

Summary of Revisions to Draft Bison Range Restoration Legislation

*prepared by the Confederated Salish and Kootenai Tribes
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The substantive revisions to the draft legislation include:

1. Section 1 (“Short Title”): the Tribes deleted the word “Transfer” so the short title is now the “National Bison Range Restoration Act of 2016”. Aside from creating a more concise title, comments the Tribes received indicated that this would be a positive change and should assist in preventing confusion.
2. Section 2 (“Definitions”): the Tribes added a definition of the “Treaty of Hell Gate”, and made technical revisions to other definitions, including conforming changes regarding cited statutes, treaties, etc.
3. Section 3 (“Findings and Purposes”): the Tribes consolidated parts of subsection 3(a) in response to comments about the length of the “Findings” section.
4. Section 4 (“Restoration of the National Bison Range Land to the United States to be Held in Trust for the Tribes”):
 - A) While most of the substance remains the same, subsection 4(a) (“Restoration of Land”) now includes the land restoration provisions in the new subsection 4(a)(1), and the new subsection 4(a)(2) addresses matters of administration such as the management provisions that had previously been included in section 4(d) of the draft legislation released for public comment.

In the new subsection 4(a)(2)(C), the Tribes revised the draft legislation so that it now refers to required “public access” instead of the original reference to “public visitation”. The Tribes made this revision in response to public comments, and for greater clarity generally.

In response to public comments inquiring about a management plan, and expressing concern that the National Bison Range’s existing invasive weed situation be addressed in any management plan, the Tribes added new language to subsection 4(a)(2)(C) requiring the Tribes to maintain “a publicly-available management plan for such land, bison and natural resources, which shall include actions to address management and control of invasive weeds.”
 - B) In subsection 4(d) (“Transition”), the Tribes deleted the following line that had previously been included in section 4(e) of the draft legislation released for public comment: “The Secretary’s cooperation with, and assistance to, the Tribes on transition activities under this Act shall not constitute major federal action for purposes of the National Environmental Policy Act (42 U.S.C. § 4321, *et seq.*).”

C) Subsection 4(e) (“Payments to Certain Counties”) addresses the phase-out of payments to local governments from the Refuge Revenue Sharing Fund administered by the U.S. Fish & Wildlife Service. In response to comments from the public, as well as from Lake and Sanders Counties, the Tribes increased the amount of payments to those Counties to 90% of what they would have received if the Act had not been enacted.

The draft legislation released for public comment had provided, in section 4(f), for the Counties to receive: in the first full fiscal year after enactment of the legislation, 90% of what they would have received if the Act had not been enacted; in the second fiscal year after enactment, 75% of what they would have received; and, in the third through fifth fiscal years after enactment, 50% of what they otherwise would have received.

D) Subsection 4(k) (“Indian Gaming Regulatory Act”) is a new provision that includes a prohibition on gaming on the restored land. This revision is a proactive effort by the Tribes to preempt any questions or concerns about whether gaming would be conducted or allowed on the restored land.

The changes to the draft legislation also include minor revisions throughout the bill, such as stylistic changes and re-ordering of various subsections, which reflect edits proposed by the Senate Office of Legislative Counsel.