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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

<p>WESTERN WATERSHEDS PROJECT, et al.,</p> <p>Plaintiffs,</p> <p>v.</p> <p>SALAZAR, et al.,</p> <p>Defendants.</p>	<p>CV-09-159-M-CCL</p> <p>DECLARATION OF DARRELL GEIST</p>
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DECLARATION OF DARRELL GEIST

Pursuant to 28 U.S.C. Sec. 1746, I, Darrell Geist, hereby declare under penalty of perjury that the following is true and correct:

1. I am a Montana resident who lives near Hebgen Lake, West Yellowstone, Montana. 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.
2. I have worked and volunteered with the Buffalo Field Campaign since our founding 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 (I generally refer to as “buffalo”, a name by which American bison are commonly known), and in numerous instances directly experienced the on-going harmful taxpayer funded government actions targeting wild buffalo for brucellosis, an exotic disease introduced by cattle into Yellowstone’s ecosystem a century ago (Meagher and Meyer, On the Origin of Brucellosis in Bison of Yellowstone National Park - A Review, Conservation Biology, Volume 8, No. 3, September 1994, Pages 645-653).
3. 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.
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 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.

6. I have long valued wild bison and 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 the Gallatin National Forest, Yellowstone National Park, Targhee National Forest, Grand Teton National Park, National Elk Refuge, Bridger-Teton National Forest, and on private lands where wild bison are welcome like the Galanis family owned Yellowstone Ranch Preserve, and Yellowstone village on Horse Butte. I also know many local residents living in Gardiner Basin who welcome the migration of wild bison onto their property and seek to preserve the unique experience of migrating populations on our National Forests and National Parks.
7. Few opportunities exist to enjoy seeing American bison that retain their identity as a native wildlife species in the United States, Montana, and the Yellowstone ecosystem. Seeing indigenous American bison in their native habitat on America's public lands is a unique and irreplaceable experience for me. In the last two decades I am fortunate to have experienced seeing in the Yellowstone ecosystem, in part, the continuously wild descendents of the original plains populations in North America to inhabit their native range. I enjoy visiting and desire to return to Yellowstone National Park, the Gallatin National Forest, and public lands in the greater Yellowstone ecosystem, to experience wild bison occupying public trust lands without harm by government agents, and to know that wild bison populations are conserved in perpetuity and can live out their evolutionary potential as an indigenous wildlife species.
8. 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). I have seen wild buffalo's ecological values first hand: where I observed sign of a bear grubbing for insects and earthworms, methodically tipping buffalo chips and spreading nutrients to plants and grass seeds in meadows on the Gallatin National Forest; bison migrating to and through fire burned habitat, spreading seeds and nutrients on the Gallatin National Forest; wild bison using their heads

- to shovel and plow deep snow making more forage accessible to other native ungulates like elk; wild bison wallowing, creating a more drought and fire resistant and diverse grassland; native birds hitching a ride on the backs of bison to eat insects and seeds dispersed by nomadic bison, the birds grabbing tufts of bison fur for their nests. Viewing the last wild population of American bison in their original range is of aesthetic, spiritual, cultural, and national significance.
9. 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.
 10. In my time in Yellowstone, I have directly experienced and observed bison being shot by National Park Service, Montana Dept. of Livestock, and U.S. Dept. of Agriculture APHIS agents, bison being forced to flee National Forest lands upon harassment by government helicopters, ATVs, horses, and agents firing explosive rounds to startle bison into flight, bison being forced from habitat necessary for their survival into capture pens on National Forest and Yellowstone National Park lands, and bison being forced from habitat on the Gallatin National Forest to Yellowstone National Park where forage was unavailable due to flooding.
 11. The continuing harm to American bison by Interagency Bison Management Plan (IBMP) agencies on public lands over several decades without remediation or relief to restore and conserve populations of the wild species in their native range in perpetuity is an ongoing harm to me and to future generations who are the beneficiaries of our wildlife heritage trust.
 12. In addition to witnessing direct harms to bison and other native wildlife, I have also spent many hours reviewing literature and attending public meetings to stay abreast of scientific and management issues, information, and decisions made.
 13. In addition to traveling through and visiting present and potential bison habitat in the greater Yellowstone ecosystem, including the Yellowstone, Gallatin, and Madison river valleys on the Gallatin National Forest, I regularly search and review existing and new science related to bison, elk, domestic livestock grazing, genetics, ecology, disease and natural immunity, and have compiled an

electronic archive of over 1,000 documents as a reference point for understanding the ecologically extinct status of American bison (The Wildlife Society, Position Statement of the Montana Chapter of The Wildlife Society on Wild Bison in Montana, April 11, 2000), the rarity of large wild populations and near threatened status of the wildlife species, coupled with wide spread commercial domestication and hybridization of the species (IUCN, American Bison Status Survey and Conservation Guidelines 2010) the irreplaceable and unique legacy Yellowstone bison carry as America's last wild herd to continuously occupy their native habitat (Meagher, The Bison of Yellowstone National Park, 1973), and the perils posed to bison's long term survival and fitness by current government plans using taxpayer money on our public lands including Yellowstone National Park and the Gallatin National Forest.

14. I have participated in agency management decision meetings and I concur with the U.S. GAO's report on Yellowstone bison that the IBMP "does not have clearly defined, measurable objectives, and the partner agencies share no common view of the objectives. Consequently, the agencies have no sound basis for making decisions or measuring the success of their efforts." I also concur with the GAO's finding that "the agencies lack accountability among themselves and to the public, and it is difficult for the public to obtain information without attending the meetings or contacting each individual agency." (U.S. GAO, YELLOWSTONE BISON Interagency Plan and Agencies' Management Need Improvement to Better Address Bison-Cattle Brucellosis Controversy, March 2008).
15. Having directly participated in the IBMP "adaptive management" meetings, the opportunity to provide meaningful consideration of public comment and local sentiment is absent from agency decisions and biased towards livestock ranchers who graze cattle in the bison's native range. Our testimony, pleas, emergency petition, appeals and entreaties to the agencies to stop slaughtering, capturing and harming wild bison in their native habitat have not been considered, and when considered, dismissed or ignored if the outcome would have led to free-roaming wild bison and designating habitat important to the survival of viable populations.
16. Since the late 1990s, I have extensively reviewed and publicized agency analysis, decision, and documents for bison management, livestock grazing, and habitat management including environmentally sound alternatives such as Plan B, an alternative analyzed in the

impact statement for the 2000 Interagency Bison Management Plan and supported by thousands of American citizens. Indeed, the environmentally preferred alternative rejected by the IBMP agencies but overwhelmingly supported by the public called for managing bison as a wildlife species, conservation of historic nomadic migration to adjacent National Forests, additional habitat acquisitions, and where habitat conflicts exist, manage domestic cattle not native wildlife. (The Council on Environmental Quality defines the environmentally preferred alternative as one that “. . .causes the least damage to the biological and physical environment and best protects, preserves and enhances historic, cultural and natural resources.” (Record of Decision, Final EIS and Bison Management Plan for the State of Montana and Yellowstone National Park, December 20, 2000).

17. My extensive, on-going participation in advocating scientific, ecological and culturally respectful conservation, preservation and restoration of wild bison and their habitat includes numerous comments to the U.S. Dept of the Interior, National Park Service, Yellowstone National Park, U.S. Forest Service, Gallatin National Forest, U.S. Department of Agriculture APHIS, Montana Dept. of Livestock and Montana Fish, Wildlife & Parks, attendance and testimony at public meetings and hearings of the Interagency Bison Management Plan, testimony before the Montana legislature, meeting with Gov. Brian Schweitzer, meeting with U.S. Congressional offices and submission of testimony to Congress, providing research to and being interviewed by U.S. Government Accountability Office investigators, development and maintenance of Buffalo Field Campaign's wild bison habitat, mapping and conservation web sites for example <http://www.buffalofieldcampaign.org/habitat.html> to raise awareness, build grassroots support, and inspire public action benefiting wild bison in their native habitat.

HORSE BUTTE BISON TRAP PERMIT & CATTLE GRAZING ALLOTMENT

18. As a member of the nonprofit environmental and human rights group Cold Mountain, Cold Rivers in 1998 I commented on and in 1999 I appealed Gallatin National Forest Supervisor David P. Garber's decision approving a Special Use Permit for the Montana Dept. of Livestock to operate a bison trap on Horse Butte, in threatened grizzly bear habitat and in the vicinity of active bald eagle nests, for 10 years.

To my knowledge and experience, bison have migrated into the Hebgen basin since at least the early 1990s to winter range and spring calving habitat, and been observed in grasslands and fire-burned habitats during the summer and fall.

19. Seeing wild bison in captivity on Horse Butte, and observing the disruption of bison's migration and occupation of Gallatin National Forest habitat is an offensive experience. Since 2000, the Horse Butte and Duck Creek traps have been used by the Montana Dept. of Livestock to trap and send over 500 wild bison to slaughterhouses. I visit, hike, photograph, fish and enjoy recreating on Gallatin National Forest lands on Horse Butte peninsula, and have every intention of returning to experience wild bison and native wildlife and subsistence fish Hebgen Lake. I regularly visit Yellowstone National Park and the Gallatin National Forest, as it is my home and a place where I recreate, visit and travel throughout the year.
20. On March 3, 2008, the Gallatin National Forest issued a draft Environmental Assessment for reissuance of a Special Use Permit for the Montana Dept. of Livestock to operate a bison trap on Horse Butte, opened a 30 day public comment period – with over 18,100 people contributing in the time frame allowed – and made a final decision on January 13, 2009 denying significant changed circumstances, categorically excluding their decision from further environmental analysis, and denying an appeal of their decision to the Regional Forester. As habitat coordinator for Buffalo Field Campaign in March 2008 I helped co-write comments with co-worker Jesse Crocker, and in January 2009 helped co-write Buffalo Field Campaign's protest of the lack of opportunity to appeal, Gallatin National Forest Supervisor Mary C. Erickson's Decision to renew a Special Use Permit for the Montana Dept. of Livestock to operate a bison trap on Horse Butte, in threatened grizzly bear habitat, and in the vicinity of active bald eagle nests and sensitive migratory bird and amphibian habitat, for 10 years.
21. Migratory bison have consistently utilized Horse Butte peninsula and Gallatin National Forest lands in the last two decades, and historically indigenous bison populations migrated through and occupied the Yellowstone, Gallatin, and Madison River valleys for thousands of years on the present day Gallatin National Forest and Yellowstone National Park. (Schullery, P., and L. Whittlesey. 2006. Greater Yellowstone bison distribution and abundance in the early historical period. Pages 135–140 in A. Wondrak Biel, ed., Greater Yellowstone

- Public Lands: A Century of Discovery, Hard Lessons, and Bright Prospects. Proceedings of the 8th Biennial Scientific Conference on the Greater Yellowstone Ecosystem. October 17–19, 2005, Mammoth Hot Springs Hotel, Yellowstone National Park. Yellowstone National Park. Wyo.: Yellowstone Center for Resources).
22. As Executive Director of the nonprofit Cold Mountain, Cold Rivers from 2000-2001, I submitted several comments on Gallatin National Forest's environmental analysis and decision to renew the Horse Butte cattle grazing allotment for 10 years. The Gallatin National Forest Horse Butte grazing allotment was vacated by court order in a 2002 injunction issued by U.S. Judge Ricardo Urbina, adopting findings and National Environmental Policy Act violations by Magistrate Judge John Facciola who wrote: "closure of the allotment to livestock grazing would significantly reduce the need for hazing and killing of bison."
 23. In 2009 the Gallatin National Forest administratively closed the Horse Butte grazing allotment after an eight-year vacancy and to reduce wildlife conflicts with grazing cattle, and recognized the inherently high wildlife values on the Horse Butte allotment for the rare purple monkey flower, western toads, grizzly bear, bald eagle, grey wolf, and bison.
 24. Despite these changed circumstances wild bison migrating to and occupying the Gallatin National Forest are still subject to harassment, capture in pens, shooting and forced removal by Montana Dept. of Livestock agents and National Park Service rangers with assistance from U.S. Forest Service law enforcement officers, causing injury to wild bison, disturbing and disrupting the ecosystem, and removing a food source for threatened grizzly bears, grey wolves, eagles, ravens, coyotes, and other wild species that benefit from the presence of migratory bison.
 25. Along with 68 local West Yellowstone, Montana residents and over 20,300 supporters of Earthjustice, in March 2008 I signed a letter to Supervisor Mary C. Erickson and Superintendent Suzanne Lewis, requesting the agencies cease harming or killing bison on Horse Butte and to fully consider all changed circumstances such as cessation of cattle grazing that would favor wild bison occupying their native habitat year-round on the Gallatin National Forest. Despite the closure of the Horse Butte cattle grazing allotment and commitment by the Galanis family welcoming bison on the Yellowstone Ranch Preserve, the former Munns family ranch who ran the only cattle grazing

allotment on Horse Butte, and widespread local support for wild bison on places like Yellowstone village, Supervisor Erickson renewed the Montana Dept. of Livestock's bison trap on Horse Butte for 10 years, and she has failed to get IBMP decisions recognizing suitable bison habitat exists and to manage habitat for wild bison populations on the Gallatin National Forest.

26. The re-issuance of Montana Dept. of Livestock's Special Use Permit, and re-authorized use of the bison trap degrades my experience and enjoyment when visiting Horse Butte and the surrounding basin, and my attempts to view wild bison and other native species in nature. I experience harm by the on-going failure of the agencies to follow National Environmental Policy Act procedures to determine the effects of their actions based on new science and information, removal of cattle from public and private lands, and other significant factors including wild bison population viability and their keystone ecological role.
27. The IBMP agencies have denied me the opportunity to enfranchise my interest in restoring wild bison in their native ecosystem by failing to properly review new circumstances under the National Environmental Policy Act (NEPA) favorable to conserving wild species. Additionally, the failure of the IBMP agencies to deliver scientific data and results on how the IBMP is impacting bison genetic health, diversity and well being, and ecology, I am denied information about the on-going impacts of IBMP management on the bison populations that I value. (Appendix D, FEIS Volume I, Interagency Bison Management Plan, pages 728-749, identifies major gaps in scientific understanding, and recognizes the continuing need for information as a necessity in improving management). Continued use of the trap to remove and kill bison, and to force them to flee from Horse Butte affects my ability to experience and enjoy viable populations of wild bison and associated native species on my public lands.
28. These direct and on-going harms to me from IBMP decisions could find relief if this court orders the agencies to evaluate the impacts of all their actions and decisions on wild bison, the ecosystem they inhabit, and the ecological influences of migratory bison on diversity, and prevent them from killing bison for "brucellosis risk management" purposes until they know what impacts their management is having and what is necessary to protect viable populations, and orders the agencies to determine and manage for

viable populations of wild bison on National Forests and other habitats in the historic range of bison.

OTHER GALLATIN NATIONAL FOREST CATTLE GRAZING DECISIONS

29. From early 2000 to the present date, I have visited U.S. Forest Service district offices to meet with personnel, requested in writing to be notified of grazing decisions and analyses impacting bison and native wildlife, requested documentation on grazing allotments on the Gallatin National Forest, advocated closure of cattle grazing allotments in bison's native range, and I have viewed and observed ecological degradation and harm caused to native wildlife species and water quality by cattle grazing allotments on the Gallatin National Forest in the Hebgen Lake Ranger District and Gardiner Ranger District, among other districts.
30. As Habitat Coordinator for Buffalo Field Campaign, I was party to comments submitted in January 2010 on the Gallatin National Forest's notice of intention to renew the South Fork and Watkins Creek cattle grazing allotments for 10 years. The Gallatin National Forest's intent to renew the allotments in bison habitat would continue to subject bison to shooting who migrated to the South Fork, and several bull bison have been shot in the South Fork area in the last 10 year cattle grazing permit cycle.
31. I have also viewed, visited, and plan to return to National Forest cattle grazing allotments in bison habitat in Antelope Basin, Wapiti, South Fork, Watkins Creek, Red Canyon, Basin, Slip & Slide, Green Lake, and Wigwam, among other active allotments on the Gallatin National Forest in the bison's native range.
32. I regularly visit and plan to return to as many places as I can in the greater Yellowstone ecosystem. Over the summer of 2010 I plan to visit the Gardiner Ranger District to walk through the Slip & Slide cattle grazing allotment, visit the Hebgen Lake Ranger District to walk through the South Fork & Watkins Creek cattle grazing allotments, attempt to view Yellowstone bison removed from quarantine in the Gardiner Basin to pastures on a commercial bison ranch operated by Ted Turner Enterprises if a public vantage point can be found, among other planned trips. I have already visited and plan to return this year and regularly after that to the Gallatin National Forest in Hebgen basin, Gallatin river valley, and Yellowstone

- National Park specifically for the chance to see wild bison and experience the natural wonders and know that our natural heritage is conserved, protected and recovered.
33. The continued grazing and specific authorizations harm my interests in viewing wild bison on the Gallatin National Forest, and I am concerned about the impacts cattle grazing has on bison, and their habitat, and associated native species and their habitat, as well as IBMP actions taken against wild bison to prevent “commingling” of the species.
 34. These direct and on-going harms to me from IBMP decisions could find relief if this court orders the agencies to consider and evaluate the impacts of grazing domestic cattle in bison habitat, the keystone ecological role of bison on associated species and their habitats, and on sagebrush habitat and obligates on the National Forest, review the suitability of grazing domestic cattle in bison habitat to address potential conflicts; and by requiring the agencies to evaluate how their cumulative decisions are impacting bison as wild, free-roaming wildlife on our public lands; and by requiring the agencies to set standards and take measures to ensure bison are occupying habitat ensuring the species viability and natural adaptation.

BISON HABITAT ON THE GALLATIN NATIONAL FOREST

35. As habitat coordinator for Buffalo Field Campaign, I submitted comments in 2010 and objected to a proposed “Clean-up Amendment” by the U.S. Forest Service to eliminate its’ 1987 Gallatin National Forest Plan goal to “Provide habitat for viable populations of all indigenous wildlife species . . .” For many years I have long sought and advocated the U.S. Forest Service fulfill its mandate to provide habitat to support viable populations of wild bison on our National Forests.
36. Despite its principle responsibility in the Interagency Bison Management Plan to “provide habitat for bison” the U.S. Forest Service consistently abdicates its mandate to provide habitat to support viable bison populations and has failed to get its agency partners to permit the agency to do its duty by providing secure wild bison habitat on our National Forests.
37. By performing suitability analyses, and with a concurring decision by the Forest Supervisor, the U.S. Forest Service can permanently close grazing allotments in bison habitat and help achieve the Forest’s goal

of providing habitat for viable populations of all indigenous wildlife species on the Gallatin National Forest. Based on my review of active U.S. Forest Service grazing permit data, there is at minimum 45,280 acres dedicated for grazing domestic cattle in migratory corridors, historic and suitable wild bison habitat on the Hebgen Lake and Gardiner Ranger Districts of the Gallatin National Forest.

OTO RANCH & ROYAL TETON RANCH DECISIONS

38. In July 2004 I submitted comments on the Gallatin National Forests multi-million dollar acquisition of the 3,265 acre OTO Ranch in Northern Yellowstone to benefit native species advocating the Forest make the acquired habitat available for wild bison to occupy in the Gardiner basin. While the Forest recognizes the OTO Ranch is suitable winter range habitat for bison, Interagency Bison Management Plan Zone boundaries have not changed to reflect any changed circumstances on the ground, that is, absence of grazing cattle, closure of vacant and unused Gallatin National Forest grazing allotments, and conservation of wildlife habitat with taxpayer dollars, among others. Bison attempting to migrate to the OTO Ranch could be shot and are forcefully removed by hazing to prevent bison from accessing and occupying habitat east of the Yellowstone River.
39. As Habitat Coordinator for Buffalo Field Campaign and in conjunction with Western Watersheds Project, in October 2008 I submitted comments on a 30-year lease of grazing rights on Church Universal & Triumphant lands, funded in part by \$1,500,000 from Yellowstone National Park, and with permission from the Gallatin National Forest to construct miles of electric fencing in a wildlife corridor. I object to the injurious terms subjecting wild bison to harassment off their native habitat, capture in pens, handling and artificial feeding, blood sampling, vaginal telemetry, ear-tagging and marking, to determine eligibility for limited numbers of wild bison to seasonally migrate the electrified fenced corridor where little native grass occurs, who could be subject to capture again on Gallatin National Forest lands purchased for their native wildlife values with over \$13,000,000 from the National Park Service and U.S. Forest Service in 1998-1999.
40. Despite the enormous expenditure of American taxpayer funds on habitat conservation few if any wild bison have benefited, nor are bison treated as a wildlife species, and bison population viability is

impaired by contractually imposing seasonal, numerical and other restrictive limits on bison utilizing the leased habitat and associated National Forest lands over the next 30 years. The agreement by the National Park Service to capture wild bison inside Yellowstone National Park at Stephens Creek to be run through a gauntlet of invasive livestock management techniques is an assault on this wildlife species.

41. The impacts of continuing to intensively manage wild bison, capture them, kill those testing positive for an immune response to brucellosis (and not actual infection), erecting an electrified fence in a narrow corridor and using livestock management techniques embodied in the Royal Teton Ranch (RTR) decision negatively impacts the bison populations and their natural use of native habitat and threatens their identity and viability as a native wildlife species. The agencies have not fully evaluated, do not know or understand, and have not disclosed the cumulative impacts of their management decisions on wild bison, nor have the agencies adapted standards and taken measures to prevent harm to wild bison and conserve, protect and restore viable wild populations. These arbitrary IBMP decisions harms my interest in observing wild bison in the National Forest and Park, and negatively impacts my use of these areas and enjoyment of this unique species in their native habitat.
42. These direct and on-going harms to me from IBMP decisions could find relief if this court orders the agencies to consider and evaluate the impacts of the IBMP and RTR decisions on bison in a NEPA document, and involving the public, including evaluation of all the new information and changed circumstances that has arisen including but not limited to acquisition and conservation of habitats for their wildlife values. The harms would also be remedied if this court orders the agencies to determine and manage for viable populations of wild bison in the National Park and Forest, and surrounding habitats, and to ensure that based on all the available information that the agencies manage to conserve, protect and restore these valuable bison in their native habitat.

GOVERNMENT OPERATIONS & IMPACTS HARMING BISON

43. As a member of the nonprofit Cold Mountain, Cold Rivers in the winter of 1994-1995 I observed with co-worker Ritchie Doyle the forced removal by hazing of a wild bison cohort along an abandoned

- railroad bed near the Old Yellowstone Trail who were shot by National Park Service rangers, among other government agents present, on Church Universal & Triumphant lands near Yellowstone National Park.
44. As a member of the nonprofit Cold Mountain, Cold Rivers in the winter of 1996-1997 I witnessed Montana Dept. of Livestock agents shooting a cohort of wild bison bedded down on Church Universal & Triumphant lands near a private village just outside Yellowstone National Park. I audio recorded and co-worker Michael S. Mease videotaped an interview with village resident Al Jensen, now deceased, who was watching the bedded bison and along with a neighbor witnessed the bison shooting from his kitchen window. A segment of Al Jensen's interview was broadcast on CNN news.
 45. During the winter of 2007-2008 on a Buffalo Field Campaign patrol I observed and video documented with local resident George Nell, National Park Service rangers on horseback harass bison in the vicinity of U.S. Forest Service conservation easement lands on Devil's Slide for capture at Yellowstone National Park's Stephen Creek trap. Since 2000, Yellowstone National Park has operated its Stephens Creek trap inside Yellowstone National Park to capture bison migrating into Gardiner basin sending over 2,600 wild bison to slaughterhouses. It is uncertain how each distinct breeding group or subpopulation has been impacted by the non-random and on-going slaughter of large numbers of the bison population remaining. To my knowledge, wild bison have been captured by the National Park Service inside Yellowstone National Park and consigned to slaughterhouses without testing for *brucella abortus* antibodies, and wantonly slaughters bison that are not infected with any exotic cattle introduced disease like brucellosis because the Park has not developed the best available science technology to determine real time infection without killing wildlife.
 46. I contributed research and writing, reviewed and edited, and in April 2008 Buffalo Field Campaign, along with several groups and concerned individuals, submitted an emergency rule making petition to the U.S. Dept. of the Interior, National Park Service to protect the diversity and viability of bison in Yellowstone by ending government slaughter operations that had forever removed over 1,400 of the specie in one season: 1,341 bison captured and sent to slaughter, 99 bison removed for quarantine, and several bison who died or were euthanized in captivity. Over 109,000 people mobilized by the Natural

Resources Defense Coalition joined our petition and contacted National Park Service Director Mary Bomar asking her to end the bison slaughter.

47. The emergency rule making petition presented evidence of loss of bison genetic diversity in the population as a whole and within distinct breeding groups, loss of whole familial maternal groups and bachelor bull cohorts, and called upon the Park Service to conserve a minimum of 2,000 mature bison in each subpopulation not subject to non-random removal by the government to ensure that 95% of genetic diversity would be conserved.
48. None of the agency partners have adapted any additional safeguard measures to ensure bison genetic diversity and viability beyond the Interagency Bison Management Plan's 2,100 total bison population measure triggering increasing use of non-lethal activities. Nor have the agencies taken a hard look at what they are doing by fully analyzing and disclosing the impacts of their management actions and the population management thresholds in the IBMP on bison genetic diversity, population viability, subpopulation impacts, and associated ecological impacts of disrupting bison and non-randomly killing members of the population continuously.
49. I am deeply troubled that the total, on-going government-led slaughter of over 5,000 bison since 1995 has led to the irreparable loss of bison genetic diversity, impaired the ability of indigenous bison to occupy habitat that sustains wild populations on our National Forests and Parks, and harmed the biological integrity and fitness of the distinct breeding groups or subpopulations that comprise the genetically isolated and unique Yellowstone population.
50. In May 2008 I witnessed several mixed groups of bison including newborn calves that were forced off habitat on the Gallatin National Forest into Yellowstone National Park where forage was inaccessible due to flooding conditions along the Madison River. Coming on the heels of the largest bison slaughter since the 19th century - over 1,600 bison permanently removed in one winter - the repeated, forceful removal of bison from habitat available on the Gallatin National Forest to flooded habitat inside Yellowstone National Park is difficult to fathom.
51. In August 2009 I witnessed a bull bison from the Yellowstone population shot dead by U.S. Dept. of Agriculture (APHIS) agents after migrating through the Gallatin National Forest and Targhee

- National Forest into Idaho, south of Twin Creek near the Nature Conservancy's Flat Ranch property.
52. Witnessing these events, and having knowledge that the bison I value and honor is impaired by these actions, harms my interests and prevents me from having the kinds of experiences I value and enjoy and expect on the Forest, in the Park, and on surrounding lands where I live and regularly visit.
 53. These harms could be remedied by a court order enjoining the agencies from capturing and killing bison without adequate justification, when no cattle are present, and without evidence that bison are contributing to brucellosis outbreaks in any way; and by requiring the agencies to consider in a NEPA document the impacts of all their actions and decisions on bison and other native species, and by requiring the agencies to ensure their management does not impair bison and other natural resources, conserves and protects the integrity of the bison populations and their genetics, and protects sagebrush habitat and other species associated with bison occupying their native habitat.

SPIRITUAL & CULTURAL EVENTS & IMPACTS

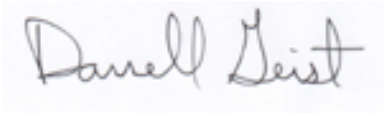
54. In March 1997 I participated in a National Day of Prayer for the Buffalo, a spirit releasing pipe ceremony for over 1,000 buffalo slaughtered in Yellowstone that winter, led by Lakota leaders Joseph Chasing Horse and Chief Arvol Looking Horse, 19th Generation Keeper of the Sacred White Buffalo Calf Pipe, at Stephens Creek, Yellowstone National Park. During the prayer and pipe ceremony, several participants heard gunshots and later discovered 8 bison shot on Church Universal & Triumphant lands. My friend Rosalie Little Thunder was arrested for trespass by attempting to pray where Montana Dept. of Livestock agents shot the bison.
55. In February 1999 I videotaped the arrival of Lakota, Algonquin, Apache, Assiniboine, Blackfeet, Crow, Navajo, Nez Perce, Northern Cheyenne, Southern Ute and Tuscarora delegates, among other American Indians present, who had made a 500-mile journey on foot and horseback to Yellowstone National Park to plead with the U.S. government to end the bison slaughter. I gathered with the people to hear elders speak, to hear traditional songs, and observe cultural ceremonies performed near the Arches in honor of the buffalo, and

- shared in a community meal together to honor all the people who made the 500-mile journey.
56. In April 2008 I participated in the National Day of Prayer for the Buffalo led by Lakota Chief Arvol Looking Horse, 19th Generation Keeper of the Sacred White Buffalo Calf Pipe, and served as a liaison to confirm location of the prayer site at Stephens Creek trap with National Park Service representatives. In part, Chief Looking Horse said the ceremony is for: “These Buffalo that lost their lives in Yellowstone did not die by Natural Law, nor were their spirits honored with ceremony. This is why we must go there to perform a ceremony of honor for those that lost their lives by the misunderstanding of human-kind and pray to Wakan Tanka (Great Spirit) for pity of how gifts were unappreciated. We must pray with all those who grieve and be grateful for them.” (Arvol Looking Horse, To Save the Buffalo Nation, April 2008).
57. In June 2008 I was invited by Rosalie Little Thunder, Rosebud Lakota tribal delegate to an intergovernmental meeting of Yellowstone National Park and affiliated American Indian tribes in Mammoth, Yellowstone National Park. The tribal delegates expressed their frustration over Yellowstone National Park’s neglect of its trust responsibilities, lack of U.S. government decision makers present, the agency’s ineffective consultation process, and the continuing slaughter of bison by the National Park Service. The tribal delegates called for a cessation of the meeting for prayer and to caucus on how to proceed in the face of these circumstances. To my knowledge, there has been no further intergovernmental meeting of Yellowstone National Park and affiliated American Indian tribes to address tribal concerns and interests.
58. In May 2009 I participated in a sacred fire ceremony and I was asked to look after the sacred fire by Chief Arvol Looking Horse, 19th Generation Keeper of the Sacred White Buffalo Calf Pipe, on Horse Butte, to honor the wild bison that seek refuge on the Gallatin National Forest. A community feast was held in West Yellowstone, Montana with stories and honor songs shared with the people who came near and afar to recognize and honor wild buffalo.
59. Scott Frazier, a Santee and Crow Indian from Bozeman, Montana has visited Hebgen basin several times to lead prayer ceremonies for the buffalo that I attended along with members of Buffalo Field Campaign who experience and witness wild bison being forced to flee

habitat, or held in captivity in pens on National Forest and National Park Service lands, or shot.

60. Traditional indigenous cultures that view American bison as kin and an enduring part of their culture have much to offer the culture I was born into, who a little more than a century ago drove the wildlife species to the brink of extinction and has not recovered the wild species in their original range. I along with many other people have long sought for our culture to stop harming the wild bison species, to embrace the ecological role of having wild bison exist and adapt as wildlife in their native ecosystems, and pray for relief and remedies from this court that embody this duty and obligation to future generations.

Executed the 29th day of June 2010.

A handwritten signature in cursive script that reads "Darrell Geist". The signature is written in dark ink on a light-colored background.

Darrell Geist