

PHILLIPS COUNTY

COUNTY COMMISSIONERS

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RICHARD DUNBAR
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Clerk & Recorder

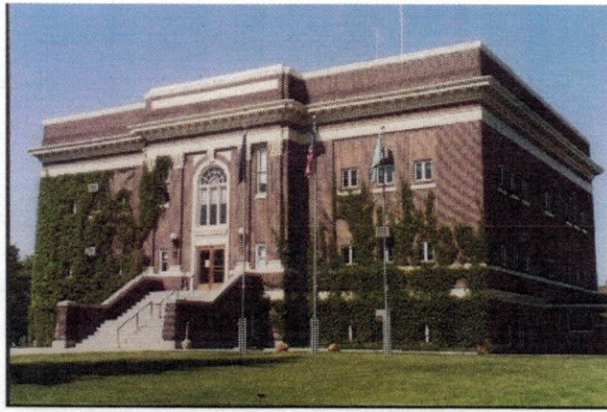
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Sheriff/Coroner

SCOTT MORAN



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Clerk of Court

TAMI CHRISTOFFERSON

Superintendent of Schools

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County Attorney

EDWARD A. AMESTOY

Justice of Peace

GAYLE STAHL

District Judge

YVONNE LAIRD

February 5, 2018

Congressman Greg Gianforte
Washington DC

Dear Mr. Gianforte

Thanks for introducing a bill that looks at WSA's. Phillips County has long supported removal of a WSA if it does not meet the criteria for them. The county's Land Resource Plan was adopted and finalized July 23, 2012. A copy of the wilderness part of the plan is attached. The paragraph highlighted is the one that would pertain to your bill.

Sincerely,

Phillips County Commissioners

Bruce Christofferson, chairman

Richard Dunbar, member

John F. Carnahan, member

The Montana Constitution addresses Cultural Resources in Article IX, Section 4 thus: "The legislature shall provide for the identification, acquisition, restoration, enhancement, preservation and administration of scenic, historic, archeological, scientific, cultural, and recreational areas, sites, records, and objects, and for their use and enjoyment by the people."

1. GOAL: Encourage the preservation of all parts of our cultural heritage, geologic and paleontological resources.

Objective 1A: Recognition of special features in Phillips County, including:

- Significant historical sites
- Significant archeology sites
- Rare geologic formations
- Vertebrate paleontological sites

WILDERNESS

The Wilderness Act of 1964 created a National Wilderness Preservation System to be composed of federally managed lands designated by Congress as "wilderness areas." The Act defined a wilderness as *"an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain."* The definition states that a wilderness thus is in "contrast with those areas where man and his own works dominate the landscape." The Act provides that all suitable wilderness areas should be inventoried by the federal agency charged with management responsibility for the particular area. This inventory and recommendations by the agency as to whether the areas should be established as wilderness areas were to be completed within ten (10) years of passage. In the Federal Land Policy Management Act of 1976, Congress established a clear directive that by 1991, the Secretary of the Interior must review all roadless areas of 5,000 acres or more on the federally managed lands (identified as having wilderness characteristics as described in the Wilderness Act) and give to the President a recommendation as to the suitability or non-suitability of each such area for preservation as wilderness.

* The Resource Use Committee and the Board urge all applicable parties to make "full and fair disclosure" to affected parties that the Wilderness Act contains a "savings provision" which recognizes and protects all pre-existing rights. We request notification and status updates when County Citizens are deprived of the use of their property rights due to the application of the Wilderness Act. We also strongly demand compliance with the law prescribing the time frame for an area to be held as a Wilderness Study Area. At the time that the study area is to be designated as wilderness, it must be so designated or if not, then it must be released to its previous state. We urge that appropriate agencies provide the County with signed and dated annual reports that detail any change in such status; these reports shall be added as appendices to this document.

1. GOAL: Phillips County will take a proactive approach in the designation and management of wilderness areas in Phillips County.

Objective 1A: Uphold the legal requirements and qualifications set forth by the Wilderness Act, including those providing for the continuation of existing uses, and the regulation of existing uses only so as to prevent unnecessary or undue degradation of the environment.

Policy 1: Phillips County will forward to Congress and to the appropriate decision-making agencies its recommendations regarding areas proposed as wilderness or non-wilderness areas. Said recommendations will be based upon the county's evaluation of impacts upon Phillips County and northeastern Montana, and may include proposals for modifications or adjustments of boundaries of proposed areas.

Objective 1B: Phillips County advocates the expeditious review and determination of any Wilderness Study Areas in the County.

Objective 1C: Review current wilderness recommendations in relation to the impacts on natural resource based industries, the economic stability of the County, and on the custom and culture of the citizens of Phillips County.

Policy 2: A recommendation from the County will be forwarded to Congress based on the evaluation of impacts to the County.

Policy 3: A recommendation from the County will be forwarded to Congress for modification or adjustment of boundaries based on this evaluation.

Objective 1D: Eliminate multiple-use land being closed indefinitely in "study areas," "land with wilderness characteristics (LWC), and any other special land use designation, even though the land does not meet the wilderness requirements and qualifications set forth by the Wilderness Act.

2. GOAL: Protect Montana's water resources and water adjudication system.

Objective 2A: Recognition that a wilderness designation does not affect state authority over water resources and Montana's substantive and procedural laws controlling appropriation and allocation of water resources remain the primary authorities over waters in Phillips County and in any area within Phillips County that may be designated as a wilderness area.

Objective 2B: Protect any interests in ditches, reservoirs or water conveyance facilities and easements or rights of way associated with those interests, from impairment or diminution by any wilderness designation.

Objective 2C: Reaffirm the rights to access to enter, inspect, repair, and maintain those interests are not affected by any wilderness designation, including the use of mechanized vehicles and equipment for repairs and maintenance of such facilities.