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Montana to face formidable foe in FCS finals

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## **CURIOUS CASE OF BISON**



It's unusual to see Park Service personnel, or anyone, in Yellowstone National Park carrying a weapon. But this summer a crew used air rifles to shoot darts to collect DNA samples from bison. The sampling is a small part of the work being conducted as the animals are considered for protection under the Endangered Species Act.

### National mammal has rebounded, but still endangered?

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Editor's note: This story is part of 'ESA at 50.' a series that examines the past, present and future of the Endangered Species Act. Often called the "pit bull of environmental laws," the ESA has provided federal protection to nearly 2,000 animals and plants. On its 50th anniversary, it grapples with political uncertainty and unforeseen ecological challenges.

Yellowstone National Park's bison are one of only two populations in the world to have "continually persisted on their current landscape" for more than 14,000 years ... barely.

In the early 1900s, about 20 bison had avoided hunters by hiding in the park's remote backcountry. By breeding these

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Yellowstone officials are working to ensure more bison are transferred to tribes rather than slaughtered, but the program requires long quarantine periods to ensure the animals are disease free.

### Chief Newman to retire from MT Rural Fire District

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On an August morning in 2017, Chris Newman was scheduled to start his first day as the Missoula Rural Fire District's new chief. As he was getting ready to go into the office, Newman got a call informing him he was going to be part of a joint command team for the Lolo Complex Fire, a massive blaze burning in the Bitterroot Valley.

"I had been chief for one hour," Newman recalled, adding that he didn't make it into the office for about six weeks after that while he was heading a joint command post.

"When you have good, talented, welltrained people you can do that," Newman said of the fire district's team. "Because you know that they're going to take care of business in your absence."

Newman, who's been at the depart-

ment's helm ever since, is wrapping up his time as chief at the end of December. He oversees the district's 52 firefighters who serve Missoula County. MRFD frequently aids other fire departments for wildland, structure and car fires along with medical calls and other emergencies.

Newman joined fire service work in 1992 in California. A few years later, he made the move to Montana and has been with Missoula Rural Fire ever since.

"I was planning on going into law enforcement," Newman said. "And just by kind of a chance, I fell into the fire service. And I'm very happy I did, because here I

Newman started at the department as a bottom-of-the-ranks firefighter. He recalled a car fire he responded to years ago, when the department had limited staffing

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#### **ESA**

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animals with other bison moved from Texas and northwest Montana, the population slowly rebounded from a genetic bottleneck.

It's now estimated there are 420,000 plains bison in commercial herds spread across the United States. One of the largest of these is owned by media mogul and part-time Montana resident Ted Turner. Turner Enterprises touts 45,000 bison across 14 ranches, two of which are in Montana. Most of those are descended from Yellowstone Park populations.

Another 20,500 bison are in what the Fish and Wildlife Service calls conservation herds. Out of the total population, about 15,000 bison are considered wild by the Department of Interior's estimate.

Despite these numbers, the agency under current Secretary Deb Haaland has referred to bison as "functionally extinct" and this year dedicated \$25 million to restoring the species. In addition, the U.S. Fish and Wildlife Service is considering whether to list Yellowstone bison as threatened or endangered species under the 1973 Endangered Species Act.

That's justified because wild bison populations, without connectivity, are suffering from a lack of genetic diversity, according to Darrell Geist, habitat coordinator for Buffalo Field Campaign, a bison advocacy group that has sued to push a listing. "As a wildlife species, bison are in serious, serious trouble," Geist said. "Which is why it is vitally important we protect one population in the Lower 48 states, at least one that might make it for the long term."

In other words, the issue is not about how many bison are on the landscape, but the ancient evo-"You're going to end up with an livestock groups. entirely different bison than the ancestral one, known as the wild American buffalo.

"Limiting their range, that's going to affect their ability to adapt to changing circumstances in the hobbling a wild characteristic."

### **Conservation triumph**

The restoration of bison in ease-free bison to tribes. North America is hailed as a conservation success story. After nearly being obliterated by market hunters and the federal government's attempt to starve Plains Indian tribes into submission in the late 1800s, bison — also called buffalo – were nursed back from selective slaughter and likening near oblivion.

While wild bison in the Lower 48 states are now constrained,



**NPS/NEAL HERBERT PHOTOS** 

A bison herd with calves is seen in Lamar Valley of Yellowstone National Park.

bison's much larger predecessor, Bison antiquus, first migrated into North America from Asia around 130,000 years ago. The "smaller" version now roaming Yellowstone has been around since the last Ice Age, more than 10,000 years ago.

Before European settlement, it's estimated 30 to 60 million bison roamed North America from Alaska to Mexico and all the way from Nevada and the Great Plains to the eastern Appalachian Mountains. In part because of their incredible history, in 2019 bison were recognized as the national mammal. "That has not done anything to elevate its conservation prospects, apparently," said Western Watershed's executive director Erik Molvar. "It hasn't changed the public debate."

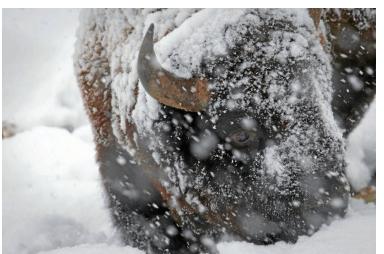
Thanks to transfers of live bison, the animals have also repopulated historic lands on the Blackfeet, Crow, Fort Belknap and Fort Peck Indian reservations in Montana, as well as other states. A large conservation herd has also been established on ranch lands purchased by the nonlutionary qualities that made it profit American Prairie group in the dominant herbivore on the north-central Montana. Because North American continent until of that group's goal to reestablish the wild genome that's at risk of prairie grasslands, which include extinction," Geist said, pointing federal grazing leases, American to human management's artificial Prairie has drawn continual fire Montana Department of Fish, selection of which animals die. from some state politicians and

Last fall, Yellowstone's bison population was estimated at 6,000 animals. Following a harsh winter and heavy migration into the Gardiner Basin, the number shrank by more than 1,500 future," he added. "Really you're through hunting, shipment to slaughter or being held for the park's quarantine and transfer program that ships live, dis-

"It's all take, take, take, take, take," Geist said. "Capture, trap, hunt, shoot, remove."

Environmentalist George Wuerthner compared Yellowstone to a bison ranch, saying the animals are subject to unnatural, the existing animals to fish raised in hatcheries.

"The issues are not the numtheir ancestors roamed across ber of bison but the quality of the population. continents. It's estimated the the bison and the question of do-



Bison close up in a snow storm in Yellowstone National Park.

mestication," he wrote in a recent low the bison population to grow column.

#### Wildlife or livestock?

Bison are unique among wildlife in Montana where they are managed as a "species in need of disease control" because they can carry brucellosis. Brucellosis also infects some elk in the Greater Yellowstone Ecosystem that move freely in Montana, yet they are not similarly managed.

Montana Department of Livestock shares oversight of bison with the Wildlife & Parks.

Under regulations established between the state, Yellowstone National Park and other agencies, bison are confined mainly inside the park boundaries with the exception of two tolerance zones to the north, near Gardiner, and to the west, near West Yellowstone, where bison are allowed. These two areas are also where tribal and public bison hunting occur in Montana.

The Fish and Wildlife Service's review of bison for possible listing under the Endangered Species Act is being undertaken as Yellowstone National Park considers an overhaul of its bison management plan. The Park Service has offered three alternatives. One would attempt to keep the population between 3,500 and 5,000 animals using hunting and culling as well as live bison transfers to reduce

to 6,000 animals and emphasize live transfers of bison to tribes to control the population. However, this alternative would allow park officials to shoot bison within the park's capture facility to reduce the population if needed.

The third alternative would allow the bison population to grow to 7,000 animals and rely on hunting outside the park, as well as live bison transfers, to reduce Brucellosis can cause pregnant the population. If the population treat bison like domestic livethe 19th century. "Above all, it's bison as a keystone species on the cattle to abort, which is why the approached 7,000 bison, removals stock. would occur.

"Range curtailment" is one of the factors the FWS will consider in its review. One estimate put the amount of land bison currently roam at one-tenth of one percent of the species' historic range.

### Critics call for population, disease control

The Montana Stockgrowers Association criticized the park's plan in a fall press release. That was followed by a 17-page letter from Gov. Greg Gianforte's office, written in consultation with the director of Montana Fish, Wildlife & Parks and the Department of Livestock's executive officer.

"Alternatives should include management tools like population control, spring hazing, vaccination, culling, tribal hunting, and shipment of excess animals to processing facilities," said Raylee Honeycutt, executive vice president of the Stockgrow-Another alternative would al- ers. "While alternatives include

some components, it is imperative to have all management tools be available to manage the herd depending on time of year, location, and environmental scenarios."

The press release went on to state, "MSGA continues to express its concerns with the increase in the bison population as it is likely to increase bison migration out of the park and the risk of brucellosis transmission to cattle and the limited forage availability in the park during winter for a growing herd size. The association is further concerned with the concept of limiting management tools as the population increases, leading to an exponential growth in bison numbers."

In his letter, Gianforte and his administrators decried all of the park's proposals in great detail and called Yellowstone officials' posture "uncollaborative and obstinate." The letter also included a not-so-veiled threat.

"Given Montana's strident and consistent opposition to the alternatives proposed, and the fact that YNP's alternatives may undermine the foundation of Montana's tolerance, 'common sense' precludes assuming that Montana's tolerance zones will remain unchanged," the state officials warned.

In other words, should the Park Service move ahead with a plan to increase or maintain a higher bison population, the state could pull back from its agreement allowing bison to wander north and west outside of Yellowstone.

On the other side of the fence, Defenders of Wildlife has argued for a higher low-end number of bison -4,000 animals.

The group also proposed recognizing tribes as co-stewards to manage the herd and expanding the transfer program.

Giving bison ESA protection would check states' abilities to

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### **ESA**

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"Endangered Species Act protection can break the stranglehold Montana has placed on recovering wild bison in the Yellowstone ecosystem," said Geist in an online post. "We need to honor, protect and restore Yellowstone bison where they are now extinct because of the failure of the State of Montana to provide for a self-sustaining population in the wild."

#### **Decades of court fights**

Buffalo Field Campaign, along with the Western Watersheds Project, petitioned the Fish and Wildlife Service to protect bison under the Endangered Species Act in 2014. They were preceded by other petitioners.

In 1999, Minnesota author James Horsely appealed to FWS to safeguard Yellowstone bison. Ten years later, in 2009, the Cen-FWS to protect bison. Each time the agency turned down the petitions.

In 2018, a federal judge accused the Fish and Wildlife Service of picking among contradictory scientific studies without expetition's science was "unreliable, irrelevant or otherwise unreasonable." A year later, the FWS again turned down the petition, and in 2022 a federal judge for a second time ordered the agency to revisit its decision.

The repeated delays have frustrated Western Watershed's Molvar, who said his group is again considering legal action to compel the FWS to move ahead.

"The Fish and Wildlife Service is definitely dragging its feet," keep cropping up over and over again."

He accused the agency of ignoring best available science the Service would then conduct and being motivated by political agendas, instead of what's best for bison.

Finally, in June 2022, the FWS said it would conduct a comprehensive status review of Yellowstone's bison to determine if the tana Fish, Wildlife & Parks. species warranted protection under the Endangered Species Act. The agency noted the peti-



Bison are being held in the National Park Service's bison capture facility at Stephens Creek, shown here in 2015, in preparation for shipment to slaughter.

ter for Biological Diversity and tioners had "presented credible Western Watersheds asked the information to indicate potential threats to the (distinct population segment) from reductions of its range due to loss of migration routes, lack of tolerance for bison outside Yellowstone National Park, and habitat loss." The FWS also acknowledged that manageplaining why the most recent ment actions, disease and loss of genetic diversity "may pose further threats."

Although the agency calls its assessment a "12-month finding," its 14-page list showing all of the species being studied for protection in the United States forecasts the bison work won't be done until 2026.

"The Service is conducting an in-depth status review and analysis using the best available science and information to arrive at a finding as to whether Molvar said. "The same issues listing is warranted," Joe Szuszwalak, a public affairs specialist for FWS, said in an email. "If listing is found to be warranted, a separate rulemaking process, with public notice and com-

The U.S. Fish and Wildlife Service is overseen by Martha Williams, a former director of Mon-

### 'Listing is a long haul'

Robert Fischman, a professor to be endangered.



NPS / JACOB W. FRANK

A bison cow and calf walk in the road in Yellowstone National Park.

at Indiana University Maurer School of Law, testified in April before a U.S. House Committee on Natural Resources subcom-Species Act.

When contacted for this story. he said the Fish and Wildlife Service's latest move is not a signal that bison will be listed as threatened or endangered. Instead, the agency will be conducting a twopart test: One is to decide if the bison are a distinct population segment; and the other to resolve whether there's a trend suggesting bison are threatened or likely

The Fish and Wildlife Service could also decide the Yellowstone bison are a distinct population, but not rule on listing them, citmittee regarding the Endangered ing other priority species, Fischman said.

"One thing I think it will be important for readers in Montana to understand is that this would be a good time, before listing, for stakeholders to get together and we can all accept that would contribute to bison conservation?""

ESA. Candidate Conservation appointed."

Agreements with Assurances were developed with landowners in existing core sage grouse habitat. The landowners voluntarily agreed to maintain and enhance bird habitat. In exchange, the landowners have fewer federal restrictions to worry about if the sage grouse is listed under the ESA.

Such a collaborative deal could protect a migratory corridor or create a program where private landowners could haze or shoot bison on their property, Fischman said as an example.

"If you can fold all those practices into a plan and show the Fish and Wildlife Service how that would be a net benefit for bison," then the agency can approve the agreement and whatever is authorized by the agreement could continue to occur even if bison were listed, he explained.

Without such an agreement, were bison to be listed, Fischman said Park Service management would likely change little, if at all. However, it could affect how other agencies - like the Forest Service, Bureau of Land Management, as well as the state of Montana and private landowners deal with bison when they migrate out of the park.

"The bottom line is: It doesn't matter how few bison there are." Fischman said. "It doesn't matter how constricted their habitat is. It doesn't matter whether the International Union for Conservation of Nature says these animals are in danger of disappearing. From a legal perspective, to be protected under the Endangered Species Act, it's an administrative action that stems from this rulemaking procedure. So no matter how imperiled the species, if it's not subject to a final rulemaking, it's not protected under the Endangered Species

Nonetheless, Geist of the bison advocacy group Buffalo Field Campaign said his group sees the Fish and Wildlife Service's decision to conduct a 12-month status review as "quite the milestone." He also points to the feddecide: 'Well, what's something eral courts twice ruling in the group's favor as encouraging.

"Endangered Species Act That was done in Montana listing is a long haul," he said. when greater sage grouse were "Anybody expecting a quick considered for listing under the listing is going to be greatly dis-

