

Citizens for Balanced Use

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I am Kerry White representing Citizens for Balanced Use (CBU). Thank you for accepting the following comments from CBU regarding the abuse of the Endangered Species Act by environmental groups.

CBU is a grass roots 501 (c) 3 non-profit organization dedicated to the education of the public in the importance of multiple use recreation, responsible resource development and active forest management. CBU has over 6500 active members and hundreds of supporting businesses in Montana and other western states. CBU, through its supporting and affiliated organizations, reaches over 100,000 people in our mission of bringing together different public land user groups. Our supporting organizations include resource industries, agriculture organizations, and numerous recreation groups of all sizes and interests.

CBU was formed in 2004 in response to the closure of more than half of the multiple use roads and trails in the Gallatin National Forest (GNF) Travel Management Plan. Our organization solicited and helped people submit over 140 appeals on this decision and yet all were dismissed and the Record of Decision was issued. CBU filed litigation on this flawed action but lost in the liberal federal court in Missoula. We appealed the decision to the 9th Circuit only to lose again. Most of the reasons to justify the closures in the Travel Plan revision used by the Forest Service revolved around the Endangered Species Act (ESA). The ESA is used by the Forest Service and environmental groups as the tool of choice to close our federally managed public lands to access, occupancy and use.

In the B-D Forest Plan revision the Forest Service designated many areas of the forest as non-motorized and non-mechanized. After the Forest Plan revision was complete the Forest Service began travel planning in specific areas of the forest. The Forest Service refused to conduct site specific road and trail inventories for travel planning in areas designated as non-motorized and non-mechanized in the Forest Plan revision. We were told these areas were already designated as non-motorized and non-mechanized and there would be no reason to evaluate the road and trail facilities in these areas. These areas were essentially turned into defacto wilderness by the Forest Service by removing all motorized and mechanized use even though there were historic motorized and mechanized roads and trails in these areas. Many of the reasons used by the Forest Service again revolved around the ESA.

(attachment 1)

Many of the animals and issues being used to close access include Grizzly Bears, Lynx, Wolverine, Mountain Goats, Big Horn Sheep, West Slope Cutthroat, Bull Trout, Goshawk, Wolves, Big Game cover, old growth timber and more. Justifications for their actions were not always about a species being present but many times just the fact that these areas could provide habitat was sufficient to close them to human activity. Human activity is a worthwhile use of the land and laws like ESA allows federal agencies to close potential habitat based on bad science to mechanical use and other uses that families in Montana have been using for generations.

Our 12 executive board members of CBU are business owners, property owners, farmers, ranchers and family oriented people who have been here for several generations. None of our board are paid for their time and dedication to our efforts. It sickens us to see the misuse of the ESA to close these areas where we spent time with our grandparents, parents and children. We wish we could enjoy these areas with family and friends today but because of abuse of the ESA and flawed decisions by the management agencies these precious opportunities are now forever lost.

The GNF Travel Planning process is another example. During the GNF Travel Plan process I conveyed to the Forest Service that access to areas considered for closure are places where I have fond memories of recreating with my parents and grandparents. In this travel plan, 50 percent of the GNF is closed to multiple use access. The Forest Service seems to not understand the benefit of these traditional Montana pastimes. Their management prohibiting multiple use is offensive to the way of life of people like me in Montana and is unacceptable.

I understand not everyone like some Forest Service personal are as lucky as I have been to have grown up in this beautiful part of Montana; but the impact on the local communities, other families like mine, and traditional uses of the land must not be ignored. The impact on the local community, not bureaucrats, must be a critical part of any land management analysis.

Laws like the ESA allow groups like Forest Service Employees for Environmental Ethics, Center for Biological Diversity, and WildEarth Guardians to keep Montanans and those who love to travel here from experiencing the great outdoors.

One of our board members is an engineer for an aerospace company. We were discussing the Forest Service and how they continue to prepare NEPA documents that do not hold up in court. He told me that in his industry, if their company were to engineer something that caused a plane to crash; the first thing they would focus on would be why it failed. The Forest Service on the other hand spends millions of dollars developing and preparing an EIS document to comply with NEPA and at the end of the day it fails in court. The DEIS and FEIS documents prepared for the GNF Travel Plan numbered over 2500 pages. This is unreasonable to require the Forest Service and BLM to continue to prepare these large complex documents and simply not fair to the general public to require them to read, comprehend and comment on this amount of information.

This information is concerning to CBU and should be concerning to Congress. Multiple NEPA EIS documents are prepared for the exact same project and they continue to be flawed, incomplete, and not stand up in court time after time. The main content of NEPA documents, that continue to fail, is insufficient analysis of wildlife under the ESA. Whether it is wildlife disturbance, potential loss of habitat, old growth cover or any other wildlife related issue, the ESA is destroying rural America. Something must be done. CBU believes that some environmental groups are using the tools like the ESA to stop use of our public lands.

Case in point. When the B-D Forest Plan revision was being started in 2007, Forest Service officials included approximately 350,000 acres of new wilderness in the plan even though no analysis of wilderness character lands was completed. Forest Service officials feel pressured to base decisions like these due to the threat of litigation from some environmental groups. The Forest Service must be able to manage our lands so that the land continues to support our robust recreation and resource industries for generations ahead. With laws like ESA and NEPA establishing a framework for obstructive environmental lawsuits, smart land management is impossible.

It is also disturbing to CBU that obstructive environmental groups profit from keeping responsible resource management projects from proceeding by the American taxpayer. Obstructive environmentalism is a business and our federal government and the courts are doing a great job in funding them. Take for example the Equal Access to Justice Act. When environmental groups prevail in court they are reimbursed through the EAJA for attorney fees and witness fees and court costs. Reports CBU have seen show environmental groups are collecting over 1 billion dollars per year through the EAJA. These funds are tax dollars and are paid to these groups from the budgets of the agencies where the litigation occurred. If litigation is filed on a project in the Gallatin National Forest and the court rules in favor of the environmental group, those EAJA funds come from the budget of the GNF. This has greatly impaired the ability of specific forests to complete necessary trail and road maintenance or campground and facility improvements. Moreover, keeps funds away from supporting life-saving fire suppression.

(attachment 2)

Most litigation revolves around the Endangered Species Act (ESA) so in fact the ESA is the root of the problem. In an effort to reduce the backlog of road and trail maintenance it becomes somewhat easier for the Forest Service to just remove that facilities or campgrounds from the inventory. This is occurring throughout the western states by both the Forest Service and BLM.

I am 59 years old, married 31 years to Patty, have 3 children, Kim (married to Nick), Tim and Brian, and 2 grandchildren Owen and Nora. My great grandfather came to the Gallatin Valley in 1864 and we still operate the family ranch. I am the current president of the Gallatin Sons and Daughters of the Pioneers and a Montana House member representing District 70.

(attachment 3)

My grandfather and grandmother built a cabin in the Squaw Creek drainage of the Gallatin River in 1934 on Forest Service lease ground and at that time the lease was 35 dollars per year. Today that yearly lease exceeds 1700 dollars. Back then the Forest Service encouraged people to enjoy and experience our public lands. Not true anymore. I remember spending time with my grandfather (Bud) at the cabin fishing and hunting. I remember the District Ranger one day stopping by and telling Bud that he was heading up the drainage and working his way south to Buffalo Horn (about 40 miles) on his horse and pack string to look at the condition of the forest. He asked my grandfather to look after things while he was gone for a few days. This was the way it was, Forest Service employees working *with* the people and also being out in the forest, on the ground, caring for the land.

A few years later I remember riding down the Squaw Creek road with Bud in his old 62 Dodge Dart and as we passed the District Rangers living quarters at the head of Squaw Creek he turned to me and said, "Well there goes the forest". This statement startled me and I surprisingly turned to him and asked what he meant. He explained to me that the District Ranger, the one responsible for managing the Gallatin Forest, was moving to town. He told me in no uncertain terms. "Now how in the world can you manage a forest from an office in town?" He was completely right in this statement because we have seen our forest go from a once lush green garden to an ocean of dead, dying and diseased timber. An agency once supported by harvested timber creating good paying jobs and supporting the local community tax base now is an agency draining our federal budget and managing these lands from behind a desk using maps, satellite imagery, modeling, assumptions, predictions and skewed data provided by agenda-driven environmental groups funding so-called scientific studies with a predetermined outcome. The tool of choice again is the Endangered Species Act.

Contrary to the intent of the ESA, this management technique continues to fail and as a result all things suffer. The environmental groups want to stop active mechanical treatment of our renewable timber resource and they use the ESA to further this agenda. Let us look for a moment what affect this management technique is having on the land, the animals, the water and our air. Two recent articles in the Bozeman Daily Chronicle revealed the true cost of smoke generated by forest fires. The American Lung Association and the Montana DNRC both stated that smoke from forest fires was prematurely KILLING people with pulmonary disease and respiratory problems. Raging fires are so intense because of the overgrown forest and lack of active management that the soils in many cases are sterilized and baked. Animals unable to escape these fast moving fires are consumed and killed. The fish in our streams are baked and the soil erosion from rain, no longer able to be absorbed, suffocates what fish remain. Millions and billions of dollars spent trying to contain these monster fires and protect homes and property while putting lives at risk. This is environmentalism at its finest.

(attachment 4,5 and 6)

I worked 5 years as a subcontractor on the forest fires as a camp mechanic. I inspected vehicles coming on the fire and before they left to make sure they were safe. I repaired broken vehicles and equipment and had access to everyone and every department in fire camp. During that time I

was astounded at the waste and abuse of government money. A fire camp of 900 would usually be 600 administration and 300 fire fighters.

I believe we are wasting valuable resources in fighting these fires. We are wasting vast amounts of money, 40 percent of the Forest Service budget on these preventable fires. We are wasting a valuable renewable resource by letting it burn. We are polluting our streams and air. We are killing millions of animals unable to escape these fires. Most of all we are wasting the valuable resources of our rural communities and the people wanting to live in them. This is unacceptable to waste such a precious resource when we could be doing so much with it.

(attachment 7)

When I was growing up I never experienced the smoke like it appears today. Many environmental organizations claim it is because of global warming. They are ignoring the fact that timber harvests have been stopped by their own groups which allow forests to burn, polluting the air.

CBU is working every day to educate people on what would be a better solution to our public land management needs. Good jobs created by active forest management and responsible resource development and taking care of our environment rather than letting it deteriorate, waste away and burn. There is social and mental wellbeing and better health resulting from people enjoying multiple use recreation and access. CBU has received numerous letters and emails from folks serving our country in the military. Some of these brave Americans have been disabled and injured. These folks need some type of motorized and mechanized transport to enjoy our public lands. Many of these people have thanked us for trying to keep these precious places open to them and their families when they return home. The very fabric of our nation is being destroyed by these obstructive environmental groups attempting to remove people from the land. We are happy to continue this fight on their behalf and a fight it is.

Recently Patty and I decided to take a 3 week journey covering 9 western states on our motorcycle. We wanted to take the back road 2 lane highways and see for ourselves the economic recovery that many in Washington D.C. are telling us about. We visited with hundreds of people along the way in small towns and communities. What we saw was boarded up businesses on main streets across the west, houses in need of repairs and paint, streets and schools in disrepair and old vehicles parked in driveways. What was even more alarming was what we heard from these people living in the small communities.

We listened to story after story about how once these towns were booming with timber jobs, mining and small farms. Businesses once booming on Main Street were being turned into vacant buildings and empty lots. The people are moving away in search of employment and opportunities. The children are forced to leave as these communities once vibrant are turning into ghost towns.

We continued to ask the one question of why and every time we asked, the answer was the same. “The environmental groups have shut down our resource industries.” The environmental groups have turned to the tools given them by the government to stop resource industries and close access. Many stories reflected the passion of these people once able to use this land, care for this land, and recreate in and on this land. Stories of spending time with their ancestors visiting those special places that are now off limits and closed was a common theme. Roads obliterated, locked gates and signs of closures were frequently spoken of.

I have been hearing of this so-called economic recovery we are experiencing but to be very honest my wife and I saw no evidence of it in rural America. What we saw were people scratching to make a living and the broken dreams and promises all taken away by environmental groups and our federal bureaucracy all in the name of an endangered fish or animal. There seemed to be little joy or hope in the eyes of these hard working rural Americans. This sight is something every person in Congress should see and every person serving in our Congress should hear.

These rural folks will tell you about the mismanagement of our federal lands and their current condition. While obstructive environmental groups are profiting from federal land mismanagement, the forests in the west are dead and dying with little relief in sight. You could see the disgust on the people’s faces as they spoke of the waste that is happening to this resource.

Water in the west is sometimes scarce. Environmentalist are quick to point the finger at global warming as the cause when in fact there very well may be another proven factor for reduced stream flows and ground water levels. This factor is overpopulation of trees in the forest. Our forests are so dense and thick today that even the animals are moving to private land for forage. A pilot project was done in California where water tables and stream flows were recorded before and after a forest thinning project was completed.

(attachment 8)

After thinning this forest to healthy tree populations the ground water table rose 100 feet. Old stream beds once dry were once again flowing.

When the actions of these groups and those in our government agencies create the very problems we are seeing today, I find this dishonest and unacceptable. We have heard the new “don’t ever waste a crisis” and we are seeing it today with the global warming hysteria. I believe the true crisis is out of control land management agencies throwing regulation after regulation at the people on a daily basis. Most of these federal agency land managers and biologists don’t know anything of the history and caring for the land. They are over educated bureaucrats sitting behind a desk looking at Google earth and creating models of predictions with flawed input data of E-estimates, S-peculations and A-ssumptions. Behold the ESA.

The spotted owl is a great example of how the ESA wrongly destroyed an industry and people’s lives and years later we now know that it was not the timber industry that was destroying this

bird. But was it really about a bird or was it about destroying an industry? I believe it was the latter of the two. Once the industry and infrastructure was gone, the mission was complete. This industry could come back but only if long term predictability was in place and investors were assured a continued multiple year flow of raw material. This will take hard work on the part of our Congress and a president willing to support active forest management.

I talked about our trip around the western U.S. and how people were depressed and saddened by what they see occurring on our public lands. I want to speak of social environments and the requirement of analysis of social impacts in developing and producing NEPA documents. Of all the NEPA documents produced on Forest Service and BLM actions it is clear they lack adequate social impact analysis.

Social well-being of a community is not solely based on jobs and income but also on mental well-being and feelings. A healthy community depends largely on recreation as a retreat from work and a hectic everyday life. Recreation can be passive or active. Passive being the organized sports like swim centers, football games, golf courses and walking trails. Active recreation is the opportunity to experience the outdoors in numerous ways like gold panning, snowmobiling, horseback riding, fishing, hunting, etc. In a survey done in Gallatin County, people were asked what type of recreation they prefer and 3 to 1 the people preferred active recreation. The current direction of the federal land managers is to close recreational access to these lands. This directly affects the social health and well-being of those people living in these areas.

The other part of the required social analysis is the economic job loss. When the Forest Service and BLM prepare a social analysis on jobs for a proposed action they use what is known as the IMPLAN SYSTEM program developed in Colorado. This flawed technique requires data input of demographics, populations, income, businesses, etc. The problem with their analysis is they only use information from large metropolitan areas in determining the impact. For instance on a project in the B-D National Forest they would use economic data from Butte, Missoula, Bozeman and Helena and ignore small communities like Dillon, Jackson, Lima, Wise River, Ennis, etc. The result of 10 lost jobs in Bozeman (pop. 65,000) as a result of an action is quite different than 10 jobs in Wise River (pop. 150). The failure to consider these impacts to small communities is destroying rural America with every action implemented. The federal land managers claim they are doing this to comply with federal requirements, which in most cases revolves around compliance with the Endangered Species Act, NEPA, Roadless Rule, Clean Water Act, Clear Air Act and the list goes on and on. How about compliance with the Multiple Use Sustained Yield Act or the Organic Act, or the Taylor Grazing Act, or the Mining Act? CBU has been told by these agencies that these latter Acts are old and outdated so these land managers ignore them.

In the western U.S. much of the land is under federal management. These lands were not relinquished to the states as were in the Eastern states when they came into the Union. As a result the western states are disadvantaged as to the management of these lands and the loss of income to the states. Limited tax base, limited resource income, limited powers over these lands. Federal agencies are required by federal law to coordinate their management policies and actions with

local and state governments but in reality the federal agencies have refused to comply with the coordination requirements. There are efforts underway today in several western states to get the federal government to give these federally managed public lands back to the states. CBU believes this effort has merit. Who better to manage these lands than those most affected by how they are managed.

CBU believes we are at a critical stage in our history. We are losing our rural communities where our food is produced. We are losing the infrastructure to treat and harvest our forests. We are putting off limits millions of acres of federally managed public land to energy development. We are restricting private property use in a way never before seen in history. The worst thing of all is there seems to be no end in sight to this regulation madness.

In the U.S. today there is an effort to attack coal production and the burning of coal to produce electricity. I have heard that coal produces about 80 percent of our electricity nationally. Coal is a resource which the U.S. has vast reserves. One coal fired electricity generating plant is Colstrip which is in Montana. This facility supports 1000s of good paying jobs and provides electricity for thousands of homes and businesses. I have included an attachment which shows this facility. Colstrip 1, 2, 3, and 4 are all working at capacity in this photo. The discharge from the 4 stacks is steam and NOT deadly carcinogens such as what is released from forest fires. You can see the beautiful clear blue skies over this community even with this facility running at capacity. So if letting our forests burn is the right thing to do and is supported by the environmental organizations and producing electricity from coal is sinful and wrong and objected to by the environmental organizations, then my question is simply this, is it really about the environment or is it a business model of raising money to remove humans from the land.

(attachment 9)

CBU stands ready and willing to help develop solutions to these problems but we are not the decision makers. CBU will continue to educate people on the importance of responsible resource development, active forest management and access to multiple use recreation while protecting and defending the private property rights of everyone.

Thank you for accepting this brief testimony on behalf of Citizens for Balanced Use.

Sincerely,

Kerry White
Executive Board
CBU