

**TESTIMONY BEFORE THE  
U.S. HOUSE OF REPRESENTATIVES  
COMMITTEE ON RESOURCES  
SUBCOMMITTEE ON NATIONAL PARKS, RECREATION AND PUBLIC  
LANDS**

**SUBMITTED BY:  
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Chairman Radanovich, and members of the House Subcommittee on National Parks, Recreation and Public Lands, my name is Steve Pilcher, Executive Vice President for the Montana Stockgrowers Association and I am appearing before you today in support of H.R. 4822 submitted by Representative Dennis Rehberg. This legislation attempts to address an issue relative to a decision by the previous administration to create a national monument under the Antiquities Act, for a special area known as the Missouri River breaks in central Montana. The Montana Stockgrowers Association represents over 2100 ranchers and others involved with our industry including many who own private land, and are stewards of federal lands in the area that has now been designated as a national monument.

This issue began approximately three years ago at this time of year when, then Secretary of Interior, Bruce Babbitt floated the Missouri River in this area and proclaimed it to be a special place, one in need of some type of protection. While we may have had a number of differences with the past Secretary, we wholeheartedly agree that this is truly a special place. For nearly 150 miles, the Missouri River in this area has changed little from the conditions documented in the journals of Lewis and Clark as they explored, at the direction of President Jefferson, the Louisiana Purchase to determine the potential for development and find a pathway to the Pacific.

Today, areas as such as the White Cliffs, the Judith Landing, Cow Island and others appear nearly identical to the conditions observed by those explorers nearly 200 years ago. For 150 or more years these same areas have played an important role in helping to build Montana's agricultural economy and culture. These same Montana ranch families played a fundamental role in maintaining and preserving Montana's scenic landscapes, including the historic sites mentioned above. Disregarding that success, the past Secretary was able to convince then President Clinton that it was necessary to protect the area from the very people who had preserved it for that entire time and the Upper Missouri River Breaks National Monument was created. That monument encompasses approximately 377,000 acres, acres that contribute to the agricultural economy of the central Montana. While we continue to feel the designation cannot be justified, we have chosen to look forward rather than back and respond to the issues that the designation of a monument creates. However, there remains an unresolved issue that will make it virtually impossible for ranchers and the river community to accept the designation. It is for that reason that I have traveled here today to provide testimony on this important legislation.

Contained within the 377,000 acres of land within the monument boundary is 81,000 acres of private land

owned by ranchers, not the federal government. The Antiquities Act clearly states, and federal agency representatives agree, that private lands are not to be subjected to the provisions of the designation as a monument under the Antiquities Act. However, the reality remains that if private lands are shown to be within the boundaries of the Missouri River Breaks Monument area, the public may well have inappropriate expectations of their ability to use those lands. It has been stated that the monument designation does not impact private lands. This is totally false. The interim management plan that has been developed by the Bureau of Land Management (BLM) contains recommendations and requirements that will no doubt, indirectly impact these private lands. This special designation should not penalize the state's ranching families.

If provided the opportunity, our members will continue to manage the lands in this area in a manner that has preserved them for 150 years. Continued land productivity is essential to the long-term viability of ranches in this area. However, our organization, as well as ranchers in the Missouri River Breaks Monument area, is concerned with the process that was employed to determine the boundaries of a national monument. It is recognized that the boundaries that were established were the result of a small group of Montana BLM officials gathered around a conference room table in Billings, Montana with a magic marker and a map and proposed a boundary for a National Monument. There was no public input, no analysis of the impacts of such a decision, merely lines drawn on a map that may forever change the utilization of these lands. I can only imagine how quickly that decision would be litigated had that process been utilized in making other natural resource decisions.

As flawed as that process might have been, we must accept the fact that the creation of a monument in this area is not likely to be overturned. However, in their haste to draw the boundaries, BLM officials inappropriately included 81,000 acres of private lands and 39,000 acres of land owned by the State of Montana. While it is clear the Antiquities Act cannot be used to acquire private lands nor can the management plans adopted for a national monument created under that act be imposed on private lands, private lands are clearly included within the perimeter boundary of the Missouri River Breaks National Monument. It would appear federal officials have included private lands that, if acquired by the federal government in the future, would be a good addition to the monument itself. Those same officials are quick to state that such acquisition would only occur if there was a "willing seller" of the private land. In many cases, a private property owner's willingness to sell may be enhanced by creating the impression that these lands are already a part of a national monument.

The inclusion of private and state owned lands within the monument boundary clearly create confusion for visitors to the area. People will obviously assume they are free to recreate on all lands within the monument boundary and will likely show little respect for private property rights. While private property owners cannot avoid some of the impacts associated with adjacent lands being managed as a national monument, it is inappropriate to add to the confusion by leaving them within the boundary. If, as federal officials have stated from the very beginning, the designation as a national monument does not apply to private or state owned lands, the deletion of the same should have absolutely no impact on the remaining federal lands within the monument boundary.

While decisions regarding 81,000 acres of private land and 39,000 acres of state owned land may not seem important in a state like Montana with 93 million acres, it is critically important to those ranchers whose families have owned and worked those lands for four and five generations. Attached to this testimony you will find a copy of a petition being circulated by ranchers in the area of the monument expressing support for legislation to withdraw private lands from the monument. When completed, this petition will be made

available to Representative Rehberg for him to share with the Subcommittee. These people did not asked to have their land included within the monument area and they were consulted before the action was taken. They are proud people, proud of their independence and proud of the lands they have worked for those many years. We ask that you take this step to clarify that independence and to help minimize the confusion created when private lands are included within the monument boundary.

Thank you for the opportunity to share these thoughts and this information with you.

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