

Upholding the Public and Tribal Trust in Managing our National Mammal and the Unique and Distinct Population of American Bison in Yellowstone

Nearly a decade ago, several prominent scientists discovered the wild American bison population in Yellowstone is comprised of “genetically distinct and clearly defined subpopulations,” which, they concluded, warranted “serious reconsideration of current management practices.” Serious reconsideration of management practices the scientists called for has yet to materialize.

Since 2015, the managers of the Interagency Bison Management Plan for the unique and distinct population of American bison in the Yellowstone ecosystem have been operating on an invalid analysis. Planning for the public process and environmental analysis has stalled since the conclusion of scoping in June 2015.

The failure of state and federal managers to incorporate the best science has serious, unexamined consequences for the most significant population of American bison in the United States. Not knowing how a plan built on mistaken assumptions is affecting the genetic integrity of the wild bison herds is a serious management failure.

The U.S. National Park Service is mandated to use the best science in all agency decisions, yet it is relying on a faulty analysis and the Interagency Bison Management Plan does not serve the interests of, and the duties owed, to the American people, American Indian Nations, and American bison, our country’s National Mammal.

A National Academy of Sciences report indicates wild elk – not wild bison – are the source of brucellosis risk to cattle grazing in the range of wildlife populations. The disease originated in European cattle passing brucellosis to wild bison and elk populations at least 5 times.

The states of Idaho, Montana, and Wyoming have adopted Designated Surveillance Area plans pursuant to new rules approved by the U.S. Dept. of Agriculture APHIS. Despite several incidents of brucellosis infection reportedly from wild elk to cattle, each State has retained its’ brucellosis free status.

The Designated Surveillance Area is working for Montana since the State adopted its’ plan in 2010 to manage the risk of disease transmission for ranchers. According to an economic impact report, the Designated Surveillance Area saves Montana ranchers \$5,500,000 to \$11,500,000 annually – \$110,000,000 to \$230,000,000 to date.

In 2017, a Montana Legislative audit found the Dept. of Livestock was not properly enforcing and many ranchers were not complying with the Designated Surveillance Area rules. Despite the lack of enforcement and rancher participation, Montana retains its' brucellosis free status.

The Nez Perce Tribe, Shoshone-Bannock Tribes, Confederated Salish and Kootenai Tribes, Confederated Tribes of the Umatilla Reservation (Cayuse, Umatilla, Walla Walla), Confederated Tribes and Bands of the Yakama Nation, Blackfeet Nation, and Northern Arapaho Tribe, are among the Treaty tribes exercising their reserved aboriginal hunting rights in the Yellowstone region.

According to biologists, from 2013–2020, the National Park Service trapped 3,110 American bison for shipment to slaughter inside Yellowstone National Park at Stephens Creek. An additional 355 bison were trapped for quarantine and domestication. In the same time period, 1,904 bison were hunted, mainly by tribes with treaty rights on National Forests adjoining Yellowstone National Park.

Trapping, quarantining, and managing bison in Yellowstone National Park "like cattle on a ranch" as former Secretary of the Interior Ryan Zinke ordered has impeded wildlife management. In addition, managers have arbitrarily imposed "a boundary line beyond which bison will not be tolerated," excluding American bison from migrating on National Forest lands.

Yielding federal wildlife authority to the State of Montana stands the U.S. Supremacy Clause on its' head.

Surrendering U.S. authority for wildlife to Montana will soon be codified in the Custer Gallatin National Forest's land management plan. Excluding bison from National Forest habitat will have far reaching repercussions for decades to come. Without substantive change, viable populations of wild American bison herds will not exist on our National Forests, and Yellowstone National Park is no longer a refuge for American bison.

Abandoning U.S. authority to Montana has also severed a keystone ecological relationship among American bison and the diversity of life the migratory species provides as caretaker of the Yellowstone ecosystem. Recent science on how migratory bison engineer "grasslands to green up faster, more intensely, and for a longer duration," underscores the harmful ecological impact of excluding bison from National Forest lands.

Two decades ago, the environmentally-preferred alternative required to be identified by the Council on Environmental Quality found “the public was overwhelmingly in favor of more natural management of the bison herd, with minimal use of actions they felt more appropriate for livestock such as capture, test, slaughter, vaccinating, shooting, corralling, hazing, etc. They also indicated extremely strong support for the management and/or restriction of cattle rather than bison given a choice between the two.”

Yet inexplicably, 5 of 6 alternatives managers proposed for analysis would severely curtail bison range and/or abundance, intensively manage migratory bison rather than domestic cattle, and continue the practice of selecting against disease – and disease resistance – in the wild bison genome through government culling, vaccination, and sterilization.

As indicated in manager’s range of alternatives, the plan and analysis – if it ever materializes – falls far short of the overwhelming public support for more habitat, natural regulation, priority and use of National trust lands for migratory bison. Clearly, state and federal managers are out of touch with public and local sentiment – and have been for a long time.

We want to clear up a false narrative that the plan is court ordered.

Contrary to misleading statements made by government officials, the record states there “are no court orders covering the issuance of this Record of Decision” for the State of Montana’s and Yellowstone National Park’s Bison Management Plan.

If there is a valid purpose and need for continuation of a Bison Management Plan it should be solely committed to the trust owed in restoring connectivity to habitat on National Forests, and protecting large, viable and diverse American bison herds in the ecosystem to build resiliency against future threats including climate change.

For a wildlife species that has lost 99% of their original range to human developments and been reduced to less than 1% of their former numbers, the United States must live up to its’ trust duties to help the one remnant population of migratory bison remaining in their original territory.

Finally, we want to bring your attention to the lack of transparency surrounding U.S. appropriations to federal and state agencies carrying out the Interagency Bison Management Plan.

How much does the Interagency Bison Management Plan cost, and who is footing the bill? No one knows. Even the U.S. Government Accountability Office had to rely on estimates to arrive at a figure of \$3,000,000 annually.

Of particular concern is the federal appropriation for enforcement of livestock agency control over wild bison in Montana. Enacted in 1995, Mont. Code Ann. § 81-2-120 grants the Dept. of Livestock and the state Veterinarian broad authority to remove wild bison migrating in the state. Montana used the statute to sue the National Park Service and National Forest to gain control over bison management through the plan in force today.

The majority of funding for the Montana Dept. of Livestock to enforce Mont. Code Ann. § 81-2-120 comes through annual grants from the U.S. Dept. of Agriculture APHIS totaling millions of dollars. In spite of the inappropriate use of federal appropriations perpetuating Dept. of Livestock control of a valued wildlife species, the spigot of funds continues to flow.

U.S. government priorities – if any funds are required – should be re-directed to naturally restoring wild, viable and diverse American bison herds on National trust lands in the Yellowstone ecosystem.

As a long-standing advocate defending our National Mammal on the front lines in Yellowstone, Buffalo Field Campaign and our supporters strongly encourage President Biden and members of Congress to exercise your oversight powers and re-examine your role in state and federal management, and strive to fulfill the National trust duties owed to the American people, American Indian Nations, and American bison, our country's National Mammal.



Source Material

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“The public was overwhelmingly in favor of more natural management of the bison herd. . . The public also supported the acquisition of additional land for bison winter range and/or the use of all public lands in the analysis area for a wild and free-roaming herd of bison. A large number of commentors also expressed opposition to lethal controls, and in particular the slaughter of bison.”

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Montana Dept. of Livestock, Brucellosis/Montana's Designated Surveillance Area (DSA) <http://liv.mt.gov/Animal-Health/Diseases/Brucellosis>.

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"Because of new information and changed conditions since the 2000 IBMP [Interagency Bison Management Plan], a new plan is being prepared, along with an environmental impact statement (EIS), pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C).

The NPS and State will continue to implement the 2000 IBMP, as adjusted, within and outside Yellowstone National Park through coordination with the other IBMP partners until a new decision is made through this planning process."

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