# BISON TRANSLOCATION, BISON QUARANTINE PHASE IV
# ENVIRONMENTAL ASSESSMENT
# DECISION NOTICE

**Montana Fish, Wildlife & Parks,**
**Helena, MT**

**March 2009**

## Proposed Action

Montana Department of Fish, Wildlife, and Parks (FWP) proposes to translocate 41 wild bison (4 bulls, 21 cows, and 16 calves) resulting from the quarantine feasibility study facility near Gardiner, Montana to the Wind River Indian Reservation in Wyoming.

This location and management proposal by the Northern Arapaho Tribe met a basic set of criteria or guiding principles established by FWP and APHIS (with input from experts including the Interagency Bison Restoration Committee) for the distribution of YNP bison from the quarantine feasibility study and the use of those bison in conservation efforts.

The Wind River Reservation, located approximately 5 miles south of Thermopolis, Wyoming, is home to the Northern Arapaho and Eastern Shoshone Indians. The Northern Arapaho Tribe would assume management responsibility of the transplanted animals and agree to certain criteria such as maintaining them in a closed herd, allowing periodic disease testing, maintaining fencing, etc. Criteria considered for the transplant location is included as *Appendix A* in the environmental assessment.

As part of the proposed action, the Tribe would be required to hold the transplanted bison in fenced pastures for five years and make those bison and their offspring available for brucellosis testing by USDA Animal and Plant Health Inspection Service, Veterinary Services (APHIS VS). The Tribe will be required to agree to a brucellosis monitoring protocol developed by APHIS VS.

## Alternative Considered to the Proposed Action

The No Action alternative is that the bison would not be transplanted to a new location outside the Greater Yellowstone Ecosystem. Because the need to remove the 41 bison from the quarantine facility is critical for the continuance of the feasibility study, under this alternative this bison group will likely be slaughtered in order to provide space at the quarantine facility.

The feasibility study was tailored to accommodate a limited number of bison held at the quarantine facility with the expectation that when a group was ready for disposition, an organization meeting FWP and APHIS's criteria would be chosen and the bison would be moved off-site to complete the monitoring component of the research.

## Alternatives Considered but Eliminated from Further Consideration

### Translocation of Bison to a Different Location

During the summer of 2008, FWP published a news release in statewide papers and sent the announcement to interagency partners requesting that letters of interest on the brucellosis-free bison be submitted to the FWP by the end of September 2009. Of those interested parties, five letters were received. FWP then sent those organizations a formal Request for Proposal (RFP) packet, which further explained the goals of the translocation effort and criteria for the facilities and management of those bison. The deadline for submission of completed RFP information was December 1, 2008, which was extended to December 15th. Only three RFP's were submitted to FWP and they were from the Northern Arapaho, Fort Belknap, and Fort Peck Tribes.

FWP considered the information provided by Fort Belknap Indian Community in Harlem, Montana and the Fort Peck Indian Reservation in Wolf Point, Montana. Although both had merits, they were eliminated from further consideration based on the following considerations.

The Fort Belknap Indian Community proposal did meet many of the criteria required by cooperating partners for consideration. One particular difference between their proposal and the Northern Arapaho's was that Fort Belknap would be acting only as facility for the bison that would be transferred to other Tribes or conservation organizations during the first two-years of the monitoring process. It was the preference of FWP and APHIS VS that the translocated bison be initially placed in a permanent location so that monitoring efforts by APHIS could be completed. If bison were transplanted to Harlem, then spilt on to other tribal reservations, that effort would be considerably more difficult or impossible.

Fort Peck's proposal was dismissed as a location for the available bison in 2009 because they stated their facilities and fenced pasture would not be ready to receive the animals until 2010. FWP will retain their proposal for consideration when another group of brucellosis-free bison are available. Fort Peck's proposal was for the acceptance of bison in 2010.

### Returning Brucellosis-Free Bison to Yellowstone National Park (YNP)

This option was originally discussed in the environmental assessment completed for Phase II/III and with in its Decision Notice. In both those documents, FWP, APHIS VS, and other cooperating partners believed the placement of the brucellosis-free bison back in the Park would be an inappropriate use of the QFS bison since there were no areas within the park that did not already have an established bison herd, the exposure of the brucellosis-free bison to known

infected herds would likely reinfect the returned bison with the bacteria, and the population of the existing bison herds in YNP are already at or above the carrying capacity of the resources. Thus, if they moved beyond YNP boundaries would be managed under the guidance of the IBMP. The genetic value of the 41 brucellosis-free bison to conservation efforts of the species warranted the effort for translocation to an appropriate location in offered by tribal groups or conservation organizations.

**Montana Environmental Policy Act**

Montana Fish, Wildlife & Parks is required by the Montana Environmental Policy Act (MEPA) to assess potential impacts of its proposed actions to the human and physical environments, evaluate those impacts through an interdisciplinary approach, including public input, and make a decision to proceed or not with the project.

In compliance with MEPA, an EA was completed on the proposed action by FWP and released for public comment February 12, 2009 through March 13, 2009.

Legal notices announcing the availability of the EA were published in the *Bozeman Chronicle*, *Helena Independent Record*, and *Livingston Enterprise*. In addition to the announcement, the EA was posted on FWP's webpage - http://fwp.mt.gov/publicnotices/notice_1895.aspx. An announcement regarding the EA and the public comment period was emailed to 60 interested parties and a postcard was mailed to additional 120 individuals and organizations that expressed interest in bison management in the past.

**Summary of Public Comments**

Eighty-one comments were received via email and regular mail during the public comment period on the proposed action. Public participation is a mechanism for agencies to consider substantive comments on a proposal. The following is a synopsis of the feedback and FWP's response to those comments and questions.

1. Why relocate the bison when revenue can be generated through license sales from bison hunting?

   *FWP Response: It is desired that the quarantine bison be available to continue monitoring for brucellosis for the next five years. This requires the bison be in a closed herd and available to wildlife health personnel to enable periodic blood collection and subsequent testing. To facilitate maintaining those bison in a closed herd, they must be relocated out of the quarantine facility. At some point in the future the offspring of these bison might be available to Tribal hunters for subsistence purposes, and for conservation efforts beyond the Wind River Reservation. Some of these offspring could potentially be available in the future for restoration purposes in Montana, where they could ultimately be available to Montana hunters.*

2. Moving bison will cost state money.

   *FWP Response: No state money will be used to move the bison from the bison quarantine facility near Gardiner, Montana to the Wind River Reservation. The Northern Arapaho Tribe has agreed to pay for all costs for transporting the bison. APHIS will be assisting with the loading and transport as well. FWP staff will assist with loading at the Gardiner facility.*

3. Additional management of the translocated bison should be required of the Tribe until the bison become familiar with their new surroundings and boundaries of the Red Canyon Ranch and Arapaho Ranch.

   *FWP Response: Bison will initially be translocated to the Red Canyon Ranch which most recently housed bison. As such, the facility is considered acceptable to bison. They will be housed here for at least a year while the larger pasture/range is being fenced. They will then be turned out onto the fenced pasture. This "soft release" is consistent with the approach envisioned in the original quarantine facility EA. Northern Arapaho Tribe staff will oversee husbandry and security of the bison in the facility once the bison are translocated there.*

4. The environmental assessment lacked additional reasonable alternatives.

   *FWP Response: The two alternatives examined in the environmental assessment were the only two that were feasible to address FWP's need for an immediate decision for the placement of the disease-free bison. Administrative priorities limited the time for further investigation of additional alternatives beyond those presented, both feasible and those eliminated from further analysis.*

5. Stress of the translocation could be detrimental to pregnant bison included in the herd.

   *FWP Response: While translocation of any wild animal is stressful, FWP and APHIS personnel believe that if bison are translocated by early April there will be minimal impact on pregnant bison.*

6. The environmental assessment failed to address Senate Bill 337 in the Montana Legislature that is focused on limiting future bison translocating efforts within the State.

   *FWP Response: Senate Bill 337 was first introduced in the Montana Senate on February 2, 2009. As originally presented, the bill prohibits the translocation of any bison from bison quarantine facility. The bill was amended on February 20th to prohibit the translocation of bison within the state with the exception of the National Bison Range in Moise, Montana. As amended, this bill would not affect the proposed action of translocating QFS bison to the Wind River Reservation in Wyoming. SB 337 was tabled*

*by the House Fish, Wildife and Parks committee on March 24, 2009 and will not become law.*

7. What is the designation of the bison leaving the quarantine facility? (wild, domestic or livestock)

   *FWP Response: The QFS bison are considered to be wildlife, under the jurisdiction of Montana Fish, Wildlife and Parks until such time as they leave the state. The Northern Arapaho Tribe, in their proposal, agreed that the bison would be managed as wildlife while on the Wind River Reservation as well.*

8. Will the progeny of the translocated bison be considered under "public ownership"? If so, how will that designation effect future management of the herd?

   *FWP Response: The progeny will be considered to be under Tribal ownership. The Northern Arapaho Tribe is committed to maintaining these bison for conservation purposes, and has indicated they would make future progeny available to other public entities for conservation purposes.*

9. Additional information regarding fencing design and maintenance of it on the Arapaho Ranch and how its design will minimize impacts to wildlife

   *FWP Response: The Northern Arapaho Tribe is encouraged to work with the US Fish and Wildlife Service and Wyoming Game and Fish Department staff to ensure fencing designs minimize impacts to native wildlife.*

10. What will happen to the bison if they escape from the Arapaho Ranch? What protocols will be used?

    *FWP Response: The Northern Arapaho Tribe has indicated they will have a zero tolerance for escaped bison as long as they are in closed herd status. If any bison are able to escape from the confines of the Northern Arapaho, the Tribe has committed to immediately capturing and returning the bison, or destroying them.*

11. How does FWP know the elk in the area of the Arapaho Ranch are not carriers of brucellosis?

    *FWP Response: Based on data from the U.S. Fish and Wildlife Service (FWS) staff in the Lander, WY office that provides technical assistance to the Tribes of the Wind River Reservation, it is believed the brucellosis rate is very low although testing has never occurred. An adjacent herd that occurs off of the reservation to the west near Dubois, WY (i.e., the Wiggins Fork Elk Herd) has seroprevelance rates of <2% based on results from hunter killed elk. The Wiggins Fork Elk Herd co-mingles with summering elk from the Jackson Elk Herd (a feed ground herd with higher seroprevelance rates). Since elk*

*occurring on the Wind River Reservation, especially in Range Unit 32, are even much further removed from contacting feed ground elk in western WY, US FWS expect the seroprevelance in elk near Range Unit 32 to be <1%. APHIS and the Tribe have expressed a desire to test the elk for brucellosis that occur on the Reservation.*

12. What is the bison carrying capacity on the Red Canyon Ranch?

    *FWP Response: The Red Canyon Ranch is a confined facility that can house at least 200 bison. This facility is being used as an interim facility for the 41 bison and any offspring for the first year of the translocation until the fencing of the larger range unit is completed. The Northern Arapaho have indicated they hope to ultimately house a population of approximately 300 bison in Range Unit 32 on the Wind River Reservation.*

13. In the environmental assessment, it is noted that the Northern Arapaho will allow a portion of the bison to be hunted in a "culturally acceptable and humane manner" once the target herd population limit is met. What hunting methods will be employed?

    *FWP Response: Hunting methods will be determined by the Northern Arapaho Tribe when/if hunting is implemented.*

14. Are there enough water resources available for the bison and other wildlife to prevent over utilization?

    *FWP Response: Based upon information provided by the Tribe, there are six watering tanks on the Arapaho Ranch and one within the Burgess homestead that were used for cattle but will continue to be available for the bison when they are moved to the ranch when the fencing is complete.*

15. The following comments were submitted but are beyond the scope of the proposed project and the EA's analysis.
    a. The Montana Department of Livestock should not be involved with bison management.
    b. The Stockman's Association should not be able to dictate bison management.
    c. There should be an effort to address brucellosis in elk.
    d. Surplus bison from the quarantine facility should only be managed by federal agencies.

**Final Environmental Assessment for the Bison Translocation**

FWP concludes that the impacts associated with the proposed alternatives would not have a significant impact on the physical environment or human population in the area. In determining the significance of each impact, the criteria defined in the State of Montana's Administrative 21.2.431 was used. This environmental assessment is therefore the appropriate level of analysis for the proposed action and an environmental impact statement is not required.

Based on the comments received and consideration of their value to improve and clarify the assessment for this project, FWP has made some modifications to the Draft Environmental Assessment narrative. The modified EA will serve as the Final Environmental Assessment for the Bison Translocation, Bison Quarantine Facility Phase IV. This Decision Notice and attached modified Environmental Assessment will be considered the Final EA. Both will be posted on FWP's website.

**Decision**

Based upon the Environmental Assessment, public comment, and the Department's desire to conserve disease-free bison from the Yellowstone Ecosystem for the benefit of its genetic integrity for future species conservation efforts, it is my decision to approve the translocation of 41 bison from the bison quarantine facility near Gardiner, Montana to the Wind River Reservation of the Northern Arapaho Tribe in Wyoming.

Joe Maurier, Acting Director
Montana Fish, Wildlife & Parks

3/25/09
Date