

# MONTANA REPUBLICAN PARTY

## RESOLUTION SUPPORTING GRANTING FEDERALLY MANAGED PUBLIC LANDS TO THE STATES

**WHEREAS**, At statehood, the federal government promised all newly created states – in their statehood Enabling Act -- that it “shall extinguish title”, or transfer federally held public lands; and

**WHEREAS**, The U.S. Supreme Court has said the federal government merely holds the public lands “in trust” and the Enabling Act promises are “solemn compacts,” and “bilateral agreements” with enforceable rights and obligations on both sides, that cannot be unilaterally changed by one party, which must be performed “in a timely fashion”; and

**WHEREAS**, The Enabling Act language concerning disposal of federally held public lands is virtually the same for Montana and other states east and west of Montana; and

**WHEREAS**, States like Illinois, Missouri, Indiana, Florida, Louisiana, Arkansas, Alabama, Mississippi, and North Dakota were once as much as 90% federally controlled for decades; and

**WHEREAS**, The federal government honored the promise to transfer public lands in Hawaii and all states east of Montana, and today controls on average less than 5% of all lands in those states; and

**WHEREAS**, The federal government has failed to honor this same promise with the twelve western states of UT, MT, WY, CO, NM, AZ, ID, NV, WA, OR, CA, and AK, and today still controls an average of 50% of all lands in the western states; and

**WHEREAS**, Article IV. Sec 3 Clause 2 of the Constitution for the United States grants Congress the Power to dispose of public lands belonging to the United States – not to retain them forever; and

**WHEREAS**, USC 43-8A-I- SS 315, the first sentence of the Taylor Grazing Act of 1934, affirms the promise to relinquish federal control of public lands stating: “In order to promote the highest use of the public lands pending its final disposal,...”; and

**WHEREAS**, Article II Sec 2 of the Constitution of the State of Montana affirms the people of Montana have the exclusive right of governing themselves as a free, sovereign, and independent state; and

**WHEREAS**, Article II Sec 3 of the Constitution of the State of Montana affirms the people of Montana have the right of pursuing life's basic necessities, and enjoying and defending their lives and liberties, acquiring, possessing and protecting property, and seeking their safety, health, and happiness in all lawful ways; and

**WHEREAS**, Article IX of the Constitution of the State of Montana requires the state to maintain a clean and healthful environment, and requires the legislature to provide for the administration and enforcement of this duty and adequate remedies to prevent unreasonable depletion and degradation of natural resources; and

**WHEREAS**, With strong bi-partisan support Montana's 63rd legislature overwhelmingly passed Senate Joint Resolution 15 affirming that federal funding and the capacity for responsible management of Forest Service and Bureau of Land Management lands are in serious jeopardy while critical threats such as beetle kills, invasive species, watershed degradation, access restrictions, and catastrophic wildfires continue to escalate; and

**WHEREAS**, Via SJ-15 Montana's 63<sup>rd</sup> legislature also recognized that over 25 million acres of public lands in Montana controlled by the federal government have a significant and direct bearing on Montana's environment, education funding, economy, culture, wildlife, and the health, safety, and welfare of our citizens; and

**WHEREAS**, In his June 2013 address to the Western Governors Association, Montana Governor Steve Bullock said, "There's a real high degree of frustration when it comes to management of our federal forest lands. Since 2000, 6.3 million acres of Montana's forests have been affected by the mountain pine beetle. 4.3 million acres of forest and range lands have been impacted by wildfire. The urgency is so apparent... habitat has been degraded, watersheds are at extreme risk, endangering key fisheries and clean water. Fire danger is off the charts, threatening local communities and stifling recreation, to say nothing of the economies of our rural communities.... We now can't wait for the federal government... to figure out a solution. It's up to us as westerners to really bring answers forward, which brings me back to my experience as a member of managing Montana's public lands. I think that model works well because there is clarity of purpose, first of all. Secondly with 5 statewide elected officials managing these lands there is direct accountability for decision making"; and

**WHEREAS**, In an April 2014 press release, Governor Bullock further recognized the urgent need to address the "failing health of our national forests" by identifying 5 million acres of national forest landscapes in Montana as "characterized by declining forest health, a risk of substantially increased tree mortality, or an imminent risk to public infrastructure, health or safety"; and

**WHEREAS**, Over 90% of Montana counties responding to the 63<sup>rd</sup> legislature's official SJ-15 state survey reported fuel loads on the federally managed public lands within their county could result in a severe, uncontrollable, or catastrophic wildfire and affirmed that wildfire conditions on these lands pose a significant threat to public health and safety, and public and private property; and

**WHEREAS**, Over 62% of Montana counties reported via SJ-15 that air quality falls below acceptable health standards due to smoke originating from fires on federally managed lands; and

**WHEREAS**, Over 90% of Montana counties affirmed via SJ-15 that motorized access to public lands is very important to the people of their county for basic life sustenance activities such as gathering firewood, picking berries, and harvesting wild game; and

**WHEREAS**, Only 30% of Montana counties reported via SJ-15 an adequate supply of motorized roads on federal lands within their county to accommodate emergency ingress/egress, facility maintenance, public access, and resource management; and

**WHEREAS**, 100% of Montana counties reported via SJ-15 a desire to maintain or increase multiple use recreational access routes on federal lands; and

**WHEREAS**, Over 90% of Montana counties reported via SJ-15 the amount their county receives from Secure Rural Schools (SRS) funds is not equivalent to the amount their county could derive from responsible harvest or extraction of natural resources; and

**WHEREAS**, Only 4% of Montana counties reported via SJ-15 that economic productivity and the number of related private sector jobs is commensurate with the resource production capacity of the federally managed public lands within their county; and

**WHEREAS**, Over 90% of Montana counties reported via SJ-15 that federal Payment in Lieu of Taxes (PILT) to their county is not equivalent to the taxable value of the land; and

**WHEREAS**, Payments in Lieu of Taxes (PILT), Secure Rural Schools (SRS), and other mitigation for federal retention of public lands are financially inadequate and unsustainable, have been unreliably funded, and do not adequately compensate the States for breach of their Enabling Acts; and

**WHEREAS**, Estimates indicate more than 120 million wild animals have been burned to death and 4 billion pounds of toxins have polluted our air and water due to wildfires on federally controlled lands in 10 years; and

**WHEREAS**, The Forest Services reported in 2013 that nearly 10,000 miles of electrical transmission lines on national forest lands in the west are at risk due to unmanaged vegetation.

**WHEREAS**, The citizens of Montana and local, state, and national economies are being adversely impacted by access restrictions, loss of use of natural resources, and lack of prudent vegetation management resulting from a failing federal management model; and

**WHEREAS**, Under the custody of Congress and the President of the United States the federal government has grown increasingly incapable of obeying its own laws and implementing responsible resource management on hundreds of millions of acres of forest and range lands in western America; and

**WHEREAS**, The western states responsibly and prudently manage millions of acres of state public lands in a manner that consistently generates more revenue with less expense and greater compliance with environmental laws than federal land managers do; and

**WHEREAS**, The State of Montana has proven our ability to manage state public lands in a manner that prevents unnecessary accumulation of dangerous wildfire fuel loads, stops more wildfires before they get out of control, provides public access and multiple use, protects the environment, enhances wildlife habitat, and allows beneficial utilization of natural resources in an environmentally responsible manner that generates jobs and funds our schools, universities, veterans homes, and other important public institutions; and

**WHEREAS**, The vast range of adverse conditions afflicting western America are largely a result of increasingly inefficient and unresponsive policies created by a distant federal government whose unwise priorities leave western communities, forests, range lands, livelihoods, and our environment in avoidable peril; and

**WHEREAS**, Transferring federally controlled public lands to the state would allow the people of Montana to prevent unreasonable depletion and degradation of natural resources, protect public health and safety, protect multiple use public access on public lands, protect and grow our economy, and govern ourselves as a free, independent and sovereign state in accordance with the Constitution for the United States and State of Montana; and

**WHEREAS**, Resolutions or policies supporting the Transfer of Public Lands have been passed by the National Association of Counties, Republican National Committee, Coalition of Montana Chambers representing the business communities of Billings, Bozeman, Butte, Great Falls, Helena, Kalispell, and Missoula, and numerous other public and civic organizations throughout America including school districts, farm bureaus, counties, cities, the state of South Carolina and others; now therefore,

**BE IT RESOLVED**, The Montana Republican Party hereby requests the State Legislature, Governor of Montana, State Attorney General, U.S. Senate, U.S. Congress, U.S. President, other public officials, and citizens of Montana and the United States to fully exert their efforts and powers to support granting federally managed public lands to the states; and

- a. Develop a transition plan for the timely and orderly transfer; and
- b. Equip federal, state and local agencies with resources necessary to prepare for successful state acquisition and management of public lands; and
- c. Develop, support, and implement related policies for management of these lands that:
  - i. Reduce the catastrophic fuel loads that threaten Montana communities, watersheds, critical wildlife habitat, and infrastructure; and
  - ii. Facilitate restoration of healthy forests and range lands; and
  - iii. Maintain or increase multiple-use public access on public lands for sportsmen, sustenance, recreation, tourism, emergency access, travel, commerce, and production; and
  - iv. Restore or maintain responsible levels of beneficial use and economic production where appropriate; and
  - v. Protect existing valid use rights; and
  - vi. Preserve important wild, scenic, and cultural resources; and
  - vii. Prevent any part of the newly acquired lands in Montana from being sold without the consent of the people of Montana; and
  - viii. Provide state, local, and tribal government with adequate wildfire prevention and control resources and interstate/interagency cooperative agreements necessary to combat wildfires; and
  - ix. Ensure state-based resource management activities are consistent with local government plans, policies, and objectives; and
  - x. Distribute resource based revenues derived from these public lands as necessary to provide for i-ix above, with excess proceeds allocated to local, state, and tribal governments as necessary and proper to support roads, utilities, emergency services, public health and safety, education, justice, and other civic functions while reducing tax burdens on Montana citizens.

**BE IT FURTHER RESOLVED** that copies of this resolution be sent to the President of the United States, Montana's Governor, Attorney General, Legislature, Congressional delegation, Land Board, Association of Counties, League of Cities and Towns, Montana Chamber of Commerce, and Coalition of Montana Chambers.

**PASSED, APPROVED AND ADOPTED UNANIMOUSLY BY MONTANA REPUBLICAN PARTY at STATE CONVENTION this 21<sup>st</sup> day of June, 2014 in Billings, MT**