

Glenda Wiles

From: Doug Lorain <douglorain@gmail.com>
Sent: Monday, January 29, 2018 4:16 PM
To: Glenda Wiles
Cc: Greg Chilcott; Ray Hawk; jriman@rc.mt.gov; Jeff Burrows; Doug Schallenberger
Subject: Letter on Montana Wilderness Study areas
Attachments: Ravalli County WSA Commisioner letter.pdf

Dear Commissioners:

It has come to the attention of me and the other Ravalli County residents co-signing the attached letter, that you have taken a position to support Federal legislation affecting Montana's wilderness study areas, including those in Ravalli County. As residents of Ravalli County this issue is of great interest and importance to us and yet the commission acted at a poorly publicized and attended meeting on a Friday morning with only two members of the public in attendance. We feel this is clearly insufficient for a matter of this importance. The attached letter describes our concerns and recommends potential courses of action. We look forward to your prompt response.

Sincerely,

Doug Lorain

Hamilton, MT

January 29, 2018

The Honorable Greg Chilcott
The Honorable Ray Hawk
The Honorable Chris Hoffman
The Honorable Jeff Burrows
The Honorable Doug Schallenberger
Ravalli County Commission
215 S. Fourth St., Suite A
Hamilton, MT 59840

Dear Commissioners:

We write to call your attention to an important issue related to Montana's public lands and to request that you take immediate action regarding your position on Ravalli County's wilderness study areas.

At its September 15 meeting, held at 11 AM on a weekday with only two members of the public in attendance, the Ravalli County Commission voted to support legislation removing wilderness study area protections for the Blue Joint and Sapphire wilderness study areas. After this meeting, the commission sent a letter to Senator Steve Daines advocating for the removal of wilderness study area status for these areas.

By making such a decision at a poorly publicized and poorly attended daytime meeting, the Ravalli County Commission did not provide the public with sufficient opportunity to comment, as required by the Montana State Constitution and state open meeting laws.

We are also concerned that the Commissioner's decision to endorse S. 2206 was made without any consultation of the Ravalli County Collaborative, a group that the Commissioners created to advise the County on natural resource management decisions by providing a forum for thoughtful analysis and careful deliberation. In addition, another long-standing collaborative group with a proven track record of finding common ground for management decisions, the Bitterroot Restoration Committee, was also not informed or consulted.

We therefore request that the Ravalli County Commission immediately rescind its September 15 letter and schedule a well-publicized hearing during a convenient hour to consider public views on the county's wilderness study areas.

Montana's Open Meeting and Public Participation Laws Require that the Ravalli County Commission Provide Sufficient Opportunity for Public Input

Montana's open meeting and public participation laws are based on two fundamental rights contained in the Montana Constitution: right to know and right of public participation.¹ Montana's State Constitution provides that,

The public has the right to expect governmental agencies to afford such *reasonable opportunity for citizen participation* in the operation of the agencies prior to the final decision as may be provided by law.²

State law requires the Ravalli County Commission to develop procedures for “permitting and encouraging the public to participate” in decisions that are “of significant interest to the public.”³ Further,

Procedures for assisting public participation must include a method of affording interested persons reasonable opportunity to submit data, views, or arguments, orally or in written form, prior to making a final decision that is of significant interest to the public.⁴

The amount of notice required “should increase with the relative significance of the decision to be made,” with the goal of encouraging and assisting citizen participation.⁵

The Management of Ravalli County's Wilderness Study Areas is the Subject of Significant Public Interest

Management of the Blue Joint and Sapphire wilderness study areas is of intense interest to the public. Dating back to the 1970s, these areas have been proposed for wilderness and in 1987 the Forest Service recommended a portion of the Blue Joint area for wilderness. In 1988, legislation designating portions of the Sapphire and Blue Joint wilderness study areas Wilderness passed both houses of Congress. Since 1983, Montana's Congressional delegation has repeatedly sought to address the seven remaining WSAs created by the Montana Wilderness Study Act. Legislation was introduced in 1984, 1986, 1987, 1988, 1990, 1992, 1994, 1995, 2009, 2011, and 2013 that proposed balanced legislative solutions for Montana's wilderness study areas.

Today, there is still intense public interest in the management of the Blue Joint and Sapphire wilderness study areas, and the areas are still popular among hunters, hikers, and others.⁶

Despite this intense public interest in Ravalli County's wilderness study areas, the Ravalli County Commission took action advocating for the elimination of these areas at a poorly publicized and poorly attended meeting. Taking such an important position on the county's

¹ Montana State Constitution, Article I, Section 9.

² *Id.*, Article II, Section 8 (emphasis added)

³ *Id.*, § 2-3-103(1)(a). For county commissions, the Attorney General has determined that the term “significant interest to the public” refers to “any non-ministerial decision or action . . . which has meaning to or affects a portion of the community...” (47 Mont. Op. No. 13 Atty. Gen. at 6).

⁴ *Id.*, § 2-3-111. (emphasis added).

⁵ 47 Mont. Op. No. 13 Atty. Gen. at 6

⁶ See, e.g., <http://www.umt.edu/this-is-montana/columns/stories/sapphire-mountains.php>.

wilderness study areas surely deserves more attention than a morning meeting with only two members of the public present.

As described above, Montana state law requires county commissions to provide sufficient opportunities for public input. It appears that the commission failed to do so here.

Request for Remedy

Based on the above, we respectfully request that the Ravalli County Commission, within ten days of the receipt of this letter, undertake the following actions:

- Rescind the September 15, 2017 letter from the commission regarding legislation advocating for removal of wilderness study area designation for the Blue Joint and Sapphire Wilderness Study Area;
- Schedule a well-publicized public hearing at a convenient time and location to permit the public to comment on the management of Ravalli County's wilderness study areas.

Thank you for your consideration.

Sincerely,

Doug Lorain
Hamilton, MT 59840

Taylor Orr
Stevensville, MT 59870

Kathy Hundley
Darby, MT 59829

Joe Hundley
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