

LEGISLATIVE REPORT
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SNEAK ATTACK

Almost last minute maneuvering by an outgoing Lame Duck Congress has resulted in Montana's interests in danger of being compromised by none other than Senator Jon Tester. The 12 page alert issued Saturday by Citizens for Balanced Use warns that Senator Jon Tester is attaching his controversial wilderness bill, S1470, into the "must pass" Senate Omnibus Spending Bill.

Sanctioning of legislation which so blatantly violates both Federal Law and our U.S. Constitution is totally irresponsible and arrogant on the part of the outgoing congress. Because of far reaching ramifications it epitomizes a nightmare to private property owners and public land users everywhere. As early as September of '09, testimony heard at a public meeting at the University in Missoula indicated that both constitutional and legal issues in the bill needed to be corrected, but Senator Tester has never even attempted to address those critical issues.

Over 30 citizens, legislators and county officials testified against the bill and its provisions at that well publicized Missoula hearing. Only one indicated that it might be amended to make it more palatable. Although Tester has conducted several public meetings, not one critique has been allowed into the bill's public record, other than comments submitted in support of wilderness. Though Tester claims statewide support for the bill, that is not the case and officials repeatedly assert that public input has been hijacked! Over 3,000 signatures were gathered in direct opposition to the bill.

Beaverhead County Commissioner Mike McGinley has said: "This is nothing more than a payback to Tester's Environmental east and west coast friends for financing 70% of his election campaign. The Senator is fully aware of the fact this bill violates the 1964 Wilderness Act and other federal laws, yet he will shove this down our throats. Over 600,000 acres of new wilderness, mostly in the Beaverhead Deerlodge Forest."

Although the 74,274 acres designated the "Three Rivers Special Management Area" and the "Roderick Wilderness Area" on the Kootenai National Forest seem minimal compared to the overall, Lincoln County residents have long

been adverse to more wilderness designation. In a 2000 primary election they voted 82-9.7 against more roadless designations. Subsequently 1600 Lincoln County residents, mindful that forest health can only be maintained through active management policies, and who believe that access to public lands is vital to their interests, have signed and submitted petitions to that effect to the Senator and other members of the Montana Congressional Delegation. Not one has acknowledged receipt of the petitions. Can it be true that agendas of the Montana Wilderness Association, Trout Unlimited and organizations like the National Wildlife Federation drown out the voices of Montanans with legitimate concerns? If this bill is allowed to move through the system, that will forever be the case! Specific violations of federal laws requiring public input will guarantee that very thing. Such congressional dereliction of duty would be beyond comprehension.

Space prohibits in-depth consideration of the legal defects in S1470 so I will only itemize the following Acts, Laws and the U.S. Constitution where violations have been identified:

- National Environmental Policy Act
- National Forest Management Act
- Multiple Use Sustained Yield Act
- Endangered Species Act
- Clean water Act
- Clean Air Act
- Data Quality Act
- Council on Environmental Quality regulations
- Administrative Procedure Act
- Federal Advisory Committee Act
- Separation of Powers requirements of the U.S. Constitution
- Fifth Amendment to the U.S. Constitution
- Tenth Amendment to the U.S. Constitution

Citizens for Balanced Use and others sharing concerns about this travesty are encouraged to contact any and all senators, and urge them to disallow this “by pass” of the congressional hearing process to expedite flawed legislation, the passage of which can only result in dire consequences. This trampling of citizens rights appears nothing short of criminal. Senator Tester can be reached at 202-224-2644 and Senator Baucus at 202-224-2651.