

Lake County, a political subdivision of the State of Montana, submits these initial comments on S.3014, “The Tribal Forestry Participation and Protection Act of 2016”. These issues are significant and more detail can be provided subsequent hereto, including suggested amendment language.

S.B. 3014 we believe creates numerous problems for local government units. It raises questions about opportunities for local jobs and revenue for local individuals and government units such as schools, roads, fire districts and counties.

In particular we would suggest:

- 1) Amend your Section 3, page 3 of 8, Section (C) (1) Purpose (B) to include language 1) that eliminates reductions to State or local tax revenues from this program, and 2)that ensures local access to employment or jobs without tribal hiring preference and 3) that ensures local contractors, etc. obtain work by eliminating tribal company preference for contract work done under this act.
- 2) Amend Section 3 on Authority “A” and Section ‘4 Requirements’, both on page 5 of 8, to ensure that the action including “planning and conducting forest land management activities” is conducted in accord with existing “R M P” or “National Forest Plan” in effect or transition at the time the agreement with a Tribe is made. This matters to local government units as consistency with local plans is not required of tribal resource management plans, but is required of federal agency plans.
- 3) This is further complicated by paragraph 7, page 7 of 8, defining “Forest Management Plan” part 3 of 25 USC 3103, that definition of “Forest Management Plan” include “reflecting and consistent with a tribal resource management plan which provides for regulation” etc. while “meeting the objectives of the tribe.” There is no mention of State or local land use or Resource Plans, no discussion of consistency, and no discussion of meeting local and or state objectives. We believe that there should be.
- 4) This is of greater concern since paragraph 7, page 7 of 8 specifies “All forest land management activities, conducted per definition 2 A b, page 4 of 8, are completed in respect to parts C, D, and E of the definition §3103(4). This cuts out local governments and leaves many problems such as:
 - 1) Who gets the fire equipment purchased?
 - 2) Who gets the jobs and employment?
 - 3) What mills or factories get the product “sustainably” produced?
 - 4) Who gets the reclamation work?
 - 5) What tax revenue gets paid?

- 6) Will available work contracts, subsequent labor, and jobs created or existing be tribal preference? Paragraph 4 of page 6 of 8 on timber “sold on a competitive bid” does not ensure who gets the product or other associated employment or revenue.
- 5) Paragraph 6 Consultation”, page 6 should be broadened to include language that cites for example:
 - a) 36 CFR 221.3(a)(1) requiring the agency to consider community stability in its processes.
 - b) 36 CFR 219.7(f) requiring monitoring programs to determine effects on local communities.
 - c) 43 CFR 1610.3-1©(1) providing guidance to BLM employees “consistent as possible with existing plans, policies or programs of other state agencies, Indian Tribes and local governments that may be affected.”
 - d) The sections of 16 USC relating to local government plans and economies
 - e) The Federal statutes attached should also be referenced as these provide local government and the state with an opportunity to participate.
- 6) Language on personal property taxes should also be included. Equipment that is utilized in this work may or may not be taxable by the state of local government, but we believe for this work it should be, such that tribal member owned is treated equally with all other persons.

These comments are not complete due to our not having a copy of the amendment but are a start for the record, of significant issues that need to be addressed.