. I know that real cooperation between all members of our communities promotes respect between all parties. This involves processes for bringing people together to build trust and working relationships in which they can honestly express their opinions, hammer out differences, and find common ground. Meaningful communication concerning our public lands legacy must start with extensive scientific information and continue on to open public review, discussion, and understanding of that information. This will ensure the fullest possible constructive and educational dialogue.

Many of us in Montana would welcome the opportunity to participate in such well informed and cooperative community building. An important first step in this direction will be a collective decision by all involved to implement genuine grassroots projects for this purpose, avoiding the serious breaches of the public interest that we have seen in the drafting of S. 1470.

Senator Tester's stated desire to bring people together to work to resolve our public land issues is a good idea but one that Senator Tester clearly did not accomplish. He limited the people he invited to the timber industry that will benefit from his mandated subsidized logging and to a few foundation-funded big environmental groups. Closed-door negotiations between these carefully winnowed and self-appointed circles are hardly the proper methods for managing our public lands.

S. 1470 Revokes Current Protections For Public Wild Lands

The Tester bill places public roadless wild lands in Montana in jeopardy. Specifically authorized are requirements for taxpayer-subsidized logging on 100,000 acres of the Beaverhead-Deerlodge National Forest and 30,000 acres in the Kootenai National Forest's critical grizzly bear habitat. Ranges of threatened, endangered, and sensitive species - wolverine, lynx, fisher, grizzly bear, wolf, and bull trout - would be written off for logging and development.

The Tester bill calls for only minimal designations of seriously fragmented "wilderness areas," and removes the necessary protections for roadless wild lands now provided under the Clinton and Obama

Presidential Roadless Initiatives and under the 1977 law, Senate Act 393, carefully shepherded through Congress by Montana's late Senator Lee Metcalf. If the Tester bill passes, a precedent will be set to allow the greater part of these roadless wild lands to be opened for development without mandated wilderness reviews.

S. 1470 Overrides 100 Years of Federal Forest Management Policies

Through its maze of prescriptions-acreages mandated for logging, fragmented "wilderness areas," motorized recreational and vehicle use, etc. - Senator Tester's bill ignores or abrogates long-established management programs of the U.S. Forest Service and other public land agencies.

The complicated and multitudinous micro-management provisions spelled out in Senator Tester's bill defy the framework of Federal Laws that Congress has wisely passed to define management policies for our Nation's public lands over the past 100 years: The Organic Act that established our National Forest System, the Multiple Use and Sustained Yield Act, the National Environmental Policy Act, the Endangered Species Act, the Wilderness Act, the National Forest Management Act, and the Federal Land Policy and Management Act.

In short, Senator Tester's bill overrides the statutory policies and management requisites that the U.S. Congress enacted for the protection for the 193 million acres of our publicly owned National Forests and Grasslands. It unwisely dictates acreages and deadlines for logging of 100,000 acres of National Forest land. It subverts requirements for habitat preservation of endangered, threatened, and sensitive species.

S. 1470 Threatens Proper Congressional Management Of Other Federal Land

Similarly threatened by the sort of preemption of Federal laws promoted by the Senator Tester's bill are all of our other Federal land jurisdictions: The National Park System, the National Wildlife Refuge System, and the public domain lands administered by the Bureau of Land Management.

Responding to the voice of the people, Congress has been successful in protecting our public lands legacy from the raids of special interest groups. Congressional supporters of public lands thwarted the D'Ewart grazing bills of the 1940s and 1950s. The House of Representatives defeated the lumber industry's National Timber Supply Act of 1970. These bills sought to profit small segments of private users - grazers and lumbermen - at the expense of each of us who share in the ownership and stewardship of these public lands, and our right to use them in ways that best serve the public. In each instance, the U.S. Congress responded when the American people spoke out in opposition to these raids on their public lands legacy.

S. 1470 Places National Forest Management in the Hands of Local Extractive User Groups

Senator Tester's bill opens the door to the calamitous precedent from which any one of the 535 members of Congress could dictate how National Forests and other Federally-administered lands would be used. In place of the resource protection of our Federal Laws, management would be dictated by local advisory committees. Local pressures for any special interest - mining, logging, damming, oil and coal development, et al - would come into play solely for the benefit of personal or corporate profits. Senator Tester's bill's prescriptive requirements would abrogate the law and administrative procedures that have served so well to protect our public estate through the generations.

If Congress were to endorse Senator Tester's bill and others like it, over one hundred years of Federal resource protection laws, set in place through the bipartisan actions of 50 Congresses, could be overridden by **prescriptions of any interest group that gained the ear of any Congressman or Senator.**

We Need Long-Term Jobs, Revitalized Rural Communities, and Sustainable Local Economies

Objective review of Senator Tester's bill brings these questions to mind:

1. Is the mandated designation of over 100,000 acres of public National Forest lands for taxpayer-subsidized commercial logging of sub-marginal timber in the long-term interest of our communities?

2. Is industrial-scale subsidized commercial logging the best possible employment for forest-dependent workers, when compared to the economic and environmental benefits of long-neglected forest and watershed restoration programs?

3. Are there better ways to create sustainable local economies? Can Congress better help provide restoration and reclamation jobs, recreation, pure water, clean air, and excellent wildlife habitat for many generations?

4. Instead of subsidizing the roading and logging of fragile and marginal forestlands lacking commercial timber, could not we better place our priorities upon stream bank restoration, culvert maintenance, road obliteration and reclamation, habitat restoration, tree planting, and selective thinning within designated community protection zones?

5. Is it the best role for Congress to exacerbate conflicts between short-term resource extraction and long-term public lands stewardship? Can Congress facilitate the transition from short-term "timber-dependent" communities to long-term "forest-dependent" communities?

S. 1470 Fails To Bring About Long-Term Jobs

With its emphasis on the very short-term, Senator Tester's bill fails to bring about long-term jobs that will revitalize and sustain our rural communities in the West. The long-term jobs our rural communities need will only be provided by directly addressing and correcting the Forest Service's enormous backlog of reclamation, restoration, and habitat improvement programs. For years, the Forest Service promised these reclamation, restoration, and habitat improvement programs, as conditions for obtaining approval of past timber sales. It is now time for the agency to deliver. Instead of pitting neighbor against neighbor, trying to get the last possible cut out, regardless of cost, Congress needs to honor its stewardship responsibilities.

Let's look at old logging roads, for example. They have great deleterious effects on forest ecosystems, including dramatically altering natural drainage patterns and causing landslides, changing wildlife behavior, fragmenting wildlife habitat, and promoting weed infestations. Large amounts of sediment originating from roads ultimately reach our National Forest's streams and rivers, degrading water quality and impairing fish reproduction.

Road decommissioning involves removing culverts and unstable road shoulders, re-contouring to restore natural slopes, and re-vegetation with native species. This restoration mitigates environmental damage, improves aquatic habitat and provides increased security for big game like deer, elk, moose, and bears. All of this needed work requires heavy machinery and creates highly skilled well-paid jobs for rural economies. As resource extractive industries continue to lose jobs, removal of unnecessary roads and practicing forest restoration have great potential for employment throughout our forest-dependent communities.

Instead of expensive short-term subsidies to four timber corporations to log sub-marginal timber, Congress needs to provide for long-term restoration of National Forests and their watersheds. Reclamation and habitat improvement programs will provide perpetual dividends for eons to come.

We will all benefit when forest restoration provides extensive recreation and restoration jobs, steady flows of pure water for agricultural irrigation and community water systems, better fishing and hunting, improved wildlife habitat, increased public recreational opportunities, more non-consumptive resource utilization, and continued sustainable harvests from our fiber producing lands.

S. 1470 Does Not Provide Needed "Shovel-Ready" Forest Jobs

Senator Tester is right concerning one thing: People in our forest-dependent communities need and deserve work. If there is to be subsidized timber cutting and tree thinning, let it occur in the critical community protection zones that most need it. Fuels reduction projects in these zones, based upon the best available science, will make our communities safer and enhance habitat. Forest restoration jobs, described in the previous section, will make our forest-dependent communities more stable.

We are talking about a fresh beginning for our National Forests - a bright new day that we welcome with open arms. The desperate need for these "shovel ready" community protection zone fuels reduction and forest restoration jobs is now firmly proven. We must now call upon Congress to think creatively and adequately fund the abundant employment opportunities produced by needed community protection and forest restoration.

Of course, our wild lands backcountry will continue providing virtually unlimited long-term benefits: Jobs for rangers, trail crews, scientific researchers, packers, guides, outfitters, non-extractive resource users and student conservation corps, and public recreation for hunting, fishing, backpacking and trail riding.

S. 1470 Continues A Failed Policy of Taxpayer-Subsidized Logging

Ninety percent of National Forest logging is subsidized through the agency's road construction investment and the sale of timber at below-cost prices. Will untouched watersheds, wilderness, and wildlife preservation values be better served by opening these now-Presidentially-and-Congressionally-protected roadless wild lands to short-term taxpayer-subsidized resource extraction, as opposed to their being preserved for the long term as part of the National Wilderness Preservation System?

S. 1470 Constitutes A Direct Threat To Sound Public Lands Management

While we must encourage efforts to bring every public land shareholder - each of us - to the table in answering these and the myriad of other questions brought into focus by Senator Tester's bill, we come down to the pivotal questions: Does the bill serve the public interest of all of us who share in the National Forests' ownership? Or, does the bill serve the private interests of merely four logging corporations?

Does Senator Tester's bill manage the public's land for the public good? Or, does it initiate a dangerous precedent-setting mandate that any one of the 535 members of Congress can dictate what will be done with Federally-owned public land in their individual Congressional jurisdictions?

Is it in the public interest to override the legacy of over 100 years of protective management under the laws laid down by Congress, in order to promote 535 separate and disparate Congressional fiefdoms?

S. 1470 Opens A "Pandora's Box" Of Loopholes and Subsidies

The Tester bill must be recognized as a well-intentioned effort - at great public financial and environmental expense - to rescue an impoverished logging industry and the workers who depend on it for their livelihoods. However, with the lumber market near collapse, this large public investment would better be made hiring local contractors and woods workers for critically-needed forest restoration work.

We need not open a Pandora's box of special loopholes and subsidies for a handful of corporations. We need not forsake our remaining public wild lands heritage. We need not diminish the purity of the water that freely flows from our pristine roadless areas to our farms, ranches, and communities. We need not erode the habitat of fish and wildlife species that mean so much to those of us fortunate enough to live here. We need not subvert the functioning of our precious ecosystems, upon which we depend for life and sustenance, for the short-term economic gain of a few.

Let Us Honor The Basic Tenets for Protection of Our Public Lands

Many of my dearest friends and colleagues – Howard Zahniser, Sigurd Olson, Harvey Broome, Ernest Oberholtzer, Bernard Frank, Benton MacKaye, Harold Anderson, George Marshall, David Brower, Olaus and Mardy Murie, Charles H. Callison, Benton Stong, Ken Baldwin, Don Aldrich, Doris Milner, Justice William O. Douglas, Congressmen John Saylor and Morris Udall, Senators Frank Church, Hubert Humphrey, and Lee Metcalf have passed on. I have been so privileged to have known these fine spirits and to spend my life working side-by-side with them in dedication to America's public lands! Let us not let political shortsightedness, greed, or desperation strip us of the priceless legacy they fought so hard to bequeath to us.

Let us work to bring long-term jobs and stability to our rural communities. Let us respect the countless hunters, anglers, and outdoors people that fully appreciate the true value of Wilderness and that have valiantly defended it with their hearts, minds, words, and actions through the ages.

We Montanans are blessed to live in this "Last Best Place" with our plains and rolling prairies, snow-capped mountains, and beautiful valleys and streams. Wilderness and roadless wild lands are an irreplaceable part of this heritage. They deserve the fullest possible protection if they are to be preserved for those who follow us. Senator Tester's bill places them in peril.

Thank you for the privilege of submitting this testimony.

Stewart M. Brandborg
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[1] I am a fourth-generation Montanan. I grew up in a Forest Service family. Guy M. Brandborg, my father, worked a variety of positions in the Forest Service in Montana and Idaho and served as Supervisor of the Bitterroot National Forest from 1935 to 1955. I earned my Bachelor of Science Degree in Wildlife Technology in 1949 and my Master of Science Degree in Forestry and Wildlife Management in 1951. I worked over 12 years as a wildlife biologist with the U.S. Forest Service and with state wildlife agencies in Montana and Idaho. My early career research work in the Bob Marshall and Selway-Bitterroot Areas gave me early, lifelong appreciation of Montana's and Idaho's Wilderness. I then served for four years as Assistant Conservation Director with the National Wildlife Federation in Washington, DC.

I was associated over 20 years with The Wilderness Society, including 12 years as its executive director, from 1964 to 1976. In these years, I was privileged to advocate for the protection of our public lands legacy,

presenting the case for wild land preservation across the Nation - from Alaska to Florida - before public agencies and the Congress. During my tenure, the U.S. Congress passed landmark public lands legislation, including the Wilderness Act of 1964, and laid the groundwork for the Alaska National Interest Lands Conservation Act, which, when ultimately enacted in 1980, protected as wilderness over 56 million acres of public wild lands within our National Park, National Wildlife Refuge, and National Forest Systems.

Dear Senator Tester,

We are the owners of a small wilderness guiding/outfitting business. We also supported your 2006 Senate campaign with great hope that you would prove to be a conservationist-Senator in the tradition of the late Senator Lee Metcalf. That man took seriously his responsibility to protect many of our wild landscapes. We write this letter because we feel that your "Forest Jobs and Recreation Act of 2009" is contrary to what Senator Metcalf would have done, and that it will result in irreparable harm to irreplaceable wild landscapes.

Wild landscapes gain value each year in a world of increasing human crowding and development, decreasing climate stability, and increased awareness of the need to protect and restore real wilderness and the multitudes of species dependent upon it. Roadless areas and Wilderness areas have intrinsic value just because they are a remnant of our planet's primary environment for nearly its entire history. But they also provide vital ecological services, for humans and other creatures, that simply can't be attained elsewhere. Forest Service (and many other) studies have shown that by far, the healthiest landscapes are called roadless areas and Wilderness areas.

Wilderness and Roadless areas provide abundant clean water. They protect groundwater flows from road-cuts. They maintain populations of wilderness-dependent and deep forest-dependent wildlife, thus helping to keep various species off the endangered species list. Wild landscapes are clean air reservoirs. They reduce weed infestations that inevitably follow roads and motorized access. They provide our best hunting and fishing opportunities, and allow longer, more liberal hunting and angling seasons by reducing motorized access. Wilderness and roadless areas also provide humans with respite from an increasingly crowded, mechanized and noisy world. Most of Montana is developed non-wilderness and will never be considered for Wilderness designation. We can ill afford to lose an acre of our remaining wild landscapes.

Please understand that we applaud the idea of adding to our National Wilderness Preservation System, but we want real wilderness, managed under the Wilderness Act without weakening provisions. Wilderness should also be designated without creating a net LOSS of wild habitat elsewhere. De-classification of Wilderness Study Areas such as the West pioneers, Sapphires and other areas will result in permanently transforming those lands into industrial logging units and motor vehicle playgrounds. Environmental damage becomes inevitable. This net loss of wild country is bad for wildlife, bad for biological diversity and bad for Montana's future. Conservation biologists assert that our wild landscapes have declined to crisis levels, and that we must protect what's left, restore real wilderness wherever possible, and connect wildlands with viable corridors. Your bill opens wildlands to industry, eliminates corridors and fails to restore an acre of real wilderness.

In addition, the Wilderness units your bill would designate are all very small, and this, too, contradicts the findings of conservation biologists who assert that bigger (and interconnected) is better for maintaining functioning ecosystems. Your tiny proposed wildernesses might be appropriate were they in Missouri or Vermont, for example, but we can do so much better here in Montana!

Another major problem is the mandate to log specific acreages annually. Congress should never mandate specific logging levels or acreages for any national forest. This is a terrible precedent and represents heavy-handed top-down resource management. Even the Forest Service believes that the sustainable cut on the Beaverhead-Deerlodge is much lower than the mandate in your bill! Though so-called "stewardship logging" may be gentler on the land than many past abusive logging practices, all commercial logging comes with environmental impacts, and logging roadless areas is not good stewardship! It is also dishonest to portray such timber management as "restoration". Creating a certain timber stand structure is not restoration. True restoration means restoring wildness and connectivity over large landscapes. Nature creates all sorts of timber stand structures, not just the kinds that many humans wish to see in order to reduce their fears of wildfire.

We also understand that in exchange for former Senate candidate Paul Richards withdrawing from the Senate Race of 2006, you promised him that you would not legislate any loss of roadless areas. As you know, your bill will result in the large-scale loss of roadless country.

Moreover, we and many other groups and individuals who have long been intimately involved in the public land process for the Beaverhead-Deerlodge and elsewhere, were excluded from the so-called collaborative agreements that your bill would codify. You might be unaware of this, but the Montana Wilderness Association has a long history of forging exclusive deals, and they wheel and deal often without allowing participation of local conservation groups, who may be much more familiar with the local landscapes than they are. Thus, MWA has created much animosity within the conservation movement, and your bill rubs salt into the wound. For example, groups such as Friends of the Bitterroot - who have a long history of land use planning participation on the Beaverhead-Deerlodge - were excluded from the Beaverhead-Deerlodge negotiations, as were the Alliance for the Wild Rockies, Wilderness Watch, Big Wild Advocates, and other highly involved groups and individuals.

We might also mention that by releasing currently wild areas to non-wilderness uses, your bill pre-empts the Northern Rockies Ecosystem Protection Act, which is currently moving through the U.S. House of Representatives.

On top of all this, by allowing motor vehicles in Wilderness for livestock herding and wildlife management, your bill effectively amends/waters down the Wilderness Act of 1964, one of the most thoughtfully produced pieces of legislation in the history of our nation.

Senator Tester, Wilderness Areas are special places "…in contrast with those areas where man and his own works dominate the landscape…" (Wilderness Act, section 2-c). Allowing helicopter landings and 4wd vehicles in new Wilderness units provides sameness, not contrast with our non-wilderness landscapes. When we attempt to re-shape wilderness to make it more convenient for "… an increasing population accompanied by expanding settlement and growing mechanization…" (Wilderness Act section 2-a), we lower our expectations so that wilderness character declines, both on the ground, and of equal importance, in our collective mindset. For how might we maintain truly wild wilderness anywhere if we as a society willingly accept a lesser entity?

Unfortunately, over the years we have already begun this tragic slide into de-wilding our perception of wilderness. The result of this declining perception of the Wilderness Idea is land that is wilderness in name only (WINO). Because of legislation that tries to please everyone, motor vehicles, helicopter landings, predator control, ATV corridors, water developments and more are now becoming commonplace in new Wilderness areas. As non-conforming uses become more common, the public gets used to less wild wilderness as the norm. What a tragedy it will be when we can no longer show our children and grandchildren the wonders of real wilderness, with all of its wild components (convenient and not) and wild living things, untrammeled, free to

dynamically evolve under the elemental forces that have shaped it for millennia! Seems to us that when it comes to real wilderness, if not Montana, than where?

The politically expedient effort to please nearly everyone also results in Wilderness boundaries drawn to exclude all perceived and potential conflicts - the inevitable result of recent collaborative processes - so that new Wilderness areas tend to be tiny and often amoeba-shaped units with lots of edge and relatively little interior. Such efforts may protect scenery, and they may mollify some traditional opponents, but according to conservation biologists they do little to protect wildland ecosystems.

Please be assured that we fully understand the temptation for an elected Senator to champion an agreement between apparent wilderness advocates and traditional opponents. On the surface, it looks good, and you must be thinking it's a "win/win" situation. We're simplifying things here, yes, but we feel that it's absolutely critical to point out that sometimes, looks deceive. This is one of those situations. Again, this approach excluded many key players and continues to create animosity, not harmony. And most important, it's bad for the land.

What Montana needs, Senator Tester, is a Wilderness statesman, not just another politician. In today's increasingly crowded and complex world, compromise usually presents the easiest solution; thus it's the most expedient path to mediocrity. But wilderness is a one-way street. We lose it daily, and rarely ever regain anything that can vaguely be considered wild. Most of our wilderness lands have already been lost, and further compromise creates further imbalance. Certainly, statesmanship and principle represent a tougher path. Yet that's the path Lee Metcalf chose, and he walked upon it with a level of honor that Montana politics haven't seen since. Yet there's still time, Senator, for you to choose that path.

In summary, we want to see Wilderness legislation, and lots of it! But your current bill codifies backroom deals that are bad for the public process, bad for the Wilderness Idea, bad for our wild landscapes and the creatures dependent upon them. And ultimately, we are convinced, such deals are bad for Montanans. Please amend your bill to fix the problems we've cited. If that's not possible, please withdraw it and consider giving present and future generations of Montanans - human and non-human - Wilderness legislation that would make the late great Senator Metcalf proud, not a bill that would make him spin in his grave.

We thank you for your thoughtful consideration of these comments.

Sincerely,

Howie Wolke and Marilyn Olsen,
Owners, Big Wild Adventures

This letter is our testimony on Senate Bill S.1470, the "Forest Jobs and Recreation Act of 2009" introduced by Senator Jon Tester.

S.1470 would create many troubling problems and undesirable precedents for management of the Beaverhead-Deerlodge National Forest (BHDL NF) and the BLM Wilderness Study Areas (WSAs) located in southwestern Montana. We therefore do not support the bill in its present form. Our major concerns along with suggested changes to alleviate these concerns are as follows.

BACKGROUND

The Beaverhead - Deerlodge Partnership, referred to hereafter as the Partnership, was a private process by specific parties interested in BHDL NF management and did not represent the public neither did it provide for public input.

After the Partnership developed a proposal it was given to Senator Tester who formulated S.1470 starting with but significantly weakening the Partnership's Wilderness recommendations for the BHDL NF. It is unclear why this weakening occurred at the Bill drafting stage or what parties were involved in suggesting these changes. No public hearings or public meetings were held during this bill drafting period. Later claims of meaningful collaboration therefore ring hollow.

Unfortunately, when S.1470 was made public it contained many new provisions which significantly weakened the Wilderness recommendations by the Partnership. This is most evident in the substantial changes made to reduce Wilderness size in the West Pioneers WSA and the West Big Hole Roadless areas while creating large motorized recreation area; and, allowing for several non-conforming activities that would reduce Wilderness character (discussed more below). The S.1470 also includes and releases southwestern Montana BLM WSAs, areas not even considered or evaluated by the Partnership.

BHDL NF INVENTORIED ROADLESS AREAS (IRAs)

The BHDL NF has 1,846,000 acres of inventoried roadless areas (IRAs) available for Wilderness designation. Of this total S.1470 would only classify 496,733 acres for new Wilderness. This is only 27% of the available BHDL NF inventoried roadless lands/Wilderness lands. Much of the remaining 73% would effectively be released from future Wilderness consideration.

WEST PIONEERS IRA

S.1470 dices the 229,710 acre roadless area (which includes the 151,000 acre Metcalf WSA) into two small, disconnected Wilderness areas separated by a motorized trail. These two proposed Wilderness areas together total just 25,472 acres or (a.) 18% of the total Metcalf WSA acreage; and, (b) just 11% of the total inventoried roadless acreage. The Partnership recommended a single Wilderness of 34,136 acres.

Additionally S.1470 would allocate 129,252 acre block of the IRA into a permanent, motorized Recreation Management Area (RMA). This RMA would be a single land block 5 times larger that the two proposed Wildernesses together. The RMA would nearly surround the two small Wildernesses. The legacy of the Metcalf WSA will be effectively lost if SB 1470 passes. The Partnership proposal did not recommend any motorized management area for the West Pioneers IRA.

The [West Pioneers] IRA provides secure habitat for wildlife linkages and connectivity between the Greater Yellowstone area and forests to the west and north. Wolverine denning and Canada lynx habitat are documented."

Contained within the IRA and the Metcalf WSA is the 2,543 acre, Skull-Odell Research Natural Area (RNA) with its valued wetlands. 1470 bill does not include the RNA in its Wilderness proposal.

RECOMMENDED CHANGE - Designate the 151,000 acre Metcalf WSA as Wilderness to include the Skull-Creek Odell RNA. Eliminate the motorized RMA returning the management of this area to USFS travel planning. This would enhance important wildlife habitat and connectivity with the Greater Yellowstone area.

EAST PIONEERS IRA

S.1470 proposes a 3.5 mile trail for ATV entry into the Tendoy lakes at the core of the proposed Wilderness. This cherry stemmed trail into the heart of the proposed Wilderness would significantly reduce the wilderness character of a highly valued area within the Wilderness. The Partnership proposal did not propose an ATV trail into East Pioneer Wilderness core.

RECOMMENDED CHANGE - Eliminate the non-conforming cherry stem ATV trail into the Tendoy Lake area of the proposed East Pioneers Wilderness.

WEST BIG HOLE IRA

This large 213,987 IRA along the crest of the continental divide provides linkages and connectivity between the Greater Yellowstone area and forest to the west and north. Canada lynx habitat and wolverine denning habitat is present.

Rather than protecting this critical wildlife habitat and linkage, S.1470 here again dices a large IRA into two small, far-apart Wilderness areas totaling together just 44,084 acres or 21 % of the roadless acres. The Partnership by contrast proposed a single, unified 90,543 acre Wilderness.

S.1470 divides the IRA into two minimum sized Wilderness areas but conversely would turn most of the IRA into a single, large, permanent, motorized National Recreation Area (NRA) totaling 94,237 acres. The large NRA would be twice as large as the two proposed Wilderness areas together. Access to these two proposed Wilderness would be forced to use motorized NRA trails. The Partnership proposal did not propose this large, motorized NRA.

RECOMMENDED CHANGE - Provide for a unified West Big Hole Wilderness of 138,321 acres achieved by adding the 94,237 NRA acreage to the 44,084 acres proposed for the two Wildernesses. This would enhance wildlife habitat and important connectivity with the Greater Yellowstone area.

LEE METCALF WILDERNESS ADDITION IRAS

S. 1470 Bill provides for a non-Wilderness, 66 foot wide, motorized/mechanized trail corridor across the Wilderness connection thereby disconnecting the Spanish Peaks Wilderness unit from the Bear trap Wilderness unit. The Partnership proposal did not propose a non-Wilderness corridor.

This bisection would negate the BHDL NF Revised Forest Plan decision: "The Cowboy Heaven area will connect the separate Bear Trap and Spanish Peaks [Wilderness] Units … providing consistent management across most of the northern Madison Range."

RECOMMENDED CHANGE - Delete non-Wilderness, bisecting trail corridor within the Wilderness additions and provide consistent Wilderness management between the Spanish Peaks and Bear Trap Wilderness Units.

SNOWCREST IRA

The Snowcrest IRA provides key wildlife habitat and connectivity including: wildlife enhancing linkages and connectivity between Greater Yellowstone area and forests to the west and north; wolverine denning and Canada lynx habitat; and, occupied grizzly bears habitat.

Rather than adequately protecting this key wildlife habitat IRA, S.1407 mandates that livestock permittees have motorized access across the proposed Wilderness. This is a clumsy and unnecessary attempt to override the

seminal Wilderness Act objective prohibiting motorized use and cuts against the BHDL NF Forest Plan conclusion:

"The [Snowcrest] area is manageable as Wilderness. … There are no

Contractual obligations or resource needs which would limit [Snowcrest] Wilderness availability."

Instead, the BHDL NF should continue to evaluate and decide on an individual, as needed, permit basis when livestock and water development management require permittee motorized use. The Partnership did not propose mandated motorized use by permittees.

RECOMMENDED CHANGE - Delete blanket permittee motorize use authority returning to BHDL administrative authority to determine need and appropriateness on a case-by-case basis with consideration given to local conditions and Wilderness objectives.

HIGHLANDS IRA

This 21,055 acre IRA is another area that provides important wildlife linkages and connectivity between the Greater Yellowstone area and forests to the west and north as well as Wolverine denning and Canada lynx habitat.

S. 1470, mandates the use of the proposed 20,392 acre Wilderness for non-conforming, motorized military training activities. This requirement is questionable given that the BHDL NF has not identified military activity as a use and has concluded that the "… area would be manageable as Wilderness. The Partnership proposal did not mandate authorizing non-conforming military activities.

The USFS has the authority to administratively evaluate and decide any military training permits requests on an individual, as needed, basis.

RECOMMENDED CHANGE - Eliminate blanket military training approval language and retain BHDL administrative authority to responsively decide on a case-by-case basis the need and appropriateness for such training.

OUTFITTER AND GUIDE PERMITS

S. 1470 provides all existing outfitter and guide permits to be exempted from being reevaluated in proposed Wilderness stating that they are deemed to have met all requirements necessary for permits in Wilderness areas. This provision is interpreted to allow even permitted motorized outfitting and guiding to continue operation in areas designated as new Wilderness. This would be a major conflict. The Partnership proposal did not exempt existing outfitter and guide permits from reevaluation.

RECOMMENDED CHANGE - Eliminate the S. 1470 provision at Sec. 202(m) that prohibits the USFS from using current authority to evaluate outfitter and guide permits in new Wilderness areas with consideration given to Wilderness objectives.

MANDATED RESTORATION LOGGING

S.1470 has Congress mandating specific levels of BHDL NF restoration logging; an unsettling prospect. Preferably, the BHDL NF, as management agency, should continue to make on-the-ground decisions. The BHDL NF has the authority, expertise and knowledge to balance timber production with resource capabilities

and constraints. The Forest Service believes that S.1470 mandates unreasonable restoration levels, could conflict with resource protection laws, and be overwhelmingly costly. The Partnership proposal provided for mandated timber treatment levels for within the BHDL NF.

RECOMMENDED CHANGE - Eliminate provisions for mandated levels of restoration logging. Defer to the Forest Service for on-ground treatment needs, levels and timing decisions.

RECLAIMING NEW LOGGING ROADS

S.1470 allows turning new logging roads into ATV trails and other recreation trails as an alternative to having them reclaimed. This provision confuses the reclaiming of new restoration project roads.

Furthermore, more than 6,000 miles of open, motorized trails and roads exist in the BHDL NF. Are more miles of motorized trails/roads necessary? The Partnership proposal did not address converting new restoration logging roads to recreation trails.

RECOMMENDED CHANGE - Require that the BHDL NF travel planning process be used when determining if any new restoration logging roads should become recreation trails rather than be reclaimed.

SOUTHWEST MONTANA BLM WSAs

BLM has selected twelve southwest Montana areas totaling 133,184 acres to be WSAs. S. 1470, arbitrarily proposes that only five become Wilderness, and that the remaining seven be permanently released from Wilderness consideration. The five proposed Wildernesses would total 60,980 acres or about only 46% of the total BLM WSA acreage. On the average these five selected WSA have their acreage reduced by 32%. The Partnership's proposal did not consider any southwest Montana BLM WSAs.

No details are available on why these five BLM WSAs were selected and why seven were released. All twelve BLM WSAs are valuable wild lands. Any key Wilderness designation decisions should have been based on resource analysis and a prudent, open public process based on in-depth resource analysis which seems to be lacking. The only stated reason for releasing the seven WSAs; "[S.1470] resolves the longstanding dispute over [WSAs] which are currently managed as wilderness areas." No information has been forthcoming on the exact nature of this "dispute."

RECOMMENDED CHANGE - Eliminate the S.1470 provision releasing seven BLM WSAs from further Wilderness consideration. Require that the disposition of these seven WSA be decided later using a thorough, public process involving the BLM and providing detailed analysis of each area.

Thank you for the opportunity to provide the committee with this testimony.

Sincerely,

Frank and Patsy Culver
Bozeman, MT
cc: Senator Jon Tester

My name is Lance Olsen. I hereby submit the following testimony in opposition to the Forest Jobs and Recreation Act (S. 1470) introduced by Senator Jon Tester. Please enter it into the Hearing Record for S. 1470.

I oppose S. 1470 on economic and ecological grounds. My opposition shares much with the more technical points raised by other opponents, but my following observations are basic ones based on my own experience and that of my family.

I was born in Great Falls, Montana in 1943 and spent much of my childhood and youth on a small cow-hay-grain outfit of not quite a thousand acres east of Great Falls, between Belt Butte and the Highwood Mountains. From the time my maternal great-grandparents owned the place, my family managed that same acreage year after year, generation after generation.

So, yes, like generations before me, I've stood on haystacks in winter wind, in temperatures below zero, pitching hay to our small herd of Herefords, with the hay and cows alike grown on the same acreage. I'm therefore biased by my own experience to believe that the National Forest acreage managed for logging in Montana can and should be managed in the same sustainable way, relying on the same established land base for generation after generation, without costly expansion into neighboring terrain.

Logging has certainly established its own presence in much of Montana. And the publicly popular concept of forest as a renewable resource and of logging as a renewable economy is based on the assumption that we can cut some trees, then go back to that same acreage later, and cut the trees that grew to replace the earlier cut.

If that's what S. 1470 did, I'd be writing to praise it.

Instead, although the language of S. 1470 is ambiguous enough to resemble a Rorschach ink blot test, it seems designed to push logging operations into neighboring lands that happen to be extremely valuable because they are roadless, and are roadless because they have never been logged. Our riches of roadlessness would thus be whittled away in the name of jobs that will be as whittled as the wild country is. We in Montana would end up poorer on both counts.

Make no mistake in my intent here. I'm NOT opposed to logging. I've done some of it myself. But there can be too much of any good thing, and we've been here before. Many of my fellow Montanans were witness as the economic and ecological systems of our state were jointly degraded by an exuberance of logging in the 1980s.

For example, in 1987, the University of Montana's Bureau of Business and Economic Research issued a report that logs were coming off the state's mountains at record rates. The net economic effect of this was the same as if my family had run 300 cows on ground that could only support our 30 - a short term boom or boomlet destined to end in bust.

We should all know better. But back in the '80s, the Montana Business Quarterly reported that the logging boom of that day would end with loss of 1,000 to 3,000 jobs in the woods, and thereby strip $20 million to $60 million of (annual) labor spending out of the Montana economy. We don't need a repeat of that experience.

However, via S. 1470 as I and other Montanans see it, Senator Tester seems determined to sponsor yet another logging boom, boomlet or mini-bubble.

As USDA Undersecretary Harris Sherman has testified in person, S. 1470's logging mandates are unsustainable. Given my experience, I see those mandates as being as unsustainable - and as undesirable -- as any spree of overgrazing would be.

If the Senator had managed his farm that way, he'd have never had the credibility to win Montanans' votes. But it seems he's planning to have our forests managed that way, and is doing it in the name of jobs.

Well, we all know that -- whether on the farm or in the forests -- jobs are only as renewable and/or sustainable as the resource on which those jobs depend.

I'm sad to say it, but I see S. 1470's promises of jobs just leading Montanans into another round of high hopes followed by another economic bust, once again at the expense of our ecological health. If this is the product of a consensus, it's a consensus we don't need.

Lance Olsen
Missoula MT

To Members of the Senate Energy and Natural Resources Committee,

My name is Aaron Kindle. I live in Missoula, Montana and I'm the father of two children. I own a small painting business and attend graduate school at the University of Montana. I was born in Laramie, Wyoming and have lived in the interior west and been following public lands and natural resource issues my entire life. My grandfather was the founder of a mining company and I have an uncle who was a rancher for many years. Understanding the rural west is part of my personal make-up. I am not insensitive to the struggles of those depending on natural resources to survive.

However, there is a right way and a wrong way to manage our public lands. We can no longer give up our future and my children's future for short-term unsustainable public lands giveaways. I am deeply troubled about the fate of our nation's most treasured public lands. I have watched these lands dwindle and lose their ecological integrity throughout my life. Places I knew as a child are degraded and/or have been lost to development just in my lifetime. I am only 33 years old and I have seen changes that are simply shocking and unacceptable. These precious lands are our heritage and one of our nation's most treasured attributes. People travel from all over the world to visit the western U.S. They do not come here to experience over-cut and roaded landscapes. They travel here to enjoy pristine landscapes, clean air and water, and our friendly way of life. These unique characteristics are increasingly threatened and we cannot afford to sacrifice what is left.

Currently your committee is considering Senator Jon Tester's Forest Jobs and Recreation Act and I am writing you to express my deep concerns regarding this bill. Below you will find a fairly lengthy examination of the bill and the problems I see. I urge you to carefully examine the bill and insist that Senator Tester either change several key provisions or remove the bill from consideration.

S. 1470 or the Forest Jobs and Recreation Act (FJRA) intends to solve several public land management problems in one fell swoop - the wilderness designation drought, timber supply uncertainty and associated job losses, and road maintenance and restoration needs, among others. Although these are admirable goals and certainly worth serious consideration, the desire to get something done seems to have precluded performing the necessary amount of planning and prescience needed for a bill of this magnitude, thus creating glaring omissions.

The most notable omissions are language ambiguity, direction on how the bill will conform to environmental laws such as the NEPA, where funding will come from, and whether or not land managers will be able to meet the deadlines prescribed in the act. Other omissions include lack of considerations of market and on-the-ground conditions regarding the logging mandate and resulting cost to taxpayers, specifically concerning the stewardship contracting model, gaps in the language concerning restoration components, the degradation of wilderness qualities through motorized use and military landings inside wilderness area

boundaries and lastly, an explanation of roadless area management. Below I will lay out each of these problems and explain why they are troublesome.

Ambiguity in FJRA language has caused confusion among those attempting to decipher how this act will translate to on-the-ground application. There is a significant gap between what the bill says it will do and how it might actually be accomplished and funded. This gap may leave managers underfunded and confused without further guidance. The act fails to consider what are sure to become extreme difficulties for land managers. For instance, what if carrying out the mandates requires superseding other laws such as the National Environmental Policy Act of 1969 (NEPA), the Endangered Species Act (ESA) or the Clean Water Act (CWA)? If NEPA analysis cannot be completed in one year as mandated in the FJRA, will NEPA requirements be waived? If an endangered species will be harmed, does the act nullify the species protections since it came after the ESA? The mandate and other laws could contradict one another and FJRA does not stipulate how to proceed in those circumstances.

The National Environmental Policy Act of 1969 (NEPA) was passed to ensure that public officials and private citizens had the information necessary to make informed decisions regarding actions that create environmental impacts on federal lands. In order to carry out the mandates required by NEPA, considerable time and expertise must be invested. According to numerous experts, completing NEPA analysis generally takes about three years (Nie, 2009). The FJRA directs federal agencies to complete environmental analysis within one year. "Not later than 1 year after the date of enactment of this Act and annually thereafter, in accordance with paragraph (2), the Secretary concerned shall plan, and issue a record of decision for, 1 or more landscape-scale restoration projects…" (FJRA, Sec. 102 (b)(1)). Furthermore, in Section 107, FJRA clarifies the duty of the Secretary concerned by stating: "To comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) under clause (i), the Secretary concerned shall prepare 1 environmental impact statement that covers all components of the landscape-scale restoration project that is the subject of the environmental impact statement to ensure that any additional analysis will not be required" (FJRA, Sec. 107 (6)(A)(ii)).

Moreover, the FJRA does not appropriate additional funding so analysis can be sped up without cutting corners; making it highly unlikely the one-year requirement could be met. According to University of Montana Environmental Studies Department Chair, Len Broberg, recent statements by USFS Region 1 staff indicate the entire Region 1 NEPA budget was used to analyze the 10,000 acres treated in 2008 (Broberg). The one-year requirement is further problematic because analysis must be completed for an entire "landscape-scale" project or 50,000 acres. If the entire Region 1 budget was spent analyzing 10,000 acres in 2008, how does Senator Tester believe USFS officials will be able to complete analysis for 50,000 acres without additional funding and/or staff?

The above-mentioned requirements would place additional stress and constraints on federal agencies that already struggle with completing NEPA analysis in a timely and cost-effective manner. Attempting to complete analysis in one year, as required by the FJRA, would likely have one of three possible results: costs would be considerably higher than normal, the one year requirement would not be met, and other pending projects would delayed/tabled. Consequently, agencies may then be compelled to rush the NEPA process. Tracy Stone-Manning, a member of Senator Tester's staff, recently stated that the FJRA will not supersede existing laws, rules, or regulations (Stone-Manning, pers. comm., 10/29/09). One could interpret this statement to mean that they expect that NEPA requirements will be met. How and with what funding remains to be seen.

Considering the requirement to finish environmental analysis in one year, agencies may try to issue a Finding of No Significant Impact (FONSI) after completing an Environmental Assessment (EA) so they do not

have to produce the more lengthy and comprehensive Environmental Impact Statement (EIS). Considering the size and scope of "landscape-scale" projects, it is hard to imagine how agencies could legitimize this route. Accordingly, if agencies take the EA route, litigation may soon follow. "As the level of NEPA compliance increases from a Categorical Exclusion to EIS, the risk of successful legal challenge diminishes and the time required to comply with NEPA increases" (Eccleston, 1999 p. 9). If projects instigated by the FJRA become mired in litigation, it would diminish a main intent of the act: to reduce gridlock and litigation (FJRA Sec. 2 (b)(2)). Furthermore, "when challenged, EIS's are normally easier to defend than EA's, because an EA must prove that none of the potential environmental impacts is significant or that any such impacts can be mitigated" (Eccleston, 1999 p. 163).

If a project is litigated and the agency rushed analysis, the likelihood of defending their actions will be diminished, reducing the intended effectiveness of the act. Moreover, the complexity and novelty of "landscape-scale" projects may themselves require additional analysis by nature: "Factors such as the degree to which an action may be controversial, unusual circumstances, or the complexity of the proposed action, can have a substantial bearing on determining the ultimate length of an EA" (Eccleston, 1999 p. 162).

Further confounding those analyzing the act is Section 102 (12). In this section the act states, "Except as otherwise provided in this Act, the Secretary concerned shall manage, in accordance with each applicable law (including regulations)" (FJRA Sec. 102 (12)). It seems as though the act's language contradicts itself here. FJRA directs officials to speed up NEPA analysis and authorize activities that would violate the Roadless Area Conservation Rule (RACR) and possibly the CWA and the ESA, while it also directs managers to follow existing laws. A large gray area remains about what might happen on the ground if the act and other existing laws contradict one another.

Another critical factor concerning the reduction of gridlock Senator Tester refers to comes from examining the collaborators. It seems that in order to reduce gridlock, the Senator would have targeted groups for inclusion in the negotiations that have traditionally litigated against timber sales and other forest uses. Instead the Senator has collaborated with mainstream groups that have not sued (at least in the last several years) regarding forest management. According to the Forest Service Website, none of the collaborating groups has even filed an administrative appeal on an agency action in Region 1 for at least four years (USDA-Appeal Responses). Therefore, if the concerns of the groups not included in the collaboration were not addressed in FJRA, the likelihood they will not file appeals or bring suit again seems very low. Once again, I fail to see how a reduction of gridlock will occur.

The mandated logging portion of the bill is likewise troublesome for at least four key reasons. First, the bill includes a mere five companies slated to gain from affected acreage. Although the act does not implicitly state the timber will go to these companies, it does state the intention to "maintain the infrastructure of wood products manufacturing facilities that provide economic stability to communities located in the close proximity to the aggregate parcel" (Sec.. 102 (2)(b)(D)(IV). One can easily infer that these companies would at very least have unfair access to project design and bidding. Serious ethical questions must be asked about the fairness and fiscal responsibilities associated with this portion of the act. If millions of dollars are garnered through timber sales, should five companies reap all of the profits? This could easily be construed as a "pork" project when considering the small number of people which stand to gain. In addition, economic analysis regarding the benefits to rural communities has not been provided so one cannot determine if the costs outweigh the benefits. These facts and the costs associated with the bill are likely to catch the attention of lawmakers once FJRA receives a hearing.

Second, questions remain regarding the legality and feasibility of mandated logging in accordance with bedrock environmental laws such as NEPA, the CWA and the ESA. Problems complying with NEPA were discussed above. As for the ESA, questions remain about endangered species such as Bull Trout and Grizzly bears. "The law requires federal agencies, in consultation with the U.S. Fish and Wildlife Service and/or the <http://www.nmfs.noaa.gov/>U.S. National Oceanic and Atmospheric Administration Fisheries Service, to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of designated critical habitat of such species. The law also prohibits any action that causes a "taking" of any listed species of endangered fish or wildlife" (ESA Summary, U. S. EPA, 2009).

Roads have proven to be the main threat to these two species and although FJRA directs managers to comply with road density objectives of the Grizzly Bear management plans, some bear experts claim these objectives are not sufficient. Brian Peck, a long-time wildlife consultant and Grizzly Bear expert, claims that the 1.5 miles/sq. mile objective for the BHDL portion of the FJRA is not nearly strong enough to safeguard Grizzly Bears (Peck, 2009). A 2005 report by Montana Fish Wildlife and Parks also cites several examples of road avoidance by Grizzly Bears across the state of Montana. Grizzly Bears avoided areas with road densities above 0.31 miles in Yellowstone, 0.57 miles in the Cabinet Mountains, 0.31 miles in the Swan Mountains and 0.25 miles on the Rocky Mountain Front (Montana FWP, 2005). The Interagency Grizzly Bear Committee (IGBC) used a 0.3 miles from any road or motorized trail criteria to classify areas as core Grizzly Bear habitat (IGBC, 1994).

Furthermore, the Grizzly Bear Management Plan for Southwestern Montana, including the BHDL National Forest, recommends no more than 1 mile/sq. mile road density for suitable Grizzly Bear Habitat (Montana FWP, GBMP for SW Montana, 2002). FJRA would allow a 1.5 mile/sq. mile density even after temporary roads were removed. The consequences of the FJRA could result in Grizzly Bear mortality and in turn violate the ESA which requires managers to protect critical habitat and prohibits the harm or taking of a listed species (ESA Summary, U.S. EPA, 2009).

Bull Trout would also be threatened by the FJRA. There is a strong negative correlation between road density and Bull Trout abundance (Dunham and Riemann, 1999) and in western Montana, analysis illustrated "that Bull Trout strongholds occur in areas with road densities less than 0.4 miles of road/sq. mile of land area" (Hitt and Frissell, 1999). In the Swan river drainage, studies showed a correlation between roads and increased fine sediment, which negatively affects Bull Trout embryos (Leathe and Enk, 1985). Clearly, additional road building will negatively affect Bull Trout population and quite possibly violate the ESA. Several other threatened and endangered species also reside in the areas affected by the FJRA and could be negatively affected in the same or similar ways.

The potential for Clean Water Act violations also exist. Road building and logging has numerous detrimental effects on water quality including increasing sediment, increasing water temperatures, increasing the likelihood of slope failure, introducing harmful pollutants from vehicle chemicals both from road building equipment and subsequent use by other logging equipment (Montana FWP, 2005). Therefore, timber harvesting, particularly at the levels prescribed by the FJRA, has the potential to severely degrade water quality and possibly violate the CWA. Additional roads also have the potential to further degrade watersheds by introducing noxious weeds which already cover approximately 8.4 million acres of Montana (Pokorny and Sheley, 2005). Additional roads, even if removed, will likely cause widespread weed infestations. A Montana State University study showed that one vehicle in one trip can spread up to 2000 spotted knapweed seeds over a 10 mile route (MSU Extension Service, 1992).

If these deleterious effects become realized, key objectives of the FJRA such as "improve(ing) the habitats of fish and wildlife, including several species of fish and wildlife that are threatened or otherwise of concern" (Sec. 2 (a)(1)(A)) and "demonstrate the manner by which - such actions can help achieve ecological and watershed health objectives" (Sec. 2 (a)(1)(D)(ii)) will fail and key purposes of the act will not be realized.

Third, numerous questions remain about the economic and environmental feasibility of the Beaverhead/Deerlodge (BHDL) provisions. Forests in the BHDL are dominated by low-timber-value Lodgepole pine and some estimates state that past logging operations have cost taxpayers roughly $1400 per acre (Richards, 2009). According to these numbers, logging 7000 acres per year in the BHDL would cost taxpayers approximately $9.8 million per year and put the overall costs at around $100 million. A 1994 report compiled for Congress by natural resource specialist, Ross Grote, showed losses on timber sales on the Beaverhead and Deerlodge national forests ranging from two to four million dollars annually from 1989 - 1993 (Gorte, 1994). These facts are especially noteworthy considering the current extremely low timber prices which would certainly drive these figures even higher.

The mandated harvest levels cause concern for another reason as well. Dating back to the beginning of logging operations, on the then separate Beaverhead and Deerlodge National Forests, an analysis of the timber harvest reports for USFS Region 1 indicates that only once in the history of timber harvest activities did harvest levels reach the 7000 acre mark - in 1971. No other year exceeded 6000 acres (Region 1 harvest report, 2008). Additionally, since the Beaverhead and Deerlodge national forests merged in 1996, average harvest has been 975 acres per year with no year exceeding 2500 acres (Region 1 harvest report, 2008). FJRA proposes to nearly triple the acreage harvested in the heaviest harvest year in recent times and to exceed the average by over 6000 acres. How bill writers expect the USFS to finish analysis and manage this level of timber harvest remains to be seen.

Lastly, the restoration component of the bill is not mandated and will rely on the Stewardship Contracting model. Stewardship Contracting uses proceeds from extractive operations to finance restoration activities. Though the Stewardship Contracting model seems to be an innovative and effective idea and sometimes is, lumber prices are in the midst of the steepest decline in the nation's history, so many question whether this model will work (Jamison, 2009). And, as previously mentioned, most of the logging is prescribed on low-value Lodgepole Pine, which decreases viability even further.

"…on the Beaverhead-Deerlodge, there are serious questions as to whether there is enough economic value in this lodgepole pine-dominant forest to pay for the restoration work. As a safety valve, the FJRA authorizes spending additional money to meet its purposes, but there is no guarantee that such funds will be appropriated, or if so, they wouldn't come from another part of the agency's budget. The question, then, is what happens if the money doesn't materialize?…Consider, for example, the White Mountain stewardship project in Arizona. The Government Accountability Office found that this project incurred greater costs than expected and such costs 'have taken a substantial toll on other forest's programs' " (Nie, 2009).

Since the restoration component is not mandated, it seems likely that not completing the restoration requirements, completing them to very low standards or siphoning funds from other projects would be the likely result on the BHDL.

Special use provisions in the FJRA pertaining to designated wilderness areas are another major concern. The bill contains language for military landings in the proposed Highlands Wilderness Area and motorized use in the East Pioneer and Snowcrest proposed wilderness areas. There are two specific problems worth noting

with regard to these special-use provisions. First, Congress uses precedent to determine whether or not certain uses are acceptable in wilderness and other protected public lands. If these uses are allowed in wilderness areas, not only will three wilderness areas in Montana be subject to these uses which do not conform to the Wilderness Act, but it will also provide the precedent for others lawmakers to use to degrade the integrity of the wilderness areas in their states. "Congress has a history of deferring to state Congressional delegations in wilderness politics. So, for example, if one delegation defers to Montana's in passing the RJVA (FJRA), Montana's delegation will be asked to play by the same rules when a different wilderness bill is being considered" (Nie, 2009 p. 4). The implications of FJRA may therefore change the course of wildlands protection across the nation well into the future.

Second, the allowance of military landings in what would become the Highlands Wilderness Area and the allowance of motorized vehicles for accessing grazing allotments and water infrastructure in what would be the East Pioneers and the Snowcrest wilderness areas. If these uses are allowed, the original intent of the Wilderness Act will be violated in two ways. The first way being permanent structures contradict Section 2 of the Wilderness Act which states: "An area of wilderness is further defined to mean in this Act an area of undeveloped federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable…" (Wilderness Act, Sec.. 2 (c)(1)). Permanent water structures certainly would not be permitted under this section. When viewed in isolation, allowing one user to access one structure seems fairly innocuous. However, considering that Congress uses precedent to craft future legislation, one can envision innumerable special uses written into future wilderness bills, possibly to the point where one may be hard-pressed to consider certain areas wilderness at all.

The second way motorized use contradicts the intent of the Wilderness Act is by degrading the opportunity for solitude which is to be… "protected and managed so as to preserve its natural conditions and which…(2) has outstanding opportunities for solitude" (Wilderness Act, Sec.. 2 (c)(3)). Motorized use certainly degrades opportunities for solitude by creating noise, disturbing wildlife, and being visually disturbing to some individuals.

Military helicopter landings also violate these same provisions of the Wilderness Act in several ways. A study conducted by military researchers regarding the impacts of both fixed-wing and rotary-wing aircraft shows numerous negative consequences from rotary-winged aircraft landings. These effects include behavioral responses in wildlife, auditory damage to wildlife, and interference with foraging, predation, and mating activities. Physical damage to the land has also been noted such as scorching of adjacent vegetation, melting of snow, ice, and permafrost, stem and branch breakage, and erosion and its associated effects on plant communities (Efroymson et. al., 2001). These damages clearly contradict the intent of the Wilderness Act and cause damage that lasts for periods well beyond the actual landings. These negative effects degrade the opportunity for solitude, create noticeable impacts by humans, and effect several "forces of nature" as described in the Wilderness Act.

The inclusion of Inventoried Roadless Areas (IRAs) in the "Timber Suitable or Open to Harvest" category on the FJRA maps is another cause for apprehension. IRAs provide numerous ecological benefits to humans and wildlife including purifying water, acting as a safe haven for endangered and threatened species, sequestering carbon, and drawing recreationists, hunters and anglers which in turn pour millions of dollars into nearby economies (Montana FWP, 2005). Moreover, roads have proven to be the number one threat to ecological integrity in national forests through habitat destruction and fragmentation, mortality sinks,

displacement and disruption of migration patterns, exotic species introductions, sedimentation into streams, and pollution, among numerous other detrimental effects (Noss, 1995). As previously mentioned, Tester staffer, Tracy Stone-Manning has stated that FJRA will conform to all existing rules, laws, and regulations (Stone-Manning, pers. comm., 10/29/09). However, the FJRA maps show numerous IRAs as "Timber Suitable or Open to Harvest" (FJRA, Proposed land Designations, 2009). Typical timber harvest is not possible without the use of roads so if these areas are ever harvested, at least temporary roads will have to be constructed. Although Congress has the power to trump past laws and/or regulations by passing new laws, citizens made it clear during the 2001 Roadless Rule comment period that they wanted IRAs to remain unroaded, including approximately 78% of Montanans who commented (Montana Wilderness Association, 2009). The inclusion of IRAs in the "Timber Suitable or Open to Harvest" category creates uncertainty and makes it difficult for roadless advocates to support.

Furthermore, the first purpose listed in the FJRA states "the purposes of this act are (1) to sustain the economic development and recreational use of the National Forest System land and other public land in Montana" (FJRA, Sec. 2 (b)(1)). Releasing roadless lands and WSA's could directly contradict the economic development purpose according to leading economists. In a February, 2000 presentation, the Former Chair of the Economics Department at the University of Montana, Tom Power, showed that from 1969 to1995, Montana, counties with wilderness grew their employment rate at twice the rate of those without and that those same counties had a more diverse economy, often due to environmental amenities (Power, 2000). And further, in another paper written in 2004, Dr. Power noted the negative economic effects of timber harvest compared to preserving those same landscapes.

"We have analyzed that tradeoff in the context of timber harvest in Montana where additional timber harvest, while generating jobs and earnings, often does significant damage to water quality, fisheries, scenic beauty, wildlife habitat, roadless area values, and recreation opportunities. Our analysis suggests that the population and tax base losses associated with the disamenity effects of expanded timber harvest may outweigh the positive impacts associated with an expanded economic base. The result of increased timber harvest may be a small net loss of residents and the tax base associated with them" (Power, 2004 p. 16).

The value of Montana's roadless areas cannot be overstated. Montana Fish Wildlife and Parks compiled a report in 2005 that outlines the critical importance of these areas both to wildlife and the state's economy. The report noted watershed values, native plant communities, endangered species, usable wildlife habitat, and habitat security as key reasons roadless areas are worth preserving. The report further states the value to Montana's economy derived from hunting, fishing, and wildlife viewing, and noted the critical importance of roadless areas to maintaining strong plant and animal populations and retaining the longest general elk hunting season in the nation. Avoidance of roads by threatened and endangered species such as Grizzly Bears were also cited as reasons to keep these lands roadless (Montana FWP, 2005).

Furthermore, the backlog on road maintenance for national forests in Montana currently resides at approximately $669 million (Zimmerman & Collier, 2004) and legislation aimed at protecting IRAs including the Northern Rockies Ecosystem Protection Act (NREPA) and the Roadless Area Conservation Act (RACA) enjoy wide support in Congress - each has over 100 sponsors (Govtrack, 2009 H.R. 980 & H.R. 3692).. Therefore, considering the negative value to taxpayers that accompanies development of roadless lands and the wide-ranging political and public desire to conserve these areas, including IRAs in the FJRA is both economically and politically infeasible..

Possible Solutions

I believe there are six key ways Senator Tester could gain additional support for FJRA and save himself the anguish of having to engage in a protracted battle that will likely result in bill failure.

1) Provide a comprehensive economic analysis. Basic economic facts and figures regarding job creating and the benefits to rural communities are an absolute necessity for determining the bills merits. Commissioning a broad examination regarding the economics of the bill is well within the power of the Senator and should be prepared as soon as possible.

2) Formally declare that IRAs will not be developed. IRAs have been fought over for decades and leaving language regarding the potential development of these areas vague only means one thing: these areas may be developed in the future. The values these areas hold, and will continue to hold as long as they remain unroaded, are well documented and far outweigh any short-term jobs or economic stimulus. Formally declaring IRAs off-limits would save Senator Tester the wrath of advocates who support public lands, wilderness, wildlife, and fiscal responsibility and show a good-faith effort to protect what Montanans from all walks-of-life have illustrated they care about deeply.

3) Allocate additional money or time for environmental analysis. One year is clearly not enough time to complete a thorough examination of the possible effects of "landscape-scale" projects using regular agency staff. Forcing this provision could have numerous deleterious effects including analysis from other projects stacking up when the first project is delayed, litigation when watchdogs find that agencies cannot complete satisfactory analysis in the required time, and the embarrassment that could follow if implementation is delayed.

4) Mandate the restoration outlined in the bill. Mandating logging but not restoration breeds mistrust and alienates potential allies. If the Senator truly intends to see restoration occur, why not mandate it? A logging mandate without a restoration mandate is too hard to swallow. By simply mandating restoration, a large deal of criticism goes away.

5) Remove the motorized use provisions in what would become designated wilderness areas. These provisions cater to a very small number of individuals and degrading these areas for the desire of a few individuals seethes disrespect for the wilderness ideal. Even purchasing new horses and equipment necessary for servicing the infrastructure for these individuals at issue is a better plan than allowing these uses in wilderness areas. Requiring that grazing rights and access to infrastructure die with current lease-holders is also another option that is both fair and effective.

6) Formally declare that all bedrock environmental protection laws such as NEPA, ESA, and CWA will be followed. Although section 107 of FJRA guides managers to follow applicable laws and regulations, it also contains language in several areas that guides managers to activities that may lead to violations of these laws. Questions regarding the possible usurping of these laws will make passage of the bill much more difficult and increase the likelihood of litigation.

Conclusion

The Forest Jobs and Recreation Act is the first attempt to designate wilderness in Montana for over a decade. However, designating wilderness is not the single purpose and a careful contemplation of the trade-offs required to gain wilderness designation is paramount. The long wait for wilderness designation seems to have created an atmosphere of compromise. While compromise can be a good thing, certain principles and values must be adhered to. Weakening the intent of historical and widely supported laws such as the Wilderness Act, the Clean Water Act, the National Environmental Policy Act, and the Endangered Species Act are poor

compromises. Although we cannot yet know for sure whether or not the FJRA will diminish these laws, ambiguity in the bill's language leaves too much room for error.

Asking already overburdened agencies to complete large-scale environmental analysis in one year is likewise a troubling compromise. The negative consequences of this requirement could be far-reaching and last for years - not the kind of outcome anybody wants to see. There are also serious questions about whether or not the mandated logging component is a bailout for companies that cannot compete in the current marketplace. Citizens deserve an economic analysis of the FJRA before the bill proceeds any further. Our country is in the midst of troubling economic times and we need assurance that the money will be well spent. And, if logging is mandated then restoration should be mandated as well. A central component of the bill is to protect and enhance wildlife habitat and protect watersheds. These objectives can be best accomplished by congressionally guaranteeing that restoration will occur.

Allowing roadbuilding in our nation's last remaining roadless areas is also a compromise that should not be made. The value of these areas is greatest when left unroaded as has been clearly illustrated by diverse sources. Compromising away these precious natural resources has never been, and never will be, a good idea.

Although Senator Tester should be commended for tackling such contentious subjects and introducing a bill that would protect some of Montana's best wild places, FJRA currently has too many deficiencies to be considered acceptable legislation. Without including the recommendations mentioned above, the bill simply cannot be supported by those concerned with wildlands protection, fiscal responsibility, and responsible public lands management nor will it be able to achieve its own stated purposes.

Please carefully review the bill and ask Senator Tester to address the above-mentioned problems before proceeding with S.1470. Thank you for your time and consideration.

Sincerely,

Aaron Kindle
Missoula, MT

We are Montanans who have collectively worked on wildlands protection for 30 years. We oppose S. 1470 because of the harm it will do to Montana's wildlands and because of the process it formed from.

S. 1470 is heralded as a local effort, when in fact many local voices have been excluded. Throughout the crafting of this bill, grassroots groups have been shut out of meetings in which only certain conservation groups were invited and welcomed to. Many of those excluded have worked collaboratively on National Forest issues, alongside the Forest Service and timber companies, to complete fuels reduction and restoration work. When those excluded groups repeatedly tried to have their concerns heard and modifications made to the bill, they were ignored (and as you saw in the testimony between Senator Tester with Mr. Koehler, rudely treated).

S. 1470 is a compromise bill that gives away some of Montana's last remaining wild, roadless country to industry and off-road vehicles. It releases Wilderness Study Areas (WSA's) and, in its unclear language, opens up roadless lands to unsustainable logging and ORV use. There is precious little wilderness left in this country. The last thing we should be doing is allowing roads, ORV's and logging on our roadless, public lands. It should not be taken lightly that the Forest Service, with its history of resource extraction on National Forest lands, has

testified before your committee asking for major changes to the bill and stating that the logging levels mandated by the bill are neither reasonable nor achievable.

S. 1470 is flawed legislation from an economic standpoint. The bill's estimated cost to taxpayers, at more than $100 million, due to its mandated, subsidized, below-cost timber sales, is unacceptable. We taxpayers are tired of our hard-earned money being wasted on bailouts, which is exactly what S. 1470 is (and more, due to its harmful implications for the wild). We should instead begin respecting the economic reality of our times. In regards to the timber industry, with the sharp drop in the demand for lumber, now is not the time to log more of our roadless areas at a high loss to the taxpayer and, more importantly, to the forest and all the inhabitants that depend on it for their survival.

A more scientific, ecosystem-based approach to wildlands protection should take precedent. Wide-ranging species, like the grizzly bear and wolf, need large, intact, connected ecosystems to ensure their survival. Wildlife know no boundaries and ecosystem processes take place on a bioregion-wide scale. Roadless areas also harbor clean, cold water to sustain populations of rare and endangered fish, including west slope cutthroat trout and bull trout. The Wilderness in Tester's bill is fragmented and excludes and releases from protection important areas now protected as WSA's. This piecemeal approach destroys ecosystem integrity and biological diversity and should be discarded.

As you know, Tester's bill preempts the Northern Rockies Ecosystem Protection Act, H.R. 980, sponsored by 104 members of the U.S. House, and currently moving through that legislative body. This bill offers a better way to protect our wildlands and get people working in the woods in a sustainable way-by providing more than 2,300 high-paying jobs to restore public lands damaged by roads and resource extraction, while protecting 25 million acres in five states as Wilderness. These lands represent the last wildest places in the lower 48, places where all native species are still present, and deserve the most stringent protection the law provides-that of the 1964 Wilderness Act.

Perhaps the most important point to make in regards to S. 1470 is that these federal public lands belong to all Americans and their fate should be decided by all 535 elected officials and the general public, not just a handful of insider "conservation" groups and timber companies in MT.

Thank you for your time and consideration.

Sincerely,
James Lennox and Dawn Serra
Missoula, MT

Dear Members of the Senate Subcommittee on Public Lands and Forests:

This letter is Wilderness Watch's testimony on Senate Bill S 1470, the "Forest Jobs and Recreation Act of 2009" introduced by Senator Jon Tester. Wilderness Watch is a national nonprofit conservation organization dedicated to the protection and proper stewardship of lands within the National Wilderness Preservation System. Wilderness Watch's staff and Board of Directors include many of America's leaders and experts in Wilderness management and protection, including people who were involved in the passage of the 1964 Wilderness Act and in the administration of Wilderness for more than 45 years.

Wilderness Watch is also part of the "Last Best Place Wildlands Campaign (LBPWC)," a recently launched effort to draw attention to a number of significant concerns with S. 1470. We wish to associate our testimony with the detailed analysis and testimony provided to the Subcommittee by the LBPWC.

We will confine our concerns in this letter to the provisions in Title II of S. 1470 as they relate to Wilderness and its management.

At the outset, we are concerned that S. 1470 diverges in a number of significant ways from the principles in the Wilderness Act. Allowances for military training exercises, helicopter landings, routine use of motor vehicles for livestock and wildlife management, and for access to a variety of "improvements", devolution of federal control over motorized access for search and rescue operations or emergency services, allowance for virtually unlimited habitat manipulation under the guise of fire presuppression activities or wildlife management, and other provisions in the bill make a mockery of Wilderness as defined in the Wilderness Act, i.e. "an area where the earth and its community of life are untrammeled by man…retaining its primeval character and influence, without permanent improvements,…which is protected and managed so as to preserve its natural conditions."

Some of the greatest difficulties in protecting the wild character of lands within the National Wilderness Preservation System are the challenges posed by special provisions or non-conforming uses included in wilderness legislation. These provisions not only allow activities that are inappropriate and degrade individual areas, but more importantly the cumulative impacts from these provisions threaten to diminish the core values that distinguish Wilderness from other public lands.

Wilderness Watch urges Congress to adhere to the principle and spirit of the Wilderness Act and forego approving these non-conforming activities in Wilderness.

Sec 202(e)(2) allows for presuppression activities for fire management. Presuppression could include fuel reduction or other measures generally practiced on non-wilderness lands, but incompatible with Wilderness. This provision refers to "House Report 98-40," an outdated report designed primarily for national forest lands in southern California, conditions very different from those found in western Montana. For example H.Rpt. 98-40 states, "Due to the arid climate, high seasonal temperatures and buildup of fuel that exists in so many California roadless areas, especially in southern California." Much has been learned about fire management in the intervening 25 years, particularly in the Northern Rockies, that suggests these higher elevation roadless lands are not outside the range of natural variability in terms of fire regimes. Moreover, wilderness fire programs in the region that have emphasized a natural fire regime have shown tremendous benefits to the wilderness resource. These programs have been so successful that the lessons learned over three decades are now being applied to non-wilderness lands, at great benefit to native ecosystems and taxpayers. S. 1470 would set fire management back to an era of fiscal and environmental insanity. Further, the result of S. 1470 will be Wildernesses that highly manipulated by humans, contrary to the central ethos of the Wilderness Act.

The Wilderness Act provides ample authority to the Secretary to control fires to protect life, property, and other forest resources. S. 1470 would allow extensive habitat manipulation under the guise of fire management. The bill should be changed to be consistent with the limitations in the Wilderness Act.

Sec. 202(f), access to private property, attempts to redefine the Wilderness Act by stating the language in this section is "in accordance with section 5(a) of the Wilderness Act" when in fact it is not. The Wilderness Act provides for adequate access to private lands or, where there is a conflict between protecting the Wilderness and allowing access, the Wilderness Act allows the Secretary to offer a land exchange instead of access. It is a carefully crafted provision designed to ensure that the Wilderness would be protected from harm (for an

informative analysis of this provision, see the Opinion of Attorney General Benjamin Civiletti, 43 Op. Att'y Gen. 243, 269 (1980)). S. 1470 undermines this protection in two ways. First, it strips away the provision that allows the Secretary to offer an exchange. Second, it requires that the access, in addition to being "adequate," shall "ensure the reasonable use and enjoyment of the property by the owner." If the owner can make the case that her reasonable use and enjoyment requires a road to be built to the private land, then the Wildernesses in the bill could be roaded. This gives the owners of private land within Wilderness more access rights than they hold on other national forest lands. S. 1470 should be made consistent with the Wilderness Act.

Sec. 202(g) allows installation and maintenance of snow sensors and stream gauges within the areas designated as Wilderness. The Wilderness Act prohibits structures and installations unless they are necessary to manage and protect Wilderness. S. 1470 expands this narrow exception to allow for structures and installations for a variety of unnecessary purposes.

Sec. 202(h) creates an exception allowing military training exercises, including landing helicopters, in the proposed Highlands Wilderness. It also provides for low-level military overflights and new units of special airspace over Wilderness. While airspace over Wilderness is not controlled by land management agencies, this kind of aircraft use is inconsistent with protecting Wilderness values. S. 1470 should instruct the Department of Defense to enter into discussions with the Secretary of Agriculture to design training programs that minimize the impact of military overflights on designated Wilderness.

Since the hearing on S. 1470, Senator Tester has stated his intention to remove the proposed Highlands Wilderness from S. 1470. Given the number of non-conforming activities proposed in this area, we agree that removing it from proposed wilderness designation is the appropriate course of action. Another designation that protects the Highlands area from resource extraction and motorized recreation use should be explored.

Sec. 202(j) allows the Secretary to carry out a variety of fish and wildlife habitat manipulation projects that are contrary to the Wilderness Act's fundamental tenet of an area "untrammeled by man…which is protected and managed so as to preserve its natural conditions." The bill's requirement that such projects be consistent with wilderness management plans, guidelines, and policies is of little comfort or substance. Agency management plans, policies or guidelines are not legally binding. They can be and often are inconsistent with the laws they are supposed to implement. Indeed, projects based on land management plans are routinely found in court to be unlawful. S. 1470 would make such projects legal, potentially causing significant harm to Wilderness.

Sec. 202(j)(2)(b) would potentially grandfather currently allowed motorized recreation uses in areas designated Wilderness: "Nothing in this Act-affects access for any recreational activity allowed by any law…." This would obviously create a conflict with Wilderness protection and should be deleted.

Sec. 202(l) states that no later than 1 year after enactment of S.1470, the Secretary shall offer to enter into a memorandum of understanding with all law enforcement and emergency personnel to ensure each is authorized to enter each wilderness area to conduct emergency operations. This provision would bypass the long-established process whereby the land manager must approve any motorized use on a case-by-case basis. Local law enforcement or search and rescue organizations generally lack understanding or knowledge about protecting wilderness values. Given the proliferation of cell phone-triggered, often unnecessary search and rescue operations it is important that wilderness stewards be consulted and retain authority for authorizing motor vehicle use during these operations.

Sec. 202(m) grandfathers the terms of existing outfitter permits without further analysis. Limitations and safeguards in the Wilderness Act would not apply to these permits, further compromising wilderness

management. Moreover, if any of the existing commercial uses include motor vehicles, motorized equipment, or other nonconforming uses, they would also be grandfathered into Wilderness.

Sec. 202(n) provides that in the proposed East Pioneers Wilderness nothing affects the right of any owner of one or more water impoundment structures to "customary and usual access" including motorized use over and along trails, and the right to operate and maintain the one or more water impoundment structures. The Wilderness Act protects private, existing rights and it permits ingress and egress to valid occupancies consistent with "other such areas similarly situated." This is the appropriate standard that should be applied to areas in S. 1470. The Forest Service should retain the authority to limit access in a way that preserves an area's wilderness character. Granting special favors to those who own water impoundment structures in the East Pioneers will lead to similar demands elsewhere, further eroding the Wilderness Act. Moreover, the provisions in S. 1470 will grant a greater and more permanent right of access to these owners that they currently enjoy with the lands under non-wilderness status.

Sec. 202(n)(2) states nothing affects the customary and usual access of Beaverhead County to the proposed Highlands Wilderness to operate and maintain a communications site on Table Mountain and the water supply pipeline for the City of Butte including the right to operate and maintain them. Given the push in many areas for building communication towers (such as cell towers) in Wilderness, this provision could be a very harmful precedent. As stated earlier, Wilderness Watch would prefer that rather than encumber the NWPS with a host of new special provisions, the Highlands areas should be left non-wilderness, but protected from further development and motorized recreation under a different management classification.

Sec. 202(n)(3) allows motorized access to water infrastructure constructed to protect the Ruby River and to "preserve historic access for other ranching activities and shall continue under the permit system in existence as of the date of enactment of [S. 1470]". It also allows the use of all terrain vehicles (ATVs) for trailing sheep. This language grandfathers non-conforming uses into the Snowcrest Wilderness. It represents the first time that the use of motor vehicles has been allowed for herding livestock and other routine ranching activities. Livestock operators have managed their herds for decades throughout the Wilderness system without the need for routine motorized use provided in S. 1470. If it is allowed here, it will be insisted upon elsewhere. Congress should not set this precedent.

Timber harvesting in Wilderness. In several sections that deal with non-wilderness special management areas, reference is made to allowing "Timber harvesting…to the extent allowed under section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1))." Any reference to the Wilderness Act in relation to timber harvesting should be removed. Use of the term "timber harvesting" in the context of national forests connotes commercial logging. For example, Websters defines timber as "wood for use in making something," and harvest as "to gather in a crop." The Wilderness Act, in section 4(d)(1), allows for measure to control fire, insects and disease. While those "measures" may include in rare instances the cutting of trees, it was never the intent nor has it ever been interpreted that this provision would allow for "timber harvesting." Congress should not now suggest that timber harvesting is allowable in Wilderness. Any such implication in S. 1470 should be removed.

In summary, Wilderness Watch urges Congress to remove all provisions in Title II of S. 1470 that do not conform to the Wilderness Act. Such provisions will harm the areas being designated and weaken America's National Wilderness Preservation System by setting damaging precedents that erode the values the Wilderness Act was created to protect.

Other provisions:

While Wilderness Watch does not usually weigh in on which areas should be designated as Wilderness, we do oppose S. 1470's provisions that would declassify existing wilderness study area status for those areas designated by Congress as WSAs in the Montana Wilderness Study Areas Act of 1977. These are some of Montana's finest wildlands. They represent the legacy of the late-Senator Lee Metcalf, one of the most steadfast champions of Wilderness that Congress has produced. His legacy should be secured and the wilderness character of these lands should be preserved with permanent wilderness protection.

Thank you for the opportunity to provide this testimony and for your consideration of our concerns.

Sincerely,
George Nickas
Executive Director

Dear Members of the Senate Subcommittee on Public Lands and Forests:

This letter is Friends of the Bitterroot testimony on Senate Bill S 1470, the "Forest Jobs and Recreation Act of 2009" introduced by Senator Jon Tester. Please enter this testimony into the record.

Friends of the Bitterroot is active with the Last Best Place Wildlands Campaign. We endorse the position paper and critique of S 1470 that the Campaign has provided to the Subcommittee.

By way of introduction, we would highlight that from our base in western Montana we have worked for conservation of the Northern Rockies for many years in peaceful, lawful and constructive ways with government agencies, other conservation groups and industry representatives. We were primary participants in the historic court-sanctioned settlement agreement regarding the Bitterroot National Forest 'Burned Area Recovery' Project. We successfully negotiated with local timber interests and the Forest Service, with then Agriculture Undersecretary Mark Rey and Forest Service Chief Dale Bosworth personally in attendance.

The negotiated settlement included more timber than had been logged on the Bitterroot National Forest in a decade. The logging was configureded explicitly to avoid roadless areas and prime fishery watersheds. Much needed restoration and well paid road restoration jobs were part of the agreement package. Friends of the Bitterroot is and has been at the table in the Bitterroot chapter of the Montana Forest Restoration Committee, mentioned as an exemplary collaborative effort by Agriculture Undersecretary Harris Sherman in his testimony entered into this Hearing record on 12/17/09. One of our members has been on the local Ravalli County Resource Advisory Committee for many years. In other words, we have a long record of being constructively engaged in Montana with the civic interest of conservation of public lands.

With this in mind, we would like to address Senator Tester's comments and behavior at the Subcommittee Hearing on December 17, 2009. We find Senator Tester's treatment of Matthew Koehler, our representative at the Hearing, to be reprehensible. It certainly did not reflect healthy democratic process, but it did provide an example of Senator Tester's repeated attempts to marginalize and ignore criticisms of his ill-advised bill. We believe it is this very behavior that allowed the ill-advised S 1470 to fall so far out of reasonability.

In his questioning, Senator Tester apparently wanted to convey a message that he has been responsive to his constituents, both supporters and critics. In badgering our representative from his bully pulpit, he showed a different message. We would like to provide some real world information to you in that regard. Below is a letter we sent to Senator Tester in Washington DC as well as to his Missoula office. Note that, despite our standing as

constituents and invested stakeholders, as of January 4, 2010, three months after the letter, we have received no acknowledgement of the letter or any clarification of the issue described in the last paragraph.

October 1, 2009

Senator Jon Tester
130 West Front Street
Missoula, Montana 59802

Re: Comments on the Forest Jobs and Recreation Act of 2009

Dear Senator Tester,

Friends of the Bitterroot (FOB) is a grassroots conservation organization founded in 1988 and based in western Montana's Bitterroot Valley. We have over 700 members, most of whom live, work and recreate in western Montana. We are all-volunteer and have no staff. We have been active for over 20 years in conservation efforts in the Northern Rockies with a special focus on the National Forest lands in the Bitterroot, Big Hole, West Pioneers, Rock Creek and adjacent Salmon-Challis National Forest in Idaho. For present purposes, we will bring your attention to some work we have done in the Big Hole area of the Beaverhead-Deerlodge National Forest (B-DNF).

We have invested thousands of hours and tens of thousands dollars in protecting the National Forest watersheds and roadless wildlands in the Big Hole area, not to mention the personal attachment we have to this area that is our backyard. In the early 1990s we won legal decisions protecting wildlands, biological corridors and watersheds in the Trail Creek and Bender-Retie project areas. We were co-litigants in the ten year long Montana Wilderness Study Act (WSA) lawsuit which resulted in some legal handholds to protect Montana's WSAs. One of our Steering Committee members, Clif Merritt, authored Senator Metcalf's Montana Wilderness Study Act. Over the years we have carried out numerous ORV monitoring hikes as well as snowmobile monitoring ski trips and over-flights in the West Pioneer WSA. We are presently engaged in litigation over a controversial permit for snowmobile trail grooming in the West Pioneer WSA, that was excluded from public notice, comment and review, and which threatens wolverine denning habitat.

In spite of our steadfast conservation work in the area we were excluded from participation in the "Partnership" regarding the B-DNF. Neither were we informed of or invited to participate in the drafting of your Forest Jobs and Recreation Act. At our initiative, after hearing the announcement of your introduction of the proposed Bill at a sawmill on July 17, 2009, we called your Missoula Field Director to ask if we might have a chance to represent our interests that had not been considered thus far.

Nine members of FOB met with your Field Director, Tracy Stone-Manning, on September 10, 2009 to discuss our concerns about your Forest Jobs and Recreation Act of 2009. This was our first opportunity to be included in your legislation that would directly affect our interests, and the huge investment of time, energy and funds, in protecting the above-named areas. Furthermore, in drafting the bill, the opportunity to benefit from our direct familiarity with this region, our years of experience, and our considerable and relevant expertise was missed. We were told that no changes would be made to the already introduced Bill until after it receives a Congressional hearing. We are extremely disappointed in this and are concerned that our suggestions for improving the Bill will not be included in any meaningful way, especially at that advanced stage of the legislative process. However, since at the conclusion of this meeting we were asked to submit our requests for changes in the Bill, and in the hopes that you will recognize the value of including our perspectives, we will be

happy to do so. We hope our input will carry as much weight as the groups who were included in the initial crafting of your Bill.

1. We heartily support the protection offered the B-DNF portion of the Sapphire WSA and all other proposed Wilderness designations in the Bill. We do not support the exceptions in your Bill that are counter to traditional Wilderness management. Elimination of these exceptions would not be onerous to the parties affected, as demonstrated in other Wilderness areas where these exceptions do not exist.

2. We strongly advocate that the Bill include Wilderness designation of both the West Pioneer WSA and the West Big Hole IRA, in addition to the Sapphire WSA. The West Big Hole IRA is an important biological corridor, connecting the Greater Yellowstone and Northern Continental Divide ecosystems, and Wilderness protection would keep it intact in the future. The West Pioneers offer critical wildlife habitat for certain rare and endangered species, particularly wolverine, that are sensitive to displacement by motorized vehicles. These animals are quite vulnerable during winter when they den and nurture their young in areas that are attractive to snowmobile use. In a March 3, 2008 letter to the Travel Management Planning Team for the Bitterroot National Forest, Mack Long, Regional Supervisor, Montana Fish, Wildlife and Parks, Region 2, Missoula, Montana, wrote the following: "Snowmobiles pose a particular threat because of the increasing popularity of "high marking" in high elevation cirques and drainage heads, used by denning female wolverine." With Long's opinion in mind, it is very likely that snowmobile use in the West Pioneer WSA poses a substantial risk to denning female wolverines. It could well threaten that particular population with extirpation, a violation of the National Forest Management Act (Public Law 94-588. October 22, 1976, Sec 6 (g) (3) (B), provide diversity of plant and animal communities....). This type of displacement is much more problematic than displacement from forage habitat, which can be abandoned and then reoccupied when the disturbance recedes. It is especially disheartening to see the existence of this magnificent, rare creature put at risk by frivolous recreation that could easily find another venue. Wolverines are up against extinction, and will likely be listed for protection under the Endangered Species Act next year. By allowing snowmobile intrusions into their winter denning habitat, your Bill directly threatens the survival of the wolverine.

An additional argument for advocating Wilderness designation/protection to the proposed areas is assuring the sustainability and integrity of our nation's critical watersheds. This should be the very basic tenet of any forest management decision. Historically, it was the first charge of the agency and continues to be so. Recently U.S. Agriculture Secretary Tom Vilsack suggested, "Conserving our forests is not a luxury", but a necessity. He stressed the importance of forests and rural lands in supplying much of America's clean drinking water, sheltering wildlife and helping to mitigate climate change. The high elevation watersheds of the B-DNF are some of the most important and critical watersheds in the Northern Rocky Mountains.

3. We request a delineation of existing Inventoried Roadless Areas (IRAs) with a unique color on the map that will accompany the Bill. The failure to do so has already caused much anxiety and, possibly, confusion about whether or not IRAs would be released to some sort of management different from what will eventually be given to IRAs in general by the Roadless Rule. We see no reason not to do this simple adjustment that would, now and in the future, eliminate any ambiguity and avoid possible mistaken impressions about the intent of this Bill.

4. The proposal to mandate logging levels is unprecedented, and usurps the authority of the USFS. We are opposed to such mandates, especially while not also mandating restoration levels or timelines. Historically, despite the protections afforded under NEPA, the timber cut provisions are implemented while the restoration is never accomplished. For example, the Huck Trap NEPA Decision here on the Bitterroot even went so far as to

explicitly state the logging would not go forward until the funds for restoration were in hand and yet the logging was done and the restoration was not.

More recently, regarding the Burned Area Recovery project on the Bitterroot NF, we reached a federal District Court sanctioned settlement with representatives of the timber industry, Forest Service representatives, Agriculture Undersecretary Mark Rey and Forest Service Chief Dale Bosworth (who both personally participated) which allowed for 60 million board feet of logging balanced by significant restoration of watersheds. Very soon after that historic settlement, "$25.5 million of th[e] money [that] was intended for the rehabilitation of forests burned in the Bitterroot Valley during the 2000 wildfire season" (Missoulian, 9/7/04) was summarily "transferred". This restoration money was actually in hand on the BNF, not just pie-in-the-sky hoped for allocation. Much of the restoration was not done even though logging went forward unhindered. If restoration in the Bill is not just window dressing, levels and timelines for restoration need to be mandated as well, to prevent this historical pattern from being repeated by the Forest Service. We request restoration that does not involve haul roads be done simultaneously with logging. Requiring completion of restoration in one Stewardship Area or project area before logging begins in another Stewardship Area or project area would provide a needed mandate to actually keep up with the restoration work.

5. In spite of guidelines that are stated to prioritize logging on areas already heavily impacted by roads (p.16), the requirement that the road density be reduced to 1.5 miles per section at the end of a project (p.18) will do the opposite, given the cost of reclaiming roads. It will serve to focus logging on lands with low road density. Money will trump stated priorities if not specifically regulated. We request a mandated minimum road density for project areas that would preclude the conflict built into the arrangement as it stands, and more surely aim the logging into areas of higher road densities.

6. The Bill states, p. 38-39, "the Secretary concerned shall use the most cost effective means available" in planning and implementing the projects. Assuming this includes the operations on the ground, we are quite concerned that avoidable resource damage will be the result. For example, summer ground skidding may be the cheapest way to get the logs out but usually causes much more soil and watershed damage than other alternatives. We request that the language of the Bill direct the Secretary to specifically take into account possible resource damage when determining most cost effective means, so that decisions are not made which would likely lead to successful court challenges, quite costly in and of themselves.

7. The Bill, p.40, states, "Funds generated by a landscape-scale restoration project under this title in the Beaverhead-Deerlodge National Forest may be expended by the Secretary concerned on a landscape-scale restoration project carried out in any other administrative unit of a National Forest." This seems to say that the B-DNF can be subjected to the unavoidable further degradation of logging while any 'funds generated' may be used to do restoration, say, on a coal mine in the Alleghany NF. This sort of resource colonization of Montana should not be allowed; any benefits should remain where the damage will surely stay.

Given the late date at which we were provided an opportunity for input on your Bill, we respectfully request that you respond to the concerns we have presented here in a timely manner. FOB is absolutely committed to the protection of our nation's last roadless areas. We assume it was a simple oversight that IRAs were not initially delineated on the map provided in the Bill, rather than a signal that the Bill has any intent to weaken protections for IRAs in the region. If release of IRAs is not the intention of the Bill then accommodating this request would not be a change, only a clarification. We are gravely concerned that a failure to do so will result in a misinterpretation and could lead to such a weakening of vital protections for the IRAs. We would much appreciate your immediate reassurance on this matter by agreeing to color code IRAs on your map. Thank you for your attention to our concerns, and we look forward soon to your reply.

Sincerely, Jim Miller, President

I hereby submit the following testimony on the Forest Jobs and Recreation Act (S 1470) introduced by Senator Tester. Please enter it into the Hearing Record for S 1470.

I oppose S 1470 for the following reasons:

My family and I have owned property and resided in the Yaak Valley in northwest Montana since 1968. The Yaak Valley is in the Three Rivers Ranger District of the Kootenai National Forest. It is one of the areas targeted in S 1470 for mandated logging. I am concerned that the tiny Cabinet-Yaak grizzly bear population which is already highly imperiled as a direct result of aggressive Forest Service logging will be eradicated as a result of the additional logging.

Millions of board feet of timber have been logged in the Yaak and hundreds of miles of road built to access timber over the last 30 years. The ongoing and widespread logging activities have reduced the amount of secure wildlife habitat and forced grizzly bears away from preferred habitat that is now riddled with roads and fragmented by clearcuts. .

Adding insult to injury, S 1470 requires 3000 acres per year to be logged for ten years, for a total of 30,000 acres in the Yaak. This amount of logging constitutes an enormous increase over and above average annual levels of logging there.

According to the US Fish and Wildlife Service there is a greater than 90% chance that the population is in decline. USFWS estimates that only 25-30 grizzlies reside in the Yaak portion of the Cabinet-Yaak Grizzly Recovery Area. There are only about 15 grizzlies in the Cabinets. The USFWS recovery target for this population is 100 bears. Agency biologists acknowledge that high road densities and disturbance from logging is detrimental to grizzly bears. The logging mandated by SB 1470 would no doubt require new road construction as well as opening roads that are closed in order to provide "security" for grizzlies and other wildlife.

Because the Tester "Logging Bill" states that 3000 acres per year for ten years shall be logged in the Yaak, these quotas must be reached regardless of environmental costs. Safeguards provided by the Endangered Species Act, Clean Water Act, National Forest Management Act and other environmental laws would be set aside in order to achieve them. These laws provide the only protection for grizzlies and a whole host of other wildlife and fish species that are dependant for their survival in the Yaak on the small amount of intact habitat that remains.

S 1470 would also mandate an unsustainable level of logging (70,000 acres over ten years) in the Beaverhead-Deerlodge National Forest. The Forest Service has determined that no more than 500 to 1200 acres per year should be logged on that forest, due to the dry site habitat types on those lands.

Furthermore, accomplishing the logging required by the bill would require massive government subsidies, estimated to be at least $100 million, at a time when demand for lumber and other timber based products is at an unprecedented low and shows few signs of recovery.

The bill would also open hundreds of thousands of acres of designated Wilderness Study Areas to logging and other intrusions. While it proposes to set aside quite a few acres as designated Wilderness, it allows motorized activities in those areas that would be in violation of the Wilderness Act.

Furthermore, S 1470 puts local bureaucrats and commercial interests in control of decisions on the National Forests targeted by the bill. This will lead to local control over public lands that belong to all Americans and render null and void federal laws that are in place to protect fish, wildlife and other natural resources on federal lands.

Passage of S 1470 would set a terrible precedent. If enacted, it will become a benchmark for future industry efforts to mandate logging, sideline environmental laws and open de facto wilderness to logging and motorized use, to the detriment of the many wildlife species that are dependant on wild places for their long term survival.

Sincerely,
Liz Sedler

The crafting of this bill circumvented the NEPA required public participation process that currently exists for dealing with National Forest lands. These lands within the state of Montana are federal public lands owned by all Americans. The citizens living in close proximity to these lands should not have more influence over the future of these lands than Americans living in Hawaii, Guam, or Chicago. Citizens arbitrarily deemed stakeholders within the state of Montana should not wield more power than those Montana citizens left out of the process, or those deemed to be problematic.

This problem is best illustrated by Senator Tester's comment during the hearing which I watched via the web. He said, ". . . isn't it funny how the far left and far right connect up."

Senator Tester's refusal to talk to or work with some of the most qualified, experienced, and dedicated people on the ground in Montana (the far left and far right) shows a serious bias on his part. Refusal to talk to conservationists or conservation minded citizens who didn't participate in the exclusive bill designing process has given us (all Americans) a bill that is seriously lacking in its thoughtful consideration of threatened and endangered species, watershed health, and the future of wilderness designation in this country.

This bill needs a major overhaul to ensure it follows the National Environmental Policy Act, Endangered Species Act, the National Roadless Rule, and the Wilderness Act of 1964. These laws are in place for long term conservation of federal public lands and waters. To amend them in order that several short lived jobs will pop up in the state of Montana is incredibly foolish and selfish.

In short, all roadless areas in the bill should remain in their current condition and protection status. All wilderness study areas should remain in their current condition and protection status. Any new wilderness designation should not include any provisions which add new precedents weaking the Wilderness Act of 1964. No mandated logging should occur and no federal bailouts or incentives for a select few forest product companies should occur.

Thank you for the opportunity to comment.

Sincerely,

Will Boyd
Moscow, ID

Dear Members of the Senate Subcommittee on Public Lands and Forests:

This letter is The Lands Council's testimony on Senate Bill S 1470, the "Forest Jobs and Recreation Act of 2009" introduced by Senator Jon Tester. The Lands Council is a nonprofit conservation organization with about 1,400 members, with a mission to preserve and revitalize Inland Northwest forests, water, and wildlife through advocacy, education, effective action, and community engagement. We collaborate with a broad range of interested parties to seek smart and mutually respectful solutions to environmental issues.

The Lands Council engages as a member of collaborative groups of diverse stakeholders concerning three national forests. These include the Northeast Washington Forestry Coalition, which has a long, successful record of collaboration on the Colville National Forest. We are also members of collaborative groups concerned with management of the Idaho Panhandle and Kootenai National Forests-the latter being a subject of S 1470. As members of these collaborative groups, we take seriously our responsibility to represent our members, as well as other conservation interests who cannot be sitting at the stakeholder table. We are acutely aware that disregarding the interests of the many who are not at the table often results in controversial agreements that cannot be implemented.

Proponents of S 1470, including Senator Tester, claim that the contents of the bill are the result of painstaking, open processes of collaboration by representatives of a wide range of interests. Based on our history of collaboration, The Lands Council respectfully disagrees that the process was open, and firmly believe it fails to represent a wide enough range of interests. However, the point of this letter is not to provide a critique of that process, as others have. Instead, we ask Members of this Subcommittee to provide recognition of these wider interests as you move forward with deliberation and debate on the Bill.

First, The Lands Council strongly supports Wilderness designation-in fact we urge that Congress designate all roadless areas in these three national forests as Wilderness. We believe it is the duty of this generation of Americans to preserve the precious few remaining areas that have not been developed or exploited by humans.

For example, of the approximately 685,000 acres of the Three Rivers Ranger District of the Kootenai National Forest, only about 258,000 acres are inventoried roadless. Given the highly exploited condition of the rest of the Kootenai National Forest, a balanced approach by Congress would recognize that all 258,000 acres deserve protection as Wilderness-not just the approximately 30,000-acre segment of the Roderick Roadless Area that the Bill would designate.

Moreover, in designating Wilderness, The Lands Council urges Congress to hold to the principle as put forth in the Wilderness Act of 1964-preserving Wilderness to be "untrammeled by man… protected and managed to preserve its natural conditions." Unfortunately, several provisions of S 1470 would allow many activities nonconforming to the Wilderness Act:

Such nonconforming uses include motorized access for public lands livestock operators and military exercises for landing helicopters. S 1470 would also allow "necessary motorized use …to …water impoundment structures." Though the Wilderness Act does not automatically prohibit motorized access to operate or maintain existing structures, in contrast to S 1470 it requires nonmotorized access whenever feasible.

We oppose the grandfathering of other vaguely but potentially currently allowed motorized uses in areas designated Wilderness: "Nothing in this Act-affects access for any recreational activity allowed by any law…" [Sec. 202(j)].

Likewise, Sec. 202(m) grandfathers the terms of all existing outfitter permits by the Forest Service without further analysis. This means that no safeguards included in the Wilderness Act need be part of these permits, and if any of the existing commercial uses include motor vehicles, motorized equipment, or other nonconforming uses, they would also be grandfathered into Wilderness.

We request that all such nonconforming provisions in S 1470 be removed. Such provisions would weaken America's National Wilderness Preservation System by setting damaging precedents that erode the values the Wilderness Act was created to protect.

The Lands Council also opposes the Bill's provisions that would declassify existing Wilderness Study Areas. This declassification would result in removed protections, leaving the former Wilderness Study Areas vulnerable to roadbuilding, logging, increased motorized intrusions, and other uses incompatible with their existing roadless status and wilderness character. Although the Bill does not state such as its intentions, the implications of declassifying and removing protections are painfully obvious. Furthermore, we fear that other roadless lands in the Beaverhead-Deerlodge and Kootenai National Forests that are deemed "suitable" for logging by the Bill would fall victim to these same implicit intentions, given the Bill's silence on any continued recognition of their roadless status and wilderness character. The Bill also contains loophole language that would allow "wildlife management" which has just this month been interpreted to allow helicopter use for wolf control in Idaho's Frank Church River of No Return Wilderness.

Other intentions of S 1470 are equally troubling. In setting mandated logging targets, the Bill would chart a collision course with existing laws designed to protect the environment. Some provisions state that the Forests are to be managed "in accordance with applicable laws… (e)xcept as otherwise provided in this title." Statements by Senator Tester himself leave us quite troubled as to the Bill's true intentions in that regard. At a recent public meeting in northwest Montana, Senator Tester was asked about the Bill's seemingly irreconcilable provisions that both mandate a set amount of logging and require following environmental laws. He responded that a federal court would have a hard time not deciding in favor of a locally "collaborated" desire for jobs. Also, as stated in a December 18, 2009 article in the Bozeman Daily Chronicle:

In a phone interview after the hearing, Tester said his bill would contain the cost of timber sales, in part because it would be harder to sue the Forest Service over logging proposals. "If we get this bill passed, it's going to reduce litigation in a big, big way," he said.

So-called "temporary" roads allowed by the Bill in unprotected roadless areas would result in long-term scars in the form of noxious weed invasions, soil compaction, and erosion. They would also result in more illegal access by motorized vehicles-already difficult to prevent due to limited enforcement resources.

The Bill's reliance on the sale of trees from national forests to pay for watershed restoration is misguided. The current recession and huge slump in the lumber market-not likely to end soon-mean that now is the very worst time to fund restoration in this way. Many restoration tasks included as part of national forest timber sales before the recession and market collapse remained undone long after the timber was harvested and sold. For the Bill to include mandated logging targets while lacking similar mandates for restoration means it will likely fail in regards to the "Restoration" part of its title.

Make no mistake-our national forests are badly in need of restoration. Streams and fisheries damaged by too much logging and too many roads, noxious weeds and other invasive species, soil erosion and ongoing disturbance from motorized recreation, rangelands and streamside areas overgrazed by livestock, tree plantations of reduced biological diversity-all must be priorities for national forests in the decades to come. And

it is true that restoration requires investments of tax dollars, but attempting to legislate restoration by cutting forests that have already been logged unsustainably puts the cart before the horse. To best serve the "Jobs" part of the Bill's title, investing in truly healing nature would sustain resource- and recreation-dependent communities over the long-term. Congress must find ways to prioritize that work.

In the recent hearing before this Subcommittee, Obama Administration officials testified that the amount of logging would be unsustainable, stating that the mandated logging levels "are likely unachievable and perhaps unsustainable" and "far exceed historic [harvest] levels on these forests, and would require an enormous shift in resources from other forests in Montana and other states to accomplish the [harvest] levels specified in the bill." Congress should never mandate specific logging levels or acreages for any national forest as would S 1470. That would set a very damaging precedent, exemplifying heavy-handed top-down resource management.

We also oppose provisions of the S 1470 that prioritize local control above the interests of most of our members and other Americans. One way it does this is by creating "advisory committees" or "local collaborative groups" that would exercise control of management decisions. Such localization of National Forest System lands would set another dangerous precedent for future legislation on other national forests.

Specifically, S 1470 excludes Americans-at-large from these groups and committees by mandating that they "meet each requirement described in section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000." That Act requires that "members of a resource advisory committee shall reside within the State in which the committee has jurisdiction and, to extent practicable, the Secretary concerned shall ensure local representation in each category." This language would not allow The Lands Council to participate in the Kootenai advisory committee, even though we have been intensely involved in that Forest for two decades!

Another anti-democratic provision places hardship upon Americans that exercise their rights to appeal decisions, by requiring resolution meetings "in the vicinity of the land affected by the decision."

In setting yet another dangerous precedent, "commercial timber harvesting" falls under the Bill's definition of "restoration." However not all logging restores forests. The scientific consensus is that post-fire logging is an example of economically driven logging that can be quite damaging, and has little or no value for restoring forest ecosystems.

We find it ironic that provisions of S 1470 are said to be for "reducing gridlock and promoting local cooperation and collaboration." Since it promotes unsustainable logging, rather than reducing gridlock, the Bill would almost guarantee lawsuits and increase animosity in directing the Forest Service to prioritize inappropriate activities.

Specific to the Three Rivers Ranger District of the Kootenai National Forest, the mandated logging would mostly occur within the Cabinet-Yaak Grizzly Bear Recovery Zone. The U.S. Fish & Wildlife Service has recently stated that there is a 94% chance that the grizzly population is declining in this recovery area . This is due to past and ongoing impacts from logging, roadbuilding, and mining as well as high levels of human access throughout the Recovery Zone. Although the bill states that the Forest Service "may not exceed road density objectives" for the Kootenai National Forest-it must be recognized that the population decline has occurred under those existing road densities. The Kootenai National Forest is now contemplating an updated access management plan that could be much more consistent with the best science on grizzly bear habitat needs than the current management. By locking in the present management scheme, the Bill stands to push this population of grizzly bears ever closer to extinction.

Although Senator Tester has said that the Bill would be re-written to expand the logging areas beyond the Recovery Zone, it would still be in a national forest that has been logged and roaded more heavily than most, if not all national forests in Montana.

Permanently designating snowmobile use in the Bill's "Special Management Areas" of the Kootenai National Forest would conflict directly with habitat needs of another endangered species, the Canada lynx. Lynx are rare cats which spend their winters at high elevation, using snowshoe-like feet to hunt prey. Both the Bill's NW Peaks Snowmobile Area and Mount Henry Snowmobile Area encompass forest land included as "Critical Habitat" for the lynx, as designated by the U.S. Fish and Wildlife Service. There is no need for Congress to permanently designate snowmobile access in the Kootenai National Forest, since administrative travel planning and forest planning public processes already exist for weighing the costs and benefits of such designations.

As it stands, The Lands Council cannot support S 1470, as it does not offer sound solutions to so many of the problems of management of our national forests. We firmly believe that there can be an end to appeals and litigation, but to do so we must find a balance that is lacking in this Bill. An approach that involves full and inclusive collaboration would find such balance to achieve much-needed support.

The existing Montana Forest Restoration Committee is an example of an inclusive, open process that has made huge strides in finding common ground on national forest management in Montana. Members include representatives of wood products industries, motorized and non-motorized recreation, wilderness and wildlife proponents, and restoration practitioners.

The Montana Forest Restoration Committee participants adopted the following definition of sustainability:

"The ability of any enduring social or natural system to continue functioning into the indefinite future without being forced into decline through exhaustion of key resources. In a sustainable system, the demands placed upon the environment by people and commerce can be met without reducing the capacity of the environment for future generations. Essentially, it is recognized that economic security, community vitality, equity, quality of life, and commitment to the welfare of future generations depends upon maintaining and restoring ecological integrity."

National forests CAN be part of the solution for providing a stable supply of natural resources for community stability, as long as management is consistent with principles of sustainability. As written, S 1470 is a good start, but falls far short. We can do much better-our forests and communities deserve it.

To that end, we urge Senator Tester to convene a Forest Planning Collaborative Summit to find common ground among the entire range of interests. We pledge to do our best to work with all interests to define specific steps that can be taken to serve our communities and the forests that surround them.

Thank you for your attention to our concerns.

Sincerely,

Jeff Juel, Forest Policy Director
The Lands Council
Spokane, Washington

I am submitting this testimony to be included in the official hearing record regarding Senator John Tester's S.1470. Thank you.

I am a former Montana hunting and fishing guide, and have visited every large roadless area in Montana, including all areas proposed for wilderness in S.1470. I'm also an ecologist who has written 35 books, including several dealing with wildfire ecology. I'm very familiar with the lands contained in this bill.

There are some good things in the Tester's legislation and other things that I could live with if there were some modification of the bill's language.

I would like to commend Senator John Tester for addressing some long-standing issues like wilderness designation.

However, I have a problem with how the contents of the bill were developed (with limited public input), as well as with the larger philosophical idea behind the bill that "locals" in Montana should have a greater say over management of national assets (like trees) than someone living in Florida or Wisconsin. I hope this collaborative quid pro quo approach does not become a model for future wilderness bills in Montana or anywhere else, though I have no problem with people trying to find common ground on things like wilderness designation if that can be achieved.

THE GOOD STUFF

Despite how it was created, there is some good aspects to this bill, not the least of which is the creation of more than 670,000 acres of new wilderness. Many of these areas-including the Italian Peaks, Lima Peaks, Snowcrest, East Pioneers, Centennial Mountains, Sapphires, and Roderick Mountain (Yaak)-contain some of the finest unprotected landscapes in Montana.

The designation of wilderness areas including the Centennials, Lima Peaks, Italian Peaks and two small wilderness areas in the West Big Hole along the Continental Divide that will increase the likelihood that the adjacent Idaho roadless lands will also garner protection.

BRIEF DESCRIPTION OF PROPOSED WILDERNESSES

I have personally visited every proposed wilderness in S.1470. Because of my personal familiarity with these landscapes, I'd like to give a very brief overview of some of the areas contained in S.1470 and offer some suggested changes.

On the Kootenai National Forest in Northwest Montana lies the proposed 29,869 acre Roderick Mountain Wilderness. This heavily forested uplands is important for grizzly bear remaining in the Yaak drainage. The Yaak drainage has been severely logged in the past, and any remaining roadless lands should be given protection.

Just south of Butte are three roadless areas that have important wildlands values. The 12,000 acre Humbug Spires managed by the BLM,and 21,000 acre Highland Mountains. The spires feature many granite knobs that are a favorite for climbers while the Highlands are glaciated with cirques on the flanks, while flat-topped Table Mountain offers expansive views. The proximity to Butte makes both areas important for their easy access and recreational values.

Starting in the north end of the Big Hole Valley are proposed additions to the existing 158,000 acre Anaconda Pintler Wilderness which would expand significantly protection for the lower slopes of the range. This would

secure some of the more productive forested lands in the valley, including the most important big game habitat. A few of the streams offer habitat for endangered grayling, while lynx, and wolverine are both known to frequent this area.

South of Big Hole Pass are the rugged glaciated peaks and more than 30 cirque lakes of the 130,000 acre West Big Hole roadless area, including 10,621 foot Homer Young Peak, the highest in the range. Under Tester's bill this roadless area would be designated as a National Recreation Area with two small wilderness areas of 44,000 acre wilderness.

Given its spectacular scenic value as well as the value as a north-south migration corridor, as well as home to genetically unique populations of lake trout (Miner Lake) and Arctic grayling spawning habitat, this entire area should be given protection as wilderness. East of Wisdom is the 240,000 roadless acres of the West Pioneer Mountains, one of Montana's largest roadless areas and another S.393 wilderness study area. The rolling forested mountains of the West Pioneers Proposed Wilderness top out at 9,000 feet. This area has been greatly impacted by ORV intrusions in recent years. Senator Tester only proposes 25,700 acres of this range as wilderness. Given its significant biological values, the entire 148,000 S. 393 acreage should be protected at a minimum, with a 100,000 acre NRA surrounding it.

Directly east and across the Wise River, are the 145,000 acre East Pioneer Mountains Proposed Wilderness. The East Pioneers are extremely rugged, with many cirque lakes and glaciated high peaks including 11,154 foot Tweedy Mountain and 11,146 foot Torrey Mountain. The area is easily one of the more scenic mountain ranges in Montana. Under Tester's bill this area would only 76,000 acres would be protected as wilderness. The acreage should be expanded to protect the entire 145,000 acres.

The 90,000 acre Italian Peak Proposed Wilderness is part of a larger nearly 300,000 acre chunk of roadless country straddling the Continental Divide on the Montana-Idaho border. The lonely, but rugged limestone peaks, including 10,998 Italian Peak reminds me of the Canadian Rockies. Other major peaks include 11,141 foot Eighteenmile Peak. As a migration corridor along the Continental Divide, this area should be given maximum protection. Unfortunately under the Tester bill only proposes 29,500 acres as wilderness. This area needs to be expanded to the full 90,000 acre roadless area.

The 42,000 acre Lima Peak/Mount Garfield Proposed Wilderness also straddles the Continental Divide, and includes 10,961 foot Mt. Garfield. This area features many aspen groves, along with patches of conifers intermixed with open grassy slopes that can be hiked for miles. The gentle terrain of the lower slopes of this area makes for exceptional hiking and horseback riding. Tester's bill only proposes 35,000 acres.

Several other small BLM roadless areas are also found in this region including 27,000 acres in the Ruby Range east of Dillon which Senator Tester proposes as a 15,000 acre wilderness. The Ruby Range provides some of the water for the Ruby River, a well known trout stream in Montana.

Southeast of Dillon lies the 15,000 acres Blacktail Mountains of which 10,000 acres would be protected by S. 1470. However, this is beautiful fault block mountain uplift with open grassy slopes and pockets of timber that is excellent big game habitat. Hiking the ridge crest offers expansive views of the surrounding mountainous terrain.

Marking the southwestern edge of the Gallatin Valley is the 96,000 acre Tobacco Root Mountains Proposed Wilderness. Extensively fragmented by old mining roads, the Tobacco Roots still harbor some small roadless areas. These glaciated mountains possess 28 peaks over 10,000 feet and dozens of small lakes and tarns.

Senator Tester's bill would only protect a fraction of this range in the 5,223 acre proposed Lost Cabin Proposed Wilderness. This mountain range should obviously get expanded wilderness protection.

To the southwest of Dillon and the headwaters of the Ruby River lies the wildlife-filled 110,000 acre Snowcrest Range Proposed Wilderness. A long narrow range with a number of 10,000 plus peaks, the Snowcrest Range is a mixture of open grassy/sage slopes, pockets of aspen and conifers, topping out with tundra along the ridges and higher peaks. You might see pronghorn as elk on the high slopes of this range. Recently grizzly bears have been seen in this range. S. 1470 would designate 89,000 acres as wilderness, however, it releases the adjacent BLM East Fork of the Blacktail Wilderness Study area. This area is part and parcel of the larger Snowcrest Wilderness and provides one of the major trailheads leading into the proposed Snowcrest Wilderness and should be included as part of the Snowcrest Wilderness.

I fully support the 18,950 acre proposed additions to the Lee Metcalf Wilderness.

Straddling the Continental Divide west of Henry's Lake, Idaho, the 82,000 Centennial Mountains Proposed Wilderness (much of this acreage is in Idaho) is one of the few east-west running mountain masses in Montana, making it an important corridor and connector between the Greater Yellowstone Ecosystem and Central Idaho wildlands to the west. S. 1470 only proposes protecting 23,256 acres. Grizzly bears have been reported expanding into this area in recent years. Elk and moose both migrate out of the Gravelly Range and Snowcrest Range across the Centennial Valley and often winter on the southern slopes of the range. Protecting the Centennials would help preserve these migration corridors.

Most of the range on the Montana side of the border is managed by the BLM which has identified a 27,000 wilderness study area in the central portion of the range. Aspen is abundant here, and the valleys are surprisingly lush.

A small subset of the Centennial Range is the Mount Jefferson proposed wilderness. Mount Jefferson is managed by the BDNF. The proposed wilderness is 4,465 acres. The area includes a spectacular cirque as well as the headwaters of Hellroaring Creek, an important sprawning area for the endangered Arctic grayling. Wolverine use of this area has been documented. Increasing snowmobile activity threatens the wolverine.

The 77,000 acre Quigg Peak roadless area lies along Rock Creek, a tributary of the Clark Fork River and one of Montana's blue ribbon trout streams. It harbors excellent wildlife habitat for elk and deer, plus has several small trout streams including Butte Cabin Creek. Only 8,388 area recommended for wilderness, primarily because most of the acreage lies on the Lolo NF. The entire roadless area should be designated as wilderness irrespective of national forest administrative boundaries.

South of Welcome Creek in the Sapphire Range is the 103,000 acre Stony Mountain Proposed Wilderness including headwater tributaries to Rock Creek. Yet only 14, 261 acres are proposed as wilderness in S.1470. The entire 100,000 acre plus roadless area should be designated wilderness irrespective of administrative boundaries.

Continuing south of Skalkaho Pass in the Sapphire Range is another S.393 wilderness study area, the 116,000 acre Sapphire Mountain Proposed Wilderness. The highest point is 9,000 foot, Kent Peak. The Sapphire Mountain WSA is a critical link in the Sapphire/Rock Creek Wildlands corridor that leads to the Big Hole Valley further south. The Sapphire Mountain WSA is also immediately adjacent to the existing Anaconda Pintler Wilderness, and the combined acreage of 350,000 acres makes it the fourth largest continuous roadless

area in Montana. S.1470 only proposes 53,327 acres as wilderness, again largely because part of the roadless areas lies on the Bitterroot NF. The entire roadless area should be given protection in S. 1470.

Another major tributary of the Clark Fork is Flint Creek. The Flint Creek Range south of Deer Lodge and east of Phillipsburg contains glacier-scoured, 10,000 foot peaks, cirque lakes and a 60,000 acre proposed wilderness. S. 1470 only proposes a 9,367 acre Dolus Lakes Wilderness. This area should be expanded to include more of the 60,000 acre roadless areas.

OTHER PROVISIONS OF S.1470.

I also support the proposed road density limits in the bill as the maximum that should be permitted. In many areas, especially where sensitive wildlife like grizzly bear are found, road densities should be limited to no more than one mile per section. Any computation of roads must include any trails accessed by motorized vehicles including ORVs and snowmobiles.

The bill also designates several hundred thousand acres of National Recreation Areas in the West Big Hole, West Pioneers, Northwest Peaks (Yaak), Thunderbolt near Helena and elsewhere. In some cases, there is a core "wilderness" component. For instance, in the West Big Hole, the Tester bill creates two small wilderness areas surrounded by the larger NRA and the same for the West Pioneers.

I oppose these NRA designations, and advocate for wilderness designations for all areas. In particular, the West Pioneers is already protected under S. 393 and unless the bulk of this area were designated wilderness, I believe it is better off remaining under S. 393 protection.

If no changes occur in the NRA acreage than at a minimum all should have a specific provision banning logging, including the West Big Hole area.

There are other parts of the bill that call for restoration of natural fire regimes, removal of roads and culverts, and so forth that will improve the ecological integrity of the areas affected. The bill's language also directs the Forest Service to prioritize logging projects in areas where road densities exceed 1.5 mile of road per square mile of habitat, where habitat fragmentation is greatest, and so on. This directive, if followed, should focus logging in areas already degraded by past logging practices and is a positive aspect of the bill. (However, the mandated treatment of 100,000 acres of land is problematic-more on this later.)

POTENTIAL PROBLEMS

Beyond the issue of how this bill was created, there are aspects of the bill that deserve additional scrutiny. I make no claims that I am expert on the bill, though I have read through in an attempt to understand it. I may be misinterpreting things or overlooking provisions that would mollify some of my concerns.

One of the problems with the bill is that while it establishes new wilderness areas, it releases a lot of currently protected acreage to potential new development. For instance, the bill specifically releases 76,000 acres of BLM WSAs. WSAs are supposed to be managed to protect wildlands values, so their release means they could be logged, opened up for more ORV use, or leased for oil and gas development. I've hiked some of these released areas like Hidden Pasture and Bell/Lime Kiln Canyon WSAs south of Dillon, and they are wonderful open, rolling grasslands with pockets of timber that are not common in our wilderness system. At the very least, I would prefer to see that all the BLM WSA not designated as wilderness remain as WSA instead of released for development.

NATIONAL RECREATION AREAS

I previously noted that the Tester bill releases a significant acreage of the S.393 areas legislated by Senator Lee Metcalf efforts. For instance, the West Pioneers Wilderness Study Area set aside by the 1977 legislation is one of the largest unprotected roadless areas in Montana. Yet the Tester bill only designates slightly less than 26,000 acres as wilderness. Much of the remainder of this area is a proposed 129,000 acre National Recreation Area that would exclude logging, but losing more than 129,000 of WSA is very significant. The reason given to me for NRA status, as opposed to wilderness designation has been the gradual invasion of these lands by motorized usage. Nevertheless, there is no reason why ORV trails and routes can't be closed and wilderness established in this area. Wilderness designation for the entire West Pioneers WSA would be a huge improvement.

It is also disappointing to see 94,000 acres of the West Big Hole designated as an NRA as well instead of wilderness. This spectacular area along the Continental Divide with its numerous cirque lakes, jagged, glaciated peaks, and numerous wildflower studded meadows easily qualifies as wilderness. It's location along the Continental Divide makes it a potential migration corridor for wildlife. Several lakes including Miner Lake have genetically unique populations of lake trout, as well as headwaters spawning habitat for threatened Arctic grayling.

I have the same disappointment over NRA status for wildlands in the Yaak. The Northwest Peaks NRA was created again as a concession primarily to snowmobilers. There is so little wilderness in the Yaak, and what little unlogged country that remains, should be given maximum protection afforded by wilderness. Rare species like wolverine, lynx, and fisher could be compromised by motorized intrusions. Protection of these areas from all motorized use would give these animals some chance of sustaining themselves over the long term in the Yaak drainage.

LOGGING PROVISIONS OF THE BILL

How much logging and where it can occur will be greatly influenced by the interpretation of one clause in the bill. There is specific language that says that all landscape-scale restoration projects (i.e. logging) must be done "consistent with laws (including regulations) and forest plans and appropriate to the forest type." Proponents tell me this means that laws like the Endangered Species Act remain in force.

However, others who have reviewed the same language aren't so sure that language is sufficient to guarantee that all existing environmental laws like the ESA applies to the landscape restoration projects mandated by the Tester bill. This is a key element because if the specific mandate for logging a minimum of a hundred thousand acres can override things like the ESA or other regulations, there is potential for greater long-term harm to our wildlands and wildlife.

If there is room for different interpretations, it is critical to get specific language in the bill that leaves no doubt about the application of the ESA, roadless rule, and so on to the forest lands covered in the Tester bill.

Another part of Tester's bill bans the construction of any permanent roads in project areas, and requires that all "access roads" (logging roads) be reclaimed in five years and specifically requires restoration of road prism and removal of road crossings like culverts. This is a very good provision-if you are going to have logging at all and I applaud the proponents of the bill for putting in such specific language about road removal standards.

However, the language does allow for roads to be converted into ORV trails. So there is the potential for creation of miles of new ORV trails that would greatly reduce any positive effect from road closure (though road density limits will temper the total mileage allowed to a degree).

One serious and worrisome language is about consultation. The bill says that any dispute and/or appeal be resolved in the project area. This, if I read it correctly, could means that someone protesting a timber sale from eastern Montana might have to travel to the Yaak to settle a dispute, a cumbersome burden on appellants, not to mention someone living across the country. This could thwart public participation in forest management.

Moreover the language says that the parities who were involved in crafting the original proposals-meaning the timber companies and other--can provide input to the Forest Service, but does not guarantee similar input access from other members of the public. Again such a provision gives greater control and influence to local interests over the general public.

Another problem is the language for restoration on the BDNF. While any receipts from timber projects in the Blackfoot and Three Rivers areas must be used in that local area, receipts from the BDNF could be used anyplace in the country. This is a serious potential problem because the Forest Service might be tempted to expand logging on the BDNF to pay for improvements on other forests.

Furthermore, the money from these stewardship contracts can be used for things like putting in new toilets in campgrounds and picnic tables, as well as commercial timber harvesting, instead of removing logging roads and culverts as commonly portrayed by proponents. This is not to say that all funds will be used in this way, but the language does permit funds to be used in this manner. Given that closing roads is far more controversial, than say building some toilets or picnic tables in a campground, some district rangers might be tempted to use funds for such non-ecological "restoration" work.

The bill also authorizes a MINIMUM of 7,000 a year must be "mechanically treated" (euphemism for logging) and a MINIMUM of 3,000 acres a year on the Three Rivers Ranger District in the Yaak. Thankfully there is no acreage requirement for the Seeley Lake District on the Lolo NF. That suggests to me there is no upper limit on logging that could occur as now written. Though proponents assure me that it's unlikely the Forest Service will offer more acres for logging, one can't predict the future.

An additional troubling clause says the authorization for the legislation terminates in either 15 years from enactment OR when 70,000 acres of land on the BDNF has been mechanically treated. The same clause applies to the 30,000 acres in the Yaak. This suggests that there is no real time limit on logging. If timber prices remain low for a decade, logging companies may wish to delay logging for years until prices improve.

And while the legislation mandates a specific amount of logging, there is no similar mandate for restoration. If the past is any indication, logging will occur, but much of the restoration will be not take place. This is particularly true for the BDNF. The BDNF is one of the least productive forests in Montana, and has consistently lost money on its timber program. How timber sales on the BDNF will generate enough money to pay for both the administrative costs as well as restoration efforts is not clear.

A minor issue is a provision specific to the proposed Snowcrest Wilderness that says that ranchers can use motorized access to preserve "historic access" ranching activities. I presume cowboys no longer ride horses, so must now be able to ride ATVs or pickups.

While the bill authorizes wilderness protection for a Quigg Peak and Sapphires, it only addresses lands on the BDNF portion of these roadless areas. It would seem to make sense to designate wilderness for the entire roadless portion of these areas now, irrespective of national forest administrative boundaries.

With regards to motorized use, the bill specifically directs the Forest Service to create new trails, particularly loop trails. How much this will expand motorized use in these areas is difficult to predict, but almost for sure, we will see more officially sanctioned ORV use. There is, however, specific language that limits ORV use in National Recreation Areas to designated trails and routes.

UNCHARACTERISTIC FIRE AND INSECT INFECTATIONS?

Another big problem I have with the bill's language is that it suggests that most of the forests in the northern Rockies are ecologically degraded. Tester's bill says that logging should be done to reduce "uncharacteristic wildland fire and insect infestations." For the most part, except for areas that have been previously logged, I do not believe that the bulk of the forests in any of the forests addressed in this bill are seriously out of whack ecologically.

Some 99% of the BDNF, for instance, consists of higher elevation forests of lodgepole pine and other forest types that have not been significantly compromised by fire suppression. Lodgepole pine forests naturally burn at long intervals and often in intense large fires and/or are periodically attacked by bark beetles.

Similarly much of the Yaak drainage on the Kootenai NF and the Seeley Lake District of the Lolo National Forest consists of lodgepole pine, subalpine fir, western larch and even western red cedar forests-all of which are not seriously affected by fire suppression.

Plus large fires and beetle outbreaks are critical to the long-term health of these forest ecosystems. They are adapted and depended upon periodic large infusions of dead wood. So I have serious reservations about the ecological assumptions and justifications guiding these projects. In other words, how can you "restore" something that is not seriously degraded? Thus the entire ecological justification for active management in these forests is suspect.

SUBSIDIES TO TIMBER INDUSTRY

Another part of the Tester bill that I have a philosophical problem with is the direct subsidy of private companies. For instance, the public subsidy of a biomass burner for the Pyramid Lumber Company in Seeley Lake is one example. The justification for this biomass burner is partially due to the previous assumptions-that somehow the Pyramid Lumber Company will be doing us a favor by cutting all those trees that they suggest have grown due to fire suppression. But as I have previously suggested, most of the forests in the Seeley Lake area are likely not out of whack. But even if they were, setting a demand for biomass is risky and can lead to additional demands for logging well above the levels envisioned by proponents. We would be better off spending that money-if taxpayer money be spent-on closing roads and other actions that.

There are good things in Senator Tester's bill worthy of support. But there is much that needs to be altered or at least modified to improve this legislation by the bill's supporters as well as critics alike if indeed this bill moves forward.

Sincerely: George Wuerthner
Richmond, VT

Dear Members of the Senate Public Lands and Forests Subcommittee;

We have read in its entirety Senator Jon Tester's Forest Jobs and Recreation Act (S. 1470) and yesterday watched the hearing before your subcommittee via the Internet. We oppose S. 1470 for the following reasons:

1. It mandates unsustainable logging levels on two National Forests in Montana - and this will set a precedent for similar mandates on other National Forests. Our concerns were confirmed by the testimony of Agriculture Undersecretary Harris Sherman when he stated the mandated logging levels are "not reasonable or achievable." Mr. Sherman also confirmed in his testimony the dangerous precedent this may set for similar legislation for other National Forests and that funds would likely need to be taken away from other National Forests to try and meet legislated mandates.

2. It mistakenly tries to solve the current lumber market crisis by forcing more public forests to be logged, even though it is the prolonged lack of demand for wood and paper products that is forcing the closure of mills like Smurfit Stone in Missoula.

3. It cynically defines the mandated logging as "forest restoration," blaming forest health problems on too many trees, rather than requiring that damaged watersheds be restored by removing excess roads and motorized vehicles. S. 1470 mandates the logging but neither mandates nor funds the removal of excess roads and culverts.

4. It releases for logging and motorized use a number of Wilderness Study Areas protected by visionary Montana Senator Lee Metcalf since 1977, and allows motorized uses in some of the few small and isolated Wilderness areas it would designate.

As a member of the Last Best Place Wildlands Campaign, we have provided more detailed objections to S. 1470 through the written testimony submitted by Matthew Koehler at yesterday's hearing.

Sincerely,

Keith J. Hammer
Chair, Swan View Coalition
Kalispell, MT

I hereby submit the following testimony on behalf of the Conservation Congress in opposition to the Forest Jobs and Recreation Act (S. 1470) introduced by Senator Jon Tester. Please enter it into the Hearing Record for S. 1470.

We have numerous concerns with this bill but will concentrate on three specific points:

1) It is particularly troubling to see a United States Senator attempting to mandate logging levels on National Forests, especially when one of those levels is 14 times higher than what the Forest Service claims is sustainable for these lands. Senator Tester is not a forester or any other type of natural resource professional and his logging mandate fails to take into consideration the ecology of the land and what it can withstand. Ecological systems are complicated which is why the Forest Service employs foresters, biologists, hydrologists, soil scientists and other natural resource professionals. I doubt Senator Tester would appreciate someone telling him his ranch in Sandy could sustain 10 million cattle. This legislation attempts to thwart the Forest Service's

professional responsibilities in favor of private sector logging. It sets a terrible precedent from a legislative standpoint and a catastrophe from an environmental standpoint. It would also violate some of our impeccable federal environmental laws such as the NEPA, the NFMA and the ESA. It is unconscionable for a Senator to promote such lawlessness.

2) We resent Senate Tester's allegations that anyone who disagrees with him is a radical or extremist. Conservation Congress is a member of the Last Best Place Wildlands Campaign that is made up of over 50 conservation groups from MT and around the country, as well as citizens who are 4th and 5th generation Montanans, small-business owners, retired Forest Service Supervisors and District Rangers, hikers and backpackers, hunters and anglers, outfitters and guides, veterans, scientists, former loggers, mill workers and community leaders. We are United States citizens and these public lands belong to all of us, and by us we mean the people of the United States. This emphasis on local control of public lands is detrimental to our heritage. These lands don't only belong to the loggers or to those who live near them. They belong to all of us and all of our voices should be considered. They were not in the development of this legislation.

3) The wilderness designations are largely what we refer to as "rocks and ice." Our organization works primarily to protect wildlife habitat and as well as populations. Montana is one of the few states left in the country with a full suite of species that were here when Lewis and Clark traversed the state. We are proud of our Grizzly bears, Mountain lions, Bighorn sheep, Rocky Mountain elk, Mule deer, Moose, Gray wolves, Wolverines, and many other wildlife species. Wildlife can't exist on rocks and ice; they require low elevation habitat for a variety of their needs including summer range, winter range, denning, resting, etc. Montana is the fourth largest state and we have the land to sustain these incredible species in our remaining roadless areas. Only 2% of Montana is designated wilderness. If we were to designate all remaining roadless lands - and Senator Tester promised to protect all remaining roadless lands when he ran for the Senate - Montana would have approximately 11% wilderness - a little over 1/10th of our land base. With ever increasing population nationwide we should protect these areas for wildlife, water quality, and for future generations. Wilderness and National Parks will become the last refugia for wildlife as human population continues to grow. We believe humans have a moral imperative to provide the land wildlife need to thrive. The alternative is to risk the extinction of America's wildlife heritage.

I urge the committee to reject S. 1470. Thank you for your consideration.

Denise Boggs, Executive Director

Please accept into the hearing record the following comments on Senate Bill S1470, the "Forest Jobs and Recreation Act of 2009" introduced by Senator Jon Tester. Friends of the Wild Swan is a non-profit environmental organization that has been involved in state and federal projects and policy issues dealing with the protection and restoration of Montana's aquatic and terrestrial ecosystems for over 22 years. We have serious concerns about S1470 and the impacts this bill will have on the management of federal lands.

• S1470 mandates logging on the Beaverhead-Deerlodge and Kootenai National Forests at unsustainable levels. While the bill says that all environmental laws will be followed it is counterintuitive to mandate logging before an environmental analysis has been completed. These forests are home to threatened and endangered species such as grizzly bear, Canada lynx and bull trout as well as sensitive species such as wolverine, northern goshawk and westslope cutthroat trout. This bill puts the habitat needs of these species behind logging and road building and facilitates the spread of noxious weeds.

Under the Endangered Species Act federal land management agencies are charged with recovering threatened and endangered species. The National Forest Management Act directs National Forests to develop Forest Plans based on multiple factors including the needs of ESA listed species and protecting water quality. By mandating a set acreage to be logged this bill sets aside our bedrock environmental laws.

• The "wilderness" proposed by S1470 would be fragmented and unconnected islands of largely "rocks and ice," with no biological integrity and no potential for sustaining biodiversity. The minimal "wilderness" designated would fail to protect different elevation habitats and their dependent species with core areas, buffer zones, and connecting biological corridors. The bill authorizes numerous actions that are clearly incompatible with the 1964 Wilderness Act, including motorized access into and through "wilderness," low-level military overflights of "wilderness," military aircraft landings in "wilderness," possible "wilderness" logging, and other intrusive violations.

• Management decisions on the National Forests affected by this bill will be weighted heavily to local collaborative interests. The bill ignores the fact that these public lands belong to ALL Americans, not just those who live near them. It requires anyone appealing Forest Service actions to appear in person at the location of the logging project. This will impose a huge hardship on anyone making an appeal and will further isolate these decisions from national scrutiny.

• S1470 will cost taxpayers approximately $100 million by subsidizing "below-cost" timber sales and biomass power plants. This "logging bonus" for a few timber companies on three National Forests will deny other federal lands the financial resources for needed restoration activities.

• The bill ignores the financial realities that the United States is currently in economic crises and a lumber "depression," with demands for timber down 55% and new home construction down 70%. Putting more timber on the market when there is no demand will further depress prices placing more of a financial burden on taxpayers.

• S1470 specifically eliminates from mandated protection large portions of the late Senator Lee Metcalf's wildlands legacy. Congressionally-designated Wilderness Study Areas will be opened up for roading, logging, and other development without any assessment of their habitat values for wildlife. Roadless wildlands are scarce and once developed their wild character is irretrievably lost.

riends of the Wild Swan supports wilderness that fully complies with the Wilderness Act and our country's environmental laws. We believe that protecting biological diversity in the Northern Rockies is paramount to recovering imperiled species and leaving a wildlands legacy for future generations. S1470 undermines our environmental laws and fragments our precious wildlands. Please vote against this short-sighted and damaging legislation. Thank you for considering our comments.

Sincerely,

Arlene Montgomery
Program Director

My name is Michael Garrity and I am the Executive Director of the Alliance for the Wild Rockies. The Alliance for the Wild Rockies is a Helena, MT based conservation organization with over 2000 members. Our mission is to protect wildlife habitat in the Northern Rockies region of the United States. Please accept these comments in opposition to Senator Tester's Forest Jobs and Recreation Act, S. 1470. We agree with the Obama Administration's position as articulated by the Undersecretary in charge of the U.S. Forest Service.

We agree that mandating particular levels of timber harvest on some of Montana's National Forests is likely unachievable and unsustainable and far exceed historic logging levels on these forests, and would require an enormous shift in resources from other forests in Montana and other states to accomplish the logging levels specified in the bill.

Senator Tester's bill would require the U.S. Forest Service to log more acres on the Beaverhead-Deerlodge National Forest than have ever been harvested there in the last 50 years except for one year. The Forest Service would have to see that those acres were harvested every year no matter what the demand for timber happens to be. The economically naïve idea behind this timber harvest mandate is that if large volumes of timber are harvested, our lumber mills will operate at a higher level and more Montana workers will be employed. Advocates believe that a constant timber supply will assure constant production and employment at mills.

This did not work very well in the old centrally planned Soviet Union; I don't know why Senator Tester thinks it will work in our capitalist economy. In our market economy, producing a constant level of supply no matter what economic conditions happen to be destabilizes the market, businesses, and communities even more. During periods of excess supply, it drives prices lower than they otherwise would be. During periods of excess demand, it drives prices higher than they otherwise would be. Stable levels of production lead to unstable prices as market conditions fluctuate. Mandating a constant flow of trees into the market does not stabilize communities. It does the opposite.

The mandated harvests in Tester's bill are also likely to cost taxpayers well over 100 million dollars as on most of Montana's National Forests, logging takes place at a loss to the U.S. Treasury. The Forest Service's budget shows that the Beaverhead-Deerlodge National Forest loses over $1400 per acre when they log. To log 70,000 acres over the next ten years as the Beaverhead-Deerlodge proposal requires would cost taxpayers $98 million. Senator Tester's bill also mandates logging of over 3000 acres a year in the Three Rivers Ranger District of the Kootenai National Forest. This would add another $42,000, 000 cost to the bill. The Forest Service will have to take money from other projects and or other forests to subsidize the harvest of those trees that the market does not want or need.

Senator Tester's bill would also open up over one million acres of roadless lands to logging. The problem is that not only would these roadless lands cost millions of dollars to log, these roadless lands important for the long term survival of many fish and animal species, including grizzly bears.

Before European settlement of the American West, grizzly bears (Ursusarctos horribilis) roamed west from the Great Plains to the California coast, and south to Texas and Mexico, inhabiting almost every conceivable habitat. With westward expansion, grizzlies were shot, poisoned, and trapped wherever they were found. Once over 50,000 strong in the lower 48 states, grizzlies were reduced to less than 1,000 bears. Thus, in a historical blink of an eye, from the 1800s to the early 1900s, humans reduced the range of the grizzly bear to less than 2% of its former range south of Canada, limiting the bear to a few isolated populations in remnant wildlands. One of these remnant and isolated grizzly bear populations is found in the Cabinet-Yaak Ecosystem of northwestern Montana and northern Idaho. The Cabinet-Yaak landscape alternates from rugged, alpine glaciated peaks, to dense coniferous forests, to lush meadows and riparian areas along the meandering Yaak River. The majority of

the Cabinet-Yaak Ecosystem - 90% - is National Forest land, managed by the Forest Service. In particular, 70% of the Cabinet-Yaak Ecosystem is managed exclusively by the Kootenai National Forest in the Three Rivers Ranger District. The grizzly bear's natural characteristics make it particularly vulnerable to human persecution: grizzlies are hard to grow, but easy to kill. Due to their late age at first reproduction, small litter sizes, and the long interval between litters, grizzlies have one of the slowest reproductive rates of North American mammals.

The Forest Service estimates that 69% of grizzly bear mortalities are caused by humans. In particular, the Wildlife Service cautions that roads probably pose the most imminent threat to grizzly habitat today. Roads literally pave the way for these mortalities; they provide humans with access into grizzly bear habitat, which leads to direct mortality through illegal shootings, and to indirect mortality through habituation.

In 1975, the Wildlife Service listed grizzly bears in the lower 48 states as a "threatened" species under the ESA. In 1993, and again in 1999, the Wildlife Service concluded that the Cabinet-Yaak grizzly population had deteriorated to the point of warranting an “endangered” classification. The Wildlife Service stated that the Cabinet-Yaak population was “in danger of extinction” due in part to the cumulative impacts of timber harvest and its associated road construction.

Over the past two decades, dozens of bears have been killed by humans. Accordingly, predictions regarding the bear's survival have become increasingly bleak. The Cabinet-Yaak population is small - estimated at 30 to 40 bears. In 2006, the Wildlife Service found a91.4% probability that the population is declining. The Wildlife Service has also found that the mortality rate is increasing. The most recent monitoring report concludes that the Cabinet-Yaak population failed all recovery targets between 2000 and 2005.

The 1995 Biological Opinion on the Kootenai Forest Plan concluded that the effect of high road densities on grizzly bears in the Kootenai National Forest resulted in “significant habitat modification or degradation which results in actual injury to grizzly bears by significantly impairing normal behavioral patterns, including breeding, feeding, or sheltering.”

By mandating more logging and therefore more logging roads in the Kootenai National Forest, Senator Tester is mandating the extinction of grizzly bears in north-west Montana. The Northern Rockies is the only place in the lower 48 states where native species and wildlife are protected on lands that are virtually unchanged since Lewis and Clark saw them. This is public land belonging to all Americans.

Science tells us that wildlife populations cannot survive for long periods of time on isolated islands of habitat. Without plentiful habitat, populations eventually become genetically weaken and suffer from inbreeding effects. University of Utah Museum of Natural History Research Curator William Newmark testified at a U.S. House hearing in 2007 on the Northern Rockies Ecosystem Protection Act (NREPA) that we are in the midst of the world's sixth major extinction event and the only place in the world we have a chance of stopping this extinction is in western North America and ecosystem protection bills like NREPA is the most effective way of reducing species loss not mandated logging that Senator Tester proposes.

Some people in the environmental community concede NREPA is a good bill but it is not politically viable. Instead, critics propose that we turn more roadless areas over to loggers as Senator Tester's bill would do.

Senator Tester claims he is creating jobs by logging and restoration work. Senator Tester mandates the logging but not the restoration work. Unfortunately for Montana workers, restoration is more labor intensive. For example, H.R 980, the Northern Rockies Ecosystem Protection Act offers a better way to create jobs. It

establishes a pilot wildland recovery system. Over 6,000 miles of damaging or unused roads will be restored to roadless conditions, providing employment for over 2,000 workers while saving tax-dollars from subsidized development.

NREPA produces more jobs because of the habitat restoration work associated with wildland recovery areas. The costs of this work will be approximately $130 million over ten years. This cost is $245 million less than the $375 million projected net loss for logging these areas.

Moreover, the number of timber jobs will continue to decline with technological advancement. Capital intensive technology is the main cause of the fall in timber related employment, not lack of trees. Employment in the wood products industry in Montana peaked in 1979 when 11,606 employees cut and milled 1 billion board feet of timber. In 1989, the timber industry harvested a record amount of timber, almost 1.3 billion board feet, but only 9,315 people were employed. In 2006 at the peak of the housing boom, 926 million board feet was cut and milled by 3,524 people. In the those 27 years employment has decrease 70% while timber production has only decreased 7%. Because of the housing marker decline even less people are employed in the timber industry today. Senator Tester's proposal to mandate more logging is not going to cause people to buy more houses and therefore it will not cause an increase in the demand for lumber.

Senator Tester's bill is a waste of taxpayers' money and will hurt the main driver of Montana's economy, its beautiful wildlands. The Montana Department of Fish Wildlife and Parks found in a survey that people spend more money on fishing, hunting and wildlife watching in Montana that the timber, mining and agricultural industries combined bring into Montana.

The Forest Service, in a 2000 report titled Water and the Forest Service, found that water originating from lands that NREPA would protect has a value of at least $1 billion. It makes no economic sense to lose hundreds of millions of dollars on logging that harms the most valuable commodity our forests produce, water.

Senator Tester also proposes a change in the Forest Service appeals process. Currently any American can comment and appeal a timber sale on any National Forest. The Alliance for the Wild Rockies for example comments and appeals timber sales on many different national forests in the Northern Rockies. If these forests are a long ways from our offices or the roads are bad due to heavy snow, we will often participate via telephone. Senator Tester's bill changes this procedure to require that all appeal resolution meeting on the Beaverhead-Deerlodge and Kootenai National Forests be held in person on the Ranger District in question. Appeal resolution meetings on all other National Forests can still be able to held over the phone.

The only reason we can see for Senator Tester to propose this is make it unduly burdensome on people who want to have a say in the management of our public lands and to allow the intimidation of the appellants. We have many members who live in these National Forests who wish to remain anonymous or don't want be subject to harassment by the timber industry or the Forest Service. We therefore often handle the appeals from our main office. We do not have the resources to travel to the distant parts of the Kootenai and Beaverhead Deerlodge National Forests on icy highways in the middle of the winter to attend appeal resolution meetings nor do we want to subject our members to intimidation in these rural communities when they want to have a say in the management of their public lands.

Senator Tester as repeatedly stated that he worked with anybody who wanted to work with him on his bill. I met with Senator Tester in December of 2006 and told him that I would like to work with him on a wilderness proposal. I talked to Senator Tester's MT Chief of staff Bill Lombardi a year before the bill was dropped and he promised me that he would let me see a draft bill proposal to offer suggestions before they made up their mind.

I talked Senator Tester's aide in Missoula several months before the bill was introduced and told her that I would rather work with them then against them on their bill. The aide, Tracey Stone-Manning said thank you but they first had to get everything signed off by their inner circle before they let people outside that inner circle look at it, I then called a day before the bill was introduced and asked why I wasn't allowed of offer constructive suggestions. Tracey said she was sorry but it took longer than they thought to get the inner circle signed off. So Senator Tester is incorrect when he said that members of Mr. Koehler's coalition did not try and work with the Senator or his staff.

Tracey Stone Manning also told me that I would be able to offer suggested changes as the process continued. I read Senator Tester following comments in the Montana Standard newspaper on 12/27/09 that he was not willing to make any changes to his bill.

Standard View: Culture change does not come easy
By The Montana Standard Staff - 12/27/2009
http://www.mtstandard.com/articles/2009/12/27/opinion/hjjaihhcjiijhf.txt

U.S. Sen. Jon Tester, D-Mont., is remarkably unfazed that a high-ranking federal official expressed serious concerns about his Forest Jobs and Recreation Act.

At the bill's first committee hearing in Washington Dec. 17, Agriculture Department Undersecretary Harris Sherman balked at a main provision of the bill that mandates logging or thinning on 7,000 acres of the Beaverhead-Deerlodge National Forest every year for the next 10 years.

Sherman, who oversees the Forest Service, said the plan was "not reasonable" and called on the senator to "alter or remove highly site-specific requirements." Was Sherman's testimony a game changer?

Not at all, Tester told The Standard during a phone interview last week. He "absolutely" thinks the bill still has a good chance of passing despite Sherman's opinion and said he knows of USDA officials above him who support the bill along with many rank and file Forest Service employees who agree it's time for a fundamental change in how the agency manages our national forests.

Is the senator even slightly inclined to take another look at the acreage mandates?

Not even slightly, Tester said, and neither are the original parties who forged the Beaverhead-Deerlodge Partnership upon which the bill is based in part. In a national forest where 1.9 million acres have been identified as suitable for timber activity, surely the agency can find 70,000 over the next decade that can be cut.

"They can do this," Tester said. It will be a stretch, he acknowledged, and it won't fit nicely into the templates the agency is used to following, but it can be done. "We're here to help set policy," he said.

Whether or not you support this legislation, you can't help but admire the senator for standing firmly behind his Montana constituents who spent years hammering out the tough compromises on logging, wilderness and recreation areas that are contained in this bill.

He said it would be "unfair" at this point to start picking the agreements apart after so much work went into putting them together, and we tend to agree that now is not the time to start backtracking.

The 7,000-acre annual mandate does not mean all-out clear-cutting on the Beaverhead-Deerlodge. Broad landscapes would be carefully considered, with priority given to reducing wildfire risk in the wildland-urban

interface regions and managing beetle-killed timber. Treatment would include thinning in some areas and removing conifers that are encroaching on natural meadows and aspen groves in others.

Remember, the whole thrust of this bill is to finally break the wilderness-versus-logging gridlock that has paralyzed forest management for decades and lies at the heart of why 7,000 acres annually is virtually unprecedented.

Tester said he didn't expect Sherman's strong testimony against the bill, but perhaps he should have. This proposed legislation is unprecedented, combining logging mandates with wilderness and recreation area designations, and it would launch a brand new chapter in national forest management. Keepers of the status quo rarely embrace radical change.

Increasingly, lawmakers in western states are recognizing the urgent need for a new management style, however, and they're taking cues from grassroots collaborative efforts. U.S. Sen. Ron Wyden, D-Ore., recently introduced a bill strikingly similar to Tester's that would guide forest management in eastern Oregon. Tester said Sens. James Risch, R-Idaho, and Maria Cantwell, D-Wash., are considering bills, too.

As for his Forest Jobs and Recreation Act, Tester said the next goal is to get it moved out of committee and on to the Senate floor for a vote. Let's hope he can accomplish that early next year, as the health care debate winds down. The sooner the better, for Montana's ailing timber industry and wilderness advocates alike.

Therefore, I believe Senator Tester is incorrect when he stated at the committee hearing that he worked with anybody who wanted to work with him. Thank you for taking the time to read my comments.

Sincerely Yours,
Michael Garrity
Executive Director
Alliance for the Wild Rockies
Helena, MT

To the Senate Committee on Energy & Natural Resources:

S.B. 1470 is portrayed as a "wilderness" bill, as Montana's first in many years. Yet, this proposed legislation would remove vast amounts of acreage from the protection of Wilderness Study Areas and Inventoried Roadless Areas, areas which have been more or less protected with the intent they become wilderness acreage. But, at least 200,000 acres are to be removed from that current status, effectively reducing our intended wilderness by that amount. This bill mandates logging cuts over a ten year period which go far beyond the excessive acreage cuts of the Forest Service's most ambitious logging years for the Beaverhead-Deerlodge Forest. Never mind that the Beaverhead-Deerlodge Forest is the driest forest in all of western Montana and that 2,800 acres was a substantial overcut. The 7,000 acres per year for logging demanded for ten years by this bill will make the forest even drier and eventually it won't really exist, so it won't be an issue anymore!

Species such as wolverine and pine marten will be expedited towards extinction with this legislation's resultant habitat fragmentation, which will encourage many other species towards more rapid demise as well. Eventually no one will gripe any more about the lack of wilderness designation because the lands affected by this

extremely abusive plan will be so severely degraded that we'll all agree we have nothing much left to lose after all.

Now we have three camps responding to this bill, two groups which want wilderness and one group which says we have enough wilderness already. Unfortunately, if this legislation goes through, both of the groups supporting wilderness designation will be disappointed. Many people in the group supporting this bill do not realize we currently have 200,000 acres protected as potential wilderness which will be lost forever if this legislation is enacted. The "compromise" process touted as such a satisfactory resolution to a 20+ year stalemate created a bill written behind the scenes, without a genuine public process and without full information about the lands involved being easily discernible unless one has paid very close attention.

Those of us who oppose this bill who do want the lands currently protected as Wilderness Study Areas and by the Roadless Rule to continue under such protection find ourselves in the position of opposing this legislation at least as much as those who want more lands available for logging and for motorized recreation.

At the very least, this proposed legislation should be called by a more accurate name, the Tester Logging and Species Reduction Act.

Separately, I also submit my letter of 7-28-2009 to Senator Tester concerning this bill, which is more detailed concerning the Beaverhead-Deerlodge Forest.

Charlotte Trolinger
Livingston, MT

28 July 2009

Dear Senator Tester,

Senator Tester, you are falling down on your campaign promise to protect Montana's designated roadless areas and remaining wild lands. That's one of the commitments you made to Paul Richards when you and he negotiated his withdrawal from the U.S. Senate race just prior to the June 2006 Democratic primary. I was there too in Belle Richards' dining room and I heard you.

I have already called your Bozeman office concerning your proposed "wilderness" bill and spoken with Jennifer, your staffer there. I'm sure she will pass on my comments but I send similar and further comments here for emphasis.

Perhaps you are not aware of the history of effort that has gone into designating Montana's remaining wildlands as roadless areas and wilderness study areas. I've only been in Montana since 1981 and am still learning the history of the efforts to protect the wildlands here, even as I have worked to educate myself about the issues and the value of these places as well as working to encourage their protection.

These areas have been protected and set aside for inclusion in a final wilderness bill, thanks to the efforts first of Senator Lee Metcalf and then of numerous conservationists in Montana and elsewhere since. Although you are a fourth generation Montanan (or more), being born within the state doesn't automatically confer specific information and interests. Your expertise is in other areas - but, as our senator who made a specific promise, you should have advisors who know about this issue. I'm certain that as an organic farmer you know well that the health of your own farmlands are dependent on more than your own treatment of them. As part of a larger ecosystem, your lands' health is dependent, in part, on NOT having every square inch cultivated and on how

your neighbors treat their lands. Despite big differences some similar principles apply in taking care of Montana's wildlands.

The current Montana economy has little demand for lumber but that's a moot point for the trees which would be logged according to the proposed bill. East of the continental divide, precipitation is lower in the Beaverhead-Deerlodge Forest and the growing season is short. Trees there don't get large enough to be more than fodder for the chipper. Additionally, going with this bill, we'll lose the protection of the Obama Roadless Initiative for these areas and will have further fragmented habitat in the Northern Rockies Ecosystem.

We have enough new residents in western Montana who are strong advocates for wilderness that we could have the wilderness bill we should have. But the history behind the efforts to carry Lee Metcalf's work forward is not known to many of Montana's new residents -- and the buzz word of "compromise" which began to circulate in environmental advocacy circles a few years back has caught on. So, yes, it may look like many Montanans are supporting this bill but I suspect many of the wilderness advocates who support this bill don't realize how many acres are now protected as roadless areas and Wilderness Study Areas, all of which could be designated for wilderness. Your bill doesn't indicate (understandably) it would sacrifice 200,000 acres immediately and who knows how much land ultimately and how many species ultimately because of the habitat fragmentation to be authorized.

While the bill indeed does designate wilderness areas for protection, 200,000 acres would be opened for logging when they are removed from the protection of Wilderness Study Area designation. This is not a compromise, it's an immoral sacrifice to industry! Haven't we learned? These forests and wildlands can't be replaced! They won't be growing back no matter if replanted. The diversity of wild nature is NOT replicable by humans! Here's where it ain't agriculture, sir!

To be specific, only 54,000 acres will remain protected in the Sapphire Wilderness instead of the 94,000 acres now protected in the WSA. For the West Pioneers Wilderness Area, the bill language naturally doesn't mention that the currently protected West Pioneers Wilderness Study Area is 151,000 acres - because only 25,742 acres will be designated as wilderness in this bill. The 25,742 acres of wilderness plots would be scattered throughout the area now protected, another way of undermining and degrading habitat integrity. This is a travesty, Senator Tester, a grievous injury to the area and to its wild inhabitants of all sorts as well as to we humans.

Additionally, a number of BLM Wilderness Study Areas would be released from wilderness possibility, all small BLM-WSA's, primarily within Madison County. The Axolotl Lakes Wilderness Study Area, Bell/Limekiln Canyons Wilderness Study Area, East Fork Blacktail Wilderness Study Area, Henneberry Ridge Wilderness Study Area, and Hidden Pasture Wilderness Study Area, all of which would be open for logging under your bill. Each of these areas has special qualities, even if they are small in size. Additionally your bill removes them from the protection of the Federal Land Policy and Management Act.

As further injury, the bill also mandates that every year for 10 years, 7,000 acres of previously undisturbed lands shall be logged, for a total of at least 70,000 acres. We know how large and sickening a mere 2,000 acres of logged land is - yet this provision calls for 3-1/2 times that destruction.

According to some sources, logging professionals on staff for the Beaverhead-Deerlodge National Forest say the annual sustainable harvest of the Forest is 500 acres. This is well below the cut your bill mandates -- which requires a level much higher than anything done even in the years of heaviest cutting.

If your proposal were about selective logging and removing beetle-killed trees within the Beaverhead-Deerlodge Forest, to slow the spread of what is surely the tinder for a terrible conflagration, my responses would not be so negative. The Wilderness Act allows for actions to maintain forest health (unless I've really misunderstood it). But the quantities of timber to be cut are well beyond what these areas can handle and there is NO directive in your bill for releasing these lands to remove beetle-killed trees.

Where are the studies, the public information and input sessions which should precede a bill such as this? What about the effects on endangered species? The habitat fragmentation this bill mandates will certainly take some species off the locally endangered lists - soon they'll be gone in entirety from these areas!

I hear the motorized recreation folks aren't happy with the bill, either, as they weren't consulted on it any more than folks outside MWA were. Yet, in reading the bill and trying to make sense of it, it seems there will be even more land opened for motorized recreation in effect. Existing "user-made" motorized trails - which are illegal trails in actuality-would be sanctioned also. I would be happy to be shown how I'm misreading on this issue!

Obviously I am not in favor of your proposal. I'm very dismayed. Advance billing has been coming to me, with emails and snail mails from the Wilderness Society and the Montana Wilderness Association, about the wonderful Montana wilderness bill coming forth that would also create jobs for Montanans.

Communications from both organizations need careful scrutiny these days. Both organizations have compromised their principles. I dropped membership in the Wilderness Society over 20 years ago and from MWA several years ago when the "compromise" buzz word became part of their rhetoric. MWA's compromise hurts - they are a grass roots Montana group and deserve a lot of credit for their work on WSA's throughout the state. Now MWA is pushing letting go of 200,000 acres of protected wildlands, standing behind habitat fragmentation and the sacrifice of our wildlands. "Our" indicates belonging to all of us in the U.S. While we in Montana may have a greater level of responsibility for taking care of these lands because we live here, these lands are part of the heritage belonging to every citizen in the country.

I'm dismayed by your proposed bill. I'm dismayed by the implicit lack of respect for all the efforts to conserve Montana's wildlands --from your predecessors in Congress, from Lee Metcalf to Pat Williams, and from all those here in Montana and elsewhere who've worked to protect Montana's wildlands. I'm dismayed by your willingness to turn so many acres of wild Montana into more logged out, sad country.

As a Democrat, as a Montana leader and as a member of the U.S. Senate you have both the power and responsibility to create a better proposal.

Sincerely,

Charlotte Trolinger
Livingston, MT

I submit this testimony today against passage of S. 1470 and request that my testimony be placed in the record. I am testifying on behalf of the Western Lands Project and on my own behalf as a 40+-year resident of Montana, longtime advocate and lover of wilderness, and wildlife biologist.

I have worked and/or played in all 56 Montana counties and every mountain range, wilderness area, and national park in the state. I have also worked in Alaska on salmon studies, Yellowstone Park on grizzly bears, in the Teton Wilderness, Pasayten Wilderness, North Cascades, Baffin Island, and Glacier Park.

I am a strong supporter of wilderness and public land protection, and as such must oppose this bill.

In the past several years, there has been a trend toward legislation that comingled wilderness designations with non-wilderness provisions. These have included land exchanges, sales, and outright giveaways of public land, as well as complex land-use provisions designed to override existing land management plans. Such *quid pro quo* "wilderness" bills have typically been engineered by small, self-selected, and exclusive groups purporting to represent the wide spectrum of so-called "stakeholders" in public lands. The interest groups, including conservation organizations, have engaged in negotiations in which public lands and resources in one area are used as currency to buy wilderness designation elsewhere.

With the recent change in congressional leadership, policy turned away from these damaging tradeoffs, but this bill represents a step backward to *quid pro quo* wilderness. Passage of S. 1470 would give renewed, undeserved credibility to a regressive approach to public land management.

These proposals are harmful on many levels. First, they are fundamentally un-democratic, because they give select groups the power to decide what happens to public lands that belong to all of us. Appealing though it may be to promote the idea of local interests forging "collaborative" agreements regarding wilderness and land use, the fact is that these are national public lands that belong to every citizen, from Florida to New York to Arizona.

Second, they invariably bypass environmental laws with exceptions and special provisions- posing both an immediate threat to the environment and public interest and a long-term threat to the integrity of our laws.

Third, the negotiators' quest to reach an agreement at any cost results in "lowest common denominator" proposals that are seriously eroding public lands protection.

S. 1470 exemplifies this. The bill essentially nullifies the forest planning process on the Beaverhead-Deerlodge, Lolo and Kootenai forests, casting aside a system that, for all of its flaws, requires accountability and public involvement.

The bill moves forest policy in Montana back several decades, reviving the grand traditions of below-cost timber sales, "getting out the cut," unfettered roadbuilding, and a cynical promise of jobs that will at best be fleeting and at worst are unlikely to materialize.

The primary sponsor of the bill touts it as a "Montana" solution, but the bill establishes arbitrary extraction levels that have nothing at all to do with the reality of Montana's forests. S. 1470 sets logging quotas *requiring* that on the three forests involved, 100,000 acres be logged over a period of ten years. On the Beaverhead-Deerlodge, the bill sets an annual logging mandate that is *14 times* the level now considered sustainable in that forest.

Worse, the bill designates as suitable for logging a vast acreage of roadless forest, in flagrant conflict with 10 years of national consensus to protect our country's remaining roadless areas.

Both of the bill's sponsors have refused to support the Northern Rockies Ecosystem Protection Act-a science-based, regionally-conceived proposal that offers real land protection- claiming that the bill is a "top-down" proposal. Yet this bill, S. 1470, is the very epitome of the top-down approach. It has no connection whatsoever to ecological reality, has been dictated by a select group, and in both its conception and implementation leaves everyone else out of the equation.

I was once a proud member of Montana Wilderness Association, Yaak Valley Forest Council, Trout Unlimited, and National Wildlife Federation, some of the groups that created this proposal. Now, however well-intentioned, the direction their advocacy has taken is deeply disillusioning to many of us in Montana who have worked for real wilderness protection. If this legislation were to pass, it would cement precedents making all wilderness and public lands, in Montana and beyond, even more vulnerable than they already are.

I urge the committee to reject S. 1470. Thank you for your consideration.

Steve Gilbert
Helena, MT
Board member,Western Lands Project

Submitted To: U.S. Senate Subcommittee on Public Lands and Forests
From: Paul Richards, Boulder, MT

Request: Please include this testimony in the Official Hearing Record regarding S. 1470, the Tester Wildlands Logging Bill, heard by the U.S. Senate Committee on Energy and Natural Resources' Subcommittee on Public Lands and Forests on December 17, 2009. Thank you. Please keep me informed as to your deliberations and decisions concerning the Tester Wildlands Logging Bill. Thank you.

Weaknesses of S. 1470, Sen. Jon Tester's Wildlands Logging Bill:

All of the following weaknesses of S. 1470, Sen. Jon Tester's Wildlands Logging Bill, were covered in my July 2009 in-depth analysis posted the day that Tester announced this legislation at a Townsend, Montana, sawmill at: www.NewWest.net.

On July 17, 2009, NewWest.Net offered Sen. Jon Tester an opportunity to rebut all of these points. As of this writing (January 7, 2010), he is still "considering it."

It should be noted that, on July 17, 2009, Peter Aengst of the Wilderness Society did issue statements calling this analysis and the resultant NewWest.Net investigative piece a "rant." Aengst refrained from addressing any specifics.

1. The public was completely shut out of the drafting of S. 1470, the Tester Wildlands Logging Bill. The bill was drafted in an underhanded manner by a handful of insiders, sworn to secrecy. Rather than incorporating meaningful public involvement, Tester chose the path of "fait accompli." This has created enormous resentment from all quarters.

DETAILS: I, for example, am a member of the National Wildlife Federation, Trout Unlimited, and Montana Wilderness Association. I served on the board of the Montana Wilderness Association and have received the organization's "Brass Lantern" Award.

Years ago, when these three conservation groups and the timber industry first formed the "Beaverhead-Deerlodge Partnership," I approached the players. As one who had been involved at the grassroots level with the Deerlodge National Forest for over 27 years, and as an official member of the Deerlodge National Forest Technical Advisory Committee, I thought my presence might be an asset during negotiations. I had been involved with the successful appeal and resultant "Settlement Agreement" of the Deerlodge Forest Plan, which had been heralded region-wide as a model for citizen participation.

Over a two-year period, I sent numerous e-mails and made numerous phone calls, trying to get into the negotiations or at least monitor them. All my attempts were rebuffed, as were all attempts by many other members of the public. We, as members of the National Wildlife Federation, Trout Unlimited, and Montana Wilderness Association, were kept entirely in the dark as our organizations' staffs compromised away our public wildlands.

I have also been a member of the Wilderness Society for 40 years. At NO time were Wilderness Society members ever appraised as to deals, trade-offs, and The Wilderness Society's staff actually supporting the removal of current administrative and Congressional protections for our public wildlands.

Wildlands proponents weren't the only ones excluded. People in favor of resource development, county officials, and state legislators were also kept in the dark. U.S. Forest Service officials, scientists, biologists, botanists, silviculturalists, and public information specialists were purposefully excluded from participation and denied access to all drafts of the Tester Wildlands Logging Bill.

In short: There was NO public information and NO public discussion. Countless interest groups and individuals were surgically removed from every major decision regarding their own public lands.

Instead being forged by well-informed public debate, reviewed by U.S. Forest Service scientists and experts, and exposed to the healing properties of disinfecting sunlight, Tester's bill was clandestinely and sloppily cobbled together behind-the-scenes.

2. S. 1470, the Tester Wildlands Logging Bill, violates Tester's 2006 campaign promise "to protect all of Montana's remaining roadless areas."

DETAILS: With only a week to go, polls showed State Sen. Jon Tester and State Auditor John Morrison at a dead heat in the June 2006 Democratic primary race for U.S. Senate. Tester operative Missoula attorney Pat Smith directly contacted former state Rep. Paul Richards (me), who was running third of five candidates in the race, concerning Richards' possible endorsement of Tester.

Richards agreed to meet twice with Tester in Helena, Montana, on Tuesday, May 30, 2006, to see if terms could be worked out for this endorsement.

As a result of these two negotiating sessions, Tester agreed to terms detailed at: www.Richards2006.us, including the specific promise that: "If elected, Jon Tester will work to protect all of Montana's remaining roadless areas."

In exchange for these mutually-agreed-upon-with-witnesses (including Tester's wife, Shar, and Tester's son, Shon) terms, Paul Richards agreed to withdraw from the race for U.S. Senate and publicly ask his supporters to vote for Jon Tester. After the agreement was reached, Richards personally contacted his extensive network of environmental advocates throughout the state, detailed Tester's commitment to "protect all of Montana's remaining roadless areas," and asked his supporters to vote for Tester in the June 2006 Democratic primary election, rather than Richards.

News of Richards' endorsement appeared on front pages of most Montana daily newspapers and was prominent in all other media the final week before the election. Tester and Richards celebrated the win jointly at a June 6, 2006, election night party in Missoula, MT.

3. S. 1470, the Tester Wildlands Logging Bill, alienates Tester's main supporters from the 2006 election.

DETAILS: Conservationists provided the margin of victory that allowed Tester to defeat incumbent Sen. Conrad Burns in the general election of 2006. In tacking solely towards the timber industry, moneyed corporations that never previously supported him in any fashion, Tester has abandoned his true constituency.

To date, due to interminable efforts by countless pro-logging public relations specialists, reporters and editors that know better have been forced into states of profound stupor. As a result of this lethargy, Montana's corporate media have largely bought into the "spin" created by timber corporations, Tester, Baucus, Wilderness Society, National Wildlife Federation, Trout Unlimited, Montana Wilderness Association, and Greater Yellowstone Coalition.

Instead of raising necessary questions concerning potential loss of our public wildlands legacy and expenditures of well over $100 million in taxpayer timber subsidies, corporate media in Montana have cast legitimate public debate aside and joined the spinmasters' choir, making Tester's bill the "feel good" legislation of the year!

National media, on the other hand, will likely see through the smoke and mirrors, no matter how numerous and gregarious the spinmasters, how "nice" the legislation's sponsor, or how desperately the sawmills crave even more taxpayer subsidies.

As the actual implications of the Tester Wildlands Logging Bill become known to public lands stakeholders throughout the nation, Tester's credibility among public lands advocates and true conservationists will suffer accordingly. Ultimately, this will become reflected in his in-state standing. Instead of longtime dedicated conservationist like the esteemed Senator Lee Metcalf representing the long-term interests of our public lands legacy, Montanans are now looking at a one-term flash in the pan.

4. S. 1470, the Tester Wildlands Logging Bill, "undesignates" S 393 wildlands and loots the wildlands legacy of former Senator Lee Metcalf – Montana's greatest conservationist.

DETAILS: Tester's bill is a full-scale pillaging of the legacy of Montana's greatest conservationist and my mentor, U.S. Senator Lee Metcalf. In 1977, Sen. Metcalf, only a year before he died, worked tirelessly to pass Senate Bill 393, the Montana Wilderness Study Act.

Sen. Metcalf's magnificent legacy protected nine roadless wildland areas, while they were studied for official designation as wilderness under the Wilderness Act of 1964, a bill which Sen. Metcalf had earlier personally shepherded through Congress, with the conscientious advocacy of Wilderness Society Executive Director Stewart Brandborg and Wilderness Society Field Director Clif Merritt, both Montana natives.

Tester's bill removes the Sapphire Wilderness Study Area and the West Pioneers Wilderness Study Area from the Congressional protection of Sen. Metcalf's Senate Bill 393 and opens them to logging.

Only high-elevation "rocks and ice" non-timber producing tracts would be designated wilderness. Of the 94,000 acres of public roadless wildlands currently in the Sapphire Wilderness Study Area, only 53,000 acres would be protected from development. Of the 151,000 acres of public roadless wildlands currently in the West Pioneers Wilderness Study Area, only 26,000 acres would be protected from development.

Tester's bill "undesignates" the Axolotl Lakes Wilderness Study Area, Bell/Limekiln Canyons Wilderness Study Area, East Fork Blacktail Wilderness Study Area, Henneberry Ridge Wilderness Study Area, and Hidden Pasture Wilderness Study Area. These roadless wildlands would be subjected to "logging without laws," as Tester's bill excludes logging them from protective provisions of the Federal Land Policy and Management Act.

5. S. 1470, the Tester Wildlands Logging Bill, pulls roadless areas out from the protection of the Clinton Roadless Rule and the Obama Roadless Initiative.

DETAILS: Tester's bill withdraws around one million acres of public roadless wildlands on the Beaverhead-Deerlodge National Forest from the protection of the Clinton Roadless Rule and the Obama Roadless Initiative and opens them to roading and logging.

You won't find this in the bill. You have to go to the maps that accompany the bill, maps to which courts will undoubtedly refer, if this misguided legislation actually passes. The maps (located at: http://tester.senate.gov/Legislation/upload/Proposed-Land-Designations.pdf) are very specific in reclassifying the Beaverhead-Deerlodge National Forest's currently protected roadless wildlands to a new category, officially designated "Timber Suitable or Open to Harvest."

6. S. 1470, the Tester Wildlands Logging Bill, Congressionally overrides legitimate forest planning processes that involve full public information and participation.

DETAILS: Tester's bill circumvents National Forest planning laws, procedures, and regulations. Currently, the U.S. Forest Service is required to honestly evaluate "site-specific impacts" of proposed logging.

Under Tester's bill, these requirements would be supplanted by a new system of "Landscape Scale Restoration Projects" where mandated logging takes place in the total absence of well-established forest planning procedures that require state-of-the art science, public information, and public involvement.

Tester's bill Congressionally mandates cut levels, damn the environmental and financial costs. Instead of decisions being made at local levels by informed forest science professionals, Tester's bill dictates a one-size-fits-all prescription that prioritizes logging above all other uses.

Under Tester's bill, taxpayer subsidies to timber corporations are more important than anything, be it elk hunting (which would diminish as elk security is logged away by mandated timber cutting), fishing (drastically debilitated by inevitable water degradation caused by unsustainable logging), steady supplies of clean irrigation water (logging causes much faster watershed runoffs and increased sedimentation), pure community water supplies (most western Montana cities get their water from our public roadless wildlands), diminished wildlife habitat, you name it.

7. S. 1470, the Tester Wildlands Logging Bill, promotes "logging without laws."

DETAILS: By mandating timber cuts be placed above all other concerns, Tester's bill could statutorily exempt timber cutting from the Clean Water Act, Endangered Species Act, National Environmental Policy Act (which Tester's bill mistakenly calls the "National Environmental Protection Act"), Wilderness Act, National Forest Management Act, and the Federal Land Policy and Management Act. This is a point of contention. Tester claims environmental laws will be adhered to. To the uninitiated, that sounds just great! However, the initiated know full well that when Congress mandates timber cutting quotas, federal courts have consistently held that the Congressional mandate to cut down the public's trees trumps federal environmental and land use laws.

We've been through all this before. For over 20 years, politicians have claimed environmental laws would be followed, at the same time that they have imposed mandatory cutting quotas on public lands. While Tester's public relations have lulled gullible "conservationists" into believing we can get the cut out and follow environmental laws, the courts consistently rule that the mandated cuts are paramount and that environmental laws don't have to be respected.

The legal track record is available to anyone that can Google. The court precedents have already been established: If you have a conflict in law, "the specific overrides the general." That is, Congressionally-mandated cutting quotas preempt such laws as the Clean Water Act, Endangered Species Act, Wilderness Act, National Environmental Policy Act, National Forest Management Act, and the Federal Land Policy and Management Act.

Thus, despite proclamations to the contrary from Tester's "conservation" collaborationists, if the Tester bill's forced cutting quotas are approved by Congress, environmental laws would likely fall helplessly by the wayside.

8. S. 1470, the Tester Wildlands Logging Bill, mandates a cut of 7,000 acres a year for 10 years on a forest that sustainably produces, according to Beaverhead-Deerlodge National Forest officials, only between 500 and 2800 acres a year.

DETAILS: As a lifelong resident of the area and as a long-time member of the U.S. Forest Service's Technical Advisory Committee, I know full well that the Beaverhead-Deerlodge National Forest is not productive timberland. Much of the forest is east of the Continental Divide, receives little precipitation, and has an extremely short growing season, due to its high altitude. Due to these limiting factors, it costs the public at least $1,400 per acre to log in the Beaverhead-Deerlodge National Forest.

Tester claims the mandated cut will come from the Beaverhead-Deerlodge National Forest's suitable timber base and that inventoried roadless areas are not threatened. But, Tester is ignoring reality. In recent years, logging professionals with the Beaverhead-Deerlodge National Forest have established the Forest's sustainable yearly harvest at 500 acres. The most they've cut, even during the years of the housing boom, is 2,800 acres a year.

Can Tester mandate a cut of 70,000 acres (7,000 acres a year for 10 years) on a forest that is not productive timberland, without entering and developing undeveloped (roadless) lands? For a clue, review the maps located at: http://tester.senate.gov/Legislation/upload/Proposed-Land-Designations.pdf and note that, under the Tester bill, the Beaverhead-Deerlodge National Forest's inventoried roadless wildlands are officially re-designated as "Timber Suitable or Open to Harvest."

9. S. 1470, the Tester Wildlands Logging Bill, mandates a cut of 30,000 acres of grizzly bear habitat on the Kootenai National Forest, causing distress and disturbance that some biologists say will force the dwindling Yaak grizzly bears into insecure habitat and ultimately extinction.

DETAILS: Wildlife consultant Brian Peck reports, "I have worked for 15 years to try and save the imperiled 30-40 grizzlies in the Cabinet-Yaak Ecosystem in a landscape where the "Cores" are too small, the "Buffers" are over-logged and roaded, and the "Linkages" are non-existent.

Tester's bill mandates the cutting of 3,000 acres per year for ten years on the Kootenai National Forest, a forest that already looks like a moonscape in many areas from decades of U.S. Forest Service abuse. How is another 30,000 acres of logging not going to be the last nail in these bear's coffin?"

10. S. 1470, the Tester Wildlands Logging Bill, could have a severe adverse impact upon rare, threatened, and endangered species.

DETAILS: Since the Tester bill Congressionally-mandates timber cuts, curtails forest planning, and severely restricts the U.S. Forest Service from accurately assessing logging's impacts; environmental protections provided by the Clean Water Act, Endangered Species Act, National Environmental Policy Act (mistakenly called the "National Environmental Protection Act" by Tester's bill), National Forest Management Act, Federal Land Policy and Management Act, and Wilderness Act will likely be preempted.

If this scenario plays out, the public will never know the full extent to which secluded, rare, threatened, and endangered species will be adversely impacted, particularly in the Kootenai National Forest and the Beaverhead-Deerlodge National Forest.

By forcing unsustainable industrial-scale logging upon our public lands, Tester's bill would irrevocably harm essential habitat of species that characterize the wild nature of the northern Rockies, such as the gray wolf, bull trout, cutthroat trout (Montana's official state fish), otter, mountain goat, mountain sheep, elk, arctic grayling, northern goshawk, boreal owl, pileated woodpecker, ferruginous hawk, Montana vole, sage thrasher, wild bison, peregrine falcon, bald eagle, pine marten, fisher, lynx, wolverine, and grizzly bear (Montana's official state animal).

11. S. 1470, the Tester Wildlands Logging Bill, ignores the scientific need to protect different elevation habitats and their dependent species.

DETAILS: Conservation biologists have long understood the need to protect different elevation habitats and their dependent species, with core areas, buffer zones, and connecting biological corridors, or linkages.

More recently, scientists have documented that forest habitats are changing radically, due to global climate change. The species depending on our National Forests for survival are increasingly stressed by climate change and are increasingly in need of broader migration opportunities.

The "conservation" collaborationists (Wilderness Society, National Wildlife Federation, Trout Unlimited, Montana Wilderness Association, and Greater Yellowstone Coalition) publicly boast that, by supporting Tester's bill, they are "creating" new wilderness areas.

These areas fail to pass scientific muster. A handful of nonproductive, high-altitude, limited-habitat "rocks and ice" wilderness areas, allocated to human recreational enjoyment does nothing for the vast majority of forest species. Unconnected islands of "rocks and ice" provide no biological integrity and no potential for sustaining biodiversity.

12. S. 1470, the Tester Wildlands Logging Bill, costs over $100 million for taxpayer-subsidized timber sales and lavish new sawmill power plants.

DETAILS: It costs the public at least $1,400 per acre to log in the Beaverhead-Deerlodge National Forest. Mandating logging of 7,000 acres will cost the public $9,800,000 a year. Mandating this level of cutting for 10 years, as Tester proposes, will cost taxpayers at least $98 million dollars.

In fact, the cost of these timber industry subsidies will be considerably higher, as the above economic figures date from the housing boom, three-to-four years ago. Now, that we are in economic depression, there is no housing construction and hardly anyone is buying timber.

In today's depressed market for timber, the "hard money" subsidies for loggers that the Tester bill mandates will likely reach into the hundreds of millions of dollars over the next 10 years.

In addition to these taxpayer subsidies, Tester wants additional untold millions in taxpayer subsidies to build costly on-site power plants for the timber corporations promoting his bill. The taxpayer-financed power plants will only serve the timber corporations, not the communities of western Montana.

It is more corporate pork, plain and simple.

Tester's power plants also make absolutely no sense. Trucking biomass to large, centralized power plants is grossly inefficient, when compared to utilizing numerous small-scale portable decentralized facilities.

It is far more practical to truck numerous inexpensive portable generators to the biomass, than to truck the biomass increasingly long distances to expensive and instantaneously obsolete centralized power facilities at sawmills.

13. S. 1470, the Tester Wildlands Logging Bill, negligently ignores the fact that there is no current demand for timber.

DETAILS: Since there is no demand for sawmills' lumber, Tester's bill defies basic common sense. The legislation is blatantly undisguised in its privatization of public resources and its forcing the public assumption of lumber mills' private debt.

A mere four corporations: Pyramid Mountain Lumber (Seeley Lake), Roseburg Lumber (Missoula), RY Timber (Townsend and Livingston), and Sun Mountain Lumber (Deerlodge) will receive well over $100 million courtesy of the kind Senator, with taxpayers picking up the tab in tax dollars spent, watersheds degraded, habitat lost, and public wildlands destroyed.

14. S. 1470, the Tester Wildlands Logging Bill, mandates timber cutting, while leaving ensuing forest restoration optional.

DETAILS: This is the elephant in the living room. If Tester's bill passes, by Congressional mandate, public wildlands will be roaded and their trees cut down. Then, after the trees are long gone, there will be no forest restoration.

Tester's bill contains absolutely NO restoration mandates.

National Forests are littered with giant messes of logging restoration left unfunded and undone. It's the U.S. Forest Service's dirtiest secret: After the public's trees are cut down and the logs hauled out, somehow, the agency just never seems to be able to find the money to honor its once-so-earnest promises of restoration.

There isn't a national forest in the country that has actually delivered on its past commitments to restore public lands and watersheds wounded by logging. When it comes to budget priorities, post-logging forest reclamation and restoration has always been the U.S. Forest Service's neglected and unwanted step-child.

Maintaining a brave posture in the face of this undeniable track record, Tester claims that revenues from mandated logging will pay for forest restoration projects. But, inconvenient truth again rears its ugly head: In lodgepole pine-dominant forests, there simply won't be any revenues! At taxpayer-subsidies of $1,400 for every acre logged, just how will Tester's restoration funds be magically generated?

This giant Ponzi scheme will likely be the undoing of the Tester Wildlands Logging Bill.

15. "Conservation" collaborationists supporting S. 1470, the Tester Wildlands Logging Bill, have all received massive funding from the Pew Charitable Trusts, which works to "confine wilderness legislation to rocks-and-ice regions by co-opting gullible or calculating people in the wilderness movement."

DETAILS: The Pew Charitable Trusts are an independent nonprofit organization--the sole beneficiary of seven individual charitable funds, with assets of $5.2 billion at the end of June 2008, established by two sons and two daughters of Sun Oil Company founder, Joseph N. Pew, and his wife, Mary Anderson Pew.

Pew works to "confine wilderness legislation to rocks-and-ice regions by co-opting gullible or calculating people in the wilderness movement," according to former Montana Wilderness Association President Elaine Snyder and former MWA Board Member Ross Titus.

"Organizations that have gained access to Pew money are expected to show short-term gains in wilderness protection regardless of the cost to other public resources and political efforts," according to Snyder and Titus.

The Montana Wilderness Association has received tens of thousands of dollars of Pew money. The National Wildlife Federation, Trout Unlimited, and the Wilderness Society have each received many millions of dollars from the Pew Charitable Trusts. National Wildlife Federation staffers are even housed at Pew's Washington, D.C. headquarters.

Pew tipped its hand concerning the Tester Wildlands Logging Bill with a preemptive Thursday, July 9, 2009, e-mail "Alert" entitled "Sen. Tester Leads on Wilderness" from Mike Matz, executive director of the Pew-funded "Campaign for America's Wilderness" (formerly known as the "Pew Wilderness Center"). "We need to THANK Senator Tester for showing positive leadership to protect the best of Montana's pristine national forests," Matz wrote.

"His bill would add the first new wilderness in Montana in more than a quarter of a century," Matz continued. "Sen. Tester needs to hear that Montanans want to protect their special places as wilderness, for Montana families, clean water and wildlife. Please

take a moment to call Senator Tester today and make a difference for Montana's wilderness. Dial the nearest local office now and tell them you appreciate Sen. Tester's leadership on wilderness," Matz concluded. Matz then listed the telephone number for each of Tester's eight Montana field offices.

Matz was asking well-intentioned wilderness advocates, who don't know the funding sources of the "Campaign for America's Wilderness," to praise Tester for a wildlands logging bill that Tester refused to allow the public to see!

On the same afternoon, the Wilderness Society, sent out its own "Wild Alert," under the name of Kathy Kilmer. "Montana's Sen. Jon Tester is considering legislation that would give Montana its first new wilderness designations in decades," Kilmer wrote. "Sen. Tester needs to hear that Montanans want to protect their special places as wilderness, for Montana families, clean water and wildlife. Please call Sen. Tester and thank him for showing positive leadership to protect the best of Montana's pristine national forests," Kilmer concluded. The Wilderness Society used the exact same non-alphabetical listing of Tester's eight Montana field offices as Matz.

Besides the eeriness of identical non-alphabetical listings and the same language ("Sen. Tester needs to hear that Montanans want to protect their special places as wilderness, for Montana families, clean water and wildlife."), the incredible thing about the preemptive Pew-funded e-mail campaigns of July 9, 2009, was that no one anywhere had actually seen the Tester Wildlands Logging Bill, other than the timber industry and its collaborationists! Yet, we grassroots wildlands supporters were supposed to sign a blank check, call Tester, and thank him for drafting a public lands bill in secret!

When I first reported on the Pew-orchestrated campaign, Peter Aengst of the Wilderness Society wrote the following to Jared White of the Wilderness Society: "Can you check with Kathy Kilmer and see if it is possible to remove certain unsupportive people from our Wild Alert lists? Like Paul Richards (see his direct quoting of our alert)."

How dramatically have millions of Pew dollars caused the Wilderness Society to stray from its original mission, once pursued so faithfully by such courageous stalwarts as Robert Sterling Yard, Benton MacKaye, Robert and George Marshall, Aldo Leopold, Howard Zahniser, Stewart Brandborg, and Clif Merritt?

How could today's Pew-funded Wilderness Society take me, a member of 40-years-standing, OFF of its mailing lists for being pro-wildlands and pro-wilderness?

How could today's Pew-funded Wilderness Society exclude the public from public land decisions; support throwing away untold millions of dollars of pork for taxpayer-subsidized timber sales and lavish new sawmill power plants; exempting public wildlands from federal laws and the protection of a new earnest President; "undesignating" the legacy of Montana's greatest conservationist; and destroying an irretrievable portion of Montana's priceless roadless wildlands heritage?

16. S. 1470, the Tester Wildlands Logging Bill, fragments the Northern Rockies Ecosystem, the ONLY functioning ecosystem in the lower 48 states where all native species still reside.

DETAILS: Northern Rockies wildlands are the only place in the lower 48 states where all native species and wildlife remain!

These are our public wildlands, belonging to all Americans.

The Tester Wildlands Logging Bill strips away the protection of these public wildlands currently provided by the Clinton Roadless Rule, the Obama Roadless Initiative, and Sen. Lee Metcalf's incredibly farsighted Senate Bill 393.

By fragmenting the Northern Rockies Ecosystem, the Tester Wildlands Logging Bill is a direct assault on the scientific principles of biodiversity and biological integrity for which so many dedicated citizens have worked so hard for the last quarter century. If Tester's bill passes: Secluded, rare, threatened, and endangered species will be adversely impacted, particularly in the Kootenai National Forest and the Beaverhead-Deerlodge National Forest.

By forcing unsustainable industrial-scale logging upon our public lands, Tester's bill would irrevocably harm essential habitat of species that characterize the wild nature of the northern Rockies, such as the gray wolf, bull trout, cutthroat trout (Montana's official state fish), otter, mountain goat, mountain sheep, elk, arctic grayling, northern goshawk, boreal owl, pileated woodpecker, ferruginous hawk, Montana vole, sage thrasher, wild bison, peregrine falcon, bald eagle, pine marten, fisher, lynx, wolverine, and grizzly bear (Montana's official state animal).

The "wilderness" areas in the Tester bill are fragmented and unconnected islands of largely "rocks and ice," with no biological integrity and no potential for sustaining biodiversity.

These minimal "wilderness" designations in Tester's bill fail entirely to protect different elevation habitats and their dependent species with core areas, buffer zones, and connecting biological corridors.

The Tester Wildlands Logging Bill promotes numerous abuses and violations that are clearly incompatible with the 1964 Wilderness Act, including motorized access into and through "wilderness," low-level military overflights of "wilderness," military aircraft landings in "wilderness," possible "wilderness" logging, and other intrusions that violate the intrinsic principles of Wilderness.

As Montana State Rep. Francis Bardanouve used to say: "This is a BAD bill":

As my dear friend and companion, the late Rep. Francis Bardanouve, the dean of the Montana Legislature, sometimes proclaimed, when I served with him in the Montana House of Representatives, "This is a BAD bill!"

Francis did not say this very often. But, in the rare times he did say it, legislators listened. They knew Francis did his homework. They knew Francis always researched exhaustively and deliberated studiously,

before arriving at his opinion. As a result, Francis's peers listened carefully and consistently heeded Francis's warning that "This is a BAD bill." They voted the bad bill down.

For all the reasons outlined above and for many other reasons raised by other groups, officials, and citizens: S. 1470, Sen. Jon Tester's Wildlands Logging Bill, is a BAD bill. It needs to die a quick death.

There is a well-researched alternative to S. 1470, the Tester Wildlands Logging Bill.

Thankfully, there is a sound, well-researched, and well-written alternative to Sen. Tester's Wildlands Logging Bill that complies with existing Federal environmental and forest management laws.

Twenty-four years ago, after talking with our region's leading scientists and conservationists, I wrote the first draft of what was-to-become the Northern Rockies Ecosystem Protection Act (NREPA).

To preserve the biological integrity of the Northern Rockies ecosystem, NREPA designates as wilderness nearly 7 million acres of public roadless wildlands in Montana, 9.5 million acres in Idaho, 5 million acres in Wyoming, 750,000 acres in eastern Oregon, and 500,000 acres in eastern Washington. Included in this total are over 3 million acres of backcountry wilderness in Yellowstone, Glacier and Grand Teton National Parks.

Detailed Comparison: HR 980, the Northern Rockies Ecosystem Protection Act (the House bill) to S. 1470, the Tester Wildlands Logging Bill (the Senate bill).

To assist you as you fulfill your role as elected stewards of our priceless public wildlands legacy, I offer you the following comparison between HR 980, the Northern Rockies Ecosystem Protection Act (the House bill) and S. 1470, the Tester Wildlands Logging Bill (the Senate bill):

1. By officially designating our remaining public roadless wildlands as wilderness, HR 980, the Northern Rockies Ecosystem Protection Act (NREPA), provides the strongest protection that the federal government can confer on public wildlands and dependent species. Instead of protecting different elevation habitats and their dependent species, S. 1470, the Tester Wildlands Logging Bill, would only set aside meager high-altitude "rocks and ice," with no biological integrity and no potential for sustaining biodiversity.

2. Since it was co-written by our nation's leading wildlife and aquatic biologists, HR 980, the Northern Rockies Ecosystem Protection Act (NREPA), protects the habitat essential for the survival of species that characterize the wild nature of the northern Rockies, such as the gray wolf, bull trout, cutthroat trout (Montana's official state fish), otter, mountain goat, mountain sheep, elk, arctic grayling, northern goshawk, boreal owl, pileated woodpecker, ferruginous hawk, Montana vole, sage thrasher, wild bison, peregrine falcon, bald eagle, pine marten, fisher, lynx, wolverine, and grizzly bear (Montana's official state animal). S. 1470, the Tester Wildlands Logging Bill, does not.

3. At last count, HR 980, the Northern Rockies Ecosystem Protection Act, is sponsored by 103 members of the House of Representatives. S. 1470, the Tester Wildlands Logging Bill, has but one sponsor.

4. HR 980, the Northern Rockies Ecosystem Protection Act, is completely compatible with the 1964 Wilderness Act. In stark contrast, S. 1470, the Tester Wildlands Logging Bill, which would endorse motorized access into and through "wilderness," low-level military overflights of "wilderness," military aircraft

landings in “wilderness,” possible “wilderness” logging, and other intrusions that violate the intrinsic principles of Wilderness, is totally incompatible with the 1964 Wilderness Act.

5. It should come as a secret to no one that HR 980, the Northern Rockies Ecosystem Protection Act, has consistently been supported by the 1964 Wilderness Act’s leading proponents, former Wilderness Society Executive Director Stewart Brandborg and former Wilderness Society Field Director Clif Merritt, both Montana natives. S. 1470, the Tester Wildlands Logging Bill, has no prominent supporters from the 1964 Wilderness Act era.

6. HR 980, the Northern Rockies Ecosystem Protection Act, has been subjected to careful review by the public for 24 years now. Every section of HR 980 has been gone over with fine-tooth combs by hundreds of scientists, conservation and outdoor groups, agency officials, business leaders, Congressional staffers, and attorneys. While HR 980, the Northern Rockies Ecosystem Protection Act, may be the best written public lands legislation since the original 1964 Wilderness Act; S. 1470, the Tester Wildlands Logging Bill, ridden with loopholes, and cleverly designed to be incomprehensible to all, was cobbled together behind-the-scenes; with NO scientific input, NO comprehensive legal review, NO Congressional review, NO agency review, and NO public involvement.

7. HR 980, the Northern Rockies Ecosystem Protection Act, is supported by over 100 grassroots groups. S. 1470, the Tester Wildlands Logging Bill, is backed only by a handful of “collaborationist” staffers from top-heavy, out-of-touch, Pew Charitable Trusts-funded Beltway-based “Big Green” bureaucracies.

8. HR 980, the Northern Rockies Ecosystem Protection Act, will hopefully pass the House this year (2010). S. 1470, the Tester Wildlands Logging Bill, has been deemed unsupportable by the U.S. Forest Service, due to extremely high subsidies from taxpayers, entirely unsustainable timber quotas, and severe damage to our environment and our public lands legacy.

I offer the above information with great hope that it helps you, as you deliberate between the carefully-written and long-term vision for our public lands legacy provided by HR 980, the Northern Rockies Ecosystem Protection Act; and the loophole-ridden and nearsighted economic and environmental Hindenburg that is called S. 1470, the Tester Wildlands Logging Bill

If you have any questions, or if I can provide any further information, please do not hesitate to contact me. In support of lasting protection for our priceless public wildlands legacy,

I remain yours,

Sincerely,Paul Richards
PR Media Consultants®
Boulder, MT

Mr. Chairman and members of the Committee, Happy Holidays and thank you for the opportunity to testify at this important hearing regarding S.1470.

My name is Matthew Koehler and I’m the executive director of the WildWest Institute, a Montana-based conservation group. Our mission is to protect and restore forests, wildlands, watersheds and wildlife in the

northern Rockies. We help craft positive solutions that promote sustainability in our communities through jobs restoring naturally functioning ecosystems and protecting communities from wildfire. We also ensure that the Forest Service follows the law and best science when managing our public forests by fully participating in the public decision process and through on-the-ground monitoring.

I'm here today representing the Last Best Place Wildlands Campaign, a coalition of conservation organizations and citizens dedicated to wildlands protection, Wilderness preservation, and the sound long-term management of our federal public lands legacy. Our Montana-spawned coalition includes small-business owners, scientists, educators and teachers, 4th and 5th generation Montanans, hikers and backpackers, hunters and anglers, wildlife viewers, outfitters and guides, veterans, retired Forest Service and Bureau of Land Management officials, ranchers and farmers, former loggers and mill workers, health care practitioners, craftspersons, and community leaders – all stakeholders committed to America's public wildlands legacy.

Our coalition has produced a number of documents, which I have provided at the end of this testimony. I would like to respectfully ask that these documents be included in their entirety in the official record for this hearing. The first document is our coalition's detailed, line-by-line Analysis of S.1470 (also available at: http://testerloggingbilltruths.files.wordpress.com/2009/12/analysis-of-s-1470.pdf). The second item is Keeping It Wild! In Defense of America's Wildlands, which has been signed by fifty conservation groups from Montana and around the country (also available at: http://testerloggingbilltruths.wordpress.com/keeping-it-wild-in-defense-of-americas-public-wildlands).

Summary of S.1470

S.1470 affects over 3 million acres of National Forest System and Bureau of Land Management lands in Montana and contains a nearly bewildering list of new definitions, designations, management practices, required studies, reports and publications. Approximately 680,000 acres are designated as new Wilderness Areas, another 336,000 acres as National Recreation Areas, Protection Areas, Recreation Areas, and Special Management Areas, each with their own management language. Nearly 3 million acres are designated as Stewardship Areas where logging is expressly allowed and encouraged. It mandates that at least 100,000 acres of the Beaverhead-Deerlodge National Forest and the Three Rivers District of the Kootenai National Forest be logged within 10 years as well as an undetermined amount on the Seeley Lake District of the Lolo National Forest.

The findings, purposes and subsequent sections of S.1470 clearly define it as a bill whose primary purpose is promotion of commercial logging through localized management of National Forest System lands. Touted as a bill that is good for the environment, S.1470 would accomplish several conservation goals, including the designation of new wilderness areas and headwaters protection for several streams important to native fish. S.1470 does contain admirable language for restoration of fish, wildlife and watersheds, and there is a potential to lower road density in some watersheds. However, these restoration goals are optional, unlike the mandated logging, and S.1470 effectively jeopardizes these goals through its action provisions and the methods dictated.

The various sections of the bill have been carefully constructed to affect a desired outcome that would be difficult to challenge through citizen appeals or litigation. For example, Sec. 2(a)(2)(A) "encourages the economic, social, and ecological sustainability of the region and nearby communities." Sec. 2(a)(2)(B) "promotes collaboration," 2(b)(2) declares a major purpose "to reduce gridlock and promote local cooperation and collaboration in the management of forest land." It does this through use of "advisory committees" or "local collaborative groups." Again, this seeks the localization, through private interests, of National Forest System lands. 2(b)(3) states a purpose is enhancement of forest diversity and production of wood fiber to accomplish

habitat restoration and generation of a more predictable flow of wood products for local communities. This purpose is later matched with the definitions of the bill to establish commercial logging as the primary means of fish and wildlife habitat restoration. For example, one of the definitions S.1470 uses for restoration is "maintaining the infrastructure of wood products manufacturing facilities."

S.1470 is not a budget-neutral bill. It authorizes practically unlimited expenditures from the U.S. Treasury and other sources, and empowers "Resource Advisory Committees" or "Local Collaboration Groups" to spend federal funds, including on private, non-National Forest System lands. This provision and others in S.1470 give the "Resource Advisory Committees" or "Local Collaboration Groups" sweeping powers that could effectively, if not officially, usurp management and budgetary authority from the Forest Service and grant it to private interests. Professional staff from the Forest Service will be replaced with citizen committees whose members are mandated to include industry groups. S.1470 also authorizes the Secretary of Agriculture to expend taxpayer funds for Fiscal Year 2010 to pay a federal share in construction of "combined heat and power biomass systems that can use materials made available from the landscape-scale restoration projects."

The different funding provisions of the bill raise a real potential for other National Forests and Forest regions to have their funds transferred to projects under S.1470. Pitting one forest against another for funding is unhealthy and does not promote a wholistic, ecosystem approach to public lands management in the Northern Rockies.

It is important to note that in legislation there is specific legal meaning to terms such as "shall" versus "may" or "can." The word "shall" has the force of law, once a bill is enacted and signed into law by the President. Thus, when S.1470 states the Secretary "shall generate revenue," "shall maintain the infrastructure of woods products manufacturing facilities that provide economic stability to communities in close proximity to the aggregate parcel (timber harvest unit) and to produce commercial wood products," it means just that. It will be the law that the Secretary must keep specific, private timber mills open and fed with timber from public lands, at least through the term of authority, if not indefinitely. This is not only an open-ended subsidy, it interferes with free enterprise.

Ultimately, where there is a question of ambiguity, Courts will review a bill's purposes and its legislative history to divine Congress' intent. When purposes conflict, the overall goals of the bill will prevail. When wilderness and ecological restoration are consistently listed last, as they are in S.1470, a Court can be expected to conclude the logging provisions take precedence.

In summary, the S.1470 is a significant departure from traditional wilderness bills. It contains several major precedent-setting provisions potentially detrimental to national public lands management that may be repeated in future bills. These include:

1) Localizing of National Forest management by private, local entities for private profit. Other members of Congress may seek to exploit similar special management for national public lands in their states. This could represent the fragmentation of National Forest system management and regulations to a serious degree and ignores the basic principle that national public lands belong to all Americans, not just those in nearby local communities.

2) Mandated logging of National Forest land is an unscientific override of current forest planning by professional Forest Service staff. The logging mandates greatly exceed the average levels since the 1950s on the Beaverhead-Deerlodge and are an unbelievable 14 times the sustainable level recently calculated by the Forest Service. The mandated logging area includes the Three Rivers District of the Kootenai National Forest, where the endangered grizzly bear population is nearly extinct due to very heavy logging and roadbuilding.

3) Numerous unfunded mandates and blank check spending authority for the Secretary of Agriculture and Secretary of the Interior. Gives "Resource Advisory Committees" or "Local Collaboration Groups" spending authority and allows funds to be drawn from other forests and Forest Service regions to implement S.1470, pitting forests against another for funding. This creates hard feelings and mistrust rather than cooperation. Authorizes the Secretary to build heat and power generating facilities, a new expansion of authority. Mandates numerous studies, reports, plans and publications, and numerous 10-year contracts, competing with other forests in the region for staff time, printing and distribution. Dedicating staff to the numerous reports and planning removes them from other management duties.

4) Contains several provisions that abrogate the Wilderness Act by allowing non-conforming uses including military aircraft landings, motorized access, and other intrusions.

5) Releases numerous Wilderness Study Areas protected by law under S. 393, sponsored by the late Senator Lee Metcalf (D-MT), and releases BLM- administered Wilderness Study Areas that have been protected for more than 30 years.

6) Requires expedited environmental analysis under NEPA and adds new provisions to appeal regulations that place additional requirements on appellants that will limit some citizens' ability to participate in the planning process.

The State of Collaboration in Montana: An On-the-Ground Look

Over the past five years, long before S.1470 was introduced in Congress, open, inclusive and transparent collaborative processes have sprung up on national forests around Montana. From the Kootenai National Forest to the Lolo National Forest, up on the Bitterroot National Forest and over to the Lewis and Clark National Forest, citizens and Forest Service professionals have been rolling up their sleeves, getting out on the ground, sitting around maps, discussing differences, and most importantly, focusing on areas of common ground and agreement.

For example, in January, 2007, thirty-four representatives of conservationists, motorized users, outfitters, loggers, mill operators, state government and the Forest Service held a meeting at Lubrecht Experimental Forest, facilitated by the National Forest Foundation, to form the Montana Forest Restoration Committee (http://montanarestoration.org). All agreed that restoring Montana's forests was a goal worth pursuing.

The result of this open, inclusive, transparent collaborative process was the development of a set of Montana Restoration Principles and Implementation Plan (http://montanarestoration.org) that reflect the integrity, commitment, agreement and honorable work of all these diverse people.

With a goal of working together to achieve good restoration work on the ground, individual Restoration Committees have been formed for the Bitterroot National Forest and the Lolo National Forest (both of which share a border with the Beaverhead Deerlodge National Forest), which include the full spectrum of interests and again, are open, inclusive and transparent in nature.

By all accounts the Lolo and Bitterroot Restoration Committees have been a great success. Not only have tensions been reduced and potential conflicts addressed openly and honestly, but following full environmental analysis by professional land managers with the Forest Service and an open, inclusive public process as required by NEPA, solid restoration and fuel reduction projects are moving forward as a result.

In fact, the US Forest Service has been so impressed with the successful work of the Lolo Restoration Committee, that we received the agency's "Breaking Gridlock Award" in 2008. Also, in June 2008, Montana Governor Brian Schweitzer wrote the Lolo Restoration Committee "to express my appreciation for your efforts with the Montana Forest Restoration Committee. Your service on the Lolo Forest Restoration Committee is crucial to finding consensus on restoring the national forests in Montana. I have reviewed and support the Forest Restoration Principles document, and appreciate the unprecedented level of cooperation and partnership that went into this effort."

Make no mistake. If the goal is to get diverse interests working together with the Forest Service to move forward with bona fide fuel reduction work around communities and scientifically-based restoration projects the US Congress doesn't need to undermine NEPA and throw science-based forest planning out the window by mandating logging, as S.1470 proposed. Rather, one just needs to look at the excellent, successful work of the Lolo and Bitterroot Restoration Committees. The proof, as they say, is in the pudding.

For example, just last week an article in the Missoulian titled "Bull trout, loggers, goshawks benefit in Lolo National Forest timber sale settlement" included this fact, "The settlement marks a trend of greater cooperation between the Lolo National Forest and its environmental watchdogs...In the past two years, only two [timber] sales have been appealed, and neither has gone to court."

On the Bitterroot National Forest there has been only one lawsuit involving a timber sale since 2002. Let me repeated that fact: one timber sale lawsuit on the Bitterroot National Forest in the past seven years. Furthermore, the fact is that right now on the Bitterroot National Forest there are at least 15,000 acres of fuel reduction, thinning and logging projects already through the NEPA process or just about finished.

Ironically, the major impediment for some of these logging projects moving forward is the economic reality that we're in the middle of huge economic crisis and the steepest decline in lumber consumption in US history, with lumber demand down over 50% and new home construction down 70%.

One such project already through the NEPA process is the Trapper Bunkhouse Land Stewardship Project on the Darby Ranger District of the BNF. The project, which wasn't appealed or litigated, authorizes logging, thinning and fuel reduction work on nearly 5,000 acres of the BNF. The FEIS for this project was issued in April 2008.

Almost a year later I wrote the Darby District Ranger to inquire about the status of this project. On March 19, 2009 I got this response: "As it stands we may not get any bidders since a majority of the timber is not tractor ground and market conditions are bleak." Hearing nothing for a few more months, I again wrote in

July 2009 and got this response from the District Ranger, "Markets have not improved, in fact have gotten worse so sales in the Bitterroot are not very appealing at this time. We had a pre-bid trip for prospective bidders and did not generate much optimism. There was much interest but current market conditions were prohibitive for them being able to make successful bids."

Unfortunately, for whatever reason, these facts about successful open, inclusive, transparent collaborative processes in Montana seem lost on supporters of S.1470. In their sustainable PR push to sell S.1470 to the public they appear willing to just ignore all of this excellent, heartfelt working together to find common ground that's happening in Montana right under their noses.

Instead, Senator Tester and supporters of S.1470 have taken to the airwaves and traveled around the state complaining about all the supposed "gridlock" that's apparently preventing the Forest Service from doing any management of our public lands. Senator Tester even went so far as to tell a Bozeman crowd "lawsuits have

stopped forest management cold," (http://bozemandailychronicle.com/articles/2009/09/29/news/10tester.txt). Really? Of course, while such statements might make for good politics, they also look pretty silly when one considers them in the context of the facts outlined above.

Finally, let's be honest and frank here. It's been well documented that the "collaborative process" used by the Beaverhead Partnership was an exclusive, self-selective affair. Unlike the open, inclusive and transparent processes described above in conjunction with the Lolo and Bitterroot Restoration Committees, which have the full support of the Forest Service, the Beaverhead Partnership intentionally excluded the voices and interests that didn't already agree with what three conservation groups and five timber mills had come up with behind closed doors. Not only were many public lands interests excluded at the outset in 2006, but concerns, questions and proposals for improving their plan have been systematically ignored and dismissed. Again, this hardly represents a model "collaborative process" for dealing with public lands management.

This Committee needs to be fully aware that the Beaverhead Partnership proposal that makes up the bulk of S.1470, was not an open, inclusive or honest attempt at finding consensus. Furthermore, these self-serving, disingenuous actions by supporters of S.1470 are having a tremendous negative impact on the future of existing and potential successful efforts to work together and find common ground solutions.

Congress Mandating Logging Levels is Unprecedented, Antithetical to NFMA

S1470 mandates a minimum of 100,000 acres of logging on the Beaverhead Deerlodge (BHDL) National Forest and the Three Rivers District of the Kootenai National Forest. The logging mandates greatly exceed the average acres logged annually on the Beaverhead-Deerlodge National Forest going all the way back to the 1950s (Source: http://www.fs.fed.us/r1/forest_range/timber_reports/silviculture_reports/2008_nharv_rpt.pdf). The mandated cut on the BHDL is also an unbelievable 14 times the sustainable level recently calculated by the Forest Service. The mandated logging area on the Three Rivers District of the Kootenai National Forest, includes core habitat for the endangered grizzly bear, whose populations on the Kootenai is nearly extinct due to very heavy logging and roadbuilding.

Mandated logging of National Forest land is an unscientific override of current forest planning by professional Forest Service staff. The notion that the US Congress should legislate logging levels on a national forest is antithetical to the National Forest Management Act (NFMA) and current national forest planning. There should be little debate in this Committee about the need to use planning and, with it, environmental analysis to establish sustainable allowable sale quantities for national forests reflecting ecological, social and economic concerns. NFMA does not prescribe specific timber sale levels.

No law to my knowledge has ever established or mandated a specific timber harvest level for any national forest. The Ketchikan Pulp Company (KPC) and foreign-owned Alaska Pulp Corporation (APC) timber sale contracts that were a dominant factor in management of the Tongass National Forest decades ago, set some contractual obligations for the Forest Service to provide timber in return for a commitment on the part of the companies to continue to operate pulp mills in the region. But, even under these conditions, the agency had the flexibility to adjust levels of timber offered for sale to reflect changing conditions in the region. The existence of the contracts did obligate the government to offer timber for sale and this did strongly influence how the Tongass was managed. But, even this was not a specific, mandated level of logging as is proposed in S.1470.

Will S.1470 Conflict with Preexisting Agency Mandates, Environmental Laws, and Planning Requirements?

This question was asked by Dr. Martin Nie in a recent commentary about S.1470 (http://www.headwatersnews.org/p.ForestJobsAct092809.html). Dr. Nie is professor of natural resource policy at the University of Montana's College of Forestry and Conservation. He is also a leading expert on Forest Service policy. Here was Dr. Nie's response:

"Forest-specific laws already on the books, like the Tongass Timber Reform Act and the Herger-Feinstein (Quincy Library) Act, have engendered more conflict than consensus partly because of how these laws sometimes fail to fit into the preexisting legal/planning framework. In these and other cases the USFS is forced to walk a statutory minefield with legal grenades thrown from all directions. One way or another, the agency gets sued for either complying with existing environmental laws or for ostensibly subordinating the new place-based one. A quick study of these cases informs us that the answer to forest management might not be another law placed on top of myriad others but rather an untangling or clarification of the existing legal framework."

S.1470 Undermines NEPA, Jeopardizes Safeguards Provided Public Lands

S.1470 undermines the National Environmental Policy Act (NEPA) by imposing an unrealistic and arbitrary 12-month NEPA timeline that would preclude the Forest Service from accurately assessing environmental impacts of road building, logging, habitat loss, water degradation, weed infestation, and other costs of developing public wildlands. S.1470 also adds new provisions to appeal regulations that place additional requirements on appellants that will limit most citizens' ability to participate in the planning process.

S.1470 mandates unsustainable logging quotas regardless of environmental costs, thereby jeopardizing safeguards provided public lands by the Clean Water Act, Endangered Species Act, National Forest Management Act, Wilderness Act, and Federal Land Policy and Management Act. Furthermore, S.1470 disenfranchises public lands stakeholders, by overriding legitimate science-based forest planning that involves full public information and participation. It deprives the public of our rights to be included in irreversible decisions concerning our own land. For example, if S.1470 passes, a Billings, Montana resident who wanted to appeal a timber sale over concerns with mandated logging in prime grizzly bear habitat on the Kootenai National Forest would be required to drive 500 miles (one way) to voice his/her concerns. Public lands are not merely local fiefdoms to be managed solely for extraction-oriented industries. The public at large must be included in decision-making concerning its own land.

The language contained within S.1470 also raises serious questions regarding judicial review. For example, could citizens challenge the adequacy of an EIS under the mandated 12-month NEPA timeline contained in S.1470? And even if a court finds the NEPA analysis to be inadequate could the court affect the project in any substantive way?

Even Dr. Nie questions whether S.1470 complies with NEPA. In his article sited above, Dr. Nie wrote, "Complying with the National Environmental Protection Act is one big unanswered question in the FJRA. The bill requires the USFS to satisfy its NEPA duties within one year. But without additional support it's hard to fathom the agency meeting this deadline, given that it takes the USFS about three years to complete an EIS. When it comes to meeting NEPA obligations, the USFS needs more funding, leadership, and institutional support, not more law."

Finally, over the course of preparing for this testimony, I've had the unique opportunity to speak directly with Forest Service managers who would be directly affected by S.1470. While these Forest Service managers might not speak out publically, I can assure you that based on my conversations, there is widespread concern within the Forest Service that S.1470 undermines NEPA and the Forest Service's ability to professionally manage our public lands.

By the Numbers: Mandated Logging in S.1470 vs. Historic Logging

What follows is some information compiled from U.S. Forest Service records regarding historical logging on the Beaverhead Deerlodge National Forest (Source: http://www.fs.fed.us/r1/forest_range/timber_reports/silviculture_reports/2008_nharv_rpt.pdf). The info will clearly demonstrate how S.1470, which would Congressionally mandate a minimum of 7,000 acres of logging per year for ten years on the Beaverhead Deerlodge National Forest, would compare with historical logging on this same forest. (Note: prior to their merger in 1996, the Beaverhead and the Deerlodge were separate forests).

From 1959-1996 the Beaverhead NF averaged 1621 acres of logging per year. The greatest acreage logged on the Beaverhead NF in that time period was 4168 acres in 1987.

From 1954-1996 the Deerlodge NF averaged 1592 acres of logging per year. The greatest acreage logged on the Deerlodge NF in that time period was 4332 acres in 1971.

The average acres logged per year for the Beaverhead and Deerlodge forests combined from 1954-1996 was 3213 acres/year.

The most acreage ever logged in a single year since 1954 on both forests combined was in 1971, when 7013 acres were logged. The next highest total was in 1966 at 5813 acres. These years were also prior to our nation having environmental laws such as the National Environmental Policy Act and the National Forest Management Act. Remember, S.1470 would Congressionally mandate a minimum of 7,000 acres of logging per year for ten years on the BHDL NF. That amount of logging per year is not only more than double the historical average on these forests, but it's the most amount of logging ever, except for one single year.

Dr. Thomas Michael Power, former chair of the Economics Department at the University of Montana, where he currently serves as a Research Professor, looked into this very issue for recent commentary on Montana Public Radio (http://www.mtpr.net/commentaries/753) and had this to say:

"Between 1967 and 1989, when the Forest Service was still largely unhindered by environmental concerns and harvested record numbers of trees, the average acreage harvested on the Beaverhead-Deerlodge National Forest was about 4,000 acres. The Tester bill would seek to force a harvest level two-thirds higher than that previous unfettered average harvest level."

Unfunded Mandates, Stewardship Contracting and How Will S.1470 Be Paid For?

According to recent estimates, it costs U.S. taxpayers at least $1,400 per acre to log in the Beaverhead-Deerlodge National Forest. S.1470 fails to address at least $100 million in costs to U.S. taxpayers that would be incurred by the Forest Service for subsidizing "below-cost" timber sales and power plants for the few specially-privileged timber corporations involved.

One major concern with S.1470 is the notion from supporters that money generated from "stewardship contracting" timber sales will pay for the significant amount of needed restoration work. The Committee should

understanding that over the past decade, this strategy has largely failed to pay for much restoration work in the northern Rockies, even when lumber demand and lumber prices were high.

For example, on January 2, 2009 the Missoulian ran an article in which the Forest Service acknowledged that much of the $100 million worth of "shovel ready" projects in Montana and Idaho involve "cleaning up streambeds, obliterating roads, reclaiming abandoned mines, noxious weed control and other cleanup work left unfinished from previous [stewardship contracting] timber operations."

That's right, the logging part of these "stewardship contracting" timber sales got finished, but tens of millions in restoration work remained unfunded. And again, keep in mind that all this "work left unfinished from previous timber operations" was building up when lumber demand and lumber prices were at their peak. Now that lumber demand is down 55% and lumber prices are near historic lows, just how will "stewardship contracting" pay for all restoration work promised by supporters of S.1470?

Again, Dr. Nie delves into this issue quite deeply in his article referenced above:

"The FJRA would be primarily implemented and paid for by using stewardship contracting. This tool's popularity stems partially from the highly uncertain congressional appropriations process, a process that chronically underfunds the USFS and its non-fire related responsibilities and needed restoration work. But on the Beaverhead-Deerlodge, there are serious questions as to whether there is enough economic value in this lodgepole pine-dominant forest to pay for the restoration work. As a safety valve, the FJRA authorizes spending additional money to meet its purposes, but there is no guarantee that such funds will be appropriated, or if so, they wouldn't come from another part of the agency's budget.

The question, then, is what happens if such envisioned funds don't materialize? Will money be siphoned from other national forests in order to satisfy the mandates of the FJRA? Consider, for example, the White Mountain stewardship project in Arizona. The Government Accountability Office (GAO) found that this project incurred greater costs than expected and such costs have "taken a substantial toll on the forest's other programs."

Furthermore, some other fuel-reduction projects were not completed because their funding sources were being "monopolized" by the White Mountain project. Other national forests in the region also paid a price to service the terms of this contract, and "[a]s the region has redirected funds toward the White Mountain project, these other forests have become resentful of the disproportionate amount of funding the project has received.

The place-based law approach could move the national forests closer to a Park Service model, where state congressional delegations sometimes treat parks like their own fiefdoms, exercising inordinate control over a unit via committee and purse strings. And at the risk of getting ahead of myself, the approach brings to the fore other budget-related questions. Will senior congressional delegations be more successful in securing funding for place-based laws in their states? Will it create a system of "haves" and "have nots" in the national forest system? And perhaps most important, would these budgetary situations benefit the national forest system as-a-whole?"

We're in a Wood Products Depression

I don't have to remind anyone on this Committee of the serious nature of the economic crisis currently gripping this country. Decades and decades of over-consumption and over-development have finally taken their toll, leaving our economy bruised and battered. If the sobering economic headlines of the past few years teach us one thing it should be that much of our current economic system is significantly flawed and that a new economic model – based on the principles of sustainability – is desperately needed.

The timber industry has been hit particularly hard by this economic crisis. After all, America is experiencing the worst housing slump since the Great Depression and the steepest decline in lumber consumption ever. Here are some sobering numbers from the Western Wood Products Association (WWPA) for the Committee to consider:

Lumber consumption in America has dropped over 55% since 2005. Housing starts in America are currently down 70% from the peak in 2005. The last time housing starts in America were so low was 1942 to 1945, during the middle of WWII, when most of America's resources and labor-power were directed at the war effort.

According to a presentation WWPA gave at the 2009 annual meeting of Oregon's industrial forest landowners, currently, there is an inventory of unsold homes nationally equivalent to a 7.6 months supply. Furthermore, total foreclosures for 2009 are expected to top 1 million, pushing the pre-occupied home supply out even further.

While some forecasters are calling for some sort of a housing "rebound," starting in 2012, it's important to understanding that their predictions for 1 million house starts per month by 2012 will still be just 50% of the 2 million house starts per month we saw at the peak in 2005. This is another indication that a recovering economy is not necessarily a strong economy and that U.S. lumber consumption will remain depressed for years to come.

Given all these profound economic realities one really must question the wisdom of Congress stepping in to mandate logging when lumber demand and housing starts look to remain near historically low levels for years to come.

Wilderness, Wilderness Study Areas and Roadless Wildlands

S.1470 specifically eliminates from mandated protection large portions of the late Montana Senator Lee Metcalf's wildlands legacy, Congressionally designated as Wilderness Study Areas in 1977 by his farsighted bill, S. 393. By eliminating this protection, the S.1470 opens these priceless public wildlands for road building, logging, and other development.

S.1470 promotes numerous abuses that are clearly in violation of the 1964 Wilderness Act, including motorized access into and through "wilderness," military aircraft landings in "wilderness," possible "wilderness" logging, and other intrusions that violate the principles of Wilderness.

This bill undermines the overwhelmingly popular Clinton Roadless Rule and Obama Roadless Initiative. Of the 17,429 Montanans who commented on the 2001 Roadless Rule, 78% were in favor of backcountry protection. Unfortunately, over one million acres of federally-inventoried roadless wildlands protected under the Roadless Rule and the Roadless Initiative would be classified in S.1470 as "Timber Suitable or Open to Harvest."

Conclusion

Thank you again for the opportunity to provide testimony on S.1470. Our coalition believes that, despite the best intentions of Senator Tester, this bill represents a serious threat to America's public lands legacy. The mandated logging provisions within the bill are unprecedented and the very notion that the U.S. Congress should legislate logging levels on a national forest is antithetical to the National Forest Management Act and current national forest planning. S.1470 undermines the National Environmental Policy Act by imposing an unrealistic and arbitrary 12-month NEPA timeline, which would preclude the Forest Service from accurately assessing environmental impacts of the mandated logging. For these, and the other numerous reasons presented in this testimony and our analysis in great detail, we ask that you oppose S.1470. I look forward to answering any questions that you may have and thank you for the opportunity to testify at this important hearing.

Keeping It Wild: In Defense of America's Public Wildlands

United by our common understanding that Montana's wild country is its greatest treasure;

And, that once degraded or impaired, this wild country can never be restored or replaced;

And, cognizant of Thoreau's belief that "In wildness is the preservation of the world;"

And, schooled by Aldo Leopold who long ago warned that wilderness can only shrink and not grow;

And, keenly aware of the definition of wilderness in the Wilderness Act of 1964 as being "untrammeled by man," where "man himself is a visitor who does not remain;"

And, fully recognizing that the Northern Rockies ecosystem is the only functioning ecosystem in the lower 48 states where all native species still reside;

And, being of one mind in our desire and determination to protect and preserve what remains of our public wildlands to the greatest extent possible;

We hereby state our intention to work together to achieve the most inclusive and comprehensive protection under the law for all remaining publicly-owned de facto wilderness in Montana.

In full affirmation of the above and, after having been unsuccessful in our earnest efforts to improve Sen. Tester's so-called "Forest Jobs and Recreation Act," or "S. 1470," we must now unanimously oppose this bill.

The bases for our opposition are exhaustively catalogued in separate analyses and papers, but we submit this foundational document to concisely articulate our chief objections. They are as follows:

1. The Tester bill specifically eliminates from mandated protection large portions of the late Senator Lee Metcalf's wildlands legacy, Congressionally designated as Wilderness Study Areas in 1977 by his farsighted bill, S. 393. By eliminating this protection, the Tester bill opens these priceless public wildlands for road building, logging, and other development.

2. The Tester bill undermines the overwhelmingly popular Clinton Roadless Rule and Obama Roadless Initiative. Over one million acres of federally-inventoried roadless wildlands protected under the Roadless Rule and the Roadless Initiative would be classified as "Timber Suitable or Open to Harvest."

3. The Tester Bill surrenders decisions about our national forests to a handful of local bureaucrats and extraction-oriented corporations, thereby promoting fragmentation of America's national public lands legacy into locally controlled fiefdoms.

4. The Tester bill undermines the National Environmental Policy Act by imposing unrealistic and arbitrary requirements that preclude the Forest Service from accurately assessing environmental impacts of road building, logging, habitat loss, water degradation, weed infestation, and other costs of developing public wildlands.

5. The Tester bill mandates unsustainable logging quotas regardless of environmental costs, thereby jeopardizing safeguards provided public lands by the Clean Water Act, Endangered Species Act, National Forest Management Act, Wilderness Act, and Federal Land Policy and Management Act.

6. In its effort to isolate decisions to log wildlands from national attention, the Tester bill disenfranchises public lands stakeholders, by overriding legitimate science-based forest planning that involves full public information and participation. It deprives the public of our rights to be included in irreversible decisions concerning our own land.

7. The Tester bill mandates cutting at least 100,000 acres over 10 years. It dictates at least 7,000 acres be logged per year for 10 years in the Beaverhead-Deerlodge National Forest. In recent years, the Forest Service has set its sustainable cut level for the Beaverhead-Deerlodge National Forest at 500 acres per year. In past years, when the Forest Service was dedicated to "getting the cut out," an average of 3,213 acres per year was logged, from 1954 to 1996, in the Beaverhead-Deerlodge National Forest. On the Three Rivers Ranger District of the Kootenai National Forest, Tester's bill mandates logging of 3,000 acres per year for 10 years in fragile Yaak grizzly bear habitat, already severely damaged by decades of overcutting. While logging at least 100,000 acres would be compulsory, the Tester bill contains no accompanying mandates for restoration, leaving all post-logging reclamation and forest restoration optional.

8. The Tester bill fails to address at least $100 million in costs to U.S. taxpayers that would be incurred by the Forest Service for subsidizing "below-cost" timber sales and power plants for the few specially-privileged timber corporations involved. The bill interferes with free enterprise by mandating that five favored private mills be subsidized with perpetual supplies of national forest trees, at huge economic costs to taxpayers. The bill ignores the financial realities that the United States currently face: Economic crises and a lumber "depression," with new home construction down 70 percent and demands for lumber down 55 percent.

9. By forcing unsustainable industrial-scale logging upon our public lands, the Tester bill would irrevocably harm essential habitat of species that characterize the wild nature of the northern Rockies, such as the gray wolf, bull trout, cutthroat trout (Montana's official state fish), otter, mountain goat, mountain sheep, elk, arctic grayling, northern goshawk, boreal owl, pileated woodpecker, ferruginous hawk, Montana vole, sage thrasher, wild bison, peregrine falcon, bald eagle, pine marten, fisher, lynx, wolverine, and grizzly bear (Montana's official state animal).

10. The "wilderness" areas in the Tester bill are fragmented and unconnected islands of largely "rocks and ice," with limited biological integrity and no potential for sustaining biodiversity. The minimal "wilderness" designated in the bill fails to protect different elevation habitats and their dependent species with core areas, buffer zones, and connecting biological corridors. The bill promotes numerous abuses that are clearly in violation of the 1964 Wilderness Act, including motorized access into and through "wilderness," military aircraft landings in "wilderness," possible "wilderness" logging, and other intrusions that violate the principles of Wilderness.

Due to these severe deficiencies, we intend to see that the Tester bill is not endorsed by Congress. Instead, we will constructively stand for a scientifically-sound, ecologically-based Wilderness Bill that preserves the greatest amount of our priceless and rapidly-vanishing public roadless wildlands in Montana.

We, the following, are conservation organizations and citizens dedicated to wildlands protection, Wilderness preservation, and the sound long-term management of our federal public lands legacy. Our coalition includes small-business owners, scientists, educators and teachers, health care practitioners, hikers and backpackers, hunters and anglers, wildlife viewers, outfitters and guides, veterans, retired Forest Service and Bureau of Land Management officials, ranchers and farmers, craftspersons, and community leaders - all stakeholders committed to America's public wildlands legacy.

Singed and endorsed by the following conservation organizations. Individual citizens have signed and endorsed here: http://www.thepetitionsite.com/1/keeping-it-wild-in-defense-of-america39s-public-wildlands

Alliance for the Wild Rockies (MT)
Big Wild Advocates (MT)
Buffalo Field Campaign (MT)
Conservation Congress (MT)
Deerlodge Forest Defense Fund (MT)
Friends of the Bitterroot (MT)
Friends of the Rattlesnake (MT)
Friends of the Wild Swan (MT)
Montana Rivers (MT)
Save our Cabinets (MT)
Swan View Coalition (MT)
Western Montana Mycological Association (MT)
Western Watersheds Project (MT)
Wilderness Watch (MT)
WildWest Institute (MT)
Yellowstone Buffalo Foundation (MT)
Allegheny Defense Project (PA)
Bark (OR)
Big Wildlife (OR)
Biodiversity Conservation Alliance (WY)
Buckeye Forest Council (OH)
Caney Fork Headwaters Association (TN)
Cascadia Wildlands (OR)
Center for Biological Diversity (AZ)
Center for Sustainable Living (IN)
Citizens for Better Forestry (CA)
Clearwater Biodiversity Project (ID)
Cumberland Countians for Peace & Justice (TN)
Dogwood Alliance (NC)
EcoLaw Massachusetts (MA)
Ecosystem Advocates (OR)
Environmental Action Committee of West Marin (CA)
Environmental Protection Information Center (CA)
Green Press Initiative (MI)
Friends of Bell Smith Springs (IL)
Friends of the Breitenbush Cascades (OR)
Friends of the Clearwater (ID)
Heartwood (IN)
Hells Canyon Preservation Council (OR)
John Muir Project (CA)
Kentucky Heartwood (CA)
Klamath Forest Alliance (CA)
League of Wilderness Defenders (OR)

Native Forest Council (OR)
Network for Environmental & Economic Responsibility, United Church of Christ (TN)
Protect Arkansas Wilderness! (AR)
Public Employees for Environmental Responsibility (PEER) (DC)
RESTORE the North Woods (ME)
Save America's Forests (DC)
Selkirk Conservation Alliance (WA)
Umpqua Watersheds (OR)
Utah Environmental Congress (UT)
Western Lands Project (WA)
WildEarth Guardians (NM)
WildSouth (NC)