

Statement of Hugo J. Tureck  
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Before the House Natural Resource Committee, Subcommittee on National Parks, Recreation  
and Public Lands

Regarding H.R. 1629

A bill to clarify that the Upper Missouri River Breaks National Monument does not include  
within its boundaries any privately owned property, and for other purposes.

September 30, 2003

Mr. Chairman, Representative Rehberg and Members of the Subcommittee, my name is Hugo  
Tureck. I am a rancher and vice-chairman of the Friends of the Missouri Breaks Monument. Our  
organization is made up of business people, hunters, farmers and ranchers and those who love  
the open spaces of Montana. As a coalition, we are committed to protecting and preserving the  
Upper Missouri River Breaks Monument in its present form.

I thank you for the opportunity today to testify in opposition to H.R. 1629. My family and I have  
the privilege of being public land ranchers not far from the Monument. We raise cattle and small  
grains on a dry land operation that is suffering from an ongoing drought.

I served on the Central Montana Resource Advisory Council (RAC) of the Bureau of Land  
Management (BLM) for six years. I was the chairman during the entire public process that led to  
the designation of the Upper Missouri River Breaks National Monument in 2001. Our RAC is  
made up of 15 individuals representing many different points of view including ranchers,  
sportsmen, conservationists, elected officials and individuals representing oil and gas and timber  
interests. The RAC is a consensus council, that works to find common ground on natural  
resource issues affecting the public lands managed by the BLM.

As chairman of the RAC, I oversaw the preparation for and development of the report to the  
Secretary of Interior that resulted in the designation of the Missouri Breaks as a National  
Monument. That report summarized an inclusive public process undertaken by the RAC, at the  
request of the Secretary, to determine how Montanans felt about the public lands—a vast and  
wondrous landscape—that we call the Missouri Breaks. Our charge was to find out what  
Montanans agreed upon, what kind of a future we wanted for these lands.

Before the RAC accepted this task, we held a public meeting in Lewistown, Montana seeking  
public input on whether or not this project was something that the people of north central  
Montana wanted us to work on. The meeting room was packed with people, mostly ranchers and  
farmers, who asked the RAC to become involved, which we did.

To reach the greatest number of people living in the area around the Breaks, we conducted  
hearings in several communities in Central Montana. To facilitate maximum participation we

met for two days in each of those communities and accepted testimony during the day as well as in the evening. Hundreds of Montanans from all walks of life felt this issue important enough that they took time from their busy lives to attend the meeting presenting statements and listening to others. We also received hundreds of letters.

As I listened to the testimony and read the many letters, I was moved by the passion that Montanans felt for this place. Rancher or floater, hiker or hunter, bird watcher or just a person seeking solitude; it made no difference. All felt a special love for this land we call the Missouri Breaks.

This is what the RAC reported to the Secretary of the Interior: Montanans wanted this enchanted place to remain as wild tomorrow as it is today. Montanans also wanted to see the cultural and historical artifacts that abound in this Monument protected and they consider it critical that wildlife habitat be enhanced. The people of my state also wanted to see traditional uses including hunting, fishing and grazing to continue. Finally, and of critical importance, Montanans wanted to make sure that all private property rights were protected. While the RAC did not make a recommendation to the Secretary regarding monument designation (and therefore did not address boundaries) we were in full agreement that this special landscape needed and deserved special management to protect its unique resources.

It is important for you to know that the majority of Montanans that testified and wrote letters supported the idea of a Monument as the best way to protect this landscape. They were also adamant in voicing that public land belongs to all Montanans and to all Americans. It was a small minority that opposed the Monument.

When the President of the United States, using the powers given to him by Congress, through the Antiquities Act, created the Missouri Breaks Monument, he did so using the report from the Central Montana RAC to the Secretary. The Proclamation was written to reflect the values Montanans strongly agreed upon such as continued hunting and grazing. It also reflects our recommendation to include specific and clear language to protect private property rights.

The Monument Proclamation states that: "establishment of this Monument is subject to valid existing rights". The Proclamation further states that "...there are hereby set apart and reserved as the Upper Missouri River Breaks National Monument, for the purpose of protecting the objects identified above, all lands and interests in lands owned or controlled by the United States."

Unlike the Proclamation, H.R. 1629 does nothing to protect private property rights in the Monument. Private property rights are already protected by the Proclamation and within existing government law and policy. We live in a system of laws that protect private property rights. The Presidential Proclamation provides another layer of protection by making clear that private property rights are protected.

There are numerous rumors about how our government has cynically tried to force or intimidate individual landowners into selling, or how our government has attempted to restrict private property rights. As a public lands rancher I am naturally curious if any of these rumors can be

substantiated. I have called upon those making these claims to give us evidence. I have yet to see any.

The Proclamation explains why private property was included within the boundaries of the Monument. The proclamation clearly states that if property with significant historical, cultural, wildlife or landscape qualities are purchased by the United States from a willing seller, these lands will be "reserved as part of the Monument."

Why is this important? There are a significant number of historical and cultural sites that are on private land, but are an integral part of the historic and wildlife landscape. Sites like the Nez Pearce trail where in 1877 Chief Joseph led his band across the Missouri River and up Cow Creek toward his final battle with General Miles. Sites like the Kid Curry hangout where gunfighters and rustlers hid from the law. Sites like the Bull Whacker Trail where bull trains hauled supplies from Cow Island to Ft. Benton when the water levels were so low that river travel was impossible.

These and other sites are a part of our national identity. These are sites that help us define ourselves as Americans and deserve adequate protection for future generations to enjoy. Today, if a landowner chooses to sell his land that contains one of these sites to the government, it becomes a part of the Monument and is protected for all Americans. If this legislation passes, lands that the BLM might acquire through purchase, trade or donation could not be added to the Monument without additional legislation or another Presidential Proclamation. This would be the case for each acquisition—which means extra work for Congress or the President and additional costs to the American taxpayer, as legislation is expensive in both time and money.

If this bill passes it also means that if BLM does acquire land through purchase, trade or donation, that land would not be part of the Monument and would therefore not be given the same protection. Those newly acquired lands would be open to oil and gas development and a host of other potential threats, creating a formidable and expensive management challenge for the BLM which makes it very unlikely that the agency would seek to acquire, from willing sellers, any in-holdings in the Monument. Either way, the public loses and the future of the Monument and its abundant wildlife, historical, and ecological values now within the boundary will be jeopardized and our ability to preserve a piece of history and wildness, will be ultimately lost.

This is not what the public wants whether they live in Montana or in Florida. As chairman of the RAC I heard from people across Montana who wanted this place protected. Since designation there have been numerous opportunities for public input into the future of the Breaks. Efforts to dismantle the Monument shortly after its designation generated over 1400 letters to our governor, 1100 asking her to keep the Monument as it is. There have also been two public comment periods as the BLM develops a management plan for the Monument – the first generated about 5,700 public comments and 5,602 supported protection of the Monument in its entirety. Another comment period has just closed and almost 7,000 people wrote the agency and we are waiting for the analysis of those comments. It is clear that Montanans, like people across this country, in increasing numbers, want this land protected. The bill we are discussing today offers a facade of

comfort to the few people who oppose the Monument while ignoring what the majority of Americans and Montanans want.

Last year, Representative Rehberg told the editorial board of the Montana Havre Daily News that "he wants to eliminate any worries the landowners may have that the federal government would somehow try to restrict the landowners use of their own property." The Havre Daily News responded in their editorial as follows: "Rather than exacerbating people's fears, Rehberg should be reassuring landowners that they have nothing to worry about."

Representative Rehberg has also stated that including private land within the boundaries of the Monument will open that land up to vandalism and trespass. But in reality drawing a line on a map would be of little help. On our ranch, our private lands are checker boarded with public lands. It is almost impossible for a person to tell where my private land ends and the public's land begins. If I want to keep the public off of my property and on the public land, I would need to clearly mark my boundaries. This is already my right and my responsibility.

There are a few very troubling things about this proposed legislation. It sets a precedent that may be applied to the other fifteen monuments managed by the BLM, thirteen of which also have private lands within their boundaries. It also sets a precedent that may be applied to other special places managed by agencies under the Department of Interior, such as other national monuments and national parks. The National Park Service (NPS) oversees 395 units that include many different designations such as national parks, national monuments and national historic parks. Private land is included in 242 or 61 percent of those sites, which include sites such as Yellowstone and the Grand Canyon as well as sites like Harper's Ferry, Valley Forge, the C & O Canal, and Gettysburg.

It is also troubling that those asking for this legislation seem to have little trust in their government to treat its citizens fairly. It also seems those asking for this legislation have little faith in their fellow citizens, yet ask these citizens to trust them when they proclaim that they are the stewards of these public lands.

Twenty-six years ago, Congress led by Senator Metcalf of Montana created the Upper Missouri River Wild and Scenic River. Forty-six percent or 35,800 of the 81,000 acres that this bill would remove from the monument are within the boundaries of the wild and scenic designation. Just think, twenty-six years ago Congress knew that they could do this and private property rights would not be violated. Twenty-six years later, we know Congress was right—that private property rights were not violated and that the river was better protected than before.

Twenty-six years later the President of the United States using the powers granted to him through the Antiquities Act created a monument protecting a larger area for future generations. This monument with its inspiring landscape celebrates Lewis and Clark and their role in the building of a nation. It celebrates so much of what they stood for. Let us not weaken this Monument by passing legislation such as this. Rather, let us work together to put in place a management plan for this new Monument that serves not just a few special interests but the interests of all Americans now and for future generations.