

Statement of Mr. Trevis M. Butcher

Missouri River Land Users (Speaking for more than 10,000 neighbors directly affected by this proposed legislation)—Winifred, Montana

Subcommittee on National Parks, Forests and Public Lands

H.R. 2016, National Landscape Conservation System Act

June 7, 2007

The Missouri River Land Users are opposed to the National Conservation Land System. Opposed to this massive bureaucratic overlay on top of a already controversial Monument—on top of a Wild and Scenic River, on top of Wilderness Study Areas, on top of Bureau of Land Management land interspersed with private land, and State School Trust Land. My position also represents similar concerns of the American Land Rights Association.

Members of the Committee, I appreciate the opportunity to testify on HR 2016. I am going to restrict my testimony to address the impacts of this proposal regarding one of the specific Monuments included under the broad and monumental changes which this proposed legislation will impose through statute on rural Montana which I represent.

I own a cattle ranch which neighbors the southern boundary of the Missouri River Monument. This ranch has been in our family since the region was settled in 1914. I am the fourth generation to operate it and the fifth generation is currently at home haying while I have journeyed more than 2,000 miles to present this committee with some insight into the issues which have continually been ignored by advocates of this massive government take-over of my neighborhood.

The Missouri River National Monument designation was a last minute and poorly conceived Executive Order by former President Clinton in the final days of his Presidency. This designation under the Antiquities Act did not meet the basic criteria for designation under this Act. Secretary Babbitt and his supporters in conjunction with the BLM lied to the Montana citizens claiming it would meet the criteria. It was a general proclamation, without any defined boundaries, based on the premise of protecting a historic section of the Missouri River traversed by the Lewis and Clark Expedition. This section of the Missouri River had in fact been under Federal protection for forty years through the Wild and Scenic Act. It has been managed by the Bureau of Land

Management (BLM) as a multiple use designation without problems emphasizing traditional agriculture usage, hunting, motorized boating, fishing, hiking, and other recreational uses. It is contingent to the Charles M. Russell National Wildlife Refuge which is the best example causing Montana citizens to oppose a proposed Monument. This proposed area has no need for “preservation” since it is maintained in much the same manor for the past 100 years.

This was where the problems need to be considered by members of this Committee and Congress during their deliberation. The Missouri River Monument boundaries were not planned with public input and were simply arbitrarily defined “after the fact” by the BLM to encompass 477,000 acres which includes 81,000 acres of private property as well as over 40,000 acres of School Trust Land managed by the State of Montana to fund the educational needs of our students. We could live with Monument boundaries $\frac{1}{4}$ to $\frac{1}{2}$ mile from the center of the River which respected private property rights and would protect the aesthetic view of the rim of the river corridor from any visual obstructions. It is simply not acceptable to control property ten to forty miles or more from the River Corridor “being protected” by the intent of this proposed legislation.

There are 120 families with privately owned land with-in this proposed National Monument which we believe directly violates the Antiquities Act restricting inclusion of private property in a monument designation. These family ranches face serious economic impacts to their operations as a result of the BLM’s proposed draconian restrictions on traditional ranching practices. Of even more concern is the financial impact to all areas of Montana government. Approximately, 46% of the State of Montana is already government land so only 54% of this 4th largest State provides the tax base to support local and state government services. The six counties directly impacted by this Monument and proposed restrictions already have large amounts of federal government land and the PILT payments periodically authorized by Congress does not adequately replace property taxes for our schools and local government services.

This designated Monument is also located in the middle of a large proven natural gas field with existing producing wells and a pipe-line on private property scattered throughout the Monument designation. I must call the Committee’s attention to the serious economic liability to the State School Trust Fund as well as to the private property owners within the Monument who will be unable to benefit from natural gas development thirty and forty miles from the “Scenic River Corridor.” In contrast private property south of the designated Monument (including my own) is scheduled for expansion of the gas development during the fall of 2007 which is in response to critical National energy requirements. The large gas field within the Monument boundry is being ignored costing Montana schools over \$200,000 per day and twice that amount to the 120 private property

owners within the Monument boundaries plus others who hold “split estate” mineral rights. I cannot emphasize enough that this legislation will grossly affect our basic property rights which is fundamental to our traditional American political and economic system.

The Legislation before this Committee would codify bad policy leaving no room for common sense management decisions addressing local needs. This legislation gives the BLM statutory authority to implement policies and regulations which establishes power through their management of scattered government owned land, over huge areas of private property. Beyond the effects on the residents within the Monument, the rest of the citizens of this region will also be severely impacted. Under proposed BLM rules for Monument Management, the BLM is proposing closure of over half the existing access roads to private property and traditional recreational opportunities within the Monument boundaries. This is continuation of Federal policies resulting in Montana residents having lost 2/3 of access and trails during the last decade resulting from Federal mandated policies orchestrated by people unfamiliar with life in Montana and special interest groups.

For over 100 years this has been a continuous ranching economy with large fields of grain which has been farmed since the area was first homesteaded in 1910—1914 in addition to the thousands of cattle which graze throughout the area. The river bottoms, until the past 20 years when the BLM traded some of the land to other areas, was highly productive irrigated alfalfa hay land. Now there are still a few thousand acres of hay-land remaining with the rest managed by the BLM which has consequently reverted to desolate, weed infested habitat resulting in the traditional Elk and deer populations migrating from the Monument area on to adjoining private property in search of healthy ecosystems leaving the grossly mismanaged government property.

I want to emphasize, that contrary to the radical environmentalists who claim “to be saving wild lands for the future,” every inch of the “primitive area” has had cattle grazing, ranchers riding horses, hunters and recreationists traversing the entire area for the last 100 years. Members of Congress, this is a thriving area which is home to 120 ranches which the proponents are proposing to force to leave the area with their livestock and communittee economic base! This translates into the loss of 9,200 mother cows translating into a 25 million dollar regional impact.

I want to call the committee members’ attention to the unsettled case of former Congresswoman Hellen Chenoweth-Hage in the US Court of Claims which has declared that there is significant economic value to those grazing federal managed land. If applied to the Monument, this could have a “fee title” value of \$4,000 to \$6,000 per animal grazing unit. This places the total grazing values at approximately \$60 Million and far higher

value on water rights held by the Monument's in-holders. This has yet to be addressed by the management plans proposed by the BLM and could add a significant liability to the federal government.

The people promoting the Missouri River Monument are either out-of-state financed activists who are new to the area or idealists who live in other parts of Montana. I would like to call members of this Committee's attention to the fact that the Montana legislature overwhelmingly passed a bi-partisan resolution in both 2001 and 2003 legislative sessions strongly opposing the Monument designation. Members of Congress these are the elected representatives who recognize how detrimental federal policies are on the people of Montana.

In addition the 13 BLM hearings regarding the proposed Monument restrictions and operating rules in 2006 was unanimously opposed by the County Commissioners and overwhelmingly opposed by the residents of the six affected Montana counties. In contrast the proponents had full-time paid staff trying to orchestrate support, but the majority of the testimony (even at the hearings held 200-300 miles from the Monument) was in opposition. Strong opposition to the Monument came from a true cross-section of sportsmen, boaters, airplane pilots (from across the West testifying to retain the ten "primitive air-strips" which have existed for over 50 years within the proposed Monument boundaries), motorists who have enjoyed scenic trips on the dusty dirt roads for decades, groups with disabilities, and of course the ranchers and businessmen who face economic ruin as the BLM begins implementation of draconian regulations which deny the traditional usage and access which has been enjoyed and promised by the BLM to thousands of people since the turn of the last Century.

I also want to point out that the Native American tribal leaders of the Fort Belknap Reservation which borders the Monument on the northeast boundary also testified in strong opposition to the BLM proposal repeating the general opposition expressed by other residents of the area. They stated in strong terms "You are taking our access, our rights, our land, and our children's future."

The people of Montana have been told for decades by the BLM, Forest Service and Federal Fish and Wildlife agencies that traditional usage at current levels would be respected. However, these Federal agencies have continually and systematically restricted access to a navigatable river which witnessed millions of tons of freight and thousands of passengers transported during the 1860's through the 1890's on this strip of River to Fort Benton which had over one mile of docks and wharfs to accommodate the economic activity. I must remind the congressmen that this is still a legally navigatable river which could open up increased litigation if the BLM management rules are implemented.

For the past 100 years the river has seen thousands of recreational craft replacing the side-wheelers and other 19th century merchant fleet with the continued activity of a thriving usage joining the thousands of cows plus maintaining habitat full of elk, deer, antelope and other wildlife being watched by the cowboys on their horses drinking out of the Missouri—all the while maintaining the areas pristine natural beauty. I want to emphasize that the scenic vistas and lush meadows that are used for photo backdrops are almost exclusively on private land—not Government land.

Montana boasts that 80% of its citizens are gun owners of which a large percentage hunts. The private property contained within the Monument is the basis for wild game management which has for five generations been Montana's premiere hunting location. The several thousand Montana's who opposed the Monument designation recognized that during the time federal government became involved in land management the number of game animals sharply decreased and restrictions and regulations escalated.

We are frustrated by the continual lies perpetuated through brochures, power point presentations, and media clips at taxpayer expense. Now the BLM and its expansive bureaucracy wants to “rescue this scenic area” from the very people who have lovingly maintained it for a half dozen generations and sustainably used its resources. For years the BLM personnel and decision makers were native Montana raised people who understood and appreciated the natural balance of managing this region to accommodate multiple usage principles. Now out-of-state environmentalists are shaping policies which are threatening the property rights of the 120 ranchers representing a half dozen generations who have lived and worked in the area declared in 2001 as a National Monument.

How can I convey the scenes of high school gyms and community centers with packed bleacher seats and floors packed with folding chairs all filled to capacity with young and old—toddlers carrying signs “don't take my daddy's farm” or teenagers carrying signs “hug a cowboy—not a tree”! Old and young waiting for hours to voice opposition or simply supporting the speakers expressing their upset over federal government policies which will end their children and grandchildren's hopes to continue their way of life and the investments in money and “sweat” from their ancestors who have continuously ridden their horses over this land.

We saw the streets of historic Fort Benton (the birthplace of Montana) filled with large semi-tractor trucks pulling big cattle trailers for as far as you could see protesting the government take-over with billboards proclaiming “NO MONUMENT.” The BLM faced the parking lot in the city of Havre (fifty miles from the proposed Monument) filled with horses and riders who had traveled up to 100 miles from throughout the

proposed monument area all protesting this misguided federal land grab. In Lewistown (the BLM headquarters for the Monument management) we saw the county court house surrounded with ATV and snowmobile owners protesting federal closure of the recreation roads in the Monument designation. We saw sportsmen crowding into every hearing throughout Montana and signing petitions opposing this Monument as “bad policy.”

UNFORTUNATELY, THE REST OF AMERICA DID NOT SEE THE OVERWHELMING OPPOSITION WHICH WAS EXHIBITED CONTINUALLY THROUGHOUT THE 13 PUBLIC HEARINGS MUCH TO THE DISTRESS OF THE BLM BUREOCRACY WHO EXPECTED THE LOCAL NATIVES TO BOW TO THE AUTHORITY OF WASHINGTON BUREAUCRATS.

Because of private property rights including the land policy setting the scene for forced sales, illegal taking of traditional established access--representatives in the State political process are discussing the potential needs to increase funding for our attorney general’s office to prepare for legal challenges to remedy the legal issues which agriculture, sportsmen, recreation, and other groups are identifying as resulting from the Monument proposal.

I appreciate the opportunity to bring the concerns of the people of Montana to Congress. My only wish is that the members of this body could have attended the hearings in Montana and witnessed the passion, frustration, and tears of the residents of the proposed Monument area. It is difficult to properly convey the feelings of oppression from the “heel of the Washington D.C. bureaucracy” as Montana residents witness their property rights, livelihoods, and family dreams crushed under policies developed by out-of-state environmental activists. The power granted the BLM under this legislation combined with a presidential decision based on misguided political philosophy upsets the entire economic structure and the lives of hundreds of existing residents.

I want to emphasize that there is no shortage of government owned land in Montana with nearly 50% of the State comprised of government owned non-taxpaying property all of which is slowly being restricted from public use under Forest Service and Federal Fish and Wildlife management practices which now appears to be the direction the Bureau of Land Management will move under this proposed legislation.

The BLM has from the beginning said “...you have nothing to worry about; we will make sure your concerns and needs will be protected.” I do not see the hundreds of hours of testimony, the truck loads of individual written testimony (in contrast to “canned” environmental comments sent in by out-of-state activists and city folks who lack understanding of the area and impacts from their miss-guided proposals.) We are frustrated by the army of BLM staff members who promote their agenda at taxpayers’ expense while I have had to travel

thousands of miles to be here today at my personal expense to express the concerns of my neighbors, county commissioners, state legislators (including my father), and the thousands of ordinary Montana residents who spent time attending hearings protesting misguided federal policy.

In conclusion this legislation codifies on-going “one size fits all” radical environmental policy being implemented throughout the western United States destroying private property rights which is the foundation of our American economic and political system. I only ask you to consider the tens of thousands of ordinary tax-paying Americans who plead with you as elected representatives not to destroy their economic and cultural foundations in this insidious acquisition of private property by the government at the behest of the world-wide environmental movement.

2001 Montana Legislature (Passed 38 to 12)

[About Bill -- Links](#)

SENATE RESOLUTION NO. 2

INTRODUCED BY E. BUTCHER, BECK, BERRY, COBB, COLE, CRISMORE, DEPRATU, EKEGREN, ELLIS, GLASER, GRIMES, GROSFIELD, R. HOLDEN, KEENAN, KITZENBERG, MCNUTT, K. MILLER, O'NEIL, SPRAGUE, STAPLETON, TASH, TAYLOR, TESTER, F. THOMAS, J. WELLS, ZOOK



A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA OPPOSING ANY NEW DESIGNATION FOR THE MISSOURI RIVER OR THE MISSOURI RIVER BREAKS.

WHEREAS, surveys indicate that a majority of Montanans oppose a new designation for the Missouri River or the Missouri River Breaks; and

WHEREAS, the Missouri River and the Missouri River Breaks are protected by the federal Wild and Scenic Rivers Act, Montana subdivision law, and county development regulations; and

WHEREAS, expanding the designation will incorporate more private and state land holdings under federal management plans; and

WHEREAS, Article IV, section 3, of the Constitution of the United States gives authority over public lands to Congress; and

WHEREAS, the vast number of acres being considered for designation as a monument does not meet guidelines of the intent of the federal enabling legislation for monument designations, the Antiquities Act of 1906, which states that the President of the United States is authorized to declare national monuments and "may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected"; and

WHEREAS, Secretary of the Interior Bruce Babbitt has violated the pledge that he made during his preliminary trip to Montana in the summer of 2000 to return for further analysis and input prior to any recommendations for a change in designation for this area; and

WHEREAS, the Clinton administration has made an "11th hour" rush to create a legacy in land policy without due diligence in properly analyzing the negative impacts on local and state governmental divisions as well as on state and local inhabitants; and

WHEREAS, existing and valid grazing rights need to be recognized and enforced; and

WHEREAS, existing and valid oil and gas rights need to be enforced; and

WHEREAS, the Department of Fish, Wildlife, and Parks needs to continue to manage fish and game issues pertaining to the Missouri River.

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

That the Senate of the State of Montana respectfully requests that the Secretary of the Interior, Mr. Bruce Babbitt, set aside any new proposed designation for the Missouri River or the Missouri River Breaks and support the proved management practices that have maintained the pristine conditions of the Missouri River and the Missouri River Breaks since first traversed by the Corps of Discovery in 1804.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the Secretary of the Interior, the Montana Congressional Delegation, President William Clinton, President Elect George W. Bush, and the members of the Central Montana Resource Advisory Council.

- END -

2001 Montana Legislature (Passed 65 to 34)

HOUSE RESOLUTION NO. 2

INTRODUCED BY J. WITT, B. THOMAS, ANDERSEN, BALES, BALYEAT, BARRETT, BITNEY, BOOKOUT-REINICKE, DEE BROWN, R. BROWN, BRUEGGEMAN, CLANCY, E. CLARK, CURTISS, DALE, DAVIES, DEVLIN, FISHER, FUCHS, HAINES, HEDGES, L. HOLDEN, LASZLOFFY, LAWSON, LEWIS, MASOLO, MCCANN, MCGEE, MCKENNEY, D. MOOD, PATTISON, PRICE, RICE, SHOCKLEY, SLITER, SOMERVILLE, STEINBEISSER, STORY, VICK, WALTERS, J. WHITAKER, WOLERY, C. YOUNKIN



A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA OPPOSING ANY NEW DESIGNATION FOR THE MISSOURI RIVER OR THE MISSOURI RIVER BREAKS.

WHEREAS, a majority of Montanans oppose a new designation for the Missouri River or the Missouri River Breaks; and

WHEREAS, the Missouri River and the Missouri River Breaks are protected by the federal Wild and Scenic Rivers Act, Montana subdivision law, and county development regulations; and

WHEREAS, expanding the designation will incorporate more private and state land holdings under federal management plans; and

WHEREAS, Article IV, section 3, of the Constitution of the United States gives authority over public lands to Congress; and

WHEREAS, the vast number of acres being considered for designation as a monument does not meet guidelines of the intent of the federal enabling legislation for monument designations, the Antiquities Act of 1906, which states that the President of the United States is authorized to declare national monuments and "may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected"; and

WHEREAS, House Resolution No. 1487 requires the President of the United States of America to seek public input and to consult with elected officials of the affected state at least 60 days before taking any action; and

WHEREAS, Secretary of the Interior Bruce Babbitt has violated the pledge that he made during his preliminary trip to Montana in the summer of 2000 to return for further analysis and input prior to any recommendations for a change in designation for this area; and

WHEREAS, the Clinton administration has made an "11th hour" rush to create a legacy in land policy without due diligence in properly analyzing the negative impacts on local and state governmental divisions as well as on state and local inhabitants.

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

That the Legislature of the State of Montana respectfully request that the Secretary of the Interior, Mr. Bruce Babbitt, withdraw any new proposed designation for the Missouri River or the Missouri River Breaks and support the proven management practices that have maintained the pristine conditions of the Missouri River and the Missouri River Breaks.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the Secretary of the Interior, the Montana Congressional Delegation, President William Clinton, and President Elect George W. Bush.

- END -