

Montana State Legislature

2015 SESSION

ADDITIONAL DOCUMENTS

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[Signed by Chairman]

Roll Call

Standing Committee Reports

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Proxy Forms

Visitor Registrations

***Any other documents, which were submitted after the committee hearing has ended and/or was submitted late [within 48 hours], regarding information in the committee hearing.**

***Witness Statements that were not presented as exhibits.**

Montana Historical Society Archives

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2015 Legislative

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BUSINESS REPORT

**MONTANA HOUSE OF REPRESENTATIVES
64th LEGISLATURE - REGULAR SESSION**

HOUSE AGRICULTURE COMMITTEE

Date: Tuesday, March 10, 2015
Place: Capitol

Time: 3:00 PM
Room: 137

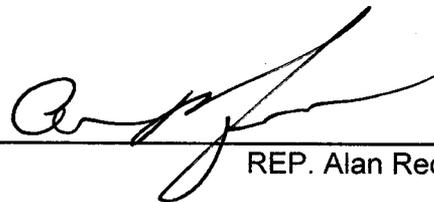
BILLS and RESOLUTIONS HEARD:

SB 232 - Revise stream access laws to reflect Galt decision - Sen. Frederick (Eric) Moore
SB 284 - Require approval of county commissioners for bison relocation - Sen. John Brenden

EXECUTIVE ACTION TAKEN:

None Taken

Comments:



REP. Alan Redfield, Chair



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AGRICULTURE COMMITTEE

ROLL CALL

NAME	PRESENT	ABSENT/EXCUSED
REP. ALAN REDFIELD, CHAIRMAN	X	
REP. CHRISTY CLARK, VICE CHAIR		X
REP. MARGIE MACDONALD, VICE CHAIR	X	
REP. SETH BERGLEE	X	
REP. WILLIS CURDY	X	
REP. BILL HARRIS	X	
REP. GREG HERTZ		X
REP. JESSICA KARJALA	X	
REP. MIKE LANG	X	
REP. THERESA MANZELLA	X	
REP. WENDY MCKAMEY	X	
REP. MATTHEW MONFORTON		X
REP. DALE MORTENSEN	X	
REP. ANDREA OLSEN	X	
REP. ALBERT OLSZEWSKI	X	
REP. CAROLYN PEASE-LOPEZ		X
REP. ZAC PERRY	X	
REP. GORDON PIERSON	X	
REP. DANIEL SALOMON	X	
REP. SCOTT STAFFANSON		X
REP. SUSAN WEBBER	X	
REP. KATHLEEN WILLIAMS	X	

22 MEMBERS

**MONTANA House of Representatives
Visitors Register
HOUSE AGRICULTURE COMMITTEE**

Tuesday, March 10, 2015

SB 232 - Revise stream access laws to reflect Galt decision

Sponsor: Sen. Frederick (Eric) Moore

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Bob Lane	self	X		
Whitney Klasna	Montana Women Involved in Farm Economics	X		
Joe Perry	self	X		
Beky Dochter	MT FWP			X
Bob Gilbert	W.U.M.	X		
Mike Murphy	MWRA	X		
Nick Gavock	MWIF	X		
Nicole Rdf	MFBF	X		
Jay Bodner	MSGA/MCW	+		
Jean Johnson	MOGA	x		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

**MONTANA House of Representatives
Visitors Register
HOUSE AGRICULTURE COMMITTEE**

Tuesday, March 10, 2015

SB 284 - Require approval of county commissioners for bison relocation

Sponsor: Sen. John Brenden

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Whitney Klasna	Montana Women Involved in FARM ECONOMICS	X		
Wade Sikuski	Self		X	
Amy Seaman	Montana Audubon	X	X	
Kurt Alf	SELF		X	
Ben Lamb	NWF		X	
Chuck Denoux	OPOM	+		
MARK ABUE	Fort BELKNAP		X	
Mark Roundstone	Northern Cheyenne		+	
Otto Braided Hair	Northern Cheyenne		X	
Max By Bell	Ft. Belknap		X	
Nick Gevock	MWF		X	
Jean Johnson	MOGA	X		
Bronc Speak Thunder	Fort Belknap		o	
Dennis Jorgensen	WWF		X	
Nicole Roff	MFBF	X		
Alison Fox	American Prairie Reserve		X	
Matt Skoglund	NRDC		X	
Jay Bodner	MSGA / MCW	+		
Elena Evers	MACD	o		
Rep Budget Smith	HD 31		X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Testimony on SB 284
House Agriculture
March 10th, 2015



PO Box 595, Helena, MT 59624
406.443.3949

www.mtaudubon.org

Chairman Redfield and members of the Committee,

My name is Amy Seaman and I am here today on behalf of the 5,264 members of Montana Audubon in opposition to HB 496.

It is our mission is to promote the appreciation, knowledge and conservation of Montana's native birds, other wildlife, and natural ecosystems to safeguard biological diversity for current and future generations. We are here in opposition to SB 284 for the following reasons:

Legislation passed in 2011 (SB 212) set up a management program to govern the translocation of disease free wild bison that made sure to protect private property rights, while assuring fish, wildlife, and parks, not the affected counties, assumed the liability of risks associated with the transfer.

We believe changes to this ^{widely} ~~wildly~~ supported management plan should be made within the framework of the title 87 statute, rather than tied to contingency provisions regarding the status of a counties growth policy. Under this section of code, authorizing the translocation of bison would be the singular action that a governing body could deny based solely on compliance with a local government's growth policy, despite being non-regulatory documents.

At the time of SB 212's passage, the bill was heartily supported by Commissioners from Philips, Park, Prairie, Powell, McCone, Fergus, Garfield, Judith and Mussellshell Counties in addition to a number of other proponents from invested parties such as stock-growers and United property owners, none of whom pointed to a lack of commissioner authority as a fault within the legislation.

Rather testimony suggested SB 212 benefited counties for no less than five substantial reasons, one being that counties were ill equipped to handle the financial burden of contingency plans. In fact, both the department of Fish Wildlife and Parks and the Tribal nations accept responsibility for contingency plans needed to provide support in the case of harm. Placing authority with county commissioners therefore should be approached with caution, as the county would likely then need to consider its liability for any risk.

Further, when SB 212 was passed it was touted as a protection measure for Montanans' private property right owners. It becomes difficult to understand how granting commissioners this authority does not preclude private land owners from making their own decisions on how to use their property.

Finally, and most importantly, trans located wild bison are managed as wildlife, and as such are in the public trust of the state to be managed under the sole legislative authority of the department of Fish Wildlife and Parks. This state has a translocation policy in place that was wildly supported, and whose muster has not been challenged.

For these reasons we urge you to not pass this bill. Thank you for your time.

Bitterroot Audubon	Five Valleys Audubon	Flathead Audubon	Last Chance Audubon	Mission Mountain Audubon	Pintler Audubon	Sacajawea Audubon	Upper Missouri Breaks Audubon	Yellowstone Audubon
Bitterroot	Missoula	Kalispell	Helena	Polson	Butte/Dillon	Bozeman	Great Falls	Billings

SB 284
March 10, 2015
Presented by Mike Volesky
House Agriculture Committee



Mr. Chairman and committee members, I am Mike Volesky, Chief of Staff for the Montana Department of Fish, Wildlife and Parks (FWP). I am here on behalf of the Director in opposition to Senate Bill 284.

FWP appreciates the concern about bison translocation, but opposes this bill because it attempts to erode authority for management of Montana's wildlife at a statewide level by giving individual counties "veto" power over wildlife management decisions. That means this bill attempts to supersede MCA 7-1-111 that prohibits counties with self-government powers, from exercising "any power that applies to or affects . . . Title 87," which is the fish and wildlife title of the code.

Even if there were no such current prohibition in statute, the requirement that a board of county commissioners must find a wildlife relocation to be consistent with the elements of a county growth policy is a bit confusing, since there is no statutory requirement that a county adopt a growth policy.

With that said, the agency is governed by a commission, which provides significant public oversight. Additionally, we must adhere to various laws like MEPA that require a full public airing of any decision. This legislation seeks to tip this balance for the first time by granting to counties new wildlife authority without any requirements as to how the review in Section One of this bill is to be conducted.

We do welcome input from county governments on all wildlife management issues. Specific to bison, current statute requires a management plan before bison translocation could occur. Per 87-1-216, that management plan must include provisions for animal health protocols, animal identification and tracking protocols, containment measures, and a number of contingency measures. Also included in current statute are requirements for protecting public safety, for not exceeding range carrying capacity, and for identification of long-term, stable funding sources for management. With all of these plan elements, the department is further required to consult and cooperate with the Department of Livestock.

Current statute also requires the department to provide the opportunity for public comment and hold a public hearing in the affected county or counties, and prior to making a decision, respond to all public comment received and publish a full record of the proceedings at any public hearing.

In addition to all of the above, any management plan must undergo the MEPA process, as well as receive the approval of the Fish and Wildlife Commission. Both of these processes provide even more opportunity for public input and comment, including from county commissions.

On one final note, this bill appears to inadvertently eliminate tribal authorities' ability to determine what may happen on their reservations. It introduces uncertainty about whether a county commission must approve the translocation of bison onto a reservation within the boundaries of a particular county.

FWP believes there is substantial public process for all parties, and especially counties, to weigh in on decisions like bison translocation, and recommends a DO NOT PASS vote on Senate Bill 284.

March 10,th 2015 on SB284

Reverend Bolin

The wild bison of North America are sentient beings. By removing their freedoms, we are removing our own freedoms. SB 284 is founded on and seeks to continue the illusion of separation. What we do to the bison, we do to ourselves. The truth of this is clear... simply observe your own life... your happiness, your freedoms...

Love yourself, Love the bison,

Please restore our freedoms.

Reject SB284 and Repeal MCA 81-2-120

Sincerely
Reverend Bolin

ADDITIONAL
DOCUMENTS