



DEPARTMENT OF LIVESTOCK

BRIAN SCHWEITZER, GOVERNOR

PO BOX 202001

STATE OF MONTANA

BOARD OF LIVESTOCK – (406) 444-7323
BRANDS ENFORCEMENT DIVISION – (406) 444-2045
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MEAT & POULTRY INSPECTION DIVISION – (406) 444-5202
MILK & EGG BUREAU – (406) 444-9761

HELENA, MONTANA 59620-2001

September 5th, 2007

Rob and Janae Galanis
Yellowstone Ranch Preserve LLC
360 East 4500 South, Suite 7
Salt Lake City, UT 84107
galanis@xmission.com
(801) 263-3620

Dear Rob and Janae Galanis:

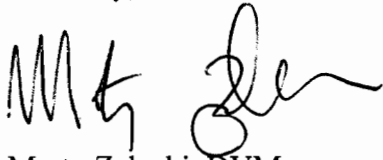
Congratulations on your recent acquisition of the property on Horse Butte peninsula on Hebgen Lake, formerly known as the Munns Ranch. Thanks for contacting Governor Schweitzer by email on August 16th regarding this change in ownership and sharing your position regarding management of bison on the property.

As you know, state and federal personnel have been implementing the Interagency Bison Management Plan (IBMP) on and around the Horse Butte property to prevent diseased or potentially diseased bison from contact with Montana cattle, comply with United States Department of Agriculture (USDA) recommendations, and preserve Montana's brucellosis-free status. These operations have been performed with full cooperation from the other four IBMP partners; Montana Fish Wildlife & Parks, US Forest Service, USDA Animal & Plant Health Inspection Service, and the National Park Service.

In implementing the IBMP, these partner agencies go to great lengths to minimize conducting bison management activities on private property. However, it has been, and will continue to be necessary to operate on these lands consistent with Montana statutes as well as the management plan. In particular, Montana statutes authorize the Department to go onto private land, if necessary, to conduct bison management activities. In the event the IBMP partner agencies anticipate that bison management activities may be necessary on the Yellowstone Ranch Preserve, LLC, the Department of Livestock will make a good faith effort to provide you with advanced notification.

Again, thank you for your communication. I appreciate your interest in IBMP-related activities and am glad to have the opportunity to provide additional information. In addition, for your information, please find the attached statutes from the Montana Code Annotated and rules from the Administrative Rules of Montana that pertain to the Department's responsibilities and authorities relative to the brucellosis infected or brucellosis exposed bison in the State of Montana.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marty Zaluski', written in a cursive style.

Marty Zaluski, DVM
State Veterinarian
Montana Department of Livestock

Cc: Kathy van Hook, Director of Constituent Services, Office of the Governor
Christian Mackay, Executive Officer, Montana Department of Livestock
Jeanne Rankin, Assistant State Veterinarian, Department of Livestock
Patrick J. Flowers, Region 3 Supervisor, Montana Fish, Wildlife and Parks
Suzanne Lewis, Superintendent, Yellowstone National Park
Rebecca Heath, Forest Supervisor, Gallatin National Forest, U.S. Forest Service
Lennis Knight, Area Veterinarian in Charge, USDA-APHIS-VS
P. Ryan Clarke, DVM, Regional Epidemiologist-GYA, USDA-APHIS-VS

MONTANA CODE ANNOTATED -2005

81-2-101. Authority of department agents. In the performance of his official duties, an agent or officer of the department may enter on or in a lot, yard, land, building, room, premises, enclosure, car, wagon, boat, or other place or vehicle used for the treatment, storage, manufacture, display, or transportation of animals, meat, or dairy products intended for sale or disposal as food. The agent or officer may enter anywhere where there may be found livestock affected with or which has been exposed to or which the officer has reason to believe is either affected with or has been exposed to an infectious, contagious, communicable, or dangerous disease or disease-carrying insects.

81-2-102. Powers of department. (1) The department may:

(a) supervise the sanitary conditions of livestock in this state, under the provisions of the constitution and statutes of this state and the rules adopted by the department. The department may quarantine a lot, yard, land, building, room, premises, enclosure, or other place or section in this state that is or may be used or occupied by livestock and that in the judgment of the department is infected or contaminated with an infectious, contagious, communicable, or dangerous disease or disease-carrying medium by which the disease may be communicated. The department may quarantine livestock in this state when the livestock is affected with or has been exposed to disease or disease-carrying medium. The department may prescribe treatments and enforce sanitary rules that are necessary and proper to circumscribe, extirpate, control, or prevent the disease.

(b) foster, promote, and protect the livestock industry in this state by the investigation of diseases and other subjects related to ways and means of prevention, extirpation, and control of diseases or to the care of livestock and its products and to this end may establish and maintain a laboratory, may make or cause to be made biologic products, curatives, and preventative agents, and may perform any other acts and things as may be necessary or proper in the fostering, promotion, or protection of the livestock industry in this state;

81-2-120. Management of wild buffalo or bison for disease control. (1) Whenever a publicly owned wild buffalo or bison from a herd that is infected with a dangerous disease enters the state of Montana on public or private land and the disease may spread to persons or livestock or whenever the presence of wild buffalo or bison may jeopardize Montana's compliance with other state-administered or federally administered livestock disease control programs, the department may, under a plan approved by the governor, use any feasible method in taking one or more of the following actions:

(a) The live wild buffalo or bison may be physically removed by the safest and most expeditious means from within the state boundaries, including but not limited to hazing and aversion tactics or capture, transportation, quarantine, or delivery to a department-approved slaughterhouse.

(b) The live wild buffalo or bison may be destroyed by the use of firearms. If a firearm cannot be used for reasons of public safety or regard for public or private property, the animal may be relocated to a place that is free from public or private hazards and destroyed by firearms or by a humane means of euthanasia.

(c) The live wild buffalo or bison may be taken through limited public hunts pursuant to 87-2-730 when authorized by the state veterinarian and the department.

(d) The live wild buffalo or bison may be captured, tested, quarantined, and vaccinated. Wild buffalo or bison that are certified by the state veterinarian as brucellosis-free may be:

(i) sold to help defray the costs that the department incurs in building, maintaining, and operating necessary facilities related to the capture, testing, quarantine, or vaccination of the wild buffalo or bison; or

(ii) transferred to qualified tribal entities that participate in the disease control program provided for in this subsection (1)(d). Acquisition of wild buffalo or bison by a qualified tribal entity must be done in a manner that does not jeopardize compliance with a state-

administered or federally administered livestock disease control program. The department may adopt rules consistent with this section governing tribal participation in the program or enter into cooperative agreements with tribal organizations for the purposes of carrying out the disease control program.

(e) Proceeds from the sale of live, brucellosis-free, vaccinated wild buffalo or bison must be deposited in the state special revenue fund to the credit of the department.

(f) Any revenue generated in excess of the costs referred to in subsection (1)(d)(i) must be deposited in the state special revenue fund provided for in 87-1-513(2).

(2) Whenever the department is responsible for the death of a wild buffalo or bison, either purposefully or unintentionally, the carcass of the animal must be disposed of by the most economical means, including but not limited to burying, incineration, rendering, or field dressing for donation or delivery to a department-approved slaughterhouse or slaughter destination.

(3) In disposing of the carcass, the department:

(a) as first priority, may donate a wild buffalo or bison carcass to a charity or to an Indian tribal organization; or

(b) may sell a wild buffalo or bison carcass to help defray expenses of the department. If the carcass is sold in this manner, the department shall deposit any revenue derived from the sale of the wild buffalo or bison carcass to the state special revenue fund to the credit of the department.

(4) The department may adopt rules with regard to management of publicly owned wild buffalo or bison that enter Montana on private or public land and that are from a herd that is infected with a contagious disease that may spread to persons or livestock and may jeopardize compliance with other state-administered or federally administered livestock disease control programs.

ADMINISTRATIVE RULES OF MONTANA

32.3.224A UNLAWFULLY ESTRAYED AND PUBLIC OWNED MIGRATORY BISON FROM HERDS AFFECTED WITH A DANGEROUS DISEASE

(1) When estrayed or migratory bison exposed to or affected with brucellosis, a dangerous, contagious, zoonotic disease of man and animals, enter into or are otherwise present within the state of Montana one of the following actions will be taken:

(a) The live bison may be physically removed by the safest and most expeditious means from within the state boundaries. This means may include but not be limited to capture, trucking, hazing/aversion, or delivery to a departmentally approved slaughterhouse.

(b) If live bison cannot safely by reasonable and permanent means be removed from the state they shall be summarily destroyed where they stand by the use of firearms. If firearms cannot be used with due regard to human safety and public property bison may be relocated to such a danger free area and destroyed by firearms or by any other practicable means of euthanasia.

(c) When bison of necessity or unintentionally are killed through actions of the department, the carcass remains will be disposed of by the most economical means possible. This may include but not be limited to burying, incineration, rendering, or field dressing for delivery to a departmentally approved slaughterhouse or slaughter destination.

August 16, 2007

Mr. Christian Mackey
Montana Department of Livestock
Box 202001
Helena, MT 59620

Re: Munns Ranch- Horse Butte Peninsula of Hebgen Lake, West Yellowstone, MT.

Dear Mr. Mackey:

As of the first of August, the 800 acre ranch at the end the Horse Butte peninsula on Hebgen Lake formally known as the Munns Ranch in West Yellowstone, Montana has been sold to Yellowstone Ranch Preserve LLC (the Owner). Under this new Ownership cattle will no longer be allowed to graze on the ranch and we are declaring our private property a "Bison Free Zone" and a wildlife preserve. Please be advised any attempt by any government agency, (local, state, or federal) to enter upon our lands without the expressed written consent of the Owner will be construed as **TRESPASSING**, and be subject to prosecution to the full extent of the law.

The current policy of hazing is inhumane, senseless, a waste of taxpayer dollars, and an embarrassment to the state of Montana. We trust you will respect our private property rights.

Sincerely,

Yellowstone Ranch Preserve LLC

Rob and Janae Galanis
Rob and Janae' Galanis

Copy to: Governor Brian Schweitzer
 Mark A. Anderson, MFW&P
 Sam Sheppard, MFW&P
 Suzanne Lewis, National Park Service
 Rebecca Heath, Gallatin National Forest
 Jim Cashell, Gallatin County Sheriffs Office
 Animal and Plant Health Inspection Services

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