



Buffalo Field Campaign

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Kate Gordon
President
Church Universal and Triumphant
ONE EAST GATE ROAD
PO BOX 5000
Gardiner MT 59030-5000

Pat Flowers
Region 3 Supervisor
Montana Fish, Wildlife & Parks
1400 South 19th
Bozeman MT 59718

Dear Kate Gordon and Pat Flowers,

Buffalo Field Campaign would like to extend our thanks to each of you for inviting us to be briefed on, and tour the land that would be managed for bison under a proposed 30-year lease between the Church Universal and Triumphant and Montana Fish, Wildlife & Parks.

Buffalo Field Campaign has long advocated that wild bison migrating along the Yellowstone River in the Gardiner Basin be allowed to range on public lands under U.S. Forest Service authority, and lands acquired and conserved under the taxpayer funded \$13,000,000 Royal Teton Ranch land deal in 1999.

As part of that 1999 agreement, a provision in the Devil's Slide Conservation Easement stipulated that a Bison Management Plan for the Royal Teton Ranch would be produced to allow a "safe haven for the bison":

"The parties agree ... to develop a Royal Teton Ranch Bison Management Plan ... for the Easement Lands and other lands mutually agreed upon ... This plan would be intended to guide management actions consistent with the terms and purposes of this Easement, though it may be more protective of bison and their habitat. It should identify ways to manage the land to preserve, restore and enhance the bison that utilize the Property and their habitat." Deed of Conservation Easement, Royal Teton Ranch - Devil's Slide Area August 30, 1999.

The significant delay - now 8 years past - in implementing a Bison Management Plan on the Royal Teton Ranch has eroded the native wildlife values recognized

by the U.S. Congress in appropriating taxpayer funds for protecting critical habitat in the Gardiner Basin, and has wrought a violent, deadly toll on wild bison:

- During March of 2003, and again in February-March 2004, the National Park Service and Montana Department of Livestock trapped wild bison in a pen inside Yellowstone National Park at Stephens Creek and sent 497 bison to slaughter.
- During the winter of 2005/2006, 849 wild bison met a similar fate at Stephens Creek - all before bison even left the boundaries of America's flagship Yellowstone National Park.
- The winter of 2007/2008 has been no exception. Yellowstone National Park has forcibly prevented bison's migration to winter range by hazing and capturing them at Stephens Creek. As of February 22, 2008, 290 wild bison had been shipped to slaughter. Recently, the National Park Service captured 205 wild bison that are destined for slaughter.
- In the 8 years that have passed since the Royal Teton Ranch land deal, bison migrating along the Yellowstone River towards winter range on Devil's Slide – land conserved for native wildlife and paid for with U.S. taxpayer dollars – have been repeatedly harassed and forced back into the Park by National Park Service rangers.

There is a valid concern that what the public has already paid for with taxpayer money in 1999 - with no benefit to wild bison despite its promise - will be paid for again by the public through a 30-year lease to remove cattle from Church Universal and Triumphant lands west of the Yellowstone River. The on-going harm inflicted on wild bison has diminished the native wildlife values embodied in the Royal Teton Ranch land deal for wild bison, and eroded the public's trust in your ability to fully live up to your agreement.

Independent of the outcome of your negotiations on a 30-year lease, the U.S. Forest Service and Church Universal and Triumphant must uphold their duty to the public trust and put in place a Bison Management Plan for the Royal Teton Ranch. This duty is binding on all parties according to a legislative audit of conservation easements in the state of Montana:

"The significant level of public funding for conservation easements establishes a duty of public trust for both grantors and grantees. Public funding can either directly or indirectly benefit easement grantors and it should be expected that they uphold this duty of trust

by complying with relevant laws, negotiating in good faith, and upholding their responsibilities as outlined in the easement agreement. Easement grantees must also uphold this duty of public trust and, if anything, their role in this regard is more important. An important aspect of upholding the public trust is the assurance that appropriate oversight is being conducted.” Legislative Audit Division, State of Montana, Report to the Legislature Performance Audit Conservation Easements, pages 53-54, January 2007, online: <http://leg.mt.gov/content/audit/download/06P-01.pdf>.

Whether a 30-year lease agreement is reached or not, the Church Universal and Triumphant and the U.S. Forest Service have a duty to ensure that bison benefit from the 1999 land deal by producing a Bison Management Plan and providing a “safe haven for the bison”.

We also note that the failure to come up with a Bison Management Plan for the Royal Teton Ranch was cited as one of the impediments to moving to Step Two in the multimillion-dollar taxpayer financed Interagency Bison Management Plan. Step One in this 15-year plan is the most intolerant, invasive, disruptive and deadly step for wild bison migrating near and beyond Yellowstone National Park.

"Step Two in the north boundary area begins when cattle no longer graze during the winter on the Royal Teton Ranch adjacent to the Reese Creek boundary of the park. The agencies expect this to occur when a preexisting private cattle lease expires in 2002." U.S. Department of the Interior, National Park Service, U.S. Department of Agriculture, U.S. Forest Service, Animal and Plant Health Inspection Service, RECORD OF DECISION, FINAL ENVIRONMENTAL IMPACT STATEMENT AND BISON MANAGEMENT PLAN FOR THE STATE OF MONTANA AND YELLOWSTONE NATIONAL PARK, December 20, 2000.

A 30-year lease that is tiered to the failures of a plan that has wasted millions of dollars of taxpayer money and resulted only in thousands of wild bison being slaughtered, harassed, and abused in their native habitat is not a starting point to arrive at a safe haven for bison. The failures of the interagency plan, and the Royal Teton Ranch land deal, are rightfully a target of inquiry by the Government Accountability Office, the investigative arm of the U.S. Congress. Your proposed time of having bison off the land by April 15 is not based on the biological needs of, or return migration of bison to summer ranges within the interior of Yellowstone National Park. Fencing wildlife habitat, forcing bison into a trap and the intrusive handling and testing that entails to allow a few bison on Church Universal and Triumphant lands is a lot of wasteful human activity that does little to benefit wild bison and its native habitat.

The Church Universal and Triumphant has within its power the ability to allow wild bison to be on lands it owns, including Devil's Slide, this winter. It is imperative that you show leadership, vision and take the initiative and show the state of Montana and the U.S. government that people can co-exist with wild bison. Buffalo Field Campaign extends our invitation again to meet with your members to discuss bison behavior, ecology and migration and how to safely inhabit the landscape with wild bison.

The U.S. Forest Service needs to live up to its legal obligations to provide habitat for wild bison, which is the principal role delegated to it under the Interagency Bison Management Plan. Doing so is consistent with the Gallatin National Forest Land and Resources Management Plan goal to provide "habitat for viable populations of all indigenous wildlife species" including wild bison.

Wild bison are an irreplaceable part of America's natural heritage. To the indigenous people of North America, bison are a living embodiment of their culture and spirit. The American people call on you to act now and help secure a future for wild bison in the last remnant of their native habitat in Yellowstone.

Please direct your correspondence and questions to Darrell Geist, Buffalo Field Campaign's habitat coordinator, who can be contacted at: (406) 646-0070 phone, (406) 646-0071 fax, z@wildrockies.org, PO Box 957 West Yellowstone MT 59758-0957.

Sincerely,

Michael S. Mease
Campaign Coordinator, Buffalo Field Campaign

cc:

Senator Max Baucus

Senator Jon Tester

Representative Denny Rehberg

Governor Brian D. Schweitzer

Representative Nick J. Rahall, II Chairman, House Natural Resources Committee

Senator Jeff Bingaman, Energy and Natural Resources Committee

Senator Pete V. Domenici, Energy and Natural Resources Committee

Suzanne Lewis, Superintendent Yellowstone National Park

Tom Tidwell, Regional Forester, Region 1 U.S. Forest Service

Mary Erickson, Forest Supervisor, Gallatin National Forest

Marty Zaluski, State Veterinarian, Montana Department of Livestock

Jeff Hagener, Director, Montana Fish, Wildlife and Parks

M David Allen, President and CEO, Rocky Mountain Elk Foundation