

MONTANA SENATE
2005 LEGISLATURE

ROLL CALL

NATURAL RESOURCES

DATE 2/9/05

NAMES	PRESENT	ABSENT	EXCUSED
SEN. GLENN ROUSH (D), CHAIRMAN	/		
SEN. KEN TOOLE (D), VICE CHAIRMAN	/		
SEN. AUBYN CURTISS (R)	/		
SEN. KELLY GEBHARDT (R)	/		
SEN. DAN HARRINGTON (D)	/		
SEN. GREG LIND (D)	/		
SEN. GARY PERRY (R)	/		
SEN. BILL TASH (R)	/		
SEN. MICHAEL WHEAT (D)	/		
KRISTA LEE EVANS, LSD	/		
PEG HOLWICK, COMMITTEE SECRETARY	/		



SENATE STANDING COMMITTEE REPORT

February 10, 2005

Page 1 of 1

Mr. President:

We, your committee on **Natural Resources** recommend that **Senate Bill 337** (first reading copy -- white) do pass.

Signed: _____


Senator Glenn Roush, Chair

- END -

Committee Vote:
Yes 5, No 4.

330941SC.sjo





SENATE STANDING COMMITTEE REPORT

February 10, 2005

Page 1 of 3

Mr. President:

We, your committee on **Natural Resources** recommend that **Senate Bill 210** (first reading copy -- white) **do pass as amended.**

Signed:


Senator Glenn Roush, Chair

And, that such amendments read:

1. Title, page 1, line 6 through line 7.

Strike: "PROVIDING" on line 6 through "DISCOVERY;" on line 7

2. Page 1, line 15 through line 16.

Strike: "director" on line 15 through "conservation" on line 16

Insert: "governor"

3. Page 1, line 21.

Following: "(d)"

Strike: "an" through "governor"

Insert: "the director of the department of transportation or the director's designee"

4. Page 1, line 27.

Strike: "an abandoned"

Insert: "a"

5. Page 1, line 28.

Following: "corps of discovery"

Insert: "if the railbed is abandoned"

6. Page 1, line 29.

Following: "corporations"

Committee Vote:

Yes 5, No 4.

330942SC.sjo



Insert: "or other entities"

Strike: ", sale, or fee title"

Insert: "or other legal property interest"

7. Page 2, line 1.

Following: "corporations"

Insert: "or other entities"

8. Page 2, line 2.

Strike: ", credit,"

Following: "corporations"

Insert: "or other entities"

9. Page 2, line 3.

Following: ";"

Insert: "and"

10. Page 2, line 4.

Strike: subsection (d) in its entirety

Re-number: subsequent subsection

11. Page 2.

Following: line 5

Insert: " (6) The commission, through its governing agency, shall develop rules that, at a minimum, address the following areas:

(a) visual screening to preserve privacy;

(b) fencing to protect livestock;

(c) methods to accommodate movement of livestock or farm equipment;

(d) transfer of portions of the previous railroad right-of-way not needed for the alternative mode right-of-way to the adjacent landowner at a fair and equitable price;

(e) prohibitions on the use of the alternative mode right-of-way more than 1 hour after sunset or more than 1 hour before sunrise;

(f) prohibitions on the use of the alternative mode right-of-way for overnight camping in areas that would adversely impact nearby residences or farm or ranch operation; and

(g) guidelines regarding where necessary safety screening or fencing to separate the right-of-way from constructed canals, ditches, or aqueducts.

(7) Rules adopted pursuant to subsection (6) must be adopted pursuant to Title 2, chapter 5, part 1, and must be based on input from adjoining landowners, public members, and corridor users."

Renumber: subsequent subsection

12. Page 2, line 6.

Strike: "a nonmotorized"

Insert: ": (a) a"

13. Page 2, line 7.

Following: "railbed"

Insert: "; or

(b) a right-of-way within the bounds of a former railroad right-of-way that is used for alternative modes of transportation, including pedestrians and nonmotorized bicycles"

14. Page 2, line 17 through page 2, line 29.

Strike: section 3 in its entirety

Renumber: subsequent sections

15. Page 4, line 1.

Strike: "(1)"

16. Page 4, line 4 through line 5.

Strike: subsection (2) in its entirety

- END -

**MONTANA STATE SENATE
2005 LEGISLATURE**

VISITOR REGISTER

NATURAL RESOURCES

DATE 2/9/2005 BILLS BEING HEARD TODAY SB353

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Michael G Dean	442-9726		SB 210		✓
George Nell	848-7521	Myself	SB353		✓
Tom Linfield	444-2043	MT DAL	SB353		
KARRIE LAZERT	646-5140	myself	SB353		✓
Jennifer Nitz	646-9612	Buffalo	SB353		✓
DAN B. STOS	726-5555	myself	SB353		✓
Stephany Seay	646-7174	American Indian Movement	SB353		✓
Stephany Seay	726-5555	myself	SB353		✓
MATT LONGSHAFT	726-4369	MYSELF	SB353		✓
Kalanv Johnson	646-4152	Myself	SB353		✓
Natalie Schafroth	646-4152	myself	SB353		✓
MATTHEW WHRSTORFER	646-4152	MMKIF AND THE MIDWEST	SB353		✓
JAZMINE RAYMOND	549-9068	myself	SB353		★
Dendron Silver	646-4152	myself and the west	SB353		✓
DEREK GOLDMAN	370-6491	citizen, Missoula ^{COAS} County	SB353		✓
JONAS CLARKE	646-0070	myself	SB353		✓

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY



MONTANA STATE SENATE

+++++ WITNESS STATEMENT +++++

NAME Dan Bristor

ADDRESS PO Box 265 Arlee, MT

HOME PHONE: 726-5555 WORK PHONE: _____

REPRESENTING self SB 353

APPEARING ON WHICH PROPOSAL ? SB 353

DO YOU: SUPPORT _____ OPPOSE AMEND _____

COMMENTS:

Rather than taking such measures as neutering America's last wild buffalo we should focus on domestic livestock. ~~By~~ grazing steers and non-reproductive cattle in the ecosystem we could ensure that a transmission of brucellosis, which has never occurred in the wild, would never take place.

If native American nations desire buffalo to start tribal herds a far more appropriate ~~best~~ source for those herds would be the many domestic bison herds, such as that of Ted Turner. Don't domesticate the last wild herd when domesticated herds already exist.

PLEASE LEAVE PREPARED STATEMENT WITH
COMMITTEE SECRETARY



Buffalo Field Campaign

PO Box 957 West Yellowstone, MT 59758

(406) 646-0070 phone (406) 646-0071 fax

buffalo@wildrockies.org www.buffalofieldcampaign.org

Montana's Wild Buffalo: a Treasured Asset

The wild buffalo of Yellowstone and Montana are the last genetically pure remnant of the vast populations that once migrated freely across the American West. Our vision is to ensure that this unique herd shall flourish in as much of its natural and historic range as possible--forever. Our purpose and intent is to protect and preserve the Yellowstone bison from harm--also forever.

The Yellowstone buffalo are the only living link to the great herds of millions that once thundered across the plains. Wild buffalo are considered sacred to the Native American tribes of the Great Plains whose cultures evolved with them and who still hold treaty rights to the Yellowstone area. Disturbingly, the tribes have been excluded from all levels of management affecting the herd.

Buffalo are a uniquely American icon, a fact made apparent by the presence of their image on countless Montana highway signs and license plates, on the insignia of the National Park Service, the United States Department of Interior, and on the signs and windows of countless businesses.

While for the rest of the country buffalo are a powerful symbol of the continent's wild past, Montana alone is positioned to benefit from their current and future presence. We are already rewarded by the presence of buffalo and other native wildlife as evidenced by the millions of people visiting Yellowstone each year. These visitors have helped make tourism the fastest growing economy in Montana. If buffalo were allowed to reinhabit even a small fraction of their former range, expanded wildlife viewing opportunities would bring millions of additional tourist dollars to our state.

Whereas elk, also known to carry brucellosis, bring millions of dollars to Montana through hunting fees and associated revenues, similar opportunities are presently lost on the buffalo, who are only allowed to access a tiny fraction of available habitat. If buffalo, like elk, were allowed access to prime Montana habitat, a true fair-chase hunt could be established that would be a tremendous asset to Montana's economy.

Montana has a golden opportunity to secure public and private land habitat for buffalo outside the park and abandon its antiquated "zero tolerance" policy in favor of one more consistent with modern risk-management principles. The best available science does not support the current management regime.



InterTribal Bison Cooperative

1560 Concourse Drive • Rapid City, South Dakota 57703
 PHONE: (605) 394-9730 • FAX: (605) 394-7742 • E-MAIL: itbc@enetis.net
 www.intertribalbison.com



INTRTRIBAL BISON COOPERATIVE POSITION STATEMENT ON SB0353

The InterTribal Bison Cooperative (ITBC) is a non-profit organization comprised of 54 federally recognized Tribes across the United States, dedicated to restoring bison to tribal lands in a manner that is culturally and spiritually compatible with tribal beliefs and practices. ITBC has been involved with the Yellowstone bison since 1992.

ITBC cooperates with and supports current bison management within Badlands National Park and Wind Cave National Park in South Dakota and Theodore Roosevelt National Park in North Dakota. ITBC has been working toward the same relationship within Yellowstone National Park.

ITBC has maintained the position that buffalo in the GYE should be maintained as wildlife and left to exist naturally as other wildlife species with their identity and integrity preserved. The present inconsistency between states and federal governments regarding the classification of bison allows for differing treatment from Federal land to state land and also from state to state. Buffalo, in Yellowstone National Park are an important wildlife resource and should not be managed as domestic livestock.

ITBC supports the transferring of brucellosis-free buffalo from Yellowstone National Park to Tribal lands in order to help preserve the genetic viability of the Yellowstone buffalo herd. However, we are concerned with preserving the entire population as a whole without interfering in the natural selection process and therefore cannot support a plan to neuter the buffalo in Yellowstone National Park.

ITBC cannot support Senate Bill No. 353. Senate Bill 353 creates no benefits in disease control, preservation/management of a keynote wildlife species, and is contradictory to cultural, spiritual, and tribal beliefs and practices.

Respectfully Submitted

Fred DuBray/SDH

Fred DuBray
 Executive Director
 InterTribal Bison Cooperative

• Member Tribes •

- Blackfeet • Caddo Tribe of OK • Cheyenne River Sioux • Chippewa Cree Tribe of Rocky Boy's Reservation • Comanche Tribe of OK • Confederated Tribes of the Umatilla • Confederated Salish & Kootenai • Crow • Crow Creek Sioux • Iowa Tribe of OK • Flandreau Santee Sioux • Fort Peck Tribes • Fort Belknap Gros Ventre & Assiniboine • Ho-Chunk Nation • Kalispel • Lower Brule Sioux • Mesa Grande Band of Mission Indians • Miami Tribe of OK • Modoc of OK • Nambé Pueblo • Nez Perce • Northern Arapaho • Northern Cheyenne • Omaha Tribe of NE • Oneida Nation of WI • Picuris Pueblo • Pojaoque Pueblo • Ponca of NE • Prairie Band Potawatomi Nation • Prairie Island Dakota • Rosebud Sioux • Round Valley Tribes • San Juan Pueblo • Sandia Pueblo • Santee Sioux of NE • Sault Ste. Marie Chippewa • Seneca Cayuga Tribe of OK • Shawnee • Shoshone-Bannock • Sisseton-Wahpeton Oyate • Southern Ute • Spirit Lake Sioux • Spokane • Standing Rock Sioux • Stevens Village IRA Council, AK • Taos Pueblo • Tesuque Pueblo • Three Affiliated Tribes • Turtle Mountain Band of Chippewa • Ute • Winnebago of NE • Yakama Nation • Yankton Sioux •



InterTribal Bison Cooperative

1560 CONCOURSE DRIVE
RAPID CITY, SD 57703
PHONE: (605) 394-9730 / FAX: (605) 394-7742
E-MAIL: ITBC@ENETIS.NET
WEBSITE: WWW.INTERTRIBALBISON.ORG

FAX TRANSMITTAL

To:	NATURAL RESOURCE COMMITTEE	DATE:	02/09/05
REPRESENTING:		FROM:	FRED DUBRAY, EXECUTIVE DIRECTOR E-MAIL: FDUBRAY@ENETIS.NET CELLULAR PHONE: 605-431-0255
FAX:	406-444-4875	FAX:	(605) 394-7742
PHONE:		PHONE:	(605) 394-9730
RE:	ITBC POSITION STATEMENT ON SB0353	CC:	

URGENT FAX ONLY PLEASE REPLY HARD COPY TO FOLLOW

● **COMMENTS:**

Current bison management actions are not based on the best available scientific evidence and have resulted in the unnecessary slaughter of large numbers of bison. Further, they are not based on an accurate assessment of the risk of brucellosis transmission from bison to cattle, they rely on inappropriate tools and techniques designed for use in livestock, and they ignore the more serious threat of brucellosis transmission from feed-ground elk to cattle.

A common-sense approach would focus management actions on buffalo *and* livestock to protect Montana's brucellosis-free status. Readily available solutions such as modifying stocking dates and building stronger fences would ensure spatial and temporal separation of bison and cattle. In combination with mandatory cattle vaccination protocols (enhanced by tax incentives to offset additional costs) and the development of livestock herd-management plans to encourage the grazing of "brucellosis-proof" livestock like steers and non-reproductive cows, such a common sense approach would protect both Montana's brucellosis-free status and the last wild herd of native buffalo.

Such an approach would save millions of tax dollars, alleviate the negative publicity Montana has received, and greatly benefit Montana's number one and number two industries: livestock and tourism.

Most of these practices have already been implemented in and near Grand Teton National Park, where buffalo and cattle have co-mingled without a single incidence of brucellosis transmission for the past forty-five years.

The goal of eradicating brucellosis from bison and elk in the Greater Yellowstone Area (GYA) is untenable until appropriate technologies are developed to achieve such an objective without harming the bison and elk populations or the integrity of the ecosystem in which they exist.

The remaining wild buffalo need lasting protection to preserve their ecological, genetic, cultural, aesthetic, and spiritual significance. We envision a new Montana in which wild buffalo are recognized and managed as native wildlife and treated as an asset rather than a liability.

"The killing by the state of Montana could threaten the future of this national symbol and the biological integrity of the last wild herd."

Former U.S. Secretary of Interior Bruce Babbitt, 1997

Michael & Patricia Opar
421 Graham
Helena, MT 59601
February 8, 2005

Chairman Glenn Roush
P. O. Box 200500
Helena, MT 59620-0500

Dear Chairman Roush,

Our family is against SB210, which proposes a Rail to Trails corridor between Great Falls and Helena if BNSF abandons this track.

The railroad passes through our land. As a land owner our concerns are property damage, trespass, littering, weed control and additional people using the area for recreational purposes. We believe the influx of additional people to the already crowded river and adjoining land could have a devastating effect on the fish and wildlife habitat along this stretch of the Missouri River.

All we ask is that you put yourself in our situation, as a landowner through which the proposed Rails to Trails would pass. If you owned this land, would you have some concerns?

It is said Montana is the last best place. Many businesses prosper because of the beauty that is left untouched in Montana. If this BNSF right-of-way is used for Rails to Trails for the economic gain of a few, then we all may lose what is left of this pristine Missouri River basin.

Sincerely,

Michael Opar
Patty Opar
Michael & Patty Opar