

Committee on Resources

Subcommittee on Forests & Forest Health

Testimony of Vito Quatraro, President, Headwaters Fish and Game Assn

TESTIMONY ON HR 3381
THE GALLATIN LAND CONSOLIDATION ACT OF 1998
presented by
VITO R. QUATRARO, PRESIDENT
HEADWATERS FISH & GAME ASSOCIATION, INC.
to the
U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON RESOURCES
SUBCOMMITTEE ON FORESTS AND FOREST HEALTH
on March 24, 1998
with additional written testimony supplied by:
THE UPPER GALLATIN COMMUNITY

My name is Vito Quatraro and I am the President of the Headwaters Fish & Game Association, Inc. located in Bozeman, Mt. We are appearing with the support of the following organizations: Montana Bowhunters Association; Orion, the Hunters Institute; Anaconda Sportsmen's Club, Public Lands Access Association, Inc.; State Lands Coalition; and the Skyline Sportsman Association. The combined memberships of these groups exceeds 4000 individuals.

We are testifying to provide our support for S 1719. We wish to thank Senators Conrad Burns and Max Baucus for their efforts and hard work in introducing this legislation. We also wish to thank this committee for allowing us the opportunity to appear and speak on behalf of this Bill.

The GALLATIN LAND CONSOLIDATION ACT is the final phase of an exchange that began in 1993 to consolidate Federal land holdings primarily in the Gallatin National Forest. Prior to 1993, private lands owned by Big Sky lumber(BSL) and National Forest lands were mixed together in a checkerboard pattern that was inefficient to manage and maintain for all parties concerned.

This last portion of the exchange involves acquiring approximately 54,100 acres of land from BSL in exchange for approximately 29,100 acres of Federal land. A net gain of 25,000 acres for the American people. Obviously, the land for land portions are not of equal value. To balance the swap will require the use of additional components. First, BSL will receive 20 MMBF of timber on National Forest lands, Second, BSL has agreed to accept up to 6.5 million dollars in cash. Third, in the event that the values are still not balanced, BSL, has indicated a willingness to accept reserve timber volume on the lands which they will be deeding to the Forest Service. Lastly, BSL has stated that they could withdraw certain parcels from the exchange to balance the values. This last option may have unacceptable ramifications. It is likely they would want to withdraw those parcels that have the highest monetary and esthetic value, namely the Taylor Fork parcels. Later in this testimony, we will address this issue more thoroughly.

The land being acquired for the National Forest from BSL has a tremendous wealth of natural resources,

wildlife, timber, and spectacular beauty. 11,200 acres of the property to be acquired lies within the defined grizzly bear habitat recovery zone. The value of the wildlife habitat component of the land that would come back into public ownership cannot be overstated. At a time when wildlife habitat is dwindling across this nation and the world, this exchange gives us the opportunity to preserve a substantial amount of acreage for perpetuity.

For the past several years, BSL has allowed the public to use their lands without restrictions. Hikers, campers, fisherman, hunters, horse owners, snowmobilers, skiers, bicyclists, wildlife watchers, and lovers of nature have all enjoyed the lands owned by BSL. Whether it is summer, winter, fall or spring, on any given day you will find large numbers of people enjoying the beauty, serenity and wildlife on this land. Anyone who enjoys the outdoors for virtually any purpose can satisfy their needs on these 54,000 acres. It is important for us to realize that BSL is under no obligation to continue this free access to their property, and if this exchange is not completed, the likelihood of continued free access is very low.

Montana law allows a landowner the right to split off 160 acre parcels without going through any subdivision review process. If they so choose, BSL could create over 300 separate 160 acre parcels on the 54,000 acres that are scheduled to be included in this exchange. At least 6 of the sections to be included are already split into 40 or 20 acre parcels. If anyone were so inclined to split these parcels as outlined above, they could and would sell them rapidly at very high prices. The corresponding loss of habitat, and subsequently wildlife, would be astounding. Public access would be lost forever.

As it is today, BSL could log the timber off their lands with minimal state review and regulations. They could then split off 160 acre parcels and sell them to the highest bidder. The effect on the land, watershed, and wildlife would be devastating for the area, not to mention the loss of 54,000 acres for the general public to recreate upon. These are the realities that exist.

For any real estate transaction to be completed, there must be a ready, willing and able buyer, and a ready, willing, and able seller. The Legislation, Exchange Agreement and corresponding Option Agreement, must attempt to balance the wants and needs of all concerned. BSL has specific desires, as does the Forest Service, Congress, the sportsman, the adjacent landowners, and various environmental organizations. Unfortunately, it is almost impossible to draft the perfect agreement that everybody will be happy with, particularly when the general public is, in essence, a party to this transaction. Hopefully, an agreement can be reached to satisfy all without compromising the integrity of the exchange,

Our organization has reviewed the proposed legislation very carefully. We realize that it is impossible at this time to define all the key elements of the exchange. Timber volumes and their associated values must be established and the amount of cash available is yet to be determined. It is important though, that the legislation be written in such a manner as to guarantee that the intent is well established and that there are mechanisms in place to fulfill the intent of the Bill.

As layman, we are not qualified to comment on the language contained in the Bill. While it appears adequate to us, we will trust the judgment of Congress, the Forest Service, and all the various staffers to guarantee that the rights of the American public are being protected. We would encourage BSL and the Forest Service to reach final agreement on all terms and conditions of the Bill, Exchange Agreement and Option Agreement as soon as possible to eliminate the potential of any 11th hour problems.

We have also received a copy of the OPTION AGREEMENT prepared by BSL and dated February 16, 1998. We understand that this is merely an "offer" on their part and is not binding upon the Forest Service as it has

been signed only by BSL.

We want to make it perfectly clear that we strongly support this legislation and wish to see the exchange and purchase consummated. With that said, we are quite concerned with certain portions of the initial Option Agreement. Virtually all of our concerns center on the acquisition of the Taylor Fork parcels (approximately 10,000 acres). The Taylor Fork lands contain the grizzly bear habitat recovery zone, and critical elk, moose, and black bear habitat. From wildlife standpoint, it may also be considered a very fragile ecosystem. The development of these parcels and the corresponding loss of habitat could result in the displacement of several species into areas where their survival would be questionable. The Taylor Fork parcels are the cornerstone of this exchange.

Any wording in the Bill, Exchange Agreement, or Option Agreement which allows for the possible removal of the Taylor Fork lands from this exchange/purchase is totally unacceptable to our organization and the various other sportsmen groups with which we have been in contact. We understand and appreciate BSL's desire for certainty and protection, but by the same token, we need certainty that upon final completion of the transaction, the Taylor Fork parcels will be back into public ownership.

Our group represents the sportsmen of Southwest Montana. This is our backyard. We share this beautiful area with thousand of hunter, fishermen, hikers, and outdoor enthusiasts from our state and throughout the nation. As our elected officials, we are relying on you to see that our best interest are represented and the integrity of this wonderful and unique area remain open to the public for all people to enjoy.

In closing, we want to again thank this committee for allowing us to testify on this matter. We feel this is a very important piece of legislation and wish to see it finalized as soon as possible. The benefits of this exchange to the American public, the people of Montana, wildlife and our natural resources is substantial. Until man figures out a way to produce land of this magnitude and beauty, we better save all of it we can.

Sincerely,

Vito R. Quatraro, President
Headwaters Fish & Game Association, Inc,

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