

Chapter 1: Project Overview and Summary

1.1 Introduction

The restoration and preservation of wildlife and natural resources has caused many to regard Montana as “the last best place”. Many of Montana’s prized fish and game species, including deer and elk, were almost lost during the unregulated commercial hunting and fishing of the 1800s and early 1900s. If it were not for the recognition of the need to preserve these species by early Montanans, many would have disappeared from the land. Montana has been successful in restoring many of the wildlife species that were present when Lewis and Clark first crossed the region on their way to the Pacific.

Bison flourished throughout the majority of Montana prior to the settlement of the American West and were a keystone species of the Great Plains ecosystem. In the summer of 1806, Meriwether Lewis recorded passing immense herds of buffalo in the Marias River area (Brandt, 2002). Following decades of substantial loss, bison were saved from complete extinction by a diverse group of individuals but are now restricted to particular geographic areas or kept behind fences.

Bison restoration presents opportunities for restoring some of the ecological role bison played on the prairie, as well as for increasing tourism and hunting opportunities. Yet, there are concerns that bison could negatively impact agricultural interests, affect current land uses, transmit diseases to livestock, have negative economic impacts, or reduce public access.

Montana, Fish, Wildlife and Parks (FWP) has started an open and inclusive public process to thoroughly examine potential conflicts, concerns, and opportunities in order to explore whether there is a place for bison restoration on the Montana landscape at this time. Beyond this effort, there are additional bison-related programs such as the ongoing management of bison migrating outside of Yellowstone National Park (YNP) during the winter. FWP is one of seven cooperating agencies involved in the management activities of YNP bison.

It is important to understand the history of bison in Montana in order to explore opportunities for restoring somewhere bison outside of YNP. Prior to the European settlement of the West, Native Americans and bison coexisted for thousands of years. Bison were the primary source of sustenance for many of the plains tribes. Large herds of bison resided in and moved throughout virtually all areas of Montana east of the Rocky Mountains, with evidence of smaller bison groups utilizing western Montana. In 1882, a herd that was estimated to have contained between 50,000 and 80,000 bison was observed crossing the Yellowstone River near Miles City.

Early European explorers and settlers quickly recognized the value of bison. Many recognize that the bison helped to secure the European settlement of the West providing sustenance, fuel, and materials for settlers and was the sole reason many were able to survive. The recognition of the extensive value of the bison soon brought hunters from

across the United States to the Great Plains in search of profit. Even during the early days of bison hunting, many foretold of the impending destruction of the species.

It was not only the bison hunters, but also settlers that mercilessly hunted the species to near extinction. By the mid-1850s, buffalo robes were increasing in popularity in the eastern markets, creating a high demand and causing a large number of hunters to descend on the plains of eastern Montana. With the lack of protection at both the territory and national level the great herds were all but gone by the 1880s. The disappearance of the bison had a tremendous impact on the culture and economy of the plains tribes.

Some early Montanans, including pioneer Montana rancher, miner, and statesman Granville Stuart, tried to enact territorial legislative protection for bison without success (Phillips, 1997). In 1872, the Montana territorial legislature passed an act, championed by Stuart, that established a closed season for buffalo, moose, elk, deer, mountain sheep, Rocky Mountain goats, antelope and hare, between the 1st of February to the 15th of August (Brownell, 1987). Though the intention of the 1872 Act was clear, its passage did little to guarantee enforcement. A bill sponsored by a Helena-area rancher, Edward G. Brooke, was passed in 1879, protecting bison for a ten-year period in Lewis and Clark, Jefferson, Deer Lodge, and Madison Counties. The lack of governmental enforcement prompted citizen groups such as rod and gun clubs to focus on the protection of wildlife.

It was indeed sportsmen who first led the call to preserve the bison and inspired others to do the same. Six men in particular have been credited with establishing the private herds, mainly with orphan bison calves captured within Montana, from which the majority of present-day bison have since descended. Montana was home to the famed Pablo-Allard Herd that was used to restock and supplement many of the public conservation herds in existence today, including those at YNP and the National Bison Range (NBR).

The number of Plains Bison slowly increased until the 1930s with most of the increase in public conservation herds. The population of bison in these *public* herds has remained relatively stable since that time. Since the late 1960s, the number of Plains Bison in *private* commercial herds has greatly increased to over 150,000 animals in 2010.

Wild bison have been absent from the landscape for so long that many have forgotten the value that the species could provide to hunters, tribal members, the ecosystem, and Montana's wildlife legacy. The current decision over whether or not to take action to preserve bison, as a wildlife species, is not one that is unique. It is one that individuals, groups, and governments have struggled with since the European settlement of the West. The opportunity now exists for Montana to explore what would be best for Montana recognizing the diversity of values and opinions held by its citizens. While the days of untold millions of bison moving across the prairie will not return, the citizens of Montana have the opportunity to engage each other in thoughtful discussion.

1.2 Purpose and Need for the Proposed Action

The purpose of this Environmental Impact Statement (EIS) is to determine if bison restoration is appropriate and if so, what potential opportunities are feasible and consistent with Montana's laws, policies, rules, and regulations. It is FWP's desire to fulfill its statutory obligations to manage all wild ungulates in the state, while recognizing that bison management presents additional challenges compared to other species.

In Montana, Plains Bison are designated as both a wildlife species in need of management and a species in need of disease control. They are further classified as a Species of Concern because they are considered to be 'at risk' due to historic extirpation, limited populations, loss of genetic diversity, threats to their habitat, and/or restricted distribution. Presently, the management of bison in Montana is exclusively guided by the Interagency Bison Management Plan (IBMP) for YNP bison within restricted areas north and west of the park. Beyond the seasonal presence of YNP bison in Montana, only one other conservation herd is found in Montana at the National Bison Range (NBR) near Moise. The NBR currently supports 300-400 bison on 18,560 fenced acres. As of 2008, it was estimated that there are currently 20,504 Plains Bison in 62 conservation herds within the United States and Canada. Of the 62 conservation herds, 87% are believed to be located within the original range of Plains Bison.

By law, FWP needs to "enforce all the laws of the state regarding the protection, preservation, management, and propagation of fish, game, fur-bearing animals, and game and nongame birds within the state" (§ 87-1-201 MCA). Furthermore, FWP is required to manage wildlife, fish, game, and nongame animals in a manner that prevents the need for listing under the state list of endangered species (§ 87-5-10 MCA) or under the federal Endangered Species Act (16 U.S.C 1531, et seq.), and in a manner that assists in the maintenance or recovery of those species (§ 87-1-201 MCA). Within this context, FWP implements positive conservation and management strategies that fulfill these directives to preserve and restore wildlife species in Montana.

FWP recognizes that the long-term future of bison in Montana depends on carefully balancing the complex biological, social, economic, and political aspects of bison management. FWP considers this wide spectrum of interests while attempting to design and implement flexible programs that are responsive, adaptive, and address the concerns of people affected directly or indirectly by all wildlife.

Objectives of this EIS:

- Evaluate which method(s) for a pilot bison restoration effort may be appropriate, if any.
- Evaluate potential landownership scenarios where a restoration effort may be feasible.
- Evaluate potential costs and benefits of a restoration program.

1.3 Benefits of the Proposed Action

Managing bison as a native species according to a publicly developed planning document would allow bison management and possibly restoration within Montana to move forward in a more open and transparent manner. Completion of this EIS allows FWP to explore a variety of opportunities for bison restoration that may be biologically, socially, politically, and economically feasible.

1.4 Decisions to be Made

The process of preparing an EIS under the Montana Environmental Policy Act (MEPA) requires FWP to evaluate the options for restoration and the feasibility of implementing any of these, as well as an option to maintain the status quo for the management of the species. Any decision to implement a restoration alternative would be followed by preparation of a site-specific Environmental Analysis (EA) including the preparation of a site-specific management plan as required by Montana statute 87-1-216. A decision to not implement any option for restoration would result in no further action by FWP. Selection of this alternative would not prevent other entities from further discussion or action within state law or mandates.

1.5 Other Agencies that have Jurisdiction or Responsibility

FWP proposes the alternatives within this EIS under its responsibility as trustee for the wildlife of the state. The courts of Montana have determined that bison are wildlife and should be managed as such by FWP (*Citizens for Balanced Use, et al. v. Maurier, FWP, et al.*, 17th Judicial District Court, MT (April 3, 2014)). Montana statute section §87-1-201, Montana Code Annotated (MCA), authorizes the Montana Fish and Wildlife Commission to set the policies for the protection, preservation, and propagation of the wildlife, fish, game, furbearers, waterfowl, nongame species, and endangered species of the state (§87-1-201 MCA). Within the policies established by the Commission, FWP is responsible for supervising the management and public use of all the wildlife, fish, game, furbearing animals, and game and nongame birds of the state.

Because bison are designated as a species in need of disease control (§87-1-216 MCA) due to their potential to spread a contagious disease and cause damage to persons or property, FWP is obligated to consult and coordinate with the Montana Department of Livestock (MDOL) on the management of the species (§87-1-716 MCA).

Federal agencies such as the U.S. Forest Service (USFS), Bureau of Land Management (BLM), and the U.S. Fish and Wildlife Service (USFWS) administer federally owned lands. These agencies manage lands according to their enabling legislation, agency missions, and relevant federal laws, rules and regulations. FWP coordinates with federal agencies on wildlife and habitat issues of mutual interest, but has no legal jurisdiction over how federal lands are managed. Both the USFWS and state agencies have authorities and responsibilities for wildlife management on national wildlife refuges.

Montana's Native American tribes have jurisdictional authority for wildlife conservation and management programs within reservation boundaries. FWP coordinates with tribal authorities on issues of mutual interest.

Given multiple jurisdictions, bison restoration brings exceptionally complex challenges and the need for partner agreements. Bison restoration cannot happen on any lands without approval and cooperation from landowners, and must also be coordinated with the MDOL and state veterinarian to ensure disease concerns are addressed.

1.6 Public Involvement Process

In 2010, FWP began a process to evaluate the opportunity for establishing a Plains Bison population somewhere within the state through the development of a programmatic EIS. The MEPA process requires an agency to conduct thorough, unbiased, and scientifically based analysis of all relevant facts concerning potential impacts to the human environment. The human environment is defined by pertinent biological, physical, social, economic, cultural, and aesthetic factors (Mundinger and Everts, 1998). The MEPA process encourages the public's participation throughout the scoping process and by soliciting public comments on the draft EIS.

In 2011, a background document, *Background Information on Issues of Concern for Montana: Plains Bison Ecology, Management, and Conservation*, was prepared by FWP staff in preparation for initiation of this EIS. The document describes the current body of knowledge pertaining to bison with an emphasis on Montana. The purpose of the document was not to make management recommendations or decisions, but rather to create a foundation for an informed public dialogue about the potential future of bison in the state of Montana. A number of public meetings were held during development of the background document to allow citizens to raise potential issues and to inform them about the evaluation. Public comment was accepted throughout development and following release of the draft document.

A formal public scoping process was initiated in the spring of 2012 to identify potential issues, concerns, opportunities, and stakeholders. Eight public scoping meetings were held throughout Montana. FWP received a total of 22,928 comments from approximately 20,160 individuals that expressed a diversity of views and opinions. FWP collected 3,472 of those comments from individuals and organizations during the public meetings. The remaining comments were submitted online or through the mail from individuals, agencies, and organizations. FWP reviewed every individual comment that was submitted and developed a summary of those comments. The summary of these comments is presented in *the Issues Identified through Public Involvement* section that follows and within the summary of the 2012 public scoping process (Appendix A).

During the public scoping process a number of potential locations for bison restoration were discussed including the Rocky Mountain Front, Thompson Falls/River, Charles M. Russell National Wildlife Refuge, Elkhorn Mountains, Bitter Creek, Pryor Mountains, region around YNP, Powder River, and Terry Badlands. FWP researched each site and in some

cases, met with local organizations, individuals, and agency personnel to develop an understanding of the habitat, potential issues, and potential suitability of each location.

In addition to the public scoping meetings in 2012, FWP convened a working group of representative interests in Lewistown in September 2013 to discuss the most effective way to move forward with the EIS process. The objectives of this discussion group meeting were; 1) to provide an opportunity to better inform and clarify interests and concerns about bison on the landscape, and 2) to explore common values, parameters and guiding principles related to bison. The working group developed the following parameters to help guide any alternative considered by FWP to reintroduce bison as part of a test project or restoration effort:

- Comply with all applicable laws.
- Manage bison as wildlife.
- Respect private property rights.
- Involve landowners, sportsmen, conservationists, tribes, and all interested parties.
- Include meaningful involvement and guidance from a local working group for site specific planning.
- Have a defined timeline, desired outcomes, benchmarks, and planning for both successes and failures.
- Include monitoring and evaluation to inform management decisions and track progress toward meeting objectives.
- Include a clear process for adaptive management and identification of next steps.
- Have defined geographic boundaries.
- Have defined containment measures that may include but be not limited to fencing, geography, herding, and hunting.
- Have defined population objectives.
- Be compatible with range carrying capacity as determined by public land managers and generally accepted range science.
- Include only bison tested and confirmed free or reportable diseases.
- Include herd health monitoring designed cooperatively by MDOL and FWP.
- Include only source bison that are genetically intact/desirable.
- Utilize public hunting as a primary tool for population management and dispersal.
- Include contingency planning for unexpected circumstances, changing conditions, natural disasters, etc.
- Consider incentives for participating landowners.
- Address damages through existing game damage programs and processes.
- Identify sustainable funding for all components.
- Include annual reporting and cost assessments.
- Ensure that bison would not unreasonably affect existing land uses, such as timber harvest, energy development, or public land grazing unless mutually agreed upon by affected parties.
- Ensure that bison would not unreasonably displace other native ungulates, or reduce hunting opportunities for other species on public lands.

The discussion group met a second time in July 2014 in Billings to discuss alternatives for consideration within the statewide EIS and again in October 2014 to continue discussion of these alternatives. Summaries from each meeting are available on the FWP website.

1.7 Issues Identified through Public Involvement and Evaluated in this Draft EIS

Comments collected from the public scoping process were used to further identify issues and to develop thoroughly vetted alternatives. FWP reviewed individual comments that were submitted during the 2012-2014 scoping period. A number of comments were related to how the National Park Service (NPS) manages the bison herd in YNP, the Interagency Bison Management Plan (IBMP), or the quarantine feasibility study (QFS). While these comments were reviewed, they are beyond the scope of this EIS and more appropriately directed toward those other processes or programs.

The following is a general summary of the primary issues and concerns identified from the comments, questions, and suggestions received during the public scoping period. *The opinions, concerns, and statement below are not necessarily factual nor do they represent commitments by FWP.*

- **General Management Issues and Concerns:**
 - Managing bison movement and distribution across the landscape could be difficult.
 - Bison movement and distribution could be managed through hunting or other means.
 - Population control/management could be difficult.
 - Population control/management could be addressed similar to other game species.
 - Bison management could be impacted by changing conditions, e.g., drought, fire, or snow.

- **Fencing and Confinement Issues and Concerns:**
 - Bison could impact existing fences.
 - Bison should be managed as a wild herd and a fenced herd is not a wild herd.
 - Fair chase hunting would not be possible with a confined herd.
 - A non-fenced herd could require more complex management.
 - The containment and management of a fenced herd could be expensive and resource intensive.
 - Bison should be managed as a fenced in population.
 - Fencing to contain bison could impact the movement of other wildlife.

- **Public Safety Issues and Concerns:**
 - Bison presence could threaten the safety of children, hunters, ranchers, and recreationalists.

- Bison could pose similar risks to humans as other animals such as elk, moose, or cattle.
- Bison presence could result in increased wildlife-vehicle collisions.
- **Private Property Rights and Property Damage Issues and Concerns:**
 - Bison could damage cropland and infrastructure.
 - Bison could compete with domestic livestock for forage.
 - Landowners should be able to remove problem bison if agency response is not swift.
 - There is no existing compensation program for private property damage by bison.
 - There is no existing incentive or compensation program for landowners who allow bison on their private lands.
 - Bison could be used to limit rights on private property.
 - The right to have bison should be a private property right.
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- **Disease and Herd Health Issues and Concerns:**
 - Any bison used for restoration should be tested prior to release and monitored over time.
 - Bison could spread disease to livestock or other wildlife.
 - Livestock could spread disease to bison.
 - There is no existing contingency plan in place for a bison herd that becomes infected.
- **Hunting Issues and Concerns:**
 - A reintroduced herd should be hunted.
 - Bison should be hunted in a manner similar to other game species.
 - Hunting bison could impact their movements and distribution.
 - A huntable population of bison could provide benefits to the community and economy.
 - The presence of bison could impact the ability to hunt other species.
- **Genetics and Restoration Source Herds Issues and Concerns:**
 - The genetic makeup of a potential source herd should be evaluated.
 - Potential restoration bison should be free of cattle gene introgression.
 - Small amounts of cattle gene introgression would be acceptable.
 - Domestic bison could impact a wild herd's genetic makeup.
 - A herd should be of sufficient size to ensure genetic health.
 - Small herds should be managed intensively to maintain genetic health.
- **Legal Status, Classification, and Regulatory Issues and Concerns:**
 - Confusion exists as to the current status and classification of bison in Montana.
 - The classification of bison should remain as both livestock and wildlife.
 - Bison should only be classified as livestock.

- Legal status of bison in surrounding regions could have an impact on management.
 - FWP should be the sole managing authority.
 - Montana Department of Livestock should be the sole managing authority.
 - Bison that are classified as wildlife should be managed by FWP and bison that are livestock should be managed by Montana Department of Livestock.
 - There should be an agency liable for damages caused by bison.
- **Land Use and Land Management Issues and Concerns:**
 - Grazing leases and current uses of public land should be maintained if bison are restored.
 - Presence of bison could impact grazing leases and other current uses of public land.
 - Wildlife should be a priority on public land.
 - Public land should be used to support the economy.
 - Bison restoration should not impact recreational activities on public land.
 - Programs should be developed that allow for bison restoration and continuation or even an increase in public land grazing by domestic livestock.
- **Impact on Livestock, and Domestic Bison Producers Issues and Concerns:**
 - Coexistence of bison and domestic cattle on the Montana landscape is debatable or unknown.
 - There is debate over whether bison would breed cattle or prevent them from using resources.
 - Bison managed as wildlife could try to interact with domestic bison.
- **Ecological Impacts and Impact to Other Wildlife Issues and Concerns:**
 - Bison could have a positive impact on prairie vegetation and associated species such as grassland birds.
 - Bison could be an important part of a healthy ecosystem.
 - Bison could negatively impact riparian habitat.
 - Bison could potentially spread weeds.
 - There could be increased competition for limited resources with other wildlife species.
 - Impacts of wallows could be both positive and negative.

Economic and Community Impacts Issues and Concerns:

- Any specific issues and concerns related to socio-economic impacts and benefits would need further assessment within a site-specific Environmental Assessment.
- Bison could positively impact local economies through tourism, hunting, or other opportunities.
- Restoration and management of bison could be important to Montana's wildlife heritage and could strengthen Montana as a national leader in wildlife and outdoor opportunities.
- Bison could have negative or positive impacts to the tax base.

- There could be a loss of agricultural revenue if bison are restored.
- The threat of brucellosis could negatively impact Montana's beef industry, e.g. lower prices or additional restrictions on Montana cattle or beef.
- **Tribal Involvement and Cultural Connection to Bison Issues and Concerns:**
 - Tribal treaty rights both on and off reservations should be considered.
 - Bison should be restored due to their cultural and spiritual significance.
 - Concern was expressed over tribal participation in potential programs both on and off reservation lands.
- **Role of Federal Government and Other Agencies or Organizations Issues and Concerns:**
 - Bison restoration and management should be a cooperative effort between Montana and the federal government if federal land is involved.
 - The federal government should not be involved in the management of the state's wildlife.
 - Concern was expressed that other organizations and agencies could move forward with bison restoration in Montana if FWP does not.
 - The Montana Department of Livestock should play a role in the management of bison.
 - The Montana Department of Livestock should not have authority or a role in the management of bison.
- **Funding and Fiscal Issues and Concerns:**
 - Partial funding and resources should be provided by other organizations or agencies.
 - The cost of program alternatives should be examined and considered.
 - The limited funds of FWP should not be spent on bison.
 - A bison management program could have an impact on existing program budgets.
 - Taxes should not be used to fund bison restoration programs.
- **Research, Education, and Outreach Issues and Concerns:**
 - Further research as to how bison would behave and use the landscape should be explored.
 - A smaller herd should be used as a research opportunity.
 - Education and outreach relative to hunting, disease, and living with bison should be explored.
- **Potential Locations and Habitat Suitability Issues and Comments:**
 - Rangeland assessments should be completed to ensure that the habitat could support a healthy herd prior to any restoration.
 - Bison should only be restored to their historic range.

- **Potential Program Alternatives That Were Suggested:**
 - No Action: FWP should not move forward with managing bison as wildlife.
 - Restore bison to suitable prairie habitats as elk and deer have been restored.
 - Restore only a small herd or herds that could serve as a model for future efforts.
 - Restore a large herd or herds that are genetically viable and ecologically functioning.
 - Restore a herd that is of sufficient size to allow for a hunting program.
 - Manage bison in fenced herds.
 - Restore bison to Native American reservations only.
 - Confine bison to Yellowstone National Park and manage bison as livestock outside of the Park.
 - Restore bison on public lands, especially the Charles M. Russell National Wildlife Refuge.
 - Bison should be sent to Russia, Central Park, or the capital building in Helena.

- **Comments on this EIS and Scoping Process:**
 - FWP needs to act quickly in developing a management plan.
 - Only local input should be included since the program would have local impacts.
 - All citizens should be able to contribute since public land is involved.
 - There is a lack of trust in the planning process primarily related to how comments will be treated.
 - There is concern over FWP's ability to manage bison as wildlife.
 - There is support for FWP to be the agency that manages bison as wildlife.
 - There is support for Montana Department of Livestock to be in charge of bison and their management.