

Commissioner of Political Practices  
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Helena, MT 59620-2401  
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www.politicalpractices.mt.gov

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COMMISSIONER OF  
POLITICAL PRACTICES

CERTIFIED MAIL

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**Campaign Finance and Practices**

**Complaint Form (10/09)**

Type or print in ink all information on this form except for verification signature

**Person bringing complaint (Complainant):**

Complete Name DYRCK VAN HYNING  
Complete Mailing Address 6835 43St. S.W.  
Great Falls, Montana 59404  
Phone Numbers: Work 406-453-6039 Home \_\_\_\_\_

**Person or organization against whom complaint is brought (Respondent):**

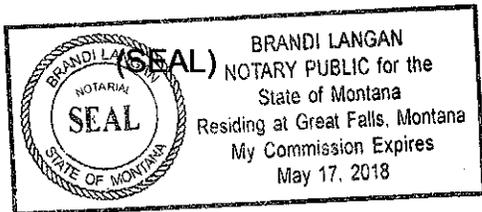
Complete Name MISSOURI RIVER STEWARDS %RON POERTNER  
Complete Mailing Address P.O. BOX 45  
WINIFRED, MONTANA 59489  
Phone Numbers: Work 406-462-5359 Home \_\_\_\_\_

**Please complete the second page of this form and describe in detail the facts of the alleged violation.**

**Verification by oath or affirmation**

State of Montana, County of Cascade

I, DYRCK VAN HYNING, being duly sworn, state that the information in this Complaint is complete, true, and correct, to the best of my knowledge and belief.



[Signature]  
Signature of Complainant

Subscribed and sworn to before me this 20 day of June 2016.

[Signature]  
Notary Public

My Commission Expires: 5-17-18

**Statement of facts:**

Describe in detail the alleged violation(s) and cite the statute or statutes you believe have been violated. Please attach copies of documentary evidence to support the facts alleged in your statement.

If the space provided below is insufficient, you may attach additional pages as necessary.

1. On June 7, 23016 Fergus County held a primary election for state wide and local candidates including a ballot ordinance measure.

2, On June 6, 2016 political sign were observed around Lewistown (attachment C actual signs)

3. Upon observing the yard sign, no visible disclaimer was visible, totally anonymous.

4. Under Montana Code Annotated 2015:

13-35-225. Election materials not to be anonymous -- statement of accuracy -- notice -- penalty. (1) All election communications, electioneering communications, and independent expenditures must clearly and conspicuously include the attribution "paid for by" followed by the name and address of the person who made or financed the expenditure for the communication. The attribution must contain:

(b) for election communications, electioneering communications, or independent expenditures financed by a political committee, the name of the committee, the name of the committee treasurer, and the address of the committee or the committee treasurer; and

(c) for election communications, electioneering communications, or independent expenditures financed by a political committee that is a corporation or a union, the name of the corporation or union, its chief executive officer or equivalent, and the address of the principal place of business

5.. On March 23, 2016, the Fergus County Conservation District held a Special Meeting to Order (Attachment A) to consider ordering referendum to be held on proposed ordinance No. 2016-12.

6. (Attachment B) AN ORDINANCE FOR THE PROTECTION OF SOIL AND WATER FROM WILD, FREE ROAMING OR DOMESTIC BISON GRAZING IN FERGUS CONSERVATION DISTRICT.

7. Fergus Bollet Ordinance:

**Fergus Conservation District proposes to adopt the above entitled ordinance for the principal purpose of enacting a soil conservation and erosion prevention program for the conservation and protection of land, water, and other resources of Fergus Conservation District resulting from the grazing of wild, free roaming and domesticated bison. Voter approval of the proposed ordinance is required for the Fergus Conservation District to enact the ordinance into law. A Vote "For" is a positive vote indicating support for the enactment of the ordinance. A Vote "Against" is a negative vote indicating opposition to the enactment of the ordinance.**

**FOR APPROVAL OF PROPOSED ORDINANCE NO. 2016-12, PRESCRIBING LAND USE REGULATIONS FOR CONSERVATION OF SOIL AND PREVENTION OF EROSION.**

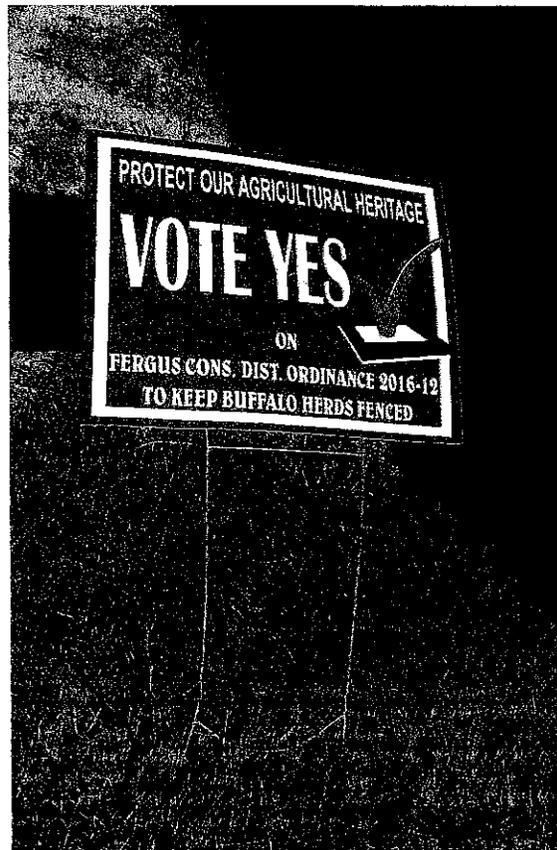
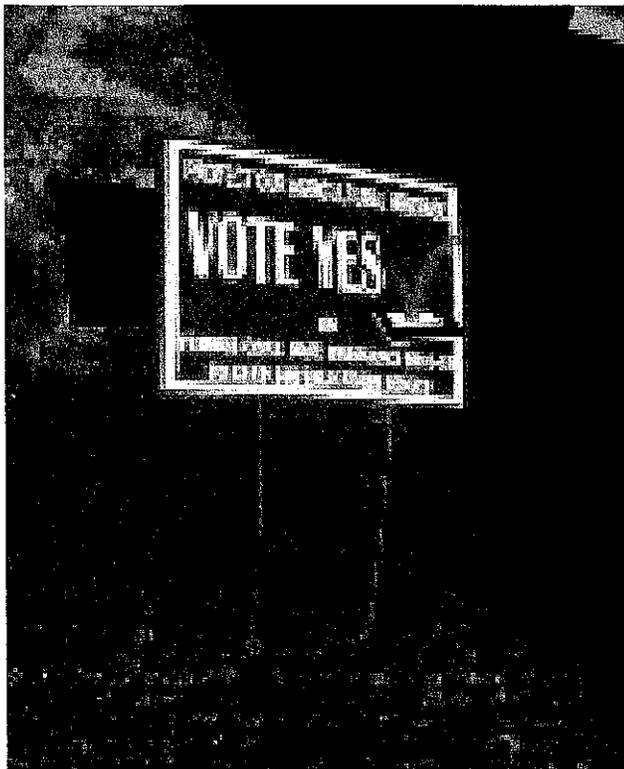
**AGAINST APPROVAL OF PROPOSED ORDINANCE NO. 2016-12, PRESCRIBING LAND USE REGULATIONS FOR CONSERVATION OF SOIL AND PREVENTION OF EROSION.**

8. Fergus Ballet Ordinance Results:

FERGUS COUNTY - PROPOSED ORDINANCE NO. 2016-12 FOR THE PROTECTION OF SOIL AND WATER FROM WILD, FREE ROAMING OR DOMESTIC BISON GRAZING IN FERGUS CONSERVATION DISTRICT			
<input type="checkbox"/> FOLLOW THIS CONTEST	PRECINCTS FULLY: 16 / 16   PARTIALLY: 0 / 16	EXPORT	
FOR		62%	2,088
AGAINST		37%	1,261
TOTAL VOTES			3,349
MAP	PRECINCT RESULTS		

9. I received a phone call on June 6, 2016 from a Lewistown resident that political signs on the ordinance were positioned at locations around Lewistown, one at 4<sup>th</sup> Street and Truck By Pass, another at 301 NE Main Street and on private property of Farm Bureau Financial Services (406-538-3817). I called this business and they confirmed the sign placement.

10. Picture of double sided political sign in Lewistown:





11. Because of no disclaimer on the sign, who paid for the material, and no watermark on the sign who printed the sign, I surmised with some input from Lewistown residents that a sign company in Winifred may have printed the signs. I called Mid-States Sign Company in Winifred (406-462-7446)-web site: <<http://midstatesigns.com>> and asked the lady who answered if Mid-States put a watermark on their political yard sign. She said they did. I asked her then if the political yard sign, PROTECT OUR AGRICULTURAL HERITAGE, VOTE YES ON FERGUS CONS. DIST. ORDINANCE 2016-12, was produced by them and did it have a watermark on it?

12. She said the sign was produced by them and it did not have a watermark on it because it was double-sided sign. I then asked her who paid for the sign, she said Missouri River (hesitated when she looked for the sign order or document that would identify who paid for the sign), she then said Ron Poertner brought in a check for the signs, I said Missouri River Stewards, and she said yes.

13. Ron Poertner testified in the March 23, 2016 Fergus Conservation District Special Meeting (Attachment A) that he had brought the ordinance down from Phillips County. Attachment D is a Billings Gazette Sept 5, 2015 Guest Opinion titled, "BLM should stop leasing Montana land for bison grazing", signed by Ron Poertner of Winifred, secretary of Missouri River Stewards.

14. I ask the Commissioner of Political Practice to confirm my complaint and uphold the law.

Dyrck Van Hying 

- Attc: A. Agenda-March 23, 2016 Special Meeting for Ordinance 2016-12
- B. An Ordinance for the Protection of Soil and Water...
- C. Actual yard sign
- D. Guest opinion: Billings Gazette-Ron Poertner

E- LEWISTOWN NEWS - AUGUS 6-22-2016

Agenda

March 23, 2016

Special Meeting for Ordinance 2016-12

----- Fergus Conservation District -----

Call Special Meeting to Order

Sign attendance sheet

Proposed Ordinance 2016-12

Comments and Discussion

5 Minutes per person for comments and discussion

Chairman to read any comments submitted to Fergus CD

Action Item of Supervisors:

Consider ordering referendum to be held on proposed ordinance No. 2016-12

**AN ORDINANCE FOR THE PROTECTION OF SOIL AND WATER FROM  
WILD, FREE ROAMING OR DOMESTIC BISON GRAZING  
IN FERGUS CONSERVATION DISTRICT**

**Section 1. FINDING, POLICY AND INTENT.**

- 1) It is the finding of the Fergus Conservation District that due to the migratory behavior of bison to search out desirable grazing forage, their social and other innate behaviors, bison grazing can create negative and lasting impacts on soil and water resources.
- 2) Pursuant to MCA 76-15-102, it is the declared policy of this state to provide for the conservation of soil and soil resources of this state, for the control and prevention of soil erosion, for the prevention of floodwater and sediment damages, and for furthering the conservation, development, utilization, and disposal of water and thereby to preserve natural resources, control floods, prevent impairment of dams and reservoirs, preserve wildlife, protect the tax base, protect public lands, and protect and promote the health, safety, and general welfare of the people of this state.
- 3) It is the policy of Fergus Conservation District to provide for the conservation of the soil and water resources of the district and the prevention of soil erosion, accelerated soil erosion and the prevention of sediment damage to the land, water and other resources within this conservation district.
- 4) It is the policy of Fergus Conservation District to stand with and endorse Montana Association of Conservation Districts' Resolution 13-03, dated December 20, 2013, that declares opposition to the establishment of wild, free roaming bison or buffalo in Montana.
- 5) It is Fergus Conservation District's intent, in furtherance of the policy of the state of Montana and Fergus Conservation District, to protect the soil and water resources within the boundaries of the conservation district from unreasonable depletion and degradation of natural resources from grazing of wild, free roaming and domesticated bison.
- 6) It is Fergus Conservation District's intent that all wild, free roaming and domesticated bison that are identified for transportation into the district be examined in advance of movement by a licensed veterinarian official to ensure animal health in accordance with the established disease testing protocols developed by Montana Department of Livestock and that each animal is certified to be disease free and brucellosis free.
- 7) It is Fergus Conservation District's intent, in order to carry out the above policies and intents, that this ordinance applies to existing as well as future grazing by all bison.

**Section 2. PURPOSE.** It is the purpose of this ordinance to:

- 1) Enact a soil conservation and erosion prevention program for the conservation and protection of land, water, and other resources of the Fergus Conservation District from the grazing of wild, free roaming and domesticated bison;
- 2) Encourage the use of land in accordance with its capabilities and treat it according to its needs;
- 3) Prevent the degradation of rangelands, cultivated lands, waterways, drainages, lakes, reservoirs, and riparian areas;
- 4) Protect the tax base;
- 5) Protect and promote the health, safety and general welfare of the people;

6) Ensure that soil resources are preserved for the production of food and fiber for the present and future generations of this district.

### **Section 3. AUTHORITY.**

- 1) Pursuant to MCA 76-15-702, Fergus Conservation District has the authority to formulate regulations governing the use of lands within its boundaries in the interest of conserving soil and water resources and preventing and controlling erosion.
- 2) In pertinent part, Fergus Conservation District is authorized to adopt regulations that include any means, measures, operations, programs as may assist conservation of soil and water resources and prevent or control erosion in the district.

### **Section 4. DEFINITIONS.**

- 1) "Bison" means bison or buffalo that are feral, wild, free roaming or domestic or classified as an indigenous species or species in need of special management or species in need of disease control.
- 2) "Management" or "Conservation plan" means the plan developed by the landowner/land occupier and approved by the board of supervisors which describes the suitability of the land for its intended uses and the measures required to prevent the spread of disease and, to the extent possible, erosion from occurring on the land for which the plan is developed.
- 3) "District" or "conservation district" means the Fergus Conservation District, a governmental subdivision of the state of Montana and a public body, corporate and politic, exercising public powers.
- 4) "Erosion" means the process by which the surface layer of the land is worn away by the action of water, wind, gravity, or a combination thereof.
- 5) "Land occupier" means any person, firm, corporation, non-profit organization, municipality, or other legal entity who holds title to, or is in possession of, any lands lying within the district, whether as owner, lessee, renter, tenant, or otherwise occupier of land. Where the term land occupier is used in this ordinance, the term shall include both the owner and the occupier of the land when they are not the same person.
- 6) "Person" means any natural person, individual, corporation, firm, partnership, association, municipality, non-governmental organization (NGO), governmental or non-governmental agency, political subdivision, or other legal entity.
- 7) "Qualified elector" means an individual qualified to vote under state law residing within Fergus Conservation District.
- 8) "Sediment" means the solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice, and has come to rest on the earth's surface.
- 9) "Sediment damage" means the economic or physical damage caused to any person's property or natural resource resulting from erosion.
- 10) "Sedimentation" means the process or action of depositing sediment into a waterway.
- 11) "Supervisors" or "district supervisors" means the Fergus Conservation District board of supervisors.
- 12) "Water" means any and all surface water and groundwater which are contained within, flow through, or border upon the Fergus Conservation District.

**Section 5. APPLICABILITY.** This ordinance applies only to bison grazing on lands within the Fergus Conservation District. The provisions of this ordinance have the same force of law and effect of law over publically owned lands within the district and shall be in all respects observed by the agencies administering such lands. Unless otherwise provided, this ordinance applies retroactively to bison placed in the Fergus Conservation District regardless of the date of bison placement.

**Section 6. COMPLIANCE WITH ORDINANCE.**

- 1) No land occupier or person may cause or conduct, contract for, or authorize any bison grazing activity without an approved management and conservation plan from the Fergus Conservation District.
- 2) Bison grazing of all land within the district shall be carried out under a management and conservation plan developed under Section 7 and filed with the Fergus Conservation District.
- 3) No lands may be grazed by bison if:
  - a) the lands do not have sustainable or suitable habitat/forage for bison;
  - b) the lands do not have an adequate and sustainable water supply, or an approved plan to provide an adequate and sustainable water supply for the maximum number of bison to be grazed on the land or;
  - c) the animals are not disease and brucellosis free; or
  - d) grazing will result in sediment damage to lands, drainages, waterways, reservoirs, riparian areas, and other storage facilities; or
  - e) the land occupier does not have perimeter fencing to keep bison from leaving the land upon which they are placed.

**Section 7. MANAGEMENT AND CONSERVATION PLANS.**

- 1) Prior to the placement of bison on lands within Fergus Conservation District:
  - a. A management and conservation plan must be developed by the land occupier and submitted via the transmittal letter to the Fergus Conservation District supervisors for approval that
    - i. includes site location information where the bison will be maintained, including a legal description of the location, number of acres to be grazed, carrying capacity (animal units), a description of wildlife habitats in the area and a statement of the bull/cow ratio to be maintained;
    - ii. includes a map showing the location of fences, watering facilities (dams, creeks, stock tanks, stock wells, etc.), soil types, and location of highly erodible lands;
    - iii. addresses bison population objectives and defines a means to control herd size and distribution, wildlife habitat management, type of fencing to be used, disease monitoring, and a bison escape and recovery plan;
    - iv. meets or exceeds the USDA Natural Resource and Conservation Service technical guides for Fergus County in existence at the time of placement of bison on land within Fergus Conservation district;
    - v. addresses wind erosion, water erosion, the protection of grass waterways. The proper grazing rates, and any other management practices which protect the land and water resources from degradation.
    - vi. includes the management, techniques, and methods for control of accelerated erosion and sediment damage resulting from the activities of grazing bison; and

vii. includes, if no applicable USDA technical guidelines are available, a management and conservation plan appropriate and consistent with the policy and purpose of this ordinance.

b. All bison must be tested and certified healthy by a licensed veterinarian and be disease and brucellosis free and be identified as such;

c. A description of the health and disease testing plan that will be implemented;

d. A perimeter fence must be built to keep bison from leaving the land on which they are placed;

e. Adequate water must be available to include a water management plan in case of drought; and

f. Bison must be branded, tattooed, tagged or otherwise identified to track its health status.

2) The land occupier's management and conservation plan must uphold and be consistent with the provisions of Presidential Executive Order 7398, dated January 17, 2001, that created the Upper Missouri River Breaks National Monument and comply with the Bureau of Land Management's Resource Management Plan that governs management and protection of monument lands and resources located in the Fergus Conservation District's area of jurisdiction.

3) The current USDA Natural Resources Technical Guide shall be available for public use during normal office hours at the conservation district office located in Lewistown, Montana.

4) The Fergus Conservation District will provide written notification to the land occupier of the Board of Supervisor's decision on the proposed management and conservation plan.

#### **Section 8. COMPLAINTS.**

1) A complaint signed by a land occupier may be filed against any other land occupier or person alleging that bison are grazing on land within the district in violation of this ordinance.

2) The complaint must:

a) include the name and address of the complainant;

b) be in writing, signed, and delivered to the district office by mail, email or in person;

c) include location of the alleged violation;

d) include the date of the alleged violation, if known;

e) describe the source, nature and extent of any erosion or sediment damage that is alleged to have occurred or that is occurring; and

f) describe whether degradation of the lands has occurred or is occurring.

g) describe, if applicable, the alleged violation(s) of the management and conservation plan in place, including violations of the bison health and disease testing plan and protocols and certification requirements.

3) The complaint is a public record that is maintained in the district office.

#### **Section 9. ACTION ON A COMPLAINT.**

1) Within 5 working days of the receipt of a correct and complete complaint, the supervisors shall notify the alleged violator of the complaint.

2) The supervisors shall set a date to conduct an onsite inspection within 10 working days of receipt of the correct and complete complaint to determine if an actual violation exists. The alleged violator, or a designated representative, may participate in the onsite inspection.

- 3) At the onsite inspection, the supervisors shall acquire and report on the following areas that are applicable to the alleged violation and/or include any other matters or issues deemed applicable to the investigation:
- a. the location of and estimated amount of acreage involved in the alleged violation;
  - b. the description of the source, nature and extent of any type of erosion or sediment damage;
  - c. identification of the type of land involved, including, but not limited to, rangelands, croplands, water ways/drainages, riparian areas, reservoirs, creeks and dams;
  - d. the type of fencing, if any, being used to control the bison and keeps them from leaving the land upon which they were placed.
  - e. whether a management and conservation plan has been developed, is in place and is being implemented in accordance with Section 7;
  - f. the number of animal units and bull/cow ratio grazing on the land;
  - g. whether adequate water supply is available;
  - h. whether a health and disease testing plan is in place and being implemented; and
  - i. whether bison are certified to be disease and brucellosis free and can be identified as such.

4) Based upon subsection (3) and compliance with Section 7, the supervisors shall determine whether there is a violation of this ordinance. The alleged violator and the complainant must be notified of the supervisor's determination within 15 working days of their determination. If there is a violation, the violator must be given a violation notice by certified mail. The supervisors shall include with the violation notice the corrective actions necessary to resolve the violation.

a. If the supervisors determine that the degradation of the land or waters is occurring, the violation notice must include an order requiring the cessation of degradation of the land.

b. If degradation of the land continues after an order to cease has been issued, the supervisors may petition the District Court under MCA 76-15-709 for the enforcement of the ordinance and for such other temporary relief as may be necessary.

c. If the violator ceases the land degradation pursuant to the supervisor's order or if the violation pertains to matters other than the degradation of land, the supervisors, or their designated representative, shall meet with the violator within 15 working days of the notice of violation to:

- i. discuss solutions to implement the corrective actions identified in the violation order; and
- ii. specify a reasonable length of time to complete any corrective measures identified in the agreed to solution.

iii. a meeting under this subsection may be continued from time to time in order to reach an agreed to solution.

5) If the violator and the supervisors do not agree to a solution, within 10 working days of the conclusion of the meeting, the supervisors shall notify the violator of the corrective actions necessary to resolve the violation. The violator is not entitled to any further meeting under Section 10.

6) The supervisors may extend the time periods in this Section as they deem appropriate.

## **Section 10. REVIEW OF SUPERVISORS' DETERMINATION.**

1) A person determined to be in violation and who disagrees with the supervisor's determination and who is issued an order to cease under Section 9(4) from further activity may request in writing a meeting with the

supervisors. The request must be made within 15 working days of receipt of the violation notice. The supervisors shall hold a meeting with the violator to review the information set forth in Section 9 (3).

2) Within 15 working days of a meeting held under this Section, the supervisors shall notify the person determined to be in violation of the ordinance by certified mail of the result of the supervisor's review under subsection (1) or (2) and the remedy to be implemented by the violator.

3) A person who does not comply with a remedy determined by the supervisors under Section 9 or this Section shall be subject to enforcement pursuant to Section 11.

4) The supervisors may extend the time periods in the section as they deem necessary.

#### **Section 11. ENFORCEMENT IN DISTRICT COURT.**

1) The supervisors may bring enforcement in district court as provided in MCA 76-15-709 against any person failing to comply with the ordinance and any corrective action or order issued by the supervisors.

2) The supervisors may seek an enforcement order requiring the removal of bison against any person whose bison grazing practices are degrading lands which results in accelerated erosion, sediment damage, or damage to waterways, drainages, reservoirs or lakes, and riparian areas.

#### **Section 12. BOARD OF ADJUSTMENT.**

1) A board of adjustment shall exist to hear and determine matters filed pursuant to MCA 76-15-723 through MCA 76-15-725.

2) The board of adjustments shall be structured as set forth in MCA 76-15-721 through MCA 76-15-722.

3) All meetings of the board of adjustment shall be open to the public and its records and proceedings shall be public.

#### **Section 13. BOARD OF ADJUSTMENT – PETITION FOR VARIANCE.**

1) A petition may be filed for variance as provided in MCA 76-15-723, alleging that there are great practical difficulties or unnecessary hardships in complying with the land use regulations prescribed by the ordinance.

2) Any qualified elector, person or land occupier against whom a complaint has been filed may petition the board of adjustment for a variance. The petition must be served upon the Fergus Conservation District and the Department of Natural Resources and Conservation. The Department of Natural Resources and Conservation will appoint a board of adjustment pursuant to MCA 76-15-721 to hear the variance.

3) On the basis of findings and determination, the board of adjustment may order a variance from the terms of the land use regulations in their application to the lands of the petitioner that:

a. will relieve the great practical difficulty or unnecessary hardship;

b. will not be contrary to the public interest;

c. will be such that the spirit of the land use regulations is observed, the public health, safety, and welfare is secured, and substantial justice is done.

4) An order of the board of adjustment may be appealed to district court pursuant to MCA 76-15-726.

#### **Section 14. COMPLIANCE WITH THE STATE CONSTITUTION AND OTHER LAWS.**

- 1) Nothing in the ordinance shall be construed as exempting a person from the requirements of other local, state or federal laws. To the extent that the requirements of the ordinance conflict with any applicable local, state or federal requirements, the local, state or federal requirements shall apply.
- 2) This ordinance is intended to be supplemental to Title 81, chapter 4, part 2, MCA.
- 3) This ordinance is enacted by the Fergus Conservation District, mindful of its constitutional obligations:
  - a. under Article II, section 3 of the Montana constitution, specifically the inalienable right for all persons to acquire, possess, and protect property; and
  - b. under Article IX, section 1 of the Montana constitution, specifically as a remedy for the protection of the environmental life support system from degradation and to prevent unreasonable depletion of natural resources.

#### **Section 15. LIABILITY.**

- 1) The Fergus Conservation District, conservation district supervisors, and conservation district employees are immune from suit for any liability that might otherwise be incurred or imposed for an action or omission committed while engaged in conservation district activities under the ordinance as more fully set forth in MCA 76-15-320.
- 2) No person or land occupier acting in compliance with the ordinance is relieved of liability for damage to any person or property as the result of the person's or land occupier's negligent acts or omissions.

#### **Section 16. ALTERATION OR REPEAL OF ORDINANCE.**

The ordinance may only be amended, supplemented or repealed by the filing of a petition as provided in MCA 76-15-705. Referenda on the adoption, amendment, supplementation, or repeal of any part of the ordinance shall not be held more than once in six (6) months.

#### **Section 17. SEVERABILITY CLAUSE.**

If a part of this ordinance is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this ordinance is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

**TRANSMITTAL LETTER**

**TO: District Administrator**  
**Fergus Conservation District**  
**211 McKinley St., Suite 3**  
**Lewistown, Montana 59457**

**SUBJECT: Management and Conservation Plan for Bison Grazing**

Enclosed is the proposed management and conservation plan for bison grazing in the Fergus Conservation District (FCD) prepared in accordance with Ordinance No. 2016-12 by the responsible land occupier and is hereby submitted for consideration and decision by FCD Board of Supervisors.

**CERTIFICATION BY LAND OCCUPIER**

I certify that I am the land occupier responsible for the preparation and submission of the enclosed management and conservation plan; that the plan is complete and prepared in accordance with Section 3 of the NRCS Tech Guide; and, that the plan meets the specific requirements of Section 7 of Ordinance 2016-12 and includes the type of grazing system, techniques and methods to control accelerated erosion and sediment damages.

**Name:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Signature of Land occupier:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Enclosure: Management and Conservation Plan**

Guest opinion: BLM should stop leasing Montana land for bison grazing  
Billings Gazette  
Pat Bellinghausen Sep 5, 2015 9

Landowners in Phillips County have been rankled for some time over efforts by the American Prairie Reserve to turn millions of acres of north central Montana's landscape into a pristine setting featuring free roaming bison and top predators once native to the area.

The rub is primarily over the Bureau of Land Management's naïve approach in dealing with APR's plan to create an American Serengeti in the middle of cattle country.

Everyone knows that APR can only succeed in its efforts as long as BLM continues to approve the conversion of grazing leases from cattle to bison on federal land. BLM claims it had no choice but to approve APR's initial bison grazing request. That decision was clearly wrong and sets a precedent that landowners see as death by a thousand cuts.

Ironically, BLM evaluates APR's requests for domestic bison grazing as a routine livestock issue, yet APR publicly markets its bison initiative as a mega wildlife reserve/tourist destination. BLM is simply unwilling to analyze APR's effort for what it truly is.

Hey, BLM! News flash! This is not about a landowner running a few head of domestic bison on private properties and associated BLM leases. This is about a mega-million dollar effort by APR to establish a multimillion-acre reserve that, if successful, will essentially give a private entity significant influence over millions of acres of public land in north central Montana.

APR president, Sean Gerrity, wants to create a large and seamless wildlife complex of about 3.5 million acres that consists of BLM lands, a million acres of the Charles M. Russell Refuge and lots of state land sections, all coupled with 500,000 private acres owned by APR.

Now here's the real kicker. Gerrity tells us that should bison be declared wildlife at some future date, he would be pleased to donate his bison to the public as APR would no longer have a need to own and manage them. They would be managed just like deer and elk by Montana Fish, Wildlife and Parks. Gov. Steve Bullock is apparently willing to include state lands in the mix, and he seems to be on the brink of defining bison as a native species – a declaration that would line up perfectly with APR goals.

In the interim, the state BLM director needs to revise the BLM optic in this matter and suspend action on all of APR's grazing requests until a comprehensive management strategy is developed that addresses the full range of issues and impacts associated with what's happening in Phillips County. We are at the 11th hour in this mess and it's pretty obvious that BLM needs to step up and install some side boards on APR's prairie reserve plans.

Ron Poertner, of Winifred, is secretary of Missouri River Stewards.

[http://billingsgazette.com/news/opinion/guest/guest-opinion-blm-should-stop-leasing-montana-land-for-bison/article\\_8a5cf04d-2936-58f1-a899-02077d224c92.html](http://billingsgazette.com/news/opinion/guest/guest-opinion-blm-should-stop-leasing-montana-land-for-bison/article_8a5cf04d-2936-58f1-a899-02077d224c92.html)

# Bison ordinance is not yet law

By JENNY GESSAMAN | Reporter

Fergus County residents supported the proposed bison ordinance in this month's primary, but the measure needs the support of one more group of voters before it can take effect. On July 13, the Fergus County Conservation District Board will vote on whether or not to adopt the ordinance.

Chair Dan Stilson viewed the primary election as the public's comment, and is confident he can predict the vote's outcome.

"I think the people already told us in the election when the ordinance passed," he said. "Otherwise, there wasn't much point in having people vote."

Despite the conservation district's stance, some people, including Montana Bison Association President Aaron Paulson, oppose the ordinance.

"We are concerned about this, especially if it does become a trend, because it unintentionally and unfairly includes commercial bison ranches and owners in this ordinance," he said. "These ordinances impose a prejudicial approach to bison producers."

Paulson went on to explain.

"It includes all bison in general, and it doesn't differentiate privately owned, commercially raised bison and wild, or free-roaming, bison," Paulson said.

He added his organization's concern was growing with the number of conservation districts passing similar ordinances. McCone and Valley County conservation districts passed theirs in 2012 and 2014 respectively, and Phillips County Conservation District also had a bison ordinance on their primary ballot this year.

The Montana Bison Association is already responding, according to Paulson.

"What we've done is we've reached out to the DNRC, who provides oversight to the conservation districts, and we're in the process of setting up a meeting and a response to inform them of our concerns in the event future conservation districts come to them with similar ordinances," he said.

Conservation District Bureau Chief Laurie Zeller, whose department provides assistance to the state's conservation districts, said options for opponents such as the Montana Bison Association were limited if the ordinance passed the district board.

"Once it becomes final and adopted, the only way to change it is back through the referendum process," she said.

Zeller clarified the primary's public vote was not binding for the Fergus County Conservation District. She explained the vote gave the authority to adopt the ordinance, but did not require them to do so.



Rodeo held on Father's Day. Complete results

Photo by Doreen Heintz

## Departments

er in terms of what exactly are ill cost to do those repairs." mission members requesting Dave Byerly, and he stated the review before Monday's meet-

e taxpayers of Lewistown, and ing this building into benefit in it," he said. ory, Byerly expressed appreciation for the organization such as the Mon-

is like any citizen of Lewis- ant to see the Broadway Apart- yesore that's deteriorating into ances the community." e Ferdinand was excited about was moving forward in anothe-

ed Brownfields assessment," he ssment as a building inspection, in this case asbestos. her contaminants in there," he tted out already."

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