



SJ 20: THE FATE OF WILDERNESS STUDY AREAS

September 2020
Environmental Quality Council
Joe Kolman

FINAL REPORT TO THE 67TH MONTANA LEGISLATURE

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This report is a summary of the work of the Environmental Quality Council, specific to the EQC's 2019-2020 [wilderness study](#) as outlined in the Council work plan. This report highlights key information and the processes followed by the EQC. To review additional information, including audio minutes, and exhibits, visit the EQC website: www.leg.mt.gov/eqc.

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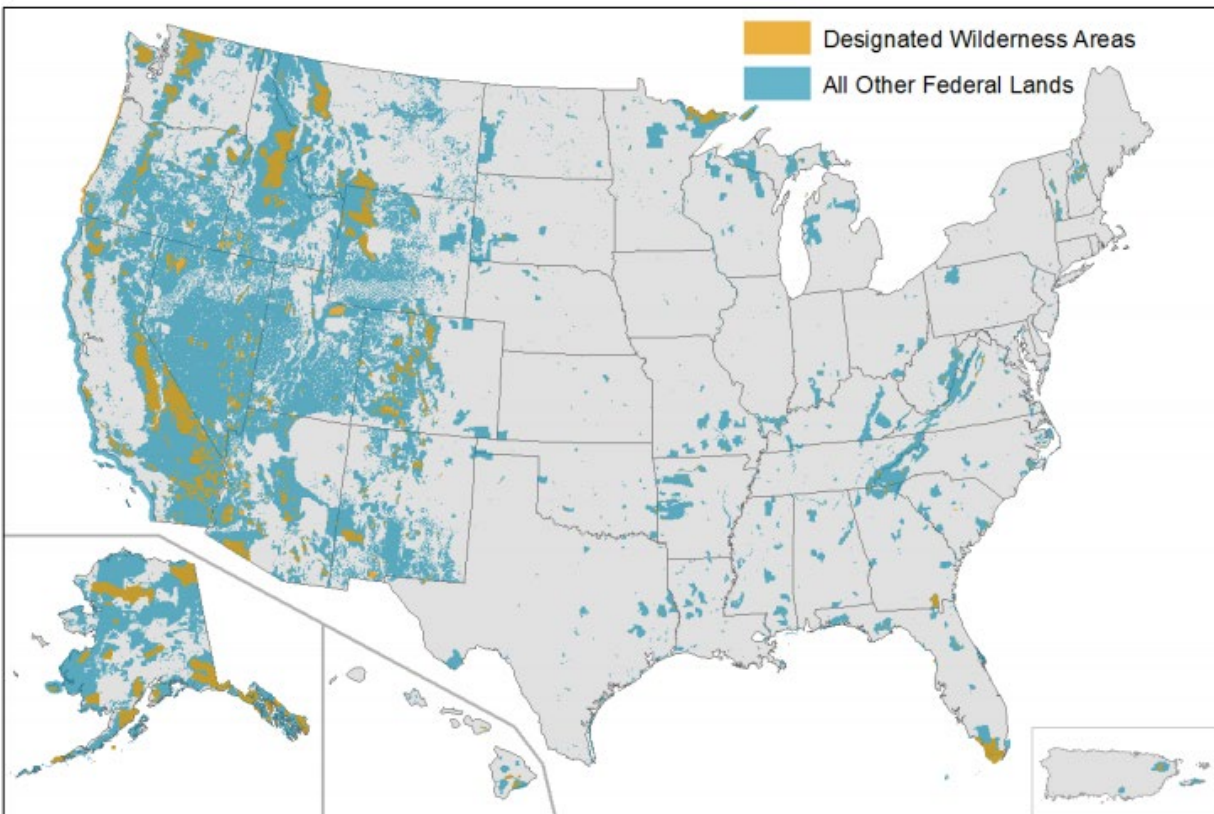
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THE FATE OF WILDERNESS STUDY AREAS

HISTORY

The Wilderness Act of 1964 established areas across the country as worthy of preservation in a wilderness condition, “where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain.”¹

More than 111 million acres, or about 18 percent of federally owned land in the United States, is designated as wilderness. More than half of that is contained in Alaska. Montana has about 3.5 million acres of wilderness, the majority managed by the U.S. Forest Service (USFS). The Bureau of Land Management administers just more than 6,000 acres of wilderness, and the U.S. Fish and Wildlife Service manages about 65,000 acres.²



Source: Created by CRS using data from Wilderness.net and the U.S. National Atlas.

Notes: The federal lands depicted in this figure include all of the federally owned or administered land areas in the United States, including lands managed by the Department of Defense and Department of the Interior lands held in trust for Indian tribes.

¹ Anne Riddle and Katie Hoover, [Wilderness: Overview, Management, and Statistics](#), Congressional Research Service, July 2019.

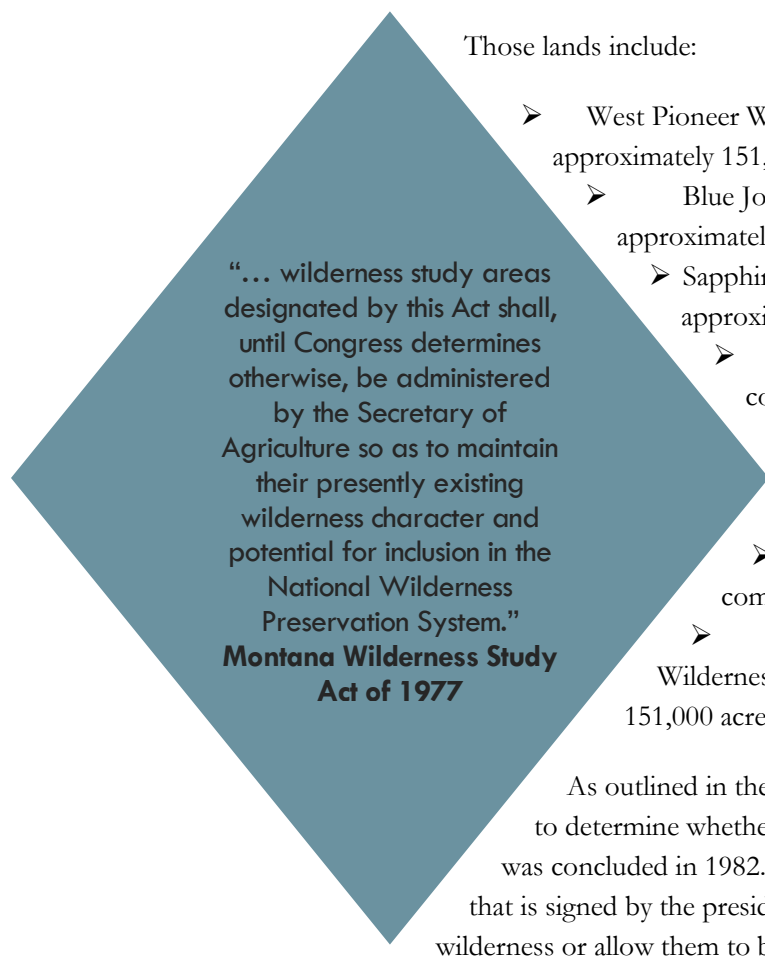
² Ibid.

THE FATE OF WILDERNESS STUDY AREAS

Different in status but similar in management are wilderness study areas (WSAs), which are the focus of Senate Joint Resolution 20 (SJ 20) being studied by the EQC.

The [Montana Wilderness Study Act](#) designated almost 663,000 acres of federal land in 1977 to be reviewed for preservation potential, but Congress and presidents have yet to act on disposition of those lands. These lands are managed by the USFS under the Department of Agriculture.³

SJ 20 notes there is legal uncertainty over how wilderness study areas affect forest management, road construction, grazing, motorized recreation, weed management, timber harvesting, and local communities.



Those lands include:

- West Pioneer Wilderness Study Area, comprising approximately 151,000 acres;
- Blue Joint Wilderness Study Area, comprising approximately 61,000 acres;
- Sapphire Wilderness Study Area, comprising approximately 94,000 acres;
- Ten Lakes Wilderness Study Area, comprising approximately 34,000 acres;
- Middle Fork Judith Wilderness Study Area, comprising approximately 81,000 acres;
- Big Snowies Wilderness Study Area, comprising approximately 91,000 acres; and
- Hyalite-Porcupine-Buffalo Horn Wilderness Study Area, comprising approximately 151,000 acres.

As outlined in the federal legislation, a study of those areas to determine whether they should be designated as wilderness was concluded in 1982. However, Congress must pass legislation that is signed by the president to either designate these areas as wilderness or allow them to be managed like other Forest Service lands.

“... wilderness study areas designated by this Act shall, until Congress determines otherwise, be administered by the Secretary of Agriculture so as to maintain their presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System.”
Montana Wilderness Study Act of 1977

For the EQC, the Forest Service provided a [background summary](#) for each of its wilderness study areas that includes the original study decision as mandated by the Wilderness Study Act.

As an example, this is the finding for the Big Snowies WSA:

³ The BLM manages 35 wilderness study areas comprising 435,000 acres in Montana, but SJ 20 and the EQC focused on those forested lands managed by the USFS.

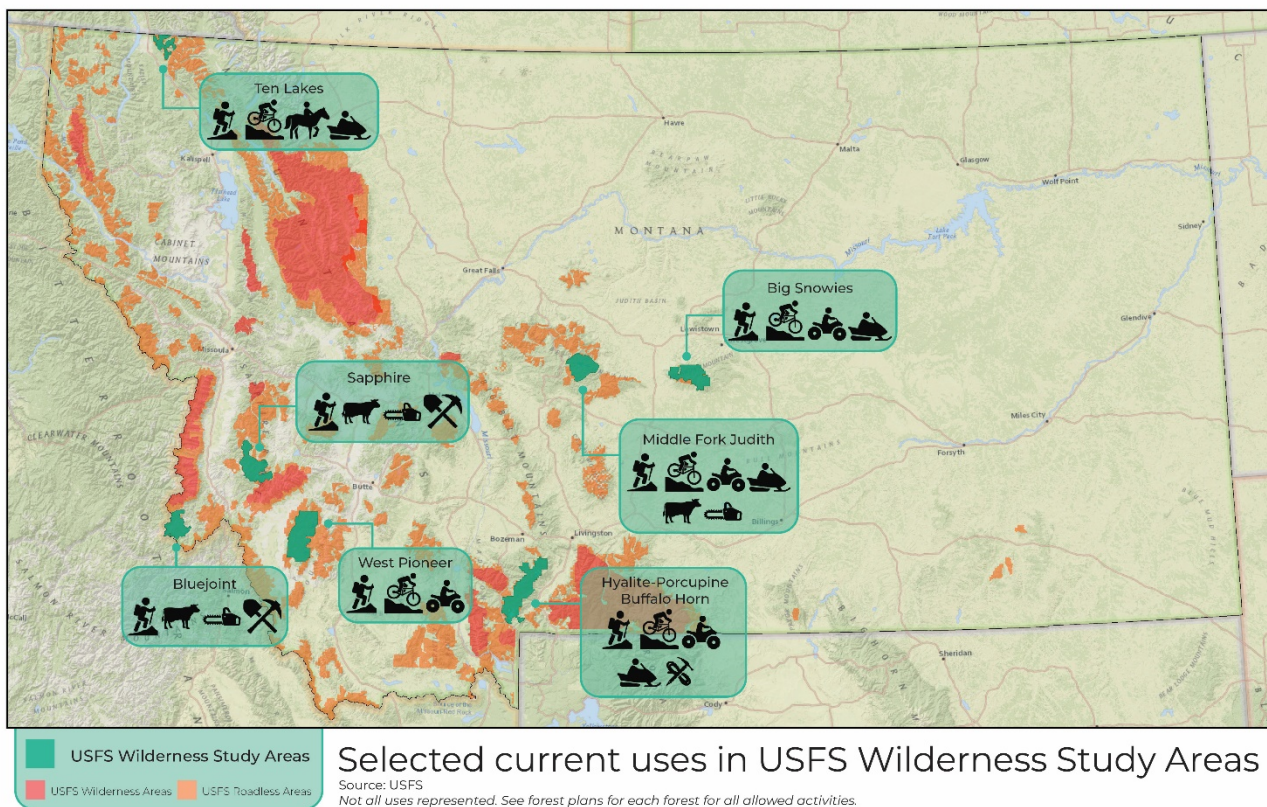
THE FATE OF WILDERNESS STUDY AREAS

“The Forest Service released their Final Environmental Impact Statement (FEIS) and study of the Big Snowies and Middle Fork Judith WSAs in 1982 in accordance with the Montana Wilderness Study Act. After extensive research and public input, the Forest Service recommended the Big Snowies to be managed as nonwilderness stating:

“The Big Snowies contain 50 miles of road: 14 miles of primitive road and 36 miles of low standard road. Almost every stream bottom on the periphery has a road which penetrates the study area for varying distances. Motorized recreation takes place on these roads and some trails... The past and present mineral activity for base and precious metals has been minimal. The southern half of the area has a potential for accumulation of oil and gas. The Forest Service recommends nonwilderness for the Big Snowies Study Area.”

CURRENT USES OF WILDERNESS STUDY AREAS

The map below shows the general location of wilderness study areas and selected uses. The table provided by the Forest Service and the summary in Appendix A provide more detail of current uses allowed under forest plans for the wilderness study areas. For current maps and specific use information, contact the [area Forest Service office](#).



THE FATE OF WILDERNESS STUDY AREAS

The following table compares elements of each WSA managed by the Forest Service in Montana.

WSA name & unit	Acres ^a	Forest plan recommended wilderness acres & date	Nonwinter motorized access ^b	Nonwinter mechanized access (mtn. bikes)	Winter motorized access ^c	Grazing	Suitable timber ^c	Mining activity	Utility corridors	Forest plan revision status
Big Snowies (HLC)	91,000	0 (1982)	Y	Y	Y	Y	N	N	N	Under way
Blue Joint (Bitt)	61,000	28,500 (1987)	N	N	N	Y	N	Y	Y (1)	Not yet scheduled (TBD)
Hyalite/Porc/Buf (C-G)	151,000	0 (1987)	Y(motorcycles) ^g	Y ^g	Y ^g	Y	N	N	N	Under way
Middle Fork Judith (HLC)	81,000	0 (1982)	Y	Y	Y	Y	N	Y	Y ^d (1)	Under way
Sapphire (Bitt/B-D)	94,000	0 (1987)	N (Bitt) Y (B-D)	N (Bitt) Y (B-D)	N (Bitt) Y (B-D)	Y (Bitt) Y (B-D)	N (Bitt) N (B-D)	Y (Bitt) Y (B-D)	1 (Bitt) N (B-D)	B-D complete (09) Bitt Revision TBD
Ten Lakes (Koot)	34,000	26,000 (2015)	Y	Y	Y	N	N	Y ^f	N	Completed 2015
West Pioneer (B-D)	151,000	0 (1981 & 2009)	Y	Y	Y	Y	N	Y	N	Completed 2009

^a Acreage per Montana Wilderness Study Act of 1977 (Public Law 95-150).

^b Does not include any routes authorized to access private inholdings within WSA (if applicable).

^c Per FSH 1909.12 ch. 20 sec. 24.41, WSAs aren't suitable for timber production to maintain option for future designation.

^d Utility corridor crosses southwest corner of the Middle Fork Judith WSA.

^e Extent of area/routes open to over-snow motorized travel varies by WSA.

^f Five claims existed in the WSA in 1977 (dating to 1890s/early 1900s). Government purchased four claims between 1980 and 1989. Offer to purchase fifth claim not accepted.

^g District/9th Circuit enjoined Forest Service's travel plan decision in WSA – so "allowable" uses are through an interim order, not a final travel plan decision.

THE FATE OF WILDERNESS STUDY AREAS

Wilderness study areas are also covered under the 2001 federal roadless rule. In general, the [rule prohibits road construction and reconstruction](#) in selected areas in addition to restrictions imposed under the Wilderness Study Act. The Forest Service provided [maps](#) showing in more detail the roadless areas in and around WSAs.

In May 2020, [three speakers explained](#) current management, resources, and monitoring of wilderness study areas. Leanne Marten, the Region 1 Forester, spoke about management and forest planning. John Metesh, the state geologist at Bureau of Mines and Geology at Montana Tech, explained the [geologic data and mineral potential](#) for the wilderness study areas. And since part of the federal mandate is that the [wilderness character](#) of study areas be maintained, the Forest Service enlisted the Wilderness Institute to conduct field monitoring. As part of the W.A. Franke College of Forestry and Conservation at the University of Montana, the Institute used Montana Conservation Crews and volunteers for the fieldwork. Lisa Gerloff, the citizen science program director for the Institute, discussed [reports](#) that include findings for:

- weed infestations;
- wildlife observations;
- streambank conditions;
- infrastructure; and
- trails.

COLLABORATIVE ATTEMPTS AT WSA RESOLUTION

Documents from different sources provide some background on collaborative efforts of stakeholder groups to address concerns related to national forest lands in Montana, which include certain wilderness study areas managed by the Forest Service. The Montana Forest Collaboration Network is an “an independent organization of volunteers providing information and services to individuals and groups across the state of Montana that support the management and protection of natural resources. The mission of the organization is to assist collaboration in forest and grassland restoration, conservation, and resource utilization for the benefit of all.”

Sponsors of the Montana Forest Collaboration Network include the Montana Wood Products Association, federal land management agencies, the Wilderness Society, the Society of American Foresters, and the Montana Wilderness Association, among others. The [2019 Annual Report](#) includes an overview of stakeholder efforts.

“MONTANANS HAVE A LONG HISTORY OF WORKING TOGETHER TO FIND COMMON GROUND ON CONTENTIOUS ISSUES RELATED TO NATURAL RESOURCE MANAGEMENT AND PLANNING.”

–SJ20

THE FATE OF WILDERNESS STUDY AREAS

The Wilderness Society provided two related documents. The group compiled a [summary of current collaboration efforts](#) in the state (which are explained more in depth in the Collaboration Network report). The other document, [Collaboration at a Crossroads](#), includes case studies of collaboration in the state.

Panelists

EQC staff consulted with Julia Altemus of the Montana Wood Products Association, Noah Marion of the Montana Wilderness Association, and others regarding panelists for the [January EQC meeting](#). They suggested the following panelists who agreed to address the Council and answer questions. All are involved with at least one of the stakeholder collaboration efforts identified in the background documents.

Name	Affiliation	Background
Brian Kahn	Artemis Common Ground	Attorney
Tony Colter	Sun Mountain Lumber	Logging industry
Barb Cestero	The Wilderness Society	Conservationist
Russ Ehnes	Independent	Motorized recreation activist
Ben Horan	MTB Missoula	Mountain bike activist

ADVICE FROM THE HILL

Many of those who testified before the EQC reiterated that only Congress and the president can decide the fate of wilderness study areas.

Discussions of wilderness and wilderness study areas generate much interest. While the legislation establishing wilderness and study areas is more than half a century old, [legislation is regularly introduced](#) to designate wilderness and release wilderness study areas.

For its July 2020 meeting, the EQC invited the Montana congressional delegation or their representatives to discuss what Montana can do to determine what should be done with those areas in the state. The responses are included in Appendix B.

PUBLIC COMMENT

The EQC gathered public comment on this report, all of which [is available here online](#).

THE FATE OF WILDERNESS STUDY AREAS

APPENDICES

Wilderness Study Areas located on national forest system lands in MT

Provided by the US Forest Service at the request of MT Legislative EQC – August 28, 2020

Big Snowies WSA:

General Description:

Comprised of approximately 91,000 acres and located on the Lewis and Clark National Forest just south of Lewistown, Montana the Big Snowies WSA was recommended to be managed as non-wilderness by the Forest Service in 1982.

Original Study Decision:

The Forest Service released their Final Environmental Impact Statement (FEIS) and study of the Big Snowies and Middle Fork Judith WSAs in 1982 in accordance with the Montana Wilderness Study Act. After extensive research and public input the Forest Service recommended the Big Snowies to be managed as nonwilderness stating:

“The Big Snowies contain 50 miles of road: 14 miles of primitive road and 36 miles of low standard road. Almost every stream bottom on the periphery has a road which penetrates into the study area for varying distances. Motorized recreation takes place on these roads and some trails... The past and present mineral activity for base and precious metals has been minimal. The southern half of the area has a potential for accumulation of oil and gas. The Forest Service recommends nonwilderness for the Big Snowies Study Area.”

2020 Forest Plan Revision

The Draft Revised Forest Plan and Final EIS were provided for public comment in fall 2018. The analysis consisted of 5 alternatives and the Big Snowies WSA, or portions of it, were recommended for wilderness in three of them. Two of the alternatives recommended non-designation (including the no action which is the current 1986 Forest plan).

In the preferred alternative, which was released with the Draft Record of Decision and Final Environmental Impact Statement in May of 2020, the Forest recommended the eastern portion of the Big Snowies WSA, approximately 66,894 acres, for recommended wilderness. Management of this area would follow the plan components for both RWAs and WSAs.

Also, in the preferred alternative, the western portion of the Big Snowies WSA, approximately 32,296 acres, was designated as the Grandview Recreation Area. This primitive recreation area would follow specific plan components for the recreation area in addition to the plan components for the WSA. All plan components (WSAs, RWAs, and Grandview Recreation Area) would protect the wilderness characteristics of the Big Snowies WSA as they existed before 1977 and would ensure the area’s potential for inclusion in the National Wilderness Preservation System.

The Final Environmental Impact Statement/Forest Plan and Draft Record of Decision for the Helena-Lewis & Clark National Forest land management plan was posted in the federal register on May 21, 2020, initiating a 60-day objection period, followed by an objection review process that is currently underway.

Current Uses:

There are extensive trails for non-motorized recreation, including some used by the mountain biking community, throughout the Big Snowies WSA. Additionally, there are two larger areas in the northwestern

portion of the WSA that allow for motorized over-snow uses in the winter. Full size, UTVs, ATVs and motorcycles are allowed in non-winter on 3 designated routes in the south portion of the WSA. These uses are allowed per the 2004 Travel Plan. There is no mining in the Big Snowies WSA, and vegetative management is minimal. Grazing takes place in the southern portion of the WSA and would be allowed to continue if designated as wilderness.

Blue Joint WSA:

General Description:

Comprised of approximately 61,000 acres and located on the Bitterroot National Forest just west of Darby, Montana the Blue Joint WSA was split into two pieces by the Forest Service in 1987 – 32,500 acres were recommended to be managed as non-wilderness, and 28,500 recommended to add to the Frank Church-River of No Return Wilderness. The portion recommended for wilderness is the Blue Joint Drainage, entirely enclosed by high ridges. There was a road that existed in the 80s in the front of the drainage and there was existing trail riding, snowmobiling, and trail clearing with a chainsaw (nonwilderness uses).

Original Study Decision:

The Forest Service released their Final Environmental Impact Statement (FEIS) and study of the Blue Joint WSA in 1987 in accordance with the Montana Wilderness Study Act. After extensive research and public input the Forest Service recommended the Blue Joint to be split and with part added to the Frank Church-River of No Return Wilderness and the remaining to be managed as non-wilderness stating:

“The Blue Joint drainage is entirely enclosed by high ridges offering outstanding solitude. Primitive recreation opportunities include hiking, big- and small-game hunting, fishing, and viewing a moderate diversity of vegetation and wildlife. Seventy-five percent of the boundary is well-defined by topographic features, the remainder is mid-slope either passing through or immediately above roads and development.”

Forest Plan Revision:

The Bitterroot Forest Plan revision is not currently scheduled, but may commence in the next several years. The current Forest Plan provides management area direction to protect the wilderness character of the area.

Current Uses:

No motorized or mechanized travel, including over snow, allowed per the 2016 Bitterroot Travel Plan. There are minimal existing roads. There are 11 active mines, as well as minimal vegetation management activities. There are 1172 acres open for livestock grazing and 44,089 acres suitable for timber management. There is 1 utility corridor and high mineral potential.

- Prior to the 2016 Bitterroot travel Plan the area was open to motorized/mechanized activities including 10 trails totaling 63 miles for OHVs and mountain bikes, 64,000 acres open to snowmobiles.

Middle Fork Judith WSA:

General Description:

Comprised of approximately 81,000 acres and located on the Lewis and Clark National Forest just south of Stanford, Montana, the Middle Fork Judith WSA was recommended to be managed as nonwilderness by the Forest Service in 1982 and 1986. Instead, it recommends managing for primitive recreation, wildlife management, and development/timber management along Harrison Creek drainage.

Original Study Decision:

The Forest Service released their Final Environmental Impact Statement (FEIS) and study of the Big Snowies and Middle Fork Judith WSAs in 1982 in accordance with the Montana Wilderness Study Act. After extensive research and public input the Forest Service recommended the Middle Fork Judith to be managed as nonwilderness stating:

“The Middles Fork Judith contains 64 miles of road: 52 miles of primitive road and 12 miles of low standard road. Motorized recreation takes place throughout the area... The area contains 461 million board feet of timber. Site productivity is average when compared to other sites on the Forest. The areas most suitable for timber management are in the upper basins of the middle Fork and Lost Fork. There are approximately 150 prospects and mines within the study area. The famed yogo sapphire deposit lies partially in the study area. Evidence indicates that lead, silver, and molybdenite exist in quantity, but at long distances from milling sites. The Forest Service recommends nonwilderness for the Middle Fork Judith Study Area.

Ongoing Forest Plan Revision:

The Draft Revised Forest Plan and Final EIS were provided for public comment in fall 2018. The analysis consisted of 5 alternatives, three of which identified recommended wilderness areas. A portion of the Middle Fork Judith WSA was recommended for wilderness in one of those alternatives. Two of the alternatives recommended non-designation (including the no action which is the current 1986 Forest plan).

Alternative D recommended RWA designation for approximately $\frac{3}{4}$ of the Middle Fork Judith WSA. This was a result of strong public support for those portions of the WSA with the most remote, inaccessible terrain and with the highest potential for solitude. The Forest Service received public comment both for and against this recommendation.

In the preferred alternative, released with the Final Environmental Impact Statement in May 2020, the Middle Fork Judith WSA is not identified as recommended wilderness, due primarily to its proximity to the highly developed private lands in the bottom of the drainage. Even though it was not identified as an RWA in the preferred alternative, the WSA plan components would protect the wilderness characteristics of the Middle Fork Judith WSA as they existed before 1977 and would ensure the area’s potential for inclusion in the National Wilderness Preservation System.

The Final Environmental Impact Statement/Forest Plan and Draft Record of Decision for the Helena-Lewis & Clark National Forest land management plan was posted in the federal register on May 21, 2020, initiating a 60-day objection period, followed by an objection review process that is currently underway.

Current Uses:

An extensive trail system provides for non-motorized recreation throughout the WSA. Many of these trails are used by the mountain biking community. Motorized uses, including some motorized over-snow areas and motorized trails systems, are allowed in limited portions of the WSA and authorized by the existing travel plan. Mining and vegetative management is minimal. There is some grazing within the area that could be authorized to continue if designated as Wilderness in the future.

Sapphire WSA:**General Description:**

Comprised of approximately 94,000 acres and located on the Bitterroot and the Beaverhead-Deerlodge National Forests just southeast of Hamilton, Montana, the Sapphire WSA was recommended to be managed as non-wilderness (evidence of historic mining, several roads, and dams on trout and kent lakes, evidence of domestic sheep use).

Original Study Decision:

The Forest Service released their Final Environmental Impact Statement (FEIS) and study of the Sapphire WSA in 1987 in accordance with the Montana Wilderness Study Act. After extensive research and public input the Forest Service recommended the Sapphire to be managed as non-wilderness stating:

“The roadless area retains a high degree of naturalness, however some impacts are evident. Mining activity is visible on 250 acres of private land. Fire lines and primitive roads are evident in Martin Creek as are several other roads within the exterior boundary ... Primitive recreation opportunities include hiking, horseback riding, big- and small-game hunting, fishing, and viewing a moderate diversity of vegetation, wildlife and historic mining. Most of the boundary is poorly defined by topography, lying mid-slope immediately above roads and development.”

Forest Plan Revision:

The Bitterroot Forest Plan revision is not currently scheduled, but may begin in the next several years, and the Beaverhead-Deerlodge Forest Plan Revision was completed in 2009. Both of the current Forest Plans provide management area direction to protect the wilderness character of the area, but recommend a non-wilderness designation.

Current Uses:

Bitterroot NF: No motorized or mechanized travel, including over snow, allowed per the 2016 Bitterroot Travel Plan. There are active mines, as well as minimal vegetation management activities. 25,864 acres are open to grazing and there are 71,224 acres suitable for timber management. There is 1 utility corridor and high mineral potential.

- Prior to the 2016 Bitterroot Travel Plan the area was open to motorized/mechanized activities including 20 trails totaling 41 miles for OHVs and mountain bikes in Bitterroot portion as well as 37,500 acres open to snowmobiles.

Beaverhead-Deerlodge NF: Maintain semi-primitive recreation setting with predominantly natural appearing scenery. Summer non-motorized trails and a few miles of motorized trails are provided including portions of Trail #313. The semi-primitive motorized setting is based on motorized use existence prior to 1977. Big game hunting and snowmobiling, particularly around Frog Pond

Basin, are popular. The entire management area is a fish key watershed important for bull trout habitat. Vegetation is managed through prescribed and natural fire. Other ecosystem components are regulated by natural processes and events.

West Pioneer WSA:**General Description:**

Comprising of approximately 152,000 acres and located on the Beaverhead-Deerlodge National Forest just east of Wisdom, Montana the West Pioneer WSA was recommended to be managed as non-wilderness by the Forest Service as a part of the 1981 Forest Plan. Actions taken to facilitate motorized use in the area since the 1977 Act were litigated by Montana Wilderness Association and later upheld in Court.

Original Study Decision:

The Forest Service released their Final Environmental Impact Statement (FEIS) and study of the West Pioneer WSA in 1979 in accordance with the Montana Wilderness Study Act. After extensive research and public input the Forest Service recommended the West Pioneer to be managed as nonwilderness stating:

“Although the West Pioneer area possesses high wilderness characteristics as expressed by the wilderness Attribute Rating System, it has been assessed...as not contributing significantly to the National Wilderness Preservation System... The West Pioneer area has been determined to contain a high molybdenum reserve with a present net worth of \$36.9 million... The [nonwilderness designation] will permit the greatest dispersed motorized recreation use, primarily snowmobile use... It provides an opportunity for both roaded and roadless forms of primitive recreation activity. About 45 percent of the study area will likely remain essentially roadless and be available for primitive recreation.”

The Forest Service held up this position in its 1981 and 2009 National Forest Plan.

Recent Forest Plan Revision:

The 2009 Land Resource Management Plan, has recommended the West Pioneer WSA for non-wilderness designation.

Current Uses:

The area provides a semi-primitive recreation setting in summer and winter. Hunting, stock and OHV use on trails are the most common activities. Popular snowmobile trails connect the Big Hole Valley through the Warm Springs area to the Scenic Byway. Vegetation is managed primarily through prescribed and natural fire. Doolittle and Squaw Creek are fisheries key watersheds managed to conserve native fish populations.

Ten Lakes WSA

General Description:

Comprised of approximately 34,000 acres and located on the Kootenai National Forest and is northeast of Libby, Montana.

Original Study Decision:

The Forest Service released the Final Environmental Impact Statement (FEIS) and study of the Ten Lakes WSA in 1985 in accordance with the Montana Wilderness Study Act. After extensive research and public input the Forest Service made the following recommendation for Ten Lakes:

“This Final Report and Proposal includes a wilderness recommendation on 26,000 acres of the Ten Lakes Montana Wilderness Study Act area, located in northwestern Montana astride the Whitefish Mountain Range, bordered by Canada to the north. The remaining 8,200 acres of the 34,200 acre area are recommended for nonwilderness designation including roadless management (5,300 acres) and developmental designation with activities that favor wildlife. The recommendation is based upon 8 years of study, analysis, and evaluation of public comments and follows the public review of the Draft Report and Proposal released in November 1982.”

Recent Forest Plan Revision:

The 2013 draft record of decision for the land management plan did not recommend the Ten Lakes WSA for wilderness designation. Based on objections from several parties and the ongoing site-specific travel management planning for the area per a 2007 litigation settlement agreement, the 2015 final record of decision and forest plan defers the recommendation to the 1985 Ten Lakes MWSA Final Report and Proposal.

Current Uses:

The Ten Lakes area provides forest users a variety of recreation opportunities from developed campgrounds to dispersed, remote, backcountry opportunities. Recreation users (including hikers, mountain bikers and snowmobilers) access the higher peaks and ridges for the challenge of doing so and for the views those locations provide. All trails are open to hiking, stock, and mechanized use (mountain biking). Hiking is the dominant use, followed by stock. Trails within the WSA that are popular bicycle loop trails are shared with hikers and horse riders.

Snowmobiling, snow-shoeing, and dog sledding, as well as back-country and cross-country skiing, are winter uses within the WSA. The entire project area is open to over-snow motorized use (2016 Ten Lakes Travel Management DEIS).

Hyalite-Porcupine-Buffalo Horn WSA

General Description:

Comprised of approximately 151,000 acres and located on the Custer Gallatin National Forest south of Bozeman, Montana. This area is located in the core of the Gallatin Range, running north to Hyalite Canyon and south to the Yellowstone National Park boundary. After the completion of the 1986 suitability report the WSA was recommended to be managed as non-wilderness by the Forest Service as a part of the 1987 Forest Plan.

There has been a 40 year history of contention and legal action surrounding the management and designation of this WSA. The most recent litigation was resolved in December 2011, when the 9th Circuit Court ruled that the 2006 Travel Plan Decision within the Hyalite-Porcupine-Buffalo Horn Wilderness Study Area did not adequately protect wilderness character. On June 25, 2012, District Court Judge Haddon found that CBU's subsequent suit had been "squarely resolved" by the 9th decision in the case of Russell Country Sportsmen v. United States Forest Service and granted the defendants motion for summary judgment.

Since that time the agency has participated in a variety of community conversations, including both the Gallatin Community Collaborative and the Gallatin Forest Partnership and initiated the Forest Plan Revision process.

Original Study Decision:

The Forest Service released the Final Environmental Impact Statement (FEIS) and study of the Hyalite Porcupine Buffalo Horn WSA in 1985 in accordance with the Montana Wilderness Study Act. After extensive research and public input as part of the Gallatin National Forest Plan in 1987, the Forest Service made the following recommendation for the area:

"I am not recommending this area for wilderness classification because I believe the following management which has been analyzed in the Hyalite-Porcupine_Buffalo Horn Study best serves the public. ...

Most of the area will remain unroaded to maintain its dispersed recreation and wildlife qualities. Until Congress determines otherwise, this Montana Wilderness Study Act area will be managed, subject to existing rights and uses, to maintain its existing wilderness character and potential for inclusion in the National Wilderness Preservation System. Therefore, no timber harvest, road construction, or other development will occur until Congress acts."

Ongoing Forest Plan Revision:

The draft Record of Decision, 2020 plan and final EIS were released July 9, 2020. The plan reflects a robust multi-year public process which included a new evaluation of lands with wilderness character and consideration of whether some of the area should be recommended as wilderness. Recommended wilderness was a topic of very high public interest in plan revision.

The draft Record of Decision reflects a new alternative (alternative F) which was developed in response to public input on the range of alternatives in the draft EIS. The Forest Service developed a complex and well-reasoned management scheme for the WSA which includes about 76,715 acres of recommended wilderness, 41,066 acres of backcountry area, 12,494 acres of recreation emphasis area, and 1,938 acres of key linkage areas. The remaining acreage of the WSA would have no additional allocation other than inventoried roadless area. No motorized or mechanized (bicycle) trails in the WSA would be affected by alternative F. About 458 acres would no longer be suitable for winter motorized transport (snowmobiling) in the WSA, but popular snowmobiling areas would not be affected (the analysis does not take into account legal access, terrain or consistent snow).

Recommended wilderness is based upon the fact that the majority of the area is very natural appearing, undeveloped and not affected by human intervention. There is some grazing in the area, which could be authorized to continue if designated as Wilderness.

The revised Forest Plan, Final Environmental Impact Statement and Draft Record of Decision are currently in a 60-day objection period which closes September 8, 2020. A final decision is expected Spring 2021.

Current Uses:

The 1985 Hyalite-Porcupine-Buffalo Horn Wilderness Study Report indicated that visitor uses primarily included hiking, camping, hunting, snowmobiling, motorcycle riding, horseback riding, collecting specimens from the Gallatin Petrified Forest, and cross-country skiing (USDA Forest Service 1985). Big game hunting, trout and grayling fishing, and activities provided by outfitters, guides, and dude ranches were also popular. By 2003, Hyalite-Porcupine-Buffalo Horn Wilderness Study Area recreation uses had shifted, mirroring changes seen elsewhere on the Gallatin National Forest and in the Northern Rockies. Since 2012, the Forest has been managing use within the HPBH under an interim special order that has allowed for 21 miles of bicycle trails, 39 miles of motorcycle trails, 14 miles of the Big Sky Snowmobile National Recreation Trail and approximately 2,666 acres of terrain are open to snowmobiling. The Custer Gallatin National Visitor Use Monitoring (NVUM), completed in 2014, reported 200,000 visitors to the WSA, 87% of surveyed visitors reported that they participated in hiking and walking, 4% biking, and 2.5 % horseback during their visit. Additional surveys were completed in 2019 and results have not been compiled- although based on evidence primary uses have remained relatively stable- while volume of visitors has increased.

United States Senate

Mr. Chair, members of the Committee, thank you for the opportunity to share a few words on SJ 20.

This committee has provided a forum for stakeholders to formulate and discuss options to address the disposition of lands designated as Wilderness Study Areas under the Montana Wilderness Study Act of 1977.

The legislature has shown interest in the status of Wilderness Study Areas. This comes as no surprise. Montanans love to recreate on public lands and many depend on them for their livelihoods. My wife Cindy and I spend time in the Absaroka-Beartooth Wilderness every summer and are always excited to return.

We must be good stewards of these resources. The current pandemic has only emphasized the value of Montana's public lands and demonstrated to many that their use is indeed the ideal way to social distance. A solution to this decades' old issue should include local support and will likely focus on issues of access and recreation to these lands whose value will only continue to grow with time in our Treasure State.

I intend to respect the state legislature's findings and will closely examine the Environmental Quality Council's final report.

Thank you,

A handwritten signature in blue ink that reads "Steve Daines". The signature is written in a cursive style with a large, stylized "S" and "D".

Senator Steve Daines

Statement of Cong. Greg Gianforte
Montana Environmental Quality Council
July 30, 2020

Members of the Montana Environmental Quality Council;

I appreciate this opportunity to submit a written statement and apologize that my duties in Washington prevent my attendance.

Three principles guide me when it comes to our public lands.

1. We must ensure our public lands stay in public hands.
2. We must protect and increase public access to our public lands.
3. We must listen to and trust our local communities.

Wilderness Study Areas have been studied for decades by federal land management agencies to determine their suitability for inclusion in the National Wilderness Preservation System. These recommendations required actions by Congress to implement. After listening to leaders of land management agencies, members of local communities, and state legislators, it was clear that Congress should follow through with the U.S. Forest Service and Bureau of Land Management recommendations.

As you know, it often takes several years to enact a legislative solution. The 2018 legislation was a starting point, and began the legislative process, of which an important part is soliciting feedback and improving the legislation. After the bill was introduced, I continued talking with constituents in every corner of our state, holding public meetings about the issue.

What I learned from that series of meetings is that, while Montanans in impacted communities are eager to implement recommendations from federal land management agencies, others continue to have concerns about adopting the recommendations writ large. We should recognize that each community is unique, and the residents and their leaders know what is best for them. It is important policymakers listen to them.

I look forward to your recommendations.

**Message for Environmental Quality Council
July 2020**

[Erik Nylund intro]

Hi everyone,

Thank you for allowing me to join the call on behalf of Senator Tester. I'll give a short introduction and then read Senator Tester's message to you all.

Since his election to the U.S. Senate, Senator Tester has believed strongly that the best way to manage Montana's public lands is through collaboration that lets folks on the ground lead the way on what's best for their communities.

His federal lands legislation throughout the years have been based on this bedrock principle.

Senator Tester introduced the *Forest Jobs and Recreation Act* in 2009 which built upon the work of three collaboratives in Montana, and included both release and designation of some WSAs on BLM and Forest Service land. The heart of the proposal was a three legged approach of jobs, recreation, and conservation built by Montanans on the ground who were able to find common cause to move past previous disagreements.

Senator Tester also introduced *Blackfoot Clearwater Stewardship Act*, which was largely a component of FJRA, but made stronger by the coalition of community members who believe deeply in its benefits to conservationists, motorized and mechanized recreation, and timber production. One unique feature of BCSA is the timber partner in the collaborative remains committed to the other interest, even after much of the timber sought in the FJRA was harvested.

And a very recent example of a collaborative success is the *Yellowstone Gateway Protection Act*, which Senator Tester introduced upon request from a local coalition that included business owners, residents, and conservationists.

Each of these examples is a different solution to land management issues in a different community across Montana. But the thru-line here, and what inspires Senator Tester's work on land management across the board is letting local, collaborative efforts from folks on the ground lead the way.

These are complex issues, and there are no easy substitutes for gathering input and finding a compromise that works for Montanans about how to manage our public lands.

And now I'll get to a message from the Senator.

[U.S. Senator Jon Tester message]

Hello Chairman Keane and Members of the Environmental Quality Council

Thank you for letting me share a few words today about our public lands and how they're managed.

Make no mistake, our public lands are our heritage, and they power our \$7.1 billion outdoor economy, which includes recreation, tourism, mining, logging, fishing, hunting and more.

Tinkering with the balance shouldn't be taken lightly.

While some folks feel the 1977 Montana Wilderness Study Act resulted in lands sitting in limbo, some folks are satisfied with the level of protection these lands have, and others would like more protection than there is now.

The fact is, if these were simple issues, they would have been resolved before any of us were in office.

I don't pretend to have all the answers to how lands should be managed, but I do believe it's critical that legislators, myself included, take our lead from Montanans in these communities who are willing to roll up their sleeves to find solutions.

This principle has motivated me since my days in the legislature, and animated my work on everything from the introduction of the Blackfoot Clearwater Stewardship Act, which would expand outdoor recreation opportunities and enhance timber production in and around the Blackfoot and Clearwater Valleys, to the successful passage of my Yellowstone Gateway Protection Act, which permanently protects Paradise Valley from foreign gold mining.

Just last week I introduced legislation to permanently protect the Badger-Two Medicine area east of Glacier National Park after extensive consultation with the Blackfoot Tribe, the Forest Service, conservation advocates, and others.

So, when thinking about public lands management across our state, we would all do well to remember WSAs are not the only public lands of importance to Montanans, and they're far from the only areas where the Forest Service recommends action. These aren't isolated islands of land and we can't treat them that way—they are interconnected lands and ecosystems that can't be managed in a vacuum.

And it's important to mention that not all Montanans agree with the Forest Service recommendations.

Sometimes the Forest Service changes their position over time. We cannot and should not ignore that there have been a lot of change since recommendations were made resulting from the 1977 Act.

But the collaboratives who have brought legislation to me over the years have recognized this, and they proposed changes to reflect current ideas, such as permanent recreation or special management areas that preserve the values these areas hold. They worked hard to find

compromises in adjacent lands to satisfy other interests and build coalitions across ideological boundaries and different points of view.

It's not just that through collaborative effort everyone's voice is heard, although that is important. It's that a coalition of voices working together in concert are stronger and build more durable solutions for communities than if folks were just looking out for themselves.

And that's just the type of local collaboration lawmakers should be taking their lead from.

Politicians in Helena forcing a top down decision on Montana communities is not all that different than politicians in Washington, DC telling folks in local areas how to manage their lands without local input. And let me tell you, that's the wrong way for us to manage our public lands.

We need to let Montanans who live, work, and recreate on and around these lands drive the bus here and not let politics force a one-size-fits-all, top down approach onto folks who know what works best for their communities.

Thank you for letting me say a few words today, and please don't ever hesitate to reach out if I can be helpful.