

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

40009

2001 SENATE NATURAL RESOURCES

SCR 4009

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SCR 4009

Senate Natural Resources Committee

Conference Committee

Hearing Date 1-25-01

Tape Number	Side A	Side B	Meter #
1		X	2.2 - 28.4
2	X		4.9 - 7.1
2-15-01	X		36.5 - 39.2
Committee Clerk Signature <i>Jane James</i>			

Minutes:

SENATOR FISCHER: opened the hearing on SCR 4009, A RESOLUTION RELATING TO CONDITIONS OF TRAVEL AND ACTIVITIES CONDUCTED ON NATIONAL GRASSLANDS.

SENATOR JOEL HEITKAMP, of District 27, cosponsor of the resolution stated that the resolution simply stated tells the federal government that we do know how to manage our grasslands. (See attached testimony). Also included in written testimony from BRUCE HAKANSON, President of the Sheyenne Valley Grazing Association. (testimony attached).

SENATOR TRAYNOR: President Clinton issued an executive order to prohibit use of national grasslands, should the resolution be addressed to President Bush to rescind the action.

SENATOR HEITKAMP: felt the committee could make the change as to where the resolution was sent.

REPRESENTATIVE DORVAN SOLBERG, of District 2 cosponsor of SCR 4009 testified in a brief comment that our state ranchers are the best conservationist that we see in the United States.

DALE PATTEN, McKenzie County Commissioner and Cochairman of the Hand Coalition testified in support of SCR 4009. He felt it is important to bring back management of our grasslands to the state level.

TERRY TRAYNOR, with the Association of Counties wanted to be on record in support of SCR 4009.

WADE MOSER, representing the North Dakota Stockmen's Association, support the resolution and are concerned about the out of state opponents who rally to the federal government.

BILL BUTCHER, the State Director of the National Federation of Independent Business (NFIB) testified in support of SCR 4009. (See attached testimony).

JOHN FINSTAD, a rancher from Lisbon, ND relayed to the committee his concerns about the steady lose of input into the management of the grasslands. He feels there needs to be local control of the grasslands instead of the federal government.

RON NESS, representing the North Dakota Petroleum Council testified in support of the SCR 4009. (See attached testimony).

SENATOR TRAYNOR: asked about a copy of the executive order issued by President Clinton.

RON NESS: it is not an executive order, but a rule published in the Federal Register.

There was no neutral testimony given.

BILL PFEIFER, representing the North Dakota Chapter of the Wildlife Society, testified in opposition of SCR 4009. (See attached testimony).

SENATOR FISCHER closed the hearing on SCR 4009.

SENATOR TOLLEFSON made a motion for a "Do Pass" of SCR 4009.

SENATOR EVERY second the motion.

Discussion was held.

SENATOR TOLLEFSON withdrew his motion.

It was decided to hold over SCR 4009.

FEBRUARY 15, 2001

SENATOR FISCHER reopened the discussion of SCR 4009.

SENATOR CHRISTMANN made a motion to adopt an amendment proposed and prepared by the Legislative Council. (13041.0103).

SENATOR FREBORG second the motion.

SENATOR FISCHER called for a roll vote (#1) of SCR 4009. The indicated 6 YAYS, 0 NAYS AND 1 ABSENT.

SENATOR EVERY made a motion to further amend SCR 4009 to read "urging the President and the Congress" on Line 1 and Line 16.

SENATOR FREBORG second the motion.

SENATOR FISCHER called for a roll vote (#2) of SCR 4009. The vote indicated 6 YAYS, 0 NAYS, AND 1 ABSENT.

SENATOR KELSH made a motion for a "DO PASS as Amended".

SENATOR CHRISTMANN second the motion.

SENATOR FISCHER called for a roll vote (# 3) of SCR 4009. The vote indicated 6 YAYS, 0 NAYS, AND 1 ABSENT.

SENATOR KELSH will carry SCR 4009.

13041.0103
Title.

Prepared by the Legislative Council staff for
Senator Christmann
February 8, 2001

PROPOSED AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4009

Page 1, after line 10, insert:

"WHEREAS, some leading environmental and animal rights organizations have blatantly misled many American people about the effects of travel and other activities on national grasslands; and"

Renumber accordingly

Date: 2-15-01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 4009

Senate NATURAL RESOURCES Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number 13041-0103

Action Taken Adopt Amendment as

Motion Made By Christmann Seconded By Freyborg

Senators	Yes	No	Senators	Yes	No
Sen. Thomas Fischer, Chairman	✓		Sen. Michael A. Every	✓	
Sen. Ben Tollefson, Vice Chair.	✓		Sen. Jerome Kelsh	✓	
Sen. Randel Christmann	✓				
Sen. Layton Freborg	✓				
Sen. John T. Traynor	A				

Total (Yes) 6 No 0

Absent 1

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

PROPOSED AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4009

Page 1, line 1, replace "Congress to allow the states to govern and determine the" with "the President to rescind all executive orders issued during the waning days of the previous administration affecting or relating to the national grasslands in North Dakota, and urging Congress to enact legislation promoting recreation and natural resource development on the national grasslands in North Dakota."

Page 1, remove line 2

Page 1, line 11, replace "because of the importance of these lands to the state and because the" with "the use of the national grasslands for recreation and natural resource development would enhance the economies of those areas of this state where the national grasslands are located;"

Page 1, remove lines 12 and 13

Page 1, line 16, replace "Congress of the United States to" with "President to rescind all executive orders issued during the waning days of the previous administration affecting or relating to the national grasslands in North Dakota, and urging Congress to enact legislation promoting recreation and natural resource development on the national grasslands in North Dakota"

Page 1, remove line 17

Page 1, line 18, remove "may be conducted on the national grasslands"

Page 1, line 20, after the first "the" insert "President, the majority and minority leaders of the United States Senate and House of Representatives, the Speaker of the United States House of Representatives, the"

Renumber accordingly

Date: 2-15
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 4009

Senate NATURAL RESOURCES Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Adoptment Amendment to Add Pre.

Motion Made By Frum Seconded By Inez
*on Line 1
Line 16*

Senators	Yes	No	Senators	Yes	No
Sen. Thomas Fischer, Chairman	✓		Sen. Michael A. Every	✓	
Sen. Ben Tollefson, Vice Chair.	✓		Sen. Jerome Kelsh	✓	
Sen. Randel Christmann	✓				
Sen. Layton Freborg	✓				
Sen. John T. Traynor	A				

Total (Yes) 6 No 0

Absent 1

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 2-15
Roll Call Vote #: 3

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 4009

Senate NATURAL RESOURCES Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Kelsh Seconded By Christmann

Senators	Yes	No	Senators	Yes	No
Sen. Thomas Fischer, Chairman	✓		Sen. Michael A. Every	✓	
Sen. Ben Tollefson, Vice Chair.	✓		Sen. Jerome Kelsh	✓	
Sen. Randel Christmann	✓				
Sen. Layton Freborg	✓				
Sen. John T. Traynor	A				

Total (Yes) 6 No 0

Absent 1

Floor Assignment Kelsh

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SCR 4009: Natural Resources Committee (Sen. Fischer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4009 was placed on the Sixth order on the calendar.

Page 1, line 1, after "urging" insert "the President and"

Page 1, after line 10, Insert:

"WHEREAS, some leading environmental and animal rights organizations have blatantly misled many American people about the effects of travel and other activities on national grasslands; and"

Page 1, line 16, after "urges" insert "the President and"

Page 1, line 20, after the first "the" insert "President of the United States, the"

Renumber accordingly

2001 HOUSE NATURAL RESOURCES

SCR 4009

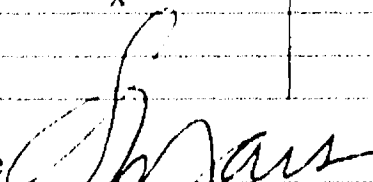
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SCR 4009

House Natural Resources Committee

Conference Committee

Hearing Date March 9, 2001

Tape Number	Side A	Side B	Meter #
2	x		3765 to 3978
Committee Clerk Signature 			

Minutes:

Chairman Earl Rennerfeldt, Vice Chair Jon O. Nelson, Rep. Brekke, Rep. DeKrey, Rep. Droydal, Rep. Galvin, Rep. Keiser, Rep. Klein, Rep. Nottestad, Rep. Porter, Rep. Weiler, Rep. Hanson, Rep. Kelsh, Rep. Solberg, Rep. Winrich.

Chairman Rennerfeldt: I will open the hearing on SCR 4009. Sen. Heitkamp is on his way down.

Is there anyone else here to speak on this?

Jim Arvack - Billings County Commission: I am here in support of SCR 4009. We just want to offer our support.

Chairman Rennerfeldt: Thank you.

Rep. Nottestad: I move a Do Pass on SCR 4009.

Rep. Solberg: I second.

Page 2
House Natural Resources Committee
Bill/Resolution Number SCR 4009
Hearing Date March 9, 2001

Chairman Rennerfeldt: Any further discussion on SCR 4009. If not, all in favor signify by saying

Aye. Opposed? Carries. Put that on the consent calendar.

MOTION FOR A DO PASS

YES, 14 NO, 0

1 ABSENT

MOTION CARRIES BY VOICE VOTE

PLACED ON CONSENT CALENDAR

CARRIED BY REP. SOLBERG

Date: 3/9/07
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SCR 4009

House Natural Resources Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By Rep. Nottestad Seconded By Rep. Solberg

Representatives	Yes	No	Representatives	Yes	No
Earl Rennerfeldt - Chairman			Lyle Hanson		
Jon O. Nelson - Vice Chairman			Scot Kelsh		
Curtis E. Brekke			Lonnie B. Winrich		
Duane DeKrey			Dorvan Solberg		
David Drovdal					
Pat Galvin					
George Keiser					
Frank Klein					
Darrell D. Nottestad					
Todd Porter					
Dave Weiler					

Total (Yes) 14 No 0

Absent 1

Floor Assignment Rep. Nottestad Solberg

If the vote is on an amendment, briefly indicate intent:

Consent Calendar

REPORT OF STANDING COMMITTEE (410)
March 9, 2001 1:17 p.m.

Modulo No: HR-41-5247
Carrier: Solberg
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SCR 4009: Natural Resources Committee (Rep. Rennerfeldt, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4009 was placed on the Tenth order on the calendar.

2001 TESTIMONY

SCR 4009



NORTH DAKOTA SENATE



Senator Joel C. Heitkamp
District 27
157 West Ridge Road
Bismarck, ND 58041

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360

Assistant Minority Leader
COMMITTEES:
Appropriations

January 25, 2001

To: Senate Natural Resource Committee

Re: Grasslands Resolution

Mr. Chairman and members of the committee. This is a resolution that, simply stated, tells the federal government we know how to manage our national grasslands in our state. I know that this is a sensitive issue to some, but the ranchers whom I have in my district are some of the best managers I have ever seen when it comes to protecting their livelihood, the grasslands that their cattle feed on. It is not in their best interest to do anything that in any way would harm that wonderful resource.

Fellow Senators, they are in an uphill fight. Outside interests are playing a larger role in regards to grassland management. Their interests are not always in the best interest of the state as a whole. North Dakota cannot afford to keep losing people in our rural communities. The ranchers of this state are men and women who, every day, get up to make this state a better place.

This resolution simply states that we can and will, manage those lands at a state level, if given a chance. And if given that chance, we will continue to provide the opportunity needed to make a living while at the same time protecting one of our most valuable natural resources.

Fellow Senators, it is time to send a message to Washington that we support our ranchers.

I would like to thank the committee for their time and urge them for a favorable recommendation.

Joel Heitkamp

Sheyenne Valley Grazing Association

McLeod, North Dakota

The Fifty-Seventh Legislative Assembly of North Dakota

The Sheyenne Valley Grazing Association asks for your support in passing Senate Concurrent Resolution #4009.

We agree fully that the States can do a better job of determining the rules and activities that affect this precious resource, our National Grasslands. The Ranchers of Sheyenne Valley Grazing Association that use these lands have spent their own dollars and contributed many hours of labor to improve and preserve the Sheyenne National Grasslands but this fact seems to go unrecognized outside of North Dakota. Having more local control over the activities and travel should only help to enhance and improve the conditions and usage of the Sheyenne National Grasslands, so it can be enjoyed for generations to come.

Thank you for your consideration in this important matter.



Bruce Hakanson
President, Sheyenne Valley Grazing Association



NORTH DAKOTA

Testimony of Bill Butcher, State Director, National Federation of Independent Business (NFIB) in support of SCR 4009

NFIB represents approximately 3000 small business owners throughout North Dakota.

Positions on issues before the Legislature taken by NFIB are determined entirely by member ballots.

A State Ballot was distributed in December 1999 and sole topic of that ballot had to do with management of federal grasslands. The results were as follows:

✓ 64% of respondents said that none of the federal grasslands should be designated as wilderness areas, thereby allowing access only by foot or horse and disallowing oil and gas production. 29% voted for such designation.

✓ 67% believed that commercial grazing should not be reduced to provide more adequate forage for wildlife in the grasslands. 25% voted for such reduction.

With this mandate by members, NFIB/North Dakota urged the U. S. Forest Service not to adopt these measures, but it appears they will be adopted in certain areas of North Dakota. As a result, we see the passage of SCR 4009 is the way in which our members mandate can be advanced most effectively.

NFIB/North Dakota strongly urges support of SCR 4009!

Importance of the grasslands to oil and gas production in North Dakota

- 27% of the state's oil production and 30% of the state's producing wells are on the grasslands.
- Nearly 36% of the daily crude supply to the BP Mandan Refinery comes from the grasslands.
- Economic impact to North Dakota from oil and gas production on the grasslands:
 - Total revenues of over \$20,000,000 and royalties in excess of \$25,000,000
 - Production and extraction tax revenue of \$15,000,000
 - More than 940 full-time jobs
 - The existence of the BP Mandan Refinery

What is the real story about oil and gas production on public lands

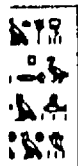
- The oil industry in ND has explored and drilled the grasslands for the past 50 years and has restored over 500 wells and 480 miles of roads. This represents more than 5,500 acres returned to vegetation after the oil and gas reserves were depleted.
- Industry is willing to adjust as they have in the past for Bighorn Sheep lambing season or any other environmental concerns. Studies reveal that oil and gas development has little, if any, impact on Bighorn Sheep.
- Every road built for oil and gas development must be reclaimed when production is complete unless the Forest Service wants to keep the road for improved access and services.

Impact of Forest Service Grasslands Management Plan and Roadless Initiatives:

- Currently, 67% of the oil reserves in the U.S. lie under federal lands. In the past ten years access has decreased by 60% and the plans under consideration will make that much worse.
- The plan would increase Roadless areas in the grasslands by 264% and the land under standard lease terms would be decreased by 92%.
- The future of the BP Mandan Refinery is at risk due to the potential impact on current and future daily supply of crude oil.

What can we do?

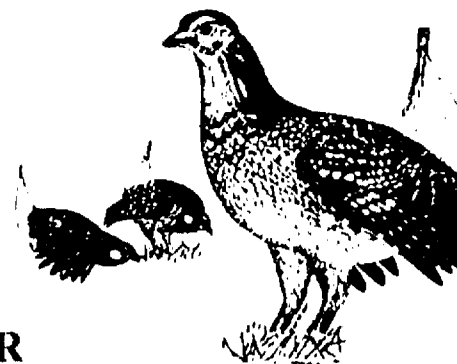
- Support the development of a National Energy Policy that allows responsible access to public lands.
- Pass a resolution urging the President and Congress to overturn the Roadless Plan and allow local management and input that maintains the multiple use concept.
- Help educate the public on the importance of multiple use of the grasslands and the ability for all users to co-exist in an environmentally friendly manner on the grasslands.



North Dakota Chapter

THE WILDLIFE SOCIETY

P.O. BOX 1442 • BISMARCK, ND 58502



**TESTIMONY OF BILL PFEIFER
NORTH DAKOTA CHAPTER OF THE WILDLIFE SOCIETY
PRESENTED TO THE SENATE NATURAL RESOURCE COMMITTEE
ON SCR 4009, JANUARY 25, 2001**

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I'm Bill Pfeifer speaking on behalf of the North Dakota Chapter of The Wildlife Society. The Wildlife Society opposes SCR 4009.

This resolution urges Congress to allow states to govern and determine the conditions under which travel and other activities may be conducted on the national grasslands.

The lands are federally owned by all United States citizens who, in turn, have entrusted the United States Forest Service to manage these lands in a manner which assures that all of the public's best interests are of the highest concern.

It is true that they are the largest piece of public land in a state that has little (or too few acres) of public land. Because of this they are the only place where solitude and natural undeveloped recreational opportunities are available. These areas are unique in North Dakota and they should be managed uniquely.

Certainly, the state of North Dakota should have input into the management of the national grasslands, but final management decisions concerning these lands must remain with the United States Forest Service to assure that all United States citizens have input into the management of lands they own. In the recent grasslands plan revision effort, the Forest Service showed a willingness to consult with the state and make changes in the plan to address many of the state's concerns. The success of this consultation was

announced on December 11, 2000, by then Governor Schafer. So, I need to ask what is it that this resolution is trying to do that is not already occurring?

While it is uncertain what precipitated this resolution, it is likely that recent changes in the travel management are the cause. In the recent "OHV decision" made by the Forest Service and BLM, motorized use was restricted to existing roads and trails. Exceptions were made in this decision to address the concerns of ranchers and other permit holders. This decision implements the same or less restrictive regulations than currently exist on North Dakota state lands and wildlife management areas in North Dakota.

Governing "travel and other activities" on the national grasslands by the state of North Dakota, as stated in this resolution, appears to be all inclusive and overly broad. This, then, would likely govern not only travel, but all other activities such as oil and gas activities, grazing activities, recreation, and all other associated activities.

Many of these issues have tremendous national interest. While North Dakota interests may favor economic benefits, national interest in preserving wildlife habitats and undeveloped areas also needs to be recognized. The laws under which these lands are managed require the recognition of many of these interests. The US Forest Service understands the legal mandates for these lands and has a process to gather and evaluate local, statewide, and national perspectives. The state of North Dakota does not have a process to assess national perspectives.

In the recent Dakota Prairie grasslands plan revision efforts, the Forest Service has solicited comments from all interested parties, revised their plan, and formulated a management plan that is unique in that it provides nonmotorized recreation opportunities on approximately 130,000 acres of the 1.25 million acres on the Dakota Prairie Grasslands. This is approximately 10 percent of the total area. The remainder would continue to provide motorized recreational opportunities. This does not seem like an unreasonable balance to me.

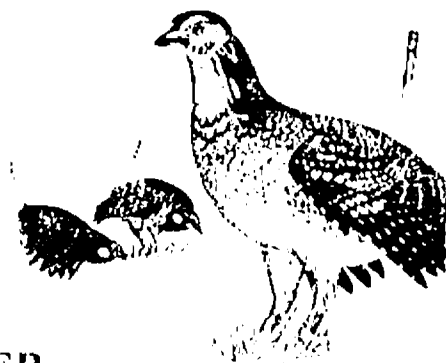
Therefore The Wildlife Society opposes SCR 4009.



North Dakota Chapter

THE WILDLIFE SOCIETY

P.O. BOX 1442 • BISMARCK, ND 58502



**TESTIMONY OF BILL PFEIFER
NORTH DAKOTA CHAPTER OF THE WILDLIFE SOCIETY
PRESENTED TO THE HOUSE NATURAL RESOURCE COMMITTEE
ON SCR 4009, MARCH 9, 2001**

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I'm Bill Pfeifer speaking on behalf of the North Dakota Chapter of The Wildlife Society. The Wildlife Society opposes SCR 4009.

This resolution urges Congress to allow states to govern and determine the conditions under which travel and other activities may be conducted on the national grasslands.

The lands are federally owned by all United States citizens who, in turn, have entrusted the United States Forest Service to manage these lands in a manner which assures that all of the public's best interests are of the highest concern.

It is true that these lands are the largest piece of public land in a state that has little (or too few acres) of public land. Because of this, these public lands are the only place where solitude and natural undeveloped recreational opportunities are available. These areas are unique in North Dakota and they should be managed uniquely.

Certainly, the state of North Dakota should have input into the management of the national grasslands, but final management decisions concerning these lands must remain with the United States Forest Service to assure that all United States citizens have input into the management of lands they own. In the recent grasslands plan revision effort, the Forest Service showed a willingness to consult with the state and make changes in the plan to address many of the state's concerns. The success of this consultation was announced on December 11, 2000, by then Governor Schafer. So, I need to ask, "What is it that this resolution is trying to do that is not already occurring?"

Governing "travel and other activities" on the national grasslands by the state of North Dakota, as stated in this resolution, appears to be all inclusive and overly broad. This, then, would likely govern not only travel, but all other activities such as oil and gas activities, grazing activities, recreation, and all other associated activities.

There is a false story being generated around these legislative halls that the proposed Forest Service management plan would prevent lessees from tending their livestock. Not true. The following is a quote from the management plan.

"Motorized wheeled cross-country travel for lessees and permittees would be limited to the administration of a federal lease or permit. Persons or corporations having such a permit or lease could perform administrative functions on public lands within the scope of the permit or lease. However, this would not preclude modifying permits or leases to limit motorized wheeled cross-country travel during further site-specific analysis to meet resource management objectives or standards and guidelines.

Livestock permittees checking vegetative conditions, building or maintaining fences, delivering salt and supplements, moving livestock, checking wells or pipelines as part of the implementation of a grazing permit or lease." So, if you hear that story....don't buy it.

This decision implements the same or less restrictive regulation than currently exist on North Dakota state lands and wildlife management areas in North Dakota.

Many of these issues have tremendous national interest. While North Dakota interests may favor economic benefits, national interest in preserving wildlife habitats and undeveloped areas also needs to be recognized. The laws under which these lands are managed require the recognition of many of these interests. The US Forest Service understands the legal mandates for these lands and has a process to gather and evaluate local, statewide, and national perspectives. The state of North Dakota does not have a process to assess national perspectives.

In the recent Dakota Prairie grasslands plan revision efforts, the Forest Service has solicited comments from all interested parties, revised their plan, and formulated a management plan that is unique in that it provides nonmotorized recreation opportunities on approximately 130,000 acres of the 1.25 million acres on the Dakota Prairie Grasslands. This is approximately 10 percent of the total area. The remainder would continue to provide motorized recreational opportunities. This does not seem like an unreasonable balance.

Therefore The Wildlife Society opposes SCR 4009 and asks a DO NOT PASS.

There are currently four national Forest Service rulemaking efforts ongoing.

Two planning efforts

1. **Proposed planning rule:** This effort will change the regulations and processes for managing the National Forest Management Act commonly called the Grassland Plan. The proposed rule states that forests under current revision will not be affected. Thus, the DPG will finish NGP under the old rules.
2. **Proposed road management rule:** Provides direction for managing FS roads and provides processes for these terminating needs for additional roads.
3. **Proposed roadless rule:** This proposed rule would prohibit road construction or reconstruction in roadless inventoried areas. It also directs the local managers during the grassland plan revision process to: identify additional roadless areas, determine suitable activities allowed within roadless areas and delineate roaded portions of roadless areas.

4. And the FS cost recovery proposed rule that would shift administrative costs currently paid through the general fund onto industry by imposing a duplicate set of fees similar to what BLM currently has for each well, mile of road or pipeline.

There are two other planning efforts ongoing locally.

1. **Off highway vehicle (OHV) EIS.** This proposal will restrict motorized vehicles to existing roads and trails.
2. **Northern Great Plains:** This is a revision of the Dakota Prairie Grasslands land use plan. The preferred alternative, among other things, identifies approximately 15% of the land to be managed in back country non-motorized fashion.