



Montana Fish, Wildlife & Parks
1420 East 6th Ave., Helena MT 59601

DECISION NOTICE
Disposition of Quarantine Feasibility Study Bison Environmental Assessment
November 2014

Background

In 2004, Montana Fish, Wildlife & Parks (MFWP), the National Park Service (NPS), and the US Department of Agriculture Animal and Plant Health Inspection Service (APHIS) investigated the implementation and logistics of a bison quarantine facility to determine if seronegative bison calves could be maintained in a secure environment while being serially tested and efficiently screened to determine the presence of brucellosis. The construction and execution of this research was in accordance with the Interagency Bison Management Plan (IBMP) and the 2000 Bison Management Environmental Impact Study (EIS).

In 2005, MFWP and APHIS established a bison quarantine facility to begin a multi-year research project, the Quarantine Feasibility Study (QFS). QFS sought to determine the latent expression of brucellosis in bison and test the sensitivity of quarantine procedures for detecting the bacteria in multi-generations of bison. The quarantine protocols and research data gathered at the bison quarantine facilities in Corwin Springs, Montana have established processes and monitoring methods that have yielded bison that are seronegative for brucellosis. In the 2005 QFS Environmental Assessment (EA), MFWP and APHIS (co-authors) stated that the primary goal for development of quarantine procedures was it would allow YNP bison free of brucellosis an opportunity to be used to establish new public and tribal bison herds or to augment existing public and tribal bison herds with YNP bison. Results of the QFS were published in the March 2014 edition of the *Journal of American Veterinary Medical Association*.

In 2010, the first cohorts of study bison were moved from the Corwin Springs facility to the Green Ranch to complete the 5-year monitoring phase of the study. As a term of the agreement with the Green Ranch's owner Turner Enterprises Inc., twenty-five percent of the original study bison offspring would be returned to MFWP along with all the original bison at the end of the monitoring period. This monitoring period ends November 2014, at which point MFWP is expected to move 80 original bison and 59 of their offspring to another location.

Alternatives Analyzed

- A) No Action: The No Action alternative described that 145 QFS bison would be transferred back to MFWP from the Green Ranch and would be euthanized. The bison meat would be donated to food banks and tribal organizations.

- B) Disposition of QFS Bison to up to Four Locations: MFWP proposes, for conservation purposes, to place wild bison with willing partners for their care and preservation. Four organizations were selected from a pool of ten proposals to potentially receive the QFS bison. Those organizations are the Cherokee Nation of Oklahoma, the Fort Peck Tribes, the Utah Division of Wildlife, and the Wildlife Conservation Society Zoo Consortium.

Clarification

In the draft EA, FWP estimated that approximately 145 QFS bison would be available for relocation. Following a recent sorting and counting at the Green Ranch, the actual number of QFS bison is 139. The discrepancy from the initial estimate is due to less than projected production of calves and death loss.

Montana Environmental Policy Act & Public Process

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.

An environmental assessment was completed by MFWP and released for public comment from October 1, 2014 through October 30, 2014. A statewide press release was submitted to all state newspapers. Additionally, the EA was posted on FWP's webpage, http://fwp.mt.gov/news/publicNotices/environmentalAssessments/speciesRemovalAndRelocation/pn_0068.html, and available at MFWP Helena office and regional offices in Bozeman and Glasgow.

An announcement regarding the availability of the EA was emailed to over 3,100 individuals and organizations within Montana, including local, state, and federal government offices; non-profit organizations; and other interest parties who have expressed interest in bison management in the past. Announcements were sent in the forms of an email or postcard.

Summary of Public Comments

A total of 136 comments were received via email and standard mail. Of the comments submitted, 18% were supportive of the No Action Alternative or generally opposed to augmenting existing or creating new bison herds, 47% were supportive of the proposed action or supportive of one or more of the four locations evaluated, 19% were generally supportive of augmenting existing or creating new bison herds, and 16% were unclear or specified no preference.

Some comments received pertained to Yellowstone bison management or bison-related issues in general. Those comments are beyond the scope of this EA and are not addressed in the subsequent section. These topics were: 1) management of bison within Yellowstone National Park, 2) consideration of other locations in Montana for bison expansion or relocation, 3) state agency jurisdiction over bison in Montana, 4) the sale of excess bison, 5) increasing hunting opportunities to control the bison population, and 6) classification of wild bison within Montana.

FWP's responses to comments begin on page 4 of this notice.

Decision

Based upon the analysis completed in the EA and public comments MFWP received through email and standard mail, I have concluded that the translocation of all requested QFS bison to one or more of the locations previously described would not significantly affect the human environment. As a result, the completion of an EA is the appropriate level of analysis and no environmental impact statement will be prepared. No changes are necessary to the draft EA, and with the publication of this notice, the EA will be considered final.

At the October, 2014 MFWP Fish and Wildlife Commission meeting, the Commission approved, pursuant to their authority at Mont. Code Ann. §87-5-711, the transplant of all QFS bison to the Fort Peck Reservation, one of the four locations analyzed to receive all requested bison in the EA. The Commission's decision was conditioned upon a finding of no significant impact in the EA and a concurrence with the Decision Notice.

My finding in this Decision Notice of no significant impact for the placement of all requested QFS bison at one or more of the four locations, including the Fort Peck Reservation, meets the Commission's condition on its approval. As such, the Commission's decision to translocate the 139 QFS bison currently residing at the Green Ranch to the Fort Peck Reservation may be implemented. MFWP will prepare an Agreement to be signed with the Tribes to facilitate arrangements for the movement of bison from the Green Ranch as soon as practicable.

All those who submitted written comment will receive a copy of the Decision Notice and the notice will be posted to FWP's website.



M. Jeff Hagener, Director
Montana Fish, Wildlife & Parks

The following are FWP's responses to the public's substantive comments and questions.

1) Concerns about damages to fencing and other private property if bison escape. Who will pay for damages caused by the bison? Will FWP hold the Tribes accountable and to the terms of the Memorandum of Understanding?

The Tribes may provide reasonable compensation for damages to neighboring properties – that would be at the discretion of the Tribes. The Fort Peck Tribe has an insurance policy to cover damages caused by escaped bison. Compensation for property damages caused by escaping study bison (i.e., broken fencing, damaged crops, etc.) would be covered under the Tribal bison insurance policy.

If bison move off of the reservation, the Tribes will have 72 hours to round them up and move them back onto the reservation. If they fail to do so, FWP will remove the bison, either through trap and transport or euthanization.

FWP will treat these bison like other wildlife if they escape from the reservation through a standard game damage response, which provides for assistance to prevent further damage and in the case of chronic damage, proactive measures to protect property and stored crops. In the case of wild bison causing damage, FWP would likely use the more aggressive options to prevent damage, which include issuing kill permits to a landowner or animals being removed by FWP. FWP game damage program does not provide compensation for damage caused by wildlife.

As with all MOUs, there must be trust and commitment between both parties. This one should be no different than any other government to government agreement.

2) The containment of bison is very important and should be the burden of the Tribes.

As described in the draft EA, all of the Tribes' range units are surrounded by five foot high with both barbed and smooth wires to contain bison, yet allow for wildlife movement. The fencing design has been shown to be effective in containing the bison currently residing on range units 62 and 63. There has been only one bison breakout of the cultural herd over the past 2 years and that was caused when a wildfire moved through RU 62 which destroyed a portion of the fence line. The fence line was rebuilt and no subsequent escapes have occurred.

3) Concerns about the hands-off approach and that the offspring would be exposed to elk calving grounds and not vaccinated for brucellosis, thus putting the cattle industry at risk.

All bison owned and cared for by the Tribes are vaccinated for brucellosis thus the State of Montana's brucellosis-free status is not threatened by the movement of 139 QFS bison to Fort Peck.

4) Some commenters expressed concern the Fish and Wildlife Commission's recommendation to move the QFS bison to Fort Peck was premature because the public comment period had not elapsed for the draft EA.

The Commission's recommendation at their October 16th meeting is a separate decision-making mechanism from the Department's. All comments received by MFWP were reviewed in preparation of this notice. If new information was provided by the public during the comment period that substantially changed the analysis completed in the draft EA that information would have been provided to the Commission for additional consideration.

5) What is the status of the bison if they leave the reservation? Are they considered wildlife?

See FWP response to comment #1.