

Briefing Statement

Bureau: National Park Service
Issue: New Bison Management Plan/EIS
Park: Yellowstone National Park
Date: September 3, 2022

Key Points:

- Yellowstone has initiated new NEPA analyses on bison management to update information and address changed circumstances since the original plan in 2000. The NPS released a notice of intent on January 28, 2022, evaluated scoping comments, and prepared a draft environmental impact statement (EIS) for review and release.
- There is limited tolerance for wild bison migrating into Montana due to concerns about competition with cattle, human safety, property damage, and brucellosis transmission. Thus, the abundance and distribution of bison has been regulated by capture and culling near the park boundary and public and tribal hunting in Montana.
- There has been no detected transmission of brucellosis from bison to cattle while wild elk have transmitted brucellosis to cattle in the Greater Yellowstone Area more than 30 times since 2000.
- The NPS is fulfilling its trust responsibilities to American Indian tribes by sustaining the largest population of bison in North America (6,000+) that supports harvests of migrating bison, providing tribes with bison for processing and distribution of meat to their members, and restoring live brucellosis-free bison to tribal lands.

Background:

- The federal government and State of Montana are signatories to the Interagency Bison Management Plan (IBMP), which has been implemented since 2001 to reduce the risk of brucellosis transmission to cattle.
- Current members of the IBMP include the State of Montana, APHIS, Custer Gallatin National Forest, National Park Service (NPS), Salish and Kootenai tribes, Nez Perce tribe, and the Intertribal Buffalo Council.
- Issues related to bison management include abundance, distribution, disease transmission, hunting in and outside the park, viable population size (genetics), property damage and human safety, and the intensity and types of management appropriate for wildlife in a national park.
- Under the IBMP (2001 to 2022), the agencies and tribes have successfully sustained a viable, wide-ranging population of plains bison while preventing the transmission of brucellosis directly to livestock.
- Since 2000, several circumstances that influenced the derivation of the IBMP changed and knowledge regarding bison and brucellosis improved substantially, including elk playing the major role in brucellosis transmission, fewer cattle near the park and disease regulators taking steps to lessen the economic impacts of brucellosis outbreaks in cattle, and tribes exercising hunting rights reserved by treaties with the federal government.
- Eight tribes have hunted bison outside the park boundary in Montana since 2006, including the Salish and Kootenai, Nez Perce, Shoshone Bannock, Umatilla, Yakama, Blackfeet, Northern Arapaho, and Crow.
- The NPS doubled the capacity of the Bison Conservation Transfer Program (quarantine) in the park during 2021-2022 to lower the number of animals sent to slaughter and increase the restoration of bison to tribal lands.
- The NPS is in litigation regarding the adequacy of NEPA compliance for the IBMP and concentrated tribal hunting along the boundary of the park. In December 2020, the District Court for the District of Montana granted the NPS voluntary remands without *vacatur* to conduct additional NEPA analysis of the IBMP and issue an appropriate final decision. The IBMP would remain in effect until this decision is reached.
- Following litigation, the U.S. Fish and Wildlife Service has decided to undertake a 12-month status review regarding the potential listing of a distinct population segment of Yellowstone-area bison as threatened. The U.S. Fish and Wildlife Service may become a cooperating agency on the new bison management plan/EIS.

Draft EIS:

- Purpose: Evaluate the effects of alternative approaches for preserving an ecologically sustainable population of wild, wide-ranging bison while continuing to work with other agencies to address issues related to brucellosis transmission, human safety, property damage, and support tribal hunting outside the park. Cooperating agencies include the members of the IBMP and the Umatilla and Yakama tribes.
- Alternative 1: The NPS would continue bison management informed by the 2000 IBMP and implemented through decisions and annual operations plans by the federal, state, and tribal agencies involved with bison management. The NPS would maintain a population of about (b)5 Draft-Deliberative bison after calving, which is within the range experienced over the last two decades of the IBMP. The NPS would continue to rely substantially on captures of migrating bison at the Stephens Creek Administrative Area (inside the northern boundary of the

park) and shipments of bison to slaughter to regulate numbers and provide bison to tribes. When space is available, some captured bison testing negative for brucellosis exposure would be placed in quarantine as part of the Bison Conservation and Transfer Program (BCTP) to increase the number of live brucellosis-free animals relocated to the Fort Peck Indian Reservation in northeastern Montana and eventually other tribal and public lands. The NPS would continue to coordinate with Montana Fish, Wildlife & Parks and tribes hunting bison in Montana to balance population regulation in the park using captures with hunting opportunities outside the park.

- Alternative 2: Bison would be managed at a population range of about (b)(5) Draft-Deliberative bison after calving with an emphasis on using the BCTP and tribal hunting outside the park to regulate bison numbers. Management of bison within the park would be like Alternative 1 but the NPS may use proactive measures such as low-stress hazing of bison towards the park boundary to increase tribal hunting opportunities outside the park. The NPS would shift away from shipments to slaughter and enter more animals into the BCTP for eventual transport to tribes. As the BCTP expands and tribal hunter harvests increase, the NPS would reduce captures for slaughter.
- Alternative 3: Captures for shipments to slaughter would immediately cease. The NPS would allow bison numbers to increase and rely on natural selection and tribal harvests in Montana as the primary tools to regulate bison numbers, which would likely range from 5,500 to 8,000 or more bison after calving. The NPS would continue captures to maintain the BCTP as in Alternative 2. Substantially larger harvests would have to occur outside the park for this alternative to be effective, which would require the tribes to allow bison to distribute and hunt them across a larger landscape. As bison numbers approach the estimated food-limited carrying capacity of the park (>8,000 bison), the NPS would reinstitute shipments to slaughter like Alternatives 1.
- Under all alternatives, the NPS would support treaty rights and collaborate with tribes to explore ways to increase the efficiency and safety of hunting outside the park and increase the restoration of brucellosis-free bison to tribal lands through the BCTP. The NPS also would work with partners to explore management options outside the park, including streamlining testing protocols for the BCTP and construction of additional quarantine facilities and capture facilities near the outer boundaries of management zones (if applicable).
- Under all alternatives, State of Montana and U.S. Forest Service would determine levels of tolerance, hazing, and captures of bison in Montana, and work with tribes with to determine the location and extent of hunting.

Positions of the Collaborating Agencies:

- The Governor of Montana dislikes all three alternatives. He wants the NPS to implement an alternative like the original 2000 IBMP with a population size of about 3,000 bison. He has indicated the state may litigate if the NPS does not reduce numbers towards 3,000 and vaccinate bison.
- The Custer Gallatin National Forest recently released a Land Management Plan that would allow bison to be present and distributed year-round on the national forest.
- APHIS has committed to continuing the BCTP with the NPS but wants brucellosis suppression and research.
- The Nez Perce, Salish and Kootenai, Umatilla, and Yakama tribes want more migrating bison to increase hunting opportunities and far less slaughter. They occasionally bring up the topic of hunting in the park.
- The InterTribal Buffalo Council wants the NPS to transfer more live bison to the tribes, with shortened timelines for quarantine and tribal right of first refusal for all bison transferred from the park.

Current Status:

- Maintaining 3,000 bison would require aggressive culling of bison in the interior of the park, which would lessen the long-term viability of the population and eliminate most tribal hunting opportunities due to a lack of migration outside the park. Such actions are not necessary given 20 years of experience managing bison at higher numbers with no brucellosis transmission to cattle and fewer property and safety conflicts.
- In 2017, the National Academies of Sciences recommended not implementing aggressive management actions, such as test-and-slaughter or vaccination of bison, until tools become available to eliminate brucellosis in elk.
- During 2019 to 2022, 182 Yellowstone bison were certified brucellosis-free and sent to the Assiniboine and Sioux tribes on the Fort Peck Indian Reservation in northeastern Montana. The InterTribal Buffalo Council subsequently transferred more than 140 bison to 19 other tribes in at least 10 states.
- The Park received a time waiver for an additional 6 months and will complete a final EIS and ROD by the end of July 2024. This waiver was requested because park staff were diverted to emergency assessments and repairs following devastating flooding events in the park and some reliant gateway communities during June 2022.

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