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MONTANA EIGHTEENTH JUDICIAL DISTRICT COURT, GALLATIN COUNTY

WESTERN WATERSHEDS PROJECT, GALLATIN WILDLIFE ASSOCIATION, BUFFALO FIELD CAMPAIGN, & YELLOWSTONE BUFFALO FOUNDATION, Petitioners, v. STATE OF MONTANA and MONTANA DEPARTMENT OF FISH, WILDLIFE & PARKS, an agency of the State of Montana, Respondents	Cause No. DV-10-317A DECLARATION OF DARRELL GEIST
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1. My name is Darrell Geist, and I reside in Gallatin County near Hebgen Lake in West Yellowstone, Montana.
2. My Montana residence is bordered by the Gallatin National Forest in the vicinity of Yellowstone National Park and overlooks the Hebgen basin along the Continental Divide.
3. I have worked and volunteered with the Buffalo Field Campaign since it was founded in 1997. For over a decade starting in the 1990s, as part of my work with the nonprofit organization Cold Mountain, Cold Rivers, I was involved in advocating for the conservation, preservation and restoration of wild bison (which I generally refer to as “buffalo”, a name by which

- American bison are commonly known).
4. Buffalo Field Campaign is a federally recognized non-profit organization based in West Yellowstone, Montana, and was founded in 1997 to stop the slaughter of Yellowstone's wild buffalo, protect the natural habitat of wild free-roaming buffalo and other native wildlife, and to work with people of all Nations to honor the sacredness of the wild buffalo.
 5. I am currently the Habitat Coordinator for Buffalo Field Campaign. In this position, I work to protect wild bison as a native wildlife species and to conserve habitat for migratory populations of wild bison in their native range.
 6. I have a Bachelor of Arts in Political Science (1988). For nearly all of my adult life I have worked with several non-profit and public interest organizations who existed to advocate for the public interest and trust, who sought to conserve our natural heritage and protect our environment, who valued human rights, and/or who sought equitable opportunities for all people to enjoy life's blessings. My work with Buffalo Field Campaign continues this tradition as I advocate for wild bison to freely roam in their native habitat, to thrive as a unique and irreplaceable part of the land and ecology, and to persist as a living cultural link for many peoples who love and cherish wild buffalo as I do.
 7. I have long valued wild bison and other native wildlife and the ecosystems upon which they depend, and have visited the Yellowstone ecosystem since the early 1990s to enjoy the experience of seeing wild bison and other native wildlife in Montana.
 8. It has always deeply concerned me that Montana takes actions against migrating buffalo, and has not allowed any viable population to establish itself in the state or migrate to lands necessary to sustain viable populations.
 9. Few opportunities exist to enjoy seeing American bison, which retain their identity as a native wildlife species. Seeing indigenous American bison in their native habitat is a unique and irreplaceable experience for me. In the

last two decades I am fortunate to have experienced seeing the continuously wild descendents of the original plains bison populations in North America, in the Yellowstone ecosystem. Montana, bordering Yellowstone National Park on the west and north, is one of the few states that could boast of being home to this treasured, remnant bison population. Yet, buffalo remain limited in the state and their range severely restricted under a plan Montana is a party to, the Interagency Bison Management Plan.

10. The wild American bison is part of my natural heritage. I particularly value the ecological roles wild nomadic bison have in providing for native plant, fish, bird, and wildlife diversity, healthy grasslands, and clean watersheds on our public lands (Dr. Sylvia Fallon, The ecological importance of bison in mixed-grass prairie ecosystems, 2009).
11. I regularly visit areas around Yellowstone where the bison live, and also visit other areas of their original native range in Montana. As Habitat Coordinator for the Campaign, I focus on areas where buffalo can be naturally restored so that they can fulfill their ecological and evolutionary potential. With these purposes in mind, Buffalo Field Campaign has asked the state of Montana to consider wild, natural restoration in developing alternatives for their statewide bison management plan. In so far as Montana considers restoring bison emerging from quarantine in the state, Buffalo Field Campaign has long asked Montana to manage all the bison as wildlife for public and Tribal herds.
12. I visit, hike, photograph, fish and enjoy recreating on public lands in Montana and enjoy the experience of wild bison and native diversity. I regularly visit public parks and forests in Montana, my home, a place where I recreate, visit, and travel throughout the year and plan to return to as many places as I can to view native wildlife including buffalo, and associated species of plants, amphibians, and birds on public lands in Montana. I have already visited and plan to return this year and regularly after that to places in Montana including Hebgen basin, Gardiner Basin,

and Yellowstone National Park specifically for the chance to see wild bison and experience nature's wonders and to know that our natural heritage persists.

13. I derive spiritual, aesthetic, cultural, recreational, and scientific benefits from viewing wild bison and associated native species in their native habitat. It is critical to me, and to the work of Buffalo Field Campaign, to have viable populations of wild bison occupying and using their native habitat and able to fulfill their evolutionary roles and potentials throughout the native ecosystems bison historically ranged.
14. Although I, and Buffalo Field Campaign, do not believe that quarantine is necessary for managing buffalo and would prefer that the State allow them to restore themselves naturally from the Yellowstone population, we understand the value of the bison that survived the quarantine. They are part of the original public population from Yellowstone National Park, and are therefore valuable to me and to the Campaign as wild, public bison. We also value the potential for restoration of these bison as wildlife on tribal and public lands.
15. I submitted comments to FWP on November 24, 2004 when they were beginning this quarantine study project. I was wary of their proposed plan to capture wild bison inside Yellowstone National Park sending the adults to slaughterhouses and the surviving calves to quarantine pens in the Gardiner basin in Montana. I commented that the agencies did not have or present a complete idea of how they intended to accomplish their objectives. I also expressed my worry that quarantining bison from Yellowstone "will be used as a platform for domestication and not restoration." I also noted the agency's lack of acknowledgement on the status of American bison as ecologically extinct throughout their range and why there was no effort underway in Montana to recover populations of the wild species.
16. I also helped prepare supplemental comments submitted by Buffalo Field Campaign January 12, 2010 on Montana Fish, Wildlife & Parks decision to

- transport bison in quarantine to Turner Enterprises, Inc. (TEI) and commercially privatize 3 of 4 offspring in exchange for TEI providing land and management of the bison cohort for 5 years. Specifically, Buffalo Field Campaign submitted that such an action is prohibited by several public trust obligations and pondered how the agency's account for how they arrived at "conserving America's last wild buffalo in America's first national park for 'the enjoyment of future generations' to domesticated buffalo behind 'Private, No Trespassing' signs."
17. Buffalo Field Campaign objects to and is harmed by the reclassification of a wildlife species as domestic livestock for private, for profit commercialization. By definition, domestic bison is artificially selected for in contrast to being subject to natural selection processes, has limited potential range and confined behind fences, cannot "adapt home ranges and live out their evolutionary potential as a nomadic, herd species" in large landscapes, and does not have fundamental biological traits and adaptations for a wild population to emerge. Furthermore, Buffalo Field Campaign requested and the agencies failed to publicly disclose and discuss "the keystone ecological role of restoring wild buffalo on public and Tribal lands" and the "many ecological, economic and culture benefits" from wild buffalo restoration in Montana. By privatizing public buffalo the "additional social and economic benefits from wildlife viewing, expanded hunting opportunities, and other direct localized benefits by restoring buffalo and their offspring on public and Tribal lands" cannot be realized. Our concept of wild bison must include range large enough for populations to emerge, generally more than 5,000 mature individuals (Traill et al, 2010).
 18. The loss of 75% of the offspring of the quarantine bison is significant to me and to Buffalo Field Campaign. My interests, and those of other members of BFC, are harmed by the Department of Fish, Wildlife and Parks' decision to further diminish our public bison population by giving the offspring to a private corporation for their own uses. As descendents

- of the original plains bison in Yellowstone, and one or the only population without hybridization with cattle, they are of particular value to me and to BFC, along with the other bison in the ecosystem. Our interests in seeing wild, free-roaming bison in the Yellowstone ecosystem and across the state, as well as in bison conservation and restoration efforts, are lessened by this loss.
19. I believe the decision to barter away some of our precious buffalo could have been avoided, and I suggested several alternatives to the FWP when they were making their decision. I supported moving bison to tribal lands, where they are valued for their spiritual and cultural significance. I also supported and suggested that FWP move the bison to other public lands, like Wildlife Management Areas or national wildlife refuges. There were plenty of reasonable options that FWP could have looked into, but they decided not to.
 20. My interests, and those of BFC and our other members and supporters, have also been harmed by FWP's decision to place even the remaining "public" buffalo from the quarantine on private land where they cannot be generally accessed or viewed by the public. As well, FWP was not providing timely information about the status and condition of the public population that was moved to the Green Ranch, even though I and others requested information many times.
 21. In mid-March 2010, I attempted to contact Ken McDonald and Joe Maurier, Montana Fish, Wildlife & Parks to gather information on how I might be able to view the buffalo removed from quarantine in Gardiner basin to TEI's ranch February 17-18, 2010. "From the maps provided in your decision it is unclear if there is any public access road or path or trail or vantage point from which to see the buffalo in TEI's pastures. There are numerous TEI pastures due north of HWY 84 and west from the Madison River on the Green Ranch. But there is no information on which pasture they are now fenced behind and what identifying tags or marks to look for." I wrote to Montana Fish, Wildlife & Parks that "I last saw these

- buffalo in the Gardiner basin along HWY 89 where most of the buffalo could be seen most of the time road side. I want to check on the welfare of these buffalo that originated from Yellowstone National Park, and to see for myself how they are doing. I would appreciate any information you or your office can provide that would help me navigate to a public access point or vantage to see them again.”
22. Over the 4th of July weekend 2010 I located what I believed at that time to be Yellowstone bison removed from quarantine in the Gardiner basin to pastures on a commercial bison ranch operated by Turner Enterprises, Inc. I attempted to get a closer view by accessing the Cold Springs Road near the turnoff for Red Mountain campground but the road was gated, locked and signed NO TRESPASSING TURNER ENTERPRISES, INC. Initially, I was elated to find the buffalo, then frustrated that the road leading to a vantage point where I could readily observe them was closed. I then accessed a dirt road along the Madison River from the fishing access turnoff at Black's Ford on Highway 84, the closest publicly accessible area I could find. The buffalo were about a mile away across the river. I observed a trapping facility, watering and feeding stations, and the buffalo were mainly in a fenced area where the earth was barren. Later in the day the buffalo made their way through an open gate to a fenced green pasture in the foothills.
23. The following week I talked by phone with Danny Johnson, TEI ranch manager, who looks after the buffalo and knows where the buffalo were pastured. Mr. Johnson referred my queries on the fatality of a calf and how many buffalo were born on TEI's ranch to Russ Miller, General Manager, who in response to my call left a phone message saying TEI is merely the "custodian of FWP bison" and referred my query to Ken McDonald Montana Fish, Wildlife & Parks.
24. The experience of trying to obtain information from Montana Fish, Wildlife & Parks on how to publicly access the bison on TEI's ranch, stands in contrast to the accessibility of Corwin Springs and Slip N Slide quarantine

- pens along Highway 89 in the Gardiner basin. I visited these pens several times to observe the health and welfare of the bison when they were held there prior to being moved to the Green Ranch. While I, along with Buffalo Field Campaign, object to confining wild bison in captivity, the pens were at least publicly accessible along Highway 89, providing a vantage point on a public road to check on their welfare and wellbeing.
25. Also in mid-March, 2010 Buffalo Field Campaign learned from U.S. Dept. of Agriculture Animal and Plant Health Inspection Service that a bison calf died shortly after transport from Gardiner basin to TEI's ranch, that 87 and not 88 bison were transferred to TEI.
 26. On July 27, 2010, I received a letter from Montana Fish, Wildlife & Parks responding to a query I made July 13, 2010 on numbers of bison transported to TEI's ranch, bison fatalities since their arrival, number of calves born and total number among the bison cohort.
 27. While Montana Fish, Wildlife & Parks has provided exclusive tours of the quarantined bison on TEI's ranch, one of which I participated in, the experience of viewing ear-tagged and fenced bison on private land stands in stark contrast to enjoy seeing bison as wildlife freely roaming public lands.
 28. Witnessing the removal of public wild buffalo originating from Yellowstone National Park to publicly inaccessible private lands, and knowing that the bison I value and honor will be forever removed and domesticated for private commercial benefit by Montana Fish, Wildlife & Parks actions, harms my interests and prevents me from having the kinds of experiences I value and enjoy in Montana, where I live and regularly visit, and from fulfilling my responsibility to provide for a clean and healthful environment and protect Montanan's natural heritage of wild bison.
 29. This harm could be remedied by a decision to keep all the quarantine bison as public or tribal bison, rather than transferring "title" to a private corporation and making the bison private property.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: _____

Signed: _____