



United States Department of the Interior

NATIONAL PARK SERVICE

PO Box 168
Yellowstone National Park
Wyoming 82190

IN REPLY REFER TO:

A7221(YELL)

CERTIFIED

April 6, 2005

Mr. Darrell Geist
P.O. Box 7941
Missoula, Montana 59807

Mr. Dan Brister
Buffalo Field Campaign
P.O. Box 957
West Yellowstone, Montana 59758

Dear Mr. Geist and Mr. Brister:

This letter is in response to your Freedom of Information Act (FOIA) request of March 2, 2005, received in this office on March 2, 2005, in which you requested "agency records held by Yellowstone National Park concerning the Royal Teton Ranch land acquisition and exchange, and Devil's Slide conservation easement in the Gardiner Basin...Specifically...agency records including the names and addresses of the correspondents, the dates and titles of the subject matter, if any, of correspondence, memos, meeting notes or other agency records with any party regarding the Royal Teton Ranch land acquisition and exchange, and the Devil's Slide conservation easement beginning January 1, 1998 to date."

It is the policy of the National Park Service (NPS) to: (1) make records of the NPS available to the public to the greatest extent possible in keeping with the spirit of the FOIA; (2) make documents requested under the FOIA available at the earliest possible date while, at the same time, protecting the rights of the individuals involved and the administrative processes surrounding such rights; and (3) withhold documents falling within one of the FOIA exemptions only if disclosure is prohibited by statute or Executive Order (EO).

Your request is being processed under the provisions of the Freedom of Information Act (5 United States Code 552 as amended by Public Law 104-231, 110 Stat. 3048); United States Department of the Interior ("Department") implementing regulations found at 43 Code of Federal Regulations Part 2, Subparts A through E (see Federal Register of October 21, 2002, Vol. 607, No. 203, page 64527), PUBLIC LANDS: INTERIOR, beginning at 2.1; and the Privacy Act of 1974 (Public Law 93-579). Please be advised that additional FOIA and/or Privacy Act guidance/regulations may also be found at either the Department's web site, www.doi.gov/foia, or the United States Department of Justice site, www.usdoj.gov.

As Mr. Geist and I agreed in a phone conversation March 14, 2005, Yellowstone National Park will not include copies of the documents listed in your request that you have indicated you already have, which include:

- Devil's Slide Purchased Conservation Easement BASELINE STUDY Royal Teton Ranch Conservation Project, January 2001
- Church Universal and Triumphant Devil's Slide Conservation Easement Grazing Management Plan, December 10, 2002
- Real Estate Purchase Option Agreement, February 10, 1999
- Deed of Conservation Easement, Royal Teton Ranch-Devil's Slide Area, August 30, 1999
- Transcript of Press Conference, Bozeman, Montana, November 11, 1998

Your request has been granted, in part, insofar as documents responsive to it, with the exception of the documents listed above, are enclosed. These documents include the following in their entirety:

1. October 22, 2002, letter from Michael Scott, Executive Director, Greater Yellowstone Coalition, to Kate Gordon, President, Church Universal and Triumphant (1 page)
2. August 28, 2002, email from Wayne Brewster to Frank Walker, Glenn Plumb, Janice Laye, John Varley, and Rick Wallen (all NPS) - Subject: Meeting with RTR (1 page)
3. April 12, 2002, notes taken by Wayne Brewster (NPS) from meeting with Superintendent, Yellowstone National Park (1 page)
4. October 24, 2001, Bison Management Plan for Yellowstone National Park and Montana briefing for the Director, National Park Service (4 pp.)
5. October 2, 2001, letter from Kathleen A. Gordon, President, Church Universal and Triumphant, to Wayne Brewster (NPS) (1 page)
6. September 28, 2001, letter from Kathleen A. Gordon, President, Church Universal and Triumphant, to Bob Dennee, Lands Program Manager, U.S. Forest Service (1 page)
7. July 18, 2001, email from Wayne Brewster to John Varley, Tom Olliff, Glenn Plumb and Mark Biel (all NPS) – Subject: Martin's call (handwritten notes taken by Wayne Brewster, NPS) (1 page)
8. March 8, 2000, letter from Kathleen A. Gordon, President, Church Universal and Triumphant, to Michael Finley, Superintendent, Yellowstone National Park (3 pp.)
9. September 24, 1999, email from Sarah Bransom (NPS) to Marion Cherry, Wildlife Biologist, Gallatin National Forest– Subject: RTR wording (1 page)
10. September 1, 1999, Salt Lake Tribune article "Church Turns Over Land to Government" (2 pp.)
11. August 29, 1999, Rocky Mountain Elk Foundation news release "Royal Teton Ranch Phase II purchase agreement reached, public celebration planned" (2 pp.)
12. August 29, 1999, Royal Teton Ranch Land Conservation Project Components and Chronology (2 pp.)
13. August 23, 1999, Livingston Enterprise article "Clinton says CUT, feds complete land deal" (1 page)
14. August 22, 1999, Washington Times article "Clinton pushes spending for parks" (1 page)
15. August 22, 1999, Bozeman Daily Chronicle article "President uses CUT deal to tout 'land legacy'" (1 page)
16. August 22, 1999, Casper Star Tribune article "Feds finalize Royal Teton deal" (1 page)
17. August 22, 1999, Billings Gazette article "Clinton announces purchase of CUT land" (1 page)
18. April 26, 1999, letter from Yellowstone National Park Superintendent Michael V. Finley to John R. Logan, U.S. Forest Service (2 pp.)
19. March 3, 1999, fax from Karen Kovacs, Office of the Assistant Secretary for Fish, Wildlife and Parks, to Joe Sable, Murray Steinman, Bob Dennee (USFS), Marv Jensen (NPS) and Ron Marcoux of February 23, 1999, letter from Congressmen Byrd, Gorton, Dicks and Regula to Secretary of Interior Bruce Babbitt (3 pp.)
20. February 10, 1999, letter from Governor Marc Racicot to Senator Conrad Burns (1 page)

21. December 23, 1998, Bozeman Daily Chronicle article "Conditions placed on CUT ranch purchase" (2 pp.)
22. December 10, 1998, letter from Attorney Joseph W. Sabol to Yellowstone National Park Superintendent Michael Finley (2 pp.)
23. November 1998 "Royal Teton Ranch-Summary of Components," author unknown (7 pp.)
24. September 20, 1998, memorandum from unknown to Lisa Diekmann, Yellowstone Park Foundation, Subject: Congressional Contacts (5 pp.)
25. May 8, 1998, letter from Gary J. Wolfe, President and CEO of Rocky Mountain Elk Foundation, to Secretary of Interior Bruce Babbitt, Secretary of Agriculture Dan Glickman, and Governor Marc Racicot (3 pp.)
26. April 29, 1998, fax from Julie Lapeyre, Office of the Governor, State of Montana, to Karen Kovacs of April 27, 1998 letter from Governor Marc Racicot to Senator Max Baucus (4 pp.)
27. No date – note from Wayne Brewster (NPS) to Karen Kovacs based on Governor Racicot's April 27, 1998, letter to Senator Max Baucus (1 page)
28. No date - note from Yellowstone Chief of Public Affairs Marsha Karle to Assistant Superintendent Marv Jensen regarding NPS guest list for August 7, 1999, Royal Teton Ranch event (1 page)
29. No date – Attributes of Current Royal Teton Ranch Acquisition/Exchange/Easement Proposal, author unknown (1 page)
30. No date – handwritten notes, author unknown (2 pp.)
31. No date – Greater Yellowstone Coalition publication "Land Conservation Project, Northern Yellowstone Area, Maps of Existing and Proposed Land Ownership with Transparencies of Ungulate Habitat Use" (2 pp.)
32. No date – Unidentified newspaper articles "Feds: brucellosis vaccine a priority," and "CUT agrees to the framework of deal with Elk Foundation" (1 page)

Several documents that originated with other agencies have also been located and have been referred to those agencies for processing. For your information, the agencies these documents have been referred to and the contact information for those agencies are listed below:

- Department of Interior – 11 documents totaling 47 pages
 Ms. Diane Cooke
 U.S. Department of Interior
 NPS Administrative Program Center
 1849 C Street, Northwest
 Washington, D.C. 20240
 (202) 354-1925
- Department of Justice – 2 documents totaling 11 pages
 Mr. Matt Roper
 U.S. Department of Justice
 950 Pennsylvania Avenue, Northwest
 Washington, D.C. 20530
 (202) 514-2007
- U.S. Forest Service – 3 documents totaling 10 pages
 Ms. Kathy Oelke
 U.S. Forest Service
 P.O. Box 7669
 Missoula, Montana 59807
 (406) 329-3256

Your request has been denied, in part, insofar as certain items pertaining to certain inter- and intra-agency communications protected by the deliberative process privilege and attorney work-product privilege have been withheld. The material is exempt from release under the provisions of 5 U.S.C. § 522(b)(5). For your information, material withheld in its entirety consists of 15 documents totaling 49 pages.

An additional 7 documents totaling 28 pages have been released with redactions made of information protected by the deliberative process privilege cited above, and by the Privacy Act of 1974 (P.L. 93-579), insofar as certain items of personal information (addresses, telephone numbers, etc.) will have been purged from these files. Even though this personal information may be available to you through other sources, we are prohibited from providing it to you as a matter of United States Law. This information, then, is therefore also exempt from release under provisions of 5 U.S.C. § 552(b)(6) pertaining to personal and medical files the disclosure of which would clearly constitute an unwarranted invasion of personal privacy. The deletion of this personal information does not otherwise affect the basic integrity of the material found in these files. These documents include:

1. June 28, 2004, note from Wayne Brewster to Suzanne Lewis, John Varley, Tom Olliff, Glenn Plumb and Rick Wallen (all NPS), "Cattle Grazing MOU on Royal Teton Ranch" and Option to Purchase an Easement and Grant Right of First Refusal attached (10 pp.)
2. June 25, 1999, fax from Karen Kovacs, Office of the Assistant Secretary for Fish, Wildlife and Parks, to Sarah Bransom and John Mack (NPS), summary of livestock operations on the Royal Teton Ranch, 1999 (2 pp.)
3. June 21, 1999, fax to Donald Barry, Assistant Secretary, U.S. Fish and Wildlife Service, from Superintendent's Office, Yellowstone National Park, of "History of Cattle Use by Leasee on RTR" and copy of June 20, 1999, email from Marv Jensen, Assistant Superintendent, Yellowstone National Park, to Wayne Brewster (NPS) (4 pp.)
4. January 22, 1999, handwritten notes from meeting with Royal Teton Ranch; January 21, 1999, handwritten notes from phone call with Dave Garber (USFS); January 22, 1999, handwritten notes from conversation with Pat Graham, author unknown (6 pp.)
5. No date – Follow-up to Superintendent Suzanne Lewis' September 14, 2002, email on the September 24th bison meeting by Wayne Brewster (4 pp.)
6. No date (2001 or 2002) – handwritten notes taken by Wayne Brewster (NPS) from conversation with Bob Dennee, Lands Program Manager, U.S. Forest Service, regarding change of administration at Royal Teton Ranch (1 page)
7. No date (late 1998 or early 1999) – handwritten notes from conversation with Murray Steinman and Joe Sabo, author unknown (1 page)

You may appeal the partial denial of your request. Under 43 CFR 2.28, you have the right to appeal this decision to: Jack O'Brian, Freedom of Information Act Officer, Intermountain Region/NPS, 12795 West Alameda Parkway, P.O. Box 25287, Denver, Colorado 80225-0287, or by faxing (303) 969-2002.

Your appeal must be in writing and must be received no later than 30 workdays from the date of this letter. A copy of your original request and this letter must accompany the appeal. To expedite the appellate process and to ensure full consideration of your appeal, your letter should contain a brief statement of the reasons why you believe this decision is in error. The appeal should be marked "FREEDOM OF INFORMATION APPEAL" both on the envelope and face of the letter.

Agencies are not required to create documents that do not exist to respond to requests. However, please be assured that every effort to provide documents responsive to your request has been made. Fee waivers are determined on a case-by-case basis. We have waived all fees associated in responding to this request.

The enclosed documentation fulfills your FOIA request. If you have questions concerning this FOIA response, please contact me at (307) 344-2003. Thank you for your interest in Yellowstone National Park.

Sincerely,

A handwritten signature in black ink that reads "Kerrie M^e McCartney". The signature is written in a cursive style with a large, stylized initial "K".

Kerrie McCartney
Freedom of Information Act Coordinator

Enclosures

cc:
Jack O'Brian, IMR FOIA Officer

All:

Attached are the following documents:

- Memorandum of Understanding and Covenant for Further Assurances between Church Universal and Triumphant and DOI indicating that after the ROD's were signed that the Church would remove cattle from the Ranch for 5 years.
- My informal note to Debra Hecox on her view of the status of the MOU.
- Her informal reply indicating that the Church committed to this action.
- The language from the Conservation Agreement that discusses the preparation of grazing plans, wildlife plans, and bison plans for the RTR.

I provide these documents so we can ruminate on them and meet in the near future to discuss possible courses of action.

~~Wayne~~

PS: Attached is another document pertaining to this subject prepared in the spring of 2002.

WGB

6/28/04

B:

Would you send a copy of this note & attach one of the summaries to:

Suzanne
John
Tom
Glenn
Rick

W

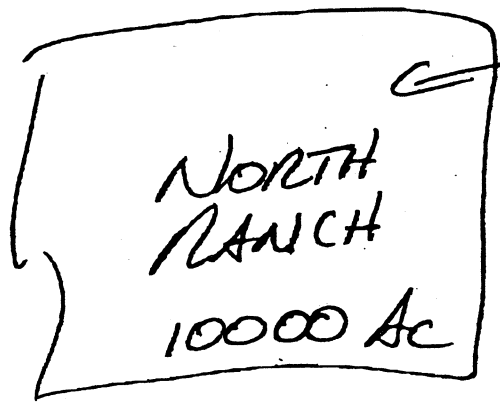
CATTLE GRAZING MOU ON ROYAL TETON RANCH

- As part of the land purchase and exchange between the Rocky Mountain Elk Foundation and Royal Teton Ranch (RTR), a conservation easement was purchase on ranch land from the park boundary to just south of Trestle Ranch – a distance of about 1/3 the way between the park and Yankee Jim Canyon.
- One provision in this easement is that there shall be no livestock grazing on the easement area during winter from October 15th until June 1st. This was to provide a livestock free period for wildlife management – particularly bison.
- Further, the Asst. Secretary's office (Don Barry) negotiated a MOU (attached) with the Church which provides for a five-year moratorium on cattle use on all of the RTR lands to avoid bison-cattle conflicts.
- The current cattle lease on the ranch expired this spring.
- At a recent meeting between Church officials and the Gallatin Forest staff, the Church indicated that it wanted the Forest Service to reactivate the Park and Sentinel Butte cattle allotments, which are west of the Yellowstone River and north of the Park. The Church said they were going to graze cattle on their private property but also wanted to use the summer allotments.
- Forest Lands Officer, Bob Dennee, called and asked what the Park's position would be. The Forest believed that there was a recorded agreement between DOI and the Church that there would be no grazing on the entire ranch after the current lease expired in the spring of 2002 for a period of five years.
- We sent the agreements to Debra Hecox in the Regional Solicitor's Office and asked for an informal review. Her assessment (attached) [REDACTED]
- Park staff met with the Assistant Superintendent and it is our view [REDACTED]
- The Forest staff will be meeting again with the Church in early May. They have had the MOU reviewed by their OGC and their attorneys, as well as those of the Rocky Mountain Elk Foundation. [REDACTED]
- The Gallatin Forest Supervisor will be with you next week and wishes to speak with you about it. [REDACTED]

Bison C

↑
Land
Exchange
+
DS eas

N ↑



300 PAIRS
MAY 20 - ~~NOV 1~~
NOV 1
NOV 1 → JAN 15
500 COWS
500 COWS

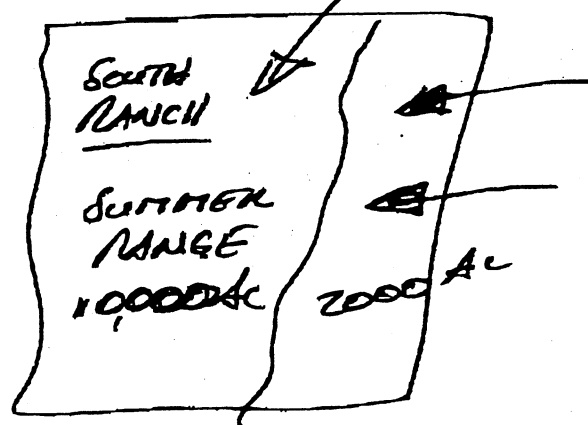
20 miles



JAN 15 - MAR 15
500 COWS

BOGT HAY

15 miles



200 PAIRS
JUNE 1 - NOV 15

MAR 15 - JUN 1
500 COW

WINTER RANGE

1200 HAY

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages 2

Sarah Branson
John Mack

From Karen Kovacs

Phone #

Fax #

TIME LINE

MAY 15 - JUNE 1st500 COWS - CALVING + BEING FED
AT SOUTH RANCHBETWEEN MAY 15 - JUN 1st300 PAIR WILL BE
MOVED TO NORTH RANCH

JUN 1 - NOV 1

300 PAIR AT NORTH RANCH
200 PAIR AT SOUTH RANCH

NOV 1 - 15 → JAN 1

500 DRY COWS AT NORTH RANCH

JAN 1 → MAR 15

500 DRY COWS AT [REDACTED] PARS

MAR 15 - 500 BAIL TO SOUTH

Author: Marv Jensen at NP-YELL
Date: 6/20/99 8:10 PM
Normal

TO: Janice LayeCC: Wayne BrewsterSubject: RTR Meeting
Message Contents

Jan:

Please call Richard, at Don Barry's office and find out where he is staying in Bozeman so that when Wayne gets the stuff together (see below) tomorrow we will know where to fax it.

Thx.

Marv

Roslyn (202) 208-3928

near Costco
Wingate Inn
582-4995

Forward Header

Subject: RTR Meeting
Author: Marv Jensen at NP-YELL
Date: 06/20/1999 7:57 PM

Wayne:

Mike talked with Don Barry today (Sun. 20th). Barry and Kovacs are coming out tomorrow to meet with Murray Steinman on Tues. It is partly a bury the hatchet meeting and partly try to move forward at least and maybe at best come to concepts that might close the deal. What Barry wants from us - to be faxed to his room tomorrow night is the history of actual use by [REDACTED] over the last several years/term of lease. We could get the actual use records from Forest Service - John Logan. And there may be some folks associated with the ranch that we know that could tell us what the use patterns have been. What Barry is looking for, obviously, is, do the needs that Karen has been hearing from Murray reflect the actual cattle grazing use patterns over the years and therefore is there some negotiating room. For example, he says that he has been using the ranch in May - is that really so or did he feed in May, and therefore could we suggest that he do that for the remainder of the lease and we pay him to do so. Or any other kinds of actual use that would give us something to go on.

Thx.

Marv

National Park Service
Yellowstone National Park
Mammoth, WY 82190



Date: 6/21/99 Fax Number: 406-582-7488

TO: Donald Barry - Guest

FROM: Yellowstone Superintendent's Office

SUBJECT: RTR Information

TOTAL NUMBER OF PAGES (including this cover sheet) 3

SPECIAL INSTRUCTIONS:

If there is a problem, please call (307) 344-2003. Fax machine number is (307) 344-2005.

HISTORY OF CATTLE USE BY LEASEE ON RTR

This summary is from recollections, notes taken during meeting on February 1 with RTR, FS, DOL, NPS, discussions with John Logan at FS District Office, and discussions with NPS staff.

Recollections are that [REDACTED] began running cattle on RTR in 1995 or 96. That lease was apparently renewed in 97/98 and is to run through 2002 (exact date of expiration is unknown). Use of the area by cattle has varied slightly from year to year and seems to influence the times when cattle are moved to specific areas. [REDACTED] main ranch is at Belt, MT, which is east of Great Falls. Besides the RTR lands south of Yankee Jim Canyon, he also leases land from RTR on their "North Ranch" which is north of Emigrant, MT, about 35 miles north of Gardiner.

From the meeting notes the general operation is as follows. He has 500 cows and about 100 yearlings at the North Ranch. These are primarily fed at this location during the winter. In early February the 500 cows are brought south through Yankee Jim Canyon and are grazed but mostly fed on the Cutler Meadows just south of Yankee Jim Canyon. He calves in late February and at that time they are moved south to the Trestle Ranch (the large ranch headquarters north of Corwin Springs at the mouth of Mol Heron Creek on the west side of the Yellowstone River. They are calved at Trestle Ranch and in early to mid-April after calving are moved south to the Spring Creek area south of Corwin Springs on the west side of the Yellowstone. They are fed and grazed on this low area through May and are moved progressively farther south to graze early green-up along with supplemental feeding. For example, this year they were in this area until early June. The "on dates" for the Park Allotment is June 15th and the permit is for 200 cow/calf pairs. At this time he puts 200 onto the checkerboard Forest Service/RTR lands and takes the remaining (about 300 cows = calves) back to the North Ranch. If he takes some or all back to the home ranch at Belt, MT, at any time is unknown.

The cattle are grazed on the public/private higher elevation allotments through the summer and early fall. The "off dates" vary between allotments from early October to early November with all of by November 5. It is everyone's general recollection that the cattle are moved north in late October because there is generally no (or few) cattle on the ranch during the hunting seasons. The general hunting season runs from the third week of October through the Sunday after Thanksgiving in late November. The late elk season runs from early January to mid February. At that time the cattle are brought back and the cycle repeats.

In summary:

Late October/early November	Cattle at "North Ranch"
Early February	Cattle (500) brought south of Yankee Jim Canyon
Late February	Cattle move to Trestle Ranch for calving
April 15 to June 15	Progressively moved south to Spring Creek area
June 15	200 moved to Public/Private land allotments, 300 north
October - 5 November	Moved off allotments
Mid November - early February	Moved to North Ranch.

His stated reason for operating this way is that it is more economical to bring cattle in and feed them on site rather than truck the hay grown on the ranch to the cattle at another location. Because of the condition of the Corwin Springs Bridge, any hay trucked out (or in) would have to be hauled past Stephens Creek on the inside road in the park. The hay is raised and stored at Cutler Meadows and at Trestle Ranch and consequently used there first. Then the cattle are moved south to the Spring Creek for spring pasture, with hay also fed, after calving.

Building a new bridge at Corwin Springs is likely needed to provide for hauling hay out to be fed elsewhere. That would allow a significant reduction of traffic through the park on the inside road so there would be other benefits. This seems the only way to get hay out to be fed elsewhere and avoid having cattle in the late winter/early spring on the lower elevation RTR property.

#14 - Hunting is an issue

#10 - permanent facility - PS Land
bison holding facility

#17 - FWP - of lease

#18 - FWP Grantee of lease easement
→

#5 - Disposition - post testing

#3 - others may remain per plan
& agreement - Mike Scott

#5 - Low Risk - will all have to be tested
if a low risk agreement can be
arrived at

#19 -

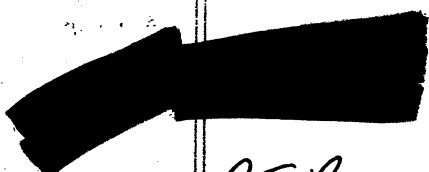
#26/25 Risk coverage - needs research
~~#26~~ - needs research

NPF

Wildlife Protection

Interior
does not
own wildlife
ranges

#28 - need clause for gov't terminate



per year $1\frac{1}{2}\%$ - first 5 yrs } 16 yrs
 " " $1\frac{3}{4}\%$ - 5-10 yrs }
 " " 2% - all years over 10

RTR

- Phase I / Phase II - to Deb
- Move mtg. to 8:00 am Fri
- Dave wants to meet Thurs aft
- whole deal subject to [redacted] lease
-
- mtg. tomorrow cowboy's / consultants
 cut on bison / cows
- bison plan April

Horse Butte -

1/21/99, 587-6701

Dave Garber - phone call this morn - 7:30 am

- Julie concerns
- schedule - concerned it's dropping & would be nullified if could see current schedule - which whatever tweaking
- winter EIS going to be done before Bison - when NPS wants to get it done it moves & does it
- Bison - they feel left out

BY program
 1/21/99

1/22/99

P2A Gresham

Gov wants both phases to happen

- for bison
- of their wildlife

- no need to link bison plan to ag issues

- But - doesn't want to commit

res things pre-decisional to

issues

- quarantine -

- leakage from Eagle Creek

~~Gov paper - 1/22/99 - 1/22/99 - 1/22/99~~

~~1/22/99~~

- 1/22/99
- 1/22/99
- 1/22/99
- 1/22/99

MEK

1/22/99

1/22/99 - 1/22/99 - 1/22/99

2872 - wayne

Clause for remedy - tied to purchase option
moratorium & for phase II
- provision for plan to be developed
consistent with long term plan/EIS

upon completion of the FEIS to USFS DOI st. 24 working
WOC
Church plan ^{as agreed to by USFS} will be incorporated by reference & prior
to that time will be ^{regarded} ~~temporarily~~ as a working document by the
LINEF & CUT

in

upon completion of the FEIS

Upon Completion of the FEIS, the church plan, as agreed to by USFS, NPS/DOI, Montana State, RMEF, etc., will be incorporated by reference, and prior to that time will be regarded as a working document.

A management plan for cattle and bison grazing on Church property has been prepared in draft and will be incorporated in this agreement, by reference as a working document, until completion of the FEIS. At the time the FEIS is completed the grazing plan for management of cattle and bison will be finalized and made a permanent part of this agreement.

Suzanne:


Follow-up to your 09/14/02 e;mail on the September 24th Bison meeting.

Items in your e:mail:

What our Message should be:

- Our message should be that we are prepared to implement the IBMP and record of decision again this winter.
- We will continue to work with MT Department of Livestock on refining field operations.
- We will implement the plan in cooperation with all of the signatories to the respective Records of Decision.
- We need to center our media output and comments to the common elements of the plan and not our respective interest group mantras. Those common elements are that the plan is designed to protect the free-ranging bison POPULATION and protect Montana's brucellosis class-free status. We do this by managing the risk of transmission to cattle through spatial and temporal separation of bison and cattle and removing only those bison necessary under the tenants of the plan. It will protect Montana cattle and protect the bison population.
- We need to stop speculating on the effects of the severity of the winter and the size of the bison population. The plan is designed to handle either. With the requirements of the plan for separation and population limits, some bison will likely be killed every winter. It will likely be several hundred every year on the west side – 200 to 500. On the north it will likely be episodic with some years none or very few and in other years several hundred – 100 to 500. On the north the plan is designed to accommodate about 125 to 150 to be held at Stephens Creek capture facility and 200 or more in Eagle Creek. Eventually it is designed to accommodate an additional 100 on public and RTR lands north of the park on the west side of the Yellowstone.
- But bison will be shipped to slaughter or shot if they can't be captured. That is the product of distribution and population limits. In any event, those captured that test serologically positive will be shipped to slaughter. The question of quarantine was deferred to see if the plan and the agency coalition will hold together.
- Quarantine does offer an option to remove bison that would otherwise be killed but quarantine is expensive - \$1.5 million capital investment and \$1 to \$1.5 million annual operating costs.

The letter from Marc Bridges and the Governor:

- 
- DOL is meeting the week of October 1 to review the operating plan and have requested an electronic version. In my discussions with both FWP and DOL I asked

that they make the changes that they feel they really need and not start with a complete rewrite or just write it from their perspective. We hope to hear from them soon.

The Two Meetings on the 24th

- I will cover each meeting separately but several points in your e:mail are addressed here.
- We (Wayne, Glenn, Rick) met for breakfast with Frank and discussed our strategy. It seemed to play out well during the meetings.
- The Regional Forester did not attend the meeting but they were chaired by Becky.

Briefings

- We have started preparing briefing materials and will be refining both the materials and the message. The basic message will be that we have a workable plan that protects the respective interests. There will continue to be tug and pull from the respective interest groups but this plan is workable and we need to stay the course.
- We will also discuss all the simple solutions that many come up with that have either been tried and don't work or that have been publicly, practically, or legally rejected.
- It would be desirable to have them prior to Thanks Giving but certainly prior to Christmas.

The Agency Meeting on the 24th

- Attendees included:
 - Forest Service – Becky Heath, Rich Inman, Stan Bennish (West District Ranger), Ken Britton (Gardiner District Ranger), and Lorette Ray (Gallatin PAO).
 - NPS: Frank Walker, Wayne Brewster, Glenn Plumb, Rick Wallen.
 - MTDOL: Arnold Gertonson (MT State Veterinarian).
 - MTFWP: Pat Flowers (Regional Supervisor), Curt Ault (Gallatin Biologist), Joe Canard (Regional Warden Captain), Sam Shepard (West Warden).
- Rich Inman opened the meeting with the request that we discuss not “changes to be made” but rather what if any thing has changed.
- Since the Judges decision there have been no cattle on the Horse Butte allotment. There are cattle on private property in the valley during the summer. However, the absence of cattle on Horse Butte does change the political terrain.
- Judge Lovell is the presiding judge (Helena) and is the same judge that has heard all the various bison suits. He has not ruled on the Horse Butte capture facility but DOL is prepared to set the trap up in late November/early December. They want to wait as long as possible because it costs them about \$36,000 per month to provide security to the facility. If the judge rules against the current location they do have a alternative site east of the current site that was analyzed in the FS EA. They will also plan to operate the trap on Duck Creek just west of the park boundary located on private (leased) property. Horse Butte is just a capture facility. Those captured are transported to Duck Creek for testing and processing.

- There were discussions of various aspects but the bottom line is that the agencies are prepared or preparing to implement the plan according to the ROD's. There was no group discussion of the operating procedures.
- There were discussions about what the media message should be this winter. We made the suggestion that we should stop speculating about the winter and use the perspective that I outlined above. There was good support from the FS on this approach and general acceptance. We also suggested that perhaps it was time to stop issuing news releases on routine operations. If we do not wish to make news then we should not send out a news release on each and every operation and include the hot-button mantras that are not accepted by all parties.
- The agencies agreed that the PAO folks should meet to discuss media approaches. We (YCR, Rangers, PAO) are meeting on October 2nd to discuss our strategy.
- Becky suggested and all agreed that the agencies should meet regularly to check in with each other – the same level that was at this meeting. The next meeting is scheduled for December 2, 2002, at 0900 in Bozeman at the Bozeman District Office.

The RTR meeting on the 24th

- Attendees included:
 - FS: Becky Heath, Rich Inman, Lorette Ray, Ken Britton, Bob Dennee (Gallatin Lands Officer).
 - MTDOL: Arnold Gertonson, Marc Bridges, John Bloomquist (Attorney for DOL)
 - MTFWP: Pat Flowers, Curt Ault.
 - NPS: Frank Walker, Wayne Brewster, Glenn Plumb, Rick Wallen
 - RTR: Kate Gordon (Church President), Becky Summerville (Attorney), Judith Filbert (Church Business Manager).
- After the expected pleasantries Becky Summerville recapped the Church's issues and understandings:
 - A big issue called for in the purchase/exchange/easement is preparation of the bison management plan. The instruments say such a plan SHALL be prepared.
 - The instruments say a wildlife management plan MAY be prepared.
 - They are working with FS on developing a grazing management plan.
 - They want in on decisions regarding implementation of the plan. ← Z BMP
 - There was some confusion on their part as to what plan was "controlling". They were provided copies of the federal and state ROD's. I offered to send them several tons of EIS's but they declined.
 - The lease with [REDACTED] has been terminated. This was to be a significant event because of the implication that they would then not run cattle for 5 years.
 - There was apparently little or no transition between Murray Steinman's departure and assumption of the attorney position by Becky Summerville.
 - They are running cattle owned by RTR year around now.
 - They said they had little intention to change that.
 - They said that Murry told them that RTR did not want a capture facility or intensive bison management operations on RTR land.



- She finally said that if livestock management is changed they want compensation for grazing rights or compensation for seasonal deference for livestock use. The Bottom Line. They did not mention indemnification.
- We said we would work with the parties but that it was our intention to attempt to work through the step to achieve the management outlined in step 3 – up to 100 untested bison during the winter when livestock are not present. John Bloomquist said that is not likely to happen!
- I also stated that there are few instances where landowners are compensated for the presence of wildlife on their land and that bison were wildlife. If it required defferal of livestock use then that was another matter.
- John Bloomquist stated that bison were not wildlife but were managed by DOL. This, however, is incorrect. Bison are legally wildlife with a hunting season currently precluded by legislative action. That same legislation says that animals from this population, because of the disease concerns, are “in need of management” and granted the management of these bison when in Montana to DOL.
- The talk then turned to “what comes next”. After considerable discussion it was clear that the Church needed to give their intentions regarding cattle grazing. Were they or were they not going to run cattle on their private land and if so during what seasons and in what locations.
- It was agreed that the Church would prepare a proposal and provide it to the agencies prior to the December 2, 2002, meeting and that it is likely that we would have an afternoon meeting with Church officials on the 2nd after the agency meeting.

Bob Demee:

- New staff Leadership & New Staff Attorney on Friday
- Wanted to know their intentions on [redacted] lease
- Follow through on commitments?
- They came back
 - Kate Gordon, - New Resident
 - Beekey Sumnerville - Attorney
- Joe Sabo & Munnay no longer involved.

Beekey's

- Concerned about property value. Want to run cattle.
[redacted] pulled out, entered into 1 yr contract w/ [redacted]
- Central Gate + Park Allotments
- FS said they thought RTR follow their plan
- FS intended to hold those ^{allotments} _{vacants}

- Next meet w/ RTR in 2-4 weeks. Went Parks view in 2 weeks

~~267~~ Murray Steinman
Joe Sabo

Jan 28

Wholeheartedly support ~~guarantee~~

Concerned about ^{this} winter bison

least possible lethal - Don't want to see
bison killed
caught between state & US I can avoid
5 yr voluntary moratorium on cattle grazing

Joe

April 99 plan for church land C

Coop state/Park - mtg before
week 1/18/99
bison plan for church mtg
week 1/18/99