

COMPLETING THE DISCUSSION – SUGGESTED ALTERNATIVES FOR A STATEWIDE BISON ENVIRONMENTAL IMPACT STATEMENT (EIS)

Discussion Group Convened by Montana Fish, Wildlife and Parks (MFWP)
October 9, 2014

Facilitator Summary

SESSION OBJECTIVES

1. Complete/fill in the blanks on the alternatives the Discussion Group would like to have analyzed in the Montana Department of Fish, Wildlife & Parks Bison Environmental Impact Statement (EIS). Note: it is within the rights of FWP to add or remove alternatives.
2. Hear public comment related to those alternatives.
3. Hear next steps and approximate timeline for the EIS process.

COMPLETED AGENDA ITEMS

Reiteration of the Group's Ground Rules

Discussion group members affirmed the following ground rules to encourage productive conversation in the session. The facilitator 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.

Focusing the Discussion

Fish, Wildlife & Parks Director, Jeff Hagener, explained that no decision would be made on statewide bison management until the Bison EIS is completed and that there are obvious partners that have to be involved in the EIS (e.g., federal land managers, etc.). He asked the Discussion Group to complete the alternatives they drafted in July – including specifics that would help the Department in its description and analysis of alternatives. He suggested that in addition to alternative approaches, those specifics might include criteria for selecting areas for bison reintroduction and/or possible sites (e.g., Thompson River; Rocky Mountain Front; CMR; Tribal lands) for that purpose. He reiterated that this process does not involve the following:

- Bison the State owns that are currently located on the Green Ranch (Ted Turner ranch);
- Management of Yellowstone National Park bison that cross in to Montana.

Director Hagener also thanked members of the public for their attendance, their interest in the process, and their comments.

Clarifying the Purpose of the FWP Bison EIS

The purpose of the Bison EIS is to assist Montana Fish, Wildlife & Parks in evaluating the best approaches for restoring bison to include the following objectives:

1. Evaluate which method(s) for a pilot bison restoration effort may be appropriate, if any.
2. Evaluate potential opportunities where a restoration effort may be feasible.
3. Clarify the role(s) of partners under different scenarios.
4. Evaluate potential costs and benefits.

Additional “Interest” to be Recognized

It is in the interest of the private bison owners to:

- Producers would like to be recognized as a potentially interested or impacted stakeholder in this discussion. Any potential impact to domestic bison producers should be considered as part of the EIS analysis. Could the domestic producers go the way of the domestic elk producers if bison are restored by FWP as wildlife?

Affirming the Guiding Principles and General Agreements (September 2013; July 2014)

The Discussion Group affirmed the following Guiding Principles and general agreements from their earlier meetings – with clarification on the first general agreements bullet:

Guiding Principles

- 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 containment; fencing; cost; impacts; liability/responsibility; strategies for resolving problems that may occur, etc., and an 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 no bison without a containment strategy. There has to be a clear, lawful funded containment plan.
- 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.
- 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.

Reviewing/Finalizing Draft Alternatives from the July Discussion Group Meeting
The following are points recorded by Discussion Group members as they attempted to add detail to each alternative. In some cases, FWP edited comments to increase clarity or pertinence to the alternative.

Alternative 1 (“No Action” toward bison restoration occurs.)

No action is taken because the present situation is working.

- Bison Management Authority - According to present law, etc 87-1-216
- Ownership of Bison - Public and current hunting and conservation opportunities continue on Tribal, private, state or DOI lands.
- Acreage for Restoration - Present day land stewards are restoring and maintaining.
- Landowner Incentives - Keep private people operating as stewards of the land.
- Herd Size – Not applicable to a ‘No Action’ alternative.
- Containment – Some people believe that fencing laws have worked for 125 years on domestic livestock.
- Hunting Opportunity - There is currently ample opportunity to hunt other native big game. Is an opportunity to hunt bison needed? None would be available with a ‘No Action’ alternative.
- Grazing Livestock - Continuation of current practices, must be based on AUM seasonal grazing.
- Range practices – Continuation of current practices.
- Range Quality Evaluation – Continuation of current monitoring.
- Conflicts with other Native Wildlife - Lands now support native wildlife.
- Risks to other FWP Programs – Some believe that selection of the ‘No Action’ alternative will strengthen participation in block management. Concerns over diseases such as Brucellosis will not be broadened beyond the current area of YNP. No new costs will be associated with managing a restoration population of bison.
- Social Conflicts with Bison - Urban/rural conflict over location of a restoration herd of bison is avoided. Social conflict will likely continue over the conservation values of bison and the desire by some to restore more animals to Montana.
- Social Acceptance of Program – Some believe that the current situation is acceptable, others do not.
- Working Group – No working group would be a part of the No Action alternative.
- Financial Costs – No new costs to implement a restoration program. Agriculture will continue to be a driving economic force in Montana. New costs could present themselves as the controversy continues.
- Opportunity for a Test Project – No test project would be a part of the No Action alternative.
- Sites that might fit – Not applicable
- Potential for Litigation – Bison advocates could call the Department to action based on state statutes to restore wildlife.
- Liability for Damages – Not applicable
- Benefits and Costs:
 - Potential for conflicts – Only social conflicts if the ‘No Action’ alternative is selected.
 - Boost to local economy – No changes to local economy if the ‘No Action’ alternative is selected.

- Reduced risk of ESA listing – Selection of the ‘No Action’ alternative would not reduce the risk of ESA listing. Domestic bison on the landscape do not influence ESA decisions: The Fish and Wildlife Service in their finding on previous petitions have stated that they do not consider domestic bison when evaluating the conservation status of the species.
- Impacts to adjacent lands – Some believe that selection of the ‘No Action’ alternative would represent continued respect for neighbors and private property rights.
- Incentive to private landowners – Selection of the ‘No Action’ alternative would not change current operations of private landowners

Alternative 2 (Restoration of bison based on the willingness of a landowner(s) to accept specific management responsibilities of publicly-owned bison.)

A landowner(s) is identified who is willing to accept specific management responsibilities of publicly-owned bison. This could mean a private landowner(s) that manages any or all of intermingled parcels of private land, state land leases and federal permits (norm in most of Montana). A citizen management committee would have authority to ensure desired outcomes. (Note: FWP cannot give away its authority to manage wildlife, but does have a history of involving citizen committees in decision making. FWP commits to this same sort of collaborative decision making process for any alternative calling for any level of bison restoration.)

Desired outcomes

- Hunting opportunities; access to the public
- Population management
- No disease threat to livestock
- Sound resource science applied
- Acceptable cost to taxpayers
- Identified benefits/incentives to the landowner - Private or public funds; business approaches/opportunities (New Mexico hunting model?)
- No impact on adjacent landowners
- Meets the requirements of Montana SB 212

“Kind of location” or specific location.

- This alternative requires an area large enough to have potential to support a “genetically viable” population (500-1000 herd size).
- Viability of the CMR – Since the mission of the CMR is different, and management of the CMR is strongly committed to not fencing wildlife into the CMR, this alternative does not seem to meet the criteria of keeping bison contained in a specific location, and not allowing them to range on private property where they are not wanted.

Parameters/constraints

- Containment
- Written plan that meets 87-1-216

Measures to be monitored/decision triggers

- Sound resource science data/condition related to range condition, invasive species, etc.
- Total animal numbers – population must be managed successfully
- Disease monitoring
- Number of escapees/time off the premise
- Environment extremes (e.g., winter, drought, fire, etc.) and a strategies to respond quickly to changing conditions

“Involvement” process.

- Seven to 9 member citizen management committee to include local landowners; local and state government; livestock producers; wildlife specialists; resource scientists; sportsman; Tribal representative (see previous comment regarding authority)
- Management committee has a meaningful role related to adaptive management.
- Management committee members selected by the governor and by the County
- Management committee prepares an annual report to the FWP Commission

Realistic viability of this Alternative?

- This is similar to the Green Ranch situation – with possible transfer of animals later.
- This alternative may not be economically viable for the private landowner unless there is an ongoing funding source identified. It should not fall on Montana taxpayers – with the possibility of a philanthropic contribution. Until a funding source is in place this alternative may not be realistic.

Alternative 3 (Bison restoration effort is mainly on Indian Reservation lands in Montana)

Tribal sovereignties and culture are respected. Bison are restored to Indian Country and there are opportunities for Tribes to restore cultural connections to bison. New relationships are built with Tribes.

Desired Outcomes

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

Locations

- Any Tribe in Montana that wants them and can reach agreement.

Parameters and Constraints

- Agree not only on parameters and constraints below, but also agree on how to build the capacity of Tribes to help the model be successful (WCS/ABS, FWP, NBA, ITBC and others).
- Agree on:
 - Containment
 - Population control
 - Disease-free and continuing disease-free strategies
 - Genetics
 - Public hunting
 - Property rights

Measures to be monitored/decision triggers

- Number of Tribes involved
- Number of happy public/tribal hunters
- Number of conflicts
- Number of tribal families who benefit are extended to the entire tribe
- Increased economic activity in Indian Country related to bison entrepreneurship and tourism
- Land health and stewardship

Involvement Process

- Tribe leads public meetings on Reservation
- State leads public meetings in surrounding area
- Government to Government partnership agreements
- "Bison Summit" – Educational format with discussion

Possible "test"

- Fort Peck
- Any interested Tribe that could meet the parameters of a test project

Alternative 4 (Bison are located on a large landscape where there are minimal conflicts with livestock)

Bison are located 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 opportunity is an area in the CMR.) Herd size would be determined by carrying capacity (e.g. one animal per 100 acres) with a conservative stocking rate. An emergency management plan would be in place to respond to drought, fire, snow, etc.

Desired outcomes

- 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

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.
- A local working group will be defined.

Impacts for Consideration

1. Analyze Private Ownership of Potential Habitat Area
 - Impacts on public/private relationships
 - Research process for developing individualized, cooperative agreements with land owners (these agreements should recognize hunting as the primary management tool for this herd, potential for public/private hunting partnerships to occur)
2. Containment Strategy
 - May be contingent on specific agreements with private landowners
 - Should not inhibit current wildlife behavior or travel corridors
3. Impact of Bison on Fisheries, Wildlife, and Resources
 - Analyze potential impacts (positive and negative) of bison on wildlife, specifically Endangered Species, in the habitat area
 - Mitigate impacts on current conservation measures
 - Continuous monitoring of rangeland and habitat
4. Economic and Cultural Impacts
 - Analyze potential effects on local economies (i.e., emergency services, increased road maintenance, local tax base, economic opportunity, etc.)
 - Ensure preservation of current lifestyle and livelihoods
 - Analyze impacts on agency resources
 - Analyze effects on public safety

5. Role of Local Working Group

- Make-up of group (i.e. private landowners, Conservation District, County Commissioner, business owner, members of the public, etc.)
- Responsibility of group
- Advisory/Rule making authority

(Note: FWP cannot give away its authority to manage wildlife, but does have a history of involving citizen committees in decision making. FWP commits to this same sort of collaborative decision making process for any alternative calling for any level of bison restoration.)

6. Creation and Implementation of Exit Strategy

- Establish criteria and triggers for project failure

7. Funding

- Develop a budget containing Federal, State, and private costs of implementation
- Develop revenue stream made of a combination of Federal, State, and private funding
- Long term projections should be made to ensure costs are covered

Monitoring items and decision triggers

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

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.

Alternative 5 (A managed, “test” population of bison is located in a manner that sustains/contributes to existing rural communities and land resources)

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.

Desired outcomes

- 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.

Specific parameters/constraints

- Project economic and stocking analysis is done.
- A management board is in place with both project landowner and adjacent landowners with 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.

Herd management

- An annual habitat assessment conducted by Fish, Wildlife & Parks in cooperation with landowner would be required. Herd management plan has to meet 87-1-216.
- Herd management should also include the establishment of a population objective and a strategy for controlling numbers of bison above population objectives (i.e. hunting, translocation, or culling).

Specific sites

- Don't know about future land ownership enough to say unless somebody comes forward

Criteria

- Private land large enough to support a minimum of ~400 bison (~20,000 acres)

Funding

- There should be a strong incentive for the landowner. Private donations should be sought. Other funding should come from license fees generated from public hunting. Governor's bison tag a possibility. Culling and selling of surplus bison to support operations are possibilities.

Monitoring items and decision triggers

- Actual financial performance versus initial analysis
- Economic outcomes to local community

- Range land health
- Bison herd health and dynamics
- Social acceptance of constituent groups
- Movement of bison outside tolerance zone
- Excess population growth
- Fire, weather, drought, etc = loss of habitat
- Disease detected

“Involvement” process

- Local steering committee with willing participant - a facilitated group to meet as needed depending on bison herd size, etc. The potential citizen committee would be appointed by the Director of FWP after being nominated by respective groups/affiliations (as exemplified below):
 - (1) Rep from counties or local government (MACO)
 - (1) Rep from county conservation district
 - (2) Reps from state and local livestock affiliations (Farm Bureau, Stockgrowers, etc.)
 - (2) Reps from state and local sportsmen groups
 - (2) Reps from state and local wildlife conservation groups
 - (1) Tribal representative (recommended by the Director of Indian Affairs)
 - (1) At large member (unaffiliated)
 - non-voting agency rep at the table
- Annual transparent report on project to the public
- Social acceptance among constituent groups

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Possible “test” situation

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

Statewide EIS Process NEXT STEPS

- FWP will move forward in drafting the EIS which will include suggestions from the discussion group.
- FWP will be in contact with individual discussion group members as needed for specific clarification and/or further input.
- FWP is aiming to release a draft EIS sometime during the winter of 2014/2015.
- FWP will keep the Discussion Group informed about the progress of the EIS and changes in the approximate timeline.