



## United States Department of the Interior

NATIONAL PARK SERVICE

P.O. Box 168  
Yellowstone National Park  
Wyoming 82190

EXHIBIT 7

N2219(YELL)

January 26, 2010

Mr. Christian Mackay  
Executive Officer  
Montana Department of Livestock  
301 North Roberts  
Helena, Montana 59602

Dear Mr. Mackay:

At the November 17-18, 2009, meeting for the Interagency Bison Management Plan (IBMP), the Montana Department of Livestock (MDoL) requested a change to Objective 1.1, Management Action, 1.1a, Management Responses in the Adaptive Management Plan, which was signed into effect by all state and federal IBMP partner agencies in December 2008. The requested change by MDoL is to reduce tolerance for bison south of the Madison Arm of Hebgen Lake in Zone 2, with an expectation that subsequent movements by bison into Zone 3 will be reduced. MDoL further proposed on December 18, 2009, to initiate management actions if any of the following trigger points are reached: 1) an increase of over 100 bison between any two measurements in the Western Management Area (WMA) during any week after February 15; 2) a 15-bison per day increase for 3 days or more in a week; 3) 15 bison in the Flats with snowmobile access to riparian areas; 4) over 100 bison in the WMA between February 15 and April 10; or 5) other trigger points in the 2008 Adaptive Management Plan, but with 15 bison instead of 30.

The proposed changes to the Adaptive Management Plan were surprising given that MDoL signed the 2009 Annual Report on October 26, 2009, just three weeks before the November 17-18, 2009, meeting of the IBMP managers. The 2009 Annual Report included summaries of the effects and effectiveness of each management action in the 2008 Adaptive Management Plan, as well as adaptive management recommendations from the IBMP agencies. None of the proposed trigger points were raised by MDoL during the preparation of the annual report or included as adaptive management recommendations, despite MDoL having substantial involvement and opportunities for input. The NPS will attend the February 2, 2010, meeting of the IBMP managers to discuss this and other issues. In the spirit of working cooperatively to conserve a wild, free-ranging bison population and reduce the risk of brucellosis transmission from bison to cattle, the NPS offers the following comments on the MDoL proposal for consideration prior to that meeting.

The National Park Service (NPS) does not support the proposed changes to the 2008 Adaptive Management Plan because the trigger points would limit bison access to public lands in Zone 2 where there is essentially no risk of brucellosis transmission from bison to cattle because cattle are not present

on Horse Butte or Zone 2 public lands south of the Madison Arm at any time of year. The IBMP managers have acknowledged that the risk of brucellosis transmission from bison to cattle on the Horse Butte peninsula was substantially lower (approximately zero) in 2008-2009 compared to 2000 when the Record of Decisions for the IBMP were signed. This recognition led to adaptive management adjustments to the IBMP in 2008-2009 that increased tolerance for bison on public lands in Zone 2 of the WMA during winter. The trigger points proposed by MDoL would suggest that essentially all bison west of the park boundary be culled or hazed back into Yellowstone National Park after February 15, thereby reversing the adaptive increase in tolerance for bison on public lands in the WMA despite the year-round absence of cattle on the Horse Butte peninsula. Such changes would effectively preempt the adaptive management guidance of 2008 that was developed in close partnership with all the parties.

Analyses of data collected during 2007-2009 indicate that approximately 200 to 450 bison have migrated from Yellowstone National Park into the WMA during winter, primarily during April when snow typically melts at lower elevations and there is vegetation green-up and energy efficient foraging opportunities. Similar to bighorn sheep, elk, and pronghorn that summer in higher elevations of the greater Yellowstone area, including the park, migration during winter allows bison to access food resources that are more readily available in lower snow depth areas, and serves to release portions of the bison range in the park from intensive use for a portion of the year. More bison migrate to lower-elevation winter ranges as their numbers increase and snow conditions interact with bison density to limit nutritional intake and foraging efficiency. Thus, the numbers and timing of bison migrating from the summer range to the winter range is positively related to snow build-up on the summer range, while return migration from lower elevation winter ranges aligns with patterns of new vegetation growth.

Migration by bison onto lower elevation winter ranges along the boundary of Yellowstone National Park and into adjacent areas of Montana is essential for their long-term conservation in this temperate montane environment and contributes to sustaining the ecological role of the largest remaining free-ranging plains bison population in the world. Yellowstone bison use discrete patches of suitable habitat (e.g., Cougar Meadows, Horse Butte peninsula) throughout their current distribution as allowed under the IBMP. When weather and bison density combine to limit forage intake in any given patch, then groups of bison tend to move to adjacent patches. Within a patch, bison tend to exhibit movement patterns that balance their needs for security and sustenance. Under the IBMP, it has become clear to all parties that hazing actions intended to drive bison back to a patch just vacated can indeed exacerbate their tendency to move within and between patches.

Management actions described in the IBMP and subsequent adaptive management documents were designed to preserve bison migration to essential winter range areas within and adjacent to Yellowstone National Park, while actively preventing dispersal and range expansion to outlying areas with cattle. Culling or hazing bison on the Horse Butte peninsula during February and March will not deter migration by bison to Zone 2 west of the park during vegetation green-up in April and May. There is consensus among all IBMP parties, as demonstrated within the 2008 Adaptive Management Plan, that management actions to prevent bison dispersal during June into areas of Zone 3 that will be occupied by cattle in summer are prudent to address the increased risk of brucellosis transmission from bison to cattle.

The NPS recommends that IBMP managers focus management actions in the WMA on impeding bison movements at key locations into Zone 3 when cattle are present. Managers could develop a fencing strategy in collaboration with private landowners in Zone 3 of the WMA to minimize the risk of brucellosis transmission to cattle from bison attempting to disperse in late May or June (2008 Adaptive Management Plan, Objective 3.2, Management Action 3.2.b). Likewise, managers could identify opportunities for the enhancement or creation of bison habitat south of the Madison Arm to sustain bison during April and May, so as to discourage bison movements further west onto private lands. Managers could also explore opportunities for bison use of available habitat in other public and private land areas in

the Hebgen basin (2008 Adaptive Management Plan, Objective 3.2, Management Action 1.3). Furthermore, managers could consider relocating the capture facility to the western end of Zone 2, south of the Madison Arm, and implementing habitat modifications to facilitate bison management in this area. These modifications could enable the more efficient hazing or capture of bison attempting to disperse in late May or June.

In addition, IBMP managers expressed a need for improved understanding of the relationship between the number of bison on Horse Butte and the number of bison moving south of the Madison Arm, or the carrying capacity for bison on Horse Butte and other portions of the WMA, which likely varies among winters based on prevailing conditions (2008 Adaptive Management Plan, Objective 1.1, Management Action 1.1.a). The trigger points proposed by the MDoL will hinder efforts to understand factors influencing bison movements from Horse Butte to south of the Madison Arm, the form of this relationship (e.g., linear, threshold), and the possible effects of hazing bison occupying Horse Butte or other factors on bison movements south of the Madison Arm.

As described in Objective 3.2 of the 2008 Adaptive Management Plan, the NPS recommends that the IBMP managers continue to focus on successful implementation of the agreed upon haze-back date each spring, while continuing to collect data to evaluate factors that influence bison movements to areas north and south of Horse Butte, including central herd size, the number of bison on Horse Butte, the number of bison in the Madison Valley, snow pack, responses of bison to hazing actions, residual forage biomass, and forage green-up. The IBMP managers could also consider monitoring the movement responses of bison following hazing events to evaluate if there is a relationship between the hazing of bison on Horse Butte peninsula and bison moving south of the Madison Arm of Hebgen Lake.

Lastly, the NPS acknowledges that under Montana law and the IBMP, the Montana State Veterinarian has the authority to initiate a full suite of brucellosis risk management actions in Zone 2 to prevent bison from entering Zone 3. The MDoL has indicated an intent to cull bison from the WMA if the trigger points proposed above are reached during early winter (e.g., February 15 to April 15) 2010. The NPS recommends the IBMP managers emphasize the management of bison as wildlife and use state and treaty hunts to manage bison numbers and distribution in the WMA (2008 Adaptive Management Plan, Objective 2.2, Management action 2.2.b). Also, the NPS encourages the IBMP managers to expedite the development of procedures for transferring: (1) brucellosis test-negative Yellowstone bison to quarantine facilities operated by tribes or conservation entities for further surveillance and eventual release for conservation, cultural, and spiritual purposes; and (2) untested and test-positive Yellowstone bison to terminal destinations (e.g., intermediate handling facilities, quarantined pastures) on tribal lands for harvesting for food or ceremonial purposes. These transfers would reduce the domestic slaughter of bison, increase tribal involvement in the IBMP, help manage the growth rate of the bison population, and facilitate the broader conservation of plains bison in North America.

Sincerely,

A handwritten signature in cursive script, appearing to read "Suzanne Lewis".

Suzanne Lewis  
Superintendent

Identical letters sent to:

Mr. Pat Flowers, Montana Fish, Wildlife, and Parks  
Ms. Mary Erickson, Gallatin National Forest

Dr. Brian McCluskey, USDA-APHIS  
Dr. Martin Zaluski, Montana State Veterinarian  
Mr. Ervin Carlson, ITBC Executive Committee  
Mr. Samuel Penney, Nez Perce Tribal Executive  
Mr. James Steele, Jr., Confederated Salish and Kootenai Tribes  
Mr. Scott Bischke

cc:

P.J. White  
Rick Wallen  
Glenn Plumb  
Tim Reid  
Al Nash