

## **Section-by-section Summary of Bison Range Restoration Legislation**

All citations are to S. 3019, the Montana Water Rights Protection Act

### **Section 13 (“National Bison Range Restoration”)**

- Section 13(a)(1): presents findings of Congress, including the history of how the National Bison Range was established on the Flathead Indian Reservation, and the role of Confederated Salish and Kootenai Tribal citizens in creating a bison herd on the Reservation – which later became the original herd for the Bison Range. The findings also address the Tribes’ record as natural resource managers, including the creation of the 91,000-acre Mission Mountains Tribal Wilderness area and restoration of other wildlife species.
- Section 13(a)(2): identifies the purposes of the Bison Range Restoration legislation, including: acknowledging the Tribes’ history and ongoing relationship to the land and bison; ensuring that the Bison Range will continue to be protected; continuing public access and educational opportunities; and ensuring a smooth transition from federal to Tribal management.
- Section 13(b) defines the National Bison Range for purposes of this legislation as the land referenced in the federal statute creating the Range (Title 16 of United States Code, Section 671)
- Section 13(c)(1) restores the National Bison Range to federal trust ownership for the Confederated Salish and Kootenai Tribes, which was its status under the Hellgate Treaty prior to the United States appropriating the land for the National Bison Range
- Section 13(c)(2) makes clear that the Bison Range will be part of the Flathead Indian Reservation and will be managed by the Tribes “solely for the care and maintenance of bison, wildlife, and other natural resources”
- Section 13(c)(3) requires the Tribes to: provide public access and educational opportunities; and have a publicly-available management plan which also addresses invasive weed control
- Section 13(d)(1) conveys to the Tribes all buildings, structures and improvements on the Bison Range. Authorizes the Interior Secretary to convey to the Tribes any personal property associated with the restored land.

*Section-by-section Summary of Bison Range Restoration Legislation, cont.*

- Section 13(e) relinquishes to the Tribes all interests of the United States in the bison on the Bison Range
- Section 13(f)(1) in order to effectuate a smooth transition for the bison, other wildlife, and the public, this section authorizes the Interior Secretary, during the two-year period beginning on the date of enactment of the legislation, to cooperate with the Tribes on transition activities at the Bison Range, including through provision of funds, personal property, equipment or other resources.
- Section 13(f)(2) clarifies that nothing in the legislation authorizes the U.S. Fish & Wildlife Service to retain ownership or control of any property conveyed under the legislation
- Section 13(g) repeals the federal statute that had established the National Bison Range (Title 16 of United States Code, Section 671)
- Section 13(h)(1) for the continued protection of the public, this section requires the Interior Secretary, for as long as public visitation is mandated by federal law, to provide the Tribes with funding to buy liability insurance covering tort actions filed by members of the public
- Section 13(h)(2) clarifies that the Tribes shall not be liable for any contamination resulting hazardous substances on the land restored to the Tribes
- Section 13(i) provides that no legal claims may be brought against the United States concerning the pre-conveyance or post-conveyance management of the land restored to the Tribes
- Section 13(j) clarifies that the legislation does not relieve the United States of obligations to disclose information about hazardous substances in any deed that may be used to convey the property
- Section 13(k) provides that the legislation addresses the unique circumstances, facts, history and relationships involved with these specific bison, land and Tribes, and that the legislation may not be interpreted to establish a precedent for any other situation regarding federal land, property or facilities

*Section-by-section Summary of Bison Range Restoration Legislation, cont.*

Section 13(i) prohibits any gaming activity from being carried out on the restored land under the Indian Gaming Regulatory Act



Section 12(k)(1)(A) In order to reduce the financial impact of the Bison Range land restoration on the two counties in which it is located, the legislation requires the Interior Secretary to continue to make annual payments to the counties from the Department's Refuge Revenue Sharing fund. *(such payments to the counties have, in recent years, been in the range of around \$10,000/year)*

Section 12(k)(2) provides that the annual payments from the Refuge Revenue Sharing fund shall be in the same amount as they would have been if the Bison Range lands had not been restored.

Section 12(k)(3) provides that, for purposes of calculating the Refuge Revenue Sharing fund payments, the restored Bison Range land shall be treated as a "fee area" as defined by Title 16 of United States Code, section 715s(g).