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Governor Steve Bullock
Office of the Governor
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Jeff Hagener, Director
Montana Fish, Wildlife & Parks
Statewide Bison EIS
PO Box 200701
Helena, MT 59620

Bison Conservation and Management in Montana
Draft Environmental Impact Statement

Dear Governor Steve Bullock and Director Jeff Hagener,

As a trustee for wildlife species, the state of Montana has a statutory obligation to implement programs to prevent the need for listing endangered species and assist in the recovery of those species (§87-1-201 MCA).

Since the 1980s Montana has been the driving force in systematically removing or destroying wild buffalo attempting to naturally recover a portion of their original habitat in our expansive state. The buffalo's natural migrations have been met with official hostility in a long running series of government plans and actions to prevent the migratory species from reestablishing a population in Montana.

Migrations by wild buffalo in their native habitat – mainly on public lands – represent an opportunity to naturally restore a beloved species that is at risk and ecologically extinct in Montana. In rejecting Buffalo Field Campaign's alternative

for naturally restoring wild buffalo in the Yellowstone ecosystem Montana continues to steer a regulatory path toward listing wild buffalo as an endangered species.

While Montana claims natural restoration of migratory buffalo is outside the scope of your action and a matter for the Interagency Bison Management Plan to decide, such deference ignores the fact that the IBMP is an artifact of Montana's lawsuit against Yellowstone National Park in the 1990s. Such a claim also ignores Montana's lead role in drafting a new plan that is a detrimental reiteration of state policy – IBMP version 2.0 – to annually suppress the buffalo population and migrations into Montana's jurisdiction for another 20 years.

Restricting wild buffalo to 0.1% of Montana's habitat and subjecting the population to livestock management and control is not science-guided recovery nor is it wildlife management. In its shortsightedness, the state of Montana continues to corral Yellowstone National Park, the Gallatin National Forest, and other parties into following its biased, ill-conceived policy preventing the natural recovery of wild buffalo in Montana.

Despite repeated entreaties from a broad spectrum of Montanans over the last two decades, Montana has not provided protective measures, disregarded the best available science, and continues its duplicative disease management policy of destroying wild buffalo where elk freely roam. The dire status of wild buffalo is mainly a result of the state's aggressive actions to prevent Yellowstone buffalo from naturally restoring a population in their original habitat in Montana. Montana clearly lacks regulatory mechanisms providing protection for wild buffalo, a fact that led Buffalo Field Campaign and Western Watersheds Project to file a petition to list Yellowstone buffalo under the Endangered Species Act (16 U.S.C 1531, et seq.) in November 2014.

Evaluating the natural restoration of wild buffalo would have been an appropriate alternative to the burdensome requirements, high risks, and excessive costs of reintroducing another captive herd into a limited area in Montana as Fish, Wildlife & Parks' guidelines prescribe.

As outlined in your draft plan, Fish, Wildlife & Parks' approach is significantly flawed and is unlikely to lead to your objective of restoring a "publicly managed bison herd" and reduce the "risk" of an endangered species listing. All of Montana's requirements and mandates to implement a 5-year test project are likely to break the back of any party proposing to carry them for Fish, Wildlife & Parks. Without a doubt, the recent removal of biologist Arnie Dood by Fish, Wildlife & Parks administrators – who eliminated his bison reintroduction position – has crippled the state's bison reintroduction program.

In your draft Bison Conservation and Management plan in Montana the state did not submit any proposals and has no proposals of its own to restore buffalo as wildlife on public lands in Montana. Instead of fulfilling its duties to restore a valued, native migratory species, Montana has chosen to assign its trustee obligations to another party. Delegating your duty to restore wild buffalo in Montana to another party falls far short of your statutory obligations and is a breach of your public trust responsibilities to an imperiled, at risk species.

For years federal public land agencies have repeatedly informed Fish, Wildlife & Parks that they will consider restoring buffalo as wildlife on public lands in Montana if Fish, Wildlife & Parks proposed doing so. Because Fish, Wildlife & Parks did not take the lead and propose developing even one alternative to restore buffalo with a federal landholder in Montana, the opportunity to restore the migratory species as wildlife on millions of acres of public lands has been precluded by the state's unwillingness to show the requisite leadership.

The plan put forth by Montana is for another party to assume all of the mandates the state is imposing including: 1) herd containment requirements, 2) herd management objectives, 3) disease monitoring and response plans, 4) animal identification and tracking requirements, 5) plans for implementing an exit strategy, 6) liability and proof of insurance to cover any claims of damage to property or persons, 7) annual reporting and public outreach, 8) collaboration with a citizen group, 9) public access for bison viewing and hunting, 10) a land base sufficient to support a population of up to 400 bison within "defined geographic boundaries" and 11) provision of "resources as needed" to execute an agreement with the state.

In addition, the party must comply with all statutory obligations imposed by §87-1-216 MCA, and follow all guidelines prescribed by Fish, Wildlife & Parks including developing a project site for containing 40 bison behind fences and having the resources and people available to implement the program to specification.

Fish, Wildlife & Parks' specifications for a 5-year test project require 1) the use of animals free of reportable diseases and free of cattle gene introgression; 2) a pre-restoration range assessment; 3) a containment and management plan; 4) secured, full funding for the 5-year test period; and 5) demonstration of local community involvement.

Furthermore, the party must have a management contingency plan to address "disease outbreaks," for "bison moving to areas outside of the target area" or causing "unacceptable impacts to local landowners," for "extreme environmental conditions that render the range inadequate for a bison herd," or "other potential management issues" that may arise.

After all of these costly commitments are made the party must also commit to an exit strategy “to end the project if management issues arose that could not be addressed through the contingency plan.”

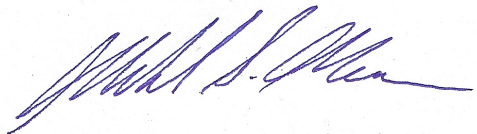
A thorough review of your draft evaluation to reintroduce a “publicly managed bison herd” finds Montana’s interpretation of duty to wild buffalo reduced to evaluating Requests for Proposals submitted in a final document and decision that might be revisited in another environmental analysis and decision down the road.

Montana’s draft evaluation looks a lot like the buffalo quarantine feasibility study Fish, Wildlife & Parks developed with the U.S. Dept. of Agriculture Animal and Plant Health Inspection Service. Instead of proposing alternatives of its own to reintroduce the Yellowstone buffalo that survived quarantine, Fish, Wildlife & Parks asked for Requests for Proposals from other parties under a similarly burdensome and costly protocol. Doing so led to the privatization of three-fourths of all buffalo offspring once belonging to future generations and subjected the remainder of the buffalo to domestication as stipulated by Montana’s agreements with the tribes on the Fort Peck and Fort Belknap reservations.

By outsourcing its buffalo reintroduction effort, once again, the state of Montana is abandoning its public trust responsibilities for “each generation as trustee of the environment for succeeding generations” (§75-1-103 MCA). Montanans and American Indian tribes are now being asked to step in and fulfill the trust responsibilities that the state has relinquished to reduce the “risk” of listing buffalo as an endangered species.

In the face of Montana’s on-going hostility to a revered species missing from our expansive state, Buffalo Field Campaign remains committed to pursuing all avenues available to gaining permanent protections for America’s last wild buffalo and the ecosystems upon which they depend for survival.

Sincerely,



Michael S. Mease, President
Buffalo Field Campaign



Daniel Brister, MS, Executive Director
Buffalo Field Campaign



About Buffalo Field Campaign

Buffalo Field Campaign was founded in 1997 to protect the natural habitat of wild migratory buffalo and native wildlife, to stop the slaughter and harassment of America's last wild buffalo as well as to advocate for their lasting protection, and to work with people of all Nations to honor the sacredness of wild buffalo.

Buffalo Field Campaign is located in West Yellowstone, Gallatin County, Montana, and is supported by volunteers and citizens in Montana, Idaho and Wyoming, and by people from around the world who value America's native wildlife and the ecosystems upon which they depend, and enjoy the natural wonders of our irreplaceable public lands.

As an organization and on behalf of our members, Buffalo Field Campaign is deeply concerned and actively involved in protecting the last remaining descendants of indigenous buffalo in North America to occupy their original range.

Buffalo Field Campaign publicizes the plight of the buffalo, works to end their slaughter by government agencies, and advocates for the long-term protection of viable populations of wild buffalo and year-round habitat.

Buffalo Field Campaign actively engages the American public to honor and protect our cultural heritage by allowing wild buffalo to exist as an indigenous wildlife species fulfilling their ecological role on their native landscape.

Buffalo Field Campaign volunteers patrol habitat where buffalo roam. These direct experiences with buffalo on their native habitats inform our actions and strengthen our commitment to gaining permanent protections for America's last wild buffalo.