

Bison Discussion Group
Convened by Montana Department of Fish, Wildlife & Parks (FWP)
July 14-15, 2014 – Billings, Montana

Session Summary

SESSION OBJECTIVES

1. Hear public comment related to possible alternatives for Fish, Wildlife & Parks' Bison Environment Impact Statement (EIS).
2. Draft reasonable, possible alternatives that could be considered as part of the analysis in the Bison EIS including a no action alternative.
3. Explore next steps for the EIS process and how the Discussion Group might be involved.

COMPLETED AGENDA ITEMS

Getting Started...

Clarifying the Desired Focus of the Discussion Group's Conversation and Outcomes in this Meeting

Fish, Wildlife & Parks Director, Jeff Hagener, described the purpose of this meeting as an opportunity to explore what the Discussion Group feels are realistic alternatives that need to be analyzed as part of the Department's State Bison EIS process. He thanked members of the public who were willing to spend time at the meeting and provide the Discussion Group with their comments. He also noted the additional "interests" to the Discussion Group based on recommendations from the September meeting.

Director Hagener emphasized that this meeting is not about:

- Bison the State owns - currently located on the Green Ranch (Ted Turner ranch);
- The US Department of Interior's designation of possible places to relocate bison – one of which is the CMR refuge;
- Management of Yellowstone National Park bison that cross in to Montana.

Reiteration of the Discussion Ground Rules

The facilitator emphasized the importance of the following ground rules to encourage productive and civil discussion in the session. She asked members of the public to observe the ground rules as well.

- Participate; be respectfully candid.
- Recognize/learn from the "interests" of all involved – those interests come from their perspective, not yours.
- Be effective in your communication.
 - Listen actively – ask when you're not sure
 - Listen honorably – learn something new from others
 - Say it at the table
 - Allow the other to finish
- Avoid side conversations and distracting electronic communication.
- Aim for positive movement.
- Give the facilitator permission to enforce the ground rules.

Reviewing Draft Work from the September 2013 Lewistown Session

The facilitator described the following draft products done by the Discussion Group in September as “building blocks” toward a set of possible EIS alternatives.

Guiding Principles Suggested to Help Define a Useful “Decision Space”

- Comply with the law.
- Respect private property rights.
- Have clear desired outcomes.
- Manage bison as “wildlife” through a FWP realistic management plan.
- Manage expectations by addressing/resolving issues such as containment; fencing; cost; impacts; liability/responsibility. Discuss strategies for resolving problems that may occur and any adaptive management component.
- Target a population in part on public land available for public hunting.
- Utilize a local working group to clarify any site specific plan; recognize and be inclusive of statewide and tribal interests as well.
- Assure open and honest communication and commitment.
- Recognize that leaders have to lead (decisions are not popularity contests). Recognize that leaders are responsible for their decisions.

General Agreements on Constraints/Parameters

- There should not be free-roaming bison – meaning bison on the landscape with no ‘containment’.
- There should be a clear process for adjusting any plan; the plan should be broadly accepted by affected stakeholders; and the plan needs to be in place to ensure objectives are monitored, achieved and where useful, adapted.
- There needs to be a clear, lawful, and funded containment plan.
- Source population(s) must be clearly identified and disease free.
- A monitoring protocol must be in place to ensure the health of the population.
- Potential co-mingling between wild and domestic bison must be addressed.
- Public hunting is seen as a positive social good and used as one of the primary management tools.

Suggested Process Concepts

- The Department needs to accept ownership and chartering of this group as a “citizen council” related to bison in Montana if it wants it to continue.
- This “council” should meet again/continue to meet assuming some tentative agreements are honored (e.g., “wildlife” rather than “wild”; free roaming and containment’ agreements, guiding principles, etc.).
- If this council meets again, additional interests should be added to assure a full set of perspectives (i.e., crop farmers. local government organizations such as Conservation Districts, etc.)
- A timeline is needed from FWP regarding a recommendation or report. (It’s hard to describe a process when the plan or timeline is unknown.

Reviewing Draft Work from the September 2013 Lewistown Session (cont.)

Building toward an Improved Communication/Relationship Framework

Dean Rogge, Montana Association of Conservation Districts Board, reminded the Group and the public that there are several examples of positive strategies/plans that have come from talking, listening and working together – and that this Group has an opportunity to move a difficult issue forward within that kind of framework.

Important Questions Raised in the September Discussion

- Will managing bison as wildlife be a decision made by Montana citizens?
- Who would be liable/responsible for what?
- Can wildlife – in this case, bison - be contained?
- What would be the population objectives and goals related to bison?
- How would forage and range management strategies be affected by bison and how would those issues be resolved – on private as well as leased land?
- Can there realistically be sustainable funding to manage bison as wildlife?
- How would bison restoration be affected if the species has no standing as “wildlife”?
- How would current/future bison livestock producers be affected by a “wildlife” designation?
- What opportunities would exist for the public to influence bison management if bison are only privately owned?
- How would privately owned animals be contained?
- What would be the impact to the public hunter if bison are privately owned as “livestock”?
- If designated “livestock, how might bison contribute to the economy and as a food source?

Revisiting “Interests” Described/Clarified at the September Meeting

The facilitator reviewed the “Interests” related to the bison issue – that were identified and explained by members of the Discussion Group when they met in September. Those “Interests” are listed below – not in any rank order (just what fit on the page where);

It is in the interest of local government:

- To have a healthy, economic structure where services are available and there is a viable population in the area to serve.
- To understand the economic impacts of bison.
- To have it very clear who owns and is liable for bison.
- To respect any existing legislation.

It is in the interest of the private property owner:

- To have private property rights recognized and honored.
- To have property owners understand that they have responsibility for the impacts of their actions on each other.
- To have it recognized that private initiatives can do a lot of things.
- To have it very clear who owns, manages, and is liable for bison.

“Interests” (cont.)

It is in the interest of the Montana hunting public:

- To have a huntable population of “wildlife” including bison (animals recognized as part of the public trust and managed by the State of Montana).
- To have it very clear who owns, manages, and is liable for bison.

It is in the interest of the agricultural community:

- To have it recognized that wildlife can have economic impacts on private landowners; understand the significance of those costs to the landowner.
- To understand that long term stewardship and resource protection comes from multi-generational families on the land.
- To have it understood that protecting property rights can contribute to long-term economic sustainability.
- To have it recognized that we want to contribute to “feeding the world”.
- To protect and grow agriculture in Montana as an economic driver in our State.
- To have the bison issue resolved and addressed by sound management strategies.
- To “fix” the Yellowstone bison issue because it has potential impacts for the whole State.

It is in the interest of bison restoration/conservation advocates:

- To see ecological restoration achieved in Montana for the cause of greater species restoration in the Country.
- To have any restoration effort be led by the State of Montana and its citizens because it will result in a more sustainable and wiser result.
- To respect any existin legislation.
- To protect genetics.
- To have a bison restoration plan that includes the support of Montana’s Indian Tribes as original bison advocates.
- To have it very clear who owns, manages, and is liable for bison.
- To have it recognized that it’s very difficult but important to restore and conserve native species.

It is in the interest of the US Fish & Wildlife Service:

- To honor its mission and existing legislation to conserve and restore native species on lands managed by the Fish & Wildlife Service.

It is in the interest of the US Bureau of Land Management:

- To be good stewards of Public Lands.
- To work with permittees in forwarding that stewardship while honoring permittees’ needs related to allotments on Public Lands.

It is in the interest of the Montana Department of Livestock:

- To control/eradicate disease in domestic animals.
- To prevent the transmission of animal diseases to humans.
- To protect the livestock industry from theft and predatory animals.
- To have it very clear who owns, manages, and is liable for bison.
- To clarify the role of the Montana Department of Livestock related to bison.

“Interests” cont.

It is in the interest of Montana Department of Fish, Wildlife & Parks:

- To be good stewards of Montana’s fish, wildlife and parks now and for future generations.
- To insure that all the public’s interests are honored.
- To understand where there is “common ground” including parameters that help describe/define a decision space related to bison and a useful process for exploring the issues.
- To have a huntable population of “wildlife” including bison (animals recognized as part of the public trust and managed by the State of Montana).
- To have it very clear about who owns, manages, and is liable for bison.

Thoughts about a “Test” Project Concept

The facilitator also reminded the Discussion Group about the “test” project concept that could be considered as an alternative by itself – or as a way to get started on a particular alternative.

Suggestions related to the “test” project idea (from the September discussion):

- Have meaningful involvement from all involved,
- Meet State statutes,
- Have clear, desired outcomes and benchmarks along the way,
- Have a defined term (period of time),
- Have a limited, defined number of bison,
- Have well-defined geographic boundaries,
- Have well-defined containment measures,
- Include a research and monitoring component,
- Include an adaptive management component (define “adaptive management”) including an exit strategy,
- Identify clear next steps if successful; include contingency planning for catastrophic changes and circumstances, management conditions, natural disasters, etc.,
- Include public hunting,
- Explore the concept of “incentives” versus “compensation such as “test” incentives for landowners; compensation for property damage,
- Identify sustainable funding for management (funding sources should not influence local decision making); assure cost accounting and annual reporting.

Exploring/Discussing/Drafting/Coming to General Agreement on Possible Alternatives to be Considered for Analysis by MFWP within the State Bison EIS

To start the discussion, the facilitator explained that Group members:

- Would not be asked to come to consensus on a preferred alternative,
- Would not have to “like” every suggested possible alternative but might consider it realistic in terms of having it analyzed in the EIS,
- Should know that there is always a “no action” alternative included in an EIS and that they would have an opportunity to address one,.
- Should consider the “Interests” as well as the “building blocks” cited earlier as they discuss and draft realistic alternatives in this meeting.
- Are encouraged to apply critical and creative thinking to the development of reasonable, possible alternative approaches that should be analyzed in the EIS.

Drafting Alternatives

Discussion Group members were first asked to write down 2 or 3 alternative approaches that they might consider realistic for analysis. The Group was then divided randomly into 4 small groups and asked to draft possible alternative approaches following these steps:

- Describe the approach or philosophy of a suggested alternative,
- State the desired outcomes for that alternative approach – broad and specific,
- If relevant, suggest a “kind of location” or a specific location,
- List specific parameters/constraints for the suggested alternative,
- Identify items/measures to be monitored,
- Identify “decision triggers” that would lead to some sort of adaptive management,
- Suggest a useful “involvement” process,
- Consider and/or suggest a possible “test” situation.

The products of the small groups were presented, clarified and discussed by the full Group with the following being the final suggested alternatives (not in any rank order).

Possible Alternative #1: A bison restoration effort on private land and created /managed through a public/private partnership.

Describe the approach or philosophy

A landowner (or group of landowners) is identified who is/are willing to accept specific management responsibilities of publicly-owned bison on private land. A citizen management committee would be tasked to ensure agreed upon outcomes are met.

State the desired outcomes for the alternative approach – broad and specific

- Identified benefits/incentives to landowners through private or public funds or through business opportunities that come from the bison restoration effort (New Mexico hunting model?)
- No impact on adjacent landowners; Requirements of Montana SB 212 (MCA 87-1-216) are met.
- Access by the public to include public hunting opportunities.
- Population management.
- No disease threat to livestock.
- Sound resource science.
- Acceptable cost to taxpayers.

Suggest a “kind of location” or specific location

Alternative requires an area large enough to potentially support a “genetically viable” population (500-1000 herd size).

List specific parameters/constraints for the suggested alternative

- Containment.
- Written plan that meets SB 212 (MCA 87-1-216).

Identify items/measures to be monitored

- Sound resource science data related to range condition, invasive species, etc.
- Total animal numbers – population being managed successfully.
- Disease monitoring.
- Number of escapees/time off the premise.

Identify “decision triggers” that would lead to some sort of adaptive management

- Total number of animals.
- Environmental extremes (e.g., winter, drought, fire, etc.). Would need strategies to respond quickly to changing conditions.
- Condition of resources (plants, water, soil).

Suggest a useful “involvement” process

- Seven to nine member citizen management committee to include local government; state government; livestock producers; wildlife specialists; resource scientists; sportsman; local landowners; Tribal representative
- Management committee has the management authority to implement their plans (consider the Idaho Grizzly Bear recovery model).
- Management committee members selected by the governor and by the County.
- Management committee prepares an annual report to the FWP Commission.

Possible Alternative #2: A bison restoration effort mainly on Indian Reservation lands in Montana.

Describe the approach or philosophy

This alternative respects Tribal sovereignties and culture and helps build a new relationship with Tribes. Bison are restored to Indian Country and Tribal cultural connections to bison are restored.

State the desired outcomes for the alternative approach – broad and specific

- Agreements negotiated with each interested Tribe that describe:
 - Hunting parameters
 - Cultural considerations
 - Tribal consumption of bison
 - Revenue sharing
 - Management responsibilities
 - Strategies for conflict resolution
- Bison are managed inside the boundaries of the Reservation.

Suggest a “kind of location” or specific location

Any Tribe in Montana that wants bison and where negotiations can be successful.

List specific parameters/constraints for the suggested alternative

- Agreed upon parameters for:
 - Containment
 - Population control; genetics
 - Disease-free animals
 - Public hunting for non-Tribal members
 - Property rights
- Agree on how to build the capacity of Tribes to help the model be successful (involve Wildlife Conservation Society, American Bison Society, Fish, Wildlife and Parks, National Bison Association, InterTribal Buffalo Council and others).

Identify items/measures to be monitored; “decision triggers” that would lead to some sort of adaptive management (Some are State; some are Tribal)

- Number of Tribes involved.
- Number of “happy” public/Tribal hunters.
- Number of conflicts and degree of resolution.
- Number of Tribal families who benefit is extended to the entire Tribe.
- Increased economic activity in Indian Country related to bison entrepreneurship and tourism.
- Land health and stewardship.

Suggest a useful “involvement” process.

- Tribe leads public meetings on Reservation; State leads in surrounding area.
- Government to Government partnership agreements.
- “Bison Summit” – educational format with discussion.

Consider and/or suggest a possible “test” situation

Fort Peck is a possibility for operation within this framework as well as any interested Tribal lands where negotiations are successful.

Possible Alternative #3: A bison restoration effort where there is no conflict with domestic animals related to available forage.

Describe the approach or philosophy

Bison are put on the largest possible landscape in Montana where there are not conflicts with livestock. Either the area has not had domestic allotments or allotments are no longer active. (A specific example is an area in the CMR.) Herd size would be determined by carrying capacity with a conservative stocking rate (e.g. one animal per 100 acres). An emergency management plan would be in place to respond to drought, fire, snow, etc.

State the desired outcomes for that alternative approach – broad and specific

- No conflicts with adjacent livestock operations.
- Largest achievable herd size.
- Successful cooperative management.
- Improved local relationships.
- Maximum hunting opportunity for public and Tribal hunters.
- A resource monitoring system is developed and utilized to determine adaptive and emergency management decisions and actions.

List specific parameters/constraints for the suggested alternative

- Containment is enforced through specific and clear cooperative management.
- Funding is clear, specific and primarily public – with a timeline and budget for the life of the project.
- FWP has mechanisms in place to respond to property damage.

Identify items/measures to be monitored

- Effects on wildlife and habitat (baseline needed).
- Local perceptions; local social and cultural changes.

Identify “decision triggers” that would lead to some sort of adaptive management

- Wildlife and habitat based on baseline.
- Disease monitoring.
- Success of containment strategy.
- Success of hunting as a management tool.
- Decline in tax base/property values; increase in local service costs – fire, EMS, etc.
- Additional habitat availability after a 5 year period.

Suggest a useful “involvement” process

Some kind of local working group to be defined.

Consider and/or suggest a possible “test” situation

There would be a zero herd expansion for the first 5 years to ensure that the model can work and is accepted.

Possible Alternative #4: A bison restoration effort would occur somewhere where it contributes to existing rural communities and land resources.

Describe the approach or philosophy

This alternative would fairly consider and address all relevant interests. A managed, experimental population of bison would be introduced someplace in Montana in a manner that sustains the existing rural communities and land resources.

State the desired outcomes for that alternative approach – broad and specific

- Sustained/improved range conditions.
- Public access to a quality fair chase hunt.
- Real economic benefits to the local economy.
- Project is self-funding.
- Minimized impacts to adjacent lands not in the project area.
- Bison numbers sustained within objectives.

Criteria for a “kind of location” or specific location

- All habitat components are in place for year-round bison use.
- Topographic and geographic features contain bison in the desired location while allowing free movement of bison within the prescribed area.
- Location is large enough to support the objectives.
- Location is supported by local people who agree to participate in the project and a local steering committee.

List specific parameters/constraints for the suggested alternative

- A pre-project economic and stocking analysis is done.
- A management board is in place with both project landowner, adjacent landowners and appropriate public agency officers.
- An early exit process is in place in the beginning; the project sunsets in 5 years if objectives are not met.
- Participants agree not to litigate.
- A process for transparency is in place from the beginning.

Identify items/measures to be monitored

- Actual financial performance versus initial analysis.
- Economic outcomes to local community.
- Range land health.
- Bison herd health and dynamics.
- Social acceptance of constituent groups.

Identify “decision triggers” that would lead to some sort of adaptive management

- Movement of bison outside tolerance zone.
- Excess population growth.
- Fire, weather, drought, etc = loss of habitat.
- Disease detected.

Possible Alternative #4 (cont'): A bison restoration effort would occur somewhere where it contributes to existing rural communities and land resources.

Suggest a useful “involvement” process

- Local steering committee with willing participants.
- Annual transparent project report to the public.
- Social acceptance among constituent groups.

Consider and/or suggest a possible “test” situation

- Test different hunting structures.
- Explore different range monitoring techniques.
- Test containment strategies.

Possible Alternative #5: No Action

Describe the approach or philosophy of a suggested alternative

No action is taken because the present situation is satisfactory.

State the desired outcomes for that alternative approach – broad and specific

- Current bison conservation and hunting opportunities continue on Tribal, private and Department of Interior lands.
- People on the land stay on the land.
- Local urban/rural conflict over bison location is avoided.
- Possible conflicts between displaced or impacted wildlife and bison is avoided.
- Range management continues with proven livestock practices.
- Livestock maintain greater food production.
- Landowners objecting to bison relocation will stay in block management.
- Time is gained to heal and build on lack of trust.

Undesired Outcomes

- Social conflict continues over conservation values not being addressed – urban/rural divide in Montana widens.
- Any economic benefit created by bison reintroduction is missed.
- State and local people could lose their voice in control of bison reintroduction should a unilateral federal action occur.
- An effort to “list” bison under the Endangered Species Act could be prompted.

What's Next?

Process Steps/Timeline

Mike Volesky (FWP Chief of Staff representing Director Hagener on the second day), thanked the Discussion Group members for their work, as well as the public for the time they took to attend the meeting. He suggested tentatively a comprehensive draft by fall/winter 2014, followed by a 90 public comment period and a final EIS by spring/summer 2015.

Thoughts about Funding

Discussion Group members had the following thoughts, ideas, etc., related to funding:

- We need a final plan to estimate cost - different alternatives... different costs.
- We need a new paradigm – a new “business plan” for managing a wildlife species.
- Best would be a combination of private, state and federal funds – we need to think about front end, shorter term, and the long term.
- Public funding assures accountability through FWP.
- Private money (local, national, international) could be raised to support bison relocation but we need a specific proposal/plan/decision to “sell” funding. We need to be careful of strings tied to funds and sustainability of funds.
- General funds are probably not available when you consider statewide priorities.
- The historic sportsmen model related to funding may not work – particularly in the short term. They will support if they see a benefit.
- NGO’s have stepped up to support landowner needs.
- FWP needs to look at the property damage program - how it works with bison.
- We may need to think outside the box – how might private landowners help to successfully manage public bison in exchange for economic opportunities?

Role of the Discussion Group

Members of the Discussion Group indicated they would like to review the alternatives when the Department has them more fully developed to assure they adequately represent the approaches explored in this meeting. They recognized that other alternatives could be analyzed and members of the public have equal opportunities to comment. They also asked that FWP establish a definitive schedule for the EIS process. Mike assured the Group that they would continue to be involved as the EIS process moves forward.