

## Briefing Statement

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<b>Bureau:</b>	<b>National Park Service</b>
<b>Issue:</b>	<b>Bison Restoration and Management</b>
<b>Park Site:</b>	<b>Yellowstone National Park</b>
<b>Date:</b>	<b>April 27, 2022</b>

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### Key Points:

- Yellowstone bison are the largest wild wide-ranging population (~5,400) of bison in North America and many scientists consider them the only ecologically and genetically viable population within their original range.
- 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 is 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 a viable, wild population of bison has been sustained. Wild elk have transmitted brucellosis to cattle in Montana ~30 times since 2000.
- 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 138 bison to 19 other tribes in at least 10 states.
- Yellowstone initiated additional NEPA analysis on bison management to update information and changed circumstances since the original plan in 2000. Staff developed a preliminary range of alternatives and released a notice of intent on January 28, 2022. Scoping comments have been summarized and evaluated.

### Background:

#### Bison Management

- The federal government and State of Montana are signatories to the Interagency Bison Management Plan (IBMP), which has been implemented since 2001 to manage bison migration into the state and reduce the risk of brucellosis transmission from bison to cattle. Several adaptive adjustments have been made since 2006.
- Current members of the IBMP include APHIS, Salish and Kootenai tribes, Forest Service, Intertribal Buffalo Council, Montana Department of Livestock, Montana Fish, Wildlife & Parks, NPS, and the Nez Perce tribe.
- Eight tribes have hunted bison outside the park boundary in Montana, including the Salish and Kootenai, Nez Perce, Shoshone Bannock, Umatilla, Yakama, Blackfeet, Northern Arapaho, and Crow.
- The park has partnered with tribes to transport captured bison to slaughter and provide meat to their members, improve the efficacy and safety of tribal hunts, and provide them with more brucellosis-free bison for restoration to tribal lands.

#### Bison Conservation Transfer Program

- In 2017, the NPS partnered with the Fort Peck Tribes, APHIS, and the Montana Department of Livestock to identify brucellosis-free bison and transfer them to the tribes for release instead of shipping them to slaughter.
- Testing phases include: 1) a group of bison is tested repeatedly for brucellosis exposure until all positive animals are removed and the remainder test negative for two consecutive months; 2) bison undergo additional testing based on their age and sex following protocols outlined in APHIS' 2003 *Uniform Methods and Rules*; and 3) brucellosis-free bison are tested at 6 and 12 months for assurance, after which they can be released.
- Twenty-five females and 3 males currently are in quarantine and undergoing testing in Yellowstone.
- The NPS has partnered with Yellowstone Forever and the Greater Yellowstone Coalition to double the capacity of the Bison Conservation Transfer Program during 2021-2022 and lower the number of animals testing negative for brucellosis exposure that are sent to slaughter from 75% to 35%.

#### Bison Genetics

- Geneticists at Texas A&M recently published findings that all North American bison have some level of cattle introgression, including Yellowstone bison. In the early 1900s, 21 privately owned bison were brought into the park when managers feared the last wild herd may go extinct. At least one of the males likely was hybridized.
- While this finding is disappointing, it does not change the conservation value of Yellowstone bison, which remain the closest ancestral connection to the animals that once roamed North America.
- Letting nature regulate Yellowstone bison allows the fittest to survive, helping them adapt to the environment as it changes, which should remove any genes, including cattle-related genes, that reduce their fitness. The NPS

will continue to manage bison as wildlife to reduce any adverse effects of the incredibly low-level of cattle introgression that has been detected.

- In March 2020, the Buffalo Field Campaign sued the U.S. Fish and Wildlife Service over their 2019 decision not to undertake a status review of the potential listing of a distinct population segment of Yellowstone-area bison as threatened. In January 2022, the court agreed with plaintiffs and ordered the Service to reevaluate their decision and submit a status report in 90 days.

#### NEPA Compliance

- 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 a voluntary remand 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.
- The purpose of additional NEPA analyses is to evaluate the effects of alternative approaches for preserving an ecologically sustainable population of wild migratory bison while continuing to work with other agencies to address issues related to brucellosis transmission, human safety, property damage, and tribal hunting outside the park. Cooperating agencies include the members of the IBMP. The park also asked the other tribes that hunt bison to be cooperating agencies. The notice of intent included three preliminary alternatives.
- Under *Alternative 1, Continue Current Management*, 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 3,500 to 5,000 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.
- Under *Alternative 2, Enhance Restoration and Tribal Engagement*, bison would be managed at a somewhat higher population range of about 4,500 to 6,000 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 and 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 based on the needs and requests of the tribes. The NPS would continue expanding quarantine capacity and capture some bison migrating out of the park to enter more animals into the BCTP for eventual transport to tribes. The NPS would continue hunt-capture coordination with partners as described for Alternative 1. As the BCTP expands and hunter harvests increase over broader areas in Montana, the NPS would reduce captures for shipments to slaughter.
- Under *Alternative 3, Food-limited Carrying Capacity*, the NPS would allow bison numbers to increase and rely on natural selection and public 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. Captures for shipments to slaughter would immediately cease. The NPS would continue captures to maintain the BCTP as in Alternatives 1 and 2. Substantially larger harvests would have to occur outside the park for this alternative to be effective, which would require the state and 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 as described for Alternatives 1 and 2.
- Under all alternatives, the NPS would continue engaging with tribes associated with Yellowstone bison 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. Staff from other federal and state agencies could inform these discussions with the Custer Gallatin National Forest and Montana Fish, Wildlife & Parks participating in consultations about hunting and APHIS and the Montana Department of Livestock participating in consultations about the BCTP. The NPS also would work with partners to explore other 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).

- On February 28, 2022, the Governor of Montana requested the NPS withdraw the notice of intent (NOI) and engage in consultation to identify mutually acceptable alternatives. This request was surprising because two of the preliminary alternatives fit into contemporary management practices already agreed upon by the State through their participation in the IBMP and, as a cooperating agency, State officials were briefed twice on the purpose and need for the plan, preliminary alternatives, and the planning process before the NOI was released.

#### **Current Status:**

- The Greater Yellowstone Coalition and Yellowstone Forever achieved a \$500,000 dollar capital campaign to double the capacity of Yellowstone's quarantine facility. Construction should be completed this autumn.
- On April 19, 2022, the Superintendent met with the Governor and his Natural Resources Policy Advisor to discuss their comments. He conveyed the NPS will prepare a draft environmental impact statement focusing on actions the NPS could take to manage bison in the park in compliance with law and policy.
- He asked the Governor to provide alternatives or additional elements for evaluation because the alternatives presented in the NOI could be adjusted and/or new alternatives created during this process. The NPS will continue to proactively engage the State as a cooperating agency throughout the NEPA process.
- The Governor expressed dissatisfaction with all three of the alternatives in the NOI and stated he would not support any alternatives not tied to the original IBMP population target of 3,000 bison (current population is about 5,500). (b)5 Deliberative
- 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.
- The NPS concluded in a 2014 record of decision that the park-wide vaccination of bison would not succeed due to the lack of an easily distributed and highly effective vaccine and limitations of current diagnostic and vaccine delivery technologies. The National Academies of Sciences agreed with this conclusion in 2017 and recommended not implementing aggressive management actions, such as test-and-slaughter or vaccination of bison, until tools become available to eliminate brucellosis in elk.
- A draft for the new bison management plan is being prepared for release this autumn.

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