

**GALLATIN WILDLIFE
ASSOCIATION**

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Bison Habitat EA
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Bison EA
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Subject: Scoping Comments to Bison Habitat EA in southwest Montana

Dear FWP and DOL:

The Gallatin Wildlife Association (GWA) is a non-profit volunteer wildlife conservation organization representing hunters and anglers in Southwest Montana and elsewhere. Our mission is simply to protect habitat and conserve fish and wildlife. GWA supports sustainable management of fish and wildlife populations through fair chase public hunting and fishing opportunities that will ensure these traditions are passed on for future generations to enjoy. Please consider these scoping comments to your proposal to identify year round habitat opportunities for bison in southwest Montana.

While we still maintain FWP is the appropriate agency to be responsible for wild bison management in Montana, we realize Montana laws MCA 81-2-120 and 81-2-121 both empower and burden the DOL to take actions relevant to wild bison entering Montana from Yellowstone National Park. Thus, we appreciate DOL and FWP cooperating on this proposal for increased tolerance for bison in southwest Montana on a year round basis,

especially given the current legal situation. We also appreciate the agencies providing a scoping comment period. Please discuss the following issues in your eventual EA.

Wild Bison are Public Wildlife – while this seems obvious it has been our experience that many interested publics and various agency personnel do not realize this fact. Please clarify this in the EA.

Wild Bison are a Valued Native Montana Big Game Species. Please clarify in the EA that wild bison are a valued native big game species in Montana (MCA 87-2-101). While the current bison hunt falls significantly short of the principles of the North American Model for Wildlife Conservation, we look forward to the day when wild bison are respected and managed by FWP as a year round resident of the State of Montana. Once that is achieved, we believe regulated public hunting is a proven and sustainable wildlife conservation opportunity for both resident and migratory wild bison in southwest Montana.

Clarify what if any impact changes to MCA 87-1-216 from Senate Bill 212 in the 2011 legislative session have on bison management in southwest Montana. There is considerable debate whether or not these legislative changes apply to the bison entering Montana from Yellowstone National Park under the Interagency Bison Management Plan (see House Floor Session legislative testimony/record on Senate Bill 212 by House Sponsor Rep. Knudsen on March 30, 2011 and/or Preso and Harbine 2011, page 16). Given this testimony, we contend changes resulting from SB 212 are not relevant to the bison in question in southwest Montana. Please clarify this in the EA.

Wildlife are an integral part of the Montana landscape. We suggest wild bison should be welcome on any and all public lands and bison-friendly private lands at any time of year. We contend the “fence ‘em in” and haze ‘em back to the Park approach of the current zone 2 concept is fatally flawed. Please consider alternatives in detail that mimic other wildlife management approaches in southwest Montana such as those used for elk, mule deer, antelope, grizzly bears, wolves, etc.

Private property protected under MCA 81-2-121. Please note in the EA for those private landowners concerned about free-roaming wild bison threatening their property MCA 81-2-121 gives them a statutory right to kill any bison suspected of carrying brucellosis onto their property and potentially commingling with their livestock, if DOL does not respond in a timely fashion to remove the bison from the area.

Wild bison are considered “ecologically extinct” outside Yellowstone National Park (Montana FWP 2009). Please note that wild bison are a species in need of restoration and conservation, and they are considered a Tier I species as outlined in Montana’s Comprehensive Fish and Wildlife Conservation Strategy. FWP has defined a Tier I species as those with “greatest conservation need”. Thus, FWP has a clear obligation to

use its resources to implement conservation actions that provide direct benefits to wild bison and their habitats.

Wild bison are critically imperiled in Idaho. Please disclose in your EA that wild bison are also critically imperiled in Idaho (see Idaho's Comprehensive Fish and Wildlife Conservation Strategy). Montana's past intensive removal/disruption of bison attempting to migrate/emigrate west out of Yellowstone Park is a major factor limiting natural bison movements into Idaho. This EA should address the opportunities to link critical bison habitats and bison movements within Montana and Idaho.

Proposing year round bison habitat in Montana is a good first step. We support the restoration and conservation of bison into the Upper Gallatin watershed including all the public lands east of the Gallatin River to Levinski Ridge. We suggest the IBMP partners work together to expedite/enhance the presence of bison in this watershed both within and outside of Yellowstone National Park by physically transporting any bison that may otherwise be confined and/or captured by the agencies. Lands owned by the Gallatin National Forest or the FWP (Gallatin Wildlife Management Area) within the Teepee, Lodgepole, Taylor Fork or Buffalo Horn creek drainages within the Upper Gallatin watershed should be considered for physical bison reintroduction. Please consider such an alternative in your EA. As well, lands in the Upper Gallatin watershed within YNP suitable for bison reintroduction include the Gallatin River, Fawn/Fan creek, Specimen creek and Dailey creek.

Haze back dates for bison are ill-advised. Please incorporate the findings of Aune et al. (undated) into the EA as this paper documents *Brucella* organisms purposely placed in natural environments in the Greater Yellowstone Area never persisted beyond June 15 and were often scavenged or degraded in a matter of days in the spring (April, May, June). Furthermore, studies done by YNP researchers indicate peak bison calving in the GYA occurred from April 25 to May 26 and calving was finished by June 5 (YNP 2009). Bison cows with calves pose no risk of brucellosis transmission. These studies indicate the risk of brucellosis transmission from bison is extremely low by June 1 and all but zero by June 15. Please incorporate these studies into the EA. Furthermore, elk have also been exposed to *Brucella* organisms and they use a much larger landscape than bison do without haze back dates even though elk calve about a month later than bison. As well, DOL in cooperation with the Animal and Plant Health Inspection Service has established a Designated Surveillance Area which narrows needed livestock monitoring to specific areas of risk to ensure cattle stay brucellosis-free. We support this effort to protect the livestock industry. Thus, given risk management research data, the DSA, the elk situation and experience on the ground the haze back dates for bison to YNP are unjustified, unnecessary, stressful to the bison and a waste of limited government resources and time.

Coordinate/Cooperate with Department of Agriculture Agencies in the Greater Yellowstone Area/Southwest Montana. Please note that all bison habitat on the

Gallatin National Forest's lands are available for bison (personal communication with GNF Forest Supervisor Mary Erickson) and please clarify the status of bison habitat availability on Beaverhead-Deerlodge National Forest lands and the Targhee National Forest in Idaho. These national public lands offer important habitat and migratory corridors for bison.

Coordinate/Cooperate with the Department of Interior Agencies in the Greater Yellowstone Area/Southwest Montana. Please discuss the Department of Interior's effort to determine suitable bison habitats on DOI lands (as outlined in a DOI memo dated May 11, 2012 from Secretary Ken Salazar). Important DOI lands for bison in southwest Montana include Yellowstone National Park (the Upper Gallatin watershed within YNP is currently unoccupied bison habitat), Red Rock Lakes National Wildlife Refuge, Dillon and Butte Resource Area BLM lands in southwest Montana and scattered BLM lands in Idaho near Henry's Lake. What opportunities exist to incorporate important bison habitat on these DOI lands in southwest Montana into this or future planning efforts? How is FWP cooperating with DOI in this effort to identify bison habitat on our national public lands?

Coordinate/Cooperate with State Land Management Agencies in the Greater Yellowstone Area/Southwest Montana. There are some significant blocks of State public lands in southwest Montana (for example the Centennial Valley near Red Rock Lakes National Wildlife Refuge) and parts of Idaho near Henry's Lake that are important bison habitat. As well the FWP has invested substantially in Wildlife Management Areas for the protection of critical winter ranges for wildlife in southwest. We suggest most if not all of these lands are important bison habitat. What opportunities exist to incorporate these public lands into bison management planning?

Identify lands protected under conservation easement for wildlife. Please identify in the EA all lands protected under conservation easement for wildlife in important bison habitat, including but not limited to the Upper Gallatin watershed south of the Big Sky turnoff and Levinski Ridge, the Upper Paradise Valley from Sixmile Creek/Big Creek south, Upper Madison Valley south of Ennis and in the Centennial Valley all lands east of the Lima Reservoir dam. Does the FWP have file copies of all these conservation easements for wildlife? As we understand it, these conservation easements are a matter of public record and we believe it is very important for FWP to have copies of the terms of these easements as each easement is unique.

Conservation easement mapping/documentation is an important tool to determine private landowner tolerance for wildlife, including bison. Furthermore, we know there are some substantially large private landowners that are pro-bison/wildlife such as the Sun Ranch in the Upper Madison Valley and the Dome Mountain Ranch in the Upper Paradise Valley. This significant private landowner tolerance for bison and other wildlife should be revealed in your EA. Additionally, we encourage FWP/DOL to work cooperatively

with all private landowners to determine what needs to be done, if anything, to reduce/minimize any real or perceived conflicts with bison on private property as well as to increase private landowner acceptance/tolerance for bison in general across the landscape.

Please coordinate with all public land management agencies and trustees of conservation easements held for public benefit for wildlife to ensure management of these lands is consistent with productive bison habitat and sustainable bison populations.

The current 1, 2, 3 zoning system for bison management is outdated, inaccurate, unnecessarily burdensome and a violation of the Public Trust. Please abandon the current 1, 2, 3 zoning system for bison which is a violation of the public trust as wildlife come with the land. Wildlife, like the air, are public trust resources that are an integral part of both public and private lands. We suggest implementing terminology and management areas for bison similar to those used for elk, mule deer, grizzly bears or other valued native wildlife in southwest Montana. For example, an original map title on information we gathered during the scoping period included a title such as “seasonal bison tolerance areas”. We suggest this be changed to “Bison Management Area”.

Furthermore, the current over-arching zone 3 “drop dead” or no go concept for bison is fundamentally flawed. Designating “the rest of the world” as zone 3 or a drop dead zone for bison is a completely unfair and ignores the very real opportunities for and public benefits associated with wild bison in the future. For example, the current zone 3 concept considers the majority of our State and National Public lands as unavailable to bison. Such zoning contradicts the mandates of State and federal land and wildlife management agencies, such as the Gallatin National Forest. As well, many private landowners are pro-bison. If a zone 3 concept is maintained, it should only be used for specific parcels of private land within Bison Management Areas where the FWP/DOL cannot reasonably mitigate the impacts of bison use of the area. We suggest a clear reason must be provided for any specific area mapped as zone 3 (unavailable or off limits to bison). How will the FWP/DOL determine landowner intolerance for bison?

Brucellosis eradication is unrealistic. If the concept of *Brucella* eradication is identified as a scoping issue, then there must be a realistic evaluation of the extreme consequences associated with such an effort, both ecologically and economically. We have long maintained that eradication of a naturalized disease such as brucellosis in free-ranging wildlife within the 3-State GYA is a completely unrealistic expectation. We believe it is time for the FWP/DOL to state unequivocally that brucellosis eradication within the 3-State GYA is beyond their capabilities and authorities and an unrealistic goal.

Thank you for the opportunity to provide these scoping comments. We encourage the FWP/DOL to move forward with year round bison habitat in Montana using principles

outlined in these comments as well as the recommendations from the Bison Citizen's Working Group. We encourage FWP/DOL to proceed in a manner that respects both public and private property rights in such a way that wild bison can be managed on a year round basis in southwest Montana as a valued native big game species. Addressing the interests of private landowners, both pro and con bison, is critical to this effort.

Sincerely,

Glenn Hockett
Volunteer President, Gallatin Wildlife Association

Literature Cited

Aune, K, J. Rhyan, B. Corso, T. Roffe. Undated. Environmental persistence of brucella organisms in natural environments of the Greater Yellowstone Area – a preliminary analysis. 8 p.

Idaho Department of Fish and Game. 2005. Idaho's Comprehensive Wildlife Conservation Strategy. Available online at: <http://fishandgame.idaho.gov/public/wildlife/cwcs/>

Critically imperiled ranking S1 for bison can be found online at (page 20):
<http://fishandgame.idaho.gov/public/docs/compWildStrategy/appendixA.pdf>

Montana Fish, Wildlife & Parks. 2009. Montana's Comprehensive Fish and Wildlife Conservation Strategy. Available online at: <http://fwp.mt.gov/specieshabitat/strategy/fullplan.html>. See Component III Species of Greatest Conservation Need (Tier 1 Species) at: <http://fwp.mt.gov/content/getItem.aspx?id=26528> and for Bison refer to pp. 403- 405 of this section.

Preso, T. and K. Harbine. 2011. Reply brief in support of respondent-intervenors motion for judgment of the pleadings. Park Co. Dist. Court. Cause Nos. DV 2011-77 and DV 2011-78. Judge E. Wayne Phillips. 29 p.

Yellowstone National Park. 2009. Implications of bison birth synchrony and *Brucella* persistence on adaptive management. IBMP Briefing Statement. P.J. White Supervisory Wildlife Biologist (307) 344-2442, pj_white@nps.gov.