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American Veterinary Medical Association - 8846; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Population - set an upper and lower population level, Bison - Quarantine Operations, Bison - Vaccination, Brucellosis - in Other Wild Ungulates, Brucellosis - Testing, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status
Animal Advocates of Lake County - 8750; Alternatives/Issues - New
Animal Assistance League of Orange County - 10717; Bison Alternative
Animal Protection Institute - 11124, 15186a; Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Public Grazing Allotments - modify, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Brucellosis Class-Free Status, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators,

Socioeconomics - Social Values, Visitor Use - Winter Road Grooming
Animal Rights Alliance - See Schubert & Associates - 10110
Anti-Vivisection Society of America - 4182; Bison - Distribution (Live), Citizen's Plan
Appalachian Voices - See Preserve Appalachian Wilderness - 15372
Apple Country Snowmobile Club - 9255; Alternatives/Issues - New, Bison - Population, Brucellosis - Transmission and public perception, Vegetation - Vegetative Communities, Visitor Use - Overall Visitor Use and Experience, Visitor Use - Winter Road Grooming
Arlington Conservation Council - 7052; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Public Grazing Allotments - modify, Bison - Special Management Areas, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Legal and Policy Mandates (management authority), Socioeconomics - Social Values
Association of Veterinarians for Animal Rights - 2653; Bison - Capture/Test/Slaughter Operations, Bison - Hunting, Bison - Public Grazing Allotments - modify, Brucellosis - Transmission and public perception, Legal and Policy Mandates (management authority), Socioeconomics - Social Values, Visitor Use - Winter Road Grooming
Audubon Society, Alabama Council - 9740; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Project costs are reasonable, Socioeconomics - Social Values, Visitor Use - Overall Visitor Use and Experience
Audubon Society, Bexar - 7059; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority)
Audubon Society, Boulder County - 1476; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Hunting, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority)
Audubon Society, Conococheague - 4105; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Social Values
Audubon Society, Evergreen Naturalists - 15572; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Public Grazing Allotments - modify, Citizen's Plan, Wildlife - Threatened & Endangered Species
Audubon Society, Last Chance - 8879; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Special Management Areas, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range
Audubon Society, Montana Chapter - 14568; Bison - Distribution (Live), Bison - Public Grazing Allotments - modify, Bison - Vaccination, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Legal and Policy Mandates (management authority)
Audubon Society, Prairie Wood - 8200; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority)
Audubon Society, Travis - 15082; Bison - Capture/Test/Slaughter Operations, Citizen's Plan
Banff Environmental Action and Res. (BEAR) Soc. - 2397a; Brucellosis - Transmission and public perception, Wildlife - Threatened & Endangered Species
Bear Creek Council - 8871; Bison - Effects on Free-Ranging Status and Distribution, Brucellosis - Transmission and public perception, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority)
Berlin United Methodist Church - 1625; Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority)

Big Horn Livestock Association - 14841; Bison - Special Management Areas, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status, Cattle - Vaccination - require vaccination with RB51, Land Acquisitions / Easements or winter range
Billings Rod and Gun Club - 14867; Bison - Hunting, Citizen's Plan, Legal and Policy Mandates (management authority)
Blue Ribbon Coalition, Inc. - 7262, 14884 (See also Business Section under Moore & McFadden - 14978); Alternatives/Issues - New, Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Population, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status, Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Vegetation - Vegetative Communities, Visitor Use - Winter Recreation, Visitor Use - Winter Road Grooming
Bridging the Gap - 2116; Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Public Grazing Allotments - modify, Citizen's Plan, Land Acquisitions / Easements or winter range
Brushy Bottom Bison Basin - 13005; Brucellosis - Transmission and public perception
Buffalo Field Archery Club - 15095; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Public Grazing Allotments - modify, Bison - Special Management Areas, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Legal and Policy Mandates (management authority), Socioeconomics - Social Values
Buffalo Gap Land Rescue - 14911; Alternative Plan B, Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Brucellosis - Transmission and public perception, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Legal and Policy Mandates (management authority), Socioeconomics - Social Values
Buffalo Nations - 14900, 15187; Alternative Plan B, Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Quarantine Operations, Bison Ecology, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority), Socioeconomics - Cost to livestock operators, Socioeconomics - Nonmarket Values, Socioeconomics - Project costs are reasonable
Butte Busters Snowmobile Club, Inc. - 9488; Visitor Use - Winter Recreation, Visitor Use - Winter Road Grooming
Cabinet Resource Group - 14600; Alternatives/Issues - New, Bison - Effects on Free-Ranging Status and Distribution, Brucellosis - in Other Wild Ungulates, Brucellosis - Testing, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Land Acquisitions / Easements or winter range, Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Project costs are reasonable, Socioeconomics - Social Values
California Farm Bureau Federation - 15806; Bison - Population, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status, Socioeconomics - Cost to livestock operators
California Federation for Animal Legislation - 336, 4590; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Hunting, Bison - Public Grazing Allotments - modify, Brucellosis - Transmission and public perception, Visitor Use - Winter Road Grooming
Chipeta Elementary - 5192; Citizen's Plan, Visitor Use - Overall Visitor Use and Experience, Wildlife - Threatened and Endangered Species - protection
Civitas - 14226; Bison - Capture/Test/Slaughter Operations, Bison - Public Grazing Allotments - modify, Bison Ecology, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Cost to livestock operators, Socioeconomics - Project costs are reasonable, Vegetation - Vegetative Communities, Visitor Use - Winter Road Grooming
Clemson University, Department of Livestock Poultry Health Programs - 14336; Bison - Special Management Areas, Brucellosis - Transmission and public perception

Cold Mountain, Cold Rivers - 15366; Alternative Plan B, Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Carcasses), Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Bison - Population - set an upper and lower population level, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Special Management Areas, Bison Ecology, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Nonmarket Values, Socioeconomics - Project costs are reasonable, Wildlife - Predators and Scavengers/Ungulates, Wildlife - Threatened & Endangered Species, Wildlife - Threatened and Endangered Species - protection

Colorado Grizzly Project - 2555; Bison - Distribution (Carcasses), Visitor Use - Winter Road Grooming, Wildlife - Predators and Scavengers/Ungulates

Colorado State University, Natural Resource Ecology Laboratory - 9308; Bison - Capture/Test/Slaughter Operations, Bison - Population, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Testing

Colorado Wildlife Alliance - 6045; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority)

Colorado Wildlife Federation - 9288; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Population, Bison - Public Grazing Allotments - modify, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Legal and Policy Mandates (management authority)

Committee for Children - 420; Bison - Capture/Test/Slaughter Operations, Bison - Hunting, Bison - Population - set an upper and lower population level, Bison - Quarantine Operations, Brucellosis - Transmission and public perception, Cattle - Change Cattle Operations (Public and Private), Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Visitor Use - Winter Road Grooming

Committee for Responsible Growth - 6057; Bison - Capture/Test/Slaughter Operations, Bison - Public Grazing Allotments - modify, Brucellosis - Transmission and public perception, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range, Socioeconomics - Social Values

Committee to Abolish the Fur Trade - See Schubert & Associates - 10110

Concerned People for Animals, Inc. - 1080; Bison - Public Grazing Allotments - modify, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Visitor Use - Winter Road Grooming

Conservation Council for Hawaii - 5015, 15886; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Hunting, Legal and Policy Mandates (management authority); Bison - Public Grazing Allotments - modify, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority)

Converse County School District #2 - 17684; Land Acquisitions / Easements or winter range

Cornelia Connelly School - 4216; Bison - Capture/Test/Slaughter Operations, Bison - Hunting, Bison - Quarantine Operations, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Land Acquisitions / Easements or winter range, Visitor Use - Winter Road Grooming

Deerlodge Forest Defense Fund - 13055; Alternative Plan B, Bison - Capture/Test/Slaughter Operations, Bison - Definition of Low Risk, Bison - Effects on Free-Ranging Status and Distribution, Bison - Public Grazing Allotments - modify, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Socioeconomics - Cost to livestock operators, Socioeconomics - Project costs are reasonable

Defenders of Wildlife - 14980; Alternatives/Issues - New, Bison - Definition of Low Risk, Bison - Distribution (Live), Bison - Hunting, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Brucellosis Class-

Free Status, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators, Wildlife - Threatened & Endangered Species

Doris Day Animal League - 14383; Bison - Hunting, Bison Alternative, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Land Acquisitions / Easements or winter range, Socioeconomics - Social Values, Visitor Use - Winter Road Grooming

Earth Island Institute - 15214a, 15799 (See also Schubert & Associates - 10110, 14714); Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Bison - Hunting, Bison - Population - set an upper and lower population level, Bison - Public Grazing Allotments - modify, Bison - Vaccination, Bison Alternative, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Socioeconomics - Cost to livestock operators, Socioeconomics - Project costs are reasonable, Socioeconomics - Social Values, Visitor Use - Winter Road Grooming

EarthWalk Spiritual Ministry - 16643; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Brucellosis - Transmission and public perception

East Ascension Sportsmans League Inc. - 14737; Bison - Effects on Free-Ranging Status and Distribution, Bison - Public Grazing Allotments - modify, Brucellosis - in Other Wild Ungulates, Brucellosis - Testing, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Legal and Policy Mandates (management authority)

Ecology Center - 15150, 15254, 15671; Alternative Plan B, Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Special Management Areas, Bison - Vaccination, Bison Alternative, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Brucellosis Class-Free Status, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Nonmarket Values, Socioeconomics - Social Values, Wildlife - Predators and Scavengers/Ungulates, Wildlife - Threatened & Endangered Species

EcoSys Alert - 1287; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Citizen's Plan, Legal and Policy Mandates (management authority)

Edmonds Institute - 15517; Alternative Plan B, Bison - Capture/Test/Slaughter Operations, Bison - Hunting, Bison - Public Grazing Allotments - modify, Bison - Vaccination, Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority)

Eilat Loves Animals - 192; Brucellosis - Transmission and public perception

Environmental Council of Rhode Island - 16339; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Public Grazing Allotments - modify, Brucellosis - Transmission and public perception, Citizen's Plan

Environmental Protection Information Center - 14337; Alternative Plan B, Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Vaccination, Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority), Socioeconomics - Cost to livestock operators, Socioeconomics - Project costs are reasonable

Ethics Outreach - 8664; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Vaccination, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Visitor Use - Winter Road Grooming

Farm Sanctuary - See Schubert & Associates - 10110

First Congregational Church - 1298; Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Public Grazing Allotments - modify, Land Acquisitions / Easements or winter range

Flathead Wildlife - 10816; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Cattle - Vaccination - require

vaccination with RB51, Citizen's Plan, Legal and Policy Mandates (management authority)
Florida Biodiversity Project - 9382; Alternatives/Issues - New, Bison - Distribution (Live), Bison - Hunting, Bison - Population, Bison - Property Damage, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Ranching, Bison - Vaccination, Bison Alternative, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Brucellosis Class-Free Status, Cattle - Change Cattle Operations (Public and Private), Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators, Visitor Use - Overall Visitor Use and Experience, Visitor Use - Winter Road Grooming
Florida Wildlife Organization - 14915; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Public Grazing Allotments - modify, Bison - Vaccination, Brucellosis - Transmission and public perception, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Nonmarket Values, Socioeconomics - Social Values, Visitor Use - Overall Visitor Use and Experience
Forest Lake Minnesota Snowmobile Club - 10305; Visitor Use - Winter Recreation
Frente Zapatista - 14896; Bison - Capture/Test/Slaughter Operations
Friends of Animals - 419, 5937; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Bison - Hunting, Bison - Public Grazing Allotments - modify, Bison - Vaccination, Bison Ecology, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority), Socioeconomics - Social Values, Visitor Use - Winter Recreation, Visitor Use - Winter Road Grooming
Friends of Animals and Their Environment and Faith - 15270; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Public Grazing Allotments - modify, Bison - Vaccination, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority), Socioeconomics - Social Values, Visitor Use - Winter Road Grooming
Friends of Native Americans - 13545; Bison - Effects on Free-Ranging Status and Distribution, Citizen's Plan
Friends of the Bitterroot - 8639; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Public Grazing Allotments - modify, Bison - Vaccination, Cattle - Vaccination - require vaccination with RB51, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority)
Friends of the West - 191; Bison - Population - set an upper and lower population level, Brucellosis - Transmission and public perception, Legal and Policy Mandates (management authority)
Friends of the Wild Swan - 15237; Alternative Plan B, Bison - Capture/Test/Slaughter Operations, Bison - Definition of Low Risk, Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Public Grazing Allotments - modify, Bison - Vaccination, Brucellosis -Risk Management, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Socioeconomics - Cost to livestock operators, Socioeconomics - Project costs are reasonable
Fund for Animals - 15123, 15124, 15197a (See also Schubert & Associates 10110, 14714; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Bison - Hunting, Bison - Population - set an upper and lower population level, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Vaccination, Bison Alternative, Bison Ecology, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Testing, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Brucellosis Class-Free Status, Cattle - Vaccination - require vaccination with RB51, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management

authority), Socioeconomics - Cost to livestock operators, Socioeconomics - Project costs are reasonable, Vegetation - Vegetative Communities, Visitor Use - Winter Road Grooming
Gallatin Wildlife Association - 14935, 15233; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Population, Bison - Public Grazing Allotments - modify, Bison - Special Management Areas, Brucellosis - in Other Wild Ungulates, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators, Socioeconomics - Nonmarket Values, Socioeconomics - Project costs are reasonable, Socioeconomics - Social Values, Vegetation - Vegetative Communities, Visitor Use - Winter Road Grooming
Georgia Farm Bureau Federation - 14398; Alternatives/Issues - New, Brucellosis - in Yellowstone Bison Herd
Girl Scout Troop 395 - 6831; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Social Values, Visitor Use - Overall Visitor Use and Experience
Glasgow Area Chamber of Commerce and Agriculture - 2029; Bison - Capture/Test/Slaughter Operations, Bison - Population, Bison - Special Management Areas, Bison - Vaccination, Brucellosis - Testing, Land Acquisitions / Easements or winter range, Vegetation - Vegetative Communities, Wildlife - Threatened & Endangered Species
Grassland Heritage Foundation - 9158; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Humane Treatment, Bison - Property Damage, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Citizen's Plan, Land Acquisitions / Easements or winter range
Grassroot for Multiple Use - 14285; Bison - Population - set an upper and lower population level, Visitor Use - Winter Recreation, Visitor Use - Winter Road Grooming
Great Plains Restoration Council - 5515; Bison - Capture/Test/Slaughter Operations, Bison - Hunting, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Cattle - Vaccination - require vaccination with RB51, Visitor Use - Winter Road Grooming
Greater Yellowstone Coalition - 14870, 14941, 15126, 15139, 15239, 15420, 15792 (See also Wyoming Stock Growers Assoc. - 15785); Alternative - Adjustments to Interim Plan, Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Definition of Low Risk, Bison - Distribution (Carcasses), Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Property Damage, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Special Management Areas, Bison - Special Management Areas - proposed boundaries, Bison - Vaccination, Bison Ecology, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Brucellosis Class-Free Status, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators, Socioeconomics - Nonmarket Values, Socioeconomics - Project costs are reasonable, Socioeconomics - Social Values, Vegetation - Vegetative Communities, Visitor Use - Overall Visitor Use and Experience, Visitor Use - Winter Recreation, Visitor Use - Winter Road Grooming, Wildlife - Predators and Scavengers/Ungulates, Wildlife - Threatened & Endangered Species
Harmony Middle School - 6th grade - 17683; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Brucellosis - Testing, Brucellosis - Transmission and public perception
Heartwood - See Preserve Appalachian Wilderness - 15372
Honor the Earth - 4490; Alternatives/Issues - New, Bison - Distribution (Live), Bison - Public Grazing Allotments - modify, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cultural Resources -

Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Social Values

Humane Education Network - 473, 11441; Bison - Capture/Test/Slaughter Operations, Bison - Humane Treatment, Bison - Hunting, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Vaccination, Bison Alternative, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Project costs are reasonable, Visitor Use - Winter Road Grooming

Humane Legislative Network - 6535; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations

Humane Society, Golden State - 5948; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations

Humane Society, Marion County - 9678; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Vaccination, Bison Alternative, Socioeconomics - Social Values, Visitor Use - Winter Road Grooming

Humane Society, Peoria - 5393; Brucellosis - Transmission and public perception

Humane Society, Seneca County - 9062; Bison - Capture/Test/Slaughter Operations, Bison - Hunting, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Visitor Use - Winter Road Grooming

Humane Society, Tampa Bay - 6881; Bison - Capture/Test/Slaughter Operations, Bison - Hunting, Bison - Vaccination, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Vaccination - require vaccination with RB51, Socioeconomics - Project costs are reasonable

Humane Society of the United States - 10575, 15129; Bison - Capture/Test/Slaughter Operations, Bison - Definition of Low Risk, Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Bison - Hunting, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Vaccination, Bison Alternative, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Cost to livestock operators, Socioeconomics - Project costs are reasonable, Visitor Use - Winter Road Grooming, Wildlife - Threatened & Endangered Species

Idaho Cattle Association - 11160; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Special Management Areas, Bison - Vaccination, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status, Legal and Policy Mandates (management authority), Socioeconomics - Cost to livestock operators, Vegetation - Vegetative Communities

Idaho Farm Bureau Federation - 11433; Alternatives/Issues - New, Bison - Humane Treatment, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Special Management Areas, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Testing, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status, Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Vegetation - Vegetative Communities

Idaho Mythweaver - 14439; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Property Damage, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Vaccination, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Cattle - Change Cattle Operations (Public and Private), Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Cost to livestock operators, Wildlife - Threatened & Endangered Species

Idaho State Snowmobile Association - 10491; Bison - Hunting, Bison - Population, Visitor Use - Winter Road Grooming

Idaho Watersheds Project - 15317; Alternatives/Issues - New, Bison - Distribution (Live), Bison - Hunting, Bison - Population, Bison - Property Damage, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Social Values, Visitor Use - Winter Road Grooming

Idaho Wildlife Federation of Boise - 14871; Brucellosis - in Other Wild Ungulates, Citizen's Plan, Legal and Policy Mandates (management authority)

In Defense of Animals - 15193a; Alternative Plan B, Bison - Capture/Test/Slaughter Operations, Bison - Quarantine Operations

Indiana Wildlife Federation - 5576; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Public Grazing Allotments - modify, Brucellosis - Transmission and public perception, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority)

Indigenous Support Coalition of Oregon - 15318; Bison - Capture/Test/Slaughter Operations, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Vaccination, Cattle - Vaccination - require vaccination with RB51, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Legal and Policy Mandates (management authority)

Inherit the Earth - 1923; Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Bison - Public Grazing Allotments - modify, Land Acquisitions / Easements or winter range, Socioeconomics - Social Values

International Defenders of Animals, Inc. - 6283; Bison - Hunting, Bison Alternative, Legal and Policy Mandates (management authority), Visitor Use - Winter Recreation

International Lutheran Women's Missionary League - 1113; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Hunting, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority)

Iowa Wildlife Federation, Inc. - 12035; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Public Grazing Allotments - modify, Brucellosis - Transmission and public perception, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Cost to livestock operators

Izaak Walton League - 15263, 15304; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Hunting, Bison - Property Damage, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison Ecology, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Cost to livestock operators, Visitor Use - Winter Road Grooming

Jackson Hole Conservation Alliance - 15124, 15140, 15329 (See also Wyoming Stock Growers Assoc. - 15785); Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Vaccination, Bison Ecology, Brucellosis -Risk Management, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Nonmarket Values, Socioeconomics - Social Values, Wildlife - Predators and Scavengers/Ungulates, Wildlife - Threatened & Endangered Species

Jerabek Elementary School-5th Grade - 17872; Bison - Capture/Test/Slaughter Operations, Brucellosis - Testing, Citizen's Plan, Socioeconomics - Social Values

Kaniksu Bioregional Council - 5168; Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Property Damage, Brucellosis - Transmission and public perception, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority)

Kettle Range Conservation Group - 9328, 10524; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison -

Effects on Free-Ranging Status and Distribution, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Vaccination, Bison Ecology, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Project costs are reasonable

Last Chance for Animals - See Schubert & Associates - 10110

League in Support of Animals - 1780; Bison - Capture/Test/Slaughter Operations

League of Kentucky Sportsmen, Inc. - 9153; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Social Values

Lemon Bay High School - 11089; Bison - Capture/Test/Slaughter Operations, Socioeconomics - Social Values

Little Wound School-3rd Grade - 17682; Bison - Capture/Test/Slaughter Operations, Citizen's Plan

Livestock Conservation Institute - 9686; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Population, Bison - Public Grazing Allotments - modify, Bison - Special Management Areas, Bison - Vaccination, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Nonmarket Values, Vegetation - Vegetative Communities, Wildlife - Threatened & Endangered Species

Louisiana Farm Bureau Federation, Inc. - 14293; Alternatives/Issues - New, Brucellosis - in Yellowstone Bison Herd, Cattle - Brucellosis Class-Free Status, Socioeconomics - Cost to livestock operators

Manitoba Animal Alliance - 150; Bison - Capture/Test/Slaughter Operations, Bison - Hunting, Bison - Population - set an upper and lower population level, Bison - Public Grazing Allotments - modify, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Visitor Use - Winter Road Grooming

Marshall Elementary School-4th Grade - 17681; Bison - Capture/Test/Slaughter Operations, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception

Maryland Coalition for Animal Rights - 11529; Bison - Capture/Test/Slaughter Operations, Bison - Hunting, Cattle - Vaccination - require vaccination with RB51, Socioeconomics - Social Values

Meagher County Sportman Association - 15674; Bison - Hunting, Bison - Public Grazing Allotments - modify, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Legal and Policy Mandates (management authority)

Mennen Environmental Foundation - 6846; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Special Management Areas, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range

Michigan United Conservation Clubs - 8843; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Population, Brucellosis - Transmission and public perception, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority)

Minnesota Conservation Federation - 10495; Bison - Public Grazing Allotments - modify, Citizen's Plan, Legal and Policy Mandates (management authority)

Mississippi Wildlife Federation - 10645; Bison - Capture/Test/Slaughter Operations, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Social Values

Montana Coalition for Appropriate Mgmt. of State Land - 994; Bison - Hunting

Montana Ecosystems Defense Council - 2820, 9592, 15165; Alternative Plan B, Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Special Management Areas, Bison - Vaccination, Cattle

- Change Cattle Operations (Public and Private), Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators, Socioeconomics - Project costs are reasonable
Montana Farm Bureau Federation - 14816, 14834, 14836, 15147, 15242; Alternatives/Issues - New, Bison - Humane Treatment, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Quarantine Operations, Bison - Special Management Areas, Bison Ecology, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators, Socioeconomics - Nonmarket Values, Socioeconomics - Project costs are reasonable, Vegetation - Vegetative Communities
Montana Snowmobile Association - See Business Section under Moore & McFadden, Chartered - 14978
Montana State University, Extension Range Management - 2919; Bison - Population, Vegetation - Vegetative Communities, Visitor Use - Overall Visitor Use and Experience, Visual Resources - Landscapes and Viewsheds
Montana Stockgrowers Association - 14832, 14833, 14847, 14853, 14878, 14939, 15160, 15241, 15246, 15349, 15768; Alternative Plan B, Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Definition of Low Risk, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Special Management Areas, Bison - Vaccination, Bison Alternative, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Testing, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Brucellosis Class-Free Status, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Cost to livestock operators, Socioeconomics - Nonmarket Values, Socioeconomics - Project costs are reasonable, Vegetation - Vegetative Communities, Visual Resources - Landscapes and Viewsheds, Wildlife - Threatened & Endangered Species
Montana Stockgrowers Cattle Health Comm. - 15747; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Humane Treatment, Bison - Quarantine Operations, Bison - Special Management Areas - proposed boundaries, Bison - Vaccination, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Brucellosis Class-Free Status, Socioeconomics - Cost to livestock operators, Socioeconomics - Project costs are reasonable
Montana Wilderness Association - 15257; Bison - Population, Bison - Public Grazing Allotments - modify, Brucellosis - Transmission and public perception, Citizen's Plan, Socioeconomics - Project costs are reasonable
Montana Wildlife Federation - 15234, 15250; Bison - Capture/Test/Slaughter Operations, Bison - Hunting, Bison - Public Grazing Allotments - modify, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Social Values
Mt. Shasta Sno-Mobilers, Inc. - 9124, 11058; Bison - Population, Socioeconomics - Nonmarket Values, Visitor Use - Overall Visitor Use and Experience, Visitor Use - Winter Road Grooming
National Bison Association - 9097, 15187a; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Hunting, Bison - Population, Bison - Quarantine Operations, Bison - Ranching, Bison - Special Management Areas, Bison - Vaccination, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Wildlife - Predators and Scavengers/Ungulates, Wildlife - Threatened and Endangered Species - protection
National Cattle and Feed Association - 15130; Bison - Vaccination, Socioeconomics - Social Values
National Cattlemen's Beef Association - 11138; Alternatives/Issues - New, Bison - Population, Bison - Special Management Areas, Bison - Vaccination, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception
National Parks & Conservation Association - 14913, 15196a, 15367; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Definition of Low Risk, Bison - Distribution (Live), Bison - Effects on Free-

Ranging Status and Distribution, Bison - Hunting, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Property Damage, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Special Management Areas, Bison - Vaccination, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators, Socioeconomics - Nonmarket Values, Socioeconomics - Project costs are reasonable, Visitor Use - Winter Road Grooming, Wildlife - Threatened and Endangered Species - protection

National Rifle Association - 2838; Bison - Hunting, Bison - Population, Bison - Population - set an upper and lower population level, Brucellosis - Transmission and public perception, Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Wildlife - Predators and Scavengers/Ungulates

National Rifle Association Coalition - 15211a; Bison - Effects on Free-Ranging Status and Distribution, Socioeconomics - Social Values

National Wildlife Federation - 14819, 14827, 14846, 14874, 14890, 14923, 15083, 15131, 15142, 15188a, 15245, 15262; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Definition of Low Risk, Bison - Distribution (Carcasses), Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Property Damage, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Ranching, Bison - Special Management Areas - proposed boundaries, Bison - Vaccination, Bison Ecology, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Testing, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Brucellosis Class-Free Status, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Minority and Low-Income Populations, Socioeconomics - Project costs are reasonable, Socioeconomics - Social Values, Visitor Use - Winter Road Grooming, Wildlife - Predators and Scavengers/Ungulates, Wildlife - Threatened & Endangered Species

Native Forest Network - 4102; Alternative Plan B, Alternatives/Issues - New, Bison - Population, Bison - Quarantine Operations, Bison - Special Management Areas, Brucellosis - Transmission and public perception, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority)

Natural Resources Defense Council - 15803; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population - set an upper and lower population level, Bison - Public Grazing Allotments - modify, Bison - Special Management Areas, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Cattle - Change Cattle Operations (Public and Private), Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Cost to livestock operators, Socioeconomics - Project costs are reasonable

New Jersey Animal Rights Alliance - 11137 (See also Schubert & Associates - 10110); Bison - Capture/Test/Slaughter Operations, Bison - Hunting, Bison - Quarantine Operations, Bison Alternative, Brucellosis - Transmission and public perception, Land Acquisitions / Easements or winter range, Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Project costs are reasonable, Visitor Use - Winter Road Grooming

New Jersey Environmental Lobby - 1739; Bison - Capture/Test/Slaughter Operations, Brucellosis - Transmission and public perception, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Legal and Policy Mandates (management authority), Socioeconomics - Social Values

North American Bison Society - 1754; Citizen's Plan, Legal and Policy Mandates (management authority), Visitor Use - Winter Recreation

North American Independent Indigenous Community - 13131; Brucellosis - in Other Wild Ungulates, Socioeconomics - Social Values

North Central Ohio Nature Preservation League - 281, 619, 3288; Bison - Capture/Test/Slaughter Operations, Bison - Humane Treatment, Bison - Vaccination, Brucellosis - Transmission and public perception, Legal and Policy Mandates (management authority), Socioeconomics - Social Values
North Coast Environmental Center - 15326; Alternative Plan B
North Fork Preservation Association - 8383; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Public Grazing Allotments - modify, Bison Ecology, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Legal and Policy Mandates (management authority), Socioeconomics - Cost to livestock operators
Northern Rockies Preservation Project - 5064; Alternative Plan B, Alternatives/Issues - New, Bison - Population, Bison - Quarantine Operations, Bison - Special Management Areas, Brucellosis - in Other Wild Ungulates, Brucellosis -Risk Management, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Cost to livestock operators
Northwest Indiana Association of Wholistic Healers - 3535; Bison - Public Grazing Allotments - modify
Ohio Environmental Council - 446, 2697; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Public Grazing Allotments - modify, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Legal and Policy Mandates (management authority), Socioeconomics - Social Values, Visitor Use - Winter Recreation
Orange County People for Animals - 3836; Bison - Capture/Test/Slaughter Operations
Oregon Cattlemen's Association - 15669; Alternatives/Issues - New, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status
Oregon Dairy Farmers Association - 15850; Alternatives/Issues - New, Bison - Population, Brucellosis - Transmission and public perception
Oregon Natural Resources Council - 2775; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority)
Park County Ranchers Marketing Assoc. - 15183; Alternatives/Issues - New, Bison - Vaccination, Brucellosis - Transmission and public perception, Socioeconomics - Cost to livestock operators
People for the USA - 10316, 13483; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Population, Brucellosis - in Yellowstone Bison Herd, Legal and Policy Mandates (management authority), Visitor Use - Overall Visitor Use and Experience
Portneuf Environmental Council - 13111; Bison - Capture/Test/Slaughter Operations, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators
Predator Education Fund - 14894; Alternative Plan B, Bison - Effects on Free-Ranging Status and Distribution, Bison Ecology, Brucellosis - Transmission and public perception
Predator Project - 15332; Alternative Plan B, Alternatives/Issues - New, Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Public Grazing Allotments - modify, Bison - Vaccination, Bison Alternative, Bison Ecology, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Legal and Policy Mandates (management authority), Wildlife - Predators and Scavengers/Ungulates, Wildlife - Threatened & Endangered Species
Preserve Appalachian Wilderness - 9058, 15372; Alternative Plan B, Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Definition of Low Risk, Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Bison - Hunting, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Property Damage, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Vaccination, Bison Ecology, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Brucellosis Class-Free Status, Cattle - Change Cattle Operations

(Public and Private), Cattle - Vaccination - require vaccination with RB51, Land Acquisitions / Easements or winter range, Socioeconomics - Cost to livestock operators, Socioeconomics - Project costs are reasonable, Vegetation - Vegetative Communities, Visitor Use - Overall Visitor Use and Experience, Visitor Use - Winter Recreation, Visitor Use - Winter Road Grooming, Wildlife - Predators and Scavengers/Ungulates

Republicans for Environmental Protection - 14892; Alternative Plan B, Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Public Grazing Allotments - modify, Bison - Vaccination, Cattle - Vaccination - require vaccination with RB51, Socioeconomics - Project costs are reasonable

Respect for Life Society - 188; Bison - Hunting, Bison - Population, Brucellosis - Transmission and public perception

Rock Springs 4-H Center - 9656; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Brucellosis - Testing, Citizen's Plan, Legal and Policy Mandates (management authority)

Rocky Mountain Animal Defenders - See Schubert & Associates - 10110

Rocky Mountain Animal Defense - 14700, 14920, 14921; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Bison - Hunting, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Property Damage, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Special Management Areas, Bison - Vaccination, Bison Alternative, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators, Socioeconomics - Nonmarket Values, Socioeconomics - Project costs are reasonable, Socioeconomics - Social Values, Vegetation - Vegetative Communities, Visitor Use - Winter Road Grooming, Visual Resources - Landscapes and Viewsheds

S.K.U.N.K.S - 16751; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Legal and Policy Mandates (management authority)

Sacred Earth Network - 9359; Bison - Capture/Test/Slaughter Operations, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Vaccination, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures

Safari Club International - 8810; Bison - Hunting, Bison Ecology, Brucellosis - Transmission and public perception, Land Acquisitions / Easements or winter range, Vegetation - Vegetative Communities

Sarasota In Defense of Animals - 11060; Bison - Capture/Test/Slaughter Operations, Bison - Humane Treatment, Bison - Hunting, Bison - Public Grazing Allotments - modify, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Socioeconomics - Social Values, Visitor Use - Winter Road Grooming

Save Our Earth - 6963; Bison - Effects on Free-Ranging Status and Distribution, Citizen's Plan

Schubert & Assoc. - 10110, 14714; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Bison - Hunting, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Vaccination, Bison Alternative, Brucellosis - in Other Wild Ungulates, Brucellosis - Testing, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Brucellosis Class-Free Status, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators, Socioeconomics - Nonmarket Values, Socioeconomics - Project costs are reasonable, Visitor Use - Overall Visitor Use and Experience, Visitor Use - Winter Recreation, Visitor Use - Winter Road

Grooming, Wildlife - Predators and Scavengers/Ungulates, Wildlife - Threatened & Endangered Species
Seeley Lake Driftriders - 8638;Bison - Population - set an upper and lower population level, Visitor Use - Winter Recreation, Visitor Use - Winter Road Grooming
SEIEN (Southeast Idaho Environmental Network) - 1211; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Hunting, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority)
Seventh Generation Fund - 15565; Bison - Capture/Test/Slaughter Operations, Bison - Hunting, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Vaccination, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Legal and Policy Mandates (management authority), Socioeconomics - Project costs are reasonable
Sierra Club - 10603, 15804; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population - set an upper and lower population level, Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority), Visitor Use - Winter Road Grooming
Sierra Club, Berks Group - 297; Bison - Population - set an upper and lower population level, Bison - Public Grazing Allotments - modify, Bison - Special Management Areas, Land Acquisitions / Easements or winter range
Sierra Club, Big River Group - 8850; Bison - Capture/Test/Slaughter Operations, Bison - Population, Bison - Special Management Areas, Cattle - Vaccination - require vaccination with RB51
Sierra Club, Bitterroot Mission Group - 13447; Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Bison - Population, Bison - Property Damage, Bison - Quarantine Operations, Bison Ecology, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority), Socioeconomics - Social Values, Visitor Use - Overall Visitor Use and Experience, Wildlife - Predators and Scavengers/Ungulates, Wildlife - Threatened & Endangered Species, Wildlife - Threatened and Endangered Species - protection
Sierra Club, Black Hills Group - 15199; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Population, Bison - Public Grazing Allotments - modify, Bison - Ranching, Bison - Vaccination, Land Acquisitions / Easements or winter range
Sierra Club, Central Florida Group - 3659; Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Property Damage, Brucellosis - Transmission and public perception, Citizen's Plan, Legal and Policy Mandates (management authority)
Sierra Club, Columbia Group, Oregon Chapter - 11424; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Bison - Population, Bison - Property Damage, Bison - Quarantine Operations, Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority)
Sierra Club, Delta Group of San Francisco - 11018; Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Bison - Property Damage, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority)
Sierra Club, East Idaho Group - 14877; Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Property Damage, Bison Ecology, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Vaccination - require vaccination with RB51, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Wildlife - Threatened & Endangered Species
Sierra Club, Montana Chapter - 15172, (See also Sierra Club, Yellowstone Ecosystem Task Force - 15890); Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Property Damage, Bison Ecology, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority)
Sierra Club, Montana, Idaho, and Wyoming Chapters - 14956; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Property Damage, Brucellosis - Transmission and public perception, Cattle - Vaccination -

require vaccination with RB51, Legal and Policy Mandates (management authority)
Sierra Club, Mount Evans Group - 10156; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Population, Bison - Property Damage, Bison - Quarantine Operations, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority)
Sierra Club, Northern Rockies - See Sierra Club, Yellowstone Ecosystem Task Force - 15890
Sierra Club, North Star Chapter - 15843; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Vaccination, Bison Ecology, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Social Values
Sierra Club, Placer Group - 9825; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Public Grazing Allotments - modify, Bison - Special Management Areas, Bison - Vaccination, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Legal and Policy Mandates (management authority)
Sierra Club, Rocky Mountain Chapter - 15726; Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority)
Sierra Club, Santa Lucia Chapter - 5432; Bison - Capture/Test/Slaughter Operations, Bison - Public Grazing Allotments - modify, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Socioeconomics - Project costs are reasonable
Sierra Club, Texas Lone Star Chapter - 15094; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Public Grazing Allotments - modify, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority)
Sierra Club, Upper Columbia River - 13036; Alternative Plan B
Sierra Club, Wyoming Chapter - 15130, (See also Sierra Club, Yellowstone Ecosystem Task Force - 15890); Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Bison - Hunting, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Property Damage, Bison - Quarantine Operations, Bison - Vaccination, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority), Socioeconomics - Project costs are reasonable
Sierra Club, Yellowstone Ecosystem Task Force - 15890; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Vaccination, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Visitor Use - Winter Road Grooming, Wildlife - Threatened & Endangered Species
Sinapu - 14540, 14928; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Vaccination, Bison Ecology, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Brucellosis Class-Free Status, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators, Socioeconomics - Nonmarket Values, Socioeconomics - Social

Values, Visitor Use - Overall Visitor Use and Experience, Visitor Use - Winter Road Grooming, Wildlife - Threatened & Endangered Species, Wildlife - Threatened and Endangered Species - protection

Skyline Sportsmen's Association, Inc. - 639; Bison - Population, Bison - Vaccination, Vegetation - Vegetative Communities

Society for Range Management - 15723; Bison - Population, Bison - Population - set an upper and lower population level, Bison Ecology, Vegetation - Vegetative Communities South Carolina Wildlife Federation - 9668; Bison - Capture/Test/Slaughter Operations, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Citizen's Plan, Legal and Policy Mandates (management authority), Socioeconomics - Social Values

South Carolina Wildlife Federation - 9668; Bison - Capture/Test/Slaughter Operations, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Citizen's Plan, Legal and Policy Mandates (management authority), Socioeconomics - Social Values

Southeast Montana Sportsman Association - 14855, 14861; Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Bison - Hunting, Bison - Population, Bison - Public Grazing Allotments - modify, Bison - Special Management Areas, Brucellosis - in Yellowstone Bison Herd, Cattle - Brucellosis Class-Free Status, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Vegetation - Vegetative Communities

Southeastern Livestock Association - 14848; Bison - Population, Brucellosis - in Yellowstone Bison Herd, Cattle - Brucellosis Class-Free Status, Socioeconomics - Cost to livestock operators

SPCA, Animal Care and Welfare - 256; Bison - Capture/Test/Slaughter Operations, Bison - Humane Treatment, Bison - Hunting, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Vaccination - require vaccination with RB51, Visitor Use - Winter Road Grooming

SPCA, League for Animal Protection, Inc. - 2549; Bison - Capture/Test/Slaughter Operations, Bison - Humane Treatment, Bison - Hunting, Bison - Public Grazing Allotments - modify, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51

SPEAK - 10071; Bison - Capture/Test/Slaughter Operations, Bison - Hunting, Brucellosis - Transmission and public perception

St. Labre - 13330; Bison - Effects on Free-Ranging Status and Distribution, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Nonmarket Values

St. Labre Volunteers - 11096; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Brucellosis - Transmission and public perception, Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Socioeconomics - Project costs are reasonable

Station Middle School - 5187; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Humane Treatment, Bison - Quarantine Operations, Brucellosis - Transmission and public perception, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Social Values

Stuyvesant High School, American Habitat Club - 8592; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Hunting, Brucellosis - Transmission and public perception, Land Acquisitions / Easements or winter range, Socioeconomics - Social Values

Sun City Friends of Animals, Inc. - 7846, 8715a; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Bison Alternative, Brucellosis - Transmission and public perception, Citizen's Plan

Teen Animal Protectors - 16576; Bison - Capture/Test/Slaughter Operations

Texas and Southwestern Cattle Raisers Association - 14338; Bison - Capture/Test/Slaughter Operations, Bison - Population, Bison - Special Management Areas

Texas Animals - 15074; Bison - Public Grazing Allotments - modify, Bison - Vaccination, Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority), Visitor Use - Winter Recreation

Texas Committee on Natural Resources - 15081; Bison - Capture/Test/Slaughter Operations,

Socioeconomics - Social Values, Visitor Use - Overall Visitor Use and Experience
Texas Establishment for Animal Rights - See Schubert & Associates - 10110
Trimbelle Rod and Gun Club - 10109; Citizen's Plan, Legal and Policy Mandates (management authority)
Trout Unlimited, Rio Grande Chapter - 9369; Alternatives/Issues - New, Bison - Effects on Free-Ranging Status and Distribution, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison Ecology, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Social Values, Wildlife - Predators and Scavengers/Ungulates, Wildlife - Threatened & Endangered Species
Turner Foundation Inc - 11514; Bison - Capture/Test/Slaughter Operations, Bison - Public Grazing Allotments - modify, Brucellosis - Transmission and public perception, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Land Acquisitions / Easements or winter range, Socioeconomics - Minority and Low-Income Populations, Socioeconomics - Social Values, Wildlife - Threatened & Endangered Species
Union Furnace Elementary School-3rd Grade - 17685; Bison - Capture/Test/Slaughter Operations
United States Animal Health Association - 9364; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Population, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Special Management Areas, Bison - Special Management Areas - proposed boundaries, Bison - Vaccination, Bison Ecology, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Testing, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status, Cattle - Change Cattle Operations (Public and Private), Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators, Socioeconomics - Social Values, Wildlife - Threatened & Endangered Species
University of California, Cooperative Extension - 9122; Bison - Capture/Test/Slaughter Operations, Bison - Special Management Areas, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception
Utah Farm Bureau Federation - 15780; Bison - Population, Bison - Population - set an upper and lower population level, Bison - Special Management Areas, Brucellosis - Transmission and public perception, Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators, Socioeconomics - Nonmarket Values, Wildlife - Predators and Scavengers/Ungulates
Utah Snowmobile Association - 9050; Bison - Population, Socioeconomics - Nonmarket Values, Visitor Use - Winter Road Grooming, Visual Resources - Landscapes and Viewsheds
Utah Wildlife Federation - 9301; Alternatives/Issues - New, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Vaccination, Cattle - Vaccination - require vaccination with RB51, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Cost to livestock operators, Vegetation - Vegetative Communities, Visitor Use - Winter Road Grooming
Valley Middle School - 5191; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Citizen's Plan, Legal and Policy Mandates (management authority)
Valley Snodrifters - 14277; Bison - Population - set an upper and lower population level, Visitor Use - Winter Recreation, Visitor Use - Winter Road Grooming
Virginia Tenth District Environmental Council - 11398; Alternative Plan B, Citizen's Plan, Legal and Policy Mandates (management authority), Socioeconomics - Project costs are reasonable
Virginia Wildlife Federation - 1946; Bison - Distribution (Live), Bison - Quarantine Operations, Brucellosis - Transmission and public perception, Citizen's Plan, Legal and Policy Mandates (management authority),

Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Nonmarket Values, Socioeconomics - Project costs are reasonable, Socioeconomics - Social Values, Visitor Use - Overall Visitor Use and Experience

Voice for Wildlife - 11490; Bison - Capture/Test/Slaughter Operations, Brucellosis - Transmission and public perception, Brucellosis -Risk Management

Washington Cattlemen's Association - 14312; Alternatives/Issues - New, Bison - Special Management Areas, Brucellosis - Transmission and public perception, Legal and Policy Mandates (management authority),

Washington Elementary School - 6th grade - 17680; Bison - Capture/Test/Slaughter Operations, Legal and Policy Mandates (management authority)

Washington State Snowmobile Association - 13452; Vegetation - Vegetative Communities, Visitor Use - Winter Recreation, Visitor Use - Winter Road Grooming

Washington Wildlife Federation - 4538, 16709; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Public Grazing Allotments - modify, Brucellosis - Transmission and public perception, Citizen's Plan, Legal and Policy Mandates (management authority), Socioeconomics - Social Values, Visitor Use - Overall Visitor Use and Experience

West Yellowstone Chamber of Commerce - See Business Section under Moore & McFadden, Chartered - 14978

Western Wildlife Health Cooperative - 4433; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Population, Bison - Quarantine Operations, Bison - Special Management Areas, Bison - Vaccination, Brucellosis - in Other Wild Ungulates, Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority)

Wild Rockies InfoNet - 15545; Alternative Plan B, Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Definition of Low Risk, Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Bison - Hunting, Bison - Population, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Special Management Areas, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Cost to livestock operators, Socioeconomics - Project costs are reasonable, Visual Resources - Landscapes and Viewsheds, Wildlife - Threatened & Endangered Species

Wilderness Society - 14909, 14979, 15209a; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Public Grazing Allotments - modify, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Cost to livestock operators, Socioeconomics - Nonmarket Values, Socioeconomics - Project costs are reasonable, Socioeconomics - Social Values

Wildlands Center for Preventing Roads - 15354; Alternative Plan B, Bison - Capture/Test/Slaughter Operations, Bison - Hunting, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Vaccination, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Vaccination - require vaccination with RB51, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Socioeconomics - Project costs are reasonable, Socioeconomics - Social Values, Visitor Use - Overall Visitor Use and Experience, Visitor Use - Winter Road Grooming

Wildlife Damage Review - 7555; Bison - Effects on Free-Ranging Status and Distribution, Bison - Public Grazing Allotments - modify, Bison Alternative, Brucellosis - Transmission and public perception, Cattle - Change Cattle Operations (Public and Private), Socioeconomics - Social Values, Visitor Use - Winter Road Grooming

Wildlife Management Institute - 5455; Alternatives/Issues - New, Bison - Hunting, Bison - Population, Bison - Public Grazing Allotments - modify, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception, Cattle - Change Cattle Operations (Public and Private), Cattle - Public Grazing Allotments, Land Acquisitions / Easements or winter range, Legal and Policy

Mandates (management authority), Socioeconomics - Cost to livestock operators, Vegetation - Vegetative Communities, Visitor Use - Overall Visitor Use and Experience

Wildlife Rehabilitation & Refuge Center - 374; Bison - Capture/Test/Slaughter Operations, Bison - Hunting, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Quarantine Operations, Bison - Vaccination, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status, Legal and Policy Mandates (management authority), Visitor Use - Winter Road Grooming

Wildlife Society - 14309; Bison - Distribution (Live), Bison - Hunting, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Quarantine Operations, Bison - Special Management Areas, Brucellosis - in Other Wild Ungulates, Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority)

World Society for the Prevention of Cruelty to Animals - See Schubert & Associates - 10110

Wyoming Farm Bureau Federation - 14642, 14889; Alternatives/Issues - New, Bison - Population, Bison - Quarantine Operations, Bison - Ranching, Bison - Special Management Areas, Bison - Vaccination, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status, Cattle - Change Cattle Operations (Public and Private), Socioeconomics - Cost to livestock operators, Wildlife - Threatened & Endangered Species

Wyoming Outdoor Council - See Wyoming Stock Growers Assoc. - 15785)

Wyoming Stock Growers Assoc. - 14826, 14854, 15122, 15128, 15215, 15785; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Quarantine Operations, Bison - Special Management Areas, Bison - Vaccination, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Testing, Brucellosis - Transmission and public perception, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators, Socioeconomics - Project costs are reasonable, Vegetation - Vegetative Communities, Visitor Use - Overall Visitor Use and Experience, Wildlife - Predators and Scavengers/Ungulates

Wyoming Wildlife Federation - 14397, 14825, 14875, 14918, 15127 (See also Wyoming Stock Growers Assoc. - 15785); Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Definition of Low Risk, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Property Damage, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Special Management Areas, Bison - Vaccination, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Nonmarket Values, Socioeconomics - Project costs are reasonable, Socioeconomics - Social Values

Yell County Wildlife Federation - 2521, 7319; Alternatives/Issues - New, Bison - Humane Treatment, Bison - Hunting, Bison - Public Grazing Allotments - modify, Bison Ecology, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Nonmarket Values, Socioeconomics - Social Values, Visitor Use - Overall Visitor Use and Experience

Public Agency Comment Letters

Federal Agencies

Environmental Protection Agency - 14356; Alternatives/Issues - New, Bison - Definition of Low Risk, Bison - Special Management Areas - authority to manage, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Legal and Policy Mandates (management authority), Socioeconomics - Minority and Low-Income Populations

Federal Elected Officials

United States Senate, South Dakota - 17861; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Population, Bison - Special Management Areas, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority)

State Agencies

Alabama Department of Agriculture & Industries - 9839; Alternatives/Issues - New, Bison - Population, Bison - Special Management Areas, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception,

Arizona Department of Agriculture - 12033; Alternatives/Issues - New, Brucellosis - in Yellowstone Bison Herd, Brucellosis -Risk Management, Socioeconomics - Cost to livestock operators

California Dept of Food and Agriculture - 9243; Alternatives/Issues - New, Bison - Distribution (Live), Bison - Quarantine Operations, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators, Socioeconomics - Nonmarket Values

Georgia Department of Agriculture - 9000, 9229, 11108; Alternatives/Issues - New, Bison - Population, Bison - Special Management Areas, Bison - Vaccination, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Testing, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Socioeconomics - Social Values

Illinois Department of Agriculture - 9446; Alternatives/Issues - New, Bison - Special Management Areas, Brucellosis - Transmission and public perception, Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators

Indiana State Board of Animal Health - 9361; Bison - Special Management Areas, Cattle - Brucellosis Class-Free Status,

Kansas Animal Health Department-Livestock Commission - 8455; Alternatives/Issues - New, Bison - Special Management Areas, Bison - Vaccination, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status, Socioeconomics - Cost to livestock operators

Louisiana Department of Agriculture & Forestry - 9020; Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status, Socioeconomics - Cost to livestock operators

Michigan Department of Agriculture - 10509; Alternative Plan B, Bison Alternative, Socioeconomics - Project costs are reasonable

Minnesota Board Of Animal Health - 8993; Bison - Special Management Areas, Brucellosis - Transmission and public perception, Socioeconomics - Cost to livestock operators

Nevada Department of Business and Industry, Division of Agriculture - 7526; Brucellosis - in Yellowstone Bison Herd, Legal and Policy Mandates (management authority),

North Carolina Department of Agriculture & Consumer Services - 8791; Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception

North Dakota Department of Agriculture, Board of Animal Health - 8440; Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status,

Oregon Department of Agriculture - 14362; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Special Management Areas, Legal and Policy Mandates (management authority)

South Dakota Animal Industry Board - 9102; Brucellosis - Transmission and public perception
Texas Animal Health Commission - 9317; Bison - Population, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status,
Utah Department of Agriculture and Food - 14887, 15781; Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Public Grazing Allotments - modify, Bison - Special Management Areas, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception
Vermont Department of Agriculture, Food & Markets - 7485; Alternatives/Issues - New, Bison - Definition of Low Risk, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status
Washington Department of Agriculture - 10399; Alternatives/Issues - New, Bison - Special Management Areas, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators
Wisconsin Department of Agriculture, Trade & Consumer Protection - 11531; Bison - Special Management Areas, Bison - Vaccination, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception,
Wyoming Division Of Cultural Resources - 8778; Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures
Wyoming Game and Fish Department - 9268; Bison - Hunting, Bison - Population, Bison - Public Grazing Allotments - modify, Bison - Special Management Areas, Brucellosis - Transmission and public perception, Land Acquisitions / Easements or winter range,
Wyoming Livestock Board - 14820; Bison - Definition of Low Risk, Bison - Population, Bison - Special Management Areas, Bison - Vaccination, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Socioeconomics - Project costs are reasonable, Vegetation - Vegetative Communities

State Elected Officials

Idaho State Governor - 11121; Alternatives/Issues - New, Bison - Definition of Low Risk, Bison - Hunting, Bison - Population, Bison - Special Management Areas, Bison Ecology, Cattle - Change Cattle Operations (Public and Private), Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Cost to livestock operators, Socioeconomics - Nonmarket Values, Socioeconomics - Project costs are reasonable, Socioeconomics - Social Values, Vegetation - Vegetative Communities, Visitor Use - Winter Recreation, Wildlife - Threatened & Endangered Species
Montana House of Representatives - 8872, 14851, 14857, 15668; Alternatives/Issues - New, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Public Grazing Allotments - modify, Bison - Vaccination, Brucellosis - in Other Wild Ungulates, Brucellosis - Testing, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators, Socioeconomics - Social Values, Vegetation - Vegetative Communities
Montana State Senate - 940, 14843, 15316; Alternative - Adjustments to Interim Plan, Alternative Plan B, Alternatives/Issues - Eliminated From Further Consideration, Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Definition of Low Risk, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Property Damage, Bison - Quarantine Operations, Bison - Special Management Areas, Bison - Vaccination, Bison Ecology, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Legal and Policy Mandates

(management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators, Socioeconomics - Nonmarket Values, Socioeconomics - Social Values, Vegetation - Vegetative Communities, Visitor Use - Winter Recreation, Visitor Use - Winter Road Grooming, Visual Resources - Landscapes and Viewsheds, Wildlife - Predators and Scavengers/Ungulates

Wyoming State Governor - 14448; Alternatives/Issues - New, Bison - Population, Bison - Vaccination, Brucellosis - in Other Wild Ungulates, Brucellosis -Risk Management, Legal and Policy Mandates (management authority), Visitor Use - Winter Road Grooming

County and Local Governments and Agencies

California, County Of Sacramento - 10336; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Social Values, Visitor Use - Overall Visitor Use and Experience

Cody Conservation District Board - 14829; Bison - Population, Bison - Public Grazing Allotments - modify, Cattle - Brucellosis Class-Free Status, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators, Vegetation - Vegetative Communities, Visual Resources - Landscapes and Viewsheds

Town of West Yellowstone, Montana- See Business Section under Moore & McFadden, Chartered - 14978

Tribal Government and Tribal Organization Comment Letters

American Indian Movement - 15261, 15297; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures

Assiniboine Tribe - 14844, 14850, 17708, 17723, 17724, 17725, 17726, 17727, 17728, 17729, 17730, 17731; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Carcasses), Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Bison - Hunting, Bison - Population, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison Ecology, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators, Socioeconomics - Minority and Low-Income Populations, Socioeconomics - Nonmarket Values, Socioeconomics - Social Values, Visitor Use - Overall Visitor Use and Experience, Visitor Use - Winter Road Grooming, Wildlife - Predators and Scavengers/Ungulates

Cheyenne River Sioux Tribe - 15079, 15133a, 17720, 17751, 17752, 17753, 17754, 17755, 17756, 17758, 17759; Alternative - Adjustments to Interim Plan, Alternatives/Issues - Eliminated From Further Consideration, Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Definition of Low Risk, Bison - Distribution (Carcasses), Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Population, Bison - Quarantine Operations, Bison - Vaccination, Bison Ecology, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Testing, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Legal and Policy Mandates (management authority), Socioeconomics - Minority and Low-Income Populations, Socioeconomics - Nonmarket Values, Socioeconomics - Social Values, Visitor Use - Overall Visitor Use and Experience, Visitor Use - Winter Recreation

Chippewa Cree Indians - 14837; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Public Grazing Allotments - modify, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Legal and Policy Mandates (management authority)

Colville Confederated Tribes - 6990; Alternatives/Issues - New, Bison - Hunting, Bison - Population, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Special Management Areas, Bison - Vaccination, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Visitor Use - Winter Road Grooming

Commanche Caddo - 15112; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Carcasses), Bison - Humane Treatment, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Socioeconomics - Cost to livestock operators

Confederated Salish and Kootenai Tribes of the Flathead Nation - 9371, 17715, 17735, 17736, 17737, 17738, 17739; Alternatives/Issues - New, Bison - Distribution (Carcasses), Bison - Distribution (Live), Bison - Hunting, Bison - Quarantine Operations, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Cattle - Change Cattle Operations (Public and Private), Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics -

Nonmarket Values, Socioeconomics - Social Values, Visitor Use - Winter Road Grooming
Confederated Tribes of the Yakima Indian Nation - 11029; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Special Management Areas, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range
Crow Tribe - 17711, 17716; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Legal and Policy Mandates (management authority), Socioeconomics - Social Values
Flandreau Santee Sioux Tribe - 194; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Carcasses), Bison - Distribution (Live), Bison - Hunting, Bison - Population - set an upper and lower population level, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Special Management Areas, Brucellosis - Testing, Brucellosis - Transmission and public perception, Cattle - Change Cattle Operations (Public and Private), Legal and Policy Mandates (management authority), Visitor Use - Winter Road Grooming
Fort Belknap Community Council - 15745; Alternatives/Issues - New
Fort Belknap Tribal Council - 17734; Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Minority and Low-Income Populations
Gros Ventre Tribe - 17732, 17733; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Quarantine Operations, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Legal and Policy Mandates (management authority)
Ho-Chunk Nation - 17717; Bison - Quarantine Operations, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Socioeconomics - Social Values
Indian Counseling Center - 9757; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Special Management Areas, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range
Indian Summer Festivals Inc. - 9877; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Special Management Areas, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range
InterTribal Bison Cooperative - 14484, 14838, 15189a, 15240, 15271, 15290, 17712, 17714; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Definition of Low Risk, Bison - Distribution (Carcasses), Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Population, Bison - Property Damage, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Special Management Areas, Bison - Special Management Areas - proposed boundaries, Bison - Vaccination, Brucellosis - Testing, Brucellosis -Risk Management, Cattle - Brucellosis Class-Free Status, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Visitor Use - Winter Recreation, Visitor Use - Winter Road Grooming
Lower Brule Community College - 11453, 12050; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Special Management Areas, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range
Lower Brule Sioux Tribe - 9107, 9108; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Special Management Areas, Bison - Vaccination, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range
Lower Sioux Indian Community - 15811; Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures
Minnesota Chippewa Tribe - 10349; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Population, Bison - Special Management Areas, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Cultural Resources - Archeology/ Cultural

Landscapes/ Ethnographic Resources/ Historic Structures, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Cost to livestock operators, Socioeconomics - Social Values

Minnesota State, Indian Affairs Council - 10031; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Special Management Areas, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range

Montana Tribal Fish and Wildlife Commission - 15363; Alternatives/Issues - New, Bison - Distribution (Carcasses), Bison - Distribution (Live), Bison - Hunting, Bison - Population, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison Ecology, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Brucellosis Class-Free Status, Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Legal and Policy Mandates (management authority), Socioeconomics - Cost to livestock operators, Socioeconomics - Minority and Low-Income Populations, Socioeconomics - Social Values, Visitor Use - Winter Road Grooming

Nez Perce Tribal Executive Committee - 11409a; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Carcasses), Bison - Distribution (Live), Bison - Population, Bison - Population - set an upper and lower population level, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Special Management Areas, Bison - Vaccination, Brucellosis - in Other Wild Ungulates, Brucellosis - Testing, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Brucellosis Class-Free Status, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Minority and Low-Income Populations, Visitor Use - Winter Road Grooming, Visual Resources - Landscapes and Viewsheds

Northern Arapaho Tribe - 17722; Bison - Distribution (Live)

Northern Cheyenne Tribe - 14839, 14852, 15667; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Ranching, Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Legal and Policy Mandates (management authority),

Oglala Lakota College - 14408, 15384; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Population, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Special Management Areas, Bison Ecology, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Social Values, Vegetation - Vegetative Communities

Oglala Sioux Tribe - 4018, 15258, 17757; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison Ecology, Brucellosis - Transmission and public perception, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Legal and Policy Mandates (management authority), Socioeconomics - Minority and Low-Income Populations

Prairie Band of Potawatomi Nation - 17710; Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Nonmarket Values

Prairie Island Tribal Council - 15812; Bison - Distribution (Live), Bison - Population, Bison - Special Management Areas, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority)

Pueblo of Pojoaque - 5730; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison -

Quarantine Operations, Brucellosis - Transmission and public perception, Citizen's Plan
Rosebud Sioux Tribe - 17721; Legal and Policy Mandates (management authority)
Saginaw Chippewa Tribe - 15090; Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures
Shakopee Mdewakanton Sioux Community - 8827; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Cattle - Brucellosis Class-Free Status, Citizen's Plan
Shoshone-Bannock Tribes - 14775, 17740, 17741, 17742, 17743, 17744, 17745, 17746, 17747, 17748, 17749, 17750; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Carcasses), Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Population, Bison - Public Grazing Allotments - modify, Bison - Special Management Areas - authority to manage, Bison Ecology, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Vaccination - require vaccination with RB51, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Minority and Low-Income Populations, Socioeconomics - Social Values
Sisseton Wahpeton Sioux Tribe - 17713; Alternatives/Issues - Eliminated From Further Consideration, Bison - Capture/Test/Slaughter Operations, Bison - Quarantine Operations, Legal and Policy Mandates (management authority)
Thunder Nation - 15280; Bison - Capture/Test/Slaughter Operations, Socioeconomics - Social Values
United Sioux Tribes - 17719; Alternatives/Issues - New, Brucellosis - Transmission and public perception, Legal and Policy Mandates (management authority)
United Tribes Technical College - 14455; Alternatives/Issues - New, Citizen's Plan
Upper Sioux Community - 14701; Alternative - Adjustments to Interim Plan, Brucellosis - Transmission and public perception, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures
Winnebago Tribe of Nebraska - 14563, 17709; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Quarantine Operations, Brucellosis - in Other Wild Ungulates, Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Legal and Policy Mandates (management authority), Socioeconomics - Minority and Low-Income Populations, Socioeconomics - Social Values
Yankton Sioux Tribe - 15846, 17718; Alternative - Adjustments to Interim Plan, Alternatives/Issues - New, Brucellosis - Transmission and public perception, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Socioeconomics - Social Values

businesses

Business Comment Letters

Abrahams, Loewenstein, Bushman and Kauffman - 3910; Citizen's Plan, Legal and Policy Mandates (management authority)

Adventurer Tours - 13442; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Public Grazing Allotments - modify, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception

All Aboard Travel - 7561; Bison - Effects on Free-Ranging Status and Distribution, Citizen's Plan

Allen, Jack, Attorney at Law - 11097; Bison - Distribution (Live), Bison - Hunting, Land Acquisitions / Easements or winter range, Socioeconomics - Project costs are reasonable, Visitor Use - Winter Road Grooming

Alpine Environmental, Inc. - 9079; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Public Grazing Allotments - modify, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Social Values, Visitor Use - Overall Visitor Use and Experience

Andersons Arsenal - 2563; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Hunting, Bison - Population, Bison - Public Grazing Allotments - modify, Bison - Special Management Areas, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range

Architectural Illustration - 14368; Socioeconomics - Social Values, Visitor Use - Overall Visitor Use and Experience

Artistic Features Art Studio - 6152; Bison - Capture/Test/Slaughter Operations, Bison - Public Grazing Allotments - modify

Aspen Trading Post - 11902; Bison - Effects on Free-Ranging Status and Distribution, Citizen's Plan

Audio Press - 14438; Bison - Effects on Free-Ranging Status and Distribution, Citizen's Plan, Legal and Policy Mandates (management authority),

Ayers Northwest - 9056; Visitor Use - Winter Recreation

Ayurvedic Rehabilitation Center - 753; Bison - Capture/Test/Slaughter Operations, Bison - Public Grazing Allotments - modify, Brucellosis - Transmission and public perception, Legal and Policy Mandates (management authority), Visitor Use - Winter Road Grooming

Backyard Designs - 1434; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Hunting, Bison - Population, Bison - Public Grazing Allotments - modify, Bison - Special Management Areas, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range

Baker Animal Hospital - 8926; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Special Management Areas, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range

Baldwin Realty - 705; Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Public Grazing Allotments - modify, Land Acquisitions / Easements or winter range

Blaise Hayward Studio - 9413; Bison - Capture/Test/Slaughter Operations, Bison - Humane Treatment, Bison - Hunting, Bison - Quarantine Operations, Bison - Vaccination, Bison Alternative

Blue Water Publishing, Inc - 10530; Alternative Plan B, Bison - Capture/Test/Slaughter Operations

Boesche, McDermott & Eskridge - 6201; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Citizen's Plan, Socioeconomics - Social Values

Boocks Farm - 16778; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Brucellosis - Transmission and public perception, Socioeconomics - Cost to livestock operators

Bracer Consulting - 13417; Alternatives/Issues - New

Bruce Jackson Photography - 3795; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Visitor Use - Overall Visitor Use and Experience

C. W. Roders Enterprises - 3022; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Hunting, Bison - Population, Bison - Public Grazing Allotments - modify, Bison - Special Management Areas, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range

Calvary Cemetery - 8066; Citizen's Plan

Cambata Aviation Inc. - 6015; Citizen's Plan

Cefali & Cefali Attorneys at Law - 1690; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Hunting, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority)

City Living Realtors - 7858; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Citizen's Plan, Legal and Policy Mandates (management authority), Socioeconomics - Social Values, Visitor Use - Overall Visitor Use and Experience

Coffee Shaman - 794; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Hunting, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority)

Compassionate Creations - 498; Bison - Capture/Test/Slaughter Operations, Bison - Humane Treatment, Bison - Hunting, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Visitor Use - Winter Road Grooming

Coyote Creek Photography - 1786; Citizen's Plan, Socioeconomics - Social Values

Crabtree Ridge Farm - 16577; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Land Acquisitions / Easements or winter range

D. Lindsay Pettus Real Estate - 7034; Bison - Capture/Test/Slaughter Operations, Citizen's Plan, Legal and Policy Mandates (management authority), Socioeconomics - Social Values

Daniel C. Hughes, Jr., Investment Properties - 10240; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Special Management Areas, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range

David L. Bourgoin Law Offices - 4104; Bison - Capture/Test/Slaughter Operations, Citizen's Plan, Legal and Policy Mandates (management authority), Socioeconomics - Minority and Low-Income Populations

David Spagat, Ltd. - 8011; Bison - Capture/Test/Slaughter Operations, Brucellosis - Transmission and public perception, Citizen's Plan

Dawson Medical Group - 4408; Bison - Distribution (Live), Citizen's Plan, Legal and Policy Mandates (management authority)

Diamond K Outfitters, Inc. - 10722; Bison - Capture/Test/Slaughter Operations, Bison - Public Grazing Allotments - modify, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Socioeconomics - Project costs are reasonable

Direct Response - 3822; Brucellosis - Transmission and public perception, Citizen's Plan, Legal and Policy Mandates (management authority)

Don Devine's Studio - 7731; Bison - Capture/Test/Slaughter Operations, Bison - Humane Treatment, Bison - Hunting, Bison - Quarantine Operations, Bison - Vaccination, Bison Alternative

Double Spear Ranch - 9063; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Special Management Areas, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range

EB3 Ranch - 1722; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Special Management Areas, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range

Ecological Consulting Services - 13073; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Public Grazing Allotments - modify

Family Medicine - 7755; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Public Grazing Allotments - modify, Bison - Special Management Areas, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Social Values, Wildlife - Predators and Scavengers/Ungulates

FaunaWest Wildlife Consultants - 10656; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Humane Treatment, Bison - Population, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Brucellosis - in Other Wild Ungulates

First Alabama Bank of Birmingham - 262; Bison - Effects on Free-Ranging Status and Distribution, Land Acquisitions / Easements or winter range

Georgia Surgical Associates, P.C. - 6623; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority)

Geyser Gazette - 14367; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Brucellosis - in Other Wild Ungulates

Goldstar Jewellery Pvt. Ltd. - 4536; Bison - Capture/Test/Slaughter Operations, Bison - Hunting, Socioeconomics - Social Values

H. F. Magnuson Company - 458; Bison - Capture/Test/Slaughter Operations, Bison - Population, Bison - Population - set an upper and lower population level, Bison Ecology, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status, Legal and Policy Mandates (management authority)

Hagenbarth Livestock - 10638; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Population, Bison - Special Management Areas, Bison - Vaccination, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Brucellosis Class-Free Status, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators, Vegetation - Vegetative Communities

Hakansson, Carl G., Attorney at Law - 1905; Alternatives/Issues - New, Bison - Public Grazing Allotments - modify, Bison - Vaccination, Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority), Socioeconomics - Cost to livestock operators, Visitor Use - Winter Road Grooming

Haney Truck Line, Inc. - 9030, 9031; Bison - Effects on Free-Ranging Status and Distribution, Bison - Public Grazing Allotments - modify, Brucellosis - Transmission and public perception, Citizen's Plan, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Nonmarket Values, Socioeconomics - Project costs are reasonable

Heartland Realty Investors, Inc. - 8320; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Special Management Areas, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range

Herbst Lazy TY Cattle Co. - 17856; Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Special Management Areas, Brucellosis - in Yellowstone Bison Herd, Land Acquisitions / Easements or winter range, Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators

Hogue's Ravenoak - 10715; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Citizen's Plan, Legal and Policy Mandates (management authority)

Holmhaven - 2788; Bison - Effects on Free-Ranging Status and Distribution, Brucellosis - Transmission and public perception, Citizen's Plan

Indigo Girls - 14205; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Hunting, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison Ecology, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Legal and Policy Mandates (management authority), Socioeconomics - Project costs are reasonable, Wildlife - Threatened and Endangered Species - protection

Jack Atcheson and Sons, Inc. - 3627; Bison - Hunting, Visitor Use - Winter Road Grooming

Jessie M. Harris, Flower and Nature Photography - 7373; Bison - Capture/Test/Slaughter Operations, Bison - Hunting, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan

Keenan Ranch - 9111; Bison - Population - set an upper and lower population level, Bison - Property Damage, Bison - Special Management Areas, Brucellosis - Transmission and public perception, Socioeconomics - Project costs are reasonable

Kelly, Hart & Hallman - 8158; Bison - Capture/Test/Slaughter Operations, Bison - Humane Treatment, Bison - Hunting, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Vaccination, Bison Alternative, Land Acquisitions / Easements or winter range, Socioeconomics -

Cost to livestock operators, Visitor Use - Winter Road Grooming

King Ranch - 8829; Brucellosis - in Yellowstone Bison Herd, Socioeconomics - Cost to livestock operators

Kokopelli Books - 3339; Bison - Public Grazing Allotments - modify, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Cost to livestock operators, Socioeconomics - Project costs are reasonable, Visitor Use - Overall Visitor Use and Experience

LaCrosse Associates - 13033a; Alternative Plan B, Bison - Capture/Test/Slaughter Operations, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Vaccination, Cattle - Vaccination - require vaccination with RB51, Socioeconomics - Project costs are reasonable

Lake Area Hamilton Stores - 6332; Bison - Public Grazing Allotments - modify, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range

Lance W. Holter, Real Estate & Construction - 9439; Citizen's Plan

Leonard, Street and Deinard - 9801; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Population, Bison - Property Damage, Bison - Special Management Areas, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Cost to livestock operators

Lichtenfeld, Mark, Attorney at Law - 751; Bison - Capture/Test/Slaughter Operations, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority), Visitor Use - Winter Road Grooming

Light Touch Chiropractic - 5682; Bison - Distribution (Live), Bison - Public Grazing Allotments - modify, Land Acquisitions / Easements or winter range

Lockwood Properties Trust - 9649; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority)

Lone Wolf Services - 15728; Bison - Capture/Test/Slaughter Operations, Brucellosis - Transmission and public perception, Citizen's Plan

Lortz Manufacturing Company - 2861; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Hunting, Bison - Population, Bison - Public Grazing Allotments - modify, Bison - Special Management Areas, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range

Mariposa Mobile Veterinary Service - 15729; Brucellosis - Transmission and public perception, Citizen's Plan, Legal and Policy Mandates (management authority)

Meagher County News - 15377; Bison - Hunting, Bison - Population, Legal and Policy Mandates (management authority), Socioeconomics - Social Values, Vegetation - Vegetative Communities

Metrics Unlimited Inc. - 3087; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Hunting, Bison - Population, Bison - Public Grazing Allotments - modify, Bison - Special Management Areas, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range

Microban Products Company - 7014; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority)

Mills, Sherman, Gilliam, & Goodwin, P.S.C. - 6931; Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Special Management Areas, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Socioeconomics - Cost to livestock operators, Socioeconomics - Project costs are reasonable

Montana International Incorporated - 15252; Bison - Capture/Test/Slaughter Operations, Brucellosis - Transmission and public perception, Legal and Policy Mandates (management authority), Visitor Use - Overall Visitor Use and Experience

Montana Livestock Ag Credit, Inc. - 2740; Bison - Distribution (Live), Bison - Population, Bison - Quarantine Operations, Bison - Vaccination, Brucellosis - Transmission and public perception, Legal and Policy Mandates (management authority), Socioeconomics - Cost to livestock operators, Visual Resources - Landscapes and Viewsheds, Wildlife - Predators and Scavengers/Ungulates

Moore & McFadden, Chartered - 14978; Alternatives/Issues - New, Visitor Use - Winter Recreation, Visitor Use - Winter Road Grooming

Morgan, Franich, Fredkin, and Marsh - 5989; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Public Grazing Allotments - modify, Visitor Use - Overall Visitor Use and Experience

Morris, Manning & Martin - 1658; Socioeconomics - Social Values

Moseley Outdoor Advertising - 7674; Bison - Capture/Test/Slaughter Operations, Bison - Hunting, Bison - Public Grazing Allotments - modify, Citizen's Plan, Legal and Policy Mandates (management authority), Socioeconomics - Social Values

Mundt & Associates - 760; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Hunting, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority)

New Jersey Veterans Memorial Home - 2548; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority)

Northfork Ranch - 2530; Bison - Effects on Free-Ranging Status and Distribution, Citizen's Plan, Legal and Policy Mandates (management authority)

Northwest BuildNet, Internet Marketing - 16852; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority)

NovelTech Inc. - 4764; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Citizen's Plan

Pain Relief Center - 9543; Bison - Population, Legal and Policy Mandates (management authority), Visitor Use - Overall Visitor Use and Experience, Visitor Use - Winter Recreation, Visitor Use - Winter Road Grooming

Patino-Treat and Rosen, Attorneys at Law - 9144; Alternatives/Issues - New, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Quarantine Operations, Bison Alternative, Brucellosis - Testing, Brucellosis - Transmission and public perception, Brucellosis -Risk Management

Peter H. Dierlich Associates - 3282; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Social Values

Planetary Productions, Ltd. - 3916; Citizen's Plan,

Purdy Ranches - 10100; Bison - Capture/Test/Slaughter Operations, Brucellosis - in Other Wild Ungulates, Cattle - Vaccination - require vaccination with RB51, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority)

Quality Transportation Services - 3016; Bison - Hunting, Citizen's Plan, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts)

Rachel Rosenthal Company - 4650; Bison Alternative

Rancho San Benito - 5791; Brucellosis - Transmission and public perception, Legal and Policy Mandates (management authority)

Raven Trails - 1303; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Population, Bison - Population - set an upper and lower population level, Bison - Quarantine Operations, Bison - Vaccination, Bison Ecology, Brucellosis - Transmission and public perception, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Nonmarket Values, Socioeconomics - Project costs are reasonable, Visitor Use - Winter Road Grooming

Richard Raymond Associates - 14688; Alternative Plan B, Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Bison - Hunting, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Vaccination, Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority), Socioeconomics - Project costs are reasonable

River Bend Ranch - 4868; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Special Management Areas, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range

Rolyboh International, Inc. - 2768; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison Ecology, Citizen's Plan, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts

(includes financial impacts), Socioeconomics - Cost to livestock operators, Socioeconomics - Social Values

Russell Lamb Photography - 4495; Bison - Capture/Test/Slaughter Operations, Bison - Hunting, Bison - Population - set an upper and lower population level, Bison - Public Grazing Allotments - modify, Brucellosis - Transmission and public perception, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Visitor Use - Winter Road Grooming

Santee Cooper - 15870d; Bison - Capture/Test/Slaughter Operations, Bison - Definition of Low Risk, Bison - Distribution (Live), Bison - Humane Treatment, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Special Management Areas, Brucellosis - Transmission and public perception, Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Project Costs, Socioeconomics - Benefit and Cost Impacts (includes financial impacts)

Saturday Night and Sunday Morning, Ltd. - 6406; Bison Alternative

Selah Bamberger Ranch - 4037; Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Socioeconomics - Social Values

Silver Cloud Farm - 8110; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Bison - Hunting, Bison - Public Grazing Allotments - modify, Bison Ecology, Socioeconomics - Social Values

Smith and Doherty, PLLC - 15368; Alternatives/Issues - New, Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Legal and Policy Mandates (management authority)

Snavely Forest Products - 16797; Bison - Capture/Test/Slaughter Operations, Citizen's Plan

Snider Hardwoods - 5120; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority)

Spiriti Heart Productions - 15305; Cattle - Change Cattle Operations (Public and Private), Citizen's Plan, Land Acquisitions / Easements or winter range

Star B Ranch - See National Bison Association - 15187a

Star Watcher Productions - 6708; Citizen's Plan, Land Acquisitions / Easements or winter range

Stone Orchards - 9392; Bison - Population - set an upper and lower population level, Visitor Use - Winter Recreation, Visitor Use - Winter Road Grooming

Taylor, John A., Attorney at Law - 11486; Alternatives/Issues - New, Bison - Population, Bison Ecology, Brucellosis -Risk Management, Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Nonmarket Values, Socioeconomics - Social Values, Visitor Use - Overall Visitor Use and Experience, Wildlife - Threatened & Endangered Species, Wildlife - Threatened and Endangered Species - protection

TMR Inc. - 17853; Bison - Distribution (Live)

Trout Creek Ranch - 1236; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Special Management Areas, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range

Upstream Anglers and Outdoor Adventures - 7749; Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Legal and Policy Mandates (management authority), Socioeconomics - Social Values, Wildlife - Threatened and Endangered Species - protection

Van Hyning & Assoc., Inc. - 7484; Bison - Distribution (Live), Bison - Hunting, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority)

Wade Gallery - 9858; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Special Management Areas, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range

Wild Birds Unlimited - 12059; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Special Management Areas, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range

William P. Cook & Associates, PLLC - 1081; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison -

Population, Bison - Special Management Areas, Legal and Policy Mandates (management authority)
Wisdom House - 1033; Cattle - Vaccination - require vaccination with RB51, Visitor Use - Winter Road Grooming
WPKR & WPCK Radio - 887; Bison - Effects on Free-Ranging Status and Distribution, Bison - Public Grazing Allotments - modify, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Social Values
Yeates, J. William, Attorney at Law - 9702; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Social Values, Visitor Use - Overall Visitor Use and Experience
Yellowstone Arctic - Yamaha - 14501; Alternatives/Issues - New, Bison - Population - set an upper and lower population level, Socioeconomics - Nonmarket Values, Visitor Use - Overall Visitor Use and Experience, Visitor Use - Winter Recreation, Visitor Use - Winter Road Grooming
Yellowstone Tour and Travel - See Moore & McFadden, Chartered - 14978

LAW OFFICES

YELL 3110

ABRAHAMS, LOEWENSTEIN, BUSHMAN & KAUFFMAN

A PROFESSIONAL CORPORATION

FOUNDED 1910

[redacted]

NEW JERSEY OFFICE

ABRAHAMS, LOEWENSTEIN
BUSHMAN & KAUFFMAN

[redacted]

DIRECT DIAL NUMBER

[redacted]

DIRECT E-MAIL

[redacted]

September 14, 1998

Governor Mark Racicot
c/o Governor's Mansion
Helena, Montana 59624

National Park Service
Bison Manaagement Plan EIS Team
PO Box 25287
Denver, CO 80225-9901
ATTN: Sarah Bransom DSC-RP

RE: Citizen's Plan

Gentlepersons:

The National Park Services's Environmental Impact Statement, recently release, appears to be ill-conceived and a dangerous precedent to set. Giving the Montana Board of Livestock absolute management authority to slaughter buffalo crossing national park boundaries is to put the cat in the canary's cage.

We urge the National Park Service to redraft its Environmental Impact Statement to include the so-called Citizen's Plan for managing buffalo. We urge Govenor Racicot to consider this citizen's plan document as a viable alternative.

Thank you for your anticipated concern.

Respectfully,

WJK/lmf

WARREN J. KAUFFMAN

CC: Montana Wildlife Federation
National Wildlife Federation

YELL-13442

209.240.200.62

Saturday, October 31, 1998 - 19:59:19 pm EST
a lastname: Lewis
b firstname: Britt
c organization: Adventurer Tours
comments: With regard to the Draft Environmental Impact Statement for the Bison Management Plan, I offer the following observations that indicate severe deficiencies in the proposed alternatives:

1. None of the alternatives presented appear to recognize or implement existing federal designation of lands north of the Park as far as Yankee Jim Canyon and extending for several miles east and west as being within the boundaries of The North Yellowstone Big Game Winter Range, established by congress I believe in 1936.

2. None of the alternatives look at "phasing out" of private grazing allottments in the affected areas. This is in direct comflict with the Gallatin Forest Plan and to stated objectives of the Chief of the Forest Service to me in private correspondence.

3. None of the alternatives recognize the difference between animals that test seropositive for brucellosis BUT are not capable of transmitting brucellosis, i.e. bulls, older mature females, calves, etc. The alternatives condemn all animals to death in this category without regard to the danger (if any) that they may pose to cattle.

4. Sterilization for females capable of transmitting brucellosis to cattle is not considered, even though this alternative would maintain the highest animal populations without contributing to population growth of the herd.

5. Relocation of migrating animals (that might pose a danger to cattle) back to Lamar Valley is not considered in any of the alternatives, even though this method has been used successsfully with other animals such as bears and wolves.

6. The risk of transmission to cattle through amniotic fluids of bison afterbirth is considered, but not the afterbirth fluids of elk and other animals that are known to carry brucellosis. It appears that bison are being discriminated against vs. elk. Is this being done for scientific or economic reasons?

7. None of the alternatives allow uninfected or seropositive bison that pose no threat to cattle to wander outside of designated areas freely. I do not understand why other animals such as elk, bears, wolves, etc. are allowed free range but under the alternatives presented, no bison are allowed back onto their native ranges.

Thank you for reading these comments and hopefully incorporating them into the final plan.

[redacted]

YELL - 7526

I WANT TO PROTECT THE WILD BUFFALO!

I want to protect Yellowstone Park's free-roaming buffalo. I oppose the DEIS's "Preferred Alternative" which will continue the unnecessary killing of buffalo that move to public lands outside the park. Instead, I endorse the Citizens' Plan to Save Yellowstone Buffalo, which maintains a wild, free-roaming buffalo herd **and** protects the interests of the livestock industry.

Additional comments: _____

Name: ALL ABOARD TRAVEL

Address: [redacted]

YELL-11,097

Member of:
American Rivers
Audubon Society
Friends of California Parks
Mountain Lion Foundation
National Parks and
and Conservation Assn.

Jack Allen
Attorney at Law
[redacted]

National Resources
Defense Council
Sierra Club
Wilderness Society
World Wildlife Fund
Zero Air Pollution (ZAP)

October 16, 1998

Bison Management Plan EIS Team,
Park Service,
Post Office Box 25287,
Denver, Colorado 80225-9901

Attn: Sarah Bransom DSC-RP

Re: Comments on DRAFT Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park.

Dear Sirs:

Submitted herein are my comments on the subject draft Environmental Impact Statement. For background my knowledge of Yellowstone Park goes back over 65 years where as a child I lived while my father worked there. My earliest childhood memories are of the Park and in particular of the wildlife that lived in the Park. My father, part Indian, named me "Walks With Bears" because I often walked among the bears who I feared not and who feared me not. But I walked among the deer and elk also who also ignored me but I learned quickly to stay away from the moose who were quick to charge anything.

I did not walk among the buffalo. Though there were buffalo in the Park at that time, I never encountered them while I lived there. It was not until several years after my family moved outside the Park to Cody that I first saw buffalo in the Park when we made a trip through the Park. I was thrilled to see them. I have never lost the thrill. Growing up in the Park gave me a lifelong love for wildlife and I return to Yellowstone frequently and mostly to observe the wildlife.

Even when we moved from Wyoming during World War II, I spent much of my time in the California mountains and elsewhere watching wildlife and I continue to do so. But Yellowstone offers a unique opportunity because there is no hunting in Yellowstone and wildlife is relatively tame. Getting within 50 yards of wildlife outside of Yellowstone is unusual and takes much patience and tracking (and I am a superb tracker), but in Yellowstone it is common for wildlife to come close to visitors (or for visitors to get close to the wildlife.) Consequently, while in a vehicle I have come as close to buffalo as I ever want to come. I

YELL-11,097 contd.

have enjoyed observing and photographing buffalo and even recording their sounds. While I have photographed much of the wildlife west of the Rockies in a variety of their activities, some of my favorite photographs are of buffalo.

Therefore, in studying the seven Alternatives, I strongly oppose those elements of Alternatives 3, 4, and 7 which propose to allow hunting of buffalo. I am strongly opposed to hunting in any public park or even on public lands. Hunting makes wildlife gun shy and when they are gun shy they are people shy. Hunting virtually eliminates the very purpose of Yellowstone Park which is to allow nature and people to merge in a grand experience.

Secondly, I am opposed to hunting for sport. My father who worked as a big game guide for the rich and famous had a saying which was: "Hunting for sport is for the rich. Hunting for food is a necessity for the common man." He hated being a big game guide but it was the only work available at the time. I do not believe that the National Park Service should do anything that encourages hunting for sport.

Examining the seven Alternatives, I find each flawed and none as the preferred alternative. On the other hand I see a great need in Yellowstone for game management. Over the years I observed that buffalo population increased until I was concerned that the habitat would not support the buffalo population during a severe winter. While in more recent years, severe winters are rare, there were cycles during the 1930's and early 1940's when severe winters were common and it would not be surprising if severe winters such as during 1996-97 were experienced more frequently.

What happened during the 1996-97 winter was in accord with Mother Nature. The habitat in Yellowstone was incapable of sustaining 3,500 buffalo. The buffalo did what comes naturally to wildlife — many migrated to lower elevations, as they had done for thousands of years until the herds were decimated by hunters.

It matters not whether the buffalo used groomed trails or not. If they did not migrate out they would have starved to death. The net result is that by various causes, Mother Nature reduced the herd to approximately 2,000 buffalo which is the maximum the Park can sustain in a bad winter.

Thus the Park Service really is faced with only three viable alternatives. First, if the buffalo population is to increase beyond 2,000 in population (and really there is no reason to have a bigger population), then the Park Service must have winter range available for the excess buffalo to migrate to during severe winters. Faced with the problem of livestock industry concerns over brucellosis, that means that the Park Service must either eliminate the disease from the herd at great cost, or acquire range that is free of cattle, also expensive.

The third alternative is to maintain the herd at 2,000 buffalo. That means that the herd must be culled out annually. As I have stated hunting is not an acceptable method. A suggested

alternative not mentioned in the draft EIS is round up the buffalo as cattlemen do and sell the excess off to the highest bidder who move the excess animals out of the park. However, the highest bidder decides to dispose of the excess animals is not relevant so long as the Park Service is not involved. This is the common sense solution and it works in harmony with Nature.

The last alternative is not only the simplest but the most fiscally responsible because the proceeds from the sale of the excess will help fund the management program.

Alternative Two, which allows for natural forces to determine herd size, is what happened in the 1996-97 winter. That caused all the problems and it also caused suffering for many buffalo who starved to death. It eventually involved the shooting of many buffalo which meant that the Park Service did not gain any benefit from the slaughtered and starved animals. It should not be forgotten that man is part of Mother Nature. Therefore, managing and selling off the excess buffalo just as a rancher would do, in order to best protect the herd is part of the natural process.

I am absolutely opposed to eliminating any groomed trails. While I have concerns about the air pollution and noise of snowmobiles, snowmobiles offer the only transportation with which the public can enter the Park during the winter from several gates and in particular the east gate which is the most scenic of all the entrances.

While the draft EIS discusses the social-economic impacts, they should be disregarded. The only issue should be how can Yellowstone Park provide the best access to its wonders throughout the year and at the same time manage a buffalo herd which is part of the wonders, and do it with the least expense.

In conclusion, keep it simple and keep it cheap and keep it accessible.

Very sincerely yours,

JACK ALLEN

YELL-9079

[redacted]

ALPINE ENVIRONMENTAL, INC.

October 14, 1998

Sarah Bransom DSC-RP
Bison Management Team
National Park Service
P.O. Box 25287
Denver, CO 80225-0287

Dear Ms. Bransom and/or the EIS Team:

I am writing you regarding the bison management plan for Yellowstone. As a concerned citizen and an environmental scientist, I urge you to protect the buffalo by not letting the Montana Board of Livestock have control over them. I have been to Yellowstone many times, in the summer and winter. We had a big family reunion there just last year and our whole family agreed that the buffalo are a national treasure and should be fully protected.

I support the Citizens' Plan to Save Yellowstone Buffalo including:
- maintaining free roaming, wild buffalo in Yellowstone
- managing buffalo outside the park with wildlife biologist to protect the buffalo
- do not shoot or slaughter buffalo that wander outside the park
- adjust cattle management and cattle grazing practices on public lands adjacent to the Park to minimize conflict with buffalo, even when the buffalo wander temporarily outside the Park
- protect, purchase or lease winter feeding grounds for the buffalo outside the Park
- develop other buffalo herds on public lands and Indian reservations

I respectfully request that you do everything you can to preserve and protect these critical and special animals. Thank you.

Sincerely,
James M. Davidson
President & Environmental Scientist

♻

Bison Management Team
National Park Service – Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

YELL-2563

Dear Bison Management Team:

I want wild, free-roaming buffalo in Yellowstone. I oppose the "Preferred Alternative" recommended by the State of Montana and the federal government. The government plan continues the unnecessary killing of buffalo moving to public lands outside the Park. It gives the Montana Board of Livestock, not wildlife professionals, control over key buffalo management decisions. And, it gives cattle priority over wildlife on public lands that surround Yellowstone National Park. We can do better.

Yellowstone's buffalo are too important to sacrifice in this manner. They are a part of our heritage and a source of pride to us all. Furthermore, the "Preferred Alternative" would set dangerous precedent for the management of elk and all other wildlife species. This must not be allowed to happen.

Instead of your "Preferred Alternative", I endorse the ***Citizens' Plan to Save Yellowstone Buffalo***, which includes these management strategies:

- Creating a large special management area outside the Park where buffalo can use public lands to survive harsh winters, and where wildlife professionals will manage them.
- Developing scientific buffalo population goals for this special management area outside the Park.
- Using traditional wildlife management tools of fair chase hunting and relocation (in this case, to Indian reservations or public lands) when population goals are exceeded, or when private lands or human safety are threatened.
- Requiring vaccination of cattle in and adjacent to the special management areas.
- Adjusting cattle grazing times and patterns on public lands bordering the Park to prevent conflicts with buffalo during the buffalo's calving season.
- Acquiring through purchase or easement key winter range adjacent to the Park.

These strategies will maintain wild, free-roaming buffalo and protect the interests of the livestock industry in a balanced, common sense manner. Please adopt a plan that includes these strategies.

Sincerely,

Mark D. Anderson
Signature

Printed name

Andersons Arsenal
Mark D. Anderson
Address [redacted]

14,368

[redacted]

Architectural
Illustration

ILLUSTRATION
for
ARCHITECTURE
INTERIOR DESIGN
LANDSCAPE ARCHITECTURE
LAND PLANNING
and
DEVELOPMENT

October 28, 1998

Sara Bransom
Interagency Bison Management Plan DSC-RP
PO Box 25287
Denver, CO 80225-0287

Dear Ms Bransom

I have reviewed the Draft EIS for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park.

As a frequent visitor to the Park in all seasons and as a defender of the Parks founding philosophy. I feel Alternative #2 best reflects my attitude and preference for the management of Park Bison, #7 would be my second choice.

Sincerely

Jim Collins

[redacted]

YELL 6152

Jean M. Coy
[redacted]

Artistic Features Art Studio
[redacted]

(member National Wildlife
member B.O.T.D.
Indiana chapter
[redacted]
I am a wildlife
artist!

National Park Service,
To whom it may concern,

I understand though
Keepers of the Dream (KOTD) the orginization
inspired by the idea of preserving the
Native Americans and all wildlife, and
mother earth and all its people as a whole
that you intend to kill Buffalo Herds —
I object, get the cattle off of government land
allotments. By law these lands are for wildlife
first Not Ranchers cows! To kill the
Buffalo/s disgrace. Separate the two if
you fel there is a health risk, which
knowing the gov of our goverment and
the ruck is probaly the reason for this
ridiculous slaughtering. Tell the ranchers
To Keep there cows on their own land!
I Vote No to Killing
the Buffalo!
Jean M. Coy

YELL-11,902

I WANT TO PROTECT THE WILD BUFFALO!

I want to protect Yellowstone Park's free-roaming buffalo. I oppose the DEIS's "Preferred Alternative" which will continue the unnecessary killing of buffalo that move to public lands outside the park. Instead, I endorse the Citizens' Plan to Save Yellowstone Buffalo, which maintains a wild, free-roaming buffalo herd **and** protects the interests of the livestock industry.

Additional comments: The Indians say that the buffalo bring balance. We could all use more balance as a whole.

Name: Pam Ortwein

Address: ASPEN TRADING POST [redacted]

14,438

AudioPress
Jane Fritz, Producer
[redacted]

October 30, 1998

Sarah Bransom
Interagency Bison Management Plan
DSC-RP
PO Box 25287
Denver, CO 80225-0287

Dear Ms. Bransom:

I am writing in response to the Draft Environmental Impact Statement for the Interagency Bison Management Plan.

I am an independent radio producer who is quite familiar with the Yellowstone bison issue. I have produced three stories for national and regional public radio about the conflict between the livestock industry and the National Park Service, and have interviewed dozens of people representing all sides of the issue. I also attended the International Bison Symposium in 1997 in Bozeman, Montana. I have probably 30-40 hours of tape about buffalo.

As a journalist, I give fair respresentation to all sides of this issue to anything I produce that airs on public radio. But as a *citizen,* I am alarmed at the Interagency Bison Team's irresponsible draft EIS. I say irresponsible because it does not adequately address protections and the genetic conservation of the largest (and nearly last!) free-roaming bison herd in this country. Wild buffalo should be wild, not captive, i.e. managed intensively by human beings; and the EIS does not recognize this very basic fact.

Therefore I believe the Draft EIS is woefully inadequate, and cannot endorse any single alternative, particularly the "preferred alternative." I support the Citizens Plan to Save Yellostone Buffalo, as outlined by the consortium of conservation and tribal

14,438 contd.

Fritz- page 2

organizations who have presented it. I suggest that the Interagency Bison Team go back to the drawing board and at the very least come out with an addendum to the EIS that addresses the suggestions put forth by Indian tribes and conservationists.

Furthermore, I want to say I'm concerned that the DOL of Montana and APHIS have played a strong role in the creation of this document. I believe they have no interest in preserving wild buffalo or other Yellowstone wildlife, for that matter. In fact, I think they will do whatever they can to contain wildlife behind secure fences. Please consider the following excerpts from the story that I did for National Public Radio's "Living on Earth" which aired in the summer of 1997. As narrator, I wrote and spoke the paragraphs that are in all caps. (I have this stuff on tape, by the way, and did not misquote anyone or take them out of context for my narration.)

(Excerpt begins)

MONTANA LIVESTOCK DIRECTOR LARRY PETERSON SAYS THE STATE WANTS TO COMPLETELY ERADICATE BRUCELLOSIS AND IS SUPPORTED BY AN AGENCY OF THE U.S. DEPARTMENT OF AGRICULTURE, KNOWN AS THE ANIMAL AND PLANT HEALTH INSPECTION SERVICE, OR APHIS.

Larry: "APHIS tells us if bison coming out of Yellowstone National Park, coming from an infected herd, if they comingle with cattle, we run the risk of losing our brucellosis-free status which economically would have a tremendous impact on the cattle industry in the state of Montana."

MR PETERSEN SAYS FREE-ROAMING BISON DESTROY FENCES ON PRIVATE PROPERTY AND COMPETE WITH CATTLE FOR GRASS ON LEASED FEDERAL LANDS. HE SAYS FOR TOO LONG THE BISON, AND THE PARK'S OTHER BIG GRASS-EATER, THE ELK, HAVE TAKEN PRECEDENCE OVER OTHER USES.

Fritz - page 3

Larry: " I'm afraid that there's been so much interest emphasizing two large ungulates as to the detriment of other species, man being one of those species. We do coexist. Within the U.S. we've got certain rights established; we have a Constitution, all these things need to be taken into consideration. What is the real purpose of Yellowstone? Is it to provide a source of wildlife to perpetuate taking over the rest of the country? I doubt that, because you're going to be trampling on all the other rights."

THIS CONFLICT OVER BALANCING THE NEEDS OF WILDLIFE WITH SOME HUMAN ACTIVITIES IS AS OLD AS YELLOWSTONE ITSELF. BUT THIS STRUGGLE HAS RAISED THE STAKES.

MONTANA AND APHIS OFFICIALS SAY THE BENEFITS OF ENSURING THAT IT NEVER HAPPENS ARE WORTH THE COSTS OF KEEPING THE BISON UNDER STRICT CONTROL. PATRICK COLLINS IS AN APHIS SPOKESMAN.

Patrick: "We reduce the need for a lot of testing, lot of quarantining and lot of vaccination for domestic cattle. This improves our ability to export beef and beef products. This helps our agricultural exports; it helps create jobs in the US; it helps out the domestic economy. There are clear benefits to eradicating this disease."
(End of excerpt)

I don't know about you, but as a citizen who knew nothing about buffalo when she started this investigative story, the above comments by DOL and APHIS make me very nervous. If they insist on intensively managing bison, what's next? Elk? Antelope? Every other animal that carries brucellosis? Sounds like if you give these agencies an inch, they'll destroy everything that Yellowstone National Park stands for, including those creatures that live there.

Please, let's try again. And this time, present a preferred alternative or two that is pro-buffalo. Thank you for your consideration.

Sincerely,

Jane Fritz
Producer

SEND WHITE & PINK COPIES INTACT. WHITE COPY WILL BE RETURNED WITH REPLY.

PRINTED WITH SOY INK

TO Bison Management Plan
P.O. Box 25-287
Denver, Co 80225-0287

FROM YELL-9066 AYERS NORTHWEST [redacted]

SUBJECT Bison Mgt.

DATE 4/5/95

MESSAGE:

I have very much enjoyed snowmobiling in Yellowstone Nat. Park
I therefore endorse Alternative No 7 as I feel it is the best solution

ORIGINATOR-DO NOT WRITE BELOW THIS LINE REPLY TO → SIGNED Robert Ayers

REPLY

DATE SIGNED

SEND PARTS 1 AND 3 (INTACT-PART 1 WILL BE RETURNED WITH REPLY

RMCC-888-3
PRINTED IN U.S.A.

RETURN TO ORIGINATOR

YELL - 753

THE AYURVEDIC REHABILITATION CENTER
and
THE NEW LIFE CENTER

[redacted]

LORETTA LEVITZ, DIRECTOR
DAVID LIBERTY, ASST. DIRECTOR

Bison Management Plan EIS Team
National Park Service
P.O. Box 25287
Denver, Co 80225-0287

To Whom It May Concern:

I am writing to express my strong opposition to any further slaughter of Yellowstone Bison. The Bison are public property and should not be sacrificed to satisfy the fears of special interest groups like the cattle industry.

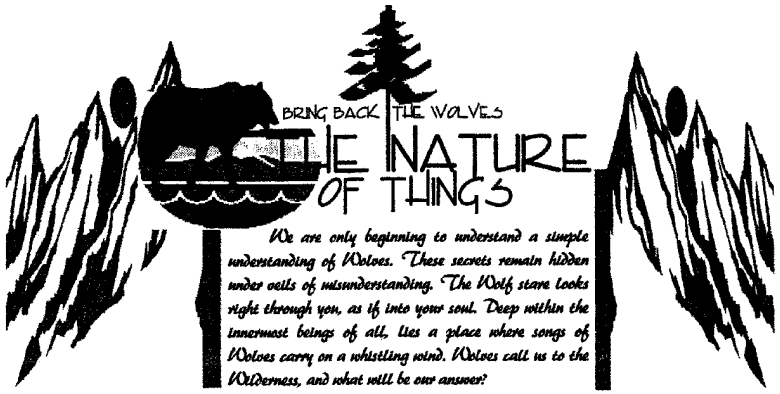
There has never been a single documented case of brucellosis transmission from Bison to Cattle In The Wild. Furthermore, any theoretical risk can be reduced by closing down snowmobile trails and removing cattle from public land.

The Cattle Industry Is A Special Interest Group which has no innate right to influence the use of public lands. The abuse of public land by cattle, timber, mining interests, etc. is shameful and a betrayal of the public trust.

Loretta Levitz
[redacted]

DAVID P SCHULZE DESIGNER

Yell-1434



To... Bison Management Team

I would hope that the National Park Service would give First Consideration to the plan Native American Peoples have for bison management. For they are the only true source of non-profit protection for this precious animal. For hundreds of years Native peoples have lived and respected the bisons purpose in the grand nature of life in the plains! When the bison prospered, they prospered.

I think the Native Americans, who were made to suffer along with the bison at the hands of the white-eye's should have total charge of buffalo management! Their management of bison in past history of this land, didn't push this animal to the edge of extension. It took the white man's ways to do that. I am totally for "The Citizens Plan" to save our buffalo.

David P. Schulze
8/4/98

PHONE & FAX [redacted]

YELL 8526 ~~8526~~

Bison Management Team
National Park Service - Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

BAKER ANIMAL HOSPITAL
Daniel L. Baker, V.M.D.
[redacted]

Dear EIS Team:

I want wild, free-roaming buffalo in Yellowstone. I oppose the "Preferred Alternative" recommended by the state of Montana and the federal government. The Government plan continues the unnecessary killing of buffalo moving to public lands outside the park in winter. We can do better.

Yellowstone's buffalo are too important to sacrifice. They are a source of pride for all of us.

I endorse the Citizens' Plan to Save Yellowstone Buffalo, which will:

* Maintain wild, free-roaming buffalo in Yellowstone National Park.
* Create a large special management area outside the park where buffalo can use public lands to survive harsh winters, and where buffalo will be managed by wildlife professionals.
* Develop scientific buffalo population goals for this special management area outside the park.
* Relocate buffalo to Indian reservations or public lands or use a regulated harvest, but only when science demonstrates that available land cannot support more buffalo.
* Recommend vaccination of cattle within lands adjacent to the special management area.
* Emphasize acquisition of key winter range lands or easements through public purchase from willing sellers. Provide incentives to modify livestock operations to provide winter foraging opportunities for buffalo outside the park.

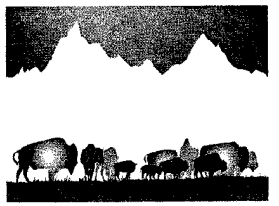
In addition: _____

These strategies will maintain wild, free-roaming buffalo and protect the interests of the livestock industry in a balanced, common-sense manner. Please adopt this plan.

Sincerely, Daniel L Baker VMD
(signature)

Name: Daniel L Baker VMD
(please print)

Address: [redacted]



July 30, 1998
Dear Ms. Bransom: YELL-705

I oppose the National Park Service preferred alternative and support the following recommendations:

1. Provide for bison use of Forest Service and BLM lands outside Yellowstone in winter.
2. Allow populations to fluctuate naturally inside the park base on scientific data.
3. Reduce disease risk by seasonally separating bison and cattle.
4. Support the acquisition of property outside the park for additional winter range.

Sincerely, Gladys A. Baldwin

Gladys A. Baldwin, Broker/Owner

YELL-9413

BLAISE
HAYWARD
STUDIO

October 8th, 1998

Bison Management Plan EIS Team
National Parks Service
Denver Services Center
P.O. Box 25287
Denver, Colorado
80225

To Whom It May Concern,

I am vehemently opposed to the flawed alternatives in the DEIS. I also oppose the capture and slaughter, agency shooting, public hunting, quarantine and vaccination of buffalo. I strongly support the humane strategies such as those in the Bison Alternative.

This whole situation and the way you propose to handle it, makes me wonder if we have learned anything in regards to the Buffalo in the last 100 years.
Sadly, the answer seems to be no.

Blaise Hayward

[redacted]

YELL-10,530

BLUE WATER

October 7, 1998

Sarah Bransom
National Park Service
PO Box 25287
Denver, CO 80225-9901

Dear Sarah,

Please do whatever you can to stop the killing of the Yellowstone Buffalo herd. This process is unconscionable.

Plan B, written by UN ecologist Virginia Ravendal and noted Veterinarians, serves as an alternative to the costly $52 Million plan the government has proposed.

I urge you to add Plan B to the Interagency Bison Management Plan that is being considered, and to extend the time for public debate on this important issue.

Thank you very much

Brian L. Crissey

BLUE WATER
Publishing, Inc.

[redacted]

[redacted]

[redacted]

Wild Flower
PRESS

SWAN
RAVEN

LAW OFFICES
BOESCHE, MCDERMOTT & ESKRIDGE

[redacted]

BRADLEY K. BEASLEY
ALSO ADMITTED IN [redacted]

[redacted]

YELL-6201

September 25, 1998

Ms. Sarah Bransom
Interagency Bison Management Plan, DSC-RP
P.O. Box 25287
Denver, Colorado 80225-0287

Dear Ms. Bransom and Members of the Interagency Bison Management Plan:

Please be advised that as a taxpayer and citizen, **I vehemently am opposed to the "Preferred Alternative" plan recommended by the State of Montana and the United States Government.** The buffalo in Yellowstone Park should remain free to roam within and outside of Yellowstone Park, and not subject to the inhumane brutality of the government's plan.

The "Preferred Alternative" plan is unacceptable. It allows for the continuing unnecessary slaughter of buffalo roaming outside of Yellowstone National Park in the winter. Labeling this plan "Preferred" is a misnomer, for the only parties who "prefer" such a plan are uninformed bureaucrats and a small group of self-indulgent individuals.

The buffalo are symbolic of one of the last great bastions of this great nation. Every effort should be made to preserve this source of pride for all of us and generations to come.

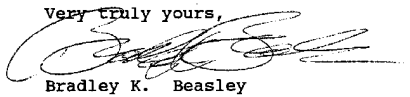
I suspect that the "Preferred Alternative" plan has not been widely publicized. If it were, millions of Americans would be as outraged as am I!

I whole-heartedly endorse and support the **"Citizen's Plan to Save Yellowstone Buffalo".** This plan allows the buffalo of Yellowstone to continue to exist in their natural setting without external interference. The buffalo were here long before the area in and around Yellowstone was "settled". The focus should be continuing, rather than eliminating, their existence.

YELL-6201 contd.

I trust that my views along with that of millions of other Americans will cause the "Preferred Alternative" Plan to be discarded. Please reject this plan and implement the "Citizen's Plan to Save Yellowstone Buffalo". Thank you for your consideration.

Very truly yours,



Bradley K. Beasley
Of BOESCHE, McDERMOTT & ESKRIDGE, L.L.P.

BKB/ccr

Yell-16778

Bison Public EIS Comment

Name: ROBERT BOOCK

Organization: BOOCKS FARM

Address: [redacted]

Email:

Comment:

as a farmer why are you slaughtering the buffalo ? the buffalo should be allowed to roam where ever he wants . there has never been a case where the buffalo has given cattle any diease. all I see out west is a group of hungry ranchers that want to graze goverment land cheap. we are in a phase of cattle build up that we don't need . I KNOW AS I AM A FARMER. manage the buffalo as you would wildelife as there surely are not many of them. I was in YELLOWSTONE this year and my grandsons loved seening the buffalo , now a group of ranchers want to do away with our heratage. we realy are getting to be a greaty soiety aren't WE. I WOULD think PARK SERVICE would want to save our heratage or is it like the old days all over again?

From the National Wildlife Federation's online public comment form: [redacted]

YELL-13417

209.154.85.62

Friday, October 30, 1998 - 12:05:02 pm EST
a lastname: Brace
b firstname: Ron
c organization: Bracer Consulting
comments: I wish to voice my opposition to the proposed Bison management plan and all the alternative plans put forward by the NPS and Yellowstone NP.

Several alternatives have been forwarded by environmental groups and are much more acceptable. Especially so is the proposal by the Sierra Club.

Please adopt a more friendly proposal for the naural animals and not the land owners/users. Thank You.

(Please, no mailing lists)

[redacted]

BRUCE JACKSON
PHOTOGRAPHY

YELL-3795

Bison Management Plan EIS Team, National Park Service
Attn: Sarah Bransom DSC-RP
P.O. Box 25287
Denver, Co. 80225-9901

September 17,1998

Dear Sarah,

I am writing to protest and help resolve the slaughter of buffalo that has taken place already and will take place if the National Park Service implements the so called 'preferred alternative' buffalo management plan for Yellowstone National Park and vicinity.

I believe the wholesale slaughter of wild bison can hardly be considered as 'preferred' when we have a common sense alternative in the Citizen's Plan that will protect our wild buffalo and protect rancher interests too. I am asking you to be sensitive and sensible by creating a win-win experience for all concerned. Please redraft the EIS by incorporating the Citizen's Plan into the document and analyzing the Citizen's Plan as a viable alternative.

The wild buffalo must be allowed to roam free on public and tribal lands. These animals are an invaluable part of our National Heritage. If necessary, state and federal agencies should acquire additional lands adjacent to the Park to allow the bison to roam free in any season.

Instead of destroying buffalo, please allow removal of these healthy animals to Indian reservations and other public lands.

I feel it is inappropriate for anyone other than wildlife professionals to manage bison. We the people of the United States need to be able to witness these magnificent creatures in wild and natural environments on tribal and public lands. To allow livestock officials to manage wild animals is totally inappropriate and unacceptable.

I have spent time exploring the awesome Nature of Yellowstone National Park and it's wild inhabitants. Yellowstone is a gem of immense proportion and must not be stained by the blood of man's uncontrolled fear.

Please work together with the citizens of America and forge a solution that honors our National Heritage, the Buffalo, and also protects the rights of our ranchers to make a living. We can have both!

THANK YOU,

Bruce Jackson

Bruce Jackson

[redacted]

Bison Management Team
National Park Service – Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

C.W. RODERS ENTERPRISES

[redacted]

Dear Bison Management Team:

I want wild, free-roaming buffalo in Yellowstone. I oppose the "Preferred Alternative" recommended by the State of Montana and the federal government. The government plan continues the unnecessary killing of buffalo moving to public lands outside the Park. It gives the Montana Board of Livestock, not wildlife professionals, control over key buffalo management decisions. And, it gives cattle priority over wildlife on public lands that surround Yellowstone National Park. We can do better.

YELL-3022

Yellowstone's buffalo are too important to sacrifice in this manner. They are a part of our heritage and a source of pride to us all. Furthermore, the "Preferred Alternative" would set dangerous precedent for the management of elk and all other wildlife species. This must not be allowed to happen.

Instead of your "Preferred Alternative", I endorse the ***Citizens' Plan to Save Yellowstone Buffalo***, which includes these management strategies:

- Creating a large special management area outside the Park where buffalo can use public lands to survive harsh winters, and where wildlife professionals will manage them.
- Developing scientific buffalo population goals for this special management area outside the Park.
- Using traditional wildlife management tools of fair chase hunting and relocation (in this case, to Indian reservations or public lands) when population goals are exceeded, or when private lands or human safety are threatened.
- Requiring vaccination of cattle in and adjacent to the special management areas.
- Adjusting cattle grazing times and patterns on public lands bordering the Park to prevent conflicts with buffalo during the buffalo's calving season.
- Acquiring through purchase or easement key winter range adjacent to the Park.

These strategies will maintain wild, free-roaming buffalo and protect the interests of the livestock industry in a balanced, common sense manner. Please adopt a plan that includes these strategies.

Sincerely,

Charles Roders
Printed name

Signature

[redacted]
Address

[redacted]

YELL-80606

Dear Ms. Bransom,

The office workers in Calvary Cemetery would like to voice our support for The Citizens' Plan to Save Yellowstone's bison. Enclosed please find our petitions for same.

Sincerely Yours,

Rosemary Callahan

[redacted]

CAMBATA AVIATION INC.
BATH ALUM
[redacted]

YELL6015

September 18, 1998

Bison Management Plan EIS Team
National Park Service
Attn: Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-9901

Dear Ms. Bransom:

Would you please seriously consider supporting the Citizen's Plan for managing the buffalo and redrafting the EIS.

Our ancestors massacred the buffalo and I hope that we can avoid doing anything similar to the animals that are left.

I have enjoyed seeing the buffalo roam near Yellowstone and other places and sincerely hope that my children and grandchildren can continue to do so.

Cordially,

Phebe Cambata

PDC/adg

YELL-1690

Bison Management Team
National Park Service - Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Dear EIS Team:

I want wild, free-roaming buffalo in Yellowstone. I oppose the "Preferred Alternative" recommended by the state of Montana and the federal government. The Government plan continues the unnecessary killing of buffalo moving to public lands outside the park in winter. We can do better.

Yellowstone's buffalo are too important to sacrifice. They are a source of pride for all of us.

I endorse the Citizens' Plan to Save Yellowstone Buffalo, which will:

* Maintain wild, free-roaming buffalo in Yellowstone National Park.

* Create a large special management area outside the park where buffalo can use public lands to survive harsh winters, and where buffalo will be managed by wildlife professionals. NOT MONTANA DEPT OF LIVESTOCK

* Develop scientific buffalo population goals for this special management area outside the park.

* Relocate buffalo to Indian reservations or public lands or use a regulated harvest, but only when science demonstrates that available land cannot support more buffalo.

* Recommend vaccination of cattle within lands adjacent to the special management area.

* Emphasize acquisition of key winter range lands or easements through public purchase from willing sellers. Provide incentives to modify livestock operations to provide winter foraging opportunities for buffalo outside the park.

In addition: REDUCING BUFFALO NUMBERS REDUCES GENETIC DIVERSITY, LEAVING SURVIVORS MORE OPEN TO SEVERE DECIMATION THROUGH DISEASE. WILD BUFFALO ARE AN IMPORTANT NATURAL RESOURCE, AS VALUABLE AS MOUNTAINS + CANYONS IN OUR NATIONAL PARKS. LOCAL RANCHERS SEEM TO BE DICTATING NATIONAL POLICY, AND THIS IS INAPPROPRIATE. THESE BUFFALO BELONG TO ALL U.S. TAXPAYERS.
These strategies will maintain wild, free-roaming buffalo and protect the interests of the livestock industry in a balanced, common-sense manner. Please adopt this plan.

Sincerely, [signature] (signature)

Name: JEFFREY V. CEFALI (please print)

Address: CEFALI & CEFALI
ATTORNEYS AT LAW
[redacted]

City Living Realtors

[redacted]

YELL - 7858

Specializing in Historic Homes of West Adams

Sarah Bransom
Interagency Bison Management Plan
DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Dear Ms. Bransom,

I am troubled to hear that for yet another year the bison of Yellowstone have to fear the relentless and irrational reactions of ranchers and bureaucrats. It is my understanding that you intend to give authority to the Montana State Veterinarian and the state Board of Livestock to decide who can kill and when. I have NO comfort that these individuals will do much more than pander to the monied interests of local ranchers and their politicians. You might as well pull the trigger yourself!

Why are not moderate and sensible plans, such as those sponsored by the National Wildlife Foundation and the InterTribal Bison Cooperative, being approved? Why are livestock interests being given authority; why not wildlife professionals who have a proven and caring record? The bison should be allowed to roam free on OUR (not the ranchers') public lands. Bison who wander onto private lands should be tested as needed and moved to tribal lands or encouraged to eventually wander back to public lands. They should NOT be killed! They are wandering for food and survival; they do not pose the imagined threat which ranchers claim.

And, on a personal note, for how many more years must I postpone my vacation to southern Montana? I disagree with the slaughter and I refuse to support such a community with my hard earned dollars.

Please respond to my concerns.

Sincerely,
David Raposa
David Raposa
Broker/Owner

YELL-794

Bison Management Team
National Park Service – Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Dear EIS Team:

I want wild, free-roaming buffalo in Yellowstone. I oppose the "Preferred Alternative" recommended by the State of Montana and the federal government. The government plan continues the unnecessary killing of buffalo moving to public lands outside the park. It gives the Montana Board of Livestock, not wildlife professionals, control over key buffalo management decisions. And, it gives cattle priority over wildlife on public lands that surround Yellowstone National Park. We can do better.

Yellowstone's buffalo, the only non-introduced, free-roaming buffalo in the United States, are too important to sacrifice in this manner. They are a part of our heritage and a source of pride to us all.

Instead of your "Preferred Alternative", I endorse the ***Citizens' Plan to Save Yellowstone Buffalo***, which includes these management strategies:

- Maintaining wild, free-roaming buffalo in Yellowstone National Park.
- Creating a large special management area outside the park where buffalo can use public lands to survive harsh winters, and where wildlife professionals will manage them.
- Developing scientific buffalo population goals for this special management area outside the park.
- Using traditional wildlife management tools of relocation (in this case, to Indian reservations or public lands) and fair chase harvest when population goals are exceeded, or when private lands or human safety are threatened.
- Requiring vaccination of cattle in and adjacent to the special management areas.
- Adjusting cattle grazing times and patterns on public lands bordering the park to prevent conflicts with buffalo during the buffalo's calving season.
- Acquiring through purchase or easement key winter range adjacent to the park.
- Providing incentives to landowners to change private lands grazing practices so that cattle and buffalo are less likely to come into contact with each other.

In addition:_____

These strategies will maintain wild, free-roaming buffalo and protect the interests of the livestock industry in a balanced, common sense manner. Please adopt a plan that includes these strategies.

Sincerely,

_____

Printed name: Don Witham And Frank Fraker

Address: The Coffee Shaman Coffee House/Bookstore [redacted]

Jul 20 98 04:52p Christine Weisheit [redacted] p.1

YELL-498

Bison Management Plan EIS Team
National Park Service, Denver Services Center
P.O. Box 25287
Denver, CO 80225-0287
Phone (303) 969 2310
Fax (303) 969 2736

July 20, 1998

To Whom It May Concern:

It is my understanding that since 1985 more than 3,000 Yellowstone bison have been shot or slaughtered by state and federal officials because of a fear that the bison could transmit a disease (brucellosis) to domestic livestock. This fear is entirely speculative. In fact, there has never been a documented case of bison transmitting Brucella abortus, the bacterium which causes brucellosis, to domestic livestock in the wild. Indeed, the scientific evidence demonstrates that if Yellowstone bison pose any risk of transmission, that risk is so extremely remote that is does not justify the slaughter of these animals. Furthermore, if any risk exists, it can be nearly eliminated through the implementation of sensible and feasible risk management strategies, including prohibiting the use of snowmobiles in the park, prohibiting cattle grazing in public lands outside the park, and requiring the vaccination of cattle on private land.

I understand that the management alternatives in the EIS primarily rely on public hunting, capture and slaughter, agency shooting, and quarantine as the principal tools for controlling the bison population and reducing the risk of disease transmission. Such management tools are cruel, unnecessary, and entirely inappropriate. I urge you to develop a more sensible, humane, and scientifically credible plan in dealing with the Bison in Yellowstone National Forest. These magnificent creatures have been slaughtered by the "white man" long enough.

For the animals,

Christine Weisheit
Compassionate Creations
[redacted]

YELL-1786

Sarah Branson Interagency Bison Management Plan,
DSC-RP P.O. Box 25287 Denver, CO 80225-0287.

Mrs. Branson,

My name is Blaine P. Ducote. I am a former resident of [redacted]. When I learned of the killing of Bison that leave the Yellowstone park boundary I was extremely upset, (Very Angry Actually). I own Coyote Creek Photography (Scenic & Wildlife) and most all of my work has been done in Yellowstone. I have a wife and two boys that none of which has yet seen Yellowstone Nat. Park, just my photographs and the videos we have. We have planned to go to Yellowstone in the Spring of 1999 and I have told my wife and kids for the past couple of years how the wildlife is so easy to see in Yellowstone, and down to Grand Teton National Park.

Today I learn that the bison are not as easy to see and **visitors are wondering where they are**. (PLEASE see attached article). I lived in Jackson in 1984-85 and there were approximately as you well know, 4000 bison roaming free in and **out** of the park. Now there is approximately 2,200 this is outrageous! The dieses that the buffalo are being killed for having, is only spread while a adult cow elk is calving in the spring. It is also only spread by the afterbirth. Only you and other citizens can stop the slaughter of bison. **I hope to hear back from you on this issue**, I want to know you read this appeal on behalf of the bison. Please! Read the attached short letter. I pay fees and taxes to keep our National Parks and the Wildlife in them Safe, **so my sons can enjoy them just as I have. I Fully Support The Citizen Plan To Save Yellowstone Buffalo,** and, they should be allowed to roam free. Please do not allow the livestock industry to have control of our nations wildlife, because our wildlife will be treated like cattle, as is the case with buffalo right now. It is our duty as American citizens and those who earn their living providing visitors with Yellowstone memories to support the buffalo. It is **unconscionable and hypocritical** to hear of those who favor and participate in the slaughter of buffalo and at the same time take millions of dollars from visitors. The visitor who comes to Yellowstone to see buffalo and to bring home a reminder of the buffalo whether it be a sweater, a T-shirt, or a stuffed animal.

Thank you for your help in this matter, I look forward to hearing back form you.

Blaine P. Ducote
Coyote Creek Photography
[redacted]

SAVE THE BUFFALO
by Yellowstone Ranger Tom Mazzarisi

On August 13th, I attended the public hearing of the government EIS plan for the future management of Yellowstone buffalo. I had planned to only listen, but some statements motivated me to quickly write some thoughts down and speak on behalf of the buffalo and our nation wildlife. The government plan is useless and the only sensible solution is to let the buffalo roam free. I support the Citizen Plan to Save Yellowstone Buffalo, which supports "wild, free-roaming buffalo, by ensuring that herds will have access to public lands outside the park."

As I write, the Yellowstone buffalo are gathered together to produce a new generation of buffalo. This is one of the most remarkable spectacles of nature. I have spent hours watching and listening to bulls bellow out their dominance for all to hear and occasionally witness a battle to see who is the strongest and most fit. But their future is uncertain because they are not free to roam outside the park because they carry a disease called brucellosis. This disease infected buffalo from domestic cattle in the first place and now the cattle industry and the state of Montana want to continue to kill buffalo that leave the park onto public lands in Montana. The winter of e96-i97 saw 1100 buffalo killed, shot, murdered, and slaughtered as a direct result of the livestock industry control over the fate of buffalo, one of our nation wild animals.

Here are some interesting facts. There has not been a single case of cattle becoming infected by brucellosis from buffalo. There is roughly, 100,000 elk in the Yellowstone Ecosystem which carry the disease also and they roam freely in and out of Yellowstone boundaries (I am definitely not in support of killing elk to get rid of the disease either). The disease can only be transmitted by a birth event of an adult cow, the disease being contained in the afterbirth. Bulls and calves are still being killed and this killing occurs during the winter when the buffalo are not even calving (calving usually occurs within Yellowstone boundaries in the spring). Many of the buffalo killed have not even been near cattle and I have seen and heard reports of the nearest head of cattle being more than 20 miles away! An even more disturbing fact there are about 2000 head of cattle, more than half on public lands, that is causing this debate over free roaming buffalo. Since 1994, almost 2000 bison have been killed leaving the park for 2000 or fewer head of cattle.

There has been a noticeable decline of the Yellowstone buffalo. Do not ask me, but ask the dozens of families who have asked me why they do not see as many buffalo anymore. Before the genocide began, there was close to 4000 buffalo during the summer of 1996. Today, there are about 2200 buffalo that continue to fight to survive the harsh environment of the Yellowstone Ecosystem.

We are almost to the 21st century, but there seems to be a 19th century attitude when it comes to solving the buffalo and other wildlife issues. For those who have forgotten what happened during the 1800is let me remind you. There were numerous American Indian tribes in the west that depended on the vast herds of buffalo that probably numbered in the tens of millions. As settlers and "progress" pushed west, the American Indian got in the way. The U.S. Army could not flat out defeat the American Indian, so it decided to take away their source of life, the buffalo. As the buffalo disappeared, the American Indian was told to retreat to the reservations or be killed. Today history seems to be repeating itself. The buffalo are being told to stay on their reservation (Yellowstone) or be killed if they leave. Why is it that man must destroy things that are beyond his control? The only true controlling force is nature itself and it should be nature that decides the fate of the buffalo.

YELL-16577

Bison Public EIS Comment

Name: Mauna Faye Crabtree
Organization: Crabtree Ridge Farm
Address: [redacted]
Email: [redacted]

Comment:

That a wild buffalo herd still roams anywhere in the USA is amazing. To allow their slaughter is unthinkable! These creatures should be allowed to roam free and the Park Service should acquire additional land if necessary to support the herd. As I am part Cherokee, I am thrilled that the good Native peoples of the northwest have opened their lands for relocation of this noble beast, so important to there rich culture.

From the National Wildlife Federation's online public comment form: [redacted]

Commercial • Agricultural • Residential • Investment
D. LINDSAY PETTUS REAL ESTATE
[redacted]

YELL-7034

Sarah Branson
Denver Col.

9/25/98

Dear Ms Branson-
I would like to encourage that Bison management be left to National Park Service And professional Wild Life managers- The wholesale slaughter going on in past years is unwarranted.
I support the NWF/ETBC Plan- Thank you-

Doug Lindsay Pettus

D. Lindsay Pettus [redacted]

Sandy Nelson [redacted]

YELL 10,240

DANIEL C. HUGHES, JR.
Investment Properties
[redacted]

October 7, 1998

Bison Management Team
National Park Service - Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Dear EIS Team:

I want wild, free-roaming buffalo in Yellowstone. I oppose the "Preferred Alternative" recommended by the state of Montana and the federal government. The Government plan continues the unnecessary killing of buffalo moving to public lands outside the park in winter. We can do better.

Yellowstone's buffalo are too important to sacrifice. They are a source of pride for all of us.

I endorse the CITIZENS' PLAN TO SAVE YELLOWSTONE BUFFALO, which will:

* Maintain wild, free-roaming buffalo in Yellowstone National Park.
* Create a large special management area outside the park where buffalo can use public lands to survive harsh winters, and where buffalo will be managed by wildlife professionals.
* Develop scientific buffalo population goals for this special management area outside the park.
* Relocate buffalo to Indian reservations or public lands or use a regulated harvest, but only when science demonstrates that available land cannot support more buffalo.
* Recommend vaccination of cattle within lands adjacent to the special management area.
* Emphasize acquisition of key winter range lands or easements through public purchase from willing sellers. Provide incentives to modify livestock operations to provide winter foraging opportunities for buffalo outside the park.

These strategies will maintain wild, free-roaming buffalo and protect the interests of the livestock industry in a balanced, common-sense manner. Please adopt this plan.

Sincerely,

Dan C. Hughes, Jr.

[redacted]

YELL-4104

LAW OFFICES OF DAVID L. BOURGOIN

[redacted]

September 17, 1998

Bison Management Plan EIS Team, National Park Service
Attn: Sarah Bransom DSC-RP
PO Box 25287
Denver, CO 80225-9901

Dear Ms. Bransom:

RE: Draft Buffalo Management Plan

During my recent visit to Yellowstone National Park, I was blessed with the natural beauty and the abundance of wildlife in and around the Park. The most visible benefit of the Federal Government to the People is the management of America's "Jewels" in a fashion that preserves nature.

Managing the overflow of wild animals into surrounding States needs attention within the scope of a pristine and preserving nature. Killing animals for any interest, particularly the limited needs of the rancher, is contra to the rights of animals, environmentalists, and the natural spirit of man. The Draft Buffalo Management Plan proposed by NWF addresses the issues of disease, location, cooperation, and preservation of the ideal of some natural nature remaining in America. Please support this plan and similar consultations as for the interests of the People of America.

Thank you for finding solutions with the holistic issue at point, and not for the benefit of minorities with strong vocal and financial means.

Sincerely,

David L. Bourgoin

Attention: Bison Management Plan EIS Team
National Park Service – Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

I OPPOSE the "Preferred Alternative "(Alternative 7) of the *Draft Environmental Impact Statement For The Interagency Bison Management Plan.* **I ENDORSE** the management strategies submitted in the *Citizen's Plan To Save Yellowstone Buffalo.* The *'Citizens Plan'* will preserve the last free-roaming buffalo by utilizing biological and common sense wildlife management strategies while recognizing the interests of the livestock industry. Please adopt or incorporate the *'Citizens Plan'* into your final recommendations for the management of our public wildlife-buffalo.

NAME: DAVID SPAGAT ADDRESS: [redacted] DATE: 10/3/98

SIGNATURE: David Spagat Thank You!

MEMO
FROM THE LAW OFFICES OF
David Spagat, Ltd.

YELL-8011

[redacted]

October 3, 1998

N.P.S.-SARAH BRANSOM DSC-RP
P.O. Box 25287 Denver, CO. 80225

Dear Ms. Bransom:

It is shocking on the verge of the 21st Century that Nazi "Final Solution" style tactics are practiced in what is falsely perceived as a control problem as regards the western bison in the Yellowstone and Montana areas. These bison are being treated to the same fate as in the western expansion when the heards were decimated by "sportsmen" shooting them from passing trains.

Without any scientific evidence of the passing of brucellosis from bison to cattle, hundreds have been executed while in the forrage of food under adverse weather conditions.

Please review and adopt the Citizen's plan to save Yellowstone Buffalo and stop killing off these persecuted animals.

Respectfully Yours,

David Spagat

David Spagat

DAWSON
Medical Group
balancing traditional and preventive medicine

[redacted]

YELL-4408

September 11, 1998

National Park Service
Bison Management Plan
EIS Team
P. O. Box 25287
Denver, Colorado 80225-9901

Attention: Sarah Bransom DSC-RP

Dear Sir/Madam:

I am writing to give support to the bison protection plans such as the citizen's plan. Many species have been eradicated by our lack of protection and I feel it's important to preserve the wild animals as is possible. Just like the rain forest which is a source of the leading drug for breast cancer, there may be scientific discoveries made from other living creatures as well. It's important to preserve the gene pool for all these animals.

I was pleased to hear of the proposal to move buffalo to Indian reservations and other public lands. I feel that these decisions should be made by experts in wildlife management and not by special interest groups with a conflicting agenda.

Thank you for your attention.

Sincerely,

Nancy L. Dawson

Nancy L. Dawson, M. D.

NLD:th

DIAMOND K OUTFITTERS, INC

YELL 10,722

September 28, 1998

Ms. Sarah Bransom
Bison Management Team
National Park Service
P O Box 25287
Denver CO 80225 0287

Re: Bison Management Proposal

Dear Ms. Bransom:

Please accept this letter in opposition to the "preferred alternative" recommended in the EIS concerning the formulation of a plan for the Yellowstone Bison herd.

The Citizen's Plan put together by GYC and others makes a lot more sense to me. Your proposal would spend millions of tax dollars to kill buffalo when funds could be provided to vaccinate a few cows every year for much less money. Why not also consider reducing or delaying grazing leases until later in the summer? Clearly, there are better ways to solve this problem.

Please consider the Citizen's Plan. It is well worth it.

Respectfully submitted,

Dick Kendall
8105 Balsam Road
Bozeman, MT 59718

YELL-3822

September 14, 1998

CHUCK JONES
direct response

Bison Management Plan EIS Team
National Park Service
ATTN: Sara Bransom
DSC-RP, P.O. Box 25287
Denver, CO 80225-0287

Dear Ms. Bransom

As a frequent visitor to our national parks, a friend of wildlife, business owner and U.S. citizen, I'm writing you to request that you do not adopt the Interagency Bison Management Plan, and **to offer my support to the alternative plan for bison management that has been advocated by the Defenders of Wildlife, National Parks and Conservation Association and others.**

First, allow me to tell you what I am not. I am not a tree-hugging radical environmentalist who believes the world would be a better place if there were no humans. I am, however, a common-sense environmentally-conscious activist who believes the world *would* be a better place if there were more humans who took the time to write and support the causes in which they believe.

You see, when I tell friends and associates of mine the full story about the bison exterminations in the winter of 1996-97, I get an almost universal response – disbelief and disgust. And rightly so. This action defies all common sense. To slaughter 1/3 of the park's largest herd to ostensibly protect fewer than 2,000 head of cattle grazing on already public lands was a poor decision – particularly given the total lack of any scientific evidence of brucellosis being passed from bison to cattle. As a citizen and taxpayer, I am outraged that this happened.

In my lifelong love of nature and the outdoors, I've found one thing to be true. If you pit nature against industrial profits, nature almost always loses. (This is especially true if you put the decision into the hands of the very industries whose profits are in question.)

YELL-3822 contd.

But on those occasions when nature wins, the results are inspiring. Take the recovery of the Bald Eagle, the reintroduction of wolves into the Yellowstone ecosystem, and the preservation of redwood forests. All of these successes give every American pride in continuing our nation's heritage of good stewardship of our natural resources.

If you allow the cattle industry to sway this decision, the bison will lose. If the bison lose, we all stand to lose another treasured national symbol.

I urge you — adopt the alternative plan advocated by Defenders of Wildlife, the NPCA, Montana Wildlife Federation and others. Allow the wintering herds to be managed by wildlife professionals "using the best wildlife management techniques and good common sense." Do not allow another incident like the winter of 1996-97. The alternative plan goes farthest to prevent it while maintaining common-sense protection of the cattle interests.

Thanks for your time and for your support.

Sincerely,

Chuck Jones
President

Don Devine's Studio

[redacted]

YELL-7731

9/29/98

BISON MANAGEMENT
NATIONAL PARK SERVICE

I AM PROTESTING THE SEVEN FLAWED ALTERNATIVES IN THE DSIS. I AM OPPOSED TO THE CAPTURE & SLAUGHTER, AGENCY SHOOTING, PUBLIC HUNTING, QUARANTINE & VACCINATION OF BUFFALO.

I SUPPORT HUMANE STRATEGIES SUCH AS THOSE IN THE BISON ALTERNATIVE.

Sincerely
Donald C. Devine
Sylvia R. Devine

OUR HOME ADDRESS:

Mr. & Mrs. Donald C. Devine
[redacted]

YELL-9063

Bison Management Team
National Park Service - Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Dear EIS Team:

I want wild, free-roaming buffalo in Yellowstone. I oppose the "Preferred ~~Alternative~~" recommended by the state of Montana and the federal government. The Government plan continues the unnecessary killing of buffalo moving to public lands outside the park in winter. We can do better. DO

Yellowstone's buffalo are too important to sacrifice. They are a source of pride for all of us.

I endorse the Citizens' Plan to Save Yellowstone Buffalo, which will:

* Maintain wild, free-roaming buffalo in Yellowstone National Park.

* Create a large special management area outside the park where buffalo can use public lands to survive harsh winters, and where buffalo will be managed by wildlife professionals.

* Develop scientific buffalo population goals for this special management area outside the park.

* Relocate buffalo to Indian reservations or public lands or use a regulated harvest, but only when science demonstrates that available land cannot support more buffalo.

VALUE IS LIMITED → * Recommend vaccination of cattle within lands adjacent to the special management area. BANGS VACCINATIONS HAVE NOT BEEN PROVEN TO BE HIGHLY EFFECTIVE IN SAFEGUARDING- BRUCELLOSIS INFECTIONS FROM SPREADING

* Emphasize acquisition of key winter range lands or easements through public purchase from willing sellers. Provide incentives to modify livestock operations to provide winter foraging opportunities for buffalo outside the park.

In addition: HAVE REGULAR YEARLY ROUND-UP OF WILD BISON & GET THE BRUCELLOSIS ERADICATED - EVERY OTHER WILD BISON HERDS I KNOW OF, DOES THIS, AND THE BUFFALO ARE STILL AS WILD, & AS FREE ROAMING AS PHYSICAL, ENVIRONMENTAL RESTRAINTS ALLOW. CUT WANTS TO SELL etc — EXPLORE THESE AVENUES !!

These strategies will maintain wild, free-roaming buffalo and protect the interests of the livestock industry in a balanced, common-sense manner. Please adopt this plan.

Sincerely, Donna & V Blackmore
(signature)

Name: DONNA & VICKERY BLACKMORE
(please print)

Address: [redacted]

Tony & Donna Blackmore
Double Spear Ranch
[redacted]

[redacted]

AND also: TONY & DONNA BLACKMORE, DOUBLE SPEAR WORKING GUEST RANCH same address

YELL-1722

Bison Management Team
National Park Service - Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Dear EIS Team:

I want wild, free-roaming buffalo in Yellowstone. I oppose the "Preferred Alternative" recommended by the state of Montana and the federal government. The Government plan continues the unnecessary killing of buffalo moving to public lands outside the park in winter. We can do better.

Yellowstone's buffalo are too important to sacrifice. They are a source of pride for all of us.

I endorse the Citizens' Plan to Save Yellowstone Buffalo, which will:

* Maintain wild, free-roaming buffalo in Yellowstone National Park.

* Create a large special management area outside the park where buffalo can use public lands to survive harsh winters, and where buffalo will be managed by wildlife professionals.

* Develop scientific buffalo population goals for this special management area outside the park.

* Relocate buffalo to Indian reservations or public lands or use a regulated harvest, but only when science demonstrates that available land cannot support more buffalo.

* Recommend vaccination of cattle within lands adjacent to the special management area.

* Emphasize acquisition of key winter range lands or easements through public purchase from willing sellers. Provide incentives to modify livestock operations to provide winter foraging opportunities for buffalo outside the park.

In addition: PLEASE SEND ANY INFORMATION ON GROUPS, ASSOCIATIONS OR WAYS WE COULD HELP [redacted]

These strategies will maintain wild, free-roaming buffalo and protect the interests of the livestock industry in a balanced, common-sense manner. Please adopt this plan.

Sincerely, Randy Comer
(signature)

Name: RANDY COMER-EB 3 RANCH
(please print)

Address: [redacted]

207.226.156.88

Friday, August 7, 1998 - 15:07:54 pm EST
YELL-13073
a lastname: Bates
b firstname: Jonathan
c organization: Ecological Consulting Services
comments: Hello,
I don't live out west and I don't have first hand experience with Bison. But I do know the history of this country in regards to our treatment of the land, it's creatures and it's people.

Bison Management might be important to a few cattle ranches and their bottem line (with less than 2000 animals). But, I would hope our future generations will be able to see the true historical migrations of wild Bison we once had in this great land.

People the land and the overall ecosystem is far more important than a few money hungry ranchers. I'm sure they are not money hungry, but money does seem to be a priority over the lives of our people, heritage, and the bison's freedom.

You ask here for my "rationale for the suggested changes". Well, it's hard to rationale our societies disregard for non-human life. Humans are animals, no different than the flesh of a Bison (although we think God said we are more special). Bison have the same freedoms as all of "Gods" creatures. If they want to rome that's their "God" given nature. We have no right to be slaughtering them for the "Economies" well being. Or for cattleman's well being for that matter.

If cattleman want cattle, they should fence in there cattle away from the bison. Not the other way around.

Please consider all of our futures in your decisions. Please let the Bison run free again. Letting Bison run free within all of their range, while sustainably hunting them would be far better than to let the cattle industry decide our future. (Our beef eating habits aren't healthy anyway, "did you say McDonalds?")

Thanks for the opportunity for comment.
Jonathan Bates
Ecological Consulting Services
[redacted]

Carol Fischer MD
Family Medicine
[redacted]

Bison Management Team
National Park Service – Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287
YELL-7755

Dear Bison Management Team:

I want wild, free-roaming buffalo in Yellowstone. I oppose the "Preferred Alternative" recommended by the State of Montana and the federal government. The government plan continues the unnecessary killing of buffalo moving to public lands outside the Park. It gives the Montana Board of Livestock, not wildlife professionals, control over key buffalo management decisions. And, it gives cattle priority over wildlife on public lands that surround Yellowstone National Park. We can do better.

Yellowstone's buffalo are too important to sacrifice in this manner. They are a part of our heritage and a source of pride to us all. Furthermore, the "Preferred Alternative" would set dangerous precedent for the management of elk and all other wildlife species. This must not be allowed to happen.

Instead of your "Preferred Alternative", I endorse the ***Citizens' Plan to Save Yellowstone Buffalo***, which includes these management strategies:

- Creating a large special management area outside the Park where buffalo can use public lands to survive harsh winters, and where wildlife professionals will manage them.
- Developing scientific buffalo population goals for this special management area outside the Park.
- Using traditional wildlife management tools of fair chase hunting and relocation (in this case, to Indian reservations or public lands) when population goals are exceeded, or when private lands or human safety are threatened.
- Requiring vaccination of cattle in and adjacent to the special management areas.
- Adjusting cattle grazing times and patterns on public lands bordering the Park to prevent conflicts with buffalo during the buffalo's calving season.
- Acquiring through purchase or easement key winter range adjacent to the Park.

These strategies will maintain wild, free-roaming buffalo and protect the interests of the livestock industry in a balanced, common sense manner. Please adopt a plan that includes these strategies.

Sincerely,

CREIGHTON UNIVERSITY
[redacted]

Signature

YELL 10,656

FAUNAWEST
WILDLIFE CONSULTANTS
[redacted]

13 October 1998

Bison Management Team
National Park Service - Sarah Bransom DSC-RP
POB 25287
Denver CO 80225-0287

Dear EIS Team,

I have read the Yellowstone Bison EIS and have found it unacceptable as written. The preferred alternative will only continue the present interim management plan. In addition, there is no logic in trying to deal with brucellosis in bison when elk in the Park are infected with brucellosis. The lesson from Grand Teton Park is that bison can get brucellosis from elk. If brucellosis is a problem, then there must be a unified plan for the entire Yellowstone ecosystem.

There are too many aspects of the EIS that are beyond the ability of Federal and State agencies to control that form integral parts of the alternatives. For example, a safe and effective vaccine for brucellosis in bison is uncertain, purchase of critical winter range by the Federal government appears doubtful because of the value of the land for private development, and public hunting of Yellowstone bison may not be feasible. Good intentions have little meaning if there are no assurances that they can be carried out. This was seen during the winter of 1996-97 when approximately 70% of the bison sent to slaughter houses showed signs of injury at the time of their death. The interim bison management plan stated that bison would be treated humanely and it was clear that MT DOL was not capable of humane treatment of bison.

There is a pressing need to find a non-lethal exit for bison out of Yellowstone Park. The quarantine process is a workable solution for this. The quarantine protocol for Yellowstone bison (Appendix in the EIS) is unrealistically stringent and needs to be substantially modified to be practical. In deed, the state of Montana has already allowed brucellosis exposed Yellowstone elk to enter domestic elk herds with two simple tests for brucellosis and no post placement monitoring. Brucellosis was eradicated from a transplanted Yellowstone bison herd in Utah by two rounds of test and slaughter. This is a free ranging herd that grazes in common with cattle, and disease is not an issue.

There also is a need to establish additional disease free sibling Yellowstone bison herds outside of the Park on Tribal lands or other public lands. Establishing genetically pure Yellowstone bison herds in other areas will result in an ecologically and genetically viable population. The present bison herd may not be ecologically viable over the long-term. Once several widely spaced sibling herds are established, there will be opportunities for management of bison in the Park to adequately address the brucellosis issue. Bison can be spayed and neutered as an alternative to shooting, and this is not likely to disrupt their social system. Status in a bison herd is based on body size, age, and horn development. On the other hand, the loss of an individual does change social relationships of surviving animals within a herd.

The EIS does not adequately address the impacts of Yellowstone bison management on private bison herds. There is at least one private herd in Montana within 30 miles of the Park. It is also possible that Yellowstone bison could immigrate into other private herds at distances greater than 30 miles from the Park. There are several well documented modern records of bison moving 50 to 100 miles within short time periods.

In summary issues that have not been adequately addressed by the EIS are:

1. There are no provisions in the EIS to assure that aspects of the alternatives can be fulfilled.

2. Bison cannot be humanely handled as demonstrated in 1996-97. The committee reviewing treatment of bison in 1997 only considered handling of bison at the Park and recommended on-site slaughter.

3. Brucellosis in elk is an issue (contrary to the EIS) and any attempts to deal with brucellosis in bison must also address the elk problem (feeding grounds in Wyoming).

4. The EIS fails to develop the logic for the need of sibling herds and how this would ultimately permit considerable management flexibility for disease control in Yellowstone bison.

5. The bison quarantine protocol is too stringent. The EIS fails to mention that Yellowstone bison have already been transplanted without the quarantine process (or even initial disease screening) and that brucellosis was subsequently eradicated through test and slaughter. The EIS also fails to disclose that Yellowstone elk have been placed into domestic elk herds with minimal testing for brucellosis.

6. The purpose of bison quarantine is to provide a long-term non-lethal exit of bison from Yellowstone Park. Public sentiment is against the slaughter of Yellowstone bison. This was not addressed.

Thank you for this opportunity to comment on the Yellowstone Bison EIS.

Sincerely, YELL 10,656 contd.

Craig J. Knowles

First Alabama Bank

First Alabama Bank
of Birmingham
[redacted]

YELL-262

C. W. Allgood, Jr.
Vice President

I definitely think it would be a mistake to restrict the bison. Land outside Yellowstone should be provided for them to roam freely.

The government has been too destructive with our national treasure.

Please try to provide a larger range for these animals.

Sincerely,

Glen Allgood

GEORGIA SURGICAL ASSOCIATES, P.C.
EUGENE D. DAVIDSON, M.D., F.A.C.S., General Surgery
ALAN R. KOORNICK, M.D., F.A.C.S., Vascular Surgery
GARY A. LUDI, M.D., F.A.C.S., General Surgery
DAVID D. PARK, M.D., F.A.C.S., General Surgery

[redacted] [redacted]

September 23, 1998

YELL tole 23

Bison Management Plan EIS Team, National Park Service
Attn: Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-9901

Dear Ms. Bransom:

I would urge that you and the National Park Service consider supporting the citizen's plan for the management of the Buffalo. I would urge the Park Service to redraft an EIS and incorporate the Citizen's Plan into the document and analyze it as a viable alternative.

I feel deeply that buffalo must be allowed to roam free on public lands, especially adjacent to Yellowstone National Park, up to the carrying capacity of these adjacent lands. I also feel that if additional lands are needed, it is appropriate that federal agencies should try to acquire these additional winter ranges next to the park. The appalling slaughter of the buffalo should be stopped, especially when the alternative of moving healthy animals to Indian Reservations and other public lands is available. Buffalo are wildlife. They are not livestock and should be managed by wildlife professionals not livestock officials who serve a single, special interest purpose. I have been to Yellowstone, and it was spectacular to see the free roaming buffalo during that experience. I hope that the buffalo can be preserve on our public lands and in Yellowstone Park for all generations of future Americans. I urge your consideration of the Citizen's Plan in the re-draft of the EIS.

Sincerely,
Gary A. Ludi, M.D.

GAL:ll

Comment Form

14) 367

Please use this form to record your comments on the *Draft Environmental Impact Statement for the Interagency Bison Management Plan* for the State of Montana and Yellowstone National Park. If you believe that we have missed an important issue, or need more information to fully assess the impacts, we welcome your written comments. Please be as specific as possible and include your rationale for the suggested changes. Feel free to make additional comments on separate sheets of paper and enclose them with this postage paid form. When you have finished, fold along the dotted line so that the business reply address is on the outside, tape closed (no staples please), and mail. Your comments must be received by **October 16, 1998**. Thank you for your interest in the EIS.

I want the Bison to be allowed to roam in & out of Yellowstone Park. They aren't originally from there (Park) - What happened to the "Green Belt" around the Park? Why not move the Park back away from the Montana borders.

The Bison are second-class citizens & the brunt of all political hostility between Montana & Wyo. If this isn't a fact, why do the Brucellosis-infected Elk pass in out of the Park on into Montana without incident - except to be shot at "blood alley" & other places where they travel during migration. I also found info to show the elk treated similarly in 60's. How sick is our government, Montana's governor, livestock people, Larry Peterson, etc.

Why are we playing God & deciding the "Park" can't support the small herd of Bison - but as comment on the 40,000 elk the Park need to support.

If man must be such a jerk on the bison issue - let's move the Bison to land where they can get away from this hostility

I was there in '96-'97 winter - at West Yellowstone - working seeing the reports coming in of 30-40 bison, several times a day - being slaughtered inhumanely - shooting into the herds till all were down (dead or not) - babies, mothers cows, bulls, - not any testing was done. - When is anyone going to stop lying to the public & tell the truth? My dead count is much more than yours.
- why have people been allowed to own property right up to the Park borders?

(And just how many "cattle" ranches are there. Economics, but all it's is a few - two or three playing at being cattlemen & the animals actually three months of the year - & the Bison - brucellosis or not - are all killed for this. Bah!

CALF

14,367 contd.

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Denver Service Center — Bransom DSC/RP
12795 West Alameda Parkway
PO Box 25287
Denver CO 80225-0287

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Bison Management Plan EIS Team
National Park Service
Sarah Bransom DSC–RP
PO Box 25287
Denver CO 80225-9901

Fold here & tape below

☒ Please add my name to the mailing list for the Bison Management Plan EIS.

☐ Please remove my name from the mailing list for the Bison Management Plan EIS.

Name: Geyser Gazette / Gail Cole Gail Cole

Address: [redacted]

City/State/Zip: [redacted]

Phone number and/or e-mail address (optional):

Phone #: [redacted]

E-mail address:

If you know of other individuals or parties who would like to be on our mailing list, please have them notify us at the address above.

G/S

Goldstar Jewellery Pvt. Ltd.
[redacted]

YELL-4536

Bison Management Plan EIS Team
National Park Service
Attn:Sarah Bransom DSC-RP
Denver, CO 80225-9901

9/18/98

Dear Ms. Bransom,

I am writing this letter because I am deeply concerned about Montana's Governor Racicot decision to destroy the buffalo which cross park bouncries.

I plead with you, as should all Americans not to allow this sensless slaughter to occur. When are we to learn to live with all Gods children and share this wonderful planet together. When are we going to respect all creatures right to live without fear of extinction.

Our American values have taught us to respect each creatures rights to exist. We are constantly being challenged by the evil of mans desire to kill and destroy. History has taught us that one species effects other species, and man is not disaffected by these loses. We must protect and preserve our forrests and the rights of all creatures to survive.

I had the great pleasure to visit "Yellow Stone National Park" this past July and the wonderment of the natural environment as it was years ago was not only thrilling but an extremely fulfilling experience. To watch grizzlies, wolves, bison, elk, etc., roam free in their natural habitat is an experience every child and adult in America should always have available. More parks should be created to protect our wildlife all over America.

Let us remember that the earth was created with all these creatures, and it is the obligation of "Man" because of his superiority, to insure the existance of all to survive. I implore you to stand up and be counted as one of those who will not allow the sensless slaughter of any creature.

Sincerely,

Jerry Lerner
Goldstar, S.V.P.

H.F. MAGNUSON COMPANY [redacted] YELL-458

July 14, 1998

Ms. Sarah Bransom, DSC-RP
National Park Service
P.O. Box 25287
Denver, CO 80225-0287

Re: Public Comment on the Environmental Impact Statement (EIS) to Manage Bison Living in Yellowstone National Park

Dear Ms. Bransom:

The preferred Alternative 7 is unacceptable as an option for managing bison in Yellowstone National Park for the following reasons:

1. Alternative 7 would treat wild bison like a herd of domestic cattle, subjecting them to trapping, testing, slaughter and sport hunting. This is not a position that will be tolerated by the general public.

2. The threat of transmitting brucellosis from bison to cattle has NEVER been proven. A small number of bison have been carrying brucellosis for generations, but not a single domestic cow has ever been infected by a free ranging Yellowstone bison. These ill founded fears are driving the government's bison management plan which threatens the wild heritage of the bison and the ecological integrity of Yellowstone.

3. The U. S. Department of Agriculture has no legal authority over free ranging bison and cannot downgrade the brucellosis free status of Montana based solely on the presence of potentially exposed bison.

4. There should be no population objectives established for the Yellowstone bison herd. One alternative in the EIS calls for, without any scientific justification, limiting the size of the bison herd to between 1,700 and 2,500 animals. The size of the herd should be dictated by natural factors and not by slaughter or the desires of the livestock industry. How can genetic diversity be maintained with such a small number of animals?

I strongly encourage you to adopt Alternative 2. This alternative would manage Yellowstone as a natural place and its bison as wildlife. It would acquire habitat outside the park to accommodate the bison's natural seasonal movements, minimize the possibility of contact between bison and cattle, close snowmobile trails that lure bison out of the park and shut down existing capture and testing facilities at the park boundaries.

As an American, I am ashamed of our past treatment of this magnificent animal. The population of these animals has rebounded from near extinction and it is absurd that we killed almost half of the Yellowstone herd in the winter of 1996. These animals were killed because they exited Yellowstone via snowmobile trails to find forage outside the park. These animals are symbols of our country and will be extremely valuable to future generations of Americans.

Sincerely,

H. F. Magnuson

HFM:sla

Thank you.

YELL-10,638

Hagenbarth Livestock
Jim Hagenbarth
[redacted]

October 11, 1998

Bison Management Plan EIS Team
National Park Service
Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Dear Lead Agencies:

I am commenting on this DEIS as a citizen concerned with the holistic management of the Greater Yellowstone Area(GYA). Since this DEIS addresses actions within Yellowstone National Park (YNP) and some areas adjacent to YNP in Montana, it is in my interest to comment because the outlined alternatives will result in significant impacts to the wildlife, ecology and economy of the GYA.

I feel that I can make positive contributions to this decision by providing facts, data, and understanding to the decision makers. Our family has lived in, worked with, and nurtured this geographical area since the late 1880's. We are in the livestock business and use our livestock as a tool to enhance the grazing resource while generating income and tax bases that promote the economic health and support the infrastructure which provides the basic services for this region. We manage land and livestock in southeastern Idaho and southwestern Montana and move between these states each year. Our industry has played the major role in keeping the GYA rural, open, and functioning in an ecologically sound manner. This gives me knowledge very few commentaries will have. We ranch 40 miles west of YNP in a ecological setting that is identical to YNP with the exception of the thermal and commercial activity.
Our family has lived with, vaccinated for and eradicated brucellosis from our herds. I have served on the Montana Board of Livestock for 12 years and acted as chairman for two. This has allowed me to gain valued experience in the analysis of brucellosis, its impact upon the industry, and the problems associated with disease management caused by the uncontrolled movement of brucellosis exposed bison from YNP into Montana and Idaho. The experience and knowledge gained in working within the GYA and with this disease gives me data, facts and insights that should help the agencies devise an alternative that best addresses the situation.

Comments will be made on specific areas of concern as presented in the Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park.

Page 11, Purpose of Action. Page 28, The Purpose Statement: This DEIS represents a stop gap measure agreed upon by the parties as part of a court settlement. It is by no means the solution to the problem of bison being held captive to YNP because they are infected with a disease that is so devastating to the livestock industry. The degree of risk of transmission to livestock is minimal if the bison are restricted to the Park because livestock simply are not allowed within the Park. Due to the uncontrolled increase in bison numbers, elk and bison are becoming more concentrated within the Park during the winter months and the elk in the northern herd are beginning to become more exposed to this disease (increased number of seropositive elk in the Gardner area). The Park does not have the winter range to support the current bison herd. These animals will either starve within the Park boundaries or migrate to winter range on the valley floors outside the Park. There is little winter range in the West Yellowstone area (a small amount on the south side of Horse Butte) until you get past Quake Lake and into the Madison Valley. A small portion of land in the proposed trade in the Gardner area could serve as winter range, but would only produce 200 aums of forage and it may be taken by other wildlife before the bison arrive (2,000 acres of suitable land rated at .1 aum/acre). Bison would utilize private property on both sides of the river and move past Yankee Jim Canyon seeking winter range. Due to the nature of the problem (a brucellosis infected bison herd with no population control or disease management residing in a Park with little winter range surrounded by winter range outside the Park that is occupied by cattle), action under this plan must be short term and immediately address disease eradication within the Park to achieve the purpose of the plan. This immediately eliminates all alternatives except #5 or possibly #6 with changes. The National Academy of Sciences (NAS) report on brucellosis in the GYA was not included within this DEIS. It is credible and found: "The risk of bison or elk transmitting brucellosis to cattle is small, but it is not zero". Two recent federal cases in two different federal districts directly impacted by National Park Service (NPS) policies have determined that the management or lack of management of the diseased bison herd(s) is inappropriate and has had adverse affects upon the Park's neighboring states of Montana and Wyoming. Those cases are Parker Land & Cattle Co. vs. U.S., No. 91 Civ. 0039-B (D. Wyo. 1991) and The Fund for Animals, Inc. v. Manual Lujan, et al. 90 Civ. 142-M-CCL (D. Mont. 1991) (hereinafter "Parker and "Fund"). Judge Lovell in the "Fund" case determined that "Brucellosis is a serious disease both in livestock and humans" and went on to find that "bison migrating into Montana pose a risk of damage to private property and a risk of conflict with humans". Judge Brimmer in "Parker" found that "the National Park Service and the FWS are charged with the responsibility of managing wildlife located in . . . Yellowstone National Park" and, "The National Park Service and the FWS have consistently maintained the elk and bison herds in excess of the stated objectives." He went on to say that: "the federal government agencies involved in this case have known of the brucellosis problem in wildlife for many years, but have done very little more than form several committees to study the disease". Judge Brimmer further stated "It was unreasonable for these agencies to do nothing more than commission studies in light of the fact it was their actions in managing the wildlife which dramatically increased the transmission of the disease. The least they could have done was to cooperate wholeheartedly with the state in its vaccination program. Thus, the FWS and the NPS have acted negligently in managing the wildlife, in that they each have

failed to take an active role in eliminating the brucellosis problem in the elk and bison which are under their control."

Judge Brimmer went on to state that ":the policy considerations of not interfering with the public's activity or preserving the natural state of the park do not apply in this instance . . . the evidence showed that the federal defendants didn't really consider the dangers they have posed to the domestic livestock industry."

It seems clear that both judges were of the opinion that the NPS had not been properly managing the animals under their charge. In his supplemental Order of January 28, 1991 Judge Lovell stated ". . . any healthy animal herd which has reached the capacity of its habitat must be controlled and maintained in numbers within the habitats capacity". Judge Brimmer stated that "the federal government does not have the discretion to do nothing in the fight against a disease which it is perpetuating by its wildlife management practices at the NER, GTNP and YNP." Judge Lovell has stated that "The Park Service can maintain its 'hands-off' policy of bison non-management only so long as it has the cooperation of Montana. . . . should Montana change its position and demand that Yellowstone confine its bison, a different issue is Presented. That could conceivably result in the court ordering confinement of the bison in the park". In analysing the above rulings, it is conceivalbe that the "natural regulation" management policy (not law) being used in YNP has resulted in mass overpopulation, disease and starvation and the responsible agencies could be liable for animal rights violations. If I managed my livestock as the Park manages our wildlife, I would be guilty of animal rights violations.

The preferred alternative (# 7), The Citizens' Plan to Save Yellowstone Buffalo and Plan B all fail to satisfy the purpose of action because the diseased bison from the park still are not free roaming and present an even bigger risk to the livestock interests. The SMA's being proposed do not contain any appreciable increase in winter range. The Gardner area is small and the Horse Butte area is essentially as snow bound as the Park. The only winter range that would be suitable is further down in the valleys where bison originally wintered. These areas can only be made available to disease free bison because of the presence of cattle. There are no options for a free roaming herd outside the Park until they are freed of this disease. Alternative 5 and 6 with changes, are the only options that can satisfy the purpose of this action. There is risk of transmission as evidenced in the NAS report and the concerns presented in the two court cases. These court cases make it clear that the agencies managing the Park and its wildlife must be good neighbors and that uncontrolled populations and harboring diseased animals does not fit that definition. Even though this DEIS is being presented as a settlement document, a final decision which does not address the disease and allows it to expand outside the Park's boundaries could incur serious liability problems for the decision making agencies, including the State of Montana. If Montana as a decision maker participates in this court managed process and accepts a decision action that harms the livestock industry, Montana will expose itself to serious legal implications.

Page 19, Risk of Transmission. Page 20, Alternative Interpretation of Risk: Many have been led to believe that brucellosis cannot be transmitted by bison or elk to livestock in the wild. The recently published National Academy of Sciences report on brucellosis, which was not included in the DEIS, concludes: "The risk of bison or elk transmitting Brucellosis to cattle is small, but is not zero.". Brucellosis in bison and elk is identical to the organism which infects cattle. There is no doubt, given the opportunity, the disease can be transmitted among cattle, elk and bison. Elk/cattle transmission has been documented by research conducted at Sybille Wildlife Research Center (Thorne et al. 1979: GTNP. 1993) in Wyoming and bison/cattle transmission has been documented at Texas A&M University (Davis 1987: GTNP. 1993). Conclusive epidemiological data documents the spread of brucellosis from bison or elk to cattle on at least six occasions in Wyoming (from the 1960's through 1989). In addition, epidemiological evidence identified brucellosis infected elk as the source of brucellosis in a horse, which was kept on a Wyoming elk feedground (1996). Montana elk hunters on two different occasions have contracted brucellosis from infected cow elk. Brucellosis has not been transmitted to cattle by Park infected bison because they simply have not been allowed to co-mingle. The NAS report also found: "Seronegative results do not necessarily establish the absence of infection , because some seronegative animals in chronically infected herds are carrying live B. abortus". The NAS team recommends that seropositive animals should be assumed for management purposed to be carrying live B. Abortus.

In regard to risk of transmission several excerpts from the NAS report are pertinent: "There is no risk of B. *abortus* transmission to cattle from bison if bison do not leave Yellowstone National Park. Strategies such as discontinuing road grooming (packing snow on park roads, which some believe provides an energy-efficient travel route for bison) have been suggested to relieve the need for artificial control outside the park. But an expanding bison population searching for forage is the fundamental force pushing bison out of YNP, and the bison population will continue to increase over several years until a high population combined with a harsh winter reduces the population again." (Executive Summary, p.4) and "The current risk of transmission from YNP bison to cattle is low because domestic cattle adjacent to the park are vaccinated, cattle are monitored by federal agencies, and ranchers are vigilant. **However, the risk could increase as regulations change and vigilance is reduced."** (Report, p. 55) (emphasis added)

From May to November we graze livestock in Idaho on the southside of the Centennials, 40 miles west of the Park. On four occasions bison have nearly co-mingled with our cattle. One bull was harvested only 12 miles from I-15 near Spencer, Idaho. This June we gathered 200 pairs that were intermingled with about 150 cow and calf elk. These elk calve in this area in early June. Forty miles to the south, elk that were being fed in Idaho, were tested positive for brucellosis. All females in our herd are vaccinated and have been since 1972, but the vaccine is only 67% efficacious. Even though elk go off and calve by themselves, there is risk of transmission to cattle. On September 11, 1998 a bison bull from YNP was harvested by the Idaho Department of Agriculture one half mile from 535 cows and calves belonging to our family. This was about thirty miles west of the Park. This 4 year old bull tested negative, but if it had tested positive and mixed with our cattle,

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Montana would have made me test this group of cows before I moved them back to their winter range around Glen, Montana. This would have cost no less than $5,350 and several cows would have had to be sacrificed because they would be classed as suspects due to the use of Strain 19 vaccine. All this work would have had to be done immediately because the total process of identifying suspects, slaughtering them and then doing cultures at Ames, Iowa takes time. Where we manage our livestock in Idaho is high summer range and we have been completely snowed out as early as October 23. The fall of 1996 was a good example. Montana would not allow any cattle to move until this testing occurred. We weaned the calves off these cows on September 28th and sent them to Montana. Any delays in the orderly movement of our livestock to their winter ranges in Montana would be devastating financially and healthwise. If by chance a reactor was found in our herd, and since Montana and Idaho are class free states, under current regulations our whole herd would be sent to slaughter and thirty years of genetic improvement along with our ranch would go down the drain. It would be a heyday for real-estate brokers and subdivisions.

Brucella abortus organisms can survive in the environment for varying periods of time following an abortion or infected calving. Research in progress in YNP has documented that organisms survived in the environment for at least 18 days following abortion by an infected bison cow. Other research on the survivability of Brucella abortus in the environment has shown that the organism can survive for several months, under conditions of shade and cold. It was not very warm under any tree in Shotgun Valley, Idaho or on Horse Butte during June this year. In a state that is certified as "class free" from brucellosis, such as Wyoming, Montana, and Idaho, APHIS protocols for the control of brucellosis requires the immediate depopulation of a herd in which a reactor is found. In regard to cattle, there is no such thing as a low risk animal from an infected herd. That cow and the whole herd is slaughtered. The APHIS and state laws and rules in regard to brucellosis are strict and unforgiving because this disease is so tough to eradicate. All the tools we have, must be used and we must be vigilant in our every move and intolerant to any risk. The livestock industry is assuming the risk and the majority of the direct and indirect costs of any decision action as a result of this DEIS. Only Alternatives 5 and 6 address the immediate action necessary to begin this long and tough task of cleaning this disease from our bison, elk, the GYA, our states and our nation. Until this is done, the bison will not be free and the elk may indeed become captive because the majority of their winter range is provided by deeded land and the elk will not be welcome.

The Alternative Interpretation of Risk section in the DEIS should never have been permitted. It is a blatant attempt to discredit the current knowledge we have about brucellosis and bison resulting from the limited research that has occurred. This section is filled with conjecture that is not backed up by research. It is a splendid example of how YNP and the environmental community stonewall if they do not want to address a certain issue. The facts are:

- It has been proven in a controlled scientific experiments at Texas A&M and the Sybille Wildlife Research Center that brucellosis can be transmitted between all three species, elk, bison and cattle.

- Cattle are not allowed to run with Bison in YNP, consequently they are not exposed in the wild.
- Brucellosis is endemic in YNP and abortion rates may differ from a newly exposed herd, but the risk of infection to cattle, if exposure occurred, would not be significantly decreased.
- A 25% positive culture result of an active infection in the seropositives is ample indication of disease in epidemic proportion given the difficulty of accurate sampling and culturing of this intercellular bacteria.
- If brucellosis cannot be transmitted in the wild., why have 50% of the Park bison been exposed and 25% of those are proven to be active carriers?
- If brucellosis cannot be transmitted in the wild, then why did 6% of the elk tested at Gardner two years ago test seropositive?

There is an increased risk of transmission of brucellosis from YNP bison to livestock and other wildlife in all alternatives except #5 and #6 with changes. **Lack of knowledge being used as an excuse to not solve problems results in problems never being resolved.**

Page 22. Economic Impacts of Brucellosis in Cattle: The drafters of the DEIS have done a dismal job in accurately portraying the economic impact brucellosis has had on the livestock industry. When the national brucellosis eradication effort intensified in 1956, there were 127,000 infected herds nationally and 2,434 infected herds in Montana. The fact that several thousand cases of undulant fever in humans per year were occurring, led to this massive effort to eradicate brucellosis. Brucellosis was the E. coli of the 1950"s. To date and in 1997 dollars, Montana has spend $30 million, the Federal government $5.43 billion and the nation's livestock producers $5.28 billion for a grand total of $10.75 billion to eradicate brucellosis from this nation. On a more personal note, since 1972 our family has expended $283,000 in vaccinating and surveillance testing and our herd has never been infected.

Incidences of undulant fever have dropped significantly and brucellosis should be eradicated from this nation's cattle herd by year's end. This only leaves the brucellosis infected bison and elk in the GYA. It is imperative to eradicate this disease from wildlife in the GYA. This will free the nation of this disease, give the wildlife of the GYA the freedom to roam, and relieve the livestock industry and the tax payer from this financial burden. The expense of dealing with this disease is not a cost of doing business, rather it is a cost of a disease. Canada has achieved this goal and no longer vaccinates for brucellosis. Over 1 million head of heifer calves are vaccinated each year in Montana, Idaho, and Wyoming at a cost of 10 million per year to the cattle industry. If these three states lost their class free status, it would cost an additional 21 million per year in testing costs alone.

In a report to the Montana Board of Livestock in 1992, the state veterinarian, Dr. Don Ferlicka, estimated the costs of testing the average herd of 144 head. If brucellosis spread occurs outside the index herd before detection through surveillance, then there is potential

to transmit the disease to more than 24 states. If only one herd in each state is exposed, then 24 additional herds must be traced and tested. Under this scenario, a cost of $480 thousand is the minimum an infected state would spend to eradicate the disease. This could increase to $5.7 million per state and if 24 states were included, a total cost of $136.8 million would be incurred. Dr. Ferlicka's model illustrates how expensive brucellosis can be, why the rules are so stringent, and how much of a threat brucellosis infected bison and elk pose.

In a states that are certified as "class free", such as Wyoming, Montana, and Idaho, APHIS protocols for the control of brucellosis requires the immediate depopulation of a herd in which a reactor is found. In regard to cattle, there is no such thing as a low risk animal from an infected herd. That cow and the whole herd is destroyed and will most likely be replaced in the landscape with condo's, for the producer will be flat broke. If one reactor was found in our herd, thirty years of genetic selection and the entire herd would be lost. Replacement cost would be at least $1.2 million and we would have no option but to sell our land to the highest bidder.

The DEIS mentioned that interstate and international export of production was important to the economic survivability of the livestock industry. This is especially true in that APHIS is regionalizing the country into areas of disease risk. If brucellosis is not eradicated from the GYA, Montana, Wyoming and Idaho are sure to be regionalized right out of the national and international market as a producer with an equal opportunity. This is to say our livestock will be discounted because of the presence of brucellosis in our region. The DEIS failed to assess this impact in dollar terms. This is unacceptable because it does not give the commenting public a true picture of the actual economic impact of disadvantaged marketing because brucellosis still affects our area. Anyone familiar with the health trade barriers used by Canada and the European Union is aware of the costs associated with such actions. These costs are real and it is imperative they be known to accurately assess the true economic impact of the presence of brucellosis in the GYA.

In 1993 dollars the infrastructure supporting the cattle industry in the GYA had a value of approximately $2.27 billion and produced an economic out put to the economy of the GYA of $611 million with an equivalency of 9,000 full-time year-round jobs. Because brucellosis has the potential to disrupt the exportation of production from all the states surrounding YNP, any economic analysis would be incomplete with out an analysis of theses states. The infrastructure supporting the industry in Montana, Idaho and Wyoming was estimated to be worth $2.9 billion in 1993 dollars and this is equivalent to 43, 548 full time jobs.(Brucellosis, Bison, Elk, and Cattle in the Greater Yellowstone Area: Defining the Problem, Exploring Solutions, 1997).

In addition to the direct economic costs associated with brucellosis with in the GYA, it is imperative to considered the impact of land development and loss of wildlife habitat in and around YNP if land owners are forced to change land use because they cannot tolerate the risk of a disease nurtured in Park wildlife that negatively affects livestock. Open spaces

and critical wildlife year-round habitat will certainly be lost at an accelerating rate. This threat cannot be mitigated because the conservation community and the government do not have the financial backing the land develops possess. This DEIS did not consider these economic or landscape consequences that could result from negative impacts due to YNP and other agency policies, especially related to brucellosis.

The "natural regulation" policy of the Park, which allows uncontrolled wildlife numbers, along with the infection of brucellosis within this wildlife, has caused a condition which cannot be tolerated. The infected bison are subjected to slaughter if they leave and starvation if they stay. To the livestock industry, brucellosis brings financial ruin and along with it, a change in land use which has the potential to destroy the landscape of the GYA. Alternative 5 or alternative 6 with changes are the only acceptable alternatives. We as responsible citizens have to do more than just "commit to the eventual eradication of Brucellosis".

Page 57. Special Management Area: States own and have the right to control wildlife with in their boundaries. The Endangered Species Act has altered this to some extent, but bison and elk are not endangered. Once YNP bison enter Montana, they belong to the people of the state of Montana and are managed by the Montana Department of Fish, Wildlife and Parks unless they are inflicted with a livestock disease and then these wildlife come under the control of the Department of Livestock.. YNP bison are from a brucellosis infected bison herd, therefore they fall under the authority of the Department of Livestock and the State Veterinarian and rightfully so. The disease issue is the sole criteria giving the Department of Livestock managing authority. "Natural Regulation" is the current strategy used by YNP to manage wildlife. The administrators of YNP believe that this management mode relieves them of all responsibility and accountability of disease and wildlife population management within YNP. During my association with the Department of Livestock and in dealing with YNP officials and the brucellosis infected bison, I have been told by several top Park administrators that since the YNP diseased bison have moved into Montana, it was no longer YNP's problem. This management policy and uncooperative attitude by YNP made it very difficult for Montana to mange this disease problem.

In the Parker case Judge Brimmer found that "... the policy consideration of not interfering with the public's activity or preserving the natural state of the park do not apply in this instance..." and that "...the federal government does not have the discretion to do nothing in the fight against a disease which it is perpetuating by its wildlife management practices at the NER, GTNP and YNP...". In the Fund case Judge Lovell ruled "... the Park Service can maintain its hands-off policy of bison non-management only so long as it has the cooperation of Montana..." and in his Supplemental Order of January 28, 1991 Judge Lovell ruled "... any healthy animal herd which has reached the capacity of its habitat must be controlled and maintained in numbers within the habitat's capacity. Theses rulings indicate that the "natural regulation" management policy practiced by YNP does not exempt them from their responsibility of being a good neighbor to the bordering states.

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In cooperation with YNP and in sympathy with the diseased infected bison migrating out of the Park due to starvation, the Montana Department of Livestock (MDOL) agreed to allow the establishment of some experimental SMAs where negative low risk animals could flee and possibly survive on summer rangeland not decimated by the severe overgrazing occurring within YNP. This effort was based on an intern plan where agency cooperation (NPS,USFS, APHIS,MDF&P, & MDOL) would facilitate procedures to allow the testing of animals exiting the Park. The negative low risk animals were allowed to stay in the SMA's and the high risk and positive animals were to be harvested. One SMA in the West Yellowstone area and one SMA in the Stephen's Creek area were set up under this capture, test and release plan. A third SMA in the Eagle Creek/Bear Creek area was established where no control existed unless bison exited over the LittleTrail Creek/Maiden Basin hydographic divide. In the winter of 1996-97 when so many bison exited, the Park Service did not live up to their cooperative commitment to the long term plan and failed to capture all bison leaving the SMA at Stephens Creek. They also refused to follow the plan and ship all negative bison captured. They were fed and released in the spring. The MDOL had a difficult time properly testing and controlling the starving bison in the west SMA. Under an updated long term plan the winter of 1998 brought fewer bison, but many problems for the SMA established near West Yellowstone. Between interference by activists, the strict enforcement of the Endangered Species Act by the USFS and the inability to test all the bison entering the SMA due to logistics and trap location and security, the West Yellowstone SMA proved totally dysfunctional from a disease control viewpoint.

The proof is in the pudding. From a risk management standpoint and in keeping with the purpose of action, the SMA's developed at Gardner and West Yellowstone were complete failures. With the exception of the Eagle Creek/Bear Creek SMA, SMAs used as a management tool are a failure and are not acceptable from a disease control point of view. It is my opinion and that of the livestock industry and many state veterinarians, that any alternative that includes SMA's other than Eagle Creek/Bear Creek are unmanageable and therefore unacceptable. They are just an extension of YNP and the risks associated with the diseased bison that inhabit the Park. Diseased bison will continue to exit YNP as the result of no population control and lack of forage as stated in the NAS report. In light of the above rulings, given the fact that SMAs have been dysfunctional and costly to the industry, realizing that they have only increased transmission risk and are not designed as a tool to eradicate brucellosis from the YNP bison, I encourage the agencies not support a decision action that includes their use. I remind the State of Montana and the DOL of their obligation to protect the livestock industry as they exercise their authority and obligation as a decision maker in this action. Alternative #5 and possibly #6 with modification are the only alternatives that will lead to a realistic and workable solution.

Carrying Capacity: Since 1967, YNP has used "natural regulation" as the management policy for preserving this cherished resource for our children and their childrens' children. Under this policy the resource experts (John Varley) in the Park contend that wildlife numbers will stabilize at a level allowed by the productivity of the resource. This is to say that as forage on the range resource decreases, so will wildlife numbers because of

reproductive failure and possible winter starvation. The resource experts contend that if left alone, numbers will be regulated naturally as they were in pre-Columbian times. "Natural regulation" represents an ideal policy for a bureaucrat because there is no accountability or responsibility, the answer always is, "it is nature's way". An overview of Charles Kay's Testimony Before the U.S. House of Representatives Subcommittee on National Parks and Public Lands Oversight Hearing on Science and Resource Management in the National Park System on February 27, 1997 sheds much light on the finding of the NAS that "an expanding bison population searching for forage is the fundamental force pushing bison out of YNP". Dr. Kay testified that the elk population has grown under "natural regulation" to the extent they have severely damaged the northern winter range and many of the features of healthy riparian areas. Dr. Kay has done extensive research in and around the Park and have brought in leading riparian experts to view this resource damage (Dr. David Rosgen, Dr. William Platts, Dr. Robert Beschta). Dr. Kay testified "What they saw shocked them. After looking at one stream that had blown out and eroded down to Pleistocene gravels, something that has not happened in 12,000 years- -all because the elk had destroyed the woody vegetation that once protected the stream banks, these experts declared that if you gave them a billion dollars they could not put the system back together again." This then is the type of resource damage that has occurred under "natural regulation" management

The natural regulation management policy within YNP is not returning the resource to an ecological condition reported by the first observers. Between 1835 and 1876, 20 parties spent 765 days traveling through the Yellowstone ecosystem and reported seeing bison three times and elk on the average of one every 18 days. In addition, their journals contained 45 references on the lack of game and shortage of food and none reported seeing or killing a wolf (Kay 1994). In 1996, there was estimated to be 120,000 free-ranging elk (Toman et al. 1997) and 4,000 free-ranging bison (Meagher et al. 1997) in the GYA.(Brucellosis, Bison, Elk, and Cattle in the Greater Yellowstone Area: Defining the Problem, Exploring Solutions 1997) Between 1967 when the Park Service stopped controlling elk in Yellowstone and 1988, the park's northern herd increased from a count of 3,178 to a count of nearly 20,000 animals (Kay 1990). This is an increase of over 1450 percent.

Our family manages livestock on USFS and BLM grazing allotments in Idaho on the southside of the Centennial Mountain range 30 miles west of YNP. We are constantly managing and monitoring livestock use to ensure good resource stewardship. The managing agencies have set goals and objectives for the desired future condition of the resource they manage. We follow standard and guidelines to ensure the range resource moves in the trends necessary to achieve this desired condition. We are constantly monitoring our ranges with agency personnel. Since YNP is very close and all visit often, comparisons and observation are common. In my eyes and in the opinion of the professional USFS and BLM resource personnel, the grazing resource in YNP is being devastated by the number of ungulates being allowed via the "natural regulation policy". This devastating damage is occurring around the major thermal areas, streams and rivers and on the whole northern range. I would not be allowed to graze one domestic animal

on the allotments I control if they were in the same condition as now exists on the critical winter range in YNP.

There is no question that disease transmission within the Park wildlife is increased and bison migration is accelerated due to the dramatic increase of ungulate wildlife as a result of the 'natural regulation" management policy of YNP. Even though the agencies responsible for this DEIS have failed to include resource management and grazing capacity within YNP in analyzing the purpose of action, elk and bison numbers along with capacity of the resource are important elements in reaching a solution and must be considered. In dealing with this problem, one must remember again Judge Lovell's ruling in his Supplemental order : "...any healthy animal herd which has reached the capacity of its habitat must be controlled and maintained in numbers within the habitats capacity" and Judge Brimmer's finding in Parker: "the federal government does not have the discretion to do nothing in the fight against a disease which it is perpetuating by its wildlife management practices at the NER,GTNP and YNP". No alternative in this DEIS addresses YNP's grazing capacity or the control of ungulate wildlife numbers that is perpetuating brucellosis and migration of diseased bison into Montana. Dr. Kay testified before Congress that independent scientists doing research in YNP, YNP contract researchers and staff researchers who present information contrary to the "natural regulation" policy being promoted by the Park are harassed.

Alternatives and Suggested Action Plan: Considering the complex nature of the remedial actions needed to address the purpose of action, only alternative #5 or a modified alternative #6 will meet expectations. It is important to recognize that this DEIS is only a stop gap measure until more affirmative action can be taken to develop a long term solution to the problems of brucellosis infection in and controlling numbers of wild ungulates in the GYA. The massive number of wild ungulates and the degradation of the available winter wildlife habitat resulting from 30 years of YNP's "natural regulation"management, limits the chances of a successful short term action if brucellosis control within YNP is not initiated immediately. #5 is the only alternative that adequately begins addressing the eradication of brucellosis in bison within YNP. This alternative in the long run would cost less money, take less time and result in less bison being destroyed. It is imperative that #5 be changed so vaccination of the negative bison released would begin immediately. Vaccination using strain 19, along with test and slaughter, has been used successfully to eradicate brucellosis from many bison herds. This vaccine will result in some sacrifice of negative animals due to false titers, but it has been effective . This vaccine has been used throughout the GYA for over 40 years and no safety problems have occurred. What better test do we need for safety than this? I would feel more comfortable if RB51 was used because you could adult vaccinate easier and no titer would occur. RB51 is new and its efficacy in bison needs to be accurately measured. If Rb51 is as efficacious as strain 19, then it should be used. Safety does not seem to be a problem unless you want to make it one and slow down the process. Population estimates in the DEIS indicate that #5 will reduce the bison population to 1250, twice the number needed to maintain genetic viability and diversity in the population according to Knowles (DEIS page 46). Population would return up to 2000 head by 2006. Alternative 5 has higher up

front costs, but long term costs associated with the eventual eradication of the disease using other alternatives would far exceed the initial costs of #5. The Eagle Creek/Bear Creek SMA could still be used by bison that were tested negative and tagged. No other changes in #5 would need to be made.

Using #5 as the chosen action would immediately reduce transmission risk to Montana and is the quickest means possible to eradicate the disease from this herd so they could roam freely outside the Park in specific areas if it was desired later on. #5 would necessitate the capture of all bison that are to be released as negative. It would be a mistake not to vaccinate these bison with current vaccine. This would put us years ahead and would mitigate the risks associated with the bison co-mingling with infected elk. Vaccination would also decrease the testing time necessary to clean up the herd. Once the herd is clean and if YNP changes policies, then population control could result in positive income by selling excess clean bison rather than letting them roam freely into other states where they could be hunted to generate income. There is a good probability that an oral vaccine would be developed for bison and elk by the time the herd was clean using #5. Once this happens, it may be feasible to vaccinate orally and only surveillance test those animals captured for population control and sale.

Alternative #6 could be modified if an effective and safe oral vaccine could be developed within a year. Bison would only be allowed in the Eagle Creek/Bear Creek SMA. Bison in the Park would be vaccinated for a two year period under phase 1. Phase 2 would be identical to the above described #5 and would begin on year three. Seronegative bison tested at Stephens Creek and Seven Mile bridge would be sent to a quarantine facility to be tested cleaned and sold. All seropositives from all testing facilities would be sent to slaughter. As phase 2 was completed, the quarantine facility could be shut down and bison captured at Stephens Creek and Seven Mile Bridge could be surveillance tested and sold. The advantage of #6 is that bison may be made available to the public much sooner, but at a great expense to the taxpayer. The quarantine procedure would last at least 13 months and the result would most assuredly be negative animals that would cost more than bison purchased on the open market.

All other alternatives are not acceptable because they employ the use of SMA's and they do not immediately begin to address the eradication of brucellosis. As discussed earlier, the MDOL has been unsuccessful in maintaining risk in SMA's, and their use has proven unmanageable. The long term interim plan being currently used until an acceptable alternative is chosen, is not satisfactory. A major share of the cost of this plan is paid for by the livestock producers in the state of Montana, not the taxpayers. Consequently the livestock industry will monitor the funding requirements and responsibility of any decision action very carefully.

Once the bison are freed of disease in the Park, the northern elk herd should clean up on its own as experienced in other similar situations and referred to in the NAS. As for the brucellosis infected elk herds in Wyoming, oral vaccines must immediately be developed for use on the feed grounds and feeding of elk in the GYA should be phased out in the

YELL-10,638 contd.

long term. As this is accomplished, brucellosis will be eradicated from the GYA, the risk of transmission to livestock will be acceptable and the bison will be free roaming to the extent that it is feasibly possible and allowed by the Fish and Game Departments of the surrounding states.

Keeping in mind all the discussions above and the findings of facts and the rulings of the courts, it is essential that either alternative #5 or #6, as modified above, be chosen to satisfy the purpose of action. The park bison cannot be freed unless they are free of brucellosis and experience has shown that SMA's are not manageable and increase risk. If Montana and the Department of Livestock does not protect the livestock industry as required by state law or if their actions cause justified sanctions from our importing neighbors, then they must be held accountable. It is important for the federal agencies and the State of Montana to remember Judge Lovell's ruling that "The Park Service can maintain its 'hands-off' policy of bison non-management only so long as it has the cooperation of Montana. ... should Montana change its position and demand that Yellowstone confine its bison, a different issue is presented. That could conceivably result in the court ordering confinement of the bison in the Park".

Hopefully these comments are contructive and enable the decison making team to design a productve action. Thanks for the opportunity to comment.

Sincerely,

Jim Hagenbarth

YELL-1905

CARL G. HAKANSSON
ATTORNEY AT LAW
[redacted]

Bison Management Plan EIS Team
National Park Service, Denver Services Center
P.O. Box 25287
Denver, CO 80225-0287

Dear EIS Team,

After reviewing the seven alternatives in the draft environmental impact statement regarding the management of the Yellowstone bison herd, I felt compelled as an interested citizen and a beneficiary of the public trust to comment on these proposals. I'm sure that I do not stand alone in my frustration and contempt for the way that public lands and resources are managed for the benefit of a privileged few who have not only accepted this government subsidy, but come to expect it as a personal property right. It is not the government's job or responsibility to support or subsidize the cattle industry.

It is my understanding of NEPA that all reasonable alternatives be considered and fairly debated in the EIS process. That being the case, an effective policy should include no less than: the elimination of cattle grazing on public lands, the requirement of a cattle vaccination as opposed to a bison vaccination, and a management plan that addresses bison as wildlife and not domesticated animals. These proposals may appear extreme to the cattle industry, but our national parks are the people's parks and not those of any special group.

This brings to light a further proposal which is to reasonably restrict snowmobile use to certain areas of the park which will not encourage the bison migrations along groomed trails. I personally do not see snowmobiling as an acceptable use in a natural environment, however it does not seem unreasonable to enforce a snowmobile free zone.

I have watched this process evolve and at every juncture thought to myself "some authority will step forward and do what is right". I'm not sure if I was naive or just plain wrong but that has not happened.

I ask you as stewards of the public trust, to reconsider new alternative proposals and to hear the voices of the many individuals whose only expectations are that these parks and the creatures who inhabit them be preserved and protected in a responsible and ethical manner.

Sincerely,

Carl Hakansson

Dave Richardson

YELL-9030

representing
Easley Hauling Service, Inc.
Haney Truck Line, Inc.
Richardson Enterprises, Inc.
[redacted]

Bison Management Plan
Sarah Bransom SDC-RP
P.O. Box 25287
Denver, CO 80225

Dear Sarah,

I support the Citizens' Plan to Save Yellowstone Buffalo. Bison are public property and they graze and roam on public land. Therefore they should not be controlled by the Montana Department of Livestock. It doesn't make sense economically and the public would like to see more bison. Bison will bring in more revenue to Montana than cattle and the ranchers will not be impacted significantly.

Sincerely,

David Richardson

YELL-9031

HANEY TRUCK LINE, INC.
[redacted]

Bison Management Plan
Sarah Bransom SDC-RP
P.O. Box 25287
Denver, CO 80225

Dear Sarah,

I support the Citizens' Plan to Save Yellowstone Buffalo. Buffalo are not livestock and should not be controlled by the Department of Livestock. The DOL serves only cattlemen and does not represent the wishes of the public. Since the buffalo belong to the public and they roam on public land they should not be controlled by any third party. The Departments of Fish, Wildlife and Parks should not have to pay to remove buffalo for the cattlemen especially when they could make a lot of money from the buffalo. The buffalo have roamed for thousands of years and if there is a problem with disease in the cattle population then the problem is obviously with the cattle, not the buffalo. Thank you for your consideration in this matter.

Sincerely,

Mike Richardson

YELL-8320

HEARTLAND REALTY INVESTORS, INC.
[redacted]

October 1, 1998

Sarah Bransom
National Park Service
Interagency Bison Management Plan
P.O. Box 25287
Denver, CO 80225-0287

Dear Bison Management Planners:

I am concerned that current draft plans for Yellowstone National Park's bison, the largest free-roaming bison herd in the country, would not prevent a mass slaughter of bison from occurring again, as happened two winters ago when nearly 1100 park bison were shot.

Recently, sportsmen, Native Americans, conservationists, business owners and other citizens have agreed on a common sense, science-based proposal for managing Yellowstone bison. It is called the *Citizens' Plan to Save Yellowstone Bison.* Its main points, which I endorse, are as follows:

- Don't manage Yellowstone like a zoo. Leave bison alone in the park.
- Create a special management area outside the park where bison can survive harsh winters managed by wildlife professionals.
- Develop scientific bison population goals for this special management area and maintain minimum herd sizes below which the herd would not be reduced.
- When these population goals are exceeded outside the park, or when private property or human safety are threatened, use traditional wildlife management tools to reduce bison numbers – a regulated harvest or relocating bison to other areas.
- Emphasize acquisition of key winter range from willing sellers through purchase or conservation easements and create incentives that would encourage landowners to modify livestock operations to increase winter foraging opportunities for bison outside the park.
- Recommend mandatory vaccination of cattle near the park.
- Begin a program to compensate landowners for damage to fences and other structures caused by bison.

Thank you for your consideration of these important principles that should be incorporated into your final bison management plan.

Very truly yours,

HEARTLAND REALTY INVESTORS, INC.

Bill Walter

H. William Walter
President
Board Member
National Parks & Conservation Association

17856

October 29, 1998
[redacted]

RIVERTON WY 825
PM
3 NOV
1998

Bison Management Plan EIS Team
National Park Service - Sarah Bransom DSC-RP
P. O. Box 25287
Denver, CO 8022-0287

Dear Team:

I, Lois G. Herbst, am a cattle rancher in [redacted]. I have an economic interest in the bison/brucellosis issue as relates to the bison herd in Yellowstone National Park. I have made several tours with agriculture groups in YNP including the Society of Range Management.

The comments that have been sent to you by the Wyoming Dept. of Agriculture, Wyoming Farm Bureau, Wyoming Stock Growers Association, the National Cattlemen's Beef Association and the United States Animal Health Association are all directed to specifics of the Draft EIS and reflect the position taken by livestock producers. I endorse their comments and very specifically want to ask that the comments be incorporated into the final environmental impact statement to be prepared in the fall of 1999.

I favor a combination of Alternatives No. 5 and No. 6.

The management plan finally implemented must initiate immediate control of brucellosis in bison and must clearly lay out a plan for the eradication of brucellosis from YNP bison.

There can be no free ranging bison out of Yellowstone National Park.

The Special Management Areas are not legal under existing law, and the SMAs would enlarge the Yellowstone National Park. You are aware that special interest groups want to expand the YNP boundaries in such a manner that would harm the livestock industry in Montana and Wyoming and Idaho, and the livestock industry has a significant impact on the economies of the states border YNP. The draft EIS minimizes the impact of the livestock industry.

The "science" used in this draft EIS has been questioned by many, but I would specifically ask that you address the issues of poor science as set forth in the comments from the United States Animal Health Association.

As a producer of beef cattle, my son and I use the most aggressive herd health program available in this state. We want healthy animals. We think it is the kind and humane aspect of husbandry that the YNP should address in the management of the bison. Other National Parks have management programs for bison. Natural management is not working with the bison in YNP. The bison numbers need controlled to match the available forage in YNP. I am glad that there is a congressional study to be done to evaluate natural regulation and population dynamics in management of wild ungulates on the Northern Range.

Sincerely,
Lois G. Herbst, Lois G. Herbst
Herbst Lazy TY Cattle Co. Wyoming Stock Growers Assn.
2nd Vice-President

[redacted]

YELL 10,715

1 October 1998

Hague's Ravenoak
A Stewardship Forest
[redacted]

SARAH BRANSOM
INTERAGENCY BISON MANAGEMENT PLAN
DSC-RP, P.O. Box 25287, DENVER, Colorado 80225-0287

SARAH and ALL CONCERNED,

The slaughter of the American Bison last year was driven by fear and ignorance. I was then and remain totally against that slaughter and any such mindless future slaughter.

To give the Montana State Veterinarian and State Board of Livestock absolute authority to decide the fate of this magnificent creature based on one factor — fear — is not well thought out.

Just what kind of sense does the NATIONAL PARK SERVICE HAVE to propose such a stupid plan? 1,082 Bison killed last year proved what? Did any of those killed Bison have the disease?

I support the SOLUTION proposed by NWF and the INTERTRIBAL BISON Cooperative which calls for trapping and testing for brucellosis of all Bison which wander on to private land. I would also ask that the distinction be made between BLM lands and private lands but that the trapping and testing be done regardless. If any Bison test negative move them to tribal lands.

The NATIONAL PARK SERVICE hasn't thought their proposal through at all. I again very respectfully support NWF and INTER TRIBAL BISON Cooperative in their very well thought out solution.

Very Respectfully,

Richard R. Hague
[redacted]

954 [redacted]

HOLMHAVEN
[redacted]

YELL-2788

September 2, 1998

Bison Management Plan EIS Team, National Park Service
PO Box 25287
Denver, CO 80225-9901

Attn: Sarah Bransom, DSC-RP

Gentlemen:

The EIS pertaining to management of buffalo should be redrafted to incorporate the Citizen's Plan, which should be analyzed as a viable alternative. We are appalled that you would consider granting absolute management authority to the Montana Board of Livestock, who have absolutely no interest in buffalo welfare. While ranchers are concerned about brucellosis, there is no scientific evidence that this disease has ever been transferred from buffalo to cattle.

The Citizen's Plan is scientifically sound and endorsed by over 16 conservation organizations and the Inter-Tribal Bison Cooperative. This is an alternative to destroying healthy bison. Buffalo should be allowed to roam free on public lands. They are wildlife, not livestock, and have a right to live on our public lands as other wildlife do.

We are completely opposed to the plan as it has been drafted and strongly urge you to consider and adopt the Citizen's Plan.

Very truly yours,

Inga Holm Lily A. Sayre

14,205

indigo girls

To whom it may concern –

This letter is to address the Bison Draft Environmental Impact Statement which was released in June 1998. I would first of all like to state that it is obvious from the Impact Statement that native tribes need a larger voice in regards to the bison issue.

Bison are not only an integral part of the unique ecosystem of the grasslands, but they are also profoundly important to the indigenous peoples of North America. Bu ffalo are a spiritual and nutritional necessity to many native tribes. Not too long ago the U.S. government felt that the way to rid our land of indians was to decimate the bison population. But governments actions now do not show any signs of enlightenment in this arena.

Bison are wildlife and should be treated as such. They should be allowed to use the public lands surrounding Yellowstone park without restrictions. Bison should be protected as endangered wildlife. Rifle hunting of yellowstone bison is unethical, unsporting, and should not be permitted. If we must answer to the unfounded fears of transmitting brucelosis, we should spend our tax dollars on cattle vaccination – a much more effective plan than the establishment of a quarantine facility for Yellowstone's bison.

Finally I would urge you to immediately prohibit the capture and slaughter of bison inside or out of Yellowstone National Park.

Sincerely –
Amy Ray

Jack Atcheson & Sons, Inc.

INTERNATIONAL HUNTING, FISHING & PHOTOGRAPHIC CONSULTANTS
INTERNATIONAL TRAVEL AGENCY

[redacted]

August 20, 1998

YELL - 3627

Bison Management Plan
EIS Team
National Park Service - Sara Bransom
DSC-RP
Post Office Box 25287
Denver, CO 80225-0287

Dear Bison Management Team:

I reviewed your draft on the Bison Management Plan. I do believe some modifications are necessary in the final management plan for bison. Two points should be expanded considerably.

The use of sportsmen to control excess numbers of a wildlife species has always proven to be the most effective, as far as cost and the end results. Sportsmen should be used more aggressively in the management of bison. Past bison hunting seasons in Montana were not set up in the spirit of fair chase. Taking five hunters in at a time in an almost execution style was political suicide for buffalo hunting. The bison should be harvest similar to late elk hunting. Several thousand elk are harvested each year around Gardiner. There is plenty of shooting and gutting those animals with limited negative impact. The positive impact of controlling the elk numbers far outweigh them. Bison hunting should be conducted on a random drawing. Allow the hunters to hunt when and where they want, unsupervised. The hunting permit should be valid for a year. Whenever bison might appear, the sportsman could be called upon.

At the same time this bison plan is developed, a more aggressive harvest of elk in the Gardiner area should be addressed. There are just too many elk in the park. For whatever reason, restrictive harvest seems to be the standard form of management. I have seen in reports on the area that locals have even voiced objection to issuing more bull elk permits, simply because there would be fewer shed antlers to be found on the winter range, which is absurd. Reduction of elk herds in this area is an integral part of future management of these buffalo.

The buffalo hunting area should include the Slough Creek Drainage, Buffalo Creek, Hellroaring, areas north to Yankee Jim Canyon, parts of the Gallatin Canyon, the Madison River Valley clear to Cameron, Montana, and the Cooke City area as well.

YELL-3627 contd.

The suggestion that roads should be closed to snowmobiles within the park is absurd. Elk and buffalo will be forced to migrate in bad winters whether there is an open road or not. Thousands of elk leave the park each year in deep snow, and most do not follow the groomed trails. The proposal to close roads is stimulated from fit, elitist hiker/skiers who object to people using snowmobiles within the park. If you are going to close these roads to snowmobiles, you better close them to automobiles as well.

Yellowstone Park was created for the benefit and enjoyment of the people - all people! Keep it that way.

Great efforts have been made to allow space for grizzly bears, the gray wolf, which includes aggressive transplanting activities into their former ranges. But what about the buffalo. Most of the EIS plans call for considerable handling of buffalo for testing. Why can't the buffalo be moved to other regions where their populations can be restored?

The CMR Wildlife Refuge is a prime example of a large block of public land that is designated as a wildlife refuge, yet the beast that was once most common in this area is absent. Why?

Sportsmen could be counted on to support such a bison reintroduction effort, especially if they were called upon to manage them via sport hunting in the future.

Please involve sportsmen more in the management of buffalo and identify areas where buffalo could be restored outside of Yellowstone Park.

Yours truly,

Jack Atcheson, Jr.

JJr/cde

JESSIE M. HARRIS

FLOWER AND NATURE PHOTOGRAPHY

[redacted]

YELL-7373

September 23, 1998

Ms. Sarah Bransom
Interagency Bison Management Plan, DSC-RP
P. O. Box 25287
Denver,Co 80225-0287

Dear Ms. Bransom:

I am writing in support of the Citizens' Plan for bison management.

I found it disgraceful that we butcher the bison when (1) Wyoming ranchers will not give their cattle the shots to prevent brucellosis, (2) when there is no proof that cattle contact the disease from the bison, and (3) when the elk are also carrying the disease.

The government should not be in the business of killing or supporting the killing of wildlife except in cases of absolute necessity, and this is not such a case.

Please adopt the Citizens' Plan. No plan is perfect but this is the best we got.

Sincerely,

Jessie M. Harris

a recent visitor to Yellowstone

YELL-9111

Keenan Ranch

HORSEBACK & RANCH VACATIONS

14 Oct 98

Dear Yellowstone Bison EIS Team,

As a taxpayer and resident of [redacted] I would like to go on record as being totally opposed to bison grazing outside Yellowstone Park. They should be managed for proper numbers within the park although Finley does not appear to have the intestinal fortitude to do his job in this respect.

The issue is a public safety issue. Both the risk of disease transmission as well as the direct physical threat of bison to people, livestock and private property needs to be considered.

The de facto expansion of Yellowstone is neither needed nor desired.

Sincerely,

John Keen

[redacted]

YELL-8158

KELLY, HART & HALLMAN
(A PROFESSIONAL CORPORATION)
ATTORNEYS AT LAW

[redacted]

[redacted]
WRITER'S DIRECT DIAL NUMBER

October 1, 1998

[redacted]

Bison Management Plan EIS Team
National Park Service
Denver Services Center
Post Office Box 25287
Denver, Colorado 80225

Re: Draft Environmental Impact Statement ("DEIS") for the Management of Bison in Yellowstone

To Whom It May Concern:

I **protest** the seven flawed alternatives in the above-referenced DEIS. I oppose the capture and slaughter provisions, agency shooting, public hunting, quarantine, and vaccination of buffalo. I **support** the humane strategies such as those in The Bison Alternative.

Specifically, the Bison Alternative has better provisions:

- Immediately close Yellowstone National Park to snowmobile use and prohibit trail grooming.
- Prohibit cattle grazing and permit unrestricted buffalo access to all public lands adjacent to the western and northern borders of Yellowstone.
- Modify cattle grazing practices on private lands - with compensation to affected ranchers - and acquire these lands as additional winter range for buffalo and other wildlife.
- Increase landowner tolerance for free-ranging buffalo.
- Prohibit the quarantine and vaccination of wild buffalo.
- Immediately stop the capture and slaughter of buffalo.
- Prohibit the reestablishment of a public buffalo hunt in Montana.

Very truly yours,

Cheryl Coon

Cheryl L. Coon

249519.1

KING RANCH

YELL-8829

October 14, 1998

Ms. Sara Branson
Interagency Bison Management Plan
DC - R
P.O. Box 25287
Denver, Colorado 80225-0287

Dear Ms. Branson:

I am writing concerning the United States Animal Health Association (USAHA) Interagency Bison Management Plan for Montana and Yellowstone National Park. Brucellosis has cost United States cattlemen millions of dollars over the years. We are within sight of brucellosis eradication in the US cow herds. We can now implement a program to clean up the bison. I feel it would be a grievous mistake if we can't move forward to do away with the Bison brucellosis problem. If we do not, a black cloud will hang over our industry until it is accomplished.

I know there is resistance to the eradication efforts, however it is my hope that good sense will prevail and we can do away with the brucellosis problem in the bison in the United States. I feel that foreign countries will view this as a positive step for our industry. If Alternative 6 is the most feasible, and it seems to be, I would hope it could be implemented as soon as possible. If we can not implement a program to eradicate brucellosis it will be another sad reflection on our society to deal with domestic problems.

Sincerely,

Hal E. Hawkins
Reproductive Physiologist

Agri-Business

YELL-3339

KOKOPELLI BOOKS

[redacted]

*Publisher of *Glen Canyon**

September 9, 1998

Sarah Bransom DSC-RP
Bison Management Plan EIS Team
National Park Service
P.O. Box 25287
Denver, CO 80225-0287

Dear Ms. Bransom:

We strongly oppose the Preferred Alternative. It is merely thinly disguised business-as-usual: catering to the same old tiny handful of stock growers at the expense of the rest of the 265 million citizens who own the lands of the Public Trust and the many millions who travel from across the globe to experience the wonders of Yellowstone.

The real issue here, of course, goes beyond the case at hand. Of the 100 million head of beef cattle produced in the U.S. in 1997 (Nat. Agric. Stat. Svc.), only 3% were raised on all the public lands in the eleven western states. Yet the tiny handful of involved ranchers manage to dictate wildlife management across this vast area of Public Trust – our wilderness areas, our forests, our savannahs and rangelands. They fence, road, sign, stock pond, water tank, windmill, salt lick, electrify, and cattle guard our land; they turn Lord Hereford's helpless, stupid, foreign, highly destructive creatures loose with only the occasional wrangler to keep them out of the riparian bottoms so needed by our wildlife; they whine about losses to predators which OF COURSE prey upon such easy marks and they even refuse to buy insurance against loss like all the rest of us in business have to do.

YELL-3339 contd.

Their influence even extends into our parks. And all this for the tiny number of allotment holders in the disputed bison winter range area of the Gallatin. For how many cows? Maybe 2,000? Just buy the cows and be done with it. For what it has already cost and what it will cost we taxpayers to study, incubate, study some more, finally implement one of your EIS proposals, and then deal with an endless dispute, the cows could be bought several times over and the ranchers sent to happy retirement in the Bahamas. And the private land? Condemn it. When Yellowstone was set aside no one had the least notion of the ecosystem concept. We now understand and it is the duty of NPS to recommend – nay, to scream to the heavens and through the halls of congress for the necessary additions – not to cringe in fear of the agribusinessman lobby.

Alternatively, NPS has enough good will and the usual interagency coercive ability to work some kind of a deal with USDA to retire the involved allotments. Remember, these subsidized ranchers hold licenses, not "rights." The only rights any of us have are contained in the Constitution and its amendments. Just like a license to practice medicine or law or operate a bank or drive an automobile, if you abuse it you lose it. The involved allotments have had many violations of their management and annual operating plans. Point the violations out to USDA and insist upon action.

By whatever approach, in the long run it will be far cheaper and easier to just pay off or otherwise get rid of these few ranchers to free up the needed winter range and an adequate buffer zone to satisfy even the most rabid brucellosis worrier.

Yellowstone is not just a national park, it is the shining remnant of the un-cowed, the lost American West that is beloved throughout the world. Please try hard to recognize this.

Thank you for your attention.

Very truly yours,

Steven Hannon

cc: Mr. Bruce Babbitt

207.22.4.23

YELL-13033

Saturday, July 18, 1998 - 13:12:39 pm EST
a lastname: LaCrosse
b firstname: Dan
c organization: LaCrosse Associates
comments: Killing bison around Yellowstone Park (or anywhere else) is not necessary. It is barbaric unsporting, unethical and disgusting. Please select "Plan B", the "Bison Alternative" as the new managements plan.

Cattle need to be removed and no grazing allowed in or near Yellowstone. Bison are wildlife and should be given this status and treated as such.
If there is any vaccinating to be done it is only logical to do it to the cattle, not the bison.

DO not waste tax dollars on a quarrantine facility. This is a bad idea. Much better results will be obtained by using other means
and implementing the measures called for in Plan B.

Dan LaCrosse, Office Manager.
LaCrosse Associates

YELL-6332

Please be advised we endorse the Citizens Plan that will change Cattle grazing allotments to accomodate bison on nearby Yellowstone national forest lands, abolish politically motivated bison herd size limits, require cattle vaccination, and acquire critical winter range.

Thank You

Joseph A. Jacobs

George W. Jacobs

[redacted]

Lake Area Hamilton Stores

YELL-9439

LANCE W. HOLTER

Real Estate & Construction

License BC-17514

[redacted]

Oct 5, 1998

Sarah Bransom

Bison Mangement Team

National Park Service

P.O. Box 25287

Denver, Colorado 80225-0287

RE: Bison Program

Dear Sarah,

I am a Wyoming native. I have a college and work background in Natural Resource Management. Having been a lifetime resident of the Rockies (Wyoming, Montana and Colorado) and a keenly aware person regarding the Ecosystems of that region I am extremely concerned with the "Preferred Management Plan" for Bison and Elk herds of the Yellowstone region. The 1996-1997 slaughter of the Bison herd was an unforgivable tragedy and mis-mangement of a public trust brought about by special interest groups and apparently endorsed by State and Federal agencies. I am ashamed of those who allowed this to occur. What do I tell my children? The federal Government WITH STATE GOVERNMENT CO-OPERATION KILLED YOUR BIRTHRIGHT? FURTHER DAMAGING YELLOWSTONE PARK'S TREASURE!

* Please use the Citizen's Plan to Save Yellowstone's Bison in all future management decisions, Sincerely, Lance W. Holter

YELL-9801

LEONARD, STREET AND DEINARD

PROFESSIONAL ASSOCIATION

October 9, 1998

Byron E. Starns
[redacted]

Sarah Bransom
National Park Service
Interagency Bison Management Plan
P.O. Box 25287
Denver, CO 80225-0287

Dear Bison Management Planners:

I visit Yellowstone Park and its back country often in summers. For me, one of the wonders of Yellowstone over the years has been its free-roaming bison herds in the Lamar Valley. I am concerned that current draft plans for Yellowstone National Park's bison, the largest free-roaming bison herd in the country, would not prevent a mass slaughter of bison from occurring again, as happened two winters ago when nearly 1,100 park bison were shot.

Recently, sportsmen, Native Americans, conservationists, business owners and other citizens have agreed on a common sense, science-based proposal for managing Yellowstone bison. It is called the *Citizens' Plan to Save Yellowstone Bison*. Its main points, which I endorse, are as follows:

- Don't manage Yellowstone like a zoo. Leave bison alone in the park.
- Create a special management area outside the park where bison can survive harsh winters managed by wildlife professionals.
- Develop scientific bison population goals for this special management area and maintain minimum herd sizes below which the herd would not be reduced.
- When these population goals are exceeded outside the park, or when private property or human safety are threatened, use traditional wildlife management tools to reduce bison numbers - a regulated harvest or relocating bison to other areas.
- Emphasize acquisition of key winter range from willing sellers through purchase or conservation easements and create incentives that would encourage landowners to modify livestock operations to increase winter foraging opportunities for bison outside the park.
- Recommend mandatory vaccination of cattle near the park.
- Begin a program to compensate landowners for damage to fences and other structures caused by bison.

[redacted]

1724690.01

Thank you for your consideration of these important principles that should be incorporated into your final bison management plan.

Very truly yours,

LEONARD, STREET AND DEINARD

Byron E. Starns

BES\jm

1724690.01

YELL-751

MARK A. LICHTENFELD
ATTORNEY AT LAW *
[redacted]

July 23, 1998

Bison Management Plan
EIS Team
National Park Service
P.O. Box 25287
Denver, CO 80225

Dear EIS Team:

Please find my public comments on the draft EIS statement for Yellowstone Bison management.

I find that any plan approving the slaughter of Yellowston bison is arbitrary, capricious, and against the manifest weight of the evidence. As the EIS team knows, there has been no single case or any evidence suggesting that Montana's cattle are at risk from brucellosis transmission due to the Yellowstone bison. If the cattle industry is so concerned about the outbreak, then less intrusive measures such as the closing of snowmobile trails or innoculation of the cattle can be explored. However, the government should not be in the business of placating a for profit industry without any direct evidence of disease.

I think the federal government should use this controversy to finally take a stand against agribusinesses which constantly decry government regulations but are always looking for a handout from Washington. This case is so lacking in scientific evidence that it cannot even merit the usual handout. That the cattle industry of Montana is arrogant and pompous can be easily ascertained from their unreasonable position in this matter. Yet, the Park Service need not have to tarnish its image among the public by caving in to Montana special interests and thereby killing Park bison as seen by all Americans on the evening news.

All Americans love Yellowstone and abhor the killing of bison to suit the Montana cattle industry. We ask the Park service to stand up for the people and to stand up for what we know is right. Bison should not be killed on speculation without any foundation.

Very truly yours,
Mark Lichtenfeld

YELL-5682

LTC *Light Touch Chiropractic*
[redacted]

9/29/98

Dear Sarah Branscom,

I am opposed to plans outlined by the National Park Service in the draft Environmental Impact Statement for managing the Yellowstone buffalo herd. All of the options in the Statement mean buffalo will be killed unnecessarily. This herd is a national treasure, and every effort should be made to protect the integrity and long term vitality of the herd and the Yellowstone ecosystem.

Your Preferred Alternative fails to actively pursue preservation of buffalo or the environment. The use of capture, test and slaughter facilities as the primary means of limiting the herd's access to off-Yellowstone land puts the blame on the buffalo. Instead, I support excluding cattle from lands designated for wildlife and urge the aggressive acquisition of additional lands for buffalo winter pasture. I also urge you to consider live removal of buffalo to tribal herds and other grassland areas as a last option instead of killing.

Buffalo are sacred relatives to Native peoples. The EIS proposals ignore or gloss over Native religious or cultural relationships with buffalo. These buffalo are survivors of past massacres, and shooting them only repeats an historic injustice. I support a complete consultation with Native tribes and communities in decisions about the future of the Buffalo Nation.

[redacted]

YELL-9649

LOCKWOOD PROPERTIES TRUST

[redacted] [redacted]

October 1, 1998

Dear National Park Service,

I am sending you this letter, in hopes that you would support the Citizen's Plan for managing the buffalo. I feel that Buffalo should be allowed to roam free on the public lands, which are adjacent to the Yelowstone National Park. I feel that if the "carrying capacity" of these lands, is not sufficient for the amount of buffalo, the state and federal agencies should acquire additional winter range next to the Park. Also, I feel that an alternative to destroying bison would be to move the excess, healthy bison to Indian reservations or other public lands. Bison are part of wildlife, not livestock. They should be managed by wildlife professionals for enjoyment of the public, in a wild and natural setting on public and tribal lands, rather than by the livestock officials who only serve a single and special interest. I urge you to please re-draft the EIS and incorporate the Citizen's Plan into the document and also to analyze it as a viable alternative. Thank you.

Sincerely,

K. Lockwood

Kathleen Lockwood

YELL-15728

To: Federal and State agencies regarding the recent
Draft Management Plan for Yellowstone's Buffalo

I support the Citizen's Plan for managing free-range buffalo, and am against any further "management" plans that simply kill off buffalo as a means of "regulating" the transmission of brucellosis.

I understand the necessity of controlling desease, but feel that Federal and State agencies have disregarded anecodotal evidence provided by qualified veterinarians.

Please discontiue any further slaughter of free-range buffalo, and go with the Citizen's Plan for management.

Deb Herman

Deb Herman

Lone Wolf Services

[redacted]

LORTZ MANUFACTURING COMPANY

YELL 28021

August 31, 1998

Bison Management Team
National Park Service - Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Dear Bison Management Team;

I want wild, free-roaming buffalo in Yellowstone. I oppose the "Preferred Alternative" recommended by the State of Montana and the federal government. The government plan continues the unnecessary killing of buffalo moving to public lands outside the Park. It gives the Montana Board of Livestock, not wildlife professionals, control over key buffalo management decisions. And, it gives cattle priority over wildlife on public lands that surround Yellowstone National Park. We can do better.

Yellowstone's buffalo are too important to sacrifice in this manner. They are a part of our heritage and a source of pride to us all. Furthermore, the "Preferred Alternative" would set dangerous precedent for the management of elk and all other wildlife species. This must not be allowed to happen.

Instead of your "Preferred Alternative", I endorse the ***Citizen' Plan to Save Yellowstone Buffalo,*** which includes these management strategies:

- Creating a large special management area outside the Park where buffalo can use public lands to survive harsh winters, and where wildlife professionals will manage them.
- Develop scientific buffalo population goals for this special management area outside the Park.
- Using traditional wildlife management tools of fair chase hunting and relocation (in this case to Indian reservations or public lands) when population goals are exceeded, or when private lands or human safety are threatened.
- Requiring vaccination of cattle in the adjacent to the special management areas.
- Adjusting cattle grazing times and patterns on public lands bordering the Park to prevent conflicts with buffalo during the buffalo's calving season.
- Acquiring through purchase or easement key winter range adjacent to the Park.

These strategies will maintain wild, free-roaming buffalo and protect the interests of the livestock industry in a balanced, common sense manner. Please adopt a plan that includes these strategies.

Sincerely,

Charles W. Lortz, Jr.
President

LORTZ MANUFACTURING COMPANY [redacted]
METAL FORMING • FABRICATION • WELDING • MACHINING • LASER CUTTING

From: BILL PHELPS [redacted] 08-11-98 15:24 P. 001

YELL 15729

To: Federal and State agencies regarding the recent
Draft Management Plan for Yellowstone's Buffalo

I support the Citizen's Plan for managing free-ranging buffalo. As a veterinarian, I understand the concerns that many cattle ranchers express and the dilemmas they face due to our current market system and federal regulations. However, this is clearly a "political disease". There is a lack of scientific data combined with complete disregard of anecdotal evidence provided by local ranchers and veterinarians who have lived and ranched in and around this Greater Yellowstone Ecosystem. I grew up on a ranch outside of Cody, WY, and learned to respect the delicate balance of the environment we so readily took to be our own. Slaughtering bison with or without comprehensive management of cattle via vaccination, etc., is an abysmal approach to "wildlife management".

Marybeth Minter, DVM
Mariposa Mobile Veterinary Service
[redacted]

The Meagher County News

[redacted]

October 30, 1998

YELL-15377

HELENA, MT
PM
1998

Governor Marc Racicot
State Capitol
Helena, Montana 59620

Dear Governor Racicot:

It is my understanding that it is still possible to make a comment on the Bison Management Plan for the Yellowstone Park herd. It has been a long-standing interest of mine and is one of my paramount game management goals to have public hunting re-established for bison in the Northern Herd of Yellowstone Park. .

I thoroughly understand all of the problems with the brucellosis in the herd and have been following the controversy for all the years that it has been going on. Needless to say, I believe in sport hunting and the necessity for having sport hunting to help cull the herds.

The one single thing that bothers me is the pushing back of the desires for sport hunting. The sportsmen and women of Montana were told that if we backed off and let the various state and national government agencies tackle this problem, we could again hunt bison. I fear that we will be shelved and no thought given to allowing the sportsmen to hunt bison. There is still so much controversy over management between the State of Montana and the United States that the sportsmen will again be left out in the cold. Our previous attempts at management by taking the public by the hand and pointing out the bison to be shot got us nowhere and left a bad impression in the public and the sportspersons' minds. We have got to modify this so that we can allow the hunters to work within guidelines, but not have the wardens herding the hunters up to the bison.

Could we have some limited hunting of bulls only? Since the brucellosis is mainly transmitted by the female bison, who are the main carriers of the disease, it could be an alternative. Additionally, by shooting the bulls only, it could be more of a means of blunting criticism by the animal rights groups.

In closing, Governor Racicot, it is my single intention to keep reminding everyone that is working on this problem of animal health, overgrazing of range, interplay between governmental agencies and those who see in these animals a symbol of our Western heritage, that the hunter's voice is not forgotten nor ignored when the final solution is made of what to do with the problems at hand.

Thank you for your time and patience. All the best to you!

Yours truly,
Verle L. Rademacher
Editor and Publisher
The Meagher County News

CC: Sarah Bransom, Interagency Bison Management Plan

Bison Management Team
National Park Service – Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Dear Bison Management Team: YELL-3087

I want wild, free-roaming buffalo in Yellowstone. I oppose the "Preferred Alternative" recommended by the State of Montana and the federal government. The government plan continues the unnecessary killing of buffalo moving to public lands outside the Park. It gives the Montana Board of Livestock, not wildlife professionals, control over key buffalo management decisions. And, it gives cattle priority over wildlife on public lands that surround Yellowstone National Park. We can do better.

Yellowstone's buffalo are too important to sacrifice in this manner. They are a part of our heritage and a source of pride to us all. Furthermore, the "Preferred Alternative" would set dangerous precedent for the management of elk and all other wildlife species. This must not be allowed to happen.

Instead of your "Preferred Alternative", I endorse the ***Citizens' Plan to Save Yellowstone Buffalo,*** which includes these management strategies:

- Creating a large special management area outside the Park where buffalo can use public lands to survive harsh winters, and where wildlife professionals will manage them.
- Developing scientific buffalo population goals for this special management area outside the Park.
- Using traditional wildlife management tools of fair chase hunting and relocation (in this case, to Indian reservations or public lands) when population goals are exceeded, or when private lands or human safety are threatened.
- Requiring vaccination of cattle in and adjacent to the special management areas.
- Adjusting cattle grazing times and patterns on public lands bordering the Park to prevent conflicts with buffalo during the buffalo's calving season.
- Acquiring through purchase or easement key winter range adjacent to the Park.

These strategies will maintain wild, free-roaming buffalo and protect the interests of the livestock industry in a balanced, common sense manner. Please adopt a plan that includes these strategies.

Sincerely,

METRICS UNLIMITED INC.

Printe[redacted]

Signature

Address

YELL-7014

Microban®
Microban Products Company

28 September 1998

Bison Management Plan EIS Team, National Park Service
Attention: Sarah Bransom DSC-RP
PO Box 25287
Denver, CO 80225-9901

To: Ms. Bransom

The "preferred alternative" outlined in the Environmental Impact Statement that was released in early June grants the Montana Board of Livestock the power to shoot buffalo crossing park boundaries. Over 1,000 bison were slaughtered during the 1996-97 winter when they went searching for food in Montana. Despite scientific evidence proving that buffalo do not regularly transmit brucellosis to cattle, Montana Governor Marc Racicot ordered these killings. The Park Service needs to re-draft the Environmental Impact Statement to incorporate the Citizen's Plan for managing the buffalo.

Under the Citizen's Plan, bison moving into private land would be trapped and tested for brucellosis. Healthy buffalo would be transported to private lands, where they could roam freely, be respected and valued as a part of the tribes' cultural heritage. These buffalo will again be restored to the freedom and dignity of a free-ranging species and returned to our public lands. If additional land is needed, state and federal agencies should acquire additional winter range next to the park so that bison are not slaughtered.

Bison are wildlife; wildlife professionals should manage them for enjoyment by the public in a wild and natural setting. My parents just returned from Yellowstone and when I visit I want to see the same wild environment as in their pictures. I hope to see what our lands once were with great wild herds roaming free.

Regards,

Stephen A. Payne

[redacted]

YELL-6931

MILLS, SHERMAN, GILLIAM AND GOODWIN, P.S.C.
EMERGENCY PHYSICIANS • ST. ELIZABETH MEDICAL CENTER

NORTH UNIT
[redacted]
SOUTH UNIT
[redacted]
GRANT COUNTY
[redacted]

EMERGENCY PHYSICIANS
HARRY F. MILLS, JR., MD
JOHN C. SHERMAN, MD
HERBERT Y. GILLIAM, MD
PETER D. GOODWIN, MD
JAMES L. COMBS, MD
K. LAMONT SMITH, MD
MARK FRANKLIN, DO
MARK J. GREVER, DO
LAROY F. KENDALL, MD
STEPHEN O. BERNARDON, MD
PATRICK T. BIRRER, MD
CHRISTOPHER D. CAGGIANO, MD
JON J. SCHOTT, MD
DAVID L. BRACKEN, MD
DIANNA H. PERAZZO, MD
GREGORY D. SWEENEY, MD
DAVID M. STANFORTH, MD

Ms. Sarah Bransom
Interagency Bison Management Plan, DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Dear Ms. Bransom:

I want to express my support for the Citizens' Plan to Save Yellowstone Buffalo. I am very much opposed to the Government Plan. I want to maintain wild and free-roaming buffalo in Yellowstone National Park. I want to be sure buffalo population goals for the special management area outside of the Park are based on science, not emotion. We can maintain a wild population of buffalo by working with neighboring ranchers with lands adjacent to the special management area to vaccinate cattle and to develop a plan to compensate ranchers who suffer any economic damage due to buffalo. I believe the cost to guarantee the ranchers against losses will be very little, as the risk has been exaggerated. In any event, the cost of killing (managing) the buffalo will be significant. It will be less expensive and more sensible to manage the population according to the Citizens' Plan. We can do better than the current Government Plan. Please pass my concerns and desires along to those who will make this decision.

Sincerely,

John C. Sherman MD

Oral testimony taken at Colonial Inn, [redacted] on July 27, 1998.

Comment No. 15252
Robert Gopher
Montana International Incorporated

Thank you very much. Robert Gopher is my name, I'm a Chippewa and I'm affiliated with the Montana International Incorporated and I'm the advisor of it and also I am involved with this buffalo jump at [redacted]

First of all, I'm in the process of writing a book to cooperate with the State of Montana, the people of Montana to bring about the historic values of the buffalo, Indians and that's what the book will be about. Sorry to say that to have to be like you, I have to copyright the book, then it's going to be sold. The book will be written to give an accurate information forever concerning the North American Indian and its continent.

First of all, I am an advocate of all forms of life and we only took the buffalo as we needed them, in our days. Our ancestors did, and we never carried it out to destroy them in a barbaric manner. This buffalo, this animal was always healthy and that's why I am here, I regret that I only have five minutes.

I believe that you complain to the officials of Montana, federal officials, they never accurately consult us concerning the taking of the buffalo, they overstep the boundaries of the Yellowstone Park, and we would be glad to give input. But at the same time, the State of Montana has neglected to do this and that creates understanding in our way that we're only a second-class citizen to the State of Montana and we would be glad to get involved. Our children in the classrooms that they would see us, how we brought us the buffalo. We would give that input to you and instead of slaughtering them as they come out, I'm very against that. I believe that I can say that everything has a right to live and everything has a right to life and everything has the right to have good health like the buffalo.

We talk about the brucellosis and I believe that if there was the brucellosis long ago already, your cattle would have been affected. I don't want to accept that to be true, and I am very against the way the buffalo has been slaughtered in that area. I also know of, observed, there are some white brothers in the Yellowstone area who are willing to cooperate to save the buffalo. On behalf of them, I'd like to see them be involved in it respectfully, to be recognized if there is a possible way that could be done with the buffalo and in my understanding of the buffalo nowadays, it belongs to the public, to the people of Montana, to the people of the nation and as well as that, we do have a lot of attractions in Montana. People from all over the world, they come to see the only buffalo that's still living in the wild. That's one of the values that we should respect and I would like to see. I'm saying that Montana International can write up anything you want because we are good writers like you, if not better. So thank you very much.

Montana Livestock Ag Credit, Inc.

[redacted]

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Phil Rostad, [redacted]
Randy Smith, [redacted]

Tim H. Gill, President

YELL-2740

Date: September 2, 1998

To: Bison Management Plan EIS Team
National Park Service - Sarah Bransom DSC-RP

From: Tim H. Gill, President

RE: Draft EIS

The Draft EIS for future Buffalo (a/k/a Bison) Management starts or the Philosophy that there is or will be a "wild, free-ranging herd" in Yellowstone. These critters have been all but domesticated, and most surly manipulated in the many years of mismanagement of Yellowstone Park Natural Resources.

Any future management alternatives, while recognizing the abundant human (ranger/tourist/biologist/Naturalist) influence and artificial park environment, must recognize and allow for:

1) A viable quarantine system within the park boundaries, with a predetermined, acceptable, final disposition established.

2) Some legitimate data on the socioeconomic's, with adequate data relating to bison/buffalo. Include a real analysis of the impacts to the livestock industry, and a meaningful analysis to a disease free buffalo herd.

3) The conflicting legal ramifications of agencies such as APHIS that must be mandated to restrict buffalo specifically to within current park boundaries.

4) Developing a vaccination process that will utilize disease immunization that the rest of the animal/human world (including endangered species) recognize.

5) Legitimate carrying capacity of all park wildlife within the current park boundaries, with emphasis on self containment without starvation and habitat degradation. Learning to live within the means of the current Yellowstone Park parameters!

In conclusion, the only acceptable alternatives raised in the Draft EIS are numbers five (5) and six (6), provided they accommodate true eradication of brucellosis in the park, and a mandate that the national park live within its current real resources.

YELL-14978

MOORE & McFADDEN, CHARTERED

ATTORNEYS AT LAW

[redacted]

DAVID H. BIETER
SUSAN E. BUXTON *
JOHN J. MCFADDEN *□
MICHAEL C. MOORE □
PAUL A. TURCKE

*Also Admitted In [redacted]
□ Also Admitted In [redacted]

November 2, 1998

Bison Management Plan EIS Team
National Park Service–Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

CERTIFIED MAIL–RETURN RECEIPT REQUESTED

RE: Comments to Draft EIS for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park.

Dear Ms. Bransom:

Enclosed please find comments and materials responding to the Draft EIS ("Bison DEIS") for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park which was issued by the National Park Service on June 1, 1998. These comments are submitted on behalf of Edward P. Dougherty; Yellowstone Tour and Travel; Town of West Yellowstone, Montana; West Yellowstone Chamber of Commerce; Montana Snowmobile Association; American Council of Snowmobile Associations; and the BlueRibbon Coalition. Please note that any or all of these individuals, organizations, or their members may submit additional comments, and any such comments shall supplement these comments and are incorporated by reference.

The above-named individuals and organizations are Defendant-Intervenors in the Fund For Animals v. Babbitt, (D.D.C., Civ. No. 97-1126) ("Babbitt"), which addresses winter recreation, including trail grooming for over-snow vehicles, and bison management. The settlement agreement entered into in the Babbitt case requires the National Park Service to complete a winter use EIS to address the effects of trail grooming for over-snow vehicles, including snowmobiles and snow coaches, upon the migration of bison both inside and outside of the Yellowstone National Park ("the Park"). Four (4) of the seven (7) alternatives proposed in the Bison DEIS, the subject of these comments, restrict over-snow access to and within the Park which effectively eliminates viable alternatives from in the upcoming Draft EIS for winter use. *See*, generally, 40

CFR, § 1506.1. In other words, actions proposed through the Bison EIS will limit the choice of reasonable alternatives in the winter use EIS. Accordingly, the only alternatives that may be chosen for the Bison EIS are Alternative 1, No-Action, Alternative 4, Interim Plan with Limited Public Hunting and Quarantine, and Alternative 7, Preferred Alternative-Manage for Specific Bison Population Range.

The other Bison EIS alternatives contain impermissible restrictions on winter recreation. For instance, Alternative 2 proposes the elimination of trail grooming on numerous presently groomed roads (West Yellowstone to Madison, Madison to the Fountain Freight Road north of Old Faithful, Madison to Norris, and Norris to Mammoth). The reason given for these closures was "to help control un-natural bison migration."[1] Alternative 2 would displace well over 50% of the park visitors utilizing over-snow vehicles including snowmobiles and snow coaches. Alternative 5 establishes capture-test facilities which would eliminate over-snow vehicles due to the plowing of roads (West Yellowstone to Madison, Madison south part-way to Old Faithful, Madison to Norris, Norris to Canyon, Canyon south to Fishing Bridge through the Hayden Valley and Fishing Bridge east to Pelican Valley). Similar to Alternative 5, Alternative 6 establishes a test-capture facility at Seven-Mile Bridge which necessitates road grooming (which eliminates over-snow vehicles) the first seven (7) miles from the Town of West Yellowstone to the bridge site but would eventually expand to the same roads as Alternative 5. Alternative 6 is proposed for use for ten (10) years and would similarly be devastating to winter access.

Alternative 3 proposes research as to whether the winter grooming of roads affects bison migration and would close roads if research demonstrated that the road grooming would contribute to bison migration out of the Park.[2] This issue was thoroughly discussed in the comments we submitted December 15, 1997, on behalf the defendant-intervenors on the Temporary Closure of a Winter Road EA. ("Road Closure EA Comments") A copy of those comments and attachments are included with these comments and are incorporated by reference here. Many of the same issues were analyzed in the previous comments and will only be summarized here.

[1] In fact, there is no evidence to support the notion that "un-natural migration" along groomed trails is a significant occurrence. In fact, the evidence shows that the great bulk of bison migration occurs along stream beds rather than groomed trails. *See* Road Closure E.A. Comments at pp. 5-11 and referenced attachments.

[2] It is an odd argument that in order to control the bison herd size and to avoid its migration and potential spread of brucellosis, that it is better to let the bison starve and suffer an agonizing death, possibly in greater numbers than the controlled alternative. It is even odder that animal rights activists advocate such a horrible death for the bison over more humane and limited herd culling measures. Their suggested method itself is likely to cause an extreme, adverse environmental impact that must be addressed.

YELL-14978 contd.

The Bison DEIS fails to adequately address the devastating effect elimination of over-snow use of snowmobiles and snow coaches will have on Park visitors, concessionaires, gateway communities, recreation interests, American with Disabilities Act interests, and wildlife. *See*, Road Closure EA Comments pp. 6-14, 16-18 and its referenced attachments. The Bison DEIS also fails to consider grooming additional roads in the Park that may provide the bison with other Park access thus limiting their need to migrate outside of the Park for forage in the winter. Such an alternative is definitely within a reasonable range of alternatives as it appears that the Park Service desires to keep the bison within the Park boundaries.

We do not believe the Bison DEIS adequately considers the Winter Use EIS that is in its drafting stage. To consider alternatives in the Bison DEIS that would eliminate alternatives to be proposed in the Winter Use EIS is a direct violation of NEPA and the CEQ regulations. 40 CFR § 1506.1. Further, the comments received in the Road Closure EA and the decision memo on that EA cite to numerous concerns surrounding closure of the Grand Loop to over-snow use that were not adequately considered in the Bison DEIS and must be considered here. The Bison DEIS also fails to consider and adequately analyze cumulative impacts upon winter use. We respectfully request, therefore, that any alternative selected in the Bison EIS have no negative effect upon over snow use, including snowmobiling and snow coach access to the Park during the winter. By selecting an alternative that does not negatively affect winter recreation, the proper range of alternatives to be considered in the Winter Use EIS will remain intact.

Respectfully Submitted,

MOORE & McFADDEN, CHARTERED

Susan E. Buxton

cc: Superintendent, Yellowstone National Park
State of Idaho
State of Montana
State of Wyoming
Clients

MOORE & McFADDEN, CHARTERED

ATTORNEYS AT LAW

[redacted]

SUSAN E. BUXTON *
JOHN J. McFADDEN *†
MICHAEL C. MOORE †
PAUL A. TURCKE

MONA DOBARAN MACK
Of Counsel

*Also Admitted In [redacted]
† Also Admitted In [redacted]

December 15, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Winter Road Environmental Assessment
Planning Office
P.O. Box 168
Yellowstone National Park, WY 82190

RE: Comments to Temporary Closure of a Winter Road EA

Dear Planning Office and Deciding Official:

Enclosed please find comments and materials responding to the Environmental Assessment Temporary Closure of a Winter Road (the "EA") issued by the Yellowstone National Park (the "Park") on November 15, 1997. These comments are submitted on behalf of Edward P. Dougherty; Yellowstone Tour & Travel; Town of West Yellowstone, Montana; West Yellowstone Chamber of Commerce; Roy N. Brown; Montana Snowmobile Association; American Council of Snowmobile Associations; and BlueRibbon Coalition, Inc. Please note that any or all of these individuals, organizations, or their members may submit additional comments, and any such comments shall supplement these comments and are hereby incorporated by reference.

The above-named individuals and organizations moved to intervene in the Fund for Animals v. Babbitt (D.D.C., Civ. No. 97-1126) ("Babbitt") prior to announcement of the settlement agreement which ultimately led to this EA. The motion to intervene was eventually denied, but as proposed intervenors we submitted documents addressing the proposed settlement agreement in the context of other Park planning efforts. Those arguments are hereby incorporated by reference, and the following pleadings are attached hereto as exhibits to these comments:

Exhibit "A" Comments and Objections of Applicants for Intervention, Edward P. Dougherty, et al, In Re: Proposed Settlement, including attached Affidavit of Susan E. Buxton, and the following attachments to the Buxton Affidavit:

Att. 1- Settlement Agreement and MOU in Montana v. United States ("Montana")
Att. 2- Cover and Excerpts from 1997 Winter Visitor Use Study
Att. 3- Excerpts from Internal Draft Review EIS Prepared in Context of Montana Settlement
Att. 4- Letter from Legal Counsel, Montana Dept. of Commerce
Att. 5- YNP Winter Map & Guide
Att. 6- Affidavit of Clyde G. Seely
Att. 7- Declaration of Edward P. Dougherty

Exhibit "B" Affidavit of Edward P. Dougherty;

Exhibit "C" Affidavit of Roy N. Brown;

Exhibit "D" Affidavit of F.W. "Bill" Howell;

Exhibit "E" Affidavit of Glen Loomis;

Exhibit "F" Affidavit of Viki B. Eggers;

Exhibit "G" Affidavit of Christine A. Jourdain;

Exhibit "H" Affidavit of Alan D. Brown;

Exhibit "I" Affidavit of Adena Cook.

During presentation of these arguments in Babbitt, Counsel for the Park Service and Federal Defendants argued that many of the legal issues raised during the litigation in Washington D.C. would be appropriate for presentation during any subsequent administrative decision-making process. See, Exhibit "J" attached hereto, Transcript of October 27, 1997 Hearing on Joint Motion for Dismissal and for Approval of Settlement Agreement in Fund v. Babbitt, at 38-39:

> [W]e see no problem...as long as interested persons have an opportunity to participate in the process and file comments as appropriate, including the kinds of comments that Ms. Buxton was raising in regard to whether there's a problem with the CEQ regulations. That is the time to do it. And the time to challenge any kind of action that we're talking about that requires NEPA analysis is when our decision is made, I think.

We therefore reiterate these arguments, in addition to others, in response to the foregoing invitation.

Given the evolution of this EA, the multiplicity of ongoing planning efforts, the admitted disagreement between experts concerning the effects of the proposed closures, and the substantial environmental and socioeconomic detriment that is likely to follow any hurried implementation, the only viable choice in this process is Alternative 4. No implementation decision can legally flow from an EA in this unique factual and procedural context.

I. This EA Process Cannot Reach a Predetermined Result but Must Rigorously Evaluate All Input.

Logic dictates that any planning process under the National Environmental Policy Act ("NEPA") should be an open-minded evaluation of alternatives. Judicial interpretation supports this logic, for "[i]f NEPA mandates anything, it mandates this: a federal agency cannot ram through a project before first weighing the pros and cons of the alternatives." Simmons v. U.S. Army Corps of Engineers, 120 F.3d 664, 670 (7th Cir. 1997). This EA was conceived according to an extremely short and inflexible schedule due primarily to the fact that the EA is a central bargained-for provision in settlement of Fund for Animals v. Babbitt (D.D.C., Civ. No. 97-1126) ("Babbitt"). In this unique context, it is even more important to conduct the EA with the general understanding that all decision options, including the option to select the no-action alternative, must be faithfully preserved:

> Comments that the [proposed] Intervenor groups [in Babbitt] and other members of the public are going to make in any one of these [NEPA] processes will absolutely have bearing on the result. There is no guarantee that there will be a road closure. Plaintiffs [Fund for Animals] might not want to hear that....And if we decide not to close a road, the Plaintiffs can't come back here and try to enforce this settlement and say, "You said you were going to close a road." We did not say that. We have every intention of hearing out any member of the public....

Exhibit "J" attached hereto, Transcript of October 27, 1997 Hearing on Joint Motion for Dismissal and for Approval of Settlement Agreement in Babbitt, at 44 (quoting Counsel for Secretary Babbitt and Federal Defendants). Even Plaintiffs in that litigation recognize that this bargained-for process cannot achieve a predetermined result. Id. at 24 ("The closures are not being determined now. The trail closures have not been determined."). We simply ask that the Park now fulfill the obligation that neither this, nor any pre-process agreement, could nullify. The Park must vigorously and carefully evaluate the necessity for and potential impact of the alternatives presented.

II. The Agency has Already Determined that an EA is an Inappropriate Mechanism to Effect Road Closure.

An EA can only be used to implement actions that do not present any possibility of a significant effect on the human environment. 40 C.F.R. § 1508.13; Foundation for North American Wild Sheep v. U.S.D.A., 681 F.2d 1172, 1177-1178 (9th Cir. 1982) ("FNAWS"). If the agency is unable to render such a finding, and "substantial questions are raised whether a project may have a significant effect upon the human environment, an EIS [environmental impact statement] must be prepared." Id. at 1178. An EA thus leaves the agency with two decision options: (1) issuance of a Finding of No Significant Impact ("FONSI") associated with selection of one of the alternatives for implementation; or (2) declaration that the potential for significant impact exists sufficient to require preparation of an EIS. 40 C.F.R. § 1508.9. Budgetary or logistic constraints cannot excuse the need to generate an EIS under this standard.

The EA cannot properly reach a FONSI when the agency has already decided that road closures should be addressed through the more rigorous EIS process. At present, the Park is committed to generation at least two EISs which consider winter recreational management issues, including road closures. One EIS will be generated as a result of the same settlement in Babbitt that launched this EA. The second EIS began after the November, 1995, settlement of litigation brought by the State of Montana, and a Draft Review copy of that EIS has been completed, although the final DEIS will likely reflect additional changes to the existing document (the "Bison EIS"). See, Exhibit "J" at 38; Exhibit A, attachment 3. As a component of the settlement that initiated the Bison EIS, an Interim Bison Plan was generated through an EA process (the "Interim Bison EA"). While the potential for annual amendment to the Interim Bison EA is contemplated by some participants in that process, the August, 1996, Interim Bison EA remains the primary final product of the planning efforts stemming from the Montana litigation.

Input during the Interim Bison EA suggested that snowmobile restrictions be imposed through that EA process. This suggestion was rejected, and the agency concluded that such restriction "is beyond the scope of this short term interim management plan designed to manage bison migrating from the Park into Montana. This alternative will be considered in the long term EIS." Exhibit "K" attached hereto, Interim Bison EA, August 9, 1996, at 54. This statement reveals two important concepts. Conceptually, the limited scope provided by the EA process failed to support consideration of the potential impacts suggested by a snowmobile-restriction alternative. Additionally, the Park Superintendent and Intermountain Field Area Director both acknowledged that snowmobile use restrictions are properly addressed in the EIS process, not an EA. Approval of restrictions, even under the guise of research, would directly contradict the agency's previous position.

While the agency steadfastly denied any connection between the Bison EIS and the planning agreed-to in Babbitt, common sense and other documents suggest otherwise. For instance, on November 4, 1997, a Winter Use Visitor Meeting was conducted by various Park personnel, and first on the agenda at that meeting was "discussion of the [Babbitt] lawsuit...."

Exhibit "L" attached hereto, notes from Winter Visitor Use Meeting of 11/4/97, at 1. Among the items to discuss concerning the "winter road EA for temporary closure" is "how to coordinate with the bison EIS...." Id. There would be little need to "coordinate" totally unrelated activities. As was argued at length during Babbitt, one cannot reasonably argue that closures of the same road are unrelated based upon the whether the closure is instituted to study bison responses or as an acknowledged bison management measure.

III. The EA Fails to Properly Characterize its Underlying Purpose and Need.

The EA fails to provide an adequate opportunity to comment, because the Purpose and Need, and related portions of the Proposal for Action, fail to describe the action alternatives in any meaningful detail. The Purpose and Need section set forth in chapter 1 essentially describes three (3) reasons for conducting the EA: (1) "to gather information in order to better evaluate the effects of groomed winter snow roads on bison migration patterns"; (2) "to understand visitor-use patterns that may occur with a closure"; and (3) to comply with the Babbitt settlement. As an initial matter, the EA cannot spring solely from the third purpose, since such a position would essentially present a circular justification that there is a need to conduct an EA because the agency agreed to conduct an EA.[1] Analysis should therefore focus on the first and second purposes.

The EA fails to adequately connect its asserted purpose with the presented actions. Never does the EA explain why the existing body of knowledge will be enhanced to such a degree that management options will suddenly become clarified. Trail grooming has occurred since about 1981, but bison research has been occurring for a much longer time period. Doctor Caslick's review details literally hundreds of studies and observations addressing the purported need.[2] Compared to many actions proposed through NEPA processes, there seems to be a significant amount of research addressing the purported need. In reality, this research offers mixed results that do not uniformly support the specified road closures as management tools. If a need to conduct adequate research to properly understand management subjects could form the basis for on-the-ground activities, then agencies would be provided a curious incentive to proclaim ignorance when embarking upon a NEPA process. Management actions proposed through NEPA should reflect the culmination of research, not its genesis.

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[1] We submitted a Freedom of Information Act request asking for documents in which the Park addressed research on grooming effects on bison. An independent emphasis of this issue by the Park would provide a large volume of documents to such a request, however, we received relatively few documents. This would suggest that the sudden emphasis of closing roads in order to research these effects stems primarily from the Babbitt settlement, where the Plaintiffs initial position was a complete suspension of all motorized use in the Park pending additional study.

[2] While Dr. Caslick's review is extensive, it fails to include the work conducted by Dr. Charles Kay, Utah State University, regarding recreational use and wildlife management in the Park. See, e.g., Kay, C.E. 1990. Yellowstone's northern elk herd: a critical evaluation of the "Natural Regulation" paradigm. Ph.D. dissertation, Utah State University, Logan.

The EA fails to ever explain what type of research will be conducted. Additionally, the EA fails to address why this research is uniquely meaningful and can only occur in conjunction with the specific proposed road closures. Stated differently, the EA expects its reader to take a leap of faith in assuming that great new advances will occur through the undefined research proposed, and that this groundbreaking insight can only be obtained through trail closures. Several major flaws plague this type of proposal. Since the proposed action includes vague and undefined research, both the general public and other qualified experts cannot respond to the proposal during the EA process. See, Exhibit "M" comments of Jerry Thiessen. Assuming a research design is contemplated, that design can only be revealed long after expiration of all public input to the EA. Once again, such a result perverts NEPA's public disclosure mandate.

IV. The Existence of Controversy Precludes Implementation through an EA.

Sufficient controversy surrounds the size, nature, and effect of the proposed action alternatives to preclude implementation of any through an EA process. The Council on Environmental Quality regulations ("CEQ") provide guidance on many NEPA issues, and the U.S. Supreme Court has indicated that CEQ's interpretation is entitled to substantial deference. Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 355-356 (1989); Andrus v. Sierra Club, 442 U.S. 347, 358 (1979). Those regulations clarify the term "significant" as it is used in the NEPA context, and note that the term "requires considerations of both context and intensity." 40 C.F.R. § 1508.27. As part of the intensity analysis, a decisionmaker must evaluate:

> (4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.
>
> (5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

40 C.F.R. § 1508.27(b). The Ninth Circuit has determined that "[a] federal action is controversial if 'a substantial dispute exists as to its size, nature, or effect.'" Greenpeace Action v. Franklin, 14 F.3d 1324, 1333 (9th Cir. 1992) (quoting FNAWS, 681 F.2d at 1182). Thus, where responses to the proposed action from "conservationists, biologists, and other knowledgeable individuals, [are] all highly critical" of an EA and are "all disputing [its] conclusion, the Ninth Circuit has refused to allow an EA alone to justify the proposed action. FNAWS, 681 F.2d at 1182.

The EA action alternatives are highly controversial as defined by CEQ and the Ninth Circuit. This controversy exists on several levels. The EA itself admits that "[t]here is a difference in opinion among biologists about how this closure may affect bison herds from the Hayden and Pelican valleys." EA 4.2.1.5. Comments from other biologists further define this dispute. See, e.g., comments from Jerry Thiessen submitted concurrently here with our comments, and the State of Montana. In fact, the research cited within the EA does not universally support the premise that elimination of groomed snowmobile trails will increase bison

winter mortality. Extrapolation of Copeland's MS thesis addressing wolverine behavior to bison in the Park seems to stretch that work far beyond its intended application.[3] The Aune MS thesis discusses varied research efforts, and Aune suggests, among other things, that interaction caused by recreation activity increases wildlife energy expenditure. Aune, K.E., 1981, Impact of Winter Recreationists on Wildlife in a Portion of Yellowstone National Park, at 85. However, these energy demands are not considered, and the EA is apparently based on the hypothesis that elimination of groomed trails will increase stress on wintering bison. To the extent any of the three studies cited by the EA discuss this issue, they are equivocal in concluding that recreational use of the Park has allowed bison to artificially survive winter.

The EA acknowledges that one of the controversial effects of any trail closure would be the potential for accelerated death of bison on the winter range within the Park. EA, 4.2.1.5. Whether additional bison winterkill will occur, the extent of such accelerated winterkill, or the aesthetic, spiritual, and biologic implications of such winterkill are all "controversies" within the CEQ regulations posed by the EA.

The discussion of the preceding paragraph (and much of the EA) may well be academic according to new research issued by the National Academy of Sciences. Cheville, N.F., McCullough, D.R. & Paulson, L.R. 1997. Brucellosis in the Greater Yellowstone Area, National Academy Press (publication anticipated in 1998).[4] Part II of that research specifically addresses the influences of grooming winter roads upon bison movement, and refutes the hypothesis that trail grooming has contributed to increases in bison population. Following an extensive review of the literature (including Meagher and Aune research) and independent research, the authors provide a substantial body of evidence refuting the premise for the EA. According to their findings, the authors conclude that bison travel cross-country as often as they use groomed roads, that population growth has been constant before and after groomed roads were available and used by bison, and that mortality is controlled by factors other than grooming. In short, "[t]here seems to be little supporting evidence of an ultimate effect of road grooming on bison population dynamics." Id. at Part II, p. 24. One may be pressed to even characterize the EA's effects as controversial, for the present body of scientific research seems to sternly reject the EA's theoretical foundation.

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[3] Mary Meagher has cautioned "it would be a mistake to equate bison biologically, and what they do here, with any other ungulate in Yellowstone, particularly elk." Forward to Meagher, M.M., 1993, Winter Recreation-Induced Changes in Bison Numbers and Distribution in Yellowstone National Park (cited in the EA at 4.2.1.5). If comparison of two large ungulate species actually residing in the Park is questionable, it would seem difficult to draw conclusions about grazing bison in the Park based on the activities of wolverines in central Idaho. While bison and elk are ungulate grazers, wolverines are nomadic carnivores which frequently move throughout an extensive home range.

[4] This work responds directly to an inquiry from Secretary Babbitt regarding brucellosis within the Park's vicinity. The research was released to the public in mid-December, 1997, and may be viewed on the Internet at http://www.nap.edu/readingroom/books/bisonelk.

In addition to the biologic issues that are hotly disputed, there are few knowledgeable individuals who are willing to adopt the EA's hastily-achieved conclusions about economic impacts. As the comments (and affidavits, where applicable) of Kim Raap, Roy Brown, Viki Eggers, Bill Howell, Glen Loomis, and Clyde Seely indicate, the EA's economic analysis is highly controversial.

Theoretical assumptions, such as the analogy to the 1995-1996 "federal shutdown" experience are questioned. During the "shut down" tourists were already present in West Yellowstone and other communities according to their previously-made plans. In the present situation, the press releases from the Park have caused confusion and have resulted in cancellations of reservations due to the fear of any potential for closure. Also, the "shut down" was a temporary situation, with the Park reopening in a matter of days. The "shut down" cannot provide an analogy to the looming threat of seasonal closure envisioned by the EA.

Arithmetic problems exist, including the failure to note that use numbers constituted snowmobiles, not visitors, thereby reducing the level of visitation in gateway communities. The studies conducted by the States of Montana and Wyoming both indicate that the EA greatly underestimates the potential economic impact of visitor use restrictions in the Park. Once again, the EA's conclusions about the effects of the EA action alternatives are highly controversial.

The agency certainly faces a difficult task in striking the appropriate management balance in the Park. Some might suggest that it would be impossible to make a decision in the Park that would not be "controversial." However, NEPA does not prevent one from striking the tough balance in such circumstances, it merely prevents declaration of that balance through an EA. Given the admitted uncertainty and serious dispute about the nature and effect of any action alternative, the NPS cannot implement those actions without conducting an EIS.

V. The Existence of Cumulative Impacts Precludes Implementation through an EA.

Similar to the preceding section, the CEQ regulations counsel that individual actions which have a cumulative effect upon the human environment must be considered in evaluating intensity during the "significance" inquiry. The CEQ regulations note that cumulative impacts can include "other past, present, and reasonably foreseeable future actions...." 40 C.F.R. § 1508.7. When an agency fails to consider "the impact that all past, present, and reasonably foreseeable future projects may have on the [Park's] resources" it cannot properly take action unless an EIS is prepared. LaFlamme v. F.E.R.C., 852 F.2d 398, 402 (9th Cir. 1988). Once again, the EA itself admits the existence of such reasonably foreseeable actions, but fails to address their cumulative effect in connection with any of the alternatives presented in the EA.

Numerous other methods are being considered to manage winter bison activity in the Bison EIS. The EA suggests that "devices that hinder bison movement" are being considered outside of this EA process. EA at 2.1. These alternate methods/devices include fencing, hazing, and

tunnels that would allow passage by recreationists but would not be traversed by bison, that are being studied and considered for use in the Park. However, the synergistic effects of these actions are never analyzed in the EA. Similarly, the ongoing planning is occurring under the Interim Bison EA which affects bison movements both inside and outside the Park, but the overlap between these efforts and the alternatives in this EA are never discussed. This oversight seems curious given the repeated emphasis during the Babbitt litigation of the possible relation between the various planning efforts. Even if these cumulative effects can somehow be deemed non-significant[5], the EA does not provide such a factual defense because these potentially cumulative effects are simply not discussed. On this point alone the EA suffers a fatal procedural flaw.

VI. The EA Fails to Perform Legally-Mandated Analysis of Potential Impacts to Endangered Species.

Ironically, the EA reflects a flaw that formed a central allegation of the complaint in the Babbitt litigation. Despite the existence of several species listed under the Endangered Species Act ("ESA"), the EA fails to conduct required consultation in a timely fashion, but only asserts that "copies of this document will be sent to the USFWS for informal consultation under Section 7 of the ESA." EA at 1.5. The assertion that informal consultation will be sufficient seems to contradict a later assertion that "[t]he NPS would consult with the USFWS on the gray wolf if Alternative 4 is selected." EA at 4.5.1.6. In other words, the agency sees a need to conduct more rigorous consultation only if it selects the no-action alternative, but will rely on informal consultation simultaneous to the decision process if an action alternative is selected.

The EA strategy fails to meet ESA and NEPA requirements. An agency cannot address ESA mandates as an afterthought, for NEPA requires proper discussion and presentation of issues early in the decision-making process. See, Save the Yaak Committee v. Block, 840 F.2d 714, 718 (9th Cir. 1988); 40 C.F.R. § 1508.27(b)(9). The Park's other planning efforts reflect awareness of this basic principle, for other EAs refer to consultation and biological assessments completed before distribution of the EA for public comment.[6] Exhibit "N" attached hereto, Summary and outline of EA addressing Madison Junction to Norris Junction road repair (attaching completed biological assessment). The present EA assumes that no formal consultation will be required through adoption of any action alternative, notes that the Park expects to consult anyway even if no action is implemented, and dictates the time that will be allowed for even informal consultation, despite the great uncertainty surrounding the interrelation of the Park's various resources. NEPA does not condone this procedure.

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[5] As noted above, such a conclusion would be difficult to reach given the fact that other planning efforts have occurred through the EIS process, not issuance of an EA.

[6] One should also note the Madison-Norris Road EA will apparently be on public review for 60 days, as opposed to the 30 days selected for this EA. See, Summary, at 2.

Aside from procedural errors, the EA fails to account for potentially significant impacts that the proposed actions may have upon endangered species. For instance, any increase in available carrion will potentially have an effect upon grizzly bears. The EA theorizes that such an effect would be beneficial. EA at 4.2.1.6. However, this increase may not be "beneficial" any more than abundance of forage combined with a series of mild winters has been "beneficial" for bison populations. According to the speculation of the EA, management actions designed to kill bison could actually lead to a one-time glut of carrion creating some impact on grizzly populations. Similar effects could occur for wolves, or could affect the interactions between grizzlies and wolves. However, the EA recognizes that even less is known about wolf use of groomed areas than ungulates. While these potential adverse or unknown impacts would typically warrant EIS generation, the EA consistently adopts blissful ignorance as a management philosophy.

VII. The EA Fails to Adequately Recognize the Potential for Adverse Impacts to Park Resources.

The EA summarily glosses over the issue of where bison will congregate and travel, in both the short and long term. While there is mixed support at best for the conclusion, the EA's unspecified research will be designed to test the hypothesis that the absence of groomed trails will prevent bison from accessing habitual winter foraging areas. If this hypothesis is correct, bison will have to travel and congregate somewhere. The implicit assumption is that many will die through failed efforts to find adequate forage or excessive energy drain through travel. However, these population effects will not occur magically or instantly, and any eventual mortality will be preceded by weeks, if not months, of activity. No attempt is made to conduct a reasoned analysis of the impacts created by this activity. The EA summarily, and perhaps correctly, implies that bison may congregate in thermal areas. EA at 4.2.1.1. The euphemistic statement that "[t]his may have an additive effect of unknown consequences on the local ecology..." closely parallels the general standard that actions which "may have a significant effect" cannot be implemented through an EA. Id.; FNAWS, 681 F.2d at 1178. The fact that bison may, or are supposed to, die through the proposed action causes concern, but even more troubling is the EAs failure to consider the possible impact on other park resources during the slow process of winterkill.

The EA's discussion of thermal impacts foreshadows its inability to meaningfully disclose possible adverse consequences of the proposed action. For instance, if bison have historically utilized hydrographic features for winter travel, and have been displaced to now rely on groomed trails as travelways, they would potentially be forced to revert to rivers as major travel routes. The research already indicates that bison migrate are dominate along the rivers and very few exit the Park on the groomed roads. Nevertheless, the EA fails to discuss the water quality impacts associated with this scenario, for the Clean Water Act does not limit its scrutiny to man-made pollutants. The preceding scenario is far from certain, and is probably guilty of the same oversimplification seen in the EA, but the relevant fact is the EAs failure to conduct meaningful discussion of potential impacts stemming from the proposed action. Similarly, the sight of bison slowly starving in the Park is an obvious potential effect (if the questionable basis for study is

accepted) that might be discussed in visual resources, wildlife, or recreation, but is ignored by the EA. NEPA is not designed to prevent unwise impacts to resources, but it is designed to provide full public disclosure of possible impacts. The EA consistently ignores probing or scientifically-supportable discussion of impacts for cursory speculation allowed by the settlement's inflexible deadline.

Beyond the Park itself, the EA fails to consider impacts in the Yellowstone area that may stem from the proposed action. For instance, in discussing other potential for recreational opportunity, the EA suggests that winter visitors to areas like West Yellowstone might find alternate sites to visit outside the Park. As it does in analyzing biologic issues, the EA oversimplifies complex relationships that reflect delicate balances. As the State of Montana has indicated, any additional use of National Forests or state lands in the vicinity of the Park will tax already-burdened state recreational programs. The EA attempts to find solace in suggesting that other recreational opportunities exist to offset lost Park-oriented revenues, but fails to conduct any discussion about the possible effects of any such displaced use.

VIII. The Listed Action Alternatives All Create a Precedent for Future Actions with Potentially Significant Effects.

One cannot reasonably argue that there are substantial movements afoot to dramatically reduce winter recreational use of the Park. The CEQ recognized the potential that planning efforts could be incrementally applied in such a situation to slowly resolve larger issues in the limited EA process. This argument is related to, but distinct from, the cumulative impact analysis, for the CEQ warns that intensity must consider "the degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration." 40 C.F.R. § 1508.27(b)(6). Adoption of any action alternative would not only create a trail-closure precedent, but would reflect a decision in principle about future planning efforts that are already underway.

The EA admits that other planning efforts are considering road closures. The EA mentions that both the Bison EIS and the update to the 1990 Winter Use Plan "may propose additional or different road closure options." EA at 1.5. In addition to these two EISs, the winter recreation EIS that the NPS has agreed to conduct as part of the Babbitt settlement will likely address the road closure issue. The CEQ regulations exist to prevent exactly this sort of foreshadowing of EIS issues through the EA process. Additionally, the selection of the Hayden Valley closure seems a transparent attempt to divide and conquer the gateway communities by slowly creating closure momentum through individual closure decisions. On the present facts and known long-term planning strategies, neither common sense nor the law allows closures like those proposed in the EA to be made outside of the EIS process.

IX. The EA Fails to Consider a Sufficient Range of Alternatives to the Proposed Action.

In its preoccupation with instituting trail closures, the EA fails to discuss a reasonable range of alternatives that would accomplish the purported need for the EA: to conduct research. Both the CEQ and courts have long recognized that the range of alternatives "is the heart of the environmental impact statement." 40 C.F.R. § 1502.14. The range is also critically important to an EA. Simmons, 120 F.2d at 668. This EA falls victim to its own confusing genesis, for it fails to recognize that it supposedly exists to address research alternatives, not just management closures. Thus, when discussing alternatives considered but rejected, the EA remains limited by its focus on road closure in addressing the purported need. When viewed properly, there are numerous other research alternatives that should be considered in a proper analysis. For instance, if one hypothesis maintains that bison utilize groomed travelways simply because those routes exist (as opposed to a known or instinctive need to reach a certain destination), then such a hypothesis could be tested by grooming new roads and monitoring bison use of these historically untraveled routes. As mentioned above, numerous other methods, such as fencing, hazing, or tunnel systems, might influence bison movement without instituting recreational closures. Research in Colorado demonstrates that deer prefer to migrate over freeways instead of through tunnels under the freeways. Given the limited scientific backing for the proposed action, this EA must consider other management efforts to comply with NEPA.

The range of alternatives issue further reveals the EA's failure to define its proposed research, for without some specification of the proposed research, one cannot even evaluate whether a reasonable range of alternatives has been presented. As in both the EA and EIS analyzed in Simmons, the agency is apparently only committed to formulations of the scientific process that will include road closure. NEPA does not allow such a one-dimensional focus in addressing a broad general need.

X. No Valid Data Supports Adoption of Any EA Action Alternative.

In the ultimate balance, the EA asks the public to support a management action that is admittedly driven by a paucity of scientific support, despite the fact that winter recreation, local economies, and the Park's natural resources might suffer substantial impact. This scenario would present a difficult cost-benefit dilemma if the action alternatives were quantified and driven by strong scientific support. When the only certainty in the equation is that adverse socioeconomic impacts will occur, the decision becomes easy. The Park cannot adopt a philosophy of management through experimentation. The NPS acts as a custodian of one of our Nation's treasures, not as a team of researchers manipulating a dynamic environment with the primary mandate of hypothesis testing. Even if one assumes that the process can correctly conclude that this balancing ultimately supports some action alternative, the CEQ does not allow such a decision to occur in an EA. 40 C.F.R. § 1508.27(b)(1) ("Impacts that may be both beneficial and adverse [should be considered in evaluating intensity]. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.").

This EA presents a unique conceptual issue, for it proposes to implement management closures for the asserted purpose of finding out what good and bad things will result. This approach is founded upon the premise that the agency simply does not know enough to support the subject closures on its present information, for if available science supported the closures, there would be no need to construct a "need for research" rationale. This creative approach would ultimately eviscerate NEPA, for under the EA's rationale, a greater state of ignorance would create a more compelling need to propose concrete actions.

XI. The EA Inadequately Discloses the Severity of Economic Impacts to the Locale.

The EA fails to adequately disclose or balance the severe impacts that any of the action alternatives will have upon the gateway communities. The many flaws in this analysis have been detailed by Kim Raap on behalf of the State of Wyoming Department of Commerce, Division of State Parks & Historic Sites, the State of Montana, Viki Eggers, Glen Loomis, Clyde Seeley, and Bill Howell, among others. We will not attempt to revisit every argument here. The EA relies on a simplistic analysis that state department's of commerce have already refuted with more recent data. The EA fails to properly extrapolate lost revenue projections, in some instances due to simple arithmetic error (e.g. failure to acknowledge that EA data reflected snowmobile numbers, not visitor numbers). As Mr. Raap has explained, when these errors are corrected, the low and high end economic loss estimates are substantially greater than projected by the EA. For example, Alternative 1, the proposed action, should display a high value of nearly $ 2 million dollars if only the correct expenditure/visitor value is used.

The EA also fails to conduct analysis of secondary economic effects. As the Affidavits of Bill Howell and Glen Loomis explain, tourism revenues recirculate throughout a town like West Yellowstone. These revenues support capital development, employment opportunities, and local government revenues. These business opportunities also promote industry efforts to better address many of the snowmobile issues faced by the Park. These efforts, such as the ongoing independent research studying snowmobile emissions and methods of their reduction, are being conducted to meet demanding professional standards. The EA fails to address the potential that any closure will have upon this intricate economic structure.

The EA neglects any mention of the increase in lost business opportunities that each closure will represent. While the proposed action might be viewed as a conscious effort to avoid a direct hit on West Yellowstone, any closure within the Park potentially creates momentum spurring further closures. The EA fails to adequately discuss the foundation that the proposed action creates for further decisions, benignly noting that subsequent planning efforts may amend decision made in the EA. EA at 4.9. Admittedly, the economic impact of such "momentum" is difficult to study, but this difficulty only demonstrates the inadequacy of the EA process in addressing this issue.

XII. The Haste Inherent in this EA Process Violates Procedural Requirements and Rational Judgment.

The EA's schedule for completion reveal's its true purpose: to comply with a major condition of the Babbitt settlement. Unfortunately, NEPA does not allow even an EA process to ignore basic procedural requirements simply because the generating agency and some private parties agreed to complete the process by a date certain. A federal agency typically would conduct public scoping prior to even generating its final list of alternatives, particularly when faced with a scientifically complex and politically controversial issue. See, generally, 40 C.F.R. § 1501.7. The EA reflects an awareness of its deviation from this practice, for it immediately defends the failure to conduct scoping by stating that the Babbitt settlement placed "time constraints...on the Park Service." EA at 1.4. This discussion also indicates that ongoing discussions with the public have addressed winter use issues since 1994. Id. However, this position necessarily acknowledges that these issues are highly controversial and are being approached through the procedural insulation of the EIS process, not in a hastily-conceived EA. The public planning process should not be compromised because the NPS agreed to push the EA process beyond its intended limit.

Numerous other flaws have developed from the woefully inadequate schedule for this EA. The agency denied requests by the State of Wyoming and several counties to obtain cooperating agency status on the EA, reasoning that "the State and counties did not have jurisdiction or special expertise with regard to the proposed action." EA at 1.5. However, the agency recently determined that these same entities, in addition to others, including the State of Montana, will be granted cooperating agency status in the upcoming EIS process. The agency must somehow explain how its decision of the same regulatory standard is completely different simply because one request sought participation in an EA process while the other applied to an EIS.[7] In reality, the requests were denied because the EA could not be completed according to schedule otherwise. However, NEPA does not allow an agency to abandon the requirement to make rational decisions for scheduling reasons.

Despite its attempt to rigorously adhere to its optimistic schedule, the NPS failed to achieve a critical element of that goal: timely distribution of the EA to known interested members of the public. Jack Welch, Executive Director of the Colorado Snowmobile Association chronicles this issue in detail. Exhibit "O" attached hereto, December 5, 1997, letter to Moore

[7] One can question the assertion that state and local governments lack "special expertise" in a decision addressing socioeconomic impacts within their own jurisdictions. The states, not the federal government, have long managed wildlife on state, federal, and private lands within their borders. See, e.g., Defenders of Wildlife v. Andrus, 627 F.2d 1238, 1248 (D.C. Cir. 1980). The NPS information about economic impact outside the jurisdiction of the Park pales when compared to the detailed studies of tourism revenue conducted by both Wyoming and Montana. The fact that Montana shares lead agency status with NPS on the Bison planning efforts presumably reflects awareness of the unique expertise that the neighboring states have in many of the Park's planning issues.

& McFadden from Mr. Welch. In short, the EA, which was already on a limited 30 day review period, was not actually received by the vast majority of interested parties via mail until early December. Thus, the EA incorrectly asserts that several thousand members of the interested public have had a full month to review its contents. EA at chapter 6. While the agency's ability to utilize technology by releasing the EA via the Internet should be commended, many members of the public are not capable of retrieving the EA in this fashion, and those that are must still rely on serendipity or notice through other sources to initiated retrieval efforts. In any event, NEPA and the CEQ regulations have not kept pace with advancing technology as effectively as the NPS, and Internet availability does not provide an approved method of NEPA publication.[8]

This EA's haste is only necessitated by the proposed action. Stated differently, adoption of any alternative other than the proposed action will occur through a quick and dirty NEPA process that would benefit greatly from additional preparation time. The proposed action would only cease grooming after mid-January, 1998.[9] Even the EA admits that the proposed action would provide limited useful information, for the "partial grooming" approach that it would study has not occurred before and is not likely to ever occur again. See, EA at 4.2.1.5. Given this admission, the asserted need to conduct valid research that can be generalized to other management actions, and the lack of adequate warning to visitors and gateway communities, there seems little basis for selection of the proposed alternative. However, the illogical and unsupportable proposed alternative holds every other alternative hostage to this ill-conceived EA process. There is little reason to render a final decision on January 10, 1998, since decision on

[8] According to phone communications on Friday, December 12, 1997, negotiations were ongoing to attempt an extension to the comment deadline. While such extension is certainly warranted, the agency has little maneuvering room if it intends to meet its agreed-upon rigid decision date. If the comment deadline is extended and the decision date adhered to, the agency will arguably make a bad situation worse by reducing the available time to adequately consider the comments submitted both before and after the original December 15, 1997, deadline. We have not been informed of the status of the deadline negotiations, but assume that such negotiations interpreting or revising public notice requirements are being conducted in a similar fashion to the underlying settlement of Babbitt, i.e., between counsel for the Fund for Animals and counsel with the Department of Justice.

[9] The EA promises that regular grooming will occur up to any final decision to cease grooming. We have some concerns about these representations, because visits to the Park immediately prior to its November closing revealed that grooming poles were not placed along roads in the vicinity affected by the proposed action. Exhibit "P", attached hereto, photographs taken on November 1, 1997, in the vicinity of Hayden Valley. Exhibit "P" shows that on November 1, 1997, the road segment from the north end of the proposed closure (pictures 1& 3) through Hayden Valley (pictures 2, 4-7) to its southern end at the Mud Pots (picture 8), do not have the snowmobile grooming markers at the pullouts similar to those in place along the other road segments in the Grand Loop where snow grooming is planned. If such action demonstrates that the Park Service has no intent to groom that segment even prior to the decision on this EA, then the Hayden Valley closure is a "done deal" even before the EA was released for public comment in contravention to the Park Service's legal counsel's representations to the Federal District Court Judge in court on October 27, 1997. See, Exhibit "J" at 43-44.

that date is unsupportable and would create a multitude of procedural legal issues that further analysis would avoid. Once again, this EA process is uniquely incapable of conveying its proposed action alternatives to implementation.

XIII. The Agency's Admitted Budget Shortage Implies an Unwillingness to Consider the Potential for Significant Impact in the EA.

Recent press releases suggest that the NPS lacks sufficient funding to conduct the EIS agreed to in the Babbitt settlement. These statements, if true, create an impermissible incentive to effect the maximum possible on-the-ground action through this EA process. Even if these predictions of financial shortage are ultimately revealed as false or creative fundraising, the damage to this EA has been done because the deciding official will be operating under the Park's presently-adopted concern that an ultimate EIS might not occur. As noted above, an EA can only adopt a FONSI and implement some action alternative, or determine that the potential for significant impacts necessitates an EIS. If the Park has publicly proclaimed an inability to pay for an EIS, the latter decision option cannot be fully considered, leaving only the former option. NEPA does not envision a choice between one option.

XIV. The EA Fails to Address Americans with Disabilities Act Issues.

The Americans with Disabilities Act ("ADA") requires the agency to make reasonable accommodation of disabled visitors. As detailed by the Affidavit of Edward P. Dougherty, the Park's treasures are enjoyed by many such individuals. At first blush, the proposed closures appear to uniformly banish all visitors, whether physically-challenged or not. However, one must look beyond the particular closure areas to properly analyze the impact of the proposed action. As Mr. Dougherty's second Declaration explains, the proposed action (and any other closure that breaks up the Grand Loop) necessitates a much longer trip for those who wish to experience all of the Park's features. Disabled riders are often unable to meet these added demands. In Mr. Dougherty's case, the Hayden Valley closure effectively limits his access to many areas in the Park, because it extends the trip length beyond his daily physical limit. At a minimum, the EA should address this issue so that all members of the public are provided an opportunity to understand and comment upon the Park's decision as it affects recreational opportunities for disabled visitors.

XV. The Actions Proposed by the EA Would Infringe on the Park's Contractual Relations and the Reasonable Expectations of Affected Businesses.

Unlike many government agencies that encourage private investment in public land recreational opportunities, the Park enters contractual agreements with concessioners who provide oversnow transportation services. For example, Bill Howell performs under such an agreement (a copy of which is attached to his affidavit, Exhibit "D" to these comments). The EA fails to mention how any of the preferred action alternatives will affect performance under these agreements. While some dispute the decision to encourage development of these business

opportunities, the Park has affirmatively promoted these activities. Now that numerous communities, individuals, employees, and families have responded to these calls, the Park cannot change it's philosophic course without at least acknowledging the potential impact of such a decision.

Even businesses that do not enter contracts with the Park must be analyzed in the EA. The CEQ regulations require analysis of impacts upon public health and safety. 40 C.F.R. § 1508.27(b)(2). As explained in the Affidavit of Viki B. Eggers and Glen Loomis, the Town of West Yellowstone relies heavily upon local accommodations tax revenues. In fact, 92% of the Town's general revenues are so derived, and roughly 40% of that income is gleaned during the winter season. Like most municipalities, the Town uses these revenues to perform various obligations, including those which provide public works and services. Affidavit of Glen Loomis. Any substantial reduction of this revenue will jeopardize the Town's ability to provide public services like police and fire protection. Even the threat of potential closures in the Park will place the Town in a dangerous predicament, where both visitors and recreation industry investors will be hesitant to commit to an uncertain future.

The timetable suggested by the EA fails to allow business owners enough flexibility to properly plan for agency decisions. The proposed action creates the most egregious scenario, for business owners have long made investment decisions and began the booking process for the 1997-1998 winter season, and the whirlwind planning process of the last few months has provided little opportunity to alter previously-charted business strategies. On a broader scale, the December 1 decision dates for subsequent processes unnecessarily perpetuates this same dilemma on a yearly basis. As the Affidavits of Messrs. Howell and Seely indicate, business owners must decide in the spring whether to make equipment purchases that collectively total over $ 7 million for West Yellowstone alone. As explained above, only the proposed action creates any need to cram the EA process into an ongoing winter season. Any attempt to evaluate future management options must provide sufficient lead time to provide business flexibility and mitigate losses.

CONCLUSION

This EA was launched under the assumption that it created only a process, not a predetermined result. Following the close of comment, the agency will be required to adhere to both the letter and spirit of those representations. The district court conditioned approval of the Babbitt settlement agreement on an open-minded decision process, and specifically instructed parties or non-parties to Babbitt to challenge any improper decision on this EA through litigation in any available federal court. Exhibit "J" at 16-17. A proper decision at the culmination of this ill-advised EA will avoid the need to adopt the Court's directive. A decision to adopt any action alternative provides little choice but for many heavily-affected interests to immediately initiate litigation. This scenario would provide a sadly ironic conclusion to an EA that was undertaken in order to avoid litigation.

YELL-14978 contd.

The EA is not based on good science, but rather an admitted lack of scientific justification. An increasing body of scientific knowledge rebuts the theoretical foundation for even considering the proposed road closures as bison regulatory measures. Rather than a bold beginning in a new subject matter, the EA comes on the heels of announced intentions to complete at least three other EISs that will address winter recreational use issues. Violations of the CEQ regulations abound in the EA. Confusion, overlap, and redundancy will reign until the Park defends the integrity of its long-term planning efforts. Public resources and countless personal efforts have been invested in the winter planning process, the interagency planning process, and the Bison EIS, and the Park should soundly reject any attempt to institute piecemeal management closure pending completion of those efforts.

Against the EA's flimsy scientific foundation, the Park must weigh the severe impacts to local economies, recreationists, and the Park's natural resources. The EA asks the public to gamble on speculation, with local economies, Park policy, and other unique resource values hanging in the balance. While this decision seems easy in this context, it is further simplified by the procedural flaws that have been the inevitable by-product of the EA's unprecedented short schedule. Law, science, and sound policy all condemn agency action under this recipe. The agency should adopt Alternative 4, so that recreational and wildlife management can continue to develop through existing and soon-to-be-initiated EIS planning.

Very truly yours,

MOORE & McFADDEN, CHARTERED

Susan E. Buxton

Paul A. Turcke

cc: Clients
Governor, State of Montana
Governor, State of Idaho
Governor, State of Wyoming
State of Montana Congressional Delegation
State of Idaho Congressional Delegation
State of Wyoming Congressional Delegation

18 of 18

MORGAN, FRANICH, FREDKIN & MARSH
A PARTNERSHIP OF LAW CORPORATIONS

[redacted]

Sept. 28, 1998

YELL-5989

Dear Ms. Hranson,

My family and I recently visited Yellowstone and enjoyed seeing the many free bison.

We support all efforts to maintain the bison on public land, and we oppose any policies which allow shooting bison which happen to cross park boundaries.

Please communicate this appropriately

Sincerely,
Mark Davis

YELL-1658

MORRIS, MANNING & MARTIN
A LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AT LAW
[redacted]

MEMBER,
COMMERCIAL LAW AFFILIATES
WITH INDEPENDENT FIRMS
IN PRINCIPAL CITIES WORLDWIDE

WASHINGTON, D.C. OFFICE
MORRIS, MANNING, MARTIN, LLP
[redacted]

NORTHSIDE OFFICE
[redacted]

August 26, 1998

Bison Management Plan EIS Team
National Park Service
Attn: Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-9901

RE: Bison Slaughter

Dear Ms. Bransom:

I am writing to let you know that I am totally against the senseless slaughter of Yellowstone buffalo. I was appalled to read that over 1,000 bison were slaughtered last year. This has got to stop. These beautiful creatures should be allowed to roam freely. They were here before you and I and should not be driven off the open land.

We in America seem to think we can drive native Americans out of their natural habitat and now we are doing so with the American Buffalo, a symbol of our natural heritage. Isn't it enough that we drove them almost to extinction at one point? They cannot defend themselves; we must do it. I strongly oppose any more slaughter of these wonderful animals. I will never again take my family to Yellowstone should this continue.

Regards,

Carol E. Brown

CEB/cb

7674

Moseley Outdoor Advertising

[redacted]

National Park Service www.nwf.org/nwf/endangered
Dear Ms BRANSom /buffalo/index.html.
Dear Sirs & Ladies.

I am in favor of the following:
NWF & Inter-Tribal Bison Co op plan
and Bison management by wild life pros.

To allow Bison to roam free on public land.

Limited harvesting when needed with the meat stamped and sold on the open market with the profit going to Bison management fund.

Give Bison priority over cattle on public land.

The livestock Board of Montana has no absolute authority over public lands of us citizens

I do not like to much Government control but you must do this thing in order to protect our heritage.

Sincerely
Carl D. Moseley

EMERGENCY PETITION TO SAVE AMERICA'S HISTORIC BISON

TO: Sarah Bransom
National Park Service

YELL-7674 contd.

FROM: Mr. & Mrs. Earl Moseley

As a concerned American citizen who cares about our national wildlife heritage, I urge you to stop the needless killing of the Yellowstone bison. They deserve to be treated as wildlife, not livestock, and should be given the freedom to roam on public land adjacent to the park -- without being shot!

I object to the preferred alternative, the EIS, as it sets a dangerous precedent by granting the Montana Board of Livestock, instead of wildlife officials, absolute authority over the Yellowstone bison.

I support the National Wildlife Federation and InterTribal Bison Cooperative proposal to manage Yellowstone's wild bison. This allows bison to be treated for brucellosis so that negative-testing bison can be relocated to Native American reservations and other public lands. This plan will ensure that the bison are treated as wildlife, not cattle, so that Americans for generations to come will be able to see this magnificent species in its rightful habitat.

Respectfully,

Earl M. Moseley

Mr. & Mrs. Earl Moseley
[redacted]

P2848

YELL-760

MUNDT & ASSOCIATES
ATTORNEYS AT LAW
[redacted]

Daniel H. Mundt*

[redacted]

*Also Licensed in [redacted]

July 27, 1998

Ms. Sarah Bransom
Interagency Bison Mgt. Plan
DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Dear Ms. Bransom:

My wife and I have been visitors to Yellowstone National Park on four separate occasions. We wish to go on record as strongly opposing any concept of a Bison Management Plan that would result in the killing of the Bison, which has already resulted in the death of over 1,000 of these magnificent animals.

We believe the Citizen's Plan to Save Yellowstone Bison is a much more rationale and intelligent approach.

We request that our written comments be included in the record and made available to other members of the Bison Management Plan program.

Thanking you for your attention, we remain

Respectfully,

Daniel H. and Catherine L. Mundt

DHM/kkb

07980101.133

YELL-2548

Public Comment on the Draft EIS for Yellowstone Bison Management

COMMENT: I wish to express my disappointment that the federal and state agencies have failed to submit to the public a viable plan to protect the Nation's last wild bison herd. ***I SUPPORT THE CITIZEN'S PLAN TO PROTECT YELLOWSTONE BISON.*** Components of the Citizen's Plan that I support include:

- Run Yellowstone National Park as a natural National Park, not a Zoo!
- Allow bison to roam on adjacent public lands up to the carrying capacity of these adjacent lands.
- Aggressively acquire additional winter range adjacent to the Park by purchase, conservation easements, and modification to grazing allotments.
- As an alternative to killing bison, implement live removal of excess bison to Indian reservations and other public lands.
- Bison are wildlife, not livestock, and should be managed by wildlife professionals, not livestock officials.

ADDITIONAL COMMENTS:

Signature: NJ Veteran memorial Home

Print Name: [redacted]

Street Address: [redacted]

City, State: [redacted] Zip Code [redacted]

This card must be signed and addressed to be accepted as a valid comment.* ***Due October 1, 1998.*

YELL-2530

Noel Young
Northfork Ranch
[redacted]

August 29, 1998

Bison Management Team,

I respectfully urge you to adopt the "Citizens Plan for buffalo management. This would provides a wild, roaming herd. The "Preferred Alternative" plan leaves Yellowstone's herds fate to the Montana Board of livestock whose solution is to kill the buffalo. These animals belong to all of us, not to Montana!

Sincerely,
Noel Young

YELL-16852

Bison Public EIS Comment

Name: George Hug

Organization: NorthWest BuildNet

Address: [redacted]

Email:

Comment:

Hello: I am writing about the draft EIS for the managing the Yellowstone Buffalo. Please consider incorporating the following suggestions into the plan, which as it now stands, it totally unacceptable.

Buffalo must be allowed to roam free on public lands adjacent to the Park up to the "carrying capacity" of these adjacent lands; if additional land is needed, the state and federal agencies should acquire additional winter range next to the Park;

As an alternative to destroying bison, excess, healthy buffalo should be moved to Indian reservations and other public lands;

Bison are wildlife, not livestock, and as such should be managed by wildlife professionals for enjoyment by the public in a wild and natural setting on public and tribal lands not by livestock officials who only serve a single, special interest; and

I have spent a number of vacations in the Yellowstone - Montana - Wyoming area and value very very much the sense of history, naturalness and grandeur that the buffalo bring to this region. They are part of the great western American heritage and should be protected and allowed to expand their rangep and both public and private land (where owners are willing).

Please stop the buffalo slaughter and implement these suggestions into a new scientifically based EIS for the buffalo.

Sincerely,

George B. Hug, Director, Internet Marketing: NorthWest BuildNet

From the National Wildlife Federation's online public comment form:
[redacted]

YELL-47164

NOVELTECH INC

September 18, 1998

Bison Management Plan EIS Team
National Park Service
P. O. Box 25287
Denver, CO. 80225-9901

ATT:. Sarah Bransom

Dear Ms. Bransom:

As a regular visitor to the Yellowstone area and Northwest Wyoming, I have been saddened to read about the destruction of buffalo outside the park limits. We revel at the sight of these wonderful creatures and we hope that their numbers will continue to grow.

They should be allowed to roam free not only on public lands, but on adjacent areas to the extent that this is feasible.

Certainly their destruction is unthinkable. Provisions should be made to move excess animals to new federally aquired lands or to existing national parks.

Having traveled all of the U. S. and much of the world, I can honestly state that the Yellowstone area of Wyoming is the equal of the most beautiful parts of the world.

Please consider the Citizen's Plan for managing buffalo.

Sincerely yours,

Dick Braun

NOVELTECH INC.
[redacted]

YELL-9543

PAIN RELIEF CENTER
DR. DEAN CURTIS/Director
Certified Chiropractic Rehabilitation Doctor
Disability Analyst and Fellow

[redacted]

October 6, 1998

Bison Management Plan EIS
National Park Service
P.O. Box 25287
Denver, CO 80225

Dear Park Service,

Please consider this letter in opposition to the recommendations for eliminating snowmobiling in Yellowstone National Park. I would like to specifically object to Alternatives 2, 3, 5 and 6. And, I support Alternative 7 which establishes a carrying capacity within the park for Bison. As of today, no scientific study reflects a negative impact on snowmobile use and trail grooming on the natural wildlife. Additionally, the purpose of the park is "for the benefit and enjoyment of all the people". I have previously snowmobiled in Yellowstone and plan to do it again.

Sincerely,

Dean Curtis

bison.doc

YELL-9144

Patiño-Treat and Rosen
ATTORNEYS AT LAW
[redacted]

Louis Charles Rosen*
Marita Patiño-Treat**

* Member [redacted] and [redacted] Bar
** Member [redacted] Bar

Cherry Hill Office
[redacted]

Please Reply to [redacted]

BY TELECOPIER 10/14/98
Addenda: page 3

October 15, 1998
Federal Express

Bison Management Plan EIS Team
National Park Service
Sarah Branscom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

RE: REVIEW OF DRAFT OF EIS FOR INTERAGENCY BISON MANAGEMENT PLAN

Dear Ms. Branscom:

ALTERNATIVE 2, with its non-grooming concept, is the best presented. The fact that some animals are resistant to brucellosis (factor #7, Summary of EIS Draft at page 3) suggests that a Minimal Management approach would allow natural events to result in the best stock. *Could brucellosis resistant bison produce a brucellosis -resistant strain?* Another good idea was to acquire additional winter range (7,2 and 3) - these are tracked in The Bison Alternative drafted by biologist D.J. Schubert for The Fund for Animals which I support entirely except I would add the proposal wherein live bison would be shipped to requesting tribes (3,4,5)- it is fitting to donate live bison to Native Americans, who respect this animal.

Omit hunting from all alternatives: it contradicts the Plan's purpose of maintaining a free ranging population of bison and does not address the goal of **preventing cattle raised in Montana for human consumption from being infected with** *Brucella abortus* **by seropositive bison who migrate into Montana** (transmission of B. abortus from bison to cattle has not been documented under free-range conditions; the reverse has been noted. Summary at page 2).

Hunting will not reduce brucellosis. For impressive trophies, hunters may kill the most desirable seronegative bison and thus weaken the genetic pool. Hunting does not necessarily cull the infectees. This increases the risk of transmitting *brucellosis* by leaving a greater density of infectees in what remains of the herd - a factor that would **increase** the spread of brucellosis (#2 at p.3

of the Summary). Hunting undermines the plans of capture, testing, vaccination, quarantine and release of seronegatives and slaughter (which must be mandated to be humanely done) of sero-positives (3,4,5,6,7)

Hunting will not prevent bison from migrating into Montana. Alternative 3,4, and 7 rely on hunting to regulate numbers and distribution of bison outside the park. Shooting and slaughter are back up methods in 1,2,3,4,7. The aforesaid alternatives do not suggest how hunting could prevent infection of cattle; however, 4 would allow "A limited hunt, *primarily for recreation* ...." (Emphasis added.)

Hunting will not guarantee that cattle raised for consumption do not become infected with *B. abortus*. If preventing cattle raised in Montana from being infected with *Brucella abortus* by seropositive bison is the goal, how does hunting, which can not distinguish infected bison, result in uninfected cattle? There is no causal relationship between hunting and stopping a risk of transmission from bison to cattle of *B. abortus*. The idea seems to be to sledge hammer any possibility by just killing bison.

Brucellosis abortus is destroyed by proper cooking. An aggressive policy of education as to handling and preparation of bison meat must be promulgated to all potential consumers (whether through hunting, receipt of meat/live bison, or sale at auction); said policy would present the paradox that it exists partly be cause hunters may take meat which cannot be determined to be uninfected to their tables! Until testing facilities are in place why not donate live bison to Native American tribes with the same stringent instructions on handling and preparation that must be given to hunters taking untested kill?

"Hunt", "shot," and "slaughter" are seen in all alternatives, as if there were an endless supply of bison and killing was one way to handle the infection risk, or bison that can't be hazed back over the border. Are there no naturalists, no veterinarians, no Native American with expertise or knowledge as to how to maneuver bison without killing them? If slaughter of seronegatives is done because tests can result in a false negative or false positive - this is almost the 21st Century - improve the tests.

Alternative 7- the "preferred Alternative" seems the most costly (Table, page 29) and least effective in limiting disease. It relies on an artificially controlled population of animals (which does not distinguish seronegative from seropositive)- the number to be kept within an arbitrary range. Low population numbers as a

means of stopping infectees migration into Montana is not explained but if bison left the park, bison "removals" would occur.

Nothing demonstrates that a smaller herd is less infectious, so a healthier one. On the contrary, just keeping the number of bison low may increase the ratio of infectious bison to susceptible ones. The agencies identified the "number and **density** of infectious animals in the host population" as a *brucellosis* risk factor. #2 at page 3 of Summary. (emphasis added).

Limiting the bison population contravenes the laws of natural selection; in a normal ecosystem, the balance of nature keeps a given population stable. Artificial thinning (3,7) may destroy the herd's finest, but even extermination of the bison, would not end all *brucellosis* in cattle. Cattle contract it from cattle.

Keeping bison numbers within *such a low range of 1700 to 2500 may so cut the herd that any disaster, drought, disease or other act of God could deciminate what is left of it. If bison must be removed, the enlightened way is to donate live seronegatives to Native American tribes.

Alternatives 3,4,5 propose "quarantine facilities wherein bison completing the quarantine procedure would be shipped live to requesting tribes or other requesting organizations," the latter should be defined as and limited to well-run, legitimate zoos. **Wherever** "shipped live" appears add "under humane, monitored conditions so they arrive uninjured" (Some of the most egregious abuse comes from shipping sentient animals like furniture; no food or water is provided; they arrive injured from crowding and falling.)

* In some scenarios, Sero**negatives** are quarantined ... [and] ...shipped for slaughter [what is this 'slaughter'?]...until quarantine facility built". As the language stands the bison would be slaughtered indefinitely; this contradicts the proposed increase in bison population that alternative 3 is slated to produce (see Discussion and Table p.35 Summary) and - coming from the agencies entrusted to guard our natural resources- shocks the conscience.

Very truly yours,

PATINO-TREAT AND ROSEN

By: Marita Patino-Treat
Marita Patino-Treat

*Addendum

PETER H. DIERLICH ASSOCIATES

YELL-3282

September 9, 1998

Bison Management Plan EIS Team
National Park Service
P.O. Box 25287
Denver, CO. 80225-9901

Attn.: Sarah Bransom

Dear Sir / Madam:

As a repeat visitor to the Yellowstone National Park area I am concerned about the Environmental Impact Statement released by the National Park service in June 1998.

The bison herd should not be managed by the Montana Board of Livestock. Bison are wildlife, NOT LIVESTOCK, and as such should be managed by wildlife professionals.

I urge the Park Service to re-write the EIS and incorporate the Citizen's Plan for manging the buffalo in the Yellowstone area.

Buffalo should be allowed to roam free on public lands next to the Park, and an alternative to killing excess buffalo they could be moved to Indian reservations or other public land areas.

Most importantly they should be managed by wildlife professionals for the enjoyment of all Americans as part of our national heritage on public and tribal lands.

Sincerely,

Peter H. Dierlich

Peter H. Dierlich

PHD/oy

YELL-3916 9/14/98

Planetary Productions, Ltd. [redacted]

19

DEAR MS BRANSOM

I'M WRITING TO ASK THE NATIONAL PARK SERVICE TO SUPPORT THE "CITIZENS PLAN" FOR BUFFALO MANAGEMENT IN YELLOWSTONE PARK.

THIS PLAN HAS BEEN ENDORSED BY OVER 16 REPUTABLE AND CONCERNED CONSERVATION ORGANIZATIONS, BOTH LOCAL AND NATIONAL. THIS PLAN IS A WELL-REASONED ATTEMPT TO STOP WHAT VERY WELL MAY BE THE SENSELESS SLAUGHTER OF THE VERY CREATURES THAT OUR NATIONAL PARKS ARE SUPPOSED TO PROTECT.

I HAVE VISITED YELLOWSTONE PARK WITH MY ENTIRE FAMILY, AND SEEING BISON IN THE WILD PROVIDED US ALL WITH A SENSE OF WONDER AND GRATITUDE FOR THE OPPORTUNITY TO SEE A SLICE OF NATURAL, WILD AMERICA.

SINCERELY,

[redacted]

YELL 10,100

[redacted]

PURDY RANCHES

James and Virginia Purdy
[redacted]

Oct 5. 1998

Sarah Bransom DSC-RP
Bison Management Plan EIS Team
Denver, Co 80225-9901

Dear madam:

As a rancher in [redacted] I know that Bison are not a problem to the wild. Please don't kill them as it is not for cause of concern. The land management is first to be considered. Do get more area near the park so there will be winter feed for them. Leave from those who offer it.

Cattle ranchers - as myself - vaccinate all of our herd and it protects from the bacteria of Brucellosis carried by Elk - mule deer - antelope - do all the above people with my cattle.

Let's get real about this - instead of political Do Buffalo need to be killed! Give them decent range & each rancher needs to care for his own cattle by a healthy vaccination program.

Sincerely - Virginia Purdy
(Mrs Bob)

YELL-3016

representing
Easley Hauling Service, Inc.
Haney Truck Line, Inc.
Richardson Enterprises, Inc.

Quality Transportation Services

September 4, 1998

Bison Management Plan
Attn: Sarah Bransom SDC-RP
PO Box 25287
Denver, CO 80225

Dear Sarah,

Although I live in the state of [redacted] and spend my winters in [redacted] I served on the Washington Fish and Wildlife Commission for thirteen years and I have a keen interest in the buffalo problem in Yellowstone National Park. I have read that over on thousand buffalo were slaughtered by hired guns after they migrated out of the park into Montana in search of food.

The legislative mandate for our Commission is to preserve, protect and perpetuate wildlife. We and forty-nine other states consider hunting as a valuable management tool which at the same time provides the funding needed to protect wildlife. The National Park Service from its inception has clung to the archaic conception that to manage wildlife you must ban hunting. A precedent has been established when the Forest Service many years ago banned deer hunting in the Kiobab National Forest. The result was , as in Yellowstone, the deer continued to reproduce to the point that they died by the hundreds from starvation. In 1948, Aldo Leopold wrote in the foreword to A Sand Country Almanac, "If fish and wildlife populations are to retain their character, vigor and wildness, they must have proper habitat and controlled harvest."

I believe there is a common sense solution to this issue. That is why I recommend that you redraft your EIS to incorporate the "Citizen's Plan" into the document and analyze it as a viable alternative. Bison are wildlife and, as such, should be managed by wildlife professionals not by livestock officials, who only serve a single special interest.

[redacted]

YELL-3016 contd.

In conclusion, if the National Park Service would amend its rules and allow hunting they could monitor the hunters, issue permits, and develop an income source that they need desperately.

Yours for Wildlife,

Norman Richardson

Norman F. Richardson
Washington Fish and Wildlife Comm., Ret.

cc: Tony Jewett
John McGlenn
Thea Levkowitz

THE RACHEL ROSENTHAL COMPANY

YELL-4650

9/16/98

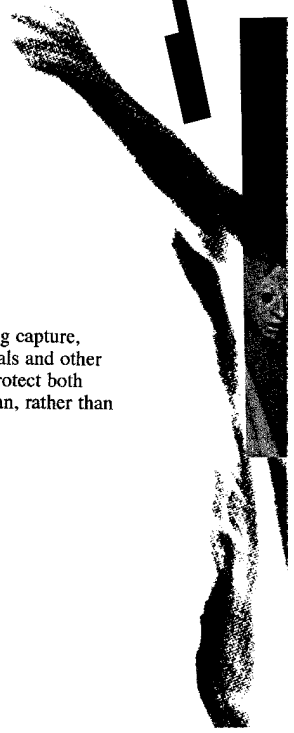
The Bison Management Plan EIS Team
National Park Service
Denver Svs. Center
Box 25287
Denver CO 80225-0287

Dear Bison Management,

Your plan for the Yellowstone National Park bisons, allowing capture, shooting, and slaughter, is unacceptable. The Fund for Animals and other environmental groups have proposed alternative plans that protect both human and animal interests. I urge you to adopt the latter plan, rather than the government's "Preferred Alternative".

Sincerely,

Rachel Rosenthal



YELL-5791

RANCHO SAN BENITO

[redacted]

Sarah Branson DSC-RP,
Bison Management Plan EIS Team
National Park Service
P.O. Box 25287
Denver, CO 80225

September 19,1998

Early in the Century, domestic cattle infected some of the bison herd with brucellosis. No free ranging cow has ever been infected by a free range bison. Yet, the cattle people would like to see all bison killed. They do not control the land as it belongs to the American people, and they must be reminded of it constantly.

Your Alternative #7 - cruel. Alternative # 2 - sensible.

Mr C.C. Edington
Mrs Ruth T. Edington

Yell-1303

RAVENTRAILS
wilderness exploration and education

[redacted]

Aug. 9, 1998

Bison Management Team
National Park Service—Sarah Bransom DSC-RP
PO Box 25287
Denver, CO 80225-0287

Dear EIS Team:

I am writing you with my concerns and comments regarding the Bixon Management Plan for Yellowstone Park and the surrounding lands. I am a nine-year [redacted] resident, hold a Masters degree in wildlife biology from the University of Montana, and am co-owner and operator of a small nature tourism business that runs trips in Yellowstone.

Bison are valuable to me personally as a symbol of wildness, and observing them or signs of their presence has given me great pleasure over the years when I have visited the park. My clients also find bison to be one of the most exciting and intriguing animals they have the opportunity to see. I believe the attractiveness of Yellowstone as one of the premier wildlife sanctuaries in the world would be greatly diminished if the slaughter and heavy-handed manipulation of bison were to continue, or intensify, which seems likely under the EIS' Preferred Alternative.

I will address a few specific points regarding the EIS and the bison-brucellosis issue below, but want to state here that it is my belief that the uproar over brucellosis is largely fabricated, and not based on sound science nor rational principles of wildlife management. Rather than approaching this entire issue from the perspective of "how do we keep bison from infecting cattle (and maybe keep a few bison in Yellowstone for the tourists)", I feel the discussion should be framed more with the *conservation* and *restoration* of bison in mind, and working to overcome obstacles to this goal. For too long, bison have been treated as some bastard cousin to domestic cattle, to be confined to a few parks, fenced with wire or bullets. More recently, the view of bison has begun to flip in the opposite direction, where bison are the Cadillac version of livestock, bringing high prices for their parts and meat as fashion dictates. However, neither perspective allows bison to be what they are—just another wildlife species that has a

YELL-1303

distinctive and important role in western grassland ecosystems, and which have a right to survive and flourish in their native lands.

Instead of the Preferred Alternative, or any of the other alternatives offered in the EIS, I am largely in support of the Citizen's Plan to Save Yellowstone Buffalo, as endorsed by numerous regional and national environmental groups. I am against:

- Continued killing of bison as they leave the park.
- Capture, testing, confinement, and slaughter of bison.
- Lethal, or live, removal of any bison from the Yellowstone ecosystem until herds have recovered to a scientifically determined number that will be self-sustaining over the long-term, and provide an adequate base for future recolonization of suitable public lands surrounding the park.
- Vaccination of wild bison. Biological manipulation of wild animals is not appropriate anywhere, and certainly not in a national park.
- Having the Montana Department of Livestock, or any agriculture-related agency, in charge of making decisions about wild bison.
- The setting of a limit or ceiling on the number of bison allowed to live in Yellowstone.
- The sale of bison or bison parts to private entities by the state of Montana or any other government agency.
- Quarantine facilities in or near Yellowstone.
- Continued expenditure of taxpayer dollars to "protect" private livestock from a virtually nonexistent risk which ranchers and the livestock industry themselves could sensibly deal with through relatively simple, relatively inexpensive measures.

I am for:

- Continued research on brucellosis, the risks of transmission—not just from bison, but from all potential carriers in the ecosystem, and ways to diminish the risks and costs to livestock operators.
- Vaccination of all domestic cattle within the Yellowstone ecosystem, or at least bison wintering areas outside the park. I could agree to taxpayer support for such a program.
- The Montana Department of Fish, Wildlife and Parks taking charge of management of bison within the state of Montana.
- The acquisition of key private lands adjoining the park to provide additional winter range and migration corridors for bison.
- Examination of Forest Service grazing allotments in areas adjacent to the park, in terms of appropriateness of grazing dates and length. The permanent closure of some allotments should be considered. Buyouts, trades, or other forms of compensation could ease the burden for individual ranchers.
- Alterations in patterns and periods of plowing, grooming, and allowing snowmobile use on park roads in winter, as deemed necessary and desirable by wildlife scientists.
- Relocation of bison to tribal lands or other western public lands where bison recolonization and recovery is feasible.

I understand that some of my comments may seem extreme or strongly idealistic. However, I believe that until we start seriously envisioning a much different reality for bison, we will not move very far from the current status quo of heavily manipulated, limited, and segregated animals. The Yellowstone bison crisis is an opportunity to look deeply at the assumptions and attitudes that have guided bison management policy to date, and at the logical conclusion we have been brought to by the emphasis on livestock industry prerogatives.

When the last wild, free-roaming bison herd in the United States is attacked every year by government gunners; when the reason for the slaughter is (ostensibly) to ward off a disease which has never been known to move from wild bison to cattle; when the continent once teemed with bison, which are a cultural icon for many Native American tribes, and now bison exist as mere relics of the past; when less costly, more sensible remedies exist to reduce the already nearly nonexistent risk to ranchers—with all this, what is really more extreme? More bison killing and manipulation, or consideration of a different way?

Thank you for your review of my comments.

Sincerely,

Mollie Y. Matteson

14,688

COASTAL CONSULTANTS / RICHARD RAYMOND ASSOCIATES, INC.
Environmental Communication, Management, Planning & Training
[redacted]

TO: **Bison Management Plan, NPS**

FAX NO. **303 969-2736**

FROM: **Rick Raymond**

DATE: **Monday, November 2, 1998**

NO. PAGES: **1**
(including cover)

RE:

The slaughter of buffalo does not serve the long-term value and goals of this country. I write in support of Plan B, a biological alternative (http://www.wildrockies.org/PlanB). Please consider:

*** bison must be treated like wildlife, not like domestic livestock;**

*** require the vaccination of cattle, not bison;**

*** immediately prohibit the capture and slaughter of bison inside or out of Yellowstone National Park;**

*** eliminate cattle grazing on public lands surrounding the park and allow bison to use these lands without restrictions;**

*** rifle hunting of Yellowstone bison is unethical, unsporting, and should not be permitted;**

*** establishment of a quarantine facility for Yellowstone's bison will be a multi-million dollar waste of federal and state tax dollars and is entirely unnecessary.**

*** native tribes need a larger voice in regards to this issue**

YELL-4868

RIVER BEND RANCH
[redacted]

Larry & Claire Wilson, Owners
Ryan Little, Manager

Sept. 9, 1998

Bison Management Team
National Park Service
P.O. Box 25287
Denver, CO 80225-0287

Dear Sarah Bransom,

Living in [redacted], each winter I have read the newspaper accounts of the buffalo slaughter, and each winter I have been sickened by it. I have thought that the slaughter is insanity and that there must be a better way to protect cattle from the possibility of brucellosis infection from buffalo.

Now I find there is. The attached Citizens' Plan says it better than I could.

I endorse this plan whole-heartedly & fervently hope we do not have any more winters of buffalo slaughter. I want to see this plan adopted!

Sincerely,
Claire Wilson

[redacted]

YELL-2768

ROLY BOH
INTERNATIONAL, INC.

[redacted]

Bison Management Plan EIS Team
National Park Service
Ms. Sarah Bransom DSC-RP
P.O. Box 25287
Denver, Co. 80225-9901

Ms. Bransom,

I am writing to inform you that I am in favor of The Citizens Plan to save the Yellowstone Buffalo. The current government plan is flawed by the second sentence of that plan.

My interest is inspired by my concern for the white tail dear in my [redacted]. The annual hunting season is fast reducing the population. I do not believe that the count supplied by the Ohio Department of Natural Resources is accurate. Further, the farming here is uneducated. The over use of fertilizers have already killed two very fine trout streams. The Mad river and MacOchee creek no longer support wild life.

Let us not make another mistake in Yellowstone!

Sincerely,

Bob Harrington

RUSSELL LAMB PHOTOGRAPHY

YELL-4495

[redacted]

SEPTEMBER 4, 1998

BISON MANAGEMENT PLAN EIS TEAM
NATIONAL PARK SERVICE
SARAH BRANSON DSC-RP
POST OFFICE BOX 25287
DENVER, COLORADO 80225-9901

DEAR MS. BRANSOM:

I SHOULD LIKE TO INTRODUCE MYSELF. I AM A LARGE FORMAT PHOTOGRAPHER, MOUNTAINEER, MEMBER OF THE AMERICAN ALPINE CLUB, MOUNTAIN RESCUE AND OTHER VARIOUS ORGANIZATION CONCERNED WITH THE PROTECTION OF OUR ENVIRONMENT FOR FUTURE GENERATIONS. I HAVE CARRIED OVER 100 POUNDS OF CAMERA EQUIPMENT INTO REMOTE REGIONS OF BOTH MONTANA AND WYOMING AND AM NOT AN 8-5 OFFICE WORKER OR AN UNINFORMED ARMCHAIR OBSERVER. I HAVE RAFTED THE RIVERS, CLIMBED THE MOUNTAINS AND HIKED THE TRAILS AS EVIDENCED BY MY BOOKS. I HAVE PRODUCED MANY LARGE FORMAT BOOKS TO INCLUDE MONTANA AND WYOMING WHICH YOU WILL FIND IN LIBRARIES. I HAVE BEEN TOLD BY NATIVES OF THESE STATES THAT I KNOW THEM BETTER THAN THEY DO BECAUSE I HAVE BEEN ABLE TO EXPLORE WHILE THEY HAVE BEEN AT THEIR DESKS OR ONLY OF WEEKEND EXCURSIONS. IT IS WITH THESE QUALIFICATIONS THAT I AM VIOLENTLY OPPOSED TO THE KILLING OF ANY BISON. ALSO THOSE WHO WOULD PROFIT FROM THIS SLAUGHTER ARE THE KINDS OF PEOPLE THAT I DETEST.

CONCERNED CITIZENS RESENT THE GOVERNMENT YIELDING TO POLITICAL AND MONETARY INTERESTS. WE ALL KNOW THAT THE ISSUE IS NOT ABOUT THE DANGER OF THE DISEASE WHICH IS ONLY BEING USED AS AN EXCUSE, BUT IS MORE ABOUT SPECIAL INTEREST GROUPS. I THINK THIS IS BEST ILLUSTRATED BY RANCHERS GRAZING THEIR CATTLE ON PUBLIC LAND FOR ONLY A TOKEN PRICE. ALLOWING THIS IS A FLAW IN OUR LAWS WHICH MUST, BUT WILL NEVER BE CHANGED SINCE THEY HAVE BEEN ON THE TAKE FOR A LONG TIME. THIS BREED MUST LEARN TO PAY THEIR SHARE RATHER THAN BE DEPENDENT ON THE GOVERNMENT FOR HANDOUTS AT THE EXPENSE OF THE TAX PAYERS. THEY HAVE LEARNED TO EXPECT SOMETHING FOR NOTHING AND THIS PRACTICE MUST BE HALTED.

YOU MUST ASK YOURSELF THE FOLLOWING QUESTIONS:

1. IS THIS ACTION TO SATISFY THE INTERESTS OF THE MINORITY OR THE MAJORITY MANY OF WHOM HAVE NOT HAD THE OPPORTUNITY TO RESPOND VOICING THEIR OBJECTION TO THE KILLING OF BISON? FACTS CLEARLY INDICATE THAT THIS ACTION WOULD BENEFIT ONLY THE MINORITY AND THIS IS NOT DEMOCRATIC.

2. ARE YOUR BAD DECISIONS BASED ON FACTS AND NOT JUST FOR POLITICAL OR MONETARY REASONS WITH THE BISON ISSUE AS A EXCUSE?

YELL-4495

RUSSELL LAMB PAGE 2 CONTINUATION

THE FACTS INDICATE THAT THERE IS NO CONFIRMED CASE OF ANY BISON TRANSMITTING BRUCELLOSIS TO CATTLE IN THE WILDAND IF SO WHERE IN THE DOCUMENTATION?

THE FOLLOWING ISSUES SHOULD BE ADDRESSED AND THE FOLLOWING ACTION TAKEN:

1. CATTLE GRAZING ON PUBLIC LANDS SHOULD BE STOPPED. IF THE GOVERNMENT CONTINUES TO ALLOW THIS PRACTICE THE RANCHERS GRAZING FEES SHOULD BE INCREASED TO COVER THE COST OF BISON MANAGEMENT.

2. THE GOVERNMENT SHOULD AQUIRE ADEQUATE LAND FOR BISON MANAGEMENT (SURPLUS TAX PAYER MONEY AVAILABLE)

3. PROHIBIT SNOWMOBILES IN YELLOWSTONE NATIONAL PARK. IT IS A PRACTICE THAT NEVER SHOULD HAVE BEEN SANCTIONED. ANY SNOWMOBILES OPERATING IN THE PARK SHOULD ONLY BE USED BY RANGERS OR LICENSED OPERATORS TAKING TOURISTS. THE UNCONTROLLED USE OF THIS EQUIPMENT IN THE PARK MUST BE STOPPED AND THE NUMBER OF TRAILS USED BY RANGERS AND LICENSED OPERATORS MUST BE LIMITED.

4. THE USDA HAS NO AUTHORITY OVER THIS ISSUE.

5. NO BISON POPULATION OBJECTIVES SHOULD BE ESTABLISHED.

6. REESTABLISHING A PUBLIC BISON HUNT IN MONTANA IS ABSURD AND BENEFITS ONLY THE HUNTER TYPES OR THOSE ENGAGED IN THE FIELD OF TAXIDERMY AND WILL ONLY ATTRACT UNDESIRABLES. I AM SURE THAT THE GOVERNOR OF MONTANA WOULD WELCOME THE DECISION TO REESTABLISH HUNTING OF BISON AS HE WOULD RECEIVE MUCH SUPPORT AND THE VOTES OF RANCHERS AND HUNTERS EVEN THOUGH THEY ARE IN THE MINORITY AND HAVE NEVER VISITED YELLOWSTONE.

MY ADVISE AND WISH IS L E A V E T H E M A L O N E WE HAVE NOT RETURNED TO THE DAYS OF BUFFALO BILL.

IT IS MY OPINION THAT ALL OF THOSE RESPONSIBLE TO INCLUDE POLITICIANS AND HIGH RANKING OFFICALS RESPONSIBLE FOR THIS BISON SLAUGHTER SHOULD BE HUNG FROM THE TALLEST TREE.

BECAUSE OF THE STRONG FEELINGS OF THE MAJORITY OF THE AMERICAN PEOPLE (MANY OF WHOM HAVE NOT HAD THE OPPORTUNITY TO EXPRESS THEIR OPPOSITION TO THE BISON SLAUGHTER) IT IS QUITE POSSIBLE THAT THERE WILL BE RIOTING AND BLOODSHED OVER THIS ISSUE. I HOPE NOT.

THE GOVERNMENT TOOK THE BUFFALO OFF OF THE COIN AND NOW HE WANTS TO TAKE THEM OFF OF THE LAND.

SEVERAL PHOTOGRAPHERS INTEND TO VIDEO THIS SLAUGHTER IN THE NEAR FUTURE.

YOURS TRULY,

RUSSELL LAMB

[redacted]

YELL-15870

August 14, 1998

Sarah Bransom,
Interagency Bison Management Plan, DSC-RP
P.O. Bos 25287
Denver, Colorado 80225-0287

Dear Ms. Bransom:

I have reviewed the Park Service's draft Environmental Impact Statement for the Interagency Bison Management Plan for Montana and Yellowstone, and in my opinion, it falls short on many levels. With this letter I ask that you re-work the EIS and put forth a management plan based on solid science and common sense.

For cultural, environmental, and economic reasons, I consider Yellowstone's buffalo herd to be a valuable resource -- too valuable to be squandered needlessly. It is as simple as this: we don't have to destroy Yellowstone's buffalo to protect Montana's cattle from Brucellosis.

None of the alternatives presented in the draft EIS would resolve the brucellosis issue. Rather, implementation of the preferred alternative would ensure the ongoing slaughter of buffalo in Montana. As an American citizen who cares about our Western heritage, I find this unacceptable. Through the application of substantive, scientifically sound management strategies, the conflict in Montana could be settled with benefits to both livestock producers and wildlife. But the livestock industry must take its fair share of the responsibility.

There has never been a documented case of brucellosis transmission between wild buffalo and range cattle, the threat posed by buffalo to Montana's livestock is very small. Given that total eradication of brucellosis in Yellowstone is impossible, the price to the public of chasing this pipe dream is too high. The agencies must manage for risk reduction as the more appropriate expenditure of my tax dollars.

The InterTribal-Bison Cooperative/National Wildlife Federation's Seven Point Plan takes a rational, scientific approach to resolving the conflict. I support this plan, which features several important points lacking in the preferred alternative. The draft EIS, for example, provides no assurances that buffalo will be allowed to range on public lands outside the Park. Nor does it ensure that buffalo captured and placed in quarantine would ever make it out alive or be transferred to tribal governments, public land, or wildlife agencies. The ITBC/NWF plan covers all these issues and works to assure what little risk of transmission that exists is further reduced. Please analyze the ITBC/NWF plan (also know as the Citizen's Plan) as a new alternative in a reissued Draft EIS.

My specific comments on the EIS follow:

- The draft EIS is flawed because it fails to recognize or coordinate with Native Americans and their relationship with buffalo
- Any live transfers of health certified, brucellosis-free buffalo must be to public entities, i.e. tribal governments, public land or public wildlife management agencies. These buffalo are a public resource and must not be sold and privatized by Montana.
- Montana commits to nothing in the draft EIS, including the Preferred Alternative. For a decision to have any credibility with the public, Montana must commit to:

  1) endorsing the APHIS definition of "low risk" buffalo;

  2) allowing a minimum number of low risk buffalo on public lands outside of Yellowstone;

  3) transferring management authority over wild buffalo back to the Montana Department of Fish, Wildlife and Parks.

  4) assuring any final decisions to allow buffalo on public lands outside to Yellowstone, as verified by the Governor's signature must not be overruled or vetoed by the Montana State Veterinarian;

  5) working with the federal government to aggressively pursue acquisition by public land management agencies of key buffalo migration routes and winter ranges outside Yellowstone.

- Allowing buffalo on public lands within the SMAs **cannot and must not** be subject to the daily whims and arbitrary discretion of the Montana State Veterinarian.
- The quarantine protocol found in Appendix B is too costly, severe and inhumane. It is Montana's way of assuring that no buffalo will make it out of quarantine alive. Any quarantine must be based on a pasture system rather than a system of small holding pens as proposed. APHIS must develop and approve a more reasonable quarantine protocol, similar to its quarantine protocol for cattle.
- The U.S. Forest Service must commit to ensuring separation between buffalo and cattle grazing on public lands by modifying grazing permits on forest allotments in the Greater Yellowstone Area.

The draft EIS fails to analyze the economic value of wildlife versus cattle in the Yellowstone Area. All these buffalo are being killed to avoid contact with only 2,000 cattle. Please consider more conservative, cost effective options, including alternate grazing areas for the affected cattle herds.

I appreciate your careful and thoughtful consideration of my comments.

Sincerely,

John F. Rainey
Chairman
Santee Cooper

[redacted]

Saturday Night and Sunday Morning Ltd.

9/29/98

YELL - 6406

Bison Management Plan EIS Team
National Park Service
Denver Services Center
PO Box 25287
Denver, Co. 80225

To whom It May Concern:

My family and I are against the horrendous massacre of the buffalo! The capture and slaughter - agency shooting, public shooting, quarantine, or vaccination of buffalo are all unacceptable to any thinking, educated people!

You know what the Bison alternative is - a humane, sensible, cost effective way to resolve the Buffalo Controversy!

Do something before it is too late!!!

Sincerely,

Helen, Clark + Nate Ranger

Clark and Helen Holt Ranger • [redacted]

J. DAVID BAMBERGER
Ranching and Investments
[redacted]

SELAH
BAMBERGER RANCH

YELL - 4037

9-12-98

DEAR MS BRADSON -

I DO NOT LIKE THE PLAN THE GOVERNMENT HAS FOR CONTROL OF THE BISON IN AND AROUND THE YELLOWSTONE AREA IN MONTANA. I RAISE CATTLE AND HAVE HAD BISON AS WELL. MY EXPERIENCE WITH BOTH TOGETHER HAS BEEN VERY GOOD BUT MOSTLY I BELIEVE THE BUFFALO IS PART OF OUR HISTORY AND CULTURE TO A DEGREE. I BELIEVE THE PARK SERVICE SHOULD GIVE MORE CONSIDERATION TO THE CITIZENS WHO LIVE AND RECREATE AND MAKE IT AS YOU DO TREES AND PLANTS AND OTHER WILDLIFE. I BELIEVE SOCIETY WANTS THE BUFFALO PROTECTED MORE SO THAN RECENT TIMES HAVE DONE - SINCERELY,

Ranch: [redacted]

YELL-8110

SILVER CLOUD FARM

Registered Romney Sheep
Natural Colored and White

Fleeces for Handspinning

[redacted]

September 30, 1998

Dear EIS Team,

Being a livestock raiser, I know how easy it is to blame wildlife for our problems. However I also feel strongly in support of wild bison.

In order to foster the Yellowstone herd's survival and health, I urge you to do all in your power to nurture the bison: don't fence them in, don't slaughter them, and value them higher than cattle in the region they inhabit.

The bison is a world treasure, in its natural state. Let's keep them that way.

Thank you,

Kent Erskine

SMITH & DOHERTY, PLLC

STEPHEN A. DOHERTY
[redacted]

PATRICK L. SMITH
[redacted]

November 2, 1998

YELL-15368

Bison Management Plan EIS Team
National Park Service
Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Re: Comments on Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park

Dear Ms. Bransom:

I am submitting these legal comments on the Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park on behalf of myself. The InterTribal Bison Cooperative is also submitting more detailed comments which may incorporate many of the legal comments contained herein. However, I wish to supplement their comments with my own. Thank you for the opportunity to comment.

Sincerely,

SMITH & DOHERTY, P.L.L.C.

By: _____
Patrick L. Smith

Enclosure

COMMENTS OF PATRICK L. SMITH
REGARDING THE DRAFT
ENVIRONMENTAL IMPACT STATEMENT
FOR THE INTERAGENCY BISON MANAGEMENT PLAN
FOR THE STATE OF MONTANA AND YELLOWSTONE NATIONAL PARK

NOVEMBER 2, 1998

The preferred alternative for long-term management of Yellowstone bison perpetuates the slaughter of the Nation's last free-roaming bison herd to protect the same livestock interests that eradicated the American bison from Native American lands in the 19th Century. The Department of Interior and State of Montana must acknowledge and accommodate the repeated requests from Tribal Nations to implement a more humane and respectful bison management policy.

Native American religious concerns and cultural values are embedded and impacted by management decisions concerning the survival of the last free-roaming bison to survive the 19th Century. In prayer pipe ceremonies on the steps of the United States and Montana Capitols, and in the bison killing fields along the Yellowstone and Madison Rivers, Native American political and religious leaders have pleaded with Federal and State officials to stop the unjustified slaughter of Yellowstone bison.

On February 12, 1997--in the middle of the largest bison slaughter of the 20th Century--Fort Peck Tribal Chairman Caleb Shields made a plea in a special address to a joint session of the Montana Legislature regarding Yellowstone bison:

> *Like us, they are the last survivors. Those of our ancestors that survived the 19th Century found sanctuary on reservations. In 1894, the last wild buffalo herd left in the United States--about 20 head--found sanctuary in Yellowstone Park.*
>
> *I speak for all Montana Indian Nations when I say that the slaughter of this wild herd must stop. The killing is out of hand. Hundreds of buffalo have been slaughtered without even attempting to test them for brucellosis.*
>
> *Our cultures are different on this issue. Under our religion, buffalo are respected. They are good medicine. Their skulls and hides adorn our most sacred lodges. We still dance, sing and pray to them. What is occurring now outside Yellowstone Park is disrespectful.*
>
> *At the close of the 19th Century, Indian Nations do not have a seat at the table on buffalo policy. We deserve a seat at the table now. This issue is fundamental to our culture and we believe we can contribute to this policy in a positive and respectful manner.*[1]

His plea fell on deaf ears. The slaughter of Yellowstone bison escalated after his address.

The member Tribes of the ITBC have joined with national, regional and local conservation groups and communities to develop a balanced alternative. The Citizen's Plan accommodates the *rational* concerns with the spread of brucellosis, while recognizing that the Yellowstone bison herd is a National treasure that should be protected and allowed to roam within the context of defined management areas and less lethal management tools.

Yellowstone bison policy needs to shift from the lethal management schemes employed in the past and embodied in the EIS preferred alternative, to stewardship schemes as reflected in the Citizen's Plan. Just as jurisdiction for Federal Indian Policy was transferred in the 19th Century from the Department of War to the Department of Interior, bison policy at Yellowstone must undergo a similar transition. As the 21st Century approaches, bison policy must not continue to be controlled by thinly-veiled 19th Century attitudes, biases, and economic interests. The United States Government and the State of Montana must adhere to the legal

[1] See Declaration of Mike Fox, at 8 and Exhibit 2. A copy of this Declaration and attachments is in enclosed and incorporated herein by reference.

and moral obligation to act as a guardian--rather than executioner--of the Nation's last wild bison herd.

This long-overdue shift in policy and attitude has profound implications for Native American people that extend far beyond the Yellowstone ecosystem. This is one of the reasons the Yellowstone bison saga has resonated so strongly across Indian Country. Many Indian Tribes and Native Americans believe that the plight of the Yellowstone herd is inextricably tied to their own survival. They believe that respect for the Yellowstone bison and the defense of the bison's inherent right to prosper in the Yellowstone ecosystem are intertwined with Native American prophecies that portend the return of the Buffalo Nation. The United States Government and the State of Montana appear oblivious to this cultural concern, though it has been made repeatedly by tribal political and cultural leaders.

The forty-three Tribal Nations represented by the ITBC are dedicated to restoring bison to North America and to restoring cultural and religious respect for bison. The management policy proposed for the Yellowstone bison herd will only result in the continuation of bison slaughter without justification. The ITBC Tribes request that the Department of Interior honor its fiduciary and legal obligation to consult with Tribal Nations on this matter and modify its bison policy accordingly. Since time immemorial (pre-biblical times), Native Americans have enjoyed a special cultural relationship with American bison. Many tribal creation stories and religious ceremonies center around the bison. The United States Government and the State of Montana have no such cultural or historical relationship with bison. As the millennium of colonization and industrialization comes to an end, the time has come for the United States Government to acknowledge the historic and cultural relationship that exists between Tribal Nations and the Buffalo Nation, and allow the Tribal Nations a seat at the table in developing bison management policy--especially when this policy concerns the continued survival of the Nation's last

surviving wild bison herd.

ITBC submits that such a change in bison policy is justified not only because of moral and historical and cultural context. It is also required by law and policy. Several principles of federal law and policy converge to provide a legal foundation for a new Yellowstone bison policy that affords recognition and respect for the cultural and religious relationship Tribal Nations enjoy with the Nation's last surviving free-roaming bison herd. This penumbra of rights logically begins with another "special relationship" which the Supreme Court recognized and enforced 166 years ago which grew out of the historic relationship between Tribal Nations and the United States Government.

Courts have long recognized that a "special relationship" exists between the United States and Indian tribes. Northern Cheyenne Tribe v. Hodel, 12 Ind. L. Rep. 3065, 3070 (D. Mont. 1985), *rev'd in part on other grounds*, 851 F.2d 1152 (9th Cir. 1988). *See also*, Chambers, Judicial Enforcement of the Federal Trust Responsibility, 27 Stan. L. Rev. 1213 (1975); F. Cohen, Handbook of Federal Indian Law, at 220-21 (1982 ed.). The relationship between the federal government and Indian tribes has been likened to that of a "ward to a guardian," Cherokee Nation v. Georgia, 30 U.S. (5 Pet.) 1, 17 (1831), and imposes fiduciary duties upon the federal government. Seminole Nation v. United States. 316 U.S. 286, 296-97 (1942).

These duties collectively are known as the "federal trust responsibility," a doctrine which has been applied by courts in a variety of situations to require federal consideration and protection of Indian rights. The trust responsibility applies not only to on-reservation dealings with tribal property but also to federal action outside the reservation which affect tribal interests. Northern Cheyenne Tribe, 12 Ind. L. Rep. at 3070; Pyramid Lake Paiute v. Navy, 898 F.2d 1410, 1420 (9th Cir. 1990). The "trust doctrine is not limited to situations in which the government is managing

property owned by an Indian tribe . . . ." Eric v. Secretary of the United States Department of Housing and Urban Development, 464 F. Supp. 44, 49 (D. Alaska 1978), *citing* Morton v. Ruiz, 415 U.S. 199, 236 (1974).

The Ninth Circuit has held that "any Federal government action is subject to the United States' fiduciary responsibilities toward the Indian tribes." (emphasis in original). An agency's conflicting substantive responsibilities do not relieve it of its trust obligation. *See* Pyramid Lake Paiute v. Morton, 354 F. Supp. 252 (D. D.C. 1973). Where the "special relationship" exists, federal officials must not only consider but must also affirmatively protect Indian interests when carrying out their official duties. Northern Cheyenne Tribe, at 3171. Even though the Department of Interior may have conflicting responsibilities regarding the "national interest," the Northern Cheyenne court held that these conflicts did not relieve the government of its trust responsibilities to the Tribe:

> To the contrary, identifying and fulfilling the trust responsibility is even more important in situations such as the present case where an agency's conflicting goals and responsibilities combined with political pressure asserted by non-Indians can lead federal agencies to compromise or ignore Indian rights.

Id. (emphasis added).

The National Park Service's acts are subject to its fiduciary duty to Native American Tribes where its actions impacts their interests. In the present case, this fiduciary duty dovetails nicely with the Park Service's duty to protect wild bison. The Organic Act that applies to Yellowstone Park states that the purpose of national parks "is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." 16 U.S.C. § 1 (emphasis added). Therefore the exercise of its fiduciary duty owned to Tribes can easily be carried out in concert with its statutory obligation

to protect wildlife under the Organic Act.

Intertwined in this trust obligation is the special commitment and directive issued by President Bill Clinton requiring that all federal agencies in his administration proactively consult and confer with Tribal Nations on matters that affect tribal interests. At the historic gathering of all Tribal Nations at the White House on April 29, 1994, President Clinton made this commitment to the Tribal Nations:

> Let me speak for a moment about religious freedom, something precious to you, something deeply enshrined in our Constitution. For many of you traditional religions and ceremonies are the essence of your culture and your very existence. . . . No agenda for religious freedom will be complete until traditional Native American religious practices have received all the protections they deserve. . . .
>
> This then is our first principle--respecting your values, your religions, your identity and your sovereignty. (emphasis added)

President Clinton backed this commitment up with a Memorandum Directive he signed that day. That Memorandum Directive was addressed to the heads of all Executive Departments and Agencies regarding government-to-government relations with Native American tribal governments. It states that in recognition of the "unique legal relationship with Native American tribal governments," the President directs that "each executive department and agency shall consult, to the greatest extent practicable and to the extent permitted by law, with tribal governments prior to taking actions that affect federally recognized tribal governments. All such consultations are to be open and candid so that all interested parties may evaluate for themselves the potential impact of relevant proposals."

That is not what occurred here. The Department of Interior and State of Montana negotiated in private over the preferred alternative now proposed in the

Draft EIS. No prior consultation between the Federal Agency and Tribal Nations occurred, notwithstanding the repeated requests of Tribal leaders to have a seat at the table.

In fact, one month after Chairman Caleb Shields made his plea to have Tribes be seated at the table regarding Yellowstone bison management in his address to the Montana Legislature, the Chairman of the Montana-Wyoming Tribal Leaders Council, Michael T. Pablo, made the same request in written testimony which was read to Secretary Babbitt, Secretary Glickman, Governor Racicot, and other officials at the March 21, 1997, Gardiner, Montana, public meeting on the escalating bison slaughter. After reminding these federal and state officials of Chairman Shields request before the Legislature the month before, Chairman Pablo stated:

> *On March 6, Tribal religious leaders held a National Day of Prayer for the Park bison on the steps of the U.S. And Montana Capitols, and here at Gardiner. To add insult to injury, bison were slaughtered while this prayer was taking place, and Montana Department of Livestock officials objected and laughed when participants asked to pray over the killed bison.*
>
> *The Montana-Wyoming Tribal Leaders Council strongly supports the alternative put forth by the InterTribal Bison Cooperative: quarantine the bison that test negative for brucellosis, and return them to tribal and public land as an alternative to slaughter.*
>
> *We are also aware that federal and state officials are having internal discussions regarding the alternatives that will be proposed in the draft environmental impact statement that will control long-term Park bison policy. We request that the views of the Indian Nations be afforded equal weight in these policy decisions. . . . On behalf of Montana Tribes--and all Indian Nations--I respectfully call on you to stop the slaughter of our Buffalo Nation and to provide the Indian Nations a seat at the table regarding future management of the Nation's last remaining wild bison herd.* (emphasis added)

Notwithstanding these point blank requests from tribal leaders to Federal and State leaders, the Tribal Nations' request for a seat at the table was ignored. The

commitment to "government-to-government" consultation was ignored. Instead, private negotiations took place between the Department of Interior and the State of Montana wherein the Department of Interior acceded to the political pressure from Montana livestock interests. The draft EIS was released without any prior Tribal consultation with the result that the Tribes and conservation groups had to prepare an entirely new alternative to present to the agencies due to the lack of consideration and consultation of their views.

The exclusion of the Tribal Nations' from this process was not only a violation of the federal trust responsibility and President Clinton's commitment to consult and confer with Tribal Nations, it also flies in the face of the consultation requirements under the National Historic Preservation Act ("NHPA"). The Yellowstone bison herd is a national treasure. This herd is unique. These bison are the last free-roaming bison to survive the bison holocaust of the 19th Century. It is also now indisputable--though apparently still oblivious to some--that American Indian tribes have a special kinship and relationship to this herd that is based in history and culture. For example, throughout the Nation, solemn prayer pipe ceremonies have been offered for this special bison herd because of its unique significance.

The NHPA states that "[i]t shall be the policy of the Federal Government, in cooperation with . . . Indian tribes . . . to . . . administer federally owned, administered, or controlled prehistoric and historic resources in a spirit of stewardship for the inspiration and benefit of present and future generations. 16 U.S.C. § 470-1(3). The Secretary of the Interior is authorized to expand and maintain a National Register of Historic Places composed of districts, sites, buildings, structures, and objects significant in American history . . . and culture." 16 U.S.C. § 470a(a)(1)(A). The federal agency with control over these historic resources "should be sensitive to the special concerns of Indian tribes in historic preservation issues,

which often extend beyond Indian lands to other historic properties." 36 C.F.R. § 800.1(c)(iii)(The Section 106 regulations). When an undertaking may affect properties of historic value to an Indian tribe on non-Indian lands, the consulting parties shall afford such tribe the opportunity to participate as interested parties. Id.[2] Properties of traditional religious and cultural importance to an Indian tribe . . . may be determined eligible for inclusion on the National Register." 16 U.S.C. § 470a(d)(6)(A).

While there may be no precedent for designating wildlife as an historic resource and object under the NHPA, the present circumstances are unique. This is the last surviving, free-roaming bison herd in the United States. This herd has special historical significance to the Nation at large, and to Tribal Nations in particular. The Advisory Council on Historic Preservation's Statement on Policy concerning consultation with Native Americans Concerning Properties of Traditional Religious and Cultural Importance provides guidance in this matter:

> Historic properties with traditional religious and cultural importance ("traditional cultural properties") are essential to maintaining the cultural integrity of Indian tribes and Native Hawaiian organizations. Such properties are critical to the cultural lives of many Native American communities. To preserve the character of such properties in the context of Federal agency planning requires that all participants in Section 106 review carry out the requirements of the Council's regulations in ways that respectfully balance Native American cultural values with other public interests.
>
> The principles of regulatory flexibility set forth in Section 800.3(b) should be employed by the participants in the Section 106 process. Traditional cultural properties are an integral part of the living communities and must be viewed in a culturally sensitive manner throughout the Section 106 process. Rigid adherence to the precise procedures in the regulations may be detrimental to the values that give a traditional cultural property its significance. Agencies should not require Native Americans to conform rigidly to procedures that may be alien to them. . . . Strict adherence to regulatory procedures must not be allowed to take precedence over respect of the rights and beliefs of Native Americans.
>
> Where the interests of a Native American group in a traditional cultural property are religious in nature, such as . . . the belief that the property played a role in the traditional creation of the group, participants in Section 106 review must respect such interests in accordance with the First Amendment to the U.S. Constitution and the American Religious Freedom Act (42 U.S.C § 1996). . . . (emphasis added).

[2]See also 16 U.S.C. § 470a(d)(1)(A) and (B)(Secretary shall assist Indian tribes in preserving historic properties in a manner that ensures tribal values are taken into account to the extent feasible).

The eligibility criteria under 36 C.F.R. § 60.4 support the eligibility of the Yellowstone bison herd to the National Register. Section 60.4 provides:

> The quality of significance in American history . . . and objects that possess integrity of location . . . feeling and association and (a) that are associated with events that have made a significant contribution to the broad patterns of our history, or (b) that are associated with the lives of persons significant in our past; or (c) that embody the distinctive characteristics of a . . . period . . . or that represent a significant and distinguishable entity whose components may lack individual distinction; or (d) that have yielded, or may be likely to yield, information important in prehistory or history."

The Yellowstone bison would be eligible under nearly all of these criteria, but need only qualify under one.

Section 106 requires the National Park Service to take into account the effect of any undertaking on any site or object that is eligible for inclusion in the National Register prior to the undertaking. The Act is clear that the Section 106 review must be done prior to the expenditure of any federal funds on the undertaking. 16 U.S.C. § 470f. The National Park Service has violated this requirement in the present case.

It is an accomplice to the largest bison slaughter in the 20th Century. It has constructed a capture facility in the Reese Creek area for the purpose of collecting bison for slaughter. Moreover, it has expended substantial expenditures on the disastrous Interim Bison Plan (which will again be in effect this winter) and in proposing its equally-flawed preferred alternative. It has not complied with its Section 106 legal obligations.

The National Park Service has a legal obligation to consult the affected Indian Tribes on this undertaking and to avoid or mitigate damage or destruction of this historic bison herd. 16 U.S. C. § 470h-2(a)(2)(D) and (b). This it has failed to do. Because the proposed management plan and recent slaughter of the Yellowstone bison herd impacts tribal religious concerns associated with this herd, the National Park Service must also respect and comply with the American Indian Religious Freedom Act, 42 U.S.C. § 1996, and the directives pronounced by President Bill Clinton to respect tribal cultural and religious values and consult with Tribes on a government-to-government basis.

Because the ITBC believes that the State of Montana has received federal funding or other federal assistance in past bison management policies and in the preparation and/or implementation of the proposed preferred alternative, the Section 106 requirements of NHPA apply with equal force to it. Moreover, state officials must act consistent with the Montana Constitutional commitment to recognize "the distinct and unique cultural heritage of the American Indians" (Article X, Section 1, 1972 Montana Constitution) and "provide for the . . . preservation, and administration of . . . historic [and] cultural . . . objects (Article IX, Section 4, 1972 Montana Constitution).

In conclusion, the Department of Interior and the State of Montana have failed to carry out its moral and legal obligation to consult with affected Tribal

Nations prior to release of the draft EIS. This has prejudiced and corrupted the process because none of the alternatives proposed in the EIS reflect a commitment to stewardship principles. The preferred alternative will only result in future needless bison slaughter, destruction of a national treasure, and continued disregard for Tribal cultural concerns. The Citizen's Plan reflects an appropriate balance between stewardship and professional management of the Nation's last remaining free-roaming bison.

YELL-16797

Bison Public EIS Comment

Name: Melissa Kimak

Organization: Snavely Forest Products

Address: [redacted]

Email: [redacted]

Comment:

I am highly opposed to the senseless slaughter of the Yellowstone buffalo herd. These fantastic animals should remain a part of our precious, ever shrinking wildlife community and not treated as disposed of like trash. In the township in which I live our symbol is the buffalo, which instills great pride in all or our residents. We are gifted to have five adult buffalo and one calf recently born in our local county park. These buffalo have been here for nearly fifty years, and their roaming area has been expanded. If a small community can preserve wildlife, then certainly a national park and our government could and should be able to provide for the Yellowstone buffalo. A reasonable solution (not slaughter) is needed to protect this wonderful wildlife resource. I support the NWF efforts in finding that solution.

From the National Wildlife Federation's online public comment form:
[redacted]

SNIDER HARDWOODS

Kiln-Dried Hardwood Lumber • Lumber Grading [redacted]

Michael H. Snider
[redacted]

Warehouse Located in [redacted]

Bison Management Plan EIS Team
National Park Ser.
Attn: Sarah Bransom DSC-RP
P.O. Box 25287
Denver, Co. 80225-9901

Sept. 11, 98

YELL-5120

Sarah Bransom:

This is in regards to the Citizens Plan for managing the buffalo of Yellowstone Nat. Park. Buffalo must be allowed to roam free on public land adjacent to the parks. Additional land should be acquired if needed. Healthy buffalo should be moved to Indian reservations instead of killing them. Buffalo should be managed by wildlife professionals not by livestock officials.

In past years I've enjoyed my visits to yellowstone + viewing buffalo. The slaughtering of these animals when they migrate out of the parks must be stopped. They should be allowed to roam these lands just as elk do.

I strongly support the "Citizens Plan".

Very Truly Yours,
Michael H. Snider

Oral Testimony given at the Thunderbird Hotel, [redacted] on October 6, 1998.

SPIRIT HEART PRODUCTIONS

Comment No. 15305
GWEN CALDWELL

I spent some time in Montana shortly after Yellowstone burned and Elizabeth Claire Prophet closed the gates to her ranch so that bison, elk and other wildlife from Yellowstone Park were starving in the streets of Gardner, Montana. With the help of other concerned people, we took bales of hay and spread them on the streets of Gardner to feed the wildlife, while she collected ammunition and built bomb shelters. Now, this land still is unavailable to the wildlife migrating from the park. I think it needs to stop, Elizabeth Claire Prophet needs to be stopped. Secondly, my family are cattle ranchers in Montana. Before I was happily divorced, I also participated. Certainly, we do not want the cattle ranchers to go hungry, but certainly we do not want the way of life of our people stopped on account of cattle ranching. I heard Rosalie speak at Kyle's school in February, and I wept to think that our grandmas are out in the snow in the dead of winter between armed cattle ranchers and the subsidence for our life. I would encourage you to get our grandmas at home in the warmth where they belong, instead of out trying to protect buffalo. They don't belong there. I support this Citizens' Plan.

STAR ★ WATCHER ★★★★★ PRODUCTIONS

[redacted]

Alice & Josseph Rynear

[redacted]

YELL-6708

Dear Ms. Branson;

I'm writing to support the Native peoples right to protect wildlands and wildlife, but most especially the Buffalo Herds that migrate out of Yellowstone.

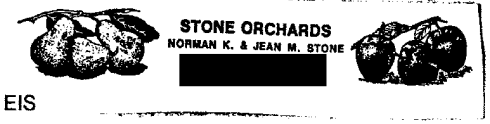
So I support the "Citizens plan" for managing buffalo. Acquire more land if necessary — Wildlife needs space and I need Wildlife!

Sincerely

Alice + Josseph Rynear

YELL-9392

October 12, 1998



Bison Management Plan EIS
National Park Service
PO Box 25287
Denver, CO 80225

Dear National Park Service,

This is my opinion on the closing of Yellowstone National Park to snowmobile use.

I oppose Alternatives #2, #3, #5 and #6 because of the harmful effects to the winter recreation in general and snowmobiling specifically.

I support Alternative #7 because it establishes a carrying capacity within the Park for bison and it also manages the bison population accordingly. Alternative #7 does not effect winter recreation and snowmobiling with road closures or road plowing.

It is of the most importance of maintaining a bison population that the Park can provide for. When the population increases beyond that carrying capacity, it is then when the Park's rangelands are overgrazed - forcing the bison to migrate out of the park, in search of food. Providing for the bison population during the winter months is the most difficult time due to insufficient food supply during the ice and snow accumulation.

The policy of the Park Service permits the natural regulation of wildlife populations by natural factors to control the size and distribution of the population. Nature dictates that humans and animals will seek food wherever possible. This is one of the main reasons the bison wander out of the park - **in search of food** - rather than starve to death in the park.

There is not any scientific studies that reflect a negative impact on snowmobile use and trail grooming on the wildlife, including the bison and other wildlife in Yellowstone National Park.

The typical individual could not tour the Park in the summer or winter, in a non-motorized way. The size of the Park would make it virtually impossible. This would eliminate access to ***our*** park.

*The original intent and purpose of the Park as stated on original archway to the Park: "**For the benefit and enjoyment of all the people**".*

Please keep the National Park open for you, me, our children, and our grandchildren. They need to experience Yellowstone National Park at its finest - in the winter.

Please add my name to the mailing list for the Bison Management Plan EIS. Thank you for listening to my opinion.

Sincerely,
Norman K Stone
A Snowmobiler

[redacted]

YELL-11,486

JOHN A. TAYLOR
Attorney at Law
[redacted]

October 20, 1998

Bison Planning Management Team
Sarah Bransom
P.O. Box 25287
Denver, CO 80255-0287

Re: Interagency Bison Management Plan

Dear Ms. Bransom:

While I live in [redacted], I often travel and hike in Yellowstone and other parts of the Rocky Mountains. It is always a highlight of the trip to see bison, and on rare occasions to know that grizzly bears are around. I urge you to adopt a bison management plan that will strengthen the health of the grizzly bear population and also maintain or maximize the size of the bison population.

Grizzly bears and bison are living remnants of our country's natural history before human settlement, and figure large in our cultural heritage. They are also indicative of a healthy natural environment. We need to preserve and expand if possible healthy populations of both.

The scientific evidence seems clear that bison are a significant part of the diet of grizzly bears. Bison management proposals that reduce the bison population will reduce the amount of bison meat available for bear consumption. This will cause direct reduction in the bear population as well as an increase in bear-human conflicts and human caused grizzly bear mortalities. Any reduction of available bison meat may be particularly significant in light of the possible reduction in the availability of two other important food sources for the bears, the whitebark pine seeds and Yellowstone cutthroat trout. So choosing bison management alternatives that strengthen the bison population would likely strengthen the recovery of the Yellowstone grizzly bear.

Another important reason to increase the bison population is to increase the potential sightings of the bison by tourists. The economic impact of tourists is important to the region as a whole, and the overall economic benefit probably more than offsets any losses due to reduced grazing on Federal lands. This also shifts the economic benefits to many residents throughout the region instead of those few blessed with grazing leases.

Thanks for the opportunity to comment on the Plan.

Sincerely,

John Taylor

John Taylor

17853

TMR Inc.

[redacted]

NOVEMBER 2, 1998.

BISON MANAGEMENT TEAM,
EIS TEAM, NATIONAL PARK SERVICE,
SARAH BRANSOM DSC-RP,
P. O. BOX 25287,
DENVER, CO. 80225-9901.

GENTLEMEN:

IN THE NATIONAL WILDLIFE FEDERATION ENVIROACTION PUBLICATION SHOWING AN OCTOBER DATE AND ASKING FOR LETTERS BY OCTOBER 16TH., BUT RECEIVED HERE TODAY I AM REQUESTING AN EXTENTION OF THAT DATE TO TODAY.

THE STATE OF MONTANA IS PROBABLY MY FAVORITE WESTERN STATE, TAKING IN STATES LIKE SOUTH DAKOTA, WYOMING, COLORADO, ETC. I HAVE NEVER HAD THE PLEASURE OF SEEING A WILD BISON BUT I AM CERTAIN IF MONTANA, ESPECIALLY, KEEPS ON FINDING WAYS TO HAVE THEM KILLED ANY TIME THEY LEAVE THE BORDER OF YELLOWSTONE PARK, AND USING ANY NUMBER OF UNPROVEN REASON WHY THE RANCHERS ARE "CONCERNED" ABOUT DISEASES THESE YELLOWSTONE BISON COULD INFLICT THEIR HERDS OF CATTLE, FEEDING ON LOTS OF GOVERNMENT LAND AND WITH VERY SMALL PAYMENTS TO THE GOVERNMENT FOR THAT PRIVELIGE...AS IS DONE WITH THE VARIOUS EXCUSES USED BY MINERS OR MINING CONCERNS TO MINE ON GOVERNMENT LANDS WITH VERY LITTLE OR NO PAYMENT TO THE GOVERNMENT. IT IS IN MY ESTIMATION A LOUSY DEAL FOR ALL OF US WHO ENJOY THAT LAND OUT WEST AND WE HOPE IT CAN BE HANDLED FAIRLY WITH THOSE WILD BISON IN THEIR THOUGHTS...PERHAPS EVEN BY THE TRAPPING OF ANY BISON THAT GET OT OF YELLOWSTONE PARK AND PERMITING SOME OF THE INDIAN TRIBES TO RELEASE THEM UNHARMED ON INDIAN LAND WHERE THOUSANDS OF BISON USED TO BE BUT NOW IN VERY SHORT SUPPLY BECAUSE OF SOME STATES, PRIMARILY MONTANA, NOT WANTING THOSE ANIMALS FEEDING ON "THEIR GOVERNMENT LAND" AND PERHAPS HURTING THEIR CATTLE.

PLEASE DO WHAT YOU CAN TO PREVENT THIS FROM HAPPENING...AND THANK YOU.

SINCERELY,

L. B. COOK

L B Cook
[redacted]

"Fish 35 Miles of [redacted] Most Scenic Water."

YELL-1236

TROUT CREEK RANCH

[redacted]

Robert Keith **Michele Keith**

August 5, 1998

Bison Management Team
National Park Service
Sarah Bransom DSC - RP
P. O. Box 25287
Denver, CO 80225-0287

Dear EIS Team:

We want wild, free-roaming buffalo in Yellowstone. We **oppose the "Preferred Alternative"** recommended by the state of Montana and the federal government. The governments' plan continues the unnecessary killing of buffalo moving to public lands outside the park in winter. We can do better.

Yellowstone's buffalo, the largest wild, free-roaming buffalo herd in the United States, are too important to sacrifice. They are a source of pride for all of us.

We **endorse the Citizens' Plan to Save Yellowstone Buffalo**, which will:

- Maintain wild, free-roaming buffalo in Yellowstone National Park.
- Create a large special management area outside the park where buffalo can use public lands to survive harsh winters, and where buffalo will be managed by wildlife professionals.
- Develop scientific buffalo population goals for this special management area outside the park.
- Use traditional wildlife management tools of relocation (to Indian reservations or public lands) and regulated harvest when science demonstrates that available land cannot support more buffalo.
- Recommend vaccination of cattle within and adjacent to the special management area.
- Emphasize acquisition of key winter range lands or easements through public purchase from willing sellers. Provide incentives to modify livestock operations to provide winter foraging opportunities for buffalo outside the park.

These strategies will maintain wild, free-roaming buffalo and protect the interests of the livestock industry in a balanced, common-sense manner. Please adopt this plan.

Sincerely,

Robert J. Keith

Michele R. Keith

UpStream Anglers

[redacted]

October 2, 1998

YELL-7749

Dear Ms. Bransom,

Its time we (stop) the ranchers from dictating terms over the control of our wildlife.

They never complain about brucellosis infected elk being on their property, why - because they can charge a fee to hunters, thus making a profit for themselves. Why does our American Way always give into GREED!!

The buffalo is our National Heritage. This animal survived the long journey from Poland across the land flow to this country. after nearly 60 million were here, and destroyed by the white man and Indian as well, 23 survived in Yellowstone Park. They deserve our respect and our protection. this is one of God's fabulous creatures.

[redacted]

Kindest Regards
Greg Lutz

YELL-7749 contd.

Sarah Bransom, DSC-RP
Bison Management Plan EIS Team
National Park Service
PO Box 25287
Denver, Colorado 80225-9901

Dear Ms. Bransom:

I'm writing to express my extreme disappointment over the draft interagency Bison Management Plan EIS. Quite plainly, this document is a triumph of politics and hysteria over science and common sense. The entire Bison Management Plan is based upon a false fear that brucellosis can be spread from bison to cattle in a wild setting. In fact, brucellosis has not been transmitted from bison to cattle in the wild, ever.

Here is what I believe you should do to manage the bison in Yellowstone National Park and the surrounding public lands:

1. **Let the Bison Roam!**

Bison should be allowed to roam on all public lands in the Greater Yellowstone Ecosystem. Bison will be allowed to remain on all public lands within the Greater Yellowstone Ecosystem and no restrictions should be placed on their movement. In no event will bison be corralled or confined for any purpose.

2. **Vaccinate the Cattle**

There has never been a confirmed case of the transmission of brucellosis from bison to cattle. In Grand Teton National Park, bison and cattle have inhabited the same lands for over 40 years. Those cattle were vaccinated against the disease. If Montana follows this plan of cattle vaccination, it is reasonable to expect similar results: no transmission of brucellosis—and no need to control bison movement on public lands.

3. **Let Wildlife Managers Manage the Wildlife!**

The bison of Yellowstone are part of the only remaining wild, free-roaming herd in the United States. When they leave the Park, they should be managed by a wildlife agency, not a livestock agency. The Montana Department of Fish, Wildlife and Parks should take over jurisdiction of bison management in Montana.

4. **Relocate Bison from Private Lands Only Where Necessary.**

If bison threaten private lands or human safety, it is reasonable to adopt non-lethal, non-restrictive methods of removal.

5. **Determine the Ecologically Based Carrying Capacity for Bison within the Greater Yellowstone Ecosystem.**

Bison should be allowed to roam freely on the public lands of the Greater Yellowstone Ecosystem, until an ecologically based, peer reviewed carrying capacity for bison in the Greater Yellowstone Ecosystem has been established. Bison movement and resource utilization outside of the Park over the next ten years should be studied to determine this carrying capacity, and the results should be incorporated is into the final determination of carrying capacity. Until such a carrying capacity is established, no population control methods should be implemented.

There is **no** need to spend millions of dollars to corral, confine, haze, test, slaughter, quarantine, and shoot bison in a attempt to keep them away from cattle. Yet that is what your draft EIS proposes to do. The addition of bison to our national forest and BLM lands should be welcomed, not feared

We already know that elk, as well as bison, carry the disease brucellosis. Eradication of the disease in wildlife should not and cannot be the goal. The goal should be the control of the disease in cattle, which can be obtained with existing vaccines.

Sincerely,

a very concerned Wyoming native.
Greg Falk, Outfitter Owner
Up Stream Anglers & Outdoor Adventures
[redacted]

VAN HYNING

YELL-7484

September 27, 1998

Bison Management Plan EIS Team
National Park Service
Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

SUBJ: Public Comment

Dear Sarah:

Thank you for letting me comment on the Draft Environmental Impact Statement (DEIS) on the future management of buffalo within Montana and Yellowstone National Park.

I am against the Preferred Alternative (alternative 7) presented in the DEIS which will continue the present slaughter and containment plan. In my opinion the National Stock Growers Association has taken a death stand on this issue, which to them is the possible loss of federal grazing land next to Yellowstone National Park. They feel this would make a precedent to other areas of the county and are going all out to stop this possible expansion of wildlife on public lands. This is nothing to do with disease, it is everything to do with "POWER". Nothing much has changed since 1860 for the Stock Growers.

Take the Citizens Plan to Save Yellowstone Buffalo and the use of federal lands for all citizens, not just a very special few.

- Recognize buffalo as wildlife and put wildlife professionals in charge of critical management decisions that must be made with scientifically based data including population control, available forage, land mass and carrying capacity.

- Maintain wild, free-roaming buffalo by ensuring buffalo access to public lands outside the park, and direct agencies to develop a program to acquire key winter range lands of easements through public purchases of willing sellers to expand the available range.

VAN HYNING & ASSOC., INC.

[redacted]

YELL-7484 contd.

- Provide incentives to modify livestock operations for greater winter foraging opportunities for buffalo outside the park, reduce contact between cattle and buffalo and provide compensation for damage to private property.
- Relocate buffalo to Native American reservations or public lands or utilize a regulated harvest to control herd size.
- Reduce or alter grazing allotments on public lands where buffalo and cattle may come into contact.
- Require mandatory vaccination of all cattle within the Greater Yellowstone Areas.

Please consider her comments.

Sincerely,

Dyrck Van Hyning

YELL-9868

Bison Management Team
National Park Service - Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Dear EIS Team:

I want wild, free-roaming buffalo in Yellowstone. I oppose the "Preferred Alternative" recommended by the state of Montana and the federal government. The Government plan continues the unnecessary killing of buffalo moving to public lands outside the park in winter. We can do better.

Yellowstone's buffalo are too important to sacrifice. They are a source of pride for all of us.

I endorse the Citizens' Plan to Save Yellowstone Buffalo, which will:

* Maintain wild, free-roaming buffalo in Yellowstone National Park.
* Create a large special management area outside the park where buffalo can use public lands to survive harsh winters, and where buffalo will be managed by wildlife professionals.
* Develop scientific buffalo population goals for this special management area outside the park.
* Relocate buffalo to Indian reservations or public lands or use a regulated harvest, but only when science demonstrates that available land cannot support more buffalo.
* Recommend vaccination of cattle within lands adjacent to the special management area.
* Emphasize acquisition of key winter range lands or easements through public purchase from willing sellers. Provide incentives to modify livestock operations to provide winter foraging opportunities for buffalo outside the park.

In addition: We must manage wildlife through good science, NOT politics!!

As a business owner, I know how important it is to protect the resources that make Yellowstone special.

These strategies will maintain wild, free-roaming buffalo and protect the interests of the livestock industry in a balanced, common-sense manner. Please adopt this plan.

Sincerely, K Wade
(signature)

Name: Kelly Wade
(please print)

Address: The Wade Gallery
[redacted]

YELL-12059

Wild Birds Ulimited [redacted]

Bison Management Team
National Park Service - Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Dear EIS Team:

I want wild, free-roaming buffalo in Yellowstone. I oppose the "Preferred Alternative" recommended by the state of Montana and the federal government. The Government plan continues the unnecessary killing of buffalo moving to public lands outside the park in winter. We can do better.

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* Develop scientific buffalo population goals for this special management area outside the park.
* Relocate buffalo to Indian reservations or public lands or use a regulated harvest, but only when science demonstrates that available land cannot support more buffalo.
* Recommend vaccination of cattle within lands adjacent to the special management area.
* Emphasize acquisition of key winter range lands or easements through public purchase from willing sellers. Provide incentives to modify livestock operations to provide winter foraging opportunities for buffalo outside the park.

In addition: Pursue evadication of Brucellosis in ~~cattle~~ bison through vaccinating and removing cattle from winter range of bisons.

These strategies will maintain wild, free-roaming buffalo and protect the interests of the livestock industry in a balanced, common-sense manner. Please adopt this plan.

Sincerely,

(signature)

Name: David Pfueddemann, Owner
Wild Birds Unlimited
(please print)

Address: [redacted]

[redacted]

[redacted]

Yell-1081

William P. Cook & Associates, PLLC
CERTIFIED PUBLIC ACCOUNTANTS
[redacted]

WILLIAM P. COOK, CPA
WILLIAM L. COOK II, CPA
BRADLEY D. McKINNEY, CPA

MEMBER
AMERICAN INSTITUTE OF
CERTIFIED PUBLIC ACCOUNTANTS
ARKANSAS SOCIETY OF
CERTIFIED PUBLIC ACCOUNTANTS

August 4, 1998

Bison Management Plan UIS Team
National Park Service
Attn: Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-9901

Gentlemen:

The states of Montana and Wyoming have certainly done a disservice to the bison located in their states. About the time you get one problem solved, or you think it is solved, another problem pops up. This is particularly true with the bison, and particularly with the Yellowstone bison.

I have always felt it vital to allow what buffalo that are left in the West the freedom to roam on public lands adjacent to our national parks to the amount of carrying capacity the public lands can handle. The Park Service could rent range adjacent to the parks, and also the Park Service is going to have to take into consideration the fact that bison are wildlife, not livestock, and as such should be managed by wildlife professionals. The only successful breeding of bison that I know of in this part of the country is located in the state of Kentucky, and as long as they are allowed their freedom, they have done very well. I just can't see any reason why we can't take excess buffalo and remove them from wherever they are currently raising to Indian reservations or other public lands. An alternative to killing buffalo, again, you could remove the excess to Indian reservations, and I think you would find they would do very well indeed.

You have already started your public meetings, but I did want to express to you an inland person's concern for one of the true heritage wildlife of the United States.

Sincerely,

W P Cook

William P. Cook

WPC/cc

Yell-1033

Wisdom House [redacted]

3 August 1998

Bison Management Plan EIS Team
PO Box 25287
Denver, CO 80225

Dear Team Members,

I write to encourage the resolution of the bison/cattle problem by emphasizing vaccination of cattle in the area and better management of grazing practices on public and private land. I also encourage the banning of snow-mobile use in the park to inhibit bison wandering on these trails outside the park. The proposal of killing gentle and trusting bison is reminiscent of horrific scenes from Dances with Wolves. Our species' collective conscience cannot be burdened with such mindless acts. Please prevent this from happening.

Sincerely,
Dr. Alla Bozarth
Dr. Alla Bozarth

Yell-887

PACKER 99.5 & 104.9 Continuous Country
WPKR • WPCK

August 1, 1998

TO BISON MANAGEMENT PLAN:

DEAR SIRS:

My family and myself have been visiting and vacationing in Jackson Hole Wyoming and the yellowstone area since 1959. When I grew up and got married and had children....they then had the wonderful opportunity of accompanying us along with Grandma and Grandpa to the Grand Teton Yellowstone area. My husband has fallen in love with the area too and we visit twice a year and plan to retire there.

We are very concerned about the plans and treatment of the Bison in that area over the past few years. We were especially horrified by the mass slaughter two years ago. We receive the Jackson paper on a weekly basis and keep up to date on what is going on out there.

It is ridiculous to lease public land to private ranchers to allow their cattle to graze on it and then kill the animals whom the land rightfully belongs too because the ranchers are afraid of Brucellosis. Please work to acquire lands or easements from private landowners to take care of bison near the park. Please let Bison use Forest Service lands outside the park without being interferred with. Adjust the cattle grazing allotments on those lands.

Please dont turn yellowstone into a zoo. Let the last wild herd of bison stay free and wild. And quit your stupid plans to slaughter them out of fear by private cattle ranchers who should have no say over the yellowstone bison herd. Please allow wildlife pros and not some idiots from the state of Montana to manage the bison herd and their size.

IT WILL BE A LONG TIME BEFORE WE WILL EVER GO BACK AND VACATION OR VISIT I THE STATE OF MONTANA..because of what has been done with the yellowstone bison herd. Do you think we are the only people in this country who feel this way? Get a grip and look into the eyes of reality. Protect these animals. Protect them for us Americans today as well as future generations

Thank you
Diane and Jim Coursolle

WPKR RADIO
WPCK RADIO [redacted]

[redacted]

YELL-9702

LAW OFFICE OF
J. WILLIAM YEATES
[redacted]

J. WILLIAM YEATES [redacted]

October 9, 1998

Bison Management Plan EIS Team, National Park Service
Attn: Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-9901

Re: Buffalo Management - Yellowstone National Park

Dear Ms. Bransom:

I am writing to express my concern over the slaughtering of over 1,000 bison during the 1996-97 winter, after they migrated out of Yellowstone National Park in Montana in search of food. These buffalo were part of the last remnant of the great wild herds that roamed much of that region before their near-extermination in the 19th century. Although I understand how a rancher would fear their herds contracting brucellosis, there is a better and more logical way to alleviate this fear without killing buffalo who are not afflicted with this disease.

THE COMMON-SENSE SOLUTION TO THIS ISSUE IS THE CITIZEN'S PLAN.

The Citizen's Plan would protect the interest of ranchers and the wild buffalo herds by allowing Buffalo on public lands to roam those lands just as the Yellowstone elk do and be managed by wildlife professionals. Under the Citizen's Plan, bison moving onto private land would be trapped with permission of the landowner and held to be tested for brucellosis. Negative testing buffalo would be transported to tribal lands, where they would be allowed to wander free and where they would be respected and valued as a part of the tribes' cultural heritage. The tribes have agreed to "bank" these wild animals and their gene pool. Allowing this plan to succeed would restore the freedom and dignity of a free-ranging species and returned to our public lands to be enjoyed by all.

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RE-DRAFTING THE EIS IS AN ESSENTIAL MEASURE THAT MUST BE TAKEN IN ORDER TO PROTECT THIS FREE-RANGE SPECIES

The "preferred alternative" outlined in the EIS is unacceptable. It is a prescription for continued slaughter. This unacceptable alternative grants absolute management authority to the Montana Board of Livestock. Bison are wildlife, not livestock, and as such should be managed by wildlife professionals for enjoyment by the public in a wild and natural setting on public and tribal lands — not by livestock officials who only serve a single, special interest.

Allowing livestock bureaucrats to shoot "at will" any buffalo crossing park boundaries sets a very dangerous precedent -- other wildlife species inconvenient to ranchers, such as elk (also exposed to brucellosis), wolves, grizzly bears, bighorn sheep and other species will be become the target of this slaughter. You must not allow this to happen!

Buffalo must be allowed to roam free on public lands adjacent to the Park up to the "carrying capacity" of these adjacent lands; if additional land is needed, the state and federal agencies should acquire additional winter range next to the park.

There is absolutely no sound reason to destroy a bison which is not afflicted with brucellosis. As an alternative to destroying bison, excess, healthy buffalo should be moved to Indian reservations and other public lands. This is a reasonable and necessary solution to protect this species.

The Citizen's Plan is a scientifically based, viable management solution and most certainly should be the preferred alternative.

I can't imagine that anyone would ever consider a rancher's priorities over the priority of the public and its need for the continued existence of wildlife, especially such a truly incredible and historical species as the buffalo.

The buffalo attract many a person to stop, gaze, take pictures and relish in the absolute harmony of wildlife and its beautiful habitat. If the buffalo decline due to this needless slaughter, I can only imagine how that would effect the experience of a person or more importantly, a child visiting Yellowstone. The wildlife is one of the most amazing assets of Yellowstone and draws more and more families to the park every year. It would truly be sad to see this beautiful species destroyed.

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YELL-9702 contd.

I urge you to re-draft the EIS and incorporate the Citizen's Plan into the document and analyze it as a viable alternative.

Sincerely,

J. William Yeates

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YELLOWSTONE ARCTIC · YAMAHA

14,501

November 4, 1998

Bison Management Plan EIS Team
National Park Service
Sarah Bransom – DSC-RP
P.O. Box 25287
Denver, CO 80225-9901

Dear Ms. Bransom:

Thank you very much for the opportunity to comment on the Interagency Bison Plan/Environmental Impact Statement. I am opposed to Alternatives 2, 3, 5, and 6 because of the harmful effects upon the traditional winter recreational uses in Yellowstone National Park.

I am in support of Alternative 7, the Preferred Alternative, for the following reasons:

- Alternative 7 recognizes that Yellowstone National Park cannot support an unlimited number of bison. This alternative lists a carrying capacity for bison and has detailed plans for managing that population acceptably and responsibly.
- Alternative 7 doesn't impinge upon the people's right to use their park in the winter season through long established and traditional means, such as snowmobiling and the use of snowcoaches and cross-country skis.
- Alternative 7 preserves the safest means of visitation to Yellowstone National Park in the winter and doesn't encourage automobile traffic and dangerous winter driving conditions. The suggestion of plowing roads in the park in the winter is not cost effective or practical.
- Alternative 7 preserves the economy of the gateway communities which have built year round businesses based on the traditional winter uses of Yellowstone National Park.

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Your Authorized Arctic Cat and Yamaha Dealer

14,501 contd.

For the previously mentioned reasons, I believe that Alternative 7 would most effectively manage the bison issue in a reasonable manner, while still allowing winter opportunities as they exist today in Yellowstone National Park.

I would appreciate you keeping me on your mailing list to receive additional information on this very important project.

Sincerely,

F.W. Howell

FWH/sb

Organization and educational institutions

Organization and Educational Institution Comment Letters

Alabama Audubon Council - See Audubon Society, Alabama Council - 9740

Alabama Cattlemen's Association - 9729; Bison - Population, Bison - Special Management Areas, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception, Legal and Policy Mandates (management authority)

Alabama Cooperative Extension System - 14431; Bison - Capture/Test/Slaughter Operations, Bison - Quarantine Operations, Bison - Special Management Areas, Bison - Vaccination, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception

Alabama Environmental Council - See Audubon Society, Alabama Council - 9740

Alabama Farmers Federation - 9948; Alternatives/Issues - New, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception

Alabama Ornithological Society - See Audubon Society, Alabama Council - 9740

Alabama Veterinary Medical Association - 14607; Alternatives/Issues - New, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception

Alliance for the Wild Rockies - 8616; Alternative Plan B, Bison - Definition of Low Risk, Bison - Distribution (Live), Bison - Hunting, Bison - Population, Bison - Public Grazing Allotments - modify, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51

American Association of Wildlife Veterinarians - 5638; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Hunting, Bison - Population, Bison - Quarantine Operations, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Cattle - Vaccination - require vaccination with RB51, Wildlife - Predators and Scavengers/Ungulates

American Council of Snowmobile Associations - See Business Section under Moore & McFadden - 14978

American Farm Bureau Federation - 13356; Alternatives/Issues - New, Bison - Distribution (Live), Bison - Population, Bison - Quarantine Operations, Bison - Special Management Areas, Bison - Vaccination, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status, Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Wildlife - Threatened & Endangered Species, Wildlife - Threatened and Endangered Species - protection

American Lands Alliance - 3037, 5373; Alternative Plan B, Alternatives/Issues - New, Bison - Effects on Free-Ranging Status and Distribution, Bison - Public Grazing Allotments - modify, Bison Ecology, Brucellosis - Transmission and public perception

American Legion, Miami Beach No.85 - 2690; Bison - Distribution (Live), Citizen's Plan, Legal and Policy Mandates (management authority)

American Reform Party - CA - 4354; Alternative Plan B, Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Public Grazing Allotments - modify, Brucellosis -Risk Management, Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators

American Veterinary Medical Association - 8846; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Population - set an upper and lower population level, Bison - Quarantine Operations, Bison - Vaccination, Brucellosis - in Other Wild Ungulates, Brucellosis - Testing, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status

Animal Advocates of Lake County - 8750; Alternatives/Issues - New

Animal Assistance League of Orange County - 10717; Bison Alternative

Animal Protection Institute - 11124, 15186a; Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Public Grazing Allotments - modify, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Brucellosis Class-Free Status, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators, Socioeconomics - Social Values, Visitor Use - Winter Road Grooming

Animal Rights Alliance - See Schubert & Associates - 10110

Anti-Vivisection Society of America - 4182; Bison - Distribution (Live), Citizen's Plan

Appalachian Voices - See Preserve Appalachian Wilderness - 15372

Apple Country Snowmobile Club - 9255; Alternatives/Issues - New, Bison - Population, Brucellosis - Transmission and public perception, Vegetation - Vegetative Communities, Visitor Use - Overall Visitor Use and Experience, Visitor Use - Winter Road Grooming

Arlington Conservation Council - 7052; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Public Grazing Allotments - modify, Bison - Special Management Areas, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Legal and Policy Mandates (management authority), Socioeconomics - Social Values

Association of Veterinarians for Animal Rights - 2653; Bison - Capture/Test/Slaughter Operations, Bison - Hunting, Bison - Public Grazing Allotments - modify, Brucellosis - Transmission and public perception, Legal and Policy Mandates (management authority), Socioeconomics - Social Values, Visitor Use - Winter Road Grooming

Audubon Society, Alabama Council - 9740; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Project costs are reasonable, Socioeconomics - Social Values, Visitor Use - Overall Visitor Use and Experience

Audubon Society, Bexar - 7059; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority)

Audubon Society, Boulder County - 1476; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Hunting, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority)

Audubon Society, Conococheague - 4105; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Social Values

Audubon Society, Evergreen Naturalists - 15572; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Public Grazing Allotments - modify, Citizen's Plan, Wildlife - Threatened & Endangered Species

Audubon Society, Last Chance - 8879; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Special Management Areas, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range

Audubon Society, Montana Chapter - 14568; Bison - Distribution (Live), Bison - Public Grazing Allotments - modify, Bison - Vaccination, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Legal and Policy Mandates (management authority)

Audubon Society, Prairie Wood - 8200; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority)

Audubon Society, Travis - 15082; Bison - Capture/Test/Slaughter Operations, Citizen's Plan

Banff Environmental Action and Res. (BEAR) Soc. - 2397a; Brucellosis - Transmission and public perception, Wildlife - Threatened & Endangered Species

Bear Creek Council - 8871; Bison - Effects on Free-Ranging Status and Distribution, Brucellosis - Transmission and public perception, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority)

Berlin United Methodist Church - 1625; Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority)

Big Horn Livestock Association - 14841; Bison - Special Management Areas, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status, Cattle - Vaccination - require vaccination with RB51, Land Acquisitions / Easements or winter range

Billings Rod and Gun Club - 14867; Bison - Hunting, Citizen's Plan, Legal and Policy Mandates (management authority)

Blue Ribbon Coalition, Inc. - 7262, 14884 (See also Business Section under Moore & McFadden - 14978); Alternatives/Issues - New, Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Population, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status, Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Vegetation - Vegetative Communities, Visitor Use - Winter Recreation, Visitor Use - Winter Road Grooming

Bridging the Gap - 2116; Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Public Grazing Allotments - modify, Citizen's Plan, Land Acquisitions / Easements or winter range

Brushy Bottom Bison Basin - 13005; Brucellosis - Transmission and public perception

Buffalo Field Archery Club - 15095; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Public Grazing Allotments - modify, Bison - Special Management Areas, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Legal and Policy Mandates (management authority), Socioeconomics - Social Values

Buffalo Gap Land Rescue - 14911; Alternative Plan B, Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Brucellosis - Transmission and public perception, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Legal and Policy Mandates (management authority), Socioeconomics - Social Values

Buffalo Nations - 14900, 15187; Alternative Plan B, Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Quarantine Operations, Bison Ecology, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority), Socioeconomics - Cost to livestock operators, Socioeconomics - Nonmarket Values, Socioeconomics - Project costs are reasonable

Butte Busters Snowmobile Club, Inc. - 9488; Visitor Use - Winter Recreation, Visitor Use - Winter Road Grooming

Cabinet Resource Group - 14600; Alternatives/Issues - New, Bison - Effects on Free-Ranging Status and Distribution, Brucellosis - in Other Wild Ungulates, Brucellosis - Testing, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Land Acquisitions / Easements or winter range, Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Project costs are reasonable, Socioeconomics - Social Values

California Farm Bureau Federation - 15806; Bison - Population, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status, Socioeconomics - Cost to livestock operators

California Federation for Animal Legislation - 336, 4590; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Hunting, Bison - Public Grazing Allotments - modify, Brucellosis - Transmission and public perception, Visitor Use - Winter Road Grooming

Chipeta Elementary - 5192; Citizen's Plan, Visitor Use - Overall Visitor Use and Experience, Wildlife - Threatened and Endangered Species - protection

Civitas - 14226; Bison - Capture/Test/Slaughter Operations, Bison - Public Grazing Allotments - modify, Bison Ecology, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Cost to livestock operators, Socioeconomics - Project costs are reasonable, Vegetation - Vegetative Communities, Visitor Use - Winter Road Grooming

Clemson University, Department of Livestock Poultry Health Programs - 14336; Bison - Special Management Areas, Brucellosis - Transmission and public perception

Cold Mountain, Cold Rivers - 15366; Alternative Plan B, Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Carcasses), Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Bison - Population - set an upper and lower population level, Bison - Public Grazing

Allotments - modify, Bison - Quarantine Operations, Bison - Special Management Areas, Bison Ecology, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Nonmarket Values, Socioeconomics - Project costs are reasonable, Wildlife - Predators and Scavengers/Ungulates, Wildlife - Threatened & Endangered Species, Wildlife - Threatened and Endangered Species - protection

Colorado Grizzly Project - 2555; Bison - Distribution (Carcasses), Visitor Use - Winter Road Grooming, Wildlife - Predators and Scavengers/Ungulates

Colorado State University, Natural Resource Ecology Laboratory - 9308; Bison - Capture/Test/Slaughter Operations, Bison - Population, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Testing

Colorado Wildlife Alliance - 6045; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority)

Colorado Wildlife Federation - 9288; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Population, Bison - Public Grazing Allotments - modify, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Legal and Policy Mandates (management authority)

Committee for Children - 420; Bison - Capture/Test/Slaughter Operations, Bison - Hunting, Bison - Population - set an upper and lower population level, Bison - Quarantine Operations, Brucellosis - Transmission and public perception, Cattle - Change Cattle Operations (Public and Private), Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Visitor Use - Winter Road Grooming

Committee for Responsible Growth - 6057; Bison - Capture/Test/Slaughter Operations, Bison - Public Grazing Allotments - modify, Brucellosis - Transmission and public perception, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range, Socioeconomics - Social Values

Committee to Abolish the Fur Trade - See Schubert & Associates - 10110

Concerned People for Animals, Inc. - 1080; Bison - Public Grazing Allotments - modify, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Visitor Use - Winter Road Grooming

Conservation Council for Hawaii - 5015, 15886; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Hunting, Legal and Policy Mandates (management authority); Bison - Public Grazing Allotments - modify, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority)

Converse County School District #2 - 17684; Land Acquisitions / Easements or winter range

Cornelia Connelly School - 4216; Bison - Capture/Test/Slaughter Operations, Bison - Hunting, Bison - Quarantine Operations, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Land Acquisitions / Easements or winter range, Visitor Use - Winter Road Grooming

Deerlodge Forest Defense Fund - 13055; Alternative Plan B, Bison - Capture/Test/Slaughter Operations, Bison - Definition of Low Risk, Bison - Effects on Free-Ranging Status and Distribution, Bison - Public Grazing Allotments - modify, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Socioeconomics - Cost to livestock operators, Socioeconomics - Project costs are reasonable

Defenders of Wildlife - 14980; Alternatives/Issues - New, Bison - Definition of Low Risk, Bison - Distribution (Live), Bison - Hunting, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Brucellosis Class-Free Status, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators, Wildlife - Threatened & Endangered Species

Doris Day Animal League - 14383; Bison - Hunting, Bison Alternative, Cattle - Change Cattle Operations (Public and Private), Cattle -

Vaccination - require vaccination with RB51, Land Acquisitions / Easements or winter range, Socioeconomics - Social Values, Visitor Use - Winter Road Grooming

Earth Island Institute - 15214a, 15799 (See also Schubert & Associates - 10110, 14714); Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Bison - Hunting, Bison - Population - set an upper and lower population level, Bison - Public Grazing Allotments - modify, Bison - Vaccination, Bison Alternative, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Socioeconomics - Cost to livestock operators, Socioeconomics - Project costs are reasonable, Socioeconomics - Social Values, Visitor Use - Winter Road Grooming

EarthWalk Spiritual Ministry - 16643; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Brucellosis - Transmission and public perception

East Ascension Sportsmans League Inc. - 14737; Bison - Effects on Free-Ranging Status and Distribution, Bison - Public Grazing Allotments - modify, Brucellosis - in Other Wild Ungulates, Brucellosis - Testing, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Legal and Policy Mandates (management authority)

Ecology Center - 15150, 15254, 15671; Alternative Plan B, Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Special Management Areas, Bison - Vaccination, Bison Alternative, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Brucellosis Class-Free Status, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Nonmarket Values, Socioeconomics - Social Values, Wildlife - Predators and Scavengers/Ungulates, Wildlife - Threatened & Endangered Species

EcoSys Alert - 1287; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Citizen's Plan, Legal and Policy Mandates (management authority)

Edmonds Institute - 15517; Alternative Plan B, Bison - Capture/Test/Slaughter Operations, Bison - Hunting, Bison - Public Grazing Allotments - modify, Bison - Vaccination, Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority)

Eilat Loves Animals - 192; Brucellosis - Transmission and public perception

Environmental Council of Rhode Island - 16339; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Public Grazing Allotments - modify, Brucellosis - Transmission and public perception, Citizen's Plan

Environmental Protection Information Center - 14337; Alternative Plan B, Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Vaccination, Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority), Socioeconomics - Cost to livestock operators, Socioeconomics - Project costs are reasonable

Ethics Outreach - 8664; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Vaccination, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Visitor Use - Winter Road Grooming

Farm Sanctuary - See Schubert & Associates - 10110

First Congregational Church - 1298; Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Public Grazing Allotments - modify, Land Acquisitions / Easements or winter range

Flathead Wildlife - 10816; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Legal and Policy Mandates (management authority)

Florida Biodiversity Project - 9382; Alternatives/Issues - New, Bison - Distribution (Live), Bison - Hunting, Bison - Population, Bison - Property Damage, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Ranching, Bison - Vaccination, Bison Alternative, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Brucellosis -

Transmission and public perception, Brucellosis -Risk Management, Cattle - Brucellosis Class-Free Status, Cattle - Change Cattle Operations (Public and Private), Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators, Visitor Use - Overall Visitor Use and Experience, Visitor Use - Winter Road Grooming

Florida Wildlife Organization - 14915; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Public Grazing Allotments - modify, Bison - Vaccination, Brucellosis - Transmission and public perception, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Nonmarket Values, Socioeconomics - Social Values, Visitor Use - Overall Visitor Use and Experience

Forest Lake Minnesota Snowmobile Club - 10305; Visitor Use - Winter Recreation

Frente Zapatista - 14896; Bison - Capture/Test/Slaughter Operations

Friends of Animals - 419, 5937; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Bison - Hunting, Bison - Public Grazing Allotments - modify, Bison - Vaccination, Bison Ecology, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority), Socioeconomics - Social Values, Visitor Use - Winter Recreation, Visitor Use - Winter Road Grooming

Friends of Animals and Their Environment and Faith - 15270; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Public Grazing Allotments - modify, Bison - Vaccination, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority), Socioeconomics - Social Values, Visitor Use - Winter Road Grooming

Friends of Native Americans - 13545; Bison - Effects on Free-Ranging Status and Distribution, Citizen's Plan

Friends of the Bitterroot - 8639; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Public Grazing Allotments - modify, Bison - Vaccination, Cattle - Vaccination - require vaccination with RB51, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority)

Friends of the West - 191; Bison - Population - set an upper and lower population level, Brucellosis - Transmission and public perception, Legal and Policy Mandates (management authority)

Friends of the Wild Swan - 15237; Alternative Plan B, Bison - Capture/Test/Slaughter Operations, Bison - Definition of Low Risk, Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Public Grazing Allotments - modify, Bison - Vaccination, Brucellosis -Risk Management, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Socioeconomics - Cost to livestock operators, Socioeconomics - Project costs are reasonable

Fund for Animals - 15123, 15124, 15197a (See also Schubert & Associates 10110, 14714; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Bison - Hunting, Bison - Population - set an upper and lower population level, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Vaccination, Bison Alternative, Bison Ecology, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Testing, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Brucellosis Class-Free Status, Cattle - Vaccination - require vaccination with RB51, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Cost to livestock operators, Socioeconomics - Project costs are reasonable, Vegetation - Vegetative Communities, Visitor Use - Winter Road Grooming

Gallatin Wildlife Association - 14935, 15233; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Population, Bison - Public Grazing Allotments - modify, Bison - Special Management Areas, Brucellosis - in Other Wild

Ungulates, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators, Socioeconomics - Nonmarket Values, Socioeconomics - Project costs are reasonable, Socioeconomics - Social Values, Vegetation - Vegetative Communities, Visitor Use - Winter Road Grooming

Georgia Farm Bureau Federation - 14398; Alternatives/Issues - New, Brucellosis - in Yellowstone Bison Herd

Girl Scout Troop 395 - 6831; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Social Values, Visitor Use - Overall Visitor Use and Experience

Glasgow Area Chamber of Commerce and Agriculture - 2029; Bison - Capture/Test/Slaughter Operations, Bison - Population, Bison - Special Management Areas, Bison - Vaccination, Brucellosis - Testing, Land Acquisitions / Easements or winter range, Vegetation - Vegetative Communities, Wildlife - Threatened & Endangered Species

Grassland Heritage Foundation - 9158; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Humane Treatment, Bison - Property Damage, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Citizen's Plan, Land Acquisitions / Easements or winter range

Grassroot for Multiple Use - 14285; Bison - Population - set an upper and lower population level, Visitor Use - Winter Recreation, Visitor Use - Winter Road Grooming

Great Plains Restoration Council - 5515; Bison - Capture/Test/Slaughter Operations, Bison - Hunting, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Cattle - Vaccination - require vaccination with RB51, Visitor Use - Winter Road Grooming

Greater Yellowstone Coalition - 14870, 14941, 15126, 15139, 15239, 15420, 15792 (See also Wyoming Stock Growers Assoc. - 15785); Alternative - Adjustments to Interim Plan, Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Definition of Low Risk, Bison - Distribution (Carcasses), Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Property Damage, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Special Management Areas, Bison - Special Management Areas - proposed boundaries, Bison - Vaccination, Bison Ecology, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Brucellosis Class-Free Status, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators, Socioeconomics - Nonmarket Values, Socioeconomics - Project costs are reasonable, Socioeconomics - Social Values, Vegetation - Vegetative Communities, Visitor Use - Overall Visitor Use and Experience, Visitor Use - Winter Recreation, Visitor Use - Winter Road Grooming, Wildlife - Predators and Scavengers/Ungulates, Wildlife - Threatened & Endangered Species

Harmony Middle School - 6th grade - 17683; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Brucellosis - Testing, Brucellosis - Transmission and public perception

Heartwood - See Preserve Appalachian Wilderness - 15372

Honor the Earth - 4490; Alternatives/Issues - New, Bison - Distribution (Live), Bison - Public Grazing Allotments - modify, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Social Values

Humane Education Network - 473, 11441; Bison - Capture/Test/Slaughter Operations, Bison - Humane Treatment, Bison - Hunting, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Vaccination, Bison Alternative, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Cattle - Vaccination - require

vaccination with RB51, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Project costs are reasonable, Visitor Use - Winter Road Grooming

Humane Legislative Network - 6535; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations

Humane Society, Golden State - 5948; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations

Humane Society, Marion County - 9678; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Vaccination, Bison Alternative, Socioeconomics - Social Values, Visitor Use - Winter Road Grooming

Humane Society, Peoria - 5393; Brucellosis - Transmission and public perception

Humane Society, Seneca County - 9062; Bison - Capture/Test/Slaughter Operations, Bison - Hunting, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Visitor Use - Winter Road Grooming

Humane Society, Tampa Bay - 6881; Bison - Capture/Test/Slaughter Operations, Bison - Hunting, Bison - Vaccination, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Vaccination - require vaccination with RB51, Socioeconomics - Project costs are reasonable

Humane Society of the United States - 14903, 15129; Bison - Capture/Test/Slaughter Operations, Bison - Definition of Low Risk, Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Bison - Hunting, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Vaccination, Bison Alternative, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Cost to livestock operators, Socioeconomics - Project costs are reasonable, Visitor Use - Winter Road Grooming, Wildlife - Threatened & Endangered Species

Idaho Cattle Association - 11160; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Special Management Areas, Bison - Vaccination, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status, Legal and Policy Mandates (management authority), Socioeconomics - Cost to livestock operators, Vegetation - Vegetative Communities

Idaho Farm Bureau Federation - 11433; Alternatives/Issues - New, Bison - Humane Treatment, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Special Management Areas, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Testing, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status, Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Vegetation - Vegetative Communities

Idaho Mythweaver - 14439; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Property Damage, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Vaccination, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Cattle - Change Cattle Operations (Public and Private), Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Cost to livestock operators, Wildlife - Threatened & Endangered Species

Idaho State Snowmobile Association - 10491; Bison - Hunting, Bison - Population, Visitor Use - Winter Road Grooming

Idaho Watersheds Project - 15317; Alternatives/Issues - New, Bison - Distribution (Live), Bison - Hunting, Bison - Population, Bison - Property Damage, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Social Values, Visitor Use - Winter Road Grooming

Idaho Wildlife Federation of Boise - 14871; Brucellosis - in Other Wild Ungulates, Citizen's

Plan, Legal and Policy Mandates (management authority)

In Defense of Animals - 15193a; Alternative Plan B, Bison - Capture/Test/Slaughter Operations, Bison - Quarantine Operations

Indiana Wildlife Federation - 5576; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Public Grazing Allotments - modify, Brucellosis - Transmission and public perception, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority)

Indigenous Support Coalition of Oregon - 15318; Bison - Capture/Test/Slaughter Operations, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Vaccination, Cattle - Vaccination - require vaccination with RB51, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Legal and Policy Mandates (management authority)

Inherit the Earth - 1923; Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Bison - Public Grazing Allotments - modify, Land Acquisitions / Easements or winter range, Socioeconomics - Social Values

International Defenders of Animals, Inc. - 6283; Bison - Hunting, Bison Alternative, Legal and Policy Mandates (management authority), Visitor Use - Winter Recreation

International Lutheran Women's Missionary League - 1113; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Hunting, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority)

Iowa Wildlife Federation, Inc. - 12035; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Public Grazing Allotments - modify, Brucellosis - Transmission and public perception, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Cost to livestock operators

Izaak Walton League - 15263, 15304; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Hunting, Bison - Property Damage, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison Ecology, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Cost to livestock operators, Visitor Use - Winter Road Grooming

Jackson Hole Conservation Alliance - 15124a, 15140, 15329 (See also Wyoming Stock Growers Assoc. - 15785); Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Vaccination, Bison Ecology, Brucellosis -Risk Management, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Nonmarket Values, Socioeconomics - Social Values, Wildlife - Predators and Scavengers/Ungulates, Wildlife - Threatened & Endangered Species

Jerabek Elementary School-5th Grade - 17872; Bison - Capture/Test/Slaughter Operations, Brucellosis - Testing, Citizen's Plan, Socioeconomics - Social Values

Kaniksu Bioregional Council - 5168; Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Property Damage, Brucellosis - Transmission and public perception, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority)

Kettle Range Conservation Group - 9328, 10524; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Vaccination, Bison Ecology, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Project costs are reasonable

Last Chance for Animals - See Schubert & Associates - 10110

League in Support of Animals - 1780; Bison - Capture/Test/Slaughter Operations

League of Kentucky Sportsmen, Inc. - 9153; Bison - Distribution (Live), Bison - Effects on Free-

Ranging Status and Distribution, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Social Values

Lemon Bay High School - 11089; Bison - Capture/Test/Slaughter Operations, Socioeconomics - Social Values

Little Wound School-3rd Grade - 17682; Bison - Capture/Test/Slaughter Operations, Citizen's Plan

Livestock Conservation Institute - 9686; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Population, Bison - Public Grazing Allotments - modify, Bison - Special Management Areas, Bison - Vaccination, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Nonmarket Values, Vegetation - Vegetative Communities, Wildlife - Threatened & Endangered Species

Louisiana Farm Bureau Federation, Inc. - 14293; Alternatives/Issues - New, Brucellosis - in Yellowstone Bison Herd, Cattle - Brucellosis Class-Free Status, Socioeconomics - Cost to livestock operators

Manitoba Animal Alliance - 150; Bison - Capture/Test/Slaughter Operations, Bison - Hunting, Bison - Population - set an upper and lower population level, Bison - Public Grazing Allotments - modify, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Visitor Use - Winter Road Grooming

Marshall Elementary School-4th Grade - 17681; Bison - Capture/Test/Slaughter Operations, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception

Maryland Coalition for Animal Rights - 11529; Bison - Capture/Test/Slaughter Operations, Bison - Hunting, Cattle - Vaccination - require vaccination with RB51, Socioeconomics - Social Values

Meagher County Sportman Association - 15674; Bison - Hunting, Bison - Public Grazing Allotments - modify, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Legal and Policy Mandates (management authority)

Mennen Environmental Foundation - 6846; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Special Management Areas, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range

Michigan United Conservation Clubs - 8843; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Population, Brucellosis - Transmission and public perception, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority)

Minnesota Conservation Federation - 10495; Bison - Public Grazing Allotments - modify, Citizen's Plan, Legal and Policy Mandates (management authority)

Mississippi Wildlife Federation - 10645; Bison - Capture/Test/Slaughter Operations, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Social Values

Montana Coalition for Appropriate Mgmt. of State Land - 994; Bison - Hunting

Montana Ecosystems Defense Council - 2820, 9592, 15165; Alternative Plan B, Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Special Management Areas, Bison - Vaccination, Cattle - Change Cattle Operations (Public and Private), Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators, Socioeconomics - Project costs are reasonable

Montana Farm Bureau Federation - 14816, 14834, 14836, 15147, 15242; Alternatives/Issues - New, Bison - Humane Treatment, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Quarantine Operations, Bison - Special Management Areas, Bison Ecology, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics -

Cost to livestock operators, Socioeconomics - Nonmarket Values, Socioeconomics - Project costs are reasonable, Vegetation - Vegetative Communities

Montana Snowmobile Association - See Business Section under Moore & McFadden, Chartered - 14978

Montana State University, Extension Range Management - 2919; Bison - Population, Vegetation - Vegetative Communities, Visitor Use - Overall Visitor Use and Experience, Visual Resources - Landscapes and Viewsheds

Montana Stockgrowers Association - 14832, 14833, 14847, 14853, 14878, 14939, 15160, 15241, 15246, 15349, 15768; Alternative Plan B, Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Definition of Low Risk, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Special Management Areas, Bison - Vaccination, Bison Alternative, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Testing, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Brucellosis Class-Free Status, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Cost to livestock operators, Socioeconomics - Nonmarket Values, Socioeconomics - Project costs are reasonable, Vegetation - Vegetative Communities, Visual Resources - Landscapes and Viewsheds, Wildlife - Threatened & Endangered Species

Montana Stockgrowers Cattle Health Comm. - 15747; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Humane Treatment, Bison - Quarantine Operations, Bison - Special Management Areas - proposed boundaries, Bison - Vaccination, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Brucellosis Class-Free Status, Socioeconomics - Cost to livestock operators, Socioeconomics - Project costs are reasonable

Montana Wilderness Association - 15257; Bison - Population, Bison - Public Grazing Allotments - modify, Brucellosis - Transmission and public perception, Citizen's Plan, Socioeconomics - Project costs are reasonable

Montana Wildlife Federation - 15234, 15250; Bison - Capture/Test/Slaughter Operations, Bison - Hunting, Bison - Public Grazing Allotments - modify, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Social Values

Mt. Shasta Sno-Mobilers, Inc. - 9124, 11058; Bison - Population, Socioeconomics - Nonmarket Values, Visitor Use - Overall Visitor Use and Experience, Visitor Use - Winter Road Grooming

National Bison Association - 9097, 15187a; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Hunting, Bison - Population, Bison - Quarantine Operations, Bison - Ranching, Bison - Special Management Areas, Bison - Vaccination, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Wildlife - Predators and Scavengers/Ungulates, Wildlife - Threatened and Endangered Species - protection

National Cattle and Feed Association - 15130; Bison - Vaccination, Socioeconomics - Social Values

National Cattlemen's Beef Association - 11138; Alternatives/Issues - New, Bison - Population, Bison - Special Management Areas, Bison - Vaccination, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception

National Parks & Conservation Association - 14913, 15196a, 15367; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Definition of Low Risk, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Property Damage, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Special Management Areas, Bison - Vaccination, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators, Socioeconomics - Nonmarket Values, Socioeconomics - Project costs are reasonable, Visitor Use - Winter Road Grooming, Wildlife - Threatened and Endangered Species - protection

National Rifle Association - 2838; Bison - Hunting, Bison - Population, Bison - Population - set an upper and lower population level, Brucellosis - Transmission and public perception, Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Wildlife - Predators and Scavengers/Ungulates

National Rifle Association Coalition - 15211a; Bison - Effects on Free-Ranging Status and Distribution, Socioeconomics - Social Values

National Wildlife Federation - 14819, 14827, 14846, 14874, 14890, 14923, 15083, 15131, 15142, 15188a, 15245, 15262; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Definition of Low Risk, Bison - Distribution (Carcasses), Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Property Damage, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Ranching, Bison - Special Management Areas - proposed boundaries, Bison - Vaccination, Bison Ecology, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Testing, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Brucellosis Class-Free Status, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Minority and Low-Income Populations, Socioeconomics - Project costs are reasonable, Socioeconomics - Social Values, Visitor Use - Winter Road Grooming, Wildlife - Predators and Scavengers/Ungulates, Wildlife - Threatened & Endangered Species

Native Forest Network - 4102; Alternative Plan B, Alternatives/Issues - New, Bison - Population, Bison - Quarantine Operations, Bison - Special Management Areas, Brucellosis - Transmission and public perception, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority)

Natural Resources Defense Council - 15803; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population - set an upper and lower population level, Bison - Public Grazing Allotments - modify, Bison - Special Management Areas, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Cattle - Change Cattle Operations (Public and Private), Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Cost to livestock operators, Socioeconomics - Project costs are reasonable

New Jersey Animal Rights Alliance - 11137 (See also Schubert & Associates - 10110); Bison - Capture/Test/Slaughter Operations, Bison - Hunting, Bison - Quarantine Operations, Bison Alternative, Brucellosis - Transmission and public perception, Land Acquisitions / Easements or winter range, Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Project costs are reasonable, Visitor Use - Winter Road Grooming

New Jersey Environmental Lobby - 1739; Bison - Capture/Test/Slaughter Operations, Brucellosis - Transmission and public perception, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Legal and Policy Mandates (management authority), Socioeconomics - Social Values

North American Bison Society - 1754; Citizen's Plan, Legal and Policy Mandates (management authority), Visitor Use - Winter Recreation

North American Independent Indigenous Community - 13131; Brucellosis - in Other Wild Ungulates, Socioeconomics - Social Values

North Central Ohio Nature Preservation League - 281, 619, 3288; Bison - Capture/Test/Slaughter Operations, Bison - Humane Treatment, Bison - Vaccination, Brucellosis - Transmission and public perception, Legal and Policy Mandates (management authority), Socioeconomics - Social Values

North Coast Environmental Center - 15326; Alternative Plan B

North Fork Preservation Association - 8383; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Public Grazing Allotments - modify, Bison Ecology, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Legal and Policy Mandates (management authority), Socioeconomics - Cost to livestock operators

Northern Rockies Preservation Project - 5064; Alternative Plan B, Alternatives/Issues - New, Bison - Population, Bison - Quarantine Operations, Bison - Special Management Areas, Brucellosis - in Other Wild Ungulates, Brucellosis -Risk Management, Cattle - Change

Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Cost to livestock operators

Northwest Indiana Association of Wholistic Healers - 3535; Bison - Public Grazing Allotments - modify

Ohio Environmental Council - 446, 2697; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Public Grazing Allotments - modify, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Legal and Policy Mandates (management authority), Socioeconomics - Social Values, Visitor Use - Winter Recreation

Orange County People for Animals - 3836; Bison - Capture/Test/Slaughter Operations

Oregon Cattlemen's Association - 15669; Alternatives/Issues - New, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status

Oregon Dairy Farmers Association - 15850; Alternatives/Issues - New, Bison - Population, Brucellosis - Transmission and public perception

Oregon Natural Resources Council - 2775; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority)

Park County Ranchers Marketing Assoc. - 15183; Alternatives/Issues - New, Bison - Vaccination, Brucellosis - Transmission and public perception, Socioeconomics - Cost to livestock operators

People for the USA - 10316, 13483; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Population, Brucellosis - in Yellowstone Bison Herd, Legal and Policy Mandates (management authority), Visitor Use - Overall Visitor Use and Experience

Portneuf Environmental Council - 13111; Bison - Capture/Test/Slaughter Operations, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators

Predator Education Fund - 14894; Alternative Plan B, Bison - Effects on Free-Ranging Status and Distribution, Bison Ecology, Brucellosis - Transmission and public perception

Predator Project - 15332; Alternative Plan B, Alternatives/Issues - New, Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Public Grazing Allotments - modify, Bison - Vaccination, Bison Alternative, Bison Ecology, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Legal and Policy Mandates (management authority), Wildlife - Predators and Scavengers/Ungulates, Wildlife - Threatened & Endangered Species

Preserve Appalachian Wilderness - 9058, 15372; Alternative Plan B, Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Definition of Low Risk, Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Bison - Hunting, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Property Damage, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Vaccination, Bison Ecology, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Brucellosis Class-Free Status, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Land Acquisitions / Easements or winter range, Socioeconomics - Cost to livestock operators, Socioeconomics - Project costs are reasonable, Vegetation - Vegetative Communities, Visitor Use - Overall Visitor Use and Experience, Visitor Use - Winter Recreation, Visitor Use - Winter Road Grooming, Wildlife - Predators and Scavengers/Ungulates

Republicans for Environmental Protection - 14892; Alternative Plan B, Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Public Grazing Allotments - modify, Bison - Vaccination, Cattle - Vaccination - require vaccination with RB51, Socioeconomics - Project costs are reasonable

Respect for Life Society - 188; Bison - Hunting, Bison - Population, Brucellosis - Transmission and public perception

Rock Springs 4-H Center - 9656; Bison - Capture/Test/Slaughter Operations, Bison -

Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Brucellosis - Testing, Citizen's Plan, Legal and Policy Mandates (management authority)

Rocky Mountain Animal Defenders - See Schubert & Associates - 10110

Rocky Mountain Animal Defense - 14700, 14920, 14921; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Bison - Hunting, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Property Damage, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Special Management Areas, Bison - Vaccination, Bison Alternative, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators, Socioeconomics - Nonmarket Values, Socioeconomics - Project costs are reasonable, Socioeconomics - Social Values, Vegetation - Vegetative Communities, Visitor Use - Winter Road Grooming, Visual Resources - Landscapes and Viewsheds

S.K.U.N.K.S - 16751; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Legal and Policy Mandates (management authority)

Sacred Earth Network - 9359; Bison - Capture/Test/Slaughter Operations, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Vaccination, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures

Safari Club International - 8810; Bison - Hunting, Bison Ecology, Brucellosis - Transmission and public perception, Land Acquisitions / Easements or winter range, Vegetation - Vegetative Communities

Sarasota In Defense of Animals - 11060; Bison - Capture/Test/Slaughter Operations, Bison - Humane Treatment, Bison - Hunting, Bison - Public Grazing Allotments - modify, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Socioeconomics - Social Values, Visitor Use - Winter Road Grooming

Save Our Earth - 6963; Bison - Effects on Free-Ranging Status and Distribution, Citizen's Plan

Schubert & Assoc. - 10110, 14714; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Bison - Hunting, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Vaccination, Bison Alternative, Brucellosis - in Other Wild Ungulates, Brucellosis - Testing, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Brucellosis Class-Free Status, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators, Socioeconomics - Nonmarket Values, Socioeconomics - Project costs are reasonable, Visitor Use - Overall Visitor Use and Experience, Visitor Use - Winter Recreation, Visitor Use - Winter Road Grooming, Wildlife - Predators and Scavengers/Ungulates, Wildlife - Threatened & Endangered Species

Seeley Lake Driftriders - 8638; Bison - Population - set an upper and lower population level, Visitor Use - Winter Recreation, Visitor Use - Winter Road Grooming

SEIEN (Southeast Idaho Environmental Network) - 1211; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Hunting, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority)

Seventh Generation Fund - 15565; Bison - Capture/Test/Slaughter Operations, Bison - Hunting, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Vaccination, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Legal and Policy Mandates (management authority), Socioeconomics - Project costs are reasonable

Sierra Club - 10603, 15804; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population - set an

upper and lower population level, Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority), Visitor Use - Winter Road Grooming

Sierra Club, Berks Group - 297; Bison - Population - set an upper and lower population level, Bison - Public Grazing Allotments - modify, Bison - Special Management Areas, Land Acquisitions / Easements or winter range

Sierra Club, Big River Group - 8850; Bison - Capture/Test/Slaughter Operations, Bison - Population, Bison - Special Management Areas, Cattle - Vaccination - require vaccination with RB51

Sierra Club, Bitterroot Mission Group - 13447; Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Bison - Population, Bison - Property Damage, Bison - Quarantine Operations, Bison Ecology, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority), Socioeconomics - Social Values, Visitor Use - Overall Visitor Use and Experience, Wildlife - Predators and Scavengers/Ungulates, Wildlife - Threatened & Endangered Species, Wildlife - Threatened and Endangered Species - protection

Sierra Club, Black Hills Group - 15199; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Population, Bison - Public Grazing Allotments - modify, Bison - Ranching, Bison - Vaccination, Land Acquisitions / Easements or winter range

Sierra Club, Central Florida Group - 3659; Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Property Damage, Brucellosis - Transmission and public perception, Citizen's Plan, Legal and Policy Mandates (management authority)

Sierra Club, Columbia Group, Oregon Chapter - 11424; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Bison - Population, Bison - Property Damage, Bison - Quarantine Operations, Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority)

Sierra Club, Delta Group of San Francisco - 11018; Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Bison - Property Damage, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority)

Sierra Club, East Idaho Group - 14877; Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Property Damage, Bison Ecology, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Vaccination - require vaccination with RB51, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Wildlife - Threatened & Endangered Species

Sierra Club, Montana Chapter - 15172, (See also Sierra Club, Yellowstone Ecosystem Task Force - 15890); Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Property Damage, Bison Ecology, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority)

Sierra Club, Montana, Idaho, and Wyoming Chapters - 14956; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Property Damage, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority)

Sierra Club, Mount Evans Group - 10156; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Population, Bison - Property Damage, Bison - Quarantine Operations, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority)

Sierra Club, Northern Rockies - See Sierra Club, Yellowstone Ecosystem Task Force - 15890

Sierra Club, North Star Chapter - 15843; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Vaccination, Bison Ecology, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Social Values

Sierra Club, Placer Group - 9825; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Public Grazing Allotments - modify, Bison - Special Management Areas, Bison - Vaccination, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Legal and Policy Mandates (management authority)

Sierra Club, Rocky Mountain Chapter - 15726; Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority)

Sierra Club, Santa Lucia Chapter - 5432; Bison - Capture/Test/Slaughter Operations, Bison - Public Grazing Allotments - modify, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Socioeconomics - Project costs are reasonable

Sierra Club, Texas Lone Star Chapter - 15094; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Public Grazing Allotments - modify, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority)

Sierra Club, Upper Columbia River - 13036; Alternative Plan B

Sierra Club, Wyoming Chapter - 15130, (See also Sierra Club, Yellowstone Ecosystem Task Force - 15890); Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Bison - Hunting, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Property Damage, Bison - Quarantine Operations, Bison - Vaccination, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority), Socioeconomics - Project costs are reasonable

Sierra Club, Yellowstone Ecosystem Task Force - 15890; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Vaccination, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Visitor Use - Winter Road Grooming, Wildlife - Threatened & Endangered Species

Sinapu - 14540, 14928; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Vaccination, Bison Ecology, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Brucellosis Class-Free Status, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators, Socioeconomics - Nonmarket Values, Socioeconomics - Social Values, Visitor Use - Overall Visitor Use and Experience, Visitor Use - Winter Road Grooming, Wildlife - Threatened & Endangered Species, Wildlife - Threatened and Endangered Species - protection

Skyline Sportsmen's Association, Inc. - 639; Bison - Population, Bison - Vaccination, Vegetation - Vegetative Communities

Society for Range Management - 15723; Bison - Population, Bison - Population - set an upper and lower population level, Bison Ecology, Vegetation - Vegetative Communities South Carolina Wildlife Federation - 9668; Bison - Capture/Test/Slaughter Operations, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Citizen's Plan, Legal and Policy Mandates (management authority), Socioeconomics - Social Values

South Carolina Wildlife Federation - 9668; Bison - Capture/Test/Slaughter Operations, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Citizen's Plan, Legal and Policy Mandates (management authority), Socioeconomics - Social Values

Southeast Montana Sportsman Association - 14855, 14861; Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Bison - Hunting, Bison - Population, Bison - Public Grazing Allotments - modify, Bison - Special Management Areas, Brucellosis - in Yellowstone Bison Herd, Cattle - Brucellosis Class-Free Status, Cattle - Vaccination - require

vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Vegetation - Vegetative Communities

Southeastern Livestock Association - 14848; Bison - Population, Brucellosis - in Yellowstone Bison Herd, Cattle - Brucellosis Class-Free Status, Socioeconomics - Cost to livestock operators

SPCA, Animal Care and Welfare - 256; Bison - Capture/Test/Slaughter Operations, Bison - Humane Treatment, Bison - Hunting, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Vaccination - require vaccination with RB51, Visitor Use - Winter Road Grooming

SPCA, League for Animal Protection, Inc. - 2549; Bison - Capture/Test/Slaughter Operations, Bison - Humane Treatment, Bison - Hunting, Bison - Public Grazing Allotments - modify, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51

SPEAK - 10071; Bison - Capture/Test/Slaughter Operations, Bison - Hunting, Brucellosis - Transmission and public perception

St. Labre - 13330; Bison - Effects on Free-Ranging Status and Distribution, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Nonmarket Values

St. Labre Volunteers - 11096; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Brucellosis - Transmission and public perception, Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Socioeconomics - Project costs are reasonable

Station Middle School - 5187; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Humane Treatment, Bison - Quarantine Operations, Brucellosis - Transmission and public perception, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Social Values

Stuyvesant High School, American Habitat Club - 8592; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Hunting, Brucellosis - Transmission and public perception, Land Acquisitions / Easements or winter range, Socioeconomics - Social Values

Sun City Friends of Animals, Inc. - 7846, 8715a; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Bison Alternative, Brucellosis - Transmission and public perception, Citizen's Plan

Teen Animal Protectors - 16576; Bison - Capture/Test/Slaughter Operations

Texas and Southwestern Cattle Raisers Association - 14338; Bison - Capture/Test/Slaughter Operations, Bison - Population, Bison - Special Management Areas

Texas Animals - 15074; Bison - Public Grazing Allotments - modify, Bison - Vaccination, Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority), Visitor Use - Winter Recreation

Texas Committee on Natural Resources - 15081; Bison - Capture/Test/Slaughter Operations, Socioeconomics - Social Values, Visitor Use - Overall Visitor Use and Experience

Texas Establishment for Animal Rights - See Schubert & Associates - 10110

Trimbelle Rod and Gun Club - 10109; Citizen's Plan, Legal and Policy Mandates (management authority)

Trout Unlimited, Rio Grande Chapter - 9369; Alternatives/Issues - New, Bison - Effects on Free-Ranging Status and Distribution, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison Ecology, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Social Values, Wildlife - Predators and Scavengers/Ungulates, Wildlife - Threatened & Endangered Species

Turner Foundation Inc - 11514; Bison - Capture/Test/Slaughter Operations, Bison - Public Grazing Allotments - modify, Brucellosis - Transmission and public perception, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Land Acquisitions / Easements or winter range,

Socioeconomics - Minority and Low-Income Populations, Socioeconomics - Social Values, Wildlife - Threatened & Endangered Species

Union Furnace Elementary School-3rd Grade - 17685; Bison - Capture/Test/Slaughter Operations

United States Animal Health Association - 9364; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Population, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Special Management Areas, Bison - Special Management Areas - proposed boundaries, Bison - Vaccination, Bison Ecology, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Testing, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status, Cattle - Change Cattle Operations (Public and Private), Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators, Socioeconomics - Social Values, Wildlife - Threatened & Endangered Species

University of California, Cooperative Extension - 9122; Bison - Capture/Test/Slaughter Operations, Bison - Special Management Areas, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception

Utah Farm Bureau Federation - 15780; Bison - Population, Bison - Population - set an upper and lower population level, Bison - Special Management Areas, Brucellosis - Transmission and public perception, Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators, Socioeconomics - Nonmarket Values, Wildlife - Predators and Scavengers/Ungulates

Utah Snowmobile Association - 9050; Bison - Population, Socioeconomics - Nonmarket Values, Visitor Use - Winter Road Grooming, Visual Resources - Landscapes and Viewsheds

Utah Wildlife Federation - 9301; Alternatives/Issues - New, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Vaccination, Cattle - Vaccination - require vaccination with RB51, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Cost to livestock operators, Vegetation - Vegetative Communities, Visitor Use - Winter Road Grooming

Valley Middle School - 5191; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Citizen's Plan, Legal and Policy Mandates (management authority)

Valley Snodrifters - 14277; Bison - Population - set an upper and lower population level, Visitor Use - Winter Recreation, Visitor Use - Winter Road Grooming

Virginia Tenth District Environmental Council - 11398; Alternative Plan B, Citizen's Plan, Legal and Policy Mandates (management authority), Socioeconomics - Project costs are reasonable

Virginia Wildlife Federation - 1946; Bison - Distribution (Live), Bison - Quarantine Operations, Brucellosis - Transmission and public perception, Citizen's Plan, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Nonmarket Values, Socioeconomics - Project costs are reasonable, Socioeconomics - Social Values, Visitor Use - Overall Visitor Use and Experience

Voice for Wildlife - 11490; Bison - Capture/Test/Slaughter Operations, Brucellosis - Transmission and public perception, Brucellosis -Risk Management

Washington Cattlemen's Association - 14312; Alternatives/Issues - New, Bison - Special Management Areas, Brucellosis - Transmission and public perception, Legal and Policy Mandates (management authority),

Washington Elementary School - 6th grade - 17680; Bison - Capture/Test/Slaughter Operations, Legal and Policy Mandates (management authority)

Washington State Snowmobile Association - 13452; Vegetation - Vegetative Communities, Visitor Use - Winter Recreation, Visitor Use - Winter Road Grooming

Washington Wildlife Federation - 4538, 16709; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Public Grazing Allotments - modify, Brucellosis - Transmission and public perception, Citizen's Plan, Legal and Policy Mandates (management authority), Socioeconomics - Social Values, Visitor Use - Overall Visitor Use and Experience

West Yellowstone Chamber of Commerce - See Business Section under Moore & McFadden, Chartered - 14978

Western Wildlife Health Cooperative - 4433; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Population, Bison - Quarantine Operations, Bison - Special Management Areas, Bison - Vaccination, Brucellosis - in Other Wild Ungulates, Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority)

Wild Rockies InfoNet - 15545; Alternative Plan B, Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Definition of Low Risk, Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Bison - Hunting, Bison - Population, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Special Management Areas, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Cost to livestock operators, Socioeconomics - Project costs are reasonable, Visual Resources - Landscapes and Viewsheds, Wildlife - Threatened & Endangered Species

Wilderness Society - 14909, 14979, 15209a; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Public Grazing Allotments - modify, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Cost to livestock operators, Socioeconomics - Nonmarket Values, Socioeconomics - Project costs are reasonable, Socioeconomics - Social Values

Wildlands Center for Preventing Roads - 15354; Alternative Plan B, Bison - Capture/Test/Slaughter Operations, Bison - Hunting, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Vaccination, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Vaccination - require vaccination with RB51, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Socioeconomics - Project costs are reasonable, Socioeconomics - Social Values, Visitor Use - Overall Visitor Use and Experience, Visitor Use - Winter Road Grooming

Wildlife Damage Review - 7555; Bison - Effects on Free-Ranging Status and Distribution, Bison - Public Grazing Allotments - modify, Bison Alternative, Brucellosis - Transmission and public perception, Cattle - Change Cattle Operations (Public and Private), Socioeconomics - Social Values, Visitor Use - Winter Road Grooming

Wildlife Management Institute - 5455; Alternatives/Issues - New, Bison - Hunting, Bison - Population, Bison - Public Grazing Allotments - modify, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception, Cattle - Change Cattle Operations (Public and Private), Cattle - Public Grazing Allotments, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Cost to livestock operators, Vegetation - Vegetative Communities, Visitor Use - Overall Visitor Use and Experience

Wildlife Rehabilitation & Refuge Center - 374; Bison - Capture/Test/Slaughter Operations, Bison - Hunting, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Quarantine Operations, Bison - Vaccination, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status, Legal and Policy Mandates (management authority), Visitor Use - Winter Road Grooming

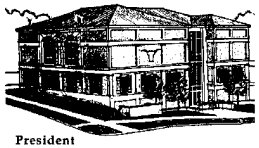
Wildlife Society - 14309; Bison - Distribution (Live), Bison - Hunting, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Quarantine Operations, Bison - Special Management Areas, Brucellosis - in Other Wild Ungulates, Cattle - Vaccination - require vaccination with RB51, Legal and Policy Mandates (management authority)

World Society for the Prevention of Cruelty to Animals - See Schubert & Associates - 10110

Wyoming Farm Bureau Federation - 14642, 14889; Alternatives/Issues - New, Bison - Population, Bison - Quarantine Operations, Bison - Ranching, Bison - Special Management Areas, Bison - Vaccination, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status, Cattle - Change Cattle Operations (Public and Private), Socioeconomics - Cost to livestock operators, Wildlife - Threatened & Endangered Species

Wyoming Outdoor Council - See Wyoming Stock Growers Assoc. - 15785)
Wyoming Stock Growers Assoc. - 14826, 14854, 15122, 15128, 15215, 15785; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Quarantine Operations, Bison - Special Management Areas, Bison - Vaccination, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Testing, Brucellosis - Transmission and public perception, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators, Socioeconomics - Project costs are reasonable, Vegetation - Vegetative Communities, Visitor Use - Overall Visitor Use and Experience, Wildlife - Predators and Scavengers/Ungulates
Wyoming Wildlife Federation - 14397, 14825, 14875, 14918, 15127 (See also Wyoming Stock Growers Assoc. - 15785); Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Definition of Low Risk, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Property Damage, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Special Management Areas, Bison - Vaccination, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Nonmarket Values, Socioeconomics - Project costs are reasonable, Socioeconomics - Social Values
Yell County Wildlife Federation - 2521, 7319; Alternatives/Issues - New, Bison - Humane Treatment, Bison - Hunting, Bison - Public Grazing Allotments - modify, Bison Ecology, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Nonmarket Values, Socioeconomics - Social Values, Visitor Use - Overall Visitor Use and Experience

YELL-9729



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*Living

Sarah Bransom
Interagency Bison Management Plan
DSC-RP
PO Drawer 25287
Denver, CO 80225-0287

RE: *Draft Environment Impact Statement of the Interagency Bison Management for the State of Montana and Yellowstone National Park*

October 21, 1998

Dear Ms. Bransom:

The National Brucellosis Eradication Program is nearing completion in the United States. On August 31, 1998 there were 8 brucellosis-affected cattle and domestic bison herds remaining in the U. S. The only unchecked focus of brucellosis (B. abortus) infection remaining in the entire country is the infection in wild bison and elk of the Greater Yellowstone Area.

The Draft Environmental Impact Statement for the Interagency Bison Management Plan for The State of Montana and Yellowstone National Park does not utilize the impartial science of the National Research Council's final report on Brucellosis in the Greater Yellowstone Area in developing the eradication alternatives in the DEIS.

The DEIS proposed alternatives are inadequate. Alternative 6 with modifications as presented in the National Cattlemen's Beef Association and the United State Animal Health Association DEIS comments provides the best alternative and should be implemented.

The concept of using Special Management Areas (SMA) to solve the bison problem is not an acceptable approach. The SMA's will result in an even greater population of bison in Yellowstone National Park and simply expand the park boundary exposing more livestock to brucellosis.

The Alabama Cattlemen's Association and it's 14,000 members strongly supports the DEIS comments submitted by the United States Animal Health Association. A copy of the USAHA comments dated October 6, 1998 is enclosed.

We appreciate the opportunity to comment on this important issue

Sincerely,

Bill Powell

William E. Powell, III, PhD
WEP:med
enclosure

For attachment see: Organization Section,
United States Animal Health Association,
YELL-9364

"The Qualified State Beef Council of Alabama"

14,431

ALABAMA COOPERATIVE Extension SYSTEM

State Headquarters/Animal Science & Veterinary Medicine
Dept. of Animal and Dairy Sciences
Auburn University, [redacted]

October 28, 1998

Ms. Sarah Bransom
National Park Service
Interagency Bison Management Plan
DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Re: Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and the Yellowstone National Park, October 6, 1998

Dear Ms. Bransom:

The Alabama Cooperative Extension System, functioning in all 67 counties of the state with the 6th highest number of beef cattle farms among the United States, firmly supports the opinion of the U.S. Animal Health Association and the American Veterinary Medical Association concerning the above matter.

Having been declared a Brucellosis Free state for both Cattle and Swine in 1998 after many hard and costly years of endeavor, the Alabama livestock industries are acutely concerned about the final elimination of brucellosis. Any programmatic effort which fails to aggressively pursue brucellosis eradication in the State of Montana and the Yellowstone National Park potentially jeopardizes all other states, including Alabama. Even though the risk of transmission of brucellosis from bison or elk to cattle is relatively small, because of the huge investment made by all other states and territories in the eradication of the disease, it must also be eradicated in the Greater Yellowstone Area.

The Alabama Cooperative Extension System supports Modifications to Alternative 6 of the Draft Environmental Impact Statement, i.e. immediate use of RB51 vaccine in calves and yearlings, RB51 vaccination of seronegative adult females as they are processed through capture facilities, identification and slaughter of seropositives, and utilization of an effective quarantine facility for seronegative bison.

The utilization of Special Management Areas is not a scientifically valid alternative and should be discarded as an option.

You are urged to consider the serious ramifications for future generations of humans and animals of failing to take appropriate steps now to insure that brucellosis is finally eradicated.

Sincerely,

James G. Floyd, Jr., DVM, MS
Diplomate ACT
Extension Veterinarian and Professor

ANS 6.1(VMP)

ALABAMA A&M AND AUBURN UNIVERSITIES, AND TUSKEGEE UNIVERSITY, COUNTY GOVERNING BODIES AND USDA COOPERATING

The Alabama Cooperative Extension System offers educational programs, materials, and equal opportunity employment to all people without regard to race, color, national origin, religion, sex, age, veteran status, or disability.

ALFA FARMERS

October 21, 1998

Goodwin L. Myrick
President

Ms. Sarah Bransom
Interagency Bison Management Plan
DSC - RP
P.O. Box 25287
Denver, CO 80225-0287

RE: Draft Environmental Impact Statement For The Interagency Bison Management For The State Of Montana and Yellowstone National Park

Dear Ms. Bransom:

Brucellosis eradication in the United States is critical because this disease is a serious public and animal health treat. The U.S. is nearing eradication of this disease from the nations cattle herd. Only 5 cattle herds are known to be affected with brucellosis today.

It is imperative that we aggressively pursue eradication of brucellosis from the bison in Yellowstone National Park. Brucellosis affected wildlife of the Greater Yellowstone Area represents the only uncontrolled Brucella abortus infection remaining in the U.S.

The Draft Environmental Impact Statement (DEIS) as published in May 1998 must utilize the impartial science of the National Research Council's final report on Brucellosis in the Greater Yellowstone Area to develop scientifically sound alternatives for brucellosis eradication. The proposed alternatives as published in the DEIS are inadequate to address this important issue.

The Alabama Farmers Federation strongly supports and concurs with the comments submitted by the United States Animal Health Association dated October 6, 1998. A copy of the USAHA comments is enclosed.

We appreciate the opportunity to comment on this important issue.

Sincerely,

Goodwin L. Myrick
President

/gm

Enclosure

For attachment see: Organization Section, United States Animal Health Association, YELL-9364

ALABAMA FARMERS FEDERATION

ALABAMA VETERINARY MEDICAL ASSOCIATION

October 21,1998

Sarah Bransom
Interagency Bison Management Plan
DSC – RP
P O Box 25287
Denver, CO 80225-0287

RE: Draft Environmental Impact Statement For The Interagency Bison Management For The State Of Montana and Yellowstone National Park

Dear Ms. Bransom:

Brucellosis eradication from bison in the Yellowstone National Park must be aggressively pursued. Today brucellosis affected wildlife in the Greater Yellowstone Area represents the only uncontrolled Brucella abortus infection remaining the United States. There are only 6 brucellosis affected cattle and domestic bison herds remaining in the U.S.

We have reviewed the May 1998 Draft Environmental Impact Statement For The Interagency Bison Management Plan For The State of Montana and Yellowstone National Park. The Alabama Veterinarian Medical Association support the position comments submitted by the American Veterinarian Medical Association and the United States Animal Health Association concerning this DEIS draft. A copy of the AVMA (10-14-98) and the USAHA (10-6-98) comments are enclosed.

We appreciate the opportunity to comment and support the USAHA position on this important issue.

Sincerely,

Robert E. Martin, President
Alabama Veterinarian Medical Association

For attachments see: Organization Section, United States Animal Health Association, YELL-9364 and American Veterinarian Medical Association, YELL-8846

R. E. Martin, DVM President
G. K. Armstrong, DVM President Elect
J. T. Williamson, DVM Vice President
W. D. Hales, DVM Treasurer
A. H. Groth, Jr., DVM Executive Vice President

YELL-8616

Alliance for the Wild Rockies

[redacted]

Bison Management Plan EIS Team
National Park Service, Denver Services Center
P.O. Box 25287
Denver, CO 80225-0287

Dear Bison Management Team,

I am writing regarding the Bison Draft Environmental Impact Statement. I believe that this DEIS is long overdue, and I am happy to see that some action is being taken to end the use of the Interim Plan. I have many concerns pertaining to the DEIS and the seven alternatives, and offer you some suggestions for improving these. Overall, the Alliance for the Wild Rockies strongly supports Plan B, an alternative developed by environmental groups and concerned citizens. We feel this plan offers an economically sound alternative that would involve no killing or confining of buffalo to manage brucellosis effectively.

1. We are concerned that the government alternatives outlined in the DEIS would treat this last remaining population of wild animals as a domesticated herd. All the alternatives call for corralling and confining the buffalo to test them for brucellosis. Many of these animals would be killed, and others would be imprisoned in quarantine facilitates for up to four years. These animals, that are historically free roaming, would be confined to corrals, fed and watered, ear tagged and confined within Yellowstone Park boundaries. Please stop the capture and slaughter of bison both inside and outside the park. These quarantine facilities would cost an estimated $52 million and would be an unnecessary waste of federal and tax dollars.

Rather than proposing to kill these animals, it would be more appropriate to allow some animals to be given to native American tribes, who already have public buffalo herds.

The Federal Government should urge Montana to accept the definition of "low-risk" buffalo, and allow them to roam free like other wildlife.

We believe that you are setting a dangerous precedent for restricting wildlife to artificial boundaries of parks. Please address this issue.

2. The idea of establishing a public rifle hunting season for animals which are fearless of humans is inhumane and cruel. Please remove this proposal from all alternatives. We should let nature play a hand in population control rather than humans and their desire to participate in this unethical sport.

3. The Federal Government should require vaccination of cattle against brucellosis in the conflict zone. The government should be advocating the existence of indigenous wildlife populations, such as buffalo, rather than these introduced cattle. This requirement would be much more cost-effective than the DEIS alternatives. Possibly the money that would have been used for the DEIS alternatives, could aid ranchers in vaccinating cattle. Or an even better alternative, would be to remove all cattle grazing on public lands surrounding the park, and allow bison to use these lands without restrictions.

4. Another failure of the DEIS alternatives is their failure to acknowledge the lack of proof that there is any risk of disease transmission of brucellosis from buffalo to cattle. Why are elk not being targeted as major disease vectors? Are they not carries of the disease? We should be treating all these wildlife species in the same manner, and being truthful about the scientific evidence available.

5. Lastly, we feel that there should be a comprehensive strategy plan, that manages the buffalo, rather than placing all the emphasis on the brucellosis risk. There should be work done to determine how many buffalo the Greater Yellowstone Ecosystem can support ecologically and manage to maintain that population. Establish a public lands policy that places wild animals over livestock. Compensating persons that incur property damage as a result of free roaming buffalo.

The brucellosis disease could be much better managed by the following measures. Trade permittees for lands outside of the conflict zone or modify existing federally subsidized grazing permits on public lands in the conflict zone. Require that all cattle in conflict zone are vaccinated against brucellosis.[2] Insist that the cattle owners have low cow-calf operations within this zone.

Urge all states to respect the brucellosis classification assigned to states by the federal government, and adopt scientifically-based acceptable levels of risk.

We strongly believe the Alternative B is the only ecologically and economically sound alternative. It is based on sound science, and not on politics. It would save tax payers millions of dollars, and would not needlessly kill our last remaining herds of buffalo. Thank you for your time.

Sincerely,

Deb Kmon

Deborah Kmon
AWR Ecosystem Defense

American Association of Wildlife Veterinarians

September 24. 1998

Bison Management Plan EIS Team
National Park Service - Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

YELL-5638

Dear Ms. Bransom:

The American Association of Wildlife Veterinarians (AAWV) is the professional association of veterinarians who apply their medical skills and biological knowledge to the ultimate benefit of wildlife populations. The AAWV, both as a group and as individual members, are interested and involved in the management of brucellosis in elk and bison in the Greater Yellowstone Area (GYA). We would therefore like to take this opportunity to comment on the Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park.

From the perspective of professional wildlife-disease managers, it is important that state and federal agencies work toward the elimination of introduced diseases such as brucellosis in bison and elk. These diseases should be addressed from the perspective of sound wildlife management and not from the perspective of conventional domestic animal disease control. As presented, none of the alternatives proposed address all of the concerns of the AAWV.

The alternatives do not allow quarantined bison that have been found to be brucellosis-free to be released from the quarantine facility. That option should be allowed if the return of the bison to the Park does not adversely impact population goals and objectives as established by the Park or if other acceptable release sites can be identified. Similarly, seronegative bison should be returned to the Park rather than transferred to the quarantine facility if they are within population objectives.

If quarantine facilities are utilized, they should be constructed at a location that would not negatively impact animal migration and habitat use. Preferably, these facilities should be located some distance from the Park. These facilities should not become de facto test and slaughter facilities and they also should be dismantled once the goals and objectives of the plan have been met.

Public hunting, as opposed the agency culling, is the preferred method for removal of bison when such action is necessitated.

Alternative 2: Expanded boundaries (SMAs) as outlined in this alternative have merit in that they allow bison to make natural migrations. However, without that active population control, bison would gradually fill the SMAs resulting in an expanded and amplified problem of a larger population of brucellosis-exposed bison. Also, there is not guarantee that this action would succeed given the tentative nature of acquiring private property on a willing seller basis.

Alternative 5: We do not support test/slaughter activities within the boundaries of the Park or the establishment of numerous capture facilities. Also, we do not support the shooting of all untested bison during the latter stages of this alternative. Finally, we do not support restricting bison distribution to the interior of the Park. Political boundaries are not recognized by wildlife. Free-ranging wild bison of Yellowstone National Park should not be managed as if they are confined cattle.

The reduction in seroprevalence over time (DEIS Table 37) as a result of test/slaughter appears extremely optimistic and unrealistic. A newer, more sophisticated, individual-based model of the epizootiology of brucellosis in bison (Gross et al., unpubl. data) predicts it might take up to 30 years to achieve approximately 10 percent seroprevalence. We do not believe test and slaughter can be as rapidly effective as projected in the DEIS while a population of 1200 or more bison is maintained.

Alternative 6: We do not support the slaughter phase (phase 2) or the establishment of up to eight bison capture facilities within the Park boundaries. This is not an appropriate wildlife management practice, particularly within a National Park.

We strongly support the vaccination phase (phase 1) of the alternative. However, the reduction of seroprevalence over time as a result of vaccination (Table 38) is overly optimistic. The newer model referred to above predicts it would take approximately 25 years to achieve a seroprevalence of 25-35 percent using a vaccine having 70 percent efficacy.

Alternative 7: The preferred alternative seems to provide the most logical approach to managing the disease in Yellowstone bison with several exceptions. To allow more management flexibility, it seems logical to raise the upper end of the population threshold from 2,500 to 3,500 as recommended in alternatives 3 and 6. This increase would lessen the impacts of various management actions and allow more bison to inhabit the Park. What is truly needed to justify any population threshold is carrying capacity date to quantify how many bison (and other ungulates) can winter at the various wintering sites based on available forage, rather than adopting an apparently arbitrary number.

This alternative supports the use of special management areas (SMA) outside the park which is logical from the standpoint of allowing natural bison migrations, especially under certain conditions. This component also makes sense from the standpoint a wildlife species is being allowed to move freely across political boundaries.

The use of fair-chase hunting in the Eagle Creek/Bear Creek SMA is a start in the right direction. However, the addition of hunting in the western SMA is also needed as outlined in alternative 3. It is alluded to in the plan that this area may be added but was not stipulated. To effectively control bison populations, all designated SMAs should allow fair-chase hunting as a management tool.

Risk management is addressed to some degree but should also include an aggressive vaccination component as stipulated in alternative 6. Without enhanced immunity from vaccination, infected bison that do not leave the Park would perpetuate the disease.

The use of a quarantine facility inside Park boundaries is a debatable technique for use in the context of wildlife management. Moreover, it is questionable to justify the use of a quarantine facility to provide a source of live bison to tribal governments. This is particularly true if they have the ability to sell the animal for profit (either live or dead) while the state and federal governments are paying the bill for the program. The plan did not specify restrictions that may be placed on bison released from quarantine facilities.

In summary, there are elements of several alternatives, particularly alternatives 6 and 7, that when combined provide a reasonable and achievable method for the management of brucellosis

YELL-5638 contd.

in bison. Below are listed elements and principles which the AAWV believes should be incorporated into any management plan:

1. The overall objective of any management plan should be to strive for the eventual elimination, not just control or risk management, of brucellosis in bison and elk in the GYA. However, it must be recognized that elimination of brucellosis will be a long-term endeavor.

2. No management plan for the control and elimination of brucellosis in bison can ever succeed if a parallel plan for elimination of the disease in elk is not initiated. Despite the qualification that the issue of brucellosis in elk is "beyond the scope of this environmental impact statement (page 46)," it is negligent and misleading to infer that any of the proposed alternatives would eliminate brucellosis in bison without a concomitant plan for elk.

3. Long-term vaccination of bison with a safe and efficacious vaccine should be a consideration of any alternative. If a vaccination program is selected, it should be implemented as soon as possible.

4. Vaccination of adult domestic cattle potentially is contact with bison should be required along with periodic testing that would be adequate to preserve the brucellosis-free status of the states.

We appreciate your consideration of our input. If you have any questions or require additional information, please do not hesitate to contact us.

Sincerely,

Sarah Shapiro Hurley

Sarah Shapiro Hurley, DVM, PhD
President, American Association of Wildlife Veterinarians

198.80.60.219

YELL-13356

Friday, October 23, 1998 - 17:04:46 pm EST
a lastname: Olson
b firstname: Kenneth
c organization: American Farm Bureau Federation
comments: COMMENTS OF THE AMERICAN FARM BUREAU FEDERATION
ON THE Draft Environmental Impact Statement
for the Interagency Bison Management Plan
For the State of Montana and Yellowstone National Park

The American Farm Bureau Federation (AFBF) is the nation's largest general farm organization with over 4.7 million members nationwide. Included in our membership are the majority of the cattle producers in Montana and the nation. We recognize that the area covered by the Draft Environmental Impact Statement (DEIS) lies in Yellowstone National Park and the State of Montana, but in reality the plan has ramifications for livestock producers nationwide.

Issues to be Addressed
Brucellosis in the wildlife population of the Greater Yellowstone area has been a long-standing concern for livestock producers. It is important to move forward and address this issue using the best science available. As we do this there are several important issues that must be addressed. They include:

1. The National Brucellosis Eradication program is nearing completion, with an objective of eradicating the disease from the U.S. cattle population by the end of 1998. This goal is close to being met. The only remaining unchecked focus of brucellosis in the country is in the wild bison and elk of the Greater Yellowstone area. This needs to be addressed to prevent any possible reinfection of cattle.
2. It is important that the final plan take immediate action to control the disease and that it include a scientifically sound plan for eradication of the disease in a reasonable time period.
3. Brucellosis in elk must be addressed in order to achieve brucellosis control and eradication in the area.
4. Appropriate methodology must be used to determine the carrying capacity of the park for bison, elk and other species that utilize the area. The size of the bison herd must then be controlled to balance the overall wildlife population with the carrying capacity of the park.
5. Special management areas (SMA) that are included in the DEIS, represent a de-facto increase in the size of the park and significantly increase the area impacted by diseased bison. This means there is a larger area that must be "policed" and which could result in an increased risk of brucellosis transmission.
6. Brucellosis is a zoonotic disease, meaning that it can be transmitted from animals to humans. This risk must be kept in mind and is one reason that AFBF wishes to see the disease eradicated from both the cattle and bison populations.
7. The state's animal health authority over diseases and diseased animals within the state must not be compromised.
8. The plan adopted must deal with the situation in a manner that allows livestock to continue to move freely in interstate trade.
9. The plan that is adopted should be "legally implementable" by the parties involved.

Comments and Observations on DEIS
In reviewing the background and overview information included in the DEIS we find several areas of concern.

YELL-13356 contd.

The purpose of the proposed interagency action, as stated in the DEIS, is "to maintain a wild, free-ranging population of bison and address the risk of brucellosis transmission to protect the economic interest and viability of the livestock industry in the state of Montana." We support this concept, but would emphasize the need to minimize any negative producer impacts. Long-term we need to protect human health and also the opportunity for producers to participate in both domestic and international markets. In order to do this we need to eliminate brucellosis from the bison population. We note that, based on the analysis provided in the DEIS, options five and six are the only ones presented that achieve this objective in the time frame studied.

The DEIS notes a need for additional research on brucellosis in bison to better quantify the risk of transmission, improve diagnostic tests and vaccines, and develop management strategies for working with the disease. AFBF recognizes the need for and supports additional research, but we are confident that tools currently available will allow us to move forward in the control and eradication of the disease. It is time to get started.

The economic importance of preventing any spread of brucellosis from bison to cattle and in maintaining "class-free" status for Montana livestock producers is noted in the DEIS. This is critical to livestock producers in Montana, but also important to producers across the nation. According to figures from the state, cattle from the Greater Yellowstone Area are routinely exported to as many as twenty three states and up to seven foreign countries. Due to the nature of the disease there is often a time lag between infection of an animal and detection of the disease. This could potentially put herds in several states or nations at risk prior to discovery of an outbreak. If such an event occurred, it would almost certainly result in movement controls on animals in the infected areas, and quite possibly on all U.S. producers. Given the growing importance of international trade, this would have major economic impacts on the Montana cattle industry, and quite likely on the whole U.S. cattle industry along with support services for the industry.

The presence of brucellosis in elk in the Greater Yellowstone area is noted, but not addressed in the DEIS. Long-term, it is important to work toward elimination of brucellosis in elk as well as bison. This should be done concurrently, for as long as a reservoir of the disease exists, the potential for reinfection of cattle or bison exists. Such an occurrence would negate the years of effort and financial resources expended to eliminate the disease in both the cattle and bison populations.

The DEIS raises several issues relative to Uniform Methods and Rules for Brucellosis, as well as concerns regarding the culture of Brucella abortus. These items are outside of our realm of our expertise, but we are aware of the comments of the United States Animal Health Association (USAHA) on these issues. These comments were drafted by veterinarians with specific expertise in both of these areas. We have reviewed their comments and endorse their observations in these areas. Some of the relevant points raised by USAHA include:
- Culture of Brucella abortus presents challenges in both cattle and bison, but it can be done.
- Evidence exists that a significant number of infected bison exist in the park area.
- Evidence of approximately 50 per cent seroprevalence indicates that transmission is occurring.
- There is no evidence that the route of transmission in bison is different than that in cattle.

All of these items point to the need for establishment of an effective control and eradication program in the area.

While a substantial portion of the DEIS is devoted to discussion of the non-market benefit of the Yellowstone National Park bison herd, the value of a disease free herd is not addressed in the document. This is a serious oversight. If the bison herd were free of disease, excess animals could be provided to Native American Tribes for their use in the establishment of bison herds. Excess animals could also be sold to help defray the cost of the program, or they could be allowed to move outside of the park without presenting risks to adjacent cattle herds.

Evaluation of Alternatives

In evaluating the alternatives for the long-term management of bison in the DEIS, we will restrict our comments to options five and six since they are the only ones that reduce the seroprevalence of brucellosis to zero in the time frame evaluated. This fact alone is adequate justification for the rejection of the other choices presented.

In looking at alternatives five and six we could support option five, for it would eradicate the disease from the bison population in the shortest time frame. It also appears that it could be implemented without changes to existing regulatory authority. However, we recognize the difficulty in implementing this option due to the large number of bison that are likely to be destroyed in the early stages of the program. For this reason we would look at alternative six with some modifications as the preferred choice.

We do have concerns with several aspects of alternative six as presented. It would utilize extensive special management areas in phase one. It does not provide for the separation of seronegative bison through quarantine and has no scientifically justifiable reasons for delaying the implementation of phase two for ten years. During phase one, as presented, we are concerned that the risk of transmission would be increased. To address these concerns, and improve the effectiveness of alternative six, we would suggest the following modifications:

1. Eliminate the West Yellowstone SMA. Only test negative bison should be allowed west of Seven Mile Bridge. Bison approaching the west boundary of the park must be captured or destroyed by National Park Service personnel before reaching the boundary. Captured bison may be returned to the interior of the park or moved to an approved quarantine facility.
2. Reduce the proposed SMA on the north side of the park to the Little Trail Creek/Eagle Creek Area. We are strongly opposed to the establishment of SMAs in Montana, but could accept this reduced SMA because of its designation as wildlife habitat since its acquisition in the late 1980s. We would support bison hunting in this area, if the state of Montana determines that this is in the best interest of citizens of the state.
3. In order to control and eradicate brucellosis, a vaccination program is important. Several trials have shown RB51 to be safe for use in bison calves. We would urge immediate implementation of an RB51 calf and yearling vaccination program in Yellowstone National Park. We would also encourage implementation of an adult vaccination program with a reduced dose of RB51 until such time as efficacy studies are completed. Such an effort should begin with seronegative females as they are processed through capture facilities in the park.
4. Establish up to eight capture facilities throughout Yellowstone National Park as described in the original alternative six. These facilities are needed to test and vaccinate animals.
5. Construct and utilize, as soon as possible, an approved quarantine facility for seronegative bison captured in the park. This quarantine facility could also be used as part of an "adaptive management" strategy to evaluate the effectiveness of vaccines such as RB51 in adult bison and gain practical knowledge about the vaccine.
6. The ten-year time line for phase one of alternative six should be reduced to five years. During this time, there should be an increase in the percentage of bison vaccinated on an annual basis, including adult vaccinations. Consideration may be given to a delay of the implementation of phase two if the annual seroprevalence rate shows a statistically valid reduction in the risk of transmission due to the vaccination and management programs in place. Vaccination must be continued until eradication of brucellosis from bison and elk of the Greater Yellowstone area is achieved.
7. The alleged "major adverse effect" on the nesting pair of Trumpeter Swans at Seven Mile Bridge should be mitigated to allow establishment of the capture facility.
8. The potential "adverse affect" on Grizzly Bears, that might result from the reduction in carrion available to bears in phase two of the modified program, could be mitigated by providing seropositive bison captured during phase to the bears. Rather than sending all seropositive

YELL-13356 contd.

animals to slaughter, some could be destroyed and placed in areas where bears have become accustomed to finding bison carrion.
9. It is important that a valid study be undertaken of the wildlife carrying capacity of Yellowstone National Park. This must include bison, elk, deer, antelope and other ungulates that use the area. Until this is done, we suggest the bison population be kept to a maximum of 1,800 head.

Conclusion
Adoption of alternative six, with these modifications, will provide a scientifically valid program that will achieve the objectives of the DEIS in a timely and cost-effective manner. We believe that all of these actions can be taken without changing existing state or federal laws and regulation. Such a program will maintain a genetically viable, disease-free, free-ranging bison herd for the public to enjoy. At the same time it will protect the health of people and animals in the Greater Yellowstone area, as well as the livelihood of cattle producers in the region and across the nation. AFBF looks forward to working together with other interested parties toward these objectives.

[redacted]

YELL-3037

September 2, 1998

Environmental Impact Statement Team
Bison Management Plan
National Park Service
Denver Services Center
P.O. Box 25287
Denver, Colorado 80225-0287

Ladies and Gentlemen:

I am writing on behalf of the American Lands Alliance to comment on the Draft Environmental Impact Statement (DEIS) for the Bison Management Plan (Plan) for buffalo living in Yellowstone National Park. American Lands works with individuals and our constituent groups to protect wildlife and wild places throughout the country. Collectively, American Lands and our allied groups represent thousands of citizens who are concerned about the fate of the Yellowstone buffalo herd.

We are disappointed with the DEIS and the Plan because they fail to embrace ecosystem management as prescribed by the administration and practiced, with some success, by various federal land management agencies. Recent actions by the Park Service in Yellowstone, including adoption of the natural burn policy, opposing development of the New World Mine, and reintroducing wolves to the park, are fine examples of ecosystem management. But the absence of any alternative in the Plan that provides for free-roaming bison is a step backwards.

The responsible alternative would remove cattle and other domestic livestock from public lands surrounding the park. Although there is no known case of buffalo infecting cattle with brucellosis, it seems to greatly concern the Montana beef industry. But these ranchers are a tiny minority of Americans and protecting their livestock is expensive, inhumane, and violative of ecosystem management principles. We urge you to develop a permanent solution to buffalo conflicts in the Greater Yellowstone Ecosystem by phasing out livestock grazing on surrounding public lands.

Sincerely,

Mark N. Salvo
Grasslands Advocate

American Lands
ALLIANCE

Jim Jontz,
Executive Director
Steve Holmer,
Campaign Coordinator

[redacted]

Board of Directors
Michael Kellett
Concord, Massachusetts
Matt Jacobson
Brattleboro, Vermont
Rick Johnson
Boise, Idaho
Tim Lillebo
Bend, Oregon
Jennifer Lupton
Salt Lake City, Utah
Christopher Peters
Arcata, California
Randi Spivak
Los Angeles, California
Kieran Suckling
Tucson, Arizona
Susan Tixier
Denver, Colorado
Bethanie Walder
Missoula, Montana
Chuck Willer
Corvallis, Oregon

YELL-5373

PUBLIC HEARING

Thank you for attending the Public Hearing for the *Draft Environment Impact Statement for the Interagency Bison Management Plan*. We appreciate your participation. Please use this form to record your comments. If you believe that we have missed an important issue, or need more information to fully assess the impacts, we welcome your written comments. Please be as specific as possible and include your rationale for the suggested changes. Feel free to make additional comments on separate sheets of paper and enclose them with this postage paid form. When you have finished fold along the dotted line so that the business reply address is on the outside, tape closed (no staples please), and mail. Your comments must be received by **October 16, 1998**. Thank you for your interest in the EIS.

I am writing for the American Lands Alliance to submit comments on the DEIS for the Interagency Bison Management Plan. American Lands works with individuals and our constituent groups to protect wildlife and wild places throughout the country. Collectively, American Lands and our allied groups represent thousands of citizens who are concerned about bison management on public lands surrounding Yellowstone National Park.

The American Lands Alliance supports Alternative B (The Buffalo's Alternative) written by wildlife ecologist Virginia Ravndal.

JIM DONELIN
Commander

BOB PERWIEN
1st Vice Commander
RUTH DUSSENTHAL
2nd Vice Commander
JIM DONELIN
Finance Officer
RUTH DUSSENTHAL
Chaplain
MAURICE WEINMAN
Judge Advocate
MAURICE WEINMAN
Historian
FRED MUNOS
Sgt. At Arms
BILL ROBERT
Adjutant
EDITOR & SECRETARY
MAURICE WEINMAN P.C.

[redacted]
MAURICE WEINMAN, P.C.
EXECUTIVE DIRECTOR

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Gerald Wolff
Jim Donelin
Mickey Simon
Bob Perwien
Maurice Weinman

Miami Beach Post No. 85

[redacted]

9/28/98

Dear Sarah Branson, DSC-RP

YELL-2690

We are asking you to Support the Citizen's Plan for managing Buffalo The Park Service should Re-Draft the E.I.S incorporate the Citizen's Plan!! Into the document and analyze it as a viable alternative. As an alternative to destroying bison, excess healthy Buffalo should be moved to Indian reservations and other public lands!! Bison are wildlife not livestock and as such should be managed by Wildlife professionals for enjoyment by the Public in a wild and Natural setting on public and Tribal Lands!!

Our Membership is 200% Strong and we all feel the same way about this problem!!

For God and Country

Commander Emeritus Jim Donelin

American Reform Party-CA

The Last Frontier For Political And Economic Reform

YELL-4354

[redacted]

September 14, 1998

Bison Management Plan EIS Team
National Park Service - Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

RE: Draft EIS for Yellowstone Bison

The draft EIS for Yellowstone bison management is flawed. Its premise is that Yellowstone bison pose a threat to cattle. On the basis of spurious evidence that such a threat exists, bison are to be corralled, quarantined and slaughtered. Each of the 7 alternatives proposed contains these elements. Even Alternative 2 (the most sympathetic to free-roaming buffalo) would allow the current practice of corral and slaughter to continue.

Clearly a new approach is required that "truly" provides for "wild, free-roaming bison" -- one of the two purported goals of the Draft EIS -- while protecting Montana's cattle industry.

The approach is called Plan "B" (the Buffalo's Alternative). It is a common-sense approach based on science not politics. It is a cost-effective plan, which will not cost U.S. taxpayers $50 million+ -- the projected cost of the government's preferred alternative. It is a plan that addresses disease management, while addressing the problems associated with the "brucellosis-free status."

YELL-4354

With regard to the latter, it requires that Montana's brucellosis classification assigned by the federal government be honored by all states. It urges Montana to accept the federal government's definition of low-risk bison and allow them free movement like other wildlife. And it modifies Montana's zero tolerance policy to one more consistent with disease management - the adoption of scientifically-based levels of risk.

Plan "B" simply put accomplishes the following:

(1) It allows buffalo to roam freely in the Yellowstone ecosystem.

(2) It provides for establishing a target population level and manages it in the same way other wildlife species in Yellowstone are managed.

(3) It compensates cattlemen and individuals who incur property damage, and it allows for land swaps in the conflict zone.

(4) It provides for vaccination and testing of cattle in the conflict area.

(5) It calls for vaccination of buffalo calves when the vaccine becomes available (projected to be within the next year and one half.)

(6) It allows for "hazing" of low-risk buffalo away from private lands and/or buffalo-proof fencing.

(7) It gives priority to buffalo on our public lands, whose primary designation is wildlife habitat, rather than to cattle.

Your consideration of Plan "B" is requested. It offers the "best alternative" for the Yellowstone buffalo -- to be treated like all other wildlife. It offers the best alternative for taxpayers who will otherwise be footing an enormous bill for the benefit of a small number of ranchers.

Nancy Couperus
Chair, American Reform Party - CA

YELL-EEAG

AMERICAN VETERINARY MEDICAL ASSOCIATION

[redacted] · [redacted]

October 14, 1998

Sarah Bransom
National Park Service
DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

RE: Draft Environmental Impact Statement, Interagency Bison Management Plan for the State of Montana and Yellowstone National Park

Dear Ms. Bransom:

The American Veterinary Medical Association (AVMA), with more than 61,000 members, provides the following comments on the Draft Environmental Impact Statement (DEIS) for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park.

Brucellosis is a zoonotic disease. In addition to adversely affecting the health of animals, brucellosis can be transmitted to humans and can cause a severe, chronic disease syndrome. Human brucellosis, also called undulant fever, is characterized by intermittent fever, chills, sweating, headache, muscle aches, joint pain, and various other nonspecific symptoms. It may be present as both a foodborne or an occupational disease; humans may contract the disease by drinking raw milk from an infected cow or coming in contact with infected material, such as an aborted fetus or placenta. Although the disease is rarely fatal, it can be debilitating, success of treatment varies among individuals, and infection may be lifelong. Brucellosis is a reportable disease in the United States; occurrences of the disease are reported to the Centers for Disease Control and Prevention by designated state or territorial personnel. From 1985 to 1995, the number of human brucellosis cases in the United States averaged 121 cases per year. However, because of the variable symptoms associated with brucellosis, the CDC assumes only an estimated four to ten percent of cases are recognized and reported.[1]

Prevention of human brucellosis depends on the control of the disease in animals. When brucellosis in animals is eliminated, infection in people will also disappear. Human brucellosis is not a widespread health threat today in North America because of efforts to eradicate brucellosis in cattle and the use of sanitary procedures (such as pasteurization) in milk processing; human infection that does occur today generally is among people who handle infected tissues, such as veterinarians and hunters.[2]

Because of its potential to be transmitted to humans, brucellosis is one of the most regulated diseases of cattle in the United States. By authorizing the USDA to regulate brucellosis transmission in cattle, the federal government has demonstrated concern that although a low risk brucellosis poses a potentially great-loss situation in terms of potential economic consequences and possible human health effects.[3] The USDA APHIS administers the National Brucellosis Program, which was established in 1934 to set up standards for testing, quarantine, and elimination of brucellosis in cattle. A major goal of the program is to eradicate brucellosis from the United States by December 1998. To ensure that brucellosis would be eradicated from the United States, the APHIS began a Brucellosis Emergency Action Plan (EAP) in July 1997.[4] As of August 31, 1998, the APHIS reported 8 *Brucella abortus*-affected cattle herds, which included one captive bison herd.

The only uncontrolled focus of brucellosis infection remaining in the United States is the infection in wild bison and elk in the Greater Yellowstone Area. The risk of bison or elk transmitting brucellosis to cattle is small, but it is not zero.[5]

The AVMA contends that none of the proposed alternatives in the DEIS are adequate to address the issue of brucellosis risk reduction for cattle and humans, and the elimination of infection in the Greater Yellowstone area. We believe that modifications to Alternative 6 will present the best feasible solution. Alternative 6 is labeled as "Aggressive Brucellosis Control within Yellowstone National Park through Vaccination." The alternative proposes to utilize vaccination when a safe and effective vaccine was available. Also, when tests of animals attempting to exit the park demonstrate that the incidence of exposure to *Brucella abortus* had stabilized as a result of vaccination, then herdwide capture, test, and slaughter of seropositive bison would begin. The DEIS estimates the stabilization period to be 10 years after the start of vaccination. However, we believe that a delay of vaccination until efficacy studies are completed is not justified. RB51 vaccine has been shown through several trials to be safe for bison calves. Also, the National Research Council report stated, "Until a long-term controlled vaccination study is done, it is not appropriate to assume that brucellosis cannot be eliminated by vaccination." A calf and yearling vaccination program in Yellowstone National Park using RB51 should be started immediately. Seronegative adult females should be vaccinated as they are processed through capture facilities with a reduced dose of RB51 until efficacy studies on adult bison are completed. The ten-year time line for phase one should be reduced to a five-year period through more aggressive vaccination, including adult vaccination. Phase two (capture, test, and slaughter of seropositives)

[1] Occupational Safety and Health Zoonosis Report on Brucellosis, USDA FSIS Emerging Pathogens and Zoonotic Diseases Division, Office of Public Health and Science, May 1998.

[2] Brucellosis in the Greater Yellowstone Area, National Research Council, 1997.

[3] NRC, 1997

[4] USDA FSIS, May 1998

[5] NRC, 1997

YELL-8846 contd.

can be delayed if annual seroprevalence rates continue to significantly decline. We support the utilization of an approved quarantine facility for seronegative bison provided that it is an effective alternative to destruction of seronegative bison. The seronegative bison can be returned to Yellowstone National Park to help maintain the herd size or, if the herd size needs to be reduced, animals completing the quarantine protocol can be transferred to other locations. The facility must be located within or adjacent to Yellowstone National Park and should be located near a capture facility to minimize transportation and the attendant stress on the bison.

Alternative 6 with the recommended modifications can be implemented without changes to existing federal and state laws or regulations which offers a significant advantage over other proposed alternatives. We believe that our recommendations will reduce, and eventually eliminate, the risk of brucellosis transmission to cattle and humans without severely impacting the bison populations in the Greater Yellowstone Area at the completion of the program.

Sincerely,

Bruce W. Little, DVM
Executive Vice President

BWL/CPHRVM/LPV

YELL-8750

ANIMAL ADVOCATES OF LAKE COUNTY

[redacted]

OUR MISSION IS TO SHELTER ANIMALS AT OUR SPCA...

October 3, 1998

The Bison Management Plan EIS Team
National Park Service, Denver SVS. Center
Box 25287
Denver, CO 80225

Dear BMP Team,

I oppose the government's "Preferred Alternative" and would ask that you adopt an alternative plan.

Please give this your serious consideration.

Very sincerely,

Nora Star, President
Animal Advocates

ANIMAL ASSISTANCE LEAGUE OF ORANGE COUNTY

[redacted]

YELL-10,717

September 28, 1998

Bison Management Plan EIS Team
National Park Service
Denver Services Center
Box 25287
Denver, CO 80225-0287

FAX: 303-969-2736

Dear Sir or Madam:

On behalf of the Animal Assistance League of Orange County with thousands of members throughout Orange County, our organization believes that the alternative plans for Yellowstone bison management proposed by The Fund for Animals and other animal/ environment groups is much better than the one currently being considered by the NPS. Our organization opposes the government's "Preferred Alternative" and prefer the ones submitted by The Fund for Animals.

Please write and let me know that the NPS will be listening to animal groups on this important matter.

Sincerely,

Robin-Marlena Itzler
President

Their welfare is in our hands.

YELL 11,124

ANIMAL PROTECTION INSTITUTE

[redacted]

October 22, 1998

Bison Management Plan EIS Team
NPS Denver Service Center
P.O. Box 25287
Denver, CO 80225-0287

Re: Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park

Dear Bison Management Plan EIS Team:

I am writing on behalf of the Animal Protection Institute (API), and our 80,000 members nationwide, to comment on the *Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park* (hereafter referred to as Draft EIS). The Animal Protection Institute opposes Alternative 7, the preferred option, as well as all other alternatives contained in the Draft EIS and instead supports The Bison Alternative proposed by The Fund for Animals.

Background

The management of our country's national parks and its impact on the wildlife who reside there is of great importance to API, its staff and members. API is actively involved in a number of issues affecting animals found in national parks and has monitored the status of the Yellowstone area bison for three decades. API advocates for the protection of wildlife in national parks through public awareness campaigns, lobbying, and litigation. Our organization supports the use of humane, nonlethal alternatives to resolve human-wildlife conflicts and strongly opposes lethal management of bison and other wild animals.

Inadequate EIS Under National Environmental Policy Act

All of the alternatives presented in the Draft EIS are inadequate for the purpose of protecting the Yellowstone bison herd. Although at first glance, Alternative 2: Minimal Management appears to offer a plan favorable to the bison, the nonlethal aspects of the proposal would only go into effect in Phase 2. Phase 1, which features capturing, testing, and slaughter of the animals, would continue until land is acquired and an effective bison vaccine is developed, conditions which may take many years to accomplish. In the interim, the lethal programs common to several of the other alternatives would be implemented.

API IS A NONPROFIT, TAX-EXEMPT ORGANIZATION.
ALL CONTRIBUTIONS ARE DEDUCTIBLE FOR INCOME AND ESTATE TAX PURPOSES.

The Draft EIS offers no plan reasonably acceptable to animal protectionists, environmentalists, and Native Americans. As evidence of this, advocacy groups have proposed three alternative plans — The Citizens' Initiative, Plan B, and The Bison Alternative. These three alternatives are supported by a large number of animal and environmental advocacy organizations representing approximately ten million Americans. At a recent public hearing on the Draft EIS in San Francisco, only two out of more than 50 speakers endorsed any of the Draft EIS alternatives; all others supported one of the citizen-identified plans.

The Council on Environmental Quality's regulation which implements the National Environmental Policy Act (40 C.F.R. Section 1502.14) provides:

> [The proposed action] should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public.

Section 1502.14 refers to the "alternatives section" as "the heart of the environmental impact statement" and goes on to read:

> . . . [A]gencies shall:
>
> (a) Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss reasons for their having been eliminated.

The Draft EIS in question notes that "a segment of the public asked that agencies develop alternatives that used no lethal controls and that allowed bison to exist with no restrictions on their distribution or population size" (p. 112). According to the document, a nonlethal alternative was eliminated from full consideration because it would not "meet the purpose of the plan" (p. 112), which is to maintain a wild, free-ranging population of bison and to address the risk of brucellosis transmission to cattle. However, it is not clear why management of cattle alone is not sufficient to reach the goal of the document. It is also not clearly stated what the actual economic impact to the state of Montana would be from losing its brucellosis free status and why the development of an alternative that emphasizes mandatory brucellosis vaccination in cattle, changes in grazing practices, and changes in public grazing allotments is not practical. Additionally, the option of revising the brucellosis policy of the U.S. Department of Agriculture is not addressed.

API believes that a nonlethal approach to managing the Yellowstone area bison is necessary to ensure the future survival and health of the herd. A minimum number of animals, somewhere around 600, is required to preserve the genetic diversity of the herd which currently numbers approximately 2,000. Stochastic events such as severe weather or viral infections could significantly reduce this already small ranging herd. This in fact happened recently when, during

the winter of 1996-97, half of the herd was lost to extreme weather and the government-sanctioned slaughter program now in effect. As these few remaining animals represent the only survivors of a species that once numbered in the tens of millions, it would seem biologically prudent to err on the side of caution.

Given the lack of an identified nonlethal alternative and the fact that nongovernmental organizations have proposed three viable predominantly nonlethal alternatives, we recommend that the Draft EIS be dropped and that a new document featuring a nonlethal alternative be developed and submitted to the public for review.

Flawed Purpose of Action

As noted previously, the stated purpose of the management plan is "to maintain a wild, free-roaming population of bison and address the risk of brucellosis transmission to protect the economic interest and viability of the livestock industry in the state of Montana" (p. 11). From the onset, this purpose acknowledges a bias toward ranching interests and an introduced, domestic animal and against the recreational and aesthetic interests of a majority of Americans and the survival of a native, wild animal. This bias, which is the foundation of the Draft EIS, is not explained or justified in the document.

Furthermore, the scientific rationale for the plan — the risk of brucellosis transmission in the wild from bison to cattle — is hypothetical. While theoretically possible, transmission in the wild has never occurred despite the fact that infected bison and cattle have occupied the same areas for a number of decades. Furthermore, it is unclear what bison do with their afterbirth and aborted fetuses. They may very well eat all traces, as many ungulates do. Scavengers also would be attracted to such tissue. The infected tissue would likely exist in the environment for a vanishingly small amount of time. The risk of transmission remains as of now unquantified, and, if in fact it exists at all, is extremely small.

This Draft EIS, as well as the brucellosis policy of the U.S. Department of Agriculture, are based on undocumented speculation that brucellosis is transmitted from bison to cattle. A negligible risk of transmission, and the arguably less-than-dire results of Montana losing its brucellosis free status, do not warrant the level of control and management of a symbolic free-ranging bison herd that is being proposed in this document.

Proposed Solutions

API supports several features of Alternative 2 that are consistent with the spirit of maintaining a free-roaming herd of bison in the Yellowstone area. These features include: relying primarily on natural processes to control bison numbers, identifying large geographic areas for roaming, using on-going monitoring, modifying livestock use when bison are present, acquisition of private land and easements, modifying cattle allotments, requiring testing of susceptible cattle, vaccinating cattle, eliminating winter grooming and use of some trails, and researching effects of road

YELL-11,124 contd.

grooming on bison migration.

However, Alternative 2 also calls for vaccination of bison while only *encouraging* vaccination of some cattle. Given that no effective vaccine for bison exists and that an effective vaccine for cattle does exist, this appears inappropriate and to be yet another indication of the plan's bias toward domestic cattle and against wildlife. API is opposed to the routine vaccination of wild animals except in circumstances where public health is threatened and no other alternative is available. Furthermore, we strongly oppose Phase 1 of Alternative 2 which calls for lethal management of bison until land has been acquired and an effective vaccine developed. The possibility that an effective vaccine can not be perfected would mean that the capture, testing, quarantining, and slaughter of bison would continue indefinitely. This is not acceptable to API and its members.

The Bison Alternative, proposed by The Fund for Animals, is based on management of nonnative cattle over management of the wild bison. Although it duplicates several features of Alternative 2 cited above, it prohibits the hunting, vaccination, quarantining, capture and slaughter of these magnificent animals. We support this alternative and believe that it will allow for a free-roaming herd of bison while minimizing an already nominal risk of brucellosis transmission from bison to cattle.

Recommended Research

Additional research is needed to document the risk of brucellosis transmission to cattle. We must learn more about bison calving behavior. How thorough are bison in eating the afterbirth? How prevalent are abortions? When are they most likely to occur? How long before the aborted fetuses are gone from scavengers? What is the likelihood that an aborted fetus or afterbirth from a bison would come in contact with cattle?

We also recommend research on how bison, and other wildlife, use groomed trails in Yellowstone National Park. This human activity may be exacerbating the bison's movement out of the park to an unknown degree. Either well designed research on the use of snowmobile trails by bison should be conducted or grooming should be stopped or substantially reduced. Snowmobile trails may also encourage other wildlife, such as the reintroduced wolf, to leave the park.

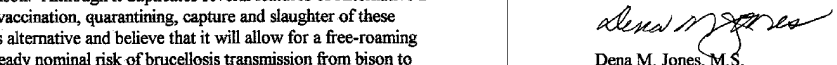
Conclusion

In summary, we believe that the Draft EIS fails to present a broad range of possible alternatives as required by the National Environmental Policy Act. Further, it is our contention that the purpose of the action is biased toward cattle and against wildlife and that it is premised on speculation as opposed to science. API supports a nonlethal approach to managing the Yellowstone area bison such as the one presented in The Fund for Animals' Bison Alternative. We believe that this alternative offers the only ethical and efficacious means of guaranteeing the continued survival of the herd.

It is unconscionable to manage, quarantine, vaccinate, slaughter, and otherwise manipulate such a fragile and important population of wild animals as the free-ranging bison herd of the Greater Yellowstone Area. People travel thousands of miles to visit Yellowstone National Park and to be in the presence of these animals. The Yellowstone bison should be venerated and protected as an icon of the natural heritage of our country and our continent. Any person, agency, or entity found harming these magnificent animals in any way should be subjected to fines and censure by the public. Yellowstone National Park provides a setting where humans are no threat to their existence. When they wander outside the park, the animals should continue to receive full protection from harm.

Thank you for affording the Animal Protection Institute the opportunity to comment on an issue of extreme importance to our members.

Sincerely,



Dena M. Jones, M.S.
Program Director

Oral testimony provided at the Sheraton Palace Hotel, [redacted] on September 23, 1998.

Comment No. 15186a
Sue Townsend
Animal Protection Institute

My name is Sue Townsend. I'm a wildlife biologist, and I represent the Animal Protection Institute. While the stated purpose of the DEIS is to maintain a wild free-ranging population of bison and address the risk of brucellosis transmission to protect the economic interests and viability of the livestock industry in the state of Montana, the certain objectives and constraints identified by the agencies biased alternatives that are discussed in the DEIS. The result is the DEIS favors actions that are less appealing to both animal welfare and wildlife advocates. This study favors control of bison through the following stated objectives and constraints.

Focus on the size of the bison herd, defining a boundary beyond which bison will not be tolerated, and committing to the eventual elimination of brucellosis in bison and other wildlife.

First of all, defining a boundary beyond which bison will not be tolerated and focussing on limiting the size of the bison herd. Bias is all the alternatives toward bison control. Also eliminating brucellosis both in wildlife and in bison is fairly -- while I think some efforts should be made in that direction, it certainly is not feasible considering not only bison can carry it, but also many other carnivores and many other mammals.

It is unclear how an alternative in this document, given the above objectives and constraints, would avoid the full control of bison. Furthermore, it remains to be established, if it is ethical to control bison, given the bison's history on this continent, the relatively no or low risk to cattle, and fairly limited economic impact, the other means available to meet the goal stated in the D.E.I.S. And finally the role of the bison in the American psyche. Moreover, to cast the problem as one of excessive bison numbers seems unwarranted.

Currently, there are 2,500 to 3,000 bison in the greater Yellowstone area. Finally, the question should be cast as to what is the most effective, humane, and perhaps economical approach in reducing the risk of brucellosis transmission to cattle in Montana. There are other features identified that do follow the spirit of maintaining a free-roaming herd of bison and are commendable. These features include relying primarily on natural processes to control bison numbers, identifying large geographic areas for roaming, using monitor as an ongoing tool and vaccinating cattle as a precautionary measure.

Furthermore, I would suggest the D.E.I.S. should state in clear terms the actual or at least estimated economic impact to the state of Montana in losing its brucellosis-free status and developing alternatives emphasizing changes in grazing practices and changes in post-grazing allotments alone as a management for this particular problem.

Oral testimony provided at the Sheraton Palace Hotel, [redacted] on September 23, 1998.

The D.E.I.S. states that the protection of the state of Montana from reduction of its status and objective of taking the action requires actions to insure, among other things, separation of bison and cattle, insuring that livestock that graze on public and private lands are not exposed to the brucella organism and the implementation of the bison management actions that minimize the risk of transmission from the disease perspective.

I suggest instead of talking about implementing bison management actions, in fact, we just merely need to implement cattle management actions. The risk of transmission is maintained -- is managed in various alternatives through spatial separation of bison and cattle, temporal separation, changes in cattle operations, such as running steers or spayed heifers, disease control cattle and/or a combination of these factors. And currently no safe effective vaccine for bison and also being safe for non-target wildlife currently exists. Given these above statements, management of cattle alone may be sufficient to reach the goal of this document.

We suggest that by closing trails and restricting snow movement that this has many potential positive effects for livestock and wildlife. Furthermore, restricting snowmobiles will decrease noise level, decrease the impact on other wildlife, and potentially decrease the need to control wildlife that migrate out of the park, encouraging some trails for cross-country skiing, but allowing enjoyment of the park by Yellowstone visitors and still restrict the potential movement of bison out of the park.

Also the economic impact to the taxpayer for paying for the preparation of DEIS, the research and the management that has already occurred, must be considered. And managing cattle to reduce negative interactions with wildlife is currently a challenge facing livestock growers in the west.

I'm going to go ahead and skip to our conclusions, but I also want to mention that we suggest that private landowners fence their property. That the feeding of over-wintering elk should be stopped or reduced because of the increased zero positive elk for brucellosis in animals that are fed during the winter.

Let's see. So, in conclusion, I would like to say that there's relatively low numbers of bison in the greater Yellowstone area. The problem of perceived risk versus an actual or measurable risk, and the arguably less than dire result that is highly unlikely to occur of Montana losing its brucellosis free status, do not seem to warrant the level of control and management of the symbolic free-ranging bison herd that is being proposed by the EIS.

YELL-4182

ANTI-VIVISECTION SOCIETY OF AMERICA, Inc.

[redacted]

[redacted]

[redacted]

September 14, 1998

Bison Management Plan EIS Team
National Park Services
P. O. Box 25287
Denver, Colorado 80225-9901

ATTN: Sarah Bransom DSC-RP

Dear Mrs. Bransom:

Our society urges you to support the Citizens Plan for managing buffalo.

We are aware that more than 1,000 Bison were killed that migrated out of Yellowstone National Park into Montana in search of food.

The Citizens Plan would allow the Bison to roam free on park land or adjacent land which should be acquired by the state and federal agencies, if needed.

As an alternative to destroying Bison, excess buffalo should be moved to Indian Reservations which the Indians have agreed to.

The sight of the Bison roaming free in Yellowstone is one I'll never forget. They should be preserved for our future generations.

We urge you to adopt the Citizens Plan into the EIS.

Sincerely yours,

Bernard Harmon

Bernard Harmon, president

BH:jg

APPLE COUNTRY SNOWMOBILE CLUB YELL-9255

[redacted]

Review Committee
Bison Management Plan EIS
National Park Service
P. O. Box 25287
Denver CO 80225

Dear Review Committee:
I am writing to support alternative 7 of the Bison Management Plan EIS. As I understand it, this alternative provides for managing bison populations within Yellowstone Park at population densities that park forage can sustain year around. This would greatly reduce need for and occurrence of out-of-park migration during winter, solving the main problem of potential spread of Brucelosis from park herds to domestic livestock on nearby farms. When winters are severe bison should be fed within the park much as elk from The Grand Teton National Park are fed on their winter range to prevent starvation and damage to farms in the area.

We need to keep in mind that national parks are for people to enjoy. They are not primarily wildlife sanctuaries or refuges for endangered species. Many people enjoy visiting Yellowstone Park during winter not only because of the abundance of bison and elk within sight of established trails but also because winter scenery in the park is beautiful and spectacular. Snowmobiling is one of the most popular ways to enjoy the park during winter.

Bison are not an endangered species. Their populations are increasing both in wild public lands and on private ranches and Native American reservations in many locations. They are also a commercial agricultural commodity. Therefore is not necessary to try to maintain a large herd within Yellowstone park. Unmanaged populations of bison can overgraze park land, causing unnecessary stress on other plant and animal species.

I especially disapprove of alternatives 2,3,5 and 6 which unfairly and unnecessarily restrict people's winter use of the park.

Thank you for this opportunity to express my views.

Sincerely,

Everett Burts

Everett Burts, President
Apple Country Snowmobile Club

YELL-7052

Sept. 20, 1998

Ms. Sarah Bransom
Interagency Bison Management Plan, DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Dear Ms. Bransom and Bison Management Team,
I am writing today to express our opposition to the "Preferred Alternative", a proposal to control Yellowstone's bison herds, proposed by the State of Montana and the Federal Government.
After decimating the herds and causing their near extinction at one time, it is inconceivable that we would make a decision to shoot them as they migrate out of Yellowstone. Using brucellosis as they reason for such slaughter is ill-conceived and a travesty to the Public Trust. There has never been a confirmed case of transmission of brucellosis from bison to cattle. And it is our understanding that cattle and bison have co-existed beautifully in Grand Teton National Park for 40 years.
We support the Citizens' Plan, a plan developed and endorsed by over 16 conservation and Native American organizations. We feel strongly about the following proposed points of this plan to:
1) Maintain wild, free-roaming buffalo within Yellowstone.
2) Allow management of the buffalo by wildlife professionals.
3) Create a special management area outside the park where buffalo can reside and survive through harsh winters.
4) Develop population goals for this special management area.
5) Relocate buffalo to Indian reservations or public lands but only when scientific studies have demonstrated that the land cannot support more buffalo.
6) Vaccinate cattle in lands adjacent to the special management area.
7) Provide incentives to modify livestock operations to provide winter foraging for buffalo outside the Park.
Many of us have spent time in Yellowstone. Many of us have been graced by the view of roaming buffalo in the Park and in preserves. Please help preserve our heritage and allow the bison to roam free. Please stop the slaughter of this magnificent animal and symbol of culture and pride.

Sincerely,

Donna Piercy, Chair
Habitat and Endangered Species
Arlington Conservation Council
[redacted]

Association of Veterinarians for Animal Rights
Committed to balancing the needs of nonhuman animals with those of human animals

[redacted]

YELL-2653

September 1, 1998

Bison Management Plan EIS Team
National Park Service, Denver Services Center
P.O. Box 25287
Denver, CO 80225-0287

Bison Management Plan EIS Team:

It is our understanding that the Montana Department of Livestock and the National Park Service recently published a draft EIS and long-term bison management plan for Yellowstone National Park which will permit public hunting, agency shooting, and slaughter of wandering bison. The apparent justification for this plan is to prevent the possibility of transmission of brucellosis from bison to cattle.

The Association of Veterinarians for Animal Rights, a national organization of veterinarians, veterinary medical students, and veterinary medical technicians strongly opposes this plan. As a large animal veterinarian and former dairy practitioner, I am unaware of any cases of transmission of brucellosis from bison to cattle in the wild. In fact, I don't believe there has never been a documented case of this occurring, and this concern could easily be alleviated by vaccinating local cattle against brucellosis.

Bison are part of our country's heritage. They have inhabited Yellowstone National Park since its inception as a significant part of this national treasure, and they should be protected in this capacity. To hunt them down and slaughter them inside and outside of the park, as is now being done, is heresy. Additionally, these animals have little fear of humans, making their predation by people unconscionable.

To reduce the number of bison exiting the park, plans should be implemented to prohibit snowmobiles and trail use. However, bison should be allowed to exit the park without restrictions or retaliation. Cattle grazing should be limited to other areas where there is lesser chance for competition of rangeland and purported threat of disease transmission.

The public expects our government agencies to protect our wildlife and wildlands rather than the private industries which exploit and destroy them. It is time to develop nonlethal, alternative wildlife plans which do not include the mass killing of other living beings.

Thank you for accepting our comments.

With reverence for all life,
Holly Cheever, D.V.M.
Board Member
HC:tab

100% recycled paper

YELL-9740

[redacted]

October 8, 1998

Bison Management Plan EIS Team
National Park Service
P. O. Box 25287
Denver, Colorado 80225 - 9901

Gentlemen:

We -- the Alabama Audubon Council, Alabama Environmental Council, and Alabama Ornithological Society that have an aggregate of over 10,000 members in Alabama and surrounding states -- understand you are preparing an environmental impact statement on management of the buffalo herds in Yellowstone National Park and perhaps elsewhere. You, of course, know that over 1,000 of these native animals were killed during the winter of 1996-1997 when they migrated out of Yellowstone in search of food. Reports are that the killings were ordered by the Governor of Montana at the behest of that state's livestock interests because the ranchers feared that buffalo could transmit brucellosis to cattle despite scientific evidence to the contrary. Thus, this proved to be a needless slaughter of animals. which probably were also healthy animals.

As a significant alternative, a "Citizen's Plan" has been proposed that would authorize the trapping of any bison moving on to private lands and providing that negative-testing buffalo would be transported to other federal lands or Indian tribal lands where they would be allowed to roam free. The Indian tribes desire to restore buffalo to their tribal lands and, thus, are willing to and want to accept those animals. There they could also enhance the existing gene pool of buffalos on the tribal properties. This "Citizen's Plan" is endorsed by over 16 conservation organizations and by the Native American Indian Tribes. Thus, it has wide support and, since it will not needlessly diminish the buffalo herds, should be given strong support by the Park Service. Therefore, we strongly commend it to you and urge its adoption as the preferred plan for buffalo management in the EIS you are preparing.

As you know, buffalo once ranged in enormous herds throughout the Great Plains before their near-extermination toward the end of the last century. They are a significant part of our heritage as well as that of the Native Indian Tribes. Thus, it is in the public interest that we take steps to preserve those animals that remain and try to maintain viable buffalo populations throughout their historic range. The Citizen's Plan, by allowing the buffalo to roam free on public lands adjacent to Yellowstone and other areas and by moving healthy buffalo to Indian reservations and other public lands will further these goals and would, consequently, appear to be the alternative that clearly should be adopted.

Please note that the Citizen's Plan provides that the numbers of buffalos on other public lands will be limited to the "carrying capacity" of those lands. However, if additional lands are needed above that carrying capacity and the capacity of the Indian tribal lands, we strongly urge that additional lands should be acquired by state and federal agencies for additional winter range next to Yellowstone Park and elsewhere.

It should be clear that the buffalo herds are part of our wildlife heritage and should not be treated as cattle. As such, they should be managed by wildlife professionals as a public resource and not by livestock officials who are schooled only in the special interest of managing livestock. Consequentially, the Park Service should not adopt an alternative granting management authority to the Montana Board of Livestock or any other similar board. That would be contrary to the national interest and could result in more shootings of buffalo like the incidents that have previously occurred. By contrast, the Montana Wildlife Federation, which includes hunting interests in that state, strongly urges adoption of the Citizen's Plan.

Because of its cost-effectiveness and the preservation of a natural resource, the Citizen's Plan would appear to be the plan most closely representing the interests of the citizens and taxpayers of the entire country. In addition, people from all over the country visit the West and should be given the opportunity to observe the buffalo herds in as many places as they can. For these reasons, these comments in support of the Citizen's Plan are submitted in behalf of the undersigned as an interested citizen and taxpayer and the over 10,000 members of the three organizations set forth above. Many of the members of these organizations have visited Yellowstone and other parts of the West and look forward to seeing the buffalo herds on such visits. These organizations also are strongly concerned with the preservation of our wildlife heritage and protection of all natural resources. We shall, therefore, appreciate very much your consideration of the above factors and adoption of the "Citizen's Plan" as the preferred alternative.

Sincerely yours,

Robert R. Reid, Jr.

Robert R. Reid, Jr., for himself and
the above three organizations

RRR/ldw

cc: Commenting organizations

YELL-7059

BEXAR AUDUBON SOCIETY

[redacted]

September 25, 1998

Bison Management Plan EIS Team
NPS-Sarah Branscom DSC-RP
P.O. Box 25287
Denver, Co. 80225-0287

To: Bison Management Plan EIS Team

On behalf of the membership of the Bexar Audubon Society I wish to express the membership's absolute opposition to all management alternatives proposed by the National Park Service in their Draft Environmental Impact Statement (DEIS). We instead respectfully advocate a bison management program based on biological science not political pandering to local and State economic interests. We understand that such interests can bring intense pressures on those responsible for the management of our public-owned resources, but we hope and expect your agency to fulfill its responsibilities to all our citizens who are the "rightful stewards" of these lands and wildlife.

As a part of this group of "rightful stewards" we want any plan for the management of the Yellowstone Bison Herd to include the following points:

Bison should be allowed to remain and roam on all public lands in the greater Yellowstone Ecosystem. No restrictions should be placed on their movement. Bison should not be corralled or confined for any purpose.

There has never been a confirmed case of the transmission of brucellosis from bison to cattle. In Grand Teton National Park, bison and cattle have inhabited to same lands for over 40 years. Those cattle were vaccinated against the disease. If Montana follows this plan of cattle vaccination, it is reasonable to expect similar results: no transmission of brucellosis--and no need to control bison movement on public lands.

The bison of Yellowstone are part of the only remaining wild, free-roaming herd in the United States. When they leave the Park, they should be managed by a wildlife agency, not a livestock agency. The Montana Department of Fish, Wildlife and Parks should take over jurisdiction of bison management in Montana.

If bison threaten private lands or human safety, it is reasonable to adopt non-lethal, non-restrictive methods of removal.

Bison should be allowed to roam freely on the public lands of the Greater Yellowstone Ecosystem until an ecologically based, peer-reviewed carrying capacity for bison in the Greater Yellowstone Ecosystem has been established. Bison movement and resource utilization outside of the Park over the next ten years should be studied to determine this carrying capacity, and the results should be incorporated into the final determination of carrying capacity. Until such a carrying capacity is established, no population control methods should be implemented.

Richard L. Pipes

Richard Pipes, Conservation Chair
Bexar Audubon Society
[redacted]

YELL-1476

Bison Management Team
National Park Service - Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Dear EIS Team:

I want wild, free-roaming buffalo in Yellowstone. I oppose the "Preferred Alternative" recommended by the state of Montana and the federal government. The governments' plan continues the unnecessary killing of buffalo moving to public lands outside the park in winter. We can do better.

Yellowstone's buffalo, the largest wild, free-roaming buffalo herd in the United States, are too important to sacrifice. They are a source of pride for all of us.

WE Strongly Endorse the ***Citizens' Plan to Save Yellowstone Buffalo***, which will:

* Maintain wild, free-roaming buffalo in Yellowstone National Park.
* Create a large special management area outside the park where buffalo can use public lands to survive harsh winters, and where buffalo will be managed by wildlife professionals.
* Develop scientific buffalo population goals for this special management area outside the park.
* Use traditional wildlife management tools of relocation (to Indian reservations or public lands) and regulated harvest when science demonstrates that available land cannot support more buffalo.
* Recommend vaccination of cattle within and adjacent to the special management area.
* Emphasize acquisition of key winter range lands or easements through public purchase from willing sellers. Provide incentives to modify livestock operations to provide winter foraging opportunities for buffalo outside the park.

In addition: _____

These strategies will maintain wild, free-roaming buffalo and protect the interests of the livestock industry in a balanced, common-sense manner. Please adopt this plan.

Sincerely,

Robert K. Turner

Printed name: ROBERT K. TURNER Address: [redacted]

President, Boulder County Audubon Society

YELL-4105

Conocoheague
AUDUBON SOCIETY

[redacted]

September 9,1998

Bison Management Plan EIS Team
National Park Service
Attn: Sarah Bransom DSC-RP
P.O Box 25287
Denver,CO. 80225-0901

Dear Ms.Bransom:

As a past president and currently publicity chairman of the CONOCOCHEAGUE AUDUBON SOCIETY and a member of the National Wildlife Federation I am writing this letter concerning the "war on wildlife" taking place in Montana and the West,especially on the buffalo.

We are suggesting that the Park Service supports the Citizen's Plan for managing the bison. Re-draft the EIS place the Citizen's Plan into the document and use it as an alternative.

The Buffalo must be allowed to roam free on public lands next the park up to the carrying capacity of the lands; if additional land is needed the state and federal agencies should acquire additional winter range next to tje park.

As an alternative to destroying the bison; excess,healthy buffalo should be moved to Indian Reservations and other public lands.

Bison are not livestock,they are wildlife, and as such,should be managed by wildlife professionals for the enjoyment of the public in a wild and natural setting on public and tribal lands, and not by livestock officials who only serve a single, special interest. It's always a joy to observe the wild,free-roaming buffalo and other wildlife in their natural habitat.

Thank you for any consideration you care to give to our thoughts in this letter.

Yours truly,

Richard W. Bower

Richard W,Bower

38.27.84.148

YELL-15572

Tuesday, November 3, 1998 - 01:01:59 am EST
a lastname: Shelton
b firstname: Cathy
c organization: Evergreen Audubon
comments: November 2, 1998

Bison EIS Team

The Evergreen Naturalists Audubon Society (TENAS) was founded in 1968 for persons interested in the enjoyment, study, and conservation of our natural world. Currently our membership is about six-hundred households, mostly from Colorado's Front Range communities of Evergreen and Conifer. Recently we have studied the Bison DEIS for the Interagency Bison Management Plan. We oppose the Preferred Alternative and would like to take this opportunity to offer some specific comments regarding bison management in the Yellowstone area.

· TENAS believes that the separation of bison and cattle on public lands should be the burden of the cattle producer. We do not support any Alternative (including the Preferred Alternative) that proposes to shoot bison on National Forest lands that cannot be hazed back into YNP. Instead, the livestock permitee and the state veterinarian should be notified, and they should then have the option of not grazing the permitted livestock on the allotment. Alternatively they could choose to move only vaccinated cattle onto the allotment. Grazing livestock in our National Forests is a privilege, not a property right. Bison which remain on private lands 30 to 60 days before cattle are moved in should be hazed back onto public lands, including National Forest lands.
· The DEIS does not adequately analyze the availability of bison carrion for grizzly bears in relation to the decline of whitebark pine stands in Yellowstone NP. We believe that the difference between 1700 bison and 3500 bison could have significant effect on the grizzly bear population if whitebark cone availability continues to decline (and it looks like it will).
· The potential long term interaction between the wolf population and the bison population is improperly discounted by the DEIS. The only basis for the contention that wolves will make only very limited use of bison as prey is the modeling done by Boyce and Gaillard (1992). Elsewhere in the literature it is documented that wolves can have a profound impact on bison populations. In one study (Carbyn, L.A. et. al., in Wolves, Bison, and the Dynamics Related to the Peace-Athabasca Delta in Canada's Wood Buffalo National Park, 1993) researchers found that predation pressure from wolves on bison can result in a 50% loss of bison calves from May to October, with further calf mortality occurring during the calves' first winter. There is nothing in the scientific literature that we are aware of that would indicate that wolves in Yellowstone NP are not likely to develop a significant prey image for bison calves. If even one wolf pack develops a strong tendency to prey on bison calves, the practice will likely soon spread to other new or existing packs as individuals with the bison calf prey image disperse from the original pack. Based on the research done at Wood Buffalo National Park, TENAS believes that the analysis of wolf/bison interaction presented in the DEIS is inadequate.
· The so-called "Citizens Plan" for management of the Yellowstone bison appears to be a well conceived approach toward maintaining free-roaming wild bison while adequately addressing Montana's brucellosis concerns.

TENAS believes that a Supplemental DEIS should be undertaken to address the concerns we have noted above regarding the bison's relationship to wolves and grizzly bears. This Supplement should include a review of the Citizen's Plan and should include bison population goals for the special management area which are scientifically based, and subject to peer review.

In a perverse manner, Alternative 7 proposes to treat bison as livestock while allowing cattle to forage on public land. We believe that the National Park Service and the other federal agencies can, and should, come up with a better scenario for protecting bison in the long run. Inclusion of the Citizen's Plan as a viable alternative would be a good start.

Sincerely,

Dave Jones for Cathy Shelton
President
The Evergreen Naturalists Audubon Society, Inc.
[redacted]

[redacted]

YELL-8879

Last Chance Audubon Society

[redacted]

October 16, 1998

Bison Management Team
National Park Service - Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO. 80225-0287

Dear Ms. Bransom:

I represent an organization of over 250 members interested in the protection and enhancement of wildlife and wildlife habitat in the Northern Rockies, and we are opposed to the "Preferred Alternative," recommended by the state of Montana and the federal government for management of Yellowstone's bison. We endorse the Citizens' Plan to Save the Yellowstone Buffalo, which will maintain the wild character of the herd. Rather than managing the bison like livestock, we recommend that the cattle adjacent to the park be vaccinated, and that a special management area outside the park on public lands be created to deal with animals leaving the park during the winter. We do believe that animals exceeding the carrying capacity of rangeland in the park should be relocated to Indian reservations or harvested on an annual basis. We applaud the recent acquisition by Congress of critical winter range located to the north of Gardiner. Thank you for the opportunity to comment on this critical issue.

Sincerely,

Brian Shovers, Conservation Chair

Montana Audubon

14,568

[redacted]

Bison Management Team
National Park Service - Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

October 27, 1998

Dear EIS Team,

Please accept the following comments on the long-term management of bison in and around Yellowstone National Park on behalf of Montana Audubon. We are the coordinating entity for the nine Audubon Society Chapters in Montana, with approximately 2,900 members statewide. Although our membership is diverse, there is a consistent deep concern for protection of Montana's native wildlife. You may receive comments from some of our members.

Our membership has voiced its concern about the alternatives presented in the Draft Environmental Impact Statement (DEIS) for bison management for the state of Montana and Yellowstone National Park. There are several issues of concern to our members that were not adequately addressed in the DEIS.

Yellowstone Park is the heart of an ecosystem encompassing great expanses of National Forest lands and intermingled private lands in Montana, Wyoming and Idaho. These lands help support vast herds of wild elk and deer, grizzly bear, and other wildlife, including bison. Much of the National Forest land adjacent to Yellowstone National Park is designated as important wildlife habitat.

Yellowstone buffalo roam outside the park during harsh winters to lower elevation lands where they can more easily reach needed forage. This movement outside the park is a natural process, similar to the seasonal migrations of elk, deer and other Yellowstone wildlife. Past management activities have been driven by the fear of bison transmitting brucellosis to cattle using public lands adjacent to the park. There has, however, never been a confirmed case of brucellosis transmission from wild buffalo to cattle. The federal agencies involved in this issue (Animal and Plant Health Inspection Service, Forest Service and National Park Service) recently acknowledged that in particular, buffalo bulls, calves, yearlings and cows that have already given birth present no relevant risk of transmission of brucellosis to livestock. Because brucellosis has been detected in the region's elk herds, any attempt to reduce brucellosis in Greater Yellowstone wildlife won't be resolved solely by controlling buffalo.

Prudent risk management would address concerns about brucellosis transmission through reasonable separation of buffalo and cattle; changes in type, timing or location of certain cattle operations; and vaccination of cattle. Less than twenty ranchers that graze fewer than 2,000 head of cattle on the public and private lands north and west of the park where buffalo sometimes move to forage during winter. About forty-five percent of these cattle graze on public lands. It makes more sense economically to vaccinate domestic cattle, for which there is a relatively effective vaccine, than to vaccinate herds of over 100,000 wild buffalo and elk, for which there is still no safe and effective wildlife brucellosis vaccine.

Audubon Chapters: Bitterroot [redacted] Five Valleys [redacted] Flathead [redacted] Last Chance [redacted] Pintlar [redacted] Rosebud [redacted] Sacajawea [redacted] Upper Missouri Breaks [redacted] Yellowstone Valley [redacted]

14,568 contd.

Another concern of our is that management authority over wild buffalo has been handed to the state Department of Livestock. State wildlife agencies generally manage wildlife outside the national parks and refuges of Greater Yellowstone. Yellowstone bison and other wildlife should be managed by Montana Department of Fish, Wildlife and Parks wildlife professionals using the best wildlife management techniques available.

Additionlly, Native American tribes, should be given the opportunity to provide homes for excess Yellowstone buffalo on tribal lands throughout the country. In order for this to occur, an interagency/tribal/public cooperative management team of wildlife professionals must be established. It should be mandated to meet on an annual basis to review buffalo and other wildlife populations, range and climate conditions, and other factors to assist in determining buffalo management outside the park.

Because these concerns were not satisfactorily addressed in the DEIS, Montana Audubon does not support the alternatives proposed. Our organization has endorsed The Citizens' Plan to Save Yellowstone Buffalo. It is the only plan to efficiently and effectively protect Yellowstone's buffalo, the largest wild, free-roaming herd in the United States, while pursuing reasonable, cost-effective risk management strategies. The plan represents a balanced solution and works to establish better scientific information on which to base future management decisions. We ask you adopt the principles presented in The Citizen's Plan to Save Yellowstone Buffalo so that we give back to this nation wild. free-roaming bison in Yellowstone National Park.

We appreciate this opportunity to comment.

Sincerely,

Susan Lenard

Susan Lenard
Wildlife Specialist

YELL-8200

This letter was signed by 24 members of the Prairie Woods Audubon Society.

Bison Management Plan EIS Team
National Park Service
Sarah Branscom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Dear Ms. Branscom:

As an interested environmental organization, we would like to express our opinions about the way bison should be managed in the Yellowstone National Park area. Slaughtering bison that wander beyond the boundaries of Yellowstone is not an acceptable option.

We understand the difficult position that the National Park Service has been put in by the political climate in Montana; nonetheless, we believe the following points should be paramount in determining a scientific bison management strategy:

1. Cattle on public lands must be vaccinated against brucellosis. Fear of this disease was the stated reason behind the inexcusable slaughter of bison during previous winters. If the cattle were vaccinated, the bison slaughter would be unnecessary.

2. The Yellowstone bison are the last wild free-roaming herd in the United States. If at all possible, they should not be confined by the artificial boundaries of Yellowstone National Park. Bison are wild animals and should not be corralled or confined.

3. The carrying capacity of the Yellowstone ecosystem for bison should be scientifically determined, and **only** if that carrying capacity is exceeded should population control measures be considered.

4. Bison management in Montana is not a livestock issue. When bison move outside the boundaries of the park, they should be the jurisdiction of the Montana Department of Fish, Wildlife and Parks, and not a livestock agency.

Sincerely,

Brian Herner

Brian Herner, President
Prairie Woods Audubon Society
[redacted]
For the attached members

Oral Testimony provided at the Holiday Inn South, [redacted] on September 29, 1998.

Comment No. 15082
Bob Warneke
Travis Audubon Society

Thank you. I am Bob Warneke. I am here today as the president of the Travis Audubon Society. The Travis Audubon Society is a chapter of the National Audubon Society. We serve over 2,000 members here in central Texas.

I have to tell you honestly this is an issue that, until recently, was not really on our radar screen. But I had several members approach me, several members who were knowledgeable and had concern about this issue. They suggested that it was something that we did need to be concerned about. We did look at it, we've tried to study the issue in the time that we've had to devote to it. I'm confident I can speak on behalf of the majority of members of the Travis Audubon Society, when I say we are here today to urge the Federal Government and the state of Montana to adopt the Citizens' Plan, which has been proposed by a vast group of both national, state of Montana, and other wildlife organizations.

It's a plan that we know has been well researched because we are familiar with a number of the national organizations that have been involved, and I'm a member of some of those organizations, so I know the kind of work that they do. And I also had the opportunity this morning to see the interview with the wildlife biologist from the National Wildlife Federation. And when you've got people like that working on a plan and proposing a plan, you can have great confidence that that is something that is workable. So, again, on behalf of the 2,000 plus members of the Travis Audubon Society, we urge the government to adopt the Citizens' Plan.

This issue has not been on our radar up until recently, but I can assure you that it will be on our radar in the future. If there's a repeat of the slaughter that took place in '96 -'97, I think you're going to hear a loud cry from Austin, and a lot of those folks will be Audubon members. So thank you for your time.

The Banff Environmental Action and Research (BEAR) Society
[redacted]

August 12, 1998

YELL-2397a

Ms. Sarah Bransom
Bison Planning Management Team
P.O. Box 25287
Denver, CO 80225-0287

Dear Ms. Bransom:

re: comments on the Yellowstone Bison EIS and related impacts on the Yellowstone Grizzly Bear population

Working and living in Banff National Park, Alberta, which is an important link of the Yellowstone to Yukon wildlife corridor, I am concerned about plans to cull the Yellowstone bison population. My concerns with the proposed culling of the bison herd are mainly focused on the effects on the grizzly bear population of the greater Yellowstone Ecoregion.

Concern #1: The bison- grizzly connection
It is well known by scientist and biologists that significant management actions within one wildlife species can seriously effect many other species living in the same ecosystem. The author of a new paper recently published and submitted to the IBA (International Bear Association) at the April '98 conference, underscores the importance of bison as a critical part of the Yellowstone grizzly diet. Grizzly bears were found to derive from 50% to 80% of the energy intake from ungulates, while bison were found to be more important then elk because of their higher fat content and the greater biomass .

Concern #2: The Y2Y Conservation Initiative
The main focus of the Y2Y Conservation Initiative is to connect protected wilderness areas with wildlife corridors and to hopefully repopulate pockets of wildlands north of Yellowstone National Park, with large carnivores such as the grizzly bear. In order to successfully repopulate areas presently bereft of grizzly bears, a healthy population is needed so subadult bears in search of good habitat are able to disperse. Reducing the number of bison could potentially increase the average age of first

reproduction in female grizzly bears and could result in longer intervals between litters. Undoubtedly such a management action would result in a decrease of grizzly bears in the Yellowstone area and would drastically lower possibilities for successful dispersal of younger bears.

Concern #3: Increase in human-bear conflicts
The reduction of one of the grizzly bears main sources of food (bison) in the Yellowstone region could potentially result in an increase of human-bear conflicts. Hungry bears leaving their home territories in search of replacement for the lack of this important food source could be attracted to farms and ranches and seek out unnatural foods such as grain or cattle.

Concern #4: Brucellosis
To my knowledge there has never been a single case of wild bison infecting cattle with brucellosis. How could such drastic management measures even be considered, given the importance of this bison herd to the grizzly's of Yellowstone and the fact that the grizzly bear is listed as endangered in the lower 48 states?

Concern #5: Yellowstone wolfs
The potential impacts on the newly reintroduced wolf population in Yellowstone National Park should also be taken into account.

Conclusions
a) It seems clear that more studies are needed before any such drastic management actions can safely be considered.
b) This issue is clearly not a local issue since Yellowstone National Park lies within the Y2Y corridor and the culling of the bison could have an effect on the grizzly bear population for areas north of Yellowstone. Conservation issues such as this may be submitted to an international review committee.

Thank you for taking these comments into account and I sincerely hope that they will help you to make your decision easier.

With best regards,

Reno Sommerhalder
Director, The Banff Environmental Action and Research (BEAR) Society

YELL-8871

BEAR CREEK COUNCIL

[redacted]

October 14, 1998

Sarah Bransom
Interagency Bison Management Plan, DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Dear Ms. Bransom:

Bear Creek Council, an affiliate of the Northern Plains Resource Council, is located in [redacted]. Our members have discussed the buffalo management issue in depth and have adopted the following position statement:

Bear Creek Council endorses the concept of bison as free-ranging wildlife managed by appropriate wildlife agencies.

Because of this endorsement, Bear Creek Council believes that:
1. Access to adequate winter range needs to be established.
2. Objective information on brucellosis needs to be provided to the public.

While evaluating the draft environmental impact statement, we measured each alternative against our position. We have found, to our dismay, that none of the alternatives and especially not alternatives 5, 6, or 7 meet our criteria for management of buffalo in the Greater Yellowstone Area.

We are, instead, endorsing the Citizens Plan to Save Yellowstone Buffalo. This alternative has been crafted by the region's citizens who have been deeply involved in this issue for more than a decade. We urge the federal government to discard the alternatives of the DEIS and adopt this wise, scientifically-based alternative

Thank you for this opportunity to participate in this most important issue.

Sincerely,

Richard C. Parks, President

YELL-1625

Berlin United Methodist Church

[redacted]

Robert Blackburn, Pastor

[redacted]

August 17, 1998

Bison Management Plan EIS Team, National Park Service
Attn: Sarah Bransom DSC-RP
PO Box 25287
Denver, CO 80225-9901

Dear Sarah,

I learned from the National Wildlife Federation that the National Park Service has released an Environmental Impact Statement for the management of Yellowstone Bison. Though I have not seen this statement, there is the concern among environmentalists that it gives too much authority to the Montana Board of Livestock. Perhaps this is due to the fear of brucellosis, a bovine disease, which ranchers maintain that bison could transmit to their cattle. This fear lacks scientific evidence.

As a citizen who is concerned about the responsible stewardship of this magnificent creature, I urge to seriously consider the National Wildlife Federation/Inner Tribal Bison Cooperative Seven-Point Plan for managing the bison. This plan addresses the interests of all who are involved in this issue. It would reduce the slaughter of bison which are not infected with brucellosis. It would allow bison to roam on public lands adjacent to Yellowstone Park up to the carrying capacity of these adjacent lands.

Thank you for listening to my concerns.

Sincerely,

Bob Blackburn

Bob Blackburn

Oral testimony provided at the Holiday Inn Billings Plaza Hotel & Trade Center, [redacted] *August 25, 1998*

Comment No. 14841
Jerry Jones
Big Horn Livestock Association

I would like to thank you for allowing me to speak today. My name is Jerry Jones, and I'm a rancher who resides in southern Big Horn County. I am also the president of the Big Horn Livestock Association, as well as a director of the Big Horn County Farm Bureau.

As a rancher in Big Horn County, I can be affected by the brucellosis infected bison in Yellowstone Park. Some may ask how can this happen? The answer is simple, I believe. If a couple infected bison should happen to wander into a herd of Montana cattle, then APHIS could pull the brucellosis-free status from the state of Montana.

Now, my father and I, as well as quite a few other ranchers in our area, have been vaccinating our herd for brucellosis. I know, in our case, we have been doing this vaccination program for the last 43 years.

After reviewing the Draft Environmental Impact Statement, I believe that alternatives 2, 3, and 7 would not be acceptable. These alternatives propose expanding the bison range by acquiring special management areas around Yellowstone National Park. This does nothing to cure the brucellosis problem in Yellowstone National Park; and, in fact, it may even make the problem worse. These SMAs could lead to more grazing areas which could lead to bigger infected herds.

Therefore, I believe that alternative 5 is the best alternative. This alternative will use an aggressive eradication of brucellosis from Yellowstone Park bison. Without brucellosis in Yellowstone National Park, all other issues become nonstarters. Thank you for allowing me to speak.

Oral testimony provided at the Holiday Inn Billings Plaza Hotel & Trade Center, [redacted] August 25, 1998

Comment No. 14867
John R. Gibson
Billings Rod and Gun Club

My name is John Gibson, and I represent the Billings Rod and Gun Club.

And I think, first and foremost, our club believes that the bison herd in Yellowstone should be treated as wild animals and not as cattle or something like that. And in that regard, The Citizens' Plan or Citizens' Alternative probably is as close as we have seen to what is appropriate. We think it's superior to the preferred alternative in the plan.

We don't believe that it's impossible to manage that herd as a wild herd. We think it should be done with professional wildlife managers. We think they should have a place to roam out there.

As far as hunting is concerned, we believe it's possible, but we would have to be convinced that there is a way to do it in a fair chase manner. If, as someone once said, it's a matter of hunting them like you hunt couches or chairs or tables, we don't want any part of it. But if the animal can be hunted in a fair-chase manner, we would expect that a reasonable, controlled hunt would be possible.

And to summarize, I guess we pretty much go along with the concept presented by The Citizens' Plan or alternative. Thank you.

YELL-7262

BLUE RIBBON COALITION INC.
"Preserving our natural resources FOR the public instead of FROM the public"

September 25, 1998

Bison Management Plan EIS
National Park Service
P.O. Box 25287
Denver, Colorado 80225-0287

Re: Comments on Draft Environmental Impact Statement (EIS) for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park

My comments in this letter are the collective input of the members of the BlueRibbon Coalition (BRC) who represent motorized recreation in the United States. Blue Ribbon members have visited Yellowstone National Park for the past thirty years. Their visits have been both in summer and winter. Some BRC members' first winter trek into the Park was in 1968. The ability to see the wonders of Yellowstone in winter has improved, thanks to the grooming of the roads in winter and the quality of the snowmobiles in general. Even today, by summer standards, only a small number of visitors come to Yellowstone in the winter.

Listed below are comments on the issues raised in the Draft Bison EIS which has just been published.

First, the BRC is concerned that the alternatives coming from the Draft bison management may influence the alternatives in the just started " Winter Use Plan and Environmental Impact Statement for Yellowstone and Grand Teton National Parks and the John D. Rockefeller Jr Memorial Parkway."

The Bison EIS has been under way to manage bison in the Park for over five years. We feel that the decisions made in the bison EIS should not effect the Winter Plan and if there is overlap the Winter Plan EIS should have the final say. That is why we support alternative 7 (the Park Service preferred alternative). Our comments will be centered around the issue of continued snowmobile access in the parks.

* We oppose Alternative 2, the elimination of grooming of numerous roads in the park to "help control un-natural bison migration". This alternative would displace well over 50% of over-snow park visitors. In addition, bison would continue to leave the park during winter by following natural river corridor migration routes.

YELL-7262

* We oppose Alternative 3, which would conduct research to whether the winter grooming of park roads effects bison migration and would close roads if research shows that groomed roads contribute to bison migration out of the park. The park's own research has shown that bison leave the park following traditional river migration corrdors and not groomed roads. This fact was recently affirmed by the decision on the "Winter Closing of Yellowstone Park Roads EA". Mike Finley's decision in January of 1998 supports not adapting this alternative. Mr. Finley decided not to close any roads presently open to snowmobiles that are groomed for the purposes of study for the next three years. This decision shows that this alternative 3 approach is not correct!

* We oppose alternative 5, this alternative would establish bison capture-test facilities in nine areas in the park which would require substantial road plowing for at least three years! This alternative would devastate winter recreation and snowmobiling access.

* We oppose alternative 6, this would initially establish a capture-test facility at Seven-Mile Bridge(road would be plowed the first seven miles from West Yellowstone to the bridge site) but eventually would expand to the same areas as in Alternative 5. This alternative would devastate winter recreation and snowmobiling access.

* Community expectations, over many years the gateway communities have provided the support to allow visitors to visit the park. And they have allowed the Park to not have to develop the beds, meals and related services that could have caused the Park to compromise the Park's mission. These communities have made investments to meet the public's needs to access the Parks. The Park should not reduce this access for the winter visitor!

* It should be rememebered that man through are system of government created Yellowstone National Park for the enjoyment of all the people. It is not correct thinking to allow this access in winter to be sacrificed by any of the alternatives memtioned above. We feel that alternative 7 provides the best solution to the management of the bison in the park and best addresses the management of the bison population by the Park Service.

* It should also be considered that winter access to the park for the handicapped, senior citizens, or very young should not be limited by changes to snowmobile access to the Park in winter. These citizens desire access to their park.

In summary, we support Alternative 7 because it establishes a carrying capacity within the park for bison, manages the bison population accordingly, and does not effect winter recreation and snowmobilng with road closures and road plowing.

I would appreciate the National Park Service confirming receipt of these comments.

Sincerely,

Jack Welch, President
BlueRibbon Coalition
[redacted]

Oral testimony provided at the Stardust Best Western Motel, [redacted] on August 11, 1998

Comment No. 14884
Adena Cook
Blue Ribbon Coalition

I am Adena Cook, Public Lands Director for the Blue Ribbon Coalition. We work for multiple use on public lands and access for all kinds of recreation.

We support the selected alternative in the Draft Environmental Impact Statement. This is an interagency effort that a lot of different entities have come together to try to reconcile the very appropriate and strict standards that the states and APHIS have with regard to control of brucellosis and try to find some sort of way that bison can be managed and also that the grazing livestock in the Greater Yellowstone area can be protected and that the industries can be protected and we feel that that has been accomplished by the selected alternative.

Our primary interest in this matter is with regard to winter recreation. Some of the alternatives, not the selected one, have addressed how the grooming of snow roads in Yellowstone Park may or may not have affected the bison population, and it is appropriate that alternatives address this because it's been brought up in many other forums. However, we believe that there has been no particular basis, no scientific basis, for this supposition that these groomed winter roads indeed do facilitate the movement of bison.

In fact the latest research shows that there is no statistical difference in the bison population before or after the roads were groomed. As one realizes, a primary control of the population of bison is the condition of the summer range. We would like to see summer range managed as wisely as the grazing allotments are outside the Park with regard to the condition of the riparian areas within Yellowstone Park, the stubble height and so on, and feel that adherence to the same kind of standards will produce a much more healthy range and a more healthy bison population. We support different ways to manage bison in that we agree that the population must be controlled so that they don't outstrip the range and have a bad effect, so, therefore, we would support hunting in various ways, however that were deemed possible. In closing, there has been a misunderstanding and a focus on the fact that brucellosis as a disease has never been proven to transmit between bison, elk, and cattle and that some groups say, well, then, this proves that it probably can never happen.

That statistical chance it will happen is small indeed, but that is not the question. We are not talking about whether or not that the disease can be transmitted. We are talking about the very strict and appropriate standards that states have and that APHIS has for the transport of cattle in between boundaries and those strict standards are responsible for the public health in this country and the safety of our milk supply. So we should not focus on whether or not this can occur but the importance of protecting these standards that have protected our food supply. I appreciate the opportunity to comment. Thank you.

BRIDGING
THE GAP
A Not-For-Profit Organization

YELL-2116

August 26, 1998

Bison Plan Team
National Park Service
Sarah Bransom DSC-RP
PO Box 25287
Denver, CO 80225

Dear Ms Bransom:

Please register my dismay at the June National Park Service release pertaining to the Yellowstone National Park bison herd and adjacent property owners.

I strongly urge you to reconsider your current position and in lieu thereof:

- support the acquisition of property outside the park for additional winter range;
- permit bison use of Forest Service and BLM lands outside Yellowstone in winter;
- allow populations of bison to fluctuate naturally inside the park based on scientific data while reducing the risk of disease by seasonally separating bison and cattle.

I urge you to give this matter strongest consideration.

Yours very truly,

Robert J. Mann

Robert J. Mann
Director

RJM/dm

cc: Representative Karen McCarthy

[redacted]

206.81.233.179

Thursday, June 18, 1998 - 11:34:48 am EST
YELL-13005
a lastname: Chipps
b firstname: J.D.
c organization: Brushy Bottom Bison Basin
comments: Since there has never been a case of brucellosis transmitted from a bison to cattle, why is there even a discussion about preventing something that has never happened?

[redacted]

Oral testimony provided at the Holiday Inn South, [redacted] *on September 29, 1998*

Comment #15095
Mr. Cherokee Dalehite
The Buffalo Field Archery Club

I am Cherokee Dalehite. I speak on behalf of my family and as an officer of the Buffalo Field Archery Club, on behalf of 200 families of archers, most of which are bow hunters. I am appalled at the senseless slaughter of the buffalo at the turn of the century. I am appalled at the senseless slaughter of the buffalo two winters ago as the Yellowstone herd crossed the border into Montana in search of food.

It is no secret that America is the most wasteful country in the world, but this killing of thousands amounts to a genocide. These buffalo are wild, just like the deer and the elk. They should be allowed to roam free, just like the deer and the elk. They should be managed as wildlife, just like the deer and the elk. Not as cattle. Their fate should be determined by wildlife biologists and the Native Americans, not by the State Veterinarian, not by the Department of Livestock.

In my effort to understand the apparent paranoia against the bison, I had an occasion to speak to a cattleman, a Texas cattleman. He was very helpful. He said the brucellosis disease was not a problem. All you have to do is vaccinate your cattle. He suspected that it was used as a smoke screen to hide the real issue: Subsidized cattle grazing on public lands and the willingness to share with the buffalo the land that belongs to the buffalo and other wildlife. He also alluded to the unchecked power of state veterinarians, to the horror of unreasonable seizures of livestock without compensation, all very Gestapo-like.

But not the fault of the buffalo. I still don't understand one thing. Why do we allow individuals to graze their cattle on public lands for private profit? Seems to me that we don't have an excess of buffalo on public lands, but an excess of cattle on public lands. The buffalo need free access to the national forest surrounding the Yellowstone to find winter food at lower elevations. If this conflicts with the cattle, then it is the cattle that should be moved to private land where they belong. And when all this public land no longer supports the growing buffalo herd, then the excess buffalo should be relocated to tribal lands. Not shot.

It would appear that the bison is an innocent pawn, a scapegoat, a victim of greed and of political expediency. How sad. I commend the National Park Service for putting together the seven alternatives in the Draft Environmental Impact Statement. It being a fairly lengthy document, I've only read portions of it, yet I am boggled that in seven attempts, not one sounds reasonable. Not one appears to be in the best interest of the bison.

I can only assume that the Park Service has been under severe pressure by certain special interest groups and their politicians.

15095 contd.

I urge the National Park Service do not buckle under this pressure. Do what is right for the buffalo. Adopt the guidelines set forth by the National Wildlife Federation in partnership with the InterTribal Bison Cooperative.

Earlier I used the word genocide to describe the unconscionable cleansing of bison. You may think that I'm exaggerating. I am not. To the Native American of the Great Plains, the buffalo, (speaking Indian), our brothers, our sisters, an integral part of their culture. They are one. They belong together.

Oral testimony provided at the Holiday Inn, [redacted] on September 1, 1998

Comment No. 14911
Ben Sherman
Buffalo Gap Land Rescue

I am the executive director of Buffalo Gap Land Rescue; also an enrolled member of the Ogalala Lakota Sioux Nation from [redacted]. I am speaking on behalf of myself and Buffalo Gap Land Rescue and not the tribe today.

I feel that the solutions proposed in this draft plan do not succeed in maintaining this wild, free-roaming bison herd with any humanity or integrity because the plan includes capturing, confining, killing these sacred animals, and as such will lead only to continued failure of federal stewardship.

We support a plan that's called Plan B that was put together by some highly competent wildlife professionals and veterinarians. The main author of Plan B is Virginia Ravndal from Gardiner, Montana, and the plan is endorsed by the Sierra Club. However, even Plan B falls short. But it does address the issue of attempting to get rid of brucellosis in the park. As a member of the Ogalala Lakota Nation, my people continue to have the strongest spiritual connection to the buffalo, as do numerous other tribal nations throughout the country. The buffalo were here on these lands before we came, they helped us survive on these lands for many thousands of years, and they today deserve the most thoughtful and considerate stewardship by the United States Government, and Plan B goes the farthest towards providing that, we feel.

We also strongly recommend that the Department of Interior immediately commence government-to-government consultations with American Indian tribal nations on the issues of the Yellowstone bison, which the federal government has not started yet. Such consultations would be in accordance with the president's executive policy concerning federal relations with tribal nations. Tribal nations have an extreme interest in the issues surrounding the Yellowstone bison, and for the most part, tribal nations do not wish to continue to see the tragic killing of the animals, and such consultations will also address the spiritual aspects of the buffalo which are held in high regard by the same tribes that I mentioned.

Thank you.

Oral testimony provided at the Syndham Hotel, [redacted] September 3, 1998.

Comment No. 14900
Mike Mease
Buffalo Nations

My name is Mike Mease. I am the cofounder of an organization called Buffalo Nations. I reside in [redacted] in the middle of all this controversy and disillusion, example of what has been going on to these poor, innocent buffalo. First off, I would like to state that myself, as well as Buffalo Nations, find all seven alternatives ridiculous. I can't believe that this interim plan is nine years overdue, and you took that many years and you still are at Step 1 in this process.

I'd like to start out with the seropositive tests that you are implementing in all these cases. A seropositive test has absolutely no indication whatsoever of transmission of this disease. I would like to ask why that the park has just disconvened a study that was based on molecular DNA studies which do record the ability to transmit. I believe if you're going to spend $53 million, why don't you put your money into some research that has validity?

Secondly, the quarantining of the ones that supposedly test negative for four years is in my eyes domestication of these last wild animals, and that is also not acceptable. For as long as I have been alive and many years before that, the cattle barons of the west have had their way and will in this country, and it's high time that we start prioritizing our livelihoods as Montanans, as United States citizens, and look at the tourism industry as a viable income for these areas.

Directly affected in both the areas Gardiner and West Yellowstone, Montana are 14 grazing allotments. This by no means represents anything of the $2 billion cattle industry in the state of Montana. I would like to refer to Dr. Paul Nicoletti, who is the leading expert on brucellosis in the United States, as well as the world, who states that the problem isn't with the bison. The problem is with the elk, and under a purpose in this lawsuit, this draft environmental impact statement doesn't bring in elk to the picture.

And if you were truly concerned about abolishing brucellosis, you can't just selectively pick one species and expect to cure your problem. As some of you know in this room, as some of you don't know, Buffalo Nations is out with these buffalo that have left the sanctuary of the park from sunrise to sunset for six months straight, and with these kind of compromising, you know, government plans that are earmarked solely for the cattle industry, I can just tell you that we will be in the field. We will be there monitoring, documenting your every move, and we're not leaving until a much more comprehensive plan is reached.

And on my final note, I would like to add that native Americans in this country have lived together in unison with these beautiful animals for as far back in history as we can recall, and not one native American tribe was counseled, asked for their opinion, or even brought to the tables in this draft environmental impact statement

And until the native American communities are involved with the management of this last free ranging wild buffalo herd, we will be out in the field, so if you want to get rid of Buffalo Nations, it's high time that you did something scientifically based, use better tests that have some form of accuracy.

And with that note, I would just like to say that I hope this draft environmental impact statement gets thrown out the window, and we can start from scratch on something that will, if this brucellosis is such a problem, address it and correct it. And this draft EIS does nothing of that sort. Thank you.

Oral testimony provided at the Gardiner School, [redacted] July 29, 1998.

Comment No. 15187
Samuel T. Weddington
Buffalo Nations

How are you doing today? My name is Samuel Weddington. I'm a biochemistry major at [redacted] My affiliation is with Buffalo Nations.

I'm here doing an internship for an internship class, and I came down here to do research on the buffalo population and the issue in the area and what it's really all about. That's something that I think I've discovered.

Through my work with Buffalo Nations, I go out every day to Yellowstone National Park, and I speak with visitors. I speak with them on this issue and tell them this is what's going on. Then I inform them that no matter what happens, the public will not have a true voice on the issue. It enraged them. When I told them of the ways that this plan, the DEIS, was going to take their tax dollars and flush it down the toilet, they were enraged. That's why I'm here. Because as I began to do research on this issue, it really became quite apparent early on that brucellosis was not the true part of this issue. Basically, it dawned on me that I have to follow another lead.

A wise man once told me that if you have a problem, if you follow the money trail and the trail of greed that's where you'll find the heart. That's what I did. I looked at it from all sides. I looked at it from a scientific point of view. I looked at it from a philosophical point of view and then as a concerned taxpayer, as well as a member of Buffalo Nations.

I could get technical on information about brucellosis with you. It evolves as a bacteria in a culture in a laboratory, and it requires a 5 to 10 percent mixture of CO2. It can't survive if it's deprived of oxygen for over 24 hours.

But then, you know what the true fact is? In the Yellowstone ecosystem, it wouldn't survive over 24 hours due to the harsh climate and the geothermal activity in the area. It will not survive. That's a very fussy bacteria, and it's hard to grow even in a laboratory.

So it became apparent that this was not the heart of the issue; really, the heart of the issue is the fact that the bison and the greater Yellowstone ecosystem have found themselves to be a hindrance to those that have a money interest in the area. Those who have allotments in the National Forest don't want to spend their own money to vaccinate their cattle against brucellosis.

It's not just bison; it's wolves, it's grizzly bears, and all of the wildlife in this ecosystem. They find themselves in the middle of this issue that they are a hindrance to the plans of others.

That's why I'm here today. I'm here to ask you a question. 20 years from now, will you bring your children back to this area? Or if you're living in this area, what are you going to tell them? What are you going to tell them when they no longer see the beautiful wildlife that covers this whole terrain we call Yellowstone National Park? What are you going to tell the next generation when they ask whose responsibility it was to take care of what was here? What are you going to tell them? Are you going to tell them that you sat on the back lines and watched it happen in front of you? Are you going to tell them that you allowed our national heritage and all that we consider good and things that we stand for to die because of our own greed or our own apathy, in a sense? That we sat here and we allowed this to take place, and they killed the buffalo?

Under the plans in the DEIS, they'll continue the current interim bison management plan. What sort of alternative is that? How many more buffalo are we going to kill before we are satisfied? Huh? Why don't we allow this species to survive in an ecosystem that's made for it, that it's adapted to, and where it lives? Why can't we allow them to survive? Why are we putting cattle interests over the top of this? I'm not talking about destroying the cattle. No, I'm not talking about that at all. I don't want anybody out because of this. I understand these people have mouths to feed, but they also have a responsibility to be keepers over what has been given to us.

Some of you might consider yourselves good church-going folk. Adam was given dominance over nature, but with that came a responsibility to take care of it and to not allow it to be degraded.

That's why I'm here. I ask you to reject all seven alternatives in this DEIS, because if you read it, you're going see that it's not the best tax dollar effective way and it's not the ethical way to treat this problem. I am asking you to endorse Plan B because it makes more sense.

Thank you.

YELL-9488

10-03 '98

Butte Busters Snowmobile Club, Inc.
[redacted]

National Park Service
P.O. Box 25287
Denver, Colorado
80225

The 141 members of the Butte Busters Snowmobile Club, Inc. believe that alternative 7 provides the solution to the management to the bison in Yellowstone Park and best adresses the management of the bison population by the park service.

It needs to be remembered that man through our system of government created Yellowstonne National Park for the enjoyment of all people. Motorized recreation should not be regulated to the point of no use allowed to satisfy a few selfish individuals.

Thank you,
Gary L. Allard

Gary L. Allard

14,600

Dear Ms. Bransom, et. al.,

These comments on the Draft Bison Management Plan are submitted on behalf of the Cabinet Resource Group, a citizen's action group concerned with resource issues, that is based in the [redacted].

It is stated on page 30 that an objective (sic) that the interagency Team would apply to selection of a preferred alternative would be that it be based on factual information. Yet it is clearly evident from the text of this document that there is a great lack of knowledge, rather than a body of knowledge on which to base a decision. Techniques for testing for brucellosis infection in bison or assessing risk of transmission don't exist (pp. 17, 19). There is considerable disagreement among those having such expertise as there is as to whether it is necessary or appropriate to take any action at all (pp. 16, 20), and "there is no definitive information with which to resolve this disagreement" (p. 20). The discussion of risk of transmission of brucellosis from bison to cattle is larded with the words "may", "possibly", "theorized", "assumed" – there are no definitive statements. The National Academy of Sciences' study of the issue is not completed (p. 18), and studies of the capability of bison to transmit the disease are still in progress (p. 20). There does not seem to be enough information available to base a decision on, or even to determine if one needs to be made. The only fact that is apparently not in dispute is that "...there have been no documented cases of brucellosis transmission from wild, free-ranging bison to cattle" (p. 20).

14,600 contd.

2

The same paragraph goes on to say that epidemiological studies have "indicated" that elk "probably" transmitted brucellosis to cattle on six sites in Wyoming in the last four decades. More Elk than bison carry the disease, and they certainly mingle more with cattle than do bison. Why then is there not the same sense of urgency, or an even greater urgency, or any sense of urgency at all about dealing with the threat to cattle from elk? I am one of many people intensly interested in having this question answered.

In the absence of any answer, a not unreasonable conclusion is that brucellosis is not really the issue here.

"Uncontrolled movements of bison outside the park would be inconsistent with the purpose of the plan..." it says in the paragraph explaining the plans' first objective (p.29). The second objective is to "clearly define a boundary beyond which bison will not be tolerated." These two sentences seem to reveal what this is really about. The first part of the purpose statement, "To maintain a wild, free-ranging population of bison..." is doublespeak worthy of Orwell's 1984.

An EIS. is supposed to include a full range of alternatives. All alternatives in this one fall within a narrow range, differing chiefly in fine-tuning where and how the "...line beyond which bison won't be tolerated" is to be drawn. There is supposed to be a no action alternative. True, that title was given to the current intrim plan, but as that plan dictated the slaughter of over a third of the herd two winters ago, the appellation is ludicrous. The true no action alternative, allowing a "wild, free-ranging population of bison"

3

was not analyzed because it violates some inter-agency purposes. This raises an interesting legal question: do agreements between inter-agency team members take precedence over the requirements of NEPA?

NEPA requires consideration of socioeconomic impacts. This document does not provide sufficient data (in fact, almost no data) to assess these impacts. "No original data were collected... accordingly, there is considerable uncertainty in many of the estimates..." (p.245) Figures such as costs of brucellosis vaccination and testing for cattle, which should be fairly easy to quantify almost exactly by talking with area ranchers or veterinarians, are given in parameters that vary by 100%. Even at the inflated high end of estimated costs, they're not very high. How do these costs compare with costs of implementing the various alternatives? Would it be more cost effective for taxpayers to foot the bill for these costs than to build capture sites, etc.? The only costs that are discussed (and these in a vauge, conceptual manner for the most part) are costs to cattle producers; there is not a hint of what the monetary cost will be to the public, no way to even begin any cost/benefit analysis.

The concern of some that the livestock industry has had a disproportionate influence over the planning process was dismissed as not relevant, since the agencies "...made every effort to address all concerns..." without giving more weight to any group opinion (p.45). This should be revisited. There appears to me to definitely be an a priori assumption underlying this EIS that anything that would

14,600 contd. 4

increase costs or rock the boat for cattle producers is rejected without further consideration; while the appropriateness of subsidizing this industry by ceding the use of public rangeland to private cattle at the expense of public funds and loss of public wildlife is not discussed at all, or acknowledged as a concern.

By what legal, and by what moral authority, can it be decreed that a wild animal, that once ranged in the millions over this continent, "...will not be tolerated" beyond a pitiful fraction of a percent of it's former range? How dare humanity have such hubris?

Brucellosis cannot be eliminated in bison unless it is also eliminated in elk, and presumably, in all the other species of wild mammals in which it occurs. I shudder to think what is implicit in inter-agency team objective #4 – "commit to the eventual elimination of brucellosis in bison and other wildlife" (p.29). We're looking at the end of wildlife as wild, in order to attempt to eliminate a perceived, yet unproven threat to the profit margin of a small fraction of a single industry. This is madness.

Grazing fees on public rangland at less than 11.5% of market value (p.238). If we are going to subsidize the cattle industry, then give leaseholders the difference, so that they can afford to lease private pasture; help them put up fences to keep bison off the private land, pay for shots and inspections. If need be, but LET the Buffalo ROAM!

Bill Martin, For the Cabinet Resource Group

[redacted]

CALIFORNIA FARM BUREAU FEDERATION

NATIONAL AFFAIRS & RESEARCH DIVISION

[redacted]

Draft Environmental Impact Statement for the Interagency Bison Management Plan for State of Montana and Yellowstone National Park YELL-15806

PUBLIC TESTIMONY OF CALIFORNIA FARM BUREAU FEDERATION GIVEN BY RIA de GRASSI, DIRECTOR, NATIONAL AFFAIRS & RESEARCH SEPTEMBER 23, 1998, AT [redacted]

I am Ria de Grassi, Director, National Affairs & Research, with the California Farm Bureau Federation. I am here representing the more than 45,000 member farm and ranch families in California.

The State of California was declared a "Class Free" state in the national brucellosis program on October 15, 1997. This achievement has been an expensive and arduous effort on the part of many organizations and individuals working toward one goal--brucellosis eradication. It took many years to get to this point and required a high level of cooperation by the livestock industry, government agencies, diagnostic laboratories, and practicing veterinarians. We are ecstatic that this insidious disease is now a chapter in the history book of animal and public health in California. Furthermore, we fully support efforts to complete eradication of brucellosis nationwide by the end of 1998. We believe that the Brucellosis Class Free classification enhances the national and international marketability of California cattle and has a similar potential for U.S. cattle as a whole upon completion of nationwide eradication. Because we are gravely concerned about any threat to our brucellosis-free status which may arise, we comment today to emphasize the need for resolving once and for all the brucellosis risk to domestic cattle posed by bison from Yellowstone National Park.

The organism that causes brucellosis in bison, *Brucella abortus*, is the identical organism that causes the disease in domestic cattle. Various publications, including the Draft Environmental Impact Statement, have stated that there have been no documented cases of "free ranging" park bison transmitting brucellosis to domestic cattle. Stated another way, however, no one has been able to prove that there is a domestic cattle herd that got the disease from the bison. That does not mean that the infection did not come from the bison, it simply means we do not know. The fact remains that the brucellosis organism has been isolated from the placentas of park bison and that the disease can be transmitted from bison to cattle under experimental conditions in confined spaces. All that is needed for the transmission of the disease is exposure, and that exposure can come from an infected calving area. If domestic cattle come in contact with an infected bison's calving area, disease transmission is a threat. USDA's Animal and Plant Health Inspection Service and state departments of agriculture know this which is why those agencies will most likely restrict the movement of domestic cattle from Idaho, Montana, or Wyoming if bison and livestock come in contact with one another. Currently, California requires that such cattle be tested prior to exportation to California to ensure that the animals are negative for the disease. The cost for this test is borne by the state of origin. From the perspectives of the beef and dairy industries, which in California are worth a

YELL-15806 contd.

combined $4.9 billion*, it is irresponsible of government agencies to flirt with known infection and its potential to spread at the expense of public and domestic animal health.

Thus, we support Alternative 5 and Alternative 6 of the DEIS because the approaches emphasize aggressive brucellosis control within the park through testing, removal, and vaccination. Very similar approaches have been taken to the disease in domestic cattle in California which have led successfully to our "Class Free" status. We are strongly opposed to Alternative 2 and Alternative 3 because the approaches are not aggressive and offer little promise for protecting the domestic cattle industry from infection.

We know that there is disagreement among scientists and even among federal government agencies as to the real disease risk bison pose to domestic livestock. Livestock producers will remain caught in the middle of the debate and tens of millions of dollars already spent on nationwide eradication will remain at stake if the disagreement continues. The transmission question must be settled, regulations adjusted accordingly, and the various government agencies' policies harmonized. The park bison population must be managed to ensure the health and future of this majestic species within Yellowstone and to protect the livestock industry beyond Yellowstone.

Thank you for this opportunity to comment.

* 1997 figures for milk and cream and cattle and calves. Source: California Department of Food and Agriculture.

National Affairs & Research
California Farm Bureau Federation
[redacted]

YELL-336

CALIFORNIA FEDERATION FOR ANIMAL LEGISLATION
Karen and Everett Raasch
[redacted]

MEMO-LETTER

TO Bison Mngmnt Plan EIS Team
Natl Park Serv. Denver Services Center

DATE 7-9-98

SUBJECT Yellowstone Bison

CFAL strongly opposes the hunting and slaughter of wandering bison. There has never been a documented case of bison transmitting Brucella abortus to domestic livestock in the wild. The use of snowmobiles should be banned also grazing on public lands outside the park should be prohibited.

Thank you,

Karen Raasch

Item # ML4N72 The Drawing Board, [redacted]
© Wheeler Group, Inc., 1982

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YELL-4590

CALIFORNIA FEDERATION FOR ANIMAL LEGISLATION

Karen and Everett Raasch

[redacted]

MEMO-LETTER

TO Bison Management Plan E/S Team, Yellowstone National Park Service

DATE 9-27-98

SUBJECT Protect Our Bison

Dear Sir / Madam

C.F.A.L. representing 82 animal protection organizations in California respectfully requests you abandon the proposed plan to allow capture, shooting and slaughter of yellowstone bison and instead adopt the alternative plan that protects both human and animal interests. The animals of the park belong to the citizens who treasure them.

Sincerely

Karen Raasch

Item # ML4N72 The Drawing Board, [redacted]
©Wheeler Group, Inc. 1982

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YELL-5192

Chipeta Elementary

[redacted]

Fifth grade students
18 letters received

This is a representative of those letters.

[redacted]

September 10, 1998

Dear Sirs,

Please support the Citizen's Plan for manging the buffalo, because they should be able to roam free where ever they want. I don't know why anyone would want to slaughter anything especially buffalo. You shouldn't slaughter them just because there sick you should make a cure for them.

Sencerely Yours,

Autumn Hildreth

5 grade student

Chipeta Elementary
[redacted]
Fifth grade students
18 letters received

This is a representative of those letters.

Dear Sirs:

Please support the Citizens Plan for managing the buffalo. I don't agree with the EIS plan. I apologize that I don't agree, but if you slaughter more and more buffalo there won't be any left in Yellowstone National Park. I want to see buffalo when i go there , but if you slaughter the buffalo there won't be any left. So please, think again about the EIS plan.

Sincerely yours,
Azeem Sola
Azeem Sola
5th grade

Chipeta Elementary
[redacted]
Fifth grade students
18 letters received

This is a representative of those letters.

Dear Sirs: Please support the Citizens plan for managing the buffalo. If the elk have the right to go on the farmers' land, why is there any difference that the buffalo can't. The elk may be carring the same thing or something worse. The buffalo have the same right as the elk do. I disagree with the I.R.S.. The farmers cattle may get sick from the elk. I dont think the farmers have any right to shoot the buffalo.

Sincerely
Emily Stockard
fifth grader

14,226

Civitas [redacted]
Citizens for Planetary Health
Bina Robinson, Director

[redacted]

Comments on DEIS for Bison Management in Yellowstone National Park
October 17, 1998

As we reviewed the seven alternatives of the ***DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE INTERAGENCY BISON MANAGEMENT PLAN FOR THE STATE OF MONTANA AND YELLOWSTONE NATIONAL PARK,*** it became clear that the basis of the problem is that Yellowstone National Park is an arbitrary chunk of a larger ecosystem with boundaries that are meaningless to wildlife.

The problem is compounded by the fact that (1) cows are allowed to graze on public land; (2) snowmobile trails encourage bison to migrate out of the park; (3) privately-owned land is interspersed with public land.

(1) It should not be difficult to eliminate grazing on public lands which has been conducted with fees below market value as a subsidy for the cattle industry. In many cases, the land leased for grazing has suffered erosion and destruction of riparian habitat and other plant life and is therefore detrimental to wildlife in general, not just bison.

(2) It should be a lot easier not to groom snowmobile trails than to groom them. It will be harder to discourage off-road snowmobile use, but it can be done. Snowmobiles
a) interfere with wild animlas'ability to conserve fat for surviving the winter.
b) cause serious air and noise pollution and
c) should not be allowed in the park anyway.
There is no lack of other territory for them to use outside of park boundaries. (It is high time the park service took a stand against harmful off-road vehicles and watercraft anyway.)

(3) Private land is a knottier problem. There should be a policy in place of acquiring for addition to the park any adjacent and even nearby land in the ecosystem that becomes available. People fortunate enough to live near the park need to recognize that visits from wildlife come with the territory. If they fear brucellosis transmission to their private cows, there are a number of measures they can take.
a) Vaccinate all their female cows.
b) Raise steers and/or sell heifers before they are impregnated.
c) Fence their pastures to keep bison out
It would not be out of line for public agencies to help with some of the expenses these measures will entail, which would probably be less costly than present measures to confine, quarantine and otherwise manage the movements of the bison herd as a whole.

concluded on page two

As we reviewed the Draft Enviromental Impact Statement and its seven alternatives, we kept thinking that the bogeyman of brucellosis transmission from bison to domestic cattle is just that. Because brucellosis is a bovine disease that affects both species, the fear is not without logic, but there is no evidence that brucellosis can be, or has ever been, transmitted from bison to cows. In other words, state and federal agencies are going to great lengths to cope with a problem that doesn't exist.

The response of state and federal agricultural agencies lacks logic when it hysterically guns down or sends to slaughter male and young bison who are not affected by the disease. The bogeyman could be banished by simply vaccinating all the domestic cows although there has been no scientific indication that this is necessary.

Elk, too, carry the brucellosis organism, but nobody seems concerned that they might transmit the disease to domestic cows. We know of no evidence that *brucella abortus* causes bison to abort their calves, an indication that bison have adapted to it differently from cows. The fact that the vaccine for cows does not work in bison is another indication that bison respond differently to the organism.

Conclusion:

The National Park Service has a mandate to preserve natural ecosystems and wildife populations for the benefit of all Americans living now and in the future and, perhaps to a lesser extent, the citizens of other countries as well. This needs to take precedence over private interests like driving or renting out snowmobiles and raising cows to sell.

Killing bison interferes with the process of natural selection, which is especially critical in a herd that originated from such a limited number of animals.

Executing bison, just because they have migrated beyond park boundaries offends people's sensibilities.

Bison would be less likely to migrate out of the park if snowmobile trails did not provide easy egress and there wouldn't be a problem, real or imaginary, if the entire ecosystem were federal land.

We recommend that the National Park Service be given full jurisdiction over the bison to eliminate competition between public agencies representing private interests and that the bison be granted the right to self-determination in accordance with the usual park policy.

Respectfully submitted,

Bina Robinson

CLEMSON
UNIVERSITY

14,336

October 29, 1998

Ms. Sarah Branson
Interagency Bison Management Plan
DC – R
P. O. Box 25287
Denver, CO 80225-0287

Dear Ms. Branson:

The United States has spent in excess of 3 Billion dollars in the eradication of Brucellosis in cattle over 60 years. I realize that CDC and others question the critical incidence of this disease today, but they need to review the history of this disease.

Brucellosis is and has been a serious threat to public health and I have known several individuals whose experience with undulant fever had lifelong implications.

The Yellowstone Area is the single remaining uncontrolled incidence of infection in the U. S.

The proposed Special Management Areas have no probability of resolving this disease problem.

The only acceptable alternative is the Modified Alternative 6 proposed by the United States Animal Health Association. This was developed by the Brucellosis Committee of USAHA which represents the most informed and experience group of experts on this issue available.

I appreciate your serious consideration of this matter and will welcome the eradication of this disease.

Sincerely,

Jones W. Bryan, D.V.M.
State Veterinarian

DEPARTMENT OF LIVESTOCK POULTRY HEALTH PROGRAMS
Office of the Director [redacted]

November 2, 1998

Sarah Bransom
Inter-Agency Bison Management Plan
DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

YELL-15366

Dear Ms. Bransom:

Cold Mountain, Cold Rivers is a non-profit 501(c)(3) environmental and human rights group based in Missoula, Montana. We are submitting comments on the Draft Environmental Impact Statement (DEIS) for the Inter-Agency Bison Management Plan for the state of Montana and Yellowstone National Park on behalf of Cold Mountain, Cold Rivers (CMCR) members. Our members are from Montana and the U.S., many of which have dealt firsthand with Yellowstone bison 'management'. We are appalled by the treatment these wild animals have been subject to, and continue to be subject to, under management policies directed and carried out by our federal and state governments.

First and foremost, we believe that the evidence shows the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park is fatally flawed in its intent and purpose.

Meghan Fay, from the Ecology Center, has researched the DEIS and we concur with the following statements she has provided and we have edited here:

Noncompliance with NEPA:
- the DEIS fails to properly address the purpose and need of protecting a wild free-roaming bison population;
- lack of a true "no-action alternative"; and
- lack of presentation of the full range of reasonable alternatives to protect wild bison within and outside Park boundaries.

The DEIS's alternatives all are unacceptable because they all:
- restrict bison from their traditional habitat and winter range;
- contain extreme management techniques that ultimately will result in the domestication of the Yellowstone herd; and
- serve to placate the cattle industry's single-minded drive to decimate the bison-- which is based on an unscientific fear of disease transmission.

In addition:
- the plan's inhumane treatment of bison--treating them as livestock, not wildlife;
- expense -- the DEIS throws millions of dollars at a problem, that could be addressed by much more cost effective means, created by the cattle, and will further grease the "welfare cowboys'" pockets at the expense of the bison and the taxpayer;
- lack of conclusive scientific peer-reviewed research surrounding the brucellosis issue. There has been no risk assessment or cost benefit analysis completed by the DEIS Inter-Agency Team; and
- impacts on threatened, endangered, and sensitive species, and other wildlife.

For these reasons we call upon the authorities charged with complying with NEPA and writing this DEIS to throw out the proposed alternatives and issue a supplemental EIS for Plan B, the Buffalo's Alternative, one that respects the bison, that ends the slaughter, that scientifically addresses disease management and that provides protected habitat and forage outside Yellowstone Park.

YELL-15366 contd.

It is vitally important that the government come up with an alternative that immediately designates and protects critical winter range for the bison outside Yellowstone Park. Most of these lands are located on national forests, and other lands available for wildlife conservation easements and purchase. Additionally, the Gallatin National Forest should play its part in removing bison/cattle conflicts, and phase-out cattle allotments that return a paltry amount of money to the U.S. treasury and only serve to prolong a conflict that benefits only a few people.

The government also needs to consult directly with tribal governments and traditional leaders on any management plan it intends to implement. The government needs to acknowledge that if it were not for the foresight and vision of the indigenous community, traditional caretakers of the bison for centuries, that no wild herd would exist in Yellowstone.

The government must also acknowledge that the bison is an endangered animal, and proper thought and preparation should be considered to re-establishing wild free-roaming populations on tribal and public lands suitable for their recovery. From a biological diversity perspective, the wild genetics of the Yellowstone herd need to be passed onto recovered populations on lands in addition to Yellowstone Park and the Greater Yellowstone ecosystem.

Finally, the government must immediately cease the killing, corralling, quarantining, shipping to slaughter, and other offensive 'management' practices that disrespect wild bison, and are totally contrary to the DEIS's stated intent to preserve a wild free-roaming population.

sincerely,

Darrell Geist, President
Cold Mountain, Cold Rivers

Cold Mountain, Cold Rivers is incorporating the following comments prepared and submitted by Meghan Fay, Ecology Center, in our testimony.

Purpose and Need
The purpose and need of this DEIS does note adequately fit the actions proposed. The purpose is stated to "maintain a wild, free-ranging population of bison". In each proposed alternative this would not be maintained. The bison would be domesticated and their wild, free-ranging status ruined forever. Quarantine and capture facilities are going to affect the bison genetically and also their migration patterns that they have taught one another each winter. Separating the bison is going to cause irreversible effects and the Yellowstone bison will never be the same. Bison are herd animals that rely on one another for safety and comfort, placing them in facilities for a period of years is unacceptable. These bison are wild animals and do not deserve to be treated as livestock. Captive bison will not have just a "temporary loss of free-ranging wild status" they will not know the migration patterns of their families and traditional calving grounds. Any routine handling or quarantine facility will destroy the wild instinct of the bison.

The definition in the DEIS of a wild free-ranging bison is defined as "one that is not routinely handled and that can move without restrictions within specific geographic areas." Each alternative involves routine handling of bison through hazing, marking, tagging, and quarantine facilities. This stated purpose in the DEIS to maintain a wild free ranging bison herd is contradicted in each of the alternatives being considered in the DEIS. This is also true for holding bison in capture facilities to be later returned to the park. The stress that capture facilities causes bison is high, they have been documented to gore and badly wound one another or die in the process. If quarantine facilities are used and these wild Yellowstone bison are expected to live and give birth in a facility there are going to be many more instances of death and injury in captivity. These management alternatives threaten one of the last wild bison herds in the United States.

The Department of Livestock has been documented this last Spring hazing the bison off Horse Butte by the use of helicopter, horses, and ATV's. This operation caused high impact on the environment, including bald eagle nesting areas, and had adverse impacts on the bison. A bald eagle closure area was violated by the Department of Livestock when a helicopter flew over the area and horses and ATV's were driven through the area. The use of such harsh methods in the Spring could cause pregnant female bison to give birth early or abort. The use of cattle prods that administer electric shocks are inhumane to use on bison and once again bring them closer to domestication. Even using them "sparingly" can cause injury to bison. If the genetic wildness of this herd is to be protected then there must be some analysis of techniques that would not adversely impact bison. Letting bison roam in unrestricted areas outside the park is more in purpose with the stated intent of the DEIS. The use of Special Management Areas (SMA), in allowing the bison just a portion of their traditional range impairs the ability of the bison to migrate to range that may help them survive harsh winter conditions. SMA's may need to be later established after there is an assessment of the ecological carrying capacity of bison in the Greater Yellowstone Ecosystem.

The sales of the heads, hides, and meat of bison during the winter of 1997 went back to profit the Department of Livestock. This money should of been spent in areas such as land purchases and fence repairs to local ranchers in the area.

No-Action Alternative
The no-action alternative, which basically implements the Interim Bison Management Plan (revised in 1996), is not a true no-action alternative. The Interim Plan was responsible for the death of over 1,084 bison during the winter of 1996-97, in addition to natural deaths. The winter of 1988-89 also proved to be an unfavorable year for bison with a death toll of 569. 1994-95 and 1995-1996 followed with a total of 860 bison killed. Further use of this plan only would slaughter more and more bison each year. The proposed no-action

alternative does not uphold the purpose and need of this DEIS, and does not offer the public a true no-action alternative. A true no-action alternative would allow bison to occupy traditional grazing land undisturbed by agency actions.

The DEIS must look at plans that have minimal impacts on bison and other wildlife. If the Yellowstone bison are to remain a dynamic population, then protective measures need to be taken that will ensure that the herd's wildness is protected.

Quarantining Bison
The quarantine of the Yellowstone bison herd is unacceptable and should not be used as a management tool. The Draft Environmental Impact Statement states that the quarantine of Yellowstone Bison will only affect "individual bison". This will separate family members, destroy social structures, break natural land use patterns, and knowledge that is generally passed on from generation to generation within the herd may be lost. The Yellowstone bison herd is one of the last free-roaming herds in the United States and should be treated like wildlife not cattle. There is no possible way to cage wildlife and expect them to remain the wild creatures that they are. This kind of treatment inflicted on a wild animal is unnecessary. There are better ways to manage disease risk that does not affect the wildness of the herd. The quarantine facilities will draw a large amount of traffic, this can disturb other wildlife in the area including grizzly bears, wolves, and other sensitive, endangered, or threatened species.

Capture Facilities
The capture facilities that have been used by the Montana Department of Livestock and the National Park Service are not made to be used for wildlife. These facilities are used to manage cattle and using them for wild bison will have adverse affects on the wildness of the herd. Cattle prods, shoots, and hydraulic holds for testing cause negative affects on the bison. These effects are long term and are destroying the Yellowstone bison. During the winter of 1996-1997 Cold Mountain, Cold Rivers documented the management actions of capture facilities and a slaughter house in Sheridan, Montana. The National Park Service and Montana Department of Livestock were documented using excessive use of cattle prods and hazing. We are enclosing a copy of "Our Buffalo, Our Choice" which documents such conditions.

Definition of Risk
The DEIS claims that because the Yellowstone bison carry brucellosis, cattle are at risk of contracting the disease. The DEIS presents no conclusive scientific research that determines exactly what the risk is, and there haven't been any documented cases of transmission between cattle and bison in the wild. How can the agencies manage the risk of disease transmission when they don't even know what level of risk, if any, exists?

Even if brucellosis were eradicated from bison, elk could still be a potential source for reinfection. The DEIS states this and does not include the risk between other wildlife and bison. The actions in the DEIS will detract from the objective of eradicating a disease in the Greater Yellowstone Ecosystem. The idea of managing disease this way is not cost-effective and proves to be unsuccessful because elk will transmit it back to bison. If the true purpose of this DEIS is to "address the risk of brucellosis transmission" then the Inter Agency Team needs to include elk and other wildlife that may transmit brucellosis in its' DEIS. This issue is not beyond the scope of the DEIS.

All the management tools in each alternative have not been approved yet by the agencies and may never be approved. The DEIS assumes that these actions will be approved.

Effects on Endangered, Threatened, Sensitive, and other Wildlife Species
The DEIS states that the preferred alternative would have adverse impacts on bison, as well as wildlife species including the grizzly bear and gray wolf. If there are adverse impacts that may be caused on these endangered species then that alternative or management tool should not be used. There should not be any management action by any of the agencies that may affect a species ability to recover or maintain a viable population. An independent panel of scientists needs to be involved to provide peer review of all the management tools and how they may affect wildlife.

Pronghorn Antelope
The Stephens Creek bison capture facility, located at the northern entrance to Yellowstone National Park, already has caused adverse impacts to the pronghorn antelope population, blocking migration patterns and causing confusion when they flee from predators. This facility would still be used in the preferred alternative, causing further disturbances in the pronghorn antelope population. This species is in threat of losing more habitat and the agencies involved must look at measures to prevent this from happening. A capture facility does not protect viable pronghorn antelope habitat.

Bald Eagles
The methods for keeping bison in the designated special management areas (SMA's) would include hazing by the use of helicopters, cracker barrels, or horses. The use of helicopter hazing this last spring violated bald eagle closure areas, and nesting areas were disturbed. These methods have and will impact bald eagles and other endangered, threatened, or sensitive species. "Bald eagles would be affected if management activities occurred or capture facilities were constructed near an active nest or foraging area," states the DEIS. Horse Butte is critical habitat for a population of bald eagles, and requires further analysis on how the preferred alternatives may adversely impact their status under the Endangered Species Act. There needs to be further consultation with wildlife biologists that are experts on bald eagles and their habitat in the Greater Yellowstone Ecosystem.

Trumpeter Swans
If Alternative 6 was used by the agencies, there would be construction of a capture/quarantine facility in a trumpeter swan nesting area. The DEIS claims that "this species may be affected by the location and operation of bison management facilities..." Trumpeter swans are a sensitive species, and there has been a decrease in population due to the amount of habitat available to these birds. There would be a disturbance of habitat and the agencies should not risk putting these birds under stress by taking their critical habitat.

Wolverines
Wolverines are also listed as a sensitive species and are "very susceptible to human disturbance. It has been noted in several studies that wolverines have abandoned den sites in response to what was believed to be very minor disturbance," stated the DEIS. The agencies should further study the impacts resulting from operating capture/quarantine facilities and the use of other preferred management tools in wolverine habitat.

Grizzly Bears
If the Inter-Agency DEIS team truly believes that their plan would be likely to adversely affect the grizzly bear, then they should request a formal consultation from the US Fish and Wildlife Services. The proposed bison management project is located within the Greater Yellowstone Grizzly Bear Recovery Zone. The area is located almost entirely within Management Situation 1 habitat (MS1), which contains grizzly population centers. "MS1 are areas key to the survival of grizzlies where seasonal and year long activity, under natural, free-ranging conditions... [containing] habitat components needed for the survival and recovery of the species or a segment of its population." This statement in the DEIS does not justify how the Inter-Agency team can adopt any of the proposed plans which will destroy grizzly bear habitat. The DEIS also claims that denning bears would not be affected by bison management activities. This is a false claim and needs to be studied, as a hazed herd of bison could potentially disturb denning grizzly bears.

YELL-15366 contd.

Bison meat is a very important part of the grizzly bear diet. "Meat is now considered to be one of the most important components of the grizzly bear diet in the Yellowstone area. The largest biomass consumed per carcass is from a scavenged male bison," stated in the DEIS. If populations caps for bison are to be imposed then a secure source of food for the grizzly bear will also be disrupted.

The potential land acquisition, exchange and conservation easement package that has been jointly developed by the Rocky Mountain Elk Foundation, the Forest Service, and the Church Universal and Triumphant. This area proposed for exchange is located near the Northern entrance to Yellowstone National Park. The Forest Service would give the Church Universal and Triumphant 1,000 acres in exchange for 1,850 acres of conservation easement property. The area that the Forest Service is considering for exchange is located next to Mol Heron Creek, which is prime grizzly bear habitat. This land swap will destroy critical habitat for the grizzly bears that make their home in the Greater Yellowstone Ecosystem. The Inter-Agency team needs to further analyze how grizzly bears will be affected under this exchange and the US Fish and Wildlife Service needs to be consulted.

Bison Population Caps

The topic of a population cap comes up several times in the DEIS and is included with all the alternatives. Before the agencies can begin to look at a population cap, there must be a report done on the ecological carrying capacity of the Greater Yellowstone Ecosystem.

National Forest

The Gallatin National Forest that surrounds Yellowstone National Park is designated as wildlife habitat in the forest plan. Cattle grazing allotments on these public lands are in direct conflict with the purposes of the forest to provide for wildlife habitat. The bison that wander out of Yellowstone in the winter often graze in the confines of the National Forest. The Interim Plan and many of the alternatives in the DEIS do not address the fact that bison are meant to be on these public lands. Many of the bison are often killed on these National Forest lands. Bison are just one of the many wildlife species that should be given precedence over cattle. This management option, not considered by the DEIS, would go a long ways towards removing bison/cattle conflicts. The National Forests must consider phasing out cattle allotments on public lands set aside for wildlife.

DEIS Alternatives

The DEIS states that the alternatives "involve many unknowns and assumptions about future conditions and available tools to manage the bison population." How can the public comment on the tools being used when its preferred alternative relies on "unknowns" and "assumptions". This DEIS needs to clearly explain what methods will be used. All of the alternatives submitted do not comply with the purpose and need of the DEIS, because of this we request that Plan B, the Buffalo's Alternative, be considered in a supplemental EIS.

Aesthetics and Economic Values

The alternatives proposed in the DEIS will all allow the agencies to control bison like livestock and turn the Greater Yellowstone Ecosystem into a livestock yard. There has not been proper analysis of the value that bison have to the public visiting Yellowstone National Park. Using estimates of other wildlife for what the value of bison might be is unacceptable. There must be a separate study to determine the aesthetic and economic values that bison have on Yellowstone National Park and surrounding communities.

Plan B, the Buffalo's Alternative

The Ecology Center supports Plan B, the Buffalo's Alternative. Plan B is a biologist's alternative that preserves the genetic diversity of the herd, treats them as wildlife, puts them under the management of wildlife experts, and gives the bison priority over cattle on public lands. This plan will ensure that the future of the herd as the nation's last remaining free-roaming herd is not put in jeopardy. We are submitting as part of our comments a documentary video entitled "Plan B, The Buffalo's Alternative" to contrast the government's plan with Plan B.

Plan B:

- obviates any killing or confining of bison.
- allows for bison to roam freely in the Greater Yellowstone Ecosystem.
- does not limit the size or movement of the bison herd.
- does not accept that the livestock industry has the expertise or the directive to manage the nation's wildlife-Bison.
- is based on science, not politics.
- advocates managing risk scientifically.
- respects the cultural concerns of Native Americans with strong ties to bison.
- insists on taking only those actions demonstrated to be cost-effective.
- ensures that bison receive preference over livestock on public lands. If conflicts exist between wildlife and livestock on these lands, remove livestock, not bison, from these areas.
- modifies Montana's "zero tolerance" policy to one more consistent with modern disease management, i.e., adopt scientifically-based levels of risk.
- is cost effective compared to the government's $50,270,000 price tag. Plan B will only cost $2,970,000. Dr. Michael Garrity has performed an economic analysis of Plan B and the government's plan. This documentation is part of our submitted comments.

Plan B proves to be cost effective and manages bison in a non-intrusive manner. Plan B truly maintains a free-ranging wild herd of bison and manages the disease brucellosis with a safe and effective vaccine. Plan B is the only way to preserve the oldest free ranging herd of wild bison left in the United States. The Ecology Center requests the DEIS management team to issue a supplemental EIS that incorporates Plan B as an alternative, and to keep the public comment period open to fully consider this alternative.

Colorado Grizzly Project

September 1, 1998

YELL-2555

Bison Management Plan EIS Team
National Park Service, Denver Services Center
P.O. Box 25287
Denver, Colorado 80225-0287

Sirs:

The Colorado Grizzly Project was established in 1995 with but one goal: the reintroduction of the grizzly bear to a portion of its historic range in Colorado. We are a 501(c)(3) research and educational organization incorporated in the State of Colorado.

Although our primary emphasis is Colorado, we do intervene on behalf of the grizzly whenever and wherever its well-being is threatened. We are writing because we believe that the current management of bison in the Yellowstone Ecosystem threatens the continued welfare of the grizzly population there.

An abundance of scientific evidence exists demonstrating the importance of ungulate carcasses to grizzlies emerging from their dens in springtime. Bison remains are an important food source for Yellowstone grizzlies in April and early May. Continued grooming of snowmobile trails inside Yellowstone National Park facilitates movement of bison to areas outside the security of the park. Once outside the secure confines of the park boundaries, bison are shot to prevent the transmission of brucellosis to domestic livestock.

There is no documentation of such transmission of disease taking place in the Yellowstone Ecosystem. The merits of that dubious assertion aside, we strongly object to the grooming of snowmobile trails within Yellowstone National Park. Bison which leave the park and are killed cannot contribute to the nutritional needs of the grizzly bear in spring when it needs an abundant source of high-quality protein.

Therefore, we urge you to end the practice of grooming snowmobile trails within the Yellowstone National Park. Ample opportunity for mechanized winter recreation exists in the surrounding national forests. We further urge you to adopt the practice of driving bison back into the park in order that their carcasses will serve the nutritional needs of grizzly bear, coyote, and other scavengers which have come to rely upon such a food source.

Thank you for considering this request.

Yours truly,

Jorge L. Andromidas

Jorge L. Andromidas
Executive Director

Colorado State University

Natural Resource Ecology Laboratory
[redacted]

October 6, 1998

YELL-9308

Sarah Bransom
Interagency Bison Management Plan, DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

RE: Draft EIS for Bison management in Montana and Yellowstone NP

Comment Summary:
The population model used to evaluate the consequences of management alternatives in the draft EIS (pages 196ff) did not incorporate knowledge of the biology of brucellosis in bison or processes fundamental to transmission of diseases. Forecasts of the consequences of test and slaughter operations therefore underestimate both the likely portion of the population that will be seropositive through time and the number of animals that are likely to be slaughtered. The magnitude of these errors is unknown, but it is possible that it is large. In my opinion, it would be prudent to conduct a more realistic assessment of these consequences before adopting any alternative that includes a significant test and slaughter protocol.

Dear Ms Bransom,

Thank you for sending me a copy of the draft EIS. It's clear that a tremendous effort was put into the development and production of the EIS. It's a fine effort to address a very difficult situation. Good luck.

I send these comments as a scientist with experience simulating brucellosis dynamics in bison and elk. They represent my results, observations, and in very few cases my opinion, and may not reflect those of Colorado State University or the Natural Resource Ecology Laboratory.

I restrict my comments to the modeling portion of the EIS, and to problems that I can identify with the numerical analyses. I have spoken with John Mack, who produced the estimates published in the draft EIS, and with Robin Angliss, who I understand will account for variance due to stochastic variation in driving variables and demographic parameters. It is very important to include these effects, as in population models they frequently lead to predictions not parametric about a mean and thus they can have a dramatic influence estimating the "risk" associated with a management strategy.

My main concern with the simulation modeling published in the draft EIS is that the mechanisms of disease transmission were not represented. In the EIS model, the seroprevalence of newborn calves is equal to seroprevalence of the population as a whole (J. Mack, personal communication). For example, if a winter test and slaughter operation reduced seroprevalence from 50 to 40 %, calves born the following spring would have a seroprevalence rate of 40 percent. In the model, seroprevalence will then remain at 40 % in the absence of intervention – i.e., it will never rebound to the previously observed rate of 50 %. Here are the main problems with this modeling approach.

The first problem is the absence of transmission dynamics. Observations of most diseases sustained in a population reveal at least an indication of a "stable" level of infection. In other words, over time many diseases will achieve a level of infection that is relatively constant over time. For brucellosis in north Yellowstone, this appears to be at a seroprevalence rate near 50%. Thus if you reduce the rate of seroprevalence to a level below 50%, over time the disease is likely to spread in the population until this "stable state" is reached. The model does not account for these sorts of dynamics.

The omission of disease dynamics is critical to evaluating management of brucellosis. The key concept is that a disease spreads more rapidly when a population is composed largely of susceptible individuals. E.g., if 90% of a population is immune to a disease, the introduction of one infectious individual is unlikely to result in an outbreak. On the other hand, if 90% of the individuals in a population are susceptible, then the introduction of one infectious individual is highly likely to result in the spread of the disease. This is obvious to any parent.

To evaluate effects of a test and slaughter operation it is necessary to understand the biology of brucellosis in bison and the concept of herd immunity. First consider the biology of brucellosis and observations of age-specific rates of seroprevalence and immunity to brucellosis. In bison, the portion of seropositive animals in the population rises sharply with age until bison are at least 7 or 8 years old (Figure 1, attached). Data are inadequate to really tell what happens after this age. At birth, it appears that well under 20% of bison in Yellowstone are seropositive, while seroprevalence appears to be about 65% in 6-8 year-old bison. This clearly shows that many bison are infected subsequent to birth (e.g., lateral transmission is very important), but that most bison become infected at an early age (e.g., by 4 years old or so).

A second critical point concerns the "natural production" of immune bison in the population. Information on bison, elk, and cattle shows that most female bison (only females transmit brucellosis) completely clear the organism (*Brucella abortus*) subsequent to their first abortion or birth, although a small portion (10%?) will continue to harbor *Brucella* and may shed the organism. Some of these could continue to shed for multiple years, but after the second birth/abortion this is by all accounts a *very* small portion of the population. The important point is that after birth or abortion, these animals are seropositive but immune. The overall result is that most seropositive bison older than about 5 years old are also immune.

Now put the pieces together. Most seropositive animals are "old" bison, simply by virtue of high survival rates and a long lifespan. It follows that most seropositive animals do not

harbor *Brucella* and can not transmit brucellosis. A test and slaughter operation indiscriminately removes seropositive animals – both infectious and immune animals. Because most seropositive animals are immune, the net effect of this is to increase the portion of susceptible animals in the population, thereby enhancing the efficiency of disease transmission. The rate of transmission is a function of both the number of infectious individuals and the likelihood of contact with a susceptible. Because both of these variables are changed simultaneously, the overall effect depends on the specific circumstances, but one absolutely clear result is that indiscriminate test and slaughter will not have the effect predicted by the model in the EIS. Without actually simulating the alternatives, I don't know whether the predictions are in error by 10% or by 300%.

Test and slaughter can be a very effective method to eradicate a disease when all seropositive animals are killed, but it can be a very ineffective technique for reducing risk. In terms of killing animals, one of the worst situations is when an inconsistent number of older animals are removed at irregular intervals. Under these conditions, it's possible that the increase in transmission efficiency would completely compensate for the removal of infectious animals, and the net result would be a constant level of seroprevalence accompanied by an *increase* (that's not a typo) in the portion of infectious animals in the population. This could result from conditions present in Yellowstone.

These results are supported by a highly mechanistic simulation model of brucellosis dynamics for elk and bison that I developed in collaboration with Drs. Terry Kreeger and Michael Miller. The model is far too complex to describe in this letter, but if it would be useful I would be happy to send you a technical report that describes the model structure, parameters, sensitivity results, and a generic evaluation of some control strategies. I presented this model to the GYIBC in September and members of both the technical and executive committee received a copy of the report. Unfortunately, it would be a rather complicated and time-consuming task to realistically simulate the specific management alternatives in the draft EIS, although the model was designed for a similar purpose. I am thus unable to offer more specific comments on the degree of error or a probabilistic assessment of the consequences of the management alternatives. However, I would be concerned about these problems given the prominence of the brucellosis issue and the degree of scrutiny that any decision will be subjected to.

If you'd like further information on the content of this letter, please feel free to contact me.

Sincerely,

John E. Gross

John E. Gross, Ph.D.

Figure 1. Observations and simulated age-specific seroprevalence of brucellosis in bison. Solid gray bars are age-specific sero-positive rates for female bison (simulation model results); solid black bars represent the percent of seropositive female bison that are also culture-positive (simulation model results), and the hatched bars are age-specific rates of seroprevalence based on data from Keith Aune for bison slaughtered from 1990-1997 (both sexes). These results show that:

1. most bison are born uninfected and thus lateral transfer is very important,
2. rates of seroprevalence increase quickly with age, and
3. most older bison (> 5 years) that are seropositive are immune.

YELL-6045

The Colorado Wildlife Alliance

[redacted]

September 9, 1998

Bison Management Team
National Park Service - Sarah Branson SCC-RP
P.O. Box 25287
Denver, CO 80225-0287

Re: Bison Plan

Dear EIS Team:

The Colorado Wildlife Alliance (TCWA) is a nonprofit group focusing on wildlife and wildlife habitat protection and is composed of individual members and representatives of several environmental and wildlife advocacy organizations. Our statewide organization addresses state, regional and national wildlife issues.

We are strongly opposed to the proposed "Preferred Alternative" recom federal government and state of Montana. The plan to continue the un buffalo moving to public lands in the winter is unacceptable. Better opti Citizen's Plan to Save Yellowstone Buffalo, are available and workable.

Specifically, we recommend that:

1. Yellowstone Park maintain a wild, free-roaming bison population. People need to be able to see bison as they were in the past -- not just as a picture in a history book or a commercially grown food source. Many people consider bison to be an important symbol to America.
2. A large public area outside of the park be set aside as a place where bison can live during the harsh winters. Wildlife professionals could monitor and manage this area as a protected wildlife area.
3. Scientific bison population goals for the special management area outside the park need to be developed -- with public input.
4. When science demonstrates that bison population levels are met, the excess bison be relocated to Indian lands (per their requests), to public lands, or taken by a carefully regulated hunt.
5. Vaccination of cattle adjacent to the special bison area should also be considered.
6. We also encourage the further acquisition of key winter range lands through public purchase and conservation easements. Payments for ranchers providing bison foraging should also be considered.

While there have been difficulties in recent years, we believe that it is extremely worthwhile to protect the free ranging bison in Yellowstone while at the same time respecting the interests of the agricultural community. We believe that a proactive, balanced approach that helps the bison, people who are concerned with them, and ranchers is desirable. **We ask for your serious consideration of the Citizen's Plan to Save Yellowstone Buffalo.**

Sincerely,

Allan M. Casey, President
The Colorado Wildlife Alliance

YELL-9288

Colorado Wildlife Federation

October 6, 1998

Bison Management Plan EIS Team,
National Park Service
Attn: Sarah Bransom DSC-RP
PO Box 25287
Denver, CO 80225-9901

Dear Ms. Bransom,

I am writing this letter on behalf of the Colorado Wildlife Federation in support of the Citizen's Plan for bison management. We would urge the Park Service to reconsider and subsequently re-draft its EIS to incorporate the Citizen's Plan. We believe the Citizen's Plan to be a viable alternative to the current plan for the following reasons:

The Yellowstone Park bison are and should be considered wildlife not livestock. As such management decisions should be made by trained wildlife professionals and predicated on the best available scientific data. Bison management should not be done by livestock officials who serve a single, narrow special interest group whose decisions may be made in the absence of or contrary to the scientific data.

The free roaming bison of the Yellowstone Park herd should be allowed access to the public lands adjacent to the park, similar to the policy with elk. If and when the "carrying capacity" of these adjacent lands is exceeded, efforts should be made to relocate the healthy bison to Native American Tribal lands or other suitable public lands. In the eventuality that this is not possible there should be a regulated harvest to control the herd size.

Although there has never been a documented case in the wild of bison transmitting brucellosis to cattle, a reduction of grazing allotments and a mandatory vaccination of cattle within the Greater Yellowstone Area would minimize or eliminate any potential outbreak.

In closing, we once again urge the Park Service to consider the Citizen's Plan as a sensible and viable bison management plan that we believe to be preferable to the current "preferred alternative" EIS. As currently outlined the "preferred alternative" would set a dangerous precedent in the area of wildlife management, namely allowing non-professionals to decide the fate of our wildlife with little or no regard for the scientific data.

Sincerely,

Diane Gansauer
Executive Director

[redacted]

YELL-420

Dear Sirs: We wish to endorse the comments of the Committee For Children for Bison Management Plan relative to the EIS.

Thank you.

7-12-98

[redacted]

Sincerely,

J Scott Taylor

THE COMMITTEE FOR RESPONSIBLE GROWTH [redacted]

September 28, 1998

YELL-6057

Bison Management Plan EIS Team
National Park Service - Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Thank you for the opportunity to review and comment on the Draft EIS for the Bison Management Plan for the State of Montana and Yellowstone National Park.

After reviewing the EIS we were very disappointed to learn that **NONE** of the alternatives would adequately preserve and protect the bison in Yellowstone National Park.

We feel that any effective bison management plan must include:

1. Immediately cease all bison slaughter.
2. NO bison should be killed even if they test positive for B.abortus because there is **NO PROOF** that this disease is transmitted from bison to cattle.
3. Require vaccination of all cattle grazing near the park on public or private land.
4. If there is a conflict between cattle and bison on PUBLIC LANDS the bison's needs should supersede that of the cattle. Private cattle grazing lands should be fenced and cattle grazing should be prohibited on public lands where necessary to prevent contact between cattle and bison.
5. Acquire additional winter range for the bison through land purchase, lease, or easements.

We feel that the bison are a national treasure which must be preserve
slaughtered at the urging of cattle ranchers. It would be wonderful i
could put a plan into effect which would accomplish the goal of bison
will be bison roaming free for our children and grandchildren to see.

We understand that the National Parks and Conservation Association (NPCA) has come up with a "Citizens Plan to Save Yellowstone Bison". We wholeheartedly support this plan as the **ONLY** one which will truly preserve and protect the bison.

We hope that the National Park Service will seriously consider the "Citizens Plan to Save Yellowstone" as the best alternative.

Sincerely,

Barbara Chamberlain
Chairman

Robin M. Simmons
Mr. Robin M. Simmons
Vice-Chairman

CONCERNED PEOPLE FOR ANIMALS, INC.

[redacted]

August 7, 1998

YELL-1080

Bison Management Plan EIS Team
NPS Denver Service Center
P. O. Box 25287
Denver, CO 80225-0287

Dear Sirs:

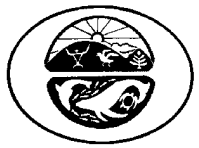
We are deeply concerned that government agencies are now in favor of killing Yellowstone National Park bison in spite of many alternative solutions to the alleged problem. We understand available scientific evidence indicates the remote possibility these animals may transmit "brucellosis" to domestic cattle ranging on adjacent areas is extremely remote. There has never been a documented transfer of this disease under free ranging conditions.

We ask that you recommend one of the feasible and more sensible solutions. Any possible risk can be reduced by closing down snowmobile trails, remove the cattle from public lands, and vaccinate the cattle against brucellosis.

Obviously, the slaughter of bison has already taken place, and that which is contemplated in the future, is just to placate the cattle industry. Money and politics are apparently behind the disregard for the protection of a national treasure, the magnificent wild bison, a symbol of the old west, an attractive addition to Yellowstone Park's animal inhabitants. We believe that agencies should concentrate on their real job, protecting natural resources, instead of planning their killing. Hunting and killing bison is not fair game as these animals have no fear of people and would not make any effort to save themselves.

Penny Nuey

This letter was signed by 13 members.



CONSERVATION COUNCIL for HAWAII

A CITIZENS' ORGANIZATION PROMOTING ENVIRONMENTAL HEALTH AND EDUCATION, CONSERVATION AND MANAGEMENT OF HAWAII'S NATURAL RESOURCES.
HAWAII AFFILIATE OF THE NATIONAL WILDLIFE FEDERATION

[redacted]

YELL - 5015

September 16,1998

Bison Management Ian EIS Team
National Park Service
Sarah Bransom DSC-RP
Box 25287
Denver, CO 802259901

The Yellowstone buffalo management issue puts the NPS system and all wildlife at risk. Your proposed most favored solution is ridiculous. I can remember standing in awe of the first bison I had ever seen when, 60 years ago, my grandparents shared their love of nature with me in Yellowstone National Park.

Yellowstone Bison and the gene pool they represent are the best hope for reestablishing wild buffalo on Indian reservations and other public lands.

The state of Montana proposes to wipe out any buffalo that leaves the park in the name of burcellosis control. Taken to its extreme, that policy will result in the elimination of all big game wildlife.

Buffalo are not cattle. Breeders who treat them as cattle are not sustaining a wild population. Buffalo must be maintained as free roaming wild animals the same at deer, elk and moose. Eventually, we will have huntable populations, but not if Montana continues this slaughter.

I ask that you revise your EIS to provide protection for the Yellowstone herd with the objective of managing buffalo as the wild animal they truly are.

Sincerely,

Bill Sager, Exec Dir
Conservation Council for Hawaii

cc: Gov Marc Racicot

CONSERVATION COUNCIL for HAWAII

A CITIZENS' ORGANIZATION PROMOTING ENVIRONMENTAL HEALTH AND EDUCATION, CONSERVATION AND MANAGEMENT OF HAWAII'S NATURAL RESOURCES. HAWAII AFFILIATE OF THE NATIONAL WILDLIFE FEDERATION

YELL-15886

Ms. Sarah Bransom, U S NPS DSP - RP Box 25287 Denver, CO 80225
Dear NPS:
News of the shooting of hungry buffalo galvanizes Islanders each winter during our breeding season for Hawaii's once dominant native grazer, the endangered nene goose. CCH responds with deep concern on behalf of over 2000 members to the EIS for bison in Yellowstone Park & Montana area. The symbol on the old buffalo nickel conveys the hardy mammal's core position in North American human ecology, which the U S NPS is chartered to restore or at least maintain in a sample of the once vast realm.
Its sad that your Federal draft mostly ignores the sensible, science- based, and sustainable NWF- ITBC plan, which accepts bison as the wildlife keystone species in the U S prairie eco-system. The tiny risk of "Bang's disease" is reduced even more in the tribal plan, thus, it must be adopted as the new, preferred alternative in the Final EIS.
The Auto is America's Sacred Cow, but the Services of USDI keep them out of many precious Park areas, so why can't our Interior re-decorators keep beef ranchers from transforming all but a tiny scrap of the West into pasture for the Old World's cash cow, *Bos taurus*? As a simple matter of progressive policy, only 2000 cattle need to be moved out onto other USFS sites to end competition with native bison migrations. If the Nation truly values its unique, indigenous, hoofed heritage, it will allow for restored winter range.

Many in Hawaii are working in alliance with continental environmental groups & Native American First Nation Peoples, as part of a broad movement to keep safe the public's wildlife heritage. Human greed once nearly wiped out the buffalo, and Montana cattlemen now seem bent on total control of buffalo migrations for dubious reasons.
The land & cultural health of many lower 48 tribes will increase if bison are redistributed, not destroyed or privatized by auction, when they migrate in winter to MT for food. (The world's farthest migrating land mammal is not the African wildebeest, but the American caribou, which travels 700 miles between Yukon boreal forests and the arctic coast of Alaska. Herds may exceed 150,000 and provide 75% of the diet for the Gwich'in People in roadless, remote villages.) Hawai'i citizens urgently request protection for the entire herd from culling so hungry bison can be adopted by waiting, willing Tribes. Please respond to meet the requirements of First Nations depending upon this migratory herd for belated restocking. Petitions from the 1998 Honolulu Powwow ask you to conserve breeding stock of these peoples' sustenance, just as the conservation of marine habitats protects the food supply and cultural lifeline of Hawaiian Americans still dependant upon sea life. Best Wishes & Aloha. Steven Montgomery, Ph. D.

Steven Montgomery

This letter was signed by 79 members.

YELL-17,684

Converse County School District #2

[redacted]

Students of Mrs. C.A. Green
59 letters received

Dear Bison Management Team-

I am very against you people going in and just shooting buffalo. I understand that you may think there is a good reason to shoot them, but I don't. Our teacher told us about brucelosis, and it's not very easy to get it. Therefore, one of your great ideas isn't very great after all.

-Kelley Pastine

Dear Bison managment Team:

I am against "Preferred Alternative." Instead I want a large special area outside of the park so that the buffalo can use public lands to survive winters. Develop scientific buffalo goals for this special area. Artist battle grazing time to prevent conflicts with buffalo during buffalo calving. Buy the ray winters range next to the park.

Sincerely
Ana Carbajal

YELL-17,684 contd.

Converse County School District #2
[redacted]
Students of Mrs. C.A. Green
59 letters received

This is a representative of those letters.

Dear Bison Management Team:
I am against "preferred Alternative" Killing the buffalo is not going to solve the problem. There are many things you can do instead such as getting new land to where the cattle and buffalo don't mix. Or adjust cattle grazing to prevent conflict with the calving times. The buffalo don't deserve to die. They haven't done anything wrong. If people don't want their cattle getting the disease then maybe they should keep a better eye on them.

Sincerely,
Tiffany Yingling

YELL - 4216

Students for Environmental Action and Animals
Cornelia Connelly School
[redacted]
September 15, 1998

Bison Management Plan EIS Team
National Park Service, Denver Services Center
P.O. Box 25287
Denver, CO 80225-0287

Dear Sir,

We are opposed to the Draft Environmental Impact Statement for long term management of Yellowstone bison. We believe it is scientifically and legally flawed.

There is no confirmed case of bison transmitting brucellosis to cattle in the wild, and according to the scientific evidence, the risk of bacteria transmission from bison to cattle, if any risk exists, is extremely remote and does not justify the slaughter of these animals.

Reestablishing a public bison hunt in Montana is unethical, unsporting, and unacceptable. It is impossible to conduct a fair-chase hunt of animals who have virtually no fear of people.

Capture and slaughter of bison, including bison who test positive for exposure to the disease, is barbaric, unnecessary, and must not be continued.

The quarantine or vaccination of Yellowstone bison is unacceptable, unworkable, and would be an enormous waste of federal tax dollars.

The NPS must prohibit the use of snowmobiles in Yellowstone to prevent the bison from using groomed snowmobile trails to exit the park to their deaths.

Vaccination of cattle on public and private land against brucellosis should be part of the strategy to prevent brucellosis within cattle herds.

Federal and state agencies should strive to acquire, through purchase or agreement, private land in the Yellowstone region as protected winter range for Yellowstone's bison.

The Draft Environmental Impact Statement needs to modified to include at a minimum the above recommendations. We oppose the lethal management of Yellowstone bison.

Sincerely,

Annelise Heinz Annelise Heinz, President

Melissa Muenzer Melissa Muenzer, Vice President

This letter was signed by 22 additional students.

205.188.193.47

YELL-13055

Thursday, July 30, 1998 - 22:48:10 pm EST
a lastname: Deerlodge Forest Defense Fund
b firstname: Deerlodge Forest Defense Fund
c organization: Deerlodge Forest Defense Fund
comments: Dear National Park Service,

We write this letter in support of Plan B (for "buffalo" or "bison", which gives the buffalo the respect that they truly deserve.

Over 3,000 Yellowstone bison have been shot or slaughtered outside of Yellowstone National Park since 1985. This is a national disgrace.

There has never been a documented case of natural brucellosis transmission from bison to cattle. There's never any mention that the buffalo initially contracted the disease from domestic livestock. And, there's no sane person who talks of the need for wholesale slaughter of the region's elk. who also carry the disease.

If ranchers don't want their cows near public bison, they don't have to lease--at a mere pittance--public land. If they lease public land, they must accept public wildlife. Very simple.

Please take down the fences and let the public's buffalo graze \ on the public's own land.

PLAN B, the Pro-Buffalo Alternative, would:
-- Involve no killing or confining of buffalo;
-- Address legitimate disease management issues;
-- Respect the knowledge of wildlife biologists and veterinarians; and
-- Provide a scientifically sound and cost-effective alternative.

Bison, like all other wildlife, need to roam freely within the greater Yellowstone ecosystem

Bison deserve preference over livestock on our public lands. If conflicts exist between wildlife and livestock on these lands, we need to retain the public's wildlife, not big ranchers' welfare livestock on our public lands.

We need to:
-- Limit existing grazing permits on public lands in the "conflict" zone to steer-only operations (bulls cannot contract the disease);

-- Cancel federally-subsidized cattle grazing permits and offer existing permit holders alternative grazing elsewhere;

-- Require vaccination of cattle against brucellosis with RB51 in the conflict zone;

-- Offer ranchers that are currently grazing their cattle on private lands in the conflict zone (there are only 14 such ranchers) compensation or other incentives not to raise cattle (or at least not to raise cow-calves) on that land until brucellosis is eradicated from the region; and

-- Urge the State of Montana to accept the federal government's definition of low-risk bison, and allow these magnificent creatures free movement like elk and other wildlife.

Bison must be treated like the wildlife that they are, not like mere domestic livestock.

Respectfully submitted,

Deerlodge Forest Defense Fund
[redacted]

s/ Paul Richards, Member
Steering Committee

[redacted]

Via Facsimile

YELL-14980

November 2, 1998

Ms. Sarah Bransom
Bison Management Plan EIS Team
National Park Service
DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Dear Ms. Bransom:

Defenders of Wildlife submits the following comments on the Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park on behalf of our more than 270,000 members and supporters. As a non-profit conservation organization focused on conserving wildlife, their habitat and the ecosystems on which they depend, Defenders has a special interest in the long-term management of Yellowstone's bison herd. Inappropriate resolution of the bison-brucellosis (*Brucella abortus*) conflict has the potential to not only negatively impact the free-ranging nature of bison but could also directly impact the future viability of several threatened and endangered species which inhabit the Greater Yellowstone Ecosystem. Furthermore, unfavorable resolution could establish undesirable wildlife and ecosystem management precedents.

After reviewing the alternatives offered in the DEIS, many wildlife conservation organizations determined that none offered an appropriate management strategy for the long-term management of Yellowstone's bison herd. For this reason, a coalition was formed with the intent of developing a more balanced plan that would protect the integrity of Yellowstone's free-roaming bison and would preserve Montana's brucellosis-free status. The coalition is comprised of the local, regional and national wildlife conservation organizations which have most closely monitored the Yellowstone bison-brucellosis conflict over the past three decades. Collectively, the coalition consist of individuals with decades of experience in wildlife management and policy. The coalition's plan, The Citizens' Plan to Save Yellowstone Buffalo, is now endorsed by more than 15 organizations with a combined membership of more than 5 million. Several regional businesses and ranchers have also endorsed the plan.

National Headquarters
[redacted]

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Our comments are divided into two sections: 1) general comments on the DEIS as a whole and 2) the need for a Citizen's Plan. The Citizens' Plan represents Defenders' basic position on the future management of Yellowstone's bison herd and is therefore attached as a part of our comments. Additional comments are intended to provide further details to certain components of the Citizens' Plan as well as to provide specific comments on the DEIS and its alternatives.

A. General Comments:

The following comments pertain to the DEIS as a whole:

1. The scoping process and opportunities for public comment have been inadequate.

One of our primary concerns with the DEIS surrounds the issue of scoping. We question whether appropriate scoping of this issue was ever adequately undertaken. Based on information provided in the DEIS on page 35, scoping on the management of the Yellowstone bison herd began in 1990 when the National Park Service (NPS), the U.S. Forest Service (USFS) and Montana's Department of Fish, Wildlife and Parks initiated the process of preparing an environmental impact statement for an interagency bison management plan. The first public documents emerging from this process asked for comments on predetermined alternatives rather than asking the public to identify its potential alternatives. Likewise, initial public hearings dealing with management of one of the most emblematic species residing in one of the most visited parks in America were limited to the local communities immediately adjacent to the park. Initially, no efforts were made to include park visitors or the general public as stakeholders in this process which deals with a situation almost exclusively on federal lands.

According to a letter summarizing a January 10, 1994 meeting of federal officials from the U.S. Department of Agriculture (USDA) and the Department of the Interior (DOI), these officials "agreed to develop a cooperative Federal Strategy to resolve longstanding issues surrounding the bison herds located in and around Yellowstone National Park." These officials also agreed to several goals including the elimination of brucellosis from the Yellowstone ecosystem. From this letter, it is clear that the involved federal agencies had adopted certain positions regarding goals, philosophies and management actions without the benefit of any legitimate national scoping process. Interestingly, the decision by these federal agencies to commit to the goal of eliminating brucellosis from the Yellowstone ecosystem came three years prior to Secretary Babbitt's request to the National Academy of Sciences (NAS) to undertake a formal, 6-month study due to the disagreement over whether brucellosis transmission by bison or elk was a threat to domestic livestock and whether vaccination or other management strategies might prove useful in controlling potential transmission.

More recently, in response to a 1995 lawsuit, the federal government agreed to a settlement in the absence of any public comment. The court settlement has forced the NPS's to forsake its statutory mandate of natural regulation as it pertains to bison, and in essence, the NPS now

serves as an extension of APHIS and the Montana Department of Livestock (DOL). This is poignantly demonstrated in the interagency draft EA for the 1996 Interim Plan which analyzed only two alternatives: Alternative 1, which was later adopted with only slight modifications as the Interim Plan; and Alternative 2, the "no action" alternative which merely described the existing bison management scheme that Montana had challenged in the 1995 lawsuit. Because the parties had committed to implementing a new interim plan, the EA, in effect, presented the public with only one choice, Alternative 1 -- a plan which resulted in the capture, testing and slaughter of 1,084 bison in its first year of operation -- many of which were killed by NPS personnel.

The comment period for the draft EA for the interim plan was also extremely short due to the time line agreed to in the 1995 settlement. The original public comment period was just 30 days. Only at the request of interested parties was the comment period extended by two weeks for a total of 33 days. This is hardly appropriate for an issue of national scope. In June of 1998, when the DEIS was released, the drafting team proposed only regional hearings around Yellowstone National Park. Because of the objections of the conservation community, the drafting team consented to additional hearings in several major cities around the country.

Clearly, the opportunities for public involvement have been intentionally restricted to local input from user groups, when allowed at all. The poorly conducted scoping process and the 1995 out of court settlement have resulted in a series of inadequate interim management plans and now in this flawed DEIS. Important decisions such as these involving lands or wildlife held in the public trust should all be made in the full view of the public. NEPA requires nothing less, in terms of the alternatives offered and the impacts assessed.

2. The interagency drafting team failed to incorporate important research findings. Substantive changes must be made in the final EIS in order to incorporate important findings of the NAS study.

In 1997, the Secretary of the Interior commissioned the NAS to undertake a 6-month study of brucellosis in the Greater Yellowstone Area (GYA). A final report was released on July 15, 1998. The DEIS was released in June. The DEIS states that the agencies have not referenced or cited the National Academy of Sciences report "because it is in preliminary form." Defenders finds it troubling that the DEIS, which took more than 8 years to produce and was already a year and a half overdue according to the time line agreed to in the settlement agreement, was published just weeks before the final NAS report was released.

The NAS report was to analyze the extent of bison infection with brucellosis in the GYA; the transmission of *B. abortus* among cattle, bison, elk, and other wildlife species; the relationship, if any, between bison population dynamics and brucellosis; the ability of serology testing to estimate the true prevalence of infection; the efficacy and safety of existing vaccines for target and nontarget species and the need for new (including bison-specific) vaccines; the nature and

likely successes or limitations of a wild animal vaccination program; and factors in reducing risk of transmission from wildlife to cattle and among cattle -- all key issues relevant to the development of a successful, long-term management plan. It seems logical that the drafting team would recognize the benefits of delaying the release of the DEIS or would have at least sought court permission to delay the release in order to incorporate the findings of the NAS study. We strongly encourage the interagency drafting team to follow through with its commitment to review and utilize the NAS report. Incorporation of the report will also enhance the final document's scientific foundation and credibility.

In regards to the risk of transmission, we believe the following findings from the NAS report are of significance:

Finding: The risk of bison or elk transmitting brucellosis to cattle is small, but it is not zero.

Finding: If infection rates are not substantially reduced in elk, reinfection of bison is inevitable.

Finding: *B. abortus* is unlikely to be maintained in elk if the elk-winter-feeding grounds were closed.

Finding: Brucellosis is not a major factor in herd survival for elk or bison; among natural variables, winter mortality is the most important.

Finding: Bison leave YNP as a result of an increasing population and harsh winter weather, and under current management practices within the boundaries of YNP, the bison population will continue to grow.

In regards to reducing the risk of transmission, the following recommendations from the NAS study should be incorporated:

Recommendation: USDA and DOI should develop a plan to maintain a series of YNP perimeter zones with progressively increasing disease surveillance, vigorous monitoring, vaccination, and contact-reporting programs as one nears the park. The boundaries of the zones should be determined jointly by USDA, DOI, and the states surrounding YNP. The plan should remain in place until brucellosis is eliminated from YNP. It is important that a team of scientists be involved in this program and that results be analyzed and published in a refereed scientific journal.

Recommendation: A long-term, controlled vaccination study must be conducted to assess the complete role of vaccination in brucellosis control and eradication for bison and elk.

Recommendation: Any vaccination program for bison must be accompanied by a concomitant program for elk.

Recommendation: A brucellosis program for wildlife in the GYA should be approached in an adaptive management framework.

Recommendation: Clear short-term strategies to arrive at long-term goals must be defined and agreed upon by the federal and state entities that are involved in GYA management.

Recommendation: Research priorities with sufficient funding need to be determined cooperatively and with the support of the secretaries of the DOI and USDA.

3. Objective #4 (Commit to the eventual elimination of brucellosis in bison and other wildlife) is an inappropriate objective.

Defenders believes that the fatal flaw of the DEIS is the drafting team's unrealistic commitment to the eventual elimination of brucellosis not only in bison but in all wildlife (Objective 4: Commit to the eventual elimination of brucellosis in bison and other wildlife). This objective is troubling for several reasons: current scientific evidence does not warrant eradication; there is no legal requirement to eradicate the disease in wildlife; and attempting eradication is not within the purported scope of the DEIS.

Furthermore, inclusion of this objective produces inconsistencies in the DEIS. In one section, the DEIS asserts "the elimination of brucellosis, even in bison, is not within the scope of this management plan" yet objective 4 is used to evaluate each of the alternatives. Later in another section, the DEIS states that it can only address brucellosis within bison.

Objective 4 should be deleted from consideration in the final EIS and should be replaced with an objective that more realistically reflects what is scientifically acceptable and achievable as well as legally defensible.

4. The risk of transmission of brucellosis between bison and cattle in poorly explained and is not scientifically-based. The evidence that bison can or will transmit brucellosis in natural settings is not scientifically compelling.

The section of the DEIS devoted to an overall discussion of brucellosis is vague and lacks scientific references. The basis for the information provided in this section is the 1997 Greater Yellowstone Interagency Brucellosis Committee (GYIBC) paper entitled "Brucellosis in the Greater Yellowstone Area" which summarizes some of the information about brucellosis as it

might relate to management of bison and elk. The drafting team believes that this paper represents the factual information for which there is general agreement among the technical experts. Because it serves as the source of much of the information presented in the DEIS, Defenders believes that this paper should have been included as an appendix in the DEIS so it could be evaluated along with the DEIS.

Based on a thorough review of the scientific literature and the GYIBC paper, Defenders' scientific staff remains entirely unconvinced that Yellowstone bison pose a significant brucellosis transmittal threat to cattle in Montana -- a view shared by many experts in this field. The fact that there has never been a single documented case of free-ranging bison transmitting brucellosis to cattle is continually dismissed.

Like the draft EA, the DEIS presents weak arguments to justify their claims of risk. For example, on page 19 in the "Risk of Transmission" section, the DEIS states "Most of the knowledge regarding brucellosis has been developed from studying the disease in cattle and captive bison, although a limited amount of information has been developed from controlled and field studies of brucellosis in bison." The GYIBC paper, which was published in May of 1997, states that "there have been no controlled field studies, specific to the GYA, to determine either the mechanism of *B. abortus* transmission from bison and elk to livestock or the frequency of brucellosis-induced abortions." Clearly a sound scientific foundation to the DEIS is lacking. It appears that the DEIS, like the draft EA for the interim plan, is justifying this entire action by relying on a single study which was not conducted in the field nor did it mimic field conditions (Davis et al. 1990., J. Wildlife Diseases). Moreover, the study was conducted at an agricultural university facility with decided biases towards the livestock industry.

A significant area where the NAS study and the DEIS differ is the NAS's recommendation that a brucellosis program for wildlife in the GYA should be approached in an adaptive management framework where management and research are combined so that projects are specifically designed to reveal causal relationships between interventions and outcomes. Defenders agrees that any proposed management plan undertaken at this time should be limited to an adaptive management approach which incorporates an objective of minimizing risk transmission rather than attempts to achieve eradication.

5. Montana's fear that APHIS will revoke its brucellosis-free status is unfounded and exaggerated.

Any threat that APHIS will revoke the brucellosis-free status of Montana because of bison is groundless because APHIS's policies and regulations apply only to livestock and inapplicable to wildlife. See Parker Land and Cattle Co. V. United States, 796 F. Supp. 477, 486 (D.Wy. 1992). APHIS does not have the statutory power to revoke Montana's brucellosis-free status because of the presence of Yellowstone bison in the state. Even in the unlikely event that APHIS tries to exceed its regulatory powers by revoking Montana's brucellosis-free status, the impact to

Montana would be insignificant. In granting Montana its brucellosis-free status, APHIS declared repeatedly that "the challenges in brucellosis status...will not affect marketing patterns and will not have a significant impact on those persons affected by this document." 49 Fed. Reg. 3,978 (February 1, 1984), 50 Fed Reg. 10,493 (March 15, 1984), 50 Fed Reg. 23,939 (June 7, 1985) (granting brucellosis-free status to remaining counties and making identical insignificant impact findings). Montana's alleged fear that APHIS will revoke the entire state's brucellosis-free status is entirely unwarranted because APHIS is fully capable of reclassifying limited portions of a state and is not required to reclassify all of Montana because of a perceived problem in one small portion of a state that holds a tiny fraction of the state's cattle. When APHIS reclassified Montana as a brucellosis-free state in the mid-1980s, it did so on a county-by-county basis rather than reclassifying the entire state at once. See 49 Fed. Reg. 3,978 (February 1, 1984); 49 Fed Reg. 45,111 (November 15, 1984), 50 Fed. Reg 10,493 (March 15, 1985), 50 Fed. Reg. 23,939 (June 7, 1985). Montana's fear that APHIS will revoke its brucellosis-free status is unfounded and, as APHIS's own analyses indicate, overblown.

6. The DEIS inappropriately allows the state of Montana to determine the definition of low-risk bison.

The DEIS allows Montana to reserve "the right to identify bison with a lower possibility of transmission according to such criteria as the state veterinarian and the Board of Livestock deem necessary to prevent brucellosis transmission from bison to cattle and to prevent import sanctions on Montana cattle by other states." Given that the former state veterinarian has actively lobbied other states to make this a needlessly controversial issue and that the primary concern of the Montana Department of Livestock is cattle and not free-roaming bison, we strongly oppose this provision. The State failed to adopt APHIS's low-risk definition during the winter of 1996/97 despite the fact by the time APHIS issued the definition hundreds of bison had already been killed. After the definition was released, the DOL continued to unnecessarily kill bison bulls, yearlings, and calves and postparturient female bison. In fact, this very point is the open door by which Montana has abused its regulatory powers and now inappropriately influences wildlife management policies inside YNP, on adjacent public lands and other wild lands.

7. Lead agencies failed to conduct or complete necessary research in key areas.

The NEPA process was officially initiated in 1990 yet eight years later key critical studies that are instrumental in assessing the risk of disease transmission and in developing appropriate management strategies remain either uninitiated or incomplete. The National Academy of Sciences study states, "Current research and funding cannot be relied upon to sustain any long-term program effectively. As is evident from the science reviewed for this report, studies have been characterized by stop-and-go funding and elusive goals. Sample sizes have been inadequate and studies have been of insufficient duration." Consequently, the DEIS is not based on a strong scientific foundation and many of the management actions proposed in the various alternatives

are not scientifically justifiable from a wildlife management perspective. They are based on unfounded fears and are promoted as necessary by biased parties which have no real interest in maintaining the free-roaming nature of Yellowstone's bison herd.

The table found in Appendix D, Draft Brucellosis/Bison/Elk Information Needs and Research Topics, lends credence to the belief that simply not enough is known about the disease in bison. Of the 42 research needs and studies concerning brucellosis, 22 are classified as high priority. Of the 22 classified as high priority, 8 are classified as ongoing, 2 as proposed, 4 as proposed/ongoing and 8 as no action. Interestingly, one of the most relevant research needs, summarized as "Modes and risk of transmission under free-ranging conditions between bison and cattle by age and sex class and season," is one of the high priority studies and for which no action has been taken. This latter point is ironic considering that threshold action is predicated on the fact that this risk exists.

8. Current method for brucellosis testing over-estimates risk.

The current method of screening infected versus unhealthy animals relies on a test that only verifies exposure to brucellosis as indicated by the presence or absence of brucellosis antibodies. The number of carriers or contagious animals is much smaller than the number of animals that carry antibodies. Furthermore, whereby killing all animals that have antibodies you might be killing animals that are resistant to brucellosis bacteria and therefore cannot pass on this resistance to offspring.

Later on pages 148 and 149, there is a four paragraph discussion on *B. abortus* in Yellowstone bison. Here the DEIS states that the serological tests used on bison in YNP were originally developed for use in cattle, in which the relationships between seroprevalence and presence of the bacteria is highly correlated but evidence that suggests that the relationship between seroprevalence and actual infection is not highly correlated in bison. The DEIS states that "The precise relationship between serological tests and presence of B. abortus bacteria is not well understood at this time." This relationship could have been, and should have been, better examined by analyzing the results of management actions taken during the winter of 1996-97. Test results are still not available even though more than 13 months had passed from when the last bison was killed in April of 1997. The test results should be reviewed and incorporated in the FEIS.

As mentioned above, many bison who test seropositive but show no symptoms of the disease might carry genes that give them resistance to the disease. Removal of these seropositive animals may act to remove these disease-resistant genes from the population. Moreover, current genetic theory would suggest that bison leaving the crowded conditions of the park might in fact be "pre-emergent dispersers" and as such be carrying the population's best genetic material out of the Park and out of the Yellowstone bison's gene pool. Such considerations that might impact bison health and vigor are nowhere mentioned in this document. We are disturbed that livestock

health is emphasized instead of the integrity of wildlife populations and ecosystem composition and processes particularly on public lands.

9. The National Park Service's involvement in certain proposed actions are in violation of the National Park Service Organic Act and the Yellowstone National Park Protection Act, and the DEIS is unduly and inappropriately burdensome on NPS.

Many of the alternatives would violate the National Park Service Organic Act, 16 U.S.C. § 1, because they direct NPS personnel to trap and send bison to slaughter rather than conserve them as required by law. They also would violate the Yellowstone National Park Protection Act, 16 U.S.C. § 26, because they provide for the trapping and shipment to slaughter of bison inside the park. National parks are meant to "conserve the scenery and the natural and historic objects and the wildlife therein . . . ." The primary goal of park management and any management plan that the Park promotes should be to promote a free-ranging, self-sustaining/viable population of bison in Greater Yellowstone. Consequently, park resources and staff should not be used to prevent bison from roaming freely on public lands.

It is evident in the DEIS that park policy and management is being driven by certain interests of the livestock industry. The alternatives are clearly not in the common interests of the American public. In a time of declining federal budgets, the National Park Service is being made to shoulder a costly program which could only potentially benefit a few livestock growers and private property owners near the park. It seems more reasonable that funding for this program should come from the Department of Agriculture and its clientele and not the Department of the Interior.

10. The DEIS is not tolerant enough of bison on public lands. Preference should be given to bison over cattle on public lands.

Because we believe that the source of much of the conflict between bison and cattle can be minimized by modifying livestock grazing on adjacent public lands, Defenders is disappointed to see that the DEIS advocates some modifications to grazing practices in only alternatives 2 and 7 and possibly in phase two of alternative 3. It is our firm belief, and that of many others, that wildlife should have precedence over livestock on many, if not most, public lands. This is particularly true of the Gallatin National Forest which provides important habitat for not only bison but a number of other species, including wolves and grizzlies. Modifications to public grazing allotments in the Gallatin National Forest should be a high priority.

The broad principles of National Forest Management Act require that the FS mange the lands on principles of multiple use, therefore, they are required to take any measures that are reasonable necessary to maintain the "multiple-use" of the land. The conditions that Defenders proposes are necessary for bison (wildlife) to forage and have access to public lands, thus are within a plain

reading of the statute. These conditions are further supported in implementing regulations.

The FS is authorized to "[m]odify the terms and conditions of a permit to conform to current situations brought about by changes in ... management needs." 36 CFR 222.4 (7). Management needs, as defined by the statutory definition of " multiple-use," plainly include access to forage for bison. The FS can, "[m]odify the seasons of use, numbers, kind, and class of livestock allowed or the allotment to be used under the permit, because of a resource condition, or a permittees request" thus, FS is authorized to specify the time that the cattle are permitted on and off the allotment. Further, this provision states that the FS can control the "kind, and class" of cattle, allowing them to specify that the cattle are steers and have been vaccinated against brucellosis. This interpretation is bolstered by regulation 36 CFR 222.3(c)(vi)(A) which states that the FS shall prescribe, "[t]he amount and character of [...] livestock the permit holder shall be required to own." Clearly, when the FS has ability to define the "character" "class" and "kind" of the cattle, they have the ability to require that the permittee only graze vaccinated steer. In fact permits regularly state whether the cattle can be cow or steer. When these terms are considered with the objectives of the "multiple use" of public lands and the goals of diverse animal and plant communities, requiring vaccination, so that the bison can freely range, is well within the bounds of NFMA.

Under NFMA's regulatory provisions" (36 CFR sec. 219.19 and 219.27), "Fish and wildlife habitat shall be managed to maintain viable populations of existing native and desired non-native vertebrate species in the planning area. For planning purposes, a viable population shall be regarded as one which has the estimated numbers and distribution of reproductive individuals to ensure its continued existence is well distributed in the planning area...habitat must be provided to support, at least, a minimum number of reproductive individuals and that habitat must be well distributed so that those individuals can interact in the planning area. Section 219.27 requires that plant and animal diversity be preserved and enhanced by management prescriptions, so that diversity "is at least as great as that which would be expected in a natural forest."

11. The DEIS ignores the stewardship responsibilities of ranchers.

Although cattlemen in the Greater Yellowstone Ecosystem are said to routinely vaccinate their female calves, the DEIS does not advocate mandatory vaccination presumably because the minimal expense would be borne by the rancher. In terms of cost-effectiveness, vaccination of cattle is an effective and inexpensive way to protect cattle from brucellosis. Not only would vaccination protect the livestock from transmission from bison, it would protect the herd from neighboring herds of cattle that may be infectious. If the ranching community and the DOL are so concerned with the threat of transmission from bison to cattle, the state should require vaccination of livestock in the GYA.

12. Although the subject of a current, independent analysis, the possible impacts of

road and trail grooming for snowmobiles should be more fully explained.

Although we believe that the current research underway will reveal that road grooming significantly impacts bison distribution, the Citizen's Plan does not call for immediate changes in winter road grooming practices due to the legal settlement that directs NPS to prepare a new winter use plan and EIS. The Plan states that changes in winter road grooming practices will be made if the research shows they are warranted. However, even though Defenders advocates waiting until the EIS is completed, the DEIS should have provided more discussion on the current research which does indicate that road grooming for snowmobile use is a potentially significant factor in bison winter distribution. Some of the most extensive studies to date on this issue, including Mary Meagher's 1993 draft report *Winter Recreation-Induced Changes in Bison Numbers and Distribution in Yellowstone National Park*, are not cited in the DEIS. We encourage the lead agencies on the EA to lend more credence to this research and implement its findings more fully in future NEPA documents.

We were not pleased with the draft EA issued last year on the Temporary Closure of a Winter Road for the Yellowstone Region because it provided very poor documentation of the impacts to wildlife resources from winter recreational use in Yellowstone and because it over emphasized the economic impacts of the snowmobile industry. Critically lacking from the EA was a detailed explanation as to why road closures were being sought. The EA failed to adequately analyze the relationship between proposed road closings and the impacts on wildlife movement and migrations. We hope that future NEPA documents on this issue provide more balanced information.

13. Bison hunting as outlined in the alternatives could be more extensive than is necessary and inappropriate.

Utilizing sport hunting as a principal means of controlling bison distribution and herd size is not appropriate. Although the Citizens' Plan utilizes a regulated harvest allowed under certain conditions, hunting of bison should be severely restricted. Defenders believes that hunting as described in the DEIS is not plausible because it would lead to conditions similar to those which occurred in 1985 when Montana implemented a public hunt season on bison.

14. The impacts on declining, threatened and endangered species were dismissed.

Although the DEIS provides greater documentation of the impacts to other wildlife species than the draft EA, we remain concerned that the anticipated impacts to certain species are being dismissed. The importance of bison carcasses to emerging grizzly bears in the spring was covered but we believe the impacts were minimized. We also believe the potential impacts to pronghorn are greater due to the proposed management activities in Reese Creek.

15. The economic importance of Montana's livestock industry is not reviewed in the proper context.

DEIS discusses extensively the economic concerns and economic value of the cattle industry in the GYE but fails to adequately document the economic value of free-ranging wildlife to the state of Montana. The DEIS overestimates the value of the livestock industry by including general agricultural statistics which include revenues generated from crops, sheep and poultry. At the same time, the DEIS fails to accurately estimate the importance of revenue generated from expenditures of resident and non-resident tourists and hunters.

According to statistics from the Montana Department of Labor and Industry, U.S. Bureau of Economic Analysis, agricultural production has been declining consistently from 1986-1996. It is projected in 2006 to be about half of what it was in 1986. An analysis of state statistics pertaining to projected job growth of nearly 650 occupations from 1996 to 2006 reveals that "general farm and ranch workers" and "farm ranch managers/operators" came in last with projected job losses of 12.87% and 13% respectively. More specifically, the statistics project a loss of 1,732 farm and ranch worker jobs (13,453-11,721) jobs between 1996 and 2006 and a similar projected loss in the category of farm and ranch managers/operators with a decline from 13,422 jobs in 1996 to 11,677 jobs. A review by the Congressional Research Service shows that only 3.6% of the commercial employment based on 7 NF in the GYE is attributable to livestock operations.

Some studies have shown that without public lands ranching, net incomes would probably increase for most rural economies. For example, in Idaho, hunters and fishers pay 15 times more for hunting and fishing licenses than all ranchers on BLM and FS ranch land in the state (1/4 of the state) pay in federal grazing fees. Without degradation of game animal habitat and attrition from ranchers, game animals populations in ID would soar. Because public lands ranches cover an average of more than 12,000 acres each, local rural economies are usually affected by only several to a score or so public lands ranching operations. Therefore, even ii their contributions outweighed their detriments, the benefits could hardly be significant.

In light of the fact that agriculture is a declining industry within the state and that the FS receives minimal revenues from the handful of public lands grazing allotments in the Gallatin National Forest, Defenders would like the economic benefits derived from non-agricultural industries to be presented in the proper context in the final document.

16. The DEIS lacks a true No Action alternative and has devised an arbitrary and capricious baseline.

We are dismayed that the DEIS proposes the highly controversial interim plan as its NEPA required No-Action alternative. This is particularly disturbing because the No Action alternative would implement the Interim Plan without adopting the subsequent adjustments to the plan made

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in late 1997 which were issued in response to the plan's unanticipated surpassing of the historical kill figure. It is disturbing that the DEIS considers the controversial and lethal interim plan as the No Action alternative given the NPS's natural regulation mandate. Can the agencies consider this plan as an acceptable or viable alternative with the knowledge that 1,123 bison -- nearly twice the historical high of any previous year -- died as a result of that plan's implementation? The drafting team was aware from the public comment process on the EA that, with the exception of the Montana and Wyoming Stock growers Associations, every single non-governmental organization that commented rejected alternative one (the Interim Plan). Furthermore, the legality of the interim plan is currently being challenged. If it is found to be illegal, then we believe the DEIS must be rewritten to include a true No Action alternative and the interim plan must be deleted as an alternative.

17. The role of each of the involved agencies is unclear.

Defenders recognizes the need for interagency cooperation but we are uncertain as to what exactly is the role of the Montana Department of Fish, Wildlife and Parks under any of the objectives. In contrast, one of our most serious concerns is the continued role of the Montana Department of Livestock as the lead state agency responsible for bison management outside the park. The DOL's control of bison presents a conflict of interest and it is apparent from their history in this issue that they do not have the expertise nor the interest in preserving Yellowstone's bison herd according to the desires of most citizens. We strongly advise that their role be limited to private lands and that the control of bison outside the park on federal lands be returned to the Montana Department of Fish, Wildlife and Parks.

18. Bison population numbers.

The DEIS states that a minim viable bison population for YNP may not be possible to define yet it cites unpublished research on a private bison herd that suggests 580 bison and a normal population sex and age structure are required to ensure random intermixing of breeding animals and avoid significant inbreeding. Although the DEIS also states that none of the alternatives intended to reduce the herd to that level and that in all alternatives, lethal control measures would cease well before the herd had been reduced to 580, we are concerned that this minimum population level has been referenced in the DEIS. Defenders recommends that a more formal minimum population viability analysis be conducted and that this reference to 580 bison be deleted from the EIS until the research has ben completed and reviewed.

B. The need for a Citizens' Plan

The first sentence of the preferred alternative states, "This alternative, like others evaluated in this environmental impact statement, involves many unknowns and assumptions about the future

conditions and available tools to manage bison population." These unknowns and assumptions include: vaccination, land acquisition, a quarantine facility; state approval of SMAs; readoption of a hunting season; and determination of low-risk bison by the state of Montana. Too many of the key management tools utilized in the Preferred Alternative are of unknown status or require approval of the state of Montana and therefore the effectiveness of the Preferred Alternative cannot be estimated with any reasonable degree of certainty. This is one reason the Citizens' Plan was drafted -- to address the many unknown factors of the Preferred Alternative and to provide more specific information on how some of its management actions should be refined and implemented.

1. Key points of the Citizens' Plan:

The Citizens' Plan, unlike the government plan, does not assume that future conflict is inevitable and that killing buffalo should be the primary strategy for resolving conflict. Instead, through land management changes and oversight by wildlife professionals it strives to reduce conflict, killing of buffalo and erosion of Yellowstone's values.

The plan specifically would:

- Maintain wild, free-roaming buffalo in Yellowstone National Park;
- Return management of the buffalo outside the Park to the Montana Department of Fish, Wildlife and Parks;
- Create a special management area outside the park where buffalo can survive harsh winters;
- Develop scientific buffalo population goals for this special management area and maintain minimum herd sizes below which the herd could not be reduced;
- Use traditional wildlife management tools -- relocating buffalo to Indian reservations or public lands, and using a regulated harvest. These tools would be used only when population limits are exceeded on lands outside the park, or when private property or human safety are threatened;
- Restrict buffalo from private lands if private property or human safety are threatened;
- Emphasize acquisition of key winter range from willing sellers through purchase or conservation easement, and create incentives that would encourage landowners to modify livestock operations to increase winter foraging opportunities for buffalo outside the park.
- Establish an interagency tribal-public cooperative management team of wildlife

professionals to assist in determining buffalo management outside the park;

- Recommend mandatory vaccination of cattle within and immediately adjacent to the special management area;
- Allow vaccination of buffalo within the special management area, but only when two standards are achieved. First, the vaccine must be safe and effective for buffalo. Second, the vaccine must be administered in a non-intrusive manner;
- Establish a voluntary program to compensate landowners for damage to fences and other permanent structures caused by natural buffalo migrations;
- Support more research on brucellosis in wildlife and risk management options.
- Support future changes in winter road-grooming practices if research shows that current practices are harming buffalo. Such changes would be implemented only after appropriate environmental analysis and public comment.

2. Defenders' additional recommendations to the Citizens' Plan:

The Citizens' Plan advocates that a quarantine facility be constructed in Montana, Wyoming or Idaho. Assuming that APHIS modifies regulations to allow for the facility to be located outside the immediate or adjacent area of the park, Defenders' preference is to construct the facility at the Fort Belknap Reservation in Montana. This location, with operation by the Gros Ventre and Assiniboine tribes of Fort Belknap and their Fish and Wildlife staff, is appropriate for a number of reasons: the tribes' expertise in bison management and quarantine facilities; proximity to Yellowstone National Park and lands where bison would eventually be relocated to; and Fort Belknap's detailed comprehensive management plan for a bison health certification facility which outlines the specifics of the building, its operation, costs and oversights. The goals of a bison health certification facility at Fort Belknap would be 1) to provide a publicly acceptable alternative to slaughter for serologic negative bison; 2) to make surplus Yellowstone bison available for restoration to ranges where they have been absent since the turn of the century; and 3) to make the Yellowstone bison gene pool available to herds outside Yellowstone National Park. For these reasons, we encourage the agencies to examine the Fort Belknap Reservation as a possible location in any future NEPA documents concerning Yellowstone bison.

The Citizens' Plan advocates an "appropriate, regulated harvest" of excess bison. Defenders interpretation of this specific wording is that the hunt be open only to Native Americans under very specific conditions. These conditions would occur when the population range of bison is at its upper limit and bison are located in remote and rugged terrain and approaching the border of the SMA near private lands. We believe that a hunt operated under such conditions and only by Native Americans would minimize the controversial use of hunting as a management tool.

E. Defenders' Key Recommendations

Defenders specifically recommends that the agencies:

- recognize that this DEIS deals with public resources on federal lands and that they are therefore compelled to consider the full range of public comments;
- remember that Yellowstone National Park and the surrounding public lands and wildlife are public treasures and make the broadest effort to solicit public input on all environmental impacts.
- conduct analyses and make recommendations that acknowledge and protect the fullest range of public interests including Native Americans, tourism and tourism related industries, conservationists, and the American tax-payers who pay to have these resources held in trust;
- use the best science available to consider management options and look diligently for alternative and non-lethal solutions, both inside and outside the Park, to this situation;
- conduct a formal risk analysis on brucellosis transmission between wildlife and livestock;
- fully consider and document all economic impacts including the cost of the program to all agencies and industries and thoroughly compare those costs to the potential economic risks to local ranchers including but not limited to revocation of public lands grazing leases in areas with brucellosis infected wildlife;
- encourage the agencies to work with the GYIBC, the conservation community and the livestock industry to revise the protocol so it less restrictive, intrusive, time-intensive and costly;
- encourage APHIS to revise regulations regarding the acceptable locations for the quarantine facility so it can be constructed outside the GYA.
- strengthen the commitment to Native Americans in receiving live bison, particular through the construction of a quarantine facility at Fort Belknap Reservation; and
- adopt the Citizens' Plan to Save Yellowstone Buffalo and utilize an adaptive management approach.

YELL-14980 contd.

F. Concluding remarks:

In response to the Yellowstone bison-brucellosis controversy, the agencies have produced a series of troubling and ineffective interim management plans and it appears the agencies are now headed in the direction of adopting an equally problematic final plan. It is evident from the range of alternatives offered in the DEIS that the lead agencies fail to understand the cultural, aesthetic, and natural resource values of free-ranging bison to the American public, especially Native Americans. In light of the anticipated overwhelming opposition to this plan, Defenders encourages the drafting team and decision makers to bring the public into this process and either adopt the Citizens' Plan as the preferred alternative or start the process over.

Defenders of Wildlife thanks the National Park Service and other involved agencies for an opportunity to comment on the DEIS and we trust that the concerns of our staff, members, and the environmental community will be fully considered and explored in subsequent drafts or the final document.

Sincerely,

Robert M. Ferris
Director, Species Conservation Division

Caroline Kennedy
Program Associate

14,383

DORIS DAY ANIMAL LEAGUE

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October 27, 1998

Bison Management Plan EIS Team
National Park Service, Denver Services Center
P.O. Box 25287
Denver, CO 80225-0287

To Whom It May Concern:

On behalf of the 277,000 members and supporters of the Doris Day Animal League, we offer our strongest possible objection to the Draft Environmental Impact Statement (DEIS) published by the National Park Service and the State of Montana, and our strongest possible support for The Bison Alternative prepared by The Fund for Animals, Inc.

As you know, over 3,000 Yellowstone bison have been killed by state and federal officials since 1985 at the behest of local cattle ranchers who fear these animals might transmit brucellosis to domestic livestock, despite the fact that there has never been a documented case of such an occurrence in the wild. The recently completed DEIS perpetuates these scientifically unfounded fears by recommending that the Yellowstone bison herd be "managed" within arbitrarily selected limits—rather than by those set by more efficient natural factors—using methods which include continued needless deaths by slaughter and shooting.

A more objective and effective plan than that endorsed by ranchers and the livestock industry would call for the humane management of cattle grazing on public and private lands surrounding Yellowstone National Park. This would entail the removal or reduction of cattle (particularly breeding animals) from problematic areas, as well as mandatory vaccination against brucellosis for all those remaining. Federal and state agencies should strive to increase the protected winter range for Yellowstone's bison by legally acquiring as much adjacent private land as possible. Finally, despite the emphasis the DEIS places on controlling bison rather than nearby ranchers' cattle, the National Park Service has consistently refrained from endorsing the one form of bison herd manipulation with the most promise for humanely reducing the number of animals who wander off park property: the immediate closing of Yellowstone's groomed snowmobile trails. These

[redacted]

14,383 contd.

trails are actually exacerbating the problem of unwanted bison migration, and they should be the first casualty in any plan to protect either bison or cattle.

In the minds of many people the bison of Yellowstone National Park are as much a symbol of our national identity as the bald eagle. To have these majestic wild animals herded, quarantined, vaccinated or shipped off to slaughter like domestic cattle is totally inappropriate and ill-advised. The only thing less acceptable is the continued practice of allowing "hunters" to walk up to these unsuspecting animals and gun them down from nearly point blank range.

The Doris Day Animal League urges the National Park Service to adopt a more scientifically valid, humane and fair management program, such as that suggested in The Fund for Animals' Bison Alternative, and to pursue a policy that will protect the Yellowstone bison both for their own sakes and as part of the living legacy of America's natural heritage.

Sincerely,

Richard De Angelis
Director of Communications

Oral testimony provided at the Sheraton Palace Hotel, [redacted] on September 23, 1998

Comment No. 15214a
Mark J. Palmer
Earth Island Institute

My name is Mark J. Palmer. And I'm director of Wildlife Live, a project for Island Institute here in [redacted]

To start out with, I have deep concerns about the proposals that are before us in the Environmental Impact Statement. We are opposed to the preferred alternative by the National Park Service and the other groups that put together this agreement. And I have concerns with the way that the impact statement itself has been put together.

I think there are a number of questionable items that make this particular document inadequate under the terms of the National Environmental Policy Act. In particular, Alternative 2, for example, minimal management, talks about maintaining a free-roaming herd of bison, and then goes on to explain how they are going to keep those bison specifically from being free-roaming.

It seems to be a contradiction in terms and there is not an alternative provided in this document as far as I can tell that would provide for a truly wild bison population that is not manipulated in any way for the purposes of maintaining the cattle industry or any other industry. It seems to me the purpose of protection of wildlife, the purpose of the National Park Service, is being somewhat degraded by these proposals in that free-roaming wildlife populations which we are trying to restore in California. We have made a great deal of effort to restore the tule elk and other elk species. We are making efforts to restore sheep herds and antelope herds and had some success along those lines; however, here we have the last free roaming herd of bison in the entire United States, which is rather pathetic when you think of the extent of the original population of bison that occurred in North America. And to only have this one herd and find out that it's already being managed into some kind of circus animal in order to maintain the cattle industry which obviously is thriving in Montana, strikes me as a misuse of public resources in order to benefit a private corporate concern.

And I think the Cattlemen's Association, which has done such a wonderful job of the Oprah Winfrey trial, is going to find itself on the horns of a dilemma here, if indeed the public decides they would rather have bison than beef. If that's the choice before us, which I don't think that is the choice, but if that's the choice that's presented to us by the interagency group, if this plan does indeed go forward, I think you will see the public prefers bison and that the cattle industry will suffer accordingly.

I would like to strongly urge that this Environmental Impact Statement be revised to indeed put forward an alternative that the general public can support the truly free-roaming wild population of bison, wild and left alone in the wild of Yellowstone and to indeed have a cattle industry accommodate the bison rather than the other way around. For too long we have had the wildlife

15214a contd.

of this country pay the price for compromise, and it's time now that the public and industry pay that price instead.

One other quick item, I haven't looked through here in detail. So I'm not sure if the issue comes up, but I would like to address the issue of funding. If indeed we are going to undertake a management plan for bison to benefit private industry, it is my opinion that public money should not be used to promote that private industry, but indeed private industry should be paying the price. I'm not sure if that's addressed adequately in this document. I don't believe it is. I think the suggestion is that the government do all this wonderful work at taxpayer expense for the nice people in the cattle industry, and I think that's inappropriate. Thank you very much for listening to my comments and considering them. I would like them added to the record, and I will be following up with written comments.

EARTH ISLAND INSTITUTE

[redacted]

Yell 15799

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STATEMENT OF EARTH ISLAND INSTITUTE ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT ON THE MANAGEMENT OF YELLOWSTONE'S BISON

On behalf of the national and international membership of Earth Island Institute, I submit the following testimony on the Draft Environmental Impact Statement (EIS) for bison management in Yellowstone National Park and Montana.

Though the EIS was in preparation for over eight years, the draft document provides no reasonable or rational alternative for the management of these magnificent mammals. Instead of basing its bison management strategies on sound science, politics and paranoia appear to be driving the agency's decisions. There is little, if any, scientific evidence to demonstrate that bison pose a threat of bacteria transmission to domestic livestock. Indeed, there has never been a documented case of bison transmitting Brucella abortus to domestic livestock under natural conditions. Moreover, recent scientific research reveals that the risk of transmission, if any risk exists, is extremely remote and doesn't justify the emphasis on lethal bison control which is the cornerstone of the preferred alternative in the EIS.

Earth Island Institute rejects the preferred alternative and other alternatives offered in the EIS because each alternative emphasizes management of bison instead of cattle. All the evidence suggests that cattle were originally responsible for introducing Brucella abortus into Yellowstone's bison population. Despite this fact, since 1985 when bison began to emigrate from Yellowstone in larger numbers, the livestock industry has not done anything to help resolve this issue. Instead, for over a decade, the livestock industry has been responsible for the slaughter of over 3,000 Yellowstone bison based on their unsubstantiated speculation that bison represents a threat of bacteria transmission to livestock.

The EIS continues to focus on bison instead of cattle. This is a fundamental flaw in the management strategies agreed to by the agencies. Since the livestock industry is the principal group who have expressed concern over emigrating bison, we believe that management efforts should emphasize changes in cattle management instead of targeting Yellowstone's bison. By closing grazing allotments, modifying cattle grazing on private lands, and

requiring the vaccination of all cattle in the Greater Yellowstone Ecosystem the existing insignificant risk of bacteria transmission can be reduced even further.

The National Park Service also has a responsibility to assist in reducing the perceived risk of bacteria transmission. To do this, the Park Service must rediscover its natural regulation mandate and close Yellowstone to snowmobiles. It is indisputable that trail grooming and snowmobile use has contributed to changes in bison movements, distribution, habitat use, and population dynamics. As the Park Service concedes in the EIS, bison use of these trails has increased bison emigration from the Park where they are slaughtered. The ecological impacts of snowmobiles extend beyond bison to affect other park wildlife, air and water quality, vegetation, and other park users. Yellowstone is not Disneyland and its time for snowmobiles to go.

Eliminating snowmobiles from Yellowstone and focusing management efforts on cattle instead of bison are the cornerstones of The Bison Alternative. This Alternative was created in response to the unacceptable and inappropriate alternatives in the EIS by a wildlife biologist who has extensive knowledge of bison and brucellosis. In addition to addressing snowmobile use in the Park and emphasizing changes in cattle management, The Bison Alternative rejects the capture, testing, and slaughter of Yellowstone's bison, the development and use of a bison quarantine facility, the vaccination of bison, and the reestablishment of a public hunt of these animals. Capture, test, and slaughter is unnecessary and inhumane. Quarantine and vaccination are tools designed to be used in the management of domestic livestock, not wildlife. And, sport hunting has no place in the management of these animals who have little fear of humans. Earth Island Institute strongly supports The Bison Alternative and encourages the agencies to adopt and implement this alternative to end the slaughter and mismanagement of Yellowstone's bison.

Instead of adopting similar strategies to humanely and sensibly end the controversy surrounding the management of Yellowstone bison, the proposed solutions outlined in the EIS will serve only to extend and increase this controversy. The use of capture, test, slaughter, agency shooting, quarantine, public hunting, and vaccination are not, given the scientific evidence, acceptable or appropriate solutions to this issue. Moreover, the agencies proposal to maintain Yellowstone's bison population between 1,700 and 2,500 animals is not supported by any scientific evidence. Indeed, these numbers are entirely arbitrary.

Earth Island Institute demands that the agencies abandon their continuing efforts to devise and implement new techniques to destroy bison in favor of more effective, less costly, more humane, and more scientifically valid strategies to protect these symbols of the American west.

Yell-16643

Bison Public EIS Comment

Name: Rev. Aynne Morison

Organization: EarthWalk Spiritual Ministry

Address: [redacted]

Email: [redacted]

Comment:

These animals are not the cause of the rancher's problem. It is, in fact, due to the introduction of cattle that the buffalo even carry brucelosus. To simply slaughter the animals, when an alternative has been offered by the Native tribes is barbaric. Let them be tested and the tribes take them. Let us try and make sure Something is Still Alive for Our Future.

From the National Wildlife Federation's online public comment form:
[redacted]

EAST ASCENSION SPORTSMAN'S LEAGUE, INC.

[redacted]

14,737

Ms. Sarah Bransom
Interagency Bison Management Plan, DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Date: Oct. 26, 1998

Dear Ms. Bransom;

The East Ascension Sportsman's League, Inc. is a conservation organization based in Ascension parish Louisiana, maintaining a current membership of approximately 500 dues-paying sportsmen and women.

We are deeply concerned by what we've heard regarding the needless and wasteful slaughter of wild American bison which migrate from Yellowstone National Park onto adjacent public lands in search of food during the winter months.

We understand that *some* of Yellowstone's bison are infected with brucellosis and the justification for killing those that migrate across park boundaries is to protect domestic cattle from becoming infected. We have several problems with this policy:

1. As we understand it, there has *never* been a single documented case of wild buffalo infecting cattle with brucellosis.
2. Why are *all* buffalo being killed if only a portion of the herd is infected?
3. Why are Yellowstone's buffalo being killed while it's elk herd, which is much larger and is also partially infected with brucellosis, is allowed to roam freely outside the park? Are the elk next?
4. We strongly believe that native wildlife on public lands should have a higher priority than privately owned livestock?
5. Why don't the cattle owners simply vaccinate their stock for brucellosis?
6. Our members want wildlife management based on science – not politics. They also want wild, free-roaming buffalo (and elk) in Yellowstone National Park *and* on adjacent public lands.

For these reasons we are opposed to the "Preferred Alternative" which has been recommended by the state of Montana and the federal government. We instead support the *"Citizens' Plan to Save Yellowstone Buffalo"*, which has been endorsed by the National Wildlife Federation, the Inter-Tribal Bison Cooperative, and others. We hope your team will consider supporting this plan as well.

Sincerely;

Jodie M. Singer /KBJ

Jodie M. Singer, President

cc: Honorable Members of Louisiana's Congressional Delegation
National Wildlife Federation
Louisiana Wildlife Federation

Affiliated with Louisiana Wildlife Federation

Oral testimony provided at the Gardiner School, [redacted] *July 29, 1998.*

Comment No. 15150
Meghan Fay
The Ecology Center

I'm here today representing the Ecology Center. We're based in [redacted] and I'm also a resident of Livingston.

I've spent a lot of time with buffalo. I've gone to the front lines of this campaign. I've watched them slaughtered. I've watched them being treated unfairly, and it's really gotten to me. That's one of the main reasons I'm here today to help protect them, whether it's through law-making decisions or on the front lines. I'm putting my body in front of them so they won't get shot.

Buffalo have always roamed Yellowstone National Park undisturbed, and it's the largest and most free-ranging population in the U.S.

The Montana Department of Livestock has been in charge for too long. Their inhumane treatment causes injuries to the buffalo and sometimes death while being handled and transported. Continuing the Department of Livestock's management of buffalo will eventually domesticate them, killing off the oldest remaining populations of wild buffalo.

The Yellowstone buffalo are wild and should be treated like all other wildlife in the greater Yellowstone ecosystem. Having the buffalo continue to be managed by the DOL is a serious conflict of interest. The management needs to be turned back over to the Montana Department of Fish, Wildlife, and Parks. The buffalo need to be treated and classified as wildlife in the state of Montana.

The DEIS will look at plans that have minimal impacts on buffalo and other wildlife. If the Yellowstone buffalo are to remain a dynamic population, then protective measures need to be taken that ensure that the herd's wildness is protected.

If the purpose of the DEIS is to address the risk of brucellosis transmission, they need to stop focusing on buffalo and address all species that carry this disease.

Using quarantine facilities is at odds with the DEIS's stated purpose of maintaining a wild bison herd. The interagency team even defined wild bison herds as one that is routinely handled by humans. This goes against management techniques which the government proposes.

The interagency buffalo management team thinks that the quarantine of Yellowstone buffalo will only affect individual buffalo. Not true. The whole herd will be affected. Some buffalo will be held in quarantine for up to four years, breaking their wild spirit.

15150 contd.

The State of Montana claims that quarantine will be one of its disease-management tools. The reality for buffalo is to ensure that buffalo do not roam free so they won't cause problems for livestock grazing on public lands or in the park. It will be nothing more than a feedlot.

Plan B is an alternative that we support in the Ecology Center. It treats them as wildlife, puts them under the management of wildlife, and gives the buffalo priority over cattle on public lands. This plan will ensure that the future of the herd, as the nation's last remaining free-roaming herd, is not put in jeopardy. This is not just a plan to compromise and watch the cattle once again win the battle over wildlife. Plan B will not allow any killing or containing of the buffalo; will allow them to run freely in the greater Yellowstone ecosystem; does not limit the size or the movement of the herd; is based on science, not politics; advocates scientific risk management; respects the cultural concerns of Native Americans with strong ties to buffalo; insists on taking only those actions to demonstrate it to be cost effective; ensures that the buffalo receive preference over livestock on public lands; if there is a complaint, it will remove the livestock, not the buffalo from these areas; modifies Montana's zero tolerance policy to one of disease management; and adopts scientific-based levels of risk.

I'm pretty young, and I probably don't know as much as anybody else here in this room, but I feel the buffalo mean a lot to me and to my future and my children's future and my grandchildren's future. I hope you'll pick Plan B.

Oral testimony provided at the Colonial Inn, [redacted] on July 27, 1998.

Comment No. 15254
Meghan Fay
The Ecology Center

My name is Meghan Fay and I'm representing the Ecology Center today. First of all, I'd just like to say I've spent about two winters down in Yellowstone. I'm originally from Livingston, Montana. I've watched these creatures be treated so badly, it was really depressing. I've cried a lot over it at night and it's really sad that we actually can treat wild animals like this. We don't even treat each other like that. We would never put each other in capture facilities and we'd never separate our children from mothers, and we actually allowed that to happen with these buffalo and it's not right. So with that, I'd just like to read what I have written up.

Buffalo have always roamed Yellowstone National Park undisturbed and this is the largest and oldest free-ranging population of buffalo in the United States. The Montana Department of Livestock has been the main authority in charge of the management of Yellowstone buffalo for too long. With the management techniques that DOL uses, the buffalo have been captured, corralled, shocked with cattle prongs and loaded on trucks to be taken to slaughter houses. This inhuman treatment causes injuries to the buffalo and sometimes death while being handled and transferred.

Continuing the DOL's management of buffalo will eventually domesticate them, killing off the oldest remaining populations of wildlife left. The Yellowstone buffalo are wildlife and should be treated like all other wildlife in the Greater Yellowstone ecosystem. The DEIS states that in each alternative the buffalo will be continued to be managed by the DOL at serious conflict of interest. The management needs to be turned back over to the Montana Department of Fish, Wildlife and Parks. The buffalo need to be treated and classified as wildlife in the state of Montana.

The DEIS must look at plans that have minimal impacts on buffalo and other wildlife. If the Yellowstone buffalo are to remain a dynamic population, then protective measures need to be taken to ensure the herd's volume is protected.

If the interagency DEIS team truly believes that their plan would be likely to adversely affect the grizzly bear, then they should request a formal consultation from the U.S. Fish and Wildlife Service. The proposed buffalo management project is located within the greater bear recovery zone. The area is located almost entirely within management area and Management Situation 1, which contains grizzly population centers. I just think that each of the alternatives are going to affect the grizzly bear population. I don't think the DEIS has even looked at what is going to happen to these griz and also the trumpeter swan. There is a tiny little paragraph on what's going to happen to the trumpeters, so it's not a big thing. I think the whole thing needs to be taken back to the drawing board to see how it's going to affect other wildlife species in the Greater Yellowstone ecosystem.

15254 contd.

So with that, I strongly support Plan B, which is supported by wildlife biologists and veterinarians across the U.S., and I hope that the interagency team will take that into consideration.

The Ecology Center, Inc.

[redacted]

YELL-15671

November 2, 1998.

Sarah Bransom
Inter-Agency Bison Management Plan
DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Dear Ms. Bransom:

I would like to thank you for this opportunity to submit my comments on behalf of the Ecology Center on the Draft Environmental Impact Statement (DEIS) for the Inter-Agency Bison Management Plan for the state of Montana and Yellowstone National Park.

The Ecology Center, through its analysis of the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park (released June 5), has concluded that the DEIS is fatally flawed. Unfortunately, the lead agencies (State of Montana, US Forest Service, National Park Service and the Animal Plant and Health Inspection Service [APHIS], a cooperating agency), chose to prefer a harsh management plan that jeopardizes the bison.

First off, our criticism centers around basic issues of noncompliance with NEPA:

- the DEIS s failure to properly address purpose and need;
- lack of a true no-action alternative ;
- lack of presentation of the full range of reasonable alternatives.

The DEIS s alternatives all are unacceptable because they all:

- restrict bison from their traditional habitat and winter range;
- contain extreme management techniques that ultimately will result in the domestication of this herd;
- serve to placate the cattle industry s single-minded drive to decimate the bison--an animal they see as symbolic of everything wrong with the federal government.

Our criticisms extend to other issues:

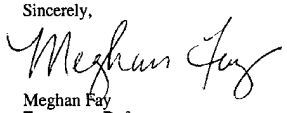
- the plan s inhumane treatment of bison--treating them as livestock, not wildlife;
- expense --the DEIS throws millions of dollars at a problem, that could be addressed by much more cost effective means, created by the cattle, and will further grease the welfare cowboys pockets at the expense of the bison and the taxpayer;
- lack of conclusive research surrounding the brucellosis issue. There has been no risk assessment or cost benefit analysis completed by the DEIS Inter-Agency Team.
- impacts on threatened, endangered, and sensitive species, and other wildlife;

YELL-15671

Please look through the following material that expands on our criticisms of the DEIS. Our hope is that the DEIS s authors will return to the drawing board and write a final EIS and an Alternative that the public will support, and the courts uphold--a Plan that puts the interests of the bison first. We currently support the development of an Alternative that incorporates the elements of Plan B, the Buffalo s Alternative. This Alternative is not included in the DEIS but is in compliance with the purpose and need of the DEIS unlike the other alternatives. The Ecology Center requests the DEIS management team to issue a supplemental EIS that incorporates Plan B as an alternative, and to keep the public comment period open to fully consider this alternative.

We need all the support we can get to ensure that the future of the Yellowstone bison will remain the wild free-ranging herd for generations to come.

Sincerely,



Meghan Fay
Ecosystem Defense
Ecology Center
[redacted]

Purpose and Need

The purpose and need of this DEIS does note adequately fit the actions proposed. The purpose is stated to maintain a wild, free-ranging population of bison . In each proposed alternative this would not be maintained. The bison would be domesticated and their wild, free-ranging status ruined forever. Quarantine and capture facilities are going to affect the bison genetically and also their migration patterns that they have taught one another each winter. Separating the bison is going to cause irreversible effects and the Yellowstone bison will never be the same. Bison are herd animals that rely on one another for safety and comfort, placing them in facilities for a period of years is unacceptable. These bison are wild animals and do not deserve to be treated as livestock. Captive bison will not have just a temporary loss of free-ranging wild status they will not know the migration patterns of their families and traditional calving grounds. Any routine handling or quarantine facility will destroy the wild instinct of the bison.

The definition in the DEIS of a wild free-ranging bison is defined as one that is not routinely handled and that can move without restrictions within specific geographic areas. Each alternative involves routine handling of bison through hazing, marking, tagging, and quarantine facilities. This stated purpose in the DEIS to maintain a wild free ranging bison herd is contradicted in each of the alternatives being considered in the DEIS. This is also true for holding bison in capture facilities to be later returned to the park. The stress that capture facilities causes bison is high, they have been documented to gore and badly wound one another or die in the process. If quarantine facilities are used and these wild Yellowstone bison are expected to live and give birth in a facility there are going to be many more instances of death and injury in captivity. These management alternatives threaten one of the last wild bison herds in the United States.

The Department of Livestock has been documented this last Spring hazing the bison off Horse Butte by the use of helicopter, horses, and ATV s. This operation caused high impact on the environment, including bald eagle nesting areas, and had adverse impacts on the bison. A bald eagle closure area was violated by the Department of Livestock when a helicopter flew over the area and horses and ATV's were driven through the area. The use of such harsh methods in the Spring could cause pregnant female bison to give birth early or abort. The use of cattle prods that administer electric shocks are inhumane to use on bison and once again bring them closer to domestication. Even using them sparingly can cause injury to bison. If the genetic wildness of this herd is to be protected then there must be some analysis of techniques that would not adversely impact bison. Letting bison roam in unrestricted areas outside the park is more in purpose with the stated intent of the DEIS. The use of Special Management Areas (SMA), in allowing the bison just a portion of their traditional range impairs the ability of the bison to migrate to range that may help them survive harsh winter conditions. SMA s may need to be later established after there is an assessment of the ecological carrying capacity of bison in the Greater Yellowstone Ecosystem.

The sales of the heads, hides, and meat of bison during the winter of 1997 went back to profit the Department of Livestock. This money should of been spent in areas such as land purchases and fence repairs to local ranchers in the area.

No-Action Alternative

The no-action alternative, which basically implements the Interim Bison Management Plan (revised in 1996), is not a true no-action alternative. The Interim Plan was responsible for the death of over 1,084 bison during the winter of 1996-97, in addition to natural deaths. The winter of 1988-89 also proved to be an unfavorable year for bison with a death toll of 569. 1994-95 and 1995-1996 followed with a total of 860 bison killed. Further use of this plan only would slaughter more and more bison each year. The proposed no-action alternative does not uphold the purpose and need of this DEIS, and does not offer the public a true no-action alternative. A true no-action alternative would allow bison to occupy traditional grazing land undisturbed by agency actions.

YELL-15671 contd.

The DEIS must look at plans that have minimal impacts on bison and other wildlife. If the Yellowstone bison are to remain a dynamic population, then protective measures need to be taken that will ensure that the herd s wildness is protected.

Quarantining Bison
The quarantine of the Yellowstone bison herd is unacceptable and should not be used as a management tool. The Draft Environmental Impact Statement states that the quarantine of Yellowstone Bison will only affect "individual bison". This will separate family members, destroy social structures, break natural land use patterns, and knowledge that is generally passed on from generation to generation within the herd may be lost. The Yellowstone bison herd is one of the last free-roaming herds in the United States and should be treated like wildlife not cattle. There is no possible way to cage wildlife and expect them to remain the wild creatures that they are. This kind of treatment inflicted on a wild animal is unnecessary. There are better ways to manage disease risk that does not affect the wildness of the herd. The quarantine facilities will draw a large amount of traffic, this can disturb other wildlife in the area including grizzly bears, wolves, and other sensitive, endangered, or threatened species.

Capture Facilities
The capture facilities that have been used by the Montana Department of Livestock and the National Park Service are not made to be used for wildlife. These facilities are used to manage cattle and using them for wild bison will have adverse affects on the wildness of the herd. Cattle prods, shoots, and hydraulic holds for testing cause negative affects on the bison. These effects are long term and are destroying the Yellowstone bison. During the winter of 1996-1997 Cold Mountain, Cold Rivers documented the management actions of capture facilities and a slaughter house in Sheridan, Montana. The National Park Service and Montana Department of Livestock were documented using excessive use of cattle prods and hazing. We are enclosing a copy of Our Buffalo, Our Choice which documents such conditions.

Definition of Risk
The DEIS claims that because the Yellowstone bison carry brucellosis, cattle are at risk of contracting the disease. The DEIS presents no conclusive scientific research that determines exactly what the risk is, and there haven t been any documented cases of transmission between cattle and bison in the wild. How can the agencies manage the risk of disease transmission when they don t even know what level of risk, if any, exists?

Even if brucellosis were eradicated from bison, elk could still be a potential source for reinfection. The DEIS states this and does not include the risk between other wildlife and bison. The actions in the DEIS will detract from the objective of eradicating a disease in the Greater Yellowstone Ecosystem. The idea of managing disease this way is not cost-effective and proves to be unsuccessful because elk will transmit it back to bison. If the true purpose of this DEIS is to address the risk of brucellosis transmission then the Inter Agency Team needs to include elk and other wildlife that may transmit brucellosis in its DEIS. This issue is not beyond the scope of the DEIS.

All the management tools in each alternative have not been approved yet by the agencies and may never be approved. The DEIS assumes that these actions will be approved.

Effects on Endangered, Threatened, Sensitive, and other Wildlife Species
The DEIS states that the preferred alternative would have adverse impacts on bison, as well as wildlife species including the grizzly bear and gray wolf. If there are adverse impacts that may be caused on these endangered species then that alternative or management tool should not be used. There should not be any management action by any of the agencies that may affect a species ability to recover or maintain a viable population. An independent panel of scientists needs to be involved to provide peer review of all the management tools and how they may affect wildlife.

Pronghorn Antelope
The Stephens Creek bison capture facility, located at the northern entrance to Yellowstone National Park, already has caused adverse impacts to the pronghorn antelope population, blocking migration patterns and causing confusion when they flee from predators. This facility would still be used in the preferred alternative, causing further disturbances in the pronghorn antelope population. This species is in threat of losing more habitat and the agencies involved must look at measures to prevent this from happening. A capture facility does not protect viable pronghorn antelope habitat.

Bald Eagles
The methods for keeping bison in the designated special management areas (SMA s) would include hazing by the use of helicopters, cracker barrels, or horses. The use of helicopter hazing this last spring violated bald eagle closure areas, and nesting areas were disturbed. These methods have and will impact bald eagles and other endangered, threatened, or sensitive species. Bald eagles would be affected if management activities occurred or capture facilities were constructed near an active nest or foraging area, states the DEIS. Horse Butte is critical habitat for a population of bald eagles, and requires further analysis on how the preferred alternatives may adversely impact their status under the Endangered Species Act. There needs to be further consultation with wildlife biologists that are experts on bald eagles and their habitat in the Greater Yellowstone Ecosystem.

Trumpeter Swans
If Alternative 6 was used by the agencies, there would be construction of a capture/quarantine facility in a trumpeter swan nesting area. The DEIS claims that this species may be affected by the location and operation of bison management facilities... Trumpeter swans are a sensitive species, and there has been a decrease in population due to the amount of habitat available to these birds. There would be a disturbance of habitat and the agencies should not risk putting these birds under stress by taking their critical habitat.

Wolverines
Wolverines are also listed as a sensitive species and are very susceptible to human disturbance. It has been noted in several studies that wolverines have abandoned den sites in response to what was believed to be very minor disturbance, stated the DEIS. The agencies should further study the impacts resulting from operating capture/quarantine facilities and the use of other preferred management tools in wolverine habitat.

Grizzly Bears
If the Inter-Agency DEIS team truly believes that their plan would be likely to adversely affect the grizzly bear, then they should request a formal consultation from the US Fish and Wildlife Services. The proposed bison management project is located within the Greater Yellowstone Grizzly Bear Recovery Zone. The area is located almost entirely within Management Situation 1 habitat (MS1), which contains grizzly population centers. MS1 are areas key to the survival of grizzlies where seasonal and year long activity, under natural, free-ranging conditions... [containing] habitat components needed for the survival and recovery of the species or a segment of its population. This statement in the DEIS does not justify how the Inter-Agency team can adopt any of the proposed plans which will destroy grizzly bear habitat. The DEIS also claims that denning bears would not be affected by bison management activities. This is a false claim and needs to be studied, as a hazed herd of bison could potentially disturb denning grizzly bears.

Bison meat is a very important part of the grizzly bear diet. Meat is now considered to be one of the most important components of the grizzly bear diet in the Yellowstone area. The largest biomass consumed per carcass is from a scavenged male bison, stated in the DEIS. If populations caps for bison are to be imposed then a secure source of food for the grizzly bear will also be disrupted.

The potential land acquisition, exchange and conservation easement package that has been jointly developed by the Rocky Mountain Elk Foundation, the Forest Service, and the Church Universal and Triumphant. This area proposed for exchange is located near the Northern entrance to Yellowstone National Park. The Forest Service would give the Church Universal and Triumphant 1,000 acres in exchange for 1,850 acres of conservation easement property. The area that the Forest Service is considering for exchange is located next to Mol Heron Creek, which is prime grizzly bear habitat. This land swap will destroy critical habitat for the grizzly bears that make their home in the Greater Yellowstone Ecosystem. The Inter-Agency team needs to further analyze how grizzly bears will be affected under this exchange and the US Fish and Wildlife Service needs to be consulted.

Bison Population Caps
The topic of a population cap comes up several times in the DEIS and is included with all the alternatives. Before the agencies can begin to look at a population cap, there must be a report done on the ecological carrying capacity of the Greater Yellowstone Ecosystem.

National Forest
The Gallatin National Forest that surrounds Yellowstone National Park is designated as wildlife habitat in the forest plan. Cattle grazing allotments on these public lands are in direct conflict with the purposes of the forest to provide for wildlife habitat. The bison that wander out of Yellowstone in the winter often graze in the confines of the National Forest. The Interim Plan and many of the alternatives in the DEIS do not address the fact that bison are meant to be on these public lands. Many of the bison are often killed on these National Forest lands. Bison are just one of the many wildlife species that should be given precedence over cattle. This management option, not considered by the DEIS, would go a long ways towards removing bison/cattle conflicts. The National Forests must consider phasing out cattle allotments on public lands set aside for wildlife.

DEIS Alternatives
The DEIS states that the alternatives involve many unknowns and assumptions about future conditions and available tools to manage the bison population. How can the public comment on the tools being used when its preferred alternative relies on unknowns and assumptions . This DEIS needs to clearly explain what methods will be used. All of the alternatives submitted do not comply with the purpose and need of the DEIS, because of this we request that Plan B, the Buffalo s Alternative, be considered in a supplemental EIS.

Aesthetics and Economic Values
The alternatives proposed in the DEIS will all allow the agencies to control bison like livestock and turn the Greater Yellowstone Ecosystem into a livestock yard. There has not been proper analysis of the value that bison have to the public visiting Yellowstone National Park. Using estimates of other wildlife for what the value of bison might be is unacceptable. There must be a separate study to determine the aesthetic and economic values that bison have on Yellowstone National Park and surrounding communities.

Plan B, the Buffalo s Alternative
The Ecology Center supports Plan B, the Buffalo s Alternative. Plan B is a biologist's alternative that preserves the genetic diversity of the herd, treats them as wildlife, puts them under the management of wildlife experts, and gives the bison priority over cattle on public lands. This plan will ensure that the future of the herd as the nation s last remaining free-roaming herd is not put in jeopardy. We are submitting as part of our comments a documentary video entitled Plan B, The Buffalo s Alternative to contrast the government s plan with Plan B.

Plan B:

- obviates any killing or confining of bison.
- allows for bison to roam freely in the Greater Yellowstone Ecosystem.
- does not limit the size or movement of the bison herd.
- does not accept that the livestock industry has the expertise or the directive to manage the nation s wildlife-Bison.
- is based on science, not politics.
- advocates managing risk scientifically.
- respects the cultural concerns of Native Americans with strong ties to bison.
- insists on taking only those actions demonstrated to be cost-effective.
- ensures that bison receive preference over livestock on public lands. If conflicts exist between wildlife and livestock on these lands, remove livestock, not bison, from these areas.
- modifies Montana's "zero tolerance" policy to one more consistent with modern disease management, i.e., adopt scientifically-based levels of risk.
- is cost effective compared to the government s $50,270,000 price tag. Plan B will only cost $2,970,000. Dr. Michael Garrity has performed an economic analysis of Plan B and the government s plan. This documentation is part of our submitted comments.

Plan B proves to be cost effective and manages bison in a non-intrusive manner. Plan B truly maintains a free-ranging wild herd of bison and manages the disease brucellosis with a safe and effective vaccine. Plan B is the only way to preserve the oldest free ranging herd of wild bison left in the United States. The Ecology Center requests the DEIS management team to issue a supplemental EIS that incorporates Plan B as an alternative, and to keep the public comment period open to fully consider this alternative.

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Comparative Economic Analysis of Three Proposed Plans (Plan "B", the Government's Preferred Plan, and the "Citizens Alternative") for Managing Yellowstone Bison

Michael Garrity
Department of Economics
University of Utah, [redacted]
August 15, 1998

Background

Three federal agencies (the National Park Service, the Forest Service and the Animal and Plant Health Inspection Service), and two State agencies (the Montana Department of Livestock and the Montana Fish, Wildlife and Parks Department) were charged in 1989 with developing a plan that would maintain a wild, free-roaming population of Yellowstone bison, and would, at the same time, address the risk of brucellosis transmission from Yellowstone bison to cattle to protect the economic interest and viability of Montana's livestock industry. After eight years, the agencies released their plan in June, 1998 in the form of a draft Environmental Impact Statement (DEIS). The agencies presented 7 alternative plans for consideration in the DEIS, and identified one of these (alternative # 7) as their "preferred plan".

Unsatisfied with the alternatives offered in the DEIS, and contending that a more cost-effective, less intrusive, and more reasonable plan existed, wildlife professionals developed an alternative plan with extensive inputs from veterinarians qualified in the study of brucellosis and the economics of disease management. This plan is called Plan "B".

A third plan, called the "Citizens Alternative", was developed by environmental organizations.

Executive Summary

Plan "B" for managing Yellowstone bison is the most cost-effective of the three plans in terms of achieving the benefits. Benefits are defined according to the stated objectives of the DEIS, i.e., 1) maintaining a wild, free-roaming herd, and, 2) addressing the risk of brucellosis transmission from Yellowstone bison to cattle to protect the economic interest and viability of Montana's livestock industry. Indeed, Plan "B" appears to be the only plan that enables derivation of the first benefit, i.e., maintaining a wild, free-roaming herd. Unlike Plan "B", the other plans limit movements of bison to the boundaries of Yellowstone Park and a few adjacent areas, thus they do not result in maintaining a free-roaming herd. Plan "B" is also the only plan

to address the *underlying* threats to Montana's livestock industry[1], and thus is the only plan to derive the benefit of protecting the economic interest and viability of Montana's livestock industry (the second stated objective of the DEIS).

Plan "B" represents a total net savings to the taxpayer of $47 million compared with the Government's preferred alternative, and a total net savings of $62 million compared with the "Citizens Alternative".

Plan "B"

Plan "B" is the most cost-effective plan to achieve the objective of addressing the risk of brucellosis transmission to protect the economic interests and viability of Montana's livestock industry. It, unlike the other plans, also achieves the stated objective of maintaining a wild, free-roaming bison herd. Plan "B" would cost the taxpayer $3 million over 15 years (the same time period is used for all plans). This represents 94 % less than the cost of the Government's preferred plan. This plan, by adopting a vaccine-only approach, would decrease the seroprevalence of brucellosis in the Yellowstone bison herd from its current level of 50% to close to zero over a 15 - 25 year period (pers. comm. Dr. Michael Miller, DVM, Ph.D. with V. Ravndal). Plan "B" involves no capturing, testing, slaughtering, quarantining or shooting of bison for disease management purposes, and no land acquisition is proposed.

The Government's Preferred Plan

The Government's preferred plan would cost the taxpayer $50 million over 15 years, i.e., 94% more than Plan "B", and would decrease the seroprevalence of brucellosis in the bison herd from its current level of 50% to 23%. To achieve this result, the plan involves capturing, testing, slaughtering, quarantining, hunting and vaccinating bison, creating special management areas (SMAs) outside Yellowstone Park, hazing and shooting bison outside the SMAs, and acquiring more land to be put under federal government management. The plan would not allow for a free-roaming herd, thus, this benefit is not derived under the Government's preferred plan.

The "Citizens Alternative"

The "Citizens Alternative" is the most expensive plan. It would cost the taxpayer an estimated $65 million over 15 years. The plan does not indicate how the seroprevalence rate of brucellosis in the bison would be affected. Like the Government's plan, the stated purpose of maintaining a free-roaming herd is not achieved. Indeed, the "Citizens Alternative" is similar to the Government's preferred alternative in many respects. In terms of costs, the main differences are

[1] See Attachment One

that the quarantine facility would be larger than the government's alternative. It is unknown where this quarantine facility would be located[2].

Costs and Benefits

Table 1 (below) summarizes the costs and benefits associated with the three plans. Costs refer exclusively to those incurred by the taxpayer. Benefits are defined according to the stated objectives of the DEIS, i.e., 1) maintaining a wild, free-roaming herd, and, 2) addressing the risk of brucellosis transmission from Yellowstone bison to cattle to protect the economic interest and viability of Montana's livestock industry.

Addressing the risk of transmission of the disease is, in fact, only one of several means of protecting the economic interest and viability of the livestock industry. (See Attachment Two). To protect the economic interests of the State's livestock industry, it is imperative not only to reduce the risk of transmission, but also to reduce the risk of the State losing its brucellosis-free status, and to reduce the risk that other States will impose sanctions (with economic ramifications) even if Montana's status is retained. (See Attachment Two) Plan "B" is the only plan which recognizes that reduction in seroprevalence of brucellosis in Yellowstone bison alone does not suffice to protect Montana's livestock industry from the threat of brucellosis, and is the only plan to adopt a comprehensive approach to ensure protection of the State's livestock industry against the threat of brucellosis. (See Attachment Two)

[2] Ms. Jeanne-Marie Souvigney of The Greater Yellowstone Coalition, one of the sponsor organizations of the "Citizens Alternative", indicated that the quarantine would be located at the Fort Belknap Reservation (500-600 miles from the Park), whereas Mr. Mark Heckert of the Inter-Tribal Bison Cooperative, another sponsor of the Alternative, indicated that the quarantine would not be at Fort Belknap but would probably be close to the Park.

Table 1

	Plan "B"	Government's Plan	Citizens Alternative
Cost to the taxpayer	$3 million	$50 million	$65 million
Time Frame	15 - 20 years	15 years	15 years
Benefit 1[3]: Reduction in seroprevalence of brucellosis in the Yellowstone bison	Reduction from 50% to close to zero	Reduction from 50% to 23%	Reduction from 50% to 23%[4]
Benefit 2: Free-roaming bison herd	Yes	No	No
Benefit 3: Protection of the economic interest and viability of Montana's livestock industry	Yes (Addresses all three underlying threats to the industry.)	No (Does not address any of the three underlying threats to the industry.)	No (Addresses only one of the three underlying threats to the industry.)
Cost to the bison	Bison will be vaccinated against brucellosis with a vaccine delivered via dart, and hazed away from private property when they pose a threat. Bison will be hunted outside the Park when they exceed the ecological carrying capacity of wildlife management districts within Montana.	Bison will be captured, corralled, quarantined, shot, sent to slaughter, hazed, loaded on trucks, marked, vaccinated, separated from other members of the herd, confined in unnatural conditions. Bison will be hunted.	Bison will be captured, corralled, quarantined, shot, sent to slaughter, hazed, loaded on trucks, marked, vaccinated, separated from other members of the herd, confined in unnatural conditions. Bison will be hunted when they exceed the carrying capacity of the Park & the SMAs.

[3] See Attachment Two

[4] Proponents of this plan were unable to furnish this information. It was therefore assumed that the same result would be achieved as with the similar approach advocated in the Government's preferred plan.

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Table 2

Total Costs Associated With the Three Plans
(For a 15 year period from 1999 - 2014)

	Plan "B"	Government's Plan	Citizens' Alternative
Land acquisition		Up to $29,100,000	Up to $44,165,000
Construction of quarantine facility		*$800,000*	*$800,000*
Quarantine Operations		*$6,000,000*	*$6,000,000*
Capture facility (Stephens Creek)		*$120,000*	*$120,000*
Capture facility (West)		*$225,000*	*$225,000*
Capture Operations		*$10,155,000*	*$10,155,000*
Relocate Stephens Crk. Capture Facility		*$60,000*	*$60,000*
Equipment Repair, Replacement		*$990,000*	*$990,000*
Test/Sample		*$375,000*	*$375,000*
Total Quarantine Costs		$18,725,000	$18,725,000
Vaccination of Bison	$2,370,000	$2,370,000	$2,370,000
Modify Cattle Grazing Allotments on Public Lands			$15,000
Winter Use Monitoring		$75,000	$75,000
Compensation for ranchers[5] &/or fencing	$600,000[6]		
Total	**$2,970,000**	**$50,270,000**	**$65,350,000**

[5] Compensation for ranchers to switch to steer-only operations or to livestock other than cattle &/or fencing (fiberglass post, five-wire electric) to separate cattle from bison on private lands.

[6] Fencing based on 200 miles @ $3,000/mile (American Bison Association estimate).

Attachment One

Brucellosis-Related Threats to Montana's Cattle Industry

In addition to the obvious (however, minimal) threat of transmission of brucellosis from Yellowstone bison to cattle, there are four *underlying* threats to Montana's cattle industry related to this disease, some of them exacerbated by the State's own actions or policies and, all of them more significant than the most obvious threat of actual transmission. These are:

1) A few States have imposed, or threatened to impose, sanctions on Montana cattle, disregarding the brucellosis-free classification assigned to Montana by the federal government. Disregard by other states of the brucellosis classification which the federal government assigns to Montana (or any other State) poses a threat to free inter-state commerce in livestock, and as such, poses a threat to Montana's cattle industry.

2) States that have obtained a brucellosis-free classification have undertaken costly actions over many years to obtain this status. Under the existing federal regulations, they can lose this status with a single outbreak of brucellosis in cattle. This strict condition and consequence is not proportionate to a state's ability to effectively address isolated outbreaks. The penalty for a single outbreak is excessively harsh, and produces unnecessary fear, which causes states to take actions to prevent an outbreak at any cost. It is not fair or cost-effective to lower a state's status based on a single outbreak of the disease. This excessively harsh regulation poses a threat to Montana's brucellosis-free classification, and as such, to its cattle industry. (APHIS, the responsible federal agency, is now modifying its regulations to allow for a single outbreak without downgrading a state's status, so this threat may soon be removed.)

3) Montana has adopted a *zero risk* policy regarding brucellosis, instead of a *risk management* policy. The later would be more consistent with modern disease management, and more consistent with the severity of the disease and the consequences of an outbreak. Montana's insistence on zero risk poses a threat to its own cattle industry, because it draws attention to brucellosis-infected wildlife (that do not in reality pose a threat to cattle) and provokes other states to unnecessarily question whether Montana's cattle are clean.

4) Montana has not accepted the federal government's definition of "low-risk" bison (it is the only State to have rejected the federal government's definition). This attitude also causes states to unnecessarily question the disease status of Montana's cattle.

Any solution to Montana's brucellosis dilemma must address these underlying causes of the problem if it is to be effective. At present, Plan "B" is the only plan that does so.

V. Ravndal, Wildlife Ecologist

Attachment Two

Protecting Montana's Livestock Industry From Brucellosis-Related Threats

"Addressing the risk of brucellosis transmission to protect the economic interests and viability of Montana's livestock industry" is one of two stated objectives of the draft Environmental Impact Statement (DEIS).

The best way to protect the economic interests and viability of Montana's livestock industry is to ensure that: 1) the State does not lose its brucellosis-free classification, and, 2) that other states respect this classification.

Retaining the State's Brucellosis-Free Status

The only way Montana could lose its brucellosis-free status is if there is an outbreak of brucellosis *in cattle*. (All wildlife could be infected and APHIS could still not downgrade a State on this basis.)

Two actions are helpful in ensuring that Montana retains its brucellosis-free status: 1) reducing the risk of transmission from wildlife to livestock, and, 2) modifying federal regulations regarding the brucellosis designation of states. This modification is actually in process. APHIS, the responsible federal agency, is modifying its regulations to allow for an outbreak in cattle without downgrading a state as long as there isn't another in the following two years. This will alleviate some pressure that has previously been felt by States concerned about losing their brucellosis-free status as a result of a single outbreak.

The first action, reducing the risk of transmission, can be accomplished in several ways, i.e., 1) reducing the seroprevalence of brucellosis in the Yellowstone bison[7] herd, 2) separating cattle and bison during critical times of the year when transmission could occur, and 3) vaccinating cattle in the area of possible contact with bison. The risk of transmission is low, i.e., there has never been a case of

[7] Elk are not considered because Yellowstone elk have a very low seroprevalence of brucellosis, i.e., 1 - 3 percent. Grand Teton elk have a much higher seroprevalence, so the solution in that area would clearly need to take both bison and elk into account.

Yellowstone bison transmitting brucellosis to cattle in the 80 years they have lived with it. Likewise, transmission has not occurred in bordering Grand Teton Park where infected bison and cattle regularly co-mingled for 50 years. Actions to reduce risk are thus intended to further minimize the already minimal risk.

Ensuring that Other States Respect Montana's Brucellosis-Free Designation

Ensuring that other States respect Montana's brucellosis-free designation is the best approach to ensure that the problem is resolved quickly and cost-effectively. More emphasis should be placed on this, than on reducing the risk that Montana will lose its brucellosis-free status (because that risk is already minimal and because it is the actions of other states, not the federal government, that poses the greatest problem for Montana).

The best way to ensure that other States respect Montana's brucellosis-free designation is: 1) to prevent states from imposing sanctions on Montana cattle while the State is classified as brucellosis-free (this can best be done by warning other states that if they choose to place sanctions on Montana cattle without providing any scientific justification for their action, that Montana is prepared to invoke the interstate commerce clause[8]), 2) for Montana to accept the federal government's definition of "low-risk" bison and actively promote this concept instead of trying to discredit it, 3) for Montana to issue an official release to all State Vets indicating that a) reasonable attempts are being made to separate cattle and bison (see Plan B) and to decrease the seroprevalence in the bison herd (see Plan B) and, b) that all cattle in the zone of possible contact are vaccinated against brucellosis with RB51, and, c) that all cattle in the zone of possible contact are tested for brucellosis before they are allowed to leave the area.

It is important for Montana to adopt a reassuring approach to ensure that other States maintain or regain confidence in Montana cattle.

V. Ravndal, Wildlife Ecologist

[8] The interstate commerce clause protects free commerce between states. Under this clause of the Constitution, States cannot arbitrarily impose trade sanctions on other states.

The Significance of Bison to Grizzly Bear Recovery in the Yellowstone Ecosystem

YELL-15671 contd.

Ungulates are a Critical Food Source for Yellowstone's Grizzly Bears

The Greater Yellowstone Ecosystem (GYE) supports one of the highest native ungulate densities in North America. Recent studies provide strong evidence for the significance of ungulate meat – notably bison and elk – as a food source for the Yellowstone grizzly bear. Prior studies using fecal analysis underestimated the substantial representation of ungulates in the diet of Yellowstone grizzlies. Experts believe that ungulate meat contributes the majority of energy required for activity during non-denning months for both male and female adult grizzly bears. While both bison and elk comprise greater than 75% of the ungulate biomass consumed by Yellowstone grizzly bears, scavenged adult bison make a disproportionally large contribution to this amount. In the Pelican and Hayden Valley areas of Yellowstone, a single bull bison carcass can attract up to 7 or 8 grizzly bears. Ungulate meat provides a high-quality food source in the early spring before other plant food sources become available. Furthermore, slower degradation rates of the immense amount of meat available on a bison carcass mean that grizzlies have a greater chance of outcompeting other scavengers in finding and feeding upon bison in comparison to smaller ungulate carcasses.

Positive Trends in Yellowstone Grizzly Bear Fecundity are Linked to Ungulate Meat Consumption

Experts believe that the availability of ungulate meat is a major factor in the survival of Yellowstone's grizzly bear population. Ungulate meat provides the second most concentrated source of energy available to grizzly bears in the GYE. While population estimates are highly uncertain, Yellowstone grizzlies appear to have been exhibiting a slightly positive population growth rate (possibly 1% according to an in-press publication in *Ecology* by Dave Mattson and Craig Pease) since the mid 1970s. Current research strongly indicates that nutrition, primarily in the form of ungulate meat, is a key factor in this trend. Population numbers of elk and bison have increased dramatically since the end of the Park's ungulate herd reduction programs in 1968. This is concurrent with increased grizzly bear population growth rates as well as enhanced grizzly bear fecundity. Since 1975, average grizzly bear litter size has increased while median age of first reproduction has decreased in the GYE. Experts believe that both the quality and quantity of available food in the form of ungulate meat is a primary factor affecting grizzly bear fecundity. Such trends indicate that ungulate meat from bison and elk may be positively correlated with decreased age of first reproduction and litter interval, as well as increased litter size and cub and subadult survival of Greater Yellowstone Ecosystem grizzly bears.

Ungulate Consumption by Yellowstone's Grizzlies is Higher in Poor Whitebark Pine Seed Years

In addition to ungulates, Yellowstone grizzly bears rely on three other high-energy food sources: army cutworm moths, the Yellowstone cutthroat trout, and whitebark pine seeds. However, not only are these foods inconsistently available from year-to-year due to natural fluctuations, but introduced organisms are seriously threatening the existence of both the Yellowstone cutthroat trout and the whitebark pine. Competition and predation by the introduced Lake trout are projected to reduce the Yellowstone cutthroat trout population in Yellowstone Lake up to 80% within 100 years. Lake trout are inaccessible as a food source to grizzly bears. Unlike the Yellowstone cutthroat trout, Lake trout spawn in deeper waters, out of reach of grizzly bears. Whitebark pine stands throughout the northwestern U.S. have already experienced substantial decline – up to 90% – due to the white pine blister rust disease. While the blister rust infection rate in the GYE has been low to date, blister rust has been found in some of the ecosystem's remaining whitebark pine stands. In addition, 28% of the Park's whitebark pine stands were killed by the 1988 wildfires.

Yellowstone grizzlies use ungulate meat more in poor whitebark pine seed years. One study found that ungulate use was more than two times as great during years when whitebark pine seeds were less available than during good whitebark pine seed years in the GYE, indicating that ungulate use by Yellowstone grizzly bears is at least in part compensatory for a limited availability of whitebark pine seeds.

Ungulate Meat is Likely to Become More Critical with Projected Declines in Other Grizzly Bear Foods

Compounding threats to the whitebark pine and the Yellowstone cutthroat trout are alarming rates of private lands development in the GYE, which in recent years has resulted in the loss of grizzly bear habitat (Gunther et al. 1996). Downward trends in whitebark pine and cutthroat trout productivity, compounded by habitat loss due to unchecked private lands development, are likely to cause ungulate meat to become even more crucial to the recovery of the Yellowstone grizzly bear.

Bison Consumption and Grizzly Bear – Human Conflicts

Human activities clearly affect grizzly bear behavior. Grizzlies substantially underused carcasses within 400m of roads and within 5 km of major recreational developments in one Yellowstone National Park study area (Green et al. 1997). Beyond these zones, virtually all ungulate carcasses were used by grizzlies. Substantial evidence indicates that there are more bear-human conflicts, and more human-caused bear mortalities, in years with natural food shortages than in years of natural food abundance. As one study reported, "During the austere year of 1977, over twice as many grizzlies died of human-related causes as during 1980. Apparently grizzly mortality was much more likely…when fewer ungulates and few pine nuts were available, than during a year when all high-value foods were seasonally abundant…" (Picton et al. 1985). Therefore, it is likely that reducing the amount of bison meat available for grizzly consumption will contribute to increases in human-bear conflicts and human-caused grizzly bear mortalities, effects which could be exacerbated by shortages in other important GYE grizzly bear foods, such as whitebark pine seeds and Yellowstone cutthroat trout.

Implications of Bison Management for Grizzly Bears

Bison management proposals (such as the preferred alternative in the Interagency Bison Management Plan DEIS) that significantly reduce the bison population will have a negative impact on grizzly bears in the GYE. Such negative impacts will likely include increased average age of first reproduction of grizzly bears, longer average intervals between grizzly bear litters, decreased cub and subadult survival, and lower average grizzly bear litter sizes. Further negative impacts will be expressed in an increased likelihood of human-caused grizzly bear mortality. A 1997 study suggests that restricting human activities in ungulate winter ranges, or moving ungulate carcasses to remote areas, would enhance ungulate carrion availability and use by grizzly bears, as well as minimize the chances of human-bear conflicts. Choosing bison management alternatives that strengthen the bison population will also have positive effects on the recovery of the Yellowstone grizzly bear.

For More Information

Louisa Willcox, Sierra Club Grizzly Bear Ecosystems Project, [redacted]
Kerry Gunther, Bear Management Office, Yellowstone National Park, [redacted]
Mark Haroldson, Interagency Grizzly Bear Study Team, [redacted]

References

Green, Gerald I., et al. 1997. Spring Feeding on Ungulate Carcasses by Grizzly Bears in Yellowstone National Park. *Journal of Wildlife Management*. 61(4):1040-1055.

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YELL-1287

Lesley J. Masuda
EcoSys Alert
[redacted]

August 10, 1998

Bison Management Plan EIS Team, National Park Service
Attn: Sarah Bransom DSC-RP
PO Box 25287
Denver, CO 80225-9901

Dear Sarah & Team:

We are concerned that the EIS's preferred alternative is but an enlarged version of the state federal interim management plan which allowed over 1000 buffalo to be killed unnecesarily in Montana in '97.

Of equal concern is that the Park Service's plan, in essence, gives the Montana Board of Livestock total authority.

EcoSys Alert joins other environmental groups in asserting that the Yellowstone herd should by all means be under the management of the public trust. We too recommend that bison who venture onto private lands be caught with the agreement of the property owner and detained for brucellosis testing.

Those buffalo who do test negative would be relocated on tribal lands where they would be permitted to roam free.

If possible, we would like to see the Park Service obtain additional winter range next to the Park through purchase, changed grazing allotments and conservation easements.

Last, but not least, it is important to remember this distinction: Bison are wildlife, not livestock, and consequently should be m anaged by wildlife professionals instead of livestock officials.

Sincerely,

Lesley J. Masuda
Conservation Analyst

198.94.10.65

YELL-15517

Monday, November 2, 1998 - 16:15:23 pm EST
a lastname: Burrows
b firstname: Beth
c organization: The Edmonds Institute
comments: The Edmonds Institute, a public interest, non-profit organization concerned with the sustainability of ecosystems, among other things, is grateful for this opportunity to comment on the Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park. In general, we note that bison must be treated as wildlife and not as domesticated livestock, that any vaccinations that are required must be vaccinations of cattle and not of wild bison, that capture and slaughter of bison from Yellowstone National Park must be prohibited, that cattle grazing on public lands surrounding the park should be severely limited so as to allow bison to use those lands without restriction, that rifle hunting of Yellowstone bison not be permitted, and that native tribes must be granted a larger voice in issues related to bison. In particular, the Edmonds Institute supports the alternative proposed by the Alliance for the Wild Rockies, an alternative that that organization has designated "Alternative B".

[redacted]

YELL-192

Subject: Bison in Yellowstone Park
Bison Management Plan EIS Team
National Park Service
Sarah Bransom DSC-RP
E-mail: sarah_bransom@nps.gov 7.7.98

Dear Ms. Bransom,

We are an Israeli animal welfare society located in the City of Eilat, the southernmost region of the country. Although most of our effort goes on caring for the animals in our near vicinity, our concern for animals and the environment extends to anywhere in the world. Concern and compassion do not recognise national boundaries, after all.

It has come to our attention that the bison in Yellowstone Park, because they can carry brucellosis, are viewed as a threat and drastic measures are being considered to "manage" them.

Bison are an historic part of America's past and an animal which is nearing extinction. Yellowstone's efforts to preserve the bison are to be praised. Do not let panic and hastiness lead to a solution that will undermine those efforts. Alternative 7 would be disastrous over the long run, apart from the insult to a noble and generous beast which deserves no such treatment.

Alternative 2 is a much more humane and fitting solution. It preserves the spirit of wildlife preservation while at the same time providing feasible measures to contain the spread of the disease. It also helps maintain the ecological balance of the Park itself.

No cattle have ever caught the disease from Yellowstone's bison. People who care about animals, nature, and ecology, as well as the animals themselves, must depend on people like you to maintain a clear head and not be swayed by panic and fear. Humans' acting out of fear instead of calm and reason has created much tragedy in the world. Please do not give your hand to creating more. Support Alternative 2 as benefiting all parties involved. Do not let America's bison in one of its most famous parks fall prey to paranoia and very localised interest groups' pressure on government, whose duty it is to protect all of those under its protectorate, of whatever locale and species.

Thank you,

(Ms.) Mikhal Ben-Shaprut
Chairperson
EILAT LOVES ANIMALS
[redacted]

YELL-16339

Bison Public EIS Comment

Name: Paul Beaudette
Organization: Environment Council of R.I.
Address: [redacted]
Email: [redacted]

Comment:

To: National Park Service
Attn: Director

Dear Sir,
□On behalf of the Environment Council of RI, a state wide organization representing in excesss of 40 organizations and 20, 000 individuals and families, I am writing to express our complete disapproval of the Park Services plans to allow the unjustifiable slaughter of buffalo in the Yellowstone herd.
□First, the contention that buffalo are transmitters of brucellosis to the surrounding cattle herds has never been validated. You are responsible for the protection and survival of all animals under your supervision. To support the plan to kill several hundreds of buffalo on the accusation they May spread a disease is reprehensible.
□Secondly, there are very viable alternatives to the destruction of these animals. One is to enlarge the protected areas around the park to allow the buffalo their natural range. Or at a minimum, work with ranchers and other federal agencies to regulate when cattle can be allowed to roam in areas when buffalo are mating or calving. These are the last □wild buffalo in our country and should be allowed to have their native range.
□One other option you have available to you is to relocate animals found out of the Yellowstone Park boundries onto Native American reservation lands. Here they will be allowed the range and freedom they require to live as a wild herd. If the Park Service can not see fit to maintain this herd as wild, then at least allow the Indian Nation to do so. The Inter-Tribal Council has supported and called for the relocation of the buffalo onto their lands.
□The Environment Council of RI is asking that you stop the plan to allow the slaughter of the last remaining wild buffalo herd in Amaerica and calls on you to support the ITBC/NWF solution to this problem.
□We thank you for your consideration and support of our request.

Sincerely,
Paul A. Beaudette
Delegate for ECRI to NWF>

From the National Wildlife Federation's online public comment form:
[redacted]

14,337

November 2, 1998

Bison Management Plan EIS Team
National Park Service, Denver Services Center
P.O. Box 25287
Denver, CO 80225-0287
Fax: (303) 969-2736

EPIC

To Whom It May Concern:

The yearly slaughter of native bison near Yellowstone National Park has become tragically emblematic of the preferential treatment grazing interests receive from the federal government. There is absolutely no rational biological, legal, or economic justification for this slaughter. We strongly support the efforts of Native Americans and the Buffalo Nations organization to immediately end this practice.

Domesticated cattle historically have been the primary factor in the near-complete obliteration of native high plains ecosystems. The restoration of native species, including the bison, to these nearly extinct ecosystems is long overdue. Our public lands should not be used to subsidize inefficient and unprofitable grazing at the expense of the bison and of our ecological and cultural heritage.

Accordingly, we support Buffalo Nations in their comments on the Draft Bison Management Plan EIS, and urge the adoption of their "Plan B" biological alternative:

- bison must be treated like wildlife, not like domestic livestock;
- require the vaccination of cattle, not bison;
- immediately prohibit the capture and slaughter of bison inside or out of Yellowstone National Park;
- eliminate cattle grazing on public lands surrounding the park and allow bison to use these lands without restrictions;
- rifle hunting of Yellowstone bison is unethical, unsporting, and should not be permitted;
- establishment of a quarantine facility for Yellowstone's bison will be a multi-million dollar waste of federal and state tax dollars and is entirely unnecessary;
- native tribes need a larger voice in regards to this issue.

Thank you for your consideration of our views.

Sincerely,

Kevin Bundy

Environmental Protection Information Center

[redacted]

YELL-8664

Ethics Outreach

[redacted]

Dear Bison Management Plan EIS Team:

It is our opinion that your Draft may not have given due consideration to the statistics and probabilities concerning transmission of brucellosis from bison to cattle under free-range conditions. Primary considerations include the complete absence of documented cases of rangeland transmission, the infrequency of observed abortions in the Yellowstone bison herd, and the possibility of vaccination.

With a requirement of complete bison and cattle vaccination -- even if not 100% effective -- the prospect of transmission may be negligible. For example, if vaccination of bison is only 70% effective and cattle is 80% effective, to first order the probability of a single transmission is reduced from *current levels* by nearly 95% (1 - 0.3x0.2). Under this scenario, it would be difficult to conclude that killing bison which exit Yellowstone is warranted.

The possibility of brucellosis transmission may be further reduced by improving barrier control (particularly around private lands) and by discouraging the winter departure of bison from Yellowstone by not grooming roads. In any event, we should make every effort to end the unnecessary killing of predominantly healthy bison in the periphery of Yellowstone.

Thank You.

David Sudarsky
President

yell-1298

First Congregational Church

UNITED CHURCH OF CHRIST

The Rev. Priscilla McDougal

August 12, 1998

Something is going horribly wrong when our Yellowstone Buck are again under attack. Instead they must be:

1) allowed to use Forest Service + BLM lands outside Yellowstone in winter,
2) be allowed to fluctuate naturally inside the park, and be
3) seasonally separated from cattle.

We must also acquire additional land outside the park for additional winter range. We must save them not harm them.

Priscilla McDougal

[redacted]

FLATHEAD WILDLIFE, Inc.

[redacted]

YELL 10,816

October 8, 1998

Sarah Bransom
Interagency Bison Management Plan, DSC-RP
P. O. Box 25287
Denver, Colorado 80225-0287

Dear Ms. Bransom:

Flathead Wildlife Inc. is an organized group of sports-persons in Northwestern Montana that is concerned about the management of bison in Yellowstone National Park (YNP) and wishes to convey its views, comments and recommendations relevant to the Draft EIS for the future management of bison within YNP and Montana.

We place great value on and recognize the tremendous asset Yellowstone National Park is to the State of Montana and to the citizens of the United States. We also are aware of the role bison have in this national treasure.

We believe bison should be recognized as wildlife and that they should be managed by a wildlife agency. We have great appreciation for the seriousness of the disease brucellosis in Montana's livestock industry but we firmly believe there are opportunities yet to be fully explored that would spatially and temporally separate bison and cattle from potential contact. We believe that bison should have access to public lands outside the Park, just as do deer, elk, moose and bighorn sheep, as part of an ecosystem that encompasses lands on both sides of the Park boundary. We believe that in this particular situation mandatory vaccination of livestock rather than bison should be required. We believe there are viable alternatives to manage the bison populations that do not rely upon direct reduction by government officials.

We believe the creation of Yellowstone National Park by our government over 100 years ago was a very forward-looking and positive action to protect and preserve a land unique in mountainous splendor, geo-thermal features, flora and fauna for present and future generations of visitors. We believe the preferred alternative in the DEIS is not consistent with our beliefs with the expectations of the millions of people who visit each year and treasure our first national park and with the philosophy and concept envisioned by the founding fathers of Yellowstone National Park.

montana wildlife federation

The Wealth Of Our Nation Is In Its Natural Resources
Preserve It By Conservation, Not Conversation

MONTANA

YELL 10,816 contd.

We endorse the management strategies submitted in the Citizens' Plan to Save Yellowstone Buffalo and recommend the Bison Management Plan EIS Team reject the "Preferred Alternative" (Alt. 7) in the DEIS.

Respectfully,

Warren Illi,
President

cc: Racicot
Hill
Baucus
Burns

YELL-9382

FLORIDA BIODIVERSITY PROJECT

[redacted]

October 4, 1998

Bison Management Plan EIS Team
National Park Service
Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-9901

Dear Sir,

The Florida Biodiversity Project (FBP) submits the following comments on the draft Environmental Impact Statement (DEIS) for the Interagency Bison Management Plan. The FBP is disappointed in the seven alternatives presented in the DEIS. Rather than implement a sensible, scientifically credible alternative to protect bison, the management alternatives in the DEIS primarily rely on public hunting, capture and slaughter, agency shooting, and quarantine as the principal tools for controlling the bison population and reducing the risk of disease transmission. The FBP rejects these alternatives and recommends the adoption of The Bison Alternative which has been endorsed by conservation organizations.

I. INTRODUCTION

The bison of Yellowstone National Park (YNP) are descended from the handful of animals who survived market hunting and the government-sponsored bison slaughters between the late 1860s and 1889, when 30 to 60 million bison were killed and the species was nearly exterminated. The government endorsed this massacre as a tool to subdue and control the Plains Indians, for whom bison were critically important. Fortunately, the harsh climate and unforgiving topography of the Greater Yellowstone Ecosystem provided a few lucky bison with protection from the market hunters and government agents who were systematically destroying the species throughout its range.

Since the turn of the century, Yellowstone's bison herd has continued to grow. From the 1920s to 1967, the National Park Service (NPS) regularly killed bison in order to maintain the herd within a predetermined, yet biologically indefensible, size. Since 1967, the NPS has ostensibly allowed its wildlife populations to be managed primarily through "natural regulation," where natural factors control the size and distribution of YNP wildlife. During this time the bison herd increased in size from 397 bison in 1967 to a high of 4,200 in 1994. The popularity of bison

YELL-9382 contd.

also increased among YNP visitors. In addition to being aesthetically valuable, bison are important to the ecology and economy of YNP and surrounding areas, and have cultural and spiritual significance to many people.

In 1985, when Montana state officials shot 88 bison who had emigrated from YNP, a new and ugly chapter began in the government's treatment of these animals. This time the targets were not Native Americans, but rather the bacteria, *Brucella abortus*, which causes the disease "brucellosis" in cattle, and which was introduced to Yellowstone's bison by cattle. Though some bison harbor the bacteria, there is virtually no evidence to suggest that the bacteria adversely affects these animals. In response to the fears of the cattle industry about the potential risk of *Brucella abortus* transmission from bison to cattle, more than 3,000 bison have been shot by sport hunters, killed by state and federal agency officials, or captured and shipped to slaughter since 1985. Indeed, nearly 1,100 bison were killed during the winter of 1996-97 alone. Today, approximately 2,400 to 2,500 bison remain in YNP.

In reality, the fears of disease transmission echoed by the cattle industry are entirely speculative and unsubstantiated. There has never been a documented case of *Brucella abortus* transmission in the wild from bison to cattle. Moreover, the available data from hundreds of bison who have been killed over the years, indicate that if there is any risk of transmission, it is vanishingly small, and certainly does not justify current bison management policies. Despite this evidence, each winter more bison -- including animals who pose virtually no risk of transmission (i.e., bulls, calves, yearlings and post-parturient cows) -- are shot and slaughtered primarily to protect Montana's brucellosis-free status. The U.S. Department of Agriculture (USDA), however, which assigns this status, has no legal authority to downgrade Montana's status based merely on the presence of potentially exposed or infected bison in the state. The unwillingness of Montana to accept the scientific evidence and to adopt more flexible, and less draconian, bison management alternatives, leads many people to believe that this controversy is not about brucellosis at all, but rather is about whether bison should be allowed to roam outside of YNP where they may compete with cattle for forage on public lands.

Though the cattle producers and the Montana Department of Livestock have been the principal villains in this ongoing tragedy, the NPS is not without fault. Its claims, for example, that Yellowstone's bison are managed by natural regulation where nature, including severe winter weather, dictates bison population size and animal distribution, are entirely disingenuous and misleading. In reality, the NPS's efforts to facilitate snowmobile use of YNP by grooming (i.e., packing) snowmobile trails -- which bison have learned to use as energy-efficient travel routes -- have created an entirely unnatural system resulting in a decrease in the natural mortality rate of bison, and an increase in bison survival and productivity. Not only have these trails allowed bison to walk out of YNP where they are killed, but they have also altered bison distribution, movement, population size, and habitat use to the detriment of the species and of YNP ecology.

The DEIS on the long-term management of Yellowstone bison, fails to provide a sensible, humane, economical, or scientifically credible strategy to protect Yellowstone's bison while also protecting Montana's cattle. Indeed, the DEIS is a waste of millions of federal tax

dollars which permits the capture, confinement, vaccination, slaughter, shooting, and sale of America's bison.

The alternatives (including the preferred alternative) in the DEIS contain the same flaws, including:

- Placing too much emphasis on the management of bison and too little on the management of cattle grazing on public and private lands outside of YNP.
- Emphasizing the slaughter or shooting of bison, including bison who pose virtually no risk of bacteria transmission (i.e., bulls, calves, yearlings, and non-pregnant cows) to control population size, to prohibit or restrict bison use of public lands outside of YNP, and ostensibly to reduce the risk of brucellosis transmission.
- Managing bison like cattle rather than wildlife, and allowing the livestock industry and the Montana Department of Livestock, rather than wildlife professionals, to dictate bison management outside YNP.
- Failing to adequately consider the extremely remote risk -- if any risk exists -- of bacteria transmission from bison to cattle.
- Failing to provide a comprehensive strategy for managing bison, cattle, and Brucella abortus in and outside of YNP in a manner which is humane, scientifically credible, logistically and economically feasible, and which will restore YNP as a naturally regulated bison sanctuary.

II. THE BISON ALTERNATIVE

The FBP recommends the selection of the Bison Alternative. The Bison Alternative is a comprehensive, sensible, humane, and scientifically sound solution to the ongoing debate over bison, cattle, and *Brucella abortus* in YNP. If implemented, it would:

- Restore a naturally regulated bison population to YNP.
- Require the vaccination of cattle, not bison.
- Establish strategies to protect, not persecute, Yellowstone's bison.
- Restore YNP as a bison sanctuary for a naturally regulated bison herd.
- Emphasize strategies to manage risk rather than to eradicate bacteria.
- Prohibit the unsporting and unethical hunting of bison.
- Increase tolerance of bison on private lands outside of YNP.
- Manage bison like wildlife, not like cattle.
- Eliminate or modify cattle grazing practices to reduce the risk of bacteria transmission.
- Protect Montana ranchers from unnecessary and illegal sanctions from other states and from the USDA.

To accomplish these objectives, The Bison Alternative requires that the agencies implement the following management actions. Explanations and justifications for these actions are provided below.

1. Immediately close YNP to snowmobile use and prohibit trail grooming.
2. Prohibit cattle grazing and permit unrestricted bison access to all public lands adjacent to the western and northern borders of YNP.

3. Change cattle grazing practices on private lands -- with compensation to affected ranchers -- to reduce the alleged risk, if any, of bacteria transmission from bison to cattle, and acquire these lands, if and when available, as additional winter range for bison and other wildlife.
4. Increase landowner tolerance for free-ranging bison.
5. Do not vaccinate wild bison. Vaccination is impractical, prohibitively costly, wasteful, unnecessary, and ineffective.
6. Do not quarantine wild bison. Quarantine is impractical, prohibitively costly, inhumane, wasteful, and unnecessary.
7. Do not reestablish a public hunt of bison in Montana. A bison hunt is unsporting, unethical, and entirely inconsistent with hunters' concept of fair chase.

If The Bison Alternative is fully implemented, there will be no need to subject bison to the inhumane practice of capture and slaughter, and therefore no need to expend millions of dollars to construct and operate the capture facilities.

FURTHER EXPLANATIONS AND JUSTIFICATIONS FOR THE ACTIONS

1. IMMEDIATELY CLOSE YNP TO SNOWMOBILE USE AND PROHIBIT TRAIL GROOMING.

If the NPS intends to continue to manage its wildlife through natural regulation -- which is its legal mandate -- then it must prohibit snowmobile use and trail grooming. The NPS can use its administrative discretion to close YNP to protect wildlife from adverse impacts associated with snowmobile use, or it can exercise its legal authority under the Park Service Organic Act, which, contrary to the NPS's current interpretation, prohibits snowmobile use. At least, Yellowstone should prohibit snowmobile trail grooming, which is not authorized by NPS statutes or regulations.

Yellowstone's snowmobile trails, which have been groomed since the early 1970s, provide bison with energy-efficient travel routes facilitating their movements within and outside of YNP. The energy savings accrued through the use of these trails have completely and unnaturally altered bison population dynamics, distribution, movements, and habitat use, by increasing bison survival and productivity rates while decreasing natural mortality rates. As a result, according to Dr. Mary Meagher, the world's foremost expert on Yellowstone's bison, the size of YNP's bison population has increased to a number that at times has been as much as double that which the population would have been if the groomed trails did not exist. Though the population has never been so large as to cause overgrazing, the artificially enhanced size of the population has likely resulted in impacts to YNP ecology, and in particular, to the fragile thermally-influenced habitats unique to Yellowstone. If allowed to continue, these impacts could reduce the quality and quantity of winter survival habitat to the detriment of bison, other wildlife, and to YNP ecology. Bison use of the groomed trails also facilitates their movements outside of YNP where more than 3,000 bison have been shot or slaughtered since 1985. In addition to these impacts, snowmobiles exact a considerable negative impact on YNP's air quality, substantially

detract from the serenity and solitude of the national park experience, and adversely affect a variety of other species including the grizzly bear and gray wolf.

Prohibiting snowmobile use and trail grooming in YNP would restore natural regulation as the principal mechanism controlling the growth, distribution, and movements of bison. This would likely result in a gradual decline in the number of bison in YNP and would reduce, and in some years entirely eliminate, the number and rate of bison emigrating from YNP onto public or private lands. Therefore, the alleged risk of bison transmitting *Brucella abortus* to cattle is also reduced. This, in turn, would reduce the risk of Montana losing its brucellosis-free status as the result of a brucellosis outbreak in cattle and would reduce the possibility of sanctions being imposed by other states.

Yellowstone is not beholden to the economic interests of the gateway communities nor is it responsible for the excessive and irresponsible development of the communities based on the faulty presumption that snowmobiles would always enjoy access to YNP. Whatever economic impact the gateway communities may experience from YNP being closed to snowmobiles could be mitigated if the communities promote non-motorized recreation in Yellowstone. Furthermore, closing YNP to snowmobiles will not eliminate snowmobile recreation in the area, because hundreds of miles of groomed trails exist on U.S. Forest Service (USFS) lands adjacent to YNP. Though it is anticipated that the regional economic impacts of a YNP closure to snowmobiles would be minimal, whatever economic impact is felt by the gateway communities would be less than the adverse economic impacts of snowmobiling on YNP wildlife, air quality, solitude and serenity, and visitor experience.

2. PROHIBIT CATTLE GRAZING AND PERMIT UNRESTRICTED BISON ACCESS TO ALL PUBLIC LANDS ADJACENT TO THE WESTERN AND NORTHERN BORDERS OF YNP.

According to the DEIS, there are twelve cattle grazing allotments on public lands north and west of YNP which could potentially be affected by bison. These allotments contain a total of 1,119 cattle (including cattle on public and private lands in the allotments) depending on the time of year. Even though cattle are not grazed on public allotments on the west side of YNP in the winter, the mere fact that cattle will be present on these allotments has been used to justify the destruction of bison. Closing these allotments would make these lands available to bison. The USFS must immediately initiate efforts, as it has the legal authority to do, to administratively close these allotments. Though not advocated by this alternative, the USFS could -- but is not obligated to -- consider mitigating the impact of these closures on the producers by offering public grazing allotments somewhere else in the USFS system, or by buying out the grazing allotment permit holders. The economic costs of closing these allotments, even if the allotment permit was to be purchased from the permittee, would be far less than the costs of implementing many, if not all, of the alternatives in the DEIS.

The USFS and Montana also must, either by regulation, administrative action, or agreement, prohibit the hunting and killing of bison on the allotment lands so that bison can freely occupy and use these lands -- public lands which should have always been available to bison -- without restriction or harassment. In addition, the USDA must reassert Montana's

YELL-9382 contd.

brucellosis-free status and admit that it has no legal authority to revoke or downgrade this status based on the presence of potentially exposed or infected bison or elk in the state.

3. CHANGE CATTLE GRAZING PRACTICES ON PRIVATE LANDS – WITH COMPENSATION TO AFFECTED RANCHERS – TO REDUCE THE ALLEGED RISK, IF ANY, OF BACTERIA TRANSMISSION FROM BISON TO CATTLE, AND ACQUIRE THESE LANDS, IF AND WHEN AVAILABLE, AS ADDITIONAL WINTER RANGE FOR BISON AND OTHER WILDLIFE.

According to the DEIS, there are only a handful of private landowners who run approximately 1,000 cattle on private lands near the northern and western borders of YNP which may be affected by bison. To reduce the alleged risk of bacteria transmission from emigrating bison to cattle, the Montana Department of Livestock must mandate, by regulation, that private land ranchers either:

- Agree to fair market compensation for the value of their herd annually for five years.
- Modify the type of livestock from cow-calf groups to steer or spayed heifer operations.
- Construct a bison-proof fence around all pastures occupied by cattle, require the vaccination of all cattle against brucellosis, and establish annual mandatory brucellosis testing requirements for all test-eligible cattle.

The compensation option would be based on the fair market value for the type and number of stock previously managed on the land. If this option were selected, the rancher could not stock cattle on the land for a five-year period. Compensation would occur annually during this five-year period and would be paid by the federal government. During the compensation period, federal, state, and private organizations must either purchase the land as additional publicly owned habitat for bison and other wildlife or enter into a conservation easement with the landowner which would preclude cattle grazing in the future for appropriate compensation.

If the rancher chooses to modify the type of stock on his or her land, any loss in revenue from the new operation compared to the old operation would be compensated by the USDA through funds allocated to the National Brucellosis Eradication Program, a cooperative program between the USDA and the states to eradicate brucellosis in domestic livestock.

If the rancher chooses to construct a fence, vaccinate, and subject cattle to testing, all costs would be paid by public funds. Agencies would collectively establish a fund to pay for materials and labor to construct bison-proof fences and to compensate property owners for certain damage caused by bison. The USDA, using funds allocated to the National Brucellosis Eradication Program, would pay for the cost and administration of the vaccine. The USDA and the Montana Department of Livestock will split the cost of annual testing for all test-eligible cattle. The testing requirement would only be applicable if bison and cattle were known to have occupied the private land in question at the same time between January and July, when the theoretical risk of transmission is highest.

The implementation of any of these strategies would reduce the alleged risk of bacteria transmission between bison and cattle on private land, would increase rancher tolerance for bison on private land, and would not result in any economic burden on private land ranchers. The costs of these strategies, excluding the acquisition of additional winter range, to the state and federal agencies is anticipated to be less than the cost of many, if not all, of the alternatives in the DEIS.

4. INCREASE LANDOWNER TOLERANCE FOR FREE-RANGING BISON.

A number of private landowners both on the western and northern sides of YNP welcome the presence of bison on their property and accept much of the damage bison may cause as a consequence of living adjacent to YNP. Others do not want bison on their land because of the potential for damage to private property or simply out of fear of the size and strength of these animals. The privilege of living in the Greater Yellowstone Ecosystem, however, brings with it the responsibility to accept and tolerate the presence of the region's wildlife species on private land. Private landowner acceptance and tolerance of Yellowstone's bison can be increased through education and compensation. The state of Montana must initiate a campaign to educate private property owners about bison, their ecology, behavior, and habits. Since people generally tend to fear the unknown, improving the landowners' knowledge and understanding of bison will inevitably increase their tolerance for bison. In addition, if and when bison cause excessive damage to private land, a compensation fund must be available to reimburse the landowner for the damage. This fund, which should principally be funded by the state of Montana with additional contributions generated by private organizations, would compensate only bison damage to fences or structures which resulted in more than $250 in damage. Since it is anticipated that relatively few bison will emigrate from YNP without the aid of groomed trails, the cost of this alternative will be minimal.

5. DO NOT VACCINATE WILD BISON. VACCINATION IS IMPRACTICAL, PROHIBITIVELY COSTLY, WASTEFUL, UNNECESSARY, AND INEFFECTIVE.

Several years ago, state and federal agencies arbitrarily decided to eradicate brucellosis from wildlife in the Greater Yellowstone Ecosystem. Despite the fact that there is no state or federal law or policy requiring the eradication of *Brucella abortus* in wildlife, and though the public was not given an opportunity to comment on this decision, the agencies have spent millions of dollars and countless hours engaged in an effort to find a safe and effective vaccine for use in free-ranging, wild bison and elk. Indeed, the agencies, particularly the NPS and USDA have placed an inordinate amount of emphasis on finding a vaccine while ignoring sensible, non-lethal alternatives which could have and should have been implemented to reduce the alleged risk of bacteria transmission between species.

Despite the millions of dollars and countless hours spent on developing a vaccine, the agencies have still not found a safe and efficacious vaccine for use in bison or elk. In addition, in pursuit of a vaccine, hundreds if not thousands of healthy animals, many of whom were removed from the wild, have been used in terminal experiments testing the vaccine. Even if, by chance, a vaccine were found, the agencies would still have to design and develop a humane and efficient

vaccine delivery system. The agencies have suggested that remote delivery of the vaccine through a dart or bio-bullet could be used for bison. The costs, personnel, and time involved in attempting to vaccinate more than 2,000 bison spread over thousands of acres, however, would seemingly preclude the use of this strategy. Even if it were workable, attempting to vaccinate bison without a commensurate program to reduce the presence of the bacteria in elk -- who also harbor the bacteria and who numerically pose a greater risk of transmission (there are 14,000 to 16,000 elk in YNP) -- would be a recipe for failure. To complicate matters further, because of the sheer number and range of Yellowstone's elk, it would be impossible to deliver the vaccine remotely to these animals. The other option is a bait that can be orally delivered. This, however, raises a number of significant problems including the inability to control vaccine dosage consumed by each animal and impacts to non-target species.

The vaccination of bison and other wildlife against brucellosis is unnecessary because there is no law requiring the eradication of the bacteria from these species and because risk management alternatives (such as those discussed above) are less costly and problematic and could be implemented immediately. Furthermore, vaccinating bison and elk against a disease that is solely of concern to the cattle industry is antithetical to the concept of treating wildlife like wildlife. Vaccination is a tool used in the livestock industry and, in this case, should be required for use in cattle, not wildlife.

6. DO NOT QUARANTINE WILD BISON. QUARANTINE IS IMPRACTICAL, PROHIBITIVELY COSTLY, INHUMANE, WASTEFUL, AND UNNECESSARY.

Several of the alternatives analyzed in the DEIS propose the construction and operation of a bison quarantine facility as an option for management. The agencies should immediately abandon any further consideration or discussion of this option for the reasons listed below.

First, quarantine is not, and cannot be, cost effective. The DEIS estimates that the quarantine facility would cost $500,000 to $800,000 to build, and $400,000 to operate annually, to support 50 bison. In addition, the annual costs of operating the capture facilities, from which some bison would be obtained for quarantine, are $677,000 for all the agencies combined. Since the agencies estimate that 132 to 137 bison will be captured annually under the preferred alternative, the costs for capturing 50 bison per year for quarantine is approximately $250,740 (more than $5,000 per animal). These costs do not include the costs of acquiring land for the quarantine facility or the one-time costs of constructing the capture facilities ($370,000). Using these estimates, and assuming that 50 bison per year will be released from quarantine, the annual cost of quarantine, excluding one-time construction costs, would be more than $13,000 per animal. If the one-time quarantine and capture facility construction costs and land acquisition costs are considered, and if it is assumed that far fewer than 50 animals (if any) will be released each year from quarantine, the per animal cost skyrockets.

This option is clearly not cost-effective, and if implemented would represent a multi-million dollar fleecing of America. The millions of state and federal tax dollars that the agencies appear willing to spend on a quarantine facility could be far better spent on vaccinating cattle, buying out grazing allotments, compensating landowners for property damage, constructing

bison-proof fences around cattle pastures on private lands, and acquiring additional winter habitat for Yellowstone's wildlife.

Second, blood test negative animals should not be removed from the ecosystem. In the DEIS, the agencies currently propose to remove "surplus" blood test negative animals, yet there are no criteria or standards to define when a bison is "surplus." Moreover, these sero-negative animals either have never been exposed to the bacteria, have been exposed and have completely cleared the bacteria, or have a natural genetic resistance to infection -- these are precisely the animals who should not be removed from the ecosystem for any reason. Similarly, blood test positive bison -- animals who may not be infected or infectious and may have developed an immunity to the bacteria -- also should not be removed from the ecosystem for slaughter, as is the current practice. Finally, establishing and operating a quarantine facility for the management of wild bison is antithetical to the concept of managing wildlife like wildlife.

Third, the quarantine protocol is inordinately restrictive. The protocol, which was principally designed by the USDA, along with state veterinarians and livestock industry officials affiliated with the U.S. Animal Health Association, establishes procedures and guidelines for bison quarantine which are far more restrictive than the current quarantine standards for cattle. Under the bison quarantine protocol, some animals, such as female bison calves, would remain in quarantine for three to four years through their first breeding and birthing cycle before being candidates for release. If a quarantined animal should at any time during quarantine be blood test positive, that animal must be slaughtered. In addition, any bison kept in the same corral or pasture as the test positive animal either has to be slaughtered or has to restart the entire quarantine protocol. Given the inaccuracy of the initial blood test and the stress associated with keeping wild animals in confinement, it is inevitable that a portion of the quarantined animals will test blood positive sometime during quarantine. Given these facts, it is possible that no bison may ever be released from quarantine. Some believe that this was the intent of the livestock agency and industry officials who designed the quarantine protocol.

Assuming that the quarantine facility is built and that some bison actually are released from quarantine, they may be used to restock other federal lands, sold to the highest bidder, or made available to Native Americans. While we are not necessarily opposed to reintroducing these animals to federal lands, we do not support the sale or donation of these animals to private or tribal parties for the purpose of enhancing domestic bison ranching operations. Selling YNP's wildlife to the highest bidder is inconsistent with the public trust responsibilities given to state and federal agencies for managing wildlife and sets a dangerous precedent for the management of other species in the NPS system. Donating bison to Native American tribes to augment their bison ranching operations is also troubling. While we respect the cultural, spiritual, and economic needs of Native American tribes, we do not believe that bison ranching is representative of the historic, cultural, and spiritual connection between Native Americans and bison. Not only do we philosophically oppose the use of wild, free-ranging bison as a tool to enhance or expand a private or tribal bison ranching enterprise, but as advocates for the bison themselves, we do not believe that a life of servitude and eventual slaughter is an appropriate or acceptable alternative to protecting Yellowstone's bison in the wild.

YELL-9382 contd.

8. DO NOT REESTABLISH A PUBLIC HUNT OF BISON IN MONTANA. A BISON HUNT IS UNSPORTING, UNETHICAL, AND ENTIRELY INCONSISTENT WITH HUNTERS' CONCEPT OF FAIR CHASE.

The proposal to reestablish a public hunt for bison in Montana must not be approved or implemented. The proposal calls for the Montana Legislature to reestablish a "fair chase" hunt for bison. Assuming, without conceding, that any sport hunt is "fair chase," it is impossible to establish a "fair chase" hunt for NPS bison. Yellowstone bison have become, through years of protection, acclimated to and trusting of the presence of humans. Their stolid temperament and acceptance of humans in their vicinity has made them incredibly popular and photogenic animals for millions of visitors. As a result of these interactions, Yellowstone bison have virtually no fear of people either with cameras or with guns. As was demonstrated in 1989 and 1990 when Montana previously permitted public hunting of bison, there was no challenge and no "sport" in shooting a Yellowstone bison. As The Fund for Animals documented in video footage of the 1989 hunt, bison were not routinely killed with the first shot and suffered immeasurable pain before dying.

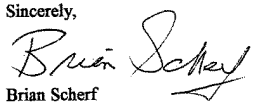
In addition, as proposed in the preferred alternative, bison hunting opportunities would be permitted both on the northern and western sides of YNP. On the western side, for example, bison who are captured and test negative could be released onto public lands outside of YNP only to find themselves the targets of hunters. This alternative would effectively prevent bison from occupying public or private lands outside of YNP. On the northern side, bison who have historically been protected from human harassment in the Eagle Creek/Bear Creek portion of the Gallatin National Forest, will become targets of hunters. As a result, there could be no public or private lands anywhere in Montana on which bison would be permitted without the potential for persecution.

Finally, the gruesome and disturbing image of hunters shooting YNP bison at point-blank range broadcast on television will indisputably have negative implications for all hunters and all hunting.

III. RECOMMENDATIONS

For the above reasons The Florida Biodiversity strongly recommends that the NPS select the Bison Alternative. We also request a full copy of the Final EIS and Record of Decision.

Sincerely,



Brian Scherf
Board member
Florida Biodiversity Project

Oral testimony provided at the Holiday Inn, [redacted] on September 1, 1998

Comment No. 14915
Manley K. Fuller
Florida Wildlife Organization

Thank you, and good afternoon. I'm Manley Fuller, president of the Florida Wildlife Organization, a conservation organization with 40,000 members and supporters primarily in the state of Florida. Our organization strongly supports fish and wildlife conservation and outdoor recreation including hunting and fishing.

We believe wildlife are a public resource to be managed by wildlife professionals. We join with the Wyoming, Montana, and National Wildlife Federations in support of the Citizens' Plan to save the Yellowstone bison herd. This plan is superior to the proposed alternatives in the Draft EIS in a number of ways, primarily in that it is based on scientific wildlife principles; it works with private landowners and those who graze cattle on public lands to reduce risks even below the current extremely low level of risk of brucellosis transmission; it provides for bison to follow their natural survival instincts by increasing movements to lower elevations during severe winters. The plan fosters the conservation of bison by allowing bison which test negative for brucellosis that venture onto private lands where they are not wanted to be relocated to Native American lands or other public lands or taken during fair chase hunts. In this way, we can bring back one of the crown jewels of American wildlife, a magnificent animal whether hunted or photographed.

They are a real draw to Easterners or Southerners like myself and thousands of our members. Last year I came to Montana, and bison were high on my list to see, and I was not disappointed. Great bulls snorting and pawing, shoving dust in the late afternoon; cows looking not so interested in the scene; and yearlings playing and staying a little out of the fray. That vision of nature played out on broad vistas is one Americans should be able to experience. We believe they will pay to do so and return with their children and tell their friends. This will continue and add greatly to local economies through resource-based recreation.

Bison have meaning to Native Americans and people like me, as well, who see in bison and elk a bit of our past, and this quickens the pulse and makes us feel very alive. I believe that there is still a bit of the Pleistocene hunter who drew images of great beasts like the bison on cave walls in us today.

To some of you Western folks who may be wondering, what's this greenhorn here for? Well, the bison is a vital component of American's wildlife heritage and a living, breathing example of an animal brought back from the brink of extinction. Thank God for men of vision like Roosevelt and Hornaday and others whose actions led to the re-establishment of a sustainable bison population in Yellowstone. We in the east wiped out bison and elk 200 years ago and today, where possible, we are working to restore our native wildlife. As a boy in western North Carolina, I swam in Buffalo Creek, and the eastern landscape is dotted with many buffalo place names from Florida to the northeast. I have read an ancestor's letter of travel to Leadville, Colorado, from the 1880s describing passing vast piles of bison skulls along the railroad.

14915 contd.

I and many of the Federation's members come to the Rockies to hunt, fish, and visit public parks and conservation lands. When we come, we spend and benefit the economy. I'll be back in the fall stretching my legs and being outwitted by a bull elk.

Many people are not happy that the State of Montana conducted the bison slaughter with essentially no scientific basis. This approach by state livestock bureaucrats seems to be an approach from the 1870s, not what wildlife management should be in the late 1990s. We believe the EIS should be redrawn following the Citizens' Plan. The other alternatives all fail to reach the conservation potential of bison and place far too much control with the Montana State Livestock Board and state veterinarian, who have not distinguished themselves in this matter. The State Wildlife Agency in Montana should be in the lead in bison management in Montana. The livestock board and veterinarian should see that cattle in potential contact areas are vaccinated. Alternatives based on trapping, handling, and vaccinating thousands of bison and perhaps elk in Yellowstone are impractical, and the current vaccines are experimental and problematic in bison and elk.

We want free-ranging bison on public lands in the Yellowstone ecosystem managed by wildlife professionals. We support cattle vaccinations and temporal and spatial separation of cattle and bison and pursuit of alternatives which allow bison to move outside of Yellowstone on public and private lands where cooperative agreements with landowners are possible.

We salute the work of the Rocky Mountain Elk Foundation/Royal Teton Ranch Land Exchange and Conservation Easement Proposal. This plan should encourage similar prompts when possible. We, in concert with NWF and the Montana and Idaho Wildlife Federations, request that you adopt the holistic Citizens' Plan as your management alternative.

This concludes our oral testimony. We will provide more detailed written comments and analysis within the comment period.

Thank you very much.

YELL 10,305

OCT. 9, 1998

BISON MANAGEMENT PLAN EIS
NATIONAL PARK SERVICE
PO BOX 25287
DENVER, CO. 80225-2287

TO WHOM IT MAY CONCERN:

WRITING IN SUPPORT OF OPTION 7 REGARDING SNOWMOBILS IN YELLOWSTONE PARK. THANK YOU.

FOREST LAKE MINNESOTA SNOWMOBIL CLUB

GLENN BARROTT, PRESIDENT

[redacted]

Glenn Barrott

Oral testimony provided at the Syndham Hotel, [redacted] on September 3, 1998.

Comment No. 14896
Jonathan Hurd
Frente Zapatista

My name is Jonathan, and I'm here today on behalf of Frente Zapatista at [redacted]. We're an organization that is very interested in the cultural survival and well-being in general of endogenous people throughout the Americas, particularly in Chiapas, Mexico, but we also work locally with western Shoshoni people, Ute people, Navajo people and others. And we're very interested in this issue.

And we see this issue -- we're very appalled and disgusted at what's happened to the bison herd in Yellowstone over the last couple of years and attacks on the buffalo. And we see these attacks and any future attacks the same way we would see the relocation of Navajo people off of Big Mountain to make way for a coal mine or the attacks on the Chiapas, on the indigenous people of Jiana, or on the continuing imprisonment of Leonard Paltier, and that is simply the latest chapter of 500 years of conquest and genocide and ecocide on this continent by European peoples.

From what I understand, what I have seen from the evidence and the information on this issue, there is no reliable scientific evidence leading to the kinds of attacks that have happened or the kind of attacks that are being proposed by the government for the future. We think this is completely ridiculous and appalling and that it's about time after 500 years that we, as European settlers on stolen land, start to recognize some of these issues and bring an end to the destruction that we have brought to this continent.

We don't support any of the plans that the government has put forward at all, and we do feel that any plan that's going to be implemented concerning the management of the Yellowstone buffalo should, No. 1, take into account the advice of native peoples, and No. 2, should put the survival of the buffalo herd as a free-roaming herd, that that should be the No. 1 priority in any plan dealing with the so-called management of these buffalo.

So that's about all I have to say, and I stress again that we are completely appalled and disgusted at what's being proposed, and we hope that none of these options will be selected. And if any of them are, you can guarantee that people like myself throughout the western United States will be doing everything we can, regardless of what the laws might state, to stop any further slaughter of the buffalo from happening. Thank you.

YELL-419

Friends of Animals

Priscilla Feral, President

☐ NATIONAL HEADQUARTERS:
[redacted]

☐ NEW YORK OFFICE
[redacted]

☐ WASHINGTON DC OFFICE
[redacted]

☐ JERUSALEM, ISRAEL

July 15, 1998

Bison Management Plan EIS Team
National Park Service
Denver Services Center
P.O. Box 25287
Denver, CO 80225-0287

To whom it may concern:

On behalf of Friends of Animals, with more than 200,000 members, I am writing to state our opposition to aspects of the Environmental Impact Statement concerning the long-term management of Yellowstone bison. We are opposed to the killing of bison by state and federal officials due to an unfounded fear of brucellosis being transmitted from bison to cattle. Due to scientific evidence that suggests that transmission of brucellosis from bison to cattle is negligible, it seems unjustifiable that "management" techniques in the form of hunting and slaughtering are to be employed.

A more credible, scientifically legitimate plan to "manage" bison should be implemented. More responsible solutions may include:

- requiring cattle be vaccinated
- prohibiting cattle from grazing on public lands during various times of the year, depending on bison migrations, and
- prohibiting the use of snowmobiles in the park

We urge you to revise the bison management plan and to incorporate non-lethal management techniques.

Sincerely,

Alana Stevenson

Alana Stevenson
Outreach Coordinator

printed on recycled paper

Priscilla Feral, President

☑ NATIONAL HEADQUARTERS:
[redacted]

☐ NEW YORK OFFICE
[redacted]

☐ WASHINGTON DC OFFICE
[redacted]

☐ JERUSALEM, ISRAEL

Friends of Animals

YELL 5937

VIA FACSIMILE: [redacted]
5 pages total

September 30, 1998

Bison Management Plan EIS Team
National Park Service - Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Dear Ms. Bransom,

Following is the Friends of Animals comment on the *Draft Environmental Impact Statement (EIS) for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park.*

Sincerely,

Priscilla Feral mw

Priscilla Feral
President

PF/mw

Enclosures

printed on recycled paper

Friends of Animals
COMMENT
On the Draft Environmental Impact Statement
For the Interagency Bison Management Plan

Friends of Animals supports Alternative 2: Minimal Management as the lesser of seven evils proposed for the Interagency Bison Management Plan. It is our opinion that Alternative 2 also has a number of weaknesses, but they are not as debilitating as those found in the other alternatives.

After careful review and study of the Draft Environmental Impact Statement, Friends of Animals has concluded there are a number of considerations which are inadequately addressed in the document. Foremost among these are the perspectives taken, particularly by the U.S. federal agencies involved. While there is an inordinate measure of precaution devoted to protection of the livestock industry, there is inadequate concern devoted to the well-being of the bison and their habitat.

The Draft Environmental Impact Statement's identification of issues and objectives neglects to enunciate positions which seek to champion the interests of the bisons themselves, as well as the interests of the natural ecosystems in which they live. Although there is concern with population, distribution and health of the bison, we perceive that these reflect management concerns more than the more fundamental ecological perspectives involved. And even these management concerns are submerged beneath a flood of other human-use priorities such as recreation, socioeconomics, safety, cultural and visual resources and, of course, livestock.

It is the opinion of Friends of Animals that the bison are American national treasures. They are living, sentient elements of the country's native ecology with a right to existence established by evolution through the millenia upon this land. It is further our opinion that the "right to existence" is not merely a right to be protected from extinction. Rather, it is a right to exercise the broad repertoire of biological and behavioral activities that have evolved with the species.

YELL-5937 contd.

Indeed, the modern age has introduced a discouraging succession of conflicts in which human intentions contradict the interests of other species. And with outrageous consistency, such conflicts have been resolved to satisfy those human intentions. The near extinction of the bison a century ago is one of the more conspicuous examples of this attitude. But present attitudes and management schemes for bison also reflect this bias.

It is the opinion of Friends of Animals that government agencies have coddled the livestock industry too much and too long. Politicians have made promises to reform the situation. But even modest promises, such as requiring the cattle industry to pay a fair price for the public lands it leases, have been broken. The cattle industry is unfairly exploiting the nation's natural wealth, while foisting an unwholesome diet upon the American public. Heart disease, which is exacerbated by high consumption of red meat, is America's number one health risk. Catering to the economic interests of the cattle industry makes their products cheaper, which stimulates consumption.

Among many others, the bison also are paying the price for such governmental largess and misfeasance.

Precautions associated with the epidemiology of brucellosis are indicative of the problem. To start with, there is likelihood that such precautions are superfluous since there is no indication that brucellosis has ever been transmitted from free ranging bison to cattle. Nevertheless, draconian measures to prevent something which, to the best of our knowledge has never happened, have been implemented and even more drastic measures are proposed.

Given the discrepancy between the number of bison that have tested seropositive for brucellosis while providing negative culture tissue, Friends of Animals wonders:

A. If it could be the cattle industry that is responsible for introducing the disease which now infects the bison, and is therefore responsible for putting one of our national treasures at risk. If this is so, it is our opinion that the interagency group should be demanding more of the cattle industry, and insisting that they make sacrifices to enhance the protection of the bison, and

B. If, alternatively, brucellosis is indeed endemic to the bison, why the partners responsible for creating the interagency management plan are committed "to the eventual elimination of brucellosis in bison and other wildlife" as a stated objective.

It is the position of Friends of Animals that responsible stewardship of nature involves the careful protection of the manifold ecological dynamics that are indeed the expression of life in natural communities. Natural predation, disease and other mortality factors evolved as integral parts of such dynamics and should not be arbitrarily eliminated, particularly to satisfy the self-interests of an already overly powerful industry

From either perspective, efforts should be made to determine the true origin of brucellosis infections with a high degree of confidence. If it is as exotic as the cattle which overrun too much public land, the cattle industry should draw back its livestock and pay for the elimination of the disease from the native wildlife they are responsible for infecting. If brucellosis is endemic to native fauna, then it should be tolerated as an organism which has co-evolved with other species and been a natural, integral element of ecological dynamics in the American wilderness.

The concept of protecting native endangered species applies as much to*Brucella abortus* as it would to ***Bison bison***, not only to protect the right to existence for the individual species, but also to protect the dynamics that define their natural ecological relationships. Such dynamics are also vital parts of the "natural environmental conditions" which should dictate bison populations according to the terms of Alternative 2.

Friends of Animals is an organization with a membership that is almost totally comprised of U.S. citizens. Our members are part of the people on whose behalf the government exercises stewardship over national treasures, including national parks, range lands and bison. From this perspective, and on behalf of our membership, we call upon the interagency group to afford greater attention to the well-being of the bison and their natural ecological milieu. These are our national treasures. We do not want their well-being sacrificed to accommodate a self-serving industry.

Our interests are best served by Alternative 2 (with some modifications. We do not believe bison should be liable to "lethal control" if they wander on to private property any more than ranchers should be liable to the same consequences if they innocently wander on to public property.) We believe the discontinuing of "grooming" winter roads is in the interests of the bison and better accommodates those natural conditions with which they evolved. Although we agree with the concept of modifying "public grazing allotments" to accommodate bison, we would prefer that such practices be identified with a more precise description, such as "special-interest grazing allotments on public land."

YELL-5937 contd.

Federal agencies are employed to function on behalf of the public. We, too, are part of the American public. As such, we call upon federal members of the interagency group to resist the special interest benefits which could otherwise accrue to the cattle industry, and to adopt Alternative 2, with benevolent modifications, for the management and well-being of the Yellowstone bison.

Respectfully submitted,

Priscilla Feral

Priscilla Feral
President

Oral testimony provided at the Thunderbird Hotel, [redacted] Shoshone Room, [redacted] on October 6, 1998.

Comment No. 15270
Linda Hatfield
Friends of Animals and Their Environment and Faith

Good afternoon. I have enjoyed all of your talks today. I am Linda Hatfield. I am going to be representing myself and I am also going to be representing Friends of Animals and Their Environment and Faith.

Since 1989 more than 3,000 Yellowstone buffalo have been shot or slaughtered because ranchers feared that buffalo may spread a disease called brucellosis to domestic cattle, to their cattle. As we also heard today, that there has not been a documented case to make this true. The bison management plan for the state of Montana in Yellowstone National Park proposed in the Draft EIS calls for the continued capture and slaughter, agency shooting, public hunting, quarantine, vaccination of Yellowstone buffalo. Simply put, that Draft EIS is not addressing this issue through good sound science, rather it is based on politics raised from fears, a lack of understanding, and moreover, a lack of tolerance coming from the ranchers. Where there are conflicts between people and wildlife, there are needs for solution. However, for way too long the so-called solutions have been to simply kill the animals. This approach only leads to a cycle of continued destruction. Society values are changes. There is an awakening for a need for environmental responsibility and appreciation for diversity and humane solutions. Solutions that will keep wildlife alive, yet resolve the conflicts.

With that said, there are good sound bison alternatives which call for humane and sensible management strategy to solve the controversy surrounding buffalo, cattle and brucellosis. First off, the buffalo must be treated like wildlife, not as domestic livestock, cattle. Agencies should require the vaccination of the cattle, not of the buffalo. The capturing and slaughtering of Yellowstone buffalo must stop. Cattle grazing should be eliminated on public lands. The buffalo is a great symbol of this continent. Again, I stress that these animals are wild and should not be treated like domestic livestock. Buffalo should be allowed to use public lands without any restrictions. I have always had great trouble in understanding why ranchers have been granted a great privilege in using public lands to raise their cattle. Raising their cattle is their livelihood. Why are they allowed to use public lands for their own personal benefit? Snowmobiling is a recreation that is widely done in Yellowstone. The groomed trails make it easy for buffalo to exit the park. Sadly, when they do exit the park, they are killed. In addition, the groom trails alter the buffalo movement and their population size. Furthermore, snowmobiling in general on the groomed trails cause many harmful effects to the park's ecological system as a whole. The park must prohibit snowmobile use and grooming. In doing so, it will help natural factors to control the buffalo population.

Sport hunting of Yellowstone buffalo is anything but sport. Actually, it is entirely inconsistent with the hunters' concept of fair chase. The Buffalo living in Yellowstone have become very trusting of people, because the park for many years has protected them. Many people that visit the park take time to photograph these wonderful animals. Because the buffalo have become

15270 contd.

very acclimated to the presence of humans, they virtually have no fear of a person holding a camera or a person holding a gun. In these so-called buffalo hunts, it has been documented that buffalo were not killed with the first shot, rather they suffered immeasurable pain before they finally died. Sport hunting of buffalo is unethical and should not be allowed. Of the Draft EIS, as I understand it, is nothing but a kill document and it must not be considered. There are good humane environmental alternatives that will give greater protection for the Yellowstone buffalo. Thank you.

YELL 13,545

I WANT TO PROTECT THE WILD BUFFALO!

I want to protect Yellowstone Park's free-roaming buffalo. I oppose the DEIS's "Preferred Alternative" which will continue the unnecessary killing of buffalo that move to public lands outside the park. Instead, I endorse the Citizens' Plan to Save Yellowstone Buffalo, which maintains a wild, free-roaming buffalo herd **and** protects the interests of the livestock industry.

Additional comments: Please coordinate with the Nature American Coalition and National Wildlife Federation Defenders of W. Wildlife

Name: Cynthia Kneuth Fischer

Address: President, Friends of Nature Americans

[redacted]

YELL-8639

To: Bison Management Plan EIS Team
National Park Service, Denver Services Center
P.O. Box 25287
Denver, CO 80225-0287
Fax: (303) 969-2736

From: Friends of the Bitterroot
[redacted]

Date: October 16, 1998

Subject: Bison Management Plan DEIS comments

Dear EIS Team:
Friends of the Bitterroot (FOB) opposes the DEIS's "Preferred" alternative that is recommended by the State of Montana and the Federal G[redacted].

The Yellowstone herd is considered to be the last wild herd. We are firmly opposed to the vaccinating of wild bison. Bison must be treated like wildlife, not manipulated as though they were just domestic livestock.

The Plan should completely prohibit any capture and/or slaughter of bison inside or outside of Yellowstone National Park;

The Plan should require the mandatory vaccination of cattle - whether grazing on private lands or the public lands, that are in the vicinity of the Yellowstone bison herd.

The Plan should eliminate all cattle grazing on public lands surrounding the park and instead should permit bison to freely use these lands without interference.

The Plan should make provisions for acquisition of private lands for bison around the Park. Conservation easements should be pursued where acquisition is not feasible.

Professional wildlife biologists should be in charge of all bison management, not the State's Veterinarians.

The Plan should take the management of bison away from the inept management by the Department of State Lands (DSL) and instead vest that managerial authority to the Department of Fish, Wildlife and Parks - bison are wildlife.

Please place our organization on your mailing list for the Bison Management Plan. Please send us the complete FEIS and ROD upon release.

Sincerely,

James Olsen,
President

YELL-191

July 3, 1998

National Park Service, Sarah Bransom DSC-RP

Bison Management Plan EIS Team

P. O. Box 25287

Denver, CO 80225-0287

Subject: Public comments on the Environmental Impact Statement (EIS) to Manage

Bison who Live in Yellowstone National Park

Dear Ms. Bransom,

The preferred Alternative 7 is unacceptable as an option for managing bison in Yellowstone National Park for the following reasons:

1.. Alternative 7 would treat wild bison like a herd of domestic cattle, subjecting them to trapping, testing, slaughter, and sport hunting. This is not a position that will be tolerated by the general public.

2.. The threat of transmitting brucellosis from bison to cattle has NEVER been proven. A small number of bison have been carrying brucellosis for generations, but not a single domestic cow has ever been infected by a free-ranging Yellowstone bison. These ill founded fears are driving the government's bison management plan which threatens the wild heritage of the bison and the ecological integrity of Yellowstone.

3.. The U. S. Department of Agriculture has no legal authority over free-ranging bison and cannot downgrade the brucellosis-free status of Montana based solely on the presence of potentially exposed bison.

4.. There should be no population objectives established for the Yellowstone bison herd. One alternative in the EIS call for, without any scientific justification, limiting the size of the bison herd between 1,700 and 2,500 animals. The size of the herd should be dictated by natural factors and not by slaughter or the desires of the livestock industry. How can genetic diversity be maintained with such a small number of animals.

I strongly encourage you to adopt Alternative 2. This alternative would manage Yellowstone as a natural place and its bison as wildlife. It would acquire habitat outside the park to accommodate the bison's natural seasonal movements, minimize the possibility of contact between bison and cattle, close snowmobile trails that lure bison out of the park, and shut down existing capture and testing facilities at the park boundaries.

As an American, I am ashamed of our past treatment of this magnificent animal. The population of these animals has rebounded from near extinction and it is absurd that we killed almost half of the Yellowstone herd in the winter of 1996. These individuals were killed because they exited Yellowstone via snowmobile trails to find forage outside the park. These animals are symbols of our country and will be extremely valuable to future generations of Americans.

Sincerely,

Kathy Richmond, Vice President

Friends of the WEst

Oral testimony provided at the Colonial Inn, [redacted] on July 27, 1998.

Comment No. 15237
Steve Kelly
Friends of the Wild Swan

My name is Steve Kelly. I'm here today representing Friends of the Wild Swan, an environmental group based in [redacted].

We've been involved in this issue a number of years and we're particularly upset with the 1,100 or so buffalo that were slaughtered a couple of winters ago. We've heard a lot about what's wrong in the government's plan. In a nutshell, it really permits bison to die needlessly. Wild buffalo will be confined and treated like livestock. It's a horrible waste of taxpayer dollars that could amount to spending in excess of $52 million, which is a pretty obscene figure. It has serious problems and hasn't evaluated the consequences of an outbreak of brucellosis, something I think is essential to any plan. Nor has it addressed the root causes of the problem. In addition, it's not a very good way to help tribes build their herds and, in summary, it's basically based on rear-view mirror politics and not science.

I'm here today to speak for an alternative plan. We call it Plan B for buffalo. I think it's the buffalo's only alternative. Plan B is an alternative to the costly government's plan.

As a part of the Environmental Impact Statement, the government describes these seven alternatives which consider managing buffalo and the disease brucellosis, which some of the buffalo carry. The seven alternatives, however, offer few options and each option calls for the killing and confining of buffalo. Plan B, the plan I'm here advocating today, involves no killing or confining of buffalo and yet addresses legitimate disease management issues, and was developed by wildlife biologists and veterinarians to serve as a scientifically sound and cost-effective alternative for consideration.

There are nine main points to Plan B and I'd like to share those with you today. Number one, allow bison like all other wildlife to roam freely within the Yellowstone ecosystem. I don't want you to confuse that with Yellowstone Park. The Yellowstone ecosystem includes public and private lands outside the park. Of course, there are few restrictions on private lands where there is obvious property damage occurring.

The second point is to calculate the ecological carrying capacity for bison in areas outside the park, as is done for elk, deer and other species, and manage the population outside the park to maintain these numbers.

The third point is to ensure that wildlife, including bison, receive preference over livestock on public lands designated as wildlife habitat. These lands are designated wildlife habitat by the Forest Service today. If conflicts exist between wildlife and livestock on these lands, remove livestock, not bison from the conflict areas.

Offer compensation to persons incurring property damage as a result of free-roaming bison. This will require a fund which should be established by environmental groups much the same as funds that have been established to compensate for property damage from other predators in other parts of the northern Rockies.

The next portion of Plan B for buffalo deals with the disease management aspects of the plan. When a safe and effective brucellosis vaccine is available for bison, vaccinate the Yellowstone bison by a dart or oral vaccine. Take the following cost-effective measures to further minimize the already minimal risk of brucellosis: A) limit existing grazing permits on public lands; B) require vaccination of cattle against brucellosis with RB-51 in the conflict zone; C) offer ranchers that are currently grazing their cattle on private lands in the conflict zone compensation or other incentives not to raise cattle on the land until brucellosis is eradicated from the bison; and D) for those cattle owners within the conflict zone who insist on having cow/calf operations instead of switching to steer-only operations or to other livestock and who wish not to accept compensation not to raise cow/calves for the period of 15 years, haze those bison not classified by the federal government as low risk away from those private lands where cattle are present.

The underlying factors which cause brucellosis in Yellowstone bison are problematic and essential to part of the solution. Urge Montana to accept the federal government's definition of low-risk bison and allow free movement like elk and other wildlife. Urge all states to respect the brucellosis classification assigned to the states by the federal government and, lastly, modify Montana's zero tolerance policy to one more consistent with modern disease risk management adopting scientifically based acceptable levels of risk.

Oral testimony provided at the Virginian Convention Center, [redacted] on August 10, 1998

Comment No. 15123
Andrea Lococo
The Fund for Animals

Thank you. My name is Andrea Lococo. I am the Rocky Mountain coordinator of the Fund for Animals. In addition to the following comments offered on behalf of our nationwide membership, including those members who reside in the states of Montana, Wyoming, and Idaho, our wildlife biologists will be submitting extensive written comments on the draft EIS before the comment deadline.

First, let me say that our organization's position is that the draft EIS is inherently flawed, because every alternative stems from the unattainable objective that seems the eventual elimination of brucellosis in bison and other wildlife. Not only has this goal never been subject to public review and comment, but the recently released report by the National Academy of Science confirms that achieving such a goal is logistically impossible. With this in mind, the following remarks outline some but not all of the principal objections our organization has for the draft EIS.

One, even though the draft EIS indicates that the risk of bison transmitting the bacteria that causes the disease brucellosis to cattle is remote, all of the alternatives suggest intrusive approaches to bison management that are scientifically and ethically groundless. For example, these alternatives rely on hunting, capturing, slaughter, agency shooting, and quarantine, all of which will ultimately and unnecessarily reduce, through artificial means, the number of bison in the park.

While the agencies have consistently declined to assess the risk of bacteria transmission, a simple risk assessment based on existing blood and tissue test results would indicate that less than one female bison in the entire population is even capable of potentially transmitting the bacteria. You, the agencies vested with the authority to determine the fate of Yellowstone bison, are obligated to develop a comprehensive risk management strategy that is not only scientifically sound but is also ethically justifiable and affords bison the protection they deserve. None of the seven alternatives presented does this.

Two, the draft EIS states that the viability of all alternatives was considered within the statutory and regulatory constraints of agency cooperators. However, this claim is arguable given that the preferred alternative does not address the grooming of snowmobile trails. Despite a legal mandate to manage wildlife through national regulations, the National Park Service has apparently elected to ignore the impact of trail grooming on bison populations, dynamics, and distribution, as well as on other park resources, even though considerable data has been collected indicating that the impacts are significant and adverse. Yet, most alternatives, including the preferred alternatives, conveniently ignore this documented research. It is a travesty to rationalize this failure by claiming that closure of the park replace undue snowmobiling stresses surrounding U.S. Forest Service lands when the U.S. Forest Service has the undeniable authority to regulate such activity on land under its jurisdiction. This curious neglect is no doubt at the behest of the State of Montana and park gateway communities who rally for snowmobile access to the park but who are unwilling to allow bison reciprocal access to their communities when individual animals utilize those very snowmobile trails during winter months to exit the park. You have a duty to understand the dichotomy of attempting to allow Montana to have it both ways.

This transparent, self-serving effort by the State of Montana is nothing more than a bastardization of the public trust. And the other scoping agencies are equally culpable for granting Montana their implicit and explicit approval by signing off on the preferred alternative.

Three, there is no scientific justification for limiting the bison herd to an artificial population range of 1,700 to 2,500 as recommended in the preferred alternative. Again, such an objective violates the United States National Park Service policy and national regulations, and it flies in the face of countless studies that suggest that vegetative resources are healthy and thriving inside park boundaries.

Four, under no circumstances should bison be treated as cattle. Bison are not domestic animals. They are wildlife and should be managed as such. However, managing bison as wildlife does not translate into establishing a public hunt of these magnificent animals. More than 90 percent of all fallen species are nongame animals and, accordingly, are protected from the onslaught of sport hunters. If any animal deserves such protection, bison certainly qualify after having been persecuted and slaughtered mercilessly during the last century.

For the reasons mentioned, the Fund for Animals urges the agencies to reject the alternatives outlined in the draft Environmental Impact Statement. And we urge that they adopt the sensible approach that we developed in our bison alternative.

Thank you.

Oral testimony provided at the Virginian Convention Center, [redacted] on August 10, 1998

Comment No. 15124
Michael Markarian
Fund for Animals

Good afternoon. My name is Michael Markarian. I'm the campaign director of the Fund for Animals. In addition to the following comments offered on behalf of our 200,000 members in the United States, our wildlife biologist will be submitting extensive written comments on the EIS before the October 16th deadline. The remarks outline some but not all of our concerns with the EIS. Number 1, even though the EIS indicates that the risk of bacteria transmission from bison to cattle is remote, all of the alternatives suggest intrusive approaches to bison management that are scientifically baseless. These alternatives rely on hunting, capture and slaughter, agency shooting, and quarantine, all of which will ultimately and unnecessarily reduce through artificial means the number of bison in the park.

Number 2, despite a legal mandate to manage wildlife through natural regulation, the National Park Service has apparently elected to ignore the impacts of trapping on bison population dynamics and distribution as well as on other park resources, even though considerable data have been collected indicating that the impacts are significant and adverse. Most alternatives, including the preferred alternative, conveniently ignores this documented research.

Number 3, there is no scientific justification for limiting the bison herd to an artificial population range of 1,700 to 2,500 animals as recommended by the preferred alternative. Such an objective violates the National Park Service's policy on natural regulation, and it flies in the face of countless studies that suggest that vegetative resources are healthy and thriving inside the park.

Number 4, under no circumstances should bison be treated as cattle. Bison are not domestic animals. They are wildlife and should be managed as such. However, managing bison as wildlife does not translate into establishing a public hunt of these animals. Yellowstone bison have been protected for years and are acclimated to humans. The notion that bison hunts would be conducted under the principle of fair trade is nonsensical and absurd.

Number 5, capture and slaughter, quarantine and vaccination may be routine in normal practices in livestock management, but they have no place in wildlife management. Given the costly and extremely restrictive quarantine protocol, this option would represent a million dollar fleecing of America. Moneys used to construct, maintain, and operate capture and quarantine facilities would be better spent by purchasing lands, conservation easements, grazing rights, et cetera, as additional winter range for bison. Furthermore, the agency should mandate the vaccination of cattle rather than spend millions of dollars trying to discover a safe and effective vaccine for bison.

Number 6, the U.S. Department of Agriculture does not have the legal authority to revoke or even threaten to revoke Montana's Brucellosis-free status based on the mere presence of bison or elk in the state. Any indication to the contrary is simply false. With relatively few cattle being grazed on public and private land outside the park, it makes much more sense to eliminate or modify grazing practices to accommodate bison emigration from the park and to allow bison unrestricted use of public lands outside the park.

Number 7, the EIS is legally flawed in many ways. Perhaps the most significant illegality is that the EIS claims the state of Montana has complete discretion over bison management once bison enter the state. Yet it fails to disclose what this discretion may entail. The public is being asked to comment on discretion, which is impossible. This lack of disclosure is blatantly illegal in the public comment process.

For the reasons mentioned, the Fund for Animals urge the agency to restrict the seven alternatives outlined in the EIS, all of which rely on lethal management tools that can only be described as cruel, unnecessary, and unacceptable. The Fund for Animals believes that our bison alternative offers a comprehensive, scientifically justifiable, and humane strategy to resolve this ongoing controversy. Copies of the bison alternative are available in the next room, and it would implement many of the same strategies that were described in Plan B. It would also address winter use practices and would prohibit the vaccination and sport hunting of bison. Thank you very much.

Oral testimony provided at the Sheraton Palace Hotel, [redacted] Sea Cliff Room, [redacted] on September 23, 1998

Comment No. 15197a
Virginia Handley
Fund For Animals

I'm Virginia Handley, the [redacted] coordinator for The Fund For Animals. Thank you for the opportunity to comment on the Draft Environmental Impact Statement for the long-term management of Bison in Yellowstone National Park in Montana.

As you know, The Fund For Animals has been involved in this issue since 1985. As a result, officials and representatives of the Fund took a massive stand to expertise in bison management, brucellosis, and the impact of snowmobiles on wildlife and many of the other issues which are relevant to the ongoing debate about the management of bison and brucellosis.

And thus the Fund is uniquely qualified to evaluate the merits of the EIS. In addition to the comments that I will present at this meeting, the Fund will be submitting more substantive comments by the close of comment deadline. The EIS, as presently written, represents a significant failure by the agencies, including the National Park Service to devise a sensible, humane, and scientifically credible management plan for the Yellowstone bison. Indeed, instead of relying on scientific evidence to formulate a management plan, the agencies have decided that politics and the baseless fears of unsubstantiated speculation of the livestock industry should be the cornerstone of bison management in Yellowstone National Park. This is unacceptable, illegal, and offensive.

Instead of basing its management strategies on the rantings and ravings of the livestock industry, an industry responsible for introducing brucella abortus into Yellowstone's bison and an industry that has not taken a single affirmative step to help resolve this controversy, the agency should base management on valid and legitimate scientific evidence. If this approach were embraced then, since the scientific evidence demonstrates that there is little to no risk of bacteria transmission between bison and domestic livestock, the proposed management alternatives will presumably be geared toward protecting, not persecuting these animals.

As presently written however the EIS is woefully inadequate in several respects. First, the EIS provides no compelling evidence the bison pose a risk of bacteria transmission to domestic livestock. The available evidence suggests, that if there is any risk of transmission, it is so extremely remote that it does not justify the enormous expenditure of time, money, effort, and most importantly bison lives implementing any of the management alternatives. Given the extremely remote risk of transmission, the EIS is nothing more than a multi-million dollar fleecing of America.

Second, instead of implementing reasonable and feasible humane and scientifically sound risk management strategies to further reduce the already insignificant risk of transmission, the agencies have elected to take the disastrous interim bison management plan and make it far worse by incorporating quarantine, hunting, and vaccination into the proposed management strategy. Instead of implementing cost effective and humane strategies to minimize overlap between bison cattle, by setting down public grazing allotments, or to reduce the number in greater bison movement out of the park by prohibiting snowmobiling, the agencies have decided that capture, testing, slaughter, shooting, quarantining, and hunting are preferable. This decision is not consistent with the scientific evidence, will not preserve a free-ranging bison population as is the intent of the EIS and is not cost effective.

The fund is unalterably opposed to many of the management strategies proposed by the agencies. A sport hunt of national park bison is not sporting. It's not ethical and should not be condoned. These animals have no fear of people, and three years of protection have become trusting. The concept of quarantine may be a feel good solution in the eyes of the agencies, but it is an exorbitant expense which will result in few, if any, bison ever being released from quarantine. Even if some do survive, the seemingly restrictive quarantine protocol providing them to Native Americans for integration of domestic bison herds or to be made available as targets for hunters is not acceptable. Moreover, the fund opposes any strategy, including quarantine and vaccination, with the resultant of wildlife being treated like domestic livestock.

Third, it's high time the National Park Service prohibits snowmobile use and trail grooming in Yellowstone National Park. The Fund Service is well aware of the impacts of these trails on bison, and understands that bison use these trails, which contribute significantly to their slaughter outside the park. And instead of attempting to protect snowmobiles' interest and those politicians who embrace these, the Park Service must stand up for their principles, stand up for its wildlife, and shut Yellowstone's gates to snowmobiles.

Fourth, the EIS is legally deficient. Not only does it fail to provide a proper analysis of the impact of snowmobiles in groomed trails on bison, but is also fails to disclose relevant information regarding the risk of bacteria transmission between bison and cattle. In addition, the preferred alternative is woefully inadequate because the proposed management of bison outside of Yellowstone is not disclosed. It's impossible for the public to comment on the environmental impacts of bison management outside of Yellowstone. In fact, that's not identified in the EIS.

Finally, the fund encourages the agencies to abandon the EIS in its entirety in favor of the bison alternative, a copy of which will be attached to these comments. The bison alternative was created by a wildlife biologist, who works with the plan and provides a more sensible, humane, and scientifically credible solution to the management of bison cattle and brucella abortus in the greater Yellowstone ecosystem than any of the alternatives offered by the agency. Thank you.

For attachment of "Bison Alternative" see
Schubert & Associates, YELL-14714

Oral testimony provided at the West Yellowstone Conference Hotel, [redacted] on August 13, 1998

Comment No. 14935
Joe Gutkoski
Gallatin Wildlife Association

Thank you for allowing this comment. My name is Joe Gutkoski. I represent the Gallatin Wildlife Association, which is [redacted] local rod and gun club.

The Yellowstone wild, free-roaming migratory buffalo are a unique wildlife asset to Montana and to the nation, and the Montana Department of Livestock has turned it into a liability. Taxpayers have paid millions of dollars to bring back the buffalo from the brink of extinction. Certainly, we can fashion a fair Montana solution that shares a small corner of our land with our native buffalo.

The Draft EIS authored by the interagency planning team does not solve the problem and continues the buffalo killing at a large cost to the taxpayers. The Department of Livestock treats our wild buffalo as livestock. But they should be managed as wildlife and returned to the Department of Fish, Wildlife & Parks. This will require legislative action. That is why the Gallatin Wildlife Association strongly endorses the Citizens' Plan to save the Yellowstone buffalo.

Brucellosis is a serious bovine disease. We don't want it transmitted to our cattle or to weaken our brucellosis-free status. To counteract the spread of brucellosis, we must keep buffalo and cattle separated. Get the cattle off the buffalo winter range on the Gallatin National Forest.

European cattle transmitted brucellosis to American wildlife. It was first detected in Yellowstone buffalo in 1917. In 1934, the USDA, Department of Agricultural, began a brucellosis eradication program, and 3.5 billion in federal, state, and private funds have been spent in this effort.

If we can meld science with policy, I am sure we can resolve this problem. If we can separate cattle from buffalo, we can bring this disease within acceptable limits and it will eventually work itself out. We must reduce infection rates in elk. Otherwise, reinfection of buffalo is inevitable. Only one or two percent of the elk in the northern range are infected. Seventy-seven percent of the elk in the Jackson winter feeding ground are infected. Scientists say if we quit feeding wintering elk in Jackson, the disease would eventually disappear in elk. And I hopefully think we can do the same with buffalo.

If we are to maintain a core herd of Yellowstone buffalo, we must acquire additional winter range in the Gardiner area and in the West Yellowstone Basin, through conservation easements, leases, land exchanges, fee title purchases from willing sellers, or buying the cattle out outright. It is important that we support the Forest Service's land exchange and purchase with the Church Universal and Triumphant.

The American Buffalo Foundation is trying to raise a fund to assist impacted cattlemen who are operating on buffalo winter ranges and migration corridors. Some people ask me, "Where are you going to stop? Emigrant? Livingston? Billings? Omaha?" No. We want to protect a viable buffalo herd on public land separated from domestic cattle.

On particularly hard winters, the buffalo need to drop down to lower elevations for winter forage, especially since a lot of the good winter range inside the park is occupied by employee housing, administration, concessionaires, and park permitees. Let's get them out of there, too.

We can have a sustainable, wild, migratory buffalo herd that summers on the lush high ranges of the park and winters on the lower national forests and Montana state wildlife ranges. Population control is important. Buffalo will reproduce and occupy all of their range if allowed, and they'll exceed the carrying capacity of the winter range. We can transport brucellosis-free buffalo to other public wildlife ranges and Indian Reservations. We can re-establish discrete fund-raising, permitted public hunts outside the park boundaries. Fish, Wildlife & Parks could use these funds to purchase additional buffalo, elk, and bighorn winter ranges.

Thank you

Oral testimony provided at the Colonial Inn, [redacted] on July 27, 1998.

Comment No. 15233
Joe Gutkoski
Gallatin Wildlife Association

My name is Joe Gutkoski and I'm representing the Gallatin Wildlife Association of [redacted] and we endorse the Citizens' Plan to Save Yellowstone Buffalo. Now, the interagency bison committee's bison management plan continues the killing at a cost to taxpayers of over a million dollars. That plan is just the same old stuff and I think a majority of Americans want the Yellowstone buffalo to remain wild and free roaming.

The interagency's plan treats them as livestock. We should allow the buffalo to migrate outside the park on public-owned wildlife winter ranges where a core herd of buffalo can survive. Yellowstone Park in severe winter years is not really a complete life system for the buffalo. They need to leave the park in severe winters and go outside on public land to winter, and we should allow the buffalo to migrate on public-owned winter ranges.

Acquisition of additional winter ranges is the key here. It's the responsibility of the State Fish, Wildlife and Parks and the Forest Service to acquire additional winter ranges from willing sellers.

Buffalo should be managed as native wildlife by wildlife professionals. We should transfer the management of buffalo to the Montana State Fish, Wildlife and Parks from where it should never have left. Get the livestock people out of managing our wild buffalo.

The population goals should be developed for winter ranges and we must develop incentives for livestock grazers to modify their operations to accommodate wintering wildlife. Where we can't separate the buffalo from the livestock, then livestock should be inoculated.

Yellowstone Park has to be managed as a park, not as a livestock ranch or a stockyard. We must eliminate snowmobile roads within the park which provide buffalo with a route outside the park. We should allow the buffalo to use public lands outside the boundaries of the park without interference. We must change the grazing permits in the Horse Butte area to accommodate buffalo. That's in the West Yellowstone basin west of the park. Again, it's important to acquire wildlife ranges, buffalo winter ranges by conservation easement leases or purchases or exchanges on lands adjacent to the park.

This construction of traps and quarantine facilities is going to cost $1,150,000 not counting the land it's built on. I think we could maintain the carrying capacity of buffalo in the area. Population control is very important. This can be accomplished by transferring animals to the Indian reservations, a certain amount of discrete hunting, but not in the borrow pit of highways and roads where animal rights and their camcorders are spreading the information throughout the country.

Special management areas should be established in West Yellowstone, the Jardine and the Gardiner areas. Hunting should be allowed in these special management areas to control the population.

In the present plan that the interagency people are putting out, the Board of Livestock maintains strong authority. I think authority for management should be with wildlife professionals in the Montana State Department of Fish, Wildlife and Parks. Thank you.

14,398

Georgia Farm Bureau Federation
[redacted]

October 28, 1998

Ms. Sarah Branson
Interagency Bison Management Plan
DC-R
P.O. Box 25287
Denver, Colorado 80225-0287

Dear Ms. Branson:

The National Brucellosis Eradication Program is nearing completion in the United States with an approximate number of 12 brucellosis-infected cattle and domestic bison herds remaining in the entire country. The only unchecked focus of brucellosis infection remaining in the entire county lies within the Yellowstone National Park area. It is disturbing to learn that the over population of bison in Yellowstone is not only damaging the park, but threatening the national progress of eradicating bovine brucellosis.

Please consider the United States Animal Health Associations' (USAHA) alternatives presented in the Draft Environmental Impact Statement submitted to you by Georgia Department of Agriculture Commissioner Tommy Irvin on October 15, 1998. This report identifies the issues and addresses alternatives in solving the problems identified. Proven science based strategies have eliminated brucellosis in cattle and bison herds and should be just as effective in the Yellowstone area.

The Georgia Farm Bureau, our state's largest farm organization, took an active part in the Brucellosis Eradication Program in Georgia. I was proud to attend a ceremony in June celebrating Georgia's brucellosis-free status.

Sincerely,

Wayne Dollar
President

WD:gh

YELL-6831

September 27, 1998

Bison Management Plan EIS Team, National Park Service
ATTN: Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-9901

We are 6th graders at Parkcrest Middle School in [redacted]. We are all about 12 years old. We discussed the National Park Service's proposed plan to manage the Yellowstone Bison Herd with our Girl Scout Troop (Junior Troop 395, Pflugerville, Texas.) Our leader, Teri McManus, has reviewed your Environmental Impact Statement.

Our troop supports the"Citizen's Plan" endorsed by over 16 conservation organizations, including the Montana Wildlife Federation, National Wildlife Federation and the Inter-Tribal Bison Cooperative. We want the slaughter of the bison stopped. We want buffalo returned to Native American tribal lands. We want buffalo on public lands to roam just as the Yellowstone elk do and be managed by wildlife professionals.

We would like to suggest:

1. Buffalo must roam free on public land adjacent to the Park up to the "carrying capacity" of these adjacent lands; if additional land is needed, the state and federal agencies should acquire additional winter range next to the Park;
2. As an alternative to destroying bison, excess healthy buffalo should be moved to Indian reservations and other public lands;
3. Bison are wildlife, not livestock and should be managed by wildlife professionals for enjoyment by the public in a wild and natural setting on public and tribal lands;
4. Some of us have been to Yellowstone and seen the bison, others have not yet. This doesn't matter! What is important to us is that there will still be a chance to see them, just to know that our government is protecting our resources for the future.

Those buffalo don't belong to any one special interest group. They belong to the American people. As children, we want to visit them in the future, and we want our children's children to do the same. Please prove that the National Park Service really does listen to the citizens, support the "Citizen's Plan."

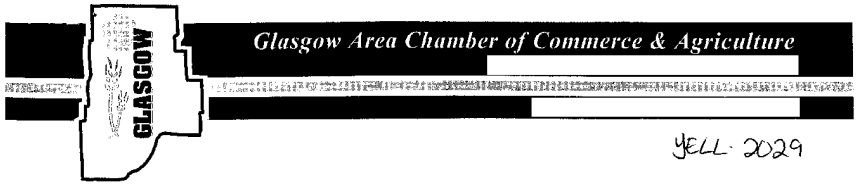
Thank you so much for hearing our opinion. We will monitor the progress of this wildlife management plan. We would like to hear from you.

Sincerely,

Kaitlyn Piriński
Stephanie Jordan
Katie Dunn
Teri McManus
Erin McManus
Sue Jackson Jordan

P.S. I would really like to become a Wildlife Biologis I ♡ animals!

Girl Scout Troop 395
c/o Teri McManus, [redacted]



YELL-2029

August 24, 1998

Bison Management Plan EIS Team
National Park Service
Sarah Bransom, DSC-RP
PO Box 25287
Denver, CO 80225-0287

Dear Ms. Bransom:

The Glasgow Area Chamber of Commerce and Agriculture, Inc. would like to offer the following comments regarding the Yellowstone bison management draft EIS:

1) Land or Easement Acquisition

We are opposed to any type of acquisition of property. Over population of bison and elk in Yellowstone National Park will continue to occur if more land is acquired, because now overgrazing will occur in an even larger area. The population of the bison and elk herds need to be decreased to a number that the Park can properly manage. The solution is not to acquire more land, but manage land currently under Park management. Acquiring land also does not eradicate or prevent brucellosis and that is what needs to be done.

2) Environmental Aspect

The DEIS must analyze all the environmental impacts to vegetative and riparian resources, water quality, threatened and endangered species in order to determine a carrying capacity of bison and elk populations in the Park. We believe if this analysis is done in a proven scientific manner, the population of the bison/elk herds will need to be decreased. When the herds are decreased, the range will recuperate and the infected bison/elk will stay in the Park and not threaten the livestock industry in Montana and Idaho.

3) Special Management Areas

We object to these SMA's because they are in actuality expanding the Park's boundaries.

4) Control of Brucellosis

Brucellosis in bison should be eradicated through aggressive testing of bison, destruction of diseased bison, and vaccination of brucellosis free bison to prevent the disease.

In summary, the Glasgow Area Chamber of Commerce and Agriculture, Inc. endorses Alternatives 5 and 6. We strongly oppose Alternatives 2 and 3.

Sincerely yours,

Jerry Ketchum
President

YELL-7158

GRASSLAND HERITAGE FOUNDATION

October 12, 1998

Sarah Bransom
Interagency Bison Management Plan, DSC-RP
PO Box 25287
Denver CO 80225-0287

Dear Ms. Bransom,

We sincerely hope that a humane and respectful solution can be found to the highly symbolic issue of the Yellowstone bison. We think that the *Citizen's Plan to Save Yellowstone Buffalo* is by far the most thoughful and well-considered approach of any being proposed.

The killing of bison simply because they cross the arbitrary boundary of the Park is unacceptable to most of the public who, rightly or wrongly suppose that this last wild herd is a protected part of our heritage. Obviously, the boundaries of the Park need to be increased in order to accommodate the winter migration of the herd. Public lands adjacent to the park should be avaiblable to the bison. And private landowners could be compensated if damage occured.

The concerns over brucellosis, that seem to be driving this issue, are being blown way out of proportion; if it is true that there has never been a documented case of wild bison infecting cattle. There doesn't seem to be the same concern on the part of the cattle industry when it comes to elk. which also carry the disease...

And, finally, we seem once again to be insensitive to the interests of the Indian peoples, who have a special regard for the bison as a spiritual symbol of their own survival and prosperity. The idea of killing animals that could instead be relocated (should the herd actually get too large) is, quite simply, abhorrent to the American public. **We strenuously object to the resumption of that policy.**

We are particularly impressed with the thoughtful and comprehensive nature of the *Citizens Plan*. It seems to be a practical approach, as well. And we urge you to adopt it before winter arrives!

Most sincerely,

Ann B. Simpson

Ann B. Simpson, President
Grassland Heritage Foundation

17,285

Bernie A. Swift
[redacted]
Oct. 11, 1998

Bison Management Plan EIS
National Park Service
P.O. Box 25287
Denver, Colorado 80225-0287

Dear Sirs/Mesdames:

Following are comments concerning the Draft Environmental Impact State (DEIS) for the Yellowstone National Park Buffalo herd.

First off, I must say that it is absolutely necessary to reduce the number of Bison in the Yellowstone Park, as the increased numbers has resulted in damage to the habitat of these animals, as well as other big game and mammal species in the park. This problem has also caused damage to private lands adjacent to the park and threatens the spread of brucellosis to private domestic livestock.

For the above reasons and the fact that alternatives 2,3,5 and 6 would be highly harmful to winter recreation, especially the snowmobiling, and add to the problem of bison leaving the park, I strongly support Alternative 7, the Park Service Preferred Alternative. The preferred Alternative should establish a carrying capacity within the park for bison, positive management of the bison population and does not effect the winter recreation and snowmobiling with road closures or road plowing.

Thank you for considering these comments and it is my hope that you will implement Alternative 7 and thus avoid the high cost of expanding Federal land ownership, restriction on use of the park and finally, manage a healthy herd of buffalo.

Sincerely,

Bernie A. Swift

Bernie A. Swift, President of Grassroot for Multiple Use (GMU)

Great Plains Restoration Council
[redacted]

YELL-5515

Re: EIS on Yellowstone Bison "Management" 9/21/1998

To Whom it may Concern:

I am director of an international, non-profit, grassroots organization, and am writing to say that I am sickened and disgusted with the racism with which you people treat native bison. You know damn well tht it was ranchers who brought brucellosis over here in the first place, and infected the sacred native wildlife herds. Now, continuing as pawns of a brutal livestock industry whose only family values are suppression, slaughter and extinction, you refuse to allow native wild bison their birthright of freedom to roam back onto their ancestral homelands.

The GPRC demands that you treat bison like the sacred native wildlife they are, not like your filthy cattle. We demand that cattle--the original infectors of the disease!!-- be vaccinated, not the bison. We demand the phase-out and complete elimination of livestock grazing on our public lands, and bison, wolves, grizzlies, prairie dogs and all other native wildlife allowed full use of these lands without restriction. Most of the West is public land, especially Montana. Bison need to be allowed return to all of the Plains public land in Eastern Montana, with eventual working corridors connecting into the Dakotas, Nebraska, Wyoming, and down through the Central and Southern Plains to Mexico. We demand that you immediately prohibit the capture and slaughter of bison inside Yellowstone National Park. We also demand that you immediately prohibit the use of snowmobiles inside the Park. Have you no soul to not realize how snowmobiles, jet skis etc ruin the entire wilderness experience, not just for humans but for the animals who have much more sensitive needs directly relating to their survival?? This is a National Park, for God's sake! We are also vehemently against any sport hunting of Yellowstone bison. Let the rednecks shoot parked cars in the junkyard. Should be more even more "sporting". Lastly, establishing a quarantine facility for Yellowstone's bison is sick, indefensible, and a total waste of millions of dollars. How convenient such a facility would be to clinch your ultimate desire to twist history so that bison and prairie dogs, etc. are viewed by the public as the invaders, the perpepetrators, and the cattle and the 'helpless, tip o'the hat (poison and grinning death hidden underneath) ranchers as the victims. Native wildlife are the victims in 100% total, and you and the ranchers are the perpetrators of this diseased hatred.

I look forward to your timely response concerning the correction of your ill-advised "management" plans.

Sincerely,
Jarid Manos/exec. dir./GPRC

Oral testimony provided at the Stardust Best Western Motel, [redacted] on August 11, 1998

Comment No. 14870
Marv Hoyt
Greater Yellowstone Coalition

My name is Marv Hoyt and I am representing the Greater Yellowstone Coalition. I work for that organization, and I work out of an office here in [redacted].

I would also just like to say that it seems unfortunate that after eight years of intense discussion about this issue of brucellosis and the possible but not likely transmission from bison to elk or bison to domestic livestock, that the Park Service and the agencies chose the month of August, in the summertime when many people are on vacations. They are not around and don't have the time to come to these hearings and testify. And while they do have the opportunity to send in their written comments, I think this whole idea of having these hearings at this time of the year was part of some sort of strategy to make sure that few of the public got a chance to comment.

We, too, as you understand, not only support but helped develop the Citizens' Plan. We think it is the only plan on the table at this time, and we hope that it's on the table, that will really save the buffalo in Yellowstone National Park, provide some sort of assurances to the livestock industry that they will not lose their brucellosis free status.

We think in particular that buffalo are like any other wildlife species in Yellowstone, we don't confine elk to the Park, we don't confine deer to the Park, we don't confine bighorn sheep or antelope to the Park, but we want to confine buffalo to the park. We think that's a travesty. They should be allowed to roam freely, migrate in and out of the Park as weather conditions permit.

We believe our plan provides that with special management areas outside the Park. It seems to me that many people have the idea that buffalo are nothing more than cattle, and that's strictly not the case. Yellowstone is not a zoo, it's not a Disneyland and the wildlife there shouldn't be managed as such. Again we support the citizens' alternative, the Citizens' Plan to Save Yellowstone Buffalo, and we repudiate this EIS. It is a sham. Thank you.

Oral testimony provided at Yellowstone Conference Hotel, [redacted] on August 13, 1998

Comment No. 14941
Jeanne-Marie Souvigney
Greater Yellowstone Coalition

Thank you. My name is Jeanne-Marie Souvigney. I'm with the Greater Yellowstone Coalition in [redacted]. I've been involved in this issue for about nine years, since scoping first started on this plan for the long-term management of Yellowstone bison.

Right after the scoping announcement came out, I was part of an ad hoc citizens' group that got together to try to come up with an alternative for managing Yellowstone bison. That group included sportsmen, conservationists, people with the Conservation District, landowners, even with the Church Universal and Triumphant.

We submitted a proposal to the agencies for consideration in this Draft EIS. And by and large, most of that proposal is reflected in Alternative 2, but not all. There's some things that have been taken out, there's some things that were added, like closing roads in the park, which was not one that our group addressed.

Since then, we have come up with a different plan. And that is the Citizens' Plan that you've already heard mentioned. Unfortunately, when our group met back in 1990 and 1991, one of the reasons I think that we were able to come up with a solution is because government agencies weren't involved with that group. These were citizens who sat down and said, "We want to find a solution." The agency people were there as advisers only, to tell us: does this work, does this work, can we do this? And we were able to come up with a solution.

Since then, the issue has gotten more polarized than ever, and the testimony in the hearings that we've heard in the last three weeks shows that we've gotten even farther apart than I would have anticipated. It's gotten that way because we have state and federal agencies that have been forced together unwillingly and are still fighting over how to manage Yellowstone bison.

I want to go through a couple points in the Citizens' Plan. That Citizens' Plan is endorsed by 16 groups and a few businesses. We're in the process still of getting more endorsements. And there's a few points that have been raised in the hearings that I want to explain to you what our plan would do.

First of all, brucellosis. Brucellosis is not native to Yellowstone bison. From our standpoint, it should be eliminated. We've taken the position that when you get a safe and effective vaccine that can be administered in a non-intrusive manner, then use it. And the reason we have criteria about the use of that vaccine is because of the place we're talking about.

I've heard a lot of comments from people that Yellowstone bison should be managed like other diseased livestock. They are not diseased livestock, they are diseased wildlife. And they are not in your livestock yard, they are in Yellowstone National Park. And unless there's an acceptance of the values of what Yellowstone means to the public, this debate is going to continue. But our position is that, yes, when you get a vaccine that's safe and effective that can be used in a non-intrusive manner and respects the other values of that agency, go ahead and use it and start moving to try to eliminate that disease from bison.

There's obviously different values about how quickly you can move. We don't think there's a safe and effective vaccine. We know there's not a safe and effective vaccine right now. And the Greater Yellowstone Interagency Brucellosis Committee has acknowledged that.

We don't happen to think government has all the answers. They don't have those answers right now. And that includes APHIS and the state vets. They do not have the answers about a safe and effective vaccine. Because there are ranchers who don't want to use RB51. There's disagreement about whether Strain 19 is effective on elk in Wyoming. And that includes researchers from the University of Idaho, Texas A & M, and the University of Colorado. So, yes, let's move to get rid of that disease. Let's have it as a long-term goal, but let's acknowledge we don't have those tools right now.

The second point I want to make is, why are we advocating land acquisitions? Because we believe very firmly that bison should be allowed to move outside the park. This is not an issue of just adding more land to the park, this is about acknowledging that Yellowstone National Park is not an island. Bison to need to move. Elk need to move. Pronghorn need to move. They need to move to other lands. And it's not about just whether there's too many of them causing the movement, because bison have historically moved outside the park to some other areas when the weather is bad.

And what we're trying to do is say where there's conflicts with private land, if the solution is easement or purchase for public ownership in order to minimize or eliminate those conflicts, that's what we're going to do. If we could do it without changing that ownership, that would be great.

The last thing I want to mention is that our plan supports bison population control outside the park. We've said, establish the ecological carrying capacities outside the park and manage those capacities by removing animals either through a public harvest or a live removal to the other tribes. We want bison managed outside the park. We're not talking about unlimited populations anywhere. But let's get together and say, yes, outside the park, here's where they can go, here's the numbers that are acceptable, and let's manage them for those capacities.

Thank you.

Oral testimony provided at the Virginian Convention Center, [redacted] on August 10, 1998

Comment No. 15126
Steve Thomas
Greater Yellowstone Coalition

My name is Steve Thomas here representing the Greater Yellowstone Coalition, currently residing in [redacted]. I'd like to thank the Park Service for the opportunity to speak and for having these forums. We think they're good, and they're good for getting public viewpoints out, of this proposal.

I don't have too much to add to what Dr. Camenzind said a little bit ago on behalf of the Alliance. We, too, are one of the groups that signed on what we are calling the citizen's alternative. I would like to read into the record those groups and say that we're going to submit more detailed written comments in the form of the Citizen's Plan and other comments as far as the draft goes.

The participants of the Citizen's Plan are the American Buffalo Foundation, Defenders of Wildlife, Gallatin Wildlife Association, Greater Yellowstone Coalition, Idaho Wildlife Federation, InterTribal Bison Cooperative, Jackson Hole Conservation Alliance, Montana Audubon, Montana River Action Network, Montana Wilderness Association, Montana Wildlife Federation, National Parks and Conservation Association, National Wildlife Federation, Natural Resources Defense Council, The Wilderness Society, The Wyoming Wildlife Federation, Wyoming Wear, and Yellowstone Raft Company. And I might say that the Wyoming Outdoor Council called me yesterday and wants to be a participant of this Citizen's Plan, also.

I'll just go over a few of the points of it. One, as in the other alternatives, we would advocate maintaining wild, free-roaming buffalo in Yellowstone National Park. We would develop a scientific buffalo population based on science, as Dr. Camenzind said, for the special management area and maintain minimum herd size below which the herd would not be reduced. We would use traditional wildlife management tools, relocating bison to Indian reservations or public lands and using a regulated harvest. We would restrict buffalo from private lands and private property where human safety are threatened.

We recommend mandatory vaccination of cattle within and immediately adjacent to the special management area. As far as I know, all the Wyoming producers are currently vaccinating, anyway. I don't know that on Montana and Idaho, but I know that Wyoming are. We would establish a voluntary program to compensate landowners for damages. We would emphasize the acquisition of key winter range from willing sellers to purchase their conservation easement. We would establish an interagency tribal public cooperative management team of wildlife professionals to assist in determining buffalo management outside the park.

We would allow for vaccination of buffalo within a special management area but only when two standards are achieved. First, the vaccine must be safe and effective for bison. Second, the vaccine must be administered in a nonobtrusive fashion. I might mention that the UIBC, which has been working on this issue for years and years, has established a protocol for developing a vaccine that would be tested under laboratory conditions, and we support that protocol. We would support more research on brucellosis, wildlife, and risk management options.

In short, I would say the Greater Yellowstone Coalition does not believe that there is any way that we can achieve zero risk, but, rather, we have to do risk management. We think that even APHIS, other state agencies, and many other groups agree with this position. So our basic position is risk management, not zero tolerance.

Thank you very kindly.

Oral testimony provided at the Virginian Convention Center, [redacted] on August 10, 1998

Comment No. 15139
Berthe K. Ladd
Greater Yellowstone Coalition

My name is Berthe Ladd. I am reading a statement that was written jointly by Gretchen Wallickman (phonetic) and Tom McElvay (phonetic). They are both former presidents of the Greater Yellowstone Coalition and are currently presidents of the GYC's president's council. I am also a member of the GYC president's council. Thus, the statement.

We are both former presidents of the Greater Yellowstone Coalition. We are both members of the GYC's president's council, and we remain actively involved with the conservation of the Yellowstone ecosystem.

Among Yellowstone's many unique achievements is the saving of the last free-roaming bison in the United States. Although these herds have been subject to various attempts at human manipulation through the years, Yellowstone's bison have retained their wild character.

We believe that the style of management proposed in the draft Environmental Impact Statement could significantly degrade the genetic quality and the natural behavior of Yellowstone bison. The very notion that small numbers of privately owned livestock should take priority over large numbers of publicly owned wildlife in management of federal lands in the vast wild landscape of greater Yellowstone is purely political. It is biologically unsound. It is absurd.

We support the Citizens' Plan to Save Yellowstone Buffalo. The public lands of greater Yellowstone belong to the American people, not to local private interests.

The survival of the wild, free-roaming Yellowstone bison is one of the great monuments of American history, and it is America's duty to preserve it.

Oral testimony provided at the Colonial Inn, [redacted] on July 27, 1998.

Comment No. 15239
Jon Catton
Greater Yellowstone Coalition

I'm here representing the Greater Yellowstone Coalition. It's my feeling that a long-term management plan for Yellowstone's buffalo should be about reducing conflict, not simply managing it. Reducing conflict would be better for Yellowstone's buffalo, for the ranchers, for the public and taxpayers who are tired of controversy, for the state of Montana which has been taking a black eye in the national media and for the values of Yellowstone National Park that we feel are being eroded.

Unfortunately, the government's preferred alternative includes management strategies, a whole host of them that are based on an assumption of continuing conflict. The government plan takes the view that the odds of cattle and buffalo mixing will stay the same and a conflict is inevitable. We think that's unfortunate because the government's plan is not embracing opportunities that would lead to less conflict and then less need for all of these management options that are stipulated.

Two very important examples of that. Number one, the purchase and exchange of land with the Church Universal and Triumphant. Under that purchase, which has already been approved by Congress, the money for it has been, there is a willing seller there. Under that reconfiguration of land ownership there, it is entirely possible the buffalo will be able to go to the places that they need near the Yellowstone River without coming into contact with cattle, therefore, there won't be the conflict, therefore, there won't be the need for these expensive controversial options that the government is proposing to lock in here now for many years to come.

The same is true of exploring changing grazing allotments to the west of Yellowstone, the other place where there has been most of the conflict and most of the slaughter. First of all, it's probable that changing some of those grazing allotments, if it can be worked out, would reduce the conflict. There would be areas there that could be substantially about winter survival for buffalo without their coming into contact with cattle. It's also entirely possible that that could be done through the satisfaction of ranchers who have as their primary objective, and understandably so, turning a profit, they want quality forage for their cattle. Perhaps that can happen to their satisfaction somewhere else. We won't know unless the government pursues it, which to wrap up here is what we're concerned about. The government preferred alternative doesn't say we should energetically explore changed grazing allotments to the west and it doesn't commit to that purchase of very important wintering habitat on the Church Universal and Triumphant lands that the government has already said it's already allocated money for it and there is a willing seller for it. Those two things ought to be among the very first priorities of a good long-term plan. Those are elements of the citizens' plan to save Yellowstone buffalo and that's why I support it. Thank you.

Greater Yellowstone Coalition

[redacted]

YELL-15420

Sarah Bransom
Interagency Bison Management Plan
DSC-RP - National Park Service
P.O. Box 25287
Denver, CO 80225-0287

Dear Ms. Bransom:

The Greater Yellowstone Coalition submits the attached comments on the Draft EIS for the Interagency Bison Management Plan for Yellowstone National Park and the state of Montana.

The Greater Yellowstone Coalition was formed in 1983 and works to preserve and protect the Greater Yellowstone Ecosystem and its unique quality of life. The Coalition is comprised of over 7,600 individual and family members, about 100 local, regional and national conservation and sportsmen's organizations, and 170 business members. We are governed by a board of directors and advised by a science council.

The process for producing this DEIS has been long and vexing, involving hundreds of government officials and scientists, thousands of citizens, and over ten years of effort. Unfortunately, the results are disappointing, frustrating and inadequate in creating a viable management plan for bison in Yellowstone.

Inexplicably, the document advances alternatives which do not reflect the public comments received during the scoping process, is biased toward protecting cattle grazing at the expense of the welfare of wildlife (particularly Yellowstone bison), and it plays to fears that brucellosis is somehow a major threat to the public and to the livestock industry. It largely ignores the values of Yellowstone as a sanctuary and wilderness; it skips over any need to comply with ecosystem management principles and to allow ecological processes, and instead focuses upon disease control as the major priority of the EIS. The document fails to acknowledge the lack of data on the incidence and transmission of brucellosis among wildlife species, and fails to justify scientifically why its preferred alternative continues to call for intrusive management of bison both inside and outside Yellowstone National Park through test and slaughter practices.

Perhaps most perplexingly, the DEIS continues to assume that bison outside the park should be managed by Montana's livestock industry rather than by wildlife professionals using the best wildlife management techniques. We object strongly to this premise and believe that any such effort to control bison by the livestock industry will be overwhelmingly rejected by the American public. Such an insistence that cattle be given preference on the public lands will ultimately lead to an unnecessary and stark choice of the public deciding if they wish to have

Idaho Office [redacted]
Wyoming Office

wildlife on the public lands of Greater Yellowstone, or cattle. We believe such a choice will be a political and economic disaster for ranchers with open land in this region and will undercut any ability here to maintain a diverse and stable rural economy and culture.

The DEIS unnecessarily poses alternatives which pit the livestock industry against the American public. It creates more polarization around an issue which has already polarized our region. It ignores an approach which seeks common ground and which searches for a viable alternative which both allows for adequate habitat for wildlife in Greater Yellowstone, and which protects livestock from particular disease.

The DEIS fails to come to grips with the incidence of brucellosis in elk and the transmissibility of the disease between bison and elk - a reality that promises to undercut any attempt to eliminate the disease in bison without addressing the incidence in elk. Even with the limited data available on transmission of the disease in the wild, this weakness in the report undercuts its reliability and credibility. It goes to the heart of the report's repeated failure to encompass ecological processes and the need for ecosystem management principles to be carried out in managing bison.

In short, this DEIS is an appalling failure.

Responding to these fundamental weaknesses and failures in the DEIS, GYC and the local and national conservation community, representing over five million Americans, have developed the *Citizens' Plan to Save Yellowstone Buffalo* -- a plan we think balances the need to have wild, free-roaming bison and the need to protect the cattle industry from disease.

Throughout our comments, we juxtapose the *Citizens' Plan* against the more limited alternatives posed in the DEIS. We believe the EIS should include an alternative which combines elements of several of the alternatives into a viable management regime, as our Citizens' Plan proposes.

If you have questions or remarks about the attached comments, please let me know. I would be happy to discuss them with you.

Sincerely,

Mike Clark
Executive Director

cc: Secretary of Interior Bruce Babbitt
Secretary of Agriculture Dan Glickman
Governor Marc Racicot
George Framption, Acting Chair, Council on Environmental Quality

YELL-15420 contd.

COMMENTS OF THE GREATER YELLOWSTONE COALITION

on the

DRAFT EIS for the INTERAGENCY BISON MANAGEMENT PLAN

for YELLOWSTONE NATIONAL PARK and the STATE OF MONTANA

Jeanne-Marie Souvigney, Associate Program Director

November 2, 1998

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Attachment B - Letter to federal and state authorities from GYC, Jackson area ranchers and others
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Attachment H - Letters from Montana, Wyoming and Idaho regarding undulant fever cases

INTRODUCTION

The Greater Yellowstone Coalition (GYC) has been significantly and actively involved in the issue of Yellowstone bison management for the last nine years. We participated in scoping in 1990 and 1991, and since then, in numerous forums, symposia, classes, meetings, and slide show presentations. We have published articles on this issue, and have responded to hundreds of media inquiries and requests for information from the public. We remain committed to finding a solution that will respect both the need to provide for a wild, free-roaming bison herd in Yellowstone as well as accommodate the concerns of the livestock industry.

This commitment was vividly illustrated by our efforts in 1991 when we participated in a broad-based group of citizens representing conservation, environmental, ranching, landowner, wildlife and sportsmen interests. This bison management citizens working group, which also included Ed Francis of the Royal Teton Ranch, representatives of the Greater Yellowstone Association of Conservation Districts, the Montana Wildlife Federation, and The Wilderness Society, a local rancher and others, met on a weekly basis for several months to formulate a proposal for long-term management of Yellowstone bison. This citizen group developed a long-range goal and objectives, and outlined a detailed plan to meet the goal and objectives. Our intent was to formulate a well-balanced plan, satisfying diverse interests and management perspectives. The group submitted that proposal to the agencies and asked that it be considered as an alternative in the EIS process (Attachment A).

The broad-based alliance reflected by that agreement has eroded somewhat, a victim of the extreme self-interest that has characterized this issue over the last eight years while state and federal agencies have dominated the debate. Nonetheless, GYC believes that the goal of that plan remains valid today. The stated goal was to maintain sustainable herds of wild bison in balance with available resources, with minimal intervention in the park while allowing migration outside the park, and to protect the local domestic livestock industry by reducing the potential for contact between bison and susceptible livestock and controlling or minimizing brucellosis infections. GYC continues to endorse this goal.

GYC believes bison and cattle can share the public lands. Unfortunately, the increasing polarization on this issue, characterized by support for actions that ignore the wide range of wildlife and public lands values this debate encompasses, threatens any opportunity to resolve the issue through this EIS process.

In January, 1997, GYC and Jackson-area ranchers and sportsmen sent a letter to federal and state officials stating our mutual support for ranching and viable wildlife populations (Attachment B). Among the points we made is that we viewed the possibility of brucellosis transmission from wildlife to cattle to be so insignificant that it poses no real threat to local ranching interests. Instead, we believed the real threat to livestock and wildlife interests are proposals based on the unfounded premise that wildlife brucellosis poses a real threat to man and beast. We noted that APHIS operational expertise does not include wildlife management and

YELL-15420 contd.

APHIS should not be in control of the world's largest wildlife population of free-roaming bison. We asked the agencies to work with ranchers and conservationists to recognize common ground that exists and to concentrate on non-lethal and non-invasive methods of minimizing the already insignificant risk of disease transmission, rather than concentrating on the eradication of brucellosis via the lethal and costly methods being proposed by federal and state agencies.

GYC still strongly believes the points in that letter are valid. We still believe common ground can be found if all interests respect the opportunities available to accommodate wildlife and ranching in Greater Yellowstone. It will not be found, however, in efforts to implement lethal and intrusive bison management actions.

We recognize that the occurrence of brucellosis in livestock herds in Greater Yellowstone could have a significant impact on the livestock industry. We believe, however, the risk of transmission from elk or bison to cattle is very small, a position confirmed by the 1998 National Research Council (NRC) report *Brucellosis in the Greater Yellowstone Area.*

In an effort to craft a solution that respects both the need for Yellowstone's wild animals to migrate to lower elevation winter range, and the concerns of the livestock industry about the potential for brucellosis transmission, GYC and other regional and national groups representing over five million Americans developed the *Citizens' Plan to Save Yellowstone Buffalo* (Attachment C). We believe it provides a rationale plan of action for managing Yellowstone bison. It is endorsed by conservationists, sportsmen, Native Americans, business owners, scientists and others. The components of the *Citizens' Plan* are discussed throughout these comments.

THE CITIZENS' PLAN TO SAVE YELLOWSTONE BUFFALO

The *Citizens' Plan to Save Yellowstone Buffalo* is supported by several million Americans represented by regional and national organizations, as well as individuals across the country. The plan manages bison as wild animals, minimizes human intervention in wildlife dynamics in Yellowstone National Park, and accommodates bison on winter range outside the park. It also guarantees reasonable and effective measures to protect private property and livestock interests.

Supporters of the *Citizens' Plan* believe the government's plan (Alternative 7) will continue an intrusive, lethal approach to managing Yellowstone bison. We believe it is a bureaucratic, impractical and expensive system of capturing, testing, vaccinating, shipping, killing and selling large numbers of wild bison. It restricts bison from using public lands outside the park. It keeps the Montana Board of Livestock, not wildlife professionals, in charge of crucial decisions affecting bison and the wild and natural character of Yellowstone National Park (YNP). And it continues a conflict that embroils the region's ranchers in a controversy that

is damaging to their industry, and could become even more damaging.

The government plan ignores golden opportunities to resolve this long, frustrating battle over bison management through public land use changes, private land swaps, and reasonable wildlife management practices. We believe these components would provide for better bison management, and did not feel that any of the proposals offered in the DEIS constituted a reasonable alternative.

GYC worked with representatives of conservation, sportsmen and Native American groups from this region and across the country to develop the *Citizens' Plan.* We believe it offers a balanced solution to the Yellowstone bison management challenge.

Public Values and Concerns

The bison of Yellowstone are unique. They are of special importance as the last remnant of the indigenous wild herds of North America, containing, as noted in the NRC report, "lineages that go back without interruption to the aboriginal stocks in the area. In fact, the YNP population is the only extant bison population that has not been derived solely from stocks held in captivity at some point in their history. . . (I)f any current population is likely to contain unique alleles from the original bison . . .it is the YNP herd." (p. 116)

Public attitudes regarding bison management are strongly against the kind of slaughter that has occurred in the past several years. The public believes the risk of brucellosis transmission from wild bison to cattle is very small and does not warrant the killing of thousands of bison. The NRC report acknowledges this risk of transmission is small. However, an accurate representation of public attitudes, and the strong negative response to what occurred in the winter of 1996-97 in particular, is inexplicably missing from the Draft Environmental Impact Statement (DEIS).

Public Scoping and Agency Objectives

One of the effects of having eight years pass between public scoping and release of the DEIS is that the agencies seem to have deliberately discounted the public comments from that process. The DEIS claims that the objectives gathered through scoping were incorporated into the agencies' objectives. We suggest there are significant differences between what the public identified as values and concerns, and both the agencies' objectives and how the agencies have proposed implementing their objectives.

Half the written public comments during scoping on this issue favored no restrictions on bison movements, and over a third specifically mentioned the need to purchase winter range. While 40 percent also mentioned brucellosis as an issue, 80 percent of those who did suggested vaccinating cattle. There was no scoping alternative to engage in multi-location capture, test and slaughter operations in the interior of Yellowstone National Park (or you likely would have heard a great deal more from the public); test-and-slaughter was proposed only if bison

approached the boundary of the park, with seronegative bison returned to the park. Thus the DEIS alternatives depart significantly from the scoping process, thereby undercutting meaningful public participation in the decision-making.

The public also identified a desire for an ecosystem-based bison management plan in their scoping comments. National Park Service (NPS) policy documents require protection of ecological processes and native species in a relatively undisturbed setting, and prescribe that park planning be done in a regional context. This ecosystem approach, which fully considers other species and habitat availability outside the park, is not reflected in the agencies' objectives, and the DEIS suggests it is beyond the scope of this plan. Instead, the agencies attempt to address only disease management in bison, knowing full well that their ability to control the disease in bison is directly related to the presence of the disease in elk, aggravated by the existence of elk feedgrounds in Wyoming. This DEIS therefore invalidates any viable approach based on ecosystem management principles by focusing on control of the disease rather than ecological processes.

Only one DEIS alternative suggests leaving bison alone as the public suggested (and then, only in conjunction with winter-time park road closures). While Montana has expressed support recently for the first phase of acquisition of the Royal Teton Ranch, the state has yet to endorse the second phase of acquisition which includes bison winter range areas. Meanwhile, the agencies imply in this DEIS they have no authority to require vaccination of cattle.

The DEIS indicates the public's desire in wanting to minimize impacts on bison populations and dynamics corresponds to the government's first objective of addressing bison population size and distribution. Population size and distribution is actually a separate public interest objective; we suggest that the first public interest objective focuses more on the public's deeper concern about minimizing human intervention, not just about how many bison there are and where they are.

The agencies' underlying rationale for their objective is that NPS policies direct that native populations of wildlife be managed by natural processes in a relatively undisturbed setting to the maximum extent possible. It goes on to say that inside the park, bison population sizes would be determined by weather, winter snow depth, competition for forage, predation and other environmental conditions. The rationale is valid; unfortunately, it is ignored in all of the alternatives in the DEIS. All alternatives continue extensive human intervention, at least in the short term, and some alternatives involve park-wide test-and-slaughter. The DEIS does not offer any agency objective or alternative that meets the public interest in minimizing human intervention in all phases.

The document relies almost solely on the failure of two boycotts as a reflection of public values. It mentions one boycott, organized in response to hunting in 1988-89 which resulted in no lost tourism, and a second call for a boycott in 1997 in response to the bison slaughter of that

winter, which the state feels resulted in a negligible or minor impact. The only information cited to support the state's conclusion was the receipt of 140 comments out of 400,000 inquiries to Travel Montana that specifically mentioned bison in fiscal year 1997.

The agencies must acknowledge several other measures of public response to this issue. A threatened boycott by out-of-staters is not the only way for the public to express their dissatisfaction, nor has it been the only way used in the last few years. The Travel Montana protests presumably include people from outside the state who threatened not to come to Montana. In addition to the letters to Travel Montana, the governor's office received about 400 comments in 1997 alone from Montana residents commenting on issues associated with bison management. GYC reviewed these comments and found that the bulk protested the bison management policies of the state. School children and Boy Scouts expressed concern. Many individuals and organizations, including wildlife associations and rod and gun clubs across the state, also specifically supported the proposed swap involving the Royal Teton Ranch. It is not known how many additional written comments were received from outside the state, from Montana residents since then, or how many phone calls have been received by the governor's office.

Attached to these comments are petitions signed by hundreds of people who support free-roaming bison and object to the indiscriminate bison slaughter of 1996-97 (Attachment D). These were collected sporadically over a very short time period of a few months in 1997-98 at meetings and locations around Montana. They represent but one more indication of the opposition by Montana residents to the slaughter of 1996-97.

The governor and others also received an estimated 15,000 postcards (two file boxes full) from the National Wildlife Federation (NWF)/InterTribal Bison Cooperative (ITBC) effort to solicit support from Yellowstone National Park visitors in the summer of 1997 for a better bison management plan. That effort was repeated in 1998, and produced 40,000 postcards. The ITBC and the NWF, as well as NWF state affiliates across the country, endorse the *Citizens' Plan*.

Yellowstone National Park also received letters and phone calls of protest during the height of the 1996-97 bison slaughter. Hundreds of phone calls were fielded by the Public Affairs Office, and written comments fill two and one-half file boxes, amounting to several thousands of letters. Additional comments have been received since then.

Businesses have expressed concern over the agencies' bison management activities as well. The National Parks and Conservation Association (NPCA) obtained support from about 250 Montana businesses, primarily located in Greater Yellowstone, through its Bison Belong program which called for more reasonable bison management. That list of businesses is included as Attachment E. Those businesses, concerned about protecting Yellowstone's bison, agreed to a statement of principles which recognized wild bison as a symbol of the American West that must be protected; recognized that a healthy and wild Yellowstone bison herd contributes to the

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quality of the experience of visiting the park and is therefore critical to the vitality of the Montana business community; called for an agreement among the agencies to provide suitable winter range for bison so that the wild bison herd centered in the park could roam safely into Montana during the winter season; and firmly opposed the unnecessary killing of wild bison and instead called for resolution of the bison situation. NPCA also endorses the *Citizens' Plan.*

Public response to scoping for this EIS, to the Interim Bison Management Plan, and at the recent DEIS hearings also indicates a continuing overwhelming concern about the killing of bison. The DEIS notes this type of response suggests, not surprisingly, that the social values related to moralistic and humanistic beliefs are definitely at issue in this conflict.

Editorials in several newspapers in communities which hosted DEIS hearings are another important reflection of public sentiment. Following are selections from a few regional newspapers (full editorials included as Attachment F), many of which specifically endorsed the *Citizens' Plan*:

> Denver Post, September 6, 1998: *"The federal government plan to slaughter thousands of Yellowstone National Park bison is nonsense. . . It's already clear, however, that the government proposal ignores scientific and economic fact. . . And all this slaughter and expense is supposed to protect against a risk that doesn't really exist. An alternative plan, offered by several citizens groups, suggests moving the cattle. . . The government's plan is a throwback to the wanton buffalo slaughter of the 19th century. By comparison, the citizens' proposal would be fair to the ranchers, humane to the bison and would recognize that Yellowstone's wild buffalo represent an irreplaceable link to America's past."*
>
> Salt Lake Tribune, September 8, 1998: *"The differences between livestock interests, who favor an aggressive brucellosis control program, and environmentalists, who want to preserve what's left of America's last wild buffalo herd, are evident at these meetings. . . Environmentalists address the idea of bison-cattle separation from the other, more logical angle - by moving the cattle, not the bison. . . This approach makes more sense, economically and otherwise, than setting up a rerun of the ugly slaughter of buffalo that took place two winters ago. The undocumented brucellosis risk and the minimal amount of affected livestock argue for a plan to give the last free-roaming buffalo herd in the country some breathing room - certainly more room than the government's interagency plan offers."*
>
> Minneapolis Star Tribune, October 20, 1998: *"Four winters running, the border zones of Yellowstone National Park have produced a sickening spectacle of politics masquerading as wildlife management. . . Some of (the government's) ideas represent improvements over current practice, but better still is the comprehensive approach developed by a coalition of environmental groups as the 'Citizens' Plan'. . . It's a worthy approach for many reasons. . ."*

> Idaho Falls Post Register, August 11, 1998: *"Eighteen regional and national environmental organizations, headed by the Greater Yellowstone Coalition, have come up with their own so-called 'Citizens' Plan.'. . . The Citizens' plan is not an anti-rancher formula. But it is pro-bison. Given the nation's desire for a solution that preserves the natural integrity of the park, ranchers can live with a plan that emphasizes accommodation as well as less manhandling of a national wildlife resource."*
>
> Casper Star-Tribune, July 31, 1998: *"While the cattle producers want to treat wild bison like domestic livestock, they ignore the presence of brucellosis in the thousands of elk that inhabit northwest Wyoming . . . We don't believe the U. S. public will stand for a test-and-slaughter program involving buffalo from the nation's mother park, Yellowstone."*

Clearly, the tens of thousands of people who took the time to call, write or testify about agency actions, the businesses who registered dissatisfaction with current policies, and the regional editorials reflect significant public outrage over what occurred in 1996-97 and an unwillingness to see it repeated. This outrage cannot legitimately be dismissed in the EIS as negligible or minor, nor should it be ignored. The suggestion under the Social Values section of the 'Affected Environment' chapter that some residents may misunderstand the science behind the management actions of alternatives in this EIS because many incorrectly perceive bison as an endangered species is condescending and appears to be an attempt to intentionally diminish the value the public places on this unique population. Public anger and frustration will likely intensify as more people across the country become aware of the situation, an awareness that has improved as a result of the public hearings across the country and associated media responses and advocacy group efforts, and in proportion to the level of lethal removal ultimately adopted by the agencies.

The Value of Yellowstone National Park

The *Citizens' Plan* states that Yellowstone National Park should be managed as a natural national park. It should not be managed like a zoo, theme park or cattle ranch. Yellowstone's bison should remain wild and free-roaming, and should not be shot or captured for testing, quarantine or slaughter within the park.

In survey after survey, visitors to the park have ranked wildlife viewing as their primary activity. Consistently, over 90 percent of visitors engage in this activity in the park. Interestingly, prior to the reintroduction of wolves to Yellowstone, bison were ranked just above wolves in order of preference of animals they most wanted to see.

Previous intensive bison culling efforts within the park were stopped in 1967, and subsequent approval for NPS employees to shoot bison as part of a boundary control program were rescinded in 1978. Proposals for intensive management within the park have been consistently rejected since then, in large part because of public opposition.

The DEIS is inexplicably absent a discussion of the public attitudes toward Yellowstone National Park as a protected wildland park in the Background section of the 'Purpose and Need' chapter. Surely, public interest in having wild and free-ranging bison in Yellowstone National Park is a driving force in why this management plan is needed.

Natural Ecological Processes in Yellowstone

Protected areas such as national parks fill an important role as ecological baselines in helping us understand the effects of human use and development elsewhere. Arcese and Sinclair (1997) note that ecological baselines are essential for reconciling arguments about the maintenance of biological diversity, the natural state of biotic communities and ecosystems, and the range of variation that will be observed in them in the absence (or minimization) of human intervention.

Ecological baselines, they note, are needed to facilitate our understanding of how to manage wildlife communities and ecosystems successfully by offering something to which to compare, and judge, other management approaches, and to help resolve uncertainty. They serve the purposes of comparison and learning.

YNP and a few other large parks are the controls for the national and global human experiment, according to the authors of the NRC report, and retaining the ecologic integrity of the park requires setting limits and not intruding where nature can manage without human intervention. Decisions to intervene should be supported by clear and compelling evidence and a consensus of experts that they are necessary. We maintain such clear and compelling evidence and a consensus of experts is absent on this issue, which suggests intervention should be severely restricted.

Preserving natural ecological processes is more than simply preserving animals. It means, in this case, preserving wildlife migrations as well. Park managers have long recognized the tremendous value of the area as an ecological baseline and its uniqueness in the entire country. This recognition is reflected, for example, in the wilderness recommendation for Yellowstone National Park, which proposed protection to maintain the park's ecological benchmarks and to preserve the dynamic processes of evolution which can be found in very few other places in this country.

Management intervention may be necessary, and has occurred, within Yellowstone Park to minimize the effects of humans on ecological or evolutionary processes, such as efforts to stop poaching, protect endemic species or restore extirpated species such as wolves. Humans obviously affect wildlife populations through hunting and other activities outside the park. 'Natural regulation' in Yellowstone National Park is something of a misnomer in the larger context of Greater Yellowstone, since wildlife populations are hunted outside the park. However, the park itself can be managed according to a natural regulation policy, a view supported in the NRC report.

The park still provides a rare, unparalleled opportunity for comparison to other more manipulated environments if the internal interference is minimized and changes in the system are allowed to proceed unimpeded. Human use does not need to be excluded for an area to serve as an ecological baseline, but it does need to be minimized. Surrounding national forests serve as a buffer extending from the core of the park to private lands outside the forests, thus underscoring the ability of the park to successfully serve as an ecological baseline.

This tremendous ecological value was reiterated by scientists who have conducted research in Yellowstone National Park. In 1997, eleven scientists led by Dr. Mark Boyce endorsed a letter sent to President Bill Clinton objecting to the decision by the NPS to arbitrarily cap the number of bison within the park. They believed the decision undermined the NPS policy of allowing natural ecological processes to prevail in national parks with minimal human intervention.

Scientists, they said, recognized the value of this park management policy because parks are ecological baselines by which they can evaluate the consequences of human management on landscapes outside the parks. They noted that since the reintroduction of the wolves into Yellowstone, all of the ecological components are in place to permit Yellowstone to function relatively unimpeded by human influence. Fluctuation in bison abundance may be fundamental to the natural functioning of the Yellowstone ecosystem. They protested the potentially drastic consequences to ecological management resulting from imposing population limits inside the park and called instead for programs to minimize contact between livestock and both bison and elk during periods when the risk of transmission is greatest.

Intervention, as proposed in the DEIS, is not necessary to protect the livestock industry and can only undermine the park's value as an ecological benchmark. Data do not support the contention that failure to conduct capture, test-and-slaughter or vaccination of bison has resulted or will result in transmission of brucellosis to cattle. The NRC report maintains that serious issues of ecologic and evolutionary consequences, such as those related to vaccine delivery, probably are best not worked out in YNP, the crown jewel of the U.S. national park system. Transmission has never occurred in Yellowstone or Grand Teton national parks in the absence of such measures, and other actions are available to minimize the perceived risk without intervening in the parks' natural processes in this way.

If Yellowstone National Park's role as an ecological baseline can't be maintained, then there is little hope of maintaining it elsewhere.

Wilderness Values

As noted earlier, the 1973 *Final Environmental Statement on the Proposed Wilderness Classification for Yellowstone National Park* (FES) endorsed wilderness designation as providing "ecological benchmarks of interaction among huge, free-roaming herds of native ungulates, their often critical supply of food plants and the now-rare predatory species that

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depend on these ungulate herds for their existence." Wilderness designation would provide "as natural an environment for the dynamic process of evolution and natural ecological balance of life systems as can be found anywhere in the contiguous 48 states today."

The Yellowstone National Park wilderness recommendation proposed 10 roadless areas totaling 2,016,181 acres for designation as wilderness within the park (over 90 percent of the park area). The principal exclusions are part of Yellowstone Lake, and along roadways reserved for access routes, visitor installations, circulation facilities, utility lines and other structures to serve visitors. Wilderness designation was supported by 90 percent of the individuals, organizations and agencies who commented on the proposal, and 78 percent overall supported more wilderness than the NPS had originally suggested.

This designation requires the maintenance of primitive conditions, ensures an enduring resource of wilderness and restricts permanent structures and installations and mechanized equipment to emergency situations. According to the 1973 FES, the wilderness designation would forever exclude the intrusion of roads, buildings, and power and telephone lines in the wilderness areas. While acknowledging the inability to buffer all the sounds and sights of civilization within the park, the NPS noted that benefits of the designation include a natural habitat - flora, fauna and land mass - that will evolve with generally little influence by humans. One mitigating measure adopted in the plan is to control the locations and types of structures to limit their impact on the wilderness setting.

The 1988 *NPS Management Policies* state that wilderness management policies apply to categories of designated wilderness, potential wilderness, and recommended/study wilderness, and these policies apply regardless of category. The policies say that preservation of wilderness character and resources becomes an additional statutory purpose of the park, and that the NPS will manage areas of potential wilderness as wilderness and will seek to eliminate the temporary conditions that preclude wilderness designation.

This wilderness recommendation and the obligation to manage these areas as wilderness are not relieved by a desire to intrude within the park for a test-and-slaughter program on wild bison. In the FES, the NPS responded to a complaint that wilderness designation limits the flexibility to respond to changing problems by stating: "This is precisely what wilderness designation is all about; to limit management flexibility to meeting its problems within the corridors left for development, rather than continuing the sprawl into the wild areas."

Under alternatives 5 and 6, capture facilities, including separating pens, corrals, chutes, loading facilities and holding areas, would be established at eight locations within the park. Bison would be captured throughout the winter, divided into groups, tested and positive reactors shipped to slaughter. Water and hay would be provided. Bison that were not captured would be shot in remote (recommended wilderness) areas of the park. Other alternatives propose maintaining a capture facility at Stephens Creek, or capture operations at Seven-Mile Bridge.

Nowhere in the capture facility siting criteria is there a mention of complying with NPS wilderness policies. In fact, nowhere in the DEIS is there a discussion of the recommended wilderness areas, the NPS policy regarding management of these areas as wilderness, or the impacts of the various management actions, and particularly the capture facilities, on wilderness qualities. This is a significant shortcoming of the DEIS.

It is hard to imagine how these capture facilities and certain other proposed actions would not violate NPS policies for managing these areas as wilderness. Many of the proposed locations for capture facilities appear to be in roadless areas or recommended wilderness areas which are not available to such large and intrusive capture operations. The Seven-Mile Bridge area, where there is only a road corridor that is not included in the recommended wilderness, creates a particular conflict with the NPS wilderness policy.

No activity should be allowed that degrades wilderness qualities. The EIS must evaluate all activities, and particularly location and operation of capture facilities, for compliance with NPS wilderness policies.

Wildlife Management Authority

The *Citizens' Plan* states that Yellowstone bison will be managed by wildlife professionals, using the best wildlife management techniques. It calls for returning the management of wild bison outside the park from the authority of the Montana Department of Livestock (DOL) to the Montana Department of Fish, Wildlife and Parks (FWP).

The Fish, Wildlife and Parks department has the general responsibility to supervise the management and public use of all wildlife, fish, game, waterfowl, game and nongame birds and fur-bearing animals of the state. Its staff includes wildlife and fish biologists with considerable education and expertise in wildlife population dynamics and management impacts. The DOL, on the other hand, has the responsibility to protect livestock interests and its expertise is in domesticated animals. The approach to managing wild animals and domestic livestock is considerably different, with potentially tremendous consequences of mismanagement of either.

The DOL requested and was handed authority for management of bison in 1995, with the disappointing support of FWP, following threats of sanctions by other states -- threats we maintain were instigated by Montana officials. The DEIS states that the DOL makes no legal or medical distinction in addressing the disease risks presented by the publicly owned bison versus privately owned bison. What this really means is that the Department doesn't distinguish between wild bison and domesticated bison, which is exactly why it should not be the agency managing wild animals migrating from Yellowstone National Park.

The slaughter events of the last several years clearly illustrate the consequences of allowing DOL to maintain ultimate control over wild bison. Eleven hundred animals, or about one-third of the entire herd, were slaughtered in one winter. There was no demonstrated impact

on the rate of seroprevalence in the herd, and there was ample evidence that other much more moderate actions would have sufficiently protected the livestock industry.

One alternative that should be presented in the DEIS is having the authority for wild bison management restored to the Department of Fish, Wildlife and Parks, and its wildlife professionals. A proposal can be presented to the Montana Legislature for approval to do this, even integrated with a proposal to allow public harvest of bison, an activity which would also be under the jurisdiction of the FWP department.

Interagency Cooperative Management Team

The *Citizens' Plan* endorses the establishment of a cooperative management team consisting of wildlife professionals from the conservation community and Indian tribes as well as state and federal agencies. The purpose of the team is to have wildlife professionals, serving in an advisory capacity, review bison population issues annually. GYC believes much of the conflict over bison management could be avoided by relying more specifically on wildlife professionals and better communication among affected and interested parties about weather and range conditions, wildlife populations and management opportunities.

As bison and other wildlife populations fluctuate, as range conditions change in response to weather and other natural events, and as land management issues change, there is a need to consider these variations to ensure the viability of the bison herds and to allow private landowners and agencies to better anticipate and manage wildlife migrations. We emphasize wildlife professionals on the team because these are wildlife herds that are being managed. Wildlife professionals also meet now as part of the northern range working group, but in contrast to that group, we suggest adding professionals from the private and tribal sectors as well because these interests can offer important perspectives, recommendations and support for selected management options.

Maintaining Genetically Viable, Wild and Free-Ranging Bison

GYC's interest is in having bison managed according to conservation biology principles to maintain the viability, the wild characteristics and the integrity of the species. According to the DEIS, the purpose of the proposed action is to maintain a wild, free-ranging population of bison and to address the risk of transmission. The agencies' definition of a wild, free-ranging population in the DEIS is one that is not routinely handled by humans and can move without restrictions within specific geographic areas.

This is not a biological definition. Over the last several years, federal and state agencies have differed substantially in their interpretations of what constitutes a wild, free-ranging population. For some, free-ranging appears to mean restricted to the park, and 'wildness' is not jeopardized by repeated capture, test and slaughter. For others, such limitations and manipulations do indeed destroy the herd's wild, free-ranging nature.

In Knowles et al (1997), several principles to maintain the wild character and genetic integrity of bison are presented. These include: 1) maintaining: a) a minimum viable herd size of 580 animals to avoid inbreeding and prevent genetic depletion, b) a natural sex ratio, and c) a full range of age classes; 2) allowing for exchange of animals between herds; 3) providing for random harvest of animals; 4) providing a large enough pasture to accommodate the herd on a year-round basis; and 5) allowing disease (excluding exotics) and predation to interact on the bison herd.

The NRC report agrees that consideration of minimal bison numbers must include the genetically effective population size, which is influenced by sex ratio, breeding behavior, the number of nonbreeding individuals, and other factors, and can be substantially less than the actual population size in a polygynous species like bison. It references Berger and Cunningham (1994), who calculated effective population size to be 21 to 46 percent of actual herd size, depending on the variables included in the formula applied. For an effective population of at least 500 bison for gene conservation, an actual population of 1,087-2,381 would be required.

We do not agree, nor have the agencies substantiated, that the operation of capture facilities, restricted access to winter range, and the failure to follow random removal would not affect the sex ratio of the herd, the range of age classes, and the wild character and genetic integrity of the herd. The NRC report, in fact, references findings that reduction of wild populations to low numbers for any reason raises concerns over loss of genetic diversity, citing Denniston (1977) and Frankel and Soule (1981), and states that rounding up bison for a vaccination and/or test and slaughter program "has the consequence of some artificial selection for domestication because wildness and intractibility, salient traits of wild bison, are disfavored. Those are important traits to retain in YNP bison, one of the few herds where it is feasible to maintain natural behavior, so rounding up is not likely to be acceptable." (p. 112)

The agencies, however, focused solely on minimum viable herd size. Alternatives 5 and 6 in particular, but also any alternative that includes a test-and-slaughter component of even a portion of the bison herd or restrictions on access to winter ranges outside the park, may very significantly affect the wild, free-ranging nature and genetic integrity of the herd. Such effects are not determined by minimum viable herd size alone as the agencies suggest.

Any proposal which includes live removal has the potential to similarly affect the wild, free-ranging nature and genetic viability of the herd if the removal is done not to manage occasional large-scale migrations outside the park but rather on a frequent, regular basis to reduce bison populations. Unlike the *Citizens' Plan* provision regarding quarantine, the DEIS alternatives which include a quarantine component (alternatives 3, 4 and 7) could easily result in live removal of bison on a regular, even annual, basis, and in substantial numbers. In fact, the description of the government's preferred alternative states that under this plan "as many seronegative bison as possible would be shipped to a quarantine facility, as they would be in alternative 4" (p. 103). Under such a scenario of removing as many seronegative bison as

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possible, the agencies cannot legitimately argue, nor have they demonstrated in the DEIS, that bison will remain wild and free-ranging, and the genetic viability will be maintained.

The public deserves an explanation of what the agencies mean when they say they want to maintain a wild, free-ranging, genetically viable population of bison, and how each of the factors that determines a wild, free-ranging and genetically viable herd is being met. We suggest the principles provided by Knowles et al for a wild population should be included.

Special Management Areas

The *Citizens' Plan* states that bison will be allowed to use public lands outside the park. It identifies special management areas (SMAs) which include winter range adjacent to the park vital to bison during severe winters. Bison should be able to use the public lands in the SMA with minimal human interference. The *Citizens' Plan* also states that reasonable efforts to enforce the SMA boundary would protect human safety and private property. GYC interprets the SMA as an area which identifies land which bison are most likely to use during winter.

This interpretation is different than that presented in the DEIS, in which SMAs are viewed as areas beyond which bison will not be allowed to move under any conditions, and within which very aggressive and lethal management actions could occur that are not based on population management.

On the north side, the *Citizens' Plan* SMA boundary is the mouth of Yankee Jim Canyon. This boundary was agreed to because of the geographic features of the Upper Yellowstone Valley, and specifically, the narrow and steep canyon beyond which it would be difficult for bison to travel, or to return to traditional summer pasture. Another consideration, however, is the dramatic change in ownership beyond the canyon which makes toleration of bison much more problematic. Once bison get past the canyon and Tom Miner road, the valley lands adjacent to the highway and the river are virtually all private lands and the current perception of the threats posed by bison on lands occupied by cattle makes significant bison use of the lands troublesome. A period of bison management during which the risk of transmission from bison to cattle is better defined, thus providing some security to livestock producers, may help change that situation in the future.

On the west side, the *Citizens' Plan* proposes an SMA that extends to the Montana-Idaho border and along the Gallatin National Forest boundary running north to the Taylor Fork-Buffalo Horn drainage. GYC suggests that this SMA could easily extend farther north, since virtually all the land along the Gallatin River is national forest land and there is no reason to restrict wild bison from using these lands.

GYC believes these designated special management areas are temporary, and are a reflection of the great uncertainty and disagreement that currently exists over brucellosis transmission and the risks posed by brucellosis in bison. We fully expect that the next

management plan, supported by better science and directed toward risk management that reduces potential conflict between bison and cattle, could provide the opportunity for bison use of lands beyond the current SMA boundary where no significant conflicts with human safety or private property exist, as occurs with other wildlife species.

Lethal Control Outside the SMA

GYC does not interpret the SMA as an area beyond which no bison can ever go. No other wildlife are so restricted, and the DEIS does not explain why such a hard and fast boundary is necessary. The DEIS does not document why low risk bison in particular must be removed from outside the SMA. The criterion for a no-tolerance zone is one the agencies established, and is not required by statute or policy. There are no significant threats from an occasional bull that wanders beyond the SMA boundary. Bison have moved beyond such areas in the past and should be able to do so in the future; they are wild animals, and in the absence of any scientific basis for strictly limiting their movement to an arbitrarily-defined area, the strict limitation should be dropped. Efforts to enforce the boundary should therefore be reasonably limited to instances where human safety or private property are at risk.

The DEIS also says that the option suggested by the public of managing bison without lethal controls was included; it then goes on to state that while Alternative 2 minimizes the use of lethal controls, no alternative completely eliminates the option of shooting bison. The reason given for this failure to consider the option of no lethal controls is that the establishment of a boundary line beyond which bison will not be tolerated demands the use of lethal force to control bison to stay within the SMA.

First, the DEIS does not substantiate any reason for restricting bison that present no biological risk of transmission from using even public lands, or any lands where cattle are not present any time of the year, outside the SMA during winter. Second, there is no documentation supporting the requirement for using lethal removal of bison migrating outside the SMA.

The DEIS must include and analyze an alternative that at a minimum would allow low-risk bison to use lands outside the SMA. It must also present an alternative that meets the legitimate public demand for a nonlethal method of managing bison outside the SMA.

Wildlife Winter Ranges

The *Citizens' Plan* states that bison will be allowed to use public lands outside the park which are important winter ranges. The identification of winter range was the basis for the establishment of the SMA, noted above. Under the current interim plan, bison are able to freely roam on public lands on which no cattle graze, such as at Eagle Creek/Bear Creek. The *Citizens' Plan* proposes to continue that policy. On public lands where bison use conflicts with cattle, the *Citizens' Plan* calls for changing allotments to accommodate bison.

The DEIS fails to adequately discuss bison habitat and forage in the 'Affected

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Environment' chapter. There is no discussion of habitats outside the park, historical use of such habitats and the significance of access to such habitats for migrating bison. Nor is there a discussion in that chapter of Forest Plan direction for wildlife in these areas or a discussion of the allotment decision process. We maintain the continuation of the national forest allotments is an action that must be considered in this NEPA process.

We believe that the state's response to bison use of national forest lands (by slaughtering or capturing bison) has created a significant conflict such that continued livestock use of these allotments must be analyzed through NEPA, and should have been analyzed under this EIS. In his ruling in *Fund for Animals et al v. Clark et al,* issued October 30, 1998, U. S. District Judge Ricardo Urbina found in favor of the plaintiffs, saying the elk and bison supplemental feeding program at the National Elk Refuge and the Jackson bison management plan are actions which take place in the same geographic area; that the feeding program has a profound effect on the bison herd; and that the feeding program and the bison management plan should have been considered together. We suggest a similar argument could be made here and that the decision to continue the public grazing allotments must be considered as part of the cumulative effects of this bison management plan.

Land Protection Measures

When Yellowstone National Park was established in 1872, planners did not give much thought to including within those boundaries the migration corridors and winter ranges used by wildlife that summered within the Park. It was not long before people recognized the need and initiated efforts to provide better wildlife protection. Migrations of bison and other ungulates from Yellowstone National Park in winter are natural occurrences, part of ongoing ecological processes.

In 1891, almost twenty years after the establishment of Yellowstone National Park, Congress authorized the president to create forest reserves. That same year, the first forest reserve was established south and east of the Park, known as the Yellowstone Park Timberland Reserve (now the Shoshone National Forest), and overseen by the military superintendent of Yellowstone National Park.

The Gallatin National Forest was originally established as the Gallatin Forest Reserve in 1899 by setting apart certain even-numbered sections as public reservations. Three years later, the Absaroka Forest Reserve was established. Both reserves were modified by subsequent proclamations, including the addition of land between the Absaroka mountain range and the Yellowstone River primarily for elk winter range in 1907.

Further additions to these forest reserves amounting to about 7,600 acres between the Yellowstone River and the Reese Creek-Mol Heron Creek divide near Gardiner, Montana, known as the Game Ranch, were ultimately added to Yellowstone National. This transfer was authorized in 1926: Public Law 295 authorized the President to make additions to Yellowstone

National Park to "improve and extend the winter feed facilities of the elk, antelope, and other game animals of Yellowstone and adjacent land for other purposes." It gave the Secretary of the Interior authority to buy land or accept as a gift the title to any land in private or state ownership for the purposes of acquiring winter range considered "indispensable for the adequate and proper protection, preservation, and propagation of the elk, antelope and other game animals of the Yellowstone National Park and adjacent lands." This transfer was implemented by presidential proclamation in 1932 specifically to promote the public interest by including such lands within the park for the preservation and protection of the park's wild game. It is this addition of an area especially adapted for winter range purposes that created the irregular boundary that exists today.

More recently, the Yellowstone Elk Herd Project partnership formed in 1988 after the fires, and involved state and federal agencies, conservation groups and private landowners. This partnership acquired and protected vital winter range and migration corridors for the largest migratory elk herd in the world. The initial purchase was made in 1989, followed by 11 more purchases totaling almost 9,000 acres of critical winter habitat or migration corridors.

The private lands in the Upper Yellowstone River valley are undergoing heavy development pressures. Much of the private land immediately north of the Park has already been subdivided; most sections between the park and Yankee Jim Canyon are between 25 and 50 percent subdivided. Fortunately, some of this land, while subdivided, has not yet been developed. Having the bulk of the Royal Teton Ranch (RTR) shift to public ownership could be the single most significant step in addressing the wildlife winter range needs in the Upper Yellowstone Valley. The RTR lands offer lower elevation habitat for bison during extreme winters, and placing these lands in public ownership would allow for a broader range of options for management of bison and other wildlife. The RTR swap, detailed below, would be the latest in a long history of land set-asides to accommodate Yellowstone's migrating ungulates.

As with the area to the north, there is a long history of establishing protection for the resident and migrating wildlife on the west side of the park. The First Madison Proclamation in 1902 added all lands in the Hebgen area to the Gallatin Forest Reserve. When the Madison Reserve was abolished, this area was added to the Gallatin National Forest by Executive Order of 1931. The recently completed Gallatin 2 exchange is the capstone to a decade-long effort which has brought 50,000 acres into public ownership, the largest addition of public land in Greater Yellowstone in the last 48 years. This exchange resolves significant conflicts associated with checkerboard ownership of wildlife winter range.

The DEIS acknowledges that lower elevation range could provide areas for bison to winter adjacent to the park as well as additional management options. Given this recognition, there can be no reasonable, scientifically sound basis for prohibiting bison from leaving the park as is proposed in Alternative 5, or for significantly impeding their movement outside the park as is proposed in all other alternatives except Alternative 2

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National Forest Management

The discussion in the DEIS of public lands outside the park is in no way an accurate reflection of the priority given to use of those lands in the Gallatin National Forest Plan. Instead the DEIS refers to them simply as allocated to multiple-use management.

The Gallatin National Forest has clear direction for managing and protecting wildlife species and their habitats. One goal of the Gallatin is to provide habitat for viable populations of all indigenous wildlife species and for increasing populations of big game animals. The Gallatin has also established objectives of enhancing non-game and small game needs by providing vegetative diversity and protecting special habitat components. It has established as a priority for acquisition those private lands through which acquisition can protect key wildlife habitats.

The Gallatin Forest Plan acknowledges that although summer range is important, winter range is the limiting factor for the Forest's wildlife populations. It notes, for example, the large migratory elk herds that summer in the Park but winter on the Forest. The Forest Plan estimates that almost half of elk winter range is on intermingled private lands at lower elevations in or adjacent to the National Forest, with the rest on National Forest land.

North of the Park

The existing public lands immediately north of Yellowstone National Park are primarily managed by the U. S. Forest Service, although there are isolated parcels or sections of land managed by the state of Montana and the Bureau of Land Management. These national forest lands are under the jurisdiction of the Gardiner Ranger District of the Gallatin National Forest. Under the Gallatin National Forest's 1987 Forest Plan, these lands are primarily managed under the prescriptions of Management Areas (MA) 14 and 15. There is also a heavy recreational use area along the river through Yankee Jim Canyon, and isolated areas which emphasize maintaining grizzly bear habitat and regulated timber harvest or mineral extraction near Jardine.

MA 14 areas, which include virtually all the areas along the Upper Yellowstone River on the District, are grasslands and forested areas within occupied grizzly range which provide key big game winter habitat. MA 15 areas, which also include grasslands and forested areas, are within occupied grizzly habitat and provide for dispersed recreation intermingled with suitable livestock range.

The management goals for MA14 areas include maintaining and/or enhancing big game habitat, and providing for forage for livestock consistent with the wildlife habitat goal. The Forest's MA14 wildlife and range standards require using vegetative management practices to maintain and improve the quality and quantity of big game forage and provide for a diversity of habitat for other wildlife species. They also require allotment management plans to specify measures to protect food production areas important to grizzly bears and big game, and to meet big game forage needs before making allocations to livestock. The Forest Plan clearly recognizes and prioritizes the use of these lands for wildlife.

Proposed Swap with the Church Universal and Triumphant

The Royal Teton Ranch, composing about 13,000 acres bordering Yellowstone National Park, is owned by the Church Universal and Triumphant (CUT) and constitutes some of the most critical private lands in Greater Yellowstone. This property, located in Park County, Montana, is vital for the habitat needs of the region's wildlife, including the threatened grizzly bear and the world's largest herd of migratory elk. Yellowstone National Park's *Statement for Management* (1991) notes that the Royal Teton Ranch and associated holdings lie within traditional wintering grounds for elk, bison, pronghorn, and bighorn sheep and are part of important habitat for the grizzly bear. The RTR is also key to long-term protection of Yellowstone National Park's geysers and hot springs because it sits atop hot water aquifers that recharge the thermal features of the park.

Currently, RTR lands are leased to cattle operators who graze livestock year-round. The occurrence of bison on the RTR depends largely on winter weather and forage conditions. Currently, during more severe winters, bison may attempt to migrate along the Yellowstone River, crossing public as well as private lands. During the period 1984-1997, 65 percent of the total bison removed were from the Reese Creek area where the RTR and Yellowstone National Park share common boundaries. In the winter of 1996-97, 261 bison were shot north of the park, and 464 were captured and sent to slaughter, underscoring the priority of acquiring access to these lands for bison.

The RTR shares a common boundary with Yellowstone Park on the south, the Forest Service on the north and west, and private land on the east. It is located along U.S. Highway 89 starting about four miles northwest of Gardiner, Montana. The land varies from high desert and rolling river bottom land to rock escarpments and north slope reaching to timberline. Elevation ranges from about 4,900 feet along the Yankee Jim Canyon of the Yellowstone to 8,200 feet at the summit of Deaf Jim Knob. One of the more notable landscapes is a colorful cliff face near the river called Devil's Slide.

The U.S. Forest Service, state of Montana, and a coalition of conservation and sportsmen groups attempted to secure this important habitat for public ownership two decades ago, but lost the opportunity when the Church Universal and Triumphant purchased the land from Malcolm Forbes. Just over ten years later, the state of Montana approved plans by CUT to greatly expand its facilities at Spring Creek at the base of Devil's Slide. This expansion would establish a new community the size of Gardiner about five miles north of the park boundary. The proposed expansion included a preschool, elementary school and high school, chapel, dining hall/community center, office buildings; staff, student and visitor housing; laundry facilities; Summit University; a publishing facility; a gymnasium/swimming pool complex; and visitor and volunteer fire department facilities. The complex has not been built.

Although an opportunity was missed two decades ago, the public has an opportunity today to purchase some of the RTR and protect the region's spectacular wildlife and natural

resources. The Church Universal and Triumphant, the Forest Service and the Rocky Mountain Elk Foundation proposed a swap which provides for the transfer of about 7,000 acres of private land to the Forest Service and would establish a conservation easement on another 1,800 acres. An additional 1,000 acres of national forest land, primarily located within the Mol Heron Creek drainage, would be exchanged to RTR. The swap would also provide public access to land near the park's northern boundary.

The proposed swap would protect vital winter range habitat within a corridor through the Upper Yellowstone River valley for migrating elk, deer, bison, bighorn sheep, and Yellowstone Park's only herd of pronghorn. The pronghorn herd is experiencing a major decline and, at just over 200 animals, faces a serious threat of extinction within the next 100 years. The northern range mule deer population has been decreasing as well. The RTR is also used year-round by a wide variety of other wildlife, including many threatened, endangered and rare species. The swap could mean the difference between healthy wildlife populations and extinction.

West of the Park

Most of the areas west of the park are public lands, also managed by the U.S. Forest Service. There are isolated private lands along the South Fork of the Madison, at Horse Butte and Grayling Arm, and along Hebgen Lake.

Bison may move west out of the park along the Madison River as well as along Duck Creek and Cougar Creek. They may then occupy national forest lands or move onto nearby private lands, some of which are seasonally occupied by livestock. Under the current interim plan, bison leaving the Park on the west side are to be captured and tested, using two facilities located on private land and on Horse Butte. Bison that are not captured may be shot. In the winter of 1996-97, 310 bison in this area were shot, and 48 (out of 113 captured) were sent to slaughter.

On a rare occasion, bison may use the national forest lands in the area of the Cabin Creek Recreation and Wildlife Area and the Lee Metcalf Wilderness where land use emphasizes wildlife. The Cabin Creek Recreation and Wildlife Area lies about 15 to 20 miles north of West Yellowstone between two portions of the Lee Metcalf Wilderness. This Wilderness area runs about 55 miles north and south, and 4 to 24 miles east to west. Elevations range from 6,000 to over 11,000 feet. The southern portion of the Wilderness is occupied grizzly bear habitat and supports other wildlife species.

These national forest lands are under the jurisdiction of the Hebgen District of the Gallatin National Forest. Under the Forest's 1987 Forest Plan, these forest lands are primarily managed under the prescriptions of Management Areas 13 and 15. There are also isolated management areas of heavy recreational use, riparian zones, and research emphasis. The riparian zones, located along Duck and Cougar creeks, southeast of Grayling Arm, are to be managed to

maintain suitable habitats for dependent species.

The Lee Metcalf Wilderness, established through passage of the Lee Metcalf Wilderness and Management Act of 1983, provides that the area will remain in its undeveloped or roadless condition and be managed to protect its wildlife and recreation values. It is entirely within occupied grizzly bear habitat and contains important big game habitat. Goals for the area include maintaining or enhancing wildlife habitat. Range standards direct that grazing will be consistent with big game and bear management goals, and require forage improvement programs initiated to reduce conflicts between livestock and big game.

MA 13 areas, which are the lands immediately adjacent to the Park, including lands on the east side of Horse Butte, consist of productive forest lands which occur in occupied grizzly bear habitat, and are to be managed to provide for suitable grizzly bear habitat and regulated timber harvest. MA 15 areas, which include grasslands and forested areas located on the west end of the Horse Butte peninsula and isolated areas along the Madison Arm, are also within occupied grizzly habitat and provide for dispersed recreation intermingled with suitable livestock range.

The wildlife and range standards for MA 13 require using vegetative management practices to maintain and improve the quality and quantity of big game forage and provide for a diversity of habitat for other wildlife species. They also require assessing existing allotments, if vacated, through the biological evaluation process. As with the Forest Plan management direction for public lands north of the Park, the priority for use of these lands is wildlife.

The Forest Service, in its comments on the last interim plan, noted that bison have been using the Horse Butte, Madison River and South Fork of the Madison River areas consistently for the last 15 years. The agency suggested that based on this use, it seemed improper to classify these areas as marginal since bison survived from year to year using these areas. Finally, the agency noted that visitors to the West Yellowstone areas, and specifically to Horse Butte, have come to expect the opportunity to view and enjoy bison.

Public Lands Allotments

The *Citizens' Plan* calls for changing national forest allotments where bison use conflicts with cattle use of public lands. Changes to achieve desired separation would include adjusting the type, timing or location of livestock use. Where public lands outside the park are not used for cattle grazing any time of the year, such as at Eagle Creek, or where other acquisitions or incentives provide for bison use, bison will be allowed to remain, and no hazing or capture will occur unless the population is approaching the established ecological carrying capacity.

The Gallatin National Forest's Management Plan clearly recognizes and prioritizes the use of these national forest lands for wildlife. At the same time, virtually all the national forest lands north of the park and west of the Yellowstone River are included within public allotment

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boundaries, although two allotments have been waived back to the Forest Service and no longer maintain cattle, and another allotment is currently in 'non-use' and does not support cattle. The migration corridors used by bison and other wildlife often include parts of these allotments.

Fewer than 2,000 cattle graze the public lands north and west of the park, generating less than $5,000 each year in grazing fees. Yet hundreds of thousands of dollars are being spent by the agencies to take extreme measures to prevent bison from accessing these same public lands. The government's preferred alternative would cost well over a million dollars each year while still restricting bison from public lands around the park and without resolving the issue.

In the West Yellowstone area, the west side of Horse Butte is within a grazing allotment, and there are four small allotments west of the South Fork of the Madison. Another allotment is located on the west side of Hebgen Lake. The private lands in the Horse Butte area include one major landowner, who grazes cattle at the site but does not have a residence there, and three subdivisions. Not all subdivision lots have been developed. Many of the subdivision residents have indicated a willingness to accommodate bison in their area.

We believe that wildlife should receive preference on the affected national forest lands - particularly when bison are otherwise slaughtered by the hundreds, and the Gallatin National Forest management plan requires such a wildlife priority on the lands adjacent to the park. It is much easier to manage domestic cattle than to manage wild bison.

GYC does not believe that cattle must be removed from the public lands to accommodate bison. We believe the risk of transmission is remote and that reasonable efforts to keep bison and cattle apart, with a minimal period of separation, is sufficient. However, Montana's actions in killing bison throughout the winter - even six months before cattle are expected to arrive on the public lands - and in killing low risk bison suggest an unwillingness on the state's part to accept reasonable conditions for separation, despite language in the state's last interim plan stating a 60 day period of separation is sufficient. Instead of leaving the exact number of days of separation to the discretion of the Montana state veterinarian to decide at some later time, the required separation should be established in the EIS since it provides the basis for many of the actions outlined in the plan.

If such inflexibility continues, resulting is similar dire consequences for bison as has occurred in the past, the public will continue to call for the removal of all cattle on these public lands. We suggest the changing of public grazing allotments is a much better alternative than inviting a national debate, and decision, to force a choice about either wildlife or cattle on the public lands around Yellowstone.

While the Forest Service has noted the long-term bison use of public lands west of the park, a use that also occurs at Eagle Creek/Bear Creek north of the park, the DEIS does not describe the process for allotment decisions even though cattle grazing on these allotments is

critical to any bison management decision.

In some cases, no formal Allotment Management Plan or Environmental Assessment has been done, including the Park and Sentinel Butte allotments north of the park. This also appears to be the case for the Horse Butte allotment west of the park, which was tentatively scheduled for analysis in 1999. These allotments happen to be locations where the greatest conflict, and consequently bison slaughter, occur.

Other allotments are coming up soon for renewal (Slip and Slide, Sulphur Springs) or were recently renewed (Basin, Green Lake, Section 22/Mill Creek, South Fork, Wapiti, Watkins Creek). Another is in 'non-use' (Lion Creek). Environmental assessments (EAs) have been completed for some of the most recent renewals, but did not specifically address bison use of the lands, and potential conflicts between bison and cattle use of these lands.

It is not sufficient to continue to rely on past EAs, if they even exist, since those analyses did not specifically consider bison conflicts. Given the slaughter of wild bison that has occurred in the past simply because bison try to use these national forest lands, the Forest Service needs to evaluate all potential affected allotments north and west of the park as part of this EIS process. These evaluations must analyze options to allow bison access to winter range by giving priority to wild bison on these public lands as directed by the Forest Plan.

Options for maintaining separation of bison and domestic livestock include changing public grazing allotments by adjusting allotment use dates, by providing alternative allotments, by changing allotment uses, or by closing allotments. There may also be opportunities to implement cooperative agreements with lessees and private landowners to minimize potential conflicts with migrating bison.

The Role of Elk

The *Citizens' Plan* states that any program to reduce or eliminate brucellosis in Greater Yellowstone bison will only be used in conjunction with other risk management strategies outlined in the Plan, and will not proceed without similar considerations for the elk populations which are also infected with the disease.

Brucellosis is carried by elk and other animals in Greater Yellowstone and is potentially transmissible between elk and bison. Consequently, it makes no sense to engage in any program that attempts to control or eradicate brucellosis in bison without consideration of the potential for reinfection by elk (see earlier discussion of ecosystem management).

According to the National Research Council report, *B. abortus* is unlikely to be maintained in elk in Greater Yellowstone in the absence of the bison reservoir and if the elk winter feedgrounds are closed. The report also stated that transmission from elk to cattle is "believed to be extremely unlikely in normal calving on traditional elk calving ranges and

probably occurs only in the close confines of elk feeding grounds." (p. 38)

Less than 2 percent of non-feedground elk are seropositive, while elk at the feedgrounds in Wyoming have a much higher rate, about 34-37 percent, because the dense concentrations of elk create conditions favorable to disease transmission. Anecdotal evidence in six cases in the Jackson Hole area indicates that elk were the more likely source of the suspected brucellosis transmission than bison, although even this assumption is based on circumstantial evidence in all six cases, and wildlife could not be determined to be the source of the brucellosis infection. The DEIS notes that the additive influence of feedground elk may be a factor in keeping the bison seroprevalence rates higher in Grand Teton National Park (GTNP) after vaccination than might occur in YNP bison.

The disease cannot be eliminated in bison as long as elk have the disease. Elimination of the disease in elk cannot be accomplished unless the feedgrounds are closed or significantly modified. Without a comprehensive strategy that addresses both bison and elk, any effort to eliminate brucellosis in bison is futile.

Options for reducing sero-prevalence in elk include improving habitat by reducing livestock overgrazing of elk migration routes on Grand Teton National Park and the surrounding Bridger-Teton National Forest; closing or modifying certain feedground operations; dispersing elk from the feedgrounds prior to calving; lowering elk herd sizes to be more in line with available habitat; and raising feed banks.

Scientific Uncertainty

The *Citizens' Plan* supports research on the incidence, distribution, transmission and control of brucellosis, and risk management options. It states that the research should be coordinated among all agencies, including the Department of Interior, and respect other management objectives of the agencies. It also proposes a ten year time frame to enable a timely re-evaluation of emerging scientific data.

There is substantial disagreement among scientists about the underlying issues central to the Yellowstone bison management decisions. While research efforts have increased in the last few years, it has lagged far behind the need, which was recognized by many of the public who commented during scoping. The agencies admit in the DEIS that prior to 1995, there were no controlled field studies to observe bison in YNP to determine the mechanism of transmission or occurrence of abortions. The National Park Service has only just initiated research to formally monitor wildlife movements and bison use of groomed roads, spurred by a 1997 lawsuit.

This lack of information and understanding of ecological relationships underscores the high potential for likely failure if the agencies are compelled to respond by taking drastic actions that are not well supported. Maintaining Yellowstone as an ecological baseline requires systematic monitoring to provide a reliable basis for judging the effects of humans and the

success of management actions. Jeopardizing Yellowstone National Park as an ecological baseline will heighten the current level of uncertainty and disagreement when failures occur and there is no clear explanation of why they occurred because of the absence of controls.

Much of this needed systematic monitoring is not occurring. As a result, the agencies are attempting to make major management decisions with little scientific data. The DEIS acknowledges that within the scientific community there are differing opinions about the appropriateness or necessity of a management emphasis on the control or elimination of *Brucella abortus*, the environmental consequences of actions necessary to control or eradicate the disease, and the consequences of not controlling or eradicating brucellosis from this bison herd. There is disagreement regarding the risk of *B. abortus* transmission from bison and elk to domestic livestock, the applicability of information derived from studies of the disease in domestic bison and cattle, and appropriate methods for the conduct of additional research to determine the risk of transmission.

The NRC report notes that two of the most difficult issues to address, because of minimal research to date, concern the probability and mode of transmission of brucellosis among wildlife species, and the probability of transmission among free-ranging animals and between wildlife and cattle. It also states that even the true prevalence of brucellosis in Greater Yellowstone Area (GYA) bison and elk is unknown because of insufficient sampling and imprecise methods. It says that almost no controlled research has been done on those subjects and the available evidence is essentially anecdotal and inferential.

According to the DEIS, it is not possible to quantify the risk of *B. abortus* transmission from bison and elk in the GYA to livestock because most of the variables that define risk (degree of association with various classes of infectious and susceptible animals, number and density of infectious animals, viability of the organism, vaccination, herd management option, and natural resistance) are unknown. The NRC report notes that the capacity of *B. abortus* to survive in soil and debris at varied temperature, acidity, and relative humidity has a great bearing on numbers of bacteria available for transmission. It also states that little is known about how long bacteria survive after abortion or birth events under natural conditions in YNP. While some work is being done on assessing the significance of these variables, it will take many years to complete.

Other references in the DEIS to specific areas where there is a lack of data or significant disagreement over interpretation of data include the difficulty of interpreting culture results; the impossibility of determining or quantifying the risk of bacterial transmission based on serologic and culture tests; and differences that likely exist among cattle and bison in how the disease is transmitted (different clinical, pathological and population effects in bison).

As noted in the DEIS, the significant knowledge gaps concerning the epidemiology and ecological role of the disease and the effects of possible management actions on the bison in Wood Buffalo National Park led one panel to recommend a bison research program be initiated

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before developing a final action plan. A five-year research program is now underway. We suggest there is a similar need to fill knowledge gaps in Yellowstone bison management. Any drastic action could have unintended and unanticipated consequences and should be delayed until those knowledge gaps are filled. The commitment to research must be reinforced, and the research must respect other management objectives of the agencies.

Ten-Year Time Frame

In contrast to the proposal to adopt the management plan for 15 years, the *Citizens' Plan* proposes a ten year time frame. Supporters of the *Plan* felt there is a need, because of the paucity of scientific data related to bison and brucellosis, to review the *Plan* in no more than ten years in the context of new scientific information.

The DEIS repeatedly acknowledges the lack of scientific information. The DEIS team adopted an objective to base its alternatives on factual information, with the recognition that the scientific database is changing and that professionals do not agree on the ecological issues central to this controversy. Appendix D is an extensive list of research topics approved by the GYIBC related to bison, elk and brucellosis; many have not been funded yet, and many others have not yet begun. This provides strong support for a ten year time limit for this plan.

Clearly, the agencies are attempting to make a major wildlife management decision, with significant, far-reaching impacts, on the basis of very little scientific information, and with information over which there is substantial scientific disagreement. Consequently, the agencies should err on the side of extreme caution in this plan, with minimal disruption of population dynamics, and agree to develop a new plan in 10 years when better scientific information is available.

Ecological Carrying Capacity

The *Citizens' Plan* proposes that scientifically sound herd size limits, based on interspecies ecology, range health, population viability and other factors, will be established for the public lands outside the park within the SMA. If additional public lands become available, for example, through land exchange, public purchase or easement, population limits would be modified to reflect the increased availability of winter range to bison. These herd size limits would be reviewed annually by a cooperative team which would include wildlife professionals from the conservation community and the Indian tribes as well as state and federal agencies (see earlier discussion).

In contrast, the DEIS alternatives propose population ranges for the entire SMA based on population ranges estimated for the park alone. The document states that consideration of average forage production, winter severity, and other factors finds that Yellowstone National Park will support a long-term average of 2,700 bison (fluctuating between 1,700 and 3,500). NPS research currently underway to study the ecological carrying capacity in the park is apparently restricted to the park itself. Our objective is to have ecological carrying capacities

established that consider the larger area available to bison, while limiting wildlife removals to areas outside the park.

The very first of nine objectives listed in the DEIS used by the agencies to determine the reasonableness of each alternative says that the agencies used mathematical models to estimate the number of bison *the park* could support, based on plant forage production and winter severity. The maximum bison population ranges proposed in the DEIS for lands *outside the park* represent the numbers of bison that have been able to overwinter successfully outside the park without coming in contact with cattle. The separate and different consideration of lands within and outside the park is biologically unsound. The ecological carrying capacity should consider lands within and outside the park based on biological factors, not on whether cattle may be present outside the park.

Fluctuations in wildlife populations in natural environments like Yellowstone must be accepted. No matter how desirable it may be from a management standpoint to have more stability in wildlife communities to better plan agency responses, stochastic events will cause substantial shifts in populations. The DEIS acknowledges that bison movements on the Northern Range are highly variable and are not correlated with population size but rather are influenced by extremely severe winter weather. Under the government's plan, however, the adoption of an artificially low and narrow population range seeks to severely limit that natural fluctuation and acknowledges an unwillingness to accommodate natural processes. Attempting to impose such a static balance risks disruption of the natural environment in ways not yet known and difficult to measure in the absence of other control areas.

Referencing a mathematical model is one thing. It's something else entirely to actually use the model as the basis for proposing allowable population ranges using the same parameters as the model analyzed.

More than half the DEIS alternatives propose to keep the bison population for the entire SMA well below 3,500, the maximum number of bison *the park* was estimated to be able to support. The government's preferred alternative establishes an upper population range for the SMA that was arbitrarily set at 1,000 below what the park can support. Alternative 4 would keep the bison population between 2,800 and 3,200 after 10 years, and bison populations would be about 2,900 for both alternatives 5 and 6. Although the DEIS says that for many of the alternatives bison removals are tied to the serological status of the animals, that has not been the case in the past, nor is it the case with the interim plan which forms the basis for Phase 1 under several alternatives. Many bison have been shot that have never been tested. The potential remains for killing without testing in all DEIS proposals except alternative 2, phase 2.

The deterministic model used to estimate bison populations under various alternatives does not consider winter mortality. Bison population numbers will be lower than estimated in the DEIS by taking into account only human-caused mortality. Yet winter mortality may amount

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to anywhere from 2 percent to 10 percent of the fall population (for example, the number of bison that died from natural causes during the severe winter of 1996-1997 is estimated at 300-400 bison, or about 10 percent of the fall, 1996 population).

This same model projects three different scenarios for the number of bison exiting the park based on a percentage of the number of bison removed in 1996-97 (1,084). The high emigration estimate is at 90 percent of 1,084, or 975 animals. This high estimate likely underestimates the number of bison emigrating under severe winter conditions. The number of bison that emigrated in 1996-97 was greater than 1,084. Not only did bison leave the park after the bison removals stopped at the end of March and were hazed back in, but there is also the possibility that bison that were hazed back into the park earlier in the winter ultimately survived the debacle. Second, the DEIS only uses 90 percent of that lower figure, thus further distorting the underestimate. Higher numbers of bison may emigrate, and have emigrated in the past, and any management plan that is adopted has to detail how those bison will be dealt with.

Underestimating the high emigration figure means the agencies have to manage unanticipated migrations in the midst of controversy and in an emergency situation, and without public comment. That has not worked in the past and is not the best way to manage wildlife populations.

In 1996, the agencies estimated that no more than 569 bison would be killed under the adopted interim plan because that was the highest number killed in the past. Because they neglected to envision and plan for a migration that could and did happen, over twice as many bison were killed as anticipated, the agencies were unprepared to deal with the migration and were unable to agree on a contingency plan despite the rapidly escalating number of slaughtered bison.

It is certainly possible that the agencies will again be faced, even more than once under certain alternatives, with a migration in the magnitude of more than 1,000-1,200 bison, and management actions should be evaluated under that scenario. The agencies should also be developing and using data about numbers of bison *exiting* the park instead of relying on arbitrary percentages of bison *killed* during a past winter.

Natural Regulation and the Northern Range

Some folks who have commented on bison management allege the park is overgrazed by elk and bison. They call for management within the park, including test-and-slaughter. The DEIS notes there is no evidence of overgrazing of rangelands within Yellowstone National Park and acknowledges that information is still needed regarding the decline of woody vegetation. It also notes there is a low to moderate degree of diet overlap between bison and elk, although there is a high degree of habitat overlap. NRC investigators reported that an examination of bison killed outside the park during the hard winters of 1991-92 and again in 1996-97 indicated excellent body condition, with little evidence of inadequate forage or quality available to bison.

The DEIS agrees that bison play an important role in Yellowstone's ecosystem. It also finds that grazing by elk and bison can increase productivity and stability of grassland systems and enhance the nutrient content of grazed plants. We suggest the agencies should acknowledge that many residents incorrectly believe that bison are overgrazing Yellowstone National Park.

Bison Population Limits Outside the Park

The maximum bison population ranges proposed in the DEIS for lands outside the park (50-100 in both the Reese Creek and West Yellowstone areas, 100-200 in the Eagle Creek/Bear Creek area, 200 in the Gardiner Valley area) are not substantiated. There is only a statement that these population ranges, excluding the Gardiner Valley area, represent the numbers of bison that have been able to overwinter successfully outside the park without coming in contact with cattle. At the same time, the DEIS acknowledges that past data demonstrate that the number of bison moving beyond park boundaries is highly variable from year to year and shows no strong or discernible correlation with population size.

We object to using these population ranges for land outside the park for several reasons. First, the biological factors that should go into determining populations of bison that can be accommodated outside the park is not considered. Second, the agencies do not consider the movement of bison back and forth between the park and areas outside the park, in contrast to overwintering. There is significant temporary movement across park boundaries, such as on the west side near Cougar meadows. These temporary movements of bison must be accommodated without forcing immediate drastic removal actions. Finally, we do not accept that proximity to cattle should determine how many bison can be accommodated outside the park, particularly on public lands, as noted earlier.

The removal of bison based on seroprevalence results in much lower numbers of bison on these lands than could otherwise be accommodated, even under the DEIS assumptions. There is no scientific basis for maintaining the bison herds outside the park below the carrying capacity of those lands.

The EIS must explain why and how and under what conditions various bison populations have been established for ranges outside the park; what lands were included in the evaluation; how the availability of additional lands might affect the ecological carrying capacity; how temporary movements will be accommodated; and how cattle numbers and uses could be modified on public lands to accommodate bison. In addition, we also recommend annual review of the ecological carrying capacity and factors effecting established population ranges through a cooperative public/private management team, discussed elsewhere in this document.

Minimum Herd Sizes

The *Citizen' Plan* calls for establishing a scientifically-based minimum bison herd size that considers average winter habitat within and outside the park and potential winter severity. It states that under no circumstance would the bison herd be reduced below a minimum adjusted

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buffalo herd size (1700 adjusted by the population that could as a minimum be accommodated on lands outside the park).

Currently, the agencies' proposed minimum herd size for lands within the park is 1700 bison. This herd size limit should be increased to include consideration of winter habitat outside the park.

The DEIS references unpublished work by Craig Knowles regarding the minimum viable herd size of 580 animals. A paper by Knowles, Mitchell and Fox, titled *Trends in Bison Management: What It Means for the Species,* was included in the proceedings of the 1997 International Symposium on Bison Ecology and Management in North America, held in Bozeman, Montana. Knowles et al discuss this minimum viable number, and references earlier work by Dale Lott and others, *"Should public herds be trading bison to maintain diversity in the gene pool and/or prevent inbreeding depression?"* which was published in the proceedings of the North American Bison Workshop, held in Missoula, Montana ten years earlier.

Lott et al acknowledged that as a result of the low bison population levels earlier this century, "some unknown level of genetic diversity has certainly been lost." Others have suggested this level of loss of genetic diversity may be in the neighborhood of 25 percent. Lott states that as many as 580 mature animals might be required for an effective wild bison breeding population to avoid inbreeding.

As noted earlier, Knowles et al use this minimum population estimate in a broader discussion of wild bison management principles, including maintaining the viability and integrity of the species. They point out that genetic monitoring at Custer State Park has shown that its tightly managed herd of about 1,000 adult animals is not sufficient to maintain genetic diversity over the long term without genetic screening of breeder bulls. Otherwise, an exchange of animals among herds is necessary. In addition, an examination of public bison herds showed that very few herds meet this minimum herd size and all are tightly controlled, threatening genetic diversity.

There are a few significant points to be gained from this discussion. Population levels much higher than 580 animals may be needed to maintain genetic diversity in herds that are tightly managed (for specific age or sex ratios, health or physical conditions) in limited areas. Interest in maintaining the wild character of bison suggests the need to refrain from affecting certain traits bison need to survive and reproduce under natural conditions. Large public herds with adequate range, such as is available in Yellowstone but in few areas elsewhere, thus hold the best hope for maintaining genetic diversity and the wild character of bison over the long term.

The fact that the bison herd recovered from very low numbers at the turn of the century does not mean the population's genetic diversity was not affected, and should not be used as an

excuse to keep bison at low numbers. While YNP bison are the most diverse genetically, as noted in the NRC report, some unknown level of genetic diversity was certainly lost as a result of the population bottleneck.

The more tightly the Yellowstone bison herd is managed, the higher the minimum viable herd needed to maintain genetic diversity. Consider again the principles presented by Knowles et al to maintain the genetic diversity and wild character of bison, which include: 1) maintaining a) a minimum viable herd size of 580 animals to avoid inbreeding and prevent genetic depletion, b) a natural sex ratio, and c) a full range of age classes; 2) allowing for exchange of animals between herds; 3) providing for random harvest of animals; 4) providing a large enough pasture to accommodate the herd on a year-round basis; and 5) allowing disease (excluding exotics) and predation to interact on the bison herd. If managers alter the natural sex ratio, limit the range of age classes, have a selective harvest of animals, have little or no opportunity for exchange of animals, or limit bison access to winter range lands, the minimum herd number would have to be higher than 580 animals.

Another point is that human actions are not the only influence on the bison herd. Stochastic events must be taken into account. Natural mortality takes its own toll, as it did in 1996-97 when 300-400 bison died from natural causes (the same year 1100 bison were killed by government officials). This means the agencies have to allow for natural mortality, and thus maintain the herd well above the accepted minimum herd size to maintain diversity.

The very first of nine objectives listed in the DEIS used by the agencies to determine the reasonableness of each alternative says that each alternative also includes measures to prevent the population from dropping below minimum numbers as a result of increased kills by agencies. There is an implication in the DEIS that the population will be maintained above 1700, but none of the alternatives except Alternative 2 (which relies on natural forces to determine herd size) commit to ending lethal controls at any specific level. In fact, Alternative 5 acknowledges that the herd size could approach the minimum viable size of 580 animals needed to maintain genetic viability. Even then, there is no commitment that slaughter operations would be halted, they may just be 'slowed' (p. 94).

The agencies must evaluate the assumptions underlying the suggested initial minimum herd size, and the extent to which those conditions are being met in Yellowstone. They must also allow for natural mortality when determining management actions at various population levels. They should consider the tremendous opportunity for maintaining genetic diversity in this wild bison herd in Yellowstone, an opportunity not present or practiced with other public herds. Finally, they should agree to stop any management removals when the herd size approaches this minimum adjusted herd size.

Impacts of Reduced Bison Population on Grizzly Bears

The DEIS appears to have underestimated the importance of ungulates and the effects of

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bison population reductions in the diet of the grizzly bear. The historic grizzly bear-bison predator-prey relationship on the Missouri River plains of Montana was documented by Lewis and Clark when they explored the area in 1805-1806. While the DEIS references recent work by Dave Mattson on the effects of bison population reductions on grizzly bear, the substance of that work has not been fully incorporated into this analysis.

As Mattson and others have reported, bison are a critical part of the Yellowstone grizzly bear's diet, especially in spring and fall. The importance of meat in their diet may increase as other food sources such as whitebark pine seeds and cutthroat trout decrease, and from loss of bear habitat on private lands. During years of poor whitebark pine and berry production, meat is often the deciding factor in the bear's ability to survive and thus move closer to recovery. Recent publications by Gerald Green et al, Dave Mattson, and Kerry Gunther and Mark Haroldson show that in Yellowstone, growing ungulate populations, particularly bison and elk, may have contributed to earlier bear reproduction, increased litter size, and reduction in female mortality, and contributed positively to grizzly trends since the mid-1980s. Bison carcasses are more important to grizzly bears than elk because of their higher fat content and greater biomass, as well as increased success in competition with other scavengers for bison carcasses. Grizzly bears in Yellowstone were found to derive from 50 percent to as much as 80 percent of their caloric intake from ungulates.

As the DEIS notes, Alternative 5 (or any test and slaughter approach) would significantly decrease the number of bison available as prey or carcasses for grizzly bears. The bison population could be reduced to 1257 in the year 1999, a 43 percent reduction from the previous year, and an over 60 percent drop from the fall, 1996 population. The DEIS also acknowledged the possibility that while the population was not expected to drop to 580 animals under this alternative, such a level could be reached, at which time capture, test and slaughter operations would slow or cease. There is still no firm commitment to ending the killing of bison as the populations approached 580 animals.

Over the first 10 years of Alternative 5, the reduction in bison population would have potential moderate to major negative impacts on grizzly bears, even without consideration of stochastic factors such as weather. When higher removals are considered, more significant effects on grizzly bears may occur. The EIS must evaluate the impacts on grizzly bears noted above and discussed in the referenced papers (reproduction, survival, conflicts and mortalities). The agencies should initiate formal consultation with the U. S. Fish and Wildlife Service.

Any bison management plan that significantly reduces the bison population could jeopardize the grizzly bear population through lower reproduction, longer average intervals between litters, and decreases in cub and sub-adult survival and litter sizes. Grizzly bear-human conflicts and subsequent bear mortality may increase. The agencies should not proceed with any action that results in even moderate impacts to grizzly bears as the DEIS acknowledges would occur under Alternative 5 or any test-and-slaughter plan, and may occur under other alternatives.

Population Management Options

The *Citizens' Plan* proposes to manage bison outside the park within the SMAs; removals are a function of population levels, not seroprevalence. Two options for managing bison populations as the herd size approaches the maximum limit for the public lands outside the park are offered. One is removal through an appropriate, regulated public harvest, as opposed to killing by government officials. The other is the use of live removal during episodic movements. *Citizens' Plan* supporters adamantly oppose privatization of wildlife.

No priority for type of removal is established in the *Citizens' Plan.* Some *Plan* supporters prefer live removal over public harvest, others prefer public harvest. We do agree, however, that no one method can work everywhere, under every condition, and that there is need for flexibility to allow managers to choose the option that is more appropriate for a particular location and situation. The inclusion of both options recognizes this need and the support among the public for either option. Culling and relocation are also recognized by the authors of he NRC report as options for management.

GYC does not feel that bison can be allowed to go anywhere they want outside the park in any numbers that might be present; we therefore support controlling bison populations. There are habitat limits, and on private lands other uses may limit bison use of these lands. There are positive and negative aspects to each of the removal options discussed here, but with thoughtful and practical consideration to all aspects, each can be used successfully to maintain a healthy and viable bison population.

It is worthwhile to review the 1963 Leopold report, *Wildlife Management in the National Parks,* since many of its findings are still relevant today. The authors suggested several options applicable to Yellowstone to achieve balance between ungulate populations and habitat, including: 1) natural predation; 2) trapping and transplanting; 3) shooting excess wildlife as they migrate outside the park (late hunts are one method, although they noted that care must be taken to preserve, not eliminate, non-migratory traditions); and 4) control by shooting within the parks by personnel under the jurisdiction of the NPS (when other methods are inapplicable or impractical).

These are still the options today: to allow nature to play its ecological role in controlling bison populations, or to remove animals through killing, or alive to be transported to other lands. Natural predation will continue to have an influence on bison populations, particularly with the reintroduction of the wolf, and the presence of grizzly bears. We do not support, and believe there is strong widespread national and regional opposition to, shooting animals in the park, and to test and slaughter of wild animals in the park. As the responses to public scoping indicated, less than 1 percent favored removal of bison outside the park by state officials. That opposition continues, and the *Citizens' Plan* specifically states that the harvest of excess bison should not be conducted by government officials. We believe there is a role for the public in controlling bison populations outside the park.

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Public Harvest

There continues to be qualified support for a pubic harvest of excess bison. Public harvest has been the traditional method of controlling wildlife populations in Greater Yellowstone for over a century. During scoping on this issue eight years ago, about 12 percent of the written comments from individuals, 20 percent of those from interest groups and almost one-third of those who commented at public meetings supported a public hunt. Less than 1 percent of individuals who provided written comments said removals should be done outside the park by state officials.

Throughout last winter, sportsmen and conservation groups around Montana expressed strong opposition to the widespread killing of migrating bison by agency personnel. At the same time, people recognized that wildlife populations need to be controlled. Many support a public harvest, but also want to ensure that such a harvest be done ethically. They were appalled by the way the public hunts were conducted in 1985-1990, with hunters accompanied by helpers, wardens and media, and the hunts conducted on open, flat landscapes along the river.

The managing agencies should recognize that bison present a different challenge than other wildlife. The Yellowstone bison use open valleys, are not accustomed to being hunted, and currently are not as wary as other ungulates. There is a common perception that the bison will remain stationary and will therefore be easy targets. However, as the DEIS notes in quoting Mary Meagher, "Bison learn quickly to avoid actions such as hazing or hunting as easily as they learn to use groomed roads or trails for travel." This was the experience in 1996-97. Bison are hunted on public lands elsewhere in the country. It would be worthwhile to detail how those hunts are operated, and the response of bison to the presence of hunters.

The objective of public harvest is to allow the public to help control excess bison. We suggest calling it exactly what it is: a public harvest of excess bison populations. It is not a hunt in the traditional sense of the word. The participating public should be required to go through an orientation similar to that held in Wyoming, which includes, for each participant, a discussion of the issues involved in harvesting bison.

Despite the commitment in the DEIS (for example, in the government's alternative) that the agencies would request the 1999 Montana Legislature to authorize a fair chase hunt for bison, and the assumption under alternatives 3, 4 and 7 that public hunting would be approved by the Montana Legislature in 1999 and begin in 2000, the Montana Department of Fish, Wildlife and Parks does not intend to ask for such authority. The Department's presentation before the Montana Environmental Quality Council on October 29 did not include such proposed legislation, and a representative of the department confirmed no such bill was planned for the 1999 legislature. The commitment in the DEIS under the government's preferred plan was not contingent on the release of a Record of Decision (ROD), and does not need to wait until there is a Record of Decision. Any suggestion that such a bill would be 'predecisional' is nothing more than abandonment of the DEIS commitment, and serves as an example of why

there is a lack of trust by the public of the agencies in trying to resolve this debate.

The last EIS schedule adopted by the agencies pursuant to the court settlement anticipated a final EIS issued four months after the end of the public comment period, and a Record of Decision two months later. Under a similar time frame based on the current comment period, the ROD would be issued May 2, 1999, two weeks after the end of the 1999 session, and more than a year and a half before the next legislative session is scheduled to start. That would mean a minimum of two winters that a public harvest, if approved by the agencies in a ROD, could not be implemented. The only option, then, for removing surplus bison, would be live removal, involving capture and quarantine. We absolutely disagree with restricting removal options to only live removal. In addition, live removal and establishment of a quarantine facility would require NEPA/MEPA compliance, which could take more than a year, thus restricting removal options to the same agency slaughter that has occurred in the past, since neither public harvest nor live removal would be available for several years.

It is certainly possible to present a bill to authorize public harvest of surplus bison to the 1999 Montana Legislature contingent on a ROD that includes such a harvest. The fact that the state of Montana does not intend to introduce such a bill undermines the entire commitment of the agencies to Alternative 7, and to any plan that includes public harvest as part of an integrated bison management plan. The public trust is further eroded, and certainly, the public outrage over how bison have been managed will intensify. We find the state's refusal to introduce a bill irresponsible and contrary to promises made in the DEIS.

Live Removal

The *Citizens' Plan* recognizes public concern over extensive lethal removals and the challenge in otherwise managing excess populations. It supports live removal as one of two options for managing bison herd approaching the maximum ecological carrying capacity for lands outside the park. The *Citizens' Plan* states that live removal and transfer to quarantine under strict conditions, while inappropriate for other wildlife species, is considered acceptable in these circumstances because of the very low number of wild bison, the concern for keeping more of the wild bison alive, and the interest of Native Americans in restoring buffalo to their culture.

Furthermore, the *Citizens' Plan* supports a pasture-type health certification facility located in Montana, Wyoming or Idaho to facilitate the transfer of live excess bison to Indian reservations or other public lands. The *Citizens' Plan* states that the facility will not be located within the park, or elsewhere in the SMA where significant resources or natural processes would be placed at risk because of the facility, including wildlife migrations or winter range. This would preclude locating the quarantine facility on lands adjacent to the park.

Many people protest the extensive shooting or killing of bison; some object to all bison killing. The opposition to lethal controls was identified as a significant concern during scoping in 1990. GYC recognizes that bison behave differently than other species subject to traditional

public hunts, making it impossible to provide an ethical public harvest in all cases of excess bison. We also believe the Yellowstone National Park bison herd is the most genetically diverse bison herd, a finding supported in the National Research Council report, and there is a significant public value in establishing herds from excess park bison on other lands.

DEIS alternatives allowing for the live removal of bison state that when seronegative bison have completed quarantine, they would be released live to requesting organizations or agencies, and could be sold (p. 254). Alternative 7 anticipates that released bison would be available to establish bison populations on tribal lands, other appropriate lands or provided to other appropriate public institutions and qualified recipients (p. 109). The DEIS also estimates the value of bison removed from the park alive and released from quarantine at $1,800 each.

There is a big difference between providing live, excess bison to other government entities, such as recognized Native American tribes or federal agencies to manage on other public lands, and providing wild publicly-owned bison to individuals and businesses, or for commercial use. Similarly, the idea of selling live publicly-owned bison is very controversial and has not had any public discussion in Montana or elsewhere.

The language authorizing the Montana DOL to capture, test, quarantine, vaccinate and sell live wild bison was added to a totally unrelated bill requiring meat from illegally taken game animals to be donated to food banks (House Bill 547). This was done in the waning days of the 1997 Legislative Session, during free conference committee discussion, and without public notice or hearing.

In other words, Montana approved the privatization and selling of live wild animals migrating from Yellowstone National Park without adequate chance for Montana citizens or anyone else to be involved. It is not the case, as suggested in the DEIS, that the public wants live bison made available not just to Native Americans but to other organizations and the general public. The State of Montana may want it, based on its legislation that received no public debate, but such an objective was certainly not expressed during the scoping period, nor has it been expressed in any meaningful way since then by the public.

Given the statements by DOL personnel regarding wanting to eliminate the disease in bison first, then going after elk (Livingston Enterprise, June 17,1998, included as Attachment G), the public has legitimate concerns about not just bison, but the public's elk being sold to the highest bidder as well. When you combine this scenario with the potential for large numbers of bison to be removed in this way (see, for example, the intent under Alternative 7, the governments' proposal, to ship "as many seronegative bison as possible to a quarantine facility"), a new, significantly egregious policy has been established by Montana, without public discussion, that could have tremendous impacts on its wildlife management policies.

This DEIS should not facilitate this whitewash. It should acknowledge that no public

comment process was followed by Montana is passing legislation to privatize and sell wildlife migrating from Yellowstone National Park, and there is significant disagreement over this provision. It should offer an alternative that provides that only excess bison will be removed live outside the park and only after ecological carrying capacities have been determined for lands outside the park, and that bison removed live will only be transferred to Native American tribes and to other public lands (see discussion below for more detail).

Some members of the public oppose a quarantine facility because of concerns over bison handling, stress on animals, the length of time bison would have to remain in quarantine, and the nature of the confinement. While we support live removal of excess bison, we share those concerns, and believe it is incumbent on the agencies to ensure safe, minimal and humane handling of bison, and relocation to as wild and natural an environment as possible. The ultimate disposition of the bison is also a concern, and should reflect the interest of the public in ensuring that bison should not be saved from slaughter in Yellowstone only to be slaughtered somewhere else. The ITBC has indicated its commitment that surplus bison transferred to Native American tribes after completing quarantine would not be slaughtered.

GYC's support of relocation of live animals is conditioned on meeting these criteria. We believe there is a significant difference, for example, between moving animals to a crowded feed lot quarantine facility for three or four years, with constant human interaction and feeding and final disposition through sale to the highest commercial bidder, and moving animals to a pasture facility for ultimate transfer to Indian reservations or other public lands. For GYC, that choice means the difference between support for or opposition to live removal.

The DEIS promises that a quarantine facility will be analyzed in a subsequent document and comply with NEPA. The siting, design and operation of the facility must involve appropriate environmental review and opportunity for public comment in compliance with both NEPA and MEPA. However, this subsequent analysis does not relieve the agencies of providing more detailed information about the criteria under which the agencies would permit a live removal, and should have been provided in the DEIS. The issue of quarantine is controversial and the public deserves an explanation of exactly what type of operation the agencies intend under any alternative.

GYC supports a pasture-type health certification facility for excess bison. We suggest that such a faculty include several large pastures of 320 acres or more to allow bison to forage on natural vegetation. We are opposed to placing these animals in feed lot-type operations where they would be confined for long periods.

We oppose any occupation of natural wildlife migration corridors and winter range by the health certification facility. The public has spent millions of dollars acquiring lands and easements in and around Yellowstone Natural Park over the last century expressly for the purpose of providing migrating animals with the winter range they need to survive severe

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winters. Developing such lands - whether currently in the public ownership or privately held - for a quarantine facility runs absolutely contrary to these efforts, and threatens the future of the wildlife that need these lands. Other natural resources and processes should also not be negatively impacted by the development or operation of such a facility.

Success of this program hinges on the humane treatment of bison during capture and transport. Such treatment has not necessarily been the case in the past, leading to conflict and physical protest, because of a tendency by some livestock and other agency officials to crowd bison and create situations that resulted in injury among the bison. Bison are routinely transported by commercial operators, and we believe they can be transported in this case through humane and conscientious handling.

Quarantine Protocol

The *Citizens' Plan* calls for modification of the current quarantine protocol accepted by the Greater Yellowstone Interagency Brucellosis Committee (GYIBC) and modified and adopted by APHIS. That protocol is much more invasive, intrusive, time-intensive and costly than needed and requires more extreme measures than are required for other animals, including cattle, bison removed from the park in the past, and elk taken from outside the park. It is unnecessarily burdensome and expensive. Instead, the *Citizens' Plan* proposes that a quarantine protocol be developed that is more effective, efficient, humane and economical.

For example, when bison were taken from Yellowstone National Park and transferred to the Henry Mountains, no brucellosis test was conducted, even though it was known at that time that the park herd had been exposed to brucellosis. We understand that one round-up and test-and-slaughter effort has been conducted on the herd since then.

A private game ranch operator north of the park was found to have illegally captured wild elk. It is our understanding that his elk, which were exposed to brucellosis, were later sold to at least one other game ranch operator in the state, and that the Montana Department of Fish, Wildlife and Parks allowed these elk to be transferred with only two brucellosis tests about one year apart, even though females were in the transferred herd.

In the absence of any explanation of a need to the contrary, the bison quarantine protocol should be no more stringent than that demanded for other animals outside Yellowstone National Park. A comparison of this protocol to other quarantine protocols should be detailed in the EIS.

Risk Reduction

The *Citizens' Plan* suggests that brucellosis risk management should be focused on reducing the already very low potential for the transmission of brucellosis from wild bison to domestic cattle.

The NRC report notes that under natural conditions, the risk of transmission from bison

or elk to cattle is very low, even for Yellowstone National Park bison. GYC supports attempts to restore natural conditions and minimize contact between bison and cattle as the best methods to reduce transmission risk. The first requirement in reducing the risk of transmission is to recognize the existing very low potential for transmission from wild animals to cattle, and the factors that affect that risk.

Six cases in the Jackson Hole area of suspected disease transmission from wildlife (particularly elk) include anecdotal evidence only, and wildlife could not be determined to be the source of the brucellosis infection. The NRC report quotes a study by Smith and Robbins (1994) that maintains that only one case of possible transmission of *B. abortus* from elk or bison to cattle has occurred in the Jackson area since 1951, and it might have been due to incorrect vaccination rather than contact with cattle.

Recent rigorous testing of cultures from bison killed in and around Yellowstone National Park showed a very low number of positive animals relative to the status indicated through field blood tests. This suggests the infectiousness of bison is much lower than suggested in the DEIS. This data should be incorporated in the EIS.

While much attention has been focused on diseased bison, the agencies and many in the livestock industry have been remarkably silent about diseased elk, perhaps in recognition of the much stronger political constituency for elk. Brucellosis is also carried by elk in Greater Yellowstone and is transmissible between the two species. According to the NRC report, *B. abortus* is unlikely to be maintained in elk in Greater Yellowstone in the absence of the bison reservoir and if the elk infection rates are substantially reduced by closing winter feedgrounds and dispersing elk over a larger wintering area in the southern GYA.

Vaccination of cattle is a much more workable approach to reducing the risk of transmission from bison to cattle than attempting to vaccinate bison, a position endorsed by the NRC investigators in their 1998 report. The risk could be lowered further through changing the type of cattle grazed around the park to spayed heifers or steers.

Low Risk Policy

The *Citizens' Plan* calls for Montana and other states to recognize and accept the policy regarding low-risk bison presented by the federal agencies. According to APHIS, the NPS and the USFS, low risk bison are bulls, calves, yearlings, and cows that have already given birth. The federal agencies indicated in their September 26, 1997 letter to Montana regarding potential changes to the Interim Bison Management Plan that APHIS would allow untested, low-risk bison to winter on public lands without jeopardizing the brucellosis class-free status of Montana. APHIS also determined that a 30-60 day separation between when bison are present on the lands and when cattle return was sufficient to mitigate any potential risk. APHIS has since reiterated its commitment to following this low-risk policy and to intervene with other states if threats of sanctions result from Montana's acceptance of APHIS' low-risk policy.

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Yet low-risk bison have been a large portion of the bison killed over the last decade. Well over half the bison killed during 1996-97, and in 1997-98, were within this low risk category. In addition, all the bison killed those winters in the West Yellowstone area were killed prior to March 31, even though cattle are not scheduled to be in the area until June. If the agencies had abided by a 30-60 day separation requirement that winter, none of those bison would have had to be removed on the basis of a disease transmission threat.

The debate over low risk is characteristic of the difficulties in resolving the broader issue. Peterson et al, in their paper *Bison-Brucellosis Management: Simulation of Alternative Strategies* state that although males contract the disease, they are generally inconsequential factors in transmission. The Greater Yellowstone Interagency Brucellosis Committee adopted a similar finding in 1995. The group's Informational Report *Risk of Transmission of Brucellosis from Infected Bull Bison to Cattle*, concludes:

> "The available evidence indicates that any risk of *Brucella abortus* transmission from bison to cattle is almost certainly confined to contamination by a birth event by adult females. However, limited data exist demonstrating the presence of *Brucella abortus* organisms in bison semen, therefore, the risk of transmission from bull bison, though logically small, cannot be entirely based on existing information."

The NRC report, meanwhile, stated that shedding of *B. abortus* in semen of bison is reportedly rare. The potential for venereal transmission from bison bulls to domestic cows may occur if such bison are confined. However, *B. abortus* was not transmitted in cattle during the use of an infected bull in natural service for three years. The NRC investigators found that practical experience suggests that transmission by bulls to cows by service among bison in the wild is unlikely; that bulls are not considered to be a likely source of transmission, and suggested the practice of vaccinating cows without regard to bulls is a reflection of how rare venereal transmission from bulls is.

The NRC report also noted that even when bison with non-reproductive tract infection are in direct contact, bison-to-cattle transmission and even bison-to-bison transmission will rarely if ever occur, and thus, bison with non-reproductive tract infection do not generally pose a risk of transmission to elk or cattle. The primary exception is that female bison infected only in non-reproductive tract tissues constitute a population of animals that can change to a high-risk population during pregnancy.

The DEIS states that despite increases in migration, opportunities for transmission have been negligible because there has been no free association during high risk periods. There has, however, been association during low-risk periods, resulting in no transmission, thus underscoring the benefits of managing for separation without having to remove all bison. In 1988-89, after the large bison migration of the previous winter down the Paradise Valley where bison intermingled with cattle herds, over 800 cattle were tested twice, and no infected cattle were found. Testing for almost a year in several counties in Wyoming adjacent to the park as a

result of a Station Review of that state's class-free brucellosis status has discovered no infected cattle, despite intermingling of bison, elk and cattle. Bison could be accommodated on lands outside the park, even on lands where bison graze in summer, without posing any threat to cattle. The EIS should acknowledge these low risk situations.

The DEIS refers to the 1997-98 adjustments to the 1996-97 interim plan, and includes the decision notice signed by the state of Montana (departments of Livestock and Fish, Wildlife and Parks), and the decision notice signed by the NPS on November, 27, 1997. The latter notice references the intent to implement adjustments set out in a November 13, 1997 letter and the November 24, 1997 evaluation. The November 13 letter, however, is not included in the Appendix and should be, along with the September 27, 1997 letter from the federal agencies referenced earlier in this section. The November 13 letter is referenced directly in the decision notice, and in the DEIS. That correspondence and the September 27 letter provide a much-needed and clearer picture for the public of the ongoing debate over risk management and agency disagreements, topics which are otherwise ignored in the DEIS but are central to resolution of this controversy.

While Montana, in rejecting the federal agencies' policy of tolerating low-risk bison, claims it will use the best science, APHIS and the other federal agencies have adopted a policy they say is "based on and supported by the best available research, is sound and represents the optimum safe balance between maintaining a viable bison herd in the Park and protecting Montana cattle from the theat of brucellosis." APHIS has indicated it will defend this position, and has said it will intervene with other states if threats of sanctions result from Montana's acceptance of APHIS' low-risk policy. APHIS has said it cannot indemnify state livestock interests for the imposition of sanctions; this only makes sense since the sanctions can - and have - been imposed arbitrarily and in the absence of infected livestock.

Vaccination of Bison

The *Citizens' Plan* states that bison may be vaccinated to reduce the seroprevalence of brucellosis if and when a scientifically-proven vaccine for bison is developed that is also found to be safe on nontarget species, can be administered in a nonintrusive delivery system, and complies with other management objectives of the resource-managing agency. Any program to reduce or eliminate brucellosis in Greater Yellowstone bison must only be used in conjunction with other risk management strategies outlined in the *Plan*, and will not proceed without similar considerations for the elk populations which are also infected with the disease.

We do not support using Yellowstone National Park, or any national park or refuge, as a test site for vaccines not yet confirmed to be safe and effective. The GYIBC has reviewed a protocol for determining when a vaccine is safe and effective to use on wildlife populations in Greater Yellowstone, and that protocol should be followed.

The NRC report agrees that further research on wildlife vaccines is required before

adequate data will be available for interpretation of safety and efficacy. It notes that results of biosafety and efficacy studies of the use of Strain 19 in adult and pregnant bison suggest caution, and that RB51 might not be as effective in bison and elk as in cattle. It also cites a study by Peterson et al (1991) which found that vaccination alone with a vaccine that is protective will reduce but not eliminate *B. abortus* from the GYA; vaccination alone would have to be continued indefinitely. It finds that to be successful in bison, vaccination must be accompanied by prevention of contact with infected elk, and reduction of brucellosis in elk.

Failure to obtain such data and follow the GYIBC protocol guarantees continuing conflicts and lawsuits over use of a vaccine, because such use will otherwise be based on anecdotal data, a situation which is not acceptable in a place like Yellowstone National Park. In fact, the NRC report states unequivocally that until a long-term controlled vaccination study is done, no assumptions about whether brucellosis can be eliminated by vaccination should be made.

The agencies should review the debate over the effectiveness of the twenty-year elk vaccination program in Wyoming. The validity of conclusions about that program have been questioned by many researchers, including ones at Texas A&M University, Colorado State University, University of Idaho and University of Wyoming. (These analyses were completed in 1998 and not available to the NRC researchers.) The NRC report speculated that the field vaccination program could be reaching the limits of its efficiency.

No criteria are noted in the DEIS about what constitutes acceptable levels of safety or efficacy in a vaccine for wild bison. Different levels of safety outside and inside the park are inappropriate. The level of disturbance and impacts on other resources, costs, and compliance with other agency policies are significant considerations, and will likely affect the determination of what constitutes an effective vaccine. Failure to agree on such criteria has already led to one lawsuit in Wyoming.

The delivery system is also important because of the potential for disrupting bison and other wildlife population dynamics, and conflicting with other management objectives. We find the idea of hand-injection of the vaccine, for example, unacceptable in Yellowstone National Park, and likely unworkable.

We also do not support a vaccination program on bison while the situation of infected elk goes unaddressed. As noted earlier, the presence of feedgrounds in Wyoming, and high levels of infected elk as a result of the use of these feedgrounds, make a vaccination program on bison futile. Resolving the issue of feedgrounds will take some time and until meaningful progress is made in this area, we will continue to oppose any use of vaccines on bison as a waste of time and effort with potentially negative impacts on other park resources.

We suggest the agencies are being overly optimistic about the potential for a safe and effective vaccine to be ready for use by the year 2000. A 70 percent efficacy value for a vaccine

in bison is higher than the efficacy of Strain 19 in cattle, a vaccine that has been available for decades. Many livestock producers appear willing to use vaccines that have not passed a protocol similar to that drafted by the GYIBC for vaccines in wildlife. However, not all livestock producers have embraced RB51, suggesting more work is needed on that vaccine even in cattle - and more work has already been done with RB51 in cattle than in wildlife - before it will be more broadly accepted by the livestock community. Livestock producers in the counties in Wyoming affected by the Station Review, for example, continue to use Strain 19. Some bison producers are not using RB51 and Canadian livestock agency officials passed a resolution opposing its use.

The statement that the estimated effects of vaccination at either 25 percent or 70 percent efficacy will result in a lower seroprevalence rate than that predicted by Peterson, Grant and Davis (1991) in simulations of test, slaughter and vaccination at Grand Teton National Park bison (p. 215 and table 37 on p. 216) is not substantiated. The DEIS does not consider the potential for reinfection of Yellowstone National Park bison or elk from elk migrating from WY feedgrounds, particularly from the Jackson area. The agencies cannot make this assumption unless they can document the significance of higher initial seroprevalence, the existence of feedground elk and other factors in this vaccination model, and can support why they have made this conclusion. In the absence of such data, the agencies must base their estimate of the effects of vaccination on existing data, such as the published work of Peterson et al.

In summary, the EIS must include the criteria for what constitutes acceptable levels of safety or efficacy in a vaccine for wild bison. It must discuss the delivery system. It must discuss the potential for reinfection by elk. The agencies should document the assumptions about the availability of a safe and effective bison vaccine by the year 2000, so that the public, including researchers, can assess whether those assumptions are accurate or even reasonable.

Finally, the agencies must acknowledge the significance of the determination that a vaccine is safe and effective for use on wild Yellowstone bison and commit to a NEPA/MEPA process with opportunity for public comment prior to implementation.

Changes in Winter Road Grooming

The *Citizens' Plan* calls for changes in winter road grooming practices within the park if research shows they are warranted because of changes in buffalo use of winter ranges inside the park and access to areas outside the park. Any changes would be implemented through a process including appropriate environmental analysis and public comment.

The DEIS notes the option of stopping all oversnow vehicle travel in Yellowstone National Park was not considered, although Alternative 2 proposes to discontinue grooming on some key road segments. The rationale for not considering this option further is that the 1990 winter use plan found that oversnow vehicle use was an appropriate activity that would not result in significant impacts.

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The EIS should acknowledge that other assumptions made in that 1990 plan were erroneous (winter visitation trends) and that the subsequent Greater Yellowstone Coordinating Committee's Winter Visitor Use Management Assessment identified areas of significant impacts as a result of winter use in the park. The Assessment also found that bison use groomed snowroads in the winter as an energy efficient means of moving in and out of the park. Many sections of groomed road were identified in the Assessment as the location of multiple conflicts, including wildlife harassment, overwhelming numbers of snowmobiles during peak periods, and bison use of roadways.

While the precise relationship between road grooming and bison movements is not well defined, and is now finally being formally monitored, GYC has no doubt that winter use in Yellowstone, and groomed roads for snowmobiling in particular, are altering bison population dynamics. A preliminary evaluation by Mary Meagher of changes in bison numbers and distribution as a result of groomed roads concluded that snow-packed roads appear to be the major influence because they allow energy-efficient travel that resulted in energy saving within traditional foraging areas, range expansion, major shifts among previously semi-isolated subpopulations, and a mitigation of winterkill and enhancement of calf survival. The findings in this unpublished draft 1993 report, referenced in the 1997 NPS *EA on the Temporary Closure of a Winter Road.* should be evaluated, since they have significant implications for bison management generally.

We question the validity of the assumptions in the NRC report that constant bison population growth before and after bison began using groomed roads suggests no substantial influence of snow grooming on demographic performance. The potential impacts of energy-savings on bison populations and the relationship between when road grooming was initiated and the recovery of the bison population from decades of agency culling within the park (natural expansion to fill habitat) have not been incorporated into this analysis.

So far, the NPS has refused to limit this activity to maintain even part of the system as a control to provide a comparison to areas of human use. The inability to evaluate impacts of use is exacerbated by the fact that regular human use of groomed roads began at about the same time the natural regulation policy was adopted. An appropriate management response to evaluate hypotheses about relationships between groomed roads and bison movements is to leave portions of the park roads in bison habitat ungroomed as a comparison.

DEIS ALTERNATIVES

Certain issues of concern and some alternatives are not adequately represented or are misrepresented in the DEIS. We believe there are legitimate reasons for including some of the components listed below in a different context and for excluding others that are included.

Regional Economies

The DEIS inexplicably restricts its regional recreational economy analysis to Park and Gallatin counties. It suggests the livestock sector analysis is similarly limited. Several DEIS chapters, however, extend the discussion of economic impacts of brucellosis in cattle to well beyond the Greater Yellowstone counties, alleging potentially significant impacts on the cattle industry statewide, and to other segments of the Montana economy. Similar recognition is needed of the potential economic impacts associated with recreation on the larger Greater Yellowstone region, as well as to the states of Montana, Wyoming and Idaho.

As noted earlier, the 'Purpose and Need' chapter (Background section) should include a discussion of the public interest in seeing wild bison; an analysis of the recreation economies associated with Yellowstone National Park for the larger Greater Yellowstone region should be included as well. Public interest in seeing wild bison is, after all, one of the reasons for developing a bison management plan, and wildlife viewing generally is the reason over 90 percent of the visitors come to the park.

The 'Affected Environment' chapter should include a broader discussion of the employment, income and recreation sectors. Other areas of the Greater Yellowstone region dependent on Yellowstone National Park tourism will be directly affected by changes in tourism anticipated under various alternatives, and the existing relationship of regional economies to tourism associated with Yellowstone National Park should be discussed.

Finally, the 'Environmental Consequences' chapter should include a more detailed estimate of how the changes in visitation might affect various communities economically under various alternatives. There are some estimates of impacts to the West Yellowstone economy associated with closing roads in winter. There are also estimates of the increases in nonmarket values associated with expanded bison range. However, there should be an analysis of how the various alternatives could affect the recreation economies of other communities and other states. Certainly, implementation of either alternative 5 or 6, or any test-and-slaughter program, will cause tourism economies outside Park and Gallatin counties to decline, including recreation-dependent economies in Wyoming and Idaho, and these impacts should be discussed.

Alternatively, implementation of a plan that maintains or improves bison viewing opportunities would have positive economic impacts. Wolf recovery, for example, was estimated to lead to about a 5 percent increase in visitation for nonresident visitors, leading to about $20 million annual increase in tourism spending.

Eradication of Brucellosis

There is neither sufficient scientific data, nor current technical capabilities, to eradicate brucellosis from Greater Yellowstone wildlife at this time. The NRC states that because of this situation, "eradication as a goal is more a statement of principle than a workable program. The best that will be possible in the near future will be reduction of the risk of transmission of *B.*

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abortus from wildlife to cattle."

The DEIS also acknowledges that it is not possible to eradicate brucellosis from bison without also eradicating it from elk. It states that depopulation of the Yellowstone bison herd and repopulation with a clean herd is not an option being considered because brucellosis is also found in elk in the GYA, so the risk of elk infecting a replacement bison herd renders depopulation meaningless. The same argument can be made for proposals to conduct test and slaughter on the herd to eradicate the disease, as is done in alternatives 5 and 6. Because of the acknowledged risk of reinfection by elk, an intensive capture, test and slaughter program - even without depopulation - is also meaningless.

The use of test-and-slaughter would involve providing hay to captured bison which is an attractant for other ungulates. Also by removing animals with brucella antibodies the agencies may be removing animals with natural resistance to brucellosis. The NRC report agrees that immune responses from natural infection might induce some degree of protection against *B. abortus*, inasmuch as substantial fetal loss or infertility has not been reported for the bison populations of Greater Yellowstone. Managers of other public bison herds that have been tagged after vaccination and testing found that many bison tear their ear tags off. Under a test-and-slaughter plan, such bison could then be shot, leading to even greater mortality than estimated in the DEIS.

While we agree that the issue of eradication of brucellosis in elk and other wildlife is a topic beyond the scope of the DEIS, the issues of the presence of brucellosis in elk and potential for reinfection of bison are not. We also believe the eradication of brucellosis in bison is beyond the scope of this DEIS, precisely because it is so tied to the existence of the disease in elk.

The assumption that seroprevalence in bison can reach zero ignores the reinfection potential as a significant factor, and conflicts with acknowledgments throughout the DEIS that elk in the Greater Yellowstone Area also carry the disease, which is potentially mutually transmissible between the two species. The failure to specifically evaluate the potential for elk reinfection is not explained nor justified. This deficiency is a violation of NPS and NEPA policies and should be corrected in the EIS.

We view alternatives 5 and 6 (the test-and-slaughter alternatives) as attempts to eliminate the disease in bison. Clearly, supporters of these alternatives feel the same way, because they have indicated the attempt to eliminate the disease in bison is why they support these two alternatives. Attempted eradication is the only objective that differentiates these alternatives from all others, yet it is an objective that cannot be met. Given the repeated acknowledgment that elimination of the disease in bison is not within the scope of this decision, there can be no possible rational, scientific reason for including any test-and-slaughter program to eliminate the disease in bison in the EIS. The agencies should drop consideration of any proposal that pursues elimination of the disease in bison during the time frame of this plan when the presence of the

disease in elk has not been addressed.

Capture, Test and Slaughter

Alternatives 5 and 6, and other test-and-slaughter alternatives, are the most intrusive and offensive options offered, and are not appropriate either in Yellowstone National Park or for the purpose of disease eradication. The public will not accept a test-and-slaughter program in the park, a situation even the NRC report acknowledges. The NRC report also recognizes the construction of facilities necessary to handle bison would detract from the natural aura of the park and might have detrimental effects on the park ecosystem.

Test-and-slaughter is nothing more than an attempt to be seen as trying to eradicate the disease brucellosis, even though the agencies know, based on ecological considerations, that they cannot eliminate the disease brucellosis from bison under current conditions. And despite claims by some agencies, livestock producers and others that if it weren't for the disease, bison could go freely outside the park, this alternative contains no component that would allow bison free access to lands outside the park if the disease is eradicated. Rather, it continues intensive hazing, capturing and shooting of bison to stop them from crossing park boundaries. It proposes to capture and retest the entire herd after an unspecified number of years.

The DEIS grossly overestimates the potential for successfully capturing virtually all the bison in Yellowstone National Park for a test-and-slaughter program. See later discussion about other public bison herds. The 1986 *Bison Boundary Control Environmental Assessment* stated that the efficiency of trapping would decrease during mild winters and from conditioned avoidance behavior of previously trapped bison. Mary Meagher, in her 1989 report *Evaluation of Boundary Control for Bison in Yellowstone National Park,* found that bison developed conditioned avoidance behavior in response to helicopter drives as winter progressed and driving was repeated. Bulls and sometimes cows became increasingly resistant to attempts to contain the bison. Baiting with hay was not effective during some winters, she reported, perhaps because the bison were not food-stressed. In her conclusion, Meagher stated:

> " Efforts made since 1976 to contain bison within the boundaries of Yellowstone National Park proved to be ineffective. Hazing and herding activities demonstrated that bison can be moved only where they want to go. Attempts to block travel routes and harassment with various devices sometimes treated immediate problems at the locations involved, but did not change the overall direction of bison movement down the Yellowstone River. Further, these tactics apparently caused major shifts to other travel routes or sometimes displaced a conflict from one site to another. It appears that, in general, success (if any) in localized displacement of bison by human efforts will decrease and hazards to personnel will increase with these management approaches. . ."

The DEIS is incorrect in stating that regardless of the alternative, few bison would be removed during years when few bison migrated (p. 200). In-park test-and-slaughter alternatives

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do not depend on migrations, and in fact, do not allow migrations outside the park. Test-and-slaughter results in many animals being killed that are not infected, because as the DEIS notes, there is evidence that the relationship between seroprevalence and actual infection is not highly correlated in bison.

By removing bison based on seroprevalence of animals attempting to migrate outside the park, the agencies will be removing many bison that are not infected. By not restricting the removals to animals, times or locations that pose the greatest risk of transmission, bison that pose no threat to cattle are being slaughtered. Bulls, calves and yearlings are being slaughtered, and even cows are being slaughtered in winter when no cattle are nearby. This removal based on seroprevalence is proposed without any documentation that removing all seropositives and all pregnant cows migrating from Yellowstone will have any long-term effect on the seroprevalence of the herd.

Test-and-slaughter programs may also remove animals that are naturally resistant to brucellosis. Bison with the lowest serologic response, suggesting short immune response, may be naturally resistant; the effect of removing such animals from the herd should be evaluated.

Stephens Creek Capture Facility

The operation of the capture facility at Stephens Creek may cause impacts on wildlife, and continued operation of the facility, as proposed in all alternatives, has not been evaluated in the context of declining populations of pronghorn and mule deer.

The DEIS notes that the Yellowstone pronghorn herd, which has unique genetic elements with greater genetic variability than many other pronghorn populations, has decreased from a high of nearly 600 animals in 1991 to about 220 animals. The population continues its major decline, and faces high risk of extinction within the next 100 years. Its core use area is the predominantly open grasslands near Stephens Creek

The steady major decline in the population over the last eight years, the unique genetic variability of the herd, the sensitivity of pronghorn to human activity and harassment, and the displacement of pronghorn from a significant portion of their core use area at Stephens Creek because of the bison capture facility suggests this facility should be removed. Certainly, the absence of any analysis showing pronghorn numbers will be maintained and increased if the facility remains in operation allows no other determination.

There are similar concerns about a lack of analysis for the northern range mule deer population which has also been decreasing in recent years. Mule deer winter predominantly along the Yellowstone River valley north of the park boundary.

This area used by both pronghorn and mule deer is also the location of the existing bison capture facility, which is planned for retention in all alternatives. Yet the DEIS fails to either

analyze the potential impacts on the pronghorn and mule deer populations since 1996-97 when the facility was used extensively. It does not evaluate possible impacts if the facility is maintained, nor does it propose a monitoring program to provide such information in the future. The EIS must provide a very rigorous analysis of the impacts of retaining this facility at Stephens Creek.

Other Public Bison Herds

References have been made in various forums and in the DEIS to other bison herds across the country, with the suggestion that since brucellosis could be controlled or eliminated in bison herds elsewhere, it can and should be eliminated in Yellowstone National Park. Such comparisons are not valid, and deserve a full exploration in the EIS. The actions required at these other areas can be instructive in helping to better evaluate the appropriateness and impacts from attempting to conduct similar actions in Yellowstone.

Yellowstone is a 2.2 million acres wilderness park, encompassing high forested, volcanic plateaus, with bison herds of 2,500-3,500 animals or more. Managers are required to allow natural ecological processes to dominate, with minimal human intervention. As the DEIS notes, in the winter, Yellowstone National Park is the most severe North American habitat supporting a viable population of free-ranging bison. The accumulation of snow creates more stress for bison and significantly affects their behavior.

Elevations in Yellowstone range from 5,000 to just over 11,000 feet, with an average elevation of 8,000 feet. Much of the park consists of vast, rolling hills, cut by river canyons, dotted with occasional meadows and lakes, and interrupted by jutting peaks and mountain ranges. Winter temperatures are below freezing most of the time, with normally heavy snowfall averaging close to 150 inches in most of the park.

The park is not fenced, and bison as well as deer, elk, pronghorn and other wildlife commonly migrate to lands outside the park in winter. There is the full complement of predators in Greater Yellowstone, and wildlife populations are further controlled through hunting outside the park under the jurisdiction of state wildlife agencies.

Yellowstone National Park represents a very different challenge than other public areas with bison herds. It represents one of the last areas in North America where such natural migrations occur.

GYC surveyed other parks and refuges with bison herds several times over the last six years to review park size, herd size, management actions, disease incidence and other factors. In contrast to Yellowstone, these other parks contain year-round herds numbering 100 to about 1,000 bison, in areas ranging in size from about 18,000 to 120,000 acres. The parks are generally fenced or have physical characteristics which restrict bison movements.

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These other parks where brucellosis has been eliminated are managed under intensive herding and range management practices similar to that used with livestock, including annual roundups, testing, vaccinations, branding, tagging, shipping of animals, helicopter herding, and development of springs and wells. Certain areas are specifically managed as commercial operations. In some cases, elk were also captured, tested and slaughtered. Hunts may also occur within the some refuges. These areas and approaches are not comparable to the challenges faced in Yellowstone National Park.

Eradication efforts at certain parks apparently took many, many years, often decades, and involved drastic reductions in the herd during the interim. The EIS should offer a comprehensive evaluation of the methods, conditions, duration, and impacts of other efforts to eradicate brucellosis from public bison herds, as well as a comparison of the physical characteristics of the park areas, climate, and population controls. The EIS should also contrast the various statutory, regulatory, and policy mandates governing management of the various parks and refuges, including Yellowstone.

The Interim Plan/Phase One

Under alternatives which include a component equivalent to the interim plan (Alternative 1 and alternatives with a phase 1), the agencies state that seronegative males and seronegative non-pregnant females will be released on public lands. Although the plans allow for bison to be shot that cannot be captured, the estimates of bison removals under Alternative 1, for example, do not show any bison being shot.

However, this is not an accurate reflection of what happened in the past under the interim plan, nor what is likely to happen. The majority of bison were never captured and were consequently not tested, but were instead shot. In 1997-97, the agencies shot 307 animals on the west side, and captured only 113. The public should expect similar responses in the future, and the DEIS should evaluate such a possibility, instead of assuming all bison will be captured and tested.

Human Health

Attempts by some to characterize this issue as one involving risks to human health is a gross misrepresentation of the threat to humans from brucellosis in bison and seems intended only to create a climate of fear in which to force certain management actions. The DEIS devotes less than one page to the topic in the 'Affected Environment' chapter, and acknowledges in the 'Environmental Consequences' chapter that bison management poses no risk the general public. The 1998 National Research Council report that human brucellosis is uncommon today in North America.

In 1995, the states of Montana, Wyoming and Idaho each responded to a request for information from the Fund for Animals regarding undulant fever cases, and none of the three states considered undulant fever a serious general human health threat (Attachment H). Although

Montana said that brucellosis was *potentially* a serious human health threat because additional cases could occur, its educational material listed the likely source of transmission as unpasteurized milk from diseased cows and also from the discharges from cattle or goats that abort their fetus. The state's informational brochure indicated undulant fever was more likely to be an occupational-associated disease of persons who work with infected animals, and suggested the spread of the disease could be prevented through pasteurized milk, prevention of contact with infected cattle, sheep or goats, and workers who come in contact with infected animals practicing good hygiene and wearing protective clothing. Bison is never mentioned in the brochure or as a source of infection in any known case of undulant fever in the state; the state had four confirmed cases from 1980 to 1995.

Idaho, which reported 13 cases over the last 15 years, did not have any educational material regarding undulant fever. The director of the Department of Health and Welfare stated "(W)e do not consider it a serious human health threat in our state, except for certain occupational groups such as veterinarians or persons engaged in animal slaughter. Even in these groups it would be considered a rare occurrence."

Wyoming reported two cases since 1989; one was not confirmed serologically, and the second occurred from an accidental injection with the Brucella vaccine. Wyoming had no educational brochure, and stated that the disease is not considered to be a leading health threat in the state. Accidental injection with Brucella vaccine is among the leading risk factors for infection.

We suggest the section in the 'Affected Environment' chapter be expanded to include reference to the fact the U. S. Centers for Disease Control no longer require reporting of undulant fever because of the small number of cases. The chapter should display the number of recent cases of undulant fever in Montana, Wyoming and Idaho and the suspected source of the infections. It should also put the cases in the context of the thousands of hunters handling elk and bison, dozens if not hundreds of people who have handled bison carcasses in the field, and dozens of slaughter-house workers who have also handled bison carcasses.

Disposal of Bison Carcasses

GYC has significant concerns about government shooters killing bison, and the disposition of bison carcasses. GYC reviewed records provided by the Department of Livestock regarding disposal of bison shot by agency personnel in the field. According to the DOL, it is responsible only for gathering and disposing of offal, and the group receiving the meat in the field is responsible for everything else. We find it irresponsible for the DOL to take such a cavalier approach to the disposal of hundreds of slaughtered wild bison that migrated from Yellowstone National Park. It is but one more reflection on the inappropriateness of having a livestock agency responsible for wildlife management, and of having agency personnel shooting wild animals.

There is a perception among many people in the Gardiner, West Yellowstone and Bozeman area that heads and hides from slaughtered bison were taken by individuals that were not part of the approved groups in the field, and may include people affiliated with state agencies. The DOL's denial of any knowledge of what happened to the heads and hide after a group became available to accept the carcass means the agency cannot prove it has safely and legally disposed of these public animals.

The groups and individuals who were in the field included churches, food banks, low income and social welfare groups, as well as tribes, along with individuals with an unclear connection to any specific group. Many of these groups would likely have little or no interest in the heads and hides of slaughtered bison. Yet there is a substantial market for bison heads and hides, products not tracked by the DOL even though they came from bison slaughtered under its authority. According to the DEIS, bison ranchers get more income form the skins and skulls than from the carcasses, suggesting a potentially large economic value associated with public animals that DOL cannot account for.

The *Citizens' Plan* does not provide for the shooting of bison by government agents as a method of population control; agency shooting would be allowed only in emergency situations, as is done with other wildlife. The supervising agency should be held accountable for the disposition of all parts of wild bison shot in the field - the meat, heads and hides. There should be no questions or concerns or perceptions that individuals or groups are benefiting economically and commercially from their ability to obtain many heads and hides from slaughtered bison.

PRIVATE LANDS AND CATTLE

The *Citizens' Plan* says that bison will not be allowed on private lands without the consent of the landowner if the bison threaten private property or human safety. It suggests that bison that must be displaced from private lands may be removed using relocation or appropriate, regulated harvest (where allowed) if reasonable hazing efforts have failed.

We recognize that some landowners are willing to tolerate bison on their private lands. GYC also believes that some tolerance of bison should be expected, even on private lands, just as occurs with other wildlife. One of the most important and valuable assets of Yellowstone is its wildlife. It is unreasonable and generally illegal for any resident to demand that wildlife be prevented from accessing their property. However, landowners can and should expect that bison that threaten to harm personal property or safety will be removed promptly and efficiently.

Livestock Economics

The DEIS contains a great deal of discussion about the potential for wide-ranging economic impacts to the livestock industry, but nothing on risk management that puts in

perspective the likelihood of these impacts occurring, which appears very remote. Infected bison and elk have wintered in Montana for decades without any known transmission. Much of the debate noted in the DEIS is based on *perceptions* of risk or a refusal to acknowledge the very minimal risk that exists.

In the context of marketing consequences of a brucellosis outbreak, there are statements on page 25 about potential effects on sales, and more detrimental, a requirement for a negative brucellosis test within 30 days before shipment. This appears to refer to a situation where a state's class free status is downgraded to class A. The likelihood of that happening as a result of brucellosis transmission from Yellowstone bison, however, is very slim to non-existent, and should be admitted. First, APHIS has no authority under current regulations to downgrade Montana's class free status because of the presence of bison in the state. The statement on page 196 that APHIS mandates do not permit bison to freely roam in Montana is simply not true, and should be corrected. Bison have freely roamed in the Eagle Creek/Bear Creek area, where no cattle are located any time of the year, and have wandered elsewhere where no infection of cattle has resulted. Cattle, elk and bison have intermingled in the Jackson area for decades, and continue to intermingle since Wyoming's Station Review. APHIS' appropriate response, in other words, is not based on whether bison are free-roaming, but on the actual occurrence of an infection in a domestic herd.

Second, even if a single reactor herd is found and bison (or elk) are suspected as the source, suspension of the class free status is not automatic. When the Parker livestock herd became infected, Wyoming did not lose its class free status. Finally, there is no documented case that such a transmission has ever happened with bison, even when intermingling of bison and cattle occurred such as in the Jackson Hole area for the last fifty years, or in 1988-89 in the Paradise Valley.

These perceptions of risk have been aggravated by Montana itself. As noted earlier, we maintain Montana's state veterinarian instigated threats or imposition of restrictions on Montana livestock by other states in 1994. APHIS responded that it would downgrade a state if it failed to take action against known-infected and -exposed park bison within their borders outside the park. It also suggested its rules against infected bison herds applied to Yellowstone bison. APHIS has since admitted it does not have the authority to change a state's class free status based on the presence of bison in a state, and in practice, has not downgraded a state even when a livestock infection suspected of being caused by infected wildlife occurred.

As a result of the state's actions in 1994, other states immediately threatened to impose, or actually imposed, sanctions on Montana's cattle producers, giving the state the grounds it wanted to get legislative support a few months later for handing authority for managing wild migrating bison to the Department of Livestock. Interestingly, at least one of those states that imposed a testing requirement on certain cattle within a 20-mile zone around the park cited free-roaming bison and elk as the reason.

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Instead of placing the real risk of transmission in context, and the conditions under which a downgrade would occur, Montana and other state veterinarians continue to use these threats as the reasons for needing to take drastic measures. They are in essence, focusing much more attention on this issue than it deserves, as we noted in the January, 1997, letter we co-signed with Jackson area ranchers, mentioned earlier. This gamble is putting the region's livestock ranchers at greater risk of sanctions. We have asked the governors from all three states to take much more aggressive action in getting other states to refrain from imposing or threatening to impose arbitrary sanctions which even APHIS says are unwarranted and it will oppose.

What should be unacceptable to all of us is having any other state, or the U. S.Animal Health Association, supporting import restrictions on cattle from Montana, Wyoming and Idaho when no transmission from wild bison has ever occurred and no infection is present in the livestock herds.

APHIS has agreed that any of the bison management plans outlined in this document would be sufficient to prevent the actual outbreak of disease in domestic livestock and the subsequent spread of brucellosis. This includes Alternative 2, which allows natural forces to determine herd size; would have no capture, test and slaughter operations under its Phase Two and no quarantine operations or hunting; would allow bison on public lands north and west of the park; and proposes to modify public grazing allotments and acquire access to additional lands through purchase or easement. APHIS states that a downgrade would not (and indeed, cannot) occur based on the mere presence of bison migrating out of the park. Clearly, there is a very minimal likelihood of a downgrade by APHIS, a threat that is vastly overstated in this DEIS.

The instances of two purebred stock owners deciding to no longer graze cattle in the Greater Yellowstone area appears to be related to perception of risk, a perception aggravated by actions of Montana's own state vets and livestock board, as well as other livestock officials in Wyoming and Idaho. At least one of those breeders appears to have been leasing land outside the SMA. This should be clarified.

Private Grazing Land Values

There is a claim in the DEIS that the value of private grazing resources could increase if disease risks and damage by bison are reduced. Only a state-wide average value of grazing lands is used. No value is provided in the DEIS for private grazing lands adjacent to the park, and the DOL indicated in a letter dated October 1, 1998 that it did not have a more specific value for private grazing lands near the park.

In order to assume that private grazing land values might increase if disease risks and damage by bison are reduced, one would have to know that current values are depressed because of the existence of disease risks and bison damage. But the agencies apparently don't know that such values really are depressed, nor have they shown that current values, even if they are

depressed, are in any way affected by threats of disease and property damage. If the agencies are going to make this statement, they need to document the current situation and the basis for making this assumption.

Voluntary Compensation Program for Private Property Damage

The *Citizens' Plan* proposes that private entities, in coordination with government agencies, will work to establish a voluntary program to compensate for private property damage incurred by natural bison migrations. The program would reimburse landowners who otherwise accommodate management objectives of the *Citizens' Plan* for damage to fences and other permanent structures.

In 1997, GYC reimbursed a landowner north of the park for certain expenses associated with horse corrals and fences that had been damaged by the large migration of bison in the winter of 1996-97. We recognize that bison have the potential to cause property damage unlike that resulting from other wildlife migrations, particularly if bison are migrating in very large numbers/ GYC is interested in minimizing the economic burden associated with free-ranging bison. Other groups and individuals expressed a similar interest.

Our intent is to allow wild, free-ranging bison. One condition for reimbursement is that the landowner generally agree with this intent; we would not, for example, want to be in the position of reimbursing someone who has restricted bison or other wildlife migrations to public lands or created conflict situations that led to the killing of bison that might otherwise have been avoided. It is also not our intent to support a program to pay for new fences or facilities, but rather to help restore existing structures.

GYC is not in the position of continuing to fund such reimbursements on its own, but believes a program with specific criteria for reimbursements, and a focus for soliciting funds, could be very useful and is a reasonable way to help adjacent landowners. It should be funded by private entities, in coordination with public agencies. We do not want to establish the precedent of having federal or state agencies paying for wildlife damage; we think that is far beyond the scope of their responsibilities and authorities.

Incentives to Modify Operations on Private Lands

Just as the *Citizens' Plan* proposes to improve bison access to winter range on the national forests by modifying certain grazing allotments, it also recognizes the need for accommodation on lands under private ownership as well. Winter range crosses all boundaries, as do bison.

Consequently, the *Citizens' Plan* calls for the agencies and organizations to aggressively pursue a program of working with private landowners to acquire lands or easements through public purchase from willing sellers. Efforts would also include offering incentives to modify the type, timing, or location of livestock grazing on private lands intermingled with public lands.

These changes, in conjunction with existing national forest lands, can help facilitate the transition of uses between national park lands and developed private lands.

The NRC report agrees that limiting cattle near YNP borders to steers or spayed heifers could lower the risk of transmission in the treated animals. The *Citizens' Plan* identifies the current priorities as areas north of the park and at Horse Butte, and states that the agencies will support current efforts to acquire winter range on private land north of the park between Reese Creek and Yankee Jim Canyon (see earlier comments regarding the proposed exchange with the Church Universal and Triumphant of RTR lands).

As part of the FY99 budget recently approved by Congress, $6.5 million was appropriated for acquisition of the CUT property. This represents roughly half of the funds needed for the proposed acquisition and will probably be sufficient to pay for Phase I of the swap. We believe the remaining $6.5 million necessary to finish Phase II will be included in Title V, which should be announced later this fall. The $13 million that will be available should give us the ability to acquire the 7,800 acres described earlier in these comments by the end of 1999. Although the government's plan (Alternative 7) provides for the potential acquisition of additional winter range and the creation of an SMA on that range, it does not commit to acquire the land or to definitively incorporate the acquired land into an SMA as is proposed in the *Citizens' Plan*. In this case, there is a willing seller, the value of the land for wildlife is well documented, and the federal agencies have agreed to commit funds for the purchase. Montana, however, has not yet endorsed the second phase of the acquisition which includes bison winter range.

The DEIS ignores certain potential benefits associated with changes in allotment and private land grazing practices. For example, yearly testing of cattle in the West Yellowstone area is required for cattle that come from Idaho. Relocating these cattle on summer range in Idaho would eliminate this expense for the cattle producer.

GYC is also discussing privately with other willing landowners potential changes to livestock use on private lands to reduce perceived conflicts with bison. We will continue to pursue such efforts as well as additional easement or acquisition efforts, and feel the agencies should commit to moving in this direction as well. Yellowstone has tremendous value as a wildlife sanctuary, and over the long term, such modifications in private lands use or ownership will prove more efficient and effective in maintaining both wildlife habitat and populations and healthy livestock herds, at significantly lower costs.

Cattle Vaccination

The *Citizens' Plan* encourages the states of Montana, Wyoming and Idaho to require vaccination of cattle within and immediately adjacent to the SMA if such a regulation is not already in place. It is encouraging that all Montana female cattle near the park are voluntarily vaccinated against brucellosis by owners, as noted in the DEIS. Requiring such vaccination

would obviously not impose any additional resource commitment, but could provide stronger assurance of protection. The NRC report acknowledges that vaccinating cattle is the most workable method of reducing the risk of transmission because of the difficulties of vaccinating bison.

The DEIS states that the agencies have no authority to require vaccination of animals that remain on their owner's premises. Obviously, if animals stay on their owner's premises they pose no threat of transmission to other herds and are not a factor with respect to broader marketing concerns. The issue of requiring cattle vaccination is with respect to cattle that may come in contact with bison and are moved off the owner's premises and can come in contact with other cattle herds.

The response from DOL to GYC's request for clarification about cattle over which they do have such authority simply referenced one Montana statute and 12 administrative rules but gave no explanation of its mandatory vaccination authority. The only relevant law and regulation referred to imported female cattle. There does not appear to be any restriction in the DOL's authority to require vaccination of female cattle on lands adjacent to the park. The EIS should clarify exactly what authorities exist, or what new authorities would be needed, to allow the agencies to require vaccination of cattle on lands around the park.

Given the current situation of vaccination of cattle around the park, the fact that cattle are voluntarily vaccinated in many other states, including ones that are Class Free, and that many states prohibit the importation of unvaccinated breeding cattle (NRC report), the argument that vaccination may adversely affect the international marketing of animals is not convincing as an argument against mandatory vaccination. According to the DOL, four to five million head of cattle were vaccinated against brucellosis last year, and Montana also requires vaccination of certain imported female calves. Further substantiation of the effects of vaccinated animals on national or international markets, the use of vaccination nation-wide, the significance of the international market, and the difference between required vaccination and voluntary vaccination is needed.

THE PUBLIC PROCESS

The State of Montana is attempting to sidestep an open, public process with its position that it alone must provide additional approval to allow bison outside the park. It is attempting to circumvent this NEPA/MEPA decision process so its Board of Livestock - which has no statutory responsibility to the governor or residents of the state of Montana - can, behind closed doors and without public review, make decisions that might restrict bison to Yellowstone National Park.

The DEIS provides no certainty for any alternative that professes to allow bison outside

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the park. The public can have absolutely no idea how bison will ultimately be managed, because under the terms of the DEIS, the state will make that decision after this Record of Decision is signed. Therefore, without knowing what the planned actions are, the public has no idea what the impacts of any specific alternative will be. This approach renders public involvement hollow.

The state claims it must provide additional approval, beyond its agreement in a Record of Decision associated with this EIS, for any accommodation of bison on lands outside Yellowstone National Park. Yet the DEIS provided no criteria for that subsequent decision, nor does it explain why the conditions in any alternative, if met, are insufficient for the state to meet its statutory responsibilities.

The state is a full participant in this EIS process and must sign any decision that is made. The EIS decision must clearly show how bison will be managed under various scenarios without returning to one entity after the decision has been made to offer additional approval or adopt changes. If the state of Montana can come in later, after a Record of Decision has been signed, and alter such fundamental components of the decision as whether bison will be allowed out of the park and how they will be managed if they leave the park - actions at the very core of this decision - there is no decision being made here and this public involvement process is useless. If a subsequent management decision is to be made by Montana, that action is subject to a new analysis under both the National Environmental Policy Act (NEPA) and the Montana Environmental Policy Act (MEPA), with full public review and comment.

NEPA regulations state that the primary purpose of an EIS is to serve as an 'action-forcing device'(40 CFR, Ch. V, part 1502) and both NEPA and MEPA require detailed statements about the environmental impacts of proposed actions and alternatives to the proposed actions (75-1-201, MCA and 40 CFR Ch. V, Part 1501). We cannot count on the Department of Livestock's past and current erratic benevolence toward bison as a reflection of a commitment to implementation of a chosen alternative in this EIS process. At the very least, the EIS must clearly state the specific criteria that will be used for the state to take discretionary actions detailed within the scope of the chosen action. We believe the selected alternative should provide a sufficient framework for decisions on how bison will be managed under various scenarios so that no further decision is needed.

LEGAL CONSTRAINTS AND AGENCY RESPONSIBILITIES

Despite claims that none of the alternatives retained for analysis are outside the agencies' legal constraints, we disagree.

National Park Service

GYC maintains that bison can only be removed from the park if they are dangerous, are

harming park resources, or are surplus animals. Our definition of 'surplus' animals are those which exceed carrying capacity.

The Act of Jan. 24, 1923 gives the Secretary of Interior authority to sell or otherwise dispose of surplus buffalo of the Yellowstone National Park. The National Park Service testified in court (*GYC et al v. Babbitt et al*) that bison were neither a danger, nor were they harming park resources. In all alternatives involving quarantine in this DEIS, the disposal of bison is not limited to surplus bison. In fact, the DEIS states that bison removals are tied to the serological status of the animals.

The 1974 Master Plan states that Yellowstone, as a natural area, would be a place where all the resources in a wildland environment are subject to minimal management. Ongoing and future wildlife management actions will be directed toward reducing or eliminating disruptive human influences, relying, whenever possible, upon natural controls to regulate animal numbers. One management objective states that the outstanding open wildlife range at Lamar should eventually result in a natural scene with the ultimate removal of all artificial structures such as elk traps.

The 1988 NPS Management Policies state that NPS management emphasis will be on minimizing human impacts on natural animal population dynamics. It also says 'native animal populations will be protected against harvest, removal, destruction, harassment, or harm through human action. . . Hunting and trapping of wildlife will be allowed only in parks where such use is specifically authorized. . . The NPS will strive to protect the full range of genetic types native to plant and animal populations by perpetuating natural evolutionary processes and minimizing human interference with evolving genetic diversity. . . '

The conditions under which individual animals may be removed does not include disease control. We contend the NPS does not have the authority to dispose of bison that have not been determined to be surplus, and before that determination can be made, the ecological carrying capacity of the park and adjacent lands would have to be established.

U.S. Forest Service

The U.S. Forest Service has not met its wildlife management responsibilities. We maintain that the state of Montana's slaughter of hundreds of bison on national forest lands warrants changes in public lands allotments. If no susceptible cattle graze these national forest lands during periods of potential transmission, then there will be no need to slaughter bison. Bison would be able to use these winter habitats without posing any threat of transmission to cattle. This is entirely within the purview of the U.S. Forest Service, and in fact it is that agency's decision allowing cattle grazing which is creating the conflict on these lands. The failure to recognize the need for Forest Service allotment changes in the DEIS results in a badly flawed analysis, which should be modified.

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As the DEIS acknowledges, the Forest Service has the authority to manage wildlife habitat on the national forest. Its responsibility to provide for wildlife migrating from YNP has a long history. The Act of May 26, 1926 (16 USC 37) gave specific recognition and authority for federal acquisition and management of the northern winter range for migratory animals (lands now managed by the Forest Service).

In its comments on the last interim plan, the Forest Service noted that bison have been using the Horse Butte, Madison River and South Fork of the Madison River areas consistently for the last 15 years. The agency suggested that based on this use, it seemed improper to classify these areas as marginal, since bison survived from year to year using these areas. Despite this recognition, the agency has not met its responsibility to provide bison access to habitat. Instead, it has focused on providing range for cattle at the expense of bison.

The discussion of Forest Service responsibility on page 233 absolutely mischaracterizes and undermines the authority of the agency to modify public livestock grazing allotments. It gives inordinate authority to livestock agencies. While it is true that the livestock disease agencies can direct that disease concerns warrant changes in allotments in response to concerns about brucellosis transmission, the livestock agencies cannot, for example, dictate that cattle take precedence in terms of seasons, type or locations of use. Nor should the Forest Service make changes only if requested by Montana, as has been suggested.

The Forest Service has the authority to determine allotment changes based on bison and cattle use of the same national forest lands, and can close allotments, and alter seasons or types of use in the absence of livestock agency involvement. It can also make such changes in response to livestock agency or others' actions in controlling bison use of wildlife habitats on national forest lands.

The Forest Service needs to modify its allotments, given the slaughter of wild bison that has occurred in the past simply because bison tried to use national forest lands. The agency should immediately reevaluate all potential affected allotments north and west of the park in terms of allowing bison access to winter range by giving priority to wild bison on these public lands.

Animal and Plant Health Inspection Service (APHIS)

APHIS currently does not have authority over wild bison, a limitation it has acknowledged many times. The implication in the DEIS that APHIS has a mandate that restricts Yellowstone National Park bison from entering Montana (see, for example, page 196) should be corrected. APHIS would have to amend its regulations to establish authority over wild bison.

APHIS also cannot remove, and does not automatically suspend, a state's class-free brucellosis status simply because of the existence of wild bison in a state, an implication made in this DEIS. APHIS also does not have to rescind a state's class-free status over a single

outbreak of brucellosis in a cattle herd, including cases where the outbreak is suspected of being caused by wildlife. Such an outbreak occurred in Wyoming (Parker Land and Cattle), and the state's class free status was never rescinded. In this case, no suspension took place because the infection was not believed to have been transmitted from cattle, but rather from wildlife.

APHIS' authorities, policies and practices related to wild bison should be clarified. Current or planned efforts by the agency to change these authorities, for example through rule changes or resolution, should be described.

State of Montana

Contrary to the DEIS, management of bison is not the responsibility of the Montana Department of Fish, Wildlife and Parks (p. 30), although it should be. See earlier discussion of wildlife management authority.

Throughout the DEIS, there are statements that the creation of a special management area would require the approval of the state of Montana as specified by Montana law. GYC has repeatedly asked for an explanation of specifically how this interpretation is made, and has never received a satisfactory answer. The last response, in writing, from the DOL referenced five sections of Montana law and five sections of the administrative rules, but never explained the state's interpretation of these laws and rules.

The issue is not whether DOL has responsibility to protect Montana's livestock interests - which it clearly does - but why additional approval by the state of a plan to manage bison is necessary beyond the state's approval of a record of decision associated with this EIS process (see also earlier discussion). The contention that additional state approval is necessary to comply with state laws suggests that the final decision made in this process does not meet state law. The state is a full participant in this process and must sign any decision that is made, and it cannot approve any action through this process that may violate state law. The state has to ensure that the EIS decision that it approves complies with MCA 81-1-102, 81-2-102, 81-2-112, 81-2-120, and 81-2-704 and with ARM 32.3.108, 32.3.116, 32.3.205, 32.3.224 and 32.3.224A.

We do not agree that additional state approval after this EIS decision is required, nor should it be allowed. Otherwise, this entire process is useless. If the state can come in later and say, regardless of what alternative is approved, that it has determined that bison that come into Montana are a threat, the public and the other agencies have absolutely no idea how bison will be managed despite the EIS decision.

If the agencies continue to assert that further state approval is necessary, they must explain why a state decision in this MEPA/NEPA process is not sufficient to meet the statutes and regulations referenced; why the state can sign a decision that is not sufficient; what criteria would have to be met for the state to change any component of the EIS decision; what changes could be made; who would make this decision; and what role the public or the other agencies

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would have in participating in, reviewing and commenting on any change.

The DEIS states that the DOL is funded by special revenue funds generated by a tax on livestock producers and no general fund monies are spent by the department (page 33). This is not accurate. The department has a budget of over $12 million for the 1999 biennium, of which about $1.1 million is from the state general fund. Almost $1 million (about $450,000 per year for the 1999 biennium), or over 8 percent, of its $12.8 million budget was allocated for bison-related operations in the current biennium. About one-third of that amount has been spent on direct bison control costs, including over $30,000 for attorney expenses and legal fees. Additional indirect costs amounted to about $19,000.

MISCELLANEOUS

Pages iv, 188 - It is widely accepted that more than 23 bison actually remained in Yellowstone in 1902, although only 23 were counted.

Page xv - The DEIS states that phase 2 of Alternative 3 includes a quarantine program (pp. 74, 80), but Chart 2 does not show any animals removed through quarantine under that alternative.

Page 13 - The map incorrectly shows historic bison range as stopping at Omaha and Kansas City. Bison historically occupied virtually the entire United States, and extended into Canada and Mexico.

Page 19 - Reference to frequency of brucellosis-induced abortions in bison must be a reference to domestic or captive bison, not wild bison.

Page 21 - states that land use in the Lee Metcalf Wilderness and Cabin Creek Recreation area emphasizes wildlife and precludes domestic livestock. However, the Wapiti cattle allotment is in that area.

Page 27 - The specific schedule for development of the bison management plan, as agreed to in the court settlement, is not being followed, and a new schedule has not been established. This should be noted.

Page 35 - The discussion of the public scoping process and public participation ends at the 1996 interim plan, although elsewhere in the DEIS there is mention of the amendments to that plan. This discussion should be extended to include the amendments and an acknowledgment of the disagreement among the agencies.

Page 41 - The control or eradication of brucellosis in elk is identified as a topic that was precluded from further analysis (p. 41). The rationale given is that "it does not appear possible to

eradicate brucellosis from bison without also eradicating it from elk and is therefore not part of this management plan." This rationale suggests it is the eradication of brucellosis from *bison* that is not part of this management plan, particularly because the issue of brucellosis in elk is identified later on as a topic beyond the scope of the DEIS.

Page 178 - There is reference to the work of Teller and Kelsall, not Telfer and Kelsall as listed in the bibliography.

Page 204 - The DEIS states that phase 2 of Alternative 3 includes a quarantine program (pp. 74, 80), but Tables 31-33 do not show any animals removed through quarantine under that alternative.

Unpublished data by Craig Knowles (p. 201) and by D. Scott (p. 182) are referenced in the DEIS but not included in the bibliography.

The appendices should include the September 27, 1997 and November 13, 1997 letters from the federal agencies to Montana regarding changes in the 1996-97 interim plan and a low-risk policy.

ATTACHMENTS

Attachment A - Bison Management Citizens Working Group 1991 proposal
Attachment B - Letter to federal and state authorities from GYC, Jackson area ranchers and others
Attachment C - *Citizens' Plan to Save Yellowstone Buffalo*
Attachment D - Petitions opposing bison slaughter
Attachment E - List of Bison Belong businesses
Attachment F - Selected regional editorials
Attachment G - Letters from Montana, Wyoming and Idaho regarding undulant fever cases

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Attachment A

Bison Management Citizens
Working Group
[redacted]
May 15, 1991

Superintendent Robert D. Barbee
P.O. Box 168
Yellowstone National Park, Wyoming 82190

Dear Superintendent Barbee:

A small group of citizens representing conservation, environmental, ranching, landowner, wildlife, and sportsman interests has been meeting nearly once a week since early March to formulate a proposal for management of Yellowstone bison. We have developed long-range goals and objectives for management of the bison and also have outlined a detailed plan for accomplishing our goals and objectives. Our intent has been to formulate a well balanced plan, satisying diverse interests and management perspectives.

We are pleased to transmit our proposal to you. We are available to meet with you to discuss the plan in further detail or to assist in any future bison management long-range plan actions. If you have questions please call the chairperson of our working group, Kara Ricketts, at [redacted].

Your careful consideration of our proposal is appreciated.

Sincerely yours,

John Ragsdale, Ragsdale Simmentals
Local rancher

Jim Richard
Montana Wildlife Federation

Kara Ricketts
Greater Yellowstone Assoc. of Conservation Districts

Michael Scott
The Wilderness Society

Jeanne-Marie Souvigney
Greater Yellowstone Coalition

Leroy Ellig
Retired Fish, Wildlife, and Parks Regional Supervisor

Edward Francis, [redacted]
Local Landowner

Robert S. Gibson
Retired Forest Supervisor

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Attachment A contd.

MANAGEMENT OF YELLOWSTONE BISON

Developed in the spirit of cooperation by citizens representing conservation, environmental, ranching, landowner, wildlife, and sportsman interests:

John Ragsdale, Ragsdale Simmentals, local rancher
Jim Richard, Montana Wildlife Federation
Kara Ricketts, Greater Yellowstone Assoc. of Conservation Districts
Michael Scott, The Wilderness Society
Jeanne-Marie Souvigney, Greater Yellowstone Coalition
Leroy Ellig, retired Fish, Wildlife, and Parks regional supervisor
Edward Francis, [redacted], local landowner
Robert Gibson, retired forest supervisor

(Nikki Price, Medicine Wheel Alliance, was consulted throughout our discussions)

Technical Advisors:

John Cada, Montana Department of Fish, Wildlife, and Parks
Rich Inman, U.S. Forest Service
Rich Klukas, Yellowstone National Park
Larry Stackhouse, Montana State University Veterinary Research Lab

BACKGROUND

Yellowstone National Park, which became the world's first national park in 1872, is recognized internationally for its biological, geological, and cultural significance. It is the strategic core of a vast, upland wild area, and is surrounded by multiple-use public and private land.

Yellowstone's highly varied vegetation supports a wide variety of plant-eating animals. Among them are an array of large ungulates, including bison. These bison, which constitute some of the last free-roaming bison in the country, are considered by many Americans to be a national treasure, an exciting reminder of the much larger free-roaming herds that once inhabited the northern plains. The bison of Yellowstone have long been a special attraction to park visitors.

The Yellowstone bison population winters in three major areas of the park: the Northern Range (Lamar Valley) and Pelican Valley are the smallest herds and Mary Mountain (Hayden Valley-Firehole River) is the largest. Intermixing among the three subpopulations occurs, primarily during the summer season. In recent years, increasing bison populations have migrated during the winter months from within the park to outside the park.

Virtually all of the bottom land along the Yellowstone River north of Yellowstone National Park to Yankee Jim Canyon, as well as the open bottoms and basins of major tributaries are in private

ownership. The Hebgen Lake area is primarily public land, with some private land in the area.

The group developed common goals and objectives to be used for consideration in development of our alternative. The group recognized that the alternative is an experimental proposal.

Goal: Maintain sustainable herds of wild bison in balance with available resources.

Objectives:

1. Maintain a self-sustaining population of bison.

   -Recognize that bison are wildlife.

   -Recognize Park Service management objectives to maintain a natural, viable, and free-roaming bison population in the Park, with emphasis on minimizing human impacts on natural animal population dynamics.

   -The Park Service will manage bison populations in accordance with range capacity within the Park.

   -Allow opportunities, to the extent possible, for bison to migrate to bison management areas outside Yellowstone National Park, recognizing that the population is to reside primarily in the Park.

   -In bison management areas outside the Park, populations will be based on range capacity.

   -Provide national sport hunting opportunities for bison.

2. Protect local domestic livestock in the area surrounding the Park by reducing the potential for transmission of the brucella organism.

   -Scientifically determine actual brucellosis infection within bison, risk of transmission of brucellosis between bison and cattle, and potential for transmission between cattle and bison and/or other wildlife.

   -Use appropriate measures to prevent contact between bison and susceptible livestock.

   -Investigate scientific means available to control and/or minimize brucellosis infection.

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Attachment A contd.

-Insure that Montana retains its "brucellosis-free" status in accordance with Animal and Plant Health Inspection Service (APHIS) requirements.

3. Reduce the potential for bison-human conflicts and property damage caused by bison outside the Park.

-Outside the Park, bison should be dealt with in the context of threats to property, persons, or public safety, and similar to the ways other animals that pose such threats are dealt with, i.e. "depredation control."

-The responsible agencies will respond quickly and and effectively to any problem bison (s), recognizing that a large number of bison can, in itself, be a problem.

-Responsible agencies will develop and adopt written action plans that will insure that problem bison are responded to quickly and effectively.

-When management actions are necessary within bison management areas or on private property, hazing, trapping, transporting, hunting, or killing will be used.

CITIZENS ALTERNATIVE

During the winter months, the Yellowstone and Madison River valleys form natural topographic routes for bison migration outside the Park. In recent years, the bison have moved out of the Park onto U.S. Forest Service and private lands. The major migration has been to the north. Late winter migration movements of bison cow and calf herds in small numbers have occurred on the West boundary near West Yellowstone.

The bison movement to "bison vacant" lands outside the Park will probably continue. This alternative recognizes that select areas adjacent to and within the Park would be used to manage bison migration while still protecting private property. Bison will be allowed to migrate only to specially designated areas on suitable public lands referred to as "bison management areas." Bison management areas exclude townsites and private property. Any extension of bison migration outside of bison management areas will occur only under willing landowner conditions. Compensation for such agreements is appropriate. We recommend that the agencies work closely with APHIS to insure that Montana retains its "brucellosis-free" status.

The proposed western bison management area is bounded by Hebgen Lake and the campground road east of the South Fork of the Madison River. It excludes the townsite of West Yellowstone and any private property. Summer use by bison in this area is conditional on willing changes in current cattle grazing permits. The northern bison management area includes Deckard Flats and extends northwest near the south hydrologic divide of Little Trail Creek and north and east of U.S. Highway 89, excluding the townsites of Gardiner and Jardine and any private property. There are no cattle permits in this management area.

Management Within Bison Management Areas

Bison within bison management areas will be managed under generally acceptable wildlife management principles as directed by Fish, Wildlife, and Park personnel. Range capacities will be carefully monitored. When bison are threatening people, property, or public safety, consideration will be given to efforts to haze, herd, hunt, transport, or kill bison. Any harvesting or transporting of bison should be done in a humane manner. Hunting of bison and the associated season will be at the discretion of the Montana Fish and Game Commission. Hunting will be administered by the Montana Department of Fish, Wildlife, and Parks and done in a manner that maximizes the character of sport hunting and minimizes agency supervision. Permits should be available on a random draw basis to any qualified hunter. We recommend that hunting, subject to the laws of the State of Montana, begin within the near future for the Mary Mountain herd in the vicinity of West Yellowstone because of the terrain and existing security cover. While we expect that hunting can occur in the future in the northern bison management area, the Fish and Game Commission will make appropriate determinations.

Management Outside of Bison Management Areas or Yellowstone National Park

Efforts to haze, herd, transport, or kill bison will be made by personnel from Fish, Wildlife, and Parks, the National Park Service, and the U.S. Forest Service in areas outside of specially designated management areas. Bison threatening public safety, private property, and/or people will be dealt with in a timely, responsible manner.

Trapping

Traps will be established in three areas at or near the Park boundary to protect private property from migrating bison and to control populations. The traps will be located west of the Yellowstone River at Stevens Creek, inside the boundary of the

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Attachment A contd.

Park, east of the river at the most advantageous point approaching the south hydrologic divide of Little Trail Creek and south of Grayling Creek at Horse Butte Peninsula. Bison attempting to migrate north will be trapped. Historically, the largest numbers of migrating bison have attempted to move north in the Stevens Creek area. In the Mary Mountain herd, bison migrating north on Horse Butte Peninsula will be trapped directly south of Grayling Creek. The National Park Service, State of Montana, and Forest Service will support the initial costs of constructing the three trapping facilities. We recommend that the National Park Service assume the largest share of the costs.

Trapped bison will be offered live to Indian tribes or other appropriate parties if they can meet the governmental requirements, applicable to state and federal brucellosis regulations. Bison may be transported to the Lamar Valley if low populations warrant such action. Bison not taken under those conditions will be transported to slaughter. The meat will be auctioned/and or donated to eligible organizations, including the Salvation Army or Indian tribes. The auction will be administered by the State of Montana. Funds received from the auction will be used to support the bison management program. A long term goal of the program is financial self-sufficiency.

Artificial Feeding of Bison

No artificial feeding of free roaming bison is allowed at any location.

Education, Research and Communication

An aggressive educational effort should be part of the long term management plan, and involve state as well as federal agencies. Yellowstone National Park should be the leader in developing these educational efforts. This public information effort should inform the public about the various components of the long range plan, clarify issues about brucellosis, and explain on-going research efforts.

Research efforts should continue in an attempt to document brucellosis infection within bison; risk of transmission of brucellosis between cattle and bison, including critical periods and conditions for transmission; and potential for transmission between cattle and bison and/or other wildlife. Options to minimize the threat of brucellosis transmission should also be addressed. Research results should be continually incorporated into educational programs.

The agencies are encouraged to communicate with landowners about the short and long term goals of the bison management plan.

Annual meetings with landowners are appropriate. Landowners must be assured that the responsible agencies can and will respond quickly and effectively to problem bison.

Agency Action Plan

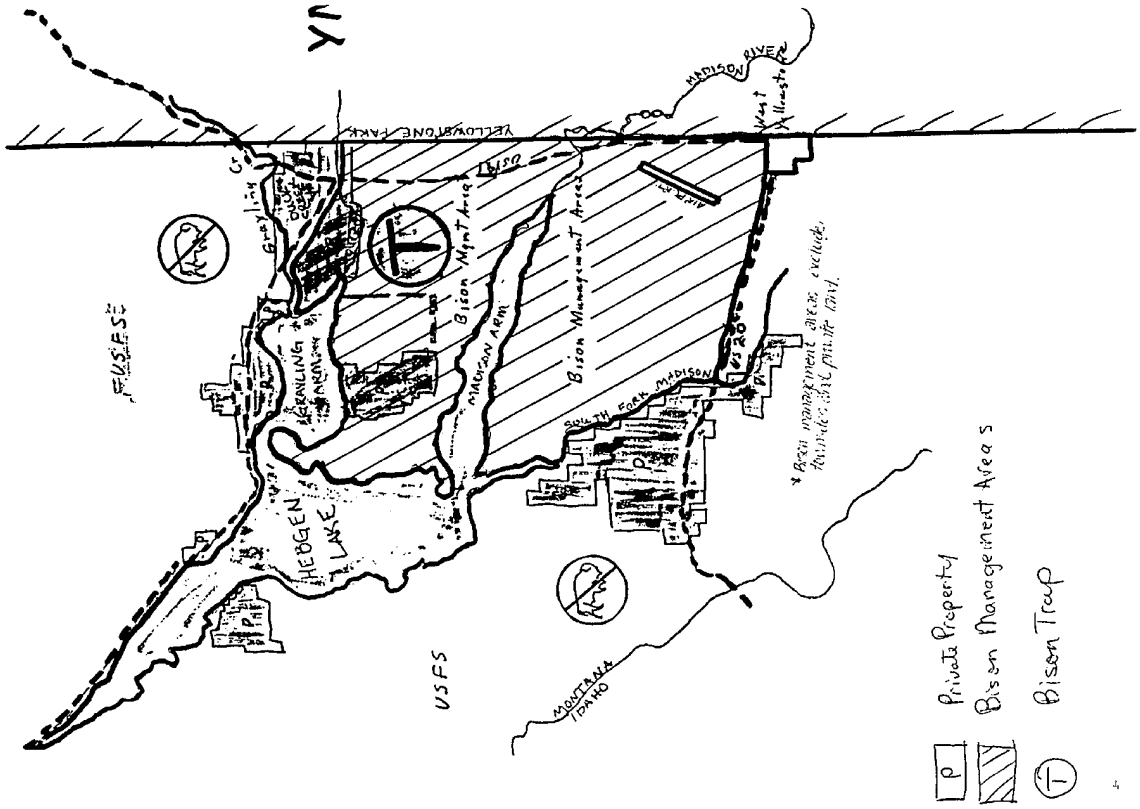
The agencies must develop a working action plan to insure that management actions are carried out effectively and expediently. This plan must include:

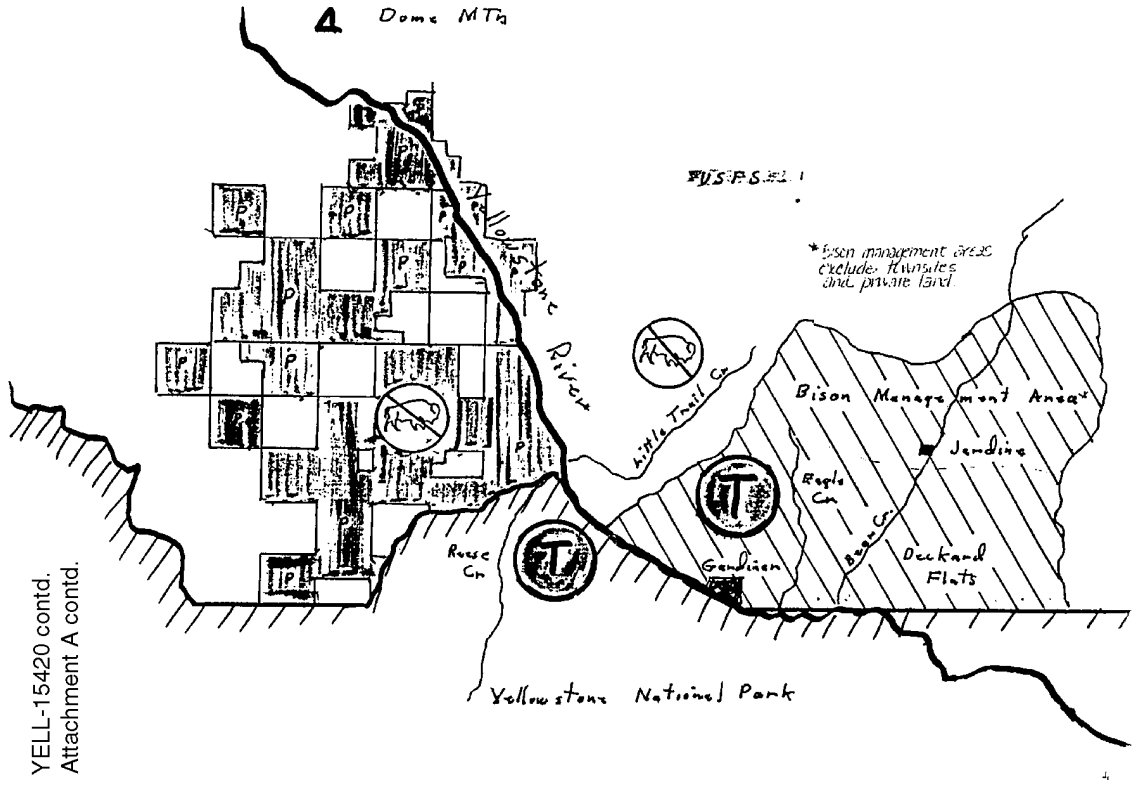
-Landowners must be provided with a local contact and two back up contacts within the Montana Department of Fish, Wildlife, and Parks; the National Park Service; and the U.S. Forest Service in the event of problem bison. Landowners must not be placed in the situation of calling several individuals within all agencies to receive prompt action in dealing with bison.

-In the event of severe winters, the agencies must be ready to respond quickly and effectively to mass migrations. An "action plan" should be developed to deal with these situations.

-The National Park Service should educate Park visitors on the bison management plan as soon as it is adopted.

-The working group that developed this proposal will continue to be "on-call" and available to agency personnel for consultation or interpretation of the bison management plan and/or future bison management direction.





YELL-15420 contd.
Attachment A contd.

YELL-15420 contd.
Attachment B

President Bill Clinton
Mr. Dan Glickman, Secretary of Agriculture
Mr. Bruce Babbitt, Secretary of Interior
Mr. Jim Geringer, Governor of Wyoming

RE: Brucellosis Management in Wyoming
DATE: January, 31, 1997

Dear President Clinton, Secretaries Glickman, Babbitt and Governor Geringer,

We appreciate this opportunity to express our mutual concerns for the direction brucellosis management is taking in the State of Wyoming. Over the years, the agriculture and conservation communities of Wyoming have worked to protect our open space while sustaining a robust ranching economy and maintaining viable wildlife populations on the land we all respect. We are joining forces now to demonstrate our continued commitment to these values and to urge you to redirect several brucellosis management proposals now before the public that we view as serious challenges to our shared values.

For example, recent documents, including the Jackson Bison Herd, Long Term Management Plan-EA (1996), the Wyoming Interim Brucellosis Management Procedures ("Wyoming Settlement Plan"- 1996), and the January 10, 1997 Federal Register Proposed Rules published for the Department of Agriculture-APHIS bode ominously for both the cattle industry and free-roaming wildlife in northwestern Wyoming.

First, we feel that if the rule changes set forth in the Federal Register become standard operating procedure, Wyoming's Brucellosis Free Status will be in immediate jeopardy, if not for the entire state, then certainly for the northwestern portion of Wyoming. Second, if these proposals are enacted, control of the world's largest population of free roaming bison will be essentially turned over to APHIS, a Federal agency who's operational expertise does not include wildlife management. Third, if these proposals are adopted, it will lead to the unnecessary killing of hundreds, if not thousands of wild bison (and eventually elk).

Fourth, if the proposals presented in the Wyoming Settlement Plan are put into place, among other things, they will require biannual testing of livestock. We view this as unnecessary and resulting in the undue holding and handling of livestock leading to increased costs to the ranchers, increased manpower needs, and increased stress on the cattle. In fact, there is already a Market Cattle Information System in place that exists to alert interstate markets of disease problems. Therefore, another testing program would be redundant.

While we share your concern for protecting the "Brucellosis Free Status" of Wyoming, we think it is secure now because there is no recent history of brucellosis transmission from wildlife to cattle in Teton, Park and Sublette counties and because the ranchers in this area protect their cattle through vaccinations. In addition, the Wyoming Game and Fish Department (WG&F) carries out winter depredation elk hunts (when and where requested) which keep elk off private cattle feed grounds, thereby eliminating that potential for disease transmission. The WG&F Department would be in a position to do the same if or when bison entered private feed lines.

We ask you to understand that the ranchers of this area are not asking for the measures proposed in the above mentioned documents and that they are not asking for the removal of wildlife from their public grazing areas. We ask you to understand that the conservation community is not asking that the ranchers remove their cattle from public wildlife range. We ask you to understand that the ranchers of this area view the possibility of brucellosis transmission from wildlife to cattle to be so insignificant that it poses no real threat to their interests. Nor does the conservation community view brucellosis as a threat to wildlife populations. We ask you to understand that the real threat to our interests are the proposals originating from and/or driven by APHIS and the unfounded premise that brucellosis poses a real threat to man and beast.

We urge you to consider our position and work with northwestern Wyoming's ranchers and conservationists and recognize the common ground which exists between these two major citizens groups, the very groups most effected by this issue. We urge you to concentrate your management efforts on non-lethal and non-invasive methods of minimizing the already insignificant risk of disease transmission rather than concentrating on the eradication of brucellosis via the lethal and costly methods now being proposed. We thank you for your time and consideration.

Sincerely,

Jackson Area Ranchers

U.S. Sen. C. Hagen Asst

Executive Director
Jackson Hole Alliance for Responsible Planning

Mike Clark
Executive Director
Greater Yellowstone Coalition

Lloyd Dorsey
President
Wyoming Wildlife Federation

cc: Terry Medley, Administrator, Animal and Plant Health Inspection Service
Wyo. Senator, Craig Thomas
Wyo. Senator, Mike Enzi
Wyo. Congresswoman, Barbara Cubin
Wyo. State Senator, Grant Larson
Wyo. State Representative, Clarene Law
Wyo. State Representative, Bud Betts

YELL-15420 contd.
Attachment B contd.

JACKSON HOLE ALLIANCE FOR RESPONSIBLE PLANNING

News Release

Date: 2/12/97
Re: Ranchers & Conservations Unite on Bison Issue
Contact: Franz Camenzind, Executive Director, 733-9417

FOR IMMEDIATE RELEASE

Ranchers and Conservation Groups Unite On Brucellosis Controversy

In a show of unity, ranchers and conservation groups in the Jackson Hole area have signed a letter asking for the Animal and Plant Health Inspection Service (APHIS) within the Department of Agriculture, the Secretaries of Interior and Agriculture, and other government leaders to reconsider various rules, regulations and proposals pertaining to brucellosis management, all of which would seriously impact their interests. The letter concludes by saying that "...the real threat to our interests are the proposals originating from and/or driven by APHIS and the unfounded premise that brucellosis poses a real threat to man and beast."

The signatories include, Former Senator Clifford P. Hansen, Brad Mead, Kelly Lockhart, Bob Lucas, Bill Resor, Franz J. Camenzind, Ph.D., Executive Director of the Jackson Hole Alliance for Responsible Planning, Mike Clark, Executive Director of the Greater Yellowstone Coalition, and Lloyd Dorsey, President of the Wyoming Wildlife Federation.

In conjunction with this letter, the Jackson Hole Alliance for Responsible Planning has asked Vice President Al Gore, Secretaries Glickman and Babbitt to intervene in the matter and call for an immediate halt to any killing of bison. In addition the Alliance is asking for the formation of a special National Academy of Science panel to investigate this matter and make recommendations for a long term solution.

Attachment C

The Citizens' Plan
To Save Yellowstone
Buffalo

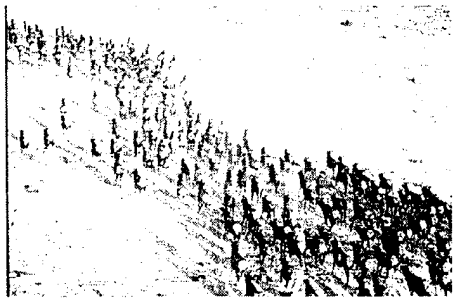
Sponsored by:

American Buffalo Foundation
Defenders of Wildlife
Dubois Wildlife Association
Gallatin Wildlife Association
Greater Yellowstone Coalition
Idaho Wildlife Federation
InterTribal Bison Cooperative
Jackson Hole Conservation Alliance
Montana Audubon
Montana River Action Network
Montana Wilderness Association
Montana Wildlife Federation
National Parks and Conservation Association
National Wildlife Federation
Natural Resources Defense Council
The Wilderness Society
Wyoming Audubon
Wyoming Outdoor Council
Wyoming Wildlife Federation
Bench Ranch
Wyoming Wear
Yellowstone Raft Company

YELL-15420 contd.
Attachment C contd.

Yellowstone National Park is home to the largest free-roaming buffalo herd in the United States, descendants of the 30 to 60 million buffalo that once roamed this country. Buffalo symbolize the natural heritage that Yellowstone, the world's first national park, has preserved for us to be passed down to future generations. Tragically this heritage is being threatened by overreaction.

Pushed by harsh winters and their instinct to survive, over 1900 Yellowstone buffalo attempted to leave Yellowstone National Park during the last four winters and were killed by state and federal officials. In one winter



alone, government agencies killed 1100 out of 3500 buffalo. Others died from natural causes. As a consequence, the buffalo population has since been driven down to 2200 animals. The agencies claim the killing is necessary to prevent spread of the disease brucellosis. However, there has never been a single confirmed case of brucellosis transmission from wild buffalo to cattle. Meanwhile, Greater Yellowstone's 100,000 elk also test positive for brucellosis, yet the government has seen no need to address this fact.

In June, federal and state agencies released a draft 15-year plan for managing Yellowstone's buffalo. This is the first time in nine years that the public has been asked to comment on how Yellowstone's wild buffalo should be managed for the long term. The government's plan identifies seven alternatives, including its preferred plan. Sadly, none of these alternatives finds a reasonable balance that preserves free-roaming buffalo while protecting livestock interests.

Groups and individuals from the Greater Yellowstone region, along with others from across the country, have developed a balanced plan, based on science, that protects Yellowstone's buffalo, Montana's livestock industry, and America's taxpayers.

The Citizens' Plan to Save Yellowstone Buffalo is now endorsed by organizations that represent over five million Americans. The plan manages buffalo as wild animals, minimizes human intervention in wildlife dynamics in Yellowstone National Park, and accommodates buffalo on winter range outside the park. It also guarantees reasonable and effective measures that protect private property and livestock interests.

Background

Yellowstone Park is the heart of an ecosystem encompassing great expanses of National Forest lands and intermingled private lands in Montana, Wyoming and Idaho. These lands help support vast herds of wild elk and deer, grizzly bear, and other wildlife, including the buffalo. Much of the National Forest land adjacent to Yellowstone National Park is designated as important wildlife habitat.

During harsh winters, Yellowstone buffalo roam to lower elevations outside the park where they can more easily reach needed forage. This movement outside the park is a natural process, similar to the seasonal migrations of elk, deer and other Yellowstone wildlife. Artificial feeding of buffalo in a futile attempt to keep them inside the park is not an acceptable management tool. Such feeding would unnaturally support wildlife populations in a zoo-like situation, disrupt natural wildlife behaviors, and increase the likelihood of transmission of disease and parasites. For these reasons, buffalo and all other wildlife are not fed in Yellowstone National Park.

State wildlife agencies generally manage wildlife outside the national parks and refuges of Greater Yellowstone. However, in Montana, management authority over wild buffalo has been handed to the state Department of Livestock, an agency without wildlife management expertise.

State and federal agencies, led by the Montana Department of Livestock, claim the current policy of killing buffalo is necessary to prevent the spread of the disease brucellosis from buffalo to cattle. The agencies have shot buffalo attempting to migrate to winter range, or have herded the buffalo into pens inside and outside the park and then shipped them to slaughter.

Brucellosis is a bacterial disease that can cause some domestic cows to abort their calves. It is thought to have arrived on this continent with cattle brought from Europe. It was first detected in Yellowstone buffalo in 1917, and has since been detected in the region's elk herds as well.

There has never been a confirmed case of brucellosis transmission from wild buffalo to cattle. The federal agencies involved in this issue (Animal and Plant Health Inspection Service, the U.S. Forest Service and National Park Service) recently acknowledged that buffalo bulls, calves, yearlings and cows that have already given birth present no relevant risk of transmission of brucellosis to livestock. Because brucellosis has been detected in the region's elk herds, any attempt to reduce brucellosis in Greater Yellowstone wildlife will not be resolved solely by controlling the disease in buffalo.

There are about 14 ranchers that graze fewer than 2,000 head of cattle on the public and private lands north and west of the park where buffalo sometimes move to forage during winter. About 45% of these cattle graze on public lands, for which the Forest Service receives less than $5,000 each year. Economically, it makes more sense to vaccinate domestic cattle, for which there is a relatively effective vaccine, than to vaccinate herds of over 100,000 wild buffalo and elk. This is particularly true because there is still no safe and effective brucellosis vaccine for wildlife.

In their proposed buffalo management plan released in June, the state and federal governments propose to continue their intrusive, often lethal approach to managing Yellowstone buffalo. Their plan proposes a bureaucratic, impractical and expensive system, costing taxpayers more than a million dollars each year to capture, corral, test, vaccinate, ship, kill and sell buffalo. It restricts buffalo from using public lands outside the park. It keeps the Montana Board of Livestock, not wildlife professionals, in charge of crucial decisions affecting buffalo and the wild and natural character of Yellowstone National Park. And it continues a conflict that embroils the region's ranchers in a controversy that is damaging to their industry.

The government plan ignores golden opportunities to resolve this long, frustrating battle over buffalo management through public land use changes, private land swaps and reasonable wildlife management practices. The government's plan is bad management, the same bad management that led to the killing of over 1100 Yellowstone buffalo, from a herd of 3500, in just one winter.

There are better alternatives.

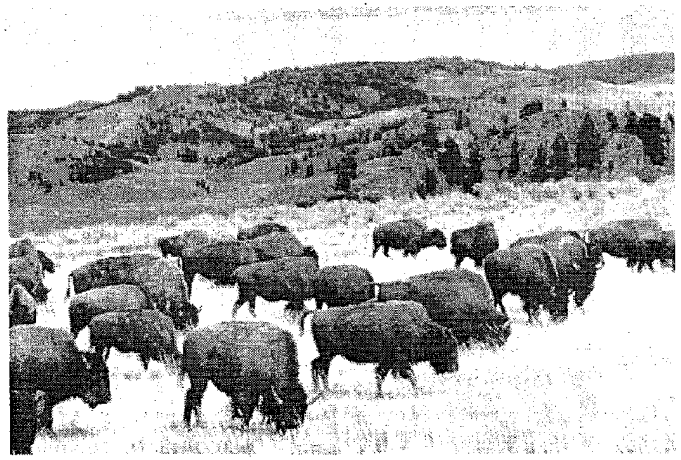
For example, in the two areas outside Yellowstone National Park where most of the conflict occurs, there are opportunities to provide buffalo with access to public lands without jeopardizing the state's cattle industry. The Forest Service can work with ranchers to modify grazing allotments north and west of Yellowstone National Park. The agencies can move ahead with a proposed land swap north of the park that through land exchange and conservation easement would create more public land along the Yellowstone River where buffalo and other wildlife can migrate and survive the winter without coming into contact with cattle.

Native American tribes, whose members have lived beside the buffalo for thousands of years, believe the Yellowstone buffalo should live wild, free of human intervention, and safe from needless slaughter. They have offered to provide homes for excess

Yellowstone buffalo on tribal lands throughout the country, thus restoring the buffalo to its more traditional role in the culture of the Native American tribes.

Excess live bison removed from lands outside Yellowstone Park would have to be certified as disease-free before being released to Indian reservations. However, the current quarantine protocol of the Greater Yellowstone Interagency Brucellosis Committee is more lengthy, intrusive and costly than needed. The protocol is also more extreme than what is required of livestock. It needs to be modified to be more effective, efficient and humane.

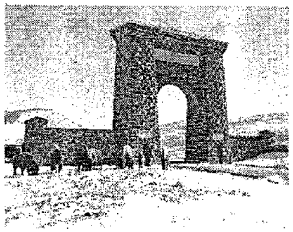
Brucellosis risk management should not focus solely on the elimination of the disease in Greater Yellowstone wildlife, but rather on reducing the already very low potential for the transmission of brucellosis from wild bison to domestic cattle. This can be accomplished by vaccinating cattle and by ensuring that buffalo and cattle will not come into contact with one another. Killing buffalo is not the only way to achieve this separation.



YELL-15420 contd.
Attachment C contd.

The Citizens' Plan to Save Yellowstone Buffalo

The Citizens' Plan to Save Yellowstone Buffalo protects the largest free-roaming buffalo herd in the United States, while also accommodating Montana's ranchers. It is currently the only plan that achieves this balance. The Citizens' Plan is supported by groups and individuals from Greater Yellowstone and across the country, including sportsmen, Native Americans, conservationists, scientists, business people, ranchers, and others. The plan would be in place for ten years, and would be reviewed in the context of new scientific information. It represents a balanced solution while working to establish better scientific information on which to base future management decisions. The Citizens' Plan states:



Yellowstone National Park should not be managed like a zoo, theme park, or a cattle ranch. It must be managed as a *natural* national park. Yellowstone's buffalo will remain wild and free-roaming. Inside the park, buffalo will not be shot or captured for testing, quarantine, or slaughter.

Yellowstone buffalo and other wildlife will be managed by wildlife professionals, using the best wildlife management techniques. Management of wild buffalo outside the park will be returned from Montana's Department of Livestock to the state's Department of Fish, Wildlife and Parks.

Buffalo will be allowed to use public lands outside the park. The Plan identifies a Special Management Area (SMA). This SMA includes winter range adjacent to the park which is vital to buffalo, especially during severe winters. Buffalo must be allowed to use public lands in the SMA with minimal human interference. On the north side, the SMA boundary will be the mouth of Yankee Jim Canyon. On the west side, the boundary will be the Gallatin National Forest boundary running north to the Taylor Fork-Buffalo Horn drainage. Reasonable efforts to enforce the boundary would protect human safety and private property inside this management area.

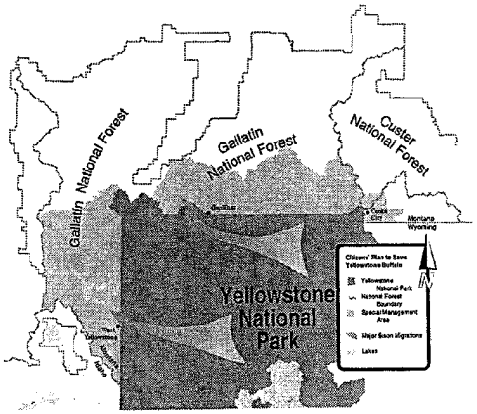
* Scientifically sound herd size limits, based on interspecies ecology, range health, population viability and other factors, will be established for the public lands outside the park within the SMA. If additional public lands become available, for example through land exchange, easement, or public purchase, population limits would be modified to reflect the increased availability of winter range to buffalo. These herd size limits will be reviewed annually by a cooperative management team which would include wildlife professionals from the conservation community and Indian tribes as well as state and federal agencies.

* A scientifically-based *minimum* buffalo herd size will be established. It will consider average winter habitat both within and outside the park in the SMA, and potential winter severity. Currently, the proposed minimum herd size for lands within the park is 1700 buffalo. This herd size should be increased to include consideration of winter habitat outside the park. Under no circumstances will the buffalo herd be reduced below this adjusted minimum herd size.

* Buffalo will be managed outside the park on lands within the SMA. Options for managing buffalo as the herd size approaches the maximum limit for the public lands outside the park include transferring live excess buffalo to Indian reservations and other public lands, and appropriate, regulated harvest of excess buffalo (not to be conducted by government officials). This choice of management removal strategies (relocation or harvest) recognizes the need for flexible wildlife management options that give managers the opportunity to choose the option that is more appropriate in a particular location and situation.

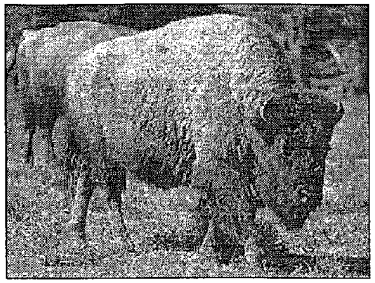
* Where buffalo presence conflicts with cattle use of public lands, the Forest Service will change grazing allotments to accommodate buffalo use. Separation of buffalo and cattle on public lands will be achieved by adjusting the type of use, and/or the timing or location of livestock grazing on the allotments to maintain the desired separation.

* Where public lands are not used for cattle grazing any time of the year, such as at Eagle Creek, or where other acquisitions or incentives provide for buffalo use, buffalo are allowed to remain, and no hazing or capture will occur unless the number is above the established herd objectives for buffalo in that area.



Buffalo herds will not be allowed on private lands without the consent of the landowner if those buffalo threaten private property or human safety. They may instead be removed using traditional wildlife management techniques if reasonable hazing efforts have failed.

The choice of management removal strategies (relocation or appropriate, regulated harvest) recognizes the need for flexible wildlife management options that give managers the opportunity to choose the option that is more appropriate in a particular location and situation.



* Montana, Wyoming and Idaho are encouraged to require vaccination of cattle within and immediately adjacent to the SMA if such a regulation is not already in place.

* Private entities, in coordination with government agencies, will work to establish a voluntary program to compensate for private property damage costs incurred by natural buffalo movements. Only damage to fences and other permanent structures would be eligible for compensation. In order for property owners to receive compensation, they must abide by the management objectives identified in this plan for Yellowstone buffalo.

To better accommodate buffalo on important winter range adjacent to the park, agencies and organizations will aggressively pursue a program of working with private landowners to acquire lands or easements through public purchase from willing sellers. They will offer incentives to modify livestock operations (changes in type, timing, location of use) on the intermingled private lands. Current priorities areas are north of the park and Horse Butte west of the park.

* The agencies will support the current effort to acquire private land winter range north of the park between Reese Creek and Yankee Jim Canyon.

An interagency/tribal/public cooperative management team of wildlife professionals must be established and will meet on an annual basis to review buffalo and other wildlife populations, range and climate conditions, and other factors to assist in determining buffalo management outside the park. Members of the public will have an opportunity to comment on these plans.

A pasture-type bison health certification facility will be located within Montana, Wyoming or Idaho to facilitate transfer of live excess buffalo to Indian reservations or public lands. It will not be located within the park or the SMA or where significant resources or natural processes would be placed at risk because of the facility, including wildlife migrations or

winter range immediately outside the park. Siting of such a facility will involve appropriate environmental review and public comment. Live removal and transfer to quarantine, while inappropriate for other wildlife species, is considered acceptable in these circumstances because of the very low number of wild buffalo, the concern for keeping more of the wild buffalo alive, and the interest of Native Americans in restoring buffalo to their culture.

* The current quarantine protocol accepted by the Greater Yellowstone Interagency Brucellosis Committee must be modified. We believe it is much more invasive, intrusive, time-intensive and costly than needed, and more extreme than what is required of livestock. Instead, we support development of a protocol that is more effective, efficient, humane and economical.

Buffalo may be vaccinated within the SMA to reduce the seroprevalence of brucellosis in the buffalo population only if and when a scientifically-proven safe and effective vaccine for buffalo is developed that is also found to be safe on nontarget species, can be administered in a non-intrusive manner (preferably through oral delivery) and complies with other management objectives of the resource-managing agency. Any program to reduce or eliminate brucellosis in Greater Yellowstone buffalo will only be used in conjunction with other risk management strategies outlined in this plan, and will not proceed without similar considerations for the elk populations which are also infected with the disease.

* Low-risk buffalo, as currently identified by the federal agencies, are bulls, calves, yearlings and cows that have already given birth. Montana and other states must recognize and accept this definition of low-risk buffalo.

We support research on the incidence, distribution, transmission, and control of brucellosis, and risk management options. Any research on buffalo must be coordinated among all agencies, including the Department of Interior, and respect other management objectives of the agencies.

Changes in winter road grooming practices within the park will be made in the long term if research shows they are warranted because of shifts in buffalo use of winter ranges within the park and access to areas outside the park. These changes will be implemented through a process including appropriate environmental analysis and public comment.

July, 1998

YELL-15420 contd.

Attachment D

Stop the slaughter of Yellowstone's bison

Dear President Clinton and Governor Racicot,

We, the undersigned, support having wild, free-roaming bison in the Greater Yellowstone Ecosystem. The bison should be able to use low-elevation winter range on national forest lands outside the park. We are opposed to the indiscriminate slaughter of these animals and do not want bison shot within Yellowstone National Park. We urge federal and state agencies to adopt a better plan to manage bison as wildlife so they will be here for many generations to come.

Name	Address
Tori Switzer	[redacted]
Yvonne R. Jackson	
Donna Mendes	
Courtney Colin	
Dani Mat. Hefti	
Alice Bubrra	
Phil Keir	
Lisa Fresidee	
Sara Eason	
Pam Sommers	
Terrie Bridgman	
Anne Bridgman	
Adrienne Christian	
Shelby Webb	
Glen Rose	
John Rouillier	
Brandy Wiles	
[illegible]	
[illegible]	
[illegible]	
Tyler Williams	
John Trees	
Tom Durham	

Greater Yellowstone Coalition

[redacted]

Stop the slaughter of Yellowstone's bison

RECEIVED MAR 12 1998

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Name	Address
Shandra Klinkner	[redacted]
Lucia Summers	
[illegible]	
[illegible]	
[illegible]	
[illegible]	
Vicki Layman	
Janet Kravetsky	
Maureen Barth	
[illegible]	
[illegible]	
[illegible]	
[illegible]	
[illegible]	
Bo Ross	
Kristine Ellison	
[illegible]	
[illegible]	
[illegible]	
[illegible]	
Billy Richards	
Paul Beebe	
[illegible]	
[illegible]	

Greater Yellowstone Coalition

[redacted]

YELL-15420 contd.
Attachment D contd.

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Name	Address
[redacted]	[redacted]

Greater Yellowstone Coalition [redacted]

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Name	Address
[redacted]	[redacted]

Greater Yellowstone Coalition [redacted]

YELL-15420 contd.
Attachment D contd.

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Name	Address
Marsha Thill	[redacted]
Carolyn Price	
Jackie Riley	
Elvis Pinskey	
Will Patric	
Joannah Freeman	
Michelle Kohler	
William Shannon	
Florence Shannon	
Donna Williams	
CARLYN YAW	
Cam Jay	
SHANA TRISCOLI	
Janie Roughton	
[illegible]	
Lawrence McAndrew	
Stacy L. Anderson	
Kevin English	
Terry Rick	
W. D. Butts	
Suzanne Teale	
John Christopher	
John Preston	

[redacted]

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Name	Address
[illegible]	[redacted]
[illegible]	
Michele Palma	
JE MONTESANO	
TOM YOUNGBLOOD-PETERSEN	
STEPHEN SAVAGE	
Amy Krause	
Dorothy Taylor	
Don Taylor	
Amy Snarer	
JIM WISMAN	
GLENN Hockett	
Marcus Engler	
TIM BORDER	
[illegible]	
[illegible]	
[illegible]	
DAVID VAN TIGHEM	
[illegible]	
Brock Conway	
Margaret Towne	
[illegible]	
[illegible]	

Greater Yellowstone Coalition

[redacted]

YELL-15420 contd.
Attachment D contd.

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Name	Address
William R Hogan	[redacted]
John D. Grove	
[illegible]	
DALE BURK	
Juanita Sloss	
Mike Cross	
[illegible]	
[illegible]	
[illegible]	
Barry Stidham	
[illegible]	
FRANK SMITH	
Ted Lange	
Jennifer Fowler	
Richard Kyle Yarbrough	
Edward Chittenden	
Wendy Whitehead	

Greater Yellowstone Coalition [redacted]

Stop the slaughter of Yellowstone's bison

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Name	Address
Diane Comson	[redacted]
Diane Hutchinson-Berenage	
[illegible]	
Heidi Daylluff	
ANA PERSTAD	
JAMES GRUBIC	
Jan Wiesel	
Norm RAFFEISON	
[illegible]	
Allison Elwood	
Christie Coulson	
Matthew Zitzer	
[illegible]	
Jeff Hostetler	
CARRIE E. JUNKER	
David Ladtz	
[illegible]	
[illegible] DARHAM	
Brian Segal	
CASEY STOREY	
Robin Mann	
[illegible]	
Keri Litz	

Greater Yellowstone Coalition [redacted]

YELL-15420 contd.
Attachment D contd.

Stop the slaughter of Yellowstone's bison

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Name	Address
BUD SHENEFELT	[redacted]
ANDREENA KURTZ	
Jim Arnold	
[illegible]	
[illegible]	
MORRIS JAFFE	
Ardyce Jaffe	
Shelby Barsalou	
Barrett Gifford	
Emily Avery	
JOHN SHERMAN	
Betsy Robinson	
Steve Gehman	
Peggy O. Smith	
Rhonda Chehab	
MICHELLE STACH	
Karen Bilyeu	
Don Bilyeu	
Lynn Marek	
Kristin Griffin	
TODD BURRITT	
PETROFF	
Gregg McMinn	

Greater Yellowstone Coalition

[redacted]

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Name	Address
Kate Peterson	[redacted]
Scott Eller	
[illegible]	
TARA REISTAD	
Susan Kendrick	
Kathleen Murphy	
Audrey S. Hill	
Beth Stewart	
K Smith	
Donna Mazzeo	
Barbara Mahnke	
[illegible]	
[illegible]	
[illegible]

YELL-15420 contd.
Attachment D contd.

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Name | Address

[redacted]

Greater Yellowstone Coalition

[redacted]

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Name | Address

[redacted]

Greater Yellowstone Coalition

[redacted]

YELL-15420 contd.
Attachment D contd.

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Name	Address
Carl D. Erlyormon	[redacted]
Jeannie Cogles	
Shelley Sechrist	
Bruce L Mayhew	
Kathy R. Jones	
Jacqueline Nelson, M.D.	
John Kopf	
Patricia Moller	
IAMARA SABOO	
Nesia Simpson	
Michael Mizzi	
Shirley Jo Bayley	
Jean B. MacInnes	
Eva C. Patten	
Lisa Green	
Ciara Campbell	
Mary J. Bayley	
Betsey Pitts	
David Wright	

Greater Yellowstone Coalition

[redacted]

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Name	Address
Paul Esteffenson	[redacted]
Christian Gober	
Molly McGinnis	
David Sauer	
Erin Lowe	
Cassie Firth	
Barbara Aas	
Rose Tate	
Judy Selvage	
Paul Pri	
Betty Polk	
Mark Taylor	
Dale Whit	
Unknown Tec	
Alice Eshbaugh	
Janet Zimmerman	
Don Sift	
Karen Kitchel	
Peter Vo Schneward	
Bill McCullough	
Beth Kennedy	
Dale Harbour	

Love our destination coffee stop!

Greater Yellowstone Coalition

[redacted]

Stop the slaughter of Yellowstone's bison

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Name	Address
ZIRBEL, CLYDE &	[redacted]
RAND, DOUGLAS	
Coates, Jeannie	
Susan Ellingen Ayers	
CHRIS PINET	
Bill A. Gilbert	
Bruce A Howard Jr	
Joan Bierken	
Thomas D Knudson	
Ralph Burke	
R.J. CONTI	
Tom Clarke	
Joe Newman	
Neil Backenroth	
Jen Ader	
Marguerite A Stelling	
Sheryl Jensen	
William Jensen	
NIGEL PHILLIPS	
Jeff M Hart	
Elizabeth Curran	
Cora Wetherbee	
Barbara Weatherston	
DO not [illegible]	

Greater Yellowstone Coalition

[redacted]

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Name	Address
Tom Haraden	[redacted]
Bev Gullette	
Vivian J. King	
Jim Bumgarner	
William Workman	
Al Kenyon	
Chezy Anderson	
Rob Anderson	
Barbara Knapp	
Greg Knapp	
RALF KRAHNER	
Tiffanie Kilgore	
Jonathan Silkowitz	
Suzanne Wyse	
Richard Williams	
Robert Dale	
[illegible]	
K Pilkington	
Marlene Anderson	
Suzanne Robertson	
Jeffrey D Francis	
Molly Chan	
JEFF BURKE	

Greater Yellowstone Coalition

[redacted]

YELL-15420 contd.
Attachment D contd.

Stop the slaughter of Yellowstone's bison

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Name	Address
Ellen B. Carlin	[redacted]
Joseph Papa	
[illegible]	
[illegible]	
John [illegible]	
[illegible]	
[illegible]	
[illegible]	
Sadie (Delaney) [illegible]	
Cheri Brady	
[illegible]	
[illegible]	
[illegible]

Stop the slaughter of Yellowstone's bison

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Name	Address
Jerrill Edward Fahey	[redacted]
Norma Barella	
THERESA [illegible]SON	
Nicky Sutton	
CORINNA GRAW	
[illegible] Jackie	
SUSAN POPE	
MONICA LEWIS	
Michelle Lewis	
Christine Fahey	
Nicole Fahey	
Bill Brandon	
Steve Sutton	
Liz Fleming	
[illegible]	
MARY LEVERICH	
Stella Webb	
[illegible]	
Jayce Sublett	
D. SHERWIN	
Ann Wilde	
Blue Hutchings	
[illegible]	

Greater Yellowstone Coalition

[redacted]

Stop the slaughter of Yellowstone's bison

Dear President Clinton and Governor Racicot, RECEIVED [illegible]

We, the undersigned, support having wild, free-roaming bison in the Greater Yellowstone Ecosystem. The bison should be able to use low-elevation winter range on national forest lands outside the park. We are opposed to the indiscriminate slaughter of these animals and do not want bison shot within Yellowstone National Park. We urge federal and state agencies to adopt a better plan to manage bison as wildlife so they will be here for many generations to come.

Name	Address
MARK BERGSTROM	[redacted]
RICK KONRAD.	
KIRBY HOYT	
ROBERT PARRISH	
[illegible]	
[illegible]	
Sheila Davis	
Jeffrey T Wardigan	
Jon Stuart	
Leanne Jackson	
Gay Poirier	
TODD BENTLEY	
GEOFF HAMEN	
Tiffaney Greiner	
PETER BRANNEN	
JEFF MANN	
Andy Solce	
FRANK W. WISE	
SUZANNE LOUSCH	
Geof P Roberts	
[illegible]	
Jesse O'Connor	
Carlin Weible	
JOHN CHILD	

Greater Yellowstone Coalition

Laura Soles

[redacted]

Thomas Schmidt [redacted]

YELL-15420 contd.
Attachment D contd.

Stop the slaughter of Yellowstone's bison

RECEIVED JAN 5 1998

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Name	Address
Jennifer Kronberger	[redacted]
Ellen Johnson	
[illegible]	
[illegible]	
Beverly Boynton	
Nick Zazzara	
Doug Stanko	
Dena Welch	
Henry Ward	
Keller Christina	
Brigitte Baumgartner	
Peggy [illegible]	
Guy Bradley	
David Shickland	
Bruce Bolden	
Elaine Forga	
Elizabeth Hopkins	
LN Hopkins	
Kay Anderson	
Laura Rayburn	
Susan Carleton	
[illegible]	
[illegible]	
[illegible]	
[illegible]	

Greater Yellowstone Coalition

[redacted]

Stop the slaughter of Yellowstone's bison

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Name	Address
[illegible]	[redacted]
Laurel A. Wicks	
JD Langdon	
Katie Schmiel	
Coby Colonel	
Doug Colonel	
Marian Manley	
[illegible]	
[illegible]	
[illegible]	
Leslie Scarlett	
Gula Eagan	
[illegible]	
[illegible]	
[illegible]	
[illegible]

YELL-15420 contd.
Attachment D contd.

Stop the slaughter of Yellowstone's bison

RECEIVED

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Name	Address
[redacted]	[redacted]

Greater Yellowstone Coalition

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[redacted]	[redacted]

Greater Yellowstone Coalition

[redacted]

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Name	Address
Stephanie O'Keefe	[redacted]
Mathew Peterson	
Marsha Blackman	
Harold Hulen	
Peggy Stephenson	
Nellie Stapen	
Marilyn Walton	
Lisa Villarosa	
Anne Lapequit	
Donna Murray	
Neil Weikel	
Valerie Aiken	
Audrey Tennant	
Robert Helms	
BRIAN KENNEDY-KANE	
Linda Jordan	
Edward L Boggs	
Kathryn A Mason	
Neal Riley	
Kyra Walmsley	
Ted Pelot	
Joyce Brand	
Maria G Miller	

Greater Yellowstone Coalition

[redacted]

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Name	Address
Pam Fuller Burke	[redacted]
Robert Keith	
LYNN M Lamb	
BRET A ORR	
DIANE EVANS	
LynnAnne Hagen	
Sasha Triplett	
Elizabeth Carrero	
MARJORIE QUON	
WM. Lusk	
Colleen Hollgarth	
Carolyn Jansen	
Mark Jones	
Jason Travis	
[illegible]	
[illegible]	
Lloyd K Williamson	
[illegible]	
E Vergon Laux	
Andrew Kent	
Brian Jones	
Cynthia Millard	
Don Skorky	

Greater Yellowstone Coalition

[redacted]

YELL-15420 contd.
Attachment D contd.

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Name	Address
[illegible]	[redacted]
[illegible]	
[illegible]	
[illegible]

YELL-15420 contd.
Attachment D contd.

Stop the slaughter of Yellowstone's bison

RECEIVED APR 13 1998

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Name	Address
Ted DeVault	[redacted]
Nancy Doan	
Christie M Conard	
Lisa A Marsh	
Karen Wilson	
Leanne Parker	
Dawn Smith	
Joyce E Harrington	
Mary Conley	
Stan Conley	
Mark Bennett	
Cynthia Blackwell	
Steve Daeschenbaugh	
Jeff Boyland	
Ted Vaitz	
Teri Balaska	
Cynthia Wearing	
Hyman Hames	
Jason Barton	

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Name	Address
Maureen Straydas	[redacted]
Elizabeth Gilmore	

Greater Yellowstone Coalition

[redacted]

YELL-15420 contd.
Attachment D contd.

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Name	Address
[illegible]	[redacted]
Melissa K. Peterson	
[illegible]	
Eric Peterson	
Natalie Naroni	
Robert Burrows	
[illegible]	
[illegible]	
Jinger Harrison	
Larry Rieser	
Cynthia M. Bennett	
[illegible]	
Eric Jamrich	
Katy Heff	
[illegible]	
[illegible]	
Dianne Matix	
[illegible]	
John McHugh	
Ty Loyola	
Caryl Williamson	
[illegible]	

Greater Yellowstone Coalition

[redacted]

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Name	Address
Jim Williams	[redacted]
Deb Waleat Chapman	
Linda Heidig	

Greater Yellowstone Coalition

[redacted]

YELL-15420 contd.
Attachment E

These businesses support *Bison Belong*, a campaign to find a solution to the bison management problem at Yellowstone.

PLEASE SUPPORT THESE BUSINESSES.

Belgrade

Belgrade Books
Cassie's Gift
Double M Trading Company
Fire on the Mountain
Hawkline
Insty Prints
It's Greek To Me
The Little Red Hen
Spas Sports, Inc.
Stageline Pizza
Valley Pawn & Trade

Big Sky

Best Western Buck's T-4 Lodge
Big Sky Chalet Rentals
Big Sky Ski and Summer Resort
Dancing Water Antiques
Grizzly Outfitters
Hungry Moose Market
Lone Mountain Guest Ranch
The Lone Peak Lookout
Moose Rack Books
Mountain Home - Montana Vacation Rentals
Mountain View True Value
Peak Adventures
Rainbow Ranch Lodge

Bozeman

Terry Abelin, Montana Tourism Advisory Council Member
Accents West
The Art Shoppe
Artists' Gallery
Azteca
Bagel Barn
Beaucoup Framing and Gilding Studio
Big Sky Screenprinting, Inc.
Black Dog Ranch
Bohart Ranch Cross Country Ski Center
Bozeman Floral

Bozeman (cont.)

Buffalo Exchange
Cactus Records
Café Internationalé
Canyon Publications
Charlie's Deli
DG Designs
Ehnamani, Inc.
Explore! Magazine
F-11 Photo
Flying Photo
Grape Expectations
Great Harvest Breads
The Great Outdoors
The Great Rocky Mountain Toy Company
Heavenly Expressions
Hoi Polloi
Indian Uprising Gallery
Itchik Ten Company
Langohr's Flowerland
La Parrilla "The Grill"
Leaf and Bean Coffeehouse
Lindley House Bed & Breakfast
Liquid 360
M. Lauro
Mackenzie River Pizza
Barbara McMullen, Local Weaver
Montana Harvest Natural Foods
MountainFIT Health & Fitness Adventures
Mountain Home - Montana Vacation Rentals
Mountain Willow Healing Arts
Music Villa
New West Advertising, Inc.
Northern Rockies Natural History Tours
Odyssey
Off the Beaten Path
On The Rise
Paisley Merritt
Pickle Barrel
Poor Richard's News

Bozeman (cont.)

R.J. Cain & Company
The River's Edge
Rubedo Gallery
Stylon
Summit Bike
Through the Looking Glass
Tibetan Trader
Vargo Jazz City & Books
Video Rodeo
Wild Birds Unlimited
Wild Flour Bakery and Les Pains de Paris
Wood Shed

Butte

E.T.C.

Cooke City/Silver Gate

Beartooth Cafe
The Cooke City Bike Shack
Cooke City Store
High Country Motel
Joan & Bill's Family Restaurant
Yellowstone Trading Post

Emigrant

Yellowstone Riverview Lodge Bed & Breakfast

Ennis

G&J's Artworks

Gallatin

Gallatin Gateway Inn

Gardiner

Bear County Restaurant
Blue Haven Motel

-Turn over for more businesses-
Revised September 17, 1997

Gardiner (cont.)

Cecil's Restaurant
Helen's Corral Drive Inn
Lone Wolf
Off the Wall
Park's Fly Shop
Red's Blue Goose Saloon B.Q. & Steakhouse
Rendezvous Outfitters
Sawtooth Deli
Stronghearts Mountain Trading Company
Two Bit Saloon
Westernaire Motel
Yellowstone Inn Bed & Breakfast
Yellowstone Raft Company
Yellowstone Super 8
Yellowstone Village Inn

Harden

Action Travel/Custer Battlefield Tours

Harrison

The General Store

Helena
Birds & Beasleys

Livingston

Amadeus Coffee House & Bistro
The Beartooth Wilderness Lodge & Llama Ranch
The Blue Winged Olive Bed & Breakfast
Bob's Outdoor
Books, etc./Mountunes
Chatham Fine Art
Cottage Industries
DEBOS Pawn
FishTales
Gateway Books
Gil's Gift Shop
The Guest House Motel
Insty Prints
Jet Cleaner
Keepsakes by Design
The Lagoon
Leaf and Bean Coffeehouse
Livingston Floral & Gifts
James Marc, Spring Creek Specialist
Mark's In & Out
O'Byrne's Bookstore
Of the Earth
Out of Hand Gallery
Pizza Garden
Pizza Hut
Rainbow Enterprises
Roche Jaune Galerie
River Inn

Livingston (cont.)

Saddle Sore Cycles
Sax & Fryer CO
Sierra Safari's Wilderness Tours
Silver Sunsets
The Sport Restaurant
Studio/11 Gallery
Timber Trails
The Wade Gallery
White Buffalo Lodges
Wild West Custom Clothing
Yellowstone Angler, Inc.

Missoula

Global Village World Crafts Shop

Pony

The Lodge at Potosi Hot Springs

Pray

Chico Hot Springs

Pryor

Double Spear Ranch

Red Lodge

Boomerang Beads
The Broadway Bookstore
Buffalo Wallow
Coleman Gallery & Studio
Common Ground Business Services
Cotton Cookin Shirtworks
Creations of Montana
Creekside Antiques
Elk Ridge Cabin Furnishings
Inn on the Beartooth
The In Step
Kevin Red Star Gallery
Legends
Montana Chinook
Mountain People
Native American Trading
Outdoor Adventures
Red Lodge Drug Store
Red Lodge Mountain Resort
Super 8
Sylvan Peak Enterprises

Three Forks

Bud Lilly's Angler's Retreat
Magpie Books, LLP
Sacajawea Inn

West Yellowstone

Arrick's Fishing Flies
Blue Ribbon Flies

West Yellowstone (cont.)

The Book Peddler
Boutique West
Bud Lilly's Trout Shop
Cappy's Bistro
Cross Enterprises, Inc.
Dude Dining
EcoWest Corp.
Freewheel & Wheel
Greater Yellowstone News
Grizzly Gallery
Hadley's Motel
Hampton Inn
Hibernation Station
The Hobby Shop
Horse Butte Wildlife Center
Kelly Inn
Lost Art
Madison River Outfitters
Michonis Candies
Montana Gifts/Gallery
Moosely Montana
Mountain Property Maintenance
Mountain Trading Company
Nancy P's Baking Company
National Geographic Theater
The New Pioneer
Oak 'n' Pine
Old Fashioned Candy Fudge
Outpost Restaurant
Out West
Pathfinder
Pony Express Motel
David Ritchey
South Fork Realty, Inc.
T-N-T Wraps
Yellowstone Alpen Guides
Yellowstone Gift Gear Limited
Yellowstone Park Village
Yellowstone Silver

Whitefish

The Big Mountain Ski and Summer Resort

Willow Creek

Willow Creek Gallery

Yellowstone National Park

Amfac Parks & Resorts
Grant Village Visitor Center

Minneapolis StarTribune

October 20, 1998

Star Tribune EDITORIAL

Voice of the Star Tribune. They are the editorial department, which is independent of the newsroom.

News
Tim McGuire • Editor
Pam Fine • Managing Editor

Editorial
Susan Albright • Editor
Jim Boyd • Deputy Editor

Our perspective

Yellowstone buffalo

Comprehensive alternative to slaughter

Four winters running, the border zones of Yellowstone National Park have produced a sickening spectacle of politics masquerading as wildlife management. Rifle-toting public employees have killed nearly 2,000 buffalo for crossing park boundaries to graze. How could it come to this, that the last wild remnant of the great North American herds should be subject to slaughter at the national park system's spiritual center?

Disease control is the official reason for the killing, but it's a weak rationale. What's really being accomplished here is the placation of Montana cattle ranchers and their political allies.

The buffalo do indeed carry brucellosis, a bacterial disease that induces cattle to abort first calves and, if transmitted to humans via unpasteurized milk, can cause undulant fever. Brucellosis has been all but eliminated from U.S. cattle operations, and loss of disease-free certification would be a catastrophe for Montana. Thus the cattlemen's insistence that the buffalo herd be kept artificially small and confined to the park — by lethal force if necessary.

But the notion of brucellosis spreading from buffalo to cattle is grounded more in superstition than in science. While researchers have caused it to happen in laboratory conditions, there is no documented case of it occurring in nature. And cattle grazing near Yellowstone are already vaccinated against the disease.

If interspecies transmission were a real risk, cattlemen would have far more reason to fear the huge and free-roaming herds of elk, which also harbor the bacterium. But elk are an exalted species in Montana, and elk hunting an important contributor to the economy. Buffalo make a better target for the cattlemen in a battle that seems, like so many other struggles in the West, a proxy fight against environmental ethics, cultural change and Washington control.

A group of state and federal agencies has been studying alternatives for resolving the conflict. Some of its ideas represent improvements over current practice, but better still is the comprehensive approach developed by a coalition of environmental groups as the "Citizens' Plan."

They propose to let the herd's size rise or fall naturally, and to let buffalo graze unmolested on public lands adjoining the park. The dozen or so ranchers who now lease those lands for cattle grazing (at a total of just $5,000 a year) would get assistance to relocate, if they wished, or to inoculate their animals if they chose to stay. Should the herd someday outgrow the park's carrying capacity, animals could be captured for transfer to Indian reservations or, as a last resort, taken by sport hunters. But these and other management decisions would be taken out of the hands of Montana's Department of Livestock and given to wildlife managers.

It's a worthy approach for many reasons — not the least of which is that it promises to be far cheaper than current plan of containment and slaughter, which costs an eye-popping $1 million a year.

OUR VIEW

The Salt Lake Tribune's Editorial Position

Let the Buffalo Roam

It has been a year and a half since the slaughter of 1,100 Yellowstone buffalo repulsed the nation. That should have been enough time for the various government entities to develop a plan to prevent future slaughters. Apparently, it wasn't.

The departments of Interior and Agriculture, in conjunction with the state of Montana, have unveiled a bison management plan that rests, ill-advisedly, on the same general principles of the interim plan that permitted the slaughter two winters ago. The federal government, which is taking comment on the interagency plan until next month, has held a series of public hearings this summer, including one in Salt Lake City last week.

At issue is how to manage bison who migrate beyond the boundaries of Yellowstone National Park in severe winters to forage for food. The wandering bison are a problem only because some of them are infected with a disease called brucellosis, and Montana livestock interests are fearful that the bison may infect cattle that graze in the areas outside the park boundary, thus jeopardizing the state's critical brucellosis-free status.

The differences between livestock interests, who favor an aggressive brucellosis control program, and environmentalists, who want to preserve what's left of America's last wild buffalo herd, are evident at these meetings. The government's plan favors the cattlemen — which is difficult to fathom in that there are only a couple of thousand cattle grazing in the areas outside the park borders that the bison sometimes invade.

The government's preferred alternative (of seven choices) — which includes setting an arbitrary limit of 2,500 on the Yellowstone buffalo herd, and the capture and slaughter of positive-testing bison as "the primary means of managing risk" — clearly stems from the primacy of protecting livestock interests. Yet, there has been no documented instance of bison passing brucellosis to cattle in the wild; thus, the plan is overkill for a risk that may not exist.

Environmentalists address the idea of bison-cattle separation from the other, more logical angle — by moving the cattle, not the bison. Their plan would do this through proposals like offering alternative public-land grazing allotments to the affected ranchers and by acquiring available private land near the park's borders.

This approach makes more sense, economically and otherwise, than setting up a rerun of the ugly slaughter of buffalo that took place two winters ago. The undocumented brucellosis risk and the minimal amount of affected livestock argue for a plan to give the last free-roaming buffalo herd in the country some breathing room — certainly more room than the government's interagency plan offers.

YELL-15420 contd.
Attachment F contd.

Where the buffalo die

Denver Post September 6, 1998

The federal government plan to slaughter thousands of Yellowstone National Park bison is nonsense.

Yellowstone is home to America's only remaining natural, free-roaming buffalo herd. In winter, the animals migrate to lower altitudes in search of food, but their wanderings take them into Montana, where ranchers fear they could spread brucellosis to domestic cattle.

There's never been a case of buffalo giving that disease to domestic animals. Indeed, the National Academy of Sciences says the risk of such transmission is close to zero.

Nonetheless, for years the feds have rounded up and killed the buffalo. And they intend to keep doing so, says a draft environmental impact statement, on which written public comments will be accepted until Oct. 1.

It's already clear, however, that the government proposal ignores scientific and economic fact.

The federal government gets $5,000 a year from all grazing leases where the buffalo winter in Montana. Yet it plans to spend $1.7 million building facilities for the bison slaughter, plus $1 million annually to run the operation. By contrast, vaccinating all domestic cattle in the area would cost about $150,000 a year.

Just two years ago, Yellowstone had about 3,500 bison. Today, it has roughly 2,300 — a decline due mostly to the Montana slaughter. Conservationists fear that Yellowstone soon won't have much of a herd left.

Over the past four years, the feds have deliberately slaughtered 1,900 wild bison — in 1996 alone, 1,100 Yellowstone buffalo were killed. Yet only 2,000 head of domestic cattle are in the entire bison wintering area.

And all this slaughter and expense is supposed to protect against a risk that really doesn't even exist.

An alternative plan, offered by several citizen groups, suggests moving the cattle, thereby reducing the disease risk even closer to zero. Federal grazing leases in the disputed area could be traded for other leases where buffalo don't roam. And Congress has already approved money to buy land from a church north of Yellowstone, but the funds have been held up because an Ohio member of Congress is miffed at the White House.

The government's plan is a throwback to the wanton buffalo slaughters of the 19th century. By comparison, the citizens' proposal would be fair to the ranchers, humane to the bison and would recognize that Yellowstone's wild buffalo represent an irreplaceable link to America's past.

08/11/1998 07:26 [redacted] GYC IDAHO PAGE .02

POST REGISTER / TUESDAY, AUGUST 11, 1998

OUR VIEW

Members of the Post Register editorial board are Jerry M. Brady, *publisher;* J. Robb Brady; Marty Trillhaase; *and* Dean Miller.

Too much of the same story

When founders of Yellowstone National Park marked the park's boundaries in 1872, Native Americans were sure these bewildering survey lines were meant for people, not the park's wildlife.

That's just as true today, 126 years later. Yellowstone's ecosystem extends well beyond the park boundaries.

Case in point: Where the buffalo roam.

Following a disastrous 1996-1997 winter in which 1,100 Yellowstone bison were slaughtered outside the park, the National Park Service has prepared a new management strategy. The public can find out more about at a public hearing today in Idaho Falls, between 2 and 9 p.m., at the Stardust Motor Lodge.

Driving the issue is fear that bison will transmit brucellosis to healthy cattle. The disease causes cattle to abort their unborn calves.

The path recommended by the National Park Service, along with the Montana Agriculture Department, the U.S. Forest Service and the federal Animal and Plant Inspection Service, is too much of the same old story.

To protect cattle, it caps Yellowstone Park bison numbers at 2,500 and imposes a minimum population of 1,700. As the bison population approaches that artificial limit, the government will kill more animals that wander out of the park.

There is no scientific basis for that cap. Indeed, the population has reached around 4,000 in recent years. It is merely a political decision.

The plan involves disease testing, quarantining of bison and slaughtering as a last resort.

This policy is expensive, especially when you compare the government's investment in buffalo and cattle. The taxpayer will spend more than $2.2 million to install facilities to quarantine and test bison. It would spend another $1 million yearly in operating costs.

On the other hand, the government receives less than $5,000 a year from the ranchers who graze livestock on federal lands bordering Yellowstone. Ranchers pay the federal government $1.67 a month to graze a cow and a calf — about one-seventh the rate they would pay for private grazing land.

The plan delegates too much authority to the cattle industry. The Montana Department of Livestock and the Montana state veterinarian will decide whether bison that wander out of the park will be shot, hazed back into the park or allowed to graze.

Fortunataly, there is something better. Eighteen regional and national environmental organizations, headed by the Greater Yellowstone Coalition, have come up with their own so-called "Citizens' Plan." It asks the right question: What is the best way to guarantee cattle and bison will be separated?

The answer is to change cattle grazing patterns.

The Citizens' Plan would purchase private land and alter grazing on public lands. The government would acquire about 7,000 acres on the northern border of the park owned by the Church Universal and Triumphant.

That purchase would leave the West Yellowstone area as the major remaining challenge. Acquisition of a private ranch on Horse Butte next to Hebgen Lake and possibly another smaller acquisition, and re-arranging grazing allotments in this area could reduce this crisis to a manageable level.

This alternative places wildlife specialists such as those in the Montana Department of Fish, Wildlife and Parks in charge of bison management.

And the plan relocates buffalo to Indian reservations or other public lands. When necessary and as a last resort, it would allow public hunting if bison herds can't be controlled in any other way.

The Citizens Plan is not an anti-rancher formula. But it is pro-bison. Given the nation's desire for a solution that preserves the natural integrity of the park, ranchers can live with a plan that emphasizes accommodation as well as less manhandling of a national wildlife resource.

J. Robb Brady

Casper Star-Tribune 7/31/98

STAR-TRIBUNE EDITORIALS

Test-and-slaughter for brucellosis ignores biology, politics

Risk reduction, not eradication, should be program goal

The Wyoming Stock Growers Association unfortunately has drawn a line in the sand with its demand for a test-and-slaughter program to eradicate brucellosis in the buffalo that live in Yellowstone National Park.

The producers speak hopefully of vaccinating the remaining bison against the disease.

But the producers unrealistically ignore the biology of the disease.

Their position also is unfortunate because it reveals an astounding disregard for the politics of the matter and ignores the years of cooperative effort by wildlife managers, agriculture agencies, conservationists and producers to recognize and accommodate the worries and goals of all those threatened by the disease.

While the cattle producers want to treat wild bison like domestic livestock, they ignore the presence of brucellosis in the thousands of elk that inhabit northwest Wyoming and spend much of each winter on state feedgrounds.

They also ignore the fact that there is no vaccine proven to protect buffalo from brucellosis.

The Stock Growers and its President Nels Smith must know that a test-and-slaughter program in the park's bison will not produce the desired result so long as the infection persists in the elk.

We don't believe the U.S. public will stand for a test-and-slaughter program involving buffalo from the nation's mother park, Yellowstone.

We know that hunters, resident and nonresident, who pursue elk in rugged northwest Wyoming will not stand for a test-and-slaughter program involving the elk of the region.

Where does that leave us? Again, we advocate searching for the most efficient methods of reducing the risk of transmission of brucellosis from wildlife to domestic livestock.

No one wants infected cattle herds. But the majority of us do not want to see our elk and bison herds cut by 30 to 60 percent in a test-and-slaughter program that in the end will not work.

The draft environmental impact statement produced by Yellowstone National Park and the state of Montana analyzes a number of methods of managing the park's bison and the disease they harbor.

We expect the public comment period on the draft EIS and the numerous public meetings on it in the region and throughout the country to produce even more ideas about the direction this management should take.

We hope the Stock Growers will reconsider their hard-line position and recognize the concerns of others in dealing with Yellowstone's magnificent bison and the other unmatchable

LIVINGSTON ENTERPRISE,

,Wednesday, June 17, 1998

State officials pitch bison plan

By HEIDI HAGEMEIER
Enterprise Staff Writer

If Yellowstone National Park bison are ever free of brucellosis, the state veterinarian said Montana would like to turn towards ridding elk of the disease.

About 1 to 2 percent of the park's northern elk herd are infected with the bacteria the state fears could be transmitted from wildlife to cattle, according to State Veterinarian Arnold Gertonson. He said Tuesday that if the situation is contained in bison, the state might begin to consider ways to cope with elk.

ARNOLD GERTONSON

"There might be a whole new scenario developed," Gertonson said.

But bison pose the greatest risk to cattle, and elk might not have the disease if bison were brucellosis-free, he added.

Gertonson and Montana Department of Livestock Executive Director Larry Petersen discussed brucellosis and the recently released draft environmental impact statement for a long-term Yellowstone bison management plan Tuesday as part of a tour of state media organizations.

LARRY PETERSEN

The two DOL officials said they generally support the preferred alternative of the document, which calls for a combination of capture, quarantine, slaughter, hunting and hazing for bison leaving the park.

It also creates sections called special management areas, each with its own course for management, and imposes a 1,700 to 2,500 population range for the animals. The state veterinarian and industry-comprised Board of Livestock have decision-making ability on how the alternative would work on the ground.

Giving the veterinarian ability to make decisions on which bison should be considered at-risk once outside the park is crucial, Gertonson said. The U.S. Animal and Plant Health Inspection Service has offered a definition of "at-risk bison," which the state rejected.

"For instance, this spring we would have had to take (kill) 200 head," under the APHIS definition, according to Gertonson. The DOL hazed the animals back into Yellowstone in May.

Conservation groups have criticized giving the board of livestock a decision-making role, saying it should be in the hands of wildlife experts instead of agriculture-industry representatives.

"Who do you get where you don't have a political appointee on this?" Gertonson responded, noting that government wildlife experts work for political appointees.

While the DOL is advocating the draft's preferred alternative, conservation groups do not consider it a good long-term solution.

Greater Yellowstone Coalition spokesman Jon Catton said Wednesday that the preferred option misses some viable, cheap opportunities to help solve the problem. These include moving Forest Service cattle grazing allotments away from areas bison use outside the park and committing to acquiring part of the Church Universal and Triumphant's land on the north end of the park.

"That would go a long ways in alleviating the conflict on the north side," Catton said.

Catton said the GYC also feels the population cap set in the preferred option, 2,500, is not based on science.

The draft long-term plan is now available for public comment. Federal officials expect to send out 50,000 copies of the draft and receive 200,000 comments over the next five months.

YELL-15420 contd.

Attachment H

DEPARTMENT OF
PUBLIC HEALTH AND HUMAN SERVICES

MARC RACICOT
GOVERNOR

PETER S. BLOUKE, PhD
DIRECTOR

STATE OF MONTANA

November 28, 1995

Andrea Reed, Mid-Central Coordinator
The Fund for Animals, Inc.
233 West Broadway, Suite 409
Louisville, Kentucky 40202

Dear Ms. Reed:

Your letter of November 24, 1995, to J. Dale Taliaferro requesting information regarding human brucellosis in Montana has been forwarded to me for a response. I am pleased to provide you with the following information.

The state of Montana has, indeed, sustained confirmed cases of human brucellosis among our residents from 1980 to the present. Laboratory confirmed cases of human disease were identified in 1986, 1989, 1992 and 1995. Fortunately, none of the cases were fatally infected.

The Montana Department of Public Health and Human Services considers brucellosis to be a potentially serious human health threat in our state at this time insofar as additional cases can be expected to occur, and can result in serious, prolonged and debilitating disease conditions.

Enclosed, as you requested, is a copy of the information distributed by our agency to educate the general public about undulant fever or Bang's disease and how to prevent transmission of the disease.

Sincerely,

Todd Damrow, Ph.D., M.P.H.
Montana State Epidemiologist

Enclosure
c.c. J. Dale Taliaferro

TD:my

DEPARTMENT OF PUBLIC HEALTH
AND HUMAN SERVICES
Communicable Disease Control

Brucellosis
(undulant fever, Bang's disease)

What is brucellosis?

Brucellosis is a bacterial disease that may affect various organs of the body. There are 150-250 new cases reported annually in the USA.

Who gets brucellosis?

Everyone is susceptible to the bacteria and may get the disease if exposed. In the USA it is more likely to be an occupational associated disease of persons who work with infected animals.

How is brucellosis spread?

The bactena that causes this disease are found in unpasteurized milk from diseased cows and also from discharges from cattle or goats that abort their fetus. It is unlikely that this disease would be spread from person to person.

What are the symptoms of brucellosis?

Symptoms of brucellosis include intermittent or irregular fever of variable duration, headache, weakness, profuse sweating, chills, weight loss and generalized aching.

How soon do symptoms appear?

The time period is highly variable, but symptoms usually appear within five to 30 days. Some persons infected years ago will have continuing symptoms.

Does past infection with brucellosis make a person immune?

It is unlikely that an individual will be reinfected.

What is the treatment for brucellosis?

Early diagnosis leading to prompt treatment is essential to prevent chronic infection. Specific antibiotics which require a physicians prescription are used to treat brucellosis.

What can be done to prevent the spread of brucellosis?

The use of pasteurized milk and prevention of contact with infected cattle, sheep or goats will reduce the risk of infection. Workers who come in contact with carcasses, aborted fetuses, organs or body fluids of potentially infected cattle, swine, dogs, coyotes or elk should wear protective clothing and practice good hygiene. Herds of cattle and swine can be tested for infection.

YELL-15420 contd.
Attachment H contd.

RECEIVED
FEB 27 1995
FISH, WILDLIFE, & PARKS
DIRECTOR'S OFFICE

DEPARTMENT OF
HEALTH AND ENVIRONMENTAL SCIENCES
PREVENTIVE HEALTH SERVICES BUREAU

RK Martinka — S. Lewis — G. Mary —

[redacted]
COGSWELL BUILDING

STATE OF MONTANA

[redacted]

MAR -- 1 1995

TO: Epidemiology file
Dr. Todd Damrow, State Epidemiologist
Dr. Clarence Siroky, State Veterinarian

FROM: Jim Murphy, Surveillance Coordinator

DATE: February 22, 1995

REGARDING: Billings Brucellosis Case

On January 20, 1995 the Montana Public Health Laboratory confirmed serologic evidence of infection with Brucella in a 40 year-old Billings male. Follow-up with David Calhoun, M.D., indicated clinical symptoms consistent with Brucellosis were present and he was treating the gentleman as an active Brucellosis case. During our telephone contact, Dr. Calhoun indicated the case had experienced recurring fevers over the last year.

In subsequent contact regarding possible risk exposures, Dr. Calhoun indicated the Brucella case was a livestock pharmaceutical representative and an avid hunter. Dr. Calhoun also reported that the case was very interested in the disease and would be willing to cooperate with our investigation. After consultation with Dr. Clarence Siroky, State Veterinarian, a short questionnaire designed to collect risk information from the case was devised. The questionnaire focused on occupational and recreational risk factors for Brucella infection.

The case was interviewed by MDHES staff by telephone. The case reported no contact with the Brucella vaccine manufactured by his employer and no work or travel histories consistent with an exposure risk. The case did report an exposure to elk in 1991, indicating that he had taken a bull calf in the Madison county area. The case also assisted with the loading of a cow elk taken by another in his party. However, he indicated that he did not assist in the cleaning of the cow and that his hunting partner who took the cow remains healthy. The case also indicated the presence of symptoms in 1991, sometime after his elk contact. Through the interview and consultation with Dr. Siroky, it was determined the contact with the elk was the most likely exposure. However, verification is not possible.

AN EQUAL OPPORTUNITY EMPLOYER

At this time, a culture is pending at the Deaconess Medical Center in Billings. However, since culture results are rarely positive unless attempted soon after infection, we do not expect any confirmation. The case started therapy with antibiotics on 2/18/94 and Dr. Calhoun has asked us to check back in a month to see if the gentleman responds to treatment. With the exception of a call to Dr. Calhoun in a month, no additional follow-up is planned.

xc: Anne
Kropp/Frey
Peterson/Alt

YELL-15420 contd.
Attachment H contd.

State of Idaho
DEPARTMENT OF HEALTH AND WELFARE
Office of the Director

PHILIP E. BATT
Governor
LINDA L. CABALLERO
Director

[redacted]

December 5, 1995

Andrea Reed
Mid-Central Coordinator
The Fund for Animals Inc.
233 W. Broadway, Suite 409
Louisville, KY 40202

Dear Ms. Reed:

Thank you for your letter of November 24, asking for information regarding brucellosis in Idaho.

The table listed below gives the number of cases of brucellosis reported in Idaho from 1980 to the present. There have been no human fatalities of which we are aware. We do not have any educational material on this disease, and we do not consider it a serious human health threat in our State, except for certain occupational groups such as veterinarians or persons engaged in animal slaughter. Even in these groups it would be considered a rare occurrence.

Brucellosis in Idaho
CY 1980 - CY 1994

1993 - 1 case	1984 - 1 case
1990 - 1 case	1983 - 3 cases
1987 - 1 case	1982 - 1 case
1985 - 1 case	1980 - 4 cases

If we can be of any further assistance, please call Dr. Jesse Greenblatt, our State Epidemiologist, at (208) 334-5939.

Sincerely,

Linda L. Caballero

LINDA L. CABALLERO
Director

LLC/aeb

Printed on

WYOMING DEPARTMENT OF HEALTH

[redacted]

December 4, 1995

Ms. Andrea Reed
The Fund for Animals Inc.
233 West Broadway, Suite 409
Louisville, KY 40202

Dear Ms. Reed:

Wyoming Department of Health Director, Mr. Ken Kamis forwarded your recent letter regarding human risk of Brucellosis to my office for response.

Before addressing your specific information requests, I should provide some background information. I have been the State Epidemiologist for Wyoming since November, 1994 and am working to improve disease surveillance systems in the state. However, in previous years, surveillance for communicable disease was not given high priority and the quality and type of data available is of limited reliability. Computerized systems for collection and dissemination of communicable disease data were first instituted in 1989. Data prior to that year is not available for zoonotic diseases, possibly because mandatory reporting was not required. Although Brucellosis is currently a reportable disease in Wyoming, many physicians do not perform the specific blood tests necessary to confirm the diagnosis, since testing at the time of illness and again several weeks after recovery is necessary. Thus, many physicians who suspect a patient may have *Brucella* infection, may decide to empirically treat with antibiotics, rather than confirm the diagnosis. Further, they may not report these suspect cases to the State Health Department.

Specifically, in response to your questions:

1). We have had two cases reported since 1989. The first was not confirmed serologically and reportedly occurred in a 17 year old female from Gillette, Wyoming in December, 1992. The illness resulted in delivery of a still-borne infant at 18.5 weeks of gestation. The mother recovered.

The second case was reported from Laramie, Wyoming in June, 1995 and occurred in a 24 year old male. This case was apparently caused by accidental injection with *Brucella* vaccine, and not natural infection.

2). No deaths confirmed as caused by *Brucella* infection.

3). No brochure currently available; we have consulted with the State Veterinarian and the Fish and Wildlife Department, who plan to develop a brochure for future distribution.

4). Brucellosis is primarily a disease of wild and domestic animals. In Wyoming, prevention of Brucellosis from cattle has been controlled through eradication efforts and pasteurization of dairy products. Human cases of Brucellosis occur sporadically in Wyoming but the disease is not considered to be a leading health threat in Wyoming. As with most livestock-producing states, accidental injection with *Brucella* vaccine is among the leading risk factors for infection. Natural infection as a consequence of

YELL-15420 contd.
Attachment H contd.

handling meat and tissues of infected animals with **ungloved** hands poses some risk, particularly to hunters. Other states have (on rare occasions) traced disease transmission to man from infected kennel-raised dogs, drinking raw (infected) goat's milk or from exposure to infected hogs at meat processing plants. No record of such occurrence exists in Wyoming.

The pathogenesis of Brucellosis in man and lower animals varies with the *Brucella* species. *B. melitensis* (goat variety) is the most invasive and produces the most severe illness. *B. abortis* (cattle variety) is the least invasive and thus produces milder disease. Deaths are rare with any *Brucella* infection and occur as a result of very unusual complications, such as infection of the sac surrounding the heart (endocarditis), ruptured mycotic aneurysm (ruptured dilated blood vessel), encephalomeningitis, and pneumonia. Although endemic in some third world countries and particularly the Middle East, the prevalence of infection in the U.S. has become so low that in 1994, the Counsel of State and Territorial Epidemiologists (CSTE) and the Centers for Disease Control and Prevention (CDC) voted to eliminate national reporting of Brucellosis.

Sincerely,

Gayle L. Miller, DVM, MPH
State Epidemiologist

GLM

cc: Ken Kamis, WDH Director
Bill Letson, Acting State Health Officer
Don Bosman, DVM, State Veterinarian

Jeanne-Marie Souvigney Greater Yellowstone Coalition 7/27/98

YELL-15792

GYC

Involvement - 8 years, since scoping

Last week, GYC and 15 other groups developed a new plan for managing bison which is different than any of the seven alternatives presented in the DEIS. The Citizens' Plan to Save Yellowstone Buffalo provides that bison will be left alone in the park, that they will be allowed to use the public lands outside the park, and that their numbers will be managed to stay within identified ecological carrying capacities outside the park. It provides that human safety and private property are protected and endorses establishment of a private fund to reimburse private property owners for damage to fences from bison. It also emphasizes the need to acquire additional winter range from willing sellers and to provide incentives for voluntary changes in livestock operations to reduce transmission risk.

We believe these strategies, which include prudent risk management approaches, will maintain wild, free-roaming buffalo and protect the interests of the livestock industry in a balanced, common-sense manner. And it can help end the controversy that will certainly continue under the government's proposed plan.

You will be hearing from the groups that have endorsed this Citizens' Plan, along with supporting businesses and others, throughout the public comment period in much more detail. GYC will be providing additional written comments before the end of the comment period.

Since the scoping process started. policies have changed, statutes have changed, and over 2000 bison have been killed. Meanwhile, other states have threatened sanctions on Montana livestock producers. That threat, much more than any real concern about transmission of brucellosis from wild bison to cattle, is what is making resolution of this issue so difficult.

YELL-15792 contd.

The public is tired of this conflict, and they want a solution. If you adopt the government's plan, this controversy will continue. That plan appears to be no more than the current interim plan in the short term, the same interim plan that led to the killing of over 1100 bison out of a herd of 3500 in one winter alone. And that is no solution. There is little to no real commitment in the government's plan to pursuing important changes in the long term that will provide access for bison to winter range to survive.

The government is presenting us with what amounts to an outline, with very few details, after eight years of debate. We, the public, have absolutely no idea how bison would be managed under the government's plan if they leave the boundaries of the park. The whole purpose of this DEIS was to tell us what is going to happen, and you haven't done that in your preferred alternative.

Under the government's proposed plan, Montana, and ultimately the Board of Livestock, would decide - at a later date - if and when and under what conditions bison would be allowed out of the park and how they would be subsequently managed. It gives the Montana Dept. of Livestock authority, after the plan is adopted, to decide if and where bison can go outside the park, if at all; to decide what bison are low risk bison in terms of transmission threat; and to decide the appropriate separation between bison and cattle.

Your plan is therefore nothing more than a suggestion, and you, the agencies, cannot legitimately tell us, the public what the consequences of adopting your plan would be because you don't really know what that plan ultimately is. You're leaving all of that up to Montana Dept. Of Livestock to decide after this plan is adopted. And if it's anything like what's in place now, it will be a disaster, not just for bison, but for our livestock producers as well.

We have to question what the point was in doing this plan if you are not going to decide anything. And certainly we have to wonder what the federal agencies, in particular the National Park Service, feel they're getting out of this decision to have abdicated joint responsibilities for wild animals to the state of Montana to decide later.

Montana is one of the agencies developing this plan, and they will be signing this decision. Why isn't that good enough? Why, after eight years, is Montana saying they have to go back behind closed doors and let the Board of Livestock decide later what's OK? Those decisions should be part of this process, and it absolutely disingenuous to suggest more decisions are needed later that the are not being presented to the public right now as the plan of action.

This uncertainty and lack of commitment to long-term changes are why we are convinced the government's plan, if adopted, with only lead to more conflict year after year after year. It was with that in mind we developed the Citizens' Plan, currently endorsed by 16 local, regional and national groups representing over 5 million sportsmen, conservationists, Native Americans, business people and others, as the way to resolve this issue. We urge you to adopt this plan.

97 letters were received from sixth grade students from Harmony Middle School, [redacted]

17,683

October 23, 1999

Sarah Bransom
Interagency Bison Management Plan
DSC-RP
P.O. Box 25287
Denver, Colorado 80225-0287

Dear Sarah:

Enclosed, please find letters from our 6th graders here at Harmony Middle School in Overland Park, Kansas. Some of our students have been to Yellowstone Park and we have a farmstead two blocks from our school that has a female bison named Blue Feather. We all adore her and you will notice many references to her in their letters. I asked my students to write letters after we saw the article in last month's National Wildlife. We have been concerned and sickened by the reports coming out of Yellowstone National Park for the last several years about the slaughter of bison even though we live in Kansas!

Why, as a nation of human beings, ranchers included, do we continue to destroy everything good around us? After going to the NWF Web site and seeing the photographer's video it strikes me that this entire brucellosis scare is nothing but a cover up to kill healthy bison, butcher them and sell their meat at a handsome price for profit. Why would the government or the park service even consider turning absolute authority over to the state Board of Livestock? They are part of the scam!! You know the world is watching this and personally I'm not going to stand for it.

Please take the time to look at the solution proposed by the National Wildlife Federation and the InterTribal Bison Cooperative. This is an excellent plan and deserves your attention. Look at the student's suggestions too, they have excellent ideas. It angers me incredibly that innocent animals are dying to possibly line someone's pocket and those animals are coming from my national park! A park I pay tax dollars for!

[redacted] [redacted] [redacted]

Blue Valley Schools *"growing with pride"*

I hope you read our letters and consider them carefully and thank you for it in advance. I pray we hear that the National Park Service has agreed to the NWF and InterTribal Cooperative's proposal and that no more bison are killed out of fear or money. I and my students will be following this closely in the future.

Sincerely yours,

Ronda Hassig

Ronda Hassig
[redacted]

HONOR THE EARTH

September 11, 1998

YELL-4490

Sarah Branscom
Bison Management Plan, EIS Team
National Park Service
PO Box 25287
Denver, CO 80225-0287

Dear Sarah Branscom,

On behalf of Honor the Earth, a national Native foundation and advocacy group, I would like to comment on the proposal of Alternative Seven (the Preferred Alternative) as presented in the Environmental Impact Statement on Bison Management at Yellowstone National Park.

While we commend the National Park Service for undertaking an ambitious discussion of the future of the Yellowstone Buffalo herd, we find the final proposal to be lacking in either vision or innovation, to be founded on false premises and to represent a significant threat to the long term viability of buffalo populations, aka. the Buffalo Nation in North America. At the close of the 20th century, shooting buffalo is no more in the national interest that it was a century ago; nor does the action indicate that we have learned any lessons from the past, wasteful public policies of this country. We consider the Yellowstone buffalo herd to be a national treasure, the "survivors", the "strongest ones", and as such, central to the long term vitality of buffalo populations in North America. Callous management and lethal controls of this herd is, at its foundation, ecological folly and the mismanagement of a vital public resource and trust.

In relation to the EIS process itself, the present timeline needs to be expanded to allow for meaningful public participation. After an eight year process in development of the EIS, it is exclusionary to hold a 180 day period for the EIS comment period. Since many Native nations are engaged in summer ceremonies and celebrations during this time, it is a difficult time within which to organize formal comments. In addition, the actual consultation process with tribal governments was restricted to a very short period of time (August), and the absence of adequate notification limited the participation of many traditional and spiritual leaders. We do not believe, as a consequence, that the EIS process has met with the specifications of the Executive Orders on Environmental Justice and Native Free Exercise of Religion. Nor do we believe that this process has in a meaningful way addressed the Executive Memorandum on Government to Government Relations with Native American Tribal Governments.

It is of primary significance to have full Native participation in the EIS process, as the cultural impact of proposed policies are not considered. In both the draft EIS and the

Board of Directors:
Chrisjohn Peters, *Chair (Pohlik-lah/Karuk) Executive Director, Seventh Generation Fund* • Charon Asetoyer, *Treasurer (Comanche) Board member, Indigenous Women's Network* • Lisa Bellanger, *(Anishinaabe) Board member, Indigenous Women's Network* • Tom Goldtooth, *(Dine) Executive Director, Indigenous Environmental Network* • Emily Saliers, *Indigo Girls* • Amy Ray *Indigo Girls, Owner, Daemon Records*

Honor the Earth Staff: Winona LaDuke *(Anishinaabe) Political Director* • Lori Pourier *(Lakota), Community Liaison* • Faye Brown, *Campaign Management*

Honor the Earth Partners: *Monsterhit Media, BMG, Daemon Records* • **1997 Honor the Earth Tour Sponsor:** *Ben & Jerry's* • printed on tree free paper

most recent document, the cultural impact is glossed over. This problem is illustrated by the text, *"... Bison were critical to the indigenous cultures of North America and were an important part of the landscape covering over half the continent..."*. In the initial draft document (page 152), the absence of knowledge about **present** Native religious and cultural relationships with buffalo is quite apparent. Referring to Native peoples under Ethnographic Resources, the document notes that the records are "incomplete" and refers to present day Ethnographic Resources as including ..."several tribes with lands near Yellowstone..." It is painfully obvious that the NPS is woefully ignorant of the significance and vitality of Native religious and cultural practices in this era in relationship to the buffalo.

The EIS draft discusses Native people "harvesting or receiving" dead buffalo, not live ones, and in fact, some would argue has used these donations of slaughtered buffalo to gain some meager political mileage in the situation, in a way which is far from ethical or appropriate. All of the comments contained within the federal documents illustrate the lack of knowledge and meaningful participation of Native peoples in the discussion on the management of the buffalo herd.

Honor the Earth requests that full participation and consideration according to federal mandates on environmental justice, religious freedom and nation to nation trust responsibilities occur in relationship to Native peoples and nations. This would include an extension of the comment period.

In relationship to the content of the proposal, Alternative Seven poses a number of problems:

1. Management of the buffalo herd, as opposed to management of the forces which impact the buffalo, is a conflict in carrying out federal policy and abiding by Executive Orders on environmental justice and religious freedom. The reality is that over 250 million acres of federal land in the west are under lease to livestock owners, primarily cattle, often a below market prices. This situation is mimicked at Yellowstone, and represents a violation of policy. Grazing allotments, like the Park Grazing allotment, are designated for the intended purpose of wildlife. The Forest Service alone is responsible for managing livestock grazing on this land, and could remove the cattle presently on this land. This suggestion is best illustrated in Alternative Two of the EIS, which states, "the primary means to minimize risk in this alternative would be those used to maintain the separation of cattle and bison.....On private land in the SMA's, which now is used for cattle grazing or other livestock operations, agencies might offer incentive to change operations..." In addition, this alternative includes a suggestion that "the agencies would seek agreements with grazing permitees to modify grazing allotments....(and) the National Park Service would modify it's winter road management plan to eliminate winter grooming and snowmobile use on some roads in Yellowstone Park.." What distinguishes these suggestions as positive is that they involve management of the introduced behaviors of cattle operators, cattle and recreational users in an

ecosystem designated primarily for buffalo and other wildlife. We believe this framework is a very important foundation on which to base any management proposals.

2. The proposition that brucellosis is a grave threat has motivated the preparation of the EIS, and we reject this proposition. Begin with the fact that there is not a single recorded case of the transmission of brucellosis between buffalo and cattle in the wild, including the forty years in which these two animals have grazed side by side at Glacier Park. We believe that politics and money has dictated and driven the paradigm within which the EIS was presented, and not science. Even the original draft EIS acknowledged this problem in the Alternative Interpretation of Risk segment which notes that "...there have been no documented cases of transmission of brucellosis from wild, free ranging bison to cattle..." While we acknowledge that brucellosis is a grave threat to the cattle industry and understand that entire herds have been destroyed in the past because of the disease, the scenario is not transferable to Yellowstone. The separation of the bison and cattle populations, vaccination of cattle herds and when available in a non-intrusive form, vaccination of bison over the long term (as proposed in several alternatives) are viable safety options that underscore killing bison is unnecessary. In the interim, as killing buffalo is being undertaken absent a scientific mandate, Honor the Earth requests that a risk assessment be conducted to determine the actual impact of brucellosis transmission from buffalo to cattle, and an assessment on the impact of cattle on public lands and our national treasure, the Yellowstone buffalo. This discussion is merited in light of the vast expenditure of public resources ostensibly invested on behalf of the cattle industry in this area. Again, we reiterate the need to manage introduced behaviors and species.

3. Live removal needs to be considered as a viable and significantly preferred option over killing. The removal proposal in Alternative Seven is of dead buffalo by government slaughter or public hunting. We do not believe that an animal brought back from the edge of extinction should be an object of sport hunting, particularly those animals entrusted to the public. We believe that should removal be required, live buffalo should be removed in family units (i.e. mother/calf pairs) so as not to disturb the teaching cycles of the animals, and placed within designated tribal herds or on public lands that desperately need buffalo for cultural and ecological reasons. We are aware that a number of tribal governments have offered to accept buffalo and that thus far, the NPS has not followed up on these requests. This would be an appropriate allocation of public resources in stark contrast to the private benefit of hunting.

4. Aggressive acquisition of additional lands needs to be a priority. In Alternative Seven, it is assumed that there will be some acquisition, but the inference of the text is that it is not a priority (as it is in Alternative Two). We recommend the aggressive approach outlined in Alternative Two to acquire lands for buffalo. The reality is that Yellowstone National Park, in its inception, was conceptualized for wildlife, but not in a practical sense. Noted conservation biologists like Reed Noss (whose work has been used in crafting the ecological restoration plan for the Florida Everglades) has pointed out that "because biology has been absent from design decisions, park boundaries do not conform to ecological boundaries and most parks and other reserves are too small to maintain populations of wide ranging animals over the long term or perpetuate natural processes..." Simply stated, the long term genetic viability of the Yellowstone herd, and indeed other large ungulates and carnivores in the region, will be contingent upon federal management proposals which secure adequate land, including both core areas and corridors between various landholdings on which the endangered and recovering species rely.

In short, both the process and the final proposals of the National Park Service EIS have major problems, and mandate substantial revision. This undertaking is far too important to brush aside in a manner driven by politics, and should be based on science and full consideration of the legal and trust responsibility the federal government and all of us have to these majestic creatures. We are hopeful you will initiate and carry out meaningful revisions of both the process and recommendations.

Miigwech,

Winona LaDuke

Winona LaDuke
Program Director,
Honor the Earth Fund

HUMANE EDUCATION NETWORK [redacted]

YELL-473

July 14, 1998

Bison Management Plan EIS Team
National Park Service, Denver Services Center
P.O. Box 25287
Denver, CO 80225-0287

Ladies and Gentlemen:

We are happy to hear that you have published a Draft EIS on the long term management of Yellowstone bison. Having read the executive summary, we offer our comments and suggestions for consideration.

Since 1895, Yellowstone bison have been killed by state and federal officials in an attempt to protect domestic cattle from brucellosis. This is not a reasonable rationale for killing bison since there has never been a documented case of brucellosis being transmitted from wild bison to domestic cattle. Furthermore, the USDA has no legal authority over free ranging bison and cannot downgrade the brucellosis-free status of Montana based solely on the presence of potentially exposed bison in the state. If any risk exists, it can be eliminated by requiring the vaccination of cattle on private and public land and prohibiting cattle from grazing on public land outside the park.

Reestablishing a public bison hunt in Montana is unethical since it is impossible to conduct a fair-chase hunt of animals that have no fear of man. The quarantine or vaccination of Yellowstone bison is unworkable and would be an enormous waste of federal tax dollars. Also, the capture and slaughter of bison including those who test positive for exposure to the disease is barbaric and should be discontinued.

Finally, there should be no population objectives established for the bison herd. The EIS calls for limiting its size to 1,700-2,500 animals. The size of the bison herd should be dictated by natural factors, not by the desires of the livestock industry.

Sincerely,

S. M. Bancroft

S. M. Bancroft
Director

Recycled paper

HUMANE EDUCATION NETWORK [redacted]

YELL-11,441

October 5, 1998

Bison Management Plan EIS Team
National Park Service, Denver Services Center
P.O. Box 25287
Denver, CO 80225-0287

Ladies and Gentlemen:

On behalf of our members we offer our comments and suggestions for consideration on the Draft EIS for the long term management of Yellowstone bison.

Our organization rejects all seven of the alternatives because the DEIS is flawed: the DEIS fails to completely and honestly address purpose and need, there is no "no action" alternative provided, and all reasonable alternatives are not presented.

Our organization rejects all seven of the alternatives of the DEIS for these specific reasons:

• There has never been a documented case of bison transmitting *B. abortus* to domestic livestock in the wild. There has been no conclusive research on *B. abortus* to justify the expensive and inhumane treatment of bison suggested in the DEIS, and no risk assessment or cost benefit analysis was done for the DEIS. To embark on any management plan of bison without scientific evidence to the contrary is unnecessary, cruel, costly and unjustified. If there is scientific evidence, it shows the risk to be so remote that it does not justify capture, confinement, and slaughter of bison. No alternative presented in the DEIS includes only humane strategies that could eliminate risk: banning the grooming/use of trails/roads for snowmobiles that provide easy migration of bison out of YNP, prohibiting the grazing of cow-calf units on public lands outside YNP, and/or requiring the vaccination of cattle on private lands and public lands which will be grazed by susceptible cattle.

• Bison are being singled out for management, even though it is not the only species with supposed potential to transmit *B. abortus* to cattle. Elk range freely from YNP without being subjected to capture, quarantine, and slaughter, even though there is potential to transmit *B. abortus*, not only to cattle but to bison. If the real objective is to prevent infection of cattle to maintain Montana's class-free APHIS status, all species of wildlife which can be proven scientifically to transmit *B. abortus* to cattle in the wild must be addressed in any "future" management plan. To single out bison in an EIS makes explicit a prejudice that is not scientific, but political.

• The plan must not contain actions which will domesticate the YNP bison.

• The plan must allow the migration of bison to their historic winter range in the Greater Yellowstone Ecosystem by purchase of private lands, restriction of susceptible cattle in the

Recycled paper

YELL-11,441 contd.

area on public lands, and/or vaccination of all susceptible cattle on public and private lands onto which bison migrate.

• Herding, capture, quarantine, and slaughter of bison, even those testing positive for *B. abortus* must be ended immediately and permanently. If conflict exists between livestock and bison on public lands, remove the livestock.

• The vaccination of bison is unnecessary, wasteful of resources, and treats bison as domestic livestock, not wildlife. Require the vaccination of cattle, not bison, on public and private lands to control the risk of *B. abortus*.

• Establish no population size objectives for the Yellowstone bison herd. Size of the herd should be determined by natural factors like genetic viability, weather, predation, and available forage, not by a management objective directed by hunters who want a trophy or the cattle industry who wants rangeland only for their livestock. The real purpose of a bison "management" plan becomes suspect when herd size manipulation is an objective.

• No public bison hunt in Montana is acceptable. Hunting an animal with no fear of people is unethical, inhumane, and can not be justified by hunters as "sporting".

Our organization requests that the DEIS be reconstructed and reissued. We endorse "The Bison Alternative" as the plan which should be selected and implemented for the long-term mangement of bison and cattle in Yellowstone National Park and Montana.

Sincerely,

Andi Sandstrom

Andi Sandstrom,
President

YELL-6535

KIM DUFFY

[redacted]

September 24, 1998

Bison Management Plan EIS Team
National Park Service
Denver Svs. Center
Box 25287
Denver, CO 80225-0287

To Whom It May Concern:

I am writing this letter on behalf of the Humane Legislative Network. As a member of HLN, I am concerned about the proposed plans for Yellowstone bison management allowing capture, shooting and slaughter. We are aware that The Fund for Animals and other animal/environment groups have proposed alternative plans that protect both human and animal interests. I strongly oppose the government's "Preferred Alternative" and we ask that you adopt an alternative plan.

Thank you for your consideration in this matter.

Very truly yours,

Kim Duffy

Kim Duffy

GOLDEN STATE HUMANE SOCIETY
A Non Profit Organization

YELL 5948

jSept. 22, 1998

Bison Management Plan EIS Team
National Park Service
Denver Svs. Center
Box 25287
Denver, CO 80225

Dear Sirs,
I am writing the Bison Mgment. Plan EIS Team to voice my opposition for plans for Yellowstone bison management allowing capture, shooting and slaughter. Many animal and environment groups have proposed alternative plans that protect both human and animal interests.
I oppose the government's "Prefered Alternative" and ask you to adopt an alternative plan.
Thank you for your attention.

Most sincerely,
Robert Fischer
Robert Fischer
Exec. Director

ANIMAL CARE CENTER [redacted]

ANIMAL CARE CENTER [redacted]

YELL-9678

Marion County Humane Society
1955 Tatum Lane
[redacted]

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John W. Ratliff, M.D.
Monroe Reynolds
John P. Smith

October 3, 1998

Dear Park Service:

This is to comment for the record to protest the seven flawed alternatives in the DEIS of the bison management plan. We strongly ~~protest~~ oppose the capture and slaughter, agency shooting, public hunting, quarantine and vaccination of the bison. Instead close Yellowstone National Park to snowmobile use and prohibit trail grooming. Prohibit cattle grazing and ~~allow~~ unrestricted bison access to all public lands adjacent to the western and northern borders of Yellowstone.

We support the Bison Alternative proposed by the Fund for Animals, Inc. Bison belong to the American people and must not be destroyed.

Sincerely,
Barbara H. Warner, Secretary
Marion County Humane Society

The Peoria Humane Society

YELL-5393

September 24, 1998

Ms. Sarah Bransom DSC-RP
Bison Management Plan EIS Team
National Park Service
P.O. Box 25287
Denver, CO 80225-0287

Dear Ms. Bransom:

The Peoria Humane Society is a not-for-profit organization dedicated to the prevention of cruelty to animals. We support legislation that protects wild animals and endangered species.

The Yellowstone Bison Environmental Impact Statement, proposed by the National Park Service, USDA, and the state of Montana, presents seven different plans for managing bison at Yellowstone. The "Preferred Alternative" (#7) is intolerable. This alternative would continue to manage American bison as if they were a herd of domestic cattle.

The Montana livestock industry fear that cattle may contact brucellosis from wild bison. Brucellosis has never been transmitted between bison and cattle in the wild.

The Peoria Humane Society believes that the responsibility for preventing cattle from acquiring brucellosis must lie with the livestock growers. We support the Minimal Management plan but insist the agencies stop capturing and testing bison at the park's boundaries.

Sincerely,
Julie Schroer

Julie Schroer

[redacted]

Dedicated to the prevention of cruelty and neglect to animals.

PEORIA HUMANE SOCIETY

Mary Kelly Black YELL-9062

[redacted]

October 13, 1998

Bison Management Plan EIS Team
National Park Service
Denver Service Center
P O Box 25287
Denver, CO 80225-0287

Dear Team Members:

In response to your ENVIRONMENTAL IMPACT STATEMENT, it is imperative that bison be considered and TREATED AS WILDLIFE not as domestic livestock.

You must also immediately cease encouraging SNOWMOBILES in Yellowstone, which only increases bison use of these trails. These trails lead bison more readily out of the Park boundaries, as well as eliminate the usual population control factors of harsh winters and deep snow. The State of Montana, with the assistance of the Park Service, should not be the ones that cull the herd. Nature's winter can do that more effectively and sensibly.

Also, the CAPTURE AND SLAUGHTER of bison within Park boundaries must also cease. This is unconscionable and will harm the image of the Park Service as an agency purportedly devoted to preserving and protecting natural resources.

The GRAZING OF DOMESTIC CATTLE on Park land should no longer be allowed. These lands were set aside for the benefit of wildlife, including bison.

HUNTING within the boundaries of the Park is cruel, as the bison have learned to trust humans. Again, high-profile publicity on this action will only lead to further erosion of the role of the Park Service in the West.

Because of the low incidence of BURCELLOIS IN BISON, establishing a quarantine facility for Yellowstone bison would be a waste of federal and state tax dollars. This is not needed.

Thank you.

Mary Kelly Black

Kris Murphy, Executive Director
Humane Society of Tampa Bay
[redacted]

YELL-6881

September 28, 1998

Bison Management Plan EIS Team
NPS, Denver Services Center
P.O. Box 25287
Denver, Colorado 80225-0287

Dear EIS Team:

I am against the killing of bison who leave Yellowstone Park's boundaries. Please stop this madness at once.

Because the risk of bacteria transmission between bison and cattle is extremely remote, risk management is a far more sensible, economical, and ecologically sound alternative to bacteria elimination. A risk management program should include the following:

1. An end to the shooting or hunting of bison, especially on National Forest [public] land.

2. Mandatory vaccination of domestic calves (within the counties surrounding Yellowstone National Park) against brucellosis.

3. Further research into the development of an effective vaccine against brucellosis for bison.

Please implement this program and stop persecuting Yellowstone's bison. Your comments are requested.

Sincerely,

Kris Murphy
Executive Director

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HSUS

10,575

October 27, 1998

Bison Management Plan EIS Team
National Park Service - Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Dear Ms. Bransom:

On behalf of The Humane Society of the United States (HSUS) and its 6.7 million members and constituents, I wish to offer comments on the Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park ("Draft EIS").

Although The HSUS has sometimes differed with the National Park Service (NPS) on specific policy issues, in recent years our relationship has grown increasingly cooperative. NPS staff have participated in HSUS-organized conferences and workshops, and HSUS scientists have participated in NPS-organized conferences and workshops. The HSUS is currently collaborating with the NPS on wildlife management research projects at Assateague Island National Seashore, Fire Island National Seashore, Point Reyes National Seashore, and elsewhere. We believe this relationship is founded on a shared commitment to the preservation and protection of wildlife, habitat, and natural ecosystem processes.

In that light, The HSUS is extremely disappointed and disheartened by the Draft EIS. Although the Draft EIS rhetorically embraces the objective of maintaining a free-ranging bison herd in Yellowstone National Park (YNP), the document is clearly driven not by any NPS mandate, but rather by the objective of the livestock industry to eliminate any risk of brucellosis transmission from Yellowstone bison to domestic cattle, at the least possible cost to itself. Rarely, in any alternative presented in this voluminous document, is any issue decided in favor of sparing bison from needless harm if risk or cost might be incurred by the livestock industry. The Draft EIS does not include the full range of practical alternatives, and conspicuously omits consideration of the options that provide for the greatest level of protection for bison.

It is not acceptable to The HSUS, and should not be acceptable to the NPS, that the oldest, largest free-ranging bison population in the United States should be managed as if it were comprised of domestic cattle. It is neither humane nor ecologically defensible to slaughter hundreds or even thousands of wild bison solely to achieve the

The Humane Society of the United States
[redacted]

political objective of appeasing livestock interests. It is not reasonable or responsible to premise a management plan and a draft EIS on a bison brucellosis vaccine that does not now exist, and whose safety, efficacy, and impacts are therefore unknown. It is not in the public interest for the principal burden of mitigating the already minimal risk of brucellosis transmission to cattle, even cattle on public lands, to fall on publicly owned YNP bison, while the affected industry is barely encouraged to change its practices. And it is extremely disturbing that this should be allowed to happen at the nation's flagship national park: if Yellowstone cannot defend its wildlife from special interest pressures, there is little hope for any other NPS unit that is similarly beleaguered.

To be consistent with the mission and public trust of the NPS, we believe the YNP bison management plan should instead rely to the extent possible on natural regulation of bison population and movements (including the closure of snowmobile routes), the securing of necessary winter habitat for bison on public and private lands outside the park, and rational management of risk of brucellosis transmission, with an appropriate share of the adjustment of management practices being borne by livestock operators.

Details of our position follow.

Draft EIS Objectives and Shared Features of All Alternatives

Brucellosis control policies. The Draft EIS indicates that the participating agencies are committed to the eventual elimination of brucellosis in bison and other wildlife in the Greater Yellowstone Ecosystem. While this goal is not intrinsically objectionable, it raises the question of, "At what cost?" To The HSUS, the costs may prove unacceptable. Worse, the goal of eliminating brucellosis is used to justify politically driven policies and actions that will not, in fact, influence either the prevalence of *Brucella abortus* in bison and other wildlife or the risk of transmission of brucellosis from wildlife to livestock.

One way in which the brucellosis eradication goal is driving the proposed bison management plan is in the stated commitment to vaccinate bison with a brucellosis vaccine. As the Draft EIS acknowledges, there is no existing brucellosis vaccine that is safe and effective for use in bison. It is our further understanding that, presently, there are no strong candidates for such a vaccine.

While we do not object to including in the Draft EIS statements of support for humane, non-lethal research into the development of a safe, effective bison brucellosis vaccine, the incorporation into the Draft EIS of a formal strategy of vaccinating bison with such a hypothetical vaccine is premature and potentially dangerous. The HSUS has significant doubts about the appropriateness of and need for vaccinating wild bison with a brucellosis vaccine, if and when it emerges. In the absence of a vaccine, a vaccination plan, and a realistic projection of how such vaccination might

influence the risk of brucellosis transmission to cattle, we cannot support the concept of vaccinating bison for brucellosis. Nor are we reassured by statements in the Draft EIS indicating that further environmental review will be required for implementation of a vaccination program: once the concept of vaccination is adopted in the overall bison management plan, we believe, further environmental review will be limited to discussing the details.

More immediate than the vaccination issue is the proposal to continue to capture and test bison at the YNP boundaries, and to transport and slaughter all brucellosis-seropositive bison (and some seronegative bison as well), which appears in all alternatives (although it would cease under Alternative 2 after an undefined period). In our view, this program is extremely cruel and, for the prevention of transmission of brucellosis to livestock, completely pointless. Although test and slaughter programs have been used to reduce and eliminate *B. abortus* from domestic cattle herds and some bison herds these actions generally require repeated testing of virtually all herd members; at Yellowstone, only a small proportion of the total bison population would be tested and slaughtered. We note that even the crude projections supplied in the Draft EIS show differences of only three percentage points (26% vs. 23%) in population seropositivity rates between Alternative 2 and Alternative 7 a decade after test and slaughter would be discontinued under Alternative 2, and these projections also appear to assume different vaccination protocols (Draft EIS, Tables 34 and 40). In our view, capture, test, and slaughter is a population control action dressed up for political purposes as brucellosis control. Because this program will never lead to progress in brucellosis control, it is no more than a formula for institutionalizing a cruel slaughter.

The HSUS does not feel that the quarantine protocol proposed for seronegative bison is a humane alternative to simply leaving bison alone wherever possible. We consider the prescribed quarantine procedure, one year minimum, to be extremely lengthy. Moreover, quarantine may increase the risk of exposure to brucellosis of some animals, and it is clear that many animals will not survive the quarantine. In addition to causing needless deaths of many animals, the capture, test, and quarantine or slaughter program would require extensive and prolonged handling of YNP bison. Our experience is that handling large numbers of bison at Yellowstone and elsewhere has resulted in gorings and other external and internal injuries to many and severe stress to all of the animals involved. We also question whether they will receive humane care during at all the various destinations to which they may be transported.

Finally, it remains our view that the actual risk of brucellosis transmission from bison to cattle is exceedingly small, and that the brucellosis controversy is largely the product of regulatory inflexibility and policy inertia within the U.S. Department of Agriculture (USDA) and the Montana Department of Livestock (DOL). Reasonable programs to separate cattle from wild bison and a cattle vaccination program would make the minute risk of brucellosis transmission to cattle even more remote. Moreover, a reasonable livestock surveillance program would assure

YELL-10,575 contd.

that, in the exceedingly unlikely event that brucellosis was transmitted to a domestic cow by a wild bison, the infection would be easily contained. The specters of statewide, national, and even global repercussions to such an incident raised by the USDA and the DOL are self-fulfilling prophecies intended principally to justify USDA incursions into YNP and into the realm of national park management. To impose these humane and ecological costs on Yellowstone and its wildlife simply to indulge USDA/APHIS's and DOL's bureaucratic crusade is unconscionable.

Management for specific numbers: We acknowledge that bison distribution must be restricted within the Greater Yellowstone Ecosystem, because of brucellosis concerns and more generally because bison are large, dangerous animals whose presence would create serious conflicts if they went everywhere they would go if we let them. However, The HSUS strongly objects to policies specifically directed at controlling bison numbers in and adjacent to YNP. Yellowstone encompasses a large natural ecosystem with its full complement of competitors, predators, and scavengers, and we support maintenance of the NPS policy of supporting natural regulation of native wildlife population numbers within that system. Again, we feel that establishing a population target for bison at YNP sets a terrible precedent for the NPS.

The Preferred Alternative

The general concerns we raised above about the capture, test, and slaughter program, quarantine, risk management, and management for specific bison population numbers also apply in particular to the Preferred Alternative. We have additional concerns peculiar to the Preferred Alternative.

First, The HSUS opposes the use of sport hunting as a tool for the control of the YNP bison population. As we have noted in previous public statements and communications to the NPS, sport hunting of bison is unethical and cruel. The same great size and physical formidability that makes them easy to hit makes them hard to kill, and we do not believe that sport hunters will have the expertise or the compelling interest to effect a humane kill. Moreover, the placidity of the animals and the controlled conditions under which such "hunting" generally occurs would reduce the experience to little more than pure recreational killing.

We also object to the provisions that give the DOL the discretion to assign risk categories to bison and to determine the length of time (30-60) days that must separate bison from cattle at YNP's western boundary. While we do not doubt that DOL veterinarians have the professional expertise to evaluate risk, we firmly believe that the DOL is incapable of fairly balancing livestock and wildlife values, and in virtually every case will decide for the livestock industry and against the bison, and the result will be that bison are needlessly killed. Any risk criteria should be worked out in advance with input from all involved agencies, and especially on public lands, the criteria should favor the bison.

Like the other alternatives, The Preferred Alternative fails to manage bison as a wild free ranging population and, among the alternatives presented, it sets a fairly low ceiling for bison population numbers. As we noted above, we object to the whole concept of managing native wildlife for specific numbers in YNP, and to the use of capture, test, and slaughter for either the given reason of brucellosis control or for population control. At Yellowstone, the removal of dozens or even hundreds of bison every year will have repercussions throughout the ecosystem, notably harming predator and scavenger species, including species protected under the Endangered Species Act such as grizzly bears and wolves. The low ceiling set by the Preferred Alternative will exacerbate that effect, denying these predators of the occasional bounty of bison and bison carcasses.

Finally, the Preferred Alternative carries a substantial price tag. Although the interests of The HSUS do not lie directly with saving taxpayer money, we have observed that the annual operating costs for the proposed capture, testing, and quarantine facilities exceed $1 million (separate from the initial costs of construction). We are confident that those funds could be better spent within YNP on resource protection, rather than on resource destruction.

Alternative 2, The "Minimal Management Alternative"

All alternatives in the Draft EIS are inadequate and inappropriate for the management of a wild bison population in a national park. Of all alternatives presented, Alternative 2 is the only one that even points in the direction of providing the level of protection we believe that YNP's bison and the park itself deserve. We support the principles laid out for Alternative 2, including relying on separation of bison and cattle to manage risk of brucellosis transmission, sharply limiting lethal control of bison, securing access for bison to winter range outside the park, and attempting to restrict bison winter movements outside YNP via changes in recreational snowmobile use of roads within YNP.

However Alternative 2 shares with all other alternatives the unacceptable objectives of setting a target for bison population size and eliminating brucellosis from all YNP wildlife. The specific proposal also fails to live up to its principles in several important ways. Alternative 2:

- continues the capture, test, and slaughter of bison for an indefinite period of time ("Phase 1"). We believe it must be discontinued immediately.
- proposes to implement vaccination of YNP bison for brucellosis; we summarized our concerns with this proposal above.
- lacks a firm commitment to closing to snowmobile traffic roads that have provided bison with easy travel routes out of YNP in winter.

- lacks a firm commitment to or detailed plans for giving bison priority over livestock on public lands adjoining YNP. U.S. Forest Service grazing allotments should be adjusted to reflect that priority.

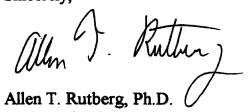
- lacks a firm commitment to or detailed plans for providing incentives to private landowners to tolerate bison on their property while protecting livestock from exposure to brucellosis.

Conclusion

It is the position of The HSUS that, while the Draft EIS Alternative 2 points in the right direction, we strongly prefer the program outlined in the Fund for Animals' "Bison Alternative." The heart of the "Bison Alternative" is a program designed to protect bison, protect their role in the YNP ecosystem, and by implication, protect the integrity of YNP and its natural processes.

Although the interests of The HSUS are best represented in the "Bison Alternative," many if not most of the important criticisms of the Draft EIS raised in this letter and in the "Bison Alternative" are voiced in alternatives proposed by other interest groups. Rather than focusing on the differences in the details of these proposals, the NPS should pay attention to the fact that a truly remarkable range of animal protection, environmental, and even sportsmen's' groups — groups as diverse as the Fund, The HSUS, the Greater Yellowstone Coalition, the Ecology Center, the Intertribal Bison Council and the Montana Wildlife Federation — all agree in their strenuous objections to the Draft EIS's focus on protecting the livestock industry, and managing wild bison as livestock. This policy focus must be fundamentally changed in the Final EIS.

Sincerely,



Allen T. Rutberg, Ph.D.
Senior Scientist
Wildlife and Habitat Protection

cc Bruce Babbitt, Secretary of Interior
Dan Glickman, Secretary of Agriculture
Dave Pauli, Director, HSUS Northern Rockies Regional Office

Oral testimony provided at the Summer School, Museum and Archives, [redacted] on September 17, 1998

Comment No. 15129
Allen Rutberg
Humane Society of the United States

My name is Dr. Allen Rutberg. I'm senior scientist for wildlife with the Humane Society of the United States, which I'm representing today, along with its 6.7 million members and constituents. I personally have conducted research on the northern range herd of the Yellowstone bison and have been to Yellowstone for recreational purposes at least a half-dozen times additionally. So I have a fairly strong attachment both to the park and to the bison in the park. The HSUS is deeply saddened by the proposed course of action. The draft environmental impact statement clearly has been driven by the livestock industry mandate to eliminate Brucellosis, and not by any mandate that is intrinsic to the National Park Service or its mission. We therefore feel that the National Park Service has capitulated its responsibilities to preserve and protect the wildlife in its charge and therefore failed the public.

The Humane Society finds that it is not acceptable to manage bison as livestock as the EIS proposes. It is not acceptable to slaughter, to test and slaughter hundreds even thousands of wild bison for reasons that are principally political. That is not acceptable to premise the management plan and the EIS on a vaccine that does not in fact exist, whose safety and efficacy cannot be even imagined, but are certainly likely to be harmful to Yellowstone and to its wildlife. It's not acceptable for publicly owned wildlife, that is the Yellowstone bison, to assume the full burden of mitigating the already miniscule risk of disease transmission to cattle especially on public lands.

The EIS in our view does not provide a full range of realistic alternatives. The Humane Society of the U.S. supports the Fund for Animals bison alternative, but we also note that there are a number of other plans out there that have been prepared by a very wide range of environmental animal protection interest groups, which are in substantial agreement with that plan demonstrating that the National Park Service has really failed to cover the range of alternatives that are out there that would be better for the bison and better for the park.

The emphasis of the Yellowstone bison management plan must be on natural regulations of bison, on securing necessary winter habitat for bison outside the park, and on the rational and scientific management of risk of Brucellosis transmission.

Capture facilities must be shut down immediately, and the futile inhumane test and slaughter program ended. Publicly owned bison and not privately owned livestock should have right of way on public lands, especially those that are devoted to wildlife. Grazing allotments should be adjusted to protect that, rather than wildlife movements restricted.

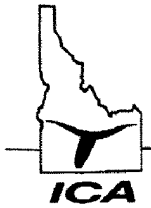
On private lands the USDA and the state of Montana should provide generous funding and technical assistance to help private landowners accommodate bison on their property by minimizing the risk of Brucellosis transmission between bison and cattle.

Action should be taken immediately to close groomed snow mobile trails that provide bison with easy routes out of the park. And I am sensitive to the irony of the NPS video that describe bison movements out of the park as natural, while showing them on an asphalt-paved highway.

The goal of eliminating Brucellosis from park wildlife at this time is unrealistic, it is unnecessary, and it is inappropriate for a national park, and it should be dropped in favor of rational risk management. Vaccination should not be part of the management plan. And finally, sport hunting of bison is intrinsically unethical and inhumane and should be dropped from the plan.

The extent to which the management plan is determined by livestock interests is a painful intrusion of Yellowstone, and it sets a dismal precedent for management of all national park units. Keep Yellowstone and its bison wild. Thank you.

YELL 11,160



Idaho Cattle Association

ICA

VIA FACSIMILE
303/969-2736

October 29, 1998

Bison Management Plan EIS Team
National Park Service
Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-9901

Dear Ms. Branson:

Please consider this document the official comments for the Idaho Cattle Association (ICA). The ICA represents almost 1,500 ranchers, beef producers and allied industries who all have a vested interest in the eradication of wildlife brucellosis in the Greater Yellowstone Area.

ICA is disappointed in the EIS, because we believe it to be insufficient. A number of the alternatives are based upon inaccurate assumptions. The DEIS contains a number of deficiencies. It fails to adequately address brucellosis in bison (except for alternatives 5 and 6) and the potential for transmission to livestock in each of the alternatives. In addition, it fails to address brucellosis in elk among other important rangeland issues.

As lifelong stewards of the land, we take very seriously our responsibility to the natural resources that have been entrusted to us. As ranchers who depends on healthy grasses for our cattle, we work hard to preserve them from year to year through controlled grazing management and careful monitoring. If we did not do these things, we would quickly be out of business.

After reading the draft Environmental Impact Statement (EIS) for bison management in Yellowstone, I am troubled that the National Park Service does not require similar responsibilities for Yellowstone Park. Any complete EIS must address the effect of various bison (and elk) population levels on the rangelands and must provide for the sustainability of the rangeland ecosystem.

A basic guideline for any rancher's grazing program is developing a carrying capacity for the land – the number of animals that can safely graze a particular area without threatening the

resource itself. Any number of animals beyond what grazing scientists establish could seriously threaten the health of vegetation.

Unfortunately, there is no carrying capacity that has been established by the National Park Service as to the number of bison the Parklands can support and still remain a viable natural resource. This is an outrage. As a rancher, if I were to operate in this manner, overgrazing the resource until severe degradation, my operation would be shut down, and I would be publicly criticized for abusing the land.

But this has not happened in Yellowstone Park, despite the fact that an expanding bison population too large for the Park to support has been noted by the recently released National Academy of Sciences (NAS) report on "Brucellosis in the Greater Yellowstone Area." This report was commissioned by U.S. Secretary of Interior Bruce Babbitt. As written on page 120 of the NAS report: "Although brucellosis has catalyzed the recent controversy, the fundamental issue is the need to respond to burgeoning bison numbers that are overflowing park boundaries." The NAS report is also critical of the natural regulation policies in place in Yellowstone Park, which have been ineffective in both maintaining the natural resources within the park, and also maintaining a bison herd population that the park itself can sustain.

As the report reads on pages 120-121: "Natural regulation of bison in [Yellowstone National Park] appears to be unlikely. Control of bison numbers presents difficult choices that had to be addressed in the recent past and probably will have to be addressed again…As long as the natural-regulation policy is followed, increasing elk and bison populations will stretch the winter capacity of Yellowstone, and, at least in harder winters, animals will be forced out of the park."

Alternatives 2, 3 and 7 of the draft EIS suggest acquiring additional winter range north of Gardiner, and possibly in the east boundary area in the near future through purchase of grazing rights, easements, or property. This so-called "solution" is unacceptable to Idaho's ranching families. By expanding boundaries on which bison would be allowed to wander, the problem of expanding bison populations would only be perpetuated over time. Even Bruce Babbitt's own commission study cautions against the expansion of bison management areas.

As stated on page 122 of the brucellosis study, "The likely consequence of shifting the boundary of protection from Yellowstone Park to surrounding public lands is that bison…populations will simply increase further, shifting the boundary to a new point – public lands – where even greater numbers of bison will have to be dealt with."

In addition, Alternatives 2, 3 and 7 do not move toward the eradication or prevention of brucellosis, and place cattle producers in Montana, Wyoming and Idaho at even greater risk for disease transmission and economic sanctions from APHIS under regionalization or other state animal health authorities.

A carrying capacity for bison in Yellowstone Park must be established using complete and proven science. Although the DEIS suggests the Park can carry between 1,700 and 3,500 bison, very little analysis is included in this range of numbers. And these numbers are not considered in the environmental consequences section of the DEIS, which fails to analyze the bison

YELL-11,160 contd.

population's impacts on vegetative resources, riparian resources water quality, and threatened and endangered species.

Thus, the concept of natural regulation is seriously flawed. With this in mind, we recommend that the bison population be managed to maintain the herd at the lower level of no more than 1,800 animals until such time as scientifically defensible research has been conducted which supports a greater carrying capacity.

Idaho's ranching families might be supportive of a combination of Alternatives 5 and 6, which would include the testing of all Yellowstone National Park bison, the vaccination of all negative testing bison, and the slaughter of all bison testing positive for the disease. In addition, elk and other wildlife species need to be included in all of these alternatives. The end result will mean a healthy and viable Yellowstone bison herd, and protection of Idaho's ranching families, who directly contribute more $1 billion to the state's economy each year.

Finally, and probably most important, the DEIS has completely overlooked the economic impacts of the failure to eradicate wildlife brucellosis. The ability of Idaho producers to market cattle depends on brucellosis free status. If mismanagement of wildlife in the Greater Yellowstone Area continues to even threaten that status we could be faced with severe sanctions and costly testing requirements.

These are basic questions that I, or any reputable land manager, have to address when developing a grazing program for cattle, and Yellowstone Park is certainly not exempt from such considerations. Until these issues are fully addressed, bison population limits are established, and an aggressive brucellosis eradication program is implemented, we will continue to see this problem grow.

Thank you for the opportunity to submit comments on this important topic. Please contact me or Sara Braasch in the ICA office if you need additional information.

Sincerely,

Judy Woodie

Judy Woodie
President

B\d\s\bangs\bisontest.doc

YELL 11,433

IDAHO FARM BUREAU FEDERATION

[redacted]

October 19, 1998

Bison Management Plan EIS Team
National Park Service - Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Dear Ms. Bransom

The Idaho Farm Bureau Federation, representing nearly 50,000 Idaho member families has reviewed the draft DEIS for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park and wish to submit the following comments regarding the document.

In general, what is said about Brucellosis and its effects on livestock in Montana can be enlarged to reflect the exact same scenario on the livestock populations in both Idaho and Wyoming. The National Brucellosis Eradication Program is nearing a successful conclusion of eradicating Brucellosis from the United States. There are only 12 known brucellosis infected cattle herds in the entire country and those will soon be eliminated. This will only leave the Greater Yellowstone Area as the last foci of infection in America. Idaho, Montana, and Wyoming have invested millions and millions of dollars eliminating the disease from their respective states and are simply unwilling to place our livestock populations at risk from infected bison and elk in a national park. Should spread of the disease occur, sanctions, movement restrictions, herd testing and quarantine restrictions would place tremendous economic pressure on the three states involved and adversely affect our economy, our well being and our ability to compete successfully in a global economy. Should this happen because of inaction or outright lack of concern by the bison and elk managers, then full economic restitution should be a vital part of this plan and the monies extracted directly from the appropriations of the Department of Interior's National Park Service.

The document seem only to relate brucellosis as a livestock disease, when in fact it is a zoonotic disease transmissible from animal to man. Human Brucellosis resulting from contact with infected elk and bison is a distinct possibility and even though the authors

PRIESTLEY

of this document apparently wish to ignore it, it must be included in the DEIS. Throughout the document the acknowledgment that there is increasing numbers of humans along with increasing numbers of bison and elk make it practically certain that human brucellosis will result. Should diagnosis be delayed, those humans will come to know the true meaning of Undulant Fever and its resulting crippling effects. Once again, the National Park Service should be held accountable as the managers of a diseased herd that could have and should have been controlled.

The preferred alternative #7 will not clear the disease, but is a first attempt by the National Park Service (NPS) to actually manage animals. We firmly support the concept that both elk and bison must be managed and numbers controlled. In visits by our membership to the park, it appears available feed is being overtaxed by sheer numbers of elk and bison and the result is overgrazing, explosion of noxious weeds and increasing pressure for animals to leave the park and impact surrounding areas and states. We do not support the concept of Special Management Areas (SMAs) as being any kind of an answer to the problem, for SMAs simply enlarge the area of concern, delay management decisions and will result in an even higher number of animals to potentially transmit disease to Idaho, Montana and Wyoming.

The Idaho Farm Bureau Federation strongly recommends against any of the alternatives, but feels we could support a modified alternative #6 as being the most supportable for eradication of the disease, controlling numbers and protecting the economic well being of the three involved states. We would object to the finding in alternative # 7 that 2,500 bison in the park is supportable. In the 70's the NPS wildlife biologists were saying the proper amount of bison that could be supported was in the 400 head range and they produced counts demonstrating this figure. Actually it turned out that the counts were erroneous and only reflected guesses by biologists who were unwilling to control the bison, but it appears from NPS own work that 600 head would be more in the realm of sustainability and would not adversely affect genetics of the group. We recommend that a count of both elk and bison be included in the figures so that a total carrying capacity of the park can be realistically assessed and that both groups of animals be held to carrying capacity of the park range. By establishing actual supportable numbers, the need for SMAs is unnecessary and we again recommend that all reference to SMAs be eliminated from alternative 6. We would strongly recommend implementation of the (United States Animal Health Association recommended Alternative) as the best method to implement a control program. A Copy is attached to this letter but again we would recommend there be no SMAs included in Alternative 6..

NPS keeps mentioning in this document about segments of the American public unwilling to compromise on killing the bison as a control measure. The American pubic really knows very little except that which the NPS gives them or they rely on false information fed by the animal rights and preservationist groups. The Idaho Farm Bureau Federation strongly recommend that the NPS create and disseminate factual information regarding the winter conditions in Yellowstone. This document tends to indicate that harsh winters only lead to migration of bison where they are subjected to Montana hunters and some of the alternatives recommend closing roads and stopping plowing to keep the bison in the park. We feel it is imperative that NPS tell it like it is, and it includes lack of feed, starvation and death. The American public has never been subject to a description of the bison, wandering aimlessly, out of food, out of energy, snowblind and freezing. Perhaps if they were informed, they too would demand management of the animals so that there was adequate food to last the winter. The American public reacts to the news that is dispatched regarding hunting the noble bison. NPS should dispatch a like amount of news describing in detail the death of a starving animal.

It appears odd to this organization that a 395 page EIS regarding bison in Yellowstone National Park does not even mention the leading scientific document addressing the very issue that the EIS attempts to cover namely the NATIONAL RESEARCH COUNCIL, NATIONAL ACADEMY OF SCIENCE REPORT ON BRUCELLOSIS (1998). We note with concern that many of the assumptions in the EIS are totally refuted in the NAS report and the DEIS consistently downplays the significance of Brucellosis to wildlife. The NAS refutes this type of thinking by the drafters of the DEIS and we recommend that the findings of the NAS report be fully incorporated into the DEIS.

The DEIS appears totally lacking in scientific methodology of Brucellosis diagnosis, culture, transmission and the USDA Uniform Methods and Rules of Brucellosis Eradication. This document appears written with "wishful thinking" as its underlying principle and many statements regarding culture, transmission and diagnosis of disease contained in the report are simply incorrect or fabrications by the authors. As examples on pp iv in the DEIS summary under diagnosis, "the only sure way to know if an animal had the disease is to slaughter it" is totally incorrect. Apparently the authors did not understand the culture of milk, or biopsies or culture of discharges can confirm the presence of Brucella abortus so the false statement would lead the reader into believing that an animal must be killed to diagnose Brucellosis.

Again on p. 17 of the DEIS summary, "Killing suspect animals generally is necessary to obtain adequate samples for bacteriologic tissues" is the same kind of nonsense as the above statement. It is not true and simply designed to create a mindset in readers that bison must be killed to diagnose Brucellosis. This needs to be corrected.

It is unfathomable to this organization that on page 20 of the DEIS that it is indicated "that brucellosis may be endemic in the bison herd but few animals are capable of transmitting the disease." How does the NPS explain that 37.5 % of the bison that were seropositive and were shot or euthanized between March 1995 and January 1997 were culturally positive. This indicates 37.5% are spreading the organism and that percentage is not only significant it is frightening. The DEIS must be corrected to reflect this science. In addition it appears about 50% of the bison in the herd are seropositive and this would indicate not only is brucellosis transmissible, it is occurring rapidly and massively in this herd. Again, the DEIS must reflect the science of the

YELL-11,433 contd.

issue, not wordsmithing by those who do not want anything done about the disease.

We note there is an attempt to put into the mind of the reader that somehow the transmission of brucella in bison and the transmission in cattle is somehow different. It isn't, it is well known and well documented. Again the DEIS is instilling false assumptions in the mind of the readers to support a do nothing approach to bison brucellosis. This type of erroneous information must be removed from the DEIS and proper and scientifically supportable information used in it's place.

In closing we again would recommend that this DEIS be scrapped and a new one issued that actually reflects scientific findings regarding bison brucellosis. If an alternative must be selected from this DEIS we strongly recommend Alternative 6 with modification be adopted.

Thank you for the opportunity to comment on this most important document.

Sincerely,

Frank Priestley, President
Idaho Farm Bureau Federation

For attachment see United States Animal Health Association, YELL-9364

cc: Hon. Phil Batt, Governor
Senator Larry Craig
Senator Dirk Kempthorne
Representative Mike Crapo
Representative Helen Chenoweth
State Veterinarian Bob Hillman
IFBF Officers, Directors & staff
IFBF Natural Resources Committee
IFBF Livestock Committee
County Presidents

14,439

The Idaho Mythweaver

[redacted]

October 30, 1998

Sarah Bransom
Interagency Bison Management Plan
DSC-RP
PO Box 25287
Denver, CO 80225-0287

Dear Ms. Bransom:

I am writing on behalf of The Idaho Mythweaver six-member governing board in regards to the Draft Environmental Impact Statement for the Interagency Bison Management Plan.

Our nonprofit, educational and media-oriented organization focuses its projects towards helping mainstream society better understand the linkages between Native American cultures and the natural world, particularly relating to endangered wildlife. We have been following the Yellowstone bison issue for the past two years, and are currently developing an audio documentary on bison for public radio and other venues.

After reviewing the draft EIS, we find that although certain alternatives contain some desirable management ideas, none of the seven alternatives offered — including the "preferred alternative" — adequately address the protection and preservation of the largest, free-roaming herd of wild bison in this country living in Yellowstone National Park. The bison in the park are WILD animals and we are strongly opposed to any state or federal government management proposal that would corral, test, innoculate, quarantine, or slaughter them; these actions would only serve to interfere with their truly wild natures. We also are adamantly opposed to the ruthless shooting of bison as they leave the park by Montana Department of Livestock agents that has been in force with the Interim Plan. We suggest moving cattle, adjusting grazing allotments, acquiring additional rangeland — anything but the wanton slaughter that occurred

14,439 contd.

page 2 - The Idaho Mythweaver

two winters ago. It was reminiscent of the slaughter of buffalo in the last century and is a serious insult to the mission of Yellowstone National Park, not to mention a devastating loss to the precious natural heritage of this country.

We believe that the draft EIS has done little to assure that this vitally important genetic stock of wild bison be protected and enhanced. The alternatives offered in your document will only subject the bison to life in captivity. Captive animals are not the same as wild animals, and yet the interagency team does not make this distinction. For example, why is there no alternative offered that addresses keeping the Yellowstone bison wild, with minimal intervention by man? Even the "no action" alternative, as we understand it, keeps the Interim Plan in force which, if future winters are anything like 1997, could further reduce the herd to a level that genetically puts them in a threatened or endangered state. Subsequently, we question whether the draft EIS is in accordance with the National Environmental Policy Act because of no true, "no action" alternative. This oversight should be investigated and remedied.

Furthermore, the draft EIS seems written to favor the livestock industry over wild bison. It's obvious to us that political pressure from the state of Montana and APHIS is forcing the National Park Service to back down from their natural regulation management objectives. Even though brucellosis transmission from bison to cattle in the Yellowstone ecosystem, according to scientists, is "a risk comparable to winning the lottery while being struck by lightning," the EIS intonates a substantial risk. Our producers attended and recorded most of the International Bison Symposium presentations last year in Bozeman and the science just doesn't warrant such extreme measures of bison management that are contained in the EIS to protect several hundred cattle that graze near Yellowstone from brucellosis. In managing bison, the sensible knowledge of wildlife scientists and professionals should be preferred to the scare tactics of livestock bureaucrats and veterinarians. Also, given that elk is another ungulate that carries the disease, we wonder what their fate will be if bison are intensely managed for brucellosis? What will happen to wolves as they begin to move out of the park; would bison management set a dangerous precedent of weakened protection for other animals that

page 3 - The Idaho Mythweaver

leave the park? There are too many questions that the EIS does not address.

We suggest that the Interagency Team go back to the drawing board. Deliver an addendum to the Draft EIS that more adequately and accurately addresses the issue from a wildlife and conservation biology perspective, instead of from political maneuvering. In all honesty, we believe these bison should be listed as an endangered species, because that in truth is what they really are — a remnant herd of the millions of buffalo that once roamed North America.

We would like to see an addendum put forth to the Draft EIS that includes two additional alternatives which follow. We also want to see more documentation on how the threat of brucellosis transmission from elk and other wildlife will be addressed if a bison management plan is completed and approved. We fear that Montana and APHIS will not be satisfied with managing bison when other animals in Yellowstone also carry the disease.

Our suggested additional alternatives include:

8) Maintain the wild herd of free-roaming bison in the Yellowstone ecosystem by allowing them free access to public and private lands outside the park for grazing purposes (the true "no action" alternative). This can be done by adjusting cattle grazing allotments, encouraging conservation easements or private land purchases to accomodate wild bison, and providing creative incentives for ranchers to change their practices as well as compensation if bison destroy private property.

9) A relocation program for bison to Indian reservations through the Intertribal Bison Cooperative administration and member tribes, as well as other public lands and national parks if accepted wildlife science warrants the Yellowstone herd has seriously outgrown its surroundings with regards to adequate grazing lands. Population levels should not be determined by livestock officials, but by wildlife experts and people who understand rangeland management for wildlife, not livestock.
We believe the Interagency Team has worked hard to hammer out a compromise management plan for a very controversial issue, but we don't think the best interests of the buffalo are represented in the EIS.

14,439 contd.

page 4 - The Idaho Mythweaver

And since the buffalo can't speak for themselves, we appreciate the opportunity to speak as advocates for them.

Thank you for your serious consideration of the above comments. We look forward to your response.

Sincerely,

Jane E. Fritz
Executive Director

1998-99 Executive Board Members:

President: Francis Cullooyah, Kalispel Tribe, [redacted]
Vice President: Gloria Lima, Mescalero Apache, [redacted]
Secretary-Treasurer: Ann L. Pfeiffer, [redacted]
Directors: Fred Martin, [redacted]
Brian Bull, Nez Perce Tribe, [redacted]
Jane E. Fritz, [redacted]

YELL 10,491

IDAHO STATE SNOWMOBILE ASSOCIATION

[redacted]

October 6, 1998

Bison Management Plan EIS
National Park Service
P.O. Box 25287
Denver, CO 80225-0287

To Whom It May Concern:

On behalf of the Idaho State Snowmobile Association which represents 36 clubs, businesses and individuals from throughout the state who have an interest in winter recreation in Yellowstone National Park, I wish to submit the following comments.

We oppose the adoption of Alternatives 2, 3, 5, and 6 because of their negative impacts on winter recreation. Alternative 7, which establishes a carrying capacity for bison and does not affect winter recreation with road closures or road plowing, is our preferred Alternative.

I do not pretend to be an expert on bison, however, it seems evident from my research that the movement of bison out of the park has no relationship to the severity of the weather; it is directly related to population. When the population exceeds 3000 they leave the park. At populations over 3000 snow may play a role. Ice layers that interfere with digging for forage may have more effect than depth; a mild winter with freezing and thawing may be a bigger impact than a cold winter with lots of snow. To boil it down—if you do not want bison leaving the park—keep the population under 3000. Perhaps there could be an 'Indian Hunt' every year. They could shoot them with stone tipped arrows and be part of the park's natural ecology as they have been for thousands of years. Not only would it serve the purpose of reducing the bison population but also it would allow us an opportunity to have a glimpse of the past.

Please adopt Alternative 7. It is reasonable and accomplishes the purpose and need as set forth in the EIS without disrupting winter recreation.

Respectfully,

Sandra F. Mitchell

Sandra F. Mitchell

Idaho Watersheds Project

[redacted]

Working to protect and restore Idaho watersheds

YELL-15317

November 2, 1998

Bison Management Plan EIS Team
NPS-Sarah Branscom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Dear Ms. Branscom:

This letter constitutes the comments of Idaho Watersheds Project (IWP) in regard to the Draft Environmental Impact Statement (DEIS) in regard to bison management at Yellowstone National Park.

IWP is a non-profit conservation group with approximately 900 members which seeks to influence public policy decisions on all Idaho watersheds in regard to the management of riparian and watershed conditions, wildlife habitat, and existing permitted uses which have degraded public lands. IWP is also directed by our mission statement to work to raise public consciousness of the importance of all public lands and the animals and plants which reside thereon.

IWP is opposed to all of the management alternatives identified in the DEIS. It seems clear from a review of the Draft that the Park Service is failing to address biological concerns and instead, has fallen into a trap of accepting political interference as the determinant for public policy decisions in regard to bison management.

Bison are wildlife. They are not domestic livestock. The Park Service must not establish management criteria treating bison as if they are no more than feral livestock. If there is an identified problem with brucellosis (and IWP is of the opinion that there is no identified transmissibility between bison and domestic livestock) then cattle, and not bison, should be vaccinated. IWP supports the elimination of public land ranching on all public lands surrounding Yellowstone National Park and supports the unfettered and free roaming of the Yellowstone bison herd onto all public lands adjacent to the National Park. Under no circumstances should agricultural or livestock agencies be the designated managers of Bison when they leave the current Park boundaries. The removal of bison from private lands, if they are causing unacceptable disturbance or resource damage, should be carried out only with non-lethal and non-restrictive methods of removal. IWP is absolutely opposed to the establishment of any quarantine facility for Yellowstone's bison under any circumstances. IWP believes that native tribes with historic relationships and cultural involvement with bison should be provided an important decision-making voice in future management planning regarding the Yellowstone bison herd. IWP supports a scientifically-based study analyzing carrying capacity for bison within the Park and on all public lands adjacent to the Park. This study should be carried out assuming the existence of permitted livestock grazing and also without the existence of livestock grazing. As part of any such study, the public costs of maintaining public lands ranching adjacent to the Park and extending outward from the Park onto all historic Bison habitat shall be addressed. IWP also supports a long term program of Park Service acquisition of all private lands within historic bison wintering areas adjacent to and within the Greater Yellowstone ecosystem. IWP supports an assessment of the suitability of all Forest Service and other public lands adjacent to the Park for all livestock grazing. IWP is convinced that any fair analysis of the use of the Park will conclude that use of the Park by all Americans including native Americans will best be served by the removal of livestock from all of these lands. IWP is opposed to any permitting of rifle hunting of Yellowstone bison until a carrying capacity analysis is carried out for all suitable lands in the Greater Yellowstone ecosystem for bison and until all public lands ranching is terminated on public lands adjacent to the Park and within historic bison habitat. IWP supports closing Yellowstone Park to generalized snowmobile use and supports the ending of snowmobile trail grooming which currently provides avenues for bison to leave the Park in the winter.

IWP is concerned that the Park Service is letting politics dictate important biological decisions related to bison management. Confusion of politics with science is not supportable. The Park Service should use it's acknowledged expertise and influence to achieve a change in the attitude of both Montana and Wyoming in regard to bison management. There is no excuse to permit the destruction of this national treasure because of the concerns of public lands ranching interests and their surrogates in Congress and adjacent states. The Park Service must withdraw and rewrite this Draft EIS to address these concerns.

Sincerely,

Jon Marvel

Jon Marvel
President

JM/rfg

c: IWP board

Oral testimony provided at the Stardust Best Western Motel, [redacted] on August 11, 1998

Comment No. 14871
Alan Bridwell
Idaho Wildlife Federation

I am Alan Bridwell from [redacted]. I am representing the Idaho Wildlife Federation of [redacted]. I am a board member of the Idaho Wildlife Federation.

Though we don't have any buffalo in Idaho, our concern is that should this plan of the seven alternatives as presented be implemented, the next step would have the potential to affect the brucellosis program that is being developed for Idaho as a consequence of the discovery of brucellosis in the elk in Eastern Idaho.

We believe that elk and buffalo should be managed as wildlife and not managed as domestic livestock. There should be a distinction between the two and there should be a distinction between the management practices of both types of animals.

The current seven alternatives do not adequately address all interests and we request that the Park Service adopt the Citizens' Plan as Alternative 8, and conduct an analysis of this Citizens' Plan for incorporation into the final EIS.

I thank you very much.

Oral testimony provided at the Sheraton Palace Hotel, [redacted] on September 23, 1998

Comment No. 15193a
Nancy Kivette
In Defense of Animals

In Defense of Animals advocates the rights, welfare, and habitat of all animals -- and we are supported by nearly 75,000 members -- our organization echoes the sentiment of citizens across the country who are deeply concerned about a misguided, politically driven plan to quarantine and kill buffalo. We fully endorse the sound, scientific expertise, and logical sense that defines Plan B. Though Plan B requires more cooperation and patience than corralling and killing, it also provides, over a period of several years, an effective, workable plan.

I hesitate to use the word solution, as I haven't yet seen evidence that brucellosis has ever been transmitted from Yellowstone buffalo to cattle. What I do see here is a special interest of few cattle ranchers and money. Catering to these special interests is detrimental to and in violation of the rights, welfare, and habitat of the buffalo. These rights of the buffalo in Yellowstone National Park are to be advocated and protected by law just as the rights of other wildlife are advocated and protected in other national parks.

Finally, I would like to echo the local people's understanding of the buffalo and, in fact, all animals as our relatives. If we remember that chimpanzee primates differ from the human primate by less than 3 percent of the DNA composition, then we have to accept the integral relationship between all animals and all humans. Thank you

Indiana Wildlife Federation

[redacted]

AFFILIATE OF NATIONAL WILDLIFE FEDERATION

September 1998 YELL-5576

Greetings!

As a concerned citizen of these United States of America, am writing in response to the cruel treatment of Yellowstone's National Park bison; of which scientific fact has not proven them to have transmitted brucellosis to cattle therefore it ought not be the excuse to kill any wildlife.

Furthermore, the InterTribal Bison Cooperative and the National Wildlife Federation has proposed an alternative which allows all wildlife including bison the freedom to roam public lands and the land adjacent to the park. I support the "Citizen's Plan" and hope it shall be managed by wildlife professionals instead of livestock officials through this so-called "preferred alternative". You could help prevent senseless slaughter by your support of the "Citizen's Plan".

I urge you to re-draft the Environmental Impact Statement, and incorporate the "Citizen's Plan" as a viable alternative. Bison are wildlife, not livestock and some day I'd love to see them roaming freely in a wild and natural setting. Protecting and restoring wildlife is our main concern, if additional land is needed the state and federal agencies should acquire allocated winter range next to the Park.

Yours in conservation,

Brian D. Moore

Brian D. Moore
2nd vice-president-
IWF

RELOCATION IS GENOCIDE
HONOR MOTHER EARTH
REPEAL P.L. 93-531

Indigenous Support Coalition of Oregon

[redacted]

YELL-15318

Bison Mgmt. Plan EIS Team
National Park Service, Denver Ctr
POBox 25287
Denver CO 80225-0287

Dear EIS Team, Denver Services Center:

I write you with grave concern for the sacred bison people. The bison are holy.

They must be treated like wildlife Cattle should be vaccinated, not the bison.

Please forbid their capture and slaughter anytime, anywhere immidialety!

If you eliminate cattle grazing and allow bison to graze freely on public lands surrounding the park the fear of contracting brucellosis will be addressed. The bison follow ancient migration trails by instinct. A quarentine facility is an unnecessary waste. Please listen to the Plains Tribes concerning the bison, they need to give more input.

Sincerely,

Beth Newberry
Indigenous Support Coalition of Oregon

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EIS Team

A
Humane/Environmental
Awareness Action Group

YELL-1923

[redacted]

Inherit The Earth

August 20, 1998

Ms. Sarah Bransom
Interagency Bison Management Plan, DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Dear Ms. Bransom,

Inherit the Earth is a humane and environmental awareness organization, located in [redacted]. It promotes compassionate treatment for animals. We are responding to the Draft Environmental Impact Statement for the Interagency Bison Management Plan in Yellowstone National Park.

Our organization strongly prefers a plan which enhances the wild, free-ranging character of the park's bison population. We believe that additional winter ranges should be acquired to support bison migration and that cattle ranching on public lands should be curtailed, wherever necessary, in order to minimize the killing of bison.

It is our opinion that the overwhelming majority of Americans also want Yellowstone's bison herds to remain wild and free. It is wrong to allow one industry (cattle ranching) to defeat that purpose. In this regard, we are not thrilled with any of the seven alternatives but feel that if one is chosen, Alternative 2 should be it.

Thank you.

Sincerely,

Theodore J. Harris, Jr. Carolyn Stephens
Kimberly VanStockell Judith C. Baker
Mary Lawrence Harris

YELL-6283

International Defenders of Animals, Inc.

[redacted]

MRS. VIRGINIA GILLAS
PRESIDENT
MR. JAMES M. GLOVER
2ndVICE-PRESIDENT
Mrs. Marian Weston
1st V.Pres.& Exec.
Secty.

September 29, 2998

Bison Management Plan EIS Team
NPS Denver Service Center
P.O. Box 25287
Denver, Colorado 80225-0287

Re: Bison of
Yellowstone Nat'l Park

Dear Sir:

Please adopt "The Bison Alternative," a more humane and intelligent solution to this issue.

The DEIS focuses on the management of bison and pays too little attention to the management of cattle grazing on public and private lands outside the Park.

Bison are wildlife and should be managed as such (no vaccinations, no quarantines).....Cattle, not buffalo should be vaccinated against Brucillosis.

Snowmobile use in the Park must be prohibited to prevent bison from using these trails to leave the Park where they will be killed.

Hunting animals who have virtually no fear of people is cruel, unethical and totally unacceptable.

To many people, including myself, these are magnificent animals, a symbol of the Old West and of our North American native Indians.

As for the Montana hunters, and the Yellowstone Park Rangers who every year slaughter hundreds of bison let me say this: "There is nothing "sporting" about killing animals in cold blood as they search for food. Our national parks should be wildlife REFUGES instead of killing fields. The word "REFUGE" means "sanctuary - safe from harm,etc.etc." according to my dictionary.

for the wildlife,
Virginia Gillas
Virginia Gillas,Pres.
IDA - Missouri Branch

vg/encl.
cc: to interested parties

GLORIA EDWARDS
VICE PRESIDENT for
MISSION SERVICE

LWML
International Lutheran Women's Missionary League
[redacted]

yell-
1113

Bison Management Team
National Park Service - Sarah Bransom i
P.O. Box 25287
Denver, CO 80225-0287

Dear EIS Team:

I want wild, free-roaming buffalo in Yellowstone. I oppose the "Preferred Alternative" recommended by the state of Montana and the federal government. The governments' plan continues the unnecessary killing of buffalo moving to public lands outside the park in winter. We can do better.

Yellowstone's buffalo, the largest wild, free-roaming buffalo herd in the United States, are too important to sacrifice. They are a source of pride for all of us.

I endorse the ***Citizens' Plan to Save Yellowstone Buffalo,*** which will:
* Maintain wild, free-roaming buffalo in Yellowstone National Park.
* Create a large special management area outside the park where buffalo can use public lands to survive harsh winters, and where buffalo will be managed by wildlife professionals.
* Develop scientific buffalo population goals for this special management area outside the park.
* Use traditional wildlife management tools of relocation (to Indian reservations or public lands) and regulated harvest when science demonstrates that available land cannot support more buffalo.
* Recommend vaccination of cattle within and adjacent to the special management area.
* Emphasize acquisition of key winter range lands or easements through public purchase from willing sellers. Provide incentives to modify livestock operations to provide winter foraging opportunities for buffalo outside the park.

In addition: _____

These strategies will maintain wild, free-roaming buffalo and protect the interests of the livestock industry in a balanced, common-sense manner. Please adopt this plan.

Sincerely,
Rosser B. & Gloria S. Edwards

Printed name: _____ Address: [redacted]

IOWA WILDLIFE FEDERATION, INC.
An Educational Conservation Organization
INCORPORATED 1952
[redacted]
Telephone [redacted]

National Park Service
Bison Management Plan EIS Team
Sarah Bransom DSC-RP
P O Box 25287
Denver CO 80225-9901

Ms. Bransom,

I write on behalf of the statewide Iowa Wildlife Federation to insist on a new course of action regarding the Yellowstone bison. I have looked through the National Park Service draft Environmental Impact Statement for the Interagency Bison Management Plan for Montana and Yellowstone. It reads more like a livestock/private land policy than a comprehensive approach to wildlife management on federal lands!

The cause for alarm is the chance, however remote, of some bison transmitting brucellosis to some cattle. Your proposed cure is worse than the problem! There has never been a documented case of free ranging bison infecting livestock. You and the state of Montana and its livestock board are pouring unnecessary dollars—many of them MY tax dollars--into a shoot to kill campaign that is not even needed. I don't want bison killed just because they are competing for grazing rights with oversubsidized ranchers, which is the real bottom line in this dispute.

Bison are wildlife, not livestock. They should be managed utilizing sound scientific principals. The Intertribal Bison Cooperative/National Wildlife Federation plan could resolve this conflict.

I urge you to modify grazing permits on Greater Yellowstone Area forest allotments. I also urge you to allow live transfer of 'wandering' bison to tribal lands or other public lands. The genetic diversity will be enhanced and a beautiful wild creature we almost exterminated a century ago will not be done away with as THIS century closes.

In the meantime, if the state of Montana wants to work out a solution, IT must make commitments of its own. It should allow a minimum number of low risk buffalo on those PUBLIC lands. Management authority for those wild animals should be transferred back to the Montana Department of Fish, Wildlife and Parks. I also urge all parties to work actively to acquire land to be utilized for key buffalo migration routes and winter ranges outside Yellowstone. I emphasize again; this land belongs to me and all Americans. It is not the private property of the State of Montana Veterinarian!

Sincerely,

Joe Wilkinson, President

Oral testimony provided at the Thunderbird Hotel, [redacted] on October 6, 1998.

Comment No. 15263
Richard Brown
Izaak Walton League, ~~Walter J. Breckenridge Chapter~~

I am representing the Walter J. Breckenridge Chapter of the Izaak Walt League located in [redacted]. We have a two-page resolution here, and I think time will prohibit me from reading it all, and a good deal of what I have to say has been said, so I will skip through it and get to the resolution part.

Some bison and elk carry brucellosis, a disease potentially contagious to cattle, which will also be grazing on lands next to Yellowstone National Park. Brucellosis may cause a cow to miscarry its first calf. There has never been a documented case of bison transmitting brucellosis to cattle on the open range, remember that. The source of much of this information comes from the Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park. The resolution itself has two points, with several points within. Therefore, be it resolved that the Breckenridge Chapter of the Isaac Walt League of America supports the following: Number 1, bison management. A) bison in the Yellowstone National Park area should be managed as wildlife, not as domesticated animals. B) bison have priority over cattle on national forest, public lands around Yellowstone National Park. Where conflicts exist, cattle introduction on public lands is delayed or discontinued until bison have left the area. C) easements purchased and lands be acquired to provide additional suitable wintertime forage and migration routes. I think the Land and Water Conservation Fund has never been fully funded and could be used for this. D) no corrals or structures be built within Yellowstone National Park to slaughter or quarantine bison. E) it is useless to single out bison for quarantine or slaughter over elk, since elk also carry brucellosis and are a possible source of transmission to cattle. (F) allow hazing of bison off private property when necessary. G) allow some public sport hunting to control bison outside of Yellowstone National Park.

Now, the Minnesota state division will be represented by the Isaac Walt league, will be represented later this evening, and there is a difference in this resolution and that. Our resolution here, from the Breckenridge Chapter, was amended to allow for if there is going to be a hunting season, that the Indians have first choice on that. H) we encourage private land owners to allow bison on private lands. Compensate land owners for property damage caused by bison. I) reduce wintertime road grooming within Yellowstone National Park, limiting bison's easy migration routes out of the park. This may increase winter kill of bison, but also provide a source of natural occurring carrion for wolves, bears, coyotes and eagles within the park.

Number 2 is cattle management. A) cattle in the Yellowstone National Park area should be vaccinated to protect them against brucellosis. B) grazing allotments on public lands should be transferred or discontinued where they conflict with bison. C) cows and calves may be replaced with steers or spade heifers on lands where bison may occur.

Now, we are considered to be a conservation environmental group a little bit on the conservative side. But, I think this resolution that we just passed here a couple of weeks ago, and the state division ratified it with some change, we are going to pass on to our national organization and see if they will get behind it, also. Thank you very much.

Oral testimony provided at the Thunderbird Hotel, [redacted] on October 6, 1998.

Comment No. 15304
John Rust
Izaak Walton League, ~~Minnesota Division~~

Thank you. I am here on behalf of the Izaak Walton League, the Minnesota Division. I would like to make a couple of points.

First is that we don't try to eliminate rabies in raccoons, nor should we try to eliminate brucellosis in bison and elk. Another point that I would like to make, there are over a billion cattle on this earth. We recently passed a resolution in the Isaac Walton League, Minnesota Division, and I would like to read that to you today.

"In the 1800's, bison numbered in the tens of millions across America. By 1900, the great bison herds had been reduced to a few hundred animals, all of which about two dozen survived in the Yellowstone National Park. Since then, the greater Yellowstone area had grown to, approximately, 3500 animals through 1996. Periodically, bison and elk naturally migrate out of and into Yellowstone National Park. The harsh winter conditions of 1996/1997 forced many bison to migrate outside of the park in search of forage at lower elevations. The land adjacent to Yellowstone National Park consists of national forest land, state and local government land and private land. Some bison and elk carry brucellosis, a disease potentially contagious to cattle which may also be grazing on lands next to Yellowstone National Park. It may cause a cow to miscarry its first calf. There has never been a documented case of bison transmitting brucellosis to cattle. In order to prevent the possible transmission of brucellosis to cattle 1,084 bison were shot or otherwise slaughtered. This occurred from November 1996 to April 1997 as bison crossed outside of Yellowstone National Park's border.

In addition, the harsh winter conditions of 1996/1997 also contributed to a severe decline in the bison population, resulting in, approximately, 500 winter killed bison. Consequently, the population of bison in the Yellowstone area was estimated at 2,000 animals in the Spring of 1997. In contrast, there are millions of head of cattle throughout North America. While vaccines exist that could be used to inoculate cattle or bison, there is no one vaccine that is known to be 100 percent effective for either cattle or bison. However, vaccinations are more effective in cattle than in bison." The source of much of this information was taken directly from the Draft Environmental Impact Statement, from the bison management plan. Now we get into the resolution section.

"Therefore, be it resolved that the Minnesota Division of the Isaac Walton League supports the following: For bison management, bison in the Yellowstone National Park area should be managed as wildlife, not as a domestic animals. Bison have priority over cattle on national forest public lands around Yellowstone National Park. Where conflicts exist, cattle introduction on public lands is delayed or discontinued until bison have left the area. These lands should be purchased and landscape acquired to provide additional suitable winter forage and migration routes. There should be no corrals or structures built within Yellowstone National Park to slaughter bison. It is useless to single out bison for quarantine or slaughter over elk, since elk also carry brucellosis and are a possible source of transmission to cattle. We should allow grazing of bison off private property when necessary and allow some public sport hunting to control bison outside of Yellowstone National Park.

Native American groups should be given first priority for hunting bison outside of Yellowstone National Park. We should encourage private land owners to allow bison on private lands and compensate land owners for property damage caused by bison. We should reduce wintertime road grooming within Yellowstone National Park, limiting bison migration routes out of the park. This may increase some winter kill of bison, but also will provide a source of natural carrion for wolves, bears, capotes, eagles and ravens within the park.

For cattle management, cattle in the Yellowstone National Park area should be vaccinated to protect them against brucellosis. Grazing allotments on public lands should be transferred or discontinued where they conflict with bison. Cows and calves may be replaced with steers and heifers on lands where conflicts with bison may occur. Thank you.

Oral testimony provided at the Virginian Convention Center, 750 West Broadway, Jackson, WY on August 10, 1998

Comment No. 15124a
Franz Camenzind
Jackson Hole Conservation Alliance

My name is Franz Camenzind. I am executive director of the Jackson Hole Conservation Alliance. And we will be submitting written comments beyond the comments that I make here orally today. I appreciate the opportunity to speak on this issue. I'll be very brief in our comments here.

We have looked at the alternatives as outlined in the draft EIS. And, quite frankly, we're very disappointed that none of these alternatives really manage bison in anything that looks like a scientific manner. In fact, I would say, from the video, where it mentioned earlier that this is supposed to be based on the best science, this is not based on science at all. It's based on the worst politics. I don't think there's a whole lot more that has to be said about that. I think the whole process is flawed. It does not give a good range of alternatives and it's not based on science and it certainly is contrary to national park policy. It is a reiteration of the interim plan that, in the past four winters, has led to the death of 1,900 buffalo, approximately.

The alternatives in this plan do not treat buffalo as wildlife. This plan does not have wildlife biologists managing buffalo, and it does not allow buffalo the reasonable amount of winter habitat to public lands surrounding the park. It does not require Montana ranchers in the greater Yellowstone area to make any significant adjustments in their activities and it does not even require them to vaccinate their cattle. This is not an even-balanced program or range of alternatives. It's very shoddy. And it's a disservice to the entire scientific community to think that this is even wildlife management. It does not even remotely address risk management. And at the end of it all, it leaves too much of the aspects of management in the hands of the Department of Livestock in the state of Montana. I don't know how many times in this document there are the words "leave it to the discretion of the Department of Livestock in and of itself."

These unanswered questions and this unanswered protocol is not part of an equal process. It's too broad and too open-ended. Because of this, the Jackson Hole Conservation Alliance, working with a number of other organizations and individuals and businesses (I think it's over 16 now) have drafted our own Citizen's Plan to save Yellowstone bison. We will have those available at the back of the room. Our alternatives are listed in this Citizen's Plan. We would hope that this would be looked at and incorporated into the final decision.

There are several problems, again, that we are looking at in specific. We want bison. We want these buffalo to be managed as wildlife. We want them to have equal access to a reasonable amount of public land outside of the park. We don't want arbitrary numbers, ceilings on this population. It's totally contrary to natural management, which is what a park is supposed to be. If we have any concept of a national park, it is natural management. And what is at risk here is not only the natural management and regulation of bison numbers but the very driving force of evolution, which is natural selection. There are very few places left on the face of this earth where that factor still can exist, and this is one of them.

We are not opposed to removing bison at certain times from outside the park on public lands. And this would be determined through a cooperative management agency made up of wildlife biologists and concerned citizens. And it would be based on the numbers of animals coming out of the park in given years and not on some arbitrary ceiling. In fact, it's very much like we manage elk at this time. We're really not talking about rocket science here. We're talking about basic wildlife management and treating bison like wildlife.

We would not be opposed to seeing vaccination of bison when and if there is a safe and effective vaccine and when it can be delivered in an unobtrusive manner where it does the least amount of interference to the bison population. At the moment, there is no vaccine for bison. There is no vaccine for elk and to suggest that there is living in a dream at this time.

I would just urge you to look at the citizen's alternative. And I'll cut my comments off at this point, and we'll have written comments to follow this up.

Thank you.

Oral testimony provided at the Virginian Convention Center, [redacted] on August 10, 1998

Comment #15140
Karla D. Pendexter
Jackson Hole Conservation Alliance

Thank you for the opportunity to speak. I'm Karla Pendexter. I live in [redacted]. And I am chairman of the Board of the Conservation Alliance, the Jackson Hole Conservation Alliance, but I'm also here speaking for myself as a citizen and someone who lives close to this great ecosystem that we have talked about.

First of all, I am here to support the citizen's plan for bison management. That has been carefully worked out. And I think that it's -- it's a very good plan. And it has a lot of my own reasons for not supporting the other plan, the interagency plan.

As a citizen, my -- really, from my heart, I must say that I resent this kind of money being spent on a plan that has no biological justification for it. Until it's proven to me personally that -- that brucellosis is spread from the wild bison or the wild elk to the cattle, I cannot feel like I can support these management plans that kill the wild animals.

I was wondering, too, if the interagency has looked at the fact that we have a herd of bison living in the Jackson area, a rather significant herd. I've heard the numbers are up to about 400 now, maybe more since the last calving. And we have ranchers in the area who are vaccinating their animals. And as far as I know, we don't have one case of brucellosis spread from that herd to the cattle in the area. So that might be a good little piece to look at. Thank you.

JACKSON HOLE CONSERVATION ALLIANCE

YELL-15329

November 2, 1998

Sarah Bransom DSC-RP
Bison Management Plan EIS Team
National Park Service
P.O. Box 25287
Denver, CO. 80225-0287

Thank you for the opportunity to comment on the *Draft, Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park* (DEIS). With a nation wide membership of nearly 1,600, the Jackson Hole Conservation Alliance is the largest organization based in Jackson, Wyoming concerned with the protection of this area's irreplaceable wildlife, scenic, and other natural resources.

Our organization has been integrally involved with buffalo management issues in the region for nearly twenty years. First with the decade-long formation of the Jackson Hole Bison Management Plan, then the Wyoming Settlement Plan, and continuing through the various Interim Yellowstone Bison Management Plans. Our staff has presented testimony at numerous public hearings and presented public forums on aspects of buffalo and brucellosis management and were involved in the review of the recently released National Academy of Sciences publication titled: Brucellosis in the Greater Yellowstone Area.

Throughout these years, particularly in regard to the Jackson Hole buffalo population, the Alliance has forged agreements with local and regional ranchers regarding the issue of wildlife, brucellosis, and domestic cattle. These agreements can be summarized by the following statement: "[W]e urge you (Secretaries of Agriculture and Interior) to concentrate your management efforts on non-lethal and non-invasive methods of minimizing the already insignificant risk of disease transmission rather than concentrating on the eradication of brucellosis via the lethal and costly methods now being proposed[.]". This letter was signed by five prominent Jackson Hole ranchers and by the directors of the Wyoming Wildlife Federation, Greater Yellowstone Coalition and Jackson Hole Conservation Alliance.

It is with this history of the bison - brucellosis issue that we respectfully submit the following comments on the DEIS for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park.

After thorough review of the DEIS, we have concluded that we cannot support the Preferred Alternative, and in fact, cannot support any of the Alternatives. Consequently, the Jackson Hole Conservation Alliance, along with numerous other local, regional and national organizations have developed an alternative to the DEIS: The Citizen's Plan to Save Yellowstone's Buffalo (The Citizen's Plan). The Jackson Hole Conservation Alliance supports The Citizen's Plan.

For the sake of brevity, several areas of concern were either omitted from the Citizen's Plan, not discussed in full within the Citizen's Plan, or have come to light since the drafting of the Citizen's Plan. We would like to address these additional issues at this time.

The underlying principles of the Citizen's Plan and comments of the Alliance can be summarized as follows: 1) buffalo should be treated like other native big game wildlife species; 2) buffalo should be managed by wildlife management professionals utilizing accepted, current wildlife management

YELL-15329 contd.

techniques; 3) buffalo should have free access to all appropriate public lands immediately surrounding Yellowstone National Park; and 4) buffalo should not be handled, herded or in any other way have their behavior disturbed or modified within the boundaries of Yellowstone National Park. The overriding value at stake in this DEIS is the very corruption of Park values, in particular, another loss of 'naturalness' within the very core of the Greater Yellowstone Ecosystem.

STATED PURPOSE VS. PREFERRED ALTERNATIVE:
The stated "[p]urpose of the proposed interagency action is to maintain a wild, free-ranging population of bison..." (p. iii). It also states: [B]ison are an essential component of Yellowstone National Park because they contribute to the biological, ecological, cultural, and aesthetic purposes of the Park. However, Yellowstone National Park in not a self-contained ecosystem for bison, and periodic migrations into Montana are natural events[.]" (p. iii).

Yet, "[T]he preferred alternative includes the use of capture, test, and slaughter, the creation of special management areas (SMAs) in the Eagle Creek/Bear Creek area and west of the park, hazing and shooting bison outside the SMAs and on private lands within the SMAs, quarantine of some seronegative bison, hunting for recreational purposes and to help control bison distribution, vaccination of bison, the potential acquisition of additional winter range..." (p. 101).

We do not think that the Preferred Alternative is at all compatible with the expressed Purpose. In fact, we think that the Preferred Alternative is the antithesis of the expressed Purpose. In addition, the Preferred Alternative completely ignores the truth and value of the statement, "...periodic migrations into Montana are natural events". When measured against the expressed purpose of the EIS, and the acknowledgment that Yellowstone National Park is not itself a complete ecosystem and periodic migrations out of the park are natural, the Preferred Alternative becomes unarguably unacceptable.

None of the Alternatives truly provides for a stated National Park Service policy of having native populations of wildlife be managed by natural processes in a relatively undisturbed setting to the maximum extent possible. Although this DEIS goes on to say that inside the park, buffalo population sizes would be determined by weather, winter snow depth, competition for forage, predator and other environmental conditions, all of the Alternatives call for extensive human intervention. The Preferred Alternative calls for the buffalo population to fluctuate between 1,700 and 2,500 animals—numbers with no scientific validation. The establishment of a range of population sizes and to have those achieved with human-driven management objectives and techniques is contrary to allowing environmental processes to control buffalo (wildlife) numbers.

INADEQUACY OF THE DEIS:
The National Environmental Policy Act states that the purpose of an EIS is to provide detailed information about the environmental impacts of the proposed actions and alternatives to the proposed actions so that final decisions can be made with reasonably certain outcomes in mind. The Preferred Alternative for this DEIS leaves too many management decisions for later and puts them into the hands of non-federal agencies, particularly the Montana Department of Livestock. We feel that this DEIS is faulty because it does not provide definitive alternatives and anticipated impacts. Quite simply, it leaves too many decisions to later, when the public may not be able to scrutinize and comment on the process or the recommendations.

For example, the use of **hunting as a management tool** is predicated upon the statement that it is "...assumed hunting would be available a management tool in the year 2000. However, both authorization and appropriate state environmental compliance and public review would be completed before implementation of a bison hunt could begin." Apparently because this management tool is only addressed as an assumption, the details of the actions are not even mentioned let alone analyzed. So, assuming the future implementation of such an action does not

meet the need for having management decisions thoroughly analyzed, the public never gets the opportunity to make substantive comments. This 'assumption' is rendered more inappropriate when we realize that the State of Montana, as an equal partner in this NEPA process, signed the DEIS and yet is not providing a strategy or guarantee that the assumptions will materialize.

The Preferred Alternative "...also assumes the **use of a safe and effective vaccine** on bison throughout the park ...", and that it will begin in the year 2000. Current comments and reports from the Greater Yellowstone Interagency Brucellosis Committee suggest that a safe and effective vaccine for buffalo is still several years away from implementation. Even if and when such a vaccine is available, its application on buffalo and in Yellowstone National Park or any other federal lands will have to be authorized through the NEPA process. Consequently, there should be thorough analysis of the impacts of (alternative) management actions which will be used in the absence of a vaccine for at least five years, if not longer. This does not occur in this DEIS.

A similar inability to analysis the consequences of an aspect of the Preferred Alternative exists with regard to **how buffalo will be managed once they leave the park** and enter Montana. Under the terms of the DEIS, the state of Montana will make that decision after this Record of Decision is signed. Therefore, without knowing what the planned actions (of Montana) are, we have no idea what the impacts of the specific alternatives will be. In addition, the DEIS does not even list the criteria for such decisions, management scenarios or outcomes and impacts. It is not acceptable to have such major decisions passed on to another agency or entity with no immediate direction or analysis. This clearly is in violation of the intent, if not the law of NEPA.

A similar shortcoming exists in the discussion **of the creation of Special Management Areas (SMA).** Throughout the DEIS, statements are made that the creation of SMAs would require the approval of the state of Montana as specified by Montana law. Without confirmation by the state of Montana, any meaningful discussion, analysis or final decisions regarding SMAs cannot be made.

It is difficult for us to understand how the state of Montana, as a full partner in this EIS process, can sign a final Record of Decision that contains recommendations that in themselves will require additional state approval. This leads us to believe that these recommendations, which call for additional state approval, do not meet state law. We also believe that if additional state approval is required after a Record of Decision is made, then this EIS process has not satisfied NEPA requirements. For example, if the state of Montana later decides that buffalo pose a safety or health problem once outside the boundaries of Yellowstone National Park and then implement a complete removal policy or a complete park confinement policy, or refuse to establish SMAs, what recourse will the national public have to debate the issue? What management actions will then fall into place? What will the impacts be of these 'new' management actions? Have these new management scenarios been thoroughly and accurately analyze—or will they be? What will have been the point of spending years of time and hundreds of thousands of dollars crafting and adopting a buffalo management plan if the State of Montana can render it meaningless with the wave of a hand?

Another inadequacy of the DEIS is its **failure to adequately analyze the economic impacts of artificially limiting the Yellowstone buffalo population**. To assume that only Park and Gallatin Counties in Montana will or might be effected is short-sighted. Just as all the counties immediately surrounding Yellowstone National Park are included in the current Yellowstone National Park Winter Use Study, so should these same counties be included in the economic analysis associated with all the management alternatives.

OMISSIONS OF THE DEIS:

Impacts of the artificial removal of buffalo from the GYE upon other species: This DEIS fails to adequately analyze the impact of limiting buffalo numbers to approximately 2,500. It specifically fails to address the impact of buffalo removal outside the park and its effect on other wildlife. Specifically, it fails to address the impacts to scavenger species such as grizzly bears, wolverine and bald eagles, and those species acting as both predators and scavengers such as the gray wolf. These are all species with special management listings. The DEIS also fails to address the impact that removing buffalo from outside the park will have on scavengers such as ravens, coyotes and other smaller mammalian and avian species. The buffalo removed during the winter and outside the park might have, under natural system and at some other season, fallen prey to or provided carrion for any or all of these species. The human removal of buffalo, either within the park or within the larger Greater Yellowstone Ecosystem was not adequately analyzed in relation to its impact on the other biotic components of the ecosystem.

In addition, one of the predicted and long-term environmental impacts of the establishment of Lake Trout in Yellowstone Lake is a significant decline in the Cutthroat trout population. Should this occur, it will mean a decline in the early summer food availability for grizzly bears. It is also anticipated that as a result of the 1988 fires and an increasing prevalence of a disease vector, there will be a long-term loss in total white bark pine nut production, an important late-summer food for grizzly bears. With these two environmental situations already underway, it is irresponsible for this DEIS to not consider the consequences of limiting (by human removal) buffalo populations within the Greater Yellowstone Ecosystem and particularly within Yellowstone National Park. Recent scientific studies suggest that buffalo are already and will continue to provide an important food source to the grizzly bear population, whether as victims of predation or as winter-killed carrion available in the early spring and summer.

Also not addressed in this DEIS are the **impacts that the artificial removal of Yellowstone buffalo might have on the Jackson Hole buffalo population**. The 1997 Jackson Hole Buffalo Management Plan and Finding of No Significant Impact discusses the role and importance of enhancing the genetic makeup of Jackson Hole's buffalo population. Although the success of the Jackson Hole Buffalo Plan and population appears not to be directly dependent upon such immigration, such occurrence clearly adds to the long-term genetic viability of the Jackson Hole buffalo herd. With an artificially maintained low Yellowstone buffalo population, the rate and occurrence of such immigrations into Jackson Hole needs to be analyzed.

Not adequately addressed in the DEIS is the impact that the **removal of seronegative animals will have on the long-term survival** of the Yellowstone buffalo population. In particular, we are concerned that the removal of the seronegative animals is contrary to sound long-term management objectives. Whether for physiological or behavioral reasons, the animals testing seronegative should be the ones 'encouraged' to remain in the Yellowstone population in order to pass on that trait or condition to the next generations. By removing these disease free animals, we are eliminating this trait from the population and reducing the chances of such a characteristic ever dominating the population. To remove the disease free individuals is just bad management.

Yellowstone National Park and its environs is one of the few locations remaining where buffalo can even approach free-ranging and self-sustaining conditions. Quite frankly, the Jackson Hole Conservation Alliance held out high hopes that the information, analyses, and recommendations of the DEIS would draw on years of public opposition to buffalo management plans that are based primarily on a perceived but unproven risk of brucellosis transmission between bison, elk and cattle. Instead, the DEIS suffers from all the very same shortcomings and paranoia of all the preceding interim management plans for Greater Yellowstone's buffalo.

Despite being one of its primary goals, this DEIS basically expunges the existing free-ranging nature of Yellowstone's buffalo populations. The Jackson Hole Conservation Alliance would expect our resource management agencies to promote this unique species as an asset and not a liability. We would expect our resource management agencies to protect and enhance this buffalo population and use their expertise to rebuke, rebuff and rebut the alleged threats put forth by certain State, regional and national agricultural interests. We are disappointed that the agencies have abandoned their responsibility to the public to protect wildlife and instead have caved in to the demands of these narrow agricultural interests. Again, the Jackson Hole Conservation Alliance strongly opposes the Preferred Alternative recommended by the federal government and the State of Montana, which continues the unnecessary killing of buffalo moving to public lands outside the Park in winter.

The strategies recommended in the Citizen's Plan will maintain wild, free-roaming buffalo **and** protect the interests of the livestock industry in a balanced, common-sense manner. Please adopt this plan.

Sincerely,

Pamela Ballou for Franz

Franz J. Camenzind, PhD
Executive Director

17872

Jerabek Elementary School
[redacted]
5th Grade Class
30 letters received

Attn: Sarah Bransom

My class studied this issue, and we wrote letters to express our outrage over the slaughtering of buffalo I hope that these letters, coming from a future generation will be considered in the possible solution to this problem. We hope to hear from you. This is an important issue for us.

Thank You,
Mary Wood
5th grade teacher

Sample letter from 5th Grade, Jerabek Elementary School

10/26 /98

Dear Governor Racicot:

My name is Jennifer Allen I am in the fith grade in Ms. Wood's class at Jerabeck Elementary School.

I think that Bison getting slaughtered when they roam out of Yellowstone Park to find food is not fair. The reason why, is you don't know if all of the buffalo have the disease brucellosis. I think that you should test them first.

When all of us grow up all of us would like to see the Wood Buffalo. We would like our kids to see them, and I'm sure that our kids would like their kids to see the Wood Buffalo too.

Please don't take the Wood Buffalo from us. The disease brucellosis has not been documented that buffalo can give the disease to cattle. I would like the Citizens Plan to go on.

Sincerely
Jennifer Allen

kaniksu bioregional council

10 September 1998

YELL-5168

Bison Management Plan EIS Team
NPS Sarah Branscom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Dear EIS Team:

We are absolutely opposed to all the management alternatives proposed by the National Park Service in your Draft Environmental Impact Statement. We advocate responsible bison management based on biological science not political science. The following points should be included in any proposal for bison management in the Park:

Let the buffalo roam. Bison should be allowed to remain on all public lands within the Greater Yellowstone Ecosystem and no restrictions should be placed on their movement. Bison should not be corralled or confined for any purpose.

Vaccinate the cattle. There has never been a confirmed case of the transmission of brucellosis from bison to cattle. In Grand Teton National Park, bison and cattle have inhabited the same lands for over 40 years. Those cattle were vaccinated against the disease. If Montana follows this plan of cattle vaccination, it is reasonable to expect similar results: no transmission of brucellosisùand no need to control bison movement on public lands.

Let wildlife managers manage the wildlife. The bison of Yellowstone are part of the only remaining wild, free-roaming herd in the United States. When they leave the Park, they should be managed by a wildlife agency, not a livestock agency. The Montana Department of Fish, Wildlife and Parks should take over jurisdiction of bison management in Montana.

Relocate bison from private lands only where necessary. If bison threaten private lands or human safety, it is reasonable to adopt non-lethal, non-restrictive methods of removal.

Determine an ecologically-based carrying capacity for bison within the Greater Yellowstone Ecosystem. Bison should be allowed to roam freely on the public lands of the Greater Yellowstone Ecosystem, until an ecologically based, peer-reviewed carrying capacity for bison in the Greater Yellowstone Ecosystem has been established. Bison movement and resource utilization outside of the Park over the next ten years should be studied to determine this carrying capacity, and the results should be incorporated into the final determination of carrying capacity. Until such a carrying capacity is established, no population control methods should be implemented.

Sincerely,

R. Arthur Sunriver

YELL-9328

Kettle Range Conservation Group

[redacted]

October 7, 1998

Bison Management Plan EIS Team
National Park Service, Denver Services Center
P.O. Box 25287
Denver, CO 80225-0287

On behalf of the board of directors and 2,000 voting age members of Kettle Range Conservation Group (KRCG), I make the following comments regarding bison management in and outside of Yellowstone National Park. We are appalled at past management that resulted in the deaths of thousands of bison, purportedly to protect cattle from brucellosis, even where no proof of bison to cattle brucellosis transmission has been proven.

KRCG supports bison management that classifies and protects bison, like elk, as wildlife. Bison are wildlife, not livestock. Since cattle are at risk from brucellosis, cattle should be vaccinated, not wildlife. Another remedy is to eliminate cattle grazing on lands that overlap with bison range feeding areas.

KRCG does not support the capture and slaughter of bison inside or outside the national park. This activity is, considering the history of bison slaughter, completely unjustified.

A proposal to build a quarantine facility for bison would result in a huge waste of taxpayer dollars. It would be cheaper to buy existing grazing rights from area ranchers.

Bison, not unlike the grizzly bear and elk, are an elemental component of the Yellowstone ecosystem. Managing bison like cattle is unwarranted, and sets a dangerous precedent that places all wildlife at risk. Yellowstone is an important part of our American culture and heritage. It is unwitting to set management goals based on arbitrary park boundaries that in many cases do not reflect natural migratory patterns of Yellowstone's endemic species.

I look forward to your response.

Sincerely,

Timothy J. Coleman
Executive Director

recycled paper

October 15, 1998

YELL-10,524

Kettle Range Conservation Group

[redacted]

Sarah Bransom
Interagency Bison Management Plan
DSC-RP, P.O. Box 25287
Denver, CO 80225-0287

RE: DEIS comments

Dear Sarah Bransom;

Please accept these comments on behalf of the board and membership of the Kettle Range Conservation Group (KRCG).

As it is, the EIS contains alternatives which focus on managing bison, not brucellosis and cattle. We question why this is. If brucellosis is truly the problem, then the EIS would have considered all possibilities of transmission and reinfection, including other wildlife populations which may carry brucellosis, such as elk. Unfortunately, it seems the real purpose of the EIS is to keep bison as much as possible out of the state of Montana. The risk of brucellosis transmission is known to be very little to none. We find that the EIS lacks the valid, scientifically-based research on brucellosis needed to support the preferred alternative 7.

The EIS lacks inclusion of a true "no-action" alternative, a violation of the National Environmental Policy Act (NEPA). The "no-action" alternative permanently implements the Interim Bison Management Plan, the same plan that allowed over a thousand bison to be slaughtered last winter. A true no-action alternative would allow the bison to freely and naturally occupy their winter range, on public lands outside the Yellowstone National Park.

All of the EIS's plans for the bison include using hazing, marking, capture and quarantine facilities, and inoculation; all of which are strict control measures in contravention with the EIS's stated purpose of maintaining a wild bison herd. The EIS fails to consider managing brucellosis in ways that have minimal impacts on wild, free-ranging bison herds and other wildlife. The proposed action will incur huge monetary costs and will also have negative impacts on other wildlife in the Greater Yellowstone Ecosystem such as ungulates, grizzly bears, wolves, and other threatened or endangered species.

The EIS proposes to control bison in ways that would domesticate the last free-ranging wild herd in the United States. The alternatives proposed do not allow for the purpose of action "to maintain a wild, free-ranging population of bison and address the risk of brucellosis transmission..."

KRCG feels public-land ranchers are already privileged to taxpayer-subsidized grazing on public land around Yellowstone. Now these ranchers are expecting that taxpayers will pay millions of dollars more to control bison.

KRCG asks that the ID Team readdress the issues raised above. We ask that the EIS consider the impacts and costs of separating cattle from wildlife on bison and elk winter range, and assess realistically the actual, rather versus the perceived threat of brucellosis transmission. This would save taxpayers money, ensure that Montana's cattle industry maintains its "brucellosis-free" status, and would protect the wild bison herd, as should be allowed to live - whether in the state of Montana or in Yellowstone's boundaries. The EIS also should consider revoking the management of the last free-ranging herd of bison from the Montana Department of Livestock, which is a conflict of interest, over to Fish Wildlife and Parks.

Thank you for the opportunity to comment; please keep us informed of the EIS's progress.

Sincerely,

FIR Elizabeth Coleman

Timothy J. Coleman
Executive Director

LISA

League in Support of Animals

[redacted]

YELL-1780

8-18-98

BISON Management PLAN
EIS TEAM
NATIONAL PARK SERVICE
DENVER SERVICES CENTER
PO BOX 252887
DENVER, CO 80225-0287

DEAR Sir or Madam:

Our organization opposes the lethal management of Yellowstone Bison. Your agency has authorized the killing of over 3,000 Yellow Bison, to reduce the risk of transmitting brucellosis to domestic livestock, even though not one case has been documented.

We support management policies which will allow Bison to be fully protected, while on federal lands.

Sincerely Yours;

JEFF DORSON

There's No Excuse For Animal Abuse.

Cruelty Investigation & Prevention~Community Humane Projects~Animal Care Services~Advocacy & Education

[redacted] **ADMINISTRATIVE OFFICE** [redacted] **FAX**

YELL-9153

The League of Kentucky Sportsmen, Inc.

Linda Saunders
[redacted]

October 15, 1998

Bison Management Plan EIS Team
National Park Service
Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-9901

Dear Ms. Bransom,

This is to advise that the League of Kentucky Sportsmen and it's 75,000 members and supporters fully support the inclusion of the National Wildlife Federation and the InterTribal Bison Cooperative's alternative to the Montana Bison Environmental Impact Statement.

We support relocating healthy buffalo to tribal lands as a means of restoring the cultural and spiritual connection between buffalo and Native American people because :

- We believe Yellowstone's buffalo are a public resource to be managed by wildlife professionals, ***not*** livestock bureaucrats!
- We believe Yellowstone's buffalo are a significant biological, cultural and economic asset to Montana and to the nation. They belong to the public and should not be privatized!
- The buffalo can be conserved and the economic interests of livestock producers can be maintained by choosing the common-sense alternative offered by the National Wildlife Federation and the InterTribal Bison Cooperative!

In attempting to deny public wildlife the freedom to roam on public lands, the livestock industry has declared war on wildlife – ***AMERICA'S*** wildlife.

We in Kentucky cannot idly stand by and let this happen. We just began restocking elk in Kentucky last December and are proud to be returning these great animals back to the land they used to roam freely on! The Yellowstone buffalo management issue puts the national park system, and all wildlife, at risk.

We support each element of the ITBC/NWF Seven Point Program to resolve this conflict.

Thank you.

Linda Saunders

Linda Saunders, NWF Representative, League of Kentucky Sportsmen

YELL 11,089

Dear Sara Branscom,

We are the youth, the future of America. We are opposed to the disgusting slaughter of the last wild herd of buffalo in Yellowstone National Park.

We haven't even been able to observe these beautiful creatures in their own natural habitat. If the Environmental Impact Statement gets their way, we will never be able to see these astonishing animals and others like them. They will all be a thing of the past. We will only know them through the history books and stories passed down from our family members.

We don't want to have to worry about passing these stories down from generation to generation after us. We want our children and the rest of our future families to be able to realize and see the magnificent creatures that we have come to know and love. We are losing our wildlife all too fast, due to man's interference and greed. If they slaughter the buffalo until no more run free, what's going to stop them from letting other free animals die off too? Looking at a picture and reading about an animal in a book, because man let it go extinct, is not an acceptable alternative. We must be able to see, feel, hear, and touch these beautiful creations God has made. We have lost too much already. We may be too young to vote, or be concidered an adult, but we have thoughts, feelings, and voices. Our voices must be heard, for our future counts on it. Stop the killing now.

Sarah Stuhmer

Sarah Stuhmer
Cherokee, Lakota, and Dakota Sioux Indio
Amie Morrison

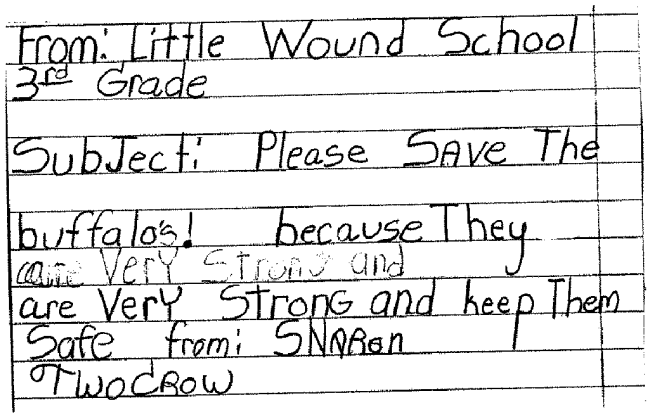
P.S. These signatures come from Lemon Bay Highschool, [redacted].

135 SIGNATURES ON THIS PETITION

17682

Little Wound School
[redacted]
Third Grade
19 letters received

The following letter is representative of those that were received



From: Little Wound School
3rd Grade

Subject: Please Save The buffalos! because They are Very Strong and are Very Strong and keep Them Safe from: SNAKon TwoCrow

YELL-9686

LCI Livestock Conservation Institute
... where animal agriculture comes together.

October 23, 1998

Bison Management Plan EIS Team
National Park Service
ATTN: Sarah Bransom DSC-RP
PO BOX 25287
Denver CO 80225-9901

Dear Ms. Bransom:

These written comments are provided for the consideration of those assigned with the task of successfully developing a strategy to finally resolve this socially, politically, economically and scientifically complex disease situation. These comments are provided on behalf of the Livestock Conservation Institute (LCI) membership, composed of organizations and individuals representing animal agriculture related industries, the research community and government.

The significance of brucellosis as a zoonotic disease appears to have been discounted and its transmission potentially minimized in the *Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park* (DEIS). The only unchecked focus of *Brucella abortus* infection in the United States is in the wild bison and elk of the Greater Yellowstone Area (GYA). Therefore, the management plan finally implemented must initiate immediate control of brucellosis in bison, and must clearly lay out a plan for the eradication of brucellosis from Yellowstone National Park (YNP) bison. Additionally, brucellosis in elk must be addressed in order to achieve brucellosis control and eradication in the GYA. The selected alternatives should be implemented without imposing changes in state laws and must not infringe on either states or individual rights.

Special Management Areas (SMAs) represent a de-facto increase in the size of YNP. This larger area to be managed causes a significant increase in the risk of contamination by diseased bison and consequently, causes an increase in transmission of the disease. Requiring acquisition of private and/or public property to create SMAs can be expected to delay, if not totally block such attempts. The carrying capacity of the YNP must be established and the bison population must be controlled

based on the availability of forage and other factors that determine the carrying capacity of the YNP.

The refusal of the National Park Service to manage bison and brucellosis is in sharp contrast to the way the Department of Interior (DOI) manages other wildlife in other parks and reserves where policies are implemented to serve both the wildlife and the public. No analysis is provided to justify this difference in management style.

The DEIS failed to use the impartial science of the National Research Council's *National Academy of Science Final Report on Brucellosis in the Greater Yellowstone Area(1998)* to develop scientifically sound alternatives.

The following are examples of flaws in the DEIS:

- The DEIS proposes actions that rely on ideas and plans that are not legal under current law and rule.
- The DEIS does not explain that SMAs are a de-facto expansion of YNP and are not justifiable based upon the projected number of bison that would use the SMAs under each alternative. Nor does it explain that the acquisition of lands for SMAs, funds for purchase of lands, and availability of the lands for purchase are in doubt. The DEIS does not clearly state that SMAs place a whole different group of livestock at risk by moving the effective boundary of the park.
- The DEIS does not explain that while YNP is not a complete ecosystem for bison without the addition of SMAs, it would not be a complete ecosystem, even with the addition of the proposed SMAs. The DEIS does not provide a scientific analysis of the bison carrying capacity of the ranges in the SMAs to determine the number of bison for which forages would be available and the number of bison each SMA could support in mild and severe winters. The number of bison exposed during the winter in the SMAs ranges from zero (alternative 5) up to 500 head (alternative 2). It is doubtful that there are sufficient forages to support this number of bison. Even though the size of the largest SMAs consists of 568,994 acres of additional land managed preferentially for bison (1,138 acres per bison), little of this land appears to be suitable for bison winter range. Further, there is no mention that the largest SMAs would not have mitigated the number of bison that migrated out of the park in 1996. SMAs would be ineffectual without population controls.
- The DEIS does not address brucellosis in elk. Elk may serve as a reservoir for reintroduction of brucellosis to bison; therefore, brucellosis must be addressed in bison and elk concurrently.
- The DEIS does not analyze the risk of spread of brucellosis from bison to cattle. While the risk may be low, it is not zero (NAS Report p. 5). Should transmission

YELL-9686 contd.

Bison Management - Yellowstone National Park
October 23, 1998
Page Three

occur the impact to both the affected producer and to the cattle industry of Montana will be severe. A number of herds in several states could become infected or exposed before the disease is discovered since detection of the disease may be delayed for months or years due to the nature of the disease. The consequences of such an event must be carefully analyzed before a final alternative is selected

- Statistical values for disease prevalence at year 2011 are questionable. If alternatives 5 and 6 are accepted and DEIS numbers are used, disease incidence would only be reduced approximately 50% by 2011.
- The DEIS does not address the fact that the term "free ranging" (p. 28) as defined in the DEIS could be equally applied to bison in other public herds in the U.S. such as Wind Cave National Park. Brucellosis was eradicated from the Wind Cave bison herd through a "natural management" program (p. 108, NAS Report) without impacting the "wild free ranging" character of the herd. Further, the seroprevalence rate in Wind Cave bison was very similar to the seroprevalence rate in YNP bison.
- The DEIS does not clearly explain that bison are not true migratory animals, but they are nomadic meaning they move in search of food. Movement of bison from YNP is based upon population size and availability of feed. The DEIS does not present scientifically defensible data to support the population objectives. We do not believe such data exists. This belief is supported by the recently announced study 25, directed by the U.S. Congress which commissions the National Research Council and National Academy of Science to conduct a study of Population Dynamics of Ungulates on the Northern Range. The stated purpose of the study is to evaluate natural regulation and population dynamics in management of wild ungulates on the Northern Range.
- SMAs alone cannot be expected to contain bison but will require concerted assistance by the state of Montana and SMAs can only be permitted in the state of Montana as long as Montana continues to cooperate with the NPS – Per Judge Lovell in Fund for Animals case.
- The DEIS does not clearly state that SMAs defer management of disease to areas outside the park and to the state of Montana. The value of the livestock industry to the two impacted counties is discounted, as is the cost to ranchers to mitigate the threat of brucellosis transmission from bison. Further the DEIS does not acknowledge the value of a disease free YNP bison herd .
- Not all the alternatives are "legally implementable" without changes in law or authority. For example, current Montana law does not allow sport hunting of bison. Additionally, the Department of Livestock has specific responsibility for "the removal from the state of publicly owned bison originating from a herd infected with a dangerous disease when the disease may spread to persons or livestock or jeopardize the state's compliance with other state-administered or federally administered livestock disease control programs." Further, change of use on Forest

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Service grazing allotments to eliminate cattle grazing on the allotments would require additional NEPA compliance and would require modification of the Forest Plan and implementation of alternatives 2, 3, 4, 6 (phase 1) and 7 are dependent upon some future events occurring, over which the cooperating agencies have little or no control.

- Additional Ranges (SMAs) are not "necessary to sustain the YNP bison herd". Migrations outside the park did not begin until the bison population exceeded 2,000 head. The NAS Report states on p.61 that 'bison population size appears to be the overwhelmingly significant variable controlling movement of bison out of YNP.'
- It is not assured that the legislature of Montana will accept the legal responsibility for management of bison on SMAs within the state, appropriate funds to manage bison and approve bison hunting in the state.
- Equally uncertain is whether owners of private lands will willingly sell their lands for the exclusive use of those lands by bison, or willingly modify their existing operations by conversion to steer and spayed heifer operations adjacent to the park.
- Assuming that Congress will appropriate funds to purchase private lands for the proposed SMAs is tenuous at best.
- It is unlikely that forty-nine other state animal health officials and livestock industries will unconditionally accept Montana cattle if brucellosis infected and exposed bison are allowed to freely range outside YNP.

The aforementioned factors significantly reduce the number of alternatives that can be implemented without concurrent actions over which the agencies have little or no control.

The following changes would be necessary in order to implement the alternatives proposed:

- The state of Montana would have to amend its laws and rules in order to permit implementation of alternatives 2, 3, 4, or 7.
- Owners of private lands would have to be willing to sell their private lands to fully implement alternatives 2, 3, or 7.
- The Montana State Veterinarian and the Montana livestock industry would have to accept additional risk of transmission from bison in order to fully implement alternative 2, 3, 4, or 7.
- State Animal Health Officials in the other 49 states would have to be willing to accept Montana's higher risk cattle without additional restrictions in order to fully implement alternatives 2, 3, 4, 6 (phase 1), or 7.

YELL-9686 contd.

Bison Management - Yellowstone National Park
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Page Five

- The Montana Department of Livestock would have to amend its legal authority to implement all alternatives which utilize the new definition of "low risk" bison proposed in the DEIS.
- The Gallatin Forest Plan would require amendment to eliminate public land grazing in alternatives 2, 3, or 7.
- YNP would only be required to change its policy of natural regulation in order to implement alternatives 5 and 6.

We find the proposed alternatives contained in the DEIS unacceptable for the following reasons:

- Alternatives 1, 2, 3, 4, 6 (phase 1) and 7 impose unrealistic, unjustified and disproportional burdens on the state of Montana, owners of private lands within the proposed SMAs, and the livestock industry of Montana.
- Alternatives 2 and 3 infringe upon the private property rights of citizens and livestock producers who will undoubtedly be affected by the cost of additional disease prevention measures.
- In alternatives 2, 3, and 7, some livestock producers would be forced to modify their operations or bear the consequences of disease exposure. Private landowners may be placed in a position that their only option is to sell their property to the federal government. In addition the state of Montana will have to assume a huge financial burden to manage diseased bison that migrate into the state from YNP.
- The NPS escapes the burden of public harassment and condemnation by deferring that burden to Montana because actions to manage population and health are conducted outside YNP in alternatives 1, 2, 3, 4, 6 (phase 1) and 7.
- Alternative 1 and 4 only maintain the status quo but place a considerable burden on the resources of Montana. This approach to the bison issue has proven to be unsatisfactory to both the NPS and the state of Montana.
- Alternative 2 would create the highest potential for brucellosis transmission to livestock. Alternative 2 requires the acquisition of private lands and public grazing allotments. The source of moneys to purchase private lands have not been appropriated. Alternative 2 depends on alteration of livestock use, which the cooperating agencies lack the authority to impose and allows untested brucellosis exposed and infected bison to inhabit SMAs. Current law does not allow bison from an infected herd to range freely in Montana.
- Alternatives 3 and 4 rely on extensive SMAs and will have increased numbers of bison in the SMAs and therefore, increased risk of brucellosis livestock transmission in the SMAs and bordering the SMA. Hunting will disperse bison, pushing them beyond the borders of the SMAs. Management modifications by cattle operations are unlikely.

Bison Management - Yellowstone National Park
October 23, 1998
Page Six

- Alternative 6 includes extensive SMAs in phase 1. It does not provide for quarantine of seronegative bison. There is no scientifically defensible criteria for delaying the beginning of phase two for 10 years, and phase 1 would increase risk of transmission.
- Alternative 6 (phase 1) and 7 require extensive use of SMAs; therefore, these alternatives are rejected for reasons noted in comments on Alternatives 1, 2, and 3. Alternative 7 does nothing to address brucellosis in YNP or reduce risk of transmission. It does set an upper limit on the bison population, but does not contain realistic mechanisms to achieve the population objective.
- Alternative 5 is the only one of the seven alternatives that could be implemented without change in authority and without additional NEPA compliance. While this alternative is the most desirable from the standpoint of brucellosis control, the alternative may not be acceptable to some of the public because large numbers of bison would be destroyed in the short term. However, in the long term, this alternative would probably result in the loss of fewer bison than the other alternatives.

After a careful study and evaluation of the DEIS, we have concluded that Alternative 6 with the following alterations is the preferred alternative:

⇒ Immediately devise and implement an RB51 calf and yearling vaccination program in YNP to evaluate delivery systems and gain practical vaccination field use data for RB51 vaccine in YNP bison.

⇒ Utilize empirical data from domestic bison herds and other public bison herds as the basis for implementation of adaptive management techniques (pp. 122, 123, NAS Report) for adult vaccination of bison with a reduced dose of RB51 beginning with seronegative adult females as they are processed through capture facilities.

⇒ The time line for phase one should be reduced to five years. After year five, the standard used to measure risk reduction could be seroprevalence. If seroprevalence cannot be determined, increases, or remains unchanged, phase two should begin immediately. Vaccination must be continued until eradication of brucellosis from the GYA has been achieved.

⇒ Eliminate the West Yellowstone SMA. Only test negative bison could be allowed west of Seven Mile Bridge. Bison approaching the west boundary must be captured or destroyed by NPS personnel before they reach the west boundary. Captured bison may be returned to the interior of the park or removed to an approved quarantine facility.

⇒ Limit the proposed SMA on the north side of the park to the Little Trail Creek/Eagle Creek Area. We are strongly opposed to the establishment of any SMAs in

YELL-9686 contd.

Montana, however, we can accept this reduced SMA because of its designation as wildlife habitat since its acquisition in the late 1980s.

⇒ Bison hunting could be allowed in the Little Trail Creek/Eagle Creek SMA should the state of Montana determine hunting is in the best interest of the citizens of the state and the state legislature approves bison hunting. We are not opposed to properly managed hunting of bison.

⇒ Establish a maximum of eight capture facilities throughout YNP as described in the original Alternative 6. The facilities would be utilized to test and vaccinate animals in phase 2 of the modified Alternative 6.

⇒ Utilize an approved quarantine facility for seronegative bison captured at the Seven Mile Bridge and Stevens Creek. The quarantine facility could also be utilized as part of the "adaptive management" strategy to evaluate the effectiveness of vaccines such as RB51 in seronegative adult bison and to gain practical knowledge about the vaccine.

⇒ A quarantine facility should be constructed and put into operation as soon as possible as an effective alternative to destruction of seronegative bison. The facility should be located in an area that is far removed from cattle herds. The current Brucellosis Uniform Methods and Rules require the facility to be located within or adjacent to YNP or Grand Teton National Park. A facility could be ideally located adjacent to the capture facility at Stevens Creek. Another alternative would be to locate a quarantine facility near the capture facility at Seven Mile Bridge. Other possible locations could be in the Lamar Valley at or near the "Buffalo Ranch", or in the Madison River area near the west boundary. All of these locations would be close to the bison herds so transportation and stress to the animals could be kept to a minimum. Additionally, these locations would retain the bison in the YNP environment and would keep quarantined bison away from cattle populations.

⇒ The alleged "major adverse affect" on the nesting pair of Trumpeter Swans at Seven Mile Bridge could mitigate the establishment of a capture facility.

⇒ The alleged "adverse affect" that might be caused by the reduction in carrion available to bears in phase 2 of the alternative could be mitigated by slaughtering some of the seropositive bison captured during phase 2 and placing them in the same areas that bears have grown accustomed to finding bison carrion.

⇒ Bison population objectives for alternative 6 are based upon estimates of removals through intrusive management. The population size is not in any way based upon a scientific evaluation of the capacity of the ranges of YNP to support the population. Based upon the data contained in the DEIS (pp. 146, 147), the maximum population that YNP can support without egress of large numbers of bison from the park is 1,800 – 2,000. We strongly recommend that the bison population be maintained at a maximum of 1,800 head until scientifically valid research is conducted by non-

partisan range management experts in order to establish the carrying capacity of YNP.

This proposed alternative could be implemented without change to existing state or federal laws or regulations. Further we believe that it fulfills the purpose of action and all of the nine objectives of the DEIS. We urge in the strongest possible manner that this amended form of alternative 6 be selected as the preferred alternative and that it be implemented without significant delay.

Respectfully,

Thomas W. Wenstrand

Thomas W. Wenstrand
LCI Chairman of the Board

FARM BUREAU LOUISIANA
"Voice of Louisiana Agriculture"

Louisiana Farm Bureau Federation, Inc.

[redacted]

14,293

October 27, 1998

Ms. Sara Branson
Inter Agency Bison Management Plan
DSC/RP
PO Box 25287
Denver, CO 80225-0287

RE: Interagency Bison Management Plan

Dear Ms. Branson:

The Louisiana Farm Bureau Federation supports the United State Animal Health Association comments on the Draft Environmental Impact Statement for the Interagency Bison Management Plan for the state of Montana and Yellowstone National Park, dated October 6, 1998. The eradication of brucellosis in the United States is of major importance to the livestock industry.

Nowhere has the task of eradicating this disease been more difficult than in Louisiana. After years of hard work and millions of dollars in expenditures and lost production we are on the verge of eliminating this costly disease from our herds. The same can be said for every other state. Therefore, it's essential that we do not jeopardize this monumental national effort by failing to address the bison issue.

Thank you for your consideration regarding our concern of this matter.

Sincerely,

Ronnie Anderson

Ronald R. Anderson
President

RAS:RH/klm

President RONALD ANDERSON [redacted]
1st Vice-President TED GLASER [redacted]
2nd Vice-President BRYAN MITCHELL [redacted]
3rd Vice-President LINDA G. ZAUNBRECHER [redacted]
Secretary-Treasurer JACKIE THERIOT [redacted]

YELL-1571

Manitoba Animal Alliance

[redacted]

June 22, 1998

Bison Management Plan EIS Team
National Park Service, Denver Services Center
P.O. Box 25287
Denver, CO 80225-0287

The EIS on the long-term management of Yellowstone bison is scientifically and legally flawed.

Since 1985, more than 3,000 Yellowstone bison have been slaughtered by state and federal officials because of a fear that the bison could transmit brucellosis to domestic livestock.

We, in Canada, have found that the risk is extremely remote and have stopped targeting bison for removal. If any risk exists, it can be nearly eliminated through the implementation of sensible and feasable risk management strategies, including prohibiting the use of snow-mobiles in the park, prohibiting cattle grazing on public lands outside the park, and requiring the vaccination of cattle on private land.

The methods the EIS has chosen are cruel, unnecessary and entirely inappropriate. It panders to the cattle industry and others who must enjoy the shooting and slaughter.

The USDA has no legal authority over free-ranging bison and cannot downgrade the brucellosis-free status of Montana based solely on the presence of potentially exposed bison in the state.

Reestablishing a public bison hunt in Montana is unethical, unsporting, and unacceptable. It is also barbaric and the bison capture facility inside the park should be dismantled immediately.

The size of the bison herd should be dictated by natural factors, not by bullets, by slaughter, or by the desires of the livestock industry.

Federal and state agencies should strive to acquire, through purchase or agreement, as much private land in the Yellowstone region as protected winter range for Yellowstone's bison.

Please stop this senseless killing.

Sincerely,

Nazen Merjian

Nazen Merjian
MAA

17681

Marshall Elementary School
[redacted]
Fourth Grade
17 letters received

The following letter is representative of those that were received.

To whom this letter concerns:

The bison need our help, and your not giving it to them. From the source I got my info, it sounds like you care nothing about the bison. Instead of killing the bison, you should be using all the money you get from taxes and all your resourses to save them. They were in Yellowstone first and they have the right to stay there. The bison did nothing to you and in response you kill them. Tests show the bison don't have brucellosis.

P.S. I hope this letter will make a small contribution to the effort to save the bison.

Brianna Joy Diedrich

YELL-11,529

Mr. Leo T. Vogelsang
[redacted]

To whom this may Concern:
When the white man came to America they called the Indians savages. It was the other way around it was the Europeans who were the savages.
Look how they broke 700 treaties with the Indians. They needlessly murdered millions of wild animals. They could have Co-existed & vaccinate the cattle against brucellosis. Let those remaining bison live & they represent America.
Cattlemen have had their way for too long in the United States. Stop the hunting, slaughter etc. etc. Instead of violence, do things in a humane compassionate manner.
The Supreme Court of the United States decreed in 1842 "All wild animals and public lands belongs to all Americans."

Sincerely,
Leo T. Vogelsang
"Maryland Coalition for Animal Rights"

RECEIVED
OCT 07 1998

MEAGHER COUNTY SPORTSMAN ASSOCIATION
[redacted]

YELL-15674

Dear Sarah Bransom

The Meagher County Sportsman Association opposes the Preferred Alternative (Alternative 7) of the Draft Environmental Impact Statement For the Interagency Bison Management Plan.

Reasons for opposing the preferred alternative are. 1. Buffalo are a wildlife species and need to be managed by wildlife professionals not domestic animal managers. 2. Buffalo need to have access to land outside the Park. 3. With access to land outside the Park livestock operations on public ground will need to be motified to reduce contact with domestic cattle. 4. Public hunting needs to be utilized to control herd size. 5. Need to require mandatory vaccination of all cattle within the Greater Yellowstone Areas.

The club does endorse the CITIZEN'S PLAN TO SAVE YELLOWSTONE BUFFALO.

JESS SECREST
JESS SECREST
PRESIDENT MEAGHER COUNTY SPORTSMAN ASSOC.

YELL-6846

THE MENNEN ENVIRONMENTAL FOUNDATION

[redacted]

PETER MENNEN
PRESIDENT

Bison Management Team
National Park Service - Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Dear EIS Team:

I want wild, free-roaming buffalo in Yellowstone. I oppose the "Preferred Alternative" recommended by the state of Montana and the federal government. The Government plan continues the unnecessary killing of buffalo moving to public lands outside the park in winter. We can do better. What you are doing now is more than stupid. it is criminal to keep wiping out the gene pool - you keep killing whole family units and destroying the diversity of genes.
Yellowstone's buffalo are too important to sacrifice. They are a source of pride for all of us.

I endorse the Citizens' Plan to Save Yellowstone Buffalo, which will:

* Maintain wild, free-roaming buffalo in Yellowstone National Park.
* Create a large special management area outside the park where buffalo can use public lands to survive harsh winters, and where buffalo will be managed by wildlife professionals.
* Develop scientific buffalo population goals for this special management area outside the park.
* Relocate buffalo to Indian reservations or public lands or use a regulated harvest, but only when science demonstrates that available land cannot support more buffalo.
* Recommend vaccination of cattle within lands adjacent to the special management area.
* Emphasize acquisition of key winter range lands or easements through public purchase from willing sellers. Provide incentives to modify livestock operations to provide winter foraging opportunities for buffalo outside the park.

In addition: The Mennen Environmental Foundation, of which I am President, considers this issue so important that we are helping fund the Earthjustice lawsuit against your slaughter of these buffalo, and we are also funding native american efforts to expand their bison range. Please do the right thing!
Our whole board is sickened by your slaughter of the buffalo
These strategies will maintain wild, free-roaming buffalo and protect the interests of the livestock industry in a balanced, common-sense manner. Please adopt this plan.

Sincerely, Peter Mennen
(signature)

Name: Peter Mennen
(please print)

Address: [redacted]

As a person who pays substantial taxes I am furious you are wasting so much of my money to protect a few cows when you could spend some money to buy the land and put it into protected status.

YELL-8843

MUCC
Conservation through Education

MICHIGAN UNITED CONSERVATION CLUBS

October 16, 1998

Bison Management Plan EIS Team NPS
Attention Sarah Bransom DSC-RP
PO Box 25287
Denver CO 80225-9901

Dear Ms. Bransom:

On behalf of the Michigan United Conservation Clubs (MUCC), representing our membership of 120,000, I wish to submit the following comments regarding management of the Yellowstone bison.

Our membership solidly supports management of wildlife by sound scientific methods. We believe that the Yellowstone bison are indeed, wildlife, not livestock, and should be managed as such. One of the paramount values of Yellowstone is for public viewing of wildlife. The Yellowstone bison should be free to roam and this capability to roam should extend to public lands that surround the park. If additional habitat needs to be procured for bison for winter range or migration corridors, it should be obtained. The bison should be treated as elk, deer and other wildlife in this aspect.

When bison populations exceed reasonable carrying capacities established by wildlife managers, MUCC supports hunting of surplus animals. The mass shooting of bison in the State of Montana by livestock interests is a tragic waste of a valuable resource.

The brucellosis issue appears to be more of a "red herring" than a legitimate cause for the current treatment of these animals. Because there is a small risk of transmission of the disease from bison to livestock (which has never happened in Montana) grazing activities could be managed to minimize the opportunity for the two species to interact.

There are management options such as ours that treat the Yellowstone bison as a valuable wildlife resource rather than the NPS's "preferred alternative" outlined in the EIS that closely resembles the state-federal interim management strategies in place now. The public does not support the current type of treatment whereby bison are slaughtered in the name of a perilous threat to the livestock industry.

I thank you for the opportunity to submit comments on behalf of the Michigan United Conservation Clubs, the largest statewide conservation organization in the country.

Sincerely,

Dennis Knapp
MUCC Wildlife Biologist

YELL 10,495

MINNESOTA CONSERVATION FEDERATION

Bison Management Plan EIS Team
National Park Service
Sarah Bransom DSC-RP
PO Box 25287
Denver Colorado 80335-9901

Sept. 7, 1998

Ms. Bransom:

On behalf of the 5,000 members of the Minnesota Conservation Federation I am submitting our comments on the National Park Services EIS statement for the management of Bison in Yellowstone Park area

In our judgment the plan fails in many areas not the least of which is wildlife management by non-wildlife agencies. This is bad policy and a terrible concept for natural resource management.

At the Federations Annual meeting on September 11th, 12th and 13th at Fergus Falls Minnesota the attached resolution was unanimously adopted.

In effect we support the position of the National Wildlife Federation Citizens Plan and strongly urge that this approach be taken to solve the current issue of Buffalo in Yellowstone Park as well as the State of Montana.

In addition, we strongly support a commitment by the Forest Service to ensuring separation between Buffalo and cattle grazing on public lands by modifying grazing permits on forest allotments in the Greater Yellowstone Area.

David E. Moran
President

Publishers of Minnesota Out-of-Doors • State Affiliate of the National Wildlife Federation

YELL-10,495 contd.

RESOLUTION #5

YELLOWSTONE BISON

WHEREAS The management of wild bison in and around Yellowstone National Park has been extremely controversial for almost two decades; and

WHEREAS The management of wild bison entering Montana from Yellowstone National Park has, because of the perceived threat of brucellosis to Montana cattle, been delegated by the Montana Legislature to the Montana Department of Livestock; and

WHEREAS Montana Department of Livestock has managed these wild bison by primarily killing them when they enter Montana; and

WHEREAS An Environmental Impact Statement, developed by the state of Montana and Yellowstone National Park advocates continuing this policy; and

WHEREAS The National Wildlife Federation, Montana Wildlife Federation, Wyoming Wildlife Federation, and Idaho Wildlife Federation believe that Yellowstone National Park wild bison that enter public lands surrounding the park should be managed as wildlife by state wildlife agencies; and

WHEREAS NWF, MWF, WWF, and IWF working with many conservation organizations, and over 40 Native American tribes have developed a substitute, common sense, alternative for managing these wild bison, called the Citizens' Plan; and

WHEREAS The NWF Citizens' Plan includes: 1) Establishing appropriate bison management areas on public lands outside Yellowstone National Park, 2) Managing wild bison by state wildlife agencies with reasonable population levels, 3) On public lands, keep wild bison and cattle separated when risk of disease transmission, by delaying the importation of cattle, 4) Hunting by fair chase methods, 5) Allowing disease-free surplus bison to be transferred to Indian Reservations and wildlife agencies, 6) Inoculation of bison when a "safe" vaccine is developed, and 7) Vaccinate cattle at risk. 8) Acquisition of additional public land outside Yellowstone to accommodate bison migration routes and winter ranges.

NOW THEREFORE BE IT RESOLVED that the Minnesota Conservation Federation at its Annual Assembly September 11, 12, 13, 1998, in Fergus Falls, Minnesota, support NWF's Citizens' Plan for the management of Yellowstone's wild bison.

YELL 10,645

MISSISSIPPI WILDLIFE FEDERATION
Affiliate of The National Wildlife Federation

October 14, 1998

Bison Management Plan EIS Team
National Park Service
Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-9901

Dear Ms. Bransom,

On behalf of the Mississippi Wildlife Federation (MWF) I am submitting comments regarding the draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park. An affiliate of the National Wildlife Federation and the largest conservation organization in Mississippi, MWF has worked for more than 50 years to ensure the protection and proper management of our state's natural resources. Our attention has now been drawn to issue of national scope - the future of the buffalo in Yellowstone National Park.

Our concern over this issue is primarily that of management. Buffalo are wild and should thus be managed by wildlife professionals not the Montana Department of Livestock. MWF strongly opposes the management of wildlife as livestock. These buffalo are a public resource on public land, and the slaughter of buffalo on public land is unacceptable. We encourage you to look at other alternatives that would give the buffalo the freedom to roam on public lands adjacent to Yellowstone National Park. Also, MWF encourages you to consider the objectives laid out in the InterTribal Bison Cooperative/ National Wildlife Federation's Seven Point Plan.

I thank you for the opportunity to comment and appreciate your careful consideration on this matter.

Sincerely,

John Harvey
MWF President

Marla Huffstatler
Executive Director

Protecting Our Wildlife Legacy

YELL-994

THE MONTANA COALITION FOR APPROPRIATE MANAGEMENT OF STATE LAND

[redacted]

August 13, 1998

Bison Management Plan EIS Team
National Park Service
Sarah Bransom
DSC-RP
P. O. Box 25287
Denver, Colorado, 80225-0287

Dear Ms. Bransom:

We want a season to hunt bison. Better shot by hunters than to catch and terrify them on a truck ride to a slaughter house.

Yours truly,

Jack Atcheson, Sr.

JA/cde

MULTIPLE USE OF PUBLIC STATE LAND

YELL- 2820

Montana Ecosystems Defense Council

[redacted]

September 1, 1998

Interagency Bison Management Team
P.O. Box 25287
Denver, CO 80225-0287

Dear Interagency Bison Management Team:

Attached for your information is a recently released economic analysis comparing the government's preferred plan for Yellowstone bison with two alternative plans, Plan "B", and the "Citizens" plan.

It is unfortunate that the draft government-prepared bison Environmental Impact Statement (EIS) gave so little attention to costs, and apparently none to cost-effectiveness. I hope the attached analysis conducted by the University of Utah economist, Dr. Michael Garrity, will be taken into account as the various decision making agencies involved consider the public input before deciding on the final Yellowstone bison management EIS.

Thank you.

Sincerely,

Steve Kelly (for)

Steve Kelly, Director
Montana Ecosystems Defense Council

For attachment of Michael Garrity's "Comparative Economic Analysis..." see Ecology Center, YELL-15671

cc: Rep. George Miller
Rep. Tom Campbell
Rep. Merrill Cook
Ralph DeGennaro, Executive Director, Taxpayers for Common Sense
Joe Wiegand, Director, Illinois, Citizens for A Sound Economy
Ralph Nader, " Public Citizen"
Nancy Couperus, Chair, American Reform Party/California
Charles McGrady, President, Sierra Club
"60 Minutes"

YEL-9592

Montana Ecosystems Defense Council
[redacted]

October 16, 1998

Bison Management Team
National Park Service
Denver, CO

To the Bison Management Team:

The Montana Ecosystems Defense Council (MEDC) strongly urges you to significantly revise your DEIS on the long-term Yellowstone bison management plan to include, as your preferred alternative, a plan which:

> Allows bison who summer in Yellowstone National Park to use their winter range outside the Park (both on public and private lands) without restricting them to so-called "special management areas".
>
> Ensures that all National Forest lands in the Yellowstone ecosystem which may be used by bison, are designated primarily for wildlife, and that preference is given in practice to wildlife over domestic animals on these public lands. Moreover, as long as the State of Montana's policy creates conflict between cattle and bison, or any other wildlife, the plan should call for the cancellation of all cattle grazing permits on public lands.
>
> Involves no capturing, testing, corralling, confining, quarantine or killing of bison for disease management purposes.

MEDC supports Plan B for Yellowstone buffalo, what we consider to be the most cost-effective and otherwise reasonable approach, and requests that this Plan, which addresses our primary concerns, be adopted by the decision making agencies. For further details on MEDC's position, please refer to Ms. Virginia Ravndal's comments of 10/15/98 on the DEIS, which we endorse.

Finally, please provide MEDC with an estimate of the total costs of elaborating and publishing this DEIS. Thank you.

Sincerely,

Steve Kelly

Steve Kelly, Director

Oral testimony provided at the Gardiner School, [redacted] *July 29, 1998.*

Comment No. 15165
Steve Kelly
Montana Ecosystems Defense Council

Good afternoon. My name is Steve Kelly. I'm here today speaking on behalf of the Montana Ecosystems Defense Council. We're a nonprofit, public interest group that works in the Gallatin National Forest and other forests throughout the Rockies.

One of the first things I'd like to mention is just to repeat the summary. The purpose of the proposed interagency action is to maintain a wild, free-ranging population of bison and to address the risk of brucellosis transmission and to protect the economic interests of the livestock industry in the state of Montana. Now, I think that's important, because when an environmental impact statement is drafted, the purposes are really one of the things that need to be addressed directly.

I've heard testimony here and in Helena which I think makes fine points but really doesn't address some of the disease-control problems adequately.

I'm here today to support Plan B, which was developed very thoughtfully by scientists, wildlife biologists, doctors of veterinary medicine, and environmentalists: a group of people who really have taken a good long look at this thing and tried to find a comprehensive solution which really addresses those two main points in the purpose of the environmental impact statement. Plan B really fits into what I consider to be three categories. One is habitat; the other is the management of the disease brucellosis; and the third I'll call Montana state politics, just for lack of a better term.

Governor Racicot's been grousing and complaining lately about our bad image and how we have been maligned unfairly by the out-of-state press. I maintain that nobody has done more to perpetuate that so-called myth more than Governor Racicot himself in ordering the slaughter of 1,100 bison that left Yellowstone Park in the winter of 1996-1997. In fact, I was on the telephone with a woman in Illinois the other night, and in Illinois, they call Governor Racicot Attila the Hun for his behavior in that slaughter that winter.

Back to Plan B. The habitat issue is critical. Plan B really supports the idea that buffalo, like all other wildlife, should roam freely, should be allowed to seek food, seek shelter, and seek security from humans and other predators. It also should be supported basically by a carrying capacity that is based on the ecosystem, not just within the park boundary or within parts of the Forest Service land that are adjacent to the park, but looking at all the land. It should be based comprehensively, the same way you would do for mule deer or bighorn sheep or elk. We just don't see that there should be any difference there.

In doing so, in considering buffalo like other wildlife, it's just real critical that we don't forget to give wildlife the importance or preference that they have been allocated in writing in a

15165 contd.

commitment by the Gallatin National Forest on its own forest land. The lands adjacent to the park are already designated as wildlife priority lands. The problem is the Forest Service doesn't manage them the way they said they would. They manage them for livestock as a priority. So right off the bat, we have a problem with the agency not doing its own job. Again, in the habitat area, I just think this fits in nicely with this. We've heard some comment about property damage, but I do not think that there should be compensation for persons incurring property damage as a result of free-roaming bison. I see no reason why we can't set up a fund and establish a procedure and a protocol for trying to compensate property damage from free-roaming bison.

As far as the disease management aspects, it comes down to trying to use a safe and effective brucellosis vaccine when it's available for buffalo.

We don't need confinement, we don't need quarantine, and we certainly don't need any killing as a result of quarantine and animals that don't qualify for quarantine. One of the few things that I think needs to be addressed directly is what's going to happen to the buffalo in the quarantine situation that don't qualify. I think they're going to be killed. If anybody thinks they're not going to be killed, I'd like to talk to you later. Because I think this is one of the key points in the government's plan and in the Citizens' Plan that is not being addressed publicly in an adequate way. We do not need to needlessly continue to kill bison because they leave the park.

Thank you.

11/02/98 11:06 [redacted] FARM BUREAU 002

14,816

MONTANA FARM BUREAU FEDERATION COMMENTS
ON THE
DRAFT ENVIRONMENTAL IMPACT STATEMENT
FOR THE INTERAGENCY BISON MANAGEMENT PLAN
FOR THE STATE OF MONTANA AND YELLOWSTONE NATIONAL PARK

October 15, 1998

Our comments to the Draft Environmental Impact Statement (DEIS) are divided into the following sections: A. Issues important to Montana cattle producers; B. Assumptions made in the DEIS; C. Actions necessary for Implementation of Alternatives; C. Burdens placed on the State of Montana by Alternatives; D. Chosen Alternative.

A. IMPORTANT ISSUES

There are a number of issues of great importance that must be addressed in order to resolve the Yellowstone National Park (YNP) brucellosis problem. Some of these issues have been addressed to varying degrees in the DEIS. Others have not been fully addressed.

1) The final management plan must immediately control brucellosis in bison and must lay out a plan for the eradication of brucellosis from YNP Bison.
2) Brucellosis can be transmitted from animals to humans, it is known as undulant fever in humans, and although not deadly it can a debilitating disease. It should therefore not be taken lightly.
3) Special Management Areas (SMAs) significantly increase the area impacted by diseased bison, and in fact represent a de-facto increase in the size of YNP, this results in a larger area to "police" and is likely to increase the risk of transmission.
4) The brucellosis eradication program is nearing completion in the United States. The only unchecked area of brucellosis in the country is the infected bison and elk in the Greater Yellowstone Area (GYA).
5) State Veterinarians authority over diseases and diseased animals within a state must not be compromised.
6) Interstate shipment of livestock must be maintained.
7) The livestock industry of Montana represents a large segment of the economy of the state.
8) The management of YNP Bison is in sharp contrast to the way wildlife is managed by Department of Interior in other parks and reserves, where policies are implemented to serve both the wildlife and the public. There is no analysis to justify this difference in management style. Large ungulate management in YNP even differs from the management of fish and predatory animals, without any justification.
9) Bison population size must be controlled to balance population with carrying capacity. This carrying capacity must be developed to address all populations of large ungulates, deer, sheep and moose not simply directed to a single species.
10) The DEIS must utilize the impartial science of the National Research Council, National Academy or Science final report on Brucellosis in the Greater Yellowstone Area to develop scientifically sound alternatives

14,816 contd.

B. ASSUMPTIONS MADE IN THE DEIS

The DEIS makes a number of assumptions which we contend are not valid. These are addressed as follows:

1) All the Alternatives are "legally implementable".

- The introduction to the DEIS states that all of the proposed alternatives are "...legally implementable..." (p. 4). Since we could find no definition of this statement, we must assume it means that each of the alternatives could be implemented under current state and federal laws or rules. We do not believe this to be the case. Currently, Montana law does not allow sport hunting of bison. Such authority would have to be created before several of the alternatives could be fully implemented, attaining such authority is tenuous at best. Additionally, the Department of Livestock has specific authority to "...regulate strayed or improperly disposed of animals that fit within Montana's legal definitions; this includes bison." Specific authority addresses "...the removal from the state of publicly owned bison originating from a herd infected with a dangerous disease when the disease may spread to persons or livestock or jeopardize the state's compliance with other state or federally administered livestock disease control programs." (p. 33) YNP bison clearly fall within this legal authority. This authority would have to be modified by the state legislature to fully implement some of the alternatives.
- Change of use on Forest Service grazing allotments to eliminate cattle grazing on the allotments would require additional NEPA compliance and would require modification of the Forest Plan. While additional legal authority may not be required, the alternatives, which call for the removal of grazing permits, would not be implementable without further actions.
- Implementation of alternatives 2, 3, 4, 6 (phase 1) and 7 are dependent upon some future event occurring (such as the state of Montana changing its laws or rules), over which the cooperating agencies have little or no control.

2) Additional Ranges (SMAs) are necessary to sustain the YNP bison herd.

- The "Need For Action" section (p. 11) portrays the illusion that portions of the Gallatin National Forest have already been set aside because they "...contribute to the biological, ecological, cultural, and aesthetic purposes of the park." While such may be the desire of the NPS, Gallatin National Forest officials and a number of interest groups, much of the Gallatin National Forest remains an area of multiple use. The "Need For Action" section also suggests the need for the additional ranges in the national forest is because "... YNP is not a self contained ecosystem for bison, and periodic migrations into Montana are natural events." We contend that it would not be complete even with the addition of the proposed SMAs. Large migrations of bison from YNP did not begin until 1984-85 (p. 147). These migrations did not begin until the bison population exceeded 2,000 head. Since 1984-85 bison have left YNP every year and the bison population has exceeded 2,000 head in each of these years (p. 147).

3) Bison Migration is Related to Harsh Weather not Population Size.

- The "Background" section (p. 12) states that "...more bison have attempted to move to ranges outside the park, particularly during harsh winters." and suggests that "...the number of bison moving beyond Yellowstone boundaries is highly variable from year to year, and show no strong or discernible correlation with population size." This statement is contrary to the National Academy of Science (NAS) report which strongly correlates the movement of bison out of YNP to the population size of the bison herd (NAS Report p. 61 -Bison population size appears to be the overwhelmingly significant variable controlling movement of bison out of YNP).

4) Lands outside YNP should be reserved for bison because bison are migratory and lands outside YNP represent historical bison ranges.

- We recognize that bison are nomadic animals and that bison once populated enormous ranges from Texas into Canada and from Kansas and Nebraska to Idaho and Oregon. We would all concede that this vast range was historic bison range. However, the fact that bison once ranged on these lands does not assume that these ranges are still available to bison. The same holds true for the lands outside YNP to the west and north of the park. While significant portions of the lands outside YNP are designated as wilderness or wildlife management areas, significant portions of these lands are designated as multiple-use forest lands, or are state or private lands. These lands must not be lightly construed to be essential to the survival of the bison since bison are not endangered and genetically viable populations reside in YNP. The conversion of these lands to preferential use by bison assumes that a number of actions will occur, over which the lead federal agencies lack the jurisdictional authority. Additionally, such actions may place an unreasonable burden on private citizens and other public agencies.

5) The State of Montana will accept the legal responsibility for management of bison on SMAs within the state.

- Implementation of several of the alternatives would require the State of Montana to change state laws and rules to implement the changes required in the alternative. While the state is a cooperating agency in development of the DEIS, there is no assurance that the state legislature will approve the necessary changes.

6) The Montana legislature will appropriate funds to manage bison.

- The fiscal impact on the State of Montana for implementation of various of the alternatives, except for alternatives and 6 (phase 2) ranges from $140,000 to $420,000 per year for 15 years. This represents a significant cost to the state. There is no assurance that the Montana legislature will appropriate funds necessary to implement the alternatives.

7) The Montana legislature will approve (and the Governor sign) legislation approving bison hunting in the state.

- Several of the alternatives propose a bison hunt in the State of Montana. Based upon past experiences and bad publicity for the state from bison hunts, there is no assurance that the state will desire to approve bison hunting.

8) The Montana state veterinarian will allow untested brucellosis infected and exposed bison to have unrestricted access to SMAs within the state.

9) That forty-nine other state animal health officials and livestock industries will accept Montana cattle if brucellosis infected and exposed bison are allowed to freely range outside YNP.

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The foregoing factors significantly reduce the number of alternatives that can be implemented without concurrent actions over which the agencies have little or no control.

D. ACTIONS OR CHANGES NECESSARY FOR IMPLEMENTATION OF ALTERNATIVES.

1) The State of Montana would have to amend its laws and rules in order to implement bison hunting which is proposed for alternatives 3, 4 and 7.
2) The Montana Department of Livestock would have to amend its legal authority to implement alternative 2 since this alternative would allow untested brucellosis infected and exposed bison to occupy large SMAs outside the park.
3) The Montana Department of Livestock would have to amend its legal authority to implement all alternatives which utilize the new definition of "low risk" bison proposed in the DEIS.
4) The Gallatin Forest Plan would require amendment to eliminate public land grazing in alternatives 2, 3 and 7.
5) Owners of private lands would have to be willing to sell their private lands to fully implement alternatives 2, 3 and 7.
6) The Montana State Veterinarian and the Montana livestock industry would have to accept additional risk of transmission from bison in order to fully implement alternative 2, 3, 4 and 7.
7) State Animal Health Officials in the other 49 states would have to be willing to accept Montana's higher risk cattle without additional restrictions in order to fully implement alternatives 2, 3, 4, 6 (phase 1) and 7.
8) The Forest Plan for the Gallatin National Forest would have to be amended to implement alternatives 2, 3 and 7.
9) YNP would only be required to change its policy of natural regulation in order to implement alternatives 5 and 6.

E. BURDENS IMPOSED ON STATE AND LIVESTOCK INDUSTRY BY ALTERNATIVES.

Alternatives 1-6 (phase 1) and 7 of the DEIS imposes unrealistic and unjustified burdens on the State of Montana, owners of private lands within the SMAs, and the livestock industry of the state. At the same time the burden on NPS and YNP is relatively small except in alternatives 5 and 6 (phase 2).

These burdens include the following:

1) The burden to control bison population size is placed upon the State of Montana in alternatives 1-6 (phase 1) and 7.
2) The state of Montana will be required to change its legal authority to implement several of the alternatives.
3) Alternatives 2 and 3 would force changes in cattle operations on ranchers. This is an unacceptable infringement on the rights of private citizens. Additionally, all alternatives except 5 and 6 (phase 2) place the burden on the landowner to request relief from marauding and trespassing bison. Such a burden is a direct threat to public safety, public property and livestock owned by the private property owner. Such a burden is unreasonable since the landowner cannot prevent the trespass of the bison onto his lands.
4) Livestock producers will be placed in a position of risk of disease transmission and will have to bear the cost of preventative measures.
5) Livestock producers could lose the ability to utilize grazing allotments in several of the alternatives.
6) In alternatives 2, 3 and 7 livestock producers will be forced to modify their operations or bear the consequences of disease exposure.
7) Private landowners may be placed in a position that their only option is to sell their property to the federal government.
8) The State of Montana will have to assume a huge financial burden to manage bison that migrate into the state from YNP.
9) The NPS escapes the burden of public harassment and condemnation and defers that burden to Montana because actions to address population and disease are conducted outside YNP in alternatives 1, 2, 3, 4, 6 (phase 1) and 7.

F. CHOSEN ALTERNATIVE

After careful consideration of the seven alternatives Montana Farm Bureau has concluded that an aggressive program to eradicate brucellosis in YNP is the alternative that provides for the least risk to cattle producers. Additionally, the two alternatives that address an aggressive eradication program would take the least time to implement, and the least financial burden to YNP and the State of Montana. Ultimately we would like to see Alternative 5 implemented, with the option of Alternative 6 with changes as follows:

1) Immediately devise and implement an RB51 calf and yearling vaccination program in YNP to evaluate delivery systems and gain practical vaccination field use date for RB51 vaccine. At the same time continue to develop efficacy date. Waiting for a "perfect" vaccine is a futile effort, as no such vaccine will ever exist.
2) Eliminate the West Yellowstone SMA. Only test negative bison will be allowed west of Seven Mile Bridge. Bison approaching the west boundary must be captured or destroyed by NPS personnel before they reach the west boundary. Captured bison may be returned to the interior of the park or removed to an approved quarantine facility.
3) Reduce the proposed SMA on the north side of the park to the Little Trail Creek/Eagle Creek Area. We are strongly opposed to the establishment of any SMAs in Montana, however we can accept this reduced SMA because of its designation as wildlife habitat since its acquisition in the 1980's.
4) Establish up to eight capture facilities throughout YNP as described in the original alternative 6. The facilities would be utilized to test and vaccinate animals in phase two of the modified alternative.
5) Utilize an approved quarantine facility for seronegative bison captured at the Seven Mile Bridge and Stevens Creek. The quarantine facility could also be utilized as part of the "adaptive Management" strategy to evaluate the effectiveness of vaccines in seronegative adult bison and gain knowledge about the vaccine.
6) Bison population objectives for alternative 6 are based upon estimates of removals through intrusive management. The population size is not in any way based upon a scientific

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evaluation of the capacity of the ranges of YNP to support the population. Based upon the data contained in the EIS (P. 146, 147), the maximum population that YNP can support without egress of large numbers of bison from the park is 1,800-2,000. We Strongly recommend that the bison population be kept to a maximum of 1,800 head until such time as scientifically valid research is conducted, by non-partisan range management experts, to prove the capacity of YNP to sustain larger populations of bison and other ungulates is accomplished.

Alternatives 5 or 6 with the foregoing amendments could be implemented without change to existing state and federal laws or regulations.

Submitted by

J. Youngberg

John Youngberg
Director, Member Relations

Oral testimony provided at the Holiday Inn Billings Plaza Hotel & Trade Center, [redacted] August 25, 1998

Comment No. 14834
James Hanson
Montana Farm Bureau

My name is James Hanson from [redacted] in [redacted]. And I might add that I'm a third-generation rancher. My grandfather filed on the place we're living on in 1897. So I am here today representing Montana Farm Bureau, as a director, and also representing myself, as a Montana rancher.

Raising cattle is our business, and it's our major source of income. Keeping Montana's brucellosis-free status is important to me because, losing it would restrict our ability to be able to ship cattle to other states and other countries. This would affect all ranchers in Montana, not just the ones around the park whose herds would come in contact with the bison.

I believe that brucellosis in the park herd must be cleaned up. Alternative number 5, I believe, would best do that without adding to the problem. Cleaning up the herd now would eliminate a lot of problems and expense in the future. If brucellosis was eliminated in the bison, I understand that the elk herd will pretty much clean up itself by not being in contact with the calving and feeding grounds of the bison.

I believe the size of the bison herd must be managed. No rancher can stay in business very long if he doesn't manage his herd in relation to the amount of feed and range he has. The bison in the park are no different; if not managed, their numbers will go to the extremes. With far too many in the herd, they will die of starvation. And if you think shooting is inhumane, what about a hundred or thousands of animals starving to death, with predators eating them while they are still alive? That, to me, is not humane.

The Citizens' Plan of acquiring more land outside the park would make matters worse in a few years by having many more bison to contend with. Where will it end? Are you going to get miles of land around the park now; and a few years down the road, maybe you're going to expand that to or 50 miles out? I don't know where that would end. I think that's the wrong way to go.

Also, any land purchased outside the park would be taken off the tax rolls, increasing the tax burden on the rest of the taxpayers. The money used to buy this extra bison range would have to come from taxes, and the cost of upkeep and any extra range would also have to come from federal or state tax funds. And, to me, that's an unnecessary expense. Thank you.

Oral testimony provided at the Holiday Inn Billings Plaza Hotel & Trade Center, [redacted] *August 25, 1998*

Comment No. 14836
Scott Kulbeck
Montana Farm Bureau

Good afternoon. My name is Scott Kulbeck, and I'm the eastern Montana field director for Montana Farm Bureau. I'm here representing the more than 8,000 member families in Montana.

Montana farmers and ranchers are very concerned about maintaining their class-free status regarding brucellosis. To that end, we have reviewed all the alternatives to determine the plan that protects the status, is most effective, and protects the long-term future of Yellowstone National Park.

Brucellosis is the problem. It is a non-native disease that was introduced to the park in the early 1900s. It causes wildlife and livestock to abort their unborn fetuses, and it can occur in humans as undulant fever. Due to the eradication of the disease in cattle and the pasteurization of milk, it is not as common now as it is in the past, but it is still a threat. It is rarely fatal in humans, but it is a debilitative disease.

The Draft Environmental Impact Study states that there have been no documented cases of buffalo transmitting brucellosis to cattle in the wild. In speaking to a virologist who specializes in disease transmission, I found that research is not done in the wild due to the fact that control factors that are essential to a good scientific study are not able to be achieved under wild conditions.

While attending the hearing in Gardiner, I heard it stated that Yellowstone National Park is not a zoo or a ranch and that animals inside the park must be managed as wildlife. The key word here is "managed." Wildlife numbers and diseases are managed outside the park in a variety of different ways; yet, we are led to believe that it would not be politically correct to manage to Yellowstone National Park wildlife in the same ways. However, inside the park, fish population is managed through regulation; bears are managed by removal of problem bears, sometimes legally; and wolves are penned, vaccinated, moved, and removed. The non-management of large ungulates in the park seems to be an arbitrary, politically motivated experiment that is not working.

As far as the socioeconomic analysis contained in the Draft Environmental Impact Studies, we feel it is badly flawed. There is appositive data used in arriving at the conclusions concerning the value of bison. Also, the analysis comes to no conclusion as to the value of a disease-free, free-ranging bison herd. We would like to see an amended analysis that includes the disease-free values.

Several of the alternatives mentioned the purchase of surrounding private land to expand the bison range. The recently released National Academy of Sciences report indicates that this will lead to a bigger problem to take care of later. Therefore, we oppose any alternative that includes the purchase of surrounding private land as an option.

Alternative number 7 suggests the management of Yellowstone bison herd at between 1,700 and 2,500 animals. Although we applaud the effort to manage the range in the park, this does little to eradicate brucellosis, although there is little data to support these numbers.

A study needs to be done detailing the carrying capacity of wildlife in the park. I am also somewhat concerned with the bison count. The May official aerial count was 2,478, which is the top end of the management spectrum. The June count was 1,946 and is near the bottom of the range. With monthly fluctuations like this, management for a specific number would be nearly impossible. Although our members are not in favor of special management areas, if the State Veterinarian had the authority to revoke the SMAs or change the time lines if other states or APHIS threatened to remove our class-free status, we may consider that as an option.

After reviewing the DEIS, we have determined that the best alternative would be number 5, the aggressive eradication of brucellosis from the Yellowstone National Park bison. Without brucellosis in the herd, and this is the important part, all other issues become nonstarters, and we're not here today.

Alternative number 7 may be acceptable if the Department of Livestock had the authority to manage the special management areas.

Alternatives 2 and 3 would be unacceptable to our members. Thank you for the opportunity to comment today.

Oral testimony provided at the Gardiner School, [redacted] *July 29, 1998.*

Comment No. 15147
John Youngberg
Montana Farm Bureau

I'm John Youngberg, the director of member relations for the Montana Farm Bureau. I am here representing the more than 8,000 member families in Montana.

Montana farmers and ranchers are very concerned with maintaining their class-free status regarding brucellosis. To that end, we have reviewed all the alternatives to try to determine the plan that protects that status, is the most effective, and protects the long-term future of Yellowstone Park.

Brucellosis is the problem. It is a nonnative disease that was introduced to the park in the early 1900s. It causes wildlife and livestock to abort their unborn fetuses and can occur in humans as undulant fever. Due to the eradication of brucellosis in cattle and the pasteurization of milk, it is not as common now as in the past, but it is still a threat. It is rarely fatal in humans but is debilitating.

The DEIS states that there have been no documented cases of brucellosis transmitted from buffalo to cattle in the wild. I wondered about that, so I talked to a virologist that deals in disease transmission. He told me that there are no documented cases in the wild because scientists rarely do studies in the wild, because they cannot have the control factors that are very essential to good scientific study and are not able to achieve that under wild conditions.

While I was attending the meeting in Helena on Monday, I heard it mentioned Yellowstone National Park is not a zoo or a ranch and animals inside the park must be managed as wildlife. We need to manage our wildlife as wildlife. I think the key word we need is "managed." Wildlife numbers and disease are managed outside the park in a variety of different ways, yet we are led to believe it would not be politically correct to manage wildlife in the park the same way.

But inside the park, we manage the fish population. We manage problem bears by removal of those bears. And wolves in the park have been penned, vaccinated, moved, and removed a number of times. The non-management of the large ungulates in the park seems to be an arbitrary, politically motivated experiment that is not working.
The socioeconomic analysis contained in the DEIS is badly flawed. There's a paucity of data used in arriving at the conclusions concerning the value of bison. Also, the analysis draws no conclusion as to the value of a disease-free, free-ranging bison herd. We would like to see an amended analysis that includes the disease-free values.

Several of the alternatives mentioned the purchase of surrounding private land to expand the bison range. The recently released National Academy of Sciences report indicates that this is not an answer to the problem. It would only lead to a bigger problem later.

Alternative 7 suggests management of the Yellowstone bison herd at between 1,700 to 2,500 animals. Although we applaud that effort to manage the range in the park, this does little to eradicate brucellosis. Also, there's little data in support of the use of that range of numbers. A study needs to be done detailing the carrying capacity in Yellowstone Park of not only bison but for all the wildlife.

I'm a little bit concerned by the numbers that come out of the Park Service. The official May count for bison was 2,478 bison, which is near the top end of the spectrum. The June count of 1,946 was near the bottom end of the spectrum. With monthly fluctuations, it's almost impossible to manage for that range of numbers.

Although our members are not in favor of special management areas, if the State veterinarian had the authority to revoke the special management area or change the time lines if other states threatened or APHIS threatened class-free status, we might consider it as an option.

After reviewing the DEIS, we have determined that the best alternative would be alternative 5, the aggressive eradication of brucellosis from Yellowstone bison. Without brucellosis in the herd, all the other issues become nonstarters. Alternative 6 may be acceptable if the Department of Livestock had the authority to manage the SMAs. Alternatives 2 and 3 would be unacceptable to our members.

Thank you.

Oral testimony provided at the Colonial Inn, [redacted] *on July 27, 1998.*

Comment No. 15242
Cliff Cox
Montana Farm Bureau

Thank you very much. For the record, my name is Cliff Cox. I have a ranch outside of town here. I'm on the board of directors for the Montana Farm Bureau and also a member of the Montana Stockgrowers.

I want to very strongly emphasize that there are three points in this conflict, they are brucellosis, brucellosis and brucellosis. Brucellosis is a human health issue. Prior to the pasteurization of milk and the Bangs vaccination of the cattle, undulant fever was a very common disease of the human population. Since then, undulant fever has become minimized and so you don't hear any more about the public concern for it. If undulant fever wasn't minimized, then there would be much more public concern for the eradication of brucellosis out of the bison herd.

Brucellosis is also an animal health issue. It's a reproductive problem. If it was a deformity problem such as polio is in humans, the public concern would be totally different. If the public went to the park and saw a three-legged buffalo or a three-eyed buffalo, they'd be concerned and the attitude about brucellosis would be totally different.

Thirdly, brucellosis is an economic issue. Montana now enjoys a brucellosis class-free status. If we were to lose that class-free status, the agricultural community would suffer economically very, very severely. As an agricultural community goes, so goes the state.

APHIS is working on regionalization of their regulations and status and that would mean that Montana would be put in with other states, and as Montana goes, so go the other states. So if Montana lost its class-free status, the whole region would lose its class-free status and the agricultural economics of the whole region would be affected. If you eliminate brucellosis, you eliminate the conflict. That has to be the number one priority.

Any quarantine facilities must be in the park to minimize the conflict within the agricultural community and the outside interests, and no land acquisitions must be made, that just expands the problem, it doesn't eliminate it. I support Alternatives 5 or 6. Thank you.

Extension Range Management
Department of Animal and Range Sciences
Montana State University
[redacted]

[redacted]

YELL 2919

September 3, 1998

Bison Management Plan EIS Team
National Park Service -- Sarah Bransom
P.O. Box 25287
Denver, CO 80225-0287

Dear EIS Team:

I have reviewed the *Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park.* I offer my comments for your consideration.

1. Impacts to water quality were not evaluated: Each of the EIS alternatives will result in varying sizes of the bison population. Bison population size and the grazing distribution of the bison affect water quality in the streams of Yellowstone National Park and the Gallatin National Forest. Excessive numbers of bison will degrade water quality, which is prohibited by the Clean Water Act. The National Park Service and U.S. Forest Service are required to comply with the Clean Water Act. The EIS needs to address the water quality impacts of each alternative. Current numbers of bison and their present management are degrading water quality of Yellowstone National Park's streams by causing too much sediment to enter the streams.

2. Impacts to threatened, endangered, and sensitive fish species were not evaluated: The varying sizes of bison population that will result from the 7 alternatives will affect fish resources within the streams of Yellowstone National Park and the Gallatin National Forest, potentially including several fish species of special concern. The National Environmental Policy Act and the Endangered Species Act require the National Park Service and U.S. Forest Service to evaluate these potential impacts. The EIS needs to address fish impacts of each alternative.

3. Impacts to threatened, endangered, and sensitive plant species were not evaluated: The National Environmental Policy Act and the Endangered Species Act require evaluation of potential impacts to threatened, endangered, and sensitive plant species. Bison population size and the grazing distribution of bison affect plant health within Yellowstone National Park and the Gallatin National Forest. The EIS needs to address the plant health impacts of each alternative.

4. Impacts to vegetation and their effects on visual resources were not evaluated: Vegetation resources are affected by bison population size and grazing distribution. The health, abundance, diversity, and botanical composition of plants on the landscape affects the viewshed within Yellowstone National Park and the visual experience of park visitors. Current bison population size and bison management are degrading vegetation resources and related aesthetics within Yellowstone National Park.

In summary, I urge EIS team members to comply with federal law and address the impacts of each alternative upon the vegetation, water, and fish resources within Yellowstone National Park and the Gallatin National Forest.

Sincerely,

Jeff Mosley

Jeff Mosley, Ph.D.
Associate Professor of Range Science &
Extension Range Management Specialist

Montana State University U.S. Department of Agriculture and Montana Counties Cooperating ◆ MSU is an equal opportunity/affirmative action employer

Oral testimony provided at the Holiday Inn Billings Plaza Hotel & Trade Center, [redacted] August 25, 1998

Comment No. 14832
Don Ross
Montana Stockgrowers Assoc.

Thank you for this opportunity to testify. My name is Don Ross. I'm a fourth-generation rancher from south of Chinook, Montana. I do also serve as a director of Montana Stockgrowers Association, which represents more than 3,500 ranchers and cattle producers across the state of Montana.

My family has been in the livestock business in this state for over 110 years. In that time, we've taken the responsibility of caring for the land very seriously. Since we rely on healthy stands of grasses, we carefully preserve them by controlling grazing and monitoring range condition.

In late June 1998, I had the opportunity to visit Yellowstone National Park for the first time in years. And I must tell you, I was greatly disturbed by the range conditions that I saw. In 1973, I took a trip through the park. I didn't see much wildlife unless it happened to be standing up. The grass and the brush were tall enough to hide elk, moose, and bison when they laid down. In 1998, I had no trouble seeing wildlife, even as small as the gophers and the ants. There was little grass left and almost no brush.

I was appalled after reading and studying the Draft Environmental Impact Statement for the Interagency Bison Management Plan to find that the National Park Service does not require Yellowstone National Park to use range management practices which have been proven on private and other lands. These practices are the same that I or any other rancher would be required to employ if we leased grazing rights on federal lands.

It certainly seems to me that the National Park Service must figure out the total carrying capacity of Yellowstone National Park for both elk and bison. The carrying capacity of various ranges within Yellowstone National Park must also be established. The National Academy of Sciences report on "Brucellosis in the Greater Yellowstone Area" states, on page 120, "Although brucellosis has catalyzed the recent controversy, the fundamental issue is the need to respond to burgeoning bison numbers that are overflowing park boundaries."

Alternatives 2, 3, and 7 all propose the acquisition of additional lands. The same National Academy of Sciences report states, on page 122, The likely consequences (sic) of shifting the boundary of protection from Yellowstone National Park to surrounding public lands is that bison, and perhaps elk, populations will simply increase further, shifting the boundary to a new point -- private lands -- where even greater numbers of bison will have to be dealt with.

Additionally, these alternatives do not move toward the eradication or prevention of brucellosis. For this reason, I would oppose these alternatives. Putting aside the problem of not managing bison and elk numbers and the subsequent problems of range, riparian, and water degradation, brucellosis is the main reason that I speak before you today. The eradication of brucellosis in animals or undulant fever in humans has been the primary goal of the cooperative state and federal brucellosis eradication program for years now.

I personally know three individuals who contracted undulant fever during the fight to eradicate the disease from livestock herds in Blaine County, Montana. Their exposures occurred during the mid '70s, and they still suffer from varying degrees of debilitation. For their sake, I implore you not to let a reservoir of brucellosis remain in Yellowstone National Park. The fight to eradicate the disease is very nearly complete in all the other states. U.S. Animal Health Association, American Veterinary and Medical Association, and all the state veterinarians should have direct input into the Environmental Impact Statement.

I support a combination of alternatives 5 and 6, which would include the testing of all Yellowstone National Park bison, quarantine of exposed bison in a facility interconnected to the park, vaccination of all negative-testing bison, slaughter of all bison testing positive for the disease.

The net result of these efforts will yield a healthy bison herd in the park that all Americans can be proud of. A healthy bison herd could also provide a source of revenue for the park but protect Montana's ranching and livestock industry, which contributes $1 billion to the state's economy each year.

I would like to thank you for this opportunity to address these issues and say that other Montana Stockgrower members will be submitting written comments.

Oral testimony provided at the Holiday Inn Billings Plaza Hotel & Trade Center, [redacted] August 25, 1998

Comment No. 14833
Donna Sitz
Montana Stockgrowers Association

Thank you for the opportunity to testify here today. My name is Donna Sitz, and I'm a rancher from [redacted], which is in [redacted]. Our sole income comes from cattle. We take being a good land steward seriously. Taking good care of the land means it will take care of us. We work hard each year managing and monitoring the land and doing what is necessary to preserve the land for the next generation. Our family is the fourth generation on the land.

After reading the Draft Environmental Impact Statement for bison management in Yellowstone, I am bothered that the National Park Service does not required similar responsibilities for Yellowstone Park. Unfortunately, there is no carrying capacity that has been established by the National Park Service as to the number of bison the park lands can support and still remain a viable natural resource. Is this managing our resources? As a rancher, if I were to operate in this manner, overgrazing the resource until severe degradation, I would undoubtedly be out of business soon. The expanding bison population is too large for the park to support has been noted by the release report on "Brucellosis in the Greater Yellowstone Area." This report was commissioned by U.S. Secretary of Interior Bruce Babbitt. The facts should be taken seriously. When a hard winter hits, these animals will be forced out of the park. And if the numbers are not managed, there will be ongoing problems with no solution until controlling bison numbers is addressed.

Alternatives 2, 3, and of the Draft Environmental Impact Statement suggest acquiring additional winter range north of Gardiner and possibly in the west boundary area in the near future through purchase of grazing rights, easements, or properties. This so-called solution is unacceptable to Montana's ranching families. By expanding boundaries on which bison would be allowed to wander the problem of expanding bison population would only be perpetuated over time.

Even Bruce Babbitt's own commission study cautions against expansion of bison management areas. As stated on page 122 of the brucellosis study, The likely consequence of shifting the boundary of protection from Yellowstone Park to surrounding public lands is that bison populations will simply increase further, shifting the boundary to a new point. Public lands for even greater numbers of bison will have to be dealt with.

In addition, alternatives 2, 3, and do not move toward the eradication or prevention of brucellosis and place cattle producers in Montana and Idaho at greater risk for disease transmission and economic sanctions from APHIS, under regionalization or other state animal health authorities.

A carrying capacity for bison in Yellowstone Park must be established using complete and proven science. Although the Environmental Impact Statement suggests the park can carry between 1,700 and 35- bison, very little analysis is included in this range of numbers. And these numbers are not considered in the environmental consequences' section of the Draft Environmental Impact Statement which fails to analyze water quality and threatened and endangered species. Yellowstone Park has to be managed properly. A grazing program for the bison has to be followed along with an aggressive brucellosis eradication program implemented, or these issues will not be resolved.

As one of Montana's ranching families, we are supportive of the combination alternatives and 6, which would include the testing of all Yellowstone National Park bison, the quarantine of exposed bison, the vaccination of all negative-testing bison, and slaughter of all bison testing positive for the disease. The end results will mean a healthy and viable Yellowstone bison herd and protection for Montana's ranching families, who contribute billion to the state's economy each year. If something is not done, Yellowstone National Park's problems will only increase. Thank you for the opportunity to speak on this issue during the hearing.

Oral testimony provided at the Holiday Inn Billings Plaza Hotel & Trade Center, [redacted] August 25, 1998

Comment No. 14847
Charles F. Fuller
Montana Stockgrowers Association

My name is Charles Fuller. I'm making this statement as a rancher and as a director of the Montana Stockgrowers Association. I graze cattle in both Montana and Wyoming.

With the presence of brucellosis in the bison in Yellowstone and a lack of a program to eradicate brucellosis in the bison herd, the movement of livestock is being jeopardized by the possible loss of the classification as a brucellosis-free state. Montana and Wyoming livestock producers worked hard to achieve and maintain this standing.

I support alternatives 5 and 6 as outlined in the Draft EIS. These alternatives involve the eradication of brucellosis in the bison herd through testing, the removal of diseased animals, and vaccination of the bison herd.

I oppose alternatives 2 and 3, as acquiring additional range will not eradicate brucellosis. In addition, the testing and quarantine facilities should be maintained within the exterior boundaries of Yellowstone Park to eliminate further potential of spreading of the brucellosis disease.

This is not just a problem for Montana, Wyoming, and Idaho, but a national problem, as this is a national park. It is visited by many tourists. It should be remembered that brucellosis can be spread to humans in the form of undulant fever.

Yellowstone's park should be the showcase of the country. It should have a healthy bison population and outstanding management of the grazing resources with it, with the number of bison being matched to the available forage within the exterior boundaries of Yellowstone Park.

Oral testimony provided at the Holiday Inn Billings Plaza Hotel & Trade Center, 5500 Midland [redacted] August 25, 1998

Comment No. 14853
Keith Bales
Montana Stockgrowers Association

My name is Keith Bales. I'm a vice president of the Montana Stockgrowers Association. And I think everybody holds reverence for the buffalo; but having said that, I think maybe part of the reverence should be that we should clean the buffalo herd from the disease that was imported from Europe. I'm sure that the Northern Cheyenne or any other Indian reservation or anybody else that has buffalo wouldn't like to have brucellosis in their herd. And I think that that is one of the primary things that we need to consider in this EIS and going forward with it, is the fate of the buffalo.

We have a population of buffalo that are diseased. And for the good of that herd, for the good of all herds of cattle and buffalo throughout the nation, and maybe, more importantly, for the good of the health of the people of this country, we need to clean up that herd.

Brucellosis in humans is undulant fever, an incurable, insidious disease. And the primary reason that an eradication program was set up was to protect the human health of the citizens of the United States.

And I find it somewhat unbelievable that one system of our government or one agency of our government would go against that and refuse to clean up this disease out of the bison. I think that the first thing that has to be done before anything else can be done is to eradicate brucellosis from the bison in Yellowstone Park. And so I think either alternative 5 or 6 need to be adopted.

I think the rest of the solutions, the population numbers, with care of the park, whether or not we hunt them or not, those solutions will be easy. And we can all work together to come to some mutual understandings if we have a clean herd in Yellowstone. Thank you.

Oral testimony provided at the Stardust Best Western Motel, [redacted] on August 11, 1998

Comment No. 14878
Bill Garrison
Montana Stockgrowers Association

I am a second generation cattle rancher from Southwestern Montana. My family has been on the ranch since 1910. I am also second vice president of the Montana Stockgrowers.

There are three major priorities we need to accomplish with the bison management plan as far as the livestock industry goes. We need to eliminate brucellosis in the Yellowstone Park bison in the next five years. We need to be committed to a vaccination, testing, and slaughter plan that will eliminate brucellosis. And if the quarantine facility is used, it needs to be used to eliminate brucellosis in the Park bison herd, and it needs to be located adjacent to or within the Park boundaries.

Land or easement acquisition which is proposed in Alternatives 2, 3, and 7 does not address any movement toward eradication or prevention of brucellosis which would put the livestock industry in Montana and Idaho under greater risk with a larger area closer to domestic livestock contact, especially when you start talking about APHIS regulations and regionalization documents. It does not address over population of bison and elk in the Park and would lead to overgrazing and resource degradation in an even larger area. And addressing the socioeconomic analysis, how were the methodology and assumptions arrived at?

Two, there is a lack of data specific to bison. And, three, the economic ramifications to the livestock industry of Montana, Wyoming, and Idaho on a statewide basis is not analyzed. And, four, it does not analyze the value of a disease-free bison herd under Alternatives 5 and 6.

There has been millions of dollars spent in the past years on the eradication of brucellosis in Montana and in the United States. Montana is presently brucellosis free in domestic livestock and the U.S. will be free by the Year 2000.

Undulant fever, which is a human disease caused by the brucellosis bacteria, is a very serious, incurable illness. In the past before eradication procedures and vaccination, a large number of veterinarians and dairy operators were infected. The last two cases I know of in Montana were hunters who picked it up from infected elk.

We really need to get real here and do something about the problem. At the present time Montana cannot come to agreement with North Dakota on a border pasturing agreement because of the threat of the brucellosis in bison in Yellowstone National Park.

If brucellosis is not eliminated in the next five years in the Park, it could be very detrimental economically to the livestock industry in the states surrounding the Park. It could also have quite an effect on the wildlife oriented recreation.

To me it's not right to manage a natural treasure like Yellowstone National Park visited by thousands of people every year under natural regulations without some kind of realistic regulation to preserve the resource.

It's hard for me to concede that this country's society would put political and social agendas in front of human health and its ability to produce food for its people. Thank you.

Oral testimony provided at Yellowstone Conference Hotel, [redacted] on August 13, 1998

Comment No. 14939
Jason Campbell
Montana Stockgrowers Association

Good afternoon. My name is Jason Campbell, and I'm here today representing the Montana Stockgrowers.

I'd like to thank the National Park Service and the Montana Department of Livestock and everybody else involved in the EIS writing. It's a rather lengthy document. A lot of work has gone into that. And I think we all need to look at the issues that that particular document raises.

The livestock industry in Montana is no stranger to the brucellosis issue. We spent millions of dollars over the years trying to eradicate it from our herds, and we slaughtered thousands and thousands of livestock within Montana to get rid of this disease.

As we head into this new brucellosis issue with Yellowstone Park bison, we need to keep in mind that we need to stay focused on the issue here. And the issue is bison management, but the overall overriding issue is the eradication of brucellosis in this herd. This is not a battle over grass. It's not a battle over wildlife habitat. It's not an issue over public lands. It's a disease issue. And that's what we need to keep focused on.

The Citizens' Plan, Plan B, the Bison Plan, I mean, those are great bison management plans, but they don't cut to the quick, which is eradication of this disease in the Yellowstone Park bison herd. We need to focus on that. The NAS report that was just released here recently clearly states that brucellosis in Yellowstone Park bison is a threat to the Montana, Wyoming, and Idaho livestock industry.

We spent over $30 million in Montana alone trying to get rid of brucellosis. We spend about $10 million every year, between those three states, vaccinating cattle for this disease. By the year 2005, Yellowstone Park will be the only source of this disease in the lower 48 states. And we need to address that. And once we get rid of that disease issue in Yellowstone Park bison -- everybody is worried about the elk -- the elk will clean themselves up over time. Elk don't calve the way bison calve. They don't function the way bison function. The elk will rid themselves. It's been done. It was done in Wind Cave National Park. And there will be some other folks here later on today that will probably testify to that.

We cannot underestimate the human risk element to this. You heard Dr. Sorensen speak. I mean, talk to any vet. There's a lot of vets around here that are 65, 75 years old, and a lot of them know vets that have undulant fever. And it's not a fun disease. It's a very serious disease. And we need to make sure that that human risk is also taken care of.

With regards to Bob Ross's testimony about natural resources and natural resource management within Yellowstone Park, I heard some earlier, some earlier comments about abused public land. You can go into Yellowstone Park now, and you will see in the Lamar Valley one of the most overgrazed, abused pieces of real estate in this three-state area. It's a mess. It's a horrible mess. And it's a mess because we've got too many elk and too many bison. And if we don't address that issue, we're going to keep on having more wildlife management issues crop up.

The Department of Interior is beating the livestock industry over the head over these issues about proper functioning condition in riparian areas. And yet, you can go up into Yellowstone Park and there's numerous areas within Yellowstone Park where the riparian areas are nonfunctional. I mean, if the livestock industry grazed their animals the way Yellowstone Park is running those wildlife herds, we'd be in jail. It would be an absolute crime. And we need to address that.

Anyway, as we kind of move through this thing, there's, there's three or four things that have to be addressed through this whole bison management issue. One of them, we must clearly commit to the, the eradication of brucellosis within the Yellowstone Park Ecosystem. We need to adopt a quarantine, testing, and slaughter. Once animals are, are infected, there is no treatment for this disease. They have it, they carry it until they die. And the only way we can get rid of it is to vaccinate negative-testing animals and remove the ones that do test positive. That's the only way to get rid of it.

We also need to come up with an effective vaccine that can be implemented in the near, the near future. We can't wait 15 years while the Park Service comes up with what they consider to be a workable vaccine. We've got workable vaccines now, we just have to implement using them.

And we need a long-term commitment to managing numbers and resources within the Yellowstone Ecosystem.

I thank you for the time.

Oral testimony provided at the Gardiner School, [redacted] July 29, 1998.

Comment No. 15160
Jim Peterson
Montana Stockgrowers Association

Thank you for this opportunity to be here today. My name is Jim Peterson. I'm a rancher from central [redacted]. I'm also the executive vice president of the Montana Stock Growers Association, which represents more than 3,500 ranchers and cattle raisers from throughout Montana.

As a lifelong land steward myself, I take responsibility for the natural resources that have been entrusted to me very seriously. As a rancher who depends on healthy grasses for my cattle, I work hard to preserve them from year to year through controlled grazing management and careful monitoring. If I didn't do these things, I'd be quickly out of business.

On my ranch today, I'm currently in my fourth year of six years of a conservation program. If I don't maintain good riparian water development, I won't qualify to participate in the Great Plains Conservation Program. After reading the EIS, I'm troubled that the National Park Service doesn't require similar responsibilities for Yellowstone Park.

The basic guideline for any rancher's grazing program is developing a grazing capacity for the land, meaning the number of animals it can safely graze without threatening the number of animals or seriously threatening the health of the vegetation. Unfortunately, there's no carrying capacity established by the National Park Service as to the number of bison the park lands can support and still maintain as a viable natural resource.

In many ranchers' eyes, this is really an outrage. As a rancher, if I were to operate in this manner, overgrazing my resources until severe dehydration occurred, I would be shut down, and I would be criticized for abusing the land.

Two springs ago, when the snow melted, the park was in a severe degraded condition. If you don't believe it, just go to some of these closures not far from here.

This kind of management is not happening in Yellowstone Park despite the fact that an expanding bison population too large for the park to support has been noted by the recently released National Academy of Science report on brucellosis in the greater Yellowstone area. This report was commissioned by U.S. Secretary of the Interior Bruce Babbitt.

On page 120 of the NAS report, it states, and I quote, "Although brucellosis has catalyzed the recent controversy, the fundamental issue is the need to respond to the surging bison numbers that are overflowing their boundaries."

The NAS report is also critical of the national regulation policy in place in Yellowstone, which has been ineffective in maintaining the material resources within the park and, also, maintaining a bison herd population that the park itself can sustain.

As the report reads on page 120 and 121, "Natural regulation of bison in Yellowstone appears unlikely. Control of bison numbers presents difficult choices that had to be addressed in the recent past and probably will have to be addressed again. As long as the natural regulation policy is followed, increasing elk and bison populations will stretch the winter capacity of Yellowstone; and, at least in harder winters, the animals will be forced out of the park."

Alternatives 2, 3, and 7 of the draft EIS suggest acquiring additional winter range north of Gardiner and possibly on the west boundary, and, in the near future, through purchasing grazing rights, easements, or property. By expanding the boundaries on which bison would be allowed to wander, the problem of expanding bison populations would only perpetuate over time. Even Bruce Babbitt's own commissioned study cautions against expanding the bison management areas.

On page 122 of the brucellosis study, it says, and I quote, "The likely consequence of shifting the boundary of protection from Yellowstone Park to surrounding public lands is that bison populations will simply increase further, shifting the boundary to a new point, public lands, where even greater numbers of bison will have to be dealt with."

In addition, Alternatives 2, 3, and 7 do not move toward the eradication and prevention of brucellosis and place cattle producers in Montana and Idaho at risk of disease transmission and economic sanctions from APHIS or other state animal health authorities.

Montana cattlemen have spent out of their own pockets $34 million since 1934 to eradicate brucellosis. This hasn't been general taxpayer money and continues to not be general taxpayer money. It's through cattle assessments that cattlemen pay year after year. Nationwide, cattlemen have spent over $5 billion eradicating brucellosis, out of their own pockets.

We're nine herds away from being free and clear. The carrying capacity for bison in the park must be treated through proven science. These are basic questions that I or any reputable land manager has to address when developing a grazing program for cattle, and Yellowstone Park is certainly not exempt. Until these issues are fully addressed and the population is fully addressed, this issue will never be resolved.

Oral testimony provided at the Colonial Inn, [redacted] on July 27, 1998.

Comment No. 15241
Jason Campbell
Montana Stockgrowers Association

My name is Jason Campbell and I'm here today representing the Montana Stockgrowers. I'm also here today representing more than 3,500 ranchers and cattle regions from throughout Montana. I wish to express my gratitude to the Park Service, USDA, the Montana Department of Livestock and the US Forest Service for this opportunity to comment on the proposed alternatives discussed in the EIS. Our testimony here today will be limited to some of the general issues associated with the bison brucellosis management within the Yellowstone ecosystem.

Brucellosis is a highly contagious disease that has the potential to affect many classes of livestock and numerous other wildlife species, including bison and elk. Its human health risks are also significant in the form of undulant fever. It may even represent a significant threat to the health and welfare of other significant wildlife species such as grizzly bears and wolves who also occupy the vast ranges both within and outside Yellowstone National Park. The disease has been present in the Park's bison herd since it was discovered in Montana in 1934.

While significant efforts to eradicate brucellosis have been taking place outside Yellowstone Park, very little effort, if any, has been extended within the Park to manage this disease. Costs for the eradication of brucellosis since 1934 include more than $30 million spent in Montana alone. The federal government has spent another $5.4 billion and the nation's livestock producers throughout the remaining 50 states have spent over $5.2 billion for a grand total of $10.7 billion to eradicate brucellosis from our nation.

Over the next few years, the USDA estimates the entire United States livestock industry will be brucellosis free and the last remaining pool of brucella bacteria will be Yellowstone National Park. Is it not appropriate that the Park Service and everyone else associated with the management of the resources in and around the park make the same commitment to ensure that this last remaining source of the disease is cleaned up as quickly and as cost effectively as possible?

The nationally accepted methodology for the eradication of brucellosis in our national livestock herd has been working for the past 64 years. Taking its valuable experience to heart, we think this methodology could be actively employed to eradicate the disease in the Yellowstone National Park bison herd. Applying this methodology to the Yellowstone Park herd would include testing all bison for brucellosis, removing to slaughter of all positive-testing bison, quarantine of all diseased-exposed bison until testing ensures that they are disease free, and vaccination of all negative-testing bison using Strain 19. The USDA requires all states who wish to maintain their brucellosis-free status to test every individual animal within any herd that may have been exposed to the disease. If a single animal is found to have the disease, the entire herd must be destroyed. This clearly establishes a lesser standard for bison within Yellowstone National Park, most of which have been clearly exposed to the disease.

Oral testimony provided at the Colonial Inn, [redacted] on July 27, 1998.

We are not asking for the entire Yellowstone Park bison herd to be destroyed. In fact, the livestock industry is strongly supportive of having a brucellosis-free bison herd. Think of what can be bestowed upon other resource management concerns if we stop spending millions of dollars on annual vaccines and testing within the livestock industry and hundreds of thousands of dollars we spend each year managing infected bison as they come out of Yellowstone National Park into Montana and Idaho.

On page 264 of the EIS, the net present value of the Yellowstone National Park bison herd is addressed but the value of a disease-free bison herd is not mentioned. Think of the true value that this herd could pose to the American public if this bison herd was, in fact, disease free.

Based on our preliminary evaluation of the EIS, we are supportive of a combination of Alternatives 5 and 6, which would include the testing of all National Park bison and quarantining of exposed bison and vaccination of all negative-testing bison. Thank you for the opportunity to comment.

Oral testimony provided at the Colonial Inn, [redacted] on July 27, 1998.

Comment No. 15246
Jim Peterson
Montana Stockgrowers Association

Thank you very much. My name is Jim Peterson, I am a rancher from central Montana and also the executive vice-president of the Montana Stockgrowers Association.

On page six and seven of the executive summary of the EIS, it states that, "The agencies that prepared this EIS have agreed that each alternative must meet the following objectives," and there are nine objectives listed. Number four is the commitment to the eventual elimination of brucellosis in bison and other wildlife. Why is this important--brucellosis? I would like to quote from the National Academy of Science Report that was just released two weeks ago. This report was commissioned by the Secretary of Interior, Bruce Babbitt. Page two describes brucellosis, "It can be transmitted among species in humans. It is usually characterized by a fluctuating body temperature. Although rarely fatal, human brucellosis is recurrent and debilitating. The success of treating individuals varies widely. A life-long infection is not unusual. Human brucellosis is not widespread health issue today in North America because of efforts to eradicate brucellosis in cattle and the use of sanitary procedures such as pasteurization in milk processing." This is a direct quote from the National Academy of Sciences. They go on to say, "Because of their potential to be transmitted to humans, brucellosis is one of the most regulated diseases of cattle in the United States." Further they say, "By authorizing USDA to regulate brucellosis transmission in cattle, the federal government has demonstrated concern that brucellosis poses a potentially great loss situation in terms of potential economic consequences and possible human health effects."

The problem here is brucellosis. The proposed Citizens' Plan does not address the problem, it avoids the problem. If we're serious about reducing conflict, we must address the problem. It started off because of the human aspects of it, and the cattle industry has worked very hard for many, many years to eliminate the problem. We're just asking the Park Service and Yellowstone to be a good neighbor.

Alternatives 2, 3 and 7 propose acquisition of lands north of Gardiner, but these acquisitions do not provide any movement toward disease eradication or prevention. These acquisitions place the cattle industry in Montana and Idaho at a greater risk from disease transmission and economic sanctions from APHIS under regionalization or other state animal health authorities. Acquisitions would not improve the situation of overpopulation by bison and elk in Yellowstone Park. Acquisition would lead to continued resource degradation by overgrazing an even larger area.

We also hear about special management areas. All alternatives except Alternative 5 propose areas around Yellowstone Park where certain bison may be tolerated in various areas during certain times of the year. The question we should ask is how the allowance of disease-exposed bison is tolerable under APHIS regulations on class-free status. We cannot have this double standard that's cropped up all of the sudden in the discussion of this EIS in terms of low-risk, high-risk bison. We never heard that term until this EIS process started to come to fruition.

Oral testimony provided at the Colonial Inn, [redacted] on July 27, 1998.

We must ask if SMAs are proposed that they be under the authority of the Montana State Veterinarian in terms of which animals are tolerated and when all animals will be removed or returned to the park. This has to be addressed as a disease issue under the control of the State Veterinarian should other state vets sanction Montana cattle because of SMA designations, what measures should be taken, will be taken to revoke the SMA designation. In actuality, SMAs merely expand the boundaries of the park, it just creates more buffer zones. SMAs increase the risk of disease transmission by making the proximity of bison to cattle unacceptable due to cattle occupying private land and federal allotments on or near these SMAs.

It's important to note that according to the National Academy of Science Report, again, quoting, "The likely consequence of shifting the boundary of protection from Yellowstone Park to surrounding public lands is that bison and perhaps elk populations will simply increase further, shifting the boundary to a new point, private lands, where even greater numbers of bison will have to be dealt with." We have to continue to go back to the basic question and that is brucellosis, that is the real issue here that must be addressed and Alternative 5 and 6 come closer to doing that than any of the others. Thank you very much.

YELL-[redacted] 15349

Montana Stockgrowers Association

Serving Montana's Cattle Industry Since 1884

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November 2, 1998

Sarah Bransom
Interagency Bison Management Plan, DSC-RP
P.O. Box 2587
Denver, Colorado, 80225-0287

RE: Comments On YNP Bison Management EIS

Dear Sarah:

On behalf of the 3,200 members of the Montana Stockgrowers Association, I respectfully submit the attached comments on the above noted EIS. We hope our comments are of some benefit, as you and the other agencies involved in the decision making process begin to sift through the issues, problems, and new alternatives that have been proposed through the comment period.

We appreciated the time that you and your staff have invested in addressing this critical issue to the Montana, Wyoming, and Idaho livestock industries, and we hope that good science, and sound disease management principles can be applied to this significant animal health issue, both within and around Yellowstone National Park. We are hopeful a truly workable solution to this difficult problem will come from this lengthy and often difficult process.

Sincerely,

Lynn Cornwell

Lynn Cornwell
President

Yellowstone National Park Bison Management Draft EIS
Livestock Industry Issues and Comments
Montana Stockgrowers Association
October 1, 1998

1. **The establishment of a total commitment to the eradication of brucellosis within the Greater Yellowstone Ecosystem.**

The livestock industry, federal animal health and disease control agencies, and state livestock and veterinary health agencies made a commitment to eradicate brucellosis in the US Dairy and Beef cattle herds over sixty years ago. To date, billions of dollars have been spent on the effort to eradicate this disease in our nations cattle herd. Millions of domestic livestock have been tested, vaccinated, and held under quarantine. Hundreds of thousand of infected or exposed cattle have been sent to slaughter, as once they are infected with brucellosis it is not curable. All this has been accomplished in an effort to eradicate this devastating disease from our nation's cattle, and to protect the American people from the human equivalent of this livestock disease known as undulant fever. The commitment to eradicate this disease by the livestock industry, and federal and state livestock management agencies is unwavering, and our efforts have brought us to the point where this disease in domestic livestock is limited to a very small number of carefully managed cattle herds, in just a few states. We anticipate the disease will be completely eliminated in our nations cattle herd shortly after the turn of the century.

Unfortunately the last holdout for this disease that is not being currently managed or regulated is the resident bison and elk herds of the Greater Yellowstone Ecosystem. In order to ensure brucellosis is completely eradicated from US soil we must ensure this last hold out for this disease is also carefully managed, until it is eradicated in bison and elk as well. The eradication process will be impossible to complete until all parties associated with the management of our bison and elk herds, including the Department of Interior, and the National Park Service, clearly acknowledge their responsibilities for the elimination of this disease in bison and elk. This commitment has been made before, and Wind Cave National Park is a good example of how quickly brucellosis can be controlled in wildlife populations if the wildlife managers commit themselves to obtaining that goal. The livestock industry, and the state and federal animal health regulatory agencies have recently reaffirmed their commitment to aggressively manage this disease outside of Yellowstone National Park, but without the same commitment to manage it within the Park, we will never be rid of the human, livestock and wildlife threats it represents.

2. **The establishment of procedures for the quarantine, testing, and removal of infected animals (slaughter), and the implementation of an effective vaccination program.**

Tried and true methodologies for addressing the eradication of this disease have been established through its effective management within the nations beef and dairy herds, and livestock industry realized many years ago that one single course of action will not result in the eradication of this disease. These historic brucellosis management/eradication

practices have included both the quarantine and testing of all animals exposed to the disease, along with the removal (slaughter) of all positive testing animals, and the vaccination of all non-exposed or negative testing animals. It is imperative that National Park System officials aggressively pursue opportunities to manage this disease within the borders of Yellowstone National Park. Without an "in the Park" testing, removal, and vaccination program, the opportunities to manage this disease will be greatly reduced. The idea a of truly free ranging bison herd should focus on this effort, and the realization that as long as the herd is infected with brucellosis any free ranging opportunities are simply not be achievable. A vaccination program alone will not eliminate this disease in the Yellowstone ecosystem, and many epidemiologist, including the National Academy of Sciences, agree with this assertion.

Quarantine facilities must be located inside or immediately adjacent to Yellowstone National Park, and must be only developed and used in conjunction with a brucellosis eradication program. Control actions associated with exposed or potentially infected bison must be limited to the immediate vicinity of the park, in order to prevent the potential infection of domestic livestock or other wildlife species that seasonally use other public lands that surround the park. Designating buffer zones or special management areas (SMAs) outside the park for exposed or potentially infected bison, or locating a quarantine facility in any area outside the immediate proximity of the park, only increases the potential risk for the spread of infection among other wildlife or domestic animals. Quarantine facilities outside the immediate vicinity of the park would also result in considerable risk to the individual state in which such a facility would be located, and could leave any state with a bison quarantine facility subject to livestock export/import restrictions or sanctions by other states.

The removal (slaughter) of infected animals that leave the park is a critical element to the overall management of brucellosis in the Greater Yellowstone Ecosystem. No one wants to see bison being shot, or sent to slaughter as they leave the sanctuary of Yellowstone Park, but these control practices are the reality of addressing this disease management issue in a time frame that allows for the effective control of infected animals. Slaughter has been a very effective tool in the eradication of the disease in domestic animals, and the livestock industry has committed itself to the depopulation of infected herds for many years, which has not been required of the Yellowstone Park wildlife herds. This is a significant concession that the industry and the state and federal disease control agencies have tolerated for the benefit of the wildlife populations within the park, and it represents a significant departure from our traditional brucellosis control measures.

3. **The Inclusion of the National Academy of Sciences Report as a supplement to the final EIS.**

The 1998 National Academy of Sciences (NAS) report contains much information that is vital to the development and implementation of an effective brucellosis eradication

program. The report contains important information on the potential disease transmission risks and threats to domestic livestock adjacent to the park, and the importance of addressing these issues in the current disease management plan. Comments within the report also address the progress of the disease within the park, and how effective potential management strategies might be, under a given set of circumstances. It addresses test and slaughter protocol, the use of vaccines and various vaccine delivery methodologies, and the limited effects on the genetic diversity of the park bison herd from a test and slaughter program similar to those used to control brucellosis in domestic cattle herds.

The NAS report goes on to address the issue of allowing infected bison to use areas outside the park as buffer zones for winter feeding. The report clearly states that SMAs will simple spread the disease threat over a much larger area, and the additional forage reserves outside the park will sustain the bison population at a higher level, making the disease substantially more difficult to control and eliminate. The report also addresses the ecological saturation of the Yellowstone ecosystem by the current numbers of resident elk and bison.

4. **Develop a scientific assessment of the ecological and vegetative conditions, and the overall carrying capacity of the rangelands within Yellowstone National Park.**

The EIS suggests that the park can carry between 1700 and 3500 bison, but little if any quantitative data is presented to support this conclusion. It is clearly apparent to anyone with even the most basic range management or ecology background, that the park's forage, aquatic, and riparian resources are suffering greatly under the current and past ungulate grazing pressures. In numerous areas aspen and willow stands have been completely eradicated from the landscape, with the exception of a few vegetation enclosures. Many streams are suffering severe bank damage, decreased riparian function, extremely high losses of woody vegetation, and severe water quality impairment problems. All of these ecological problems can be directly attributed to excessive grazing pressure, or simply put, too many grazing animals for the amount of forage resources available within the park. We are even beginning to see similar ecological resource management problems on USFS lands adjacent to the park, which can be attributable to excessive use by the extremely high elk population.

It is imperative that any bison or elk management plan include an assessment of the ecological carrying capacity of the rangelands within the park. A key element to this issue will be the full cooperation of park officials with the National Academy of Sciences, which has been commissioned by the Secretary of Interior to analyze the ecological conditions of the rangelands within the northern range of the Greater Yellowstone Ecosystem. This analysis should include the setting of the carrying capacity for the northern range, and the development of a program to ensure that bison and elk numbers are maintained at or below the designated carrying capacity.

5. Additional Comments Specific to the EIS:

1. Brucellosis is a zoonotic disease. Its significance must not be taken lightly.

2. The National Brucellosis Eradication Program is nearing completion in the United States. There are approximately 12 brucellosis-infected cattle and domestic bison herds remaining in the entire country. The only unchecked focus of brucellosis infection remaining in the entire country is the infection in wild bison and elk of the Greater Yellowstone Area.

3. The management plan finally implemented must initiate immediate control of brucellosis in bison and must clearly lay out a plan for the eradication of brucellosis from YNP bison.

4. Brucellosis in elk must be addressed in order to achieve brucellosis control and eradication in the GYA.

5 Changes in authority. A number of the alternatives cannot be implemented without changes in authority.

6. Special Management Areas (SMAs) significantly increase the area impacted by diseased bison, result in a much larger area to "police" and are likely to increase the risk of transmission. SMAs represent a de-facto increase in the size of YNP.

7. The disease, brucellosis, is impacting the natural gene frequency and therefore the genetic make-up of YNP bison.

8. State Animal Health Authorities over diseases and diseased animals within a state must not be compromised.

9. The ability to freely move livestock in interstate commerce must be maintained.

10. Direct impact of brucellosis on YNP bison should be fully explored.

11. The livestock industry of Montana represents a highly significant segment of the economy of the state.

12. National Park Services' refusal to manage bison and brucellosis may have long term impacts for other diseases of equal or greater consequence, which may be introduced into the park. This management approach is in sharp contrast to the way DOI manages other wildlife in other parks and reserves where policies are implemented to serve both the wildlife and the public. There is no analysis to justify this difference in management style.

13. The definition of "low risk" bison is a significant factor in determining risk of transmission if SMAs are implemented.

14. Bison population size must be controlled to balance, population with carrying capacity.

15. Carrying capacity of YNP must be established.

16. The DEIS must utilize the impartial science of the National Research Council, National Academy of Science final report on Brucellosis in the Greater Yellowstone Area to develop scientifically sound alternatives.

17. The proposed alternatives as presented in the DEIS are inadequate to address the important issues, therefore, Alternative 6 with the modifications presented in these comments provides the best alternative and should be implemented.

YELL-15768

Public Hearing Testimony
Draft Environmental Impact Statement for the
Interagency Bison Management Plan
For the State of Montana and Yellowstone National Park
Beth Almond, Montana Stockgrowers Association
August 25, 1998
[redacted]

Thank you for the opportunity to testify here today. My name is Beth Almond and I am with the Montana Stockgrowers Association, which represents more than 3,500 ranchers and cattle raisers from throughout Montana.

The problem of bison management within Yellowstone Park is not a new one. The Montana Stockgrowers Association has been involved with this issue for nearly a decade, and although the draft EIS is a step in the right direction, after hearing from the opposition during the course of this public comment period, it would seem we are no nearer to a long-term and lasting solution. The Montana Stockgowers' primary solution is not a complicated one—eliminate brucellosis in the diseased Yellowstone bison herd.

Several groups have suggested their own crafted plans as possible "solutions" to the Yellowstone bison management issue. Nearly all of these, including the Citizens' Plan and "Plan B," call for Special Management Areas outside of Yellowstone Park in which bison should be allowed to roam. This is unacceptable to the thousands of cattle ranching families who make their living from the land in Montana, some of whom are only miles from Yellowstone's boundaries. It also raises several issues that must first be addressed by the agencies in question.

First, the allowance of disease-exposed bison in Special Management Areas is not compatible under APHIS regulations for Montana's brucellosis class-free status. By allowing diseased bison to freely roam onto public lands outside the park, Montana's cattle industry is placed at a greater risk, not only for disease, but also for economic sanctions from APHIS under regionalization and from other state animal health authorities.

It has been said that the risk of disease transmission is low, and that other states should not be concerned with these risks. However, as the National Academy of Sciences Report, commissioned by Secretary Of The Interior Bruce Babbitt, illustrates, even the perception of disease risk among Montana cattle could lead to a crippling situation for the state's economy. This is an industry that provides nearly $1 billion annually to the state's economy.

To the extent the risk of disease transmission from bison to cattle is currently low, it is only the vigilance of the Montana ranching community and the state's Department of Livestock that keeps this risk as low as it still is. Montana's livestock industry knows too great a price would be paid by all Montana citizens if Montana were to lose its brucellosis class-free status, and many ranchers remember all too well the devastation of destroying entire cattle herds infected with brucellosis. Montana's livestock industry spent more than $30 million and destroyed literally thousands of cattle over a 50-year period in order to make this state brucellosis free.

Another consideration with Special Management Areas is that it does move any closer toward brucellosis eradication and prevention. The so-called solution of Special Management Areas only makes the problem larger by, in essence, expanding park boundaries. Larger boundaries would mean the gradual expansion of the Yellowstone bison population over time. If the herd remains infected with brucellosis, this means an even greater pool of brucellosis, and an even greater risk for Montana ranching families. Even Bruce Babbitt's own commissioned study cautions against the expansion of bison management areas.

As stated on page 122 of the National Academy of Sciences brucellosis study, "The likely consequence of shifting the boundary of protection from Yellowstone Park to surrounding public lands is that bison...populations will simply increase further, shifting the boundary to a new point—public lands—where even greater numbers of bison will have to be dealt with."

Cattlemen's major priorities for a final and lasting solution to the problem of bison management in Yellowstone Park are threefold:

1. A commitment to eliminate brucellosis in Yellowstone Park bison. The National Academy of Sciences report concludes that with a little more research, brucellosis could be eliminated from Yellowstone bison using the same basic procedures that the federal government required ranchers to do to eradicate this disease.
2. A commitment to vaccination, testing and removal of diseased bison, that will lead to the elimination of brucellosis in Yellowstone.
3. The use of a quarantine facility only if it is part of the commitment to eliminate brucellosis in Yellowstone and is located just adjacent to or within Park boundaries.

For these reasons, the Montana Stockgrowers Association favors a combination of Alternatives 5 and 6 of the draft Environmental Impact Statement. This solution will mean

YELL-15768 contd.

a healthy and viable Yellowstone bison herd and protection of Montana's ranching families, a significant contributor not only to Montana's economy but also to its way of life.

Thank you for the opportunity to testify.

Testimony for August 25, 1998 Bison Management Plan Hearing in Billings, Montana

Thank you for this opportunity to comment on the proposed alternatives for management of brucellosis infected bison in Yellowstone National Park.

YELL-15747

I am Dick Raths from [redacted]. I'm a veterinarian and Chairman of the Montana Stockgrowers Cattle Health Committee. As a veterinarian I am involved in the vaccination of calves as part of brucellosis prevention efforts for the ranchers. There is a very acute awareness of the cost of Brucellosis infection on individual producers and the threat of loss of marketability for Montana's livestock in general if the state should lost its class free certification that it received in 1985.

We have not had brucellosis in Montana livestock since 1985 and probably the threat of the disease to anyone not in the vicinity of Yellowstone Park is negligible but the producers here in Montana and in other states still feel they have been there - done that and don't want to do it again.

You have to realize that the average age of Montana's producers is early sixties . These are people that went thru the state wide brucellosis eradication efforts, people that depopulated their herds and repeatedly tested their herds to eradicate a disease that had significant human health concerns. A lot of these ranchers themselves were infected with the disease from their livestock.

In my profession I spend a lot of time complying with the regulatory aspects of the disease both in the country and as a veterinarian for the Auction Market. I work the Fergus and Judith Basin counties as apart of my practice area. Because we are in one of the more productive areas in Montana a lot of my clients are purebred seed stock producers that market genetics and animals world wide. Last fall after a production sale I was required to bleed for brucellosis test two loads of bangs vaccinated pregnant heifers because the state veterinarian in the receiving state felt that there was too much risk to his producers since the cattle were from Montana and Montana has problems with infected park bison. The state veterinarian was taking the safe, no risk approach but that cost the Montana producer for something he has no control over. The reality of livestock movement is that with livestock brucelllosis eradication on track for December of 1998 no state veterinarian wants to risk reinfecting their state with animals from Montana if it is allowing Brucellosis infected bison to reside in the state.

As Chairman of the Montana Stock Growers Cattle Health Committee I contacted the North Dakota State Veterinarian last year about the initiating a reciprocal acceptance of non-legible shield adult females for interstate movement. His response was that the North Dakota Board of Livestock was not interested because of the risk of Livestock exposure to Yellowstone Park Brucellosis.

International trade animal health regulations are being developed on a regionalization concept with the idea that well defined boundaries restrict the comingiling of the disease free animals from diseased animals. The regionalization concept allowed Canada to be declared Brucellosis free even though they have the infected "Woods Bison" herd. Montana, Wyoming and Idaho

YELL-15747 contd.

producers are concerned that a lack of a well defined separation of diseased animals from domestic stock and range may cause a status reduction under regionalization.

Good science doesn't always overcome perceptions and misconceptions. Perhaps we in the livestock industry are as guilty as the park service in resisting good science but we, the Livestock Industry will bear the financial impact of disease transmission from Yellowstone Park.

When I first reviewed the proposed alternatives I didn't really feel like any of the "full meal deals" was exactly what I thought was best. Then I realized that the process of arriving at the alternatives was a consensus process with all the major players involved.

With that in mind I picked alternative five as my choice for the best alternative to solving the historic and perennial controversy. The problem is the presence of the disease Brucellosis in the Yellowstone National Park bison and elk herds and the fact that as long as there is Brucellosis infection the problem will still exist.
Even Mr. Mike Finley has stated that Brucellosis is foreign to the park and should be eliminated.

A straight up approach of combining test and removal of the animals with the potential to propagate the infection in the park herd is one step in the eradication process. Based on historic blood titer surveys the exposure rate within the herd remains fairly constant over the years indicating that infection is ongoing within the changing population.

A safe and efficacious vaccine should also be a part of the eradication efforts to protect the non infected portion of the bison population.

Vaccine research and approval should be the responsibility of the USDA veterinary services division. They have the expertise and protocol for vaccine research. Vaccine delivery systems that minimize non target species are the ultimate goal. Vaccines are by design, less infectious to all species than the field organisms.. If in fact the pathogenis of brucella infection in moose results in death for the moose, eradicating the disease from the environment will be beneficial to the moose population.

The disease brucellosis is the problem. Non- direct approaches are about as effective in addressing the problem as a few truck loads of asphalt addressing the deteriorating road system in the park or diverting the sewage overflow to a less conspicuous location is the solution to the parks overused, outdated sewage system.

The Montana Livestock industry believes that it is possible to eradicate the disease from the park wildlife. The disease has been eradicated from 100 plus million American cattle and bison. Current research methods are highly refined and based on past research and experience and the ability to refine biologics for prevention of animal diseases is the best its ever been. (The alternative said that the eradication process would be complete in five years)

Humane handling methods for wildlife species are priority in any of the alternative and timing of control efforts should be the result of a consensus of effectiveness and animal welfare.

Next I would like to comment on some of the aspects of other alternatives that raise some concerns..
The quarantine facilities idea needs more of a financial estimate of the actual cost, time and percent of animals that would actually clear the Quarantine. Also the disposition of the clean animals should either be back to the Park or released thru a program like the wild horses, where the government recovers some value for the animals. I personally do not feel that a quarantine facility is a viable option for a cost and animal handling perspective.

SMA special management areas should not exceed those areas and animals covered under the existing interim management plan. Perhaps the fact that elk can distance themselves from infected bison in the Gardner area keep down their disease exposure.

Hunting in the Gardner Valley with rifles of large enough caliber to humanely kill bison is probably not an extremely safe alternative given the population in housing location in the Valley.

In conclusion, your group evaluating the comments on the proposed alternatives is certain to collect a huge pile of comments. Yellowstone National Park is a very special place but, brucellosis does not belong there in the animal population. PLEASE take a look at option 5 as the only true solution.

Oral testimony provided at the Colonial Inn, [redacted] on July 27, 1998.

Comment No. 15257
John Gatdell
Montana Wilderness Association

Thanks. I feel honored to come down here to be the featured speaker. My name is John Gatdell. I'm the Service Conservation Director for the Montana Wilderness Association. This is the first time in nine years that the public has been asked to offer comments on the management of wildlife. So I want to express our appreciation for that opportunity at long last. The issue has not been without controversy.

In reviewing the videotape again, I think I was reminded of the reasons why our organization is fully in support of the Citizens' Plan to conserve Yellowstone bison, rather than one of the alternatives identified up here. That alternative would allow bison to more fully utilize surrounding public lands. For example, I note that none of the alternatives will allow licensed utilized areas even though we have a dedicated wildlife management area in Cabin Creek adjacent to the Lee Metcalf Wilderness just north of West Yellowstone. That's not considered. It should be considered because that is a wildlife management area. Although it may not be right now, that's a wildlife management area that was dedicated in the 1983 Lee Metcalf Wilderness Bill. So that's an example of not fully utilizing public lands adjacent to the park.

Like elk, bison are wildlife. They have a rightful place on the public lands. I think we are empathetic and understand that there is risk and that risk needs to be dealt with. However, we may not know whether or how or under what conditions brucellosis might be transmitted, but we understand that's a very serious thing for the livestock producer and feel that some adjustment in grazing seasons and other techniques that were described in some of the other alternatives could accomplish that. One, a separation during the calving season when there may be a risk of transmittal. That would be sensible and not an unreasonable adjustment. We have those kinds of adjustments on public lands to accommodate other uses. Livestock producers make those adjustments to accommodate hunting season, and I don't think that's an unreasonable adjustment on National Forest Lands adjacent to Yellowstone Park.

The preferred alternative is strident and uncompromising, and somehow this approach to managing wild bison sets artificiality, and will limit bison numbers. That number is not based on use of surrounding public lands. It would cost $1.3 million a year to implement and would restrict bison from using areas, as I mentioned before, for example, the Cabin Creek Wildlife Management Area, an area dedicated by Congress for the purpose of wildlife management but not utilized by any of the alternatives. Last, as I mentioned before, it turns away from the alternative of adjusting some grazing seasons to avoid the possibility of contact between livestock and wild bison during the calving season. It's my understanding that after calving season the risk is very, very small.

The last thing I'd like to say for the record: I think it's unfortunate that the Department of Fish, Wildlife and Parks, which is funded primarily by sportsmen and women, hunters, anglers, have endorsed the preferred alternative. We saw, again, in the Greater Yellowstone winter use plan that the Montana Fish, Wildlife and Parks wrote a three-page letter. I reviewed that letter. In contrast with Wyoming and Idaho Fish and Game, they failed to mention the word wildlife after the letter. So the Department has abandoned its fundamental mission and its advocates for fish and wildlife, and I think that's unfortunate. I thank you for your time, and again, we support the Citizens' Plan for Yellowstone bison. Thank you.

Oral testimony provided at the Colonial Inn, [redacted] on July 27, 1998.

Comment No. 15234
Jim Richard
Montana Wildlife Federation

I'm Jim Richard. I'm vice president of the Montana Wildlife Federation located here in [redacted]. A comment on the process: the preferred alternative selected by Governor Racicot and federal and state agencies is a product of a badly flawed process. During the last eight years, the Governor nor any of the agencies held public hearings nor in any real way sought public opinion. Not only did these officials ignore public opinion, they actually turned citizens away from attending some of the EIS meetings. Truly, this is a prime example where a bad process produced a bad product.

The State's plan itself is unacceptable to sportsmen and most citizens for several reasons. First, the plan assumes that separating bison and cattle to prevent transmitting brucellosis to cattle justifies the most draconian, extreme and lethal treatment of wild bison. According to the DEIS, the government will not modify grazing allotments on public land adjacent to the park. Rather than modifying grazing allotment to separate bison and cattle on public land, agencies would continue to kill bison at the park boundaries.

Since 1990, government agents have killed nearly 2,000 buffalo to protect about 600 private cattle grazing on public lands adjacent to the park. Sacrificing a national and state asset of wild Yellowstone buffalo to protect a few head cattle is absolutely wrong.

We are convinced Montana can retain its brucellosis-free status without continuing to focus on killing buffalo as a primary disease control tool. For sportsmen, the most reprehensible feature of the government plan is having government agencies kill buffalo. As Jeanmarie said, and I will support that, as long as government agents kill bison, this controversy will never go away because the public simply finds this unacceptable.

The Montana Wildlife Federation endorses the Citizens' alternative, as do most sportsmen and women in Montana. First, and this is important, the government plan only protects livestock interests. The Citizens' alternative equally protects livestock interests but also respects and protects all public values respected by Yellowstone buffalo. Second, the Citizens' alternative treats Yellowstone bison as a wildlife species. It would allow and even encourage bison to enter and remain on adjacent national forest lands. It would use traditional wildlife management practices including a regulated, ethical fair chase hunt to keep buffalo in balance with the foraged range and other national resources. It would get the state wildlife agency back in charge of managing this wildlife species.

The Montana Wildlife Federation strongly supports the Royal Teton Ranch/Rocky Mountain Elk Foundation land exchange and conservation easement proposal. This proposal could be one of the single most visionary actions benefiting wildlife in Montana's history. We wish that Governor Racicot would give his whole-hearted support to this proposal.

Finally, the Montana Wildlife Federation calls on Governor Racicot to set up and participate in a collaborative process involving members of the public to develop a real plan that recognizes and protects all of the values and interests represented by Yellowstone buffalo. The Governor needs to participate in some part of the process, whether it's in consensus consult or some other forum that involves representatives of the livestock industry, sportsmen, conservation, the tourism industry and members of the gateway communities. The point is the Governor and the agencies need to get the public involved in a meaningful way to development a good bison management plan.

Oral testimony provided at the Colonial Inn, [redacted] on July 27, 1998.

Comment No. 15250
Stan Frasier
Montana Wildlife Federation

Thank you. My name is Stan Frasier. I'm from [redacted]. I think it's disgraceful that the State of Montana and the Forest Service and the Park Service have put forth a preferred alternative that is so bad and it's in effect a continuation of the failed policies that we have in place now. It appears the EIS alternative ignored the information in the EIS. It says right in the beginning of this that no documented cases of brucellosis from wild free-ranging bison to cattle. It is possible that although brucellosis may be endemic in the Yellowstone area by the herd, few of the animals are capable of transmitting the disease. In bison, the bacteria may be transmitted through milk, not through the birthing process. It also says that it may not even be possible for bison to transmit brucellosis to cattle.

The real problem here is who's going to manage our wildlife. Are we going to have wildlife mismanaged by livestock bureaucrats or are we going to have it managed by wildlife professionals? Bison are wildlife, and they belong in public lands. Cows do not. If the cattle industry is not willing to share public lands with wildlife, then we need to take another look at the whole issue of public land grazing.

There've been some questions and comments about elk here. A couple of months ago a local newspaper article quoted the State Veterinarian as saying if our brucellosis control program is successful on bison, we want to start on elk next. If anyone thinks that the people of this country, and especially the hunters of this state are going to put up with wildlife bureaucrats and the wildlife industry slaughtering elk for a perceived or imagined problem, they're very much mistaken.

We have a situation here where the brucellosis is probably not a problem. It is certainly not a human health problem, since the advent of pasteurization in milk, it is very hard to transmit. We're coming to the issue of who's going to manage our wildlife in the future and it's not going to be the livestock industry.

YELL-9124

October 9, 1998

MT. SHASTA SNO-MOBILERS INC.
[redacted]

Bison Management Plan EIS Team
National Park Service – Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Dear Sarah Bransom,

Re: Comments on the Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park.

• We oppose Alternative 2. the elimination of grooming of numerous roads in the park to "help control un-natural bison migration" This alternative would displace well over 50% of over-snow Park visitors. In addition, bison would continue to leave the Park during winter by following natural river corridor migration routes.

• We oppose Alternative 3, which would conduct research to whether the winter grooming of Park roads effect bison migration and would close roads if research shows that groomed roads contribute to bison migration out of the Park. The Park's own research has shown that bison leave the Park following traditional river migration corridors and not groomed roads. This fact was recently affirmed by the decision on the "Winter Closing of Yellowstone Park Roads EA". Mike Finley's decision in January of 1998 supports not adopting this alternative. Mr. Finly decided not to close any roads presently open to snowmobiles that are groomed for the purposes of study for the next three years. This decision shows that this alternative 3 approach is not correct!

• We oppose Alternative 5, which would establish bison capture-test facilities in nine areas in the Park, which would require substantial road plowing for at least three years. This alternative would devastate winter recreation and snowmobiling access.

• We oppose Alternative 6, which would initially establish a capture-test facility at Seven-Mile Bridge (road would be plowed the first seven miles from West Yellowstone to the bridge site) but eventually would expand to the same areas as in Alternative 5. This alternative would devestate winter recreation and snowmobiling access.

• We support Alternative 7 because it establishes a carrying capacity within the Park for bison and it also manages the bison population accordingly. This Alternative does not effect winter recreation and snowmobiling with road closures or road plowing. Alternative 7 is also the preferred Alternative of the Park Service.

YELL-9124 contd.

No additional restrictions or trail closures should be necessary to protect Park resources. Remember, the original intent and purpose of the Park as stated on the original archway to the Park reads, "For the benefit and enjoyment of all the people".

Please keep us on your mailing list to receive any additional information on this important project.

Sincerely,

THIS LETTER WAS SIGNED BY 34 INDIVIDUALS.

YELL 11,058

MT. SHASTA SNO-MOBILERS, INC. [redacted]

October 9, 1998

Bison Management Plan EIS Team
National Park Service – Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Dear Sarah Bransom,

Re: Comments on the Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park.

This letter supports the views of the 285 members of the Mt. Shasta Sno-Mobilers, Inc. These members represent Northern California, south to Simi Valley and north to Salem & Bend, OR. We have formed a snowmobile club network, covering the Sno-Riders in Redding CA, the Volcano Riders in Red Bluff CA, the Rouge Snowmobilers in Medford OR, the Klamath Basin Snowdrifters in Klamath Falls OR, the Mt. Jefferson Snowmobiles in Salem OR, and the Moon Country Snowmobilers in Bend OR. Our Club is an active member of the California/Nevada Snowmobile Assoc., the Blue Ribbon Coalition, the Oregon State Snowmobile Assoc., the Klamath Alliance for Resources & Environment, and the People for the USA. I feel between our networking and Club members we are better informed about issues, which may effect our sport and our freedoms.

Visitor Use: Existing groomed snowmobile routes in Yellowstone and Grand Teton National Parks should remain available for visitor use. Increased demand for snowmobile access to the Parks should be addressed by planning additional routes for future use. If there is increased demand for non-motorized routes in the Parks they should be developed in backcountry areas away from the existing paved roads that are groomed for winter snowmobile use.
Draft EIS, page 150, Yellowstone National Park: "...visitor use in Yellowstone is concentrated in the summer months, with 66% of the visitation in June, July, and August."

Visitor Safety: Snowmobile speed is heavily controlled in the Parks. Where snowmobiles and other users share the same routes, they should be adequately signed to ensure that all visitors are aware of the shared use. Cross-country skiers find it much easier to travel longer distances using the trails groomed for snowmobiles.

President: Eileen K. Maier [redacted] **Vice President:** David Patrick [redacted] **Treasurer:** Lynnette Jasmer [redacted] **Secretary:** Heather Weldon [redacted]

YELL-11,058 contd.

Community Expectations: Access to the Parks should be protected for the benefit of local residents, tourists, and tourism-dependant businesses alike.
• *Draft EIS, Page 162, Income:* "...retail trade and services account for approximately 40%-45% of each county's earnings."
• *Draft EIS, Page 162, Recreation Sector:* "Visitors to Yellowstone National Park from outside of Montana, Wyoming, and Idaho spent an average of $840.00 during their trips (Duffield 1992)."
• *Draft EIS, Page 162, Recreation Sector:* "A 1994 report on snowmobiling in Montana found nonresidents spent approximately $40 million annually in the state, and three-fourths of those nonresidents spent time in or near West Yellowstone..."
• *Draft EIS, Page 164, Recreation Sector:* "...December though March it was estimated that each west entrance visit accounted for $152.67 in expenditures in the West Yellowstone economy. Non-winter visitor expenditures were estimated to be $25.37 per visit."

Facilities: Yellowstone and Teton Parks are important winter, as well as summer, recreation destinations. Facilities in the Parks should be upgraded to accommodate increased visitor loads without causing undue environmental degradation.
•*Draft EIS, page 150, Overall Visitor Use and Experience:* "In the national parks, more than 95% of all recreation takes place at developed sites."

Resource Damage: The impacts of all Park visitors should be considered fairly. We support the efforts of the gateway communities to reduce snowmobile emissions by using oxygenated fuel and synthetic oils. We also support the enforcement of speed limits and noise regulations within the Parks.
•*Draft EIS, page 191, Public Lands:* "...those lands classified as wilderness in the Wideness Recommendation of 1992, which applies to 90% of the park."
•*Draft EIS, page 191, Public Lands:* "The development zone makes up the remaining 10%, and is broken down into two broad categories: developed areas and transportation corridors (NPS 1992). Bison are observed within both zones, although they are mostly within the natural zone."

Wildlife: The impacts of all visitors, winter and summer, must be considered in any evaluation of visitor impact on wildlife. No recreation interest group should be singled out for special scrutiny and considered "guilty until proven innocent."
•*Draft EIS, page 54, Bison Population Numbers:* "Population models suggest that the maximum number of bison that can live year-long in Yellowstone National Park varies between 1,700 and 3,500 bison, depending on forage production and winter severity."

• We oppose Alternative 2, the elimination of grooming of numerous roads in the park to "help control un-natural bison migration". This alternative would displace well over 50% of over-snow Park visitors. In addition, bison would continue to leave the Park during winter by following natural river corridor migration routes.

[redacted]

• We oppose Alternative 3, which would conduct research to whether the winter grooming of Park roads effect bison migration and would close roads if research shows that groomed roads contribute to bison migration out of the Park. The Park's own research has shown that bison leave the Park following traditional river migration corridors and not groomed roads. This fact was recently affirmed by the decision on the "Winter Closing of Yellowstone Park Roads EA". Mike Finley's decision in January of 1998 supports not adopting this alternative. Mr. Finly decided not to close any roads presently open to snowmobiles that are groomed for the purposes of study for the next three years. This decision shows that this alternative 3 approach is not correct!

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• We support Alternative 7 because it establishes a carrying capacity within the Park for bison and it also manages the bison population accordingly. This Alternative does not effect winter recreation and snowmobiling with road closures or road plowing. Alternative 7 is also the preferred Alternative of the Park Service.

No additional restrictions or trail closures should be necessary to protect Park resources. Remember, the original intent and purpose of the Park as stated on the original archway to the Park reads, "For the benefit and enjoyment of all the people". Please keep us on your mailing list to receive any additional information on this important project.

Sincerely,

Eileen K. Maier
Mt. Shasta Sno-Mobilers, Inc. President

YELL-9097

National Bison Association

Bison Management Plan EIS Team
National Park Service – Sarah Bransom DSC-RP
PO Box 25287
Denver, CO 80225-0287

October 15th, 1998

Dear Bison Management Plan EIS Team

Bison has become a very viable agriculture industry. The future of that industry will depend greatly on the outcome of the disease problem in Yellowstone National Park. Brucellosis must be eradicated from the Yellowstone bison and elk populations as soon as possible. The NBA supports Alternative #6 as amended by the United States Animal Health Association (USAHA). We would like to supplement the USAHA position by allowing surplus animals that have cleared the quarantine to be released to Native American tribes.

Official NBA Recommendation:

USAHA RECOMMENDED ALTERNATIVE

After a careful study and evaluation of all seven of the alternatives contained within the DEIS, we have concluded that none of the alternatives are acceptable as written. We therefore recommend the selection of Alternative six with the following alterations as the preferred alternative:

1. In the spirit of adaptive management as recommended in the NAS report (pp. 122, 123, NAS Report), immediately devise and implement an RB51 calf and yearling vaccination program in YNP to evaluate delivery systems and gain practical vaccination field use data for RB51 vaccine in YNP bison. RB51 vaccine has been shown through several trials to be safe in bison calves. At the same time contribute to develop efficacy data. Waiting for a "perfect" vaccine is a futile effort, as no such vaccine will ever exist.
2. Utilize empirical data from domestic bison herds and other public bison herds as the basis for implementation of adaptive management techniques (pp. 122, 123, NAS Report) for all adult vaccination of bison with a reduced dose of RB51 until such time as efficacy studies on adult bison are completed. Such an effort should begin with seronegative adult females as they are processed through capture facilities. **Note for parts 1, and 2 of this subsection: A computer model, as presented to the GYIBC on September 18, 1998 by John Gross, Colorado State University, strongly suggests that utilization of a vaccine, even one that had a low to moderate efficacy, could significantly reduce the prevalence and risk of transmission of brucellosis in bison and elk populations.**
3. The ten-year time line for phase one should be reduced to a five-year time line. Within the five-year period of time, there shall be an increased percentage of bison vaccinated annually, which should include adult vaccination. Initiation of phase two could be delayed if annual seroprevalence shows a statistically valid measurable reduction in risk of transmission to livestock species, from the benchmark of assigned risk, as a result of a comprehensive vaccination program. After year five, the standard used to measure risk reduction will be seroprevalence. If seroprevalence cannot be determined or remains the same, phase two should begin immediately. Vaccination must be continued until eradication of brucellosis from bison and elk of the GYA has been achieved.
4. Eliminate the West Yellowstone SMA. Only test negative bison will be allowed west of Seven Mile Bridge. Bison approaching the west boundary must be captured or destroyed by NPS personnel before they reach the west boundary. Captured bison may be returned to the interior, to the park or removed to an approved quarantine facility.
5. Reduce the proposed SMA on the north side of the park to the Little Trail Creek/ Eagle Creek Area. We are strongly opposed to the establishment of any SMA's in Montana; however, we can accept reduced SMA because of its designation as wildlife habitat since it's acquisition in the late 1980's.
6. Bison hunting could be allowed in the Little Trail Creek/Eagle Creek SMA should the state of Montana determine hunting is in the best interest of the citizens of the state and the state legislature approves bison hunting. We are not opposed to hunting of bison. We are opposed to the promise of a bison hunt as a guise to gain approval for SMA's.
7. Establish up to eight capture facilities throughout YNP as described in the original alternative. The facilities would be utilized to test and vaccinate animals in phase two of the modified alternative.
8. Utilize an approved quarantine facility for seronegative bison captured at the Seven Mile Bridge and Stevens Creek. The quarantine facility could also be utilized as part of the "adaptive management" strategy to evaluate the effectiveness of vaccines such as RB51 in seronegative adult bison and gain practical knowledge about the vaccine.
   - A quarantine facility should be constructed and put into operation as soon as possible if it is to be an effective alternative to destruction of seronegative bison. The facility should be located in an area that is far removed from cattle herds. The current Brucellosis Uniform Methods and Rules require the facility to be located within or adjacent to YNP or Grand Teton National Park. A facility could be ideally located to the capture facility at Stevens Creek. Another alternative would be to locate a quarantine facility near the capture facility at Seven Mile Bridge. Other possible locations could be in the Lamar Valley at or near the "Buffalo Ranch", or in the Madison River or in the Madison River area near the west boundary. All of these locations are close to the bison herds, so transportation and stress to the animals could be kept to a minimum. Additionally, these locations would retain the bison in the YNP environment and would keep quarantined bison away from cattle populations.
   - *Excess bison should be released to Native American tribes after clearing quarantine.*
9. The alleged "major adverse affect" on the nesting pair of Trumpeter Swans at Seven Mile Bridge could be mitigated allowing the establishment of a capture facility.
10. The potential "adverse affect" on Grizzly Bears that might be caused by the reduction in carrion available to bears in phase 2 of the alternative could be mitigated by providing seropositive bison captured during phase 2 to the bears. Rather than send out all seropositive animals to slaughter, some animals could be destroyed and placed in the same areas that bears have grown accustomed to finding bison carrion.

Bison population objectives for alternatives 6 are based upon estimated of removals through intrusive management. The population size is not in any way based upon a scientific evaluation of the capacity of the ranges of YNP to support the population. Based upon the data contained in the EIS (pp. 146, 147), the maximum population that YNP can support without egress of large numbers of bison from the park is 1,800 - 2,000. We strongly recommend that the bison population be kept to a maximum of 1,800 head until such time as scientifically valid research is conducted, by non-partisan range management experts, to prove that YNP has the capacity to sustain larger populations of bison and other ungulates. Alternative 6 with the forgoing amendments could be implemented without change to existing state and federal laws or regulations. We believe this amended alternative fulfills the purpose of action and fulfills each of the 9 stated objectives of the DEIS. We strongly urge that this amended alternative be implemented as the preferred alternative.

The National Bison Association represents over 2,200 members who raise over 250,000 bison in the US and Canada.

Sincerely,

Del Hensel

Del Hensel
President

Oral testimony provided at the Sheraton Palace Hotel, [redacted] on September 23, 1998

Comment No. 15187a
Ken Childs
National Bison Association
Star B Ranch

Well, when I came here and I was advised to come here, I was hoping I might be alone. My name is Ken Childs. I'm general manager of family owned and operated in [redacted]. We were established in 1979, and we purchased our first buffalo in 1980. I'm a past-president of the former American Bison Association. And I'm currently western regional director of the National Bison Association.

At Star B Ranch we produce high quality buffalo breeding stock. We also have our own brand of buffalo we distribute around the country. You have to look at from my perspective as a private rancher. Here we have what I would look as a very, very serious problem of brucellosis on Yellowstone.

We have got so many people out here that have got solutions, and as we all stand around and fight amongst ourselves to solve this problem, the buffalo are still standing, and they are still suffering. We, all of us, are responsible for this happening on Yellowstone, and I believe we all have to come together as a unified group and bring all of our philosophies into this and solve this problem. Brucellosis in the private sector is nothing to be messed with. It's an incredibly expensive problem to solve if you are in the livestock business one way or another. What they do, as a private rancher, if I have brucellosis on my ranch, the federal government will come in and put locks on all my gates. They will put me on quarantine, and then they go up to all my neighbors and put them on quarantine as well.

The next thing I knew I've got to go find an attorney. Having buffalo roaming around in private property is just asking for trouble. We are putting buffalo in more harm's way by allowing that to happen than we are by trying to solve all these problems about who is going to shoot them and solving these brucellosis problems. We are really putting animals, these buffalo, in a very poor, poor situation by letting them wander off out of a controlled area.

I believe the park should be controlled. There should be perimeters that bison respect to prevent the spread of the disease. When we talk about this disease, there again, I think everybody has got it analyzed, and it's a very simple deal. The buffalo receive brucellosis from cattle. They very easily transfer it amongst themselves. So the next step is, yes, they probably can transfer it. I don't think you have to be a rocket scientist to figure that out.

Yet we stand around here, and we analyze this stuff to death. My alternative, my plan, is for all of us to come together. We take the EIS We take the Plan B, the Citizen's Plans, we come together as a group, not waste time, and we focus on getting this problem solved.

Also I'm here representing the National Bison Association as a director. And one of the things that doesn't seem to come into this play a lot is the reaction from the private enterprise, the commercial business of American bison. And we are in a process as a group of putting together our comment on the EIS. Currently, it looks like we support a combination of Alternative 5 and Alternative 7. A quick and aggressive control of this problem I believe is the answer. And, yes, buffalo may die in this process. But this problem has to be resolved. I think every effort should be made that whether we are hazing buffalo back into the park or if we are having trouble, every effort should be made to control that animal and get it back alive and not hastily shoot it. That's simple stuff. These are animals that are diseased and are being shot, it creates a bad situation for me. I'm in the meat business. So a lot of these dead animals that are diseased, what do we do with this meat? There's a lot of answers there. It goes to the public system where they feed kids in schools. They have talked about going to some of the tribes for the children there and some of the school programs, and all that's great. But for me, as a private business, I can't afford to have diseased meat in a package of meat with my name on it.

So as you can see, there's a lot of problems here. What I'm trying to show is that the private enterprise here has a voice here as well. I believe the interest of all of us in our industry is to come together as a group and solve this problem.

Oral testimony provided at the Summer School, Museum and Archives, [redacted] *on September 17, 1998*

Comment No. 15130
Dr. Gary Weber
National Cattle and Feed Association

Thank you. My name is Dr. Gary Weber. I'm executive director of regulatory affairs with the National Cattle and Feed Association. The issue of Brucellosis is one which we have dealt with in the cattle industry for well over 50 years, and it's a bit unfortunate that the history of this disease is not well understood by very many people. There is probably one person in the room, Mr. Melcher, who has a vivid memory of what this has meant from a public health perspective and the cattle health perspective.

In this context we worked diligently for over 50 years to eliminate the disease. And quite frankly we have no quarrel with the bison at all. We have a major quarrel with this disease. It is a foreign animal disease, one which shouldn't be present in this country, and shouldn't be present in the bison in the greater Yellowstone area. I think we all support the natural intrinsic value of these bison, and certainly they shouldn't have a disease that was introduced to them when we have technology to eliminate it from them.

The Yellowstone bison herd from our assessment is the only bison herd in the United States, including those in federal and state control, in which vaccination is not used to control this disease. Our fondest hope is that over time we can use the vaccine to eliminate the disease in bison which has been documented to be effective in other herds, and ultimately end up with a bison herd which is free of disease, which can roam wherever it wishes to without presenting a risk to public health, animal health, and that sort of issue. Certainly this is achievable.

A number of plans contain facets which will allow achieving this goal over time, but we really have to be committed to move toward a science-based solution. I encourage you to read the National Research Council report which lays out a number of the facts regarding this disease, and we're dedicated to working cooperatively with the Park Service and with others to find a reasonable solution, No. 1, to eliminate this disease, protecting, as I said, both public health and animal health. I'm sure it's achievable if we can continue working together making decisions based on sound science. We will be contributing a very substantial document evaluating the various alternatives and trying our best to contribute to resolution of this issue. Thank you.

YELL 11,138

BEEF 100 YEARS USA

NATIONAL CATTLEMEN'S BEEF ASSOCIATION

[redacted]

October 23, 1998

Sarah Bransom
Interagency Bison Management Plan
DSC-RP
P.O. Box 25287
Denver , CO 80225-0287

Dear Ms. Bransom:

The 60 year and over $3 billion struggle to eradicate brucellosis from the United States is nearing completion. There are only 12 infected cattle herds in the U.S. and the brucellosis problem in the Greater Yellowstone Area (GYA) represents the most significant hurdle to eradication.

The Draft Environmental Impact Statement (DEIS), published in June 1998, represents a good start toward finally addressing this issue. However, alternative 7, as defined in the DEIS, is not an acceptable alternative for the U.S. cattle industry or state animal health officials.

We believe a modified alternative 6 is the only appropriate approach to dealing with the bison brucellosis situation. The attached comprehensive comments, developed in concert with the United States Animal Health Association, represent the most appropriate, science based means of dealing with this complex problem.

We have reached this conclusion for the following reasons:

> The U.S. is nearing eradication of brucellosis from the nations cattle herd. This has been a 60 year and over $3 billion struggle. It is imperative that we aggressively pursue eradication of brucellosis from the bison in Yellowstone National Park (YNP) since Brucellosis infected wildlife of the Greater Yellowstone Area (GYA) represents the only uncontrolled brucellosis infection remaining in the U.S.
>
> Brucellosis eradication in the U.S. is critical because this disease is a serious public and animal health threat...it is a serious zoonotic disease.
>
> Real-world experience, in both private and public bison herds, has proven that brucellosis vaccination programs for bison, coupled with proven brucellosis eradication management practices, can eliminate the disease. The only acceptable alternative must include a carefully designed vaccination program and proven brucellosis eradication management practices that are aggressively implemented.

[redacted]

YELL-11,138 contd.

The concept of using Special Management Areas (SMAs) to solve the bison problem is not an acceptable approach. The SMAs will result in an even greater population of bison in YNP and simply expand the park boundary exposing more livestock and wildlife to brucellosis.

The selected alternative must include a means of controlling the population of bison in the Park. The YNP can not sustain the numbers of bison that were present in 1996 without severe environmental consequences. Once the bison are disease free, they can be more easily relocated, providing a more acceptable means of population control.

The only alternatives in the Draft Environmental Impact Statement that approach fulfilling these essential criteria are Alternative 5 and a modified Alternative 6.

Therefore, we support selecting a modified Alternative 6 as defined in the attached comprehensive comments endorsed by the NCBA and the United States Animal Health Association.

Thank you for providing us with an opportunity to comment on this important issue.

Sincerely,

Burke Healey

Dr. Burke Healey DVM, Chairman
Cattle Health and Well-being Committee

Gary M. Weber

Gary M. Weber Ph.D.
Executive Director
Regulatory Affairs

Cc:
Secretary Dan Glickman, USDA
Craig Reed, APHIS Administrator
Don Barry, Assistant Secretary-Designate, Fish and Wildlife and Parks
Ray Clark, White House Council on Environmental Quality
State Affiliates, Member Organizations and NCBA Officers

For attachment see: Organization Section,
United States Animal Health Association,
YELL-9364

Oral testimony provided at the Holiday Inn, [redacted] on September 1, 1998

Comment No. 14913
Mark Peterson
National Parks and Conservation Assoc.

Good afternoon. My name is Mark Peterson. I'm the Rocky Mountain regional director for the National Parks and Conservation Association. I am here to speak on behalf of our 4,000 Colorado members.

Just 18 months ago, 1,100 wild bison, roughly one-third of the entire herd, were needlessly slaughtered by Montana livestock officials as they wandered out of Yellowstone National Park in search of forage during that very severe winter. Similar slaughters have taken place for the past decade as well. Now, for the first time in over eight years, the National Park Service and State of Montana are asking the public for their advice on a permanent bison plan. This plan, if implemented, would make quarantine and slaughter a regular practice. We believe we can do better.

NPCA opposes the government's preferred alternative. It sets artificially low, politically driven bison numbers for the area at 2500 animals without any science to back up that number. It minimizes bison use of public lands adjacent to the park. In essence, it favors the continued quarantine and slaughter method for managing bison at a very high annual cost to the taxpayer.

The plan, indeed, the controversy, is a document of contradictions. Here we have a plan that places livestock officials, not wildlife managers, in charge of wild bison herds. Does this make sense? We think not.

The draft plan justifies the bison slaughter by stating that some of the bison pose a threat to cattle grazing near the park. However, there has never been a documented case of brucellosis transmission from wildlife to livestock in the wild, even though wildlife have mixed with cattle near Yellowstone and Grand Teton National Parks for several decades. Does this make sense? We think not. Meanwhile, some of the area's 100,000 elk test positive for brucellosis, yet the government has no plan to address elk. Does this make sense? Again, we think not.

The plan would spend nearly $1.7 million a year on quarantines and killings in order to remove bison from being near the less than 2,000 cattle owned by 14 ranchers. Does this make sense? We think not. While 45 percent of the cattle graze on our public lands, for which the forest service receives less than $5,000 annually. Does this make sense, to prefer cattle over bison on our forest service lands? We think not.

In fact, much of the preferred alternative makes no sense at all. NPCA has been part of a broad-based coalition group studying the issue and adopting a commonsense, science-based plan called the Citizens' Plan to save Yellowstone buffalo, of which there are copies in the back. It minimizes bison killing while protecting private property and livestock interest. We favor the Citizens' Plan to save Yellowstone bison.

14913 contd.

We want to see a bison management plan that incorporates these concepts: One, don't touch bison in Yellowstone National Park. Leave them wild and free in the park. Two, create a larger special management area outside the park where bison can survive harsh winters managed by wildlife professionals. Three, develop science-based bison carrying capacities for these special management areas. Four, modify cattle grazing arrangements on the public's forest service lands to accommodate more bison; acquire critical lands from willing sellers. Five, require vaccination of cattle near the park. Six, create incentives that encourage landowners to modify livestock operations to increase winter forage opportunities for bison near the park. Then, when bison numbers exceed scientifically defensible carrying capacities, we favor relocation of bison to Indian reservations and public lands first, and a regulated harvest of bison when necessary, second. Finally, we would like to see a program to compensate private landowners if bison damage fences or other property.

Let's develop a bison plan that makes sense. Let's adopt these elements to protect bison and the interest of the livestock industry.

Oral testimony provided at the Sheraton Palace Hotel, [redacted] on September 23, 1998

Comment No. 15196a
Steven Krefting
National Parks and Conservation Association

Thank you. I work with the National Parks and Conservation Association as well as having a long history of volunteer involvement in other conservation environmental groups. The NPCA has participated with a number of other conservation groups, business owners, native American scientists, ranchers, sportsmen, and others to come up with a proposal called the Citizen's Plan.

And while my personal beliefs may be more in line with some of the more ideal proposals that have been stated here by others, I respect the process by which that climate was created and believe it may have the best chance to form the basis of a long-term solution that saves the wildness of the buffalo herd in Yellowstone.

We oppose all the alternatives in the Draft EIS. The preferred alternative would continue killing bison as they leave the park and would set nonscientific goals for the herd's optimal size, does not modify the grazing allotments on land the public already owns, and it ignores, as many others have raised, the issue of roaming elk and other species that carry brucellosis.

We support putting wildlife professionals in charge of bison management decisions. We support giving Yellowstone's herd access to the public lands outside the park. We support compensating landowners when their fences and other property are damaged by natural migrations of the bison.

We support creating incentives for landowners to change their grazing practices. And we support purchasing land and easements outside of the park to largely available land for the bison to roam on. The slaughter of two winters ago must never happen again.

I have not yet been to Yellowstone, but when I go there, I want to see a herd that I know is still wild and in a natural habitat. The government's alternatives have their priorities strongly misplaced. These animals and their whole ecosystem must be preserved for our future generations.

National Parks
and Conservation Association

ROCKY MOUNTAIN REGIONAL OFFICE

YELL-15367

MARK R. PETERSON
Regional Director

November 2, 1998

Bison Management Plan EIS Team
National Park Service
Ms. Sarah Bransom, DSC - RP
P.O. Box 25287
Denver, Colorado 80225-0287

Dear Bison Management Team:

Thank you for this opportunity to provide you with our comments on the *Draft Environmental Impact Statement (DEIS) for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park*.. These comments are on behalf of the National Parks & Conservation Association's (NPCA) 400,000 members from all 50 states, including our 1,500 Montana members. NPCA, founded in 1919, strives to "protect and enhance America's National Park System for present and future generations."

About 18 months ago, NPCA spearheaded an effort called Bison Belong to promote consensus over the Yellowstone bison controversy within the business community bordering the park. In just a few weeks, 250 local businesses had agreed to five principles regarding the issue. The points of agreement are:

- The wild bison is a symbol of the American West that must be protected;
- A healthy and wild Yellowstone bison herd contributes to the quality of experience of visiting the park, and is therefore crucial to the vitality of the Montana business community;

Rocky Mountain Regional Office [redacted]

National Office [redacted]

- (Participants) are firmly opposed to the unnecessary killing of wild bison and want an answer to the problem as soon as possible;
- State and federal governments must agree on suitable winter range on federal lands outside Yellowstone in Montana so that the wild bison herd centered in the park can roam safely into Montana during the winter season;
- The governor of Montana and federal officials must find a solution to the bison dispute now.

Even these general principles for consensus among the 250 local businesses would eliminate from further consideration Alternatives 5 and 6 in the DEIS, alternatives we consider to be radical and would polarize the issue even further.

We have strived to keep our Bison Belong businesses abreast of developments regarding this issue, through workshops and written communications. We have encouraged these businesses to provide their specific comments on the DEIS, and we know that a number of them have expressed their views. The remainder of the comments contained here reflect the views of NPCA.

With the exception of Alternative 2, all DEIS alternatives violate the NPS Organic Act. The Organic Act establishes the standard under which the Secretary of the Interior is to manage national parks. The Act requires the Secretary to administer the National park System to conserve scenery, natural and historic objects, and wildlife, and to provide for public enjoyment, while ensuring that the parks are left "unimpaired for the enjoyment of future generations." We maintain that NPS cannot be a party to any of the draconian measures offered here to severely restrict bison either within or adjacent to the park. To do otherwise is to violate their legal responsibilities.

The EIS must clearly state the specific criteria that the State of Montana will use to take actions detailed within the scope of the selected alternative, to do otherwise would be a violation of NEPA and MEPA. The State of Montana claims it must gain approval for actions planned outside of Yellowstone National Park regarding bison beyond its agreement in approving a final EIS. However, we believe that the state is a full participant in this EIS process and must sign any decision that is made. The EIS decision must specify how bison will be managed under the chosen scenario without leaving further approval to another process. Otherwise, the public has no assurance that the document prescriptions will ultimately be those that take place.

The DEIS should state under Objective 4 (p. 29) that elimination of brucellosis in bison and other wildlife cannot be achieved until a safe and effective vaccine is developed. The DEIS must make clear that this plan's objective is simply to manage the risk of brucellosis spread to livestock near the park. While the goal of elimination of brucellosis is a worthy one NPCA strongly supports, at this time the only realistic hope in

achieving this goal is the development of new technology. In the meantime, a risk management protocol is the main goal of this plan.

The DEIS must contain an objective to reduce the potential for elk reinfection of bison and to explore the issues surrounding the presence of brucellosis in elk and the ramifications for meeting the DEIS objectives and goals. While the DEIS recognizes that elk carry brucellosis in the Greater Yellowstone Ecosystem, it fails to evaluate this reality with the plan's objectives and alternatives. We believe this deficiency, if not corrected, is a violation of NPS policy and NEPA legal requirements. Wildlife scientists are uniformly in agreement that reducing the risk of brucellosis in bison must consider the disease in elk. Working towards elimination of the disease cannot occur unless the elk feedgrounds are closed or managed significantly different.

NPCA supports the Citizens' Plan to Save Yellowstone Buffalo. We believe this provides a reasonable, common-sense approach that meets all nine objectives that the DEIS requires to develop an alternative solution that is "reasonable." (pp. 28 - 30) and also satisfies the required legal and policy mandates (pp. 31 - 34). In addition, this alternative is the only alternative developed that enjoys the support of the widest spectrum of stakeholders in this issue, including sportsmen, local business owners, tribal groups, ranchers, scientists and conservation groups.

We oppose the alternatives in the DEIS including alternative 7, the preferred alternative. Alternative 7 would lead to an impractical and expensive system of bison capture, testing, transportation, and potentially unacceptable numbers of bison deaths. It also arbitrarily prohibits bison from using public lands outside the park. Further concerns with this and other alternatives are highlighted below.

Alternatives 5 and 6 conflict with the 1988 National Park Service (NPS) policy regarding preservation of recommended wilderness in the park. The policy states that preservation of the wilderness character of park lands recommended or being studied for wilderness designation must be maintained. This appears to conflict with DEIS alternatives which would establish bison capture facilities in eight locations within the park.

Maintenance of wild, free-roaming bison within Yellowstone National Park cannot be compromised in this plan. While NPCA supports non-intrusive research on bison and their movements within the park, Alternatives 5 and 6 would impose intrusive measures upon bison affecting the wild nature that NPS is legally mandated to preserve. In addition, we believe this would seriously erode the visitor experience. Viewing wildlife as wild and free-roaming is one of the most important reasons why people come to Yellowstone. From both an ecological and economic standpoint, intrusive measures would erode important values found here.

NPCA supports a larger special management area outside the park than any of the alternatives propose where bison can find necessary winter range. Special Management Areas must be prescribed by the lands bison are most likely to use during the

winter in the foreseeable future. A definite boundary then needs to be drawn accordingly. Anything less, such as proposed in the DEIS is arbitrary and capricious and thus is a violation of federal law under NEPA.

Forest Service policy and law requires the Gallatin National Forest to provide and protect wildlife species and their habitats to the fullest extent reasonably possible, however the Gallatin National Forest appears to place cattle allotments above bison needs in the DEIS. We support changing national forest allotments where bison use conflicts with cattle use of public lands. This arrangement can be accomplished by adjusting the type, timing or location of livestock use. Yet, again, the DEIS appears to be arbitrary and capricious in not specifying the process for allotment decisions even though these decisions are one of the most central features to any bison management plan. Indeed, with the controversy that surrounds this issue on the Gallatin National Forest, continued livestock use of these allotments must be analyzed through NEPA through an EIS document in order to adequately conduct the analysis and public involvement that is required.

Within the Special Management Areas outside the park, scientific bison carrying capacities must be developed. Currently the DEIS states carrying capacity for bison based solely upon factors present in the park itself. However, using this same number for carrying capacity in the entire area being managed for bison is inaccurate, arbitrary and capricious. The DEIS must establish ecologically-based carrying capacities that reflect the larger area available to bison, including the natural fluctuations that occur in any wildlife population.

Incentives must be developed to encourage bison compatible practices on private lands. The *Citizens' Plan* recognizes the opportunities that can be obtained for bison by create working relationships with landowners, something the DEIS ignores. We would urge the final plan to embark on a course of working to acquire private lands or conservation easements as the opportunities arise from willing sellers. Working with the Church Universal and Triumphant in this regard is critical and their willingness to negotiate terms represents a golden opportunity that must be pursued with all means possible. Incentives to private landowners could also be created to encourage certain grazing practices regarding the type, timing and location of livestock on private lands surrounded by or adjacent to public lands.

The DEIS is unclear on the impacts of significant bison reductions upon grizzly bear populations. Grizzly bears depend upon bison as a critical part of their diet, especially in the early spring and in the fall. The DEIS notes that alternative 5 (test and slaughter) would significantly decrease the availability of bison for grizzly bears. Given the protection afforded grizzly bears under the Endangered Species Act, the EIS has the legal responsibility to evaluate each alternative's impacts on this species.

When population limits are exceeded on lands adjacent to the park we support using only traditional wildlife management tools -- relocation of bison to tribal or

public lands and a regulated harvest -- as herd sizes approach the maximum ecological carrying capacity. The *Citizens' Plan* supports a pasture-type health certification facility located outside the immediate area of the park to facilitate transfer of live excess bison to Indian reservations or public lands. The DEIS allows for transfer of bison to other appropriate lands, public institutions, and qualified recipients. We strongly oppose the privatization and selling of live, wild animals from the park to individuals or private use. Transfer must occur to ensure safe and humane handling.

We support mandatory vaccination of cattle within and adjacent to the special management areas and on the park's northeast and east side. It is unclear to us how many ranchers are voluntarily vaccinating their cattle in these areas, many undoubtedly already do as the DEIS indicates. This practice is wise and prudent and is the most efficient, effective way to manage the risk of brucellosis in cattle. A legal requirement would provide the assurance that this is, in fact, being done and will continue long into the future regardless of changes in ranch ownership and economic conditions.

We support a voluntary program to compensate landowners for damage to fences and other permanent structures caused by natural bison movements. We would prefer to see the program sponsored by private entities in close coordination with NPS and the State of Montana, however, if this is not possible we believe public funds should be made available and dispersed according to specified criteria developed by these public agencies.

Wildlife professionals must be given responsibility for managing bison outside of the park. Management authority of wild bison outside the park must be returned to the Montana Department of Fish, Wildlife and Parks (FWP) from the Montana Department of Livestock (DOL). The DOL's responsibility and expertise lies within the realm of domestic animals. FWP's responsibility and expertise lies within the realm of wildlife habitat, population dynamics and wildlife management. The expertise and approach taken by each agency towards animals under its care is quite different. We believe the arrangement we seek here should be offered in one alternative of the DEIS.

The final plan should recognize the federal agencies' position regarding low-risk bison. APHIS, NPS and the USFS believe that a policy of tolerating low-risk bison (i.e., bulls, calves, yearlings and cows having already given birth) is based on a supported by the best available research, is sound and represents the optimum safe balance between maintaining a viable bison herd in the Park and protecting Montana cattle from the threat of brucellosis. A position that allows for the killing of these low risk animals is arbitrary and capricious and violates NEPA requirements in this regard.

We support the following actions also contained in the Citizens' Plan:

- Establish an interagency-tribal-public cooperative management team of wildlife professional to assist in determining bison management outside the park;

- Allow vaccination of bison within the special management area, but only when two standards are achieved: First, the vaccine must be safe and effective for bison and safe to other creatures in the ecosystem; Second, the vaccine must be administered in a non-intrusive manner;
- More research on brucellosis in wildlife and on risk management options;
- Future changes in road-grooming practices in the park if research shows that current practices are harming bison. Such changes require thorough environmental analysis and public review;
- Restrict bison from private lands if private property or human safety are threatened.

We believe the recommendations put forth here will result in a more desirable bison management plan that meets all objectives contained in the DEIS. We urge their adoption in the final plan.

Sincerely,

Mark Reed Peterson
NATIONAL PARKS & CONSERVATION ASSOCIATION

enclosure: List of Bison Belong businesses endorsing bison management principles

YELL-15367 contd.

These businesses support *Bison Belong*, a campaign to find a solution to the bison management problem at Yellowstone.

PLEASE SUPPORT THESE BUSINESSES.

Belgrade
Belgrade Books
Cassie's Gift
Double M Trading Company
Fire on the Mountain
Hawkline
Insty Prints
It's Greek To Me
The Little Red Hen
Sacred Cow
Spas Sports, Inc.
Stageline Pizza
Valley Pawn & Trade

Big Sky
Best Western Buck's T-4 Lodge
Big Sky Chalet Rentals
Big Sky Ski and Summer Resort
Dancing Water Antiques
Grizzly Outfitters
Hungry Moose Market
Lone Mountain Guest Ranch
The Lone Peak Lookout
The Lone Perk
Moose Rack Books
Mountain Home - Montana Vacation Rentals
Mountain View True Value
Peak Adventures
Rainbow Ranch Lodge

Bozeman
Terry Abelin, Montana Tourism Advisory Council Member
Accents West
The Art Shoppe
Artists' Gallery
Azteca
Bagel Barn
Beaucoup Framing and Gilding Studio
Big Sky Screenprinting, Inc.
Black Dog Ranch
Bohart Ranch Cross Country Ski Center
Bozeman Floral
Buffalo Exchange

Bozeman (cont.)
Cactus Records
Café Internationalé
Canyon Publications
Charlie's Deli
DG Designs
Ehnamani, Inc.
Explorer Magazine
F-11 Photo
Flying Photo
Grape Expectations
Great Harvest Breads
The Great Outdoors
The Great Rocky Mountain Toy Company
Heavenly Expressions
Hoi Polloi
Indian Uprising Gallery
Itchik Tea Company
Langohr's Flowerland
La Parrilla "The Grill"
Leaf and Bean Coffeehouse
Lindley House Bed & Breakfast
Liquid 360
M. Lauro
Mackenzie River Pizza
Barbara McMullen, Local Weaver
Montana Harvest Natural Foods
MountainFIT Health & Fitness Adventures
Mountain Home - Montana Vacation Rentals
Mountain Willow Healing Arts
Music Villa
New West Advertising, Inc.
Northern Rockies Natural History Tours
Odyssey
Off the Beaten Path
On The Rise
Paisley Merritt
Pickle Barrel
Poor Richard's News
R.J. Cain & Company
The River's Edge

Bozeman (cont.)
Rubedo Gallery
Stylon
Summit Bike
Through the Looking Glass
Tibetan Trader
Virgo Jazz City & Books
Video Rodeo
Wild Birds Unlimited
Wild Flour Bakery and Les Pains de Paris
Wood Shed

Butte
X.T.C.

Cooke City/Silver Gate
Beartooth Cafe
Big Bear Lodge
The Cooke City Bike Shack
Cooke City Store
High Country Motel
Joan & Bill's Family Restaurant
Yellowstone Trading Post

Emigrant
Yellowstone Riverview Lodge Bed & Breakfast

Ennis
G&J's Artworks

Gallatin
Gallatin Gateway Inn

Gardiner
Bear County Restaurant
Blue Haven Motel
Cecil's Restaurant
Helen's Corral Drive Inn
Lone Wolf
Off the Wall
Park's Fly Shop
Red's Blue Goose Saloon B.Q. & Steakhouse

Turn over for more businesses-
Revised October 7, 1997

Cottage Industries
DEBOS Pawn
FishTales
Gateway Books
Gil's Gift Shop
The Guest House Motel
Insty Prints
Jet Cleaner
Keepsakes by Design
The Lagoon
Leaf and Bean Coffeehouse
Livingston Floral & Gifts
James Mare, Spring Creek Specialist
Mark's In & Out
O'Byrne's Bookstore
Of the Earth
Out of Hand Gallery
Pizza Garden
Pizza Hut
Rainbow Enterprises
[illegible]

Mother Earth Greenhouse
Mountain People
Native American Trading
Outdoor Adventures
Red Lodge Drug Store
Red Lodge Mountain Resort
Super 8
Sylvan Peak Enterprises

Three Forks
Bud Lilly's Angler's Retreat
Magpie Books, LLP
Sacajawea Inn

Twin Bridges

Red Dog News

West Yellowstone

Blue Ribbon Flies
[illegible]

Summer Resort

Willow Creek
Willow Creek Gallery

Yellowstone National Park
Amfac Parks & Resorts
Grant Village Visitor Center

YELL-2838

NATIONAL RIFLE ASSOCIATION OF AMERICA

[redacted]

Education & Training Division
Hunter Services Department

[redacted]

August 28, 1998

Ms. Sarah Bransom
Bison Management Plan EIS Team
National Park Service
P.O. Box 25287
Denver, CO 80225-0287

Dear Ms. Bransom:

Thank you for the opportunity to review and comment on the Draft Environmental Impact Statement(EIS) for the Interagency Bison Management Plan in the State of Montana and Yellowstone National Park, released for public review and comment on June 1, 1998. The Interagency Bison Management Plan would maintain a wild free ranging population of bison and address the risk of brucellosis transmission from bison to domestic livestock to protect the economic viability of the livestock industry in the state of Montana. The EIS Team has done an excellent job in presenting an extremely complex management situation. The National Rifle Association of America (NRA) supports a modified Alternative 7. Our comments are as follows.

Alternative 1: No Action.
The Interim Bison Management Plan would be adopted as the Final Plan under Alternative 1. While there have been a number of changes made in the interim plan in response to changing conditions, it does not include established bison population numbers to be used as a basis for management actions. Additionally, there is no provision for a managed hunt as a means of keeping the bison population within the capacity of its range. We agree with the EIS team that this is not an acceptable alternative for the long term.

Alternative 2: Minimal Management.
Alternative 2 implies management by "boom and bust." In the absence of either substantial numbers of large predators or hunters, the bison population could be expected to increase until either disease, habitat depletion or both cause a population decline. Even when the habitat acquisitions envisioned are realized, the population of bison will eventually expand to the limits of the extended habitat area and the scale of such management issues as disease control , habitat damage and bison mortality can be expected to be even greater than those faced under the interim management plan.

Alternative 3: Management with Emphasis on Public Hunting.
Alternative 3 includes a range in bison population numbers to indicate when certain management measures should be initiated. Hunting would be the primary method of population control. The NRA recognizes that there will be a storm of protests to any alternative that involves hunting. However, a well managed hunt is far more desirable than either massive die offs or culling to reduce population levels. Also, public hunting brings economic benefits to local communities.

Alternative 4: Interim Plan with Limited Public Hunting.
Alternative 4 has some of the attractive features of Alternative 3, including the establishment of appropriate management levels for bison. However, public hunting may be limited to a point that it can not be as effective in managing the bison population as it should be.

Alternative 5: Aggressive Brucellosis Control within Yellowstone National Park through Capture, Test and Removal.
In Alternative 5, the focus is too narrow. Disease control appears to be the only real consideration.

Alternative 6, Aggressive Brucellosis Control Within Yellowstone National Park through Vaccination.
As with Alternative 5, disease control appears to be the only real consideration.

Alternative 7: Manage for a Specific Bison Population Range.
Alternative 7 appears to establish the best balance between disease control and bison management. The size of the bison herd to be managed is somewhat smaller than in Alternatives 3 and 4, however there is ample flexibility for management. Hunting is recognized as a herd management method. However, in phase one of the habitat acquisition process, hunting would only be permitted on public lands at Eagle Creek/Bear Creek. There is no obvious reason not to provide for hunting on both public and private land in all SMA's, as the lands are acquired and/or incorporated into the Bison Management Plan area. Therefore, we recommend that the Service amend the bison hunting provisions of Alternative 7 to provide that "with approval of the Montana legislature, the State of Montana institute a managed hunt on both public and private land in all SMA's during the winter (October -February) as the primary method to manage population numbers and distribution." With the foregoing amendment, we recommend that the Preferred Alternative be implemented as the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park.

Additionally, we recommend that the National Park Service urge the Secretary of the Interior to seek legislation to authorize hunting inside Yellowstone National Park. With a managed herd inside the Park, disease control costs might be reduced or even eliminated. Hunting inside the Park could be a source of funds to assist with Park programs and projects and the local economic picture could be expected to substantially improve with increased hunting related revenues.

Again, thank you for the opportunity to participate in the EIS process.

Sincerely,

Susan Lamson

Susan Lamson, Director
Conservation Wildlife & Natural Resources Div.

Billy R. Templeton

Billy R. Templeton, Wildlife Specialist
Hunter Services Department

Oral testimony provided at the Sheraton Palace Hotel, [redacted] on September 23, 1998

Comment No. 15211o
Theodore Mertig
National Rifle Association

I'm from [redacted]. And I'm the chairperson of the Coalition of the National Rifle Association members for the reintroduction of the Mexican wolf. We haven't turned around and added buffalo to that yet, but I sure think we should do that ASAP. We feel that the buffalo is a symbol of American freedom. It should be able to be free roaming in the Yellowstone ecosystem and should be reintroduced in larger numbers in the Dakotas, wherever there is land to support that. And that's basically all I have to say on that. Thank you.

14,819

NATIONAL WILDLIFE FEDERATION®
People and Nature: Our Future Is in the Balance

Rocky Mountain Natural Resource Center

November 2, 1998

Bison Management Plan EIS Team
National Park Service
Sarah Bransom DSC-RP
PO Box 25287
Denver, Colorado 80225-9901

RE: Comments on DEIS for Interagency Bison Management Plan

Dear Ms. Bransom:

The National Wildlife Federation ("NWF") respectfully submits our attached formal comments on the Draft Environmental Impact Statement (DEIS) for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park (YNP). As you know, NWF has been actively involved in efforts to achieve a responsible management plan for the Yellowstone bison herd, including the development and presentation of the Citizens' Plan — a unique, complete and reasonable option for resolving the current slaughter of the largest wild and free-roaming bison herd in our country.

As the nation's largest member-supported conservation education organization, the National Wildlife Federation unites people from all walks of life to protect nature, wildlife, and the world we all share. NWF has educated and inspired families to uphold America's conservation tradition since 1936. Our common sense approach to environmental protection brings individuals, organizations, and governments together to ensure a brighter future for people and wildlife.

As we've expressed on numerous occasions and during recent public hearings, NWF is extremely concerned about significant deficiencies in the DEIS and, frankly, we do not believe the document achieves compliance with the National Environmental Policy Act (NEPA). Among other things, the DEIS (1) wholly ignores the Citizens' Plan, a proposal overwhelmingly supported by the public, interested tribal governments, and

[redacted]

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concerned conservation organizations; (2) fails to utilize best available science and omits critical scientific detail; (3) inadequately identifies the purpose and need for the DEIS; (4) withholds or omits relevant information regarding the environment affected by this controversial federal action; (5) fails to address or objectively analyze a full range of alternatives as conclusively mandated by NEPA (*see, e.g.,* Dubois v. United States Department of Agriculture, 102 F.3d 1273 (1st Cir. 1996); (6) does not meet the requisite level of detail with respect to many facets of alternatives which are discussed (*see, e.g.,* Sierra Club v. Espy, 38 F.3d 792 (5th Cir. 1994); (7) fails to adequately address the cumulative impacts associated with proposed alternatives; (8) is devoid of any meaningful consideration of mitigation measures necessary for a viable analysis; (9) inappropriately "segments" issues which must be addressed in their entirety; (10) fails to meaningfully consult with and involve impacted Native American governments; and (11) inadequately addresses public comments and concerns raised during the scoping and comment processes.

These insufficiencies render the DEIS inadequate, and are described in greater detail in our attached comments.

Accordingly, we call upon the agencies involved to issue a Supplemental Draft Environmental Impact Statement which fully and completely assesses the impacts of the Citizens' Plan as a distinct and unique alternative. We do not foresee this as an unreasonable delay because most of the aspects of the Citizens' Plan can be addressed and evaluated without undue delay. All that would be required would be for the agencies to work collegially, in an atmosphere of cooperation, rather than the divisive, confrontational approach that has characterized their relationship to date.

Including the Citizens' Plan as a unique and intact alternative is only one of the reasons to prepare a Supplemental EIS. A supplement will provide the opportunity to correct the inaccuracies and contradictory aspects of the DEIS. A supplement would also provide the perfect vehicle to reveal to the public the data and information found lacking in this DEIS. This Supplemental EIS would better provide the public with the insight it needs to accurately and fairly evaluate the management schemes proposed and determine the veracity of predicted impacts.

We also call upon Governor Racicot to assure the public of adequate opportunity for involvement as this process moves forward. It is imperative that the Governor assure the public that any future decisions deferred or delayed by any Record of Decision will have full and complete public involvement, including the opportunity to comment and appeal any decisions through the appropriate mechanisms. We also request specific assurance from the Governor that any future and subsequent decisions will not repeat the

mistakes of the past and disregard the best science and factual data in formulating a decision from the state of Montana.

Thank you for the opportunity to participate in the public process and we trust your consideration of our comments will result in significant modification of the DEIS, the issuance of a Supplemental Draft Environmental Impact Statement, and the selection of the Citizens' Plan as the preferred alternative.

Stephen C. Torbit Ph.D.
Senior Scientist

Kimberly J. Graber
Counsel

Enclosure

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Specific Comments on Yellowstone Bison DEIS

As described in our cover letter, NWF has grave concerns regarding the legality of the DEIS as a consequence of its failure to comply with the legal framework and requisites mandated by NEPA.

Federal law is unambiguous in its requirement that an environmental impact statement examine and discuss all reasonable alternatives. Indeed, 40 C.F.R. § 1502.14 explicitly emphasizes that the "consideration of alternatives is the *heart* of the environmental impact statement." (Emphasis added). An agency thus has a duty to "study all alternatives that appear reasonable and appropriate for study ... *as well as significant alternatives suggested by other agencies or by the public during the comment period.*" Dubois v. United States Department of Agriculture, 102 F.3d 1273, 1286 (1st Cir. 1996), quoting Roosevelt Campobello Int'l Park Comm'n v. United States EPA, 684 F.2d 1041, 1047 (1st Cir. 1982)(emphasis added). In Dubois, *supra,* the Court evaluated the issuance of a Forest Service permit to expand a skiing facility, ultimately finding the Forest Service EIS inadequate because it failed to explore all reasonable alternatives for the expansion. Moreover, an environmental impact analysis must "*rigorously explore and objectively evaluate* all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated." *Id.*at 1286 (emphasis added). Significantly, the failure of a DEIS to adequately address a reasonable alternative is *fatal* to the NEPA process: "[t]he existence of a viable but unexamined alternative renders an [EIS] inadequate." *Id.* at 1287.

Although we recognize that an agency need not address "every conceivable alternative", *see, e.g.,* National Wildlife Federation v. Federal Energy Regulatory Commission, 912 F.2d 1471, 1485 (D.C. Cir. 1990), numerous cases firmly establish an agency's duty to consider all reasonable alternatives in an EIS. *Id.* at 1485 (NEPA requires agency to consider all reasonable alternatives to proposed action); Natural Resources Defense Council v. Hughes, 437 F.Supp. 981, 990 (D.D.C. 1977) (EIS for federal coal leasing program failed to discuss alternatives, NEPA requires "sufficient information to permit reasoned choice of alternatives); and Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council, 435 U.S. 519, 552, 98 S.Ct. 1197, 1216 ("Comments [of intervenors] must be significant enough to step over a threshold requirement of materiality before any lack of agency response or consideration becomes of concern).

Moreover, "[o]ne purpose of the EIS requirement is to provide decision makers with sufficiently detailed information to aid in determining whether to proceed with the action in light of its environmental consequences." Dubois, *supra*, 102 F.3d at 1287. The standard for determining whether an agency has met the level of detail requirement is "whether an EIS contains a reasonably thorough discussion of the significant aspects of the probable environmental consequences." *Id.* Elements cited by the court for use in determining whether

the rule of reason has been met include (1) "whether the agency has gone beyond mere assertions and indicated its basis for them"; (2) if the agency "[fully explicated] its course of inquiry, its analysis and its reasoning"; and (3) "[t]he agency must squarely turn all procedural corners in its EIS". *Id.*

While the DEIS addresses a broad range of issues, many of these issues are not covered in detail sufficient to allow both the public and the agencies involved to make an informed decision. These "level of detail" deficiencies focuses on the agency's failure to explore the background and alternatives presented in an EIS to a level sufficient to allow a reasoned decision. As one court explained, "[a]n EIS must contain a detailed statement of the expected environmental consequences of an action, the resource commitments involved in it, an the alternatives to it." Sierra Club v. Espy, 38 F.3d 792, 802 (5th Cir. 1994).

Again, numerous cases have addressed the need for sufficient level of detail in an EIS. *See, e.g.,* Marble Mountain Audubon Society v. Rice, 914 F.2d 179, 181 (9th Cir. 1990) (EIS inadequate because NFS failed to take "hard look" at selected alternative); Sierra Club v. United States Army Corps of Engineers, 772 F.2d 1043, 1054 (2nd Cir. 1985) (level of detail must be sufficient to "enable those who did not have a part in the EIS compilation to understand and consider meaningfully the factors involved); Warm Springs Dam Task Force v. Gribble, 621 F.2d 1017, 1026 (9th Cir. 1980) (the level of detailed required is greater when environmental risks increase, EIS need not discuss remote or highly speculative consequences); and Natural Resources Defense Council v. Hughes, *supra,* 437 F.Supp. at 990 (EIS on federal coal leasing program deficient for failure to discuss whether program should be undertaken at all).

The DEIS' failure to adequately provide a sufficient level of detail is closely intertwined with its responsibility to evaluate the cumulative impacts associated with the proposed alternatives. NEPA regulations define "cumulative impact" as:

> The impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-federal) or person undertakes such actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

40 CFR § 1508.7. As discussed at length below, the DEIS at issue here violates both this requirement and the level of detail requirement by insufficiently analyzing the cumulative impacts associated with all seven proposed alternatives.

Further, the DEIS illegally segments issues which must be addressed in their entirety. A DEIS is legally invalid if an agency seeks to avoid NEPA requirements "by segmenting an overall plan into smaller parts involving action with less significant environmental effects." City of West Chicago Illinois v. United States Nuclear Regulatory Commision, 701 F.2d 632, 650 (7th

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Cir. 1983). Here, by way of one example, the DEIS specifically states that it does not analyze brucellosis in the GYA elk populations (preferring the issue to be addressed in a future planning process). DEIS at 46. Yet alternative 6 explicitly predicates the length of vaccination control programs upon the "success of ongoing efforts to control brucellosis in the Wyoming elk population." DEIS at 99. This action also violates NEPA's requirement that all actions be considered in their entirety. *See, e.g.*, National Wildlife Federation v. Federal Energy Regulatory Commision, *supra,* 912 F.2d at 1477; and Natural Resources Defense Council v. Hughes, *supra,* 437 F.Supp. at 992.

Significantly, despite the fact that this entire process and the impacts of any chosen alternative will *undeniably* have significant effects on surrounding Native American tribal culture and lifestyle, the Park Service has failed to meaningfully consult with and consider the concerns of impacted Native American governments — including the Cheyenne River Sioux Tribe, the Northern Cheyenne, the Northern Arapaho, the Crow Tribe, the Nez Perce Tribe among others. NEPA requires that "as part of the scoping process the lead agency shall: (1) Invite the participation of ... any affected Indian Tribe." 40 C.F.R. § 1501.7(a)(1). In addition, to confirm and clarify the fact that federally recognized Indian Tribes are automatically entitled to government-to-government relations, President Clinton issued a well-publicized Executive Memorandum on April 29, 1994. The memorandum instructed executive departments and agencies, including their component bureaus and offices, as to their relations with Indian tribal governments, directing that:

> Each executive department and agency shall consult, *to the greatest extent practicable* and to the extent permitted by law, with tribal governments *prior to taking actions that affect federally-recognized tribal governments.*
>
> Each executive department and agency shall *assess the impact* of Federal Government plans, projects, programs, and activities on tribal trust resources and *assure that tribal government rights and concerns are considered* during the development of such lans, projects, programs and activities.

Memorandum for the Heads of Executive Departments and Agencies, Subject: Government-to-Government Relations with Native American Tribal Governments, 59 Fed. Reg. 22951 (April 29, 1994)(emphasis added). *See also* American Indian Religious Freedom Act ("AIRFA"), 42 U.S.C. § 1996; Wilson v. Block, 708 F.2d 735 (D.C. Cir. 1983)(to comply with AIRFA, federal agencies must, in the decision-making process, obtain and consider views of Indian leaders before undertaking a land use project).

The Park Service, as an agency of the federal government, also has broad fiduciary obligations to Indian Tribes, akin to that of a guardian to a ward. *See, e.g.*, Seminole Nation v. United States, 316 U.S. 286, 296-97 (1942). Any federal action is subject to this trust responsibility. Nance v. EPA, 645 F.2d 701, 711 (9th Cir. 1981). In this case, as discussed more

fully below, the failure to address the Tribes' interests in the Yellowstone bison herd is a fatal flaw in the DEIS. Northern Cheyenne Tribe v. Hodel, No. CV 82-166-BLG, 12 Indian Law Reporter 3065 (D. Mont. 1985)(voiding major coal leases for failure to meaningfully consider tribal rights in the EIS).

Finally, the National Wildlife Federation, in conjunction with the Intertribal Bison Cooperative, has issued a seven point plan entitled, Our Common-Sense Program To Solve The Alleged Buffalo-Brucellosis Problem. This plan has become the central management element of the "Citizens' Plan". As recognized by numerous commentators, this is a completely self-contained plan for dealing with the brucellosis issue. The DEIS has marginalized this plan by fragmenting parts of it between the various alternatives, paying mere lip service to other parts, and completely ignoring some of the alternatives suggested in this plan. In order to give full weight and credence to the large number of citizens who worked to provide your agency with this viable alternative, the Citizen's Plan must be included in its entirety as a separate alternative in the Final EIS.

For the more detailed reasons set forth below, the DEIS is legally insufficient.

The DEIS as written ignores the scientific merits of a program to control brucellosis in the Yellowstone bison herd. There has been no scientific documentation that transmission has ever occurred from free-ranging bison to cattle, there are no data from cattle tested in Montana to document that brucellosis has reappeared in Montana's cattle herds and there is no documentation of an overlap in cattle and bison distribution during the period when transmission is theoretically possible. This DEIS continues to ignore science and reality by proposing many draconian control measures for a public wildlife resource unique in the United States, all to benefit the political power of a single minded special interest and their bureaucrats.

The DEIS fails to utilize the best available science and omits critical scientific detail,-- including important data regarding cattle vaccination and testing as well as very critical data from bison slaughtered during the winter of 1996-97. The public has a right to access this information to meet full disclosure requirements under NEPA. This information and these data are critical to decision- makers for the decision- making process to have any integrity. It is apparent that the agencies wish to promulgate decisions and provide public information in an atmosphere of perception and manipulation, rather than a factual and scientifically based foundation. Not only is the lack of data a fatal flaw in all the alternatives, it leads the public to the inevitable conclusion that the subsequent decisions deferred by this DEIS to the state of Montana, specifically the Montana State Veterinarian, will continue to be scientifically flawed, based on perverted data while ignoring determinations made by the Greater Yellowstone Interagency Brucellosis Committee (GYIBC) (determinations made with the concurrence of the Montana State Vet), the National Academy of Science, independent scientists and federal veterinarians, all to achieve a political goal rather than a factually based, scientifically supportable decision. No data are presented to document any transmission from wild Yellowstone bison to range cattle.

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No data are presented to document there is any overlap in distribution of bison outside of Yellowstone National Park and cattle during the critical period when transmission is theoretically possible. No data are presented to document any abortions by bison inside or outside of Yellowstone. There are no admissions regarding the lack of correlation between brucellosis blood tests in bison and positive tissue culture results for those same bison. The public is being asked to buy into a draconian solution for a problem that has not been shown to exist or exists only in theory.

It is certainly curious to note that one of the most often cited techniques to deal with the bison/brucellosis issue by Montana and the livestock industry is to reduce the bison population of Yellowstone. The same state agency personnel crying over the horrible risk of transmission of brucellosis, a disease that has only been documented to be transferred among ungulates by abortions, also complain about the burgeoning bison population and the need to reduce it. How can these two positions be tenable? If abortions occur in large numbers and therefore the risk of transmission is high, how can the bison herd continue to grow so much that it is a source of irritation? It begs the question as to whether brucellosis is the real issue here or if there is some other alternative agenda being forced upon the public by the state of Montana and its Department of Livestock. Perhaps that is why Montana continues to kill bison bulls, calves and yearlings, animals incapable of spreading the disease.

The recent report of the National Academy of Sciences (NAS) entitled "Brucellosis in the Greater Yellowstone Area" must be included in its entirety. All decisions regarding a preferred alternative, objectives and impact must factor in the scientific findings of that report. It is imperative that the Governor of Montana assure the public that the discretionary decisions authorized in the DEIS will incorporate and consider as best available science the findings of the National Academy of Science. The DEIS must list scientific criteria necessary to guide these future decisions on this conflict. We will highlight below the specific findings of the NAS Report that are critical to this NEPA process, findings that must be disclosed to the public and used in any and all subsequent decisions regarding the bison management plan.

Much of the controversy about this issue swirls around vaccination. Many of the alternatives in the DEIS describe using vaccination to reduce prevalence and to reduce the risk of transmission to livestock. NWF agrees that vaccination of bison is a tool that should be developed and used **when a vaccine that is safe and effective for bison and non-target species is developed.** It is imperative to specify what the criteria are for a safe and efficacious vaccine prior to any decisions regarding the use of vaccines. During many of the public hearings on the DEIS, some livestock advocates strongly urged entering Yellowstone Park now and using existing vaccines to reduce prevalence of brucellosis in bison. We urge the state of Montana and the federal agencies to strongly resist these calls for use of vaccines now, because there are many known problems with the existing vaccines and there are even more unknown problems with the existing vaccines. Again, we defer to the National Academy of Science report on the topic of vaccines and vaccinations. We outline below our concerns with the existing vaccines (Strain 19

and RB51) and suggest criteria for developing a safe and effective vaccine. We also cite the relevant portions of the NAS Report to support our positions.

Strain 19

Strain 19 was formerly the vaccine of choice for livestock operators and is responsible for lowering the prevalence of brucellosis in the cattle industry. However, Strain 19 had significant problems that stimulated research for a replacement vaccine.

First and foremost is that animals vaccinated with Strain 19 animals will react positively to the standard brucellosis blood tests. Only with accurate vaccination records were producers able to discriminate between animals that might have been exposed to the disease and animals that had been vaccinated. This is also a problem with wildlife, bison will also react positively to brucellosis blood tests if they have been vaccinated with Strain 19. Without adequate records and unique markings, bison vaccinated with Strain 19 will be considered positive for exposure. Strain 19 is dangerous to humans, if accidently injected into a human, the vaccine will cause undulant fever in humans. There are numerous opportunities for the accidental injection of Strain 19 in a person working with wild bison and the risk is too high to tolerate. According to the NAS Report:

- "None of the LPS-based serological tests discriminate between vaccine strain 19 and field strains of *B. abortus*; they may detect differences in magnitude or persistence of brucella antibodies induced by those strains but not qualitatively different responses." (NAS - page 28)

- "It (strain 19) has several disadvantages: **it is infectious for and causes disease in humans** (emphasis added); when given to pregnant cattle, it infects the placenta and can cause abortion; and it induces serologic responses in vaccinated calves that cannot be discriminated from serologic responses caused by field infections." (NAS - page 90)

Additionally, the effectiveness of Strain 19 in bison is doubtful. Although Strain 19 was used for years in commercial bison herds, that anecdotal information is insufficient to justify any proposed use of Strain 19 in bison. Again, the NAS Report provides the scientific leadership necessary to justify decisions not to use Strain 19 in a wild and free roaming bison herd. Specifically, NAS states:

- ".....S19 appeared to be more virulent in bison than in cattle and caused a high incidence of abortion when given to pregnant bison." (NAS - page 91)

- "At a reduced dose in adult bison, S19 does induce some protection against experimental

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challenge but also induces a high percentage of abortions (Davies et al. 1991)." (NAS page 91)

- "In most cases of S19 use in bison; no abortion, anaphlyasis, lameness or other sequalae associated with vaccine use have been noted. **However, records of vaccine use and effect have not been kept for most herds.**" (Emphasis added) (NAS - page 91)

Only one conclusion can be drawn from this evaluation of Strain 19: it is simply too dangerous and ineffective to justify any use in wild bison.

Additionally, to suggest use of Strain 19 in coordination with an aggressive test and slaughter program for Yellowstone's bison would be a deliberate attempt to manipulate and mislead the public. By using Strain 19, animals that formerly tested negative for exposure to brucellosis will seroconvert and subsequently test positive. The National Park Service will then be under even more pressure to take an even more aggressive test and slaughter program to stop the increasing level of test positive bison in Yellowstone. The vaccination program itself will increase the level of sero-positive bison and increase the number of bison Montana demands be killed. This program will be self-fulfilling -- the more you vaccinate, the more will test positive, the more bison Montana will force you to kill, which is exactly what they want, as many dead bison as possible.

RB51

The only vaccine certified for use in the cattle industry currently is RB51. It has many advantages over Strain 19, exactly why it has replaced Strain 19 in the cattle industry. RB51 will not cause infection in humans and it does not result in a false positive blood test for vaccinated animals. However, RB51 was developed for cattle and has never been proven safe or effective for use in bison. RB51 is currently being investigated by numerous state and federal researchers for use in bison. Ultimately, RB51 may be used in wild bison, but until the research is completed, use of RB51 with Yellowstone bison would be premature and irresponsible. The NAS report reviewed the various aspects of use of RB51 in bison and concluded:

- "RB51 has tropism for the bison placenta. It has been shown experimentally to cause endometriosis and placentitis that result in abortion in pregnant bison. Of eight bison cows given RB51, two aborted (68 and 107 days after vaccination). RB51 was isolated from the cows' reproductive tissue and supramammary lymph nodes and from fetal bronchial lymph nodes and amniotic fluid. The vaccine dose used was similar to that used in cattle and might be appropriate for bison (Palmer et al. 1996)." (NAS - page 93)

- "RB51 might not be as effective in bison and elk as in cattle, although data on this are not adequate to know." (NAS - page 93)

The NAS Report developed criteria for assuring vaccines are safe and effective in the vaccinated host. These criteria (provided below) must be included to disclose to the public how a vaccine will be certified safe and effective. The NAS criteria are:

NAS Criteria for Establishing Biosafety in Vaccines

- Clinical signs of acute disease do not appear after vaccination.
- Bacteria are not present in nasal secretions, saliva, or urine.
- Bacteria do not persist in the bloodstream for more than 3 days.
- Bacteria do not persist in lymph nodes for more than 16 weeks.
- Evidence of humoral or cellular immunity is present 14 days after infection.
- No inflammation or chronic tissue injury appears.
- Neither placentitis nor abortion occurs in pregnant animals.
- Immunosuppression after 16 weeks does not cause recrudescence.
- Bacteria recovered after 12 weeks growth in the host are genetically identical with the vaccine strain.

Additional cautionary notes must be included in the DEIS to alert the public to the limitations of vaccination of Yellowstone's bison. Despite the DEIS attempt to isolate its activities from other aspects of the brucellosis disease issue in Yellowstone, it is irresponsible to ignore that many of Yellowstone's elk also test positive for the disease. It is misleading to the public to not disclose that any vaccination program for Yellowstone's bison will achieve less than 100% success without some action to reduce the prevalence of test positive elk in the Yellowstone System. A brucellosis reservoir will remain in the area and it is likely that the bison will be reinfected by elk. Therefore, any suggestions that the disease can be eliminated in the bison population without a simultaneous reduction in the disease in elk is manipulative. The NAS Report addresses this issue regarding the effectiveness of any vaccination program by stating:

- "It is unlikely that a vaccination program for bison would succeed without a preliminary or concomitant program for elimination of brucellosis in elk." (NAS - page 106)

- "However, until a long-term controlled vaccination study is done, no assumptions about whether brucellosis can be eliminated by vaccination should be made." (NAS - page 106)

Finally, the conclusion of the National Academy of Science Report regarding brucellosis eradication versus risk reduction and management must be incorporated into the DEIS and used to guide agency decisions. The summary conclusion of the NAS Report was:

- "Because neither sufficient information nor technical capability is available to implement a brucellosis-eradication program in the GYA at present, eradication as a goal is more a statement of principle than a workable program. The best that will be possible in the near

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future will be reduction of the risk of transmission of *B. abortus* from wildlife to cattle." (NAS - page 122)

The National Wildlife Federation concurs with this recommendation. We have advocated for years a management approach that emphasizes risk reduction and management and our "Citizen's Plan" is a tangible outcome of that advocacy. We certainly expect the DEIS and the ultimate decisions on this issue to be guided by the wisdom of this conclusion from the NAS Report.

Purpose and Need

Introduction

The introduction needs serious revision, inclusion of appropriate data and characterization of this nonexistent problem. Acknowledge there is no documented biological problem and then describe the only thing driving this whole issue is the APHIS goal of eradicating the disease in livestock. One simple alternative that could be explored is modification of the APHIS regulations and policies to explicitly state the eradication goal only applies to livestock, not wildlife. This would put the whole issue to rest with minimal expenditure of public funds.

Background

This section must be modified to include more definitive information -- it is remarkable in its lack of factual information pertinent to this whole controversy. Specifically, the public requires the following information to fully assess the problem and the impacts associated with the specific alternatives. We recommend at a minimum the following data be provided:

1) specific instances (or the lack thereof) of the disease being transmitted from wild Yellowstone bison to range cattle in the Greater Yellowstone Area.

2) the total number of abortions that have a occurred inside and outside of Yellowstone National Park by Yellowstone bison.

3) the overlap in distribution of bison and cattle outside of Yellowstone National Park during the season of theoretical transmission of brucellosis by bison.

4) the interaction of Yellowstone's elk and bison in maintaining the disease in both populations.

5) the lack of an approved safe and effective vaccine for bison or elk.

6) the efficacy of RB51 in preventing brucellosis in cattle and the number of cattle vaccinated in the conflict zone on an annual basis.

7) the results of cattle area or surveillance tests for brucellosis since 1985.

8) the lack of correlation between positive blood test results for brucellosis in bison and positive culture tests in bison. The consequence of this lack of correlation should be disclosed to the public, i.e. there is no assurance that bison testing positive for the disease: (a) have ever had the disease and most importantly and (b) that there is no way of knowing that bison testing positive actually are infected or contagious for brucellosis.

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9) the acknowledgment that the blood test utilized to determine brucellosis status of Yellowstone's bison and elk are tests developed for cattle blood and physiology, not bison.

10) the frequency of seroconversion during pregnancy for Yellowstone bison and the fate of the calves either born to or aborted by these seroconverted bison cows.

Specific additions from the National Academy of Science (NAS) report that must be included and made available for the public include:

- "Total eradication of brucellosis as a goal is more a statement of principle than a workable program at present; neither sufficient information nor technical capability is available to implement a brucellosis-eradication program in the GYA. No good vaccine or vaccine delivery mechanism is available at present---it would be impossible to vaccinate all GYA elk, and attempts to vaccinate bison (for example, by rounding them up) likely would be very intrusive." (NAS - page 7)

- "Finding: If infection rates are not substantially reduced in elk, reinfection of bison is inevitable." (NAS - page 5)

- **"Recommendation: A long-term, controlled vaccination study must be conducted to assess the complete role of vaccination in brucellosis control and eradication for bison and elk."** (Emphasis in original) (NAS - page 8)

- **"Recommendation: Any vaccination program for bison must be accompanied by a concomitant program for elk."** (Emphasis in original) (NAS - page 8)

- "It might be impossible for various reasons to eliminate brucellosis from bison and elk in the GYA, so the best that could be achieved would be risk control." (NAS - page 9)

- "Tests designed for cattle have been used for years to detect sero-positivity in bison, **but diagnostic tests used now for cattle have not been validated in bison** (emphasis added). ..... Data on the serology of bison with those tests are insufficient to support dogmatic statements regarding known relationships among serology, culture-test results, and likelihood of infectiousness (Olsen et al. 1998)." (NAS - page 32)

- "Serologic tests can be read as positive when no antibodies resulting from exposure have occurred. A false-positive test might be due to cross-reacting antigens or to defective test procedures. Tests also can be positive in the recovery phases in young animals that have **no live bacteria.** (emphasis added)." (NAS - page 29)

It is also important to disclose to the public the impact of vaccinating animals with Strain 19 on the results of subsequent blood tests for brucellosis for that animal. The NAS Report states:

- "None of the LPS-based serological tests discriminate between vaccine strain 19 and field strains of *B. abortus*; they may detect differences in magnitude or persistence of brucella antibodies induced by those strains but not qualitatively different responses." (NAS-page 28)

- "It (strain 19) has several disadvantages: **it is infectious for and causes disease in humans** (emphasis added); when given to pregnant cattle, in infects the placenta and can cause abortion; and **it induces serologic responses in vaccinated calves that cannot be discriminated from serologic responses caused by field infections.**" (NAS - page 90)

The Background section does include very important information which is subsequently ignored in the Environmental Consequences section, namely, "It is not possible to determine or quantify the risk of bacterial transmission based on the results of these standard serologic and culture tests." Why then is so much credibility given to the perception of the livestock industry that their cattle are "safer" when the serology of the bison declines from current levels?

Under "Risk of Transmission", the agencies should include the list of determinants provided by NAS in determining risk.

Specifically NAS states:

- "The risk of transmission is determined largely be the number of abortions that occur, the presence and survival of *B. abortus* in placental exudates, and the exposure of a susceptible host through an appropriate tissue barrier." (NAS - page 79)

- "In the past decade, two cases of abortions due to *B. abortus* have been established (Rhyan et al. 1994)."

- "But if abortion were common, many more cases would be expected to have been reported." (NAS page - 46)

- "The current risk of transmission from YNP bison to cattle is low." (NAS - page 80)

- "It cannot be determined with precision what the transmission risk is, because with current knowledge, it is **too small** (emphasis added) to measure with accuracy." (NAS - page 117)

It is also important to include information published by the Greater Yellowstone Interagency Brucellosis Committee (GYIBC) regarding various aspects of methods of transmission. It is

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important to note that the National Park Service (NPS), the Animal Plant Health Inspection Service (APHIS) and the Montana State Veterinarian are all members of GYIBC and are signatories to the referenced GYIBC documents. Such information regarding transmission that should be considered and evaluated in the DEIS includes:

- "The normal transmission mode (of brucellosis) involves direct contact with tissues or discharges from female animals that have aborted. The danger of transmission from bulls is clearly less than the danger of transmission by bison cows, but the level of that danger has not been specifically determined." (GYIBC - page 1)

- "However, there has never been a consistent testing program within the Park, and it is not clear that all serologic tests are reliable when used on bison sera." (GYIBC - page 1)

Further, the DEIS is incorrect when it states on page 20 that: "Epidemiological studies, however, have indicated wildlife (probably elk) to cattle transmission of brucellosis on six Wyoming premises since the 1960s." The NAS report regarding these six cases concludes:

- "Some observers have noted that in states that have eliminated brucellosis from cattle in the past, occasional outbreaks are typical for some time after a state has been declared class-free by APHIS. That is because the disappearance function of the disease does not decline to zero at a constant rate but rather has a tail of gradually decreasing probability. Given the pattern of outbreaks in cattle in the GYA, with no new cases since 1989, this area might simply be mimicking the temporal pattern observed elsewhere where transmission from wildlife was not an issue. Or it could be maintained that the lack of outbreaks since 1989 is attributable to diligent cattle vaccination by ranchers. **Given the ambiguity allowed by epidemiologic evidence in this situation, wildlife cannot be determined to be the source of brucellosis infection in these six cases.**" (Emphasis added) (NAS - page 45)

Again, on page 20 the DEIS minimizes observations that infected bulls are not a significant risk factor in venereal transmission of brucellosis to uninfected cows. In fact, that risk is exceedingly small as stated by the NAS Report:

- "As a practical matter, brucellosis commonly is eliminated from cattle herds by vaccinating cows without regard to bulls, which suggests that venereal transmission is rare. Brucellosis has been eliminated from many managed bison herds using the same protocols as are applied to cattle (i.e., vaccination and culling). .....But given the spatial separation that usually results from management and the behavioral barriers to copulation between species, transmission of brucellosis between bison bulls and domestic cows in the GYA appears to be **vanishingly small**." (Emphasis added) (NAS - page 27)

This conclusion was supported by the GYIBC in 1995 when it stated:

- "Generally, the bull is not credited with playing a significant role in brucellosis of a cattle." (GYIBC - page 2)

- ".....there is not **one** reported incident of brucellosis transmission through normal coitus by an infected bull." (GYIBC - page 2)

- "The available evidence indicates that any risk of *Brucella abortus* transmission from bison to cattle is almost certainly confined to contamination by a birth event by adult females." (GYIBC - page 3)

It is also important to include in the Background section that Montana received its "Brucellosis - Free" status in 1985. Brucellosis had been documented in the bison and elk prior to this time, as had the emigration of bison and elk from Yellowstone National Park. One must conclude that nothing has changed in the intervening 13 years. Montana's cattle remain free from the disease, no other state has imposed sanctions against Montana and the bison herd has continued to grow. The only rational conclusion is that some political opportunity has arisen to suddenly make the health of the bison herd an issue, an opportunity that is not based on science or rational thought.

There are numerous data sets regarding cattle management, including vaccination data and disease test results that must be included in the DEIS for adequate public disclosure and for decision makers. For example, we find it incredulous that Montana can supply no data for the numbers of cattle exported from Montana. Even data from 1995 or earlier would be enlightening regarding significance of the economic consequences of politically motivated, arbitrary and capricious sanctions threatened by other states against Montana.

The DEIS fails to integrate its proposed actions into the existing disease status of Yellowstone's elk herd. On page 46, the DEIS describes how the issue of brucellosis exposure for Yellowstone's elk herd and the probability of transmission from elk to bison is "beyond the scope of this environmental impact statement, but will be addressed by the GYIBC in a future planning process." Once again, the science of brucellosis, the status of brucellosis in all of Yellowstone's wildlife, and fundamentals of epidemiology are all ignored. Realistically, the goals and objectives of this DEIS are unachievable unless the inter-relationships between bison and elk and brucellosis are examined. The DEIS is fatally flawed, because it ignores the totality of the disease picture and then inappropriately segments the NEPA process into only evaluating the disease situation in bison. Two of the alternatives (5 and 6) predicate their entire determination of success on reducing the seroprevalence of brucellosis in bison by draconian measures and clearly ignore the elk portion of the equation. However, in discussing Alternative 6, later in the DEIS on page 99, the agencies admit: **"The length of time vaccination of the herd continues would depend on the original efficacy of the vaccine, and the success of on**

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going efforts to control brucellosis in the Wyoming elk population." Therefore the time-frame and ultimate success of this alternative is totally predicated on a significant disease factor the agencies have declared "beyond the scope of this planning effort." If the disease status in elk is truly beyond the scope of this effort, then the only legitimate course to pursue is to eliminate Alternative Six and any other alternatives whose success is determined by other management decisions that are beyond the scope of this DEIS.

Objectives and Constraints

Numerous objectives of this entire exercise are clearly violated by the DEIS itself in several parts of the document. Even if the public entirely agreed with each and every objective listed, the agencies and the alternatives violate their own objectives routinely in the DEIS. Outlined below are several of the failings of the document to live up to its own objectives.

The eventual elimination of brucellosis from the GYA wildlife is discussed in depth as Objective 4. The DEIS admits: "The interagency team concluded that the elimination of brucellosis, even in bison, is not within the scope of this management plan." Yet many of the alternatives, most notably alternatives 5 and 6 have as their goal to reduce the seroprevalence of brucellosis in the bison to nearly zero. Alternatives advocating test and slaughter are not consistent with Objective 4 and should be eliminated from consideration in the DEIS. The public holds the agencies to their rational commitment that eradication and elimination is not within the scope of the DEIS and we expect them to adhere to this objective of their own creation.

Objective 7 attempts to assure the public bison will not be eliminated from Yellowstone and will be maintained at a higher population than the minimum genetic population of 580 animals. Much caution is required before the public is assured by this number or Montana's commitment to abide by its bison population commitments. It is critical this estimate be used as an absolute minimum that is never approached. Much more work needs to be done to determine the minimum population size for this herd. This herd is the only bison herd to continuously occupy the same area since the last glaciation. It is true their numbers were drastically reduced, but every other existing bison herd in the United States is the result of reintroductions of bison from other locales, only Yellowstone was sufficiently remote to maintain some wild bison after the slaughter of the last century. There well may be some unique genetics found in the Yellowstone herd that is under represented in other bison herds, particularly public bison herds.

The NAS Report certainly urged caution regarding the under studied genetics of Yellowstone bison when it said:

- ".....but if any current population is likely to contain unique alleles from the original bison (*Bison bison athabaska,* which occupied the valleys in the Rocky Mountains), it is the YNP herd. .....Protein-electrophoresis data suggest that the YNP herd and the Wind Cave National Park herd have the highest heterozygosity (a measure of genetic diversity) among

the 12 public herds of bison in the United States (Stormont 1993). .....However, only a small part of the genome has been analyzed, and prudence dictates that minimal effective size be considered in any program of brucellosis eradication." (NAS - page 116-117)

Another aspect of minimum population size that must be considered equally with sheer numbers of animals are the demographic parameters of any small population. There need to be adequate numbers of males and females to successfully mate and rear their young and an adequate age distribution to assure adequate recruitment, etc. These fundamental biological facts are further underscored by several of the alternatives that propose killing all pregnant bison regardless of disease status because they "could seroconvert". The relentless pursuit of all pregnant females by Montana could doom the population to extermination regardless of any total size constraints. Minimum genetic population size must be considered, but equally, the agencies must consider the sex ratios and age distribution of the population and establish these demographic criteria, referred to as demographic vigor (Caughley, 1977), as having equal weight in determining any lower threshold that cannot be violated by management actions.

Compliance with Objective 8 in the DEIS would be almost laughable if the consequences were not so serious. As we have pointed out above and will continue to point out in the remainder of the document, the lack of factual information in the DEIS and the arbitrary manner in which decisions will continue to be made on this issue by Montana with total disregard for scientific protocol, scientifically based conclusions and perversion of data is notorious. We reiterate our call for inclusion of the findings of the NAS Report, the GYIBC Bull Bison Report, important data from the Montana cattle industry, etc. This objective is routinely violated by the DEIS and these violations must be corrected if the public is to have any faith that credible decision-makers will be able to make an informed, rational and substantive decision.

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Affected Environment

Bison Population

The agencies appear to be withholding important information from the public regarding the number of culture positive bison killed during the 1996-97 slaughter. The DEIS states that culture specimens were taken from bison killed during that winter to begin to evaluate the relative correlation between blood test results and tissue culture results. Incredibly, the data are not forthcoming in the DEIS nearly two years after the bison slaughter. APHIS must have the results by now and one wonders if they are withholding the information to facilitate their agenda that the blood tests correlate with current infection. The DEIS must include these critical data so the public can fully assess the likelihood of bison passing the disease to cattle and likewise for any decision maker to choose a particular alternative. It is unconscionable for APHIS to continue to withhold these data from the public. The NEPA process continues while APHIS withholds data from the public. The bison are dead, where are the data?

Presentation of one controversial aspect of the bison population is also missing from this section of the DEIS. Many have stated that Yellowstone's carrying capacity for bison is being exceeded by current bison population levels. Although no definitive studies have been performed to explicitly estimate the carrying capacity, the NAS Report provides the first unbiased estimate of this carrying capacity and because no other estimate is available, this estimate should be included in the DEIS as a legitimate estimate.

The NAS Report states:

- "The winter carrying capacity of YNP is about 3,000 bison; this analysis suggests that above this population size, bison will move out of the park in all but the mildest winters." (NAS - page 61)

This number should replace the arbitrary and scientifically unjustified population goal used in the DEIS (2500 bison).

Low Risk Bison

The NAS Report predicates its determination on the risk of transmission from several criteria that must be included in the DEIS. These criteria are consistent with the policy of APHIS on determining low-risk bison and the interaction of bison outside Yellowstone and Montana's brucellosis status. The scientific literature is replete with information regarding the method of transmission of brucellosis among ungulates. Not only does APHIS endorse this approach, but it is consistent with the GYIBC assessment of the role of bulls in transmitting brucellosis sexually. Brucellosis moves among ungulates in a very specific and focused mechanisms: abortions and infective live births. Again the GYIBC has stated: "The available evidence indicates that any risk of *Brucella abortus* transmission from bison to cattle is almost certainly confined to

contamination by a birth event by adult females." (GYIBC - page 3) There is no legitimate reason for Montana to kill bulls, calves, yearlings and non-pregnant female bison.

Livestock Operations

Livestock operations are inadequately described in DEIS, critical data are missing and misleading conclusions will surely be drawn. Specifically, yearly tests for West Yellowstone cattle are discussed on page 157, however no data are presented regarding the outcome of those tests. No individual operator needs to be identified, only the number of cattle tested by year, the results of the tests and any actions taken. Only data from 1985 to the present would be needed to give the public explicit information regarding the health of the cattle herds. Area testing in the Reese Creek area is referenced to have occurred in 1989, but no results are provided. The public has the right to know and needs to know what those results were. The Reese Creek Area is one of the main conflict zones for bison and cattle and the DEIS should disclose the results of that area test. Brucellosis test results are revealed over and over again for bison, why not cattle? This section discusses cattle vaccination in Montana, the statements here are contradicted in later sections of the DEIS. Again the reader would be better served if explicit data were provided. There is no need to identify any specific ranch, rancher or operation and whether or not they vaccinate, simply the number of cattle suitable for vaccination and the number actually vaccinated on an annual basis from 1985. The contradictions should be eliminated and the descriptions should be accurate and consistent.

As to the contradictions referenced above:

the DEIS states on page 157:

- "At the producers' discretion, female cattle in the park vicinity are vaccinated against brucellosis one time, between 4 and 12 months of age."

the DEIS states on page 235:

- " Practically all Montana livestock operations in the vicinity of Yellowstone National Park vaccinate female calves, compared to an estimated statewide average of 60%."

The DEIS on page 243 states:

- ".....Montana would encourage producers that graze herds in the vicinity of Yellowstone National Park to vaccinate their calves with RB51 vaccine. Since all producers currently vaccinate calves voluntarily, this requirement would have no impact."

While the vaccination program may be discretionary, the number of cattle vaccinated has a huge bearing on this controversy and the public has a right to know how many calves are

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vaccinated. Is it some, many or all operators in the conflict area that vaccinate their cattle? Again, the data are lacking and the DEIS inadequately discloses important background information regarding livestock management. The number of cattle annually vaccinated in the conflict zones should be disclosed in the DEIS. There is no need to identify individual operators, simply the number of cattle vaccinated out of the potential population near the Park that would benefit from vaccination. Not only are these data important to disclose to the public, but this DEIS provides a great opportunity for Montana to disclose and publicize the efforts of the state agencies and individual livestock operators to maintain the brucellosis-free status of their herds. This document was distributed nationally and could be used as an educational vehicle for Montana to protect the economic health of its cattle industry.

Socioeconomics

The DEIS fails to state that APHIS regulations allow split status for states should a case of brucellosis develop. It is important to disclose what APHIS would do if cattle were diagnosed with brucellosis and how Montana could retain its "Brucellosis Free" status.

A very condescending statement on page 167 states that some people may not understand the science behind the management actions of alternatives, because they mistakenly believe bison are an endangered species. While some people may not understand the classification of bison, there is very little credible science that underlays the management actions outlined in the DEIS. With this issue, there is no tangible problem, only the perception of a problem and the political opportunity it provides. Never has the National Wildlife Federation encountered a wildlife management conflict where there is no documented problem and where so little science is brought to bear on the issue. We request a significant revision to this statement is the EIS.

On page 168 an amorphous reference appears regarding relocation of Yellowstone bison to the InterTribal Bison Cooperative (ITBC). There are two points in this discussion requiring clarification. First, Yellowstone Bison relocated to an ITBC member tribe would not be ranched. The tribes manage their bison as wildlife and do not "ranch" their bison. The ITBC member tribes hold their bison in the public trust by the tribal government, they are not privately owned. This error should be corrected. Also, there is a reference to "some tribes" who do not agree with the economic emphasis ITBC places on their bison. If the agencies have specific information from a recognized tribal government regarding a different view of how tribal herds should be managed and specific criticism of the ITBC approach, this specific information should be provided and referenced. The specific, detailed objection of a tribal government must be referenced for all the public to see, otherwise the claim has no veracity and should be eliminated from the DEIS.

WE strongly recommend the agencies review the 1998 Platte River Nature Recreation Study authorized by the Environmental Protection Agency (Eubanks, 1998). It contains some very valuable insight into the economic of wildlife based recreation that would greatly assist an

analysis that fully evaluates the economic importance of the wildlife based recreation dollars of the American public.

Threatened, Endangered and Sensitive Species

The DEIS should acknowledge the blood tests performed on two Yellowstone area grizzly bears (*Ursus arctos horriblis)* showing positive reactions for brucellosis exposure recently. This information would provide the public a more realistic view of the scope of brucellosis elimination and eradication and what actions might be necessary to eliminate this disease from Yellowstone.

Other Wildlife Species

No information is provided in this section of the DEIS regarding the role that predators and scavengers play in cleaning up the environment by eating aborted and live birth materials. Both mammalian and avian predators and scavengers are very effective in cleaning up any potentially infectious material deposited after an abortion or infectious live birth. The NAS Report is quite explicit in this regard by stating:

- "Predation and scavenging by carnivores likely biologically decontaminates the environment of infectious *B. abortus* with an efficiency unachievable in any other way." (NAS - page 51)

- "Consequently, the presence of carnivores in the ecosystem probably reduces the frequency of *B. abortus* moving between bison, elk and cattle." (NAS -page 56)

This information must be incorporated in the Affected Environment section and integrated into any assessment of risk and likelihood of transmission between wild bison and cattle.

Human Health

Once again, the lack of information is very disturbing. Two very important points need to be included in any discussions regarding human health and brucellosis in the Yellowstone Area. As verified in the NAS Report, the Centers for Disease Control no longer consider undulant fever a reportable disease. Undulant fever is so rare, it is no longer a significant health concern for humans and this has nothing to do with the Brucellosis Eradication Program, it is a result of pasteurizing milk. However, one management scenario would greatly increase the likelihood of humans contracting brucellosis. Many in the livestock industry have called for the immediate vaccination of bison with the old Strain 19 vaccine. Use of Strain 19 can increase the likelihood of human infection, because there are occasional accidents with the administration of a vaccine and if Strain 19 were accidently injected into a human or sprayed into their face, infection could occur and the result is undulant fever. Strain 19 should never be used in bison for many reasons,

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but one of the most important is to minimize human contraction of undulant fever. The NAS Report is quite clear on this aspect reporting:

- "It (strain 19) has several disadvantages: **it is infectious for and causes disease in humans** (emphasis added); when given to pregnant cattle, it infects the placenta and can cause abortion; and it induces serologic responses in vaccinated calves that cannot be discriminated from serologic responses caused by field infections." (NAS - page 90)

Cultural Resources

A reference is made on page 188 that bison populations had already begun to decline by the 1820s. What is the geographic area referred to here, what is the literature source? Bison had already begun to decline in the eastern United States by that time, but there was no decline that early west of the 100th meridian. Please clarify the geographical area referred to here.

A campaign to eliminate the bison and by so doing defeat the nomadic Native Americans was begun in the 1860s. This campaign must be described in the DEIS, no matter how uncomfortable it may be for some people to acknowledge. General Phil Sheridan actively discouraged bison conservation by testifying against a bill in the Texas legislature to outlaw bison shooting. He testified: the lawmakers "instead of stopping hunters, they ought to give them a hearty, unanimous vote of thanks, and appropriate a sufficient sum of money to strike and present each one a medal of bronze , with a dead buffalo on one side and a discouraged Indian on the other." Sheridan also could not contain his praise for buffalo hunters: "These men have done in the last two years, and will do in the next year, more to settle the vexed Indian question than the entire regular army has done in the last thirty years. They are destroying the Indians' commissary; and it is a well-known fact that an army losing its base of supplies is placed at a great disadvantage. Send them powder and lead, if you will; but for the sake of a lasting peace, let them kill, skin, and sell until the buffaloes are exterminated. Then your prairies can be covered with speckled cattle and the festive cowboy, who follows the hunter as a second forerunner of an advanced civilization." (McHugh, 1972).

There is no discussion on how bison first contracted brucellosis. It was from cattle either on site in Yellowstone or on the rangelands where the bison herd used to supplement the Yellowstone bison herd originated. These data too, should be provided and disclosed.

A more complete examination of the history of the Henry Mountain Bison Herd in Utah is warranted. This herd originated from Yellowstone in 1941, it does not test positive for brucellosis and is enjoyed by people today. The Henry Mountain Herd stands as a quality example that bison from Yellowstone can be successfully relocated without moving brucellosis too. It also is an excellent example of how a herd of bison can be hunted according to the rules of fair-chase and sportsmanship.

Perhaps the one of the most egregious oversights in preparation of the DEIS is the lack of consultation and coordination among the agencies and Native Americans so closely with bison and Yellowstone National Park. To fully understand and evaluate the relationship of Native Americans and bison and the impact the current practice of indiscriminately slaughtering bison has on Native Americans, the agencies should have intimately involved Native Americans in the process. The tribes have repeatedly asked to be considered cooperators. The same criticism will be applied to the impact assessment, why were the tribes not involved? This is a fatal flaw in this NEPA process and one that surely will form the basis for legal redress if it is not satisfactorily rectified.

The existing culture of the tribes is impacted in many ways by the decisions and ultimate management actions as a consequence of the DEIS. The agencies must consider the impact of relocating bison to the tribes, not relocating bison to the tribes, not allowing tribal people to salvage bison meat and carcasses, as part of the impact analysis.

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The Alternatives

There are many egregious flaws with the alternatives proposed in the DEIS. Although each alternative will be discussed below, the flaws found in common will be discussed first. Subsequently, we provide below comments on the unique elements of each alternative.

Adjusting Cattle Allotments on Public Lands

The DEIS fails to fully consider the consequences of modifying cattle allotments on public lands. Much of the perceived conflict occurs on public lands with cattle seasonally grazing there under permits from the Forest Service. Significant modification of the permit parameters for these allotments could have very beneficial impacts to the conflict and drastically reduce the risk of transmission. The NAS Report states:

- "There is no risk of transmission of *B. abortus* from bison to cattle in the northern range if bison do not leave YNP. Cattle grazing is not permitted inside YNP." (NAS - page 56)

The fundamental logic behind this statement is that the risk is zero when there is no overlap between cattle and bison distribution as is the case inside YNP. Therefore, this logic is equally valid when it applies to lands outside the Park. There is no risk outside of the park if cattle and bison distribution does not overlap. The DEIS does not address the management of private lands, and only pays lip-service to the management scenario of significantly modifying public grazing permits outside of Yellowstone to maintain separation between cattle and bison. Significant changes in management of public land grazing permits could and should be viewed as mitigation for the actions of Montana to eliminate the perception of conflict between bison and cattle grazing on private lands outside YNP. If the state continues to pursue its policy of zero-tolerance for bison and feels it has no ability to influence the timing and type of cattle grazed on private lands bordering the Park, it and the federal agencies must consider drastic changes of public lands grazing permits as mitigation for the draconian actions taken against bison by Montana. Public lands permittees already graze at their own risk and they should: a) not expect wildlife to be eliminated from public lands simply to benefit their grazing operations; b) understand if they choose to graze public lands in the conflict zone that there is a small chance for brucellosis transmission and c) accept that certain modifications may have to be made in their permits to restrict cattle to a season of use when bison are not present. The DEIS fails to consider significant modification of grazing permits as either a meaningful aspect of the alternatives or as mitigation for the actions Montana takes against bison in deference to private land grazers. Also, these public land allotments if modified, could function as the perimeter zone management, transition areas envisioned by the NAS in their report.

Education

Why is not an educational component considered for many or each of the alternatives? This sub-component could have major implications on the perception of the status of brucellosis in bison, the efforts by all agencies to ensure transmission does not occur, and assure the public the agencies can work together to ensure the viability and vitality of both the bison population of Yellowstone and the livelihood of the ranchers. A focused educational effort will dispel the misconceptions of other states and other state vets about the reality of the Yellowstone situation. Additionally, education can bring public participation into play in other states that may arbitrarily and capriciously sanction Montana's cattle. If the residents of that state outside Montana understand the responsible actions Montana and the federal agencies are taking to manage the disease, they can participate locally and inform their own state vet of the inappropriateness of sanctions and work to remove all threats of sanctions from their state.

Regulatory Reform

Another very powerful, stand alone, alternative or component of each alternative should be a review of all applicable APHIS regulations and policies that confuse the issue of eradication of brucellosis in livestock and the status of brucellosis in wildlife. APHIS could quickly and easily modify its policies and regulations to ensure that when the nation declares its cattle herds free of brucellosis, with all the attendant benefits and it also de-escalates the counterproductive rhetoric so prevalent in this issue. APHIS could do what the government of Canada has done, namely declared victory over brucellosis in cattle and work to ensure no transmission occurs between wildlife and cattle. The Canadian solution is so much more productive and economically beneficial than the political war the state of Montana and the Montana State Vet have declared on Yellowstone's bison. In this political war, we all lose, the cattle industry appears to be potentially diseased, all bison apparently are sick, cattlemen are responsible for the indiscriminate slaughter of the public's largest, free roaming herd. Its time to move forward not backward as we have been doing for the last 10 years concerning this issue.

Quarantine

All alternatives proposing quarantine are identical and all delay analysis of a quarantine operation until the final decision is made regarding the Record of Decision. The DEIS inappropriately segments the NEPA process by delaying necessary NEPA analysis on a quarantine facility and operation. There are many criteria and factors necessary to site a quarantine facility and those factors, at least, need to be presented to the public at this time. Currently, the public has no idea of how a quarantine facility will be selected and sited. There will be tremendous pressure to site a facility within or adjacent to the Park's border. This would significantly impact many species of wildlife and would contrary to the mission of Yellowstone National Park. The facility must be sited in an area where the fences and other security features will not impact migrating wildlife or interfere with normal visitor or recreational use of the area.

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The Ft. Belknap Tribes have offered a site outside of their reservation boundary for such a facility. Their proposal is on fee title land and although it is some distance from Yellowstone, it is not unrealistic to consider the merits of their offer. We believe the many other criteria describing what a quarantine site would require must be disclosed during this NEPA process. We object strongly to the lack of completeness of the DEIS by deferring the environmental compliance for the quarantine facility to some future time. We have experienced such segmentation of projects previously and have observed how a superficial Finding of No Significant Impact is written after preparation of a equally superficial Environmental Assessment. This process functionally eliminates the public from meaningful participation in the NEPA process for bison management. We are especially concerned when we note language in the DEIS as appears on page 74 that "....construction of a quarantine facility or use of a bison vaccine, would also likely require additional time for environmental review and compliance." There is no "likely" about it, these actions will absolutely require additional NEPA compliance and the opportunity for meaningful public participation.

We are likewise concerned about the lack of future public participation opportunities with the many other decisions that are deferred with this DEIS. For example, virtually all alternatives describe a process where the Montana State Vet will have the discretion to determine how many days must pass after wintering bison leave an area of cattle grazing before cattle can be returned to graze the area. We certainly agree that the separation of cattle and bison in time and space is an important technique to minimize transmission, but we believe the parameters must be spelled out in the DEIS. We know in general how long the *Brucella* organism can live outside its host in the environmental conditions found in the Yellowstone Area, and we know when most bison will migrate back into Yellowstone National Park, we also know the dates specified by the grazing permits when cattle have been turned on allotments. Is there any reason to delay the decision of how much time is necessary to separate bison and cattle on these allotments to minimize disease transmission? If there are research projects currently underway that will further elucidate the necessary time frame, they should be discussed and the results of those and other studies should be cited as criteria that will be used in making this important decision. The public has no assurance that decision based on science will be made, rather, if the previous pattern is followed, the Montana State Vet will leverage his decision making into a political opportunity to create further conflict and controversy. These decisions must be spelled out now or at least criteria used in the process should be provided along with the assurance that there will be full public participation, review and comment leading up to a final decision.

Similarly, the type of bison meeting the Montana State Veterinarian's definition of "low risk" must be spelled out in the DEIS, now. We have no faith in the final decision of state vet. We have seen many bison die unnecessarily in Montana, bison that incapable of spreading brucellosis to each other, let alone cattle. APHIS has provided its definition of low risk bison to Montana. If that definition is unacceptable to Montana, their perspective, based on scientific fact should be provided in the DEIS. Without revealing what is scientifically incorrect with the proposed APHIS definitions in the DEIS, the only conclusion the public can rationally draw is the state vet

seeks to make risk management determination a political decision and leverage his power to the maximum extent possible. This is unacceptable to the public and should be unacceptable to all scientifically trained professional wildlife and livestock managers. Once again, in the absence of a meaningful discussion of the merits of the APHIS definitions and decision in this DEIS of what constitutes low risk bison, public participation is undermined. We demand that the Governor of Montana personally assure the public of their opportunity to participate in, comment on and appeal if necessary any and all decisions made by the state of Montana, listed as discretionary in this DEIS. Without this assurance, the public will continue to be left out of the process of management of public trust resources and those decisions will continue to be made by perverting the science and leveraging the political power of the state vet.

None of the alternatives prescribe a mandatory program to vaccinate cattle against brucellosis. The alternatives that discuss cattle vaccination all describe a voluntary program where compliance is optional. If Montana was truly concerned about protecting its cattle industry, it would require cattle vaccination. Not only is this the most important step in protecting the economic livelihood of Montana's ranchers, it would demonstrate to the rest of the country that Montana is serious about managing the situation to preclude transmission of brucellosis. This is one of the most tangible steps Montana could take to effectively deal with the controversy rather than maintain the political acrimony of the past few years. The National Academy of Science verified in their report the importance of cattle vaccinations to effectively deal with this issue. The NAS Report stated:

- "...the most workable method of reducing risk of transmission of brucellosis from bison and elk to cattle in the GYA is vaccination of cattle. ..... Most cattle in the region already are being vaccinated for brucellosis, and this program is the most cost-effective way of reducing potential transmission from wildlife in the short term. ..... Until a program of elimination is in the implementation stage, cattle vaccination should be universal in the area surrounding the GYA." (NAS - page 115)

All the decision makers signing the Record of Decision should not only request the Montana Legislature to re-institute a bison hunting season, they should actively support such legislation. Governor Racicot would be especially persuasive in encouraging the legislature of the desirability and meaningfulness of hunting bison once more in Montana. A simple request will likely fail, but a commitment to support and encourage the legislature to transfer management authority back to the Department of Game, Fish and Parks and develop a successful hunting season along the pattern established by Wyoming, Alaska, Arizona and Utah would provide the leadership necessary to succeed.

All alternatives that propose a quarantine facility lack a public commitment to ensure that any and all Yellowstone bison certified as disease free after quarantine remain public trust resources. There is absolutely no reason for these bison to enter private ownership. The InterTribal Bison Cooperative (ITBC), a cooperative representing 46 tribal governments on bison restoration issues

has offered for years to trap, transport and relocate healthy bison to tribal reservations. ITBC has also offered to cooperatively manage the bison health certification facility to assure the health of bison relocated to Indian Reservations. ITBC represents the interests of 46 federally recognized tribal governments on all aspects of bison restoration. These tribal governments have committed to managing any bison relocated from Yellowstone as wildlife, held in public trust for the tribe. There will be no individual ownership of these bison. We are opposed to the privatization of these public resources. Yellowstone bison certified as disease free should remain in the public trust, if they are not transferred to tribal governments, they must be transferred to requesting state game and fish departments or federal land or wildlife management agencies. The DEIS must explicitly state that any bison passing quarantine will be maintained in the public trust and not be privatized. Any healthy bison transferred out of the quarantine facility must be transferred to legitimate governmental entities. This will not set a new precedent because Yellowstone bison have already been transferred to state of Utah to establish the Henry Mountain Herd. Elk have re-populated the west after near extirpation because elk were trapped and transferred from the Yellowstone population to other states across the west and even other countries. Elk began being shipped from Yellowstone to restock other areas in 1892. From 1912-1967, more than 13,500 elk were sent from Yellowstone National Park to various areas in the United States, Canada, South America and Mexico for restocking (Robbins et. al. 1982). While some will complain about the process of trapping, quarantine and trucking bison to other locales, this is a standard wildlife management technique and many of our wildlife populations we enjoy today are a result of the trapping and relocation efforts of the past, especially wildlife relocated from Yellowstone. The DEIS must commit to maintaining the public ownership of these bison.

There is a very confusing aspect to the descriptions and the maps provided with all alternatives that propose Special Management Areas (SMAs) outside of Yellowstone Park. There appears to be a discrepancy regarding where bison will be allowed within the SMAs the maps show the border for the SMAs as a red line, but then the maps show a stippled area where (according to the map legend) "bison may occur." Why is there not total overlap on the map for the entire SMA and "where bison may occur"? This may be an oversight, but it also appears to be designed to convince the public that the entire area will be available for bison when, in fact, in only a very small portion of the SMA will bison truly be tolerated by Montana. Please explain and rectify this discrepancy.

Regardless of alternative, the DEIS must commit to utilizing any bison destroyed as a consequence of prescribed management to the fullest extent possible for research purposes. For example, APHIS and USDI scientists must continue to examine the relationship between blood test positive bison and culture positive bison for any and all bison killed from management actions. Examination of the reproductive tract to determine any compromised fetus' must be carried out. The public must be assured that as much information as possible is collected and then disseminated to the public regarding the status of the disease and its impact on this public bison herd. Native American tribes must be the ultimate recipients of any destroyed bison. Bison parts should not be auctioned off by Montana.

All alternatives discussing testing of bison describe how seronegative, pregnant bison must be destroyed or shipped to quarantine because they "could seroconvert" while pregnant. What data are available to justify killing or otherwise removing these negative testing, pregnant females? What percentage of the negative, pregnant Yellowstone bison cows seroconvert during their pregnancy. We understand serconversion is possible, but how likely and how frequent is this seroconversion in this chronically infected herd? It is possible, that seroconversion is rare because the disease is endemic to these bison. The public needs to know the frequency of seroconverison during pregnancy and the fate of the calves either born to or aborted by these seroconverted bison cows. Decision makers need to know this information too if they are to make an informed and credible decision.

Alternative One (No Action):

Although there are no designated Special Management Areas currently, there have been two areas functioning as SMAs for at least the past 2 years. We are grateful that Montana has already accepted the premise of SMAs for bison outside of Yellowstone National Park.

Alternative Two:

Precisely what Montana laws place the burden of approval for SMAs? In order for the public to understand and acknowledge the credibility of this statement, the precise legal citation must be provided in the DEIS.

Alternative Three:

When bison cannot be hazed back into the Park during spring, why are they not transferred to the quarantine facility? Why must they be shot? This is a indiscriminate waste of a valuable public resource . This is one significant difference between this alternative and the Citizen's Plan.

Alternative Five:

This alternative is an egregious betrayal of the public trust and the very integrity of the National Park idea and the National Park system. If this alternative is chosen, it will force a huge public debate about whether cattle grazing should be allowed on public lands bordering Yellowstone. The National Wildlife Federation has worked hard and struggled to keep the issue of brucellosis in Yellowstone bison from becoming a referendum on grazing of livestock on public lands. If this alternative were chosen, it would lead to an incredible amount of strife and force the public debate on public lands grazing. We are convinced that this alternative is so divisive that it would result in the diminishment of all interested parties resources and assets. We must not seriously consider this alternative or anything like it. Test and slaughter must never happen in Yellowstone or any other national park, reject this concept entirely.
Just Say No to Alternative Five

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Alternative Six:

We believe Alternative Six will like Alternative Five result in a fierce public debate about public lands grazing, a debate we wish to avoid. This alternative is significantly flawed and misleading about its ultimate management design. Once again, we are opposed to any test and slaughter program inside Yellowstone National Park, no matter how it is disguised and this test and slaughter program is disguised under the veil of reducing sero-prevalence through vaccination. Yet, the details of the vaccination program are never disclosed to the public. The goal of the vaccination and test and slaughter program is to "reduce risk to near zero", the risk is already so small that the National Academy of Science Report describes it as "too small to measure accurately". If you cannot even measure the risk now, how can you decide when the second phase of Alt. 6 should begin? Or is the real answer the risk is near zero when all the bison are destroyed? If that is Montana's goal, at least be clear to the public and admit that is what you want.

Phase 2 is proposed to begin when seroprevalence rates "did not decrease for a period of two years". How do you measure this decrease? Is it a precise measurement that is within a 95% confidence interval or is it exactly the same quantitative value? Given the fact that your measurements of seroprevalence are imprecise and the fact that the blood test has never been validated for bison how can you have any faith in the data you generate?

This alternative is further compromised by the admission that its ultimate success is tied to what is done to reduce the prevalence of brucellosis in the Wyoming elk population. Finally, one of the alternatives admits that the ultimate success of elimination is determined by the status of brucellosis in elk. And yet the DEIS was constructed specifically to ignore the elk situation. This admission shows the full folly of Montana's logic because, the only logical conclusion is that the disease will persist in bison if the disease is only managed in bison. Once this test and slaughter program is implemented, it will never stop unless the people of this country come to Yellowstone's aid as they did in the 1960's to stop the elk and bison reduction programs that were being carried out then. Montana apparently believes the public is so gullible and naive that we will accept test and slaughter in Yellowstone under the guise that vaccination will have significantly lowered the disease risk. Of course once the test and slaughter is started with bison, it will continue until all he bison are gone and then Montana will force the Park Service to begin test and slaughter of the Yellowstone elk population too. The rivers of Yellowstone will run red with blood if this alternative is implemented and Montana has its way.

Just Say No to Alternative Six.

Alternative Seven (Preferred Alternative).

What is the scientific justification of the desired bison population range of 1700 -2500 animals? As we previously stated, the National Academy of Science Reported that they estimated

the winter carrying capacity of Yellowstone's winter ranges to be 3000 bison. This number should be utilized as the upper limit of the bison population. We encourage you to similarly evaluate and validate any number chosen for the lower number of this population range.

Alternative 7 states: "No changes in allotments or grazing rights on the west side of the analysis area would be anticipated in either phase 1 or phase 2." Please clarify what is meant by "grazing rights". The only grazing rights we are aware exist are on private property anywhere in the analysis area. There certainly are no "grazing rights" on any of the public lands in question. Livestock operators certainly do pay a very small fee for permission to graze their cattle on public lands, but there are no rights inferred or implied in allowing them to buy a grazing permit. If the intent was to clarify different management schemes and opportunities for modification of federal grazing permits that do not exist on private lands, then this language is not only inaccurate, it failed to clarify those different opportunities. If the intent was only to describe what management options are considered for this alternative on federal grazing leases, then please change the language to accurately describe the legal arrangement between the federal government and those who have purchased a permit to graze their cattle on federal lands.

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The Citizens' Plan as a Unique Alternative

The "Citizens' Plan" is an approach to resolving the brucellosis controversy that is less confrontational and extreme than most of the alternatives outlined in the DEIS. Even more significant is the fact that the Citizens' Plan will safeguard the status of Montana's cattle industry, the economic livelihood of Montana's livestock producers, while responsibly managing bison and other public wildlife resources of the Greater Yellowstone Area. This Citizens' Plan has as its central elements the "Seven-Point Plan" developed by the National Wildlife Federation and the InterTribal Bison Cooperative. This Seven-Point Plan has been submitted to both the National Park Service and the state of Montana with over 50,000 cards and letters of support from the American public. The plan was formally presented to both entities by invitation at the Greater Yellowstone Interagency Brucellosis Committee meeting in Idaho Falls, Idaho on August 7, 1997. Original materials generated by the public in support of our plan were presented to Governor Marc Racicot on November 17, 1997 in his office. Copies of the materials were delivered to Yellowstone National Park personnel on November 19, 1997. Despite our calls to have this plan alternative included in the DEIS, our requests were ignored.

Currently, the "Seven Point Plan" has evolved into the Citizen's Plan and enjoys the wide support of the conservation community and the vast majority of the American public. At all the public hearings regarding the DEIS, the Citizen's Plan received significant support. The agencies must consider any statements of support for the ITBC/NWF Seven Point Plan as synonymous with support for the Citizen's Plan. While some of the alternatives presented in the DEIS may superficially appear to be similar to the Citizen's Plan, they are not at all consistent. The Citizen's Plan is much more specific in many of its features and its commitments are tangible rather than the discretionary, ethereal commitments Montana makes in the DEIS. In the text below, the National Wildlife Federation describes the differences between the Citizens' Plan and Alternative 3 of the DEIS. We wish to clarify once and for all the important differences between these alternatives and definitively show how the Citizen's Plan will effectively de-escalate the rhetoric surrounding this controversy to everyone's benefit. Once again, we call upon the agencies involved to incorporate the Citizen's Plan into the NEPA planning process, evaluate its impacts and strongly consider it as the preferred alternative. This can be accomplished without a huge delay for analysis, because some of the aspects of the Citizen's Plan have been briefly considered as part of the various alternatives in the DEIS. It is the integration and compilation of the various aspects that need to be performed. NWF calls upon the National Park Service and the state of Montana to issue a Supplemental Draft Environmental Impact statement that includes analysis of the Citizen's Plan as the preferred alternative. We have attached a detailed description of both the Citizen's Plan and the ITBC/NWF Seven Point Plan for your reference.

Alternative 3 vs. The Citizens' Plan

The following discussion highlights differences between Alternative 3 of the DEIS and the Citizens' Plan.

Management Inside Yellowstone National Park

There would be no trapping and no test and slaughter inside Yellowstone National Park. The trapping and testing for animals suitable for quarantine would be performed outside of the Park. Any permanent structures would be built to minimize impacts on other wintering wildlife regardless of land ownership.

Special Management Areas

SMA's would include the Eagle Creek/Bear Creek area, and the area along the Yellowstone River to the mouth of Yankee Jim Canyon. On the west, the SMA boundary would be the Gallatin National Forest boundary, north to the Taylor Fork-Buffalo Horn Drainage. These areas are larger than the SMAs proposed for Alternative 3.

Hunting

The Citizen's Plan calls for management of bison in Montana to be returned to the wildlife professionals of the Montana Department of Fish, Wildlife and Parks. However, we recognize as does the DEIS that this will require legislation approved by the Montana Legislature, the Citizen's Plan calls upon the agencies not to simply request, but to commit to actively support such legislation. This would be particularly important for the Montana signatories of any Record of Decision, including the Governor of Montana. Active support for this legislation, committed to in the Record of Decision by Governor Racicot is the only way such legislation will succeed.

Hunting would be used in conjunction with other standard wildlife management techniques to control bison distribution and population size. Some areas would be appropriate for a fair-chase hunt, others would not and hunting would only be used where it would be performed in a sporting and fair-chase manner, similar to Wyoming's hunt. Hunting would occur outside of Yellowstone on public and private lands where bison numbers and distribution required control. Hunting would only occur where it was safe and on private lands with the explicit permission of the landowner.

Quarantine and Relocation

The process of quarantine and relocation outlined in the DEIS is designed to fail. The process of the Citizen's Plan is designed to succeed. The DEIS once again makes no commitment for

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ultimate disposal of bison passing quarantine to governmental entities with the experience and technical know how to trap, relocate and manage bison. It is imperative that Yellowstone's bison not be privatized, they must remain a public trust resource. Transfer must be on a government to government basis. For example, if bison were transferred to Indian tribes, the bison must be accepted by a federally recognized tribal government on behalf of the members of the tribe. ITBC is recognized as the organization representing the interests of 46 Native American Tribal Governments regarding bison. The only entity capable of developing protocols for relocation and management of bison on a large scale and equitable manner to tribal lands is ITBC. If bison are relocated to non-tribal entities, they must be transferred in a way that maintains the public ownership. For example, transfer could be to a state game and fish agency or a federal land or wildlife management agency. This has been done before with Yellowstone bison, with the establishment of the Henry Mountain herd in Utah. Currently the DEIS does not specify that any bison suitable for relocation will be transferred to a governmental entity as does the Citizen's Plan. These bison must never be privatized as proposed by Montana.

The quarantine process outlined in the DEIS is identical regardless of alternative and is designed to assure that no bison pass quarantine, that is, no bison will make it out alive. Rather than a feedlot type operation, the Citizen's Plan envisions a pasture type operation. A pasture quarantine can be just as secure as a feedlot type system, but a pasture system will be more humane, more successful and will maintain the wild nature of the bison to the highest degree possible. Also, the quarantine protocol described in the DEIS is extreme and unnecessary. It is much more restrictive than cattle quarantine procedures for cattle herds testing positive to exposure to brucellosis. The Citizen's Plan calls for a quarantine protocol that is similar to that used for cattle that will assure the health of the bison without requiring the bison to spend years and years in quarantine.

Alternative 3 relies on hazing to move bison back into Yellowstone before cattle move onto public land allotments. It declares that any bison not hazed back into the Park will be shot. The Citizen's Plan is specific in describing that any bison that would otherwise be shot, should be trapped or tranquilized and moved into quarantine. There is no need to simply kill buffalo causing problems on private land or in areas of conflict with cattle. If the bison must be moved, then trapping and relocation to the health certification facility must be attempted before the animals are killed. Some private lands may not be suitable for hunting and some landowners may not allow hunting on their property to control bison. Trapping or tranquilization and relocation provides the best opportunity to conserve bison in conflict with these landowners. Lethal control should be the last option for the bison, not the first.

Vaccination of Cattle and Bison

The DEIS in all alternatives simply encourages livestock operators neighboring Yellowstone to vaccinate their cattle for brucellosis. The Citizen's Plan calls for mandatory vaccination in Montana. The Idaho State Veterinarian currently mandates brucellosis vaccination for cattle in

Idaho, Montana must take identical action. It would not be necessary to mandate vaccination for all Montana cattle producers, but for those grazing within 20 air miles of the park or in the Special Management Areas, vaccination should be required. This is a cost effective way to minimize the risk of transmission and if Montana could document 100% vaccination in the conflict zone, it would remove much of the pressure from other states to sanction Montana's cattle.

The NAS Report considered cattle vaccination so significant in minimizing the risk of transmission that it stated on page 115: "...the most workable method of reducing risk of transmission of brucellosis from bison and elk to cattle in the GYA is vaccination of cattle. ..... Most cattle in the region already are being vaccinated for brucellosis, and this program is the most cost-effective way of reducing potential transmission from wildlife in the short term. ..... Until a program of elimination is in the implementation stage, cattle vaccination should be universal in the area surrounding the GYA."

The Citizens' Plan calls for a bison vaccination program to be developed, but commits to vaccination only when a safe and effective vaccine is developed and commits to as non-intrusive delivery as possible. These commitments are lacking in Alternative 3 in the DEIS.

Research

Rather than sending all bison testing seropositive to slaughter as is described in Alternative 3, the Citizen's Plan recognizes that many bison are not infected and contagious and so proposes to allocate those animals to research. One of the most significant impediments to bison research regarding brucellosis is a lack of bison. The animals testing positive should be made available for research. We do not even know the most basic information regarding bison and the disease. For example, how accurate is the cattle blood test in determining disease status in bison? Have the Yellowstone bison developed significant immunity to brucellosis? Is a potential vaccine delivered to a pregnant dam of any efficacy to the fetus? Is the colostrum provided by a positive testing dam of any immune value to the calf and is it the colostrum alone that leads to a positive blood test for the calf? What is the rate of seroconversion for pregnant, negative-testing bison cows? These and many other very important questions need to be answered to effectively and efficiently manage this disease.

Bison Herd Size Limits

The Citizens' Plan calls for establishing bison herd management goals cooperatively, based on the ecological constraints of the habitat, not the political agenda of a special interest group. Population determinations will have two components. The first component is a minimum herd size that recognizes the winter habitats available for bison both inside and outside of Yellowstone. This minimum herd size will include demographic parameters as well as genetic factors and include the public habitats outside of Yellowstone available to bison. The second component is a total herd goal for public lands outside of Yellowstone. This goal will be established based on

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habitat capabilities, intraspecies competition factors and the constraints of the winter forage resources. Bison will be managed back to the herd size goal for the area outside of the Park by a combination of hunting and relocation, but never below the minimum population goal for the herd as a whole. This is in many ways similar to the management occurring outside of Yellowstone along the Shoshone River in Wyoming. Wyoming reduces the bison herd there during winter to accommodate the forage resources and the forage requirements of other wild ungulates, but does not eliminate all bison outside of the Park.

Low Risk Bison

The Citizens' Plan commits to accepting the low risk definition for bison as outlined by APHIS. In all alternatives for the DEIS however, the discretion of the state veterinarian is referenced to determine which bison are low risk. This discretionary authority is unacceptable. There is no assurance the state veterinarian will utilize sound science in making this determination or will consistently apply any low risk definition. There is no opportunity for the public to participate in these discretionary decisions by the Montana State Vet. The APHIS definitions are acceptable to the unbiased scientific community including the National Academy of Science. APHIS' definition is completely consistent with the evaluation of the NAS Report regarding those animals and those situations that pose the greatest risk of transmission to cattle. These tangible commitments are one of the most significant differences between the Citizen's Plan and Alternative 3.

Land Acquisition

The Citizens' Plan supports current efforts to acquire winter ranges north of the north boundary of Yellowstone National Park between Reese Creek and the mouth of Yankee Jim Canyon. The Citizens' Plan believes the value of this winter range is too high for bison and other wintering wildlife that it specifically precludes development of a quarantine facility within these newly acquired lands.

Interagency Coordination

The Citizens' Plan specifically incorporates an interagency team of wildlife professionals made of up state, federal, tribal and public experts who will meet on an annual basis to review bison and other wildlife populations, range and climate conditions, conflicts with private landowners and other issues to adaptively manage buffalo outside the Park. Members of the public will have and opportunity to participate in these discussions and comment on draft management plans.

Citizens' Plan is Consistent with NAS Recommendations

One of the distinct advantages of the Citizens' Plan is that it is totally consistent with the scientific constraints acknowledged by the NAS Report and it is also consistent with the vision established by the NAS Report to develop management systems that reduce the risk of brucellosis transmission without eliminating the bison of Yellowstone or causing economic hardship to Montana's livestock industry.

NAS advocates for the complete vaccination of cattle:

- "...the most workable method of reducing risk of transmission of brucellosis from bison and elk to cattle in the GYA is vaccination of cattle. ..... Most cattle in the region already are being vaccinated for brucellosis, and this program is the most cost-effective way of reducing potential transmission from wildlife in the short term. ..... Until a program of elimination is in the implementation stage, cattle vaccination should be universal in the area surrounding the GYA." (NAS - page 115)

NAS advocates for development of a vaccine for bison to be used in conjunction with vaccination of cattle:

- "Vaccinating cattle and bison would make the risk of transmission from bison extremely low under current conditions." (NAS - page 110)

NAS acknowledges the public intolerance for test and slaughter or depopulation:

- "Neither depopulation nor a test and slaughter program alone is likely to be publicly acceptable. .....Those are important traits (wildness and intractability) to retain in YNP bison, one of the few herds where it is feasible to maintain natural behavior, so rounding up is not likely to be acceptable. In addition, the construction of facilities necessary to handle bison would detract from the natural aura of the park and might have detrimental effects on the park ecosystem." (NAS - page 112)

NAS acknowledges the veracity of perimeter management zones:

- "...establish perimeter zones in which animal populations are monitored in progressively vigorous ways. Zones established nearest the GYA would have increased disease surveillance, vigilant monitoring, vaccination and contact reporting programs. Implementation of such a perimeter-zone strategy should include collection of serologic data in cattle vaccinated with RB51. **This would more clearly establish whether transmission of *B. abortus* actually is occurring in the GYA."** (Emphasis Added) (NAS - page 116)

NAS describes how buffer zones between conflicting management areas offer an opportunity to

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allow for a transition of management needs and objectives and how they could function in concert with the perimeter zones described above.

- "Establishment of buffer zones between parks or reserves and the surrounding lands used for agriculture or other purposes is a well-accepted approach in land planning (for example, Harris 1984,;Western and wright 1994). The buffer zone is an area in which management can facilitate the transition between goals of two contrasting land uses. In a source-and-sink model, then, the shift from favorable to unfavorable habitat (because of conflict with human land uses) is accommodated along a gradient in the buffer zone between protected and unprotected areas. Federal lands outside YNP could and to some degree already do, serve that function. The buffer zones also could be linked with perimeter zones for brucellosis control discussed earlier."

NAS concurs with the Citizen's Plan that a boundary on public lands should be established beyond which bison must not range.

- "The likely consequence of shifting the boundary of protection from YNP to surrounding public lands is that bison , and perhaps elk, populations will simply increase further, shifting the boundary to a new point - private lands-where even greater numbers of bison will have to be dealt with. Those limits need to be confronted unless our nation is ready to make a substantial commitment to acquire private lands for bison conservation."

NAS urges a system of adaptive management in concert with establishment of buffer zones.

- **Recommendation: A brucellosis program for wildlife in the GYA should be approached in an adaptive management framework.....**Nevertheless, a cooperative arrangement to pursue systematically a pragmatic program is the best route to the highest result that can be achieved. (Emphasis in original) (NAS - page 9)

NAS verifies the conservation advantages of restoring bison to suitable habitats outside of Yellowstone (e.g. Indian Reservations) and these land owners are ready, willing able to commit to bison conservation on a scale never before imagined by conservationists.

- "If such a commitment is to be made, it needs to be determined whether it should be made in the GYA where bison conservation is already near the potential of the ecosystem. Bison conservation might be better served if, for example, the commitment were directed to the Great Plains, the heartland of the aboriginal bison range." (NAS - page 122)

Impact Assessment

Because of the factual errors and omissions cited above, we find the section on impact assessment replete with errors and is misleading. For example, the impact predictions are based on reducing the seroprevalence of brucellosis antibodies in bison, but no vaccine exists yet for bison. Is there a contingency plan for how any of the alternatives may have to be modified if a vaccine is not developed in the time frame hypothesized. The quantification of impacts on the bison herd are made with so little statistical confidence that the terms of "slight, moderate, major, etc" have no real meaning for the reader. Perhaps all that can be done is to simply rank the impacts of the differing alternatives on the bison from the least impacting to the most.

Alternatives 5 & 6 are so egregious they should be eliminated from the DEIS. Not only are these alternatives contrary to the mandate of the National Park System and contrary to bison management, they are illogical, contradict the objectives of the DEIS process, contradict the scope of the DEIS and set a dangerous precedent about how our national parks are managed. These alternatives call into question whether the national parks should be managed for the benefit of the public or the financial benefit of a special interest group. These two alternatives predicate success on a combination of test and slaughter and vaccination to "reduce the risk to near zero.", "to remove the remaining seropositive animals.", and "After all park bison have been tested or removed, the herd would be monitored for re-appearance of brucellosis. ..... If the entire herd tested free of brucellosis, the agencies would devise a new long-term bison management plan recognizing the herd of brucellosis free." These statements are ludicrous, the disease cannot be eliminated from bison unless elk are also intensively managed.

The NAS Report characterizes the risk of brucellosis transmission as so small that it is not measurable. How can an unmeasurable risk be determined to be "near zero"? The NAS Report acknowledges that a reduction in seropositive rates in bison and elk must be carried out concomitantly, so these alternatives are designed to fail. The real agenda with forcing either one of these two alternatives on the public is to enter the Park under the guise of aggressive brucellosis control with goals Montana knows are unachievable . Then the operation will kill as many bison possible to reduce the population as much as possible. However, the seroprevalence will not decline because of the operational problems in capturing all bison in a 2.2 million acre park and because the elk will continue to be a source of infection for the bison. So, seroprevalence will remain high, even at low population levels and then the Montana State Veterinarian, supported by the Idaho State Veterinarian and the Wyoming State Veterinarian, will call for a total round up and slaughter of the bison. The logic will be: "We are unsuccessful in eliminating seropositive bison because of the difficulty in testing the bison under the constraints of the management decision. However, we have reduced the population to a very low level and **now** is the time to enter the Park and eliminate the brucellosis problem from the bison once and for all. Because the population is so small now, it is manageable and we can hunt down and kill any and all animals that avoid capture. Don't worry if we eliminate all the bison this way,

because you can always restock with bison from other parks and ranches." This is the true agenda of those who advocate Alternatives 5 & 6 and why, although these alternatives are not supported by logic, scientific fact or the recommendations of the NAS report, they are still being desperately pushed by the state of Montana and the Department of Livestock.

The case study information regarding estimated time frames necessary to eliminate brucellosis from the smaller and fenced bison herds in Wind Cave National Park, Wichita Mountains National Wildlife Refuge and Custer State Park need to be incorporated into the DEIS under impact assessment. The time frames described in the DEIS are unrealistically short and optimistic given the differences in the Yellowstone National Park situation and the other bison herds listed. First and foremost, Yellowstone is much larger than either Wind Cave, Custer or Wichita Mountains, Yellowstone is 2.2 million acres in size and is characterized by various types of typography and vegetative communities. The road density is much smaller in Yellowstone than the other areas and therefore access is significantly restricted. Finally, all those other bison herds are fenced in, they cannot exit their respective reserves. Yellowstone is not fenced and is surrounded by significant amounts of public lands, some of it very rugged and inaccessible. The consequence of all these factors is that bison in Yellowstone can move over long distances, remain in remote areas, far from any highly visible areas and therefore isolate themselves for significant periods of time from managers and management actions. Therefore, the optimistic time frames described in the DEIS require modification to be accurate and based on reality and experience. The NAS Report provided the following information as case studies for eradication in the above areas.

NAS reported for Wind Cave National Park:

- "The combination of vaccination, serologic testing, and management with removal of reactor bison allowed Wind Cave National Park to eliminate brucellosis in 21 years." (NAS - page 108)

Regarding Custer State Park, whose management included aggressive test and slaughter and vaccination, the NAS Report noted:

- "Brucellosis had been eliminated in 10 years, even though not all bison were tested each year." (NAS - page 108)

The Wichita Mountains National Wildlife Refuge was also as aggressive as some of the alternatives proposed in the DEIS with regard to elimination from bison. The NAS Report stated:

- "It took 8 years to eliminate the disease, and the herd was considered free of brucellosis in May 1974." (NAS - page 108)

The NAS Report cites a prediction that even with an aggressive test and slaughter and vaccination program, elimination of brucellosis from Yellowstone bison would take 10-20 years (NAS - page 110). But this prediction was based on the experience in Custer State Park, without the complications of a large reservoir of brucellosis in another ungulate and therefore, ignores the presence of brucellosis in the Yellowstone elk herd and the complications that the elk infection bring to any estimates of predictions on how much time it would take to theoretically eliminate brucellosis.

The DEIS fails to include the effect of a huge alternate reservoir for brucellosis in elk that did not exist when brucellosis was eradicated from these other areas. The Yellowstone elk population also tests positive for brucellosis and is scattered throughout the Yellowstone Area. The potential for elk to bison transmission exists throughout the area during the aggressive management actions proposed. However, the presence of the elk, their disease status and the likelihood of the elk maintaining brucellosis in the bison herd are never discussed or factored into the time frames predicted in the DEIS..

The assessment of cumulative impacts is narrow and short-sighted. With regard to all aspects of the cumulative assessment, only Yellowstone National Park and the areas of Montana adjacent to the Park are considered in the analysis of impacts. Cumulative impacts to grizzly bears are only limited to the interaction of the various alternatives and the Gallatin National Forest or private lands immediately adjacent to the Park. Impacts to recreation (hunting, snowmobiling, other winter recreation, changes in tourism) never consider the impacts to the state of Wyoming and its programs and gateway communities. Why would not a significant decline in the total bison population of the Park because of brucellosis control not have any impact to the bison hunting season in Wyoming. The DEIS admits that some areas now populated with bison in the Park may not be used by bison for years to come (depending on alternative). If that is the case, wouldn't a reasonable person conclude there would be an negative effect on the number bison migrating out of Yellowstone down the Shoshone River and therefore impact Wyoming's ability to hunt bison and derive revenues from the hunt? Would not the gateway communities of Jackson and Cody be affected by a decline in bison numbers that would affect visitation? If roads are plowed in the Park, as described in Alternative 5, to access wintering bison populations for test and slaughter, would not these same communities be affected by the lack of opportunity associated with the loss of winter recreation?. The entire cumulative effects analysis has taken a rather narrow view that all the consequences accrue in Montana and none to Idaho or Wyoming. The effects of the various alternatives will be felt throughout the three states, not just Montana. It is an arrogant position to take that Montana's agenda will drive resolution of this issue with total disregard to the effects of the other GYA states. It is equally irresponsible to not consider the impacts to wildlife populations across the entire Yellowstone area. Perhaps some of the grizzly bears that spend the summers in the Shoshone National Forest, in Wyoming, east of Yellowstone, and den in Yellowstone National Park, depend on bison carcasses in the spring to break hibernation and be reproductively successful. The cumulative effects analysis then needs to consider the effects of the proposed action on grizzly bears in concert with proposed or currently operating projects in

14,819 contd.

the Shoshone National Forest and other areas used by grizzlies. These are but examples of the failure of the DEIS to perform a thorough and thoughtful cumulative effects analysis.

The discussion regarding impacts to cultural resources is very disappointing, because it assumes the only impacts to cultural resources are to those archaeological sites that may be affected by surface disturbing activities. While consideration such disturbance is important, it is not sufficient to characterize the impacts to cultural resources as limited to these archaeological sites. The Native American Tribes of the region and member tribes of the ITBC are culturally affected by the actions described in this DEIS and yet no mention is made of the impacts to these cultures by the various alternatives. For example, there will be lost opportunities for some tribes if the Record of Decision does not include health certification and tribal relocation as one of the management strategies. If Montana continues to auction parts of slaughtered bison, there will be negative impacts to the culture of the tribes because they will not be able to compete for the various culturally important parts of the bison to be used for medicinal purposes, ceremonial clothing etc. These lost opportunities should be evaluated and characterized, even if they cannot be quantified financially. These impacts must also be disclosed to the public and the decision makers.

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NATIONAL WILDLIFE FEDERATION

INTERTRIBAL BISON COOPERATIVE
NATIONAL WILDLIFE FEDERATION

OUR COMMON-SENSE PROGRAM TO SOLVE THE ALLEGED BUFFALO - BRUCELLOSIS PROBLEM

The joint ITBC/NWF proposal as an alternative to current management of the Yellowstone Buffalo conflict, is crafted to address the needs of all affected interests. Private property owners, hunters and other wildlife enthusiasts and livestock producers all will have their concerns positively addressed if our proposal is implemented. We firmly believe the presence of brucellosis in wildlife is an issue that should be managed by wildlife professionals and that it can be resolved to protect the interests of all of Montanans, the Nation's citizens and Yellowstone's Buffalo.

OUR OBJECTIVE **is to maintain a wild, free-roaming buffalo herd that is allowed to range inside and outside of Yellowstone National Park (YNP).** This herd is a public trust resource and must be managed and perpetuated as such. It must be allowed to use the public lands outside of YNP just as the deer, elk and other wildlife species do. It is imperative that the Yellowstone herd be managed in the public trust and not privatized. Our alternative is a complete, integrated program; no single component can independently resolve the issue. It functions as a tool box, we must use all the tools to effectively resolve the issue.

1. ESTABLISH A BUFFALO RESEARCH / HEALTH CERTIFICATION CENTER TO RELOCATE DISEASE FREE BUFFALO TO TRIBAL LANDS AND PUBLIC LANDS INCLUDING YELLOWSTONE NATIONAL PARK.

Rather than killing all buffalo leaving YNP, whether healthy or not, buffalo should be safely captured and tested for brucellosis when they congregate on private lands and human safety or property damage are concerns. All these buffalo, that are currently being killed, if they test positive for brucellosis should be placed into a research program where non-lethal tests are developed to discriminate contagious from non-contagious animals. The ultimate goal would be to conserve animals with the genetic and immune capability to systemically defeat the *Brucella abortus* infection. All buffalo testing negative should be moved to the buffalo health certification center for transfer to tribal lands, back to Yellowstone and ultimately to other public lands.

The buffalo health certification center should be operated by ITBC. We call upon the agricultural agencies to promptly approve this buffalo health and distribution facility and to locate it **outside** YNP boundaries on tribal, public or private land. Relocating health certified buffalo to tribal lands not only conserves individual buffalo, but also maintains the genetic integrity of the Yellowstone herd through conservation of bison genes on tribal and, ultimately, public lands.

2. SCIENTIFICALLY MANAGE THE YELLOWSTONE AREA'S BUFFALO POPULATION.

The involved agencies and the public must develop a population goal for the Yellowstone buffalo herd as a whole (including wintering populations outside YNP). When the Yellowstone herd grows beyond the herd goal, strategic methods of herd management must be implemented outside YNP utilizing standard, professional wildlife management techniques, including relocation to tribal lands, controlled public hunting and subsistence hunting by Native Americans. Herd management through hunting must not repeat the mistakes of the past by establishing "firing lines" at Park boundaries. Rather, hunts must be conducted consistent with the principles of fair-chase, and in an ethical and sportsmanlike manner on lands outside of Yellowstone National Park.

3. ACQUIRE ADDITIONAL WINTER RANGES AND KEY MIGRATION ROUTES.

Purchase fee title or easements through a public/private partnership across private property for a buffalo migration corridor, allowing buffalo to safely travel to public lands beyond Yellowstone National Park. Key private lands adjoining YNP on the north and west should be acquired from willing sellers to provide additional winter range.

4. ADJUST CATTLE GRAZING TIMES AND PATTERNS ON PUBLIC LANDS BORDERING YELLOWSTONE NATIONAL PARK.

Delay cattle grazing on appropriate public land allotments until buffalo have calved or returned to YNP or after buffalo have moved to areas where cattle grazing is not permitted. Relocate some allotments to areas where bison do not migrate. Provide financial incentives to reduce the financial burden on permittees.

5. VACCINATE CATTLE ON A CONSISTENT AND ROUTINE BASIS.

Implement a mandatory cattle vaccination program utilizing the vaccine RB-51 within a "Brucellosis Management Area" surrounding Yellowstone National Park. This precautionary measure will virtually eliminate the already minor threat to livestock. We strongly recommend the Federal Animal-Plant Health Inspection Service pay for this vaccination program.

6. DEVELOP A VACCINATION PROGRAM INSIDE YNP

Design a brucellosis vaccination program for buffalo inside YNP only after a vaccine that is safe and effective for buffalo and other wildlife is developed. However, we strongly recommend a vaccine delivery system be used that minimizes disturbance to wildlife.

7. EVALUATE THE WINTER MANAGEMENT OF YELLOWSTONE'S ROADS.

Evaluate YNP winter road management practices encouraging and assisting buffalo migration. Determine if viable alternatives exist to the current policy of plowing or packing snow-covered roads and implement appropriate changes.

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Oral testimony provided at the Holiday Inn, [redacted] *August 27, 1998*

Comment No. 14827
Steve Torbit
National Wildlife Federation

Thank you. My name is Steve Torbit. I'm a senior scientist for the National Wildlife Federation out of [redacted].

I've been to four or so of these hearings so far, and they have continued to remind me of all of the contradictions that there are out there with this issue, both in the professional arena and in the private arena.

We hear how horrible undulant fever is and how it's so bad that, you know, we've got to eradicate the disease. And one of these days, a visitor to the park is going to come down with undulant fever. So I would ask the Park Service and the State of Montana if they are truly concerned about the human health issues in visitors in the park, that they make sure that they analyze visitation; because last time I was there, visitors didn't milk the elk or the buffalo or they didn't help either one deliver their calves. That's the way the disease moves in humans. When we pasteurize milk, we eliminated the biggest factor there.

One of the other contradictions that I hear is, Run Yellowstone as a ranch. Well, it's older than all three states. It's a national park. It's unique. So it can't really be run as a ranch, because it has a whole different paradigm. But the contradiction involved is let's run Yellowstone as a ranch and let's limit the bison to the park. Let's not allow the bison out on the public lands outside the park. How many ranchers are limited to a base property and not allowed to use public lands outside their base property? So which is it? Do you run it as a ranch and the base property all by itself or not? I'm confused.

Of course, the National Wildlife Federation and its 4 million members and supporters believe that bison are wildlife and should be managed as wildlife, by wildlife professionals, and allowed access to public lands outside the park, just as the elk, just as the grizzly bears, just as the deer, and the antelope and the other wildlife are. There's nothing different about bison. They need management; yes. And we believe that management can occur effectively and safely outside the park, not only for population numbers but also for the disease. That's why the National Wildlife Federation and the InterTribal Bison Cooperative have developed their own solution, which is now incorporated in The Citizens' Plan. And we're also supporting that.

There will be those that say there's no difference between The Citizens' Plan and the preferred alternative. I would characterize the preferred alternative as giving lip service to the significant elements in The Citizens' Plan, because there's guaranties to the public of certain management actions in The Citizens' Plan which do not occur in the preferred alternative.

We've heard a lot over the last month, about zero risk. We can't tolerate any risk of brucellosis. And I understand why the livestock community is concerned about the risk of transmission. understand why they are concerned about getting their status modified and being downgraded. But I think zero risk is absolutely untenable.

On my way down here from Billings, I about hit a cow on the road. It doesn't mean we should go out there and kill all the cows so that the motoring public doesn't have an accident. It means we manage the situation.

If management is what the livestock industry wants -- and I believe we can have it -- then let's manage for risk reduction; let's manage for separation; let's manage the situation. Let's not call for test and slaughter and eradication of the buffalo herd, which, by the way, will eliminate a lot of genes that are very underrepresented in the other public and private bison herds across the country.

Finally, as far as the whole issue is concerned, some of the comments that have been made today are very important about it's not a case of wildlife or livestock and the wildlife people and the livestock people shouldn't be fighting on this issue; that we should work together. I wholeheartedly support that. I think there's much too much animosity that we are giving to each other to accomplish somebody else's political agenda. I think that it's important for us to work together. I think we can work together and stop the conflict. Both of us can achieve our goals.

My great-grandfather always used to tell me that you can put your boots in the oven, but that don't make them biscuits. But we keep on coming back to human health or sanctions or testing all the cattle in Wyoming as part of the problem. We've got to verify the problem. But after about 30,000 cattle have been tested in Wyoming and not one has come up positive, you've got to ask yourself, What is the problem? Is the problem the disease, or is the problem the way that the livestock community, the wildlife community are being used as cannon fodder by APHIS and the State Veterinarian Association to accomplish a political agenda. If we stop fighting with each other and start working together to make the EIS better than it is so they can achieve our objectives, then we both come out, in the end, winners.

Oral testimony provided at the Holiday Inn Billings Plaza Hotel & Trade Center, [redacted] August 25, 1998

Comment No. 14846
Steve Torbit
National Wildlife Federation

Thank you. My name is Steve Torbit. I'm the senior scientist for the National Wildlife Federation, out of [redacted].

I had several points to make, one of which I thought was very interesting. On the way up here from [redacted], I was listening to the radio out of Sheridan, talking about the problems at the sale barn in Riverton and how they are going to be overloaded with livestock this fall. Cattle coming in the sale barn, they can't process them all because of the testing requirement. And so there's a little concern about capacity there in Riverton. And the reporter quoted something like 30,000 cattle had been tested in Wyoming for brucellosis since the new station review in Wyoming, and there hadn't been one positive.

And you've got to ask yourself, when is enough enough? Are 50,000 cattle, 100,000 cattle, a million cattle tested? When are we going to find out that there is not any transmission occurring out there? When are we going to determine what the real problem is? I hate to be trite, but where's the beef?

People are being used as cannon fodder. The ranchers are being used, the wildlife people are being used, all the citizens are being used to accomplish a political agenda. And when are we, collectively, going to sit down and solve the problem and tell the agencies and the political people that we're not going to stand for it anymore? I don't blame the ranchers for being upset and being worried. If I had agencies that were working against my interests, robbing me of due process by being arbitrary and capricious, I would be upset, too. That's the problem. Brucellosis is not the problem. The process of taking due process away from the ranchers and threatening the livelihood, that's the problem.

The goal of the EIS is to resolve the problem of brucellosis in the GYE. I maintain that every one of the seven alternatives is not going to reach that goal. It's going to be like a wound that never heals. Every winter, the scab will be torn off. There's been bad press every winter. There's going to continue to be bad press. And everyone is being tainted by the bad press that's out there. The Park Service, the State of Montana, wildlife people, everybody is getting a black eye in this. And, again, I think it's up to us to come together and to work with each other to resolve this issue and not get caught up in this political cannon fodder that we've all been used.

There's so many things that don't just add up. You can't do it in five minutes. You can't talk about it all in five minutes. Everybody's been citing, you know, the NAS report. I'm going to read something right out of it here, talking about the likelihood of eradication of the disease.

Because neither sufficient information or technical capability is available to implement a brucellosis eradication program in the GYE at present, eradication as a goal is more a statement of principle than a workable program, period.

NAS study. You want to use it; you've got to use it all. The cure is worse than the disease here. Okay. We can't eliminate the disease. There's no vaccine that works for buffalo. We can pull together. We can manage the situation and not leverage each other, not get sucked into that game where we are fighting against each other.

As far as the number of bison, use the NAS report. It says in here that the winter carrying capacity of the Yellowstone National Park is about 3,000 bison. Let's put it in the EIS. Let's analyze those numbers. NAS report, if you're going to use part of it, use it all.

One of the things that the National Wildlife Federation is very concerned about is the idea of quarantining the animals and making sure it's done right. We are very much against privatization of the buffalo, any buffalo that make it out alive. We're very concerned about the APHIS protocol that's in the EIS, because we don't think any buffalo are going to make it out alive. It's a feedlot situation that's much more severe than anything that has a program for domestic livestock. We think a pasture-type system would be more and will actually get buffalo out. They could be moved to tribal lands, the clean ones; you're right. The previous comment that said the tribes don't want diseased bison, that's absolutely right. They don't. Nobody does.

We've done it before. The Henry Mountain herd in Utah came from Yellowstone in 1941. There's no brucellosis in that herd. There's no brucellosis in Utah and it's hunted. Buffalo out of the park are being hunted in Wyoming very successfully. Why is everything so hard in the state of Montana?

The last thing I would like to ask is that if alternative 7 or any of the alternatives that occur in the EIS are actually chosen I would like to request that Racicot turn on the sunshine and assure the public that all the decisions subsequent to that final EIS by the State Vet, by the Department of Livestock, and other State agencies have full and open participation of comment opportunity by the citizens, because a lot of this is going to go on behind closed doors, folks; and we need to be assured that we do have a place there and it's not done with a door closed. Thank you very much.

Oral testimony provided at the Stardust Best Western Motel, [redacted] on August 11, 1998

Comment No. 14874
Steve Torbit
National Wildlife Federation

Thank you, my name is Steve Torbit. I am the senior scientist for the National Wildlife Federation out of [redacted]. I am also speaking today on behalf of the Inter-Tribal Bison Cooperative headquartered out of [redacted]

The Environmental Impact Statement does not nor will the alternatives meet its stated goals because it will not resolve the issue but rather will be more like a wound that will never heal. We suggest a new unique approach be inserted into the EIS and its impacts fully analyzed.

There is a resolution to the issue that is economically friendly to the ranchers and will also maintain a wild viable bison herd and other wildlife herds in the area.

The alternative plan is the Citizens' Plan and because it incorporates all the elements of the Inter-Tribal Bison Cooperative-National Wildlife Federation plan, any reference by supporters of the Citizens' Plan must be considered synonymous by the Park Service and the State of Montana with the ITBC and WF plan. We believe this plan will restore peace of mind to the ranching community and will restore peace of mind to wildlife conservationists and National Park supporters. It strikes a balance. It's the classic meet each other halfway instead of leveraging at both extremes.

We have heard a lot about eradicating the disease from the ecosystem, that it's the last reservoir of the disease. That is not true, and eradication is simply not possible. The National Academy of Science report shows how the plan for eradication is more of a goal than a workable solution.

The EIS truly shows how the cure is much worse than the disease. The NAS study also says that the risk of transmission from wildlife to cattle is small but not zero. That's true. The risk of us all being killed today by a meteorite crashing through this hotel is small but not zero but we are not wasting time and money digging meteorite shelters across the country. There is some risk in life. How many times have we heard the western congressional delegations tell people that they have to learn to live with risk? This is only one of the many risks we all have to live with.

I have to say on a personal note that I do sympathize with the concerns of the ranching industry. I have walked in that world, I grew up and worked on a western cattle ranch. I understand why they cannot rest easy at night because they worry about their economic future and their ability to make a dollar off their herds. I understand those concerns. But I think there is resolution that will address those concerns without the Draconian measures outlined in the EIS.

My great grandfather always used to tell me to be real careful about what other people told me and what I told myself. He said be real careful because you can put your boots in the oven, but that don't make them biscuits, and we keep shoving these brucellosis boots in the oven and it doesn't make it any more real, it doesn't make the problem any worse than it currently is if you put it down on paper.

So you have to ask yourself what's the real problem and is the real problem the lack of due process that the ranching community experiences when sanctions are levied against Idaho, Wyoming, and Montana. I strongly suggest that the Park Service and the State of Montana analyze how other states can unduly threaten sanctions against Wyoming, Idaho, and Montana without due process. To be so arbitrary and capriciously interfering with interstate commerce is totally inappropriate.

While I sympathize with the ranching community, I also understand what the conservation and wildlife community is facing. We are going to turn 150 years of wildlife conservation on its head. We have the most successful form of wildlife conservation on the planet and we are ready to turn our back on that and rather than have wildlife professionals manage our wildlife, we are going to turn management over to a single special interest group, which is inappropriate.

We don't let the highway department or the Bureau of Reclamation manage our wildlife for the very same reason that the Department of Livestock in Montana should not manage wildlife.

Finally, I think it's important that the Park Service and the State of Montana incorporate guidance from the NAS study in the EIS on the disease problem. For example, the NAS study states that 3,000 bison is an approximate winter carrying capacity for the Park. That should be the upper population goal in the Environmental Impact Statement, not 1,700 bison. You have got to wonder if brucellosis is the real issue, why are we worried about the number of bison in this EIS.

So I demand that the Park Service and State of Montana consider the report, The National Academy of Science report, specifically the parameter of 3,000 bison as winter carrying capacity for the Park and use that rather than the 1,700 to 2,500 population figure that the EIS currently considers.

I also think that we should work toward eradication. It's an exotic organism. It should be eliminated from the Park but we have got to get a whole lot smarter and develop a whole lot better techniques before we can accomplish that.

Finally, much has been said about the ability of the ranching community to market their livestock across state and international lines. It's important to state that the nation of Canada has declared itself brucellosis free despite the fact they still have brucellosis in their wild bison; they have just been a lot smarter than us, they have declared victory and gone home because they know where the limits are. They have eradicated it from livestock and they are not worried about the wildlife and they are doing a much better job of presenting to the public the health of their livestock herd than are we, there is no question in the public's mind about their livestock's health and there is the chronic question about the health of our livestock.

Oral Testimony provided at the Syndham Hotel [redacted] *on September 3, 1998.*

Comment No. 14890
Laura Adducci
National Wildlife Federation

I'm Laura Adducci with National Wildlife Federation. As Sheral mentioned, with four million members nationwide, we are the largest conservation group in the country. Some of these comments I made in Denver, but I feel like they need to be stated again, as well as restating some of the things Sheral's mentioned.

The following is a quote from the April 21st, 1998 issue of The Wastebasket from the group, Taxpayers for Common Sense. "The buffalo situation in Yellowstone National Park leads to questions about why the government is spending millions slaughtering wildlife to protect subsidized cattle that are supposed to little risk. In other words, how tax payers pay to herd and corral wildlife while domestic cattle enjoy their subsidized home on the range." That is just one statement that illustrates the defiance of common sense surrounding the management of Yellowstone National Park's buffalo.

The so-called preferred alternative in the draft environmental impact statement is little more than an expanded version of the interim management plan under which 1,082 buffalo were slaughtered needlessly in Montana during the 1996-97 winter. Instead of recommending the implementation of a scientifically based, viable management solution, the National Park Service's preferred alternative grants absolute management authority to the Montana Board of Livestock, again flying in the face of common sense.

Livestock managers would have the power to deny the buffalo the use of lands outside the park, denying them the freedom to roam. This is a right granted to other wildlife, such as elk and bears. Why not the buffalo?

The apparent reason is brucellosis. Despite scientific evidence to the contrary, the livestock industry fears that buffalo could transmit the disease to cattle. Even if wild-buffalo-to-cattle transmission were possible, there would be no justification for the slaughter of calves, bulls and negative-testing buffalo, none of which presents any threat.

This, too, defies common sense. There is simply no scientific basis for the slaughter of buffalo in the interest of livestock protection. This issue puts the national park system, buffalo and all wildlife at risk. Common sense must prevail. It only makes sense that the Yellowstone buffalo herd be managed in the public trust, not privatized by livestock interests.

Other wildlife will be affected by the outcome of this management plan. Brucellosis is also in the Yellowstone elk population, and the Montana state vet has indicated that if he prevails with buffalo, he will take on the elk. None of the alternatives presented in the draft environmental impact statement would resolve the brucellosis issue.

Reason dictates that if brucellosis were the real issue, none of the alternatives would be satisfactory. The real issue is, who has jurisdiction over the management of the public's wildlife? The resolution of this question will set the stage for wildlife management in this country for the foreseeable future. The solution must be grounded in solid science and reason.

The National Wildlife Federation and the Intertribal Bison Cooperative's seven point solution is an integrated program consistent with the findings of the National Academy of Sciences. A coalition of conservation groups has integrated that seven point solution into a document called the Citizens' Plan, which is being widely promoted as a common sense solution of choice.

Under the plan, buffalo moving on to private land would be held to be tested for brucellosis. Negative-testing buffalo would be transported to tribal lands where they would be allowed to roam free and where they would be respected and valued as part of the tribe's cultural heritage.

Some of the common sense ideas included in the Citizens' Plan: Yellowstone is not a zoo or a ranch and should not be managed as a zoo or a ranch but as a national park.

Yellowstone buffalo are a public resource and must not be privatized by Montana. Montana must commit to accepting APHIS's designation of low risk bison. Test and slaughter is unacceptable to the American people in America's first national park and all national parks. Test and slaughter of wildlife will destroy the national park ideal and will destroy the public's wildlife. It is as simple as this: Yellowstone's buffalo herd does not have to be destroyed to protect Montana's cattle from brucellosis.

Given the total eradication of brucellosis in Yellowstone, it is impossible. The price to the public of chasing that end is too high. There is a common sense solution to the management of Yellowstone's buffalo. The National Wildlife Federation supports the Citizens' Plan.

Oral testimony provided at the Holiday Inn, [redacted] on September 1, 1998

Comment No. 14923
Steve Torbit
National Wildlife Federation

My name is Steve Torbit. I'm the senior scientist for the National Wildlife Federation here in [redacted] and today I'm presenting testimony on behalf of our 4 million members and supporters and of the 45 member tribes of the Intertribal Bison Cooperative.

One of the objectives that I have here today is to continue to advocate for some common sense to be injected in the whole debate and for common sense to prevail with the resolution of the issue. At the winter meeting of the Greater Yellowstone Interagency Brucellosis Committee in Jackson, Wyoming last year, one of the state veterinarians said to the public, to the audience in attendance at that meeting, "You guys have to understand, with this issue the truth is totally irrelevant." And despite the outrage, I'm beginning to think he was very right, because there's been so many myths, not only proposed as fact in the EIS, but also in the public testimony by the people who would espouse eradication of the disease in the wildlife. So what like to do is take on those myths.

The first one is the human health risk. There have been a lot of people in the livestock community, the Wyoming and Montana Stockgrowers, that have talked about the great risk to the park visitors from brucellosis and how a park visitor is going to come down with undulant fever, the human form of brucellosis. And of course, the human health risks have been basically eliminated, once we figured out to pasteurize milk and not pass brucellosis to humans from unpasteurized milk. So I'd like to state for the record that unless visitors are planning on milking the buffalo and elk and use the milk for breakfast or being buffalo midwives, I don't see any reason to be concerned about human health concerns.

There is also a demand by the stock growers to vaccinate the buffalo now with Strain 19; it's the historical vaccination used for the cattle industry, and it helped clean up the cattle industry. It's effective in cattle. There is one reason why they don't use it anymore, though; it will give you false positive blood tests. An animal that's been vaccinated can show a false positive, in other words, will be shown to be to have been exposed to the disease. When you couple vaccination with Strain 19 with test and slaughter as the livestock people advocate, you're basically building up the number of positive reactors you'll have in the bison herd, and so year after year when they do test and slaughter and vaccinate Strain 19, more and more buffalo will be killed. Sooner or later, the herd will be eliminated because of their increasing in the level of blood test positives. So one of the things we need to do is if we develop the vaccination system, not only must it be safe and effective, it also must not yield false positive results.

There has been a lot of talk about zero risk. The livestock community can't stand zero risk. But again, why do cows get zero risk in their lives? If the people of Alpine, Wyoming, have E. Coli in their drinking water, they're sick; they haven't been able to get the water cleaned up. You have to ask yourself, wouldn't the $30 to $60 million the AFA spends on brucellosis eradication, at least a piece of it, especially the piece spent on this issue, be better spent helping those people in Alpine, Wyoming?

How many people have gotten sick from E. Coli in our processed food supply? Why don't we guarantee them zero risk? This past spring, my son got salmonella from a fast food restaurant in Denver. We don't go around shooting the fast food restaurants and killing them. We have to accept the fact that life is not risk free.

Eradication is also advocated by those who would violate the integrity of the national park boundaries and the national park ethic. You have to ask yourself, what's the price of eradication? One private veterinarian in Wyoming said his approach to eradication would be to fly the military into the park, taking out as many elk and bison as you could with helicopter gunships and then finishing them off with troops. He's probably right; that's probably what it would take. And what about the one or two Brucella that lodge in the coyote here and there or a packrat or a mouse? Eradication is a very, very tough term.

So the bottom line is the National Wildlife Federation is advocating for common sense, some scientific legitimacy, but to maintain wildlife managed as free-ranging species by wildlife professionals. We're totally against test and slaughter. We believe that wherever the public sees the words "test and slaughter," they need to translate that to wildlife holocaust. Test and slaughter has no place in a national park or on public lands with wildlife. That's a public resource; it shouldn't be managed in deference to a single special interest.

You have to ask yourself what the real problem here is. Is it the disease, despite 30,000 cattle being tested in Wyoming and no positives coming up? Is the real problem the fact that there are 50 state veterinarians out there who can rob ranchers of due process by issuing arbitrary and capricious sanctions against other states, designed to take ranchers economic hostage, and then leveraging that hostage-taking to expand the power of the state vets? Our system of government is predicated on checks and balances. There are no checks on the state vets, and there is certainly no balance in this system. And we support balance and common sense; and that is why we support the Citizens' alternative.

Oral testimony provided at the Holiday Inn South, [redacted] on September 29, 1998

Comment No. 15083
Mr. Steve Torbit
National Wildlife Federation

My name is Steve Torbit. I'm the senior scientist for the National Wildlife Federation out of [redacted]. I appreciate the opportunity to speak once again on behalf of National Wildlife Federation and its more than 4 million members and supporters about the Yellowstone buffalo issue.

I think it's important to keep in our mind that this issue is going to force the American public to decide whether they want to turn their back on the most successful system of wildlife conservation that the world has ever known and if we want to turn over a balanced approach to wildlife management and parks management where the public interests are served and replace it with a situation where only a single special interest needs are served.

There's been lots of folks at these hearings and folks today that have said there's never been a documented case of brucellosis transmission from wild buffalo to range cattle, and that's true. But even beyond that, over the last year or so, there's been over 30,000 cattle tested in the six Wyoming counties bordering Yellowstone National Park. There's not been one positive reactor that's been found in those more than 30,000 cattle. It forces you to ask the question where's the beef? How much more data, how much more real scientific information do we need to confirm that brucellosis is not a real disease, it's a political disease? And you have to ask yourself what's driving the issue? Why is this a problem? And one of the things that we must always keep in mind was that in 1934, one APHIS bureaucrat wrote a regulation that APHIS' regulatory goal for brucellosis eradication was to eradicate it from the country by the turn of the century. We're almost there in time.

There's about six cattle herds left in the country that still react positive to brucellosis tests, so that basically they have almost accomplished their mission. But now they're scared. They've been so successful they have to maintain their $ 60 million annual budget if they're successful in wiping brucellosis out of the livestock. So now they turn their attention to the Yellowstone buffalo herd and Yellowstone wildlife.

And you have to ask yourself how much evolution we've undergone as a country technologically and socially since 1934, and isn't it time for APHIS to update their regulatory goal of eradication. And so at this time, National Wildlife Federation is formally calling upon APHIS as a cooperating agency in the EIS to update their goal of brucellosis eradication and specify that it only applies to livestock. It does not apply to any wildlife populations anywhere in the country and to send that new regulation out to the country for public comment. I'm sure that they will receive a vast amount of support for that regulatory change. But again, we must keep in mind that if they do that, they lose their $ million annual budget.

I think it's important for all folks that are interested in national parks and wildlife conservation maintaining those resources in the public trust to reject all calls for eradication of the disease in bison and elk in Yellowstone because it's not consistent with common sense. It's also not consistent with the goals and purposes of the EIS. If you read the EIS in the introduction, there is a specific statement that this document is not about eradicating the disease in Yellowstone National Park. And yet at many of the other hearings, especially in Wyoming, Idaho and Montana, we've heard about how the disease must be eradicated.

So I'm formally calling upon the Park Service to be consistent with their charge to the public that this is not an eradication document and it will not be perverted into an eradication document by the Montana Department of Livestock or the stock growers.

There's so much contradiction and paradox with this issue, we could spend all day talking about it. After you spend some time with it, you see the contradictions and the paradoxes, you have to ask yourself why are people afraid of buffalo? What is the problem? Because that really is what it boils down to, that people are afraid of buffalo. There's so many calls for managed buffalo in the park and keep them limited to the park. We don't do that with any other wildlife.

Pelicans come and go in the park, fish come and go, even grizzly bears and wolves come and go in the park. I don't know what is so different about buffalo that they scare people so much that buffalo must be limited to Yellowstone National Park.

But that's the fundamental tenet Citizens' Alternative which N.W.F. and N.O.W. supports is that buffalo are wildlife, they must be managed as wildlife by wildlife professionals and allowed to graze and move on to public lands in and outside the park as all other wildlife species do.

We also must speak against some of the other comments we've heard at these hearings about test and slaughter of buffalo in the park and then administered the negative test in buffalo is Strain 19. This is an attempt to confuse the public about the issue because Strain 19 is not even used any longer in the cattle industry. It results in a positive blood test by the animals that are vaccinated.

So you see what happens, pretty soon your rate of prevalence of exposure to disease goes up from 40 percent to 50 percent to 80 percent to 100 percent and all the buffalo are sooner or later killed. So this is a perversion of any suggestion of vaccination of the buffalo.

The final thing I'd like to point out is that all of the disease data about this herd and the elk herd, all of those tests are based on cow tests. Those are blood tests where a zero prevalence has been quantified for cattle. And buffalo aren't cows, elk aren't cows. And so the whole fundamental tenet of this whole issue is scientifically and logically flawed, and it is an example of how this common sense has no bearing on this issue by the Montana Department of Livestock.

They may be trying to sell the public a flying pig in a poke. But we are encouraged by the public response and request everyone not only to testify here, but to send comment letters in to the Park Service and help us lead ourselves and the country out of this wildlife nightmare. Thank you.

Oral testimony provided at the Summer School, Museum and Archives, [redacted] on September 17, 1998

Comment No. 15131
Steve Torbit
National Wildlife Federation

Thank you. My name is Steve Torbit. I'm a senior scientist for the National Wildlife Federation. I'm based out of [redacted] I've been working on this issue for about the last ten years, and I think I can honestly say I've never seen a more disingenuous public participation process than the one perpetrated upon the public by the state of Montana and the National Park Service.

At the winter meeting of the Greater Yellowstone Interagency Brucellosis Committee last winter in Jackson, Wyoming, one of the state veterinarians who was on the committee said to the public in attendance at a meeting like this, "With this issue, you have to understand the truth is totally irrelevant." And I didn't really appreciate the full impact of that statement until I started going to all these public hearings and hearing all kinds of rhetoric and very little facts. So I'd like to try and blow away some of those myths, essentially in reference to the National Academy of Science Report, and discuss the position of the National Wildlife Federation.

First, the position of the Wildlife Federation is we're totally opposed to the concept of eradicating the disease because in this case the cure is much worse than the disease. The cost to the public and public resources and public wildlife is enormous and is something I do not believe the public will support.

The National Wildlife Federation in cooperation with the Inter-agency Bison Cooperative developed an alternative that we published a couple years ago. The fundamental tenants of that alternative have been incorporated into the citizens plan, and so the National Wildlife Federation is in full support of the citizens plan and asks the state of Montana and the National Parks Service to incorporate that plan and reissue the draft environmental impact statement, analyze the effect, and seek public comment on that alternative. One of the things we have heard at the public hearings is that you have got to take care of this disease, eradicate it. Sooner or later a park visitor is going to come down with the disease because it's such a horrible human disease. It's not even recordable with the Centers for Disease Control anymore. When we started pasteurizing milk, we wiped out about 98 percent of the prevalence in humans. So unless the park visitor has plans to go around milking bison and elk, I don't think there is a problem.

There is discussions which you just heard about vaccination now using the NAS report. A lot of the stock growers have stated they thought about using strain 19, which causes a positive blood test after vaccination. The National Academy of Science report says about the use of strain 19 in bison in most cases strain 19 appears to be more virulent in bison than in cattle and caused a high incidence of abortion when given to pregnant bison. It also causes as I said a positive blood test. So when the stock growers call for test and slaughter and vaccination with strain 19, what they are going to do is kill all of the positives, inject the negatives with strain 19, which will turn them into positives next near. The bottom line is no bison in a few years.

One of the other myths that I would like to explore today is that eradication can really be possible and achievable. We actually had one private veterinarian from Desert (phonetic), Wyoming, that said in order to achieve eradication or to be supported, we would need the military to fly in there with helicopters, gunships, and thousands of troops and kill every buffalo in the park. That's probably what it would take. And the public should not lose sight of the fact that two grizzly bears would test positive for Brucellosis this summer. Does this mean that the Farm Bureau and stock growers, they have intent to eradicate the grizzly bears as well? Is the real problem here Brucellosis, the disease, likelihood of getting into the cattle herd, or is the real problem a $60 million bureaucracy aimed at trying to maintain itself? It's about if they succeeded in wiping out the disease in livestock, they don't have anything to do when they have been successful. They are trying to maintain their jobs. And the other part of the real problem is the fact that we have 50 state veterinarians who can arbitrarily and appreciably rob ranchers of due process by issuing sanctions, economic sanctions against ranchers in other states, taking them basically economic hostage to the political whims of the state veterinarian.

I believe that that is fundamentally what is at issue here, is the future of our country's wildlife, whether it will remain in the public trust, whether Yellowstone and other public lands will remain in public ownership, or whether the only animals that will be allowed on there will be the ones that are sent through a feed lot and end up on somebody's dinner plate.

We fundamentally support the citizens alternative. One of the very fundamental tenets is the fact that it calls for relocation of healthy bison to the IBC member tribes, and this is a government to government transfer, not the privatization, selling to the highest bidder, that Montana has proposed in their aspect of the EIS. We would definitely work against any privatization of American wildlife.

Oral testimony provided at the Virginian Convention Center, [redacted] on August 10, 1998

Comment No. 15142
Steve Torbit
National Wildlife Fed

My name is Steve Torbit, and I'm the senior scientist for the National Wildlife Federation, based in [redacted]. I'm speaking on behalf of the National Wildlife Federation and the InterTribal Bison Cooperative today.

I think a couple of things are really important to keep in mind on the EIS while we're all here. One of the things we all have to recognize is that everybody, all parties interested in this dispute, is getting a black eye with the public. The state of Montana, the Yellowstone National Park, cattle ranchers, wildlife advocates, wild bison, bison producers, everybody is getting a black eye because of the conflict. And the conflict is not going to be resolved with the EIS. The EIS is only going to perpetuate the conflicts. So instead of it going away, everybody is going to continue to lose.

I would suggest that although the EIS is flawed in many ways and needs to be reconstituted, it needs to be reconstructed in a way that takes into consideration the comments that everybody has heard today. For example, the National Wildlife Federation and InterTribal Bison Cooperative support the citizen's alternative. But instead of just saying that, we need to insist that that alternative be fully analyzed by the Park Service and the State of Montana, because there's elements of that alternative that do not appear in the EIS and are not analyzed.

One of the other things that I'd like to urge happen with reconstituting the EIS and incorporating public comment is that several people have made reference to the National Academy of Science report on the issue. And I would urge the State of Montana and the Park Service, if they're going to use the brucellosis report by NAS, that they use it all. You can't just pick out those two or three pages that seem to support your agenda. What you have to do is use it all. For example, the report states that risk reduction and management is the foreseeable way to deal with the issue, that elimination, eradication is virtually impossible. In this case, the cure is definitely worse than the disease.

We tell people in the congress people have told the United States citizens they've got to learn to live with some level of risk, that the government can't solve all of their problems. Well, maybe we should listen about that with cows, too, because cows need to live with some level of risk.

The NAS even states in here that, in addition to not having any documented cases of transmission by the wildlife in Yellowstone, they can't verify the scientific accuracy of the six cases most frequently cited by the livestock community as proven transmission between wildlife and cattle. They also address the issue of natural regulation to a degree, although it's not really a substantive issue. It's peripheral. It's meant to distract people. And the numbers of bison that the NAS report says that the park can hold and carrying capacity is much higher than what the EIS states. And those numbers need to be incorporated and analyzed in the EIS.

So we urge that this EIS be reconstituted, redrafted, and especially the citizen's alternative be fully analyzed.

I guess the bottom line here is we keep on hearing how bad things are and what the problem is. I keep on asking myself, what the heck is the problem? Is the problem that people are losing money? Is there disease present out there with the livestock? The answer is no. The disease itself is not the issue. The problem is that the ranchers have been leveraged by state veterinarians, getting in smoke-filled rooms behind closed doors where the public is not allowed to participate. And in those smoke-filled, back-door rooms, the ranchers and the rest of the American public have their due process rights taken away from them by the state vets of Texas, Alabama, and other states like that who are not even class B. Yellowstone is not the only place where this disease exists. Oklahoma, Texas, Alabama are still class B states. Those are the people that are threatening the livelihood of the ranchers. And I don't blame them for being concerned and being upset.

The issue is, are they going to continue to be held economic hostage, or are they going to deal with the issue head on and recognize the bureaucracy that is taking them economic hostage?

The last thing I'd like to say is that a point was made today about the economic restrictions that can be imposed on livestock in the United States because they've eliminated brucellosis. Nothing could be farther from the truth. They have brucellosis in the wildlife in Canada. They've just been a hell of a lot smarter than us, because they've declared victory and gone home. All their PR is that they've beaten the disease in livestock, which is where we should be focusing our efforts. Their proclamation to the world is that the disease is not a problem in their cattle industry. And all we do is spend time and money telling everybody the disease is a problem; it's a horrible problem; the cattle could be at risk. We ought to learn from the Canadians and declare it free and go home.

Oral testimony provided at the Sheraton Palace Hotel, [redacted] on September 23, 1998

Comment No. 15188b[a]
Steve Torbit
National Wildlife Federation

Thank you. My name is. And I'm the senior scientist for the National Wildlife Federation out of [redacted] I've been working on this issue for several years and have spent most of this late summer and early fall at most of the EIS hearings for the buffalo EIS.

One of the things that I'd like to put in the record is a response to some of the things that I've been hearing, particularly in Montana, Wyoming, Idaho, Colorado, and Utah about the issue. I think the whole thing is framed around a public statement that one of the state veterinarians said at a greater Yellowstone Interagency Brucellosis committee meeting in Jackson last winter where he addressed the audience, a group about the size of the today and said, "You guys have to understand that this issue, the truth is totally irrelevant."

It hit me then, but it continues to manifest itself in many ways with the public hearings at some of the calls for action and management plans that the Stock Growers Associations and some of the state veterinarians have prescribed. So my objective today is to speak on behalf of the four million members and supporters of the National Wildlife Federation and encourage other members of the public to speak out and demand some common sense be injected into the debate, because there is no common sense with it as it stands.

We have to keep in mind what we have at risk here and that what we all have to lose if the integrity of the National Park System is violated and if the integrity of Public Trust Management and Wildlife Species also becomes a thing of the past. The stock growers continuously advocate for eradication of brucellosis in the greater Yellowstone area, and they talk about how they have done it with cows, and we should do it in Yellowstone with the wildlife.

But it's important to point out that APHIS's management charge and the state veterinarians extended the livestock, not the wildlife. So the question is do we want livestock agents managing our wildlife, in management parks and outside.

We have to ask ourselves what eradication really means. Is that test and slaughter of the buffalo or test and slaughter of the elk as the state veterinarians advocate? How far does it go? Where do you draw the line? The National Academy of Science report on the issue which was published this year I would like to read a sentence from that report into the record.

It says brucellosis recently was detected in black bear and grizzly bear in the greater Yellowstone ecosystem by Montana Fish Wildlife and Parks. And so where do we go after the buffalo and elk? Do we go after the bears too? Where do you draw the line with eradication? It's also been shown that coyotes can become infected with brucellosis and actually pass the disease on to cattle. And in the same report it also says they, meaning coyotes, also found brucellosis can pass through the digestive tract of coyotes and remain viable in the feces and urine.

In each of the four trials, ten exposed coyotes were put into one -- brucellosis transmission occurred in three of the heifers and one trial they aborted. Do we have to go after the coyotes too and then the wolves? Where do you draw the line? I think with this issue, there's no chance the cure is worse than the disease. There's never been any documented evidence of the Yellowstone herd moving the disease into the cattle.

We have to also ask ourselves what are the consequences of the proposals of the stock growers when they talk about test and slaughter in the park and vaccination. The whole idea of people being able to come into the park, round up the wildlife, run them through a test and slaughter program I think is totally against the fundamental ethic of the parks and what they mean to the American people.

And don't be confused or misled by their calls for vaccination, the Strain 19 now. The same National Academy of Science report emphasizes what most of the scientific community already knows, and that's Strain 19 produces positive blood test reaction in vaccinated animals. You can't discriminate between an animal that's been exposed to the disease to the field strain and an animal that's been exposed to the Strain 19 vaccination.

So under a test and slaughter without a lot of very specific identification markers on the buffalo, what you will do is actually increase the level of zero prevalence in the herd, and when they test and slaughter, every year there will be more and more and more buffalo killed. I guess the bottom line here is we have to ask ourselves what is the real problem with this issue. Is it a problem of real threat to the disease status of the cattle in Montana, Wyoming, and Idaho?

Is the real problem the fact that the disease is rampant within the cattle herds? It's a real disease threat. Or is there a political trend? Is the real problem the fact that the ranchers are being held economic hostage to APHIS and the state vets? The state veterinarians have a system designed where they can rob people of due process, issue arbitrary and capricious sanctions against the ranchers and then motivate the ranchers through the political system to demand extreme measures.

Our system of government is predicated on checks and balances, and with this issue and especially with the state in it there are no checks in place on the power of the state veterinarians. There certainly is no balance. The National Wildlife Federation in cooperation with Intertribal Bison Cooperative developed a plan to address the issue which has evolved into the Citizen's Plan. And we think the public is much better served by propagating buffalo outside of the GYE ecosystem. It's a system very similar that has been in place for elk that has resulted in repopulating the west. These are standard wildlife management techniques. And rather than shoot every buffalo that comes out of the park, we believe that our solution offers many more benefits to the public. Thank you

Oral testimony provided at the Colonial Inn [redacted] on July 27, 1998.

Comment No. 15245
Steve Torbit
National Wildlife Federation

Thank you. I appreciate the opportunity to comment here today. My name is Steve Torbit, I'm the senior scientist for the National Wildlife Federation out of [redacted]. I've been involved in this issue through many entities I've worked for over ten years.

In working in the environmental business for over 20 years looking at EIS's, I can safely say that I've never seen such a disingenuous EIS. I've never reviewed one that does not meet its own objectives and, in fact, betrays the public like this EIS.

I agree with the comments of Jeanne Marie from the Greater Yellowstone Coalition that the public is being misled. The fundamental decisions that are going to drive buffalo management are going to be deferred until sometime down the road, and the public will not have any opportunity to impact those decisions, just like it hasn't had any opportunity up until now. I think we all are tired of the issue. I think we all are looking for resolution and I'm absolutely convinced that the current EIS, regardless of which alternative you choose, will not resolve the issue. In fact, the scab will be ripped off this wound every winter and we're all going to have to go through this again. So I urge the State of Montana, I urge the Park Service to look for resolution rather than perpetuation of the conflict. Yellowstone is not a zoo, it's not a ranch, it's a national park. The way we manage those lands are different and we have to recognize that.

The National Wildlife Federation supports the Citizens' alternative that Jeanne Marie has discussed. We're one of the signatories because it incorporates our plan of the InterTribal Bison Cooperative and the National Wildlife Federation. It fully incorporates that plan so we've signed on to that and I urge the Park Service and the State of Montana to fully analyze the Citizens' Plan. None of the alternatives currently in the EIS do that. They play some lip service to some of the ideas, but there is no fundamental analysis. So I urge the two main entities to evaluate the Citizens' Plan.

I have a lot of sympathy and a lot of concern with the livestock people that have spoken here today. Those are my roots, too, coming from a ranching community and a family of ranchers, so I understand why they're concerned with this issue and why they're involved. One of them has said let's eradicate brucellosis and solve the problem. I have a question: what is the problem? Is the transmission of brucellosis the problem; are cattle being infected with brucellosis; are people becoming infected with brucellosis at a high rate; or is the problem the way that the state veterinarians can arbitrarily and capriciously hold the livestock operators hostage without due process? I think that's the issue and that's the problem. I think we have to address those issues because the ranchers deserve to go home at night and not worry about whether they're going to be able to ship their cattle to market, and if there are any barriers that're going to be erected to oppose their ability to make a buck. I think the conservationists and sportsmen likewise deserve to go home at night and not worry if the fundamental tenet of wildlife management in this country is changing and that being where wildlife is managed by state wildlife agencies or federal wildlife agencies for the public and not being privatized and not being managed by a single special interest.

My grandpa always told me to think real hard about what I did and what I said. One of his anecdotes for me, one of his ways to get me thinking, was just because you put your boots in the oven don't make them biscuits. We've been putting these brucellosis boots in the oven for ten years and they're still not biscuits. We can't make it something it's not.

So I encourage the Park Service and the State of Montana to really look at the Environmental Impact Statement. The fundamental analysis falls way short of anything I've ever seen before and I think that the EIS should be reconstituted, redrafted.

One of the things I'd like to be sure to hit on here today is to prop up our concerns about Montana's lack of really making definitive decisions on this EIS. We strongly believe that the State of Montana should endorse the APHIS definition of low-risk buffalo outside the park. We strongly believe that the State of Montana should transfer management authority of wild buffalo back to Montana Fish, Wildlife and Parks where it belongs. We strongly believe that any final decisions must allow buffalo to range on public lands outside of Yellowstone and it must be verified by the Governor's signature and not overruled or vetoed by some bureaucrat. We believe that the state and the federal government should aggressively pursue acquisition of appropriate private lands from willing sellers on key buffalo migration routes and in ranges outside of Yellowstone, but we must allow them to get there. We'd also like to see Montana and Wyoming institute mandatory cattle vaccination for cattle grazing near the borders of Yellowstone National Park. Thank you very much.

Oral testimony provided at the Thunderbird Hotel, [redacted] on October 6, 1998.

Comment No. 15262
Steve Torbit
National Wildlife Federation

My name is Steve Torbit. I am the senior scientist for the Natural Wildlife Federation based out of [redacted]. I have been working on this issue and very passage for ten years now. And after ten years, I have a couple of questions.

Number 1, where is the beef? There has never been a documented case of brucellosis transmission from buffalo to range cattle. We all know that. The State of Wyoming has tested over 30,000 cattle over the last year and a half, they haven't come up with one single case of brucellosis.

I worked for a variety of agencies and a variety of projects, and always when I am out there advocating for wildlife, whether it is a rancher, or timber man or an oil/gas man or highway person, they would say, "Until you can prove there is a problem with wildlife, I am just going to run over you." How come the same doesn't apply to us? How come they only have to suspect that there is a problem? They haven't proven anything to anybody and they kill the buffalo.

The only conclusion you can reach is the same conclusion that my friend, Fred DuBray, talks about, is that brucellosis is a political disease. I absolutely agree with Fred. And the problem, of course, is that since it is a political disease, the solution is politics, and therefore, the cure is worse than the disease itself.

Even the governor of Montana, Mark Racicot, portrays himself as a victim of this disease. He portrays himself as a victim. He is caught between two federal agencies and he doesn't know what to do. He is caught between his own government agencies and the state veterinarians, and he doesn't know what to do. He said he really would like to stop this, he doesn't want to kill Buffalo, either, but he is powerless to do anything different. Now, if that is true, that is scary. If it is not true, that is really scary. If it is true, that means an appointed bureaucrat in the State of Montana has more power than a legally elected official. The chairman of the board of the State of Montana has less power than one person they appoint as state veterinarian. It is also a concern because there is 50 of those state veterinarians out there appointed. These people have incredible power. They have the power to deny everyone here, every citizen, whether they are a Native American, a wildlife advocate, conservation person or even a livestock producer, they can deny them all of their rights under the constitution. All they have to do is suspect something. They don't have to prove anything. They can turn the suspicion into economic hostage taking, so that the livestock producers feel the economic pinch and then squeeze for action to kill the buffalo, solve the problem.

We are all political hostages and we are all political fighters. There are 50 state veterinarians throughout this country. And it is time that we all went back home and started to scrutinize those state veterinarians, their power and their actions, and brought back the balance of elected government.

The National Wildlife Federation has worked on this issue for several years. We teamed up a couple of years ago with the International Tribal Bison Cooperative to try and accommodate the interests of those people affected by the issue and to protect the buffalo, to bring back respect for the buffalo.

I have gone to most every one of these hearings. I have heard some pretty scary things from folks that don't want the buffalo. They want to eradicate the buffalo to eradicate the disease from Yellowstone. Once they get finished with the buffalo, they will want to start on the elk.

I would like to remind the Park Services the purpose of the EIS is not to develop a program for eradication of the disease, it is to develop a bison management system. So, they should reject all calls for eradication of the disease in the buffalo. They should not sit still for any calls for tests and slaughter in the park, that is not what the parks are about. That is not what the American people want. They should not be fooled by the calls to vaccinate now a Strain 19, which causes the buffalo to convert to a positive blood test. Sooner or later, they will all be positive and they will all be dead.

After you look at all of this and especially the fact that bison are somehow limited to the park, unlike any other wildlife species I have ever worked with, wolves, bears, anything else, bison seem to be the only ones that scare everyone so much they have to be limited to the park. You have to ask, "Why are people afraid of bison?" "What is the powerful symbol of bison that these people are so afraid of?" It is a powerful symbol that they don't control every acre of ground anymore. That is what this is about. It is a struggle of who has something to say and about how the public lands and our public resources for wildlife are managed.

So, the National Wildlife Federation teamed up with the Intertribal Bison Cooperative a couple of years ago and we offered a plan which we felt would bring the buffalo back to the reservations, insert some common sense and some balance into the equation and start to erode that power of the state veterinarians. And that proposal has been incorporated into what is referred to now as the Citizens' Plan. We believe that that is an effective way to advocate for buffalo and other wildlife and to begin the slow, sure but inexorable drawn down on the power of the state veterinarians to deny citizens their rights under the constitution.

The National Wildlife Foundation is dedicated to respect for all wildlife and all people of diverse cultures. We are at a critical time here in this country. We are about ready to turn our back on public resources, cultural resources and change the way we manage our wildlife and our parks. If we don't stay involved, the end is in doubt. So, I encourage all of you not only to comment today, but to follow up your comments with written letters to the Park Service and copy the governor of Montana.

NATIVE FOREST NETWORK

YELL-4102

September 9, 1998

Bison Management Plan EIS Team
National Park Service, Denver Services Center
PO Box 25287
Denver, CO 80225-0287

To Whom It May Concern,

The Native Forest Network would like to express support for Plan B, the best alternative for Bison as a species in Yellowstone National Park. The bison are wildlife and should be treated as such. Policy concerning the bison should represent scientific based risk-management of potential brucellosis carriers, not the zero tolerence policies of the past.

The following steps should be taken to ensure a proper, healthy population of Bison. First the management plan for the Bison should allow them to occupy and range thier traditional winter grounds which include land outside Yellowstone National Park. Second there should be no quarantine facilities or Special Management Areas for containment of Bison. Third, a study should be launched to study brucellosis in the Greater Yellowstone Ecosystem wildlife populations. Adopt a plan emphasising a scientifically based natural herd size not an artificial population cap arbitrarily imposed.

The Bison are wildlife and must be treated as such. This means that they must be given preference over cattle for range of public land outside of Yellowstone. I urge the management of Bison in Montana to be transfered to the Department of Fish Wildlife and Parks from the Department of Livestock. This transfer will allow for an unbiased appoach to the management of Bison. We encourage the purchase of critical bison habitat as a further management tool outside of Yellowstone, by giving the Bison back some of thier historical habitat we may aleviate the need for aritificial controls such as hunting.

Last the Native Forest Network on behalf of it's members and staff urge the Draft Environmental Impact Statement to be redone or for a Supplemental Environmental Impact Statement to be issued. The reason for this request are as follows. The current DEIS does not have a true no-action alternative, many of the assumtions that are outlined in it's analysis are flawed and should be analyzed further, there is no full range of alternatives, and it defeats it's purpose through it's favor toward heavy handed management practices which treat the Bison on Yellowstone National Park as domestic livestock and not wildlife.

Sincerely,

Andre Bouchard
Native Forest Network
PO Box 8251
Missoula MT 59807

This paper is made from 45% TCF wheat straw pulp, 43% PCF post-consumer waste and 12% calcium carbonate filler

NRDC Natural Resources Defense Council

YELL-15803

NRDC Statement on Yellowstone's Wild Buffalo Herds

Presented to the Bison Management Team, National Park Service
September 23, 1998

You must always remember that the two-leggeds and all the other [creatures] who stand upon this earth are sacred and should be treated as such.

White Buffalo Woman (from The Sacred Pipe: Black Elk's Account of the Seven Rites of the Oglala Sioux, by Joseph Epes Brown)

The Natural Resources Defense Council (NRDC), a national nonprofit environmental advocacy organization with over 400,000 members, urges the National Park Service to save Yellowstone's buffalo herds, a remnant of wild America, rather than permit their continued slaughter.

Since 1985, thousands of the wild free-roaming buffalo that inhabit Yellowstone National Park have been slaughtered by state and federal agencies. The Park Service's "Preferred Alternative" for dealing with these animals would commit the State of Montana and the federal government to continuing to shoot them as they leave the Park or corralling them so they can be killed somewhere else. NRDC strenuously objects to this proposal. There are other, less drastic, more sensible options, including, in particular, the Citizens' Plan to Save Yellowstone Buffalo, which we support.

The Park Service's proposed plan is intended to prevent the spread of a domestic livestock disease – *brucellosis* – that has been detected in some Yellowstone buffalo. However, there is NOT ONE documented case of transmission between the species occurring. Rather than sacrificing the buffalo to protect the cattle industry, resolving this conflict requires government agencies, cattle growers, conservationists, landowners, and biologists to agree on ways to maintain separation between cattle and wild bison so that BOTH survive. The Citizens' Plan does this and more.

In order to maintain Yellowstone's wild, free-roaming buffalo and their genetically important bloodlines, we urge the National Park Service to adopt the points set forth in the Citizen's Plan sponsored by NRDC, Greater Yellowstone Coalition, the InterTribal Bison Cooperative and numerous other groups. This Plan, which has been submitted separately, includes the following:

- ensuring the bison have access to public lands outside the Park;
- placing wildlife professionals in charge of making decisions about wild buffalo;
- relocating buffalo to Indian reservations and public lands;
- creating incentives for changes in grazing practices to reduce contact between buffalo and cattle;
- compensating private landowners when buffalo damage their property.

Thank you for considering our comments on behalf of this symbol of America's cultural and natural heritage.

Gail de Rita and Johanna Wald for NRDC.

YELL 11,137

New Jersey Animal Rights Alliance
[redacted]

STATEMENT OF PURPOSE

New Jersey Animal Rights Alliance, established in 1983, is a community based, non-profit, educational organization working toward a peaceful, nonviolent coexistence with our earthly companions, both human and nonhuman. Through our programs of promoting responsible science, ethical consumerism, and environmentalism, we advocate change that greatly enhances the quality of life for animals and people, and protects the earth.

NJARA Staff

Director
Angi Metler

Staff
Janine Motta
Theresa Fritzges

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100% recycled paper.

October 29, 1998

Bison Management Plan EIS Team
National Park Service, Denver Services Center
PO Box 25237
Denver, CO 80225-0287

To whom it may concern,

I am writing to you on behalf of the 2,000 members of New Jersey Animal Rights Alliance regarding the Draft Environmental Impact Statement on the long-term management of Yellowstone bison.

In a nutshell, the EIS is greatly flawed.

At few points:
- permitting a hunt is unethical and unacceptable not only to us, but to most of the (tax-paying) public
- snowmobile trails permit the bison an easy way out of the park. Prohibit the use of snowmobiles.
- federal (and state) agencies should strive to acquire land in Yellowstone to help protect the bison
- the quarantining/vaccinating of Yellowstone bison is a foolhardy venture that would not work. It is also a huge waste of money.
- the risk of transmission of brucellosis from bison to cattle is greatly exaggerated

There are non-lethal options to every problem (not that we would even concede there IS a problem). With a little ingenuity, we can all come up with ways of dealing with conflict that don't involve killing.

It is our understanding that The Fund for Animals, a Maryland-based organization, has presented the NPS a humane alternative to the killing of Yellowstone bison. We are in full support of that plan and it is our fervent hope that you will scrap the current EIS and use this alternative.

Most sincerely,

Janine Motta

"The greatness of a nation and it's moral progress can be judged by the way it's animals are treated." - Mahatma Gandhi

YELL-1739

New Jersey Environmental Lobby
[redacted]

August 26, 1998

Bison Management Plan EIS Team
National Park Service
Attn: Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-9901

Dear Ms. Bransom:

Although we are geographically a long way from Yellowstone, we in New Jersey are extremely concerned about the proposed bison management plan. NJEL represents between 100 and 150 small to large local and statewide environmental groups, as well as more than 1000 individuals. We work to protect and preserve natural resources both in and outside of New Jersey, resources as far away as Yellowstone.

Bison are an integral part of American history. They evoke strong emotions even in the urban northeast. We protested the slaughter of these noble animals when they strayed outside the park for food in the winter of 1996-1997. We had hoped for a realistic solution to the problem, but the management plan as proposed is simply unacceptable.

The designation of the Board of Livestock as administrators and implementers of a new management plan strikes us as akin to "putting the fox in charge of the henhouse." The livestock owners have been the primary force opposing bison outside the park. Their fears concerning brucellosis transmission would be more believable if they could prove even ONE case of actual transmission from bison to cattle.

We would urge instead that the Citizens' Plan, already endorsed by more than 16 major organizations including the National Wildlife Federation and various Indian tribes, be used as a guide for any future management plan. Preserving uninfected animals should be paramount in this effort. Allowing bison to roam free on public lands should be the bare minimum requirement. Bison are indigenous to this country and a sustainable ecology would recognize and welcome them. Domesticated cattle, on the other hand, require care and feeding and use up food and territory rightfully belonging to the buffalo. We strongly urge you to do a new Environmental Impact Statement and adopt the Citizens' Plan as its basis.

Respectfully,

Marie A. Curtis

Marie A. Curtis
Executive Director

YELL-1754

THE NORTH AMERICAN BISON SOCIETY

[redacted]

August 16,1998

I agree with the CITIZENS'S PLAN TO SAVE YELLOWSTONE BUFFALO but the one step that I would add would be to completely close Yellowstone Park during the winter months. The only people to have access would be Park biologists and other scientific research that would have benefit to the Park.

Boots Delano
President
North American Bison
Society

206.249.210.145

YELL-13131

Friday, September 4, 1998 - 14:47:56 pm EST
a lastname: BlackWolf
b firstname: Robert
c organization: North American Independent Indigenous Community
comments: The issue of transmitted diseases from Buffalo to cattle has excluded the Elk as a possible source of brucilosis. Studies of the area of West Yellowstone have proved that buffalo and cattle do not come into close proximity very often. However, the Elk and cattle often share the same grazing grounds at the same time. Any effort to place sole blame on buffalo is not only blind but incompetant. Why won't the Montnana DOL listen to the US Fish and Wildlife, US Dept. of Agriculture, and to the people who are attempting to preserve the last freee and wild buffalo herd?

[redacted]

YELL-281

NORTH CENTRAL OHIO NATURE PRESERVATION LEAGUE

[redacted]

July, 6, 1998

Bison Management Plan EIS Team
National Park Service, Denver Services Center
P.O. Box 25287
Denver, CO 80225

Gentlemen:

We are getting a bit bored about having to write concerning your treatment of our bison. Once again, the EIS is scientifically and legally flawed.

It is quite obvious to all of us that the cattle people have you all in their pockets - money prevails. You all know, as well as we all do, that there has never been a documented case of bison transmitting brucellosis to domesticated livestock in the wild - still we keep hearing that unsubstantiated excuse for the slaughter. You lie.

There is a whole list of reasonable actions that you could take. I don't intend to waste my time listing them because you already know what they are. It would be a surprise if you took them, allowed common sense to rule, forgot about the ranchers who hold sway over you, and, for a change, made an attempt to listen to the people out here. These animals are ours - you are supposed to be working for us. Your past actions are totally unacceptable.

Very truly yours,

J. W. Eitelgeorge, President

YELL-619

NORTH CENTRAL OHIO NATURE PRESERVATION LEAGUE

[redacted]

July 30, 1998

Bison Management Plan EIS Team
National Park Service
PO Box 25287
Denver, CO 80225-0287

Gentlemen:

Why is is that the first thing you people want to do is kill, kill, kill. Can you not think beyond that?

We ask that you work out a plan where you avoid using lethal techniques for the management of Yellowstone's bison and, instead, begin protecting these animals and stop persecuting OUR bison.

Please do the job you were hired to do in a manner which is humane.

Very truly yours,

J. W. Eitelgeorge, President

NORTH CENTRAL OHIO NATURE PRESERVATION LEAGUE

[redacted]

[redacted]

YELL-3288

September 7, 1998

Sarah Bransom DSC-RP
Bison Management Plan EIS Team
National Park Service
P.O. Box 25287
Denver, CO 80225

Dear Ms. Bransom:

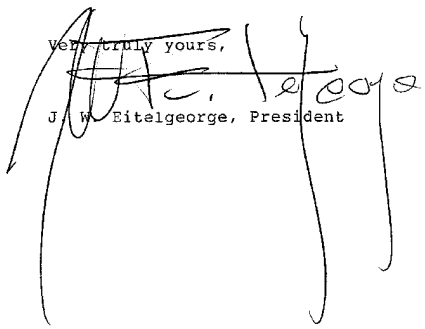
Re: Bison Management

The Preferred Alternative (#7) is intolerable and really quite outrageous; that the responsibility for preventing livestock from acquiring brucellosis must lie with the livestock growers; that Yellowstone's bison must be managed as wildlife; and that you support the Minimal Management plan but insist the agencies stop capturing and testing bison at the park's boundaries and abandon plans to vaccinate bison against brucellosis.

It would be most positive if you people finally got this so-called problem figured out and settled after all this time.

Very truly yours,

J. W. Eitelgeorge, President



the Northcoast Environmental Center

YELL-15326

The Interagency Bison Management Plan
National Park Service
DSC-RP
POB 25287
Denver CO 80225-0287

October 30, 1998

RE: Plan B.for Yellowstone's Bison

Gentlepersons,

Since the 96/97 winter bison slaughter, I have organized two community vigils, here in [redacted], to remember the bison and crass political nightmare that leaves the cattlemen in control of public lands policy in the state of Montana.

I have also decided to make it a point to protest each year to the local Board of Supervisors when they adopt their localized cost share for "wildlife services," or the Animal Damage Control budget, which is but another part of the pork barrel of the West.

I understand that it's good to have wildlife professionals on hand to make professional decisions about dealing with predators, but I also understand that these "institutions" are part of the web of subsidies that support a minority of people who generally won't "give a inch" when it comes to their stranglehold on public lands policy.

I don't believe that those special "minority" interests who oppose the concept of free roaming bison will ever change their views as long as the government pays them to stay the way they are.

The destruction of the free roaming bison on the great plains ranks in the top ten environmental atrocities of all time, and the time has come to make amends and reparations.

No alternative in your bison plan seems as reasonable to me as Plan B, developed by the Ecology Center in Missoula, Montana. Please do all that you can to bring this plan to be. Thank you for your consideration of my comments.

Sincerely,

Tim McKay, executive director

TM/me CCs: misc...

[redacted]

YELL-8383

North Fork Preservation Association
[redacted]

October 5, 1998

Bison Management Plan EIS Team
NPS-Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

To Whom It Concerns:

I appreciate the opportunity to comment on the Draft EIS for the Interagency Bison Management Plan. I am concerned about the "Preferred" Alternative and urge you to consider instead the Citizens' Plan.

The Citizens' Plan allows wildlife biologists, those most knowledgeable about bison ecology, to make management decisions regarding the herd's welfare. It ensures that bison will have access to public lands outside of Yellowstone Park and provides compensation for livestock lost to brucellosis. It also proposed to reduce and/or alter grazing allotments as necessary and requires mandatory vaccination of cattle in the Greater Yellowstone Area.

There is no excuse for another slaughter of the last free-ranging bison herd in the United States, the only herd near the minimum population size for the species' long-term viability. There is no reason for slaughter of bison on public lands solely for ranchers' perceived benefit. And there is absolutely no reason for another slaughter since males cannot transmit the disease and females have never been proven to in the wild.

I strongly oppose the "Preferred" Alternative (Alternative 7) and strongly support the Citizens' Plan.

Thank you for your consideration of my opinion.

Sincerely,

John Frederick

John Frederick
Correspondent, NFPA

Sept. 7, 1998

YELL-5064

Bison Management Plan EIS Team
NPS
Sarah Bransom
DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Dear Ms Bransom:

The following are comments by the Northern Rockies Preservation Project for the Government's management plan for the Yellowstone buffalo. We support Plan B. This plan was developed by wildlife biologists and veterinarians that addresses brucellosis issues.

What we like about this plan is that it allows the largest, longest free-roaming buffalo herd in North America to roam free, and it allows them to occupy their traditional winter ranges outside Yellowstone.

This plan also specifies that no quarantine facilities or Special Management Areas (SMAs) are to be used. The emphasis of brucellosis control should not be on the buffalo, but rather, on the cattle. This plan states that cattle should be vaccinated. And brucellosis in all Greater Yellowstone Ecosystem wildlife populations will be studied (i.e., elk carry the disease also but haven't been shot like the buffalo). In addition, accept scientifically based risk-management of brucellosis instead of zero tolerance and eradication.

Other management issues that we support that are in Plan B: Allow natural processes to control herd size. Determine how many buffalo the region in the Greater Yellowstone Ecosystem can ecologically sustain. In short, treat buffalo like wildlife, not cattle: Buffalo have complex social and family structures and their traditional knowledge of migration and winter feeding grounds are lost when they are confined.

We also propose to shift management of buffalo in Montana from the Department of Livestock to the Department of Fish Wildlife and Parks. Again, bison are wild animals, not domesticated livestock.

We also support giving preference to buffalo over cattle on public grazing lands outside Yellowstone by acquiring critical buffalo winter range and managing existing grazing allotments for wildlife, not cattle.

Plan B also calls for compensating those who receive property damage as a result of free-roaming buffalo. We think this is a fair measure.

YELL-5064 contd.

The Government's preferred alternative is flawed and based on politics not science. It calls for treating the buffalo like livestock, not the wild creatures they are. Plan B was developed by scientists and wildlife biologists who truly understand the ecological needs of the buffalo.

Please redo the DEIS, or issue a Supplemental EIS:
Its actions do not follow its purpose and need
It has flawed assumptions about brucellosis.
It hasn't studied seriously the consequences of a brucellosis outbreak. There is no scientific scrutiny associated with this.
It does not have a true no-action alternative
It does not have a full range of alternatives
The management tools proposed in the DEIS would domesticate the Yellowstone Buffalo.
Buffalo would be hurt or killed from the stress of unnatural confinement. This has happened before.
Special Management areas put stress on individual buffalo and on the herd.
It wastes taxpayer dollars to address something that has never been a problem (the disease).

Thankyou,

Natalie Shapiro
Northern Rockies Preservation Project
[redacted]

YELL-3535

The Northwest Indiana Association of Wholistic Healers

[redacted]

9-8-98

To Whom It May Concern at the National Park Service,

A matter has come to our attention, which is of concern to the good people of Indiana. It is in regards to the mistreatment and/or potential destruction of the Buffalo. Word has come around that the Buffalo may become open targets for anyone who has a thirst for killing or who is only concerned with his own material wealth. Either through starvation or murder, the Buffalo has been thinned down to near extinction in the past and it was only through the National Park Service that these great animals found sanctuary. Yet, with all the cattle roaming over the government land allotments, the Buffalo is once again becoming in grave danger.

The Associations plea is that you do what is necessary to place the Buffalo first in this issue. By law, these grazing allotments are for wildlife first and secondary for livestock. We are only requesting that the law be upheld in this manner. More people are interested and involved with this particular case than you may realize. No longer are Indians and Whites separated and segregated in issues which concern mother Earth and the fellow creatures that inhabit it. All we ask is that the right thing be done this time. We need to begin learning from our past, instead of continuing to make the same mistakes repeatedly through the generations.

Actions taken in the face of greed are never right actions.

Respectfully,

Timothy D. Shurr, M.A., C.Ht.
Executive Director

The EIS is scientifically & legally flawed:
1) Never been a documented case of bison transmitting brucella abortus
2) The risk is so remote as to not justify slaughter of these animals
3) risk can be eliminated through implementation of mgm. strategies including prohibiting use of snowmobiles in park, prohibiting grazing on public lands outside park & vaccination of cattle on private land

Vicki Deisner, Esq.
Director, Ohio Env't Council

YELL-4460

OHIO ENVIRONMENTAL COUNCIL

YELL-2697

2 September 1998

Bison Management Plan EIS Team, National Park Service
Attn: Sarah Bransom DSR-RP
P.O. Box 25287
Denver, CO 80225-9901

Dear Ms. Bransom:

The Ohio Environmental Council (OEC) and the 500 group and individual members that we represent, respectfully request the National Park Service to support the "Citizen's Plan" for buffalo management.

Buffalo should be allowed to roam free on public lands adjacent to Yellowstone National Park. If the animals roam into restricted areas, healthy buffalo should be moved to Indian reservations and other public lands rather than be destroyed.

Bison are wildlife, *not* livestock. Management of bison should be handled by wildlife professionals, not by livestock officials who represent rancher interests.

Wild free-roaming buffalo are a national treasure. It is in the interest of Ohioans—and all Americans-- to protect these animals and preserve their habitat. Please take our views into consideration as you review the draft management plan.

Thank you for your consideration,

Vicki Deisner
Executive Director

Susan Studer
Community Outreach Coordinator

100% Tree Free Paper

OCPA

Orange County People for Animals

[redacted]

YELL-3836

September 17, 1998

Bison Management Plan EIS Team
National Park Service
Denver Service Center
Box 25287
Denver, CO 80225-0287

Re: Alternative plan

To Whom It May Concern:

On behalf of all of the volunteers and supporters of Orange County's largest animal rights group, we are writing to express our opposition to the government's 'preferred alternative' regarding the bison in Yellowstone National Park.

Even though the capture and slaughter of many animals has been called 'wildlife management' in the past, those methods are no longer acceptable and we urge you to consider the long-term consequences of eliminating individual animals and species just to placate agribusinesses.

We urge you to take care of our animals on our public lands.

Thank you,

Ava Park
Founder/OCPA

share our vision—a compassionate, healthy, peaceful planet

Oregon Cattlemen's Association

Voice of the Oregon Cattle Industry Since 1913

[redacted]

October 29, 1998

YELL-15669

Sarah Branson
Interagency Bison Management Plan
DC-R
P.O. Box 25287
Denver, CO 80255-287

Comments on the Draft Environmental Impact Statement - Bison Management Plan

Dear Ms. Branson,

The Oregon Cattlemen's Association thankfully take this opportunity to express our strongest **support of the comments made by Dr. Andrew A. Clark**, State Veterinarian for Oregon, concerning the Draft Environmental Impact Statement - Bison Management Plan.

Oregon cattlemen have been involved with control of brucellosis for many decades at a tremendous economic expense. The threat of exposure to our cattle by the infected bison can not be tolerated and must be stopped immediately!

We have worked closely with Dr. Clark and respect his judgement and analysis on this issue to the fullest. We would appreciate very much the maximum consideration to his comments and treat them as our own.

Thank you.

Sincerely,

Sharon Beck

Sharon Beck
President - Oregon Cattlemen's Association

SB/ges

YELL- 15852

Oregon Dairy Farmers Association

[redacted]

October 30, 1998

Sarah Branson
Interagency Bison Management Plan
DC-R
P.O. Box 25287
Denver, Colorado 80255-0287

SUBJECT: Comments concerning the Draft Environmental Impact Statement-Bison Management Plan

Dear Ms. Branson

I do appreciate the opportunity to provide comments to you on behalf of the Oregon Dairy Farmers Association. Our organization represents the dairy producers of the state of Oregon.

As we look at this issue we believe there are two parts that must be dealt with very directly. One is the fact that the population rate of this herd has gone out of control. The second fact is that the bison herd is infected with brucellosis.

The brucellosis issue is of major concern to our industry. We have spent countless hours and dollars eradicating this disease. We cannot risk what could be a potential disaster if there were to be a brucellosis outbreak.

The Oregon Dairy Industry supports the proposal that has been made by Dr. Andrew Clark, State Veterinarian of Oregon. We would hope that you would consider Dr. Clark's thoughts and ideas as a means to deal with this serious issue.

Thank you,

Jim Krahn

Jim Krahn

YELL-2775

OREGON NATURAL RESOURCES COUNCIL
SOUTHWEST [redacted] FIELD OFFICE
[redacted]

Aggressive Defenders of [redacted] *Wild Lands*

August 31, 1998

Bison Management Plan EIS Team, National Park Service
Attn: Sarah Bransom DSC-RP
PO Box 25287
Denver, CO 80225-9901

Dear Bison Management Team:

Please accept the following comments from Oregon Natural Resources Council Action and Oregon Natural Resources Council Fund (ONRC) concerning the proposed Bison Management Plan EIS.

Buffalo must be allowed to roam free on public lands adjacent to the Park up to the "carrying capacity" of these adjacent lands; if additional land is needed, the state and federal agencies should acquire additional winter range next to the Park.

As an alternative to destroying bison, ***excess, healthy buffalo should be moved*** to Indian reservations and other public lands;

Bison are wildlife, not livestock, and as such should be managed by wildlife professionals for enjoyment by the public in a wild and natural setting on public and tribal lands -- not by livestock officials who only serve a single, special interest.

Sincerely,

Doug Heiken

Doug Heiken
Western Oregon Field Representative

Oral testimony provided at the Gardiner School, [redacted] July 29, 1998.

Comment No. 15183
Jim Durgan
Park County Ranchers Marketing Association

Thank you. I'm Jim Durgan. I'm from [redacted]. I live in the [redacted] area. I'm representing the Park County Ranchers Marketing Association tonight. Excuse me, I've got to get my cheaters on. The Park County Ranchers Marketing Association was organized in the early 1950s, and I just want to give you a little background on the organization. This kind of ties in with what I want to say.

It was organized in the early 1950s and has provided a quality source of calves and yearlings to feeders for nearly 45 years. The association represents probably around 15,000 head of mother cows from around Park County. The annual sales of livestock through the association is somewhere around $4 million to $5 million.

This $4 million to $5 million on these calves generates additional revenue with a multiplier effect. I'm sure most of you are familiar with our natural resources that they tend to create a rollover effect, where the dollar rolls over. In agriculture, it's somewhere between 5 and 7 times that that dollar rolls over. It becomes a very significant effect. There's $4 to $5 million. Multiply it over and over. Anything that threatens the cattle industry will definitely have a profound effect on our community, on our county, and on the state. A brucellosis outbreak could have that type of serious impact on the cattle industry in this county. I can assure you that cattlemen could not withstand quarantine. It would threaten our cattle. We wouldn't be able to move our calves out of this county or out of the state.

Therefore, any strategy that is developed concerning management of bison in Yellowstone Park must include the eradication of brucellosis in the bison herd.

Stockmen throughout the United States and especially here in the West have worked long and hard to obtain the brucellosis-free status that we enjoy here in Montana. Our state and federal agencies have given the cattlemen and the agricultural community a lot of support and a lot of help in achieving this brucellosis-free status.

The Park Service and the United States government should take care of their livestock in Yellowstone Park, specifically the bison and elk. Some say that this is an impossible task, but I don't agree. I think that with the technology that we have available to us, and the means that we have, the problem is not overwhelming. Think of the thousands and thousands of cattle that have been vaccinated for brucellosis over the years. There's not that many bison that we're talking about. It's something that we can work with.

I feel sure that if we have $17 million to work with, we can make an impact here on these bison, and we could find an acceptable solution. I think that the main thing we don't need is confrontation and arguing. I think we need cooperation. I think we need constructive planning from all groups: ranchers, farmers, agriculturalists, environmentalists, conservationists, and, also, the private and government research groups. We need cooperation from all of them.

Let's get together on this, and let's work. This is just my own personal comment. This isn't on behalf of the association. But I think we all need to get together on this and work together for an acceptable solution to achieve this goal instead of chipping at each other.

Thank you very much.

The National Coalition for Public Lands and Natural Resources

People for the USA

[redacted] *Chapter*

[redacted]

October 8, 1998

Bison Management Plan EIS Team
National Park Service, Sarah Bransom,DSC.
Box 25287
Denver, Colorado 80225

YELL-10,316

Dear Sirs and Mesdames:

This is to comment on the Interagency DEIS Bison Management Plan.

Although Alternative 7 would seem to be the least objectionable course, we feel that the following provisos should be included in a final draft.

1) The plan should provide for no - repeat no - further land acquisition outside the Park. Expansion of acreage is not a crutch for management. The Park Service, as well as the Bison herd, must adjust to live within its acreage means.

In recent years we have seen federal land ownership become an increasing and massive threat to nearby private property rights, industry and the Nation's well-being.

A recent example in the Yellowstone area was the expansion of the Park's domain through development of the "Buffer Strip" concept in the Cooke City Mineral Withdrawal area outside Yellowstone some two years ago.

And we see in further acquisition an additional threat to American national, and local sovereignty brought on by expanded intrusion of United Nations Commissions involved in World Heritage Sites and Biosphere Reserves.

Here locally we are faced with the "Buffer Strip" concept being used by the BLM to stop mineral prospecting, and to so sabotage local industry.

Our members reject out of hand acquisition of additional lands by the federal government in the Yellowstone area.

2) Our members also reject proposals which would prevent the "grooming of roads and trails in the winter months so as to stop bison movement to lower elevations. This would not only have an adverse effect on the snowmobiling activity and public winter viewing, but would result in greater mortality in the bison herd. Bison numbers should be controlled byhunting rather than by creating adverse habitat conditions.

We reject all actions involving closing of roads and/or winter roadway grooming.

- more -

3) We suggest that the limitation of bison hunting permits to 25 - 35 peryear is too specific. Control of herd size may require issuance of more or fewer permits. The managers should have authority to function in this regard. We suggest that a more vigorous and healthy herd can be developed through limitation of herd numbers consistent with food resources and reduction of herd size of competing species such as elk .

4) Bison management should not be allowed to impact, intrude, or reduce the size and permitted stock numbers on Forest Service grazing allotments. Control of herd size through hunting should be used to restrict such impact.

In conclusion - this letter represents the unanimous opinion of this 105-member body and is unanimously endorsed in the Regular Chapter meeting this date - October 8, 1998.

Thank you.

Sincerely,

Frank W. Meyers
Secretary

Gary Boyer
President

YELL-13483

205.214.72.78

Monday, November 2, 1998 - 12:52:58 pm EST
a lastname: Skinner
b firstname: Davenone
c organization: People for the USAnone
comments: Sarah Branson
Bison Management EIS Team
National Park Service
Box 25287
Denver, CO 80225-0287

Dear Ms. Branson:

Please accept this short form as comments on the Yellowstone Draft Bison EIS. I support the preferred alternative as written. If it is acceptable to the states of Wyoming, Montana, Idaho and their respective livestock and wildlife agencies as well as to those citizens most affected by the proposal, then go for it.

I work as a staff writer and field rep for People for the USA, a 25,000 member organization that supports responsible use of our natural resources. Having perused the summary some time ago and finding the preferred alternative acceptable, in fact a well-thought-out recognition of scientific and political reality, I felt that commenting was not necessary at that time.

However, after witnessing the blitz of E-mail and direct mail screeds from "environmental" organizations seeking to retain "natural management," not just inside the park but on surrounding public and private lands over the last few days, well...

I am of passing familiarity with the history of bison policy in the park, having grown up in Montana. I have read a good bit of Charles Kay's range writings, gone to the park many times, plus I hunt, so I have that amount of interest in wildlife and wildlife management. I also have a number of landowner and business-owner friends in the region. I also avidly followed the population crash as it occurred two winters ago.

The fact of the matter is that bison as well as other park wildlife need to be actively managed to fit within the constraints of the land allocated to park purposes. That has not been done since the mid-Sixties, and it shows in the condition of the range. The population crash was stark indication that something was amiss -- in a word, overpopulation.

I should be frank here and tell you that I am fully aware of the motives of the environmental community. Ecosystem management is all the rage, as are habitat corridors/linkages, "buffer zones," what have you, ad nauseam. The idea is to expand the management template of the park onto adjacent lands with the eventual goal of managing those lands as wildlands.

Letting the bison herds "roam" and propagate, or continuing the current "let 'em breed till they die spectacularly" policy, gives political ammunition to groups interested only in using crises to stir up funds and forwarding an agenda which is neither in the best interests of the animals nor the best interests of the surrounding communities. That simply is not right.

The Park Service has proposed to do the right thing. Actively managing the bison (and elk, perhaps even predators) by whatever means necessary is the only option. Until brucellosis is eradicated from the herd at large, transporting excess animals to private or tribal herds puts the APHIS status of recipient states at risk, and given the state of the livestock industry right now, that's a risk no one can afford.

Even without disease, the carrying capacity of the land allocated to bison is being exceeded. Some form of control is needed. There are multiple means of control, of course, and no option should be foreclosed...contraception, commercial roundups for sale, hunting, transfers to tribes, et cetera.

Bottom line is I and many members of my organization are happy that the Park Service is at least proposing to be a good neighbor...in stark contrast to what the environmental activists are howling for. The policies they espouse would be the ultimate in "bad neighbor" behavior. Pretty simple really...kick off the ranchers, shut down the tourism, eliminate multiple use and pretty soon the local communities won't have an economic base. Soon there won't BE any neighbors.

The proposed alternative is flexible, rational, level-headed and accomplishes the purpose for which it was written -- stabilizing Yellowstone's bison population at levels the ecosystem can sustain. Please implement it.

Thank you for the opportunity to comment. I look forward to your decision. Dave Skinner
[redacted] field coordinator
People for the USA
[redacted]

12.7.216.24

Monday, August 24, 1998 - 12:44:55 am EST YELL-13111
a lastname: Schmidt
b firstname: John
c organization: Portneuf Environmental Council
comments: I ask you to consider the following comments on the Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park.

I strongly oppose the Preferred Alternative (#7) for many reasons.

- It allows the slaughter of bison to continue. I believe that any bison slaughtered inside park boundaries may constitute a violation of the National Park Service Act of 1916.

- It basically treats the bison like domestic cattle and not the unique and wild herd that they are.

- It perpetuates the theory that brucellosis is readily transmitted from bison to cattle when in fact it has never been documented in the wild.

- It puts the onus of protecting Montana's livestock industry on the U.S. taxpayers and not on the industry who can easily vaccinate their herds and in doing so eliminate much of the concerns. Too much emphasis is placed on Montana's cattle with this alternative and not enough on Yellowstone's bison.

- Montana's notorius Department of Livestock can not be trusted to represent the interests of anyone other than ranchers and livestock growers and thus should not be involved with the management of Yellowstone's bison. Instead Montana's Department of Fish, Wildlife and Parks should be chosen to oversee the plan.

I instead favor "The Citizen's Plan" which offers a much more balanced approach to managing Yellowstone's bison. This plan is well thought out and appears to be a very workable solution to this issue.

It certainly is a fairer deal for the bison, while posing no greater risk to Montana's cows. I urge you to consider adopting The Citizen's Plan for managing our bison in Yellowstone National Park.

John Schmidt, Director
Portneuf Environmental Council
[redacted]

Oral testimony provided at the Syndham Hotel, [redacted] *on September 3, 1998.*

Comment No. 14894
Mr. Kirk Robinson
Predator Education Fund

Thank you for the opportunity to present my views on this issue, and I appreciate the fact that hearings are being held to take public input on it. I represent a local wildlife advocacy organization, the Predator Education Fund.

Insofar as I can tell, this issue boils down to simply one question. That is, what reasons are there for killing bison that stray from the artificial boundaries of Yellowstone National Park? And I am aware of only one reason that's getting much attention, that is the possibility, not even the probability, but the bare logical possibility, physical possibility that the bison could transmit brucellosis to domestic livestock.

Okay. A possibility by itself is distinctly uninteresting. I think what we have to ask is whether or not there's any evidence for thinking it's probable in the slightest degree, and since evidently there is not one known instance of this ever happening, I think you have to say that probably is virtually zero, and that annihilates that reason.

And that should be the end of the issue, as far as I can see. But for anybody who is not satisfied, I think we need to look at other questions, too; namely, what reasons are there for not killing bison that stray from the park, even if they should be transmitting brucellosis in rare cases to domestic livestock.

These reasons have been enumerated and described several times already, since I have been sitting here. And there are obvious ones, and there are important ones. I'll just mention three. One of them by way of a bit of historical moralism, Ernest Thompson Seton estimated that there were 60 million buffalo in the American west at one time, and of course, they were virtually wiped out. And I see many of the same attitudes at work today in this case, and I think we ought to resist that tendency, and we ought to try to as a nation to ask beyond it.

Secondly, this is a national park. It's owned by all of the citizens. The boundaries are artificial. They're not geographical or biological or ecological. The bison have always left the park during the winter. They need to. That's part of what it is to be a bison. We should make room for them. 2

And finally, these animals, if they belong to anyone at all, belong to all citizens of the United States, not simply to relatively few in the livestock industry in Montana. And I do not think they have a right, by any stretch, to be commanding and dominating this issue. If there was a real demonstrable risk there, then we could start talking about helping them in some way. But since there isn't, I think they should be frankly put in their place and told they have been listened to and now they'll just have to live with Plan B, which is the one I favor as best overall. Thank you.

Saving A Place for America's Predators

YELL-15332

[redacted]

November 1, 1998

Interagency Bison Management Team
National Park Service – Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Re: Draft Bison Environmental Impact Statement (DEIS)

To the Interagency Bison Management Team:

Predator Project appreciates the opportunity to comment on the DEIS for bison management in and around Yellowstone National Park. Predator Project is a non-profit conservation organization based in [redacted] who works to conserve and restore ecosystem integrity by protecting predators and their habitats. We are concerned about bison management in the Greater Yellowstone Ecosystem because they serve as important prey for a variety of predators, and for their important role in maintaining the overall integrity of the Greater Yellowstone Ecosystem. We are disappointed that none of the alternatives considered in the DEIS meet the first objective of the plan: to maintain a wild, free-ranging bison herd. We urge that alternatives developed by conservation groups (listed at the conclusion of these comments) be incorporated into the EIS process, and that the best aspects of each of these plans be adopted into an alternative that does indeed maintain a wild, free-ranging bison herd in the Greater Yellowstone Ecosystem.

1. Range of alternatives

We are concerned that a full range of reasonable alternatives was not presented in the DEIS. Under the National Environmental Policy Act, you are required to present a full range of reasonable alternatives.

None of the alternatives presented in the DEIS addressed the full extent of your stated purpose. The first part of your purpose is to maintain a wild, free ranging population of bison. However, all of the alternatives you present involve hazing, shooting, vaccination, capture or quarantine of bison, and/or the confinement of bison outside the park to special management areas. Even Alternative 2, which involves the least management, uses hazing and shooting to keep bison within administrative boundary lines. Bison controlled in this manner are not a wild and free-ranging population. The range of alternatives needs to be expanded in the EIS to include alternatives which truly maintain a wild, free ranging herd.

In each of your alternatives, bison are to be managed to reduce the remote risk of transmission of brucellosis from bison to cattle. Why is there no analysis of managing livestock to reduce the risk of brucellosis? It makes no sense to confine, shoot, and even vaccinate bison without changing management practices for livestock outside the park.

According to the DEIS, there are twelve cattle grazing allotments on public lands north and west of Yellowstone National Park which could potentially be affected by bison. Approximately 1,119 cattle (including cattle on public and private lands in the allotments), graze on this land at some time during the year. The highest and best use for many of these areas of public lands directly adjacent to Yellowstone Park is for them to be managed for wildlife habitat primarily, and other uses are secondary, including livestock grazing. The Forest Service's land management plans for many of these areas direct that these areas be protected for wildlife above all other uses. However, bison are routinely being killed on these lands to protect the cattle which graze there for three months out of the year.

Removing cattle from these grazing allotments would significantly reduce the chance of contact between bison and cattle, and therefore reduce the risk of brucellosis transmission. Several of the alternatives include "possible" changes in grazing allotments, or incentives for ranchers to remove cattle from areas near the park boundary. This is not adequate. Alternatives need to be presented which involve the removal of bison from federal grazing allotments adjacent to the park boundary, particularly key areas where bison tend to migrate, such as the Horse Butte allotment near Hebgen Lake.

Additionally, while vaccinating bison against brucellosis is a key component of several alternatives, vaccination of cattle was not seriously considered. The RB51 vaccine for cattle is approximately 70% effective, while no vaccine currently exists for bison. It would make much more sense to vaccinate cattle, rather than bison, against the disease. Additionally elk, present in much larger numbers that bison in the park, also carry brucellosis and may be more likely to transmit the disease to cattle because infected animals tend to abort the fetus which may spread the infection. Vaccinating bison without vaccinating cattle or elk will not insure that brucellosis does not spread to cattle. Cattle vaccination needs to be considered in your range of alternatives.

2. Importance to forest predators

Bison are an integral part of the ecosystem found in Yellowstone National Park and surrounding wild lands. Of particular concern to us is their importance to grizzly bears, wolves, and wolverines in the Greater Yellowstone Ecosystem (GYE).

Current research indicates that bison comprise a large share of the ungulates consumed by grizzlies in the GYE. Of the ungulate meat consumed by grizzlies, 75% is comprised of elk and bison, and a disproportional large amount of that comes from scavenged adult bison (Mattson, 1997). Bison meat provides one of the most concentrated energy sources for grizzly bears and is particularly important following emergence from hibernation in the spring, before plant foods are readily available. Because bison carcasses provide such large amounts of meat compared with other ungulate carcasses, grizzlies have a better chance of out-competing other scavengers feeding on a carcass. Population numbers of elk and bison have risen dramatically since the end of Yellowstone Park's ungulate herd reduction programs in 1968. This increase appears to parallel enhanced reproductive success of grizzly bears. Since the mid-1980's, average grizzly bear litter size has increased, while the age of first reproduction has decreased in the GYE (Gunther and Haroldson, 1998). Additionally, bison may become an increasingly important food source for grizzlies in the GYE, as introduced organisms and disease are seriously threatening other high-fat food sources such as the Yellowstone cutthroat and the whitebark pine.

The reduction of bison population due to any of the proposed alternatives, including the preferred alternative, could have serious and far-ranging effects on grizzlies in the GYE. Decreasing the numbers of bison available for grizzly bear consumption may increase grizzly-human conflicts which, in the past, have been the primary killer of grizzlies in the

YELL-15332 contd.

GYE. Substantial evidence indicates that there are more human-bear conflicts and more human-caused grizzly bear moralities in years of natural grizzly bear food shortages than in years of food abundance. It is therefore likely that a reduction in the availability of bison meat for grizzly bear consumption will contribute to an increase in human-bear conflicts and human-caused grizzly bear mortality, thus inhibiting the recovery process for grizzlies in the GYE.

The DEIS has not adequately addressed the impacts of the bison management plan to grizzly bears. The EIS should include a full analysis of the impacts of the proposed alternatives.

Also, we understand that wolves are just beginning to learn how to hunt and kill live bison in the GYE. Thus, bison are already important to certain wolves, and their importance is likely to only increase in future. Though there is not a great deal of information about wolverines in the GYE, bison presumably provide an important source of carrion for wolverines, provided that they can avoid the grizzly bears and wolves who are seeking the same carcasses. We are concerned that any management proposals that will result in decreased numbers and distribution of bison will negatively affect each of these predator species in the GYE.

In conclusion, we are disappointed that none of the alternatives proposed in the DEIS is scientifically sound and presents a wise management choice for the bison of the GYE. Aspects of alternatives proposed by various citizen groups — including "Plan B" (by the Alliance for the Wild Rockies, Montana Chapter of Sierra Club), "The Bison Alternative" (by The Fund for Animals), and the Citizens Plan (by the Greater Yellowstone Coalition, National Wildlife Federation, and others) — do a far better job of accomplishing the dual goals of the DEIS: maintaining a free-ranging bison herd, while minimizing the risk of transferring brucelloseis to cattle. We urge the Park Service to rely on these alternatives as the basis for further discussion about bison management in and around Yellowstone National Park in the final EIS.

Thank you for the opportunity to comment on the bison draft EIS, and please keep us informed of any developments on this issue and further opportunities to comment.

Sincerely,

Laurel Hereńdeen, David Gaillard
Predator Project Staff

Literature Cited:

Gunther, Kerry A. and Mark A. Haroldson. Influence of Ungulate Abundance on Grizzly Bear Population Trends in the Yellowstone Ecosystem. Unpublished paper, presented at the 11th International Conference on Bear Research and Management. Abstracts. N. American Session 19-24 April, 1998. Gatlinburg, TN.

Mattson, David J. 1997. Use of Ungulates by Yellowstone Grizzly Bears (*Ursus arctos*). Biological Conservation 81:161-177.

Preserve Appalachian Wilderness

[redacted]

YELL-9058

October 14, 1998

Sarah Branscom
Interagency Bison Mgmt. Plan
DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Ms. Branscom:

These are my comments on the Yellowstone Area Bison Mgmt. DEIS.
- I have visited Yellowstone National Park and surrounding national forests. I am also interested in the long-term re-establishment of bison in other locations.
- Bison were nearly wiped out on this continent. We owe it to the bison to restore free-roaming populations throughout the continent, wherever they can safely exist and prosper, without arbitrary limits. I am opposed to the slaughter and confinement of wild bison allowed in all of the alternatives listed in the DEIS. Plan B, the Ecology Center's alternative is the only alternative I am aware of that does not permit more killing and confinement of bison. I am in favor of this alternative.
- The recent killing of bison is rationalized on the basis of unsubstantiated fears about brucellosis. The DEIS relies on the distortions and exaggerated hype of some in the livestock industry rather than taking a serious look at the probable less serious consequences of an actual brucellosis outbreak. The whole premise of the plan (and the government options) so far is based on hostility and intolerance towards native bison. The DEIS itself admits that "there have been no documented cases of brucellosis transmission from wild, free-ranging bison to cattle" (Summary, p. 3) There are strong reasons to believe that few bison may be capable of transmitting the disease to cattle. "It is possible that, although brucellosis may be endemic in the Yellowstone bison herd, few of the animals are capable of transmitting the disease. This suggestion is supported by noting the discrepency between the number of bison that test seropositive for brucellosis but culture test negative (Rhyan et al. 1997). This discrepency and the infrequency of observed abortions in the Yellowstone bison herd (usually required for transmission of the diesease between cattle (abortions and birthing events) may be different from that among bison. In bison, the bacteria may be transmitted through milk (Meyer and Meagher 1995a)." (p. 3) The DEIS treats this other data and research, based on studies and observation of bison as an "alternative interpretation of risk." The DEIS relies primarily on research on domestic livestock which does not fully explore interaction between wild bison and domestic livestock, which in all likelihood leads to very few incidentsof brucellosis.
- The cumulative impacts of (artificial)elk feeding stations and the increased risk to non-elk species needs to be fully expored. Brucellosis from these feeding stations may be unfairly blamed on bison now or in the future.
- Winter weather,primarily, and natural predators, secondarily, are the main factors that determine how many bison a given area can support in the Greater Yellowstone Ecosystem (and throughout the Northern Rockies, historically). The Greater Yellowstone Ecosystem and other ecosystems elsewhere on the continent ought to allowed to support as many bison as the ecosystem is capable of supporting, based on these and other natural controls.
- Public lands designated as "wildlife habitat" should be reserved for bison and other wildlife species rather than livestock. Livestock should be removed from these lands, especially if there are conflicts between bison and livestock.
- Foraging areas on public lands used, or historically used, by bison in winter time and at other times of the year should be open to free-roaming bison. Bison were present on these and other lands for many, many years before cattle were ever brought to this continent by white settlers. After being killed off in other parts of the country, bison were slaughtered by the thousands and left to rot on the prairies to make way for settlers, cattle, agriculture, railroads and cities. The advent of cattle and other development is a relatively new event in terms of the land. Listen to the land, to the bison and to the native people who once subsisted on bison, not petty special interests.
- Federally subsidized grazing tracts should be open to bison. Consider eliminating or phasing out federally subsized grazing in these areas, especially in prime foraging areas used by bison. There may not be any "conflicts" between cattle and bison on any tract of land in reality; the supposed "conflict" may be nothing but a "convenient excuse to kill buffalo," as wildlife ecologist Virginia Ravndal has said.
- The inappropriateness of public lands livestock grazing ought to be address by the agencies, especially the Forest Service and BLM. Livestock grazing effects more than bison. The cumulative effects and indirect effects of grazing on the entire ecosystem (and food chain) ought to be investigated in the EIS and elsewhere. In many cases livestock grazing wastes an inordinate amount of resources, leads to competition among wildlife and non-wildlife for scarce resources, decreases the amount of forage for wildlife, leads to degradation of streamside resources and leads to the spread of exotic plants. Cattle are inefficient users of water and water in forage, leading to overuse of resources.
- In this case, the Park Service other lead agencies are too willing to listen to hype and politics of the anti-environmental interests. The Park Service should listen to science.
- The preferred alternative mandates confining bison to a the national park and a small area outside of the park. The preferred alternative mandates killing bison under most circumstances when populations exceed a certain level. This is clearly unacceptable. The proposal limits wild, free-roaming bison to a small area and over the long term, puts them at risk, should a catastrophe or increasing development around the national parkeffect the bison in the Greater Yellowstone Ecosystem. Several Indian tribes and native American groups have offered to move bison to tribal lands in order to re-establish bison populations over a larger, satellite area. In the future, there may be opportunities to re-establish free-roaming bison populations at other public lands locations in the western U.S. and in the eastern U.S. should suitable habitat become available. PAW is particularly interested in re-establishing free-roaming bison in the eastern U.S., as are other groups. In addition, bison should be allowed to naturally expand their range to other public lands immediately outside of the Greater Yellowstone Ecosystem. Reducing populations through killing and confinement does not allow a pool of free-roaming bison to be established in order to permit such judicious expansions of the entire continental bison population. It does not allowed increased genetic diversity through exchanges and population exchanges. Yellowstone will in effect be nothing but a finite zoo.
- The agencies and non-profit funds should compensate people incurring property damage as a result of roaming bison, as with the wolf and grizzly.
- Private lands livestock grazers should be offered incentives to not raises cattle (or at least not raise cow-calves) until brucillosis is eradicated.
- Key private grazing tracts and allotments should be purchased from livestock grazers on a willing seller basis, especially along the Gardiner and Yellowstone Rivers and other key areas.
- As brucellosis vaccine should be sought for bison. Bison should be vaccinated via a dart or an oral vaccine when available.
- Cattle should be vaccinated and tested. Consider agency or non-profit funding to cover expenses incurred by livestock grazers.
- Montana should be urged to accept the government's definition of "low -risk" bison, which is more consist with modern disease management, rather than the untenable zero-tolerance policy.

Sincerely yours,

Sherman R. Bamford
Sherman Bamford

Heartwood / Preserve Appalachian Wilderness / Appalachian Voices / Steven Krichbaum
[redacted]

YELL-15372

Bison Plan EIS Team
NPS - Denver Services Center
P.O. Box 25287
Denver, CO 80225
303-969-2736 fax

Re: 1998 draft EIS and Bison 'management'
To: Sarah Branscom and all whom this concerns

These comments are submitted on behalf of Heartwood, PAW, and Appalachian Voices and our thousands of individual members and supporters. We as individuals and as groups are gravely concerned about the future of wild bison in the Yellowstone ecosystem. Members of our organizations visit and enjoy Yellowstone National Park and its environs. Bison play a very large role in our enjoyment of this area. However, our concerns are not only due to personal reasons or confined to wishes for protecting the ecological integrity of the YNP. As organizations concerned with restoring the ecological integrity of the Eastern forests, we realize that the maintenance of healthy bison herds in the West is essential for the eventual reintroduction and restoration of bison to their rightful place in the ecosystems of the East. It is therefore crucial that this and other populations of bison be allowed to increase to natural levels for the promotion of the strongest possible gene pools and social structures.

The slaughter of these animals is simply not justified. There has never been a confirmed case of bison transmitting brucellosis to cattle in the wild. According to scientific evidence, if any risk exists of bacteria transmission from bison to cattle, it is extremely remote. And the USDA has no legal authority over free-ranging bison and cannot downgrade the brucellosis-free status of Montana based solely on the presence of potentially exposed bison in the State.

Unfortunately, the DEIS fails to provide a sensible, humane, economical, or scientifically credible strategy to protect Yellowstone's bison. The DEIS promotes the waste of millions of federal tax dollars in order to promote the capture, confinement, vaccination, slaughter, shooting, and sale of America's bison. Other alternatives need to be fully examined before a final decision is made. Failure to fully develop and consider the proper range of alternatives and address the public's concerns invalidates the process and leaves the decision open to judicial challenge.

We as individuals and groups fully support the study, development, and implementation of an alternative plan that involves no killing or confining of bison, and is humane, scientifically sound, and cost-effective (see Plan B from The Ecology Center and the Fund For Animals bison alternative).

ALTERNATIVES

All the alternatives in the DEIS, including the preferred alternative, contain the same flaws:
* placing too much emphasis on the management of bison instead of the management of cattle on public and private lands outside the YNP
* emphasizing the slaughter or shooting of bison, including those who pose virtually no risk of bacteria transmission; buffalo would die needlessly; without scientific justification, alternatives call for drastically limiting the size of the bison herd (perhaps to as low as 1700 individuals)
* treating bison like cattle rather than wildlife and allowing the livestock industry to dictate bison management outside YNP; some bison would die or suffer injury from the stress of unnatural confinement
* failing to adequately acknowledge and consider the extremely remote risk -if any risk actually exists- of bacteria transmission from bison to cattle; political hype promoted by the livestock industry is accepted that grossly exaggerates the potential for and consequences of an outbreak of brucellosis in cattle
* basing decisions on politics, not science; for instance, the agencies have essentially disregarded whatever transmission risk may be posed by elk, a failure apparently due primarily to the fact that the sale of elk hunting licenses is of substantial economic value to the state government of Montana
* not seriously considering cost-effectiveness (e.g., the preferred plan costs $52 million and results in severe ecological and recreational degradation); hefty government subsidies continue so that cattle can graze on public lands undisturbed by the wildlife these lands are supposed to emphasize
* not addressing root causes of the 'problem'; for example, modifying outdated policies like "zero-risk"
* rebuilding of tribal herds is not helped, nor are other reintroduction efforts facilitated
* adversely impacting sensitive species such as wolves and grizzly bears and damaging the healthy ecological functioning of their ecosystem through the mass slaughter and unnatural suppression of bison populations
* failing to provide a comprehensive strategy for managing bison, cattle, and *Brucella abortus* in and outside of YNP that is humane, scientifically credible, logistically feasible, and which will restore YNP as a naturally regulated bison sanctuary.

Alternative 2 is the best of the alternatives provided in the DEIS. However, it is flawed in many respects. Phase I would continue to implement the Interim Plan which promotes the unnecessary slaughter of bison. Phase II would not guarantee that the agencies would close any snowmobile trails or that the agencies will succeed in acquiring additional winter range for bison or modifying cattle grazing practices.

The government plan (alternative 7) advocates an unnecessarily harsh test-slaughter-quarantine approach in which about half the buffalo tested would be killed, even though very few of them could ever possibly transmit the disease. Clean buffalo that test positive would be confined and quarantined for 1-4 years more. The few that leave quarantine would be trucked out of their ancestral home in the Yellowstone ecosystem. This alternative establishes an arbitrary and scientifically baseless population range (1700 to 2500 individuals) for YNP's bison; this number is far below the Park's natural carrying capacity. The government's plan essentially prevents Yellowstone buffalo from roaming free and limits this wild species to the confines of YNP and a few "special management areas" outside the

Park. This sets a dangerous precedent for restricting wildlife to the artificial boundaries of parks. The plan treats wild bison like domestic cattle. It fails to address winter use and allows the sport killing of buffalo. And it places the burden of brucellosis disease management on wildlife instead of on livestock operators where it belongs.

OBJECTIVES

Implementation of a sound and humane alternative should:
* allow buffalo, like all other wildlife, to roam freely within the Greater Yellowstone Ecosystem
* determine how many buffalo the Greater Yellowstone Ecosystem can ecologically support and manage to maintain that population
* restore a naturally regulated bison population to YNP and restore YNP as a bison sanctuary for naturally regulated bison herds
* prohibit the hunting of and unsporting and unethical killing of bison
* ensure that buffalo receive preference over domesticated livestock on public lands; if conflicts exist between wildlife and livestock on these lands, remove the livestock
* require the vaccination of cattle, not bison
* increase tolerance of bison on private lands outside of YNP
* eliminate or modify cattle grazing practices so as to reduce the risk of bacteria transmission
* emphasize strategies to manage risk rather than to eradicate bacteria
* protect ranchers from unnecessary and illegal sanctions from other states and from the USDA
* compensate persons incurring property damage as a result from free roaming buffalo, as is done with the wolf and the grizzly bear

SOLUTIONS

The following actions/policies should be implemented:
1) Immediately close YNP to snowmobile use and prohibit trail grooming. Elimination of these routes will reduce the number of bison who leave the park as well as reduce harassment and disturbance of wildlife and increase visitors' enjoyment of the Park (less noise, exhaust stench, etc.). The use of snowmobiles in the Park does not comply with NEPA (no winter-use EIS has been prepared) or the Park Service Organic Act (the NPS duty to preserve nature in an unimpaired condition is inconsistent with snowmobile use and, further, wildlife are disturbed and park resources damaged).
2) Prohibit cattle grazing in and permit bison access to all public lands adjacent to the YNP. If the grazing cannot be eliminated it should be significantly altered to reduce whatever risk of bacteria transmission may exist. Vaccination against brucellosis of cattle on public and private lands should be mandatory.
3) Work to change grazing practices on private lands to reduce the alleged risk of bacteria transmission. Offer the ranchers that graze cattle on private lands in the "conflict zone" compensation or other incentives not to raise cattle on that land. Haze buffalo away from private lands when cattle are present. Acquire these lands through purchase or agreement, if and when available, as additional winter range for bison and other wildlife. Work to increase landowner tolerance for free-ranging bison.
4) Recognize that vaccination of wild bison is impractical, unnecessary, wasteful, and prohibitively costly; vaccinating elk is similarly unworkable.

5) Wild bison will not be quarantined. Quarantine is unnecessary, inhumane, and prohibitively costly. Capture and slaughter of bison must not be continued. The bison capture facility inside the Park should be immediately dismantled.
6) The "hunting" of bison will not be reestablished. The killing is entirely unacceptable, especially considering the magnitude of the long and wretched abuse historically heaped upon this species. A bison hunt is unsporting, unethical, and inconsistent with the concept of fair chase.
7) Artificial or arbitrary population objectives for the Yellowstone bison herd will not be established. The size of the bison herd should be dictated by natural factors, not by bullets, slaughter, or the desires of the livestock industry.
8) The above actions (1-7) should be emplaced as interim guidelines until a final analysis and decision are accomplished.

CONCLUSION

The American Bison are the victims of the greatest slaughter of large mammals in history. A population estimated at 60-100 million animals was reduced to hundreds, including a mere 23 in the Yellowstone herd. And still we are still not finished; now even 2800 are said to be too many. Where does it end? How much government sanctioned abuse and domination must we continue to pile on these creatures? According to the DEIS only around 2000 domestic cow-calf pairs would be affected. The total population of cattle in this country is around 100 million. So the largest and most important bison herd on public lands in the nation (and by extension the entire American public) is being held hostage by a veritable handful of ranchers with 0.004% of the country's cattle. And what is the agency's response to this wretched state of affairs? Tens of millions of dollars from the public treasury are to be spent to placate the unreasonable demands of an extremist element in the cattle industry. And the bison are to be condemned, brutalized, and killed yet again.

The preferred alternative is entirely unjust and unacceptable. Further analysis and deeper judgment are necessary. In part to atone for our past atrocities, a plan of greatly expanded generosity and humility is essential. The bison are tragically in need of all the respect and gratitude, compassion and reverence we can extend.

Sincerely,

Steven Krichbaum,
for the boards and membership of

Heartwood [redacted]
PAW [redacted]
Appalachian Voices [redacted]

Oral testimony provided at the Syndham Hotel, [redacted] on September 3, 1998.

Comment No. 14892
Richard Warnick
Republicans for Environmental Protection

My name is Rich Warnick. I'm the [redacted] coordinator for a group called Republicans for Environmental Protection. We're a national grass roots organization with members in 47 states. We believe in the tradition of president Theodore Roosevelt. He believed strongly that public lands are for the public, not for private interests to control.

Our board of directors has voted to support Plan B for the Yellowstone bison. This is the alliance for the Wild Rockies proposal. In addition, we support the transplanting of bison to native Americans' reservations as a last resort. Rep. America understands that the state of Montana is caught between two arms of the federal government, the Department of Agriculture and the Department of the Interior. The federal government must offer a solution that is fair to all parties.

Plan B is a taxpayer friendly alternative to the costly $52 million program that has been proposed in the draft EIS. This plan involves no killing or confining of bison. These animals will be allowed to roam freely within the greater Yellowstone ecosystem. Elk are allowed to migrate and mix with cattle. Why not bison?

Disease management aspects of Plan B include vaccination of bison described in the draft EIS, vaccination of cattle for brucellosis that it already does, encouraging cattle ranchers to graze steer only or switch to other types of livestock until brucellosis has been eradicated.

In summary we support a plan that will give wild bison access to adequate habitats in public lands. Put an end to slaughter, provide for brucellosis vaccinations, and transfer to willing tribes animals surplus to the ecosystem's carrying capacity. Thank you for this opportunity to comment.

RESPECT FOR LIFE SOCIETY

[redacted]

YELL-188

24 June 1998

Dear Sirs:

We thank you for sending along the Summary Draft EIS for Bison Management. From the information provided we do not feel that any of the alternative plans adequately addresses the concerns of the animals involved but that Alternative #2 seems to go the farthest in this regard. As you point out in the Summary, the brucellosis scare is largely a non-issue, bison to cattle transmission having never been documented in the Yellowstone area, but the reality is that humans are not prepared to tolerate the presence of a large migratory animal that naturally ranges over vast areas of land. The Park is simply a large cage for the Bison and there is no doubt that this "problem" of conflicting interests will continue on into the future regardless of which Alternative is eventually adopted.

Like most environmental conflicts, the "problem" is a human one involving loss of habitat and animals like the Bison are particularly effect because of the large areas of land that they naturally require. The sources of these conflicts are not likely to change in the near future. If the numbers of Bison must be reduced, we favor natural attrition rather than hunting. The situation in Yellowstone is far from a natural one and the interests of other animals sharing this limited habitat must be a consideration.

It is our firm hope that we will one day see a true free-ranging Bison population, though this is clearly a long term objective. Surely this creature that has suffered nearly the worst that humanity can offer and only barely survived genocide, deserves a little extra understanding and consideration. We urge that this be granted.

Please keep us posted on further developments on this and related issues.

Sincerely,

Jon Jerome Warman Founder

"Fostering respect for all living things"

YELL-9656

ROCK SPRINGS 4-H CENTER

[redacted]

October 6, 1998

Attn: Sarah Bransom
Interagency Bison Management Plan
DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Dear Ms. Bransom:

I am writing in support of the InterTribal Bison Cooperative and National Wildlife Federation plan to test for brucellosis all Yellowstone free ranging buffalo which have crossed onto private land.

I was sickened by last year's bison slaughter by trigger-happy livestock individuals. I do not wish to see headlines, articles and disgusting pictures of another senseless slaughter splashed across my newspapers and magazines again this winter. Especially since there is an alternative to the gun - the NWF/ITBC plan to trap and test, moving those bison that test negative for brucellosis to tribal lands.

Allow the bison to remain free, but give them the guardian angels they need - wildlife professionals - instead of politically, money-driven, livestock vested individuals.

Speaking for those who cannot speak for themselves,

Kara Luginbill

Kara Luginbill
Environmental Education Specialist

A PROJECT OF THE [redacted] *4-H FOUNDATION*

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29 October 1998

Bison Management Plan DEIS Team
National Park Service - Sarah Bransom DSC-RP
PO Box 25287
Denver, CO 80225-0287

Dear Bison Management Plan DEIS Team:

We feel that the Draft Environmental Impact Statement (DEIS) prepared for the management of Yellowstone National Park's (YNP)bison herd is inadequate, and the Preferred Alternative is unacceptable. The "Bison Alternative", put forward by the Fund for Animals, contains valuable suggestions for bison management which should be meaningfully considered by the National Park Service.

The Bison Alternative provides a scientifically and economically sound management plan that rejects slaughter and brings the National Park Service closer to its institutional mandate than the Preferred Alternative, and any of the other alternatives.

The National Park Service's mandate must be recognized by the Interagency EIS Team. This mandate is set forth in the National Park Service Organic Act, which clearly states the purpose of the parks:

> ...to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

See 16 U.S.C.A. § 1. Further, that statute provides a prohibition on exactly the type of policies contained in the Preferred Alternative:

> The authorization of activities shall be construed and the protection, management, and administration of these areas shall be conducted in light of the high public value and integrity

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> of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress.

See 16 U.S.C.A. § 1a-1, emphasis added. As demonstrated below, the Preferred Alternative is in clear violation of the Park Service's legal mandate to conserve and protect the wildlife under its stewardship, and to prevent the impairment of the values for which the Park Service lands were set aside. We will detail several concerns with the DEIS as it presently stands. We make clear that the DEIS is consequently inadequate in the process of developing a policy that will safeguard the Yellowstone bison herd.

I. The objectives adopted in the DEIS are not in the interest of the Yellowstone bison herd.

The objectives outlined in the DEIS include the following:

- Commit to a certain bison herd size;
- Define a boundary line beyond which bison will not be tolerated;
- Protect cattle from brucellosis;
- Commit to elimination of brucellosis in wildlife.

The first objective, of restricting the herd to a certain size, involves human-inflicted mortality as a part of every alternative in the draft, whether this be capture and slaughter, shoot on sight, or public hunting. The Team must consider an alternative which involves reliance solely on natural mortality factors. Even Alternative 2 fails to do this. The NEPA planning process demands attention to a full range of alternatives. The failure of the DEIS to consider an alternative which does not involve human-inflicted mortality of bison therefore renders this DEIS inadequate.

The second objective, of defining a no-tolerance boundary, is unnecessary given that, even in the Greater Yellowstone Area (GYA) outside the park, only 2% of the land is privately owned. It is unclear why Yellowstone's bison cannot make free use of federal land, especially when they will do so well before the June 15th onset date when cattle are released onto public grazing allotments (DEIS at 107).

Given that Yellowstone bison have used winter range outside of the Park since the 1940s, these ungulates have clearly demonstrated the need for ecosystem planning which will provide them with sustenance year-round. It is therefore time that the National Park Service and the U.S. Forest Service work together to adopt a plan for providing the bison herd with winter range

on surrounding National Forests. The present alternatives only allow bison to forage on a minute portion of those National Forests, and some of the supposed "winter range" is actually unsuitable for bison in the winter. This point is illuminated below, in the section on winter range.

The third objective, of protecting cattle from brucellosis, evokes the question: Why should National Park Service land - land set aside for the preservation of wildlife habitat and protection of wildlife - be managed for exactly the same industry largely responsible for the first bison massacre in the violent decades from 1865-1883? This is a subsidy for ranchers that should not be underwritten by the public. In the past 60 years, the federal government has spent over $3 billion trying to eradicate brucellosis. The program now costs more than $60 million annually, and an eradication program for Yellowstone's wild animals would add to that cost (Keiter 1997). The added cost may be considerable, given that the preferred alternative proposes shared costs of up to $29.1 million annually (DEIS at 29).

The goal of eradication of brucellosis to which the agencies have committed themselves (DEIS at 55) comes at a high price to wildlife as well as people. This commitment to eradicate brucellosis in YNP's wildlife will mean, according to Mary Meagher, YNP's own bison expert, the eradication of wildlife. Meagher states: "I see no way brucellosis can be eradicated without eradicating wildlife" (Di Silvestro 1997). She also confirms that the possibility of bison transmitting the disease to cattle is very low. A January 1997 article in the *Journal of Wildlife Management* confirms these assertions (Keiter 1997).

Even if the Yellowstone bison herd is not eliminated in the midst of the brucellosis frenzy, the policy proposed in the DEIS will alter the herd forever. It seems quite clear that the Team is playing a dangerous game of domestication with a group of animals renowned and valued for their wildness. This is a wild herd of bison - one of the last that remains. Vaccination, capture, and range limitation are sure steps toward reducing that wildness. Vaccination is, in fact, a part of every alternative. The DEIS states, "...in all alternatives, vaccination would be used to reduce seroprevalence rates in bison" (284).

Further, in all alternatives, through the use of tags and stripes, "[t]he process of monitoring and vaccinating bison would temporarily change their 'wild' appearance" (DEIS at 306). The Preferred Alternative, along with other alternatives, involves a severe reduction in free ranging bison. The DEIS states, "Alternatives 5 and 7 and phase two of alternative 6 would result in major reductions in the number of free-ranging bison..." (305). These facets

of the Preferred Alternative are all in violation of the purpose of action, which specifies a "wild, free-ranging" herd of bison (DEIS at 11).

These actions will be taken, not for the good of bison, but for the perceived good of humans. Bison rarely abort (according to Mary Meagher, YNP's bison expert), even with brucellosis. In fact, in the past 75 years, there have only been 3-4 documented cases of bison abortion in the GYA. Any justification of the proposed plan in terms of benefits for bison is wrong-headed.

We contend below that the perception of human benefit through the process of capturing, slaughtering, shooting, and domesticating the Yellowstone bison herd is, in fact, a misperception. The Preferred Alternative may benefit a handful of individuals begrudging the bison herd their rightful place as wild, defiant citizens in the Greater Yellowstone Area. It may also benefit officials in the state of Montana in their struggle for power vis-a-vis the federal government. The Preferred Alternative will not, however, benefit the human populations of the GYA or the U.S. as a whole.

II. There is an inadequate range of alternatives.

A. There is an inadequate range of management tools employed.

All of the alternatives considered by the interagency DEIS team contain the following:

- A line across which "agencies would take action to ensure bison do not remain";
- The "suggested" vaccination of female cattle calves;
- A provision to shoot bison who cannot be hazed back into the management area.

First, even in Alternative 2, the so-called "minimal management" alternative, "the agencies would maintain boundary lines through hazing and shooting". It is unacceptable that all alternatives hold this in common when the Park Service is supposed to be acting as a protector of wildlife, not of the ranching industry. Further, the NPS, unlike the USFS or Bureau of Land Management, does not have a multiple use mandate (See 16 U.S.C. § 1 et seq.). The NPS's primary obligation is to preserve wildlife and their habitats. In addition, the NPS does not have an obligation to manage its lands for neighboring landowners. Furthermore, in the case of Yellowstone National Park, 97% of the Park's neighbors are the American public. That is to say, 97% of the surrounding lands are held in trust for the American public by the federal government. Therefore, even if the NPS mistakenly

believes it has an obligation to manage for its neighbors, it should manage the bison residing in Yellowstone in the interest of the American public. As was made clear in the bleak months of the winter of 1996-97, the public demands protection for Yellowstone's bison.

Second, why is the vaccination of neighboring cattle not made mandatory? Surely the Forest Service, which holds 97% of the land in the GYA, can mandate cattle vaccinations and/or steer only operations on the allotments under its jurisdiction. A vaccine already exists for cattle, with an effective rate of 70%, wile none exists for bison. The brucellosis problem would be countered more effectively if vaccinating cattle was made mandatory (Keiter 1997).

Third, the provision to shoot bison, which is included in all alternatives, defies the notion of a range of alternatives. The DEIS states that alternatives 1 through 6 represent the full range of options (DEIS at 51). We strongly disagree. As is acknowledged in the DEIS, there are no non-lethal alternatives (DEIS at 36) which were dismissed by the Team. Alternative 2 does not represent an approximation of a non-lethal option, as is stated in p. 51 of the DEIS. In the section entitled "Actions Common to All Alternatives", it is clearly stated that "If bison cannot be hazed back into the management area, they may be shot" (55).

B. Snowmobile trail closure is almost ignored.

There are management tools to make a non-lethal alternative more feasible. Given its hodgepodge of components, it is unclear why the Preferred Alternative does not include perhaps the most obvious solution — snowmobile trail closure. The preferred alternative fails to restrict winter recreational use in the Park. There is only a cursory discussion within the DEIS for why such a restriction was rejected (See DEIS at 39). This discussion is entirely inadequate. This is especially disconcerting given that the Park Service-commissioned report on winter recreation, by Dr. James Caslick, recommended a no-snowmobiling alternative. Caslick's report included a survey of over 300 studies on winter recreation's impacts on wildlife.

In the case of bison, the most important impact of winter recreation and Park Service management for that recreation, is the distortion of bison population dynamics which result. In a review of the impact of snowmobile trail grooming, one observer states:

> ...instead of bison numbers being regulated naturally through winter kill, reduced survival, and reduced productivity, the groomed trail system provided to facilitate snowmobile use of

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> YNP has totally altered bison population and ecology, while directly and indirectly providing the bison with an artificial pathway to slaughter by humans.

(Schubert 1997). Indeed, the Team acknowledges the impact of road closure on reducing bison migration: "For purposes of this analysis, it was assumed that a lower percentage of bison would access boundary areas [in alternative 2] than in other alternatives because the groomed roads they used to leave the interior of the park would either not be maintained or would be closed" (205). Indeed, elsewhere in the DEIS, the Team recognizes the science which would support such road and grooming restrictions: "[b]ison use plowed roads and compacted or groomed trails in the winter, and this may reduce their energy expenditure" (DEIS at 143). Why does the Preferred Alternative therefore not include provisions for road closure and the cessation of grooming where necessary?

The Team dismisses the feasibility of allowing bison to exist without human intervention (See DEIS at 41), without acknowledging that the restriction of snowmobile use in certain areas may significantly reduce bison migration. The Team further dismisses the request of a segment of the public to use a non-lethal management approach as unable to meet the purpose of the plan (DEIS at 112). There is no basis in the DEIS for this conclusion.

III. The Preferred Alternative does not provide adequate and suitable winter range for bison.

That bison require a winter range located outside the borders of Yellowstone National Park is clear. According to the DEIS, "...Yellowstone National Park is not a self-contained ecosystem for bison, and periodic migrations into Montana are natural events" (DEIS at 11) The DEIS underscores the urgency of this winter range for the northern park population in particular: "[m]ovements beyond park boundaries range from 0% to 10% of the interior populations compared to the near total migrations of northern range population during extreme weather events" (DEIS at 201). Indeed, according to Marv Jensen, Yellowstone's assistant superintendent, bison have been migrating out of the park to forage since the 1940s (Miller 1997).

In winter, cattle are not yet on national forest land, and few are on private land adjacent to the park. So, bison generally need public land outside of the park precisely at that time of year when cows are not even present. The USFS can modify grazing permits, and should therefore mandate steer only grazing on its allotments as added protection against brucellosis. Grazing permittees on national forest land have been given a

privilege, a privilege which should be revoked in the event of permittee petulance toward the Yellowstone bison herd.

A. The proposed areas for bison winter range are unsuitable or inadequate.

The areas specified in the alternatives as potential winter range, along with our analysis of those areas, are as follows:

Lee Metcalf/Cabin Creek area. In this area, according to the DEIS, "few [bison] are able to traverse the rugged terrain and deep snow in the winter" (56). This is therefore unsuitable winter range for bison.

Lee Metcalf/Monument Mountain Unit. This area, according to the DEIS, is similarly unsuitable for bison winter range on account of "topography and snow depths" (DEIS at 107).

Hellroaring and Slough drainages. Here, "few [bison] are able to traverse the rugged terrain and deep snow in the winter" (56). This area, is in fact, summer and fall range only (DEIS at 138, 141).

Eagle Creek/Bear Creek area. This area contains 23,000 acres (DEIS at 138), and is described as including both "dry sagebrush shrublands and dry grasslands" (DEIS at 140). The DEIS states that "In winter, 99% of their [bison] diet is grasses and sedges, with browse being the remaining 1%" (DEIS at 144). Yet, the DEIS does not consider that sagebrush and other shrubby vegetation in the Eagle Creek/Bear Creek area may be unsuitable for bison range. The DEIS needs to disclose how many acres of this area is suitable for bison grazing.

Horse Butte. This area is 24,000 acres (DEIS at 138).

Possible acquired lands at **Reese Creek.** No acres given, appears speculative.

The analysis area includes 568,994 acres outside the park, 97% of which is federally owned (See DEIS at 137). There is consequently a potential base of 551,924 acres from which to address the issue of bison winter range. The acreage within Horse Butte allowed for bison winter range would amount to 4.3% of the federal land surrounding Yellowstone. Furthermore, even generously assuming that the Eagle Creek/Bear Creek area is all suitable bison winter range, this increases the acreage to only

8.5% of the federal land surrounding Yellowstone.1 These minute fractions of federal land which the Team is "providing" for the bison herd are an insult to the concept of winter range.

B. All alternatives provide that winter range areas are to be open to hunting.

It defies the concept of winter range to conduct hunting at precisely a time when bison are scarcely eking out an existence. Yet, all of the proposed areas for winter range or "special management areas" are either designated for bison hunting, or potential bison hunting (See Map for Alternative 7).

Under Alternative 7, the Team would ask the Montana Legislature to authorize a bison hunt (DEIS at 101). The Legislature previously discontinued the hunt after public outcry. Why is the Team not listening to the public and to past experience in bison management? There is certainly no reason to believe such a hunt would remotely resemble "fair chase" as, by the Team's own admission, the hunting success rate for the Absaroka bison herd in 1996 was 100% (DEIS at 156). Furthermore, it is disturbing that the state of Montana presumes it can dictate legislation. Legislation, it must be remembered, is supposedly the expression of the public will. No matter, the Team decrees: "Hunting would begin in 2000..." (DEIS at 221).

IV. The purpose of the action requires a wider scope.

The purpose of the action is "to maintain a wild, free-ranging population of bison and address the risk of brucellosis transmission to protect the economic interest and viability of the livestock industry in the state of Montana" (DEIS at 11).

A. The DEIS fails to provide analysis as to whether the viability of the Montana livestock industry has ever been at risk due to brucellosis.

The DEIS states, "Agriculture has been and continues to be Montana's basic industry" (DEIS at 22). This appears to be justification for the second goal included in the "Purpose of Action" - that of insuring the viability of Montana's livestock industry. However, this is disingenuous, for several reasons. First, APHIS has the authority to subdivide a state in order to classify for brucellosis (Keiter 1997; 9 CFR § 78.40). And, in fact, on January 29 and February 7, APHIS officials had informed Montana Governor Racicot

1 The acreage analysis is as follows: Horse Butte, at 24,000 acres, is 4.3% of 551,924. Bear Creek/Eagle Creek's acreage of 23,000, added to 24,000, is 8.5% of 551,924.

that providing the bison with winter range near West Yellowstone would not endanger the state's brucellosis-free status. Yet, the killing went on.

Therefore, even if the Greater Yellowstone Area was classified as brucellosis-infected, the rest of the state could very well be classified brucellosis-free. This fact is acknowledged within the DEIS, which reads: "States or portions of states are classified according to their rate of *Brucella* infection present in cattle and the general effectiveness of their brucellosis control and eradication program" (DEIS at 34, emphasis added). Yet, throughout the DEIS, there is a supposition that the presence of brucellosis in the GYA will spell collapse for Montana's entire cattle industry (See, e.g., DEIS at 165). This is false.

Further, those counties impacted by the presence of brucellosis in the Yellowstone bison herd , the counties of Gallatin and Park, account for only 5% of cattle production in Montana (DEIS at 164). The viability of cattle ranching in Montana is therefore not in jeopardy.

Even in the Greater Yellowstone Area, the importance of the viability of the livestock industry to the health of the regional economy can be questioned, as ranching plays a small role in the GYA economy in contrast to recreation and wildlife-related tourism (Keiter 1997). According to the DEIS,

> [t]he economy has shifted from commodity-extraction dependence to a more diversified economy based on recreation, tourism, and service industries. For example, between 1969 and 1989, more than 96% of all new jobs in the Greater Yellowstone Area came from sectors other than timber, mining, and agriculture... (DEIS at 162).

This evolution toward a recreation/tourism/service-based economy bears out in employment statistics for Park and Gallatin Counties. In Park County, only 10% of employment is in the agriculture, forestry, and mining sectors, and only 5% of employment in Gallatin County is in those sectors (DEIS at 162) .

It appears that the viability of Montana's livestock industry is therefore not at risk. Further, the emphasis on brucellosis as a threat to that industry does not jibe with the following considerations:

- At least two-thirds of those bison shot or shipped to slaughter were bulls, calves, or non-pregnant females, all of whom present virtually no risk of transmission (Wilkinson 1997). One slaughterhouse, C & C Meats,

reported that only 1% of the bison they slaughtered tested positive for brucellosis (Peacock 1997).

- Under federal and state law, ranchers can be compensated for their loss of a herd to brucellosis (21 USCA 134a(d)).
- Montana has not had a case of brucellosis-infected cattle in the GYA (Keiter 1997).
- The Team acknowledges that there have been zero (0) cases of wild, free-ranging bison transmitting brucellosis to cattle (DEIS at 20). The Team goes on to say: "It is possible that, although brucellosis may be endemic in this bison herd, few of the animals are capable of transmitting the disease" (DEIS at 20).

Given the above, the reasons behind the brucellosis panic remain unclear. What is clear, however, is that the viability of the Montana livestock industry is not at risk from the threat of brucellosis in the Greater Yellowstone Area. The science, cited in the DEIS and other reports, overwhelmingly demonstrates this fact. Because the DEIS failed to broaden the scope of its analysis to accommodate the scope of its purpose of action, the DEIS is inadequate.

B. The DEIS fails to consider elk in its analysis of brucellosis.

It is unclear how the Interagency DEIS team can serve the latter goal without addressing elk. As is noted throughout the DEIS, elk populations also serve as reservoirs for *Brucella abortus* (DEIS at 16, 18). In addition, the DEIS reads as follows: "Were the agencies successful in eliminating brucellosis from the bison herd, elk could be a potential source for reinfection" (DEIS at 18). Further, Yellowstone National Park Superintendent Michael V. Finley states: "The possibility of elk reinfecting bison remains a serious concern, therefore, targeting only bison is not a complete solution to disease transmission concerns" (Finley, per. comm., 7/7/97).

There is consequently clear admission that the possibility of elk transmitting brucellosis to bison is a real concern. Yet brucellosis in the 120,000 elk in the GYA is not discussed. Why? Several commentators state that it is because "[e]lk have a constituency", (Peacock 1997, 110; See also Glick 1997) including hunters, outfitters, the Rocky Mountain Elk Foundation, and the states of Wyoming and Montana. Wyoming and Montana encourage propagation of elk herds in order to profit from increased

hunting license sales. Elk hunting may bring as much as $100 million into these two states each year (US News & World Report 1996).

There is little explanation for the absence of elk from a plan which supposes to eradicate brucellosis. One is left only with vague promises that "eradication in both species [elk as well as bison] will be addressed by the GYIBC in a future planning process" (DEIS at 41, 47). The most obvious question is, how can the second goal - of eradicating brucellosis - be accomplished through the present DEIS, given the absence of elk from treatment? We suggest that this goal is inappropriate, and unnecessary, for the reasons detailed above.

V. The Team has failed to respond to public concerns.

Even that part of the public which has not participated in this NEPA process has demonstrated its will. That will prioritizes the well-being of Yellowstone's wildlife above narrow economic and political interests. Through surveys, we have learned that "wildlife viewing is the primary activity for many visitors who come to Yellowstone National Park", as 94% of park visitors surveyed responded that wildlife observation was the single-most important activity at the park (DEIS at 152). For its part, the bison is one of the top ten animals visitors want to see at Yellowstone (DEIS at 153). Yet, the Preferred Alternative proposes that a combination of capture, slaughter, and shooting be deployed against the Yellowstone bison herd.

Another way to gauge the sentiments of the citizens is to observe how they spend their money. The Team speculates that, under the Preferred Alternative, the decrease in wildlife-viewing visitation will result in an estimated $20 million annual decline in revenues for the GYA (DEIS at 259). It is unclear why Alternative 7 is the Preferred Alternative, when both a decline in bison numbers and a decline in tourist revenues will result.

The Team admits that a significant strain in the public comments in this NEPA process emphasized the need for a non-lethal management alternative. The DEIS states: "[b]ased on a review of the written comments, the feature of the proposed plan about which commenters felt most strongly was the killing of bison" (DEIS at 170). Yet, the level of slaughter in the Preferred Alternative is estimated by the Team to be higher even than the status quo level. The choice of Alternative 7 as the Preferred Alternative, along with the absence of a non-lethal alternative, indicate a disregard for public input.

In addition, the DEIS states that there will be a "minor to moderate adverse impact (due to the level of slaughter in this alternative, which is about 25% higher than the level of alternative 1) on social values associated

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with humanitarian and moral treatment of animals" (DEIS at 259). We suggest that there will be a major impact on these social values. It will be recalled that the status quo (Alternative 1) led to the killing of 1,084 bison in the winter of 1996-97. That slaughter was met with pronounced public outcry. A higher level of slaughter would suggest that the DEIS team is simply not responding to the public. Further, with the insidious combination of capture and slaughter, hazing and shooting, and hunting, lethal control — otherwise known as violence — is maximized through the Preferred Alternative, and the impact on social values can only be described as major and entirely unacceptable.

The most striking reason to believe that the Team has not listened to the public is the fact that the Preferred Alternative does not appear to be much different from the status quo. The Interagency DEIS team must realize that the status quo caused the situation which occurred in the winter of 1996-97, a situation which threatened the viability of the Yellowstone bison herd and was met with tremendous public outcry. The Team, it would appear, has engaged in the NEPA process without meaningfully heeding the concerns of the public.

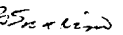
VI. Conclusion

The Yellowstone bison herd is a national treasure. It demonstrates a phenomenal case of species recovery. At the hands of humans, the estimated 65 million bison which once graced the continent's grasslands dwindled to a handful, with only 23 bison surviving in the Greater Yellowstone Area. Further, Yellowstone National Park should be regarded as inviolate, given its status as the world's oldest national park and, as the DEIS acknowledges, "...bison have inhabitated the Greater Yellowstone Area since prehistoric times" (143). Although the Team recognizes these facts (See, e.g., DEIS at 261), their Preferred Alternative proposes domestication of, and violence against, the Yellowstone bison herd.

In particular, the Park Service must reevaluate itself and the role it is playing in the management of the Yellowstone bison herd. We must remember that almost half of the 1,084 bison slaughtered in the winter of 1996/97 were killed or sent to their deaths by the Park Service itself (Miller 1997). The Park Service has a mandate of preserving the parks - leaving them "unimpaired for the enjoyment of future generations" (16 U.S.C. § 1). Case law underscores this preservationist and non-multiple use mandate (See National Rifle Association v. Potter, 628 F. Supp. 903, 910 (D.D.C.) 1986). Yet, the NPS played a direct role in killing half of the bison that fell to human hands in that bleak winter, and it is now playing a role in either keeping bison prison in the Park, or commodifying them for trophy hunters.

We question whether the original conception of Yellowstone National Park, as a refuge for much-embattled wildlife, is being honored through the proposals presently discussed in the DEIS. However, we also believe that the aforementioned inadequacies in the DEIS can be rectified, in part, through integration of alternatives such as the "The Bison Alternative", set forth by the Fund for Animals. We urge the Interagency DEIS team to meaningfully consider the elements of that plan. A non-lethal alternative must not be summarily dismissed.

Sincerely,



Nicole J. Rosmarino
Wildlife Coordinator

14,700 contd. 14

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Oral testimony provided at the Holiday Inn, [redacted] on September 1, 1998

Comment No. 14920
Nicole Rosmarino
Rocky Mountain Animal Defense

Good evening. My name is Nicole Rosmarino, and I am the wildlife coordinator for Rocky Mountain Animal Defense. I'd like to be clear: The draft management plan should be scrapped and the process should be started over. Here's why.

Objectives outlined in the Draft EIS include a commitment to a particular bison herd size, the definition of a boundary line beyond which bison will not be tolerated, the protection of cattle from brucellosis, and the commitment to eliminate brucellosis in wildlife.

The first objective of restricting the bison herd to a particular size means that human-inflicted mortality will be a part of every alternative considered in the plan. Whether this be capture and slaughter, shoot on sight, or so-called hunting, there needs to be an alternative which relies exclusively on natural mortality factors. Even Alternative 2 fails to do this.

The second objective of defining a no-tolerance boundary is unnecessary given that even in the greater Yellowstone area outside the park, only two percent of the land is privately owned. Why can't the Yellowstone bison make free use of federal land, particularly when they need that land at a time when no cattle will be present?

As for the third objective of protecting cattle from brucellosis, why should the National Park Service, an agency imbued with preservation of wildlife habitat and protection of wildlife, be concerned with exactly the same industry largely responsible for the massacre of bison that occurred in the years 1865 to 1883? Indeed, this is just one more subsidy for ranchers. In the past 60 years the federal government has spent $3 billion trying to eradicate brucellosis. The program now costs us taxpayers $16 million annually, and that cost will go up when we include the cost of trying to eradicate brucellosis from Yellowstone. In fact, the alternative preferred proposes a shared cost of up to $29.1 million annually.

Finally, the commitment to eradicate brucellosis in Yellowstone's wildlife will mean, according to Yellowstone's own bison expert, the eradication of wildlife. Mary Meagher states, "I see no way brucellosis can be eradicated without eradicating wildlife."

As a result of these four objectives, all alternatives include a line across which, quote, Agencies would take action to ensure bison do not remain, end quote. They also include the suggested vaccination of female cattle calves. They all include hazing bison into capture facilities away from borders. First, even in Alternative 2, the so-called minimal management alternative, the agencies would maintain boundary lines through hazing and shooting. It is unacceptable that all alternatives hold this in common when the park service is supposed to be acting as a defender of wildlife. Isn't the park service's very symbol the bison?

14920 contd.

Second, why is the vaccination of neighboring cattle not made mandatory? We have the cattle vaccination for brucellosis; we do not have a bison vaccination. In fact, brucellosis is a pretext. Consider the following: At least two-thirds of those bison that fell victim through human hands in the winter of 1996 and '97 were bulls, calves, or nonpregnant females, all of whom present virtually no risk of transmitting brucellosis. One slaughterhouse, C&C Meats, reports that only one percent of the bison they slaughtered carried Brucella Abortus.

Yellowstone National Park admits the possibility of elk transmitting brucellosis to bison is the real concern. Yet, elk do not factor into this plan. Why? Because of the hunting lobby and because the States of Wyoming and Montana profit from the hunting of elk.

Also, consider the agency has the authority to subdivide the state in classifying it brucellosis free, and, in fact, in the winter of 1997 extended to Montana an offer that they would not rescind the brucellosis-free status of that state if Montana allowed west Yellowstone to be winter range. Under federal and state laws, ranchers already can be compensated for any loss of a herd to brucellosis.

Brucellosis has taken center stage in the proposed Bison Management Plan. Yet one only to recognize that there has never been one documented case of wild animals transmitting brucellosis to cattle in a free-range situation. It is clear the National Park Service is sacrificing its bison herd to prop up an already heavily subsidized and increasingly obsolescent industry.

Considering all of this, we suggest the following: The park service should meaningfully consider winter range for Yellowstone bison. The park service should eliminate trail grooming and snowmobiling wherever it is serving to complicate Yellowstone bison herd dynamics. The park service should include alternatives that do not involve killing of bison. Remember, hunting was what was responsible for the original flirtation with extinction that bison experienced in the 19th century. Finally, the National Park Service should include alternatives that refuse to impose imaginary boundaries on where bison can and cannot go. Given that only 2 percent of land in the greater Yellowstone area is private, the State of Montana would better direct its resources to putting up adequate fencing.

In short, we endorse the Bison Alternative. Thank you.

Oral testimony provided at the Holiday Inn, [redacted] on September 1, 1998

Comment No. 14921
Lauren McCain
Rocky Mountain Animal Defense

Hello. I'm Lauren McCain. I also represent Rocky Mountain Animal Defense. We are an organization of 1100 constituents dedicated to ending the human-imposed suffering of animals. I am also a Ph.D. student at the University of [redacted] and am very interested in the policy process that is going on here.

Over the course of the winter of 1996-1997, myself and several members of my organization went up to Montana just in utter outrage and frustration over the continued killing of the Yellowstone bison. We wanted to see how this massacre could be stopped and how we could participate in stopping the slaughter. During the trip, we saw the decaying viscera of bison that had been slaughtered by the gates of the park. We saw a group of these beautiful wild beings gazing out longingly through the park service's northern capture quarantine facility. The scene was reminiscent of pictures of concentration camps we've all seen.

The experience haunts me and members of the organization. We have been waiting anxiously to read the results of the interagency bison management process and were sadly disappointed to see none of the seven alternatives offered in the Draft Environmental Impact Statement are ethical, humane, cost effective, or scientifically sound.

Each alternative, including Alternative 7, the current preferred alternative, allows for capture, confinement, vaccination, slaughter, shooting, and the sale of Yellowstone bison. This is no way to treat America's native wildlife. Each of the proposed alternatives emphasize the management of bison and too little management of cattle grazing on the public and private lands around Yellowstone Park. Each allow for the slaughter or shooting of bison, even those posing no risk of brucellosis bacteria transmission, to reduce risk of brucellosis transmission. Each promote managing bison like cattle, not wildlife. And each fail to consider the extremely remote risk of bacteria transmission from bison to cattle.

I am here to promote another alternative that my organization supports. This is the Bison Alternative, created by the Fund for Animals, and we have copies in the back. This alternative would maintain the herd in accordance to the park service's own policy of natural regulation and also in accordance with the common interest of the American people and the American native wildlife.

This plan calls for the following seven objectives that I'd like to state in more detail.

One, immediately close Yellowstone National Park to snowmobile use and prohibit trail grooming. In his own in-depth report for the Yellowstone National Park entitled, "Impacts of Winter Recreation on Wildlife in Yellowstone National Park," Dr. James Catholic undertook a comprehensive literature review of 300 studies of the impact of winter recreation on wildlife. The report expressed grave concern that snowmobiles and groomed trails effect changes in biso-

14921 contd.

movement, habitat use, distribution, and calf survival. The report calls for a no-snowmobile alternative. Trails contribute to bison movement outside the park. The prohibition on snowmobiling would restore natural regulation resulting in a decline of the number and the rate of bison leaving the park boundary onto private lands.

Number 2, prohibit cattle grazing to public lands adjacent to the western and northern borders of the park and open these for unrestricted bison use. This objective would create needed winter range for the park's bison. Bison critical habitat extends beyond the park boundary.

Number 3, change cattle grazing practices on private lands with compensation to affected ranchers to reduce the alleged risk, if any, of bacteria transmission from bison to cattle, and acquire these lands, if and when available, as additional winter range for bison and other wildlife.

Number 4, increase landowner tolerance for free-range bison. This can be achieved through education and as well as compensation for damage to private lands by the Yellowstone bison.

Number 5, no vaccination of wild bison. Vaccination is impractical, prohibitively costly, wasteful, unnecessary, and ineffective.

Number 6, no quarantine of wild bison.

And Number 7, no re-establishment of the public hunt of bison in Montana. A public hunt is unsporting, unethical, and entirely inconsistent with the hunter's concept of fair chase. The Yellowstone bison over the years have become very used to human contact, and let people come right up to them. This is quite inconsistent with the concept of fair chase.

I'd like to say the current slate of alternatives created from the Draft EIS clearly favor the special economic interest of the ranching community in Montana, shows a failure of our federal institutions to defend the American citizen's common interest to maintain some minuscule microcosm of wildness that was once so prevalent on our lands. Thank you.

4911-16751

Bison Public EIS Comment

Name: Share Bond

Organization: S.K.U.N.K.S.

Address: [redacted]

Email:

Comment:

Please stop the unnecessary slaughter of one of our important wild animals, the buffalo. They are not livestock. All of the members of our organization beg you to change your mind. Turn them over to indian land.

From the National Wildlife Federation's online public comment form:
[redacted]

YELL-9359

THE SACRED EARTH NETWORK

"This Earth is sacred. Even the rocks...thrill with memories of stirring events connected with the lives of my people." Chief Seattle, 1854

Bison Management Plan EIS Team
National Park Service, Denver Services Center
P.O. Box 25287
Denver, CO 80225-0287

Dear People,

I am writing at this time in order to state my deep concern for what is currently at stake for the bison in this country, and specifically in and near Yellowstone Park.

I feel very strongly that:

- bison must be treated like wildlife, not like domestic livestock
- bison should not be vaccinated
- the capture and slaughter of bison inside or out of Yellowstone National Park should be prohibited immediately
- cattle grazing on public lands surrounding the park should be eliminated and bison should be allowed to use these lands without restrictions
- rifle hunting of Yellowstone bison is unethical, unsporting, and should not be permitted
- establishment of a quarantine facility for Yellowstone's bison will be a multi-million dollar waste of federal and state tax dollars and is entirely unnecessary
- native tribes need a larger voice in regards to this issue

Thank you for your consideration of my comments.

For Life,

Claire Mandeville

Claire Mandeville

[redacted]

YELL-8910

Safari Club International

A NON-PROFIT ORGANIZATION ♦ DEDICATED TO CONSERVING WILDLIFE AND PRESERVING HUNTING

October 14, 1998

Ms. Sarah Bransom
Interagency Bison Management Plan
DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Dear Ms. Bransom:

Safari Club International (SCI) is an organization comprised of over 32,000 members dedicated to conservation of wildlife and protection of the hunter. We are pleased to have the opportunity to share our comments on the Draft Environmental Impact State for the Interagency Bison Management Plan.

SCI strongly supports conservation efforts to conserve bison in and around Yellowstone. However, SCI is concerned with the impact that an overpopulation of bison and other grazing animals may be having on the habitat within Yellowstone and the effect that this is having on other wildlife species. Accordingly, SCI supports a balanced and scientifically sound wildlife management program for Yellowstone and the surrounding area.

We believe that the number one goal of a final management plan should be to maintain stable populations of bison in the park. Accordingly, we support Alternative 7: the Preferred Alternative, which seeks to manage bison populations from a low of 1,700 animals to a high of 2,500 animals. Many of the problems with bison have occurred when their numbers have exceeded the carrying capacity of the habitat in the park.

Another important goal however should be management of brucellosis within the Park. While elimination of brucellosis may not be feasible at this time, if it is not managed properly, this issue will never be fully resolved. Accordingly, we support the inclusion of brucellosis management in the final management plan.

As stated in the preferred alternative, in the long run, the agencies should consider acquiring additional winter range in the Gardiner Valley through the purchase of grazing rights, easements, or property from willing sellers. However, for this to be successful, it is imperative that the agencies work closely with private landowners in the area. Also, we do not believe that this new land should simply become an expansion of park boundaries and that all management alternatives should be available in these areas.

[redacted]

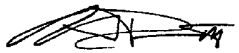
YELL-8810 contd.

We applaud the Service for recognizing that regulated hunting can play an important role in bison management and support including hunting as a component of the preferred alternative. However, we suggest that hunting not be restricted only to Special Management Areas (SMAs).

We do caution that under no circumstances should hunters be used to replace government agents in bison culling operations. We urge you to work closely with sportsmen's groups to ensure that any bison hunting that occurs as part of the management plan meet the highest standards of ethics and fair chase.

We hope that these comments prove helpful in your task of determining the best management plan for the Yellowstone bison herd.

Sincerely,



Skip Donau
President

YELL 11,066

Sarasota In Defense of Animals

SDA [redacted]

October 7, 1998

Bison Management Plan EIS Team
National Park Service
P.O. Box 25287
Denver, CO 80225-0287

Dear EIS Team:

Subject: Yellowstone Bison Management Plan Draft

Our organization is a [redacted] based charity with over 2,000 members who are gravely concerned about the future of the Yellowstone Bison. Most Americans consider these animals to be a national treasure deserving of the utmost protection.

Your management plan is unacceptable because it calls for public hunting and a continuation of the cruel slaughter of these extraordinary animals. Your entire plan revolves around appeasing the cattle ranchers. Economics should not be the only factor in this issue. The cattle industry's shameful record of being responsible for the slaughter of over 3,000 Bison is a disgrace to the State of Montana and to America. Killing has NEVER been a solution to anything!

Furthermore, you do not have scientific evidence that Bison pose a disease threat that could justify the slaying of the Yellowstone animals. If the cattlemen perceive that there are risks, then why don't they remove their herds? Or why not vaccinate their cattle?

It is also suggested that the snowmobile trails which should never have been allowed in the first place, be closed so that the Bison do not have an easy exit from the Park in searching for food. In Japan, where snow monkeys have become a problem, watchmen are hired to patrol borders to chase the animals back into the forest and none of them are killed.

[redacted] [redacted] [redacted]

YELL-11,060

Page 2
Yellowstone Bison

Hopefully, a humane solution, using non-lethal techniques for Bison management will be reached before winter. I shudder at the thought that we once again will witness OUR majestic Bison being gunned down on the evening news as we did in 1996-97 when you allowed more than1,000 to be murdered.

Humanely,

Elise M. Matthes
Elise M. Matthes
President

YELL-6963

I WANT TO PROTECT THE WILD BUFFALO!

I want to protect Yellowstone Park's free-roaming buffalo. I oppose the DEIS's "Preferred Alternative" which will continue the unnecessary killing of buffalo that move to public lands outside the park. Instead, I endorse the Citizens' Plan to Save Yellowstone Buffalo, which maintains a wild, free-roaming buffalo herd **and** protects the interests of the livestock industry.

Additional comments: I/Lo. help! How can we deny our animals the freedom we so prize for ourselves.

Name: Elaine Stanfield (Director)

Address: [redacted]

SAVE OUR EARTH [redacted]

YELL 10,110

SCHUBERT & ASSOCIATES

[redacted]

October 2, 1998

BY TELEFAX AND MAIL

Ms. Sarah Bransom
Bison Management Plan EIS Team
National Park Service
P.O. Box 25287
Denver, CO 80225-0287

Dear Ms. Bransom:

On behalf of the national and international members and officials of The Fund for Animals, World Society for the Prevention of Cruelty to Animals, Earth Island Institute, Last Chance for Animals, Rocky Mountain Animal Defenders, Animal Rights Alliance, New Jersey Animal Rights Alliance, Committee to Abolish the Fur Trade, Farm Sanctuary, and the Texas Establishment for Animal Rights, I respectfully request a 60-day extension in the deadline for public comments on the "Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park" (DEIS). If this request is granted, the new deadline for public comments would be on or around December 16, 1998.

The organizations listed above believe that the complexity of this issue and the DEIS, public and scientific controversy surrounding many aspects of this issue, and the critical need to obtain additional data and information pertinent to this issue in order to prepare substantive and informed comments on this critically important wildlife issue justify this request for an extension.

More specifically, the organizations listed above request this extension for the following reasons:

1. Yellowstone's bison are the descendants of the handful of wild bison who survived the bison slaughters of the mid to late 1800s. They represent the largest free-roaming herd of wild bison in the United States and perhaps in the world. These animals, and the DEIS concedes, have enormous historic, aesthetic, cultural, spiritual, ecological, biological, and economic value. Their importance to the ecology and economy of the Park and surrounding lands cannot be

overemphasized as millions of people flock to the park each year to view Yellowstone's spectacular assemblage of wildlife, including the bison.

The DEIS process is intended to result in a strategy which will guide the management of Yellowstone's bison for at least 15 years. In addition, the results of this process will establish precedent for the long-term management of these animals and, since Yellowstone is frequently the bellwether for wildlife management in the National Park system, could establish precedent for the management of other wildlife species in National Parks throughout the country. The DEIS, unless the agencies elect to supplement the document as a result of public comments, also represents the last significant opportunity for public comment on the management of Yellowstone's bison.

Given the importance of these animals in the Yellowstone ecosystem and the long-term nature of the decisions associated with the DEIS process, it is imperative that the public be given additional time to review, evaluate, research, and prepare substantive and informed comments on this issue.

2. This issue is of enormous scientific, legal, and political complexity. Not only are there multiple federal and state agencies involved in the management of these animals, but each agency has a different set of statutory and regulatory mandates. In addition, the issues addressed in the DEIS, including: Brucella abortus and brucellosis; bison management; cattle grazing on private and public lands; impact of snowmobiles on bison and Park ecology; vaccination of wildlife; bison quarantine; the reestablishment of a bison hunt; the capture, testing, and slaughter of bison; and the economic analysis of the preferred and alternative management strategies are each complex and require considerable evaluation, analysis, and research to properly review within the context of informed public comment. Finally, the DEIS is a voluminous document containing a large amount of information which must be examined and analyzed carefully in order to understand the ramifications of each of the proposed management strategies. Due to its length and complex subject matter, a comprehensive review of the DEIS is arduous and has resulted in frequent questions about the accuracy and interpretation of several statements.

Because of the complex nature of the subject matter addressed in the DEIS, additional time for the public to review, analyze, and critique the DEIS in substantive and informed comments is warranted. Indeed, an extension in the comment deadline to provide the public additional time to prepare and submit informed and meaningful comments on the document is entirely consistent with the ultimate intent of the National Environmental Policy Act (NEPA) which is to result in more informed and better management decisions by the involved agencies. By providing an additional 60 days for public comment on the DEIS, the agencies will not only

provide the public with additional time to review and comment on this critically important wildlife management issue, but will increase the likelihood of receiving well researched and documented comments which should improve the agencies decision-making process.

3. The management of bison and Brucella abortus in the Greater Yellowstone Ecosystem is of great controversy. Not only is it a significant controversy among members of the public, between environmentalists/animal protection advocates and the livestock industry, and within and between the agencies involved in preparing the DEIS, but there is also a significant level of scientific controversy associated with the management of bison, elk, cattle, and Brucella abortus in the region.

Given this level of controversy, an extension in the comment deadline is warranted and is entirely consistent with the criteria in NEPA which provide, as will be discussed further below, a basis for an extension in the time limits associated with NEPA documents. Such an extension would, at the very least, permit the public additional time to, for example, better evaluate and analyze the scientific disagreement concerning Brucella abortus and its risk of transmission from bison to cattle, and to discern for themselves which scientists, if any, have correctly interpreted the available evidence. Such an analysis, particularly since not all of the relevant data and studies are cited in the DEIS, requires a substantial commitment of time.

4. An extension in the comment deadline is also necessary to ensure that The Fund for Animals and other interested organizations and citizens have an adequate opportunity to obtain additional information from state and federal agencies, including agencies involved in the preparation of the DEIS, that is relevant to the DEIS and which is essential to prepare informed and substantive comments. The Fund for Animals, for example, has a number of requests to both federal and state agencies which have yet to be fulfilled. These requests are for data and other records which are directly relevant to the DEIS, the environmental impact analysis within the DEIS, and which are critical to the preparation of informed and substantive comments. In addition, as it continues to carefully evaluate and analyze the DEIS, additional documents and data are identified which must be obtained and evaluated in order to assess the accuracy of the agencies analysis and for the preparation of substantive comments. Finally, given the amount of scientific research being conducted at present on different aspects of this issue, additional time is necessary to obtain as much of this data as is possible to ensure that the comments are accurate and up-to-date.

5. There is no compelling reason for the agencies not to provide the requested extension in the comment deadline.

First, there is no urgent need to implement a long-term management plan for bison this winter. Given the controversy associated with this issue, it is unlikely that the agencies, even under ideal circumstances, could complete their review of the public comments and issue a Record of Decision before the fall of 1999. Consequently, providing an additional 60 days at this time for the public to comment on the DEIS should not drastically affect the ability of the agencies to complete their analysis of the public comments by the fall of 1999 assuming that is their goal. Considering that the agencies required over eight years to prepare the DEIS, providing the public an additional 60 days to comment on the document would appear to be fair.

Second, because of the existence of an interim bison management plan, the long-term plan is not immediately necessary for the management of Yellowstone's bison. While the organizations represented on this letter are unalterably opposed to the management strategies implemented through the interim plan, they all believe that the long-term plan for the management of these animals is ultimately of greater significance. As such, it is imperative that the agencies maximize the opportunity for public review and comment on the long-term plan.

Third, the agencies are under no legal deadlines to complete the DEIS. While a formal timetable once dictated the pace of preparation of the DEIS, as a result of considerable delays in the process, there is not believed to be any official date established by any court at which time the DEIS process is required to be complete. Even if such a date did exist the agencies could jointly request that the Court revise that date in order to maximize the ability of the public to review and comment on the DEIS. While there is a need to ensure that this process continues to move forward, providing an additional 60 days for the public to comment on the DEIS should not adversely impact the process.

Fourth, regulations implementing NEPA provide flexibility to the agencies in determining the time limits associated with different components of the NEPA process. These regulations specify that the lead agency or agencies may consider a number of factors when determining if a time limit should be modified. (See 40 C.F.R. § 1501.8(b)(1). These factors include: the potential for environmental harm; the size of the proposed action; the degree of public need for the proposed action, including the consequences of delay; the number of persons and agencies affected; and, the degree to which the action is controversial. In this case, all of these factors are clearly relevant as previously explained and indisputably warrant an extension in the comment deadline.

YELL-10,110 contd.

Fifth, for all of the reasons provided in this letter and, in particular, to ensure that the public has a sufficient opportunity to review, evaluate, analyze, and prepare substantive comments on this critically important issue and document, an extension in the comment deadline is warranted. Such an extension will not harm the agencies or the bison. Indeed, to the contrary, such an extension will increase the quality of the public comment maximizing the ability of the agencies to ultimately make better management decisions which is precisely what NEPA was intended to accomplish.

The members and officials of the organizations represented in this letter thank you in advance for your consideration of this request. Please inform me as soon as possible once you have made a decision about this request for a 60-day extension in the comment deadline on the DEIS either by telephone [redacted], telefax [redacted], or email [redacted]

Sincerely,

D.J. Schubert
Wildlife Biologist

cc: (by mail)
- Mr. Bruce Babbitt, Secretary, Department of the Interior
- Mr. Daniel Glickman, Secretary, U.S. Department of Agriculture
- Mr. Michael Dombeck, Chief, U.S. Forest Service
- Mr. Marc Racicot, Governor, State of Montana
- Mr. Donald Barry, U.S. Department of the Interior
- Ms. Karen Kovacs, U.S. Department of the Interior
- Mr. Robert Stanton, Director, National Park Service
- Mr. John Cook, Regional Director, National Park Service
- Mr. Mike Finley, Superintendent, Yellowstone National Park
- Mr. Wayne Brewster, Yellowstone National Park
- Dr. Craig A. Reed, Director, USDA/APHIS

- Dr. Rube Harrington, Western Regional Director, USDA/APHIS
- Mr. Patrick Collins, USDA/APHIS
- Mr. Laurence Peterson, Executive Secretary, Montana Department of Livestock
- Mr. Pat Graham, Director, Montana Department of Fish, Wildlife, and Parks
- Ms. Julie Lapeyre, Office of the Governor, State of Montana
- Ms. Kathleen McGinty, Chairwoman, Council on Environmental Quality
- Mr. Ray Clark, Council on Environmental Quality
- Mr. Eric Glitzenstein, Meyer & Glitzenstein

JELL. 14714

SCHUBERT & ASSOCIATES

[redacted]

November 3, 1998

Ms. Sarah Bransom DSC-RP
National Park Service
Bison Management Plan EIS Team
12795 W. Alameda Parkway
P.O. Box 25287
Denver, CO 80225-0287

Dear Ms. Bransom:

Enclosed is a hard copy of my comments on the Draft Environmental Impact Statement for bison management in Yellowstone National Park and Montana.

Please note that I have added an exhibit list and made other minor edits (i.e., filled in a blank, slightly modified risk analysis). A literature cited section will be submitted under separate cover.

The difference in the number of pages in the enclosed copy compared to the faxed copy is due to the fax software that I have installed on my computer which reduces the font size of a document before faxing. Thus, though the enclosed document is longer than the faxed copy, the documents are identical except for, as noted above, some minor edits.

Thank you in advance for considering these comments.

Sincerely,

D.J. Schubert
Wildlife Biologist

SCHUBERT & ASSOCIATES

[redacted]

November 2, 1998

BY TELEFAX AND OVERNIGHT MAIL

Ms. Sarah Bransom DSC-RP
Bison Management Plan EIS Team
National Park Service
12795 W. Alameda Parkway
Denver, CO 80225-0287

Dear Ms. Bransom

On behalf of the combined national membership of The Fund for Animals and Earth Island Institute, (hereafter referred to as "The Fund and EII") I submit the following comments on the Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park (DEIS).[1]

The Fund and EII are unalterably opposed to the DEIS. Despite over eight years of preparation, the DEIS is woefully inadequate from both legal and scientific perspectives. Furthermore, none of the alternatives evaluated in the DEIS provide an acceptable long-term resolution to this controversy.

The information provided in the DEIS is not complete, is frequently inaccurate, and is biased towards promoting Alternative 7 -- the agencies preferred alternative -- over all other options. The analysis provided in the DEIS of the environmental impacts, including the impacts on the bison population, socioeconomics, threatened and endangered species, livestock, human health, and other wildlife species falls far short of providing the level of analysis which this issue warrants. Instead of using the best available scientific evidence in conducting their analysis, the agencies have elected to claim that the impacts are unknown, the evidence is unclear, or that the scientific data are not available.

[1]The DEIS in its entirety also may be referred to as the "proposed project."

This lack of credible analysis, however, is not surprising given that the agencies have, for over a decade, consistently failed to rely on the existing and expanding scientific evidence to substantiate and justify their management actions. Doing so would mean admitting that the risk of Brucella abortus transmission from bison to cattle, if any risk exists, is exceedingly remote and does not justify the agency sponsored, approved, and conducted bison destruction policies in place since 1985. It is this perceived, yet entirely unsubstantiated risk, which provides the entire basis for the proposed, and for past, bison management actions.

Such a reversal of agency perspective is unlikely in this case because it would embarrass the agencies who for so long have been engaged in the development of new and more abusive ways to kill, destroy, or otherwise remove Yellowstone bison from the ecosystem to protect a grand total of approximately 2200 domestic cows. The Montana Department of Livestock (MDOL) and the Animal and Plant Health Inspection Service (APHIS) would clearly be most threatened by putting the scientific evidence ahead of politics because they then would have to concede that bison are not cattle when it comes to Brucella abortus, that there is no credible scientific evidence that bison pose, at most, anything more than an insignificant threat of bacteria transmission to cattle, and that they have misled and deceived the public in order to accomplish their self-serving goal of brucellosis eradication in all species in this country.

What makes the DEIS and the entire bison controversy so exceedingly frustrating is that every management action taken since 1985, and every management action proposed in the DEIS, targets Yellowstone's bison. The agencies, since 1985, have shot, captured, slaughtered, and allowed hunters to shoot emigrating Yellowstone bison. The DEIS proposes to use the same techniques as have been used in the past, and to supplement those tools with the implementation of a costly, ill-conceived, and superfluous quarantine facility to provide increased flexibility in destroying Yellowstone's bison and a costly and unnecessary vaccination program to placate livestock interests.

Conversely, no past or proposed management action imposes any type of mandatory change in cattle management practices outside of Yellowstone National Park (YNP or Park). The alternatives which include the acquisition of additional winter range, purchase of conservation easements, or modification of cattle grazing practices on private and public lands are based entirely on the voluntary participation of the cattle producers. The failure of the agencies to require changes in cattle management practices, particularly on public land, is even more egregious considering that the U.S. Forest Service absolutely has this authority, that this entire controversy is a product of the livestock industry and state and federal livestock agencies, and that the evidence squarely points to cattle as originally transmitting the Brucella abortus bacteria to Yellowstone's bison. Despite these facts, the industry has never lifted a finger to help resolve this issue in a way that is mutually beneficial to the cattle industry and the preservation of Yellowstone's bison, but has not been hesitant to mislead and deceive the public in its effort to ensure the annual slaughter of Yellowstone bison, regardless of the ecological, aesthetic, cultural, historic, or economic consequences of its campaign.

The mere fact that the industry and individual ranchers went to great lengths to eradicate brucellosis from Montana's cattle is irrelevant because that was done to benefit themselves. In this case, the cattle industry could and should agree to participate in a sensible and credible solution to this controversy instead of serving only to deceive and mislead the public, politicians, and agency decision-makers with their unsubstantiated fear and paranoia about the alleged threat of bacteria transmission that bison pose to cattle. Since the industry is unlikely to do so willingly, the agencies, using their independent regulatory authorities, must mandate changes in cattle management outside of YNP. Yellowstone's bison should no longer be the scapegoat for an industry that has not participated in developing a rational solution to this issue and whose ultimate concern is less about brucellosis, and more about preventing bison from establishing range outside of Yellowstone Park.

Indeed, contrary to the rhetoric of the cattle industry and the state and federal livestock agencies, the risk of Brucella abortus transmission from bison to cattle under natural conditions, assuming any risk exists, is extremely remote. Though the agencies refuse to quantify this risk since the results will not justify their past and proposed strategies to destroy Yellowstone bison, the available data, even when using the most conservative, pro-cattle estimates, suggest that, at the present population size, a maximum of only 4.4 female bison pose a theoretical risk of transmission. This fact -- which the agencies will not concede -- calls into question the legitimacy of the proposed long-term management strategies.

Remarkably, the eight year process to develop the DEIS and its multi-million dollar alternatives, including the proposed alternative, to protect Montana's cattle, is principally intended to protect 2,238 domestic cows who spend all or part of the year on private or public grazing allotments in the vicinity of Yellowstone's northern and western borders. For the amount of money that the agencies have spent to date attempting to address this issue, and the money that the agencies estimate will be spent on implementing even the least expensive of the alternatives over the 15 year life of the plan, it could easily buy out these producers for all 15 years thereby eliminating the risk of Brucella abortus transmission in its entirety. The DEIS, however, makes it clear that the agencies are not required, nor do they desire, to responsibly and sensibly use federal and state tax dollars. Instead all evidence suggests that the agencies prefer to misuse these funds to destroy Yellowstone bison to benefit a single interest group and their two-thousand two-hundred cows.

The National Park Service (NPS), a key player in this controversy, is not without fault. It is well aware that its management decisions over the years, particularly its decision to permit snowmobiling and trail grooming in the Park and its fateful decision to construct and operate a bison capture facility in the Park, are entirely inconsistent with its legal directives, including its natural regulation mandate. Unfortunately, bureaucrats within the agency and the Department of the Interior (DOI) are more concerned about placating federal and state politicians, the livestock industry, and state and federal livestock agencies than protecting YNP and its animals. A prohibition of snowmobile use and trail grooming in YNP must be implemented immediately. This would achieve the agencies stated purpose of protecting Yellowstone's wild and free-

ranging bison and maintain the brucellosis-free status of Montana to protect the economic interests and viability of its livestock industry. In addition, such a prohibition would, among many other things, reduce air pollution, reduce snowmobile impacts on wildlife in the Park, increase the Park's solitude and serenity, and is entirely consistent with existing NPS obligations.

A prohibition on snowmobiling and trail grooming in YNP is the cornerstone of The Bison Alternative[2] which was developed by The Fund in response to the unacceptable and inadequate alternatives contained in the DEIS. The Bison Alternative provides the most comprehensive and long-term resolution to the ongoing controversy surrounding the management of bison and cattle in YNP and Montana compared to any alternative evaluated in the DEIS or any of the independent alternatives (i.e., Citizen's Alternative, Plan B for Buffalo). It would achieve the agencies' objectives of protecting the wild, free-ranging bison of YNP while protecting the economic interests and viability of Montana's cattle industry. It also would significantly reduce, if not entirely eliminate, the need to kill, hunt, or quarantine Yellowstone's bison, would restore natural regulation as the principal means of controlling wildlife population in YNP as is required by NPS statutes and regulations, eliminate cattle grazing from public land in the vicinity of YNP, and provide just and fair strategies for further reducing the already insignificant risk of Brucella abortus transmission from bison to cattle on private lands. The existence of The Bison Alternative, and at least two other independent alternatives (i.e., Plan B for Buffalo and The Citizen's Alternative), provides compelling evidence that the agencies' alternatives are entirely unacceptable and must be reevaluated.

In addition to its lack of credible analysis and its failure to provide any reasonable or sensible resolution to this controversy, the DEIS is not legally sufficient. The information and analysis in the DEIS is not at all consistent with the provisions of the National Environmental Policy Act. Not only have the agencies failed to disclose all relevant information, failed to use accurate information, and failed to evaluate a reasonable range of alternatives, but the decision by the agencies to permit bison to be managed outside of Yellowstone at Montana's discretion does not provide the level of management detail required to comply with NEPA. It is impossible to comment on the environmental impacts of discretion.

Furthermore, the DEIS also violates the Endangered Species Act, the Lacey Act, National Park Service Organic Act and regulations, and the National Historic Preservation Act. In short, the DEIS, as presently written, can not pass legal muster and must be either rescinded in its entirety and redone, or an extensive supplemental EIS must be prepared to address the many substantive legal inadequacies before the agencies can implement a long-term bison management plan. Whether the agencies agree voluntarily that the DEIS is not legally sufficient, or if forced through litigation to provide a more extensive and comprehensive evaluation of the environmental impact, The Bison Alternative must be included and objectively evaluated as a

[2]The Bison Alternative has been endorsed by over 144 international, national, regional, and local organizations representing a combined membership of over 9 million people, and 4,159 individuals.

reasonable and feasible alternative for bison and cattle management in Yellowstone and Montana.

The Fund and EII expect that the agencies responsible for bison management in and outside of Yellowstone National Park (YNP) and the individuals specifically involved in determining the future management of these magnificent animals will, as they are required to do, fully consider all of the comments contained in this letter and its attachments.[3] In past planning documents, the agencies have failed to provide the requisite level of consideration to public comments, preferring instead to implement management strategies which are acceptable to the cattle industry, certain agency officials, and politicians, but completely unacceptable to the public. This entire multi-million dollar DEIS exercise will be meaningless if the agencies continue to favor, without scientific or legal justification, the cattle industry over protecting America's largest herd of free-ranging bison and the world's first and foremost National Park.

The remainder of this comment letter will evaluate general and specific concerns associated with the analysis contained in the DEIS. This evaluation will begin with a discussion of the legal inadequacies of the DEIS and will conclude with a description of other, more specific concerns, associated with the information contained in the DEIS. Finally, I will discuss, compare, and evaluate the three independent alternatives (i.e., The Bison Alternative, Plan B for Buffalo, and The Citizen's Alternative) which have been developed in response to the inadequacy and unacceptability of the agencies' seven alternatives.

LEGAL ISSUES:

National Environmental Policy Act:

The National Environmental Policy Act is the basic charter for the protection of the environment. 40 C.F.R. §1500.1(a).[4] It requires federal agencies to assess the environmental impacts of their major federal actions before implementing those actions. Id. at §1500.1(b).

The Council on Environmental Quality (CEQ) has promulgated regulations implementing NEPA to which all federal agencies must comply. 40 C.F.R. §1500.1 et seq. These regulations identify different levels of environmental review, provide guidance on the purpose of NEPA, specify how and why agencies are to conduct their environmental reviews, and provides definitions for a number of key terms.

[3]All exhibits to this comment letter are hereby incorporated by reference and should be considered and evaluated by the agencies before determining the future of the DEIS.

[4]The DEIS is prepared pursuant to NEPA and the Montana Environmental Policy Act (MEPA). Since MEPA is remarkably similar to NEPA, there is no need to discuss MEPA in this comment letter.

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The cornerstone of NEPA is the "human environment" which is intended to be interpreted "comprehensively" to include the natural and physical environment and the relationship of people with that environment." Id. at §1508.14. Federal agency actions which are likely to significantly affect the human environment must be subject to NEPA review.

An "action" as defined in NEPA includes "new and continuing activities, including projects and programs entirely or partly financed, assisted, conducted, regulated, or approved by federal agencies; new or revised agency rules, regulations, plans, policies, or procedures..." Id. at §1508.18(a). Federal actions tend to fall into several categories and include: "the adoption of official policy, such as rules, regulations, and interpretations ...formal documents establishing an agency's policies which will result in or substantially alter agency programs;" "adoption of formal plans, such as official documents prepared or approved by federal agencies which guide or prescribe alternative uses of Federal resources, upon which future agency actions will be based;" "adoption of programs, such as a group of concerted actions to implement a specific policy or plan...;" and, "approval of specific projects, such as construction or management activities located in a defined geographic area." Id. at §1508.18(b)(1-4). As will be discussed throughout this document, there are a number of actions which have been taken by all of the federal agencies involved in this issue which have never been subject to environmental analysis as required by NEPA.

The term "effect" is synonymous with the term "impact" and is defined to include "ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative." Id. at 1508.8. The requirement to assess direct, indirect, and cumulative impacts ensures that all relevant impacts, whether occurring at the same time as the action, after the action has occurred, or in combination with the action, are evaluated.

In addition to requiring that a full range of impacts be considered, NEPA requires that the environmental document evaluate a complete scope of actions pertinent to the issue. The three types of actions which NEPA requires agencies to consider when defining the scope of the analysis are connected, cumulative, and similar actions.

"Connected actions" are actions which "are closely related and therefore should be discussed in the same impact statement." Id. at § 1508.25(a)(1). An action is deemed to be "connected" if it "automatically triggers other actions which may require environmental impact statements," "cannot or will not proceed unless other actions are taken previously or simultaneously," or if it is an "interdependent part(s) of a larger action and depend(s) on the larger action for (its) justification." Id. at §1508.25(a)(1)(I-iii).

A "cumulative" action is an action which "when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact statement." Id. at §1508.25(b).

Finally, a "similar" action when "viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography." Id. at § 1508.25(a)(3).

As will be discussed in greater detail in the following sections of this comment letter, the proposed project contains a number of connected, cumulative, and similar actions which the agencies have illegally failed to evaluate in this DEIS. NEPA prohibits an agency from segmenting to unreasonably restrict the scope of the environmental review process, See, Foundation of Economic Trends v. Heckler, 756 F.2d 143, 159 (D.C. Cir. 1985), or to reduce the environmental impacts of the entire action.

The purpose of NEPA is not to "generate paperwork -- even excellent paperwork -- but to foster excellent action." 40 C.F.R. §1500.1(c). To accomplish that, NEPA requires high quality information, accurate scientific analysis, and public scrutiny.

NEPA requires that an Environmental Impact Statement must be "concise, clear, and to the point, and shall be supported by evidence that agencies have made the necessary environmental analyses." Id. at §1502.1. It shall provide "full and fair discussion of significant environmental impacts and shall inform decisionmakers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment." Id. All reasonable alternatives must be "rigorously explore(d) and objectively evaluate(d)." Id. at §1502.14(a). Finally, if relevant to the choice among alternatives -- which is certainly the case in this DEIS -- the agencies must provide a cost-benefit analysis as an aid in evaluating the environmental consequences of the alternatives. Id. at §1502.23.

When evaluating the environmental impacts of an agency action in an EIS, if there is incomplete or unavailable information, the agency must obtain that information if the costs are not exorbitant. Id. at §1502.22(a). If, however, the costs of obtaining the information is exorbitant, the agency must concede in the EIS that the information is "incomplete or unavailable," explain the "relevance of the incomplete or unavailable information to evaluating reasonably foreseeable significant adverse impacts on the human environment," provide a "summary of the existing credible scientific evidence which is relevant to evaluating the reasonably foreseeable significant adverse impacts on the human environment," and, "evaluate the impacts using theoretical approaches or research methods generally accepted in the scientific community." Id. at §1502.22(b)(1-4). As will be explained below, the agencies have attempted to avoid a discussion of the risk of bacteria transmission in the DEIS -- an issue of considerable importance to the justification for bison management -- by claiming that the scientific evidence required for such an analysis is unavailable or unknown. Even though this is untrue, the agencies fail to provide the explanation of the significance of these data as required by NEPA.

Ultimately, NEPA requires federal agencies, to the fullest extent possible, to "use all practicable means ... to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects of their actions upon the quality of the human

environment." Id. at §1500.2(f). Thus, NEPA requires agencies to do more than simply consider environmental impacts but to make decisions based on the environmental impacts which "enhance the quality of the human environment" and "avoid or minimize any possible adverse effects of their actions upon the ... human environment."

1. The DEIS is in Violation of the National Environmental Policy Act:

A. The DEIS Fails to Substantiate the Alleged Purpose and Need for Developing a Long-term Plan for the Management of Bison in YNP and Montana:

The DEIS asserts that the "purpose of the proposed action is to maintain a wild, free-ranging population of bison and address the risk of brucellosis transmission to protect the economic interest and viability of the livestock industry in the State of Montana." DEIS at iii, (emphasis added). The alternatives and analysis offered in the DEIS, however, fail to either satisfy or substantiate this purpose.

First, at present, the Yellowstone bison herd is wild, but is not free-ranging. While the NPS constantly refers to this herd as free-ranging, the anti-bison policies of the State of Montana ensure that the herd is confined to Yellowstone Park. While these animals are not captive like animals in a zoo, the traps and bullets which have been used to limit the movements and distribution of these animals form an invisible fence beyond which the animals are not tolerated. If not presently free-ranging, then any alternative that further restricts their range or creates new tools to manipulate and exploit them cannot possibly change that status. Instead, in order to substantiate their free-ranging rhetoric the agencies have developed a self-serving definition for free ranging which means a population "that is not routinely handled by humans and can move without restrictions within specific geographic areas." DEIS at 28. Indeed, the agencies' definition could be used to suggest that zoo animals are wild and free-ranging because they are wild animals allowed to wander their cages without restriction. This self-serving attempt to legitimize the alleged free-ranging status of these animals is both absurd and an insult to the intelligence of the general public.

Second, many components of the proposed action are not consistent with the concept of a wild population of animals. "Wild" is defined in the Webster's New Collegiate Dictionary as "living in a state of nature and not ordinarily tame or domesticated," and "not amenable to control or restraint." Many of the tools proposed in the DEIS to exploit and manipulate Yellowstone bison are inconsistent with the concept of wildness.

Vaccination, for instance, is a tool used in human and non-human domestic animals to prevent disease, it has no place for use in wild animal populations. Disease is a component of wildness, it occurs and may or may not result in an adverse impact on the host species. In Yellowstone bison, for instance, Brucella abortus has no measurable adverse impact on the

population.[5] Though the evidence suggests that it was introduced to bison from cattle, and though there may be a great interest in preventing reinfection in cattle, the administration of a vaccine to a wild bison, which may include the need to capture and restrain Yellowstone's bison, is not necessary or consistent with concept of wildness. If a vaccination program is implemented then, depending on the method of vaccine delivery, Yellowstone's bison may become an intensively managed herd, not significantly different than a cattle herd.

Capture and slaughter is another tool, already in use, which diminishes the wildness of Yellowstone's bison. Capture and slaughter is a tool historically used by the livestock industry to rid domestic herds of brucellosis. The industry, having no regard for the broad importance of Yellowstone's bison, have pushed for capture and slaughter throughout the Park as an expeditious means of eradicating the bacteria, regardless of the circumstances. Though it has not yet achieved its ultimate objective, it has, due to the failure of the Department of the Interior (DOI) and NPS to aggressively defend Yellowstone, its bison, or its own regulation, succeeded in establishing capture and slaughter operations on the north and west boundaries of the Park.[6]

Capture and slaughter is not consistent with preserving the wild character of Yellowstone's bison. These animals are not domestic livestock, they should not be captured and tested for exposure to the bacteria, there's no justification for their capture, and the transportation of these animals to a slaughter facility is not respectful of, or consistent with, their wild nature.[7]

Quarantine also is a tool for use in domestic animals, not wildlife. The notion of placing these animals in a fenced facility for an extended period of time, feeding them, regularly handling and manipulating them is inconsistent with preserving their wild character.

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[5]The fact that Brucella abortus may be an exotic organism is essentially irrelevant in this case since it has no substantive adverse impact on Yellowstone bison or elk populations. Furthermore, NPS policies do not require the management or eradication of exotic organisms unless "such species threaten park resources or public health and ... control is prudent and feasible." NPS Management Policies at 4:12.

[6]The capture of bison in YNP represents a distinct change in NPS policies regarding wildlife management in National Parks. Other evidence of a substantial shift in policy from protection to persecution can be found at the Gettysburg National Military Battlefield and the Cuyahoga Valley National Recreation Area. The environmental impacts of this shift in policy is required to be subject to comprehensive analysis in a programmatic environmental impact state.

[7]Remarkably, the agencies hold that the use of contraception to control the bison population size "is inconsistent with maintaining a wild free-ranging population," yet apparently believe that capture and slaughter, quarantine, hunting, and vaccination will retain a wild, free-ranging bison population. Considering that those strategies, except for vaccination, actually limits the distribution of the animal, while contraception, by itself, does not, this conclusion does not make sense and appears to be an excuse to avoid any additional discussion of contraception.

Third, the alleged purpose and need for a long-term management plan is to "address the risk of brucellosis transmission" to domestic cattle outside of Yellowstone Park. The agencies, however, refuse to qualify, quantify, or otherwise estimate the risk of transmission. DEIS at v, 19. Instead, as has become the agencies, unspoken credo, when the evidence does not support the objective, plead ignorance. This is precisely what the agencies have done in this case claiming that not enough is know to quantify the risk of transmission. The agencies are willing to delineate which issues affect the risk of transmission, and to concede that there is genuine dispute among scientists about the risk of transmission, but they are unwilling to use the best available scientific evidence to quantify risk.

In order to address the risk of transmission, not only must the risk be quantifiable, which it is, but an acceptable level of risk must be defined. In this case, the agencies have never defined what level of risk is acceptable. Would it be acceptable to the agencies if the herd infection rate was 5 percent or if the number of potentially infectious female bison was less than 5 in the entire herd? The agencies fail to define what constitutes an acceptable level of risk because they (principally the MDOL and the USDA) have concluded that the only level of acceptable risk is no risk at all. Clearly, this objective is unrealistic, but, unfortunately, the livestock agencies and industry appear to be unwilling to accept anything less. If the DEIS is intend to address the risk of transmission, the risk must be quantified and the agencies must agree to an acceptable level of risk.

Fourth, the DEIS does not adequately evaluate how Brucella abortus in Yellowstone bison, even if transmitted to a cattle herd, would affect the economic interests and viability of livestock industry in Montana. The mere presence of Yellowstone bison, even if exposed or infected, in Montana should not and cannot cause a loss of the state's brucellosis-free status and should not be used to justify sanctions on Montana cattle imposed by other states.

The DEIS indicates that if Montana were to lose its brucellosis-free status, increased testing requirements could cost up to $6 million per year, DEIS at 25, but fails to provide any evidence, save for a personal communication with the Executive Secretary of MDOL, to substantiate this claim. It also claims that an outbreak could adversely impact Montana's ability to export its cattle to other states and internationally, DEIS at 25, but then states that no information is available on the amount of livestock exported out of Montana, DEIS at 26. If the agencies are going to make the claim that cattle export would be adversely impacted if an outbreak of brucellosis occurred in Montana, then they must substantiate it with numbers, review, and some degree of economic analysis. It is hard to believe that the state does not have records pertaining to cattle export.

What are the economic consequences if one cattle herd becomes infected with brucellosis, regardless of whether it came from bison or from another source? If the infection was limited to one herd, current and proposed regulations, See, 63 FR 49670, would result in the quarantine and potential depopulation of the infected herd, but it would not result in a downgrade in brucellosis-

free status for the entire state. Existing surveillance systems at livestock markets and slaughtering facilities, in addition to the potential testing of herds who may come in contact with bison (DEIS at 235), would appear to be sufficient to detect infection if it were to occur.

If multiple cattle herds became infected, under the existing regulations, APHIS can choose to only downgrade specific areas within a state. It is not required to downgrade the entire state. See, 9 C.F.R. §78.40.

If the agencies want to rely on the alleged need to protect the economic interest and viability of the livestock industry in Montana then it must disclose what the potential impacts are to the economics and viability of the industry if bison were responsible for transmitting the bacteria to domestic cattle. The implications of a single or multiple outbreak of brucellosis in domestic cattle in Montana must be more thoroughly evaluated on a local, state, regional, and international level. If this evaluation were done objectively and honestly, the cattle industry's claims of financial ruin would be determined to be greatly exaggerated and misleading.

B. The DEIS Fails to Properly Evaluate the Full Scope of Actions and Has Illegally Segmented Multiple Components of the Proposed Project:

The DEIS is intended to produce a long-term management plan for Yellowstone bison in YNP and in Montana. The objective of the plan is principally to address the perceived threat of bacteria transmission from bison to cattle. The plan is not intended to provide for the eradication of the bacteria, despite the inclusion of Alternatives 5 and 6.

The scope of the DEIS, however, is not complete in that it fails to address bison management throughout Yellowstone Park, the management of bison who emigrate into Wyoming, nor does it address elk management inside and outside the Park. Furthermore, the analysis that is provided has been illegally segmented. Instead of addressing all of the environmental impacts associated with the various alternatives as NEPA requires, the agencies have conveniently put off evaluating the impacts of certain components of the proposals to establish a quarantine facility, a vaccination program for Yellowstone bison, and the establishment of multiple bison capture facilities in a clear effort to illegally segment these issues from NEPA review in a single comprehensive document.

For example, while the majority of bison who emigrate from Yellowstone move into Montana, Yellowstone bison also emigrate east and south into Wyoming. East of the Park, on the Shoshone National Forest, Wyoming tolerates up to 15 bull bison but permits the hunting of any bulls in excess of 15 and of any calves or cows. This management strategy was adopted by Wyoming in 1995, without the required opportunity for public comment. (See, Absaroka Bison Management Plan).

Bison emigrating to the south utilize the groomed snowmobile trail to move into John D. Rockefeller Memorial Parkway and then to Grand Teton National Park. Emigration through the

South entrance is entirely unnatural. After years of preparation, in 1996, the NPS, U.S. Fish and Wildlife Service, U.S. Forest Service, and the State of Wyoming published a the Long Term Management Plan and Environmental Assessment for the Jackson Bison Herd which was subsequently approved and implemented in 1997.[8]

Thus, in combination with the DEIS, there are three separate management plans for bison in the Greater Yellowstone Ecosystem, including two plans that specifically directly affect only Yellowstone bison, instead of a single comprehensive plan addressing bison management in the region.

Though the DEIS does not provide any evaluation of bison emigrating to the south and east into Wyoming, its proposed management strategies may impact all bison. Alternatives 5 and 6, for example, are not intended to only affect bison emigrating to the north and west of Yellowstone but will affect all bison in the Park.

If the agencies had properly defined the scope of the DEIS, and evaluated the environmental impacts associated with bison management throughout the Park, they may have developed alternative strategies to implement in the Park which would affect bison emigrating over all Park borders. Prohibiting snowmobiles and trail grooming, as an example, would indisputably eliminate bison emigration over the eastern and southern borders of Yellowstone, thereby reducing the perceived threat that these bison pose to domestic cattle and eliminating management needs for these particular animals when and if they emigrate from YNP.

Even more blatant than these omissions is the failure of the agencies to properly evaluate the environmental impacts of quarantine and the proposed capture facilities in the DEIS. Instead of conducting this review, the agencies propose to establish a quarantine facility, propose to establish multiple capture facilities, and even provide criteria for the placement of these facilities, but specify that the environmental impacts of the construction, location, and operation of these facilities will be addressed in separate documentation. The agencies claim that the actual location of the facilities has not been determined. NEPA does not permit the agencies to segment the environmental impacts of their proposed actions based merely on the fact that the agencies have failed to do their homework. If the agencies are interested in the potential development of a quarantine facility or the construction of multiple trapping facilities, then the location of each facility must be disclosed and the site specific environmental impacts must be evaluated in a single DEIS. If the agencies don't have that information or if they have not conducted the analysis, then those options should not be proposed or considered.

[8]Recently, a federal district court judge in Washington, D.C. preliminarily ruled that the Jackson Bison Herd Long Term Management Plan and Environmental Assessment was in violation of NEPA because the agencies illegally segmented an analysis of the supplemental elk feeding program on the National Elk Refuge from their analysis of bison management. See, The Fund for Animals et al., v. Clark, No. 98-2355, slip op. at 1, 8 (D.D.C. Oct. 30, 1998). (Exhibit 1).

By illegally segmenting the proposal to develop a quarantine facility and to construct multiple capture facilities in the Park from the analysis of the impacts of such facilities, the agencies are engaged in an effort to restrict the scope of the analysis, segment the environmental impacts of each action, while also reducing their burden to disclose the necessary information and conduct the required analysis of the full impact of these proposals.[9]

The proposed implementation of a vaccination program for bison is another example of illegal segmentation of environmental impacts. In this case, however, the agencies prematurely propose to use a vaccine on bison which is not presently available and may not be available for some time. If no vaccine is available, then the agencies should not have proposed a vaccination program in the DEIS since it is impossible to evaluate the environmental impacts of an unidentified vaccine. If the agencies are interested in using a vaccine in bison, that vaccine should be identified and the agencies should provide an exhaustive analysis of the safety and efficacy of the vaccine to both target and non-target species.

In this case, however, the agencies simply propose a vaccination program with no substantive analysis of the impacts. The agencies concede that any vaccine used will be safe and efficacious for bison , but fails to identify what constitutes a safe and efficacious vaccine and provide no criteria for determining if and when a vaccine meets this standard.[10] Furthermore, the agencies provide no guarantee that the vaccine will be safe for non-target species, or information about how the vaccine would be delivered to the target species.[11] All of these issues are critically

[9]Captured bison, under many of the alternatives in the DEIS, could also be used for experiments, yet the DEIS contains no discussion of the environmental impacts of this alternative method of eliminating Yellowstone bison from the ecosystem.

[10]The GYIBC recently completed preparation of a Protocol for Evaluating Safety and Efficacy of a Wildlife Vaccine Against Brucellosis in the GYA which is intended to represent agency agreement over what constitutes a safe and efficacious vaccine for use in bison. Theoretically, this protocol would be used by an agency, such as the NPS, to evaluate the safety and efficacy of a vaccine before permitting it to be used in YNP. Such an evaluation would and must also include the consideration of other NPS statutes, regulations, and policies which may affect the feasibility or legality of implementing a vaccination program in YNP. The DEIS does not reference this document. If the agencies intend to rely on this document as its blueprint for evaluating the safety and efficacy of a vaccine, the protocol must be disclosed as part of a discussion about vaccination in a document subject to environmental analysis and public comment.

[11]A working group of the GYIBC has recently been formed to address the delivery issue. Considering that no vaccine is presently available, studying delivery mechanisms is premature. In addition, the fact that this analysis is underway would suggest that the agencies have illegally predetermined the outcome of the proposal to initiate a bison vaccination program for Yellowstone bison.

important for analysis because each represents unique environmental impacts.

While a vaccination program for bison in YNP raises a number of serious issues and impacts, of particular concern is that a vaccination program, with or without the requirement of capture to deliver the vaccine, is inconsistent with the natural regulation mandate which governs NPS activities. There is considerable public support for the concept of natural regulation because it distinguishes National Parks from other federal lands. Consequently, despite the agencies' assertions that a vaccination program would be potentially beneficial to bison -- a claim that The Fund and EII reject -- it may not be publicly acceptable because it is inconsistent with natural regulation.

NEPA prohibits agencies from committing "resources prejudicing selection of alternatives before making a final decision." 40 C.F.R. §1502.2(f). Here, however, the agencies have blatantly violated NEPA by engaging in the long-term development of a bison vaccine without any environmental review or public comment.

Efforts to test a vaccine for use in Yellowstone bison began in the mid-1990s. At that time neither the NPS or any of the other agencies attempted to assess public opinion about the implementation of a vaccination program in Yellowstone bison, nor did they attempt to evaluate, even in a cursory manner, the environmental impacts of such a program. Though no significant progress has been made in locating or developing a vaccine which will be suitable for use in Yellowstone bison, the DEIS assumes a vaccine will be available and implemented by the year 2000. Indeed, for all intents and purposes, the agencies have already decided that a precedent setting vaccination program will be implemented in YNP without any substantive environmental impact analysis and without any attempt to assess public opinion about, or support for, such a program in violation of NEPA. The agencies have simply, but wrongly, assumed that the public would accept vaccination without complaint.

Finally, the agencies have illegally segmented elk management and, more specifically, the role of elk in interspecific bacteria transmission to bison and cattle, from analysis in this DEIS.

Yellowstone elk, like bison, are known to harbor the Brucella abortus bacteria. Approximately 1-2 percent, but perhaps as high as 6 percent, of Yellowstone's northern elk population, which consists of an estimated 14,000-16,000 animals, regularly test positive to exposure to Brucella abortus. DEIS at 18. Unlike bison where the correlation between seropositivity and infection is not high (Meyer & Meagher 1995), the correlation in elk is believed to be higher and similar to what is observed in cattle. Consequently, it is possible that 1-6 percent of Yellowstone's elk are infected with Brucella abortus. This is not to say that Yellowstone's elk pose a high risk of bacteria transmission to cattle as the evidence, including the fact that there has never been, contrary to information provided in the DEIS at 20, a confirmed case of such transmission under natural conditions (See, NAS Report on Brucellosis at 45 "Given the ambiguity allowed by epidemiologic evidence in this situation, wildlife cannot be determined to be the source of brucellosis infection in these six cases."), demonstrates that this

risk is remote. Numerically, however, when compared to the number of bison in the Park, elk pose a greater risk of transmission than bison. Instead of addressing this issue in a meaningful manner, the agencies concede that eradication of Brucella abortus in bison may not be possible with a concomitant program in elk, but claim, illegally and incorrectly, that this issue is beyond the scope of the EIS. DEIS at 46.

This distinction is clearly related to the economic benefit that elk, but not bison, accrue to Montana through the sale of hunting licenses. In addition, it has been argued that elk do not pose as great a threat to cattle as bison because elk generally give birth in isolation and, as a predator avoidance strategy, fastidiously clean up the birthing site by consuming the placenta and other reproductive products. The fact that elk may isolate themselves during birth is somewhat irrelevant to the risk they pose of transmitting the bacteria since the principal symptom of brucellosis is spontaneous abortions and since susceptible animal contact with an infected fetus is the principal means of transmission. The birth site, therefore, is not as critical in determining as is the site of abortion, assuming abortion even occurs. In addition, while elk may clean up their birthing sites, recent evidence from YNP suggest that many bison demonstrate similar behaviors.

Given this evidence, and considering that the principal purpose of the DEIS is to address the risk of Brucella abortus transmission to cattle, the agencies must also include elk in this analysis. First, elk pose a remote, but theoretical, risk of transmission of the bacteria to cattle. Secondly, and perhaps more importantly, elk pose a threat of reexposing and reinfecting Yellowstone's bison population. Thus, even if the agencies embarked on a long-term program to reduce and eventually eliminate the bacteria in bison, if they fail to address the presence of the bacteria in elk, then their efforts in bison may ultimately be entirely ineffective. While The Fund and EII do not believe that either species poses anything more than a remote, if any, risk of transmission, if the agencies are dead set on reducing/eliminating the bacteria in bison, they have to address the bacteria in elk and it must be done in the same comprehensive plan. (See, NAS Report on Brucellosis at 7).

As the foregoing evidence demonstrates, the agencies have conveniently sliced up their proposed bison management strategies into multiple pieces, each of which is anticipated to undergo independent NEPA analysis even though all of the parts are clearly linked and related requiring analysis in a single document. This has been done for convenience and to reduce the combined significance of the environmental impacts associated with the proposals in their entirety.

Furthermore, in regards to the development of a quarantine facility and a vaccination program, the agencies have illegally predetermined the outcome of these discussions without subjecting these controversial and unnecessary proposals to any substantive NEPA review. The analysis that the agencies intend to do in the future on these programs will focus only on the physical impacts of these facilities on the environment, not whether the proposals are warranted, biologically or scientifically feasible, or whether these practices are supported by the public. If the agencies have any interest in complying with NEPA, they have no choice but to abandon the

current DEIS, immediately cease all activities associated with the development of a vaccine or implementation of a quarantine facility, and reinitiate their environmental analysis by providing a complete and comprehensive analysis of all environmental impacts associated with all aspects of the proposed project.

C. The DEIS Fails to Rigorously Evaluate a Reasonable Range of Alternatives:

NEPA requires that agencies "rigorously evaluate" a range of reasonable alternatives when analyzing the environmental impact of an agency action. This analysis represents the "heart of the environmental impact statement." 40 C.F.R. §1502.14.

In this case, though the agencies have considered seven alternatives, alternatives 1, 3, 4, and 7 are remarkably similar. Alternative 1 and 4 are the same except the latter offers quarantine and hunting in addition to agency shooting and capture and slaughter. Alternatives 3 and 4 are essentially the same except alternative 3 emphasizes hunting as the principal management tool to control bison population size and movements. Alternative 7, the agencies preferred alternative, is simply a melange of alternatives 1, 3, and 4. Alternatives 5 and 6 are also remarkably similar with the only difference being alternative 5 advocates killing now while alternative 6 advocates killing later. Indeed, even Alternative 2, which contains some differences compared to other alternatives is initially -- during phase 1 for which there is no absolute cut-off date -- the same as Alternative 1.

The similarities of many of the alternatives are not just in the strategies employed, but also in the results. For every alternative, except alternative 5, for example, the agencies have decided that the maximum number of animal who could be tolerated outside the Park in Eagle Creek-Bear Creek and West Yellowstone SMAs is 100-200 and 50-100, respectively. Consequently, among these alternatives, the maximum number of bison potentially allowed to remain outside of YNP is exactly the same. Even under Alternative 2, the minimal management alternative, the number of bison permitted outside YNP is limited to 100-200 in the Eagle Creek/Bear Creek SMA and 50-100 bison in the West Yellowstone SMA -- the same as permitted under Alternative 7 -- the preferred alternative.

The agencies, instead of assembling a true set of alternatives, have simply taken a single alternative and modified its component parts to create four additional alternatives, the results of which from a population perspective, are nearly identical. Only the second phase of Alternative 2 and Alternatives 5 and 6, are different than the remaining alternatives. In no way does the present range of alternatives satisfy the requirements of NEPA. The agencies must develop and consider additional alternatives which are substantively different in design and result than the present alternatives.

The inability of the agencies to properly construct a range of reasonable alternatives is because they have independently and arbitrarily established nine criteria used to determine if an alternative is appropriate and qualified for more comprehensive analysis. These criteria include:

1. Address bison population size and distribution; have specific commitments relating to size of bison herd.
2. Clearly define a boundary line beyond which bison will not be tolerated.
3. Address the risk to public safety and private property damage by bison.
4. Commit to the eventual elimination of brucellosis in bison and other wildlife.
5. Protect livestock from the risk of brucellosis.
6. Protect the state of Montana from risk of reduction in its brucellosis status.
7. At a minimum, maintain a viable population of wild bison in Yellowstone National Park, as defined in biological, genetic, and ecological terms.
8. Be based on factual information, with the recognition that the scientific database is changing.
9. Recognize the need for coordination in the management of natural and cultural resource values that are the responsibility of the signatory agencies.

For all intents and purposes, these criteria represent the various goals of the individual agencies involved in this controversy. Of course, as is consistent with the history of this controversy, the interests of the livestock agencies are emphasized over the interests of wildlife. Establishing a bison herd size, a boundary line, committing to the eventual elimination of brucellosis in bison and other wildlife, protecting Montana from a reduction in its brucellosis status are all, principally, objectives of the livestock agencies designed to promote and ensure that emigrating bison will be killed for the benefit of 2200 cattle. Though these criteria represents the parameters for alternative consideration, the agencies concede that not all of their alternatives completely satisfy each criterion but they satisfy the criteria enough to warrant evaluation. DEIS at 53.

The establishment of these criteria are intended to do one thing, and one thing only, and that is to prevent the agencies from having to consider more rational, sensible, and scientifically credible alternatives which may not nicely fit into the agencies' arbitrary parameters. Moreover, the criteria were developed to prevent the agencies from having to consider alternatives which decrease the focus on lethal management strategies, promote increased tolerance of bison outside of YNP, and substantially increase mandatory changes in cattle management outside the Park.

The agencies could not possibly be more transparent in their bias in favor of the cattle industry to the detriment of bison and YNP. Indeed, it is tragic and disturbing that the DOI and NPS have allowed themselves to sell out Yellowstone and its wildlife to satisfy agency bureaucrats who are more concerned about placating politicians, the cattle industry and agencies, and the White House than in protecting this national treasure.

Though NEPA requires agencies to consult early and often with the public while preparing an EIS, the agencies never subjected its alternative selection criteria to public review. The DEIS claims that "the objectives were developed through a six year ongoing planning effort that includes several opportunities for public input," DEIS at 51, but fails to identify where or when the public was invited to comment on these objectives and criteria. This is because the

public has never had an opportunity to comment on these standards because the agencies have never subjected these standards to public notice and comment. The agencies should not and cannot rely on these criteria to limit the consideration of alternatives for the management of Yellowstone's bison. If the agencies continue to believe that these or other parameters are necessary to weed out the genuinely unreasonable or infeasible alternatives, the parameters must be subject to public review prior to being used by the agencies.

The basis for these alternatives was not included in a previous planning document, but rather was in an obscure letter from President Clinton to Mr. John Tarburton, the President of the National Association of State Departments' of Agriculture.[12] In that April 24, 1997 letter (Exhibit 2), the President promised Mr. Tarburton that any viable alternative in the DEIS "must, among other things, address bison population size and distribution; clearly define a boundary line beyond which bison will not be tolerated; address the risk that bison pose to public safety and private property; protect livestock from the risk of brucellosis; protect the state of Montana from any risk to its brucellosis-free status; and commit to the eradication of brucellosis from bison and other wildlife," which are identical to many of the criteria used by the agencies to evaluate prospective alternatives. Many of these promises, particularly the reference to eradication of brucellosis, did not accurately reflect the intent of the DEIS as originally proposed. The DEIS, despite the inclusion of Alternatives 5 and 6, was intended to be a management document, not a plan for the eradication of the bacteria.

The agencies have utilized these arbitrary and illegal criteria to dismiss, without evaluation, several potential alternatives, particularly the no-action/no-project alternative.[13] Though NEPA arguably requires the agencies to consider a no-action/no-project alternative, by creating these illegal criteria designed to limit the analysis of alternatives to only those consistent with the agencies objective to intensively manage Yellowstone's bison without any mandatory changes in cattle management practices, a convenient means of avoiding any substantive discussion of a no-action/no-project alternative was devised.

Since the criteria are so clearly intended to illegally limit the range of reasonable

[12] The background of the Clinton letter is presently unclear. The Fund has attempted to obtain information about the letter from the White House and the Council on Environmental Quality without success. Circumstantial evidence collected to date, however, strongly suggests that the letter was a product of the CEQ who, conveniently, neglected to permit anyone from the National Park Service or Yellowstone National Park to review the letter before it was sent. The CEQ's actions, yet again, reveal the administration bias in favor of the cattle industry and producers -- those capable of making campaign contributions -- over bison in Yellowstone who only provide aesthetic, historical, cultural, recreational, and economic benefits to the citizens of the world.

[13] The no-action/no-project alternative is in contrast to the status quo alternative which is contained in the DEIS as Alternative 1.

alternatives considered in the DEIS, and since the agencies never solicited public comment on these alternatives, the criteria cannot and should not be used in this case. Therefore, the agencies must evaluate a range of other reasonable alternatives, including the no-action/no-project alternative, in any future environmental document.

In reality, the no-action/no-project alternative, particularly if enhanced through the restoration of natural regulation in YNP by prohibiting snowmobiles and trail grooming, would actually restrict the distribution of Yellowstone bison and ultimately reduce the already remote risk of transmission. Under such a scenario, the bison population, depending on winter severity, would likely stabilize at a population size above, equal to, or lower than the present population, though the number and rate of bison emigrating from the Park would be reduced due to the increased difficulty in traversing the Park without the aid of groomed snowmobile trails. In time, though there may remain some active Brucella abortus infection in some bison, particularly young bison in the Park, a large proportion of the population would either be genetically resistant to the bacteria or would have developed an immunity to the bacteria even if they remain seropositive.

Since the population would be limited through natural regulation, a density-dependent response would like produce a reduction in the population's growth rate compared to the present situation by reducing the annual number of calves born. Even if these calves became infected, only the females calves would theoretically pose a risk of transmission, they would not pose a risk until they became reproductively mature, the risk of transmission to domestic cattle would be reduced because of their restricted distribution, and there would be fewer animals who would pose a theoretical risk. Consequently, compared to the present situation, the existing insignificant risk of interspecific transmission of the bacteria between bison and cattle would be reduced even further by simply leaving the population alone while naturally restricting its distribution.[14]

As the foregoing evidence demonstrates, the agencies have not evaluated a reasonable range of alternatives as required by NEPA. This deficiency must be corrected in any future environmental document.

[14] In addition, the agencies have entirely avoided the possibility of employing contraceptive technologies to limit the population growth in the Yellowstone herd. The Fund is not promoting this alternative because, in this instance, it is not necessary. However, considering the fact that sampling data collected from dead and live Yellowstone bison suggest that the majority of infected animals are in the younger age classes (statement made by Dr. Jack Rhyan at September GYIBC meeting) the use of reversible contraceptive technologies to delay breeding in these animals until they clear the bacteria, would reduce the already remote risk of transmission. Dr. Rhyan has proposed such a strategy in a paper presented at the recent annual conference of The Wildlife Society.

D. The DEIS Fails to Disclose the Risk of Brucella abortus Transmission from Bison to Cattle or to Properly Evaluate the Environmental Consequences of this Risk:

Though there is ample evidence to demonstrate that the bison controversy is far larger than the theoretical risk of bacteria transmission from bison to cattle, the DEIS is focused on the issue of risk. Indeed, the alternatives evaluated in the DEIS do not balance the protection of a viable, free-ranging bison population with preventing the risk of bacteria transmission from bison to cattle. Rather, the emphasis is clearly on preventing the risk of transmission through the artificial, lethal, and cruel manipulation of Yellowstone's bison to provide near complete risk-free conditions for a maximum of 2,238 cattle who are grazed on private or public land within the project area. The protection of a viable, free-ranging bison herd is an afterthought to the ultimate objective of protecting cattle and cattle producers.

While the agencies admit that there is considerable scientific dispute over the risk of bacteria transmission, they claim that the level of risk cannot be calculated.[15] This is blatantly untrue and represents a clear attempt by the agencies, particularly the state and federal livestock agencies, to avoid any effort to quantify the risk of transmission in fear that the risk would be, as is the case, determined to be insignificant. Indeed, there has never been a documented case of Brucella abortus transmission from bison to cattle under natural conditions. The agencies remain steadfast, however, in their refusal to quantify the level of risk using the available data that has been, and continues to be collected, from Yellowstone bison.

Several assessments have been conducted to determine the risk of bacteria transmission from Yellowstone bison to domestic cattle in the Yellowstone region. (See, Schubert 1992, Dobson and Meagher 1996, and Gross in draft)

Though the agencies refuse to engage in a risk analysis for self-serving reasons, the lack

[15]In regard to the scientific dispute over brucellosis, the NAS Report on Brucellosis does not, despite its original intent, provide any resolution to these reports. The process used to prepared the report was designed to avoid the requirement to comply with the Federal Advisory Committee Act. Thus, instead of assembling a committee of objective experts to evaluate this issue, the NAS selected two principal investigators each with an inherent bias which ruled them out as objective reviewers of this issue. Dr. Norman Cheville has spent the majority of his career working for the USDA in its brucellosis eradication program. His expertise in cattle brucellosis, his allegiance to the USDA perspective, and is lack of expertise in wildlife brucellosis is clear from a review of the NAS Report. Dr. Dale McCullough, a wildlife ecologist, had previously co-authored a book critical of the NPS natural regulation policy raising serious concerns about his objectivity in this project. Dr. McCullough also admitted to the GYIBC that he knew nothing about brucellosis and that, therefore, Dr. Cheville would be responsible for that portion of the review. Significant criticisms of the draft NAS Report, which is nearly identical to the final Report, is attached as Exhibit 3 and must be evaluated by the agencies before they rely on the NAS Report in any future environmental document.

of such an analysis, particularly given that the alleged risk of transmission is the cornerstone of the document, is an obvious and blatant deficiency in the DEIS akin to building an automobile without an engine. The automobile still may look good from the outside, but it is not functional, it doesn't work. In this case, the agencies have endeavored to develop a DEIS which is entirely non-functional because the agencies have failed to base their management decisions on sound scientific evidence which includes an analysis of risk.

Not only have the agencies purposefully avoided preparing a risk analysis, but they have not even disclosed the best available scientific evidence relevant to the prevalence, or lack thereof, of the bacteria in bison. Indeed, as the agencies concede, the description of brucellosis in the DEIS is a product of a torturous exercise within the Greater Yellowstone Interagency Brucellosis Committee to develop a white paper on the brucellosis controversy. Consequently, the final document did not provide a rigorous analysis of the relevant data, but only represents the barebones facts that all of the agencies are willing to accept. This is hardly the level of description or analysis which NEPA requires or this issue deserves.

The agencies fail to concede or disclose the existence of several sets of data which are directly relevant to evaluating the risk of transmission. Data collected on bison killed during the winter of 1991/92 and from 1995 to the present are mysteriously absent in the DEIS as well as data collected since 1995 on radio-collard live bison in YNP. It is immaterial whether some believe the 1991/92 data to be flawed, or that the study begun in 1995 is not entirely complete, this is the best scientific data available and it must be disclosed and evaluated in the DEIS as required by NEPA.

This data, serologic data from previous years, and biological data pertinent to the Yellowstone bison herd provide all the information that is required to calculate risk. A simple risk analysis designed to calculate the number of infectious pregnant bison in the Yellowstone herd this winter is provided below. The number of infectious pregnant bison represents the critical factor in determining risk. Other bison, including bulls, calves, yearlings, non-pregnant animals are not capable of transmitting the bacteria during a particular year because the bacteria, if present, cannot be expelled, or, if it is expelled through bodily fluids, it is inconceivable that it will act as a vector for transmission. This same formula could be used in any year to calculate the number of infectious pregnant bison in the herd which then could be used as a tool to determine the theoretical, but not actual, risk of transmission. Prior to engaging in that analysis, the factors contributing to and controlling the risk of bacteria transmission must be evaluated.

There are a number of factors that influence the risk of B. abortus transmission from bison to cattle.[16] These factors and a discussion of their relevance to transmission is provided below:

[16]Though this question is specific to bison, the same general factors influence the risk of transmission between elk and cattle.

Number of female bison in population: The current estimated size of the Yellowstone bison herd is approximately 2,200 animals. According to the DEIS, the spring 1997 estimate for the number of adult female bison in the population was 490. DEIS at 197.

Number of Pregnant Female Bison: The principal route of B. abortus transmission between cattle and potentially between bison and cattle is through contact with infected birthing materials, a contaminated aborted fetus, or an infected live calf (Nicoletti, 1980). Given the nexus between reproduction, birth, and the risk of transmission, only pregnant bison pose a potential risk of transmitting the bacteria.

The actual number of pregnant bison in the GYA in any one year is dependent on a number of factors including the total number of bison in the Parks[17], the age structure of the population, the number of female bison pregnant the previous year, and the condition of the female bison. While the actual number of pregnant animals is variable, Kirkpatrick et al., (1996) determined that the pregnancy status of bison from the Mary Mountain and Northern Range herds was based on the age and lactational status of the animal. For example, Kirkpatrick et al., (1996) 80 percent of all pregnancies occurred in cows 4 or more years old. Among lactating bison 100 percent of all pregnancies occurred in cows 5 or more years old. Few lactating cows, however, were pregnant as 78 percent of fall pregnancies were in non-lactating cows. The actual percentage of the adult female bison pregnant annually ranges from 52% (Meagher 1973) to 75% (Pac and Frey 1991).

There is no scientific evidence to suggest that bull bison pose any risk of bacteria transmission to domestic cattle (Robison 1994). Moreover, the likelihood of a bull bison mating a domestic cow under natural, unconfined, conditions is extremely remote if even possible. There is no known documentation of such an event in the scientific literature. Even if mating were to occur, if bison bulls are similar to domestic bulls, the overwhelming scientific evidence demonstrates that the bacteria is not transmitted through natural service (see, for example, King, 1940, Lubbehusen and Fitch, 1925, Thomsen, 1943, Mukerji, 1960). Given that the act of reproduction is the same, bison bulls are likely to be similar to domestic bulls in this regard.

The lack of such a definitive finding in the "Risk of Transmission of Brucellosis from

[17]The total number of bison in the Park is undeniably influenced by NPS management actions. In this case, NPS decision to permit snowmobiling and snowmobile trail grooming has altered bison population dynamics, movements, distribution, and habitat use. Bison use of the energy efficient groomed trail system has led to a reduction in winter kill, increase in survival, and an increase in productivity. As a result the YNP bison population has been able to expand to artificially high levels which would not have occurred if trail grooming did not occur. Eliminating groomed trails and snowmobile use of YNP would increase the energetic consequences of wintertime movements and reestablish natural regulation as the principle regulatory agent affecting bison population dynamics, thereby reducing the herd's growth rate and the number and rate of bison emigrating from the Park.

Infected Bull Bison to Cattle" produced by the Greater Yellowstone Interagency Brucellosis Committee (GYIBC), is due to anecdotal information from a brucellosis-infected captive bison herd in South Dakota. This situation is irrelevant to the question of bull bison transmission to cattle since it involved the transmission of the bacteria between bison not between bison and cattle.

Similarly, bison calves, regardless of sex, and any non-pregnant bison, regardless of age, represent no risk of transmission, even if they are exposed or infected, since they either are not sexually mature or have not been bred.

Number of Pregnant Bison Emigrating from the Park: Since a pregnant bison who stays within YNP[18] poses no risk of bacteria transmission, any risk of transmission is limited to the number of pregnant animals who emigrate outside of YNP. Unfortunately it is impossible to precisely predict how many pregnant bison are likely to emigrate from YNP during any particular winter since emigration is influenced by a number of factors including the quality and quantity of spring, summer, and fall forage inside YNP, climatic severity (i.e., low temperatures, snow depth, snow density, and snow/water content), accessibility of forage (i.e. existence and severity of ice layer in Park), existence of hard-packed energy efficient travel routes, stochastic events (i.e., fire), and learned knowledge of foraging areas outside of YNP.

Number of Infectious Female Bison Emigrating from the Park: Not all bison, including pregnant bison, pose the same risk of bacteria transmission. Animals who have never been exposed to the bacteria pose no risk of transmission. Animals who have been exposed to the bacteria, but who are not infected or infectious, pose no risk of transmission. Infected animals who are not infectious similarly pose no risk of transmission. It is only those animals who are infectious (i.e., capable of expelling the bacteria during an abortion or live birth event) who pose a theoretical risk of bacteria transmission. To complicate matters, the dynamic nature of the bacteria may change the status of an animal as gestation progresses. There is no test presently available which can be used on live bison to distinguish between exposed, infected, and infectious bison.

Blood tests are used to determine whether an animal has been exposed to the bacteria. These tests are designed to detect antibodies to B. abortus. The presence of antibodies suggests that the animal had or has an active infection.[19] These tests, however, though relatively accurate

[18]Pregnant bison within GTNP represent a theoretical risk of transmission because GTNP policies permit cattle grazing and trailing.

[19]The agencies focus on capturing and slaughtering seropositive bison may be increasing, not decreasing, the risk of bacteria transmission in YNP bison. Seropositive animals may be infected, but they also may have developed an immunity to the bacteria. If this latter scenario is true, then removing large numbers of seropositive animals from the population will eliminate animals who may have a developed immunity while increasing the proportion of seronegative

in determining infection in cattle (Lambert et al., 1960, Herr et al., 1982, Manthei and Deyoe, 1970, Meyer and Meagher, 1996), are not accurate in predicting infection in bison and have never been validated for bison.

Infection in bison can only be ascertained through the culture of the bacteria from tissue samples taken either from a dead animal or through biopsy on a living, but sedated, animal. If the B. abortus bacteria can be cultured or grown from the tissue sample, the animal is considered to be infected[20] but may or may not be infectious.

An infectious animal is an animal which is theoretically capable of expelling the B. abortus bacteria into the environment. Given that the primary route of B. abortus transmission from bison to domestic cattle is linked to female reproduction, a female bison can only be infectious if the bacteria can be cultured from her reproductive tract.

Sampling done of bison killed or slaughtered outside of YNP during the winter of 1991/92[21] provides an indication of the number of animals who were infected or infectious (depending on the specific tissues samples removed) at the time of death.[22] For the sampling conducted beginning in 1995, the resulting data provides useful information about infection, but it is limited in regards to assessing infectiousness in Yellowstone bison because the sampling protocol now in place does not, despite the obvious usefulness, require the sampling of the female reproductive tract. A summary of the results of the 1991/92 and 1995/present sampling projects provides useful information relevant to the risk of transmission (See Table 1).

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animals in the population.

[20]This determination can be complicated through the presence of other bacteria, namely Yersinia intercolytica, which is remarkably similar in appearance to B. abortus (pers. comm. with Dr. Margaret Meyer). The presence of Y. intercolytica in bison tissues could result in a misread of the culture resulting in positive designation when, indeed, B. abortus is not present.

[21]This data set has been the subject of debate. Some claim the data are useless because of flaws in the sampling methodology. Others claim that, though some flaws may have existed early in the project, those flaws were quickly corrected and the data set is sufficient and useful for analysis. The bottom line is that the data exists and, therefore, warrant evaluation in the DEIS.

[22]While some argue that a sampling approach may only provide a "minimum" estimate of infection, it is important to note that the percentage of false negative cultures in bison is not known but is likely small. A new culture methodology implemented this past winter on many of the samples taken from killed bison involves examining the entire tissue sample instead of only a portion of the sample. This new methodology will maximize the likelihood of culturing B. abortus if it is in the sample.

Table 1:

Sampling Period	# of Adult (<3 years old) Female Bison Sampled	# (%) Seropositive	# (%) Culture Positive	# (%) Pregnant	# (%) Pregnant and Seropositive	# (%) Pregnant, Seropositive and Culture Positive	# (%) Infectious
1991/92[23]	68	30 (44%)	2 (7%)	54 (79%)	26 (48%)	2 (8%)	0
1995/present[24]	80	63 (79%)	15 (24%)	47 (59%)	39 (83 %)	5 (13%)	1[25]

Frequency of abortions or births outside of Park: If transmission is to occur the bacteria must be expelled from the body. Given the principal route of transmission, a bison would have to experience an abortion or birthing event outside of YNP in order to theoretically establish the potential for interspecific transmission. There has, however, never been a confirmed case of B. abortus transmission from bison or elk to cattle under natural conditions.[26] If any transmission risk exists, the available evidence demonstrates that this risk is remote.

Since 1917 when B. abortus was first detected in Yellowstone bison, there have been only four confirmed abortions in the GYA (3 in YNP, 1 in GTNP). The first two were documented by Mohler (1917). The third and fourth incidents were reported by Williams et al., (1993) and Rhyan et al., (1994), respectively. All four abortion events occurred inside of YNP or GTNP. No abortion event has ever been confirmed outside of the Parks.

Contrary to some opinions, it is impossible to determine, based on the available evidence,

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[23]These results were taken from Meyer and Meagher 1995 (Exhibit 4).

[24]These results are attached as Exhibit 5. It is important to note that all of the blood and tissue analysis conducted for this study is being done by the USDA. The agencies have not established any type of system, such as sending some samples to a non-governmental lab, to ensure the USDA results are accurate.

[25]At least one animal was likely infectious based on the culture results from a vaginal swab. Due to sampling deficiencies data on infectiousness were not available from many of the animals sampled. The sampling done for this study was not random but selected for female, seropositive animals thus the percentages provided do not reflect the actual exposure and infection rate in the entire herd.

[26]The only study that the livestock interests offer to substantiate the risk of transmission from bison to cattle is Davis et al., (1990). In that study, transmission of B. abortus from bison to cattle was documented in captivity. The methodology of this study, however, was flawed because it was conducted in a captive environment and because the challenge dose used was excessive (Meyer and Meagher, 1995).

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that any of these abortions, or any reproductive failures documented in bison, were caused by B. abortus. Just because the bacteria was found in either the mother or the fetus/calf does not prove that the reproductive failure was caused by B. abortus. It is possible that an infectious bison may be predisposed to abort or give birth to a non-viable calf because of B. abortus, but that other factors (i.e., nutritional deprivation, stress) actually triggered the reproductive failure.

Considering the epidemiology of the disease, it is more likely that the abortions observed by Mohler (1917) were the result of B. abortus since the herd may have been acutely infected at that time. In the 1980s and 1990s, after several decades of chronic infection, the abortion rate would predictably be lower with the abortions documented by Williams et al., (1993) and Rhyan et al., (1994) possibly being the result of other factors. Regardless of the cause of the abortions, the isolation of B. abortus from an aborted fetus indicates that this fetus is a potential vector for transmission of the bacteria to other bison or other animals. The probability of transmission is, however, remote.

During the past decade, given the intense interest in B. abortus in Yellowstone bison, this herd, particularly those groups near or outside of Park borders, has been relatively closely monitored by federal and state officials and scientists. Despite this monitoring no abortion event, except for those reported above, has been documented in or outside of YNP. Moreover, though hundreds of bison have emigrated into Montana since the early 1980s, including over 900 who emigrated across Yellowstone's northern boundary during the winter of 1988/89, testing of nearly 1,000 head of cattle who potentially intermingled with bison that winter revealed that none of the animals had been exposed to the bacteria.

There have been several reproductive failures documented by Dr. Thomas Roffe and his collaborators during the past several years which may or may not be attributable to B. abortus. These events are summarized below:

1. In the spring of 1996 a cow bison was shot inside of Yellowstone Park due to the presence of a "retained placenta."[27]. This animal was estimated to be 3-5 years old and was in poor condition. No fetus or calf was found in association with this cow. B. abortus was cultured from samples taken of the placenta and other tissues from this animal.

Some scientists, however, are skeptical of the results of the bacteriologic examination due to the determination that B. abortus was too numerous to count in samples from the intestine, and have suggested that these results possibly reflect infection with Yersinia intercolytica, a bacterium which is remarkably similar in appearance to B. abortus (pers. comm. with Dr. Margaret Meyer). Other scientists have suggested that the presence of such a large amount of B. abortus in the intestine may indicate that the mother consumed her infected fetus or the birthing

[27]There was considerable disagreement over whether what was observed was indeed a retained placenta caused by brucellosis. Apparently, upon external examination the placental material appeared perfectly normal and healthy, not diseased.

materials. Even this possibility is controversial, since some question whether the bacteria could have survived the digestive process.

Given the evidence, it is difficult to conclusively prove that this cow suffered an abortion or if she did, that the abortion was caused by B. abortus. Another possible explanation for this event is that the cow could have given birth to a weak calf who either died soon after birth or was killed by predators.

2. Also in the spring of 1996 a stillborn calf was discovered in Yellowstone Park near Gardiner, Montana. Through examination it was determined that this calf had taken at least one breath prior to death (pers. comm. with Dr. Thomas Roffe). Blood and tissue samples from the calf were positive for B. abortus. The mother bison could not be identified and therefore no samples could be taken nor could her physical condition be assessed. This evidence would suggest that the calf was born to an infectious mother and that the calf and/or the birthing materials could have represented a potential vector of transmission. This event was not an abortion and the evidence does not allow a conclusive determination that this event was attributable to B. abortus.

3. In the spring of 1997, two pregnant bison who had been radio-collared and fitted with vaginal transmitters failed to produce calves. It was determined that these animals had expelled the vaginal transmitters suggesting either an abortive event or the birth of a viable or non-viable calf who was subsequently taken by predators. The delay in locating the transmitters prevents any definitive determination of abortions.

The location of the transmitter allowed for the identification of the abortion/birth site. Samples of vegetation and soils were taken and are presently being analyzed for evidence of B. abortus (pers. comm. Dr. Thomas Roffe). Even if these samples are determined to be culture positive for B. abortus, this is not conclusive evidence of an abortion particularly given the fact that there exist seropositive and culture positive cows who have given birth to viable calves (pers. comm. with Dr. Thomas Roffe). Nor is it possible, given the evidence, to conclude that these incidents were attributable to B. abortus.

Moreover, given the severity of the 1996/97 winter, it is possible that nutritional deprivation, stress, and other consequences of the severe and prolonged winter may be responsible for any and all reproductive failures in bison in the GYA documented that winter.

The Presence of Bison and Cattle on Common Range During the Abortion or Birthing Season: There are two potential routes of bacteria transmission; direct and indirect. Direct transmission is through susceptible animal contact with an infected fetus, infected birthing materials, or an infected live calf (Nicoletti, 1980). Indirect transmission is through contact with forage contaminated from a previous abortion or birth event (Id.).

For direct transmission to occur, cattle and bison have to share a common range between January and mid-June (from when abortions may theoretically occur through the birthing season). Such spatial and temporal overlap would permit cattle to be exposed to a contaminated aborted fetus, birthing materials, or, though improbable, a live calf if a birthing event were to occur. During the remainder of the year, July through December, if bison and cattle occupied the same range the risk of transmission is extremely remote since abortions or births are not likely to occur.

In the West Yellowstone, Montana area where over 400 bison were killed this past winter, direct transmission of the bacteria is impossible except from approximately June 1 to the end of the bison birthing season, assuming bison give birth outside of the Park. The deep snows and cold temperatures common to this area in winter are not conducive to grazing cattle either on private or public grazing lands. The U.S. Forest Service grazing allotment permits specify that cattle must be removed from allotments no later than October 15 and cannot be returned until June 15. Similarly, producers who run cattle on private land in the area generally remove their animals by November 1 of each year and do not return the animals to the range until June 1.

Even if cattle and bison overlap occurred between June 1 and June 15, and assuming bison were to give birth on range shared with cattle, direct transmission is still extremely unlikely due to the protective bond between bison mothers and their calves and because bison may consume the placenta and other reproductive material associated with birth (pers. comm. with Dr. Thomas Roffe).

Indirect transmission is possible even if the range of bison and cattle does not overlap either temporally or spatially. However, the likelihood of such transmission is based on a number of factors, including the ability of the bacteria to persist in a sufficient amount to cause infection in a susceptible animal.

Persistence of an infective dose of the bacteria: Indirect transmission requires that the bacteria persist in the environment and that a susceptible animal comes into contact with an infective dose of the bacteria. The persistence of the B. abortus bacteria has, and continues to be, the subject of study. Past studies have determined that the B. abortus organism can survive for variable amounts of time depending on the substrate and environmental conditions (see, for example, Cameron 1932, Kuzdas and Morse 1954).

In addition to these studies, ongoing studies into the persistence of the bacteria in the GYA are being conducted by various researchers.

Drs. Elizabeth Williams and Walt Cook of the Wyoming State Veterinary Laboratory are engaged in two studies relevant to this question. The first study is designed to estimate the average number of days a carcass may survive under natural conditions. To assess this survival rate, bacteria free domestic calf carcasses were placed on elk feedgrounds and in several locations within GTNP. These locations were checked regularly to detect carcass presence or

absence and to record any wildlife sign (i.e., tracks) in and around the carcasses (pers. comm. with Dr. Elizabeth Williams). The average length of survival of the carcasses was 8-9 days on both the feedgrounds and in GTNP. In addition, the presence of both elk and bison was documented near the carcasses suggesting that these animals demonstrated an interest in the carcass (pers. comm. with Dr. Elizabeth Williams). This study design, however, does not entirely emulate natural conditions since the natural dynamic between predators and prey was not recreated when the carcasses were distributed in the field.

Their second study is designed to assess the persistence of the bacteria under changing environmental conditions. To assess persistence under changing conditions, cattle fetuses were doused and injected with the RB51 bacteria[28] and placed on metal trays which had been covered with soil. These trays were then placed inside of cages in a controlled environment near the Veterinary Laboratory in Cheyenne, WY. The cages were placed into the environment over the course of several weeks during winter and spring to assess the changes in persistence as environmental conditions change. By doing this the researchers simulated abortion or birth events that may occur over several weeks to several months. Samples of the fetuses and the soil underneath the fetuses were taken regularly and subjected to analysis.

Preliminary results of this research demonstrate that the B. abortus bacteria is remarkably hardy and persistent when the temperature is cold, but its ability to persist declines relatively rapidly (2-3 weeks) as the temperature increases (pers. comm. with Dr. Elizabeth Williams).[29]

It is important to note that these results may not be indicative of what would happen under natural conditions. First, the environmental and climatic conditions in Cheyenne, WY and YNP/GTNP are not identical.

Second, it is unlikely that a fetus or carcass would survive for several weeks under natural conditions due to the presence of predators and scavengers. In the GYA these animals ensure that any fetus or birthing material left by the mother will be quickly removed from the environment thereby substantially reducing the likelihood of interspecific bacteria transmission. Moreover, there is evidence to suggest that elk and bison may also consume the reproductive materials -- including the aborted fetus in some cases -- associated with an abortion or birthing event (Thorne et al., 1978; Pers. Comm. with Dr. Thomas Roffe). By doing so, the amount of potentially infectious material in the environment is reduced which would, in turn, reduce the

[28]The actual field strain could not be used in this study due to the fear of introducing the bacteria into the environment. Preliminary laboratory studies comparing the persistence of field strain, Strain 19, and RB51 indicated that RB51 would be an acceptable model in lieu of field strain.

[29]In addition to its inability to persist for an extended period of time in warm weather, after several days exposed to the elements the carcass became so rancid and malodorous that it is unlikely that an elk, bison, or domestic cow would lick or nuzzle it thereby preventing exposure.

transmission risk.

Third, the soil samples taken in the study were from soil that had been placed on the tray and which had been covered by the foeti. The lack of exposure to the elements, particularly sunlight, may affect the ability of the bacteria to persist. Under natural conditions where the carcass would likely be removed relatively rapidly, any bacteria remaining in the soil would be exposed to the elements and would be subject to microbial activities common in soil.

Furthermore, if the carcass were removed, and the bacteria remained only in the soil, unless the soil happened to be associated with some type of mineral lick, it is unlikely that a bison, elk, or domestic cow is going to be exposed to the bacteria through the consumption of soil, thus reducing the likelihood of exposure.

Therefore, the only likely source of indirect transmission is through consumption of contaminated forage. The study conducted by Drs. Williams and Cook was not designed to assess the persistence of the bacteria on vegetation. However, sampling done by Drs. Roffe and Aune at bison birthing sites in YNP has included sampling of the vegetation and the soil. At two sites from which samples were taken in 1996, the bacteria persisted for 14 and 18 days until the sites were flooded (pers. comm. with Dr. Thomas Roffe). It is not known, however, whether the duration of bacteria persistence was limited to the soil samples, vegetation samples, or both.

Even if the bacteria were to persist on vegetation, that forage would have to be consumed by a susceptible animal for transmission to occur. Depending on the size of the allotment, the probability of cattle coming into contact with contaminated forage is remote. The persistence of the bacteria on vegetation, however, is likely to be limited because vegetation is more susceptible to heat and drying than is soil.

The risk of consuming contaminated forage is influenced, and likely substantially reduced, by the differences between bison and cattle foraging ecology. In the Henry Mountains in Utah, for example, Van Vuren (1982) found that bison and cattle differed in their local distribution with cattle grazing on gentle slopes near water while bison roamed more widely and grazed on steep slopes, far from water, or both.

While the ability of the bacteria to persist under changing environmental conditions is important, the amount of bacteria that persists is also critical in determining what risk, if any, is posed by indirect transmission. The limited research done in YNP on this topic is, to the best of my knowledge, not designed to assess the amount of bacteria persisting but simply to assess the duration of persistence. The experiments being conducted by Dr. Williams and Mr. Cook, however, include a determination of the amount of bacteria persisting over time. The preliminary results suggest that, as the temperature increases, the amount of bacteria persisting decreases relatively rapidly (pers. comm. with Dr. Elizabeth Williams). I am not, however, aware of the exact amount of bacteria which persisted over time or whether this is larger or smaller than the standard infective dose for domestic cattle.

Type, number, and timing of livestock grazed on public and private lands in the GYA: The type and number of stock grazed on public and private lands in the GYA directly influence the theoretical risk and implications of bacteria transmission. The smaller the number of susceptible domestic livestock maintained in the GYA, the less the theoretical risk of transmission because there would be fewer animals who could potentially become exposed to the bacteria.

While reducing stock numbers on private land would require the cooperation of the land owner, conservation agreements or financial incentives could facilitate such a reduction. On public land grazing allotments, reducing the number of stock permitted on an allotment in order to minimize the risk of transmission is reasonable, feasible, and sensible. Closing allotments would provide an even greater reduction in the theoretical risk of bacteria transmission to domestic livestock on public lands.

The type of stock maintained on private or public grazing lands does not affect the theoretical risk of bacteria transmission to those animals, but the regulatory and financial implications of transmission, were it to occur, would be inconsequential. If steers or spayed cows were stocked, for example, the theoretical risk of bacteria transmission would remain, but if such transmission were to occur, the implications to the producer and the State would be minimal since these animals are neutered and destined for slaughter -- making them incapable of transmitting the bacteria to other animals.

While modifying the type of stock on an allotment may be useful to reduce the implications of transmission, it does not completely eliminate the theoretical potential for transmission unless the stocking dates were appropriately modified. By altering stocking dates to permit cattle to be restocked on public lands later in the summer after the bison birthing season, any risk of direct and indirect bacteria transmission to susceptible livestock would be virtually eliminated.

Risk Analysis: By using the estimates provided above and some assumptions, the number of potentially infectious bison who may emigrate from the Park and pose a theoretical risk of transmission can be calculated as follows:

Variable	Low Estimate	High Estimate
# of adult female bison in population	490	1100
% of adult bison pregnant	52%	75%
% of pregnant bison who emigrate from YNP (assmpt)	25%	50%
% of pregnant bison seropositive	48%	83%
% of pregnant bison culture positive	8%	13%
% of pregnant infectious bison (assumption)	1%	10%

Total # of Infectious Female Bison Outside YNP .02 4.4

As this simplistic, but useful analysis indicates, the number of infectious female bison who emigrate from YNP during a particular year is next to zero. The actual risk of these animals transmitting the bacteria is extremely remote because few if any of these animals will abort or give birth outside of the Park. In addition, the other factors which influence the risk of transmission (i.e., vaccination of cattle, type of stock, birthing behaviors, presence of predators and scavengers) will further reduce this risk. Considering this evidence, it is impossible to justify the continuation of the current interim plan or the implementation of any of the alternatives evaluated in the DEIS.

The agencies have simply not disclosed all of the relevant information regarding the perceived risk of bacteria transmission between bison and cattle. If they had, it would be, as it is above, abundantly clear that the risk is immeasurable and that the agencies efforts to destroy Yellowstone bison must cease. The agencies must provide a far more comprehensive and extensive analysis of these issues in a new DEIS or a supplement to the existing DEIS.

E. The DEIS Fails to Disclose How Yellowstone Bison Would be Managed in Montana or the Environmental Consequences of Such Management:

NEPA requires federal agencies to fully disclose all relevant information about their proposed actions, and alternatives to that action. In this case, since Montana is a cooperator in the NEPA process, and because the DEIS is intended to satisfy the requirement of the Montana Environmental Policy Act (MEPA), these same standards apply to Montana. In addition, NEPA and MEPA require the agencies to comprehensively evaluate the environmental consequences of their proposed actions and alternatives in the DEIS. The purpose of full disclosure and comprehensive evaluation is to ensure that the decision-makers and the public fully understand the management strategies being proposed and the environmental implications of each. Presumably, these requirements ensure that the agencies are fully informed about the need and consequences for its actions before rendering a decision.

In this case, in blatant violation of NEPA and MEPA, the agencies have failed to specifically disclose how Yellowstone bison will be managed in Montana. Each alternative provides similar management options (i.e, capture and slaughter, hunting, agency shooting, quarantine, vaccination, establishment of Special Management Areas), but which option or which combination of options, if any, will be selected for bison in Montana is left entirely up to the discretion of the State.[30]

[30]The DEIS contends that Montana must approve the creation of an SMA as required by law, but fails to identify the relevant law. A careful review of Montana laws relevant to the management of livestock, disease control and eradication, and brucellosis fails to reveal any law which requires such a decision. The relevant law and its requirements should be delineated in the DEIS.

In other words, regardless of what options are evaluated in the DEIS for bison management in Montana, the State of Montana is provided with the ultimate authority to veto every option and implement its own program. For example, each alternative, except alternative 5, permits limited bison emigration outside of YNP into Special Management Areas. As written, however, Montana is under absolutely no obligation to agree to the establishment of SMAs and could decide that SMAs are not acceptable and refuse to permit their creation.

Indeed, the available evidence suggests that Montana is not supportive of the creation of SMAs for bison, or for that matter, taking any proactive steps to provide habitat for bison to utilize outside of YNP. In 1997, the State Veterinarian of Idaho, who also is the Second President Elect of the United States Animal Health Association, a pseudo-governmental organization comprised of state and federal livestock health officials and private producers who have substantial interest and influence over bison management decisions by Montana, informed Montana that if it agreed to permit bison to emigrate outside of YNP onto SMA then Idaho would place sanctions on Montana's cattle. Given Montana's apparent unwillingness to defend itself from these illegal and unwarranted attacks against its own producers,[31] and that there is no credible evidence to suggest that certain State Veterinarians intend to back off from this position, there is no reason to believe that Montana intends to agree to the creation and operations of SMA's outside the Park.

Even if Montana were to agree to establish one or more SMAs, the DEIS permits Montana to dictate how, when, where, and under what circumstances bison would be permitted to occupy the SMA. Thus, there is no guarantee that bison will receive any substantive protection in Montana even if an SMA were established.

For example, though the federal agencies have proposed that "low risk"[32] bison could be

[31]During the winter of 1994/95, for example, 5 states imposed sanctions on Montana's cattle. Neither Montana's State Veterinarian or Governor made any known attempt to challenge these sanctions or even to request that those states reconsider their sanctions. This lack of response, which is seemingly inconsistent with the responsibility of the State Veterinarian and Governor to protect the economic interests of Montana and its livestock producers, was, based on the circumstantial evidence, because the State Veterinarian at the time had directly or indirectly requested that sanctions be placed on Montana's cattle in order to increase the pressure on the NPS to increase its efforts to eradicate Brucella abortus in Yellowstone bison and to provide a powerful tool to lobby the state legislature to pass a bill (pending at the time) which would transfer primary bison management authority from the Montana Department of Fish, Wildlife, and Parks to the Montana Department of Livestock. The bill was ultimately passed and the sanctions were ultimately rescinded by the states.

[32]A "low risk" bison is defined as "those bison that do not present a significant risk of transferring brucellosis to livestock through environmental contamination -- bulls, yearlings, calves, and postparturient female bison that have live calves and have totally passed all birth

permitted to occupy the SMA's under Alternative 7, there is no guarantee that Montana will accept this classification. Indeed, as evidenced in the DEIS, even though APHIS assured Montana that its acceptance of the "low risk - high risk" definition would not endanger its brucellosis-free status, Montana still rejected this classification system because the federal agencies could provide no guarantee that the other states would honor these designations. To date, there is no credible evidence to demonstrate that Montana intends to modify its position on this matter. Consequently, Montana could theoretically agree to the establishment of an SMA but only permit, as is consistent with its current position, tested bison to use and occupy the SMA.

Even if protection were guaranteed, how many bison would be provided such protection and how would those bison be determined? These issues must be addressed if the agencies intend to honestly disclose and evaluate the environmental impacts of the bison management program. Moreover, since the impacts are variable depending on the management strategy implemented, the management strategies must be as specific as possible to facilitate environmental impact analysis. For example, If Montana were to establish an SMA and permit it to be occupied by 100 bison the direct, indirect, and cumulative impacts associated with that decision would be different than the impacts associated with a management goal of 200 or 10.

Indeed, by providing Montana complete discretion to establish bison management policies outside of the Park, it could implement any number or combination of policies. It could decide that only tested bull bison will be permitted outside the Park. It could limit the range of the bison outside of the Park by establishing SMAs much smaller than those proposed. It could permit a limited number of tested and untested bison outside the Park and then ensure that each is taken by a hunter. Or, it could enforce a zero-tolerance policy for bison outside of the Park, using capture, slaughter, and bullets to create an invisible fence around YNP.

The failure of the agencies to specify how bison will be managed in Montana, or how many bison will be permitted in Montana, or the circumstances under bison will be permitted in the State makes it impossible for the public to understand the fate of Yellowstone's bison once they emigrate into Montana. Without a clear picture of how bison will be managed in Montana, the environmental consequences are unknown. Without understanding what the environmental consequences are, the public is unable to submit informed and substantive comments on any of the alternatives. It is impossible to comment on the environmental impacts of discretion.

membranes." All other bison, namely pregnant bison, are defined as "high risk." DEIS at 369. The federal agencies developed this classification system in the fall of 1997 in response to the excessive and unexpected slaughter of bison during the winter of 1996/97. The intent of the split classification was to prevent the slaughter of bison who pose a "low" risk of transmitting the bacteria to prevent a repeat of the 1996/97 tragedy. While The Fund concurs with this low risk classification -- a distinction which The Fund had suggested to the agencies in fall 1996 -- in reality, low risk animals, as defined, pose no risk of bacteria transmission, while so-called high risk animals -- pregnant females -- pose no measurable risk of transmission.

NEPA is not intended to be a guessing-game; that is the public should not be required to guess what an agency intends to do and then to base its comments on that guess. That is precisely what the agencies are asking the public to do in this case. Will Montana agree to the establishment of SMAs, or not? Will Montana agree to the establishment of a quarantine facility within its borders, or not? Will Montana agree to the definition of low risk bison, or not? If the proposed alternative is adopted and the population is nearing 1700 animals, will Montana reduce or eliminate its reliance on lethal control, or not? There are no answers to these questions in the DEIS. Montana may agree to all of these things, or it may not. The DEIS illegally omits such crucial information preventing the public from understanding or evaluating the environmental impacts of bison management outside of YNP.

F. The DEIS Fails to Fully Disclose all Relevant Information, Substantiate the Information, or Properly Evaluate the Environmental Impacts of its Proposed Actions on the Yellowstone Bison Population:

The bulk of the information in the DEIS regarding Yellowstone's bison includes some biological data, historical information, a limited discussion of ecological information (i.e., habitat use, movements, distribution), and population data. Though clearly warranted and required, very little information is provided about behavioral information, social dynamics of the bison herd, and the age and sex structure of the herd.

Similarly, the discussion of the environmental consequences of the alternatives to the bison population is also limited. This discussion includes an assessment of seroprevalence rates and how these rates will change under the various alternatives, a summary of impacts to the free-ranging status and distribution of bison, an assessment of potential stochastic perturbations to the population, but, the majority of the analysis is focused on the impacts of each alternative on bison numbers. While this exercise in mathematics may be required as part of the analysis, it by no means should constitute the bulk of the analysis. There is far more to the Yellowstone bison population than simply the number of animals who inhabit the Park.

Bison are highly gregarious, nomadic, and sentient animals. Like all animals with a central nervous system, bison are able to experience pain and suffering from physical harm, and there is absolutely no credible evidence to suggest that they are not also able to experience fear, joy, sadness, and other emotions. The agencies have neglected to consider impacts to the physical and psychological well-being of bison, because the agencies are either unwilling to accept, or unwilling to admit, that non-human animals are capable of such emotions and/or that the consideration of these impacts is legitimate.

Specifically, the agencies have neglected to consider the impact of their alternatives on a number of important factors, including:

Impacts on the Individual: The analysis in the DEIS is focused at the population level,

with no reference made to the individual animals. While it is common place in wildlife management to only focus on the population of animals, except in the case of critically endangered species, in this case considering the enormous public controversy associated with this issue and the large number of persons who do hold a moralistic-humanistic attitude towards animals, the agencies should evaluate the impacts of the alternatives on individual bison.

In particular, despite the agencies assurances of the humane treatment of bison subject to capture, transport, and quarantine, the reality is that many of the alternatives will increase the amount of pain and suffering experienced by individual animals as a result of human exploitation and manipulation. Any alternative which includes a capture, test, and slaughter option will, as the evidence demonstrate, result in an increased risk of injury and mortality to individual bison compared to those who are not subject to capture. Mortality may be the result of increased stress and trauma associated with capture (capture myopathy) or may be caused by wounds received during capture or transport. In either case, the individual animal may experience considerable pain and suffering before succumbing to these injuries. Capture and slaughter may also result in the separation of mother and calf. This impact, in and of itself, may result in increased stress and trauma to both the mother and calf.

Impact on the Social Dynamics of the Herd: Bison are social animals. Except for some large, mature bulls, bison tend to travel in groups. While the dynamics of the group, including group allegiance, may not be well understood, there is a social dynamic which affects bison behavior, distribution, movements, etc... The agencies have failed to recognize the social structure of Yellowstone's bison herd or to evaluate its significance to the population. More importantly, the DEIS provides no analysis of the potential adverse impacts of each alternative on this social structure of the population of individual bison groups within the population.

The removal of a large number of mature adult females, for example, may adversely impact herd or group knowledge and fracture the social structure of the herd or group. A loss of herd knowledge could influence the movements, distribution, and ultimately the survival of the remaining group members. Older, female bison generally have knowledge of winter feeding sites, for example, which may be of great importance for group survival during a particularly harsh winter. If this knowledge is removed from the population, the surviving animals may not have the requisite experience or knowledge to ensure survival of themselves or the herd.

Impact on the Sex and Age Structure of the Bison Population: The DEIS provides some estimates of the current sex and age structure of the population. These estimates are based on the bison killing program, however, so their accuracy is questionable. In reality, the NPS has very little accurate data on the sex and age structure of the existing herd nor can it evaluate, with any legitimacy, how previous management actions have affected the age structure and sex ratio in the population. These characteristics of any animal population are critically important in determining the health and viability of the species. A population which is comprised primarily of older-aged animals will not be as productive as a population which has a younger age structure. Similarly, a population which is primarily male will not have the productivity of a population

equally split between males and females. The DEIS fails, however, in providing any analysis of the impacts of each alternative on this age structure and sex ratio and how they may affect biology and ecology of the herd.

Impact on the Genetic, Biological, and Ecological Viability of the Herd: One of the criteria adopted by the agencies to assess the adequacy of prospective alternatives mandates the preservation of a genetically, biologically, and ecologically viable herd. The DEIS, however, fails to provide any substantive discussion of what constitutes such a herd. Its genetic analysis is entirely deficient in that the agencies provide no valid evidence to substantiate their claim that the Yellowstone herd could be reduced to less than 600 animals without adverse genetic impacts. No data or discussion is provided on the criteria which determine biological or ecological viability preventing the public from understanding these concepts, how these concepts are interpreted and defined, and how the different alternatives will impact, beneficially or adversely, the biological or ecological viability of the herd.

Finally, the DEIS fails to provide a scientific basis for the establishment of limits on the bison population herd size or so-called carrying capacities on lands outside of the Park. Since these arbitrary limits will substantially influence the number of bison hunted, captured, shot, or otherwise removed from the ecosystem, some analysis of their origins and impacts must be considered.

For example, in each alternative except Alternative 5, only 100-200 bison will be permitted to occupy the Eagle Creek/Bear Creek SMA while only 50-100 will be authorized in the western SMA. These limits on population use of these areas have never been disclosed or evaluated before in any previous planning/management document. At best, they are arbitrary numbers selected by the agencies to provide some cap on the number of bison potentially permitted to range outside of the Park. The DEIS claims that these numbers reflect the total number of bison that these areas are able to support during the winter, but fails to substantiate these claims. Surely the agencies, particularly the U.S. Forest Service, has engaged in some exercise, other than simply pulling a number out of a hat, to estimate these so-called carrying capacities. The scientific evidence used in this exercise, which would presumably include data on vegetation production, abundance, composition, habitat use by bison and other species, and species-specific dietary characteristics, must be disclosed so that the public can understand and verify the suitability of these arbitrary and self-serving limits on the number of bison who will be permitted outside of the Park regardless of what alternative is selected.

Furthermore, in regards to the agencies' preferred Alternative (Alternative 7), some legitimate basis must be provided to substantiate the proposal to maintain the population between 1,700 and 2,500 animals. Other than the agencies' arbitrary decision to agree to a cap on the size of the bison population within the project area, there appears to be no scientific basis or justification for this limit. Again, at best, this limit appears to be entirely arbitrary; a range of numbers plucked from thin air which the agencies must believe satisfies their intentions of protecting a wild, free-ranging herd of Yellowstone bison, protecting a genetically, biologically,

and ecologically viable bison population, while also protecting Montana's cattle. Scientific evidence, including any data to substantiate that the so-called carrying capacity of the project area is limited to a bison population not larger than 2,500 animals must be disclosed and evaluated in the DEIS. If, as The Fund and EII, suspect there is no such evidence then the arbitrary population cap must be removed from further discussion.

As the foregoing evidence demonstrates, simply estimating how many bison are likely to survive as the result of each alternatives does not adequately assess the environmental impact of the proposed project on Yellowstone's bison. A far more comprehensive and extensive analysis of all direct, indirect, and cumulative impacts is required.

G. The DEIS Fails to Properly Disclose and Accurately Evaluate the Role of the U.S. Forest Service in Managing and Controlling Cattle and Wildlife Management on its Lands Adjacent to Yellowstone National Park:

As previously mentioned, the DEIS is blatantly biased in favor of cattle over bison. This bias is no more clearly demonstrated than in the agencies decision not to modify any grazing operations to increase protection for bison or reduce the already remote risk of bacteria transmission. Indeed, the agencies actually claim that public land grazing issues are "beyond the scope of this environmental impact statement" DEIS at 46, even though cattle grazing is the sole reason why this controversy exists. The only mechanisms provided in the DEIS which could affect cattle producers in the region is through the acquisition of private lands, purchase of conservation easements, or the modification of cattle management practices on public allotments and private lands. The DEIS does not mandate any of these changes, preferring to make them entirely voluntary and subject to just compensation for the producer.

The Fund and EII support the acquisition of additional habitat for bison winter range, the purchase of conservation easements to benefit bison, and fair compensation to private land ranchers who agree to modify or eliminate their cattle operations to provide additional range for bison. In addition to providing additional habitat, such programs would theoretically reduce the already insignificant risk of bacteria transmission from bison to cattle even further. According to the data presented in the DEIS, these proposals could affect several hundred cow-calf pairs that are grazed on private lands near the western and northern borders of YNP.

To make these proposals more meaningful, however, the agencies must do more than simply propose these actions but actually guarantee and mandate, in a meaningful and legally-binding manner, that the agencies will cooperatively and aggressively seek to acquire the lands, easements, or other agreements from the private producers within a specified period of time. As currently written, there is no absolute mandate that the agencies follow through with the proposed actions to obtain additional winter habitat for bison nor is there any absolute time period within which the agencies would act to accomplish these objectives. Considering the existing dispute between the federal agencies and the State of Montana over the proposed land deal involving the Church Universal and Triumphant, Rocky Mountain Elk Foundation, and the

U.S. Forest Service, there is little guarantee that the agencies will cooperate in the future on such matters given their distinct and conflicting agendas.

Though just compensation for cattle producers using private lands outside of YNP is appropriate, for those grazing cattle on public land allotments changes in cattle management practices must be mandatory, not voluntary, and no compensation should be provided. Public grazing allotments within the project area are controlled entirely by the U.S. Forest Service.[33] According to the DEIS, there are 12 allotments within the project area containing 926 cow-calf pairs during all or part of the year. DEIS at 158. Instead of mandating changes, including the outright elimination of these grazing allotments, to grazing practices on public lands, the agencies, in order to destroy bison while protecting cattle, have proposed to seek to acquire title to these allotments, purchase conservation easements, or modify grazing operations only if agreed to voluntarily by the permittees. Not only is this unacceptable as a practical matter, but it is also entirely inconsistent with the authority granted to the U.S. Forest Service to manage grazing on public lands.

Cattle grazing on public lands has been a matter of substantial controversy for decades. These practices have, in many cases, resulted in considerable impacts to western rangelands as a result of overgrazing, excessive and long-term damage to riparian areas, and soil compaction. In turn, these impacts have adversely affected protected species, fish habitat, the productivity and suitability of the land as wildlife habitat, and public use and enjoyment of these areas. To make matters worse, livestock grazing on public lands is a form of welfare for cowboys by charging substantially less per Animal Unit Month on public lands compared to private lands. In addition to displacing wildlife or reducing wildlife use of grazing allotments, these practices have also resulted in substantial indirect impact on wildlife through, for instance, animal damage control operations intended to eliminate predators on public lands to benefit the welfare rancher. In the Greater Yellowstone Ecosystem, the bison, wolf, grizzly bear and other species have also been directly and indirectly the victims of the public lands grazing system and the incompetence of the agency administering the program: the U.S. Forest Service. Over 1,000 bison, for example, have been killed on Forest Service lands -- public lands -- since 1985 solely to reduce the perceived risk of bacteria transmission from bison to cattle.

The DEIS fails to properly disclose the authority of the USFS over wildlife or cattle grazing, or to consider that authority in delineating mandatory changes to cattle grazing on public allotments (i.e., closure of allotments, modification of stocking dates, required vaccination, modification of stock types, etc.) to benefit Yellowstone's wildlife and to reduce the already

[33]The DEIS states that "The U.S. Forest Service is the federal agency with authority for managing habitat on the national forests. It is responsible for ecological conditions, and as such, makes jurisdictional decisions as to when livestock grazing allotments need modification of stocking rates to give preference to native animal species over domestic livestock." DEIS at 233. The USFS also has the authority to close grazing allotments if in the public interest and the best interest of the rangeland or wildlife.

insignificant risk of bacteria transmission between bison and cattle.

In this case, the U.S. Forest Service and, specifically the Gallatin National Forest, has consistently and conveniently ducked or avoided any responsibility for the tragic and unnecessary slaughter of Yellowstone's bison. It continues to claim that it has no responsibility for the management of Yellowstone bison on its lands because its role is in the management of habitat while the state wildlife agencies is "largely" responsible for managing the wildlife. DEIS at 30. In other words, the Forest Service claims to have virtually no authority over the management of wildlife, except federally protected species, on its lands. This interpretation is in error.

The USFS typically claims that it is responsible for habitat management while the state is responsible for wildlife management on National Forest land. While this has been the practice, this is not entirely consistent with Congressional intent. Although laws governing USFS activities require, in most cases, multiple use management and provide for states to play a role in wildlife management on National Forests, there is no law which authorizes the USFS to entirely concede all wildlife management authority to the states. While Congress intended the states to play a role, even a significant role, in defining wildlife management practices on National Forests, it did not intend, despite the actions of the USFS, to completely rid the USFS of authority to manage wildlife on its lands. Through this authority, the USFS can call into question, and even prohibit, certain wildlife management strategies imposed by the State either with cooperation of the State or by issuing closure orders to prohibit an activity from an area.

The National Forest Management Act requires, for example, the USFS to maintain a viable population of native wildlife on its lands. If the states had complete authority over wildlife on National Forests then this regulation would seemingly be irrelevant because the USFS would have no authority to ensure that a viable population would be maintained. Moreover, despite this legal requirement, the USFS has consistently violated this law by allowing Montana to kill nearly all bison who emigrate or to USFS lands. The few bison who remain do not constitute a viable population.

These statutes, regulations, and policies demonstrate quite clearly that the USFS is responsible, at least in part, for wildlife management on its lands and that it has complete authority to control, regulate, and even prohibit livestock grazing activities on grazing allotments. The DEIS must disclose this information and reevaluate its consideration and analysis of cattle grazing on public lands in light of this information. The DEIS should not simply suggest that cattle grazing practices on public lands be modified to reduce the perceived risk of bacteria transmission, it should require that such changes occur. Considering the authority that the USFS has over the management of public grazing allotments, eliminating or substantially modifying these allotments would appear to be both feasible and advisable.

H. The DEIS Fails to Disclose all Relevant Information About, or Properly Evaluate the Impacts of Snowmobiles and Trail Grooming on Yellowstone Bison.

Two alternatives in the DEIS (Alternatives 2 and 3) propose to either close snowmobile trails to reduce bison emigration out of the Park or to conduct additional research into trail closures to determine if such closures should be used in the future. By proposing these actions, the agencies must subject snowmobile use and trail grooming in YNP to review in the DEIS. While the agencies concede that bison and other wildlife use the groomed trail system and that such use impacts wildlife movements, displaces wildlife, increases the energy efficiency of movements, may adversely impact grizzly bears, alters behavior, effects productivity, and may result in mortality, DEIS at 285, 287, 270, the DEIS does not subject snowmobiling or trail grooming to the required level of review or properly interpret the significance of the impacts identified. However, the DEIS does concede that closing snowmobile trails "would ultimately force more bison to experience the full brunt of natural processes, such as harsh winters and ongoing predation and competition, and would maintain the population within the .. Range of 1,700 and 3,500 animals." DEIS at 73.

The agencies attempt to avoid such analysis by claiming that these impacts had previously been evaluated in a 1990 Winter Use Plan and Environmental Assessment and that a new Winter Use EIS is under preparation. Neither of these documents excuse the agencies from providing a more complete analysis of snowmobile and trail grooming impacts to wildlife, and particularly bison, in the context of the DEIS.

The 1990 Plan and EA, for example, was woefully inadequate in evaluating the environmental impacts of snowmobiling, trail grooming, and winter recreation on Yellowstone's wildlife, air quality, and other Park users. The analysis it did provide was inaccurate. For example, it claims that bison use of groomed trails actually increases energy expenditures as a result of the bison on the groomed surface fleeing from approaching snowmobiles. In reality, the stolid temperament of bison significantly reduces their flight response to approaching snowmobiles meaning that their use of trail allows the animals to save energy through the use of groomed snowmobile trails as travel routes. Additional deficiencies in the 1990 Winter Use Plan and EA are documented in Exhibit 6.

The Winter Use EIS is not completed and a draft of that document is not due until August 1999. NEPA does not permit agencies to tier off of documents that are not completed. Furthermore, NEPA does not permit agencies to downplay or disregard the environmental impacts of a particular issue based on future plans for more comprehensively evaluate these impacts. This is not to say that the analysis of snowmobiling and trail grooming in the DEIS must be as comprehensive or complete as what must be in the Winter Use EIS, but it certainly must be more exhaustive than what is presently provided.

The scientific evidence is clear, snowmobiles and groomed trails exert a considerable adverse impact on wildlife, including bison.[34] The DEIS provides some analysis, albeit limited,

[34]A comprehensive evaluation of the environmental and legal impacts of snowmobiling and trail grooming in YNP is provided in Exhibit 6.

of the environmental impacts of snowmobiles and groomed trails on bison and other wildlife in Yellowstone. Its conclusion, however, that there is scientific disagreement over the impact of ceasing grooming on YNP bison, DEIS at v, vi, however, appears to avoid the significant and pervasive adverse impacts that snowmobiles and groomed trails have had on wildlife and Yellowstone wildlife as documented in the literature by the Park Service's own experts and reports (See, Meagher 1993, Meagher et al., 1997, Caslick 1997).[35] The agencies also attempt to downplay the significance of closing snowmobile trails in YNP by claiming that the displacement of Park snowmobilers to the surrounding National Forests lands could result in increased impacts to forest wildlife. DEIS at 287. This discussion, however, fails to disclose or recognize that the USFS has the legal authority, and an obligation, to restrict snowmobilers to groomed trails or to close entire areas in the Forest to protect wildlife and other resources.

Some may argue that these impacts are beneficial. For example, in Yellowstone bison who use the groomed trail system not only expedite the ability to access alternative wintering sites inside and outside the Park, but they save energy. Energy savings correspond to a decrease in winter kill, an increase in survival, and an increase in production. For all intents and purposes, groomed trails in Yellowstone intended to facilitate snowmobile use, have maximized the survival and production of bison. While more bison may be looked upon as beneficial by some, in Yellowstone more bison represents an adverse impact. Not only are the circumstances that maximized bison productivity entirely artificial and inconsistent with the NPS' natural regulation mandate, but the more bison that live in Yellowstone the more bison that emigrate from the Park and end up shot, captured, and slaughtered.

Though the agencies are engaged in the development of a Winter Use EIS, that fact does

[35]The National Academy of Sciences report on Brucellosis should also not be relied on by the agencies as a fair and objective analysis of the impacts of snowmobiles and groomed trails on Yellowstone bison. Not only does the principal author of that section of the report, Dr. Dale McCullough, co-author of Wildlife Management in the National Parks which calls into question the NPS natural regulation policy, have an inherent bias against the natural regulation policy, but his analysis demonstrated his lack of knowledge about the uniqueness of the Yellowstone ecosystem and his inability to understand the complex interrelationship of groomed trails, bioenergetics, bison feeding ecology, and behavior in determining how groomed trails affect bison population size, movements, distribution, and habitat use. The NAS analysis contains a number of errors, including a failure to consider the historical relationship between bison population growth and changes in management strategies, the use of inaccurate population estimates for regression analysis, a failure to comprehensively evaluate the bioenergetic consequences of bison use of groomed trails, the failure to take into consideration the environmental anomaly created by the geyser basins, and the fact that no control group of animals exists or ever existed making it impossible to accurately assess the impact of groomed trails on bison population dynamics, movements, distribution, etc. An analysis of the deficiencies of the NAS analysis of this issue is provided in Exhibit 3. The agencies must consider hese arguments if they intend on referring to the NAS report analysis on this issue.

not excuse the agencies from having to provide a more comprehensive analysis of the snowmobile and trail grooming issue in the context of the DEIS. The agencies elected, as they should have, to include a prohibition on the grooming of certain snowmobile trails to reduce bison emigration out of the Park in Alternative 2. By doing so, the agencies are responsible for analyzing the impacts of snowmobiles and groomed trails on bison. The present analysis, however, is entirely insufficient and must be substantially improved in a new DEIS or a supplement to the existing DEIS.

I. The DEIS Fails to Properly Disclose or Evaluate the Role of the U.S. Department of Agriculture/Animal and Plant Health Inspection Service and Other States in the Management of Yellowstone Bison:

The DEIS contains numerous statements subtly that APHIS has legal authority over free-ranging wildlife. The suggestion, repeated multiple times in the DEIS, that APHIS has such legal authority is entirely inaccurate and misleading.[36] The agencies have consistently misled the public about APHIS' authority in this controversy for nearly a decade, despite being told, both publicly and in prepared comments and correspondence, repeatedly by The Fund that APHIS' legal authority does not extend to free-ranging wildlife (See, July 17, 1997 Letter to Galvin -- Exhibit 7). Indeed, the agencies continue to disregard a federal district court ruling in Parker Land and Cattle Company v. United States in which the court clearly stated that APHIS' regulations and policies do not apply to free ranging wildlife.

The relevant statutory language provides APHIS with the authority to promulgate regulations to "prevent the introduction or dissemination of ... any contagious, infectious, or communicable disease of animals ... from one State ... to another," 21 U.S.C. §111. APHIS has acted on this authority by adopting extensive regulations to control and eradicate brucellosis by creating different classifications for states based on the proportion of the states domestic livestock herds infected with brucellosis. A class-free state does not have any brucellosis in "cattle" or "domestic livestock." 9 C.F.R. §78.1, thus, wildlife exposed to or infected with Brucella abortus cannot be grounds to deny a state brucellosis-free status.

Montana was declared brucellosis free in 1985. It would not have ever received this designation if the regulations applied to free ranging wildlife because, at that time, it was known that both Yellowstone bison and elk harbored the Brucella abortus bacteria and that both species emigrated outside of Yellowstone Park.

APHIS brucellosis rules/policies, contained in the Uniform Methods and Rules for

[36]For example, the DEIS states that "therefore, it (APHIS) would not initiate a downgrade of Montana's class free status based on the mere presence of Yellowstone bison migrating out of the park into the SMAs in accordance with the selected bison plan." DEIS at 58. In reality, it is irrelevant whether bison emigrate into Montana in accordance with a bison plan or not since APHIS has no legal authority over these animals.

Brucellosis Eradication, (UM&R) also do not apply to free ranging wildlife. The UM&R represents the minimal standards for brucellosis eradication agreed to by APHIS and the individual states. The UM&R defines the Cooperative State-Federal Brucellosis Eradication Program as including "all of the activities associated with detecting, controlling, and eliminating brucellosis from domestic livestock in the United States. No provision in the UM&R provides APHIS with any authority over free-ranging wildlife.

The court in Parker Land and Cattle Company v. United States relied on the clear intent of the regulations and UM&R to find that "the regulations ... do not apply to wildlife" and that "the UM&R was intended to apply only to domestic livestock." In that case, the U.S. Justice Department argued this very fact. Now, though the facts remain the same and Parker remains good law, the agencies have taken an entirely different position claiming that APHIS' authority does indeed extend to free ranging wildlife. The agencies' misinterpretation of APHIS' authority and applicable case law demonstrates to what extent the agencies will go to promote their efforts to implement management strategies that favor cattle over Yellowstone's bison and public opinion.

This purposeful deception of the public has served the interests of Montana and APHIS well. Montana, in the past, has repeatedly argued that it had to slaughter emigrating Yellowstone's bison because the mere presence of these animals in Montana could jeopardize Montana's brucellosis-free status. Though APHIS officials have consistently admitted in private that the agency has no authority over free-ranging wildlife (Pers. Comm. with Patrick Collins, Dr. Valerie Regan), APHIS has never publicly condemned Montana or even attempted to inform Montana that its propaganda and rhetoric were legally in error and were misleading to both the press and public. Indeed, APHIS has no reason to honestly and accurately delineate its authority, because its complicity with Montana in deceiving and misleading the public has provided Montana with a shield used to justify its annual slaughter of bison. Without this shield, Montana would find it far more difficult to justify its bison management policies.

The mere fact that Yellowstone bison, including exposed and infected bison, emigrate outside of YNP does not provide APHIS with the legal authority to revoke or downgrade Montana's brucellosis-free status. The only legal grounds on which APHIS can justify a revocation or downgrade of a state's status is if infection is detected in domestic livestock. In practice in recent years, however, APHIS has not downgraded the status of a state based on one infected herd, but instead has required that two herds in the state be confirmed infected before any downgrade will occur. Recently, APHIS has proposed to amend its regulations to reflect its policy and practice. 63 FR 49670.

The statements in the DEIS suggesting, despite all of the evidence to the contrary, that APHIS has legal authority over free ranging wildlife are inaccurate. This is not simply a minor oversight with minor consequences, since this inaccurate and entirely misleading information could have significantly influenced public comments on the DEIS. Indeed members of the public, particularly those persons who don't have the time or wherewithal to research this issue,

may concede that APHIS authority requires the hunting, shooting, slaughter, or removal of bison outside of YNP to protect Montana's brucellosis-free status when, in reality, no form of lethal control is required. Montana cannot and will not lose its brucellosis-free status simply because one or more bison, even if they are exposed or infected, emigrate from YNP into Montana. The agencies cannot simply brush this issue under the rug by claiming that they didn't mean to suggest that APHIS had authority that its doesn't really have. The agencies must, either in a new DEIS or SEIS, concede that APHIS has no authority over free ranging wildlife and reevaluate its analysis of the issues and alternatives based on that fact. Conversely, if the agencies actually believe that APHIS has, despite the clear language of the statutes and regulations and the interpretation of a federal court, authority over wildlife, it must provide a comprehensive explanation of this interpretation in a new DEIS or SEIS.

In addition to frequent references to the alleged authority of APHIS to downgrade Montana's brucellosis-free status, the DEIS also indicates that Yellowstone bison emigrating from the Park must be destroyed and controlled to prevent other states from imposing sanctions on Montana's cattle.[37] The DEIS fails, however, to sufficiently evaluate the merits of this threat.

There is no question that the threat of sanctions from other states is real. During the winter of 1994/95, 5 states imposed sanctions on some or all of Montana's cattle. As previously explained, however, these sanctions were requested by Montana's former State Veterinarian in order to put pressure on the NPS to step up its efforts to eradicate Brucella abortus in bison and to provide a powerful lobbying tool to help in gaining legislative approval for the passage of a bill to transfer primary authority for the management of emigrating Yellowstone bison from the Montana Department of Fish, Wildlife, and Parks to the Montana Department of Livestock. Shortly after the bill became law, these states rescinded their sanctions against Montana's cattle.

While each state has the authority to adopt regulations more stringent to the federal regulations implementing the National Brucellosis Eradication Program (NBEP), sanctions imposed against a state whose brucellosis-free status remains unchanged, would appear to be inconsistent with the intent of the NBEP and state agreements to comply with the NBEP. Only the USDA can designate a state as brucellosis-free, and only the USDA can remove or downgrade that designation. The USDA has consistently maintained the brucellosis-free status of Montana since that status was first earned in 1985. The free status ensures that Montana producers are able to freely market their cattle without restriction or testing requirements.

In an effort to gain cooperation and commitment for the goal of eradicating brucellosis from domestic livestock herds, each state has entered into a memorandum of agreement with the USDA (Exhibit 8) in which they agreed to comply with the provisions of the NBEP, including

[37]The DEIS misinterprets the purpose of the 1994 letter that APHIS sent to Montana. It was not directed to multiple states, but only to Montana and though it did express concern about bison presence in Montana it admitted that no action could be taken against Montana until and unless APHIS modified its regulations.

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those provisions relevant to the brucellosis designation provided to each state. In other words, based on the agreement, if the USDA designated a state as brucellosis-free then the states would presumably honor that designation. Here, however, though Montana remains -- as it should -- brucellosis-free, sanctions have been imposed upon its cattle seemingly in complete contradiction to the agreements entered into by the states with the USDA. What's worse is that some states have threatened to impose additional sanctions against Montana's cattle produce as a form of economic blackmail to ensure the Montana does not veer from its baseless, archaic, and destructive anti-bison policies. The sanctions and threatened sanctions made by a handful of states call into question the validity and legitimacy of these agreements or, at least, the ability of a few states to honor commitments made in the past.

While these agreements should provide sufficient grounds to challenge any sanction or threatened sanctions, a far more onerous obstacle is the commerce clause of the U.S. Constitution which clearly prohibits such unsubstantiated sanctions on interstate trade.

Considering this evidence, there is a question as to whether any state would actually impose sanctions on Montana's cattle if not requested to do so. Without such an invitation, such sanctions could not only damage the political and economic relationships between the states, but it also could produce a backlash in the form of sanctions or legal action against the state that initially imposed the sanctions.

The DEIS must provide a more comprehensive analysis of the direct and indirect role of APHIS and other states in the management of Yellowstone bison.

J. The DEIS Fails to Properly Disclose or Evaluate the Legal Mandates Governing the Management of National Parks and Yellowstone National Park:

The authority of the NPS to manage wildlife and public use in Yellowstone National Park is provided in the NPS Organic Act, Yellowstone's enabling legislation, NPS regulations, and NPS management policies. The DEIS provides some limited analysis of these legal authorities, but fails to disclose all of the relevant information or to adequately evaluate the specific components of the alternatives in light of these legal mandates.

The Organic Act establishing the National Park Service was promulgated in 1916, 44 years after the establishment of Yellowstone National Park. The Organic Act, 16 U.S.C. §1 et seq., provided a broad framework under which the National Parks would be managed. Specifically, the Act stated that the purpose of the NPS is to "conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." Id. Thus, the preservation of nature with minimal artificial manipulation became the statutory mandate of the NPS, although, in regards to wildlife management activities, this mandate was not formally recognized or implemented in Yellowstone until the late 1960's. The Act also provided authority to the Secretary to destroy animal and plant life, which in his

discretion, "may be detrimental to the use of any ...parks, monuments, or reservations."[38]

This interpretation of the Act, though not shared by everyone, was clearly the intent of Congress.[39] Moreover, Franklin K. Lane, the Secretary of the Department of the Interior at the time also specified in a May 13, 1918 letter to NPS Director Stephen T. Mather that "every activity of the Service is subordinate to the duties imposed upon it to faithfully preserve the parks for posterity in essentially their natural state."

Nearly a half century prior to the Organic Act, Congress established Yellowstone National Park as the nation's and world's first National Park. In doing so, Congress directed the Secretary to publish such rules and regulations necessary to "provide for the preservation, from injury or spoilation, of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition." 16 U.S.C. §21. In addition, the Secretary was directed to establish rules to "provide against the wanton destruction of the fish and game found within said park, and against their capture or destruction for the purposes of merchandise or profit."

The resulting regulations, for the most part, echo the preservation mandate established by Congress. For instance, the regulations prohibit "disturbing" living wildlife from its "natural state." 36 C.F.R. §2.1(a)(1)(I). Furthermore, regulations governing snowmobile use in National Parks specifically prohibit such use "except where designated and only when their use is consistent with the park's natura, cultural, scenic and aesthetic values, safety considerations, park management objectives, and will not disturb wildlife or damage park resources" Id. at §2.18(c). Moreover, although snowmobiling is generally prohibited in National Parks, the regulations authorize such use only on "designated routes and water surfaces that are used by motor vehicles or motorboats during other seasons" established by special regulation. Id. Within YNP, snowmobile use is supposed to be restricted to the "unplowed roadway," Id. at §7.13(l)(2), which is defined as "that portion of the roadway located between the road shoulders designated by snow poles or poles, ropes, and signs..." There is not a single regulation with authorizes the grooming of trails for snowmobile use.

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[38]Furthermore, in 1894, Congress passed the Lacey Act (16 U.S.C. §26) which prohibited the "killing, wounding, or capturing at any time of any bird or wild animal, except dangerous animals, when it is necessary to prevent them from destroying human life or inflicting an injury ... within the limits of said park" and "for the protection of the animals and birds in the park, from capture or destruction, or to prevent their being frightened or driven from the park." DEIS at 358. While this Act had and has substantial implications beyond Yellowstone National Park, its initial impetus was to provide the Army, who at that time was responsible for the management of YNP, with a more effective tool to prosecute those illegally killing wildlife in the Park.

[39]In a House report on the Act, for example, the overriding purpose of the bill was stated as to preserve "nature as it exists." H.Rep. No. 700, 64th Cong., 1st Sess. 3 (1916).

Additional guidance on the administration of National Parks is provided in Park Service Management Guidelines published in 1988. These guidelines, which the NPS considers to be mandatory unless waived or modified by an appropriate authority, Management Policies at ix, provide additional instruction on the management of wildlife, recreation, cultural resources, and other resources in National Parks.

In regards to wildlife management, NPS Management Policies state that:

> The National Park Service will seek to perpetuate the native animal life as part of the natural ecosystems of parks. Management emphasis will be on minimizing human impacts on natural animal population dynamics. Natural processes will be relied on to control population of native species to the greatest extent possible. Management Policies at 4:5, 4:6.

The Management Policies also provide guidance on recreation management:

> The National Park Service will encourage recreational activities that are consistent with applicable legislation, that promote visitor enjoyment of park resources through a direct association or relation to those resources, that are also consistent with the protection of resources, and that are compatible with other visitor uses. Each park will develop and implement visitor use management plans and take management actions, as appropriate, to ensure that recreational uses and activities within the park are consistent with its authorizing legislation or proclamation and are not carried out in derogation of the values and purposes for which the park was established. ... a use or activity may be restricted or prohibited when, in the judgement of the superintendent, its occurrence, continuation, or expansion would result in the derogation of the values or purposes for which the park was established, interfere significantly with the enjoyment of park resources and values by other visitors, or be inconsistent with the park's enabling legislation or proclamation. Management Policies at 8:2.

The Management Policies also concede, as the DEIS states, that:

> Recognizing that parks are integral parts of larger regional environments, the National Park Service will work cooperatively with others to anticipate, avoid, and resolve potential conflicts, to protect park resources, and to address mutual interests in the quality of life for community residents, considering economic development as well as resource and environmental protection. DEIS at 32.

It must be emphasized, however, that even though the NPS has an obligation to make its decision within a regional context, it is not beholden to the interests or desires of the gateway communities or the states. First and foremost the NPS is obligated by law to ensure that activities that it permits to occur inside of YNP are consistent with its own statutes and regulations. If they are not consistent, then the NPS must eliminate those activities regardless of

the consequences to the regional interests. In other words, the NPS is not required to consider the region-wide implications of all of its decisions.

When these legal obligations are applied to the many of the bison management strategies evaluated in the DEIS, it becomes abundantly clear, as discussed further below, that many of the proposals are squarely in conflict with NPS statutes, regulations, and policies. Though NEPA requires the agencies to engage in this type of analysis, the agencies have simply failed to do so in this DEIS.

Capture and slaughter: The principal justification for the capture, test, and slaughter of Yellowstone bison is to protect cattle outside of the Park from the perceived, yet unsubstantiated threat of bacteria transmission. This strategy is not intended to provide any benefits to Yellowstone bison or to the Park itself and there is no compelling evidence to suggest otherwise. Moreover, as previously explained, the sero-positive bison who would be targeted for slaughter are very likely animals who should be retained in the population because some, if not most, of these animals have or will develop an immunity to the bacteria. In other words, not only should these animals be retained in the population, but their removal, as previously explained, may actually increase the theoretical risk of bacteria transmission.

Since there is no possible justification for determining that these animals are detrimental to the Park or dangerous -- which are the criteria which the Superintendent must use to justify the removal of these animals from the population -- the capture, test, and slaughter of these animals is directly in conflict with the NPS Organic Act, Yellowstone's enabling legislation, and the Lacey Act. (See Exhibit 9 for a more detailed discussion of this issue).

Yellowstone's enabling legislation also clearly prohibits the "capture or destruction" of Park fish and game for the purposes of "merchandise or profit." In this case, the products of bison (i.e., meat, head, hides) taken to slaughter are made available at auction to the highest bidder. The Funds generated by the sale of these products is retained by the Montana Department of Livestock and may constitute a profit depending on the money expended by the MDOL to transport and slaughter each animal. Those purchasing the products may also profit if they elect to resell the products or the merchandise, particularly mounted bison heads or cured hides, at a higher price.

Despite the clear intent of these laws, the NPS has consistently violated this law by continuing to operate a capture facility at Stephen's Creek inside the YNP northern boundary, and by permitting Yellowstone bison to be captured and destroyed for the purposes of merchandise and profit.

Capture and quarantine: In the case of quarantine, seronegative bison would be targeted for removal from the Park and shipped to quarantine. While there is no compelling justification to remove seropositive bison from the Park, there is even less evidence to justify the removal of seronegative animals. The majority of these animals, based on their serostatus, have either never

been exposed to the bacteria, have been exposed but have completely cleared any trace of the bacteria, or have a genetic resistance to infection. Regardless of what category is more prominent, a "detrimental" or "dangerous" finding cannot be made in regard to these animals and, therefore, their capture and removal from the Park is in violation of federal law.

Moreover, the capture of Yellowstone bison for quarantine may also violate the prohibition in Yellowstone enabling legislation which prohibits the "capture" of Park game for the purpose of "merchandise or profit." As described, animals successfully completed the quarantine protocol would be made available at auction to the highest bidder or for donation to tribal organizations. Since the Act does not specify that the capturing of the animals and their sale or use for merchandise or profit must occur concurrently, the fact that these animals may be held in quarantine prior to their disposition, does not render the statutory prohibition meaningless. The bison in quarantine, if captured in YNP, will remain Yellowstone bison whether the quarantine facility, if established, is located in the Park or in an adjacent state. Consequently, their ultimate disposition must comply with the relevant statutory mandates. Thus, the sale of Yellowstone bison to the highest bidder at auction, if a profit were made, would clearly be inconsistent under the statute.

Vaccination: The proposal to implement a vaccination program for Yellowstone bison in YNP, regardless of whether the animals must be captured for vaccine deliver or not, would seemingly be inconsistent with the NPS natural regulation mandates.

Snowmobiling/grooming of snowmobile trails: Considering the significant environmental impact of snowmobile and groomed trails on bison and other wildlife, impacts which are entirely artificial and which have substantially affected the natural behavior, distribution, movements, and habitat use of Yellowstone bison to both the detriment of the bison and of their habitat, there is no question that this activity is squarely in conflict with the NPS natural regulation mandate. Additional analysis of the legal issues relevant to snowmobiling/grooming of snowmobile trails is provided in Exhibit 6.

If the agencies had properly disclosed the legal authority of the NPS and evaluated the proposed management strategies in light of that authority, the analysis in the DEIS would have been substantially different. NPS' statutes, regulations, and policies require that Yellowstone's wildlife, including bison, be managed primarily by natural regulation. The manipulation of bison inside of YNP, regardless of when, how, or why, that manipulation occurs is not permitted. Moreover, the removal of bison from YNP is not permitted unless the animal is determined to be detrimental to the use of the Park or deemed to be dangerous, neither of which can be applied to Yellowstone bison.

K. The DEIS Fails to Comprehensively Evaluate the Environmental Impacts or Disclose all Relevant Information about the Use of Vaccination in Bison:

A potential impact common to all of the alternatives is the use of a vaccine in

Yellowstone's bison. This proposal represents, yet another example, of the agencies devising new strategies that require the manipulation or exploitation of Yellowstone bison instead of concentrating their efforts on cattle in the area. Indeed, for several years the agencies have been desperately searching for a vaccine to use in wildlife in an attempt to reduce the prevalence of the bacteria in bison believing that it will reduce the risk of bacteria transmission. This search has, to date, cost millions of dollars, wasted hundreds if not thousands of healthy animals who have been used to develop and test the vaccines, and has yet to succeed in identifying a vaccine which is safe and efficacious in bison. Not only have the agencies wasted federal tax dollars in their search for the desired magic bullet, but this focus is simply nonsensical because the existing risk of transmission is so low, if any risk exists at all.

Vaccination is simply being used by the agencies as a tool to provide the perception that something is being done to bison in YNP to satisfy the desires of the cattle industry, including state veterinarians. Though it is unclear whether vaccination alone could eradicate the bacteria, the emphasis on the development of a vaccine is the product of the agencies' decision, without any type of analysis or public input, that Brucella abortus must be eradicated from Yellowstone bison and all wildlife.[40] This tool also allows the agencies to avoid having to address more significant and controversial issues such as cattle grazing on public lands outside of YNP and snowmobile use within the Park; issues which the agencies have consistently refused to seriously address because of political, industry, and alleged economic concerns.

What the agencies fail to realize, or disclose, is the fact that a safe and efficacious vaccine may never be found, vaccination of the entire Yellowstone herd may not be logistically possible, or that the cost of the development and delivery of the "magic bullet" would exceed the cost of closing public grazing allotments, prohibiting snowmobile use and trail grooming in Yellowstone, modifying cattle grazing practices on private lands, or requiring and paying for cattle vaccinations outside the Park.

The DEIS does not evaluate the environmental consequences of developing and using a vaccine in Yellowstone bison. It does concede that additional NEPA compliance will be necessary before a vaccination program can begin but that analysis will focus on how, where, and when a vaccination program will be conducted, not on why. Indeed, the agencies are so focused on whether they can develop a vaccine and implement a vaccination program, they haven't evaluated whether they should. To avoid this controversial issue, which is clearly inconsistent with the natural regulation mandate of the Park, the agencies, including the NPS, have purposefully neglected providing any analysis of the alleged benefits and consequences of a

[40]It is critically important to note that despite the agencies' emphasis on eradication of the bacteria, there is no federal or state statute, regulation, policy or any other legally binding standard which requires the eradication of Brucella abortus from free-ranging wildlife. Not only is complete eradication from free-ranging wildlife logistically impossible, economically infeasible, and scientifically questionable, but the ecological impacts of such a program could be enormous.

vaccination program nor have they solicited public comment on this program. The DEIS does not provide this analysis and the agencies have made no attempt to explicitly request public input on whether a vaccination program is acceptable, legal, or worthwhile. Such disclosure was obviously deemed to be unnecessary, because the agencies have already decided, with no NEPA compliance or public input, that they will pursue a vaccination program assuming a "safe and efficacious" vaccine can be found. Not only is this a perfect example of the agencies predetermining the outcome of a process, but in this case they never even subjected the proposed use of a vaccine in bison to NEPA compliance or public comment.

If the agencies complied with NEPA and subjected the proposed use of vaccines in Yellowstone bison to appropriate review and comment, the agencies may have learned that not all the public, contrary to the agency's claims, are supportive of introducing and using a vaccine in Yellowstone bison. Not only is this inconsistent with the Park Service's natural regulation mandate, but the potential impacts of an aggressive vaccination program in Yellowstone's bison are entirely unknown, and the use of a vaccine may cause significant impacts to the aesthetic, cultural, recreational, and historic significance and importance of these animals.

The agencies have never attempted to evaluate any of these potential impacts even though a decision to implement a vaccination program was made several years ago. Indeed, the only steps taken by the agencies to restrict vaccine use is the development, through the Greater Yellowstone Interagency Brucellosis Committee, of a protocol to evaluate the safety and efficacy of a prospective bison vaccine. This protocol is not referenced or attached to the DEIS

Even if the agencies argued, as they would, that a vaccination program would ultimately save animals from destruction, this may not win over the public because the agencies have never provided any rational explanation for why bison must be killed to protect cattle given the insignificant theoretical risk of transmission, or why cattle management practices cannot be changed to accommodate and protect Yellowstone's bison.

At present, there is no vaccine that has been determined to be safe or efficacious for bison. The two principal vaccines, Strain 19 and RB 51, have not, to date, been determined to be appropriate for use in bison.

While The Fund and EII believe that the vaccination of bison is unnecessary and unwarranted, if the agencies intend to continue to pursue this strategy they must subject the proposal to substantive environmental impact analysis in a comprehensive DEIS evaluating the overall management of bison, elk, and cattle in a single plan. Such an analysis must specify which vaccine is to be used, evaluate its safety and efficacy to target and non-target species, evaluate how the vaccine will be delivered and the environmental impacts of the delivery system, analyze the applicability of existing laws to the use of a vaccine in or outside of YNP, and consider the social impacts of an unnatural vaccination program on the public's attitudes about the natural regulation mandate of the NPS. This analysis is critical not only to evaluate the environmental impacts of the proposal, but also to assess public support or opposition to this

strategy. Until and unless such a review occurs, the agencies must cease all efforts to develop a vaccine or a delivery system which may predetermine the outcome of this analysis.

L. The DEIS Fails to Fully Disclose All Relevant Information, Illegally Predetermined the Outcome, and Failed to Properly Address the Environmental Impacts of the Proposal to Implement a Quarantine Option:

Several of the alternatives (3, 4, and 7 -- the preferred alternative) propose the establishment of a quarantine facility for bison. The purpose of the facility is to provide the agencies with additional flexibility in handling seronegative bison who are captured in or outside of YNP. Animals sent to quarantine would be held for variable lengths of time, all of which are excessive, until state and federal animal health officials declare them as brucellosis-free at which time they can be donated to Native American tribes, introduced to public lands, or sold at auction. The agencies, though not unanimous in their support of this alternative, have continued to pursue this strategy because, even if it is not effective and is, as it will be, enormously expensive, it is a feel good alternative likely to be approved by an ignorant public since its principal intent is to enable Native American tribes to restore bison to previously occupied lands. What the DEIS does not disclose, however, is how these animals would be used which, if disclosed, would likely result in adverse public reaction.

The Fund and EII strongly object to the creation of a quarantine facility for Yellowstone bison. Not only is such a facility unnecessary, but it is also exceedingly expensive and is unlikely to produce any so-called brucellosis-free animals. If any animals were to complete quarantine, this would be the exception, not the rule. In addition, as structured, seronegative animals -- the animals that should remain in the wild population -- are the only potential candidates for quarantine. Finally, the quarantine protocol, which was principally developed by the USDA and State Veterinarians is severely restrictive minimizing the likelihood of bison completing the process.

Like its evaluation of implementing a vaccination program for wild bison, the agencies have failed to ever solicit public comment on whether quarantine is an acceptable management tool. The agencies have made no explicit effort in the DEIS to request public comment on the feasibility, acceptability, or merits of establishing a quarantine facility for Yellowstone bison. If the DEIS was intended to provide a litmus test of the public's interest in using a domestic livestock tool to exploit and manipulate Yellowstone's bison, then surely they would have evaluated the environmental impacts of the quarantine proposal. The only reference to NEPA review of the proposed quarantine facility, however, is in regard to the environmental impacts associated with the placement of the facility which the agencies intend to conduct separately in violation of NEPA, not the economic, social, and ecological impacts of the establishment and operation of a quarantine facility. Indeed, the agencies treat the quarantine proposal as if it was a done deal, an option that has already achieved agency and public approval.

Thus, the agencies have not only failed to subject the proposed quarantine facility to

legally required analysis in the context of this DEIS, but they do not intend to evaluate the full range of environmental impacts in a future NEPA document. Indeed, instead of subjecting the proposal to establish a quarantine facility to public scrutiny, the agencies are attempting to do an end run around NEPA and only evaluate the environmental impacts associated with the construction and operation of the proposed facility. This is a perfect example of the agencies illegally segmenting a larger action into separate parts in order to reduce the scope of the analysis and the significance of the impacts in violation of NEPA.

Under the agencies scheme, the public will never have, and has never had, a formal opportunity to voice its concerns about the multiple impacts of a quarantine facility on the human environment, which include the economic impacts and social impacts associated with treating Yellowstone's bison like livestock. Furthermore, if the agencies had properly disclosed all relevant information about the quarantine process, including how the bison may be used once released to the tribes, if any are released, the public may not be supportive of economically exploiting Yellowstone's bison either by integrating them into domestic bison herds or by permitting them to be hunted for economic gain.

The Fund and EII anticipate that the agencies will ultimately select an alternative which includes quarantine. Not only will this be done to provide the agencies with a feel-good, yet entirely unnecessary, cruel, and wasteful tool, to exploit Yellowstone's bison, but the agencies have already predetermined the outcome of this process. Indeed, the agencies illegally predetermined the outcome of this process, at least in regard to quarantine, nearly 4 years ago when the agencies, through the GYIBC, USAHA, and the State Veterinarians began preparation of a quarantine protocol which was recently finalized and published in the 1998 UM&R for Brucellosis Eradication.[41]

In addition, the USDA has received 1 ½ million dollars from Congress through the 1997

[41]Though historically the USDA solicited public comment on amendments to the UM&R, the new bison quarantine protocol -- designed specifically for Yellowstone bison -- in the 1998 UM&R will not be subject to public review. (Pers. Comm. with Dr. Valerie Regan, USDA/APHIS). The USDA supposedly only engages in rulemaking on those portions of the UM&R for which it desires legal authority. In this case, the USDA apparently does not intend to promulgate the quarantine protocol as a rule, meaning that the provisions are not legally enforceable. In addition, the USDA, in its arrogance, has claimed that the public does not have the technical expertise to provide substantive and informed comment on the quarantine protocol. (Pers. Comm. with Dr. Valerie Regan). Regardless of the USDA's excuses not to provide the public an opportunity to comment on the quarantine protocol -- which represents the first significant amendment to the UM&R which directly affects the public and animals held in the public trust -- the UM&R, as previously explained, clearly qualifies as a rule or substantive policy which requires public review. In addition, the environmental impacts of the quarantine protocol should be evaluated pursuant to NEPA since the UM&R clearly qualifies as a federal action.

and 1998 appropriations process for the construction and operation of a bison quarantine facility. The USDA requested these funds with the intent of helping to establish a quarantine facility for bison. The language of these appropriations bills does not provide an option for using or returning these funds if a quarantine facility is not approved. The evidence could not be more clear that the agencies have already determined that a quarantine facility will be part of a future management program.[42] This is illegal.

Not only have the agencies failed to comply with the appropriate procedures in proposing and evaluating the impacts of a quarantine facility, but the agencies have also not disclosed or evaluated the functional value, cost effectiveness, or the environmental impacts of constructing and operating a quarantine facility in the DEIS. Since this DEIS represents the only foreseeable opportunity for the public to evaluate the benefits and consequences of quarantine, the agencies must provide some analysis of whether the quarantine facility, as proposed, will be functional and/or cost-effective. If the agencies had provided this analysis, they would have concluded that a quarantine facility is a colossal waste of federal tax dollars which will result in enormous cruelty, suffering, and waste of America's bison while providing no measurable benefit.

As currently proposed, the agencies would capture and remove so-called surplus or excess seronegative bison for quarantine. The serologic status of these animals at the capture facility would be determined through the use of the card test which is not completely accurate in predicting exposure. In 1996, for example, of 39 bison captured in the Stephen's Creek facility in January/February who initially tested seronegative, 4 bison retested in March were determined to be seropositive.[43] Additional animals from the remaining 35 allegedly seronegative animals who were illegally transported[44] to Idaho for vaccine experiments were determined to have seroconverted shortly after arrival in Idaho (Pers. Comm. with Dr. David Hunter). While the

[42]If this were not enough, Mr. Ray Clark from the Council on Environmental Quality has stated that "There will be a quarantine facility in our future." (Pers. Comm. with Ray Clark). When the adminstrations point man on the Yellowstone bison issue concedes that quarantine is a done deal, it is difficult to believe that the agencies haven't predetermined the outcome of this process.

[43]The seropositive status of these four animals was subsequently confirmed based on the results of the standard battery of serologic tests.

[44]The removal of these animals from the Yellowstone population was never evaluated pursuant to NEPA despite federal approval from both the NPS and USDA for the removal and transport of these animals. Furthermore, despite evidence presented by The Fund claiming that the vaccination of these animals late in the second/early in the third trimester of pregnancy would invalidate the intended vaccination experiment, the NPS permitted these animals to be removed from the Park forever. Ultimately, the initial experiment to assess the safety of the vaccine in Yellowstone bison was not successful. This lack of success was determined to possibly be a product of the late delivery of the vaccine.

percentage of inaccurate blood tests is believed to be low, for the purpose of quarantine, even a low number of inaccurate tests can significantly influence the quarantine process.

The removal of seronegative animals for quarantine raises a number of important issues. First, the agencies fail to define what constitutes a surplus or excess bison. While the agencies' artificial and arbitrary management objectives may create so-called surplus seronegative bison, from an ecological perspective there is no such thing as excess bison. Second, though there is no credible evidence to justify the removal of either seronegative or seropositive bison from the population, the removal of seronegative bison is particularly troubling considering that these would appear to be the animals who should be preserved in the population. The majority of seronegative bison has either never been exposed to the bacteria, has been exposed but completely cleared the bacteria including antibodies from their system, or animals who have a genetic resistance to the bacteria. These animals pose no immediate risk or, in some cases, no risk at all of transmitting Brucella abortus to domestic cattle. Third, the removal of these animals from the Park is in violation of the NPS Organic Act, Yellowstone enabling legislation, or the Lacey Act since the Superintendent could not possibly determine, as would be required to justify removal, that these animals are detrimental to the use of the Park, or that they are dangerous.

Once selected, seronegative bison would be transported to a quarantine facility. At the present time the agencies have not disclosed whether the quarantine facility would be adjacent to the Park or located elsewhere in Montana, Wyoming, or Idaho. Depending on the location of quarantine, the transport will undoubtedly result in injuries, including severe injuries, to the bison. In addition, transport will be enormously stressful to these animals who have never been held in captivity, handled, or transported in a truck. The increased stress could result in the seroconversion of one or more animals.

At the quarantine facility the bison would be divided into small groups of same sex/same age animals and placed in individual pastures. The size of the proposed quarantine facility is not disclosed. The smaller the facility the more the facility will resemble a feed ground where animals are forced to exist in unnaturally high concentrations. It is well accepted that when wild animals are concentrated the likelihood of bacteria transmission between animals is increased. This is both a function of the proximity of animals to each other and the increased stress experienced by each animal forced to live in such concentrated conditions. If the conditions of quarantine are similar to a feedground, this could drastically impact the potential success of the program given the existing quarantine protocol.

The quarantine protocol, as previously indicated, is incredibly restrictive.[45] Depending on the sex, age, and pregnancy status of female bison, the duration of quarantine would range from 6

[45]This protocol was principally designed by state and federal livestock veterinarians who, at best, are lukewarm to the quarantine proposal. Consequently, the restrictive nature of the protocol may be intended to reduce, if not entirely eliminate, the number of bison who ultimately complete the quarantine process.

months at a to many years. To successfully complete quarantine each animal sharing a similar pasture/corral would have to test negative on three blood tests administered over 180 days. If any single animal tested positive on any blood test, that animal would immediately be sent to slaughter. The remaining either could be sent to slaughter because of their association with an animal who tested positive, or the quarantine process would begin anew. This protocol for bison is far more restrictive than the existing protocol for the vaccination of domestic cattle which only requires a maximum of 13 months of quarantine, assuming all tests are negative, instead of up to four years for bison. The USDA has failed to provide any legitimate explanation for the difference in the cattle and bison quarantine requirements.

Given the inaccuracy with the initial blood test, the stress associated with capture and transport which may trigger seroconversion, and the possibility that the quarantine facility will force the animals into unnatural and stressful concentrations maximizing the opportunity for the bacteria to express itself, it is inevitable that a portion of the quarantined animals will test blood positive sometime during quarantine. For these reasons, it is impossible to determine how many bison, if any, will survive the quarantine process.

Assuming that any bison survive the quarantine process, those animals will most likely be donated to Native Americans for reintroduction to tribal lands. The tribes have alleged an interest in these animals for cultural and economic reasons. They contend that by restoring the bison to their lands this will restore some of their cultural traditions and cure or reduce some of the social ills which have adversely affected many tribes. Many of the tribes who desire Yellowstone bison, already have bison, the majority of which were obtained from other federal herds or by purchase. Many of these herds are ranched herds, raised like domestic cattle for economic benefit through the sale of meat, hides, and heads. Yellowstone bison, if provided to these tribes would be integrated into these ranched herds as breeding stock and ultimately would be slaughtered.

While the cultural and spiritual relationship between bison and Native Americans must be respected, donating Yellowstone bison to tribes for enhancing the bison ranching operations is enormously controversial. Bison ranching would not appear to be consistent with the cultural and spiritual relationship between Native Americans and bison, but rather represents a tool principally designed to provide economic benefits. The Fund and EII are not only philosophically opposed to the use of wild, free-ranging bison as a tool to enhance or expand a tribal bison ranching enterprise, but as advocates for the bison themselves, we do not believe that a life of servitude and eventual slaughter is an appropriate or acceptable alternative to protecting Yellowstone's bison in the wild. Moreover, we are greatly concerned that the development of a quarantine facility will result in the unnecessary loss of seronegative bison from Yellowstone's herd.

In addition to the biological concerns associated with quarantine, the development and operation of such a facility is also of significant economic concern. To be blunt, no matter how quarantine is perceived, it will not, and cannot, be cost effective.

The DEIS estimates that the quarantine facility would cost between $500,000 and $800,000 to build, excluding the cost of the land on which the facility would be constructed,[46] and $400,000 to operate annually. DEIS at 111. The annual operation costs are based on an estimate of 50 bison/year being subject to quarantine as specified in the preferred alternative. Based on these figures, excluding the cost of capture and the cost of land for construction of the facility, the first year cost of the quarantine program, assuming 50 bison are subject to quarantine, is $900,000 to $1,200,000 dollars or $18,000 to $24,000 dollars per bison. If the one-time construction costs are not included, the annual operation cost per bison, assuming that 50 bison are subject to quarantine is $8,000 per animal. Since quarantine for most animals will last for more than one year, the annual operating costs would be expected to increase as more bison are placed in quarantine.

The costs of quarantine, however, cannot be accurately assessed without considering the cost of capture since capture is a prerequisite to quarantine. The DEIS estimates the one-time cost of constructing the Stephen's Creek and West Yellowstone capture facilities to be $345,000 dollars with annual operating costs estimated at $677,000. The agencies estimate that 132-137 bison will be captured annually under the preferred alternative, with approximately 50 of these animals transported to quarantine. Thus, the total first-year costs (one-time construction and annual operating costs) to capture 132-137 bison is $7,460 to $7,742 per animal, which corresponds to an average of $380,050 for 50 bison. If the one-time construction costs are excluded, the costs to capture 132-137 bison is $4,942 to $5,129, which corresponds to an average of $251,775 for 50 bison or more than $5,000 per animal.

Combining these estimates, and assuming that 50 bison are captured and subject to quarantine in any one year, then the annual costs of capture and quarantine, excluding land costs or one-time construction costs, is $651,775 or over $13,000 per bison. Over the 15 year duration of the plan, nearly 10 million dollars would be spent to capture and care for bison in quarantine. If the land costs and one-time costs are included, the cost per bison increases substantially. Moreover, since the majority of bison will remain in quarantine for more than one year, the operating costs will increase as the number of bison increases in the quarantine facility.

Given these estimates which are based on statistics provided in the DEIS, the quarantine proposal is clearly not cost-effective, and, if implemented would represent a multi-million dollar fleecing of America. The millions of state and federal tax dollars that the agencies appear willing to spend on a quarantine facility over the 15 year duration of the plan, could be far better spent on vaccinating cattle, buying out grazing allotments, compensating landowners for property damage, constructing bison-proof fences around cattle pastures on private lands, and acquiring additional winter habitat for Yellowstone's wildlife.

[46]The agencies fail to provide an estimate for the cost of acquiring land for the construction of the proposed quarantine facility. This cost would substantially increase the annual costs of quarantine.

If the DEIS properly disclosed the significant environmental and economic impacts of quarantine, the public would have been able to better understand the implications of this proposal and would have been able to submit more informed comments on the potential use of a quarantine facility to address this controversy. As is clearly demonstrated by the foregoing analysis, a far more substantive evaluation of this proposal in a comprehensive DEIS is essential and required by law. Until and unless this analysis occurs, the agencies should cease all activities which may predetermine the outcome of this analysis.

M. The DEIS Fails to Properly Considered or Evaluated the Humaneness of its Proposed Project:

As is consistent with their past attitude, the agencies have given only lip-service to the analysis of the humaneness of their proposed bison management strategies.[47] The agencies assert that the capture, handling, and transportation of bison will be as humane as possible, DEIS at 56, but never mention, consider, or evaluate the humaneness of many of the other management devices being proposed, including hunting/shooting, slaughter, quarantine, and vaccination. Each of the proposed management strategies which involve Yellowstone bison raise humane concerns which must be evaluated.

Each of the alternatives includes a capture, test, and slaughter component for all or part of the duration of the plan. This process, which was initiated inside and outside of YNP in 1996, is inherently cruel and should not be continued. The undeniable purpose of this program is to move the slaughter of Yellowstone's bison behind closed doors. The killing of these animals in the field posed too great a risk of negative publicity for Montana so it promoted the capture strategy as a means to reduce that risk, irregardless of the immense cruelty associated with this practice.[48] If Montana cannot withstand the public scrutiny of killing Yellowstone bison in the field, then perhaps it should reconsider its need to kill these animals at all.

Without even examining the available evidence, the concept of capturing large, powerful, free-ranging animals who have never been captured or handled in their lifetimes, running them through numerous chutes and corrals sometimes with the use of electric prods, separating

[47]The Fund has previously provided the NPS with extensive input into its concern about the humane treatment of Yellowstone bison, (See, September 20, 1993 letter to Dr. Mark Johnson, Exhibit 10; February 2, 1996 Comments on the Environmental Assessment for the Interim Bison Management Plan, Exhibit 9; October 7, 1996 Letter to Babbitt, Glickman, and Racicot, Exhibit 11; November 15, 1996 Letter to Racicot, Finley, and Garber, Exhibit 12), but these concerns have largely been ignored.

[48]This attitude, and Montana's interest in promoting this management strategy, is a reflection of the mentality of the Montana Department of Livestock which is unwilling, and perhaps unable, to recognize the physiological, behavioral, evolutionary, ecological, and immunological differences between bison and cattle.

mothers from calves, breaking up social groups, and forcing these animals onto trucks -- a completely foreign environment -- for shipment to slaughter results in enormous cruelty through physical injury, fear, and stress.[49] The agencies have not developed or implemented any type of systematic and comprehensive monitoring program to attempt to accurately quantify or qualify the amount of cruelty associated with this program. Conveniently, the agencies rely on this lack of evidence to assume that cruelty is not occurring and to blindly continue to inhumanely treat these animals without any attempt to mitigate or prevent this cruelty.

Fortunately, there is sufficient evidence, both direct and circumstantial, to document that the cruelty associated with the capture and slaughter program is significant. First, under state law the condition of animals arriving at slaughterhouses must be documented. These ante-mortem and post-mortem inspection reports (Exhibit 13), obtained from the Montana Department of Livestock, clearly demonstrate that bison arriving at the slaughter facilities during the winter of 1996/97 suffered enormous cruelty during either capture, handling, or transportation. Broken ribs, gore wounds, broken bones, a punctured lung, and even bison who arrived dead at the slaughterhouse were reported on these reports.[50] The severity of these injuries clearly constitute animal cruelty which is prohibited under the Montana Cruelty Code (MCA §45-8-211 et seq.). While the physical inspection of animals off-loaded at the slaughterhouses revealed serious cruelty issues, the process of butchering these animals during which bruised meat was removed from the carcass, reveals even more cruelty.

Carcass purchase records, obtained from the MDOL (Exhibit 14) provide weights for each quarter (front and hind) or side of each dressed and butchered bison carcass after the bruised meat has been removed. Since the total weight of each dressed bison carcass with bruised meat is not provided, it is impossible to calculate the total proportion of meat lost to bruising for each carcass. However, by comparing the weights that are provided for each quarter or side of the carcass, a minimum estimate of the meat lost due to bruising can be quantified. Based on this analysis, the minimum amount of bison meat lost to bruising from approximately 100 bison slaughtered during the winter of 1996/97 is approximately 528 pounds. This severely

[49]The fact that the agencies have collectively agreed to handle Yellowstone's bison as if they were domestic livestock demonstrates, yet again, that the Department of Interior and National Park Service have caved in to the desires and, remarkably, even the mind set of the livestock agencies and industry. Yellowstone bison are not domestic cattle. They behave differently. They use the landscape differently. And, their reaction to Brucella abortus is different. At the very least, the DOI and NPS must recognize these differences and evaluate them in the DEIS.

[50]The injuries sustained by these animals during capture or transport are severe and traumatic. Examples of the actual notes contained on the reports include "massive bruising and broken bones," "cow buffalo 6 broken ribs, bruised shoulder, punctured lung," "cow buffalo puncture lung...broken rib ... broken shoulder blade," "buffalo heifer calf had open wounds, abscesses all over front and sides," "one cow dead in trailer."

underestimates the actual amount of loss, because the weight of the carcass prior to removing the bruised meat is not available and because this represents data from only 100 of the nearly 500 animals slaughtered that winter.

The fact that this lost meat was a product of bruising is of great concern. This amount of bruising is a product of the cruelty associated with loading large, wild animals in trucks and transporting them up to four hours. Regardless of whether the animals are separated and loaded by size, age, and sex, this evidence clearly demonstrates that these animals are causing substantial harm to each other prior to or during transport by ramming, butting, or otherwise acting aggressively towards each other. This behavior is indisputably a product of unnaturally concentrating these animals in the trucks and is magnified by the substantial stress and fear experienced by the confined bison and is inherent to this operation. Because such cruelty is inherent to the operation, the only means of preventing the cruelty is to abandon this management strategy altogether. The agencies, however, obviously are willing to accept and tolerate the enormous cruelty resulting from the capture, test, and slaughter operations since each alternative relies on this strategy and since the agencies have failed to provide any meaningful analysis of this issue.

Due to its concern over the cruelty associated with the capture program, The Fund contacted Dr. Temple Grandin, an expert in the humane handling of livestock, and asked if she could review videotape and written records pertaining to the operation of the NPS trap at Stephen's Creek and the condition of the animals at the slaughterhouse. Dr. Grandin referred The Fund to Ms. Jennifer Lanier, a graduate student at CSU studying under Dr. Grandin who was engaged in work intended to improve the humaneness of capturing, handling, and transporting captive, ranched bison.

Dr. Grandin and Ms. Lanier reviewed the evidence available at the time and provided The Fund with a preliminary report on their findings.[51] (Exhibit 15). Among other things, Dr. Grandin and Ms. Lanier praised the NPS for its handling of the bison in the Stephens Creek capture facility, however they suggested that this operation could be improved by installing plywood inside the facility to minimize horn wounds and by minimizing animal crowding, mixing of different sexed and aged animals, and handle smaller groups of animals in the facility. However, Ms. Lanier concluded that the injuries sustained by the bison during transport to the slaughtering facilities, particularly the punctured lungs, were "unacceptable."

[51]The information provided to Dr. Grandin and Ms. Lanier included a copy of videotape footage obtained by Mr. Mike Mease of Cold Mountain, Cold Rivers of bison in the capture facility and being loaded into a truck. This footage, which is enclosed as Exhibit 17, clearly documents injuries to bison (i.e., horns knocked off, gore wounds) while held in the capture facility, documents the use of electronic shocking devices to move bison through the chutes and into the truck, and provides evidence of problems associated with forcing the animals into the truck. In addition, the slaughterhouse inspection reports from the MDOL were provided to document the condition of some of the bison arriving at the slaughter facilities.

YELL-14714 contd.

Subsequent to the preparation of the preliminary report, The Fund obtained additional evidence from the NPS and Montana regarding its capture operations. Specifically, The Fund obtained information from the NPS about the circumstances surrounding the serious injuries requiring euthanasia sustained by bison trapped in the Stephen's Creek facility during the 1996/97 winter (Exhibit 16). From Montana, The Fund obtained the carcass weight data reflecting the amount of bruised meat removed from each dressed carcass. This information has been forwarded to Ms. Lanier but was not considered in preparation of the preliminary report. A final report incorporating that new information has been requested but not completed.

The evidence provided by the NPS demonstrates that the capture operation itself, even when those conducting it are allegedly emphasizing the humane treatment of animals, is exceedingly inhumane. In addition to the 464 animals captured and shipped to slaughter from the Stephens Creek facility in 1996/97, an additional 8 animals were so seriously injured in the capture facility that they had to be killed on site. These injuries included broken necks, broken leg, strangulation, and impalement on a gate latch. Though the proportion of animals so injured was small compared to all of the animals handled, the types of injuries are entirely unacceptable and demonstrate the enormous cruelty inherent in any capture operation.

The data on meat loss caused by bruising, while not considered by Dr. Grandin and Ms. Lanier, clearly represent a level of meat loss which the cattle industry does not likely experience and would not likely tolerate in cattle shipped to slaughter. Cattle have been bred for docility and domesticity in part to reduce handling and transportation difficulties. This facilitates the transport of cattle to slaughter without the amount of physical injuries or bruising[52] experienced by Yellowstone's bison who have never been artificially manipulated to de-emphasize their wild characteristics.

Because of the concerns about the humane treatment of bison expressed by The Fund in its 11/15/96 letter to Racicot, Finley and Garber, the NPS raised this issued in its January 10, 1997 letter to Montana Governor Racicot. Apparently in response to that inquiry, Governor Racicot created a Humane Treatment Evaluation Team (HTET) to review the capture operation at the Stephen's Creek capture facility.[53] The Fund, contrary to statements made by Montana

[52]This is not to say that injuries and even some deaths are not a product of shipping cattle to slaughter. This cruelty does occur, but at a rate substantially lower than what has been documented in bison, to date.

[53]The HTET consisted of three veterinarians, a regional humane society director, and a manager of a privately owned bison ranch. The three veterinarians included a representative from the USDA, the Montana Veterinary Medical Association, and a laboratory animal veterinarian. There is no evidence that any of the veterinarians represented on the HTET had actual experience in capturing, handling, or transporting wild bison. Moreover, the private bison rancher may have had such experience, but that experience was presumably limited to ranched bison. These animals, out of necessity, are bred to be more docile and domestic than their wild

Governor Racicot to the news media, was never invited to participate in that review.

The HTET, due to circumstances outside of their control, never actually observed the capture and handling of bison in person. Instead, their analysis was based on discussions with NPS and Montana personnel involved in the capture operation and videotape footage obtained from a local television station. Furthermore, there is no evidence to suggest that the HTET were provided either the slaughterhouse reports, carcass weight data, or detailed information about serious injuries requiring euthanasia sustained by bison in the Stephen's Creek Facility for consideration. Despite these serious observational and data limitations, which indisputably limited the HTET review (Exhibit 18), the review still identified a numbers of deficiencies with the capture operation. These deficiencies, included:

1. Attempting to handle too many animals during a single operation and using inappropriate techniques (i.e., shouting, noise makers, electrically powered hot shots) resulting in excessive stress being placed on the animals possibly contributing to an unacceptable incidence of injuries. Also, too many people were in inappropriate locations (i.e., on the catwalks visible to the bison) during the capture operation.

2. The lack of written protocols providing general guidelines for the loading and transportation of bison to slaughter.

3. Failure of the NPS personnel to use natural bison behavior (i.e., avoidance of humans, flight/fright zone, etc.) to capture, move, and process animals.

4. Failure of the NPS to employ a person with specific, in depth experience in handling bison to train members of the bison handling team.

5. Failure of the NPS to develop written protocols to identify the specific methods and guidelines to be followed for all aspects of the bison capture and handling program.

In addition, the HTET encouraged the agencies to reevaluate the potential of in-the-field slaughter and processing as an alternative to transporting animals to slaughter. The HTET made this recommendation based on a concern that the loading, unloading, and transportation process, including the distance that the animals have to travel to a slaughter facility, contribute to the level of injury experienced by bison. In other words, the HTET was stating the obvious, that shooting bison in the field is more humane than subjecting the animals to the trauma of transport to a slaughtering facility. In its 10/7/96 letter to the agencies, The Fund also encouraged the agencies to reevaluate the strategy to transport captured bison to slaughter based on humane concerns.

counterparts. Finally, the regional humane society representative, though experienced in the capture and handling of many animals, had no specific experience involving wild bison.

Though The Fund and EII are absolutely opposed to the slaughter of any bison, if the agencies continue to ignore the scientific evidence and believe that bison must be killed, such killing must be accomplished in the most humane manner possible through the injection of an appropriate euthanasia agent or by shooting.

Despite receiving the recommendation from the HTET to reevaluate the need to transport these animals to slaughter, which the agencies concede in the DEIS, there is no evidence that the agencies ever reconsidered the use of this strategy based on humane concerns. The DEIS contains absolutely no discussion of this matter. Surely, if the agencies intend, as they do, to continue to transport bison to slaughter they have a responsibility to the public and to the bison to respond to the recommendations and analysis provided by the HTET. In addition, particularly in light of the considerable evidence of intense cruelty associated with this practice, the agencies must also provide a more comprehensive discussion, including a legitimate and rational explanation for its decisions, of this issue in the DEIS.

Cruelty is not only a product of the capture and slaughter operation. Hunting, quarantine, and vaccination procedures could also result in the inhumane treatment of animals.

The cruelty of bison hunting is clearly depicted in Exhibits 19 and 20 which depict the killing of bison by hunters during the winter of 1988/89 and agency officials during the winter of 1994/95, respectively. When hunters were permitted to kill bison, even though they were accompanied by state or federal officials, the cruelty was immeasurable. Due to the size of the bison, poor shot placement, and other factors, many of the animals seen on the videotape suffered for up to 15 minutes before being put out of their misery. (pers. comm. with Wayne Pacelle, HSUS, who was present when Exhibit 19 was being filmed).

Quarantine, though the agencies indicate that the animals will be humanely treated, not only involves the initial capture and transport of the animals to the quarantine facility, but also involves the long-term care and occasional trapping and testing of the animals. During each capture operation the animals will experience increased stress and probably some injury. In addition, since the agencies have failed to evaluate the environmental impacts of quarantine in the DEIS, no information is available about how the animals would be cared for and handled if a quarantine facility were constructed. Without that information, the public is unable to assess the humaneness of the care and handling procedures. The assurance of humane treatment by the agencies is simply not sufficient, for obvious reasons, to meet this need.

Vaccination, particularly if the animals must be captured to deliver the vaccine, will cause the same types of injuries and humane concerns as documented above. In addition, if a biobullet is used to deliver the vaccine, it is possible that the injury and/or suffering could result from the bullet. While this may not be a significant concern, it certainly must be disclosed and evaluated in the DEIS as a component of the broader discussion about the humane treatment of the animals.

As the foregoing evidence clearly demonstrates, the agencies have failed to

comprehensively evaluate the cruelty associated with the proposed project. Though the agencies may dismiss such cruelty issues as unimportant, the public, particularly those persons who are concerned about animal welfare, have a great deal of interest in ensuring that if the agencies insist on capturing and transporting bison, even though it clearly is not necessary, that the animals be treated in the most humane manner possible using the most humane techniques available.

N. The DEIS Fails to Properly Evaluate the Environmental Impact of Reestablishing a Bison Hunt in Montana:

Several of the alternatives in the DEIS (Alternatives 3, 4, and 7 -- the preferred alternative) propose to reestablish "a fair-chase bison hunt" in Montana. The DEIS concedes that this hunt could only be established by action of the Montana legislature. Consequently, particularly given the substantial adverse impact which Montana received when it previously authorized public hunting of bison which resulted in the legislature rescinding that program, it is certainly not guaranteed that the legislature would approve a hunt.

The DEIS evaluates the environmental impacts of a hunt under the assumption that such a hunt would be authorized beginning in 2000. Unfortunately, the analysis is far from complete and fails to consider and discuss many of the adverse impacts associated with hunting an animal who has virtually no fear of people.

First, the proposed bison hunt is intended to be a "fair chase" hunt. The agencies, however, fail to provide a definition of what constitutes a "fair chase" hunt. Considering the weaponry and other gadgets used by hunters to facilitate and simplify the killing of animals, The Fund questions whether the concept of a "fair-chase" hunt is even legitimate. The DEIS suggests that a hunt, if implemented, would be conducted differently than the public hunt permitted between 1985 and 1991. Instead of state game wardens or federal officials accompanying a hunter in the field to identify the animal to be shot, the new scheme calls "training or orientation to ensure accurate marksmanship, knowledge of and respect for bison, and emphasizing that meat, hides, and heads should be used. These changes do not make a bison hunt consistent with a so-called "fair-chase" hunt.

Assuming for the sake of argument that a hunt can be "fair-chase," then presumably the hunt would be physically and mentally challenging for the hunter, a reasonable amount of stalking or chasing of the targeted animal would be involved, and the hunted would have a reasonable opportunity to avoid or escape from the hunter. A hunt of Yellowstone bison could not possibly meet any of these criteria.

Yellowstone bison since the late 1960s have essentially been free of human manipulation

or exploitation.[54] As a protected animal in YNP, the bison developed a trust in humans which has made the bison one of the most watchable and photographable species in the Park. While Park visitors may have a greater interest in observing a grizzly bear or gray wolf, animals who are not routinely available for visitor observation, it is difficult to spend any time in Yellowstone and fail to see a bison. Unlike grizzlies, who, for safety reasons, should not be observed at close range, or wolves, elk, mule deer, or bighorn, or pronghorn who remain more timid around Park visitors, bison are easily seen, infrequently flee from human presence, and can be observed from a relatively close distance without substantial public safety risks. These benefits are a product of both the stolid temperament of bison and the protection afforded them in YNP over the past 30 years.

When bison cross the boundary of Yellowstone and enters Montana they do not suddenly become more timid or more wary of humans. They have no reason to distrust humans since, for the most part, most of the bison living in Yellowstone today have not been subject to human manipulation or exploitation. Regardless of what side of the boundary they are on, approach by humans is relatively easy and generally successful. These animals have, in a sense, become habituated to human presence and approach because their behavior facilitates close observation and photography.

A hunt of these animals would not and could not be consistent with the concept of "fair-chase," assuming that such a concept was legitimate. There is no physical or mental challenge in stalking or killing a bison. Assuming the hunter knew generally where the bison was, the stalking or chasing of the animal would generally be from the seat of the snowmobile/automobile to the shooting position which would depend on whether the hunter desired to shoot the bison from 20 feet, or, to make it minimally more challenging, 100 feet. Finally, since Yellowstone bison have virtually no fear of humans and have become used to human approach, the hunted animal would have no reason to flee making him or herself an easy target. There is no sport, no challenge, and no fairness in the hunt of a Yellowstone bison.

The DEIS concedes that those who have "moralistic-humanistic attitudes" towards animals may be opposed to a bison hunt. While this is true, a far broader audience is likely to be adversely affected by a bison hunt than simply those with who have a moralistic-humanistic attitude towards animals. Considering the unfairness and lack of challenge associated with a hunt of Yellowstone bison, and the potential adverse impacts of such a hunt on the image of hunting and hunters, it is very possible that persons who hunt or otherwise have a more utilitarian view of animals may also be affected by a hunt. The analysis of the human impact of hunting should be broadened in the DEIS.

[54]Only a handful of bison, such as those animals released from the Stephen's Creek capture facility in the spring of 1997, have been subject to some form of human manipulation and survived. However, the majority of bison who have been subject to hunting, capture, or shooting since 1985 have been killed and removed from the population.

In addition to the human impact, the impact of a hunt on the behavior and observability of Yellowstone bison must be evaluated. The DEIS acknowledges this impact, DEIS at 144, but completely fails to evaluate this impact. Since a hunt would target specific individuals, other animals in the vicinity of the hunted animal may be frightened by the gunfire or the killing. Over time, particularly if the animal was to repeatedly be in the vicinity of a hunt, the animal may become more skittish around people. Since bison are so gregarious, the behavior of one animal in a group may influence the behavior of all animals in the group. Thus, if, as a result of hunting, bison in the Yellowstone population become more skittish around people, this could drastically affect the behavior of bison in the Park where they are of substantial value and popularity because of their protected status and their observability. While increased skittishness in the bison population generally may increase, albeit slightly, the challenge of hunting these animals, it also could drastically affect the ability of the millions of Yellowstone tourists to view and observe these magnificent animals in the Park. Considering the substantial economic benefit associated with bison viewing in the Park, the paltry economic benefit of hunting does not justify the significant adverse consequences of a hunt on the behavior and observability of these valuable animals.

As the foregoing evidence demonstrates, the agencies must subject the proposal to reestablish a bison hunt in Montana to a far more rigorous analysis.

O. The DEIS Fails to Properly Evaluate the Economic Impacts of the Proposed Project:

The economic analysis provided in the DEIS is neither complete or accurate.[55] In fact, the entire section is remarkably confusing, poorly written, and disjointed, not clear and concise as required by NEPA. Consequently, the economic impacts of the alternatives -- a critically important component of the DEIS -- is difficult to understand, interpret, and evaluate. While the agencies attempt to evaluate the market and non-market economic impacts inherent to the seven alternatives, the analysis fails to consider many direct and indirect economic impacts associated with the proposed project.

Prior to evaluating the omissions in the economic analysis in the DEIS, an evaluation of the economic data presented is both warranted and revealing. The economic data presented in the DEIS can be separated into six general categories; value of livestock, value of bison viewing/existence values, the value of winter recreation, the value of bison hunting/lethal control/manipulation, land acquisition costs, and general expenditures. The DEIS provides the following information for each of these categories.

Value of Livestock: Tables 23 and 24 in the DEIS (at 165) provides general data about

[55]The agencies' dismissal of the economic impacts of the proposed project is reflected in its decision to consider social and economic impacts in the same section. Both of these impacts, though perhaps related in some respects, warrant independent analysis due to the substantial controversy and costs associated with bison management.

livestock production and the value of livestock in Gallatin and Park Counties, Montana which are the counties which are principally affected by the proposed project.[56] The total number of cattle and calves in these counties was estimated in January 1996 to be 62,000 in Gallatin County and 58,000 in Park County. Combined, this represents approximately 4 percent of the total number of cattle and calves in Montana. The total value of all livestock and livestock products, including cattle, sheep, and swine, in Gallatin and Park Counties is $31,538,000 and $19,685,000, respectively. The DEIS does not provide an estimate of the specific value each cow-calf operation within the project area. Without this data the public cannot compare and contrast the value of the cow-calf operations with the value of Yellowstone's bison. The lack of such data probably reflects the concern of the agencies of the implications of conceding that the value of the cow-calf operations is substantially less than the value of the bison.

The total number of cow-calf pairs affected by the proposed project varies depending on the alternative being evaluated. Alternative 2 which calls for the creation of the largest SMAs would effect the largest number of cow-calf pairs (1,119) while Alternative 5 would not impact any cattle operations outside of YNP. The impact of the remaining alternatives falls within these two values.

The DEIS failed to properly evaluate the economic value of the cow-calf operations potentially affected under the most liberal of the bison management alternatives. Presumably, particularly given the data, this was a purposeful omission to prevent the public from properly understanding and evaluating the minimal and insignificant economic impact of the proposed management alternatives on the livestock industry on a County and State level. If this data was provided, the feasibility of buying out these producers for the duration of the plan would have been clear.

Bison Viewing/Existence Values: Though no specific studies have been done to estimate the viewing/existence values of bison, the DEIS estimates a range of values based on data collected for other species found in the park and the popularity of each species to park visitors. The bison viewing/existence values are different under each alternative.

Under Alternative 1, for example, the value of bison viewing is estimated to range from $0 to $9.8 million -- a range so wide that the estimate is meaningless. The value of viewing bison was driven by the size of the bison population: the more bison, the more opportunity for bison viewing. Thus, if Alternative 5 (test and slaughter) were implemented, the value of bison viewing would decline significantly because the bison population size would be reduced substantially. It is not at all clear how this value was calculated, how a value of $0 could

[56] As reported in the DEIS, the economy of Gallatin and Park Counties has changed over the past 20 years from a commodity-extraction dependence to a more diversified economy based on recreation, tourism, and service industries . According to the statistics provided in Table 21 (DEIS at 163) a minimum of 4 percent and 2 percent of all jobs in Park and Gallatin Counties, respectively, are in the farm/agriculture sector.

possibly exist, nor do the agencies ever disclose an estimated viewing value for an individual bison. Moreover, the DEIS does not provide a clear explanation of how bison viewing value was calculated for each alternative. Though a specific estimate of the viewing value of an individual bison could not be substantiated through the literature, if the agencies had provided such estimates, recognizing its limitation, it would have been far easier for the public to understand the analysis and to calculate the impact of each alternative to bison viewing value based on the number of bison estimated to survive under each alternative.

In regards to the existence value of bison, the DEIS estimate this value under Alternative 2 to range between $1.6 million to $22.9 million. Again, it is not clear how this estimate was made nor how it is applied to other alternatives. If an educated estimate of the existence value of a bison can be provided, even if it can't be substantiated in the literature, then it should be disclosed.

The entire discussion of the viewing/existence value of bison in the DEIS is, like the bulk of the economic section, so immensely confusing and unclear that it is essentially meaningless. The failure of the agencies to engage in the necessary surveys and studies to acquire solid data on the viewing/existence value of Yellowstone bison, particularly since such studies/surveys would not have been exorbitantly costly and since the agencies had over eight years in which to collect this information, is inexcusable and in violation of NEPA.

Value of Winter Recreation: Winter recreation, particularly snowmobile recreation, affects all entrances to YNP differently. The majority of snowmobile access to the Park is through the West Yellowstone entrance while the South, East, and North entrances are less.

Depending on the alternative under evaluation, the impact to winter recreation is variable. Alternative 1, for example, proposes no change in winter recreation management and therefore poses no measurable economic impact on the gateway communities. Alternatives 2, 5, and 6, if implemented, would result in road closures either to reduce bison emigration outside the Park (Alternative 2) or to provide access to various capture facilities located throughout the Park (Alternative 5 and 6). None of these alternatives, if implemented, would impact winter recreation access from the South or East entrances.

The DEIS, relying on data collected on the economic impact to West Yellowstone tourist expenditure losses during the 1995 federal government shutdown and the proportion of groomed trails in Yellowstone compared to all the groomed trail in the region, provided a low and high-end estimate of the economic impacts associated with closing snowmobile trails in the Park. These estimates ranged from $656,000 to $2.0 million dollar reduction in winter expenditures annually in the town of West Yellowstone, which represents only 0.6% to 1.9% of total annual sales in West Yellowstone. DEIS at 249. Based on the information provided in the DEIS, these estimates are based on a loss of 2,150 to 13,250 winter visits through the West Entrance of the Park, with each visit representing $153 dollars. Using these figures, the low range estimate of loss provided in the DEIS is inaccurate. The actual low end loss estimate is $328,950 (2,150 x

153), which would correspond to only 0.3% of total annual sales in West Yellowstone. No economic loss is predicted for Gardiner, MT on Yellowstone's North Entrance even though winter access could be restricted under Alternatives 2, 5, and 6, because far less snowmobile access occurs through the North Entrance, automobile access to the road between Mammoth and Cooke City will continue to be permitted, and because the economy of Gardiner may actually benefit from the road closures affecting West Yellowstone. DEIS at 249.

The DEIS also calculates the estimated median loss non-market value of winter visits to Yellowstone Park as ranging from $2.5 million to $7.6 million. The basis for this estimate is not clear. For instance, to determine this estimate the agencies assume a range of reduction in winter recreation to be between 4,300 and 13,250 visits. DEIS at 252. The lower estimate is not substantiated anywhere in the DEIS and is double the low range estimate (2,150) provided in the DEIS. Furthermore, assuming the 4,300 and 13,250 estimates are accurate, the non-market value of a winter visit to Yellowstone would range between 1.6 to 22.9 million dollars. Again, the DEIS fails to substantiate this estimate The DEIS, in fact, concedes that "no estimates ... of the current value of winter visits to Yellowstone National Park for snowmobiling and other winter activities" is available in the literature. DEIS at 251.

Value of Bison Hunting/Lethal Control/Manipulation: This category covers all costs associated with any strategy which manipulates, exploits, destroys, or otherwise uses human tools to manage Yellowstone bison. Assuming the estimates provided in the DEIS for these costs are accurate, this information is relatively clear and understandable. The agencies, however, have underestimated the costs of some of the management strategies, particularly vaccination, by failing to include the costs associated with developing and testing the vaccine and the costs of developing and implementing a delivery system.

Land Acquisition Costs: The DEIS provides estimates of the cost of land acquisition but fails to identify how these costs were calculated.

General Costs: This category covers the remaining miscellaneous costs, including the cost of grooming snowmobile trails.

The foregoing evidence demonstrates that the agencies have not been completely forthcoming, truthful, or accurate in the analysis of the economic impacts of the alternatives. To make this analysis even more fraudulent and inaccurate, the agencies have completely failed to evaluate many of the direct and indirect impacts associated with the alternatives. Specific examples of some of these direct and indirect economic impacts which are not evaluated in the DEIS include:

1. The economic value of increased solitude and serenity, decreased air pollution, reduced disturbance to wildlife, and restoration of natural regulation resulting from the closure of snowmobile trails as proposed in Alternative 2.

2. Adverse economic impacts to other wildlife, including pronghorn, resulting from the implementation of the alternatives.

3. Economic impacts associated with the impact of the alternatives on protected species and on the ecological role of animals in the environment.

4. Economic impact of management activities, including capture and slaughter, vaccination, quarantine, road plowing, grooming, and snowmobile use on the value of the National Park experience separate and apart from the impacts to the bison viewing existence values.

Finally, in Tables 46 and 47 (DEIS at 264 and 265), the agencies provide what can only be described as an enormously confusing and inaccurate attempt to compare and contrast the economic impacts of the alternatives. These tables, as presently prepared, make no sense. The origins of the estimates used to calculate the net present values are not provided, the correction factor to discount value to 1997 is not disclosed, and meaning or purpose of the analysis is not sufficiently discussed. Moreover, if the agencies had considered all of the direct and indirect economic impacts, as identified above, the results would have been far different. For example, in Table 46 the agencies assume that the loss of winter visitation and loss of grazing resources on public lands under various alternatives represent a negative difference from current values. If, however, the agencies had considered the multiple beneficial impacts of closing roads to snowmobile use or of making public grazing lands more available and suitable for wildlife, the analysis would have been far different. Finally, neither these tables or any information provided in the DEIS reveals the net economic benefits and costs of the direct and indirect economic impacts of the various alternatives. Without that information, the public is left to guess as to the overall costs (considering beneficial and adverse costs) of each alternative.

P. The DEIS Fails to Properly Evaluate the Impact of Brucella abortus on Human Health:

The analysis of this issue in the DEIS overstated the risk of Brucella abortus transmission from bison to humans. There has never been a documented case of Brucella abortus from a Yellowstone bison to a human. Dozens of people, including outfitters, hunters, Park and State officials, and Native Americans have participated in the field butchering of the bison shot outside of the Park since 1985, yet no one has contracted brucellosis. This is compelling evidence of the remote risk of transmission. Considering that several persons who participated in the butchering process did so without the proper protection, including no protective eyewear, no masks, and no gloves or the wrong type of gloves (See, Exhibit 20), and without any known instruction on safe procedures for handling the carcasses, the risk of bison to human transmission must be nearly immeasurable.

The available evidence suggest that, regardless of which alternative is evaluated, the risk of bacteria transmission to humans has to be negligible. That risk is even further reduced if the personnel involved in handling bison, including veterinarians, agency officials, hunters, etc..

Employed the recommended precautionary measures outlined in the DEIS at 295. The DEIS, however, suggests that the risk of bacteria transmission from bison tho humans varies from minor in all Alternatives except Alternative 5 and the second phase of Alternative 6 when the impact is alleged to be moderate. There is no compelling evidence to justify the difference in risk under the various alternatives, particularly if the precautionary measures are understood and exercised.

Though the risk of transmission to humans is extremely remote even under the most manipulative of the management alternatives, that risk could be eliminated entirely by implementing an alternative which does not involve any artificial or human-induced manipulation of the bison population, such as The Bison Alternative.

National Environmental Policy Act/Endangered Species Act:

A. The DEIS Fails to Fully Disclose or Comprehensively Evaluate the Impact of its Proposed Action or Alternatives to Protected Species, and Failed to Subject the Proposed Project to Consultation as Required Under the Endangered Species Act:

The DEIS identifies four federally listed threatened or endangered species (peregrine falcon, bald eagle, grizzly bear, gray wolf) and three species (lynx[57], wolverine, and trumpeter swan) designated as sensitive by the USFS within the project sites. Except for the impact of Alternative 5 on grizzly bears, the DEIS concludes that the impacts of the remaining alternatives, including the preferred alternative, on these protected species includes no impact on the peregrine, negligible impacts on the bald eagle with required mitigation measures, a negligible effect on the gray wolf not likely to adversely affect or jeopardize the species, and is not likely to adversely affect the grizzly bear. This analysis and conclusion, however are flawed as a result of the failure of the agencies to comprehensively evaluate the potential impacts of the action to the species, and particularly to the grizzly bear.

The Fund and EII are concerned about the proposed project's impact on all protected species within the project area, but believe that the impacts posed by each of the alternatives to grizzly bears if of greatest significance. Prior to evaluating the impacts of the proposed action on grizzly bears, a discussion of the potential impacts of the proposed agency action on the other protected species is warranted.

Bald Eagle: Several alternatives include the construction of a capture facility at Seven Mile Bridge inside the Park which the DEIS concedes will result in a major adverse effect on bald eagles and trumpeter swans in the area. Given these impacts, and the failure of the agencies to delineate any specific mitigation measures intended to reduce or eliminate these impacts, the

[57]The lynx has recently been proposed to be listed as a threatened species. This new designation must be taken into consideration by the agencies in any future environmental document.

suitability and feasibility of these alternatives, or, at least the placement of a capture facility at this location should be seriously reevaluated. The importance of such a reevaluation cannot be overstated, particularly considering the lack of substantive and credible evidence to justify the management strategies outlined in those alternatives.

Several alternatives also propose the construction of a capture facility on public land outside the western border of the Park at Horse Butte. This trap is anticipated to potentially result in adverse impacts to bald eagles that use and nest in the area. Though the DEIS suggests that each capture site may be subject to more site specific analysis prior to construction, it is believe that the Horse Butte capture facility is in the process of being constructed, or will be constructed soon, even though the environmental impacts of that project have never been adequately evaluated and no consultation has ever been conducted.[58]

Though the agencies contend that ensuring that bison management activities do not occur within 1/4 mile of any active eagle nest is sufficient mitigation, the potential for the trap to impact eagles regardless of the mitigation measures and the other possible impacts to recreational use of the area and to persons that live in the vicinity of the trap clearly warrant the evaluation of these impacts in a legally sufficient NEPA document. While the agencies may choose to prepare this document independent from the DEIS, because the capture facilities are part and parcel of the entire bison management plan, NEPA requires, as previously state, that the agencies evaluate the environmental impacts of the Horse Butte trap and all the traps proposed for construction under one or more alternatives within the context of a single DEIS.

Wolverine/Lynx: The DEIS does not anticipate any adverse impacts to wolverines or lynx from the proposed project in YNP[59], but under alternatives 2, 5, and 6, potential adverse impacts to these species could occur on U.S. Forest Service lands as a result of displacing snowmobile recreation from YNP to the Gallatin National Forest. On the Gallatin National Forest, except in wilderness areas and areas closed to motorized recreation, snowmobiles are permitted both on and off trail. This dispersed use increases the potential impact of snowmobiles on Forest wildlife and vegetation, however, the USFS has the authority to enact closure orders or other restrictions to minimize or eliminate these impacts.

The DEIS, however, fails to identify available mitigation measures that can be implemented to reduce or eliminate these potential adverse impacts. These mitigation measures include the closure of large sections of the Gallatin National Forest to snowmobile use and/or restricting snowmobiles to the groomed trail. The USFS has the absolute authority to invoke such regulations to protect wildlife and other resources and, according to the DEIS, already has

[58]The so-called EA prepared by the USFS on this facility was woefully inadequate.

[59]If these animals do occur in YNP, then the existence of snowmobile trails in the Park could affect them by facilitating the movement of other predators, potentially increasing the risk of interspecific competition for prey.

used this authority to prohibit snowmobile us in some big game wintering areas to prevent the disturbance and harassment of these animals.

The failure of the agencies to disclose the existence and availability of such mitigation measures may have been an oversight or, more than likely, the agencies intentionally failed to identify such strategies in order to influence the public's evaluation of the alternatives and to bias the final decision. Again, this is a product of the agencies' transparent attempts to establish a bison management program which results in intensive manipulation and exploitation of the bison, while minimizing any adverse impacts on other involved parties (i.e., cattle producers) or user groups (i.e., snowmobilers).

Wolf: Because of their experimental, non-essential designation, wolves, for regulatory purposes are considered threatened species within YNP and as a species proposed for listing outside of YNP. Consequently, different standards of review are applicable to protect impacts to wolves inside versus outside the Park. The DEIS states that none of the alternatives are likely to adversely affect or jeopardize gray wolves in and outside of YNP. This conclusion may not be entirely accurate, particularly in regard to Alternative 5 which would substantially reduce the amount of bison carrion -- which gray wolves may use -- in the Park.

In addition, the analysis of impacts on this species does not evaluate the implications of one or multiple capture facilities in the Park, a vaccination program, or the possible establishment of a quarantine facility in or adjacent to the Park.[60] The confinement of bison in a quarantine or a capture facility could theoretically act as an attractant to gray wolves. If this occurs, the movements and distribution of the wolf pack may be altered potentially to the detriment of the individual animals. In addition, if a wolf or wolves were to attempt to pursue a confined bison, this would undoubtedly create pandemonium, adversely affect the bison, and may result in injuries or mortality to the wolves. In terms of a vaccination program, particularly if a live vaccine is used, the implications of a wolf consuming the bacteria after depredating a vaccinated animal must be evaluated.

Grizzly Bear: Of greatest concern, however, is the impact of the proposed project, and its alternatives on the grizzly bear. As will be discussed below, while the agencies have appropriately disclosed relevant information about importance of carrion, including bison carrion, to grizzly bears, the agencies fail to adequately assess the direct, indirect, and cumulative factors which are adversely impacting the grizzly bear in and outside of YNP in violation of NEPA. Moreover, this evidence will demonstrate that, contrary to the findings made in the DEIS,[61] the existing interim bison management plan (Alternative 1), the preferred alternative

[60]These same issues would be relevant to the grizzly bear as well.

[61]The claim in the DEIS that grizzly bears will not be adversely affected if bison remain in Hayden and Pelican Valleys is not correct. Though some bison may survive in these areas, even in the most severe of winter, the number of bison in these areas decreases significantly as

(Alternative 7), and the remaining alternatives, if continued or implemented, will result in an adverse impact, a talk, jeopardizing the survival and recovery of the species in violation of the ESA.

The ESA requires federal agencies to "conserve endangered species and threatened species," 16 U.S.C. § 1531(c)(1). Conserve, under the ESA, means "to use and the use of all methods and procedures which are necessary to bring any endangered or threatened species to the point at which the measures provided pursuant to this chapter are no longer necessary."

To prevent the further decline in the number of endangered and threatened species, the ESA prohibits the "take" of threatened and endangered species (16 U.S.C. § 1538(a). As defined, "take" means to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." Id. at § 1532(19). The term "harass" means ""an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering." In addition, the ESA requires each federal agency, in consultation with the Secretary, to "insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any ... threatened species..." Id. at 1536 (a)(2). This determination must be based on the "best available scientific data" Id.

The grizzly bear in the lower 48 conterminous states was listed as a threatened species under the ESA in 1975. The majority of the remaining grizzlies in the lower 48 states inhabit the Yellowstone and Northern Continental Divide Ecosystems. The minimum population estimate of grizzly bears in the Yellowstone Ecosystem is approximately 236 bears (1993 Grizzly Bear Recovery Plan (GBRP)).

Federal grizzly bear policies are designed, among other things, to "restore and maintain the natural integrity, distribution and behavior of bears in the parks: (GBRP at 139). Management decisions "will favor the needs of the grizzly bear when grizzly habitat and other land use values compete." Id. at 140.

ESA consultations can be conducted informally or formally. Informal consultation procedures are "designed to assist the Federal agency in determining whether formal consultation or a conference is required." Id. at 402.13(a). The trigger for a formal consultation is whether the proposed agency action "may affect" a threatened or endangered species. Id. at § 402.14(a). Formal consultation must be reinitiated "if new information reveals effects of the action that may affect listed species...in a manner or to an extent not previously considered," id. at 402.16(b) or "if a new species is listed...that may be affected by the identified action... Id. at 402.16(d).

the winter progresses. Thus, when grizzlies emerge from their dens, the amount of bison carrion available to grizzly bears is less than what would exist if the NPS completely prohibited snowmobiling and trail grooming in YNP.

Applying these standards, it is clear that the agencies must now pursue formal consultation over the potential impacts of winter use activities on the threatened grizzly bear.

While the direct impacts of bison management activities and winter use on grizzlies are limited due to grizzly denning when these activities are most prominent, the available evidence makes it clear that indirect impacts may adversely affect grizzlies in and outside the Park. Indirect and cumulative impacts result from the altered distribution and movement patterns of large ungulates, particularly bison and elk, caused by snowmobile trail use on the availability and accessibility of carrion, the removal of large numbers of bison from the ecosystem through bison management activities, and due to the declining availability of other grizzly food sources which increase the importance of carrion in the grizzly diet.[62]

For grizzlies, winter-killed carrion is "an important source of protein" during the crucial bear feeding time in the late winter and early spring after den emergence (Winter Use Plan and Environmental Assessment (WUPEA) at 15; Knight et al., 1984). The importance of carrion is dependent upon the sex and age of the bear. As stated in the WUPEA:

> Adult females and young grizzlies, especially, need carrion and suffer most from its exclusion from their diet. The viability of the Yellowstone grizzly is contingent on the survival of adult females. The females, unlike adult males, constantly experience an ongoing energy crisis related to weights, mortality, and fecundity. When adult females are excluded on a regular basis from carrion sources, higher mortality and lower fecundity rates can be expected. (WUPEA at 15) (emphasis added).

Further support for the importance of ungulate carrion for Yellowstone's grizzlies was provided by Mattson and Henry (1987) who stated that:

> Spring grizzly bear habitat productivity in Yellowstone is a function primarily of ungulate availability (Knight et al. 1984). Spring productivity in turn apparently plays a major role in determining productivity, condition, and ultimately survivorship of adult female grizzlies in the Yellowstone areas. Knight and Eberhardt (1985) have identified female survivorship as key to the future viability of the Yellowstone grizzly bear population. Thus, over-winter ungulate mortality and condition are identified as an important regulatory factor, and an area where management might potentially benefit the Yellowstone grizzly bear population.(emphasis added).

The importance of carrion to grizzly bears is indisputably linked to bio-energetics.

[62]Air pollution impacts to Park vegetation may be another indirect affect of snowmobile use on grizzlies. These impacts may affect all components of the food chain, including grizzly bears and other threatened and endangered species, as a result of bioaccumulation of toxins in Park herbivores (See, Shaver et al., 1988). In YNP and GNP, however, little research into such affects has been conducted.

Mattson (In Press) has reported that "energy from ungulate meat potentially provided approximately 70 and 56 percent of total energetic costs" (emphasis added) for male and female grizzlies, respectively. Most of this energy (95%) "was estimated to come from the largest-bodied ungulates species (elk, bison, and moose), with greatest proportional contributions by scavenged adult male bison (16%), scavenged calf and yearling elk (10%) and adult female elk that were killed (8%) or scavenged (8%)." (emphasis added) Id. Overall, moose and bison contributed to the grizzly bear diet "far in excess of their relative numbers in grizzly bear range." (emphasis added) Id. In fact, as noted by Knight and Mattson (1992), "adult bison carcasses were used proportionally more often (92% of those available) than any other type of carcass, and adult elk least often (38% of available)." (emphasis added). Of the bison carcasses, adult female bison "were the most consistently and heavily scavenged by grizzly bears." (emphasis added) Id. Thus, not only is carrion critically important to meet the energy needs of grizzlies, but a substantial amount of the carrion consumed is bison.

The availability and use of carrion, particularly bison, by grizzly bears, therefore, is of critical importance for species survival and viability. Such use, however, is adversely affected by human activities and presence in the Parks and on adjacent National Forest land, and the large number of bison removed annually from the ecosystem through bison management actions.

As conceded in the WUPEA, grizzlies avoid humans using roads and developments even when carrion is available in those corridors (WUPEA at 15). More specifically, Green and Mattson (1988) reported that carcasses 1.5 km away from active roads were used more significantly than carcasses within 1.5 km of roads while Henry and Mattson (1988) reported that carcass use by grizzlies within 400 meters of the Old Faithful-Madison Junction highway was significantly less than use beyond 400 meters (see also Knight and Mattson 1992). The potential implications for grizzly survival and viability associated with carrion availability and use are even more critical given that nearly half of the carcasses are located within 400 meters, and the majority (60 percent), within 1 kilometer of a road (Green, G.I., et al., In Press).

Near human developments, Henry and Mattson (1988) reported that bear use of available carrion was significantly less within 5 km of Old Faithful with only 6-7% of available carcasses used verses 50-100% of available carcasses used beyond 5 km (See, also Knight and Mattson 1992).

The negative correlation between carrion use and proximity to roads and developments is of critical importance to bear survival and viability given that most spring carrion in YNP occurs on ungulate winter ranges that are located at lower elevations, near roads and developments (Houston 1982). The prevalence of carrion near roads is also undeniably influenced by ungulate (particularly bison) use of groomed snowmobile trails as travel corridors. The groomed trails, therefore, not only alter the natural distribution and movement patterns of bison and other ungulates, but also affect grizzly bear access to carrion, potentially resulting in reduced bear

productivity and survival.[63]

Not only are bison and other ungulates attracted to the groomed roads which may decrease the availability and accessibility of carrion to grizzlies, but the groomed road system also facilitates bison emigration outside of the Park where they are removed from the ecosystem through shooting and capture. Thus, the combination of the attraction of groomed trails, bison use of groomed trails, and the removal of large numbers of bison outside the Park substantially reduced the availability of bison carrion for grizzlies in and outside of the Park.

While the availability of bison carrion has decreased due to the large removals of Yellowstone bison through management actions, the importance of the carrion to the survival and viability of the grizzly population is increasing. This is due to a decline in the availability of other principal grizzly foods, including whitebark pine nuts, cutthroat tour, and the army cutworm moth.

In their analysis, entitled "Comments on the Importance of Bison to Grizzly Bears in the Yellowstone Ecosystem," Gunther and Haroldson provide important information about the decline in the availability of principal food sources for the grizzly and the importance of meat, including bison carrion, in the grizzly diet (Exhibit 21). Though the exact origins of this paper are unknown, it is clear that the information was in response to a review of a draft of the DEIS. Among other things, Gunther and Haroldson hypothesize that "ungulate meat from elk and bison is an annually important, dependable source of nutrition that may have a positive effect on age of first reproduction, litter interval, and litter size, as well as cub and subadult survival of grizzly bears in the Yellowstone ecosystem." They also indicate that the importance of ungulate meat in the diet of grizzlies is likely to increase in the future due to the "loss of bear habitat on private land as well as the potential loss of whitebark pine seeds and cutthroat trout..." Both whitebark pine seeds and cutthroat trout are becoming less abundant foodsources for grizzlies in Yellowstone due principally to blister rust and the interspecific competition with the non-native lake trout, respectively. In concluding their analysis, Gunther and Haroldson state:

> All wildlife management programs that potentially "take food off of the table" for grizzly bears, a threatened species, warrant in-depth biological analysis prior to selection and implementation. Due to the potential importance of bison meat to grizzly bears as well as the controversial nature, high profile, and importance of this bison management decision, we believe that further evaluation and statistical analysis of the relationship between ungulate meat and grizzly bear reproduction and population dynamics is warranted.

Given the foregoing analysis, the cumulative impact of increased development on private land, decreased availability of cutthroat tout and whitebark pine nuts, and the removal of large

[63]Grizzly avoidance of ungulate carcasses near roads may also cause artificial alterations to grizzly movements, distribution, and predator/prey interactions in conflict with NPS grizzly bear management policies, possibly leading to greater human grizzly conflict.

numbers of bison -- representing critically important carrion -- from the ecosystem through management actions is adversely affecting the survival and viability of Yellowstone's grizzlies. This is not just a potential future impact which could be mitigated, but it is an impact that is presently occurring as a result of the NPS' winter use policies in YNP and due to the existence of the Interim Bison Management Plan.

With this evidence it is clear that the "may affect" standard is clearly met, thus mandating that the agencies subject the DEIS to formal consultation with the FWS. Until formal consultation is completed, snowmobile use of the Parks and Forests should be terminated.[64] Moreover, the impact of winter use on carrion availability to grizzly bears, which affects bear feeding, habitat use, productivity, and cub survival, clearly represents a "take" in violation of the ESA.

Contrary to the assertion in the DEIS that only Alternatives 5 and 6 warrant formal consultation, the foregoing evidence demonstrates that all alternatives warrant formal review. The agencies, however, have yet to initiate either consultation process (Pers. Comm. With John Mack, National Park Service).

Early consultatation on an issue as controversial as this would potentially assist the agencies in developing or modifying management alternatives to reduce the adverse effects on listed species, but it also would aid the agencies in identifying mitigation measures which can be incorporated into an alternative design to reduce the impact of an alternative on protected species. Most importantly, however, early consultation prior to the publication of a DEIS permits the agencies to disclose to the public the relevant documents (i.e., Biological Assessment, Biological Opinion, concurrence letters) obtained from the U.S. Fish and Wildlife Service which may include mandatory mitigation measures and other recommendations intended to reduce the impact of the proposed action on protected species. Public disclosureof these documents, particularly during an official comment period, is critically important so that the public can not only evaluate the proposed action but can also evaluate and consider the FWS findings.

In this case, the agencies have presumably elected to conduct the required consultations after the public comment period and perhaps after a decision is made on which alternative, or which combination of alternatives, will be selected for implementation (assuming the agencies don't prepare, as they should, an entirely new NEPA document). Thus, the public will not have an opportunity to review and evaluate the Biolgical Assessment, the Biological Opinion, or other relevant documents during any official comment period. Considering the tremendous public support for endangered species protection, the importance and controversy surrounding the

[64]See Village of False Pass v. Watt, 565 F. Supp. 1123 (D. Alaska), aff'd, 733 F.2d 605 (1983) ("If new information develops which indicates that agency action might threaten an endangered species, this section will prohibit further irreversible or irretrievable commitment of resources until consultation is reinitiated and a new biological opinion prepared").

management and recovery of the grizzly bear and gray wolf, and the critical importance that bison carrion represents for grizzlies, the agencies' separation of the DEIS from required consultation prevents the public from being able to understand the full range of impacts to protected species, including the grizzly bear, caused by the proposed project and impairs the public's ability to submit informed comments on this issue.

Given the foregoing analysis, it is clear that the "may affect" standard is clearly met, thus requiring formal consultation with the FWS. Until formal consultation is completed, snowmobile use of the Parks and Forests should be terminated.[65] Moreover, the impact of winter use on carrion availability to grizzly bears, which affects bear feeding, habitat use, productivity, and cub survival, clearly represents a "take" in violation of the ESA. This is not just a potential impact that the agencies may attempt to mitigate, but the impact -- the take -- is occurring now as a result of the Interim Bison Management Plan.

National Historic Preservation Act:

A. The Agencies Have Failed to Evaluate the Potential Adverse Impacts of the Proposed Project on the Historical Character and Resources of the Park as Required by the National Historic Preservation Act:

The National Historic Preservation Act (NHPA), 16 U.S.C. §470 et seq., is designed to protect historically significant sites by ensuring that federal agencies take into account -- and try to avoid -- the adverse effects of their undertakings on such sites. Section 106, 16 U.S.C. §470(f) -- the heart of the Act -- governs actions that "shall" be taken before a federal agency may approve an action that may adversely affect a site that is listed, or has been determined to be eligible for listing, on the National Register of Historic Places. It provides that, prior to expenditure of any Federal funds, the federal agency "shall... take into account the effect of the undertaking" on any site that is included in the National Register." Id.

YNP contains a number of historically significant sites. The DEIS fails to identify those sites, but does state that the cultural landscapes of the Park must be treated as eligible for listing on the register unless otherwise documented. DEIS at 299. It also concedes that the NHPA requires federal agencies to consider the "location, design, setting, materials, workmanship, feeling, and association," DEIS at 299, when evaluating the impact of an action on a site covered by the NHPA. The agencies, however, fail to provide such an analysis of the existing, but unidentified, cultural resources in the Park. Such an analysis is required by the NHPA and should be disclosed to the public for its information and comment.

[65]See Village of False Pass v. Watt, 565 F. Supp. 1123 (D. Alaska), aff'd, 733 F.2d 605 (1983) ("If new information develops which indicates that agency action might threaten an endangered species, this section will prohibit further irreversible or irretrievable commitment of resources until consultation is reinitiated and a new biological opinion prepared").

OTHER CONCERNS:

A. The Analysis of the Impacts of the Proposed Project on Other Wildlife Species Provides Compelling Evidence to Eliminate the Stephens Creek Capture Facility:

The DEIS concedes that the proposed project will impact a number of wildlife species, including elk, mule deer, predators, and scavengers. The impact, however, on the majority of these species is anticipated to be minor, except in the area of the Stephens Creek capture facility where the impacts may be more significant.

At least one species, pronghorn, will be, and is being, severely adversely affected by the existence and operation of the Stephen's Creek capture facility near the northern boundary of the Park.[66] This pronghorn population, which is isolated, contains unique genetic elements, has greater genetic variability than other pronghorn populations (Lee, Bickman, and Scott 1994),[67] and has declined from approximately 600 animals in 1991 to an estimated 220 at present. DEIS at 182. The DEIS contends that the "cause of the decline is unknown, but possible contributing factors include predation, winter habitat quality, human-caused mortality, and competition with other ungulate species on winter range." At present this population is "at a high risk of extinction within the next 100 years."[68] DEIS at 182.

The Stephen's Creek capture facility occupies 13 acres of "core" pronghorn winter range making it unavailable for pronghorn use. DEIS at 283. The majority of this core range is located in YNP, but approximately 25 percent of the "population's critical winter habitat lies on private land outside the park boundaries..." (Goodman 1996). The operation of the facility, combined with other bison management activities may result in a significant impact on the population. As the DEIS states:

> Hazing and shooting activities to manage bison in this area might have also had an adverse effect on the herd. Pronghorn could be particularly vulnerable to stress caused by human disturbance (Autenrieth 1983), and observations made during bison captures and associated activities in the winter of 1996-97 indicated that pronghorn were displaced from the area extending at least ½ mile outward from the Stephens Creek capture facility

[66]Every alternative evaluated in the DEIS includes, at least in the short term, the continued operation of the Stephen's Creek capture facility. The DEIS statement at 283 that the Stephen's Creek facility is not included in alternative 2 is in error.

[67]Moreover, as explained by Goodman (1996), this population has "probably functioned as an intact ecological unit for millenia," and that "genetic studies are thought to have defined a distinct genetic profile for this population."

[68]Despite the precarious status of this population, the MDFWP continues to issue a small number of permit authorizing the hunting of these animals.

(Caslick and Caslick 1997). In addition to displacement, hazing and shooting activities could increase energy expenditures and could result in increased risk of mortality of some individuals. Because of the small size and vulnerability of this population, the loss of a few individuals could have moderate to major impacts on the population as a whole. DEIS at 283.[69]

In combination with other foreseeable impacts to the pronghorn population and its habitat in the area, the outlook for this population is not positive. As the DEIS asserts:

Human development of winter range adjacent to the Yellowstone National Park boundary, in combination with increased human activity both inside and outside the park could be causing increased disturbance and displacement of elk, mule deer, and bighorn sheep from important habitat. These activities would occur on winter range that would be critical for the pronghorn population. The current pronghorn population of approximately 220 animals is considered to be at an unacceptably high risk of extinction due to chance events such as weather, predation, and diseases (Goodman 1996). Winter range available to pronghorn is limited in size and could be of suboptimal quality due in part to invasion by nonnative vegetation into the Stephens Creek areas. Predation by coyotes might be causing a very low level of fawn survival, and might also be affecting adult survival. Hunting would remove a small but possibly significant number of pronghorn from the population annually. These factors, in combination with disturbance and displacement resulting from the presence and operation of the Stephens Creek capture facility, could result in a cumulative adverse impact, particularly for pronghorn. DEIS at 285.

Considering the direct, indirect, and cumulative impacts of the Stephens Creek capture facility, the DEIS concluded that:

Operation of the capture facility at Stephens Creek could potentially contribute to a moderate to major decrease in the pronghorn population, through displacement of pronghorn from a portion of critical and limited winter range, through creation of a barrier to movement (wing fences), and through disturbance-related increases in energy expenditure during the critical winter period. DEIS at 286.

Furthermore, the DEIS admits that the cumulative impacts affecting the pronghorn could result in the "eventual irreversible loss of this pronghorn population." DEIS at 294.

[69]Considering the geographic isolation of this population, its unique genetic characteristics, its declining numbers, and the multitude of threats to its survival, this population clearly satisfies the criteria for listing as a distinct population segment under the Endangered Species Act. Accordingly, the agencies would be well advised to evaluate their management strategies and decisions in light of the status of this population and its potential for listing under the ESA.

Remarkably, despite the significant adverse impacts on the pronghorn population caused, in part, by the development and operation of the Stephens Creek capture facility, these impacts were not disclosed in the 1996 Interim Bison Management Plan and Environmental Assessment which was the basis for constructing the capture facility in the first place.[70]

The potential adverse impacts of the Stephens Creek capture facility to the survival of the pronghorn, provides compelling evidence to justify the immediate dismantling of the capture facility. Regardless of the alleged need, to continue the operation of this capture facility when it is known that those operations, in conjunction with other activities, may jeopardize the survival of this scientifically, historically, and genetically unique pronghorn population, is biologically irresponsible. Moreover, considering that this facility, which is inside the Park, violates various NPS. regulations, there should be no question that this facility must be immediately dismantled and moved to an area away from the critical pronghorn habitat or, preferably, simply dismantled.

B. The DEIS Fails to Evaluate Impacts to Other Wildlife Species:

Although the DEIS provides information about the benefits of bison tree-rubbing, debarking, and wallowing on prairie dogs and pronghorn, (DEIS at 148), the environmental consequences of removing large numbers of bison, such as in Alternative 5, to these animals and their habitat is not addressed.

EVALUATION OF INDEPENDENT ALTERNATIVES:

As the agencies are aware, the inadequacies contained in their seven alternatives prompted the development of three independent alternatives; The Bison Alternative, Plan B for Buffalo, and the Citizen's Alternative.

Of all the alternatives, including the agencies alternatives and the independent alternatives, The Bison Alternative, developed by The Fund, provides the most comprehensive, long-term resolution to the controversy surrounding the management of bison and cattle in and

[70]In the 1996 EA the agencies concluded that pronghorn "may become temporarily displaced and stressed as bison are moved from one area to another," but that the "hazing is expected to be infrequent, and such displacement is predicted to be temporary and would not significantly affect those animals." The agencies' failure to disclose the potential adverse impacts of the Stephens Creek capture facility, impacts that must have been known, in the 1996 EA demonstrates that the agencies do not engage in an honest and objective evaluation of environmental impacts of their proposed action but instead simply disclose and evaluate the minimum information necessary, even if not accurate, to achieve their predetermined objectives. The disclosure of this information in the DEIS provides even more compelling evidence to demonstrate that the agencies must prepare a supplement to their 1996 EA prior to initiating the Interim Bison Management Plan during the winter of 1998/99.

outside of YNP.[71] The Bison Alternative (Exhibit 22) emphasizes the use of natural regulation to control the distribution and movements of Yellowstone bison in order to further reduce the already remote risk of transmission. It mandates changes in cattle management outside the Park including the elimination of cattle grazing on public lands in the vicinity of the Park and the modification -- with appropriate compensation -- of cattle management practices on private lands to reduce the perceived risk of bacteria transmission. In addition, private landowners within the project area are asked to increase their tolerance for Yellowstone bison who may still emigrate from the Park. In addition, The Bison Alternative prohibits the hunting or vaccination, quarantine, and capture and slaughter of these magnificent animals. A description of each specific component of The Bison Alternative, including an explanation of relevant environmental impacts, is provided below:

A. Immediately Close YNP to Snowmobiling and Prohibit Trail Grooming:

The enormous environmental impacts associated with snowmobiling and trail grooming were previously evaluated. Needless to say, eliminating snowmobiling and trail grooming from YNP would provide enormous environmental benefits, would restore natural regulation to the Park, would restore solitude and serenity to the Park, and would be entirely consistent with Yellowstone's statutory and regulatory obligations.[72] In addition, such a prohibition would provide enormous benefits to a large variety of Yellowstone's wildlife, including bison.

The bison population would be expected to stabilize at a certain size depending on long-term winter severity. The proportional impact of winter kill would likely increase while survival and productivity would likely decrease. Though some animals may still emigrate from the Park, the number and rate of emigration is likely to decline. Moreover, for those animals who do emigrate, the energetic costs of such movement will be higher than at present.

Grizzly bears would likely benefit from this action both inside and outside the Park. Within the park, because of the increase in winter kill, bison carrion would be available in greater quantity. Outside the Park, assuming the agencies allow those bison who emigrate to freely roam with minimal restriction, the energetic costs of travel to the Park boundaries may make these animals more susceptible to winter kill providing an increase in available carrion. At present, few, if any, bison carcasses remain outside of the Park since all of the animals subject to human control are removed from the ecosystem entirely.

[71]The Bison Alternative does not address elk management in YNP. It does, however, address bison management in the entirety of YNP, not just on the northern and western borders.

[72]The Bison Alternative calls for the prohibition of snowmobiling and trail grooming in Yellowstone. Though not as complete, a closure of the interior portion of Yellowstone as suggested by Caslick (1997) would provide similar benefits and is also worth of consideration. In addition, closing the entire Park to snowmobiles except for the road from the South entrance to Old Faithful may be another alternative which warrants consideration.

While the closure of the Park to snowmobile may result in an economic impact to the gateway communities, that impact is not likely to be significant, and could be mitigated. As the DEIS concedes, the estimated loss in revenue for West Yellowstone if the West entrance of the Park were closed to snowmobiles is, at most, $2 million annually which is only 1.9 percent of total annual sales in West Yellowstone. DEIS at 249. This impact, though small, could be mitigated if West Yellowstone developed a new marketing strategy to attract cross-country skiers or otherwise diversified its economy. The impact to the remaining gateway communities is likely to be even less significant. For Gardiner, MT, and Cody, WY, only a small number of snowmobilers enter the Park from the north and east entrances, respectively. For Jackson, WY to the South, its economy is sufficiently diversified that the loss of snowmobile access through the south entrance to Yellowstone would not result in a significant impact. Furthermore, since snowmobiling would still be permitted on the thousands of acres of National Forest lands which includes hundreds of miles of groomed trails, surrounding Yellowstone, the economic impact of a closure can hardly be considered significant.

B. Prohibit Cattle Grazing and Permit Unrestricted Bison Access to All Public Lands Adjacent to the Western and Northern Borders of YNP:

As was previously discussed, the U.S. Forest Service has indisputable authority, and an obligation, to eliminate public land grazing allotments within the project area to benefit Yellowstone's wildlife. Though not advocated in The Bison Alternative, the USFS could mitigate the impact of these closures by providing alternative grazing lands or by buying out the current permittees. The benefits of closing these allotments are substantial not only for Yellowstone bison, but for a number of wildlife in the region.

C. Change Cattle Grazing Practices on Private Lands -- With Compensation to Affected Ranchers -- to Reduce the Alleged Risk, if any, of Bacteria Transmission from Bison to Cattle, and Acquire These Lands, if and when available, as Additional Winter Range for Bison and Other Wildlife:

This provision requires the MDOL to establish regulations to mandate that cattle producers on private land in the project area, which according to the DEIS includes only a handful of producers and approximately 400 cattle, either agree to: annual compensation in exchange for terminating their cattle operation for five years; modification of livestock operations from cow-calf to steer/spayed heifer operations with appropriate compensation for any loss in revenue; or construct bison-proof fences to enclose cattle herds, implement a mandatory vaccination program, and subject all test-eligible cattle to annual testing with costs paid by the USDA and MDOL. It makes far more sense to manipulate cattle who are regularly captured and handled than to subject wild bison to such manipulation.

The MDOL clearly has the authority to establish such mandates pursuant to MCA §81-2-102. If it acted to implement such mandates, the perceived risk of Brucella abortus transmission from bison to cattle would be eliminated and the producer would be fairly and fully compensated

for all costs associated with whichever alternative was selected by the producer. Considering this emphasis on compensation and the options available to the private land cattle producer, there are no apparent substantive adverse impacts to producers if this provision became law. Moreover, if the producer selected the first option (annual compensation in exchange for terminating his/her cattle operation) during those five years, private, state, and federal interest must attempt to either purchase the property in question or to purchase a long-term conservation easement to provide additional winter habitat for emigrating bison.

D. Increase Landowner Tolerance for Free-Ranging Bison:

While many landowners within the project area already welcome bison on their property, others are either entirely opposed to the presence of bison on their property or they express concern over potential damage or safety threats posed by bison. Tolerance for these animals must be increased. This can be accomplished in a number of ways, including through education and compensation. An educational campaign designed to inform people about the ecology and behavior of these animals, as well as information about how to safely live with these animals, will make bison less mysterious and increase public tolerance for the presence of these animals outside the Park. A compensation program, funded by Montana, would also increase tolerance by reimbursing property owner for damage in excess of $250.00 attributable to bison.

E. Do Not Vaccinate Wild Bison. Vaccination is Impractical, Prohibitively Costly, Wasteful, Unnecessary, and Ineffective.

The problems and adverse consequences of vaccination were previously discussed. If vaccination were prohibited not only would this prevent Yellowstone bison from being treated like domestic livestock, but it would also save animal lives and considerable money by terminating all vaccine safety and efficacy trials and negating the need to develop a delivery mechanism for the vaccine.

F. Do Not Quarantine Wild Bison. Quarantine is Impractical, Prohibitively Costly, Inhumane, Wasteful, and Unnecessary.

The problems and adverse consequences of quarantine were previously discussed. If quarantine were prohibited not only would this prevent Yellowstone bison from being treated like domestic livestock, but it would also prevent needless animal suffering, would preserve bison in the Yellowstone ecosystem where they belong, reduce substantial legal hurdles for the agencies, and save considerable amounts of federal and state tax dollars.

G. Do Not Reestablish a Public Hunt of Bison in Montana. A Bison Hunt is Unsporting, Unethical, and Entirely Inconsistent with Hunters' Concept of Fair Chase:

The adverse impacts and other problems associated with the reestablishment of a bison hunt in Montana. By prohibiting bison hunting, the cruelty associated with this unnecessary

population control tool will be eliminated and adverse impacts to the image of Montana, its hunters, and hunting in general will be avoided.

The Bison Alternative not only provides these benefits but it also fulfills the stated purpose in the DEIS to "maintain a wild, free-ranging population of bison and address the risk of brucellosis transmission to protect the economic interest and viability of the livestock industry in the State of Montana." DEIS at iii.

Moreover, though the criteria arbitrarily and illegally established by the agencies to limit the range of reasonable alternatives, The Bison Alternative satisfies each of these criteria at least as well, if not better, than the agencies' alternatives.

For example, The Bison Alternative will limit the size of the Yellowstone herd, not by bullets and traps as proposed by the agencies and the Citizen's plan, but through natural means. By prohibiting snowmobiling and trail grooming in the Park, the Park boundaries will be reestablished as a boundary beyond which a few bison may pass but not the number seen in years past. By restricting bison movement and distribution through natural means, the alleged risks to public safety and private property will be reduced. Though The Bison Alternative is not intended to eradicate the bacteria (neither are Alternatives 1, 2, 3, 4, or 7 -- the preferred alternative) nor does it advocate such eradication, but the agencies can still be committed to this unnecessary and unjustified goal if they desire. The risk of Brucella abortus transmission from bison to cattle, which is already extremely remote, will be reduced even further since the number and rate of bison emigrating from the Park will be naturally restricted. In turn, this will protect Montana's brucellosis-free status which, even under current circumstances, cannot be jeopardized based solely on Yellowstone bison presence in Montana. The Bison Alternative may cause the bison population size to decline, but it would absolutely remain genetically, biologically, and ecologically viable. Finally, The Bison Alternative is firmly based on factual information and provides a solution which is entirely consistent with the statutory and regulatory responsibilities of each agency.

Given these characteristics, The Bison Alternative clearly represents a reasonable alternative which warrants extensive and comprehensive analysis in either a new and improved DEIS or an extensive supplement to the DEIS.

Finally, when compared to the agencies' preferred alternative and the other principal independent alternatives; Plan B for Buffalo and The Citizen's Alternative, the similarities and differences become more clear (See Table 2).

TABLE 2: A Comparison of the Elements of the Independent Alternatives and the Agencies Preferred Alternative:

	THE BISON ALTERNATIVE	PLAN B	THE CITIZENS' PLAN	THE PREFERRED ALTERNATIVE
MAINTAINS A WILD, FREE- ROAMING BISON HERD[73]	YES	YES	YES	YES
TURNS OVER BISON MANAGEMENT TO WILDLIFE AGENCY	YES	YES	YES	NO
PERMITS BISON CAPTURE AND SLAUGHTER IN YELLOWSTONE	NO	NO	NO	YES
PERMITS BISON CAPTURE AND SLAUGHTER OUTSIDE OF YELLOWSTONE	NO	NO	YES	YES
PERMITS BISON QUARANTINE	NO	NO	YES	YES
PERMITS BISON VACCINATION	NO	YES	YES	YES
REQUIRES CATTLE VACCINATION	YES	YES	YES	YES
PERMITS BISON SPORT HUNTING	NO	YES	YES	YES
MANDATES IMMEDIATE CHANGES IN WINTER USE IN YELLOWSTONE	YES	NO	NO	NO
CHANGES CATTLE GRAZING PRACTICES ON PRIVATE AND PUBLIC LANDS	YES	YES	YES	YES (NOT MANDATORY)
ACQUIRES PRIVATE LANDS FOR BISON THROUGH PURCHASE OR EASEMENT	YES	YES	YES	YES (NOT MANDATORY)
COMPENSATES PRIVATE LANDOWNERS FOR DAMAGE ATTRIBUTABLE TO BISON	YES	YES	YES	NO

As is clear from this comparison, The Bison Alternative provides the most comprehensive, scientifically credible, sensible, and humane strategy for resolving the ongoing debate over the management of bison, cattle, and Brucella abortus in the Greater Yellowstone Ecosystem. In contrast, Plan B would permit the hunting and vaccination of Yellowstone's bison under certain circumstances and does not address winter use of the Park. The Citizens' Plan, which contrary to its name does not represent the views of all citizens, is similar in some respects to the agencies' preferred alternative in that it would permit the capture, slaughter, hunting, and quarantine of bison under specific circumstances outside of the Park.

CONCLUSION:

Based on the foregoing evidence, there can be no legitimate dispute that the agencies,

[73]Both the Citizen's Plan and Preferred Alternative contend that they will preserve the wild, free-ranging character of Yellowstone bison. The Fund, however, based on its interpretation of the concept and meaning of "wild" and "free-ranging" does not believe that either of these alternatives will protect these important attributes in the Yellowstone herd.

despite spending over eight years in preparing the DEIS, have failed to prepare a document that is legally sufficient. Indeed, its inadequacies are so numerous and significant that the agencies have little choice but to either abandon this DEIS in its entirety and prepare a new document or to prepare an extensive supplement to the existing DEIS.

The DEIS is replete with violations of NEPA. Not only have the agencies failed to properly define the scope of the analysis, but they have also failed to disclose all relevant material, illegally segmented certain actions from NEPA review, failed to rigorously evaluate a range of reasonable alternatives, and failed miserably in subjecting the environmental impacts of the proposal to comprehensive and extensive analysis. In addition, the proposed strategies outlined in the DEIS violate the ESA, Lacey Act, National Historic Preservation Act, and numerous federal regulations and policies.

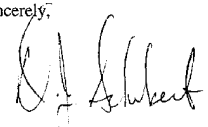
The inadequacy of the DEIS, and particularly the alternatives offered in the DEIS, is clearly reflected in the existence of, at least, three independent alternatives designed to provide an alternative strategy for managing Yellowstone's bison. Of all the alternatives, including the independent alternatives, The Bison Alternative, provides the most comprehensive, long-term, scientifically credible, sensible, and humane alternative for the management of Yellowstone bison and cattle in and outside of YNP. The Bison Alternative satisfies the agencies' stated purpose and need as identified in the DEIS and warrants comprehensive evaluation in a legally sufficient NEPA document or supplement to the present DEIS. Implementation of The Bison Alternative would not only reduce the perceived yet remote risk, if any, of bacteria transmission from bison to cattle, but it would do so with minimal manipulation, exploitation, or slaughter of these magnificent animals and would restore natural regulation to the Park which is entirely consistent with NPS' statutory and regulatory obligations.

Finally, the bison management strategies outlined in the DEIS are entirely geared towards destroying Yellowstone bison while requiring absolutely no change to the management of cattle outside of the Park. Considering the remote, if any, risk of bacteria transmission, the historical role of cattle in exposing Yellowstone bison to Brucella abortus, the enormous cost of the proposed management strategies, and the fact this entire exercise is based on protecting slightly over 2,200 cattle within the project area, there is no rational or sensible reason to subject Yellowstone bison to such draconian, irresponsible, and scientifically fraudulent management schemes. It is time that the agencies, including the livestock agencies, concede that the risk of bison transmitting the Brucella abortus bacteria to cattle is so exceedingly small, if it exists at all, that the continued manipulation, exploitation, and destruction of Yellowstone bison is not warranted and that a more creative, humane, and sensible management strategy must be developed.

If the agencies continue on their current path and decide to implement the preferred alternative or anything similar to the preferred alternative without far more extensive environmental impact analysis, The Fund will take whatever actions are necessary, including litigation, to force the agencies to develop a more honest, credible, comprehensive, and sensible management program for cattle, bison, and elk in the Greater Yellowstone Ecosystem.

Thank you for the opportunity to submit these comments.

Sincerely,



D.J. Schubert
Wildlife Biologist

enclosures

cc: (by mail without enclosures)
Mr. Bruce Babbitt, Secretary of the Interior
Mr. Mike Finley, Superintendent, Yellowstone National Park
Mr. Marc Racicot, Governor, State of Montana
Mr. John Cook, Regional Director, National Park Service, Intermountain Region
Mr. Robert Stanton, Director, National Park Service
Mr. Donald Barry, Assistant Secretary for Fish, Wildlife, and Parks
Mr. Daniel Glickman, Secretary of Agriculture
Mr. Mike Dunn, Director, USDA/APHIS
Ms. Katie McGinty, Chairwoman, Council on Environmental Quality
Mr. Ray Clark, Council on Environmental Quality

LIST OF EXHIBITS

Exhibit 1: Memorandum Opinion in The Fund for Animals, et al., v. Jamie Rappaport Clark, No. 98cv2355, Slip op. (D.D.C. Oct. 30, 1998).

Exhibit 2: April 24, 1997 Letter from President William Clinton to Mr. John Tarburton, Director, National Association of State Departments of Agriculture.

Exhibit 3: January 9, 1998 Comments of The Fund for Animals on the National Academy of Sciences draft report on Brucellosis in the Greater Yellowstone Area.

Exhibit 4: Meyer, M., and M. Meagher. 1995. Brucellosis in Free Ranging Bison (Bison bison) in Yellowstone, Grand Teton, and Wood Buffalo National Parks: A Review. Journal of Wildlife Diseases, 31(4):579-598.

Exhibit 5: 1995-1998 Serologic and Bacteriologic Test Results for Dead Bison Sampled Outside of Yellowstone National Park.

Exhibit 6: Adverse Effects of Trail Grooming and Snowmobile Use on Winter Use Management in the Greater Yellowstone Area with a Special Emphasis on Yellowstone National Park.

Exhibit 7: July 17, 1997 Letter to Mr. Denis P. Galvin, National Park Service, from D.J. Schubert, Meyer & Glitzenstein.

Exhibit 8: Memorandums of Agreement between each state and the U.S. Department of Agriculture to implement the National Brucellosis Eradication Program.

Exhibit 9: February 2, 1996 Comments on the Draft Environmental Assessment for the Revised Interim Bison Management Plan submitted by Meyer & Glitzenstein on behalf of The Fund for Animals.

Exhibit 10: September 20, 1993 letter to Mark Johnson, Yellowstone National Park, from D.J. Schubert, The Fund for Animals.

Exhibit 11: October 7, 1996 letter to Bruce Babbitt, Marc Racicot, and Daniel Glickman from D.J. Schubert and Eric Glitzenstein of Meyer & Glitzenstein on behalf of The Fund for Animals.

Exhibit 12: November 15, 1996 letter to Marc Racicot, Mike Finley, and Dave Garber from D.J. Schubert, Meyer and Glitzenstein.

Exhibit 13: Ante-Mortem and Post-Mortem Inspection Reports from the Montana Department of Livestock.

Exhibit 14: Carcass weight reports from the Montana Department of Livestock.

Exhibit 15: Preliminary Report from Dr. Temple Grandin and Ms. Jennifer Lanier on humanness of bison capture and transport operation.

Exhibit 16: National Park Service information on bison injuries occuring at the Stephen's Creek bison capture facility.

Exhibit 17: Videotape footage of the capture and slaughter of Yelllowstone bison in January 1997.

Exhibit 18: February 3, 1997 letter to Marc Racicot from the Humane Treatement Evaluation Team.

Exhibit 19: Videotape Footage of the 1988/89 Public Hunt of Bison Outside of Yellowstone National Park.

Exhibit 20: Videotape Footage of bison being killed by state and federal agents outside of Yellowstone National Park during the winter of 1994/95.

Exhibit 21: Comments on the Importance of Bison To Grizzly Bears in the Yellowstone Ecosystem, by Kerry Gunther and Mark Haroldson.

Exhibit 22: The Bison Alternative.

LITERATURE CITED
(will be completed and sent under separate cover)

YELL-14714 contd.

THE WHITE HOUSE
WASHINGTON

April 24, 1997

Mr. John F. Tarburton
President
National Association of State
Departments of Agriculture
Suite 1020
1156 15th Street, N.W.
Washington, D.C. 20005

Dear John:

Thank you for your letter regarding the management of bison in Yellowstone National Park. I understand your concerns.

On March 19, 1997, the National Park Service, the United States Forest Service, and the Animal and Plant Health Inspection Service met with representatives of the State of Montana to continue development of a long-range bison management plan. A number of alternatives are being considered, with the understanding that any viable alternative must, among other things, address bison population size and distribution; clearly define a boundary line beyond which bison will not be tolerated; address the risk that bison pose to public safety and private property; protect livestock from the risk of brucellosis; protect the State of Montana from any risk to its brucellosis-free status; and commit to the eradication of brucellosis from bison and other wildlife.

I hope this adequately addresses your concerns. Thanks again for writing.

Sincerely,

Bill Clinton

EXHIBIT 2

22/08/-- 11:36 NO. 851 002

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED
OCT 30 1998
Clerk, U.S. District Court
District of Columbia

THE FUND FOR ANIMALS, *et al.*,
Plaintiffs,

v.

Civil Case No.: 98cv2355 (RMU)

JAMIE RAPPAPORT CLARK,
Director, U.S. Fish and Wildlife
Service, *et al.*,
Defendants.

Document No.: 4,5

MEMORANDUM OPINION

I. Introduction

This matter is before the court upon plaintiffs' motion for a preliminary injunction, defendants' and intervener's respective oppositions thereto, and plaintiffs' reply.[1] Plaintiffs are the Fund For Animals, a group concerned with wildlife issues, and three individuals. Defendants are the federal agencies charged with administering the federal lands at issue in this case. Plaintiffs seek to have the court enjoin the defendants from conducting an organized hunt to thin the population of American bison living on federal lands in the state of Wyoming. After a review of the parties' pleadings, as well as the relevant law and the entire record herein, the court concludes that plaintiffs are entitled to the injunctive relief they seek.

II. Background

This matter concerns the proposed plan of the federal government to reduce the size of a herd of American bison (bison) located on federal lands in northwestern Wyoming. Specifically, the United States Fish and Wildlife Service (FWS) United States Park Service (USPS), and the National Forest Service (NFS) propose that a controlled hunt be held within specific federal parklands and reserve areas to reduce the herd size. The real issue, however, is not how the herd

[1] The court grants the unopposed request of the state of Wyoming to intervene in this matter. Accordingly, intervener's opposition to plaintiffs' motion for a preliminary injunction is hereby ordered accepted as filed and has been duly considered by the court in arriving at its decision.

EXHIBIT 1

size is to be reduced or even if it should be reduced at all. Rather, the question before this court is whether the federal defendants have followed the proper procedures in permitting an organized hunt to reduce the number of bison in northwestern Wyoming. In order to answer this question, the court shall give a brief background description of the geographic area involved as well as the applicable wildlife in that area.

The area which the bison have made home is in the northwestern part of Wyoming. The area in question is encompassed by the Grand Teton National Park (GTNP), the Bridger-Teton National Forest (BTNP) and the National Elk Refuge (NER). Around the turn of the century, the federal government created the NER in northwestern Wyoming as a winter reserve for elk. In 1929, the federal government created the GTNP as part of the National Parks System directly adjacent to the NER. The NER is managed by the FWS and the GTNP is managed by the USPS. Beginning in approximately 1912, the federal government implemented a winter feeding program on the NER for elk to provide an adequate winter food supply. Each winter, the federal government decides, based on several factors, the extent of that year's winter feeding program. Importantly, only a handful of times since the origination of this program have the conditions been such that the federal government decided not to offer the elk any supplemental feed during the winter.

The bison were exterminated from northwestern Wyoming in approximately 1840 through over hunting. Bison were reintroduced into the area in 1948 with a small herd of twenty bison. This herd eventually settled on land that, in 1950, became part of the GTNP. During the 1960's the USPS and the Wyoming Game and Fish Department (WGFD) managed this small herd of bison through various methods. In 1968, a portion of the herd escaped its fenced area and thereafter roamed free within the confines of the GTNP. During the winter of 1975-76 however, the bison migrated further south into the NER. Since that time, the herd has spent a large majority of its winters on the NER. Sometime after it began migrating in the winter to the NER, the herd discovered the supplemental feed meant for the elk and began foraging on this feed. Unfortunately, the increased consumption of this feed by the bison displaced the elk, for whom the feed was originally intended. In an effort to eliminate this problem, the NER staff began in 1984 to put out separate feed lines for bison and elk. Due in large part to the

availability of this supplemental winter feed, the bison herd has grown rapidly to where it now numbers approximately 435 animals. The federal defendants, in conjunction with the WGFD, have concluded that a herd of this size poses several hazards and thus have decided to reduce the number of animals in the herd through an organized hunt. In response to this decision, plaintiffs filed the instant action seeking emergency injunctive relief.

III. Discussion

A. Standard of Review

In order for plaintiffs to prevail in their request for a preliminary injunction they must shoulder the burden of meeting the four part test enunciated in *Washington Metropolitan Area Transit Comm'n v. Holiday Tours*, 559 F.2d 841, 842-44 (D.C. Cir. 1977). This four part test requires plaintiffs to demonstrate that (1) they are likely to succeed on the merits, (2) they will suffer irreparable harm if the injunction is not granted, (3) other interested parties will not suffer substantial harm if the injunction is granted, and (4) injunctive relief is in the public interest. *See id.* After examining the entire record in this case the court concludes that plaintiffs have carried their burden. The court will now address each of the *Holiday Tours* factors in turn.

B. Analysis

1. Likelihood of Success on the Merits

In conjunction with deciding plaintiffs' likelihood of success on the merits, the court must measure defendants actions against the arbitrary and capricious standard found in the Administrative Procedure Act, 5 U.S.C. Section 706(2)(A). Under this standard, the court will overturn any agency decision if it is "arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law." *See* 5 U.S.C. § 706(2). An agency action is arbitrary and capricious if the agency has failed to follow procedure as required by law, *see* 5 U.S.C. § 706(2), or has entirely failed to consider an important aspect of the problem. *See Motor Vehicle Manufacturers Ass'n v. State Farm Mutual Automobile Insurance Co.*, 463 U.S. 29, 43 (1983). In instances where a statute requires an agency to consider particular factors, "the only role of the court is to insure that the agency has considered the [factor]. *Getty v. Federal Savings and Loan Ins. Corp.*, 805 F.2d 1050, 1055 (D.C. Cir. 1986) (internal quotations omitted).

Plaintiffs offer two arguments to support their request for injunctive relief. First,

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plaintiffs claim that the federal defendants have violated the National Wildlife Refuge System Administration Act of 1966 (NWRSAA), 16 U.S.C. § 668dd *et seq.*, as amended by the National Wildlife Refuge System Improvement Act of 1977 (NWRSIA) (both hereinafter collectively referred to as the "statute") by not conducting a compatibility study to determine if the supplemental feeding programs for elk and bison are "uses" that are compatible with the purpose of the NER. Second, plaintiffs allege that the federal defendants have violated the National Environmental Policy Act (NEPA) and its implementing regulations by not performing the required studies to determine the combined environmental impact of the elk and bison feeding programs and the bison management plan on the ecosystems of the GTNP, NER and BTNF. For both of these reasons, plaintiffs ask the court to enjoin the federal defendants from going forward with the planned organized hunt of the bison on October 31, 1998 and order them to comply with the aforementioned federal statutes and regulations. The court will address each of plaintiffs' arguments in turn.

a. Alleged Violation of NWRSAA and NWRSIA

Plaintiffs allege that the FWS has violated the statute because it failed to conduct a compatibility study before implementing either the elk or the bison feeding programs. It is undisputed that the FWS did not conduct such a study. Because the court concludes that, pursuant to the statute, the FWS was not required to conduct a compatibility study with regards to the elk and/or bison feeding programs, plaintiffs' request for relief cannot be grounded on such an alleged violation.

The statute grants the Secretary of the Interior the authority to permit any "use" of a refuge area that is compatible with the major purposes for which the refuge was founded. *See* 16 U.S.C. § 668dd(d)(1)(A),(B). The statute gives examples of these "uses" which include hunting, fishing, public recreation and accommodation, and access, *see* 16 U.S.C. § dd(d)(1)(A), as well as easements for powerlines, telephone lines, canals, ditches, pipelines, and roads. *See* 16 U.S.C. § 668dd(d)(1)(B). Although it is clear that, while the listed "uses" are not meant to be all inclusive of the types of activities the Secretary may permit on a refuge, they do encompass a common ingredient. That is, they are all "uses" meant to be performed by third parties or the public. This definition of "use" is further bolstered by the fact that the statute specifically

exempts from the compatibility requirement actions taken by "persons authorized to manage" the refuge area. *See* 16 U.S.C. § 668dd(c). Clearly, the setting out of feed lines for elk and bison on the NER is not the type of "use" contemplated by the statute as it is performed by "persons authorized to manage" the NER. Since Congress has not spoken unambiguously with respect to whether "uses" include or exclude supplemental feeding programs conducted by persons charged with managing the NER, the court must "defer to the agency's interpretation if it represents a permissible construction of the statute." *See Aitken v. Shalala*, 956 F. Supp. 14, 17 (D.D.C. 1997) (quoting *Consumer Federation of America and Public Citizen v. U.S. Dep't of Health and Human Services*, 83 F.3d 1497, 1503 (D.C. Cir. 1996)). Accordingly, the FWS did not violate the NWRSAA or the NWRSIA by deciding that it was not required to procure a compatibility finding from the Secretary with respect to the supplemental feeding programs of the elk and bison on the NER.

b. NEPA and CEQ Regulations

i. Statutory and Regulatory Framework

Plaintiffs also allege that defendants have violated NEPA and its implementing regulations promulgated by the Council on Environmental Quality (CEQ). One of NEPA's purposes is to assist public officials in understanding the environmental consequences of their actions. In that vein, NEPA requires that all federal agencies prepare a detailed statement with respect to any major federal action significantly affecting the quality of the human environment. *See* 42 U.S.C. § 4332(C). This includes circumstances where several separate actions may have a cumulatively significant effect on the environment. *See* 40 C.F.R. § 1508.27(b)(7). This statement is known as an Environmental Impact Statement (EIS). The EIS must describe (1) the environmental impact of the proposed action, (2) any adverse environmental effects which cannot be avoided should the proposal be implemented, (3) alternatives to the proposed action, (4) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and (5) any irreversible and irretrievable commitment of resources which would be involved in the proposed action should it be implemented. *See* 42 U.S.C. § 4332(C)(i)-(iv). An agency, however, may avoid preparing an EIS if it can demonstrate that the proposed action is a categorical exclusion. See 40 C.F.R. § 1508.4. If an agency cannot

or does not invoke a categorical exclusion and concludes that the proposed action is not one that normally requires an EIS, then the agency must prepare an Environmental Assessment (ES) to determine whether an EIS is necessary. *See* 40 C.F.R. § 1501.4(b). Based on this EA, the agency shall determine whether an EIS is necessary. *See* 40 C.F.R. § 1501.4(c). If the agency determines, based on the EA, not to conduct an EIS, then it must issue a Finding Of No Significant Impact (FONSI) explaining why an action will have no significant impact on the environment. *See* 40 C.F.R. §§ 1501.4(e), 1508.13.

ii. Defendants' Failure to Include the EIR or Bison Feeding Programs in the EA

In the present case, federal defendants have concluded that an EA was required in conjunction with the bison management plan. The bison management plan contains several subparts dealing with size of the herd, methods of reducing the herd size, winter distribution of the bison, and disease management. Plaintiffs claim that defendants are in violation of NEPA because the bison management plan EA failed to properly consider the elk/bison feeding programs. Specifically, plaintiffs allege that the feeding programs are integral parts of a larger federal plan to manage the bison on and around the NER. Accordingly, plaintiffs posit that the feeding programs must be considered and evaluated in conjunction with the overall bison management plan in one EA. Defendants offer essentially two arguments to combat plaintiffs' claims. The court finds neither of these to be persuasive.

First, defendants claim that the USFS is under no obligation to comply with NEPA in this instance because the bison hunt is being conducted by the WGFD and not by a federal agency. This characterization, however, lacks any merit. It is undisputed that all of the federal defendants, along with the WGFD had a hand in developing the bison management plan that included this hunt. In fact, it was the WGFD that came to the federal defendants to seek their help in developing a plan to manage the bison. Accordingly, having become so intimately involved in the discussion and planning of the hunt, the federal defendants cannot now claim to have no responsibility under NEPA with respect to the hunt or the supplemental feeding programs. *See Biderman v. Morton*, 497 F.2d 1141, 1147 (2nd Cir. 1974).

Having concluded that the federal defendants must comply with NEPA with respect to the bison management plan and the planned hunt, the court next addresses defendants' claim that

they have, in fact, complied with the requirements of NEPA. Specifically, defendants put forth two reasons why they were not required to include in the bison management plan EA a finding with respect to the combined environmental impact of the elk and bison feeding programs and the bison management plan. First, defendants claim that the elk feeding program pre-dates the enactment of NEPA and, as such, is exempt from NEPA's requirements. Second, federal defendants claim that the elk and bison feeding programs are separate and distinct programs from the bison management plan and as such, need not be addressed pursuant to NEPA in the EA conducted on the bison management plan. The court cannot agree with either of defendants' positions.

As a threshold matter, it is clear that NEPA does apply to ongoing agency actions affecting wildlife and the environment, such as the elk and bison feeding programs. *See O'Neill v. United States*, 50 F.3d 677, 680-81 (9th Cir. 1995); *Lee v. Resor*, 348 F. Supp. 389, 393 (M.D. Fla. 1972); *Environmental Defense Fund v. United States Army*, 324 F. Supp. 878, 881-82 (D.D.C. 1971). Importantly, it is inapposite whether such programs were begun before the enactment of NEPA. *See Lee*, 348 F. Supp. at 393; *Environmental Defense Fund*, 324 F. Supp. at 881-82. In order for NEPA to be effective, it is essential that all agency functions, where possible, comply with its mandates. *See Calvert Cliffs' Coordination Committee v. U.S. Atomic Energy Commission*, 449 F.2d 1109, 1114-16 (D.C. Cir. 1971). Particularly, since Congress intended for compliance with NEPA by federal agencies to be to the "fullest extent possible", each agency must examine its programs at "every stage where an overall balancing of environmental and non environmental factors is appropriate and where alterations might be made in the proposed action to minimize environmental costs." *See id.* Moreover, the term "action" in the CEQ regulations implementing NEPA is defined as encompassing both "new and continuing activities." *See* 40 C.F.R. § 1508.18(a). Here, the FWS makes a decision every year whether to feed or not feed the elk, how much to feed them and where to place the feeding lines. Such action is "continuing" and does allow for a "balancing of environmental and non environmental factors" when the agency decides annually how that years' feeding program will progress. *See Calvert Cliffs*, 449 F.2d at 1114-18. Accordingly, it cannot be credibly argued that the elk supplemental feeding program does not lend itself to compliance with NEPA's environmental

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assessment requirements. Consequently, the court concludes that the fact that the elk feeding program pre-dated the enactment of NEPA does not excuse the FWS from including it in the bison management plan EA.

Defendants also argue that the elk and bison feeding programs are separate and distinct from the bison management plan and as such need not be considered in the bison management plan EA. However, defendants' own submissions, as well as the applicable law, lead the court to conclude otherwise.

If an agency is involved in several actions which, cumulatively, have a significant impact on the environment, then these actions should be considered in the same environmental document. *See* 40 C.F.R. § 1508.25(a)(2). Additionally, if agency actions are similar in that they share common timing or geography, such actions should also be addressed in the same environmental document so as to assess adequately their combined impacts. *See* 40 C.F.R. § 1508.25(a)(3). Importantly, an agency may not segment actions to unreasonably restrict the scope of the environmental review process. *See Foundation of Economic Trends v. Heckler*, 756 F.2d 143, 159 (D.C. Cir. 1985).

In the current matter, it is undisputed that the elk feeding program, the bison feeding program and the bison management plan all take place in the same geographic area. It is equally evident from defendants' own submissions that the elk feeding program has a profound effect on the bison herd. *See* Jackson Bison Herd Long Term Management Plan at 35-38. In fact, it is undisputed that the final recommendations in the bison management plan admit that the elk feeding program will continue to be a factor to be considered in managing the bison. *See id.* Accordingly, all three of these actions, the elk feeding program, the bison feeding program and the bison management plan should have been considered together in the bison management plan EA so that the involved agencies could determine the combined impact of the programs. The record is clear that the EA submitted with the bison management plan does not consider the combined environmental impact of these three actions. Therefore, federal defendants are in violation of NEPA. *See Fund For Animals v. Espy*, 814 F. Supp. 142, 150-51 (D.D.C. 1993). Applying the standard discussed earlier from *Motor Vehicle Manufacturers Ass'n*, the court concludes that defendants failure to abide by the strictures of NEPA renders their behavior

arbitrary and capricious and in violation of the APA.

2. Irreparable Harm

Plaintiffs must next demonstrate that, should the court decide not to issue the injunctive relief they seek, plaintiffs would suffer an irreparable harm. *See Holiday Tours*, 559 F.2d at 842-44. In the present case plaintiffs have met this burden. Plaintiffs have shown two types of injuries, both of which would not be redressable without injunctive relief. First is the procedural injury caused by defendants' failure to comply with NEPA. Although such an injury cannot stand alone as the basis for a finding of irreparable harm, *see Fund For Animals v. Espy*, 814 F. Supp. 142, 151 n.10 (D.D.C. 1993), plaintiffs here have also demonstrated they would suffer other, concrete injuries should injunctive relief not be granted. The record shows that the individual plaintiffs live near and enjoy the bison in the GTNP, NER and BTNF. The individual plaintiffs enjoy observing, photographing and generally communicating with the animals. At least one of the individual plaintiffs has in the past traveled great distances to the GTNP, NER and BTNF for the purpose of observing and visiting with the bison and has stated an intent to continue to do so in the future. Accordingly, it is not unreasonable for these individuals to claim that seeing or even contemplating the type of treatment of the bison inherent in an organized hunt would cause them to suffer an aesthetic injury that is not compensable in money damages. *See id.* at 151. Accordingly, the combination of the injury suffered by plaintiffs due to federal defendants' procedural failure to comply with NEPA and the aesthetic injury the individual plaintiffs would suffer from seeing or contemplating the bison being killed in an organized hunt leads the court to conclude that the plaintiffs have carried their burden of demonstrating the presence of an irreparable harm should the court not grant injunctive relief. *See id.*

3. Substantial Harm to Other Interested Parties

The record in this case indicates that no other interested parties would suffer substantial harm should the court issue an injunction enjoining the federal defendants from going forward with their plan to reduce the bison herd. All of the supposed consequences that the federal defendants urge would occur should the bison herd not go forward are speculative. First, the danger of the bison likely causing an outbreak of brucellosis is not supported by the record. Dr. Margaret Meyer, a respected expert in the field of veterinary public health and brucellosis

infection who is familiar with the history and disease status of the Jackson Hole bison, states in her declaration that the risk of the bison herd infecting other livestock is "remote" and there is "virtually no risk" of infection to humans. *See* Declaration of Dr. Margaret Meyer, Ex. 9, Plaintiffs' Reply. Second, the safety issues outlined by defendants such as the bison moving onto roads and into populated areas are entirely speculative. Given the small number of animals that were scheduled to be taken in the bison hunt, the court cannot conclude that having 35-40 "extra" bison in the herd will increase the already tolerable risks associated with the inevitable interplay between humans and bison that will occur so long as a bison herd of any size remains in this area. Consequently, the court concludes that other interested parties will not be subjected to substantial harm should the court issue the injunctive relief sought by plaintiffs.

4. Public Interest

The last hurdle that plaintiffs must clear before the court may issue injunctive relief is to demonstrate that such relief is in the public interest. The record in this case reveals at least two reasons showing that the public interest would be served by the court enjoining the federal defendants from going forward with the bison hunt. First, the public interest expressed by Congress' was frustrated by the federal defendants not complying with NEPA. Therefore, the public interest would be served by having the federal defendants address the public's expressed environmental concerns, as encompassed by NEPA, by complying with NEPA's requirements. *See Fund For Animals*, 814 F. Supp. at 152. Second, the public has a general interest in "the meticulous compliance with the law by public officials." *See id.* Therefore, after considering the totality of the circumstances and conducting a balancing the of the equities the court concludes that it is in the public interest for the court to issue the injunctive relief sought by plaintiffs.

IV. Conclusion

For the reasons stated in this memorandum opinion, the court will grant the plaintiffs' request to enjoin the federal defendants from killing or otherwise allowing the destruction of bison pursuant to the bison management plan pending compliance by the federal defendants with NEPA. A separate order outlining the specific details of the injunction is being issued contemporaneously with this memorandum opinion.

Date: October 30, 1998

Ricardo M. Urbina
United States District Judge

YELL-14714 contd.
EXHIBIT 1 contd.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Fund For Animals, *et al.*,
Plaintiffs,

Civil Action No.: 98cv2355 (RMU)

Jamie Rappaport Clark, Secretary
U.S. Fish and Wildlife Service, *et al.*,
Defendants.

Document Nos.: 4.5

FILED
OCT 30 1998
Clerk, U.S. District Court
District of Columbia

ORDER

For the reasons stated in the court's Memorandum Opinion separately and contemporaneously executed and issued this 30th day of October, 1998, it is hereby

ORDERED that plaintiffs' motion for a preliminary injunction and hearing be and hereby is **granted in part and denied in part; it is**

FURTHER ORDERED that the federal defendants shall comply with the National Environmental Policy Act by preparing an Environmental Assessment or an Environmental Impact Statement encompassing the combined environmental effects of the elk and bison supplemental feeding programs and the Jackson Bison Herd Long Term Management Plan; it is

FURTHER ORDERED that the federal defendants are enjoined from killing or allowing the destruction of bison pursuant to the Jackson Bison Herd Long Term Management Plan until they have complied with the National Environmental Policy Act as outlined in this order; it is

FURTHER ORDERED plaintiffs' request for a hearing on their motion be and hereby is denied; and it is

FURTHER ORDERED that the state of Wyoming's unopposed motion to intervene be and hereby is granted.

Ricardo M. Urbina
United States District Judge

1

THE FUND FOR ANIMALS INC.

[redacted]

Cleveland Amory
President

Heidi Prescott
National Director

January 9, 1998

Ms. Lee Paulson
Project Director
National Academy of Sciences
2101 Constitution Avenue, NW
Washington, DC 20418

Dear Ms. Paulson:

On behalf of The Fund for Animals (The Fund) I submit the following comments on the prepublication draft of "Brucellosis in the Greater Yellowstone Area," (Report) recently issued by the National Academy of Sciences (NAS). We appreciate the opportunity to submit these comments and ask that they will be fully considered during preparation of the final report.

Generally, after a careful review of the report, The Fund believes that the Report is in need of substantial revision to correct deficiencies in the analysis of this complex issue and to remedy the myriad of contradictions, unsubstantiated facts, and the pro-livestock bias that permeates a majority of the document. That is not to say that there was no useful or appropriate information contained in the Report, only that the bias, errors, and contradictions in the report make it virtually meaningless and will render it essentially useless in future efforts to find a scientifically sensible, realistic, and legitimate means to resolve this dilemma.

The Fund, however, is not surprised by the poor quality of the Report. Despite the alleged respect and notoriety associated with the NAS, its effort to avoid complying with the Federal Advisory Committee Act by not establishing a full-fledged committee to address this issue has contributed significantly to the poor quality of the analysis contained in the Report. The concern and opposition raised by The Fund and other organizations about this two-principal investigator methodology early in the process has now been confirmed. If the NAS had complied with the wishes of the Secretary of the Interior and formed a full-fledged committee to investigate this issue, The Fund is convinced that not only would the Report be of higher quality and more useful, but that the expenditure of over $200,000 taxpayer dollars would have been justified.

EXHIBIT 3

NATIONAL HEADQUARTERS: [redacted]

"We Speak For Those Who Can't"

This critique is broken down into two sections. Section 1 contains general criticisms of the Report, the process used to prepare the Report, along with providing a more detailed response to some of the principal deficiencies in the report. Section 2 provides more specific criticisms of the language and analysis in the Report.

Thank you for the opportunity to submit these comments.

Sincerely,

Andrea Lococo

Andrea Lococo
Rocky Mountain Field Coordinator

SECTION 1

Based on its review, The Fund for Animals has identified the following general concerns with the Report:

* Scope of the Report has been independently and arbitrarily extended to include (i.e., human brucellosis, natural regulation, impact of trail grooming on bison demographics) that were not disclosed in the original questionnaire. As a consequence, individuals and organizations involved in this debate did not have the opportunity to fully brief these issues in their response to the questionnaire.

This decision to extend the scope of the Report is not entirely consistent with the contract between the NAS and Department of the Interior (DOI) nor is it consistent with assurances provided to The Fund by a NAS official. While the contract included categories of analysis that were not addressed in the questionnaire (i.e., bison population dynamics and its relationship to brucellosis, other issues (i.e., human brucellosis) were neither cited in the contract or questionnaire.

The contract specified, however, that the Report was intended to be limited to those issues where the NAS has "specialized scientific and technical expertise." Contract at Article II A 1. This is consistent with the NAS's verbal assurances to The Fund at the beginning of the Report preparation process. Instead of complying with the intent of the contract, the NAS and principal investigators have included in the Report a number of management recommendations. These recommendations should be removed from the final version of the Report since they are not consistent with the original intent of the Report, the contract, and are inconsistent with the assurances provided to The Fund. The recommendations that should be contained in the report should focus solely on scientific research needs for the purpose of resolving this issue in a scientifically sound and humane manner.

* The Report contains a number of contradictions, inconsistencies, and unsubstantiated facts in its analysis of various aspects of this issue. The frequency of such flaws in the analysis suggests that the Report was modified, perhaps significantly, prior to release to placate concerns expressed by the Report's reviewers. Indeed, it appears that what may have been a much clearer and concise Report has been modified in a manner that has made it far less readable and replete with flaws, many of which are identified in Section II of this critique. As a consequence, the Report will not reduce, and may increase, the level of polarization between agencies and interest groups involved in this issue. A careful edit of the Report by skilled and knowledgeable editors must be undertaken to remedy these problems in the Report.

* The Report is clearly biased in favor of the cattle industry. As admitted in the Report, its preparation was guided by the recognition that the federal government's demonstrated concern that "brucellosis poses a potentially great-loss situation in terms of potential economic consequences and possible human health effects." Report at ES2;29-32. This statement reflects an inherent bias in the Report in favor of the U.S. Department of Agriculture (USDA) and domestic livestock producers. Such a bias, regardless of what the economic and human impacts of brucellosis may or may not be is entirely inappropriate and serves only to denigrate the integrity of this report. This bias neglects to recognize the historical, aesthetic, scientific, and spiritual importance of bison to the American public, including Native Americans. In addition, Yellowstone National Park (YNP) and its bison have an economic value which is not considered in this Report. It is entirely unprofessional and unacceptable for the NAS and principal investigators to consider the so-called economic impact of brucellosis to domestic cattle without providing the same consideration for the economic value of bison and YNP. The Report must be

revised to remove the clear bias that permeates nearly every section of its analysis of this complex issue.

* The Report does not provide an objective analysis of the complex scientific issues which define this debate. This lack of objectivity is a product of the inherent bias of the two principal investigators and of the limitations of the two-principal investigator methodology. Both Dr. Cheville and Dr. McCullough have biases which are reflected in different places in the Report.

Dr. Cheville, because of his long employment with the U.S. Department of Agriculture and his involvement in National Brucellosis Eradication Program (NBEP), has not extensively studied B. abortus in wildlife, but he also appears to be unwilling to accept the possibility that B. abortus in bison may not be mimetic of the bacteria in domestic cattle.

Dr. McCullough, in addition to admitting at a past meeting of the Greater Yellowstone Interagency Brucellosis Committee (GYIBC) that he is not an expert in brucellosis, does have a bias against the natural regulation mandate of the National Park Service (NPS). This bias is reflected in certain sections of the Report.

Had the NAS established a full committee to prepare this report, it is unlikely that the biases inherent in using the two-principal investigator methodology would have been as noticeable with a full committee of objective experts.

* The Report's analysis of the impact of groomed trails on bison demographics is entirely insufficient and reflects a gross misunderstanding of the complex ecology of the Park and its bison and, most importantly, the direct and indirect effects of groomed trails on bison movements, distribution, habitat use, and population dynamics. The assessment is fundamentally flawed because it assumes that the alleged constant rate of incremental change in the bison population over time -- both before and after bison began to use the trails -- demonstrates that the trails assert no substantial influence on bison demographics. In reality, when the same data is evaluated over shorter increments of time, and in relationship with other variables -- including winter climate, the impact of trails on bison behavior, bison feeding ecology, bison population size in relation to habitat availability, and the increase in bison winter habitat within Yellowstone resulting from bison use of the trail system -- it becomes readily apparent that the groomed trails have caused and continue to cause substantial changes in bison demographics. Indeed. the rate of growth in the bison herd, its expansion beyond Park boundaries, and the constant rate of annual incremental change is, contrary to the Report's conclusion, primarily attributable to bison use of groomed trails. Finally, without a control group for comparative purposes, the entire foundation of the NAS argument is flawed, because it is based on the wholly unsubstantiated presumption that the bison demographics would not have been different even if trails were never groomed in the Park.

SECTION 2

Page	Line(s)	Comment

EXECUTIVE SUMMARY

ES1 4-5 While the need for forage certainly influences bison movements, the accessibility of the forage is of greater importance in influencing bison movements. As written, certain

interests could interpret this statement to suggest that there is not enough forage in the Park to sustain bison during the winter. Regardless of how much forage is in the Park, if it is not accessible, then the bison must move to an area where forage is more accessible.

ES1 6-12 Unlike many of the peer-reviewed scientific articles written on brucellosis, the Report does far better in utilizing the correct terminology. In certain instances, however, the terms brucellosis and Brucella abortus are misused. Brucellosis, for example, is not transmitted between animals, but B. abortus is. If B. abortus is transmitted, it may or may not result in brucellosis depending on a number of different factors. While it may be common veterinary parlance to use the term brucellosis so freely, it is not accurate.

ES1 34 I am not aware of any organization involved in this debate that has ever claimed that "no management" is needed. The Fund, for example, advocates the implementation of a legitimate and widescale natural regulation policy. Though natural regulation is frequently referred to as "hands-off" management it is still a form of management. Groups like The Fund are not opposed to management, per se, but believe that management programs must be based on sound scientific evidence and must be humane.

ES2 3-9 Brucellosis in humans was not part of the original scope of the report and all references to it should be deleted from the Report. Human brucellosis is not a serious human health issue and, with proper protection, can be avoided altogether by slaughterhouse workers, hunters, and veterinarians. The inclusion of reference to human brucellosis in this report misleads the public into believing that human brucellosis warrants concern. This tactic has been utilized before by both the USDA's Animal and Plant Health Inspection Service (APHIS) and the State of Montana to engender additional public support for their anti-bison policies. This information reflects the APHIS bias that permeates the Report.

ES2 11-32 This entire section should be removed. First, the alleged regulatory authority of APHIS in implementing the National Brucellosis Eradication Program (NBEP) has nothing to do with the heading of this section "Characterization of Brucellosis Infection." Second, such regulatory language is not consistent with the original intent and scope of the report which was intended to be limited to issue in which the NAS has "specialized scientific and technical expertise."

ES2 12-14 Cattle from brucellosis-free states are not tested routinely for brucellosis as suggested here. Since more than 40 states are currently brucellosis-free, the majority of cattle shipped interstate in this country is not tested for brucellosis before shipment. This error, though small, suggests that even Dr. Cheville, who worked in the NBEP for most of his career, doesn't completely understand the regulations governing this program.

ES2 16 This statement should be clarified to specify that "infected herds" means "infected cattle and domestic livestock herds." This more clearly reflects the legal authority of APHIS.

ES2 20-21 The goal of the NBEP is to eradicate brucellosis from U.S. cattle and domestic livestock herds by 1998. Under its existing brucellosis regulations, APHIS can only designate a state as free of brucellosis if no brucellosis is detected in cattle or domestic livestock. 9 C.F.R. at ¶ 78.1. If captive bison are designated by state law as "domestic livestock," then they would be covered by this regulation. If they are not so designated, then they are not covered. If one or more states do not

designate captive bison as "domestic livestock," then these herds do not necessarily have to be free of brucellosis for APHIS and the livestock industry to meet their eradication goals. In addition, though the Report indicates that only 12 cattle herds remain infected in the United States, it does not designate how many captive bison herds remain infected. This information should be included.

ES2 29-32 As previously indicated, this statement clearly demonstrates that the Report does not and cannot provide an objective and fair review of this issue. The fact that the alleged economic consequences of brucellosis to the cattle industry and the perception of possible human heath effects have influenced the writing and preparation of the report reflects a serious bias in favor of livestock and against wildlife in the Report. This bias could have been avoided had the NAS established a full-fledged committee to prepare this report.

In addition, though it suggests that "brucellosis poses a potentially great loss-situation in terms of potential economic consequences and possible human health effects," the Report provides absolutely no evidence to substantiate or quantify these claims. What is the actual economic impact of transmission of B. abortus from free-ranging bison or elk to cattle to the affected producer, and the industry on a state and national scale? For years the livestock industry and State of Montana have continued to make similar claims, but no one has ever provided any valid economic analysis that quantifies what those impacts might be.

Similarly, what is the risk of humans contracting brucellosis from elk or bison in the Greater Yellowstone Ecosystem (GYE)? Despite years of elk hunting in Montana and Wyoming, and though thousands of bison have been killed and butchered outside of YNP by hundreds of people, only one elk hunter may have contracted brucellosis from contact with an infected animal. This evidence, albeit anecdotal, suggests that the risk of human infection from bison or elk in the GYE is insignificant and should not be considered in devising elk and bison management plans.

Finally, it is inappropriate for the Report to consider the economic impact of brucellosis to the cattle industry without providing equal, if not greater, consideration to the economic impact of the continual slaughter of bison on the tourism industry of Montana and Wyoming, the economic value of YNP as a scientific research resource, and of Yellowstone bison as a critical ecological component of the GYE. If economics are going to influence the Report, then the entire economic equation should be considered not only one variable in that equation.

ES2 27-28 Though a state's refusal to accept cattle who may be infected with brucellosis is a concern, the actual impact of such a concern is debatable. In Wyoming, for example, several cattle herds have been found to have brucellosis since the State became brucellosis-free yet none of those incidents ever resulted in sanctions on Wyoming's cattle. Only recently, as a product of a concerted effort by State Veterinarians to increase the pressure on Wyoming, has any state imposed sanctions on Wyoming's cattle even though no brucellosis has been found in any cattle herd since 1989. Thus, state sanctions are not guaranteed just because brucellosis is detected in cattle.

ES2 37-38 It should be clarified that this statement is based on what is known in cattle and may or may not correctly represent what happens in bison and elk. By failing to provide such clarification, this statement will be interpreted as applying equally to cattle, elk, and bison despite the fact, as the Report acknowledges, that most of what we know about brucellosis is from research done on cattle (Report at 5;12-19) and that cattle, bison, and elk are dissimilar. The lack of specificity is a

common problem throughout the Report and should be corrected.

ES2 40-41 While this statement may be accurate for cattle, there simply is not enough data about the relationship between infection in the lymphoid tissues and infection in the reproductive system or mammary gland in bison and perhaps elk to suggest that the same statement is applicable to these species. If anything, particularly for bison, the data being collected by Drs. Roffe, Aune, Philo, and others on live bison and dead bison from the GYE suggest that there is not a strong correlation between infection in lymphoid tissues and infection in the reproductive system or mammary gland. This statement must be clarified by indicating that this is what is known from research on cattle but it may or may not apply to bison and elk.

ES2/3 43-1 Blood tests detect antibodies which are present as a result of an existing or previous infection. While some previously infected animals may ultimately clear even the antibodies from their system, to suggest that the blood tests only detect antibodies from infected animals is misleading since animals who are not infected and who pose no risk of transmitting the bacteria may also test seropositive for antibodies to the bacteria.

ES3 18-20 While chronically infected animals may contain only small amounts of the bacteria, the culture techniques being used would determine whether there is a high or low likelihood of detecting the bacteria that is present. In the case of many of the killed Yellowstone bison sampled last winter, for example, APHIS utilized a more rigorous culture process which involved culturing the entire lymph node or other tissue sample which maximized the likelihood of detecting the bacteria. As a consequence, with this more rigorous culture process it is difficult to believe that the bacteria would be missed even in chronically infected animals.

ES3 21 Bacterial culture may yield a false positive result as a consequence of misidentification of the bacteria. For example, according to Dr. Margaret Meyer, Yersinia intercolytica is remarkably similar in appearance to B. abortus and that without further testing the two bacteria can be easily misidentified (pers. comm. with Dr. Margaret Meyer).

ES3 22 Does this statement regarding the level of correlation between high serologic responses and bacterial cultures refer to bison, elk, and cattle? Or is there a different level of correlation among the individual species? The available evidence from bison suggest that there is not a high correlation between positive serologic tests and bacterial cultures.

ES3 24-26 This statement clearly reflects the bias of APHIS and Dr. Cheville. Why is it not possible that the lack of correlation between serpositives and bacterial cultures is a product of the chronic infection in the herd and the possibility that some of the animals may have developed immunity within the herd whereby animals become infected but ultimately clear the infection but retain antibodies to the bacteria. As the Report indicates, such a scenario is possible (Report at 22;44-45).

Moreover, what evidence is available to demonstrate "defects in culture or sampling techniques?" In this case, particularly for bison sampled since 1995, the sampling has been done in accordance with a rigorous sampling protocol developed by the GYIBC while culture analysis has been conducted by APHIS using both expedited and rigorous sampling protocols.

Attempts to dismiss the lack of correlation between seropositive and bacterial cultures on sampling and

culturing deficiencies is not substantiated by the available evidence and represents wishful thinking on the part of Dr. Cheville and the USDA who can't risk the possibility that the Yellowstone herd may be comprised of a large number of animals who have developed an immunity to brucellosis as a consequences of previous exposure to the bacteria. This type of statement demonstrates Dr. Cheville's lack of objectivity and his lack of knowledge about brucellosis and B. abortus in wildlife.

ES3 30-31 As previously stated, recommendations related to the management of bison are not appropriate in this Report and are not consistent with the original intent of the report. Considering this original intent, a more appropriate recommendation would have been to develop diagnostics tests to differentiate between exposed, infected, and infectious animals.

ES3 36-37 While it is true that much of our beliefs about brucellosis in bison have been extrapolated from cattle, what justifies such extrapolations and, given the differences in the species, are these extrapolations accurate or appropriate? In addition, The Fund questions whether the principal investigators have used "caution" in performing these extrapolations as recommended by the Report at 28:20-21?

ES3 40-43 It has been reported that each animal has a different level of susceptibility to the bacteria. Clearly, animals who are vaccinated are likely to be more resistant to the bacteria than unvaccinated animals. In addition, according to testimony presented by Dr. Donald Ferlicka, former Montana State Veterinarian to the Montana Livestock Board in 1993, "contact between an infected bison herd and a clean cattle herd allows a 15-20% chance that the infection will transfer from the bison to the cattle" Attachment). This figure is attributed to the National Herd Contact Transmission data which supposedly represents decades of research conducted on cattle herds. If there are different levels of susceptibility, this section of the Report should explain this fact and should also explain the significance, or lack thereof, of the National Herd Contact Transmission data.

ES4 2 Since laboratory and field studies can both be considered "experimental," this statement should be modified to indicate that the experiment was conducted in a laboratory setting or captive environment.

ES4 2-4 What epidemiologic evidence exists from the National Elk Refuge (NER) or Grand Teton National Park (GTNP) to demonstrate that transmission has occurred between free-roaming bison, elk, and cattle? This evidence is not provided either in the Executive Summary or anywhere in the Report. What is stated, however, in the Report at 28;14-15, is that the ambiguity in the epidemiologic evidence associated with the alleged transmission of the bacteria from elk and bison to cattle in Wyoming is not sufficient to conclude that wildlife is the source of brucellosis infection in these cases. This conclusion should be reflected in the Executive Summary otherwise the summary misleads the reader into believing that evidence of bacteria transmission from elk and bison on the NER and GTNP to cattle is available.

ES4 13 What evidence is available to suggest that there is a "high" abortion rate among feed-ground elk? What criteria are used to determine if an abortion rate is high, moderate, or low? The so-called "high" rate of abortion should be specified in the Executive Summary.

ES4 26-31 Bison emigrate from Yellowstone as a result of both population size and the inability to access forage in Yellowstone. As presently written, the Report suggest that there is not

enough forage for bison in Yellowstone in the winter. This is not true and the bulk of the scientific studies on range condition and productivity indicates that there is sufficient forage in the Park for both the bison and elk populations. If the forage is inaccessible, however, as a result of a thick ice layer, then some bison may emigrate in order to obtain accessible forage.

This section also fails to recognize the impact of the groomed snowmobile trails on bison population dynamics, movements, and distribution. This is not surprising given the deficiency of the analysis of this issue provided in the Report text.

Finally, the statement about the northern elk herd and its dynamic equilibrium fails to recognize sport hunting as contributing to the fluctuation of the elk population around an equilibrium size. This is inconsistent with the Report text which specifies that sport hunting plays a role in preventing the expansion of the northern range elk population.

ES5 10-12 It is also possible that bison who have been exposed to the bacteria and were able to successfully clear the bacteria entirely could develop a natural resistance to the bacteria that is not genetic. Through exposure, if an animal's immune system is stimulated to produce antibodies to combat the bacterial agent. With such antibodies, basic immunology would suggest that the animal is less likely to become reinfected upon additional exposures to the bacteria. The lack of correlation between positive serologic test results and culture results in bison suggests that a developed resistance is possible in this species. This section of the Report should be modified to reflect this possibility.

ES5 25-27 Despite recognizing that eradication is more "a statement of principle than a workable program at present," the Report contains, in several sections, statements that contradict this conclusion and suggest that eradication is both appropriate and achievable. Such contradictions must be corrected. In addition, other factors which would influence the necessity of eradication, including the economic, logistic, political, social, and legal impediments to eradication should be factored into the Report's analysis of the necessity or appropriateness of an eradication program and goal.

ES5 36-38 Since the prepublication draft of the Report has been released this section has created enormous confusion and should be clarified. In particular, it should be specified that the quarantine zone is not the same thing as a quarantine facility. In addition, this section of the Report should specify that the increasing disease surveillance, vigorous monitoring, vaccination, and contact-reporting programs are intended to focus on cattle, not wildlife.

ES6 3-4 Even though this is the Executive Summary, the level of protection induced by the vaccines in cattle should be specified. In addition, the Report should discuss whether multiple whole herd vaccinations can improve the level of protection of Strain 19 or RB51.

ES6 5-6 In addition to the need for safety and efficacy tests on bison prior to the use of the vaccine in the field, it is critical that the safety of the vaccine be determined for non-target species as well.

ES6 29 The Fund assumes that the proposed field vaccination study of bison "inside the GYA, but outside of YNP," refers to the Jackson bison herd. This should be made clear in this statement. In addition, it should be specified that no field study of a vaccine should be conducted until the safety and efficacy of the vaccine is determined both for bison and for non-target species. The

criteria to be used to make this determination should include the standards set forth in Table III-2 of the Report and the vaccine safety and efficacy standards recently agreed upon, in draft form, by the technical subcommittee of the GYIBC (Attachment 2).

ES7 13-14 Though this statement demonstrates that the Report authors were aware of the inadequacy of the sample sizes and duration of most of the research done on this issue, this did not prevent them from relying on data resulting from these studies in the main body of the Report. While preferably the Report should be modified by removing all references to these insufficient studies, at least, the Report should explain in clear and concise terms that there are limitations to the some of the data collected in the past and these limitation influence the credibility of any conclusions drawn from that data.

ES7 20-23 Public opinion or the need for or appropriateness of efforts to eradicate the bacteria from bison and elk in the GYE has never been measured. As a consequence, a variety of agencies have accepted eradication as the r goal without determining if the public believes that this goal is warranted or appropriate given the potential biological, ecological, economic, logistical, and political consequences of such an effort. Considering that bison and elk in the GYE are held in the public trust, it is critical that the agencies assess public opinion of eradication before pursuing an eradication program.

ES7 22-23 If, "eradication of brucellosis as a goal is more a statement of principle than a workable program at present" (Report at ES5;26), then isn't it inconsistent to also claim that "brucellosis can be eliminated from YNP?" This inconsistency should be corrected.

ES7 23-25 The call for the government to support studies designed to produce diagnostic reagents with greater sensitivity and specificity should be, as suggested previously, a formal recommendation in place of existing recommendations which are inconsistent with the original intent of the Report.

INTRODUCTION

1 3 Bison emigrated from the Park during the winter of 1996/97 for a number of reasons, including the need to search for accessible forage. There is, and always has been, sufficient forage in Yellowstone in the winter for bison and elk. The problem last winter was that a thick ice layer developed throughout the Park, except in the geothermal areas, which prevented the bison or elk from accessing the available forage. As presently written, the Report suggests that there is not sufficient forage in the Park to sustain bison in the winter. This is incorrect.

1 5 The reference to "spread of brucellosis" in this statement suggests, incorrectly, that the bacteria has been transmitted from bison to cattle in the past and that it is likely to occur in the future. In reality, there has never been a confirmed case of transmission of the bacteria between the two species under natural conditions and given the rarity of abortions, the risk of transmission, assuming any risk exists, must be exceedingly minuscule. In addition, technically, it is not brucellosis which is transmitted between animals rather it is B. abortus which is transmitted which may develop into brucellosis in the contracting animal. Therefore, this statement should be modified to read "the potential transmission of B. abortus ..."

1 28-30 See ES2 3-9.

1 32 Approximately 50 percent of bison have tested positive to exposure to B. abortus since the bacteria was first discovered by Mohler in 1917. It is technically inaccurate to suggest that "YNP bison have tested positive for infection ..." as not all Yellowstone bison are infected and since the majority of the testing done since 1917 has been blood testing which only detects exposure, not infection.

4 5 See ES2 12.

4 13-14 See ES2 20-21.

4 17 If cattle in brucellosis-free states are allowed to be moved without restriction, then previous statements (See ES2;12 and 4;5) suggesting that cattle shipped interstate are routinely tested for brucellosis are wrong or misleading. This is an example of an inconsistency or contradiction in the Report which should be corrected.

4 19 Since no Class B or C states currently exist and since the Uniform Methods and Rules for Brucellosis Eradication are being modified to reflect this fact, this information is no longer relevant and should be removed from the Report.

4 22-24 This statement should be clarified to ensure that the reader understands that a state's classification is based on the presence of B. abortus in cattle and domestic livestock only. The current regulations do not permit APHIS to consider the presence of potentially exposed or infected wildlife when determining the brucellosis designation of a particular state. If APHIS could consider the presence of the bacteria in wildlife when determining the designation of a particular state then Wyoming and Montana would not currently be brucellosis-free. As currently written this statement suggests that potentially exposed or infected bison and elk could jeopardize a state's designation.

Since APHIS can only base its designation of a state on the presence or absence of B. abortus in cattle or domestic livestock, and because each state has officially agreed to recognize APHIS as the entity which determines the proper designation for each states, as long as APHIS continues to classify Montana and Wyoming as brucellosis-free, all states should honor those designations and resist placing sanctions on cattle from those states.

Finally, again this statement suggests that there are "numerous costs" associated with brucellosis in cattle but fails to quantify what these costs are or what state or federal indemnification procedures exist to minimize the costs to producers whose herd are affected with brucellosis.

4 32-33 See ES1 33-34.

4 34 As stated, this Report looks at the "scientific bases behind brucellosis research and related issues in wildlife biology and makes recommendations based on current scientific knowledge." If this is indeed the case then the recommendations contained in the report should be limited to scientific issues and should not include recommendations relevant to management issues.

4 36-38 See ES2 29-32.

4 40 Dr. Norman Cheville, who spent the bulk of his professional career employed by the U.S. Department of Agriculture may have some expertise in brucellosis in cattle, but his

understanding of wildlife ecology and disease is believed to be limited. This limitation in Dr. Cheville's credentials should be explicitly stated in the Report so that the reader is not misled into believing that Dr. Cheville is an expert in wildlife ecology or brucellosis.

Similarly, Dr. Dale McCullough may have expertise in ungulate biology, ecology, and modeling, but his knowledge of bison and of YNP's ecology is believed to be limited. In addition, Dr. McCullough is coauthor of "Wildlife Management in the National Parks," which is critical of the National Park Service natural regulation policy. Consequently, Dr. McCullough cannot be considered an objective expert over ungulate management in National Parks since he clearly has a bias against the fundamental management policy of the NPS. This inherent bias in Dr. McCullough's approach to this issue should be stated in the Report.

THE DISEASE AND TRANSMISSION

5 8-9 The mere fact that the bacteria was transmitted between species in a methodologically flawed study conducted in captivity (See, Meyer and Meagher, 1995), has no relationship to whether the bacteria can be transmitted under natural conditions. There are so many additional variables which influence bacteria transmission under natural conditions that do not exist in a laboratory environment. This last clause on this statement should be removed because bacteria transmission has not been demonstrated to occur under natural conditions.

5 17-19 Though the Report recognizes that relatively little research has been done on brucellosis in wildlife, and that most of what is known about brucellosis in wildlife is "essentially anecdotal and inferential, and apparent transmission in wild and free-ranging populations has been interpreted by extrapolation from what is known about transmission in domestic livestock," many sections of the Report assume that B. abortus in bison is mimetic of the bacteria in cattle. Since information on wildlife brucellosis is primarily anecdotal and inferential, it is inappropriate to extrapolate information from cattle to wildlife, including bison and elk.

5 44-46 This section recognizes that, due to the evolutionary isolation of bison from cattle for an extended period of time, this could have resulted in "independent mutation and selection" causing "differences and physiology that equal or exceed those in morphology." These differences could explain the differences observed between bison and cattle in their response to B. abortus. Unfortunately, the Report apparently dismisses these differences preferring instead to assume, in error, that B. abortus in bison is mimetic of the bacteria in cattle.

6 16-17 What evidence is available to demonstrate that the pathogenesis of B. abortus in bison or elk is not different than that observed in cattle? The Report suggests that there may be differences. This statement assumes, however, that since research may not have demonstrated that the pathogenesis is different, despite the circumstantial evidence indicating that this is the case, then the pathogenesis must be the same. This is not correct. Considering the genetic differences between bison, elk, and cattle, the role of artificial selection in cattle management, and other biological differences which are identified in the Report at 6;14-16, it is not appropriate to simply assume that bacteria pathogenesis is similar between species.

6 22-23 What evidence is available to demonstrate that pregnant bison and elk typically develop placental infection and can lose the fetus or experience premature labor? While this may be

known for cattle, unless scientific evidence is available to demonstrate the same impact on elk and bison, the statement must be modified to reflect the fact that it is known for cattle but the bacteria in bison and elk may not behave in the same manner or have the same impacts. This statement reflects an assumption that B. abortus in bison is mimetic of the bacteria in cattle. This is not correct and is not substantiated by the available evidence collected on live and dead bison sampled in and outside of YNP.

6 38-35 If "chronicity implies a substantial degree of immunity in many individuals ... and allows calves to clear B. abortus from their bodies before they reach sexual maturity" then how does it follow that "immunologically naive female calves ... infected as young heifers will carry B. abortus into their first pregnancy and abort a highly infected placenta?" Not only do these statements seemingly contradict each other, but it is not clear whether this relationship between chronicity, immunity, and infection is applicable to all ungulates, or just to cattle. If there is a substantial degree of immunity in many bison calves, resulting in a limited number of animals who are likely to become infected during their first pregnancy, this would suggest that the risk of bacteria transmission is inherently low.

In addition, what evidence is available to suggest that young bison heifer experience abortions? If this were the case, particularly given the attention that these animals have drawn over the past decade, then surely more frequent abortions would have been documented in this herd.

6 39-42 If the bacteria is believed to be endemic in the Yellowstone bison population and if high endemicity reduces the frequency of disease and abortions, then what justifies the past and present policies of the State of Montana and National Park Service (NPS) which have resulted in a zero tolerance policy for bison outside of YNP. This information would support the contention that if there is any risk, it must be extremely low since the number of abortions and level of disease in the population is low. This statement also supports the concept of developed resistance in areas where the bacteria is endemic.

The final sentence of this section is confusing. Presumably, pregnant females will have a substantially higher risk for developing pathologic lesions and abortion in populations where there is low exposure to B. abortus, versus in populations in which the bacteria is endemic. This should be clarified in the Report.

6/7 12-36 This entire section suggests that B. abortus in bison is mimetic of the bacteria in cattle. This is not true as the available evidence collected from live and killed Yellowstone bison clearly indicate. The assumption that the bacteria causes similar impacts in both species is likely a product of Dr. Cheville's long-term association with the USDA and the USDA's agency-wide refusal to accept the possibility that the bacteria reacts differently in different species. Had the NAS established a full-fledged committee, as the DOI requested, it is likely that the Report would more accurately reflect the differences between B. abortus in bison and cattle. Since it is unlikely that the Report can be redacted in its entirety, those sections which discuss the bacteria and disease in bison and cattle should be modified to ensure that the information contained is not based on the assumption that the bacteria causes similar impacts in bison and cattle.

7 1-4 These statements are contradictory. On one hand the Report suggests that bison with non-reproductive tract infections will rarely, if ever, be the source of bacteria transmission. Then, on the other hand, in the next sentence, the Report, citing a communication with Dr. Elizabeth Williams, indicates that "bison with non-reproductive-tract infection do not pose a risk of transmission to elk or cattle." Either transmission will occur rarely or never, not both. This section should be modified to

correct this contradiction.

7 15 There are far more than two factors which influence the transmission of B. abortus, including bacteria persistence in sufficient numbers to cause infection in susceptible animals, climatic and environmental conditions, and spatial and temporal overlap between the host and susceptible animals. These additional factors should be listed in this section of the Report.

In addition, what evidence is available to demonstrate that expelled fetal membranes have a "strong attractant effect?" A citation or reference should be provided to substantiate this claim.

7 30-31 This information may be known for cattle, but it cannot and should not be assumed to be applicable to bison or elk unless there is scientific evidence to demonstrate that this occurs in sexually mature bison and elk. If such evidence exists, then it should be cited or referenced in this section. If such evidence is not available, then it should be made clear that this statement is applicable to cattle only and it may or may not be applicable to bison and elk.

7 32-33 What evidence is available to support the contention that it is "unlikely that large numbers of bison in a herd would be infected in lymphoid tissues but not in the uterus or mammary glands?" Why is it not possible, particularly given that Yellowstone bison have evolved with the bacteria for over 75 years, that the bacteria localizes in bison lymph nodes and is not frequently found in the reproductive tract? If the bacteria were common in the reproductive tract of Yellowstone bison, then abortions would presumably be more frequent unless the bison have developed a mechanism to carry bison fetuses to term despite a reproductive tract infection. This statement also contradicts information contained in the Report at 6, regarding the chronicity and endemicity of B. abortus in Yellowstone bison and the fact that abortions are rare in chronically infected herds.

Unfortunately, the available data is not sufficient to determine what proportion of infected bison are infected in the reproductive tract because current "target-tissue" sampling protocols do not call for sampling of tissues from the reproductive tract. Though supra mammary lymph node tissues are taken, detection of the bacteria in these lymph nodes does not necessarily mean that the bacteria is present in the reproductive tract. Since this statement cannot be substantiated with any valid scientific evidence, it should be removed from the Report.

7 43-45 What evidence is available to suggest that B. abortus in the lymphoid tissues of bison are stimulated to replicate during pregnancy and result in infection of the reproductive tract? In addition, what evidence is available to demonstrate that once in the reproductive tract the bacteria replicates to high numbers resulting in a "very high likelihood" of the female bison transmitting B. abortus? While this may be accurate for cattle, it cannot and should not be assumed to be accurate for bison or elk. If, for example, this was occurring in bison, then the frequency of abortions in Yellowstone bison would likely be much higher than what has been documented.

7 45-48 What evidence is available to demonstrate that the percentage of chronically infected females in the population who will develop infections of the placenta and fetus during pregnancy cannot be assumed to be low? Considering the rarity of abortions among Yellowstone and Jackson bison, particularly during the past decade when these animals have been more closely monitored than ever before, the percentage of infected pregnant bison must be low. If there were a larger percentage of pregnant bison with reproductive tract infections then abortions should be more common in the

populations if bison followed the cattle model. This statement should be modified to indicate that, because of the long evolution of bison with the bacteria, the lack of documented abortions, and because of differences between bison and cattle, it is possible that the number of pregnant bison with reproductive tract infections may be low.

9 Figure I-2 Picture "D" is referenced as both histology and immunochemistry while picture "E" is not referenced at all.

11 4-6 Does the duration of exposure to the bacteria have any impact on the frequency with which individual cattle become bacteremic and shed B. abortus in genital infections? If so, this may be important in evaluating the risk of bacteria transmission from Yellowstone bison, who have evolved with the bacteria for over 75 years, to cattle. For how long were the cattle studied in Manthei et al (1950) and Lambert et al (1960) exposed to B. abortus?

11 19 What evidence is available to demonstrate that predators and scavengers in the GYE are infected and can shed B. abortus? The mere fact that coyotes were infected and shed the bacteria under laboratory conditions does not mean that coyotes or other scavengers or predators in the GYE become infected as a result of exposure to the bacteria or shed the bacteria in the wild. The Fund is not aware of any serologic evidence to suggest that any GYE predator or scavenger has ever been determined to be exposed to the bacteria.

In addition, if infected predators and scavengers can shed the bacteria, is this shedding limited to their urine and feces. If so, how long is an infective dose of the bacteria likely to persist in feces and urine, and what is the potential risk of transmission through ungulate contact with contaminated feces or urine-soaked soil?

11 32 What is the available evidence to support the claim that "the lungs and gastric contents of bison fetuses typically contain the most bacteria?" A valid scientific study should be cited to substantiate this claim.

13 11-12 If a bison calf fails to suckle then that calf will either die of starvation or be depredated. Though this may result in milk stasis and possibly a marked increase in B. abortus in mammary tissue and milk, it is unclear why that would be of particular concern. If the mother's own calf is not suckling, unless lactating bison who lose their calves are likely to allow an unrelated calf to suckle, then there would not appear to be any risk of transmission through the milk. The short and long term importance of milk stasis in relation to B. abortus infection should be clarified.

13 17 A citation or reference should be given to support the statement about fecal shedding in bison.

13 20 What evidence exists of coprophagy in free-ranging, wild animals. Since, as I suspect, there is probably virtually no evidence of this behavior in free-ranging, wild animals, the likelihood of feces being a source of transmission should be dismissed entirely.

13 32-36 The use of "50%" and "57%" in this statement is somewhat confusing and should be clarified to indicate that the additional 7 percent of bison bulls who have cultured positive were positive in tissues or lymph nodes other than the testes, epididymides, and seminal vesicles. It

would also be useful if the total number of bull bison sampled were provided so the statistical validity of the data can be assessed based on the sample size.

13 46-48 Why, if the risk of bacteria transmission from bison bulls is believed to be "vanishingly small," does this risk of transmission through copulation need to be considered for bison and domestic cows? Given the other factors that influence transmission, including the lack of spatial and temporal overlap in species range, and the fact that free-ranging bison bulls are not likely to mate with domestic cows, there appears to be little support for the need to consider bison bulls when formulating interim or long-term risk management or bacteria elimination plans for bison.

15 4-5 When are cattle typically bred? If these animals are already bred before they arrive on the summer range near Yellowstone Park, then it is unlikely that they will come into estrus during that brief window of time when they may share common range with bison, including bison bulls. If this is the case, and there are no visual or olfactory stimulants for mating, then what is the potential risk of a bison bull mating with a domestic cow, assuming that such a mating could or would occur under free-ranging conditions?

16 16-19 This statement suggests that serologic tests indicate "that infection is present or that infection has occurred recently." The suggestion that positive serology indicates a "recent" infection is somewhat misleading because "recent" is not defined. How long do antibodies remain present in animals who have fought off an infection and cleared the bacteria? Is this information available for cattle, bison, or elk? If these antibodies can remain for years, then it is improper to suggest that serologic test results are limited to detecting recent or present infections. In addition, if antibodies are cleared then does the animal retain some level of immunity to reexposure of the bacteria? This section of the Report should be clarified.

16 37-43 Serologic tests are designed only to determine if the animal has been exposed to the bacteria, not whether the animal is infected. While there may be a high correlation between positive serologic tests and infection in cattle, this correlation, as the Report concedes, does not exist in captive or free-ranging bison. This section should be modified to reflect the fact that serologic tests, by themselves, are not indicative of infection. Such a modification would also resolve an inconsistency in this section which, on one hand, indicates that a positive serologic test indicates infection (Report at 16;37) and, on the other hand, that infection is diagnosed based on serologic tests, bacterial culture results, herd history, clinical signs, and epidemiology (Report at 16;40-41).

17 7-12. Personal communication to support contention that not all infected animals demonstrate a serologic response is not sufficient. A credible and valid scientific study, particularly studies on bison and elk, should be cited to substantiate this claim.

In addition, what evidence is available to support the claim that in chronically infected animals bacteria may be sequestered in lymphoid tissues in a state that does not induce antibody formation resulting in false-negative serologic tests? Under what conditions or circumstances does the bacteria not produce antibodies? Has this ever been documented in cattle, bison, or elk? Failing to substantiate such a significant claim with valid scientific evidence is inappropriate.

17 35-37 Is the claim that "inappropriate culture techniques have led to false assumptions about the variation between culture and serologic positivity" applicable to sampling done on bison or is it

intended to be a more general statement based on what is known in cattle? If it is intended to be applicable to bison, then it is incorrect. The culture techniques currently being used are more rigorous, involving the culture of the entire tissue or blood sample, than techniques traditionally used in cattle (See, 19;39-44). These techniques maximize the possibility of locating the bacteria if it is present. If this statement is intended to apply to the testing done on samples taken from killed bison during the winter of 1991/92, the Report should specify precisely what the problems were with the culture process that substantiates this claim.

19 1-3 What type of studies require precise knowledge of the extent of infection? Should those types of studies be conducted on tissue and blood samples from bison and elk in the GYE? What is the relevance of the number of bacteria? If the number of bacteria influence the degree or severity of infection and the potential for infectiousness and transmission, shouldn't the number of bacteria be determined in samples from bison and elk?

19 8-11 Based on complete necropsies performed on killed Yellowstone bison in 1995 and 1996, it was determined that if the B. abortus bacteria were present it would likely be found in the internal iliac, retropharyngeal, or supra mammary lymph nodes. This finding resulted in the development of target tissue sampling whereby only those specific lymph nodes were sampled. While this may not recover 100 percent of all of the bacteria in every bison, clearly this evidence suggests that there are specific sites where the bacteria is likely to localize, if it is present, in Yellowstone bison. Whether similar target tissues have been identified for elk is unknown.

19 11-12 If young animals clear B. abortus quickly, presumably resulting in some enhancement of the immune system to fend off a subsequent infection, then why are so many young animals being killed through management actions? If these animals are known to clear the infection, then, even if they were sexually mature, it is unlikely that they would pose any risk of transmitting the bacteria to a susceptible animal. It should be clarified as to whether this statement is applicable to cattle, or to cattle, elk, and bison. A citation or reference should also be given to substantiate this claim.

19 34-35 The quality of the Report would be improved if the actual data relied upon in drawing conclusions about, for example, the correlation between high serologic responses and bacterial cultures, were presented either in a table in the text of the report or attached as an appendix and referred to in the text. The interested publics are at a significant disadvantage in attempting to obtain and evaluate this data because agencies and individual scientists are reluctant to release the data despite the fact that they are federal employees, conducting research using federal tax dollars, and their data is from animals held in the public trust. The Report should recommend increased agency openness, particularly with research data, to improve public understanding of the issues and to increase the level of trust between the interested publics and the agencies.

19 35-36 The serologic and bacteriologic results collected from killed Yellowstone bison during the winters of 1994/95 through 1996/97 do not support the conclusion that "a serologic result can be a good but not infallible indicator that an animal is infected." For those sampling results available as of November 19, 1997, of the 66 female bison who tested seropositive for antibodies to B. abortus, only 22 had positive bacterial cultures and only 12 of these were adults. Such a discrepancy between serologic and bacterial results cannot legitimately be described as "good."

19 36-37 Technically, a serologic response is positive for "antibodies to" B. abortus, not

for B. abortus.

19 39-44 Considering the number of bison from which blood and tissue samples have been removed since 1991, it is difficult to comprehend how the Report can conclude that seroprevalence may not overestimate B. abortus infection (Attachments 3 and 4). It is equally difficult to comprehend how the Report can conclude that "any discrepancy between a clearly positive serologic test and bacterial culture is due to improper culture techniques."

First, the serologic and culture data collected from bison sampled during the winter of 1991/92 and during the winter of 1996/97 make it clear that far more bison in the YNP herd are seropositive than are infected. In particular, the results of the 1996/97 sampling to date provide compelling evidence to substantiate this fact because of the more rigorous culture techniques used to detect B. abortus in those samples which, upon initial analysis, do not culture positive. By using this more rigorous analysis, it is highly unlikely that a significant number of culture positive animals are being missed as a result of improper culture techniques.

19 45-48 If, as the Report suggests, "data on serology of bison is insufficient to support dogmatic statements regarding known relationships among serology, culture test results and likelihood of infectiousness," then why does the Report contain dogmatic statements regarding this relationship. For example, in the paragraph proceeding this statement the Report states that the discrepancy between serology and bacteriology results is due to improper culture techniques. If the data doesn't permit a determination of the relationship between serology and culture results, then how can such a statement be made?

The Fund believes that the available data is sufficient to conclude that serology is neither a good indicator of infection or infectiousness. However, if the principal investigators believe that there is not sufficient data to support dogmatic statements about the correlation between serology and culture then this finding should be, but is not, reflected throughout the Report. This is another example of the inconsistencies and contradictions that permeate the entire Report which should be corrected.

This finding also supports efforts to develop diagnostic techniques specific to bison and elk to improve the ability to detect infected, and potentially, infectious animals. Remarkably, though the Report recognizes that the current serologic tests used on bison were developed on cattle (Report at 19;45) it fails to recommend that efforts be undertaken to develop new diagnostic techniques for bison.

20 1-3 The statement attributed to Olsen (1997) is not consistent with other studies in the literature. As Meyer and Meagher (1995a) indicate, there are several studies (Manthei and Deyoe, 1970 -- 95% correlation; Lambert et al., 1960 -- 90% correlation; and Herr et al., 1982 -- 86% correlation) which demonstrate a strong correlation between positive responses of cattle on B. abortus serologic tests and culture-positive status. Since there appears to be conflicting scientific evidence on this issue, either Dr. Olsen's quote should be removed from the Report or additional information regarding the findings of other scientists should be included to balance the presentation.

20 7-8 See, 19:35-36.

20/21 47-2 These statements are contradictory. On the one hand the Report indicates that it is "highly probable that those species can have serologic titers and not be infected," but then cautions

that "it is dangerous to assume that large numbers of seropositive animals do not carry live B. abortus." The available serologic and bacteriologic data collected on live and killed Yellowstone bison since 1995 demonstrate that seropositive but non-infected animals occur frequently in the population. Assuming that these animals carry live B. abortus is not justified based on the available evidence and clearly represents a bias in favor of cattle and against bison. In addition, since abortions are so rare in the Yellowstone bison population, there seems to be little evidence to support the contention that it is "dangerous" to assume that seropositive animals do not contain live B. abortus.

21 3-4 Thorne and Morton (1978) only substantiate the claim that "heifer syndrome" may occur in elk. It does not provide any evidence to suggest that this syndrome may occur in bison. A citation to substantiate the existence of the "heifer syndrome" in bison should be included in this statement.

21 40-41 This statement should be clarified to explain how soil temperature, acidity, and relative humidity are known to influence bacteria survival. Presumably increased temperature reduces bacterial survival, but how does soil acidity and relative humidity influence bacterial survival?

22 12-16 How is prevalence being defined in this section? Is it intended to refer to exposure (serology) or infection (culture)? If, as The Fund presumes, prevalence represents the level of infection, then what evidence is available to suggest that the level of infection in bison and elk may be 100 percent and 1 to 38 percent, respectively? For bison, enough data has been collected since the late 1980's to the present to demonstrate that the proportion of the bison population potentially infected is far less than 100 percent and is more likely to be between 20 percent and 33 percent of seropositive animals which corresponds to the results of the 1991/92 tissue sampling effort and the more recent sampling (1995-1997) done by Drs. Roffe, Rhyan, Philo and others, respectively.

22 22 What explanation, if any, can be provided for why bison develop an immune response but do not clear the bacteria? Is this similar or different to what has been seen in cattle?

22 28 Though the epidemiologic evidence may suggest to some that this fetus, as reported by Rhyan (1994), was aborted, there is no definitive means of confirming that this was an abortion or if the calf may have been stillborn or suffered other fatal complications after birth. In this particular case, the mother bison was not found thereby preventing the collection of blood or other samples to determine her brucellosis status. Though she was likely infected and infectious, since there is no data on the abortion rate in seronegative or clean bison, then it is impossible to determine if this abortion was caused by B. abortus or if the abortion was caused by some other factor (e.g., nutritional deprivation, stress). In the latter case, it is possible that an infected pregnant bison may be more likely to abort or give birth to a stillborn calf than a non-infected bison, but that the actual abortion or stillbirth is caused by factors unrelated to the bacteria.

22 33-34 It is assumed that the aborted fetus found near Old Faithful refers to the alleged abortion documented by Rhyan (1994). If not, then additional information about the circumstances surrounding this so-called abortion should be reported, including when the fetus was found, whether the mother bison was identified and sampled, and an estimate of how many days may have passed between the "abortion" and discovery of the fetus.

This statement also suggests that a stillborn calf heavily infected with B. abortus was found outside of

Yellowstone National Park. While The Fund is aware of a stillborn calf found near, but inside, the northern boundary of Yellowstone Park, it is unaware that a stillborn calf has ever been found outside of the Park. If this description is incorrect and should actually specify that the stillborn calf was found in Yellowstone Park this should be corrected. In either case, the circumstances, as defined above, surrounding this stillborn calf should be provided in the Report so that the transmission risk of this particular incident can be evaluated.

22 35 Though the placental material revealed a heavy infection with B. abortus, it is impossible with the available evidence to absolutely confirm that this animal experienced an abortion. While the evidence would suggest that this is, given the animal's condition, the most likely result, without a fetus an abortion cannot be confirmed. This animal could have, for example, given birth to a stillborn or weak calf who could have succumbed to the elements, predators, or both. This statement should be modified to reflect the possibility that an abortion did not occur.

22 38 The amount of time that the bacteria persisted in the soil was 14 days at one site and 18 days at another (pers. comm. with Dr. Tom Roffe). Since we know how long the bacteria persisted, this specific information should be provided in the Report in place of the reference to "several weeks." What also should be included, but is not, is how much of the bacteria persisted for what duration of time. Though soil analysis permitted a determination that the bacteria was present 14 to 18 days post birth event, this does not indicate that the amount of bacteria at the site was sufficient to result in infection in a susceptible animal if that animal were exposed to the bacteria at the site. Nor does the Report provide any analysis of how or why an animal could be exposed to the bacteria if it is in the soil, or what the likelihood of such a exposure route would be. As presently written this statement suggests that the bacteria persists for several weeks in an amount which could result in an infection in a susceptible animal. This is misleading and should be clarified.

22 41 It is not appropriate to rely on a 1935 study to justify the 60 percent seropositive rate in Yellowstone bison. This rate is inconsistent with the current estimate of 30-40 percent which is provided in the Report at ES3;4. This rate also fails to consider the likelihood that the proportion of animals in the Yellowstone herd who have cleared the bacteria and developed an immunity to the bacteria has increased over time as a consequence of the fact that this herd has evolved with the bacteria.

22 44-47 These statements, if not contradictory, are misleading in that the former suggests that "substantial fetal loss ... has not been reported for the bison populations in the GYA," while the latter, citing to studies done by Davis et al. (1990, 1991) suggests that all infected female bison aborted their first calf. Obviously, what has been documented under experimental conditions and what has occurred under natural conditions are entirely different. This discrepancy is most easily explained, as it should be in the Report, by recognizing that the studies done by Davis et al. were conducted in captivity and involved the use of a challenge dose which has been described as excessive (Meyer and Meagher, 1995). The amount of the challenge dose, the source of the bison used in the experiments (immunologically naive), and the impacts of captivity, are likely responsible for the difference in the results measured in captivity and under natural conditions.

23 6 If, as the Report suggests, "YNP elk in the northern herd have been tested recently," what were the results of this testing? This information should be provided in the Report.

23 19-20 The Report should note that the 50-70 percent abortion rate documented in elk at

the Sybille Research Unit is based on experiments conducted in captivity and may or may not accurately reflect the rate of abortions under natural conditions.

25 13 -19 Though horses may be susceptible to B. abortus, what is the risk of transmission between elk, bison and horses in the GYE? What are the factors that may contribute to that risk? This information should be added to this section of the report.

TRANSMISSION AMONG AND BETWEEN SPECIES

26 9-10 Neither the effects of weather on animal movements or the NPS natural regulation policy were part of the initial NAS questionnaire. Consequently, ideally, these sections of the Report should be removed since the interested publics did not have an opportunity to fully address these issues when responding to the questionnaire.

27 2-3 The available evidence does not conclusively demonstrate that both of the horses that contracted brucellosis in the Jackson area were infected by feedground elk. It is most likely that the horse maintained on the feedground throughout the winter could have been exposed through co-mingling with feedground elk, but the horse used to pack out hunted elk is unlikely to have contracted the bacteria from elk. Considering that transmission is most likely as the result of contact with an aborted fetus, live infected calf, or contaminated forage, and that the bacteria is known to persist for only a few hours in direct sunlight, it is highly improbable that a horse used for elk hunting in the fall contracted brucellosis from elk. If this transmission occurred it had to be the result of contact with contaminated forage, since elk abortions and births are not expected in the fall months during elk hunting season. This is improbable because it is unlikely that the bacteria would survive the typical summer climate in the Jackson area. Consequently, the Report should be modified to reflect the fact that only one of the two horse cases was likely attributable to feedground elk.

27 27-28 In this section the Report should indicate that in 1961 and 1969 Wyoming was not brucellosis free. Because of this, the possibility that the brucellosis outbreaks recorded those years may be attributable to cattle cannot be entirely dismissed.

27 29-33 Despite the finding of the court, in briefs submitted by the government in the Parker case, it was disclosed that there were at least 100 cattle whose origins were never determined (Attachment 5). Indeed, though ranch officials initially informed USDA inspectors that no cattle had been added to the herd for 6-7 years, it was eventually determined that at least 25 bred cows from an unknown source were added to the herd in 1984. The Report should reflect the possibility that the brucellosis outbreak in the Parker herd may have been attributable to cattle added to the herd in 1984.

27/28 19-15 This entire section should be rewritten. At present, several paragraphs are used to suggest that bison and elk may have been responsible for six incidents of brucellosis in Wyoming cattle between 1961 and 1989. The usefulness of this anecdotal evidence is then, quite appropriately, dismissed because it is circumstantial, not complete, and speculative since whatever information gaps existed were filled by the memories of APHIS and Wyoming personnel. As a consequence, the Report concludes that "wildlife cannot be determined to be the source of brucellosis infection in these six cases." Given this conclusion, then there is no need or reason to elaborate on the details of the specific incidents if the details themselves are potentially in error. If, as the Report indicates, wildlife cannot be determined to be the source of infection in these case then the Report should clearly and explicitly state

this fact and should not contain additional information which is irrelevant and only serves to confuse the reader.

27 28-29 Cariman (1994) is cited in the text but is missing from the bibliography.

27 37-38 Anecdotal evidence is not sufficient, by itself, to substantiate the claim that these six incidents of brucellosis in cattle were attributable to wildlife. Additional information is necessary to substantiate these claims before wildlife should be blamed for these incidents. See, also 27/28;19-15.

28 20-21 Though the Report indicates that "considerable caution should be exercised in extrapolating results from cattle to bison." Unfortunately this advice is not reflected throughout the Report. Instead, in several places the authors utilize research data collected on cattle to draw conclusions about bison and elk. This is not appropriate or accurate and those sections of the Report in which cattle data has been applied to bison and elk should be modified to reflect the caution that the Report suggests should be used when comparing brucellosis in cattle to brucellosis in bison and elk.

28 35-36 While the fact that bison have been exposed to B. abortus for an extended period of time may have resulted in selection for genetic resistance, it is also very likely that over time a larger proportion of animals in the herd may have developed a resistance to the bacteria through either a single or multiple exposure event(s).

In fact, the removal of seropositive bison during current management efforts may be reversing the natural decline in the potential number of infectious bison by increasing the proportion of seronegative animals. These seronegative animals either are genetically resistant to the bacteria, have cleared the bacteria and antibodies to the bacteria from their bloodstream, or they represent animals who are immunologically naive but have not yet been exposed to the bacteria. The genetically resistant animals should remain brucellosis-free. Those animals who have been exposed but have cleared the bacteria entirely from their body would theoretically have a primed immune system prepared to potentially fight off reexposure to the bacteria. The immunologically naive animals, however, represent a group of animals who could potentially become infected and infectious. The current practice of removing seropositive animals, therefore, is probably removing some of the very animals who have developed a resistance to the bacteria and should be retained in the population while increasing the proportion of animals in the population who may become infected and infectious, and, in turn increase the theoretical risk of transmission.

This section of the Report should be expanded to include a discussion of the possibility that Yellowstone's bison long-term exposure to the bacteria may have resulted in an increase in the proportion of animals who have developed a resistance to the bacteria.

28 40-41 Rhyan et al., (1994) contains no information about persistence of B. abortus at the site of the alleged abortion nor did it contain any reference to predators sanitizing the site. This paper dealt solely with the recovery of a bison fetus which was infected with B. abortus suggesting that the fetus was the product of an abortion. This statement in the report must be either removed since it is not correct, or the correct citation, if one even exists, should be provided to substantiate this information.

28 43 The elk abortion rate estimates of 7 to 12.5 percent are indeed estimates and are not based on any valid scientific evidence. Neither Smith and Robbins (1994) or Herriges et al. (1991)

conducted experiments to determine the actual rate of abortion in elk. This statement should be modified to indicate that the actual rate of abortions in feedground elk is not known.

29 41-42 Thirty-seven (37) percent, not 34, is the correct average seropositive rate for elk on the feedgrounds. Similarly, the 4 percent estimate given for the seropositive rate in northern-range elk is not consistent with a lower rate of 1-2 percent provided in the Report at ES3;6. Over the years the seropositive rate in northern-range elk has averaged around 1-2 percent, though it has gone up to an estimated 6 percent in 1996/97 (GYIBC 1997), though this may be an anomaly reflecting sampling error.

30 4 Some information about birth site cleaning by bison is available from the experiments conducted on three Yellowstone bison maintained at Montana State University during the summer of 1997. These animals, who were seropositive and pregnant, were transported from Yellowstone to MSU in March or April of 1997. Since these animals were in captivity they were monitored daily. All three animals gave birth. Yet, despite efforts to locate the birth site the morning after the birth event, the sites could not be found (pers. comm. with Dr. Tom Roffe). This would suggest that, at least in captivity, bison thoroughly cleanse the birth site.

30 27-28 What is the evidence to suggest that retained placentae in bison act as an attractant to other herd members? In addition, though retained placentae may indeed be an attractant to other herd members, this is not likely to be a significant source of intra or interspecies transmissions because such a condition has been rarely documented in Yellowstone bison. While it is true that not all bison can be observed at all times, given the amount of research and interest in Yellowstone bison as a consequence of the brucellosis controversy, if retained placentae were more common, surely more than one alleged incident of a retained placenta would have been documented in the past decade.

30 31-32 Is there any evidence that bison consume, either wholly or partially, their aborted fetuses?

31/34 12-43 Given the insignificant risk of predators representing a B. abortus transmission vector, either directly through urine and feces or indirectly as a result of predator food caching behavior, the Report spends an inordinate amount of time on this issue. While the information provided is interesting, since the risk is so infintessimal, it does not appear necessary to explain and discuss in such detail the role, or lack thereof, of predators in transmitting the bacteria.

31 12-13 This statement about the role of predators as "potential reservoirs" for bacteria transfer is inconsistent with the finding that predators are "dead end hosts" (Report at 31;42). This contradiction should be explained or corrected.

31 15-16 Is there any evidence available which assesses how long the bacteria remains viable in coyote feces and urine? If so, that information should be included in this section of the Report.

31 23-24 If the artificial density of coyotes and cattle under captive conditions "cannot be translated into probabilities of transmission under natural range conditions," then why are the findings of Davis in regard to the transmission potential between bison and cattle in captivity and also at an artificial density, any more relevant or applicable to the natural condition? Since the Report correctly recognizes the limitations of the coyote studies done by Davis, it should do the same with his bison/cattle experiments.

YELL-14714 contd.
EXHIBIT 3 contd.

31 26-28 None of the species identified in this statement have ever been determined to be exposed to, or infected with, B. abortus in the GYE. The citations given are for studies done in other places, or, in the case of Johnson (1992) are speculative. This statement should be modified to indicate that these species have contracted B. abortus, but that, to date, none of the species in YNP have been determined to be exposed or infected.

32 11 If the number of organisms shed in the urine and feces of predators influences their risk of transmission, wouldn't the same hold true for soil and vegetation exposed to B. abortus? If, for example, the number of bacteria persisting in the soil or vegetation at a birth site decreased rapidly to insignificant levels as a result of climatic or environmental conditions, this would presumably decrease the likelihood of a susceptible animal becoming infected after grazing on this site. If this is true, this substantiates the need to determine, not only whether the bacteria persists in the environment, but how much of the bacteria persists. This also emphasizes the importance of determining the minimum infective dose for bison and elk in order to determine if indirect exposure to the bacteria through contact with infected soil or vegetation is responsible for maintaining the bacterium in the population.

32 15-16 While free-ranging ungulates will use a salt lick or other minimal supplement if placed into their environment, what evidence is available that free-ranging ungulates suffer from a mineral deficiency which will lead to coprophagy? A citation to valid scientific evidence substantiating this claim should be included in the Report.

34 11 Presumably each ecological complication also reduces the possibility of transfer of B. abortus between wildlife and cattle. This should be noted.

34 36-37 This statement applies to all sides of the Park, not just the northern side of boundary of YNP.

34/36 48-8 If the data obtained from Farnes is limited to the northern range then it does not provide an adequate representation of the snow, temperature, and rain estimates for the entire Park. Because of size and geologic features of Yellowstone, these weather variables are not consistent across the landscape. The limitations associated with only using data from the northern range should be clarified.

36 12 How can the condition of the animal be separated from the influence of temperature, snow, and rain when trying to evaluate factors which influence bison emigration from the Park? Animal condition clearly plays some role in influencing bison movements outside of the Park. While the nomadic nature of bison is a significant influence in bison emigrations, the need for forage also influences animal movement patterns.

36 27 Instead of simply citing Dobson and Meagher (1996) and Yellowstone Science (1997), a chart or table should be added to the Report to provide the annual population size estimates, natural mortality, and management kill for bison in YNP and GTNP. Providing this information in the report, instead of just citing it, would make it easier for the reader to more accurately compare these statistics and to duplicate the statistical analyses contained in the Report.

36 37-38 The lack of significant correlation between bison emigration from the Park and weather variables may be influenced by bison condition. If, for example, forage is abundant and the

bison are in good condition -- as every indicator suggests they are -- then weather variables would not be expected to have as significant an influence on bison emigration as they would if the bison were not in satisfactory condition. In addition, this analysis seemingly contradicts other statements in the Report which indicate that snow depth does influence bison emigration. Presumably the authors have distinguished between precipitation in the form of snow and snow depth in this analysis but this should be clarified.

39 32 Because of the NPS's natural regulation mandate it is not proper to establish a carrying capacity for bison or any other species in the Park. Since natural variables are supposed to be controlling the size of wildlife population in the Park, establishing a carrying capacity would be antithetical to that concept. Even if it were proper to establish a bison carrying capacity in the Park, the 3,000 bison estimate provided in the Report is an emigration influenced carrying capacity not an ecological or biological carrying capacity for the Park since this figure is based on emigration and not on habitat use and impacts to rangeland vegetation.

42 3-4 Considering the recognized limitations with the weather data analyzed in the Report (See Report at 39;36-39), it seems rather optimistic to recommend additional research into these variables but to conclude even with more data these conclusions are unlikely to be altered. Surely, even if new data are not collected, but data from more sites throughout the Park are analyzed, this could alter the findings presented in the Report.

42 32-34 Examining the effects of removals by adding them back into the following year's population and using this to determine annual incremental growth rates neglects to consider that a proportion of the removed animals were pregnant females who, if not removed, would have likely given birth thereby increasing the overall population at a faster rate. The number of animals removed from the ecosystem through management action is attributable, both directly and indirectly, to bison use of groomed trails. Bison use of groomed trails both within the Park and as routes facilitating their emigration from the Park has, as a result of accessing alternative winter habitat and due to the energy savings associated with using groomed trails, artificially increased the bison population within the Park resulting in larger numbers moving outside of the Park where they have been traditionally killed.

The removal actions have, therefore, dampened the effect of the groomed trails on bison population dynamics. That is, if the removals had not occurred, the bison population would have increased at a faster rate over a shorter period of time making the impact of bison use of groomed trails more noticeable in terms of population numbers.

What the removals cannot mask, however, is the impact of bison use of groomed trails on bison movements and distribution. The Report, however, failed to evaluate how groomed trails have altered bison movements and distribution, preferring instead to simply examine, albeit incorrectly and without a complete knowledge or understanding of bison ecology or the complexity of the impacts of bison use of groomed trails, population changes over time.

42 35-38 Natural mortality may have been higher in both moderate and high snowfall years, particularly after 1980, if trails were not groomed. The fact that natural mortality was low prior to 1980 may be a function of bison attempting to fully occupy available habitat. The fact that natural mortality was low after 1980 may be explained by energy savings associated with bison discovery and use of snowmobile trails. As time passed, and more bison learned about the road system, the proportion

of annual natural mortality would likely decrease.

42 47-48 Natural diminution of bison population growth would not be expected in YNP because of the impact of bison use of groomed trails on bison survival. Not only do bison benefit energetically from the use of trails, but the trails permit bison to access alternative wintering sites both within and outside the Park which may, under more natural conditions (i.e. no trail grooming), never have been accessed by bison.

The increase in natural mortality in severe winters is expected, even with the groomed trail system, because the climatic severity, particularly the formation of an extensive ice layer throughout the Park, ultimately overwhelms the energy savings and other benefits provided by use of groomed trails. Though it is unlikely that the bison population in YNP would have ever increased to 3,500 animals (the population estimate in the fall of 1996) under a more natural management regime, if it had then the severe winter of 1996/97 would have resulted in far more natural bison mortality than actually occurred.

43 Figure II-6 See, 36;27.

44 11-14 Though the per capita rate of increase is alleged to have declined significantly over time, perhaps it is not at zero yet because the herd has not reached or exceeded the ecological carrying capacity of the habitat. The fact that the per capita rate of increase has declined may, at least partly, be a product of density dependent factors. Furthermore, the fact that the per capita rate has not declined to zero may be preventing density dependent factors from influencing population productivity, to the extent that bison population characteristics are affected by population density.

There is reason to believe that bison may not primarily be a density dependent species, but instead density independent factors may have a greater influence on bison population characteristics. More than likely, however, bison are probably influenced by both density dependent and independent factors.

Under a more natural management regime (i.e. no groomed trails) bison movement and distribution patterns would be far different than what is observed currently in Yellowstone. If groomed trails were not available to lead bison to alternative foraging sites, the bison may have remained more sedentary during the winter, becoming increasingly scattered within their range to permit individual bison and small groups of bison to find and consume enough forage in order to survive the winter months. Without the learned knowledge of alternative winter sites, and with expansive movements unlikely, particularly as the winter progressed, due to the need to conserve energy, there probably would be a smaller bison population in the Park today with the number and rate of bison emigrating from the Park far less than has occurred over the past decade.

To the extent that bison may be influenced by density dependent factors, bison use of groomed trails have masked the impact of these factors on population productivity. Not only have the trails permitted bison energy efficient routes to alternative wintering habitat within the Park (See Report at 46;10), but they have also facilitated an expansion of the bison range to areas outside the Park, and such movements have opened up additional habitat for bison within the Park. As a result, the carrying capacity of the ecosystem for bison has increased above what would exist if bison did not use the groomed trails. The fact that few bison who emigrate from the Park ever return does not reduce the significance of the increase in carrying capacity represented by habitat available beyond Park borders and the impact of bison emigration on habitat availability within the Park.

Consequently, it is unlikely that any density dependent affect, beyond the per capita decline in population productivity, would be measurable in this population until it completely occupied all available habitat in the ecosystem. Considering the size of the ecosystem and since no physical barrier exists to stop bison movements beyond the Park, completely reoccupying all available habitat may not be realistic in today's society unless the public is prepared to permit bison to recolonize large expanses of previously occupied habitat.

The annual management removals also mask any density dependent factors which may influence the population. By continuing to remove animals as they emigrate from the Park, there will always be unoccupied habitat for bison to use both inside and outside of the Park. In combination with the natural nomadic tendencies of bison, learned behavior of bison who have survived previous emigrations from the Park, and the increase in survival and productivity in the herd resulting from bison use of groomed trails, it is likely that bison, even when their population size is below 3,000 and even in moderate or even mild winters, will emigrate from the Park. Thus, there is a cycle of emigration, slaughter, and births which has been essentially continual for over a decade which prevents density dependent factors from influencing population productivity, assuming bison are, at least in part, a density dependent species.

44 18 If the annual absolute increment of growth in the population is stable, but the proportional increment is not, then fewer calves are being born, fewer calves are being recruited into the population, and/or adult mortality rates -- both natural and through slaughter -- have increased or decreased in response to calving and calf recruitment rates. Of these possibilities, it is most probable that calf mortality and the large number of bison being slaughtered outside of the Park is tending to keep the annual growth increment stable.

Though this analysis suggests that the reproductive output may be stable "over broad ranges of total population size," it has stabilized at a higher level than what would be expected if bison did not use the groomed trail system, assuming all other variables, particularly winter weather, were equal.

44 21-22 It is not clear how the Report can conclude that adult bison mortality was low during the years included in the Report's analysis given that a large proportion of bison killed during the winters of 1988/89 and 1991/92 were adult animals.

44 22-23 Actual calf recruitment numbers may differ from the estimates used in Figure II-6. Since calf recruitment is the likely source of the "constant absolute annual increment," then to be comparable, the population estimates used in Figure II-6 would have to exclude bison calves that have not been recruited into the population. While it is unclear precisely which population estimates were used to construct Figure II-6, it is assumed that these estimates are based on summer counts (typically the most reliable counts) which include recently born calves. Since a proportion of these calves are likely to not be recruited into the population, Figure II-6, if it is included in the Report, then it should be reconstructed using summer bison population estimate minus calves born that year. This may not affect the results of the analysis, but it would be more accurate.

44 24-32 Considering that Kirkpatrick et al. (1996) found very little fetal loss in their study, what explains the large discrepancy between pregnancy rates reported by various scientists? Though Roffe may have found a 90 percent pregnancy rate in 52 bison cows killed during the winter of 1996/97, did his study methodology select for pregnant female animals thereby reducing the application of this pregnancy rate to the entire female bison population of Yellowstone? If 90 percent of all adult

female bison were pregnant during the winter of 1996/97 then even though a large number of bison, including pregnant females, were killed through management actions, unless there was a substantial amount of fetal loss through reabsorption or abortion, then a larger number of calves would have been detected during the summer counts. Moreover, Roffe's estimate is not consistent with the estimated pregnancy rate for all bison killed and sampled outside the Park during the winters of 1995-1997. This data (Attachment 4) reveals a pregnancy rate of only 51 percent (52 of 102) of all female bison killed and sampled.

44 41-42 If trail grooming and snowmobile use were terminated in YNP, in time, the bison population would likely show more year to year variation, similar to that observed in elk. Without access to groomed trails, bison, in time, would revert to more natural distribution and movement patterns as exhibited prior to 1980, or, some may continue to demonstrate movement patterns similar to those exhibited presently. Such movements, in the absence of groomed trails, would come at a higher energetic cost. It should not be surprising that elk and bison show different population patterns. Bison utilize groomed snowmobile trails more frequently than elk and the stolid temperament of bison allows them to use the trails even in the presence of snowmobiles. Elk, however, are more likely to flee from the approach of a snowmobile, resulting in increased energy utilization. Because of the complexity of the issue, it is difficult to determine precisely how the bison population would react to the termination of trail grooming and snowmobile use without closing the entire Park to these uses for an extended period of time and then monitor bison response. Short of conducting such an experiment -- which would be the antithesis of the current experiment being conducted with trail grooming and snowmobiles -- models and other forms of analysis based on the data collected by Dr. Meagher and others over the past several decades is the most feasible means of determining what impact termination of trail grooming and snowmobile use may ultimately have on the bison population.

44 42-45 The fact that bison have expanded like a "wave front" across YNP should not be surprising. This expansion is a product of bison fully occupying their habitat by 1980 in combination with the stress dispersal in 1981 which led to bison discovery and use of groomed snowmobile trails, which opened additional habitat within and outside of the Park to bison use. Had the bison never discovered the trails, or had, preferably, the trails never been groomed, it is possible that the bison population would have fluctuated, depending principally on climatic variables, around a dynamic equilibrium of approximately 2,000 animals (the estimated bison population size in 1980) with little emigration from the Park.

45 9-11 This is precisely what has happened to the bison population as a result of bison use of the groomed trail system and the large numbers of animals slaughtered outside of the Park. The trails have provided access to additional habitat both within and outside of the Parks. In response, the population is continually attempting to fill those habitats. The slaughter of bison outside of the Park serves to prevent the bison from ever completely filling their expanded range both inside and outside of the Park.

45 13-14 The spatial limits of YNP may not have ever been exceeded by bison had groomed trails not existed. Bison use of groomed trails, and learned knowledge of alternative wintering sites both within and outside the Park, have facilitated bison emigration from the Park and the appearance, though artificial, that the spatial limits of YNP have been exceeded before the Park's carrying capacity was met.

45 17-19 If trails were not groomed, or bison did not use the groomed trail system, it is possible that the bison herd could find an equilibrium point because both the annual increment of growth and the

number of animals killed outside of the Park will generally decrease in time.

45 23-32 Suggesting that because bison body condition was determined to be good, there is "little evidence of inadequate forage or quality available to YNP bison," the Report demonstrates an ignorance of the geology, topography, and ecology of YNP, and a misunderstanding of what Dr. Meagher has reported.

First, the majority of the scientific evidence indicates that YNP forage is sufficient in abundance and quality to meet the nutritional needs of YNP's ungulates. Forage abundance and quality have never been a problem for bison in Yellowstone. Whether that forage is accessible in the winter is the problem. In addition, bison have not been newly introduced to the Yellowstone ecosystem but evolved in this landscape and therefore have learned how to survive under the climatic conditions that influence YNP.

Second, Yellowstone is comprised of many different habitat types. The substantial amount of geothermal areas create an anomalous situation in Yellowstone which is not replicated anywhere else in North America or, perhaps the World. It is these geothermal areas which Dr. Meagher believes represent survival habitat for Yellowstone's ungulates during winter. Because of the fragile soils at these sites, in combination with the artificially high number of bison along with elk who use many of the geothermal areas during the winter (which is partly a product of bison use of the groomed trail system), there is concern that the quality and quantity of vegetation is declining due to the adverse effects of soil compaction. If the flexibility provided to bison who use these survival habitats declines, as a consequence of decreased plant productivity, vigor, and abundance, then this could result in a larger proportion of bison emigrating from the Park and, if killed outside the Park, could result in increased concern for the survival of the herd.

Third, this is not to suggest that the other winter rangelands, outside of the geothermal areas, are not being impacted by bison. These lands are not being overgrazed by bison, but their functional use to bison has declined as the result of changes in bison population dynamics, movements, distribution, and habitat use resulting from bison use of groomed snowmobile trails. This decline in the functional value of the rangeland to bison has influenced bison feeding behavior and their gregariousness. Bison are highly gregarious and prefer to stay in groups. Their feeding behavior is best described as "take a step, take a bite." Thus, when a group of bison move through an area, the area may have a mowed appearance but there remains forage available for bison or for other species. There is no evidence that bison have overgrazed any portion of Yellowstone. For bison, however, though there is still forage available, the functional value of this land as a foraging site for bison has declined because bison would have to break their social bonds to utilize this area. Bison will resist breaking social bonds unless it is absolutely essential for survival. The groomed trails provide bison with a energy-efficient means of traveling in large groups which permits the bison to retain their group dynamic while also accessing alternative wintering sites.

Thus, bison body condition cannot and should not be used as an indicator of their impact on the environment. While the bulk of the evidence demonstrates that bison have not overgrazed the rangelands in Yellowstone, there is concern regarding the impact of bison, in combination with other species, on the geothermal areas or winter survival habitat. In turn, this impact is attributable, at least in part, to the effect that bison use of groomed trails has had on bison movements, distribution, population dynamics, and habitat use. This section of the Report should be modified to more carefully and correctly evaluate the issues that Dr. Meagher has raised in regard to bison impacts to their habitat in a far more rigorous

manner.

45 25 Citing to the "Backgrounds and Issues" document (Montana Department of Fish, Wildlife, and Park et al. 1990) as support for the YNP contention that "no resource damage" attributable to bison has been documented is not appropriate. Not only is this document eight years old, but it was not intended as a comprehensive analysis of the range condition in YNP. That is not to say that there is resource damage, because the majority of the scientific studies conducted over several decades conclude that there is not.

45 38-41 The Yellowstone bison population most certainly demonstrated an increase in population size after the 1988 fires. It is likely that the fire, and other factors, caused this population increase. The increase, however, is not readily apparent from the population size estimates made at that time because of the large number of animals, including pregnant females, killed during the winter of 1988/89 and in subsequent winters (i.e., 1991/92, 1994/95, 1995/96, and 1996/97).

46 1-3 The relearning that occurred prior to 1980 resulted in bison fully occupying the available habitat. At this time, however, the bison were still distributed among three subgroups or subherds; the northern range herd, the Pelican Valley herd, and the Mary Mountain herd. Though, at that time, Meagher (1993) indicates that the bison had fully occupied the available habitat, they had not actually accessed or occupied all available winter habitat in the Park because they had not yet discovered or extensively used the groomed trail system. In 1981, however, winter severity triggered a stress dispersal which resulted in the bison discovering and using the groomed trail system which ultimately led them to alternative wintering sites, previously unused, both within and outside of the Park.

46 4-5 What kind of data would be needed to demonstrate the energetic benefits accrued by bison through the use of groomed trails? Logically, if an animal, human or otherwise, is walking on groomed snowmobile trails this takes far less energy than walking through 2 feet of snow. Precisely how much energy is being saved, or what these savings may mean to the individual animals, has not been calculated for YNP bison but such assessments have been made for other species. Instead of simply relying on the analysis contained in the Report to downplay the potentially significant energetic impacts of groomed trails on bison, the Report should contain recommendations on how the energetic impacts of bison use of groomed trails could be evaluated.

46 18-25 The Report suggests that because the absolute population growth rate was essentially constant before and after bison began to use groomed roads, that the groomed trails have "no substantial influence" on bison demographic performance. This analysis is incorrect in that it neglects to consider several important variables.

First, the variables used in this analysis do not permit a determination that groomed trails have "no substantial influence" on bison demographic performance. Prior to 1980, the bison population was recovering from culling operations conducted for several decades up until approximately 1968. According to Meagher (1993) it was in 1980 when the bison had fully occupied available habitat. Post 1980, the bison discovered and began to use the groomed snowmobiles trails. Because there is no sufficient time period prior to 1970 when the bison population had fully occupied its available habitat and when trails were not groomed, there is no control to use in evaluating how bison movements, distribution, habitat use, and annual population changes have occurred in response to bison use of groomed trails. The analysis in the Report, therefore, is entirely speculative and has no control for

comparison purposes.

Second, the analysis only examines the annual rate of population increase in evaluating the impact of groomed trails on bison and fails to evaluate the impact of bison use of groomed trails on bison movements, distribution, and winterkill.

If trails were never groomed in YNP, how would this have affected the demographics and other characteristics of the bison? This is the critical question which the Report does not even attempt to evaluate. If it had, then it may have determined, as is probably the case, that without groomed trail bison movement and distribution patterns would be far different than what are presently observed. In turn, the bison population size would probably be smaller since their range would have been more restricted and since they would not have accrued energy savings through the use of groomed trails. With a smaller population, there would be less pressure on each individual animal to emigrate from their traditional winter range, except possibly in the more severe winters, and those who did emigrate would have paid a greater energetic price for their movements.

Under such conditions, it is likely that there would have been proportionately greater winter kill and proportionately less production within subgroups or subherds than what has been documented since bison began using the groomed trails. In other words, the groomed trails may have masked density dependent influences on the population on a local scale. If this had occurred, the population numbers would have essentially stabilized around some dynamic equilibrium.

Thus, contrary to the conclusion made in the Report, the absolute annual population growth rate may be a product of bison use of the groomed trails and reflects the substantial impact that the trails are having on bison demographics. This effect would be even more significant, as previously stated, if bison, including pregnant females, were not slaughtered outside of the Park.

Winterkill of bison has also been reduced through bison use of the groomed trail system compared to what would occur under more natural management conditions. The proportion of winter killed animals documented since 1981, including the 374 bison out of a total population of 3,500 who presumably winter killed during the severe winter of 1996/97, probably does not accurately reflect the true proportional impact of winter kill if bison did not have access to groomed trails. For example, were groomed trails not available during the winter of 1996/97 to permit bison to emigrate both within and outside of the Park, the proportion of animals who winter killed would probably have been much higher due to the energy expenditures necessary to survive such a severe winter.

Furthermore, the proportional amount of winter killed bison decreased between 1981 and 1997. In 1981, according to Meagher (1993), at least 302 bison (15 percent) were estimated to have died from natural causes during the winter out of a total population of approximately 2,000. In 1997, according to the Report, only 374 (11 percent) out of a population of 3,500 bison in the fall of 1996 were estimated to have died from natural causes during the winter. Thus, despite the fact that the bison population in 1996 was 1,500 animals larger than the estimated population in 1981/82, and though the 1996 winter was more severe than the winter in 1981, 4 percent fewer bison died from natural winter kill in 1996 than in 1981. This result should not be surprising since a larger proportion of the bison in the Park had learned knowledge of, and used, the groomed trails in 1996 than in 1981.

Third, the analysis does not consider the impact of mild winters on bison numbers. During the decade of

the 1980's Yellowstone experienced a series of mild winters which was partly responsible for the overall population increase which occurred during the decade. Though bison had previously emigrated from the Park in small numbers, it was not until the winter of 1988/89 when over 900 animals emigrated over the northern border of the Park where 571 were shot by hunters. The milder the winter the less important groomed trails are energetically for bison. Thus, during the early and mid-1980s the mild winters combined with bison use of the groomed trail system and the energetic and habitat benefits received from using the trails allowed the bison population to increase but limited the emigration of bison from the Park. In 1988, however, a combination of a loss of suitable habitat post-fire, combined with an average winter and the size of the herd led to a substantial increase in emigration.

46 36-42 Understanding the social structure of a bison population is also a key element of assessing the impact of groomed trails on bison demographics, movements, distribution, and habitat use. As a highly gregarious species, bison prefer to be in groups or herds. Only when separation is necessary for survival will bison break social bonds. The groomed trail system has provided bison with an ability to move as groups to alternative wintering sites and to areas outside the Park. In the past, without trails, bison would have to break social bonds to survive the winter, resulting in smaller groups. This, in turn, could lead to greater susceptibility to predation and energetically, even if bison tend to follow each other, would result in more leaders and greater energetic impacts for a larger proportion of the population.

In addition, though bison emigration is influenced both by the nomadic tendencies of the species as well as learned behavior, removal of large numbers of emigrating bison outside of the Park reduces the number of animals with learned knowledge of alternative wintering sites outside of the Park. Regardless, if bison were to emigrate from the Park without being able to access and use a groomed trail, the energetic costs of this movement will be higher than the cost being absorbed at the present time depending on snow depth, density, water-content, and other factors.

46 46-48 This movement "in search of better conditions elsewhere" is primarily a product of bison use of the groomed trail system. If trail grooming were never allowed in the Park, there would be less incentive and need for bison to move, the herd size would be smaller, movement and distribution patterns would be less expansive, and occupied habitat would be more capable of holding the bison except in the most severe of winters.

47 7-8 The estimated mortality of 374 bison during the severe winter of 1996/97 may not be reflective of the true rate of natural mortality, since current winter use management, including trail grooming, creates an artificial environment not likely to be as severe for ungulates. Given the severity of the winter of 1996/97 in terms of temperature, snow depth, snow water content, and the severity of the ice layer in the Park, assuming the population size was the same, if groomed trails were not available for use by bison the number of animals winter-killed would probably have been higher. If trails had never been groomed, the proportion of the population which winter-killed would have been high, but the total number of bison would have been less.

47 16-18 The fact that most bison winter kill deaths during the winter of 1996/97 involved calves should not be surprising since calves are more susceptible to winter stress and mortality than adults who have lived in the system and are more capable of surviving the rigors of the winter season in the GYE.

47 32-34 For how long were the bison of Theodore Roosevelt National Park (TRNP)

considered brucellosis-free before being shipped to the Grand Teton National Park? Is it possible that the brucellosis-free bison adults or calves removed from TRNP may have been harboring the bacteria in an inactive state which was undetectable with standard serologic tests?

49 Figure II-7 To make this analysis more understandable and to permit the reader to conduct the same calculations as summarized in the text, the Report should include a chart or additional table which provides both the elk population estimates and hunting removals by year. As presently presented in Figure II-7, the reader is forced to guess at both the population size and hunting removal figures because the scale of the table is so large.

50 8 Why was a sightability correction factor used after 1986? The Report should explain the basis and need for this sightability factor so the Reader understands the justification for the additional element in the population analysis.

50 21 What evidence is available to demonstrate compensatory mortality in northern range elk? This evidence should be included in the Report, by citation or reference, so that the reader can review the literature documenting compensatory mortality in this, and presumably, other free-ranging elk populations. If there is contradictory evidence which suggests that elk hunting mortality may be additive to natural mortality, this disagreement should also be noted.

50 22 This statement is somewhat misleading. While under current management schemes, elk are not likely to expand beyond their current range north of Yellowstone Park; if management schemes were changed (i.e. elk hunting pressure was significantly reduced or eliminated), then regardless of snow conditions or natural mortality, the northern range elk population would likely expand its range north of Yellowstone Park. Such an expansion is likely because there is sufficient and suitable habitat available for elk north of Yellowstone Park.

54 33 Though this statement is referring to a model, it is important to note that the actual fetal loss rate, if any occurs, is much less than one calf per infected female because there is no valid evidence to demonstrate that every female bison aborts post infection.

55 1-13 Though this section explains some of the factors that contribute to the risk of transmission, it unfortunately never attempts to quantify the risk. Surely there is sufficient data available now to determine, at least generally, the risk of bacteria transmission between bison, elk, and cattle. This section also fails to recognize that animals differ in their level of susceptibility to the bacteria. In other words, if a susceptible animal was exposed to the bacteria it may or may not develop an infection. A vaccinated animal, for example, is not likely to be as susceptible to infection as an unvaccinated animal.

According to Dr. Donald Ferlicka, a former Montana State Veterinarian, only 15-20 percent of susceptible animals who come in contact with the bacteria are likely to develop an infection (Attachment 1). This statement is based on data collected on cattle over several decades, which is commonly referred to as the USDA National contact herd transmission data. If animals have a different level of susceptibility to infection, either because of vaccination status, breed, sex, age, or for other reasons, this information should be included and explained in the Report.

55 5-6 This statement referring to the circumstantial and epidemiologic evidence of

transmission is contradicted by information contained in the Report at 27/28. In the latter section, relying on the same circumstantial and epidemiologic evidence, it was concluded that "wildlife cannot be determined to be the source of brucellosis." Either this data is insufficient or it is legitimate, but it cannot be both. This is another example of an inconsistency and contradiction in the Report which must be corrected.

55 20-21 Similarly, despite previously concluding that "wildlife cannot be determined to be the source of brucellosis," this statement suggests that bison and elk were responsible for the infection of six cattle herds in Wyoming. Again, the evidence cannot be both ambiguous and legitimate, it can only be one or the other. This is another example of an inconsistency and contradiction in the Report which must be corrected.

55 23-24 The Report should include, if available, additional information regarding the alleged transmission of B. abortus from bison to cattle in Arkansas and the source of the information.

55 27-28 To provide a more balanced presentation, the Report should at least mention that some scientists (See Meyer and Meagher, 1995) believe that the experimental methodology used by Davis et al. (1990) was flawed, and, among other things, involved an excessive dose of the challenge strain. The published critique of Davis et al. (1990), which was peer reviewed, should be cited and summarized in this section of the Report.

55 38-40 The risk of bacteria transmission from bison to cattle is also low because of, among other things, the rarity of abortions in Yellowstone bison, predator behavior, and because of spatial and temporal separation between the species. These other factors should be recognized in this section of the Report.

56 38-40 The evidence is not sufficient to conclusively demonstrate that the Jackson bison herd was infected by elk on the NER feedground. While this is probably the source of bacteria transmission, it is possible that the bison relocated to the Jackson herd from the Theodore Roosevelt National Park herd were exposed, but tested negative. It is also possible that some of the bison calves left in the Jackson herd after adults were slaughtered for disease management retained some level of infection which was not detected in the sampling done post removals.

56 43 What evidence is available to prove that bison represent a "continuing reinfection source for elk?" The Fund is not aware of any evidence which demonstrates that bison in the GYE have ever been responsible for transmitting B. abortus to elk under natural conditions. If there is no evidence of such transmission, then this statement should either be deleted in its entirety or should be clearly stated that this statement is based purely on anecdotal and circumstantial evidence, but that bison may not be responsible for the continuing infection rate in feedground or non-feedground elk.

56 48 The fact that one elk hunter in Montana may have contracted B. abortus from an elk is not cause for concern. Indeed, considering the thousands of hunters who pursue northern range elk every winter, the fact that there may have been only one incident of bacteria transmission is rather remarkable. Given that no hunter who pursues elk in the southern range, where the level of infection is generally higher, has contracted undulant fever, the one incident in a northern range hunter is so remarkable as to be improbable. Indeed, at a recent meeting of the GYIBC, it has been suggested that this hunter may have had the opportunity to be exposed to the bacteria through other sources, including

through vaccines used in cattle. Additional information about this particular incident should be obtained from Montana's Department of Public Health before it is assumed that this hunter was exposed to the bacteria from an elk.

59 1-2 This statement should be modified to indicate that bison bulls may, due to behavior, be more likely to be exposed to the bacteria than elk bulls, but neither bison or elk bulls pose any measurable risk of transmission. The Report had previously concluded that the risk of bison bulls transmitting the bacteria to cattle was "vanishingly small," thus even if these animals are more likely to be exposed to the bacteria if it is present in the environment, this should not alter their risk of transmitting the bacteria to susceptible cattle. In addition, if natural service in cattle, even when the bull is known to be infected, doesn't result in transmission, then, because the act and mechanism of mating is the same, why would there necessarily be an increased risk of bison bulls transmitting the bacteria to bison cows during natural service?

59 16-46 See ES2;3-9.

59 22-23 Though human brucellosis was not intended to be part of this study, it is entirely inappropriate to cite to a personal communication with Dr. Donald Davis of Texas A&M University as support for the claim that "B. abortus infections of humans ... in and around the GYA have occurred." If there are not actual examples and documentation of human brucellosis cases in the GYE from either Montana's public health department, the Centers for Disease Control, or other credible sources, then this statement must be removed from the Report.

59 35 What evidence is available to support the claim that aerosol transmission of the bacteria is possible? A valid scientific study that documents this phenomenon should be cited.

60 3-8 This entire section of the Report should be deleted because it is not pertinent to the analysis of B. abortus in bison and elk of the GYE. Though reindeer may or may not act as a source of the bacteria for other wild ungulates, this is irrelevant to the issue at hand because reindeer are not found in the GYE.

VACCINES

61 16-18 Data on the safety and efficacy of RB51 in bison and elk does not support the statement that the vaccine provides "a similar degree of protection" as found in cattle. The results obtained by the Wyoming Game and Fish Department on elk along with the results of Palmer et al. (1986) and Dr. Dave Hunter of the Idaho Department of Fish and Game indicate that RB51 may not be safe or effective in elk or bison. This section of the Report should be modified to reflect this information.

62 17-22 It is improper to compare the management and brucellosis eradication strategies of other publicly managed bison herds with the situation in Yellowstone. All other publicly managed bison herds in this country are either confined by fences and/or subject to routine roundups and culling (either live or through hunting). Because of the management differences, it is inappropriate to even suggest that because Wind Cave National Park or the National Bison Range has eradicated B. abortus that the same is possible in Yellowstone. Yellowstone is not fenced. Culling of animals within the Park would be unacceptable to the majority of the public not to mention be entirely inconsistent with NPS

statutes and regulations, and a safe and effective vaccine for bison is years away, if ever, from use on Yellowstone's bison. It is also important to note, as the Report recognizes, that few records were kept regarding the potential impacts of the Strain 19 on these herds thus preventing any determination, contrary to the assertion in the Report, that no adverse impacts were associated with the Strain 19 vaccination program.

62 26-33 Davis et al. (1990) did not involve vaccinated animals and, therefore, should not be cited in this section of the Report. In addition, the second experiment referred to in this section has a very small sample size requiring caution when analyzed and this study is not identified. A citation for this study should be provided.

63 6-8 Though mentioned elsewhere in the Report, this statement fails to recognize that there is scientific disagreement (See, Smith and Roffe, 1997) over whether, based on the available data, the decline in B. abortus in some feedground elk herds can be attributed to the vaccination program.

63 8-9 It is incorrect to assume that no environmental hazard associated with the use of Strain 19 vaccine exists because no effort has ever been made to assess whether the vaccine has resulted in adverse impacts to non-target species. Just because an impact to non-target species has not been documented doesn't mean that the impact has not occurred, particularly since no effort has been made to assess or study such impacts.

65 Table III-1 An addition column should be added to this Table in order to provide the citation or reference for each of the studies identified. Or, if the research is ongoing this should be specified.

66 1-5 This section should also include the results obtained by Dr. Dave Hunter of the Idaho Department of Fish and Game who is conducting biosafety experiments with RB51 in bison.

66 44-45 Olsen et al. (1997) had a very small sample size. Thus, it is not sufficient to rely on this single study to evaluate the safety or efficacy of RB51 in bison. Either the Report should recognize the limitations of this study or cite a study, if any exist, involving a larger, more statistically valid, sample size.

67 45 See, 66;44-45

68 3-5 This statement suggest that all young mammals "kill B. abortus and clear the organisms from their tissues more quickly than adults." While this may have been demonstrated in cattle, is there evidence to suggest that this also applies to other young mammals of other species, including elk and bison? Regardless of the answer, this statement should be modified to more clearly reflect in what species this has been demonstrated. If young bison and elk react this way to B. abortus, then there is reason to seriously question the management policies implemented by Montana and the National Park Service over the past twelve years which have led to the slaughter of over 3,000 bison. If young bison and elk are killing and clearing the bacteria, presumably they have developed some level of resistance to the bacteria which may effectively prevent infection as a consequence of repeat exposure to the bacteria. If this is true, then it would serve to substantiate the need to protect seropositive animals since these animals may have developed a resistance to the bacteria and, therefore, are less likely to become infected or infectious as the result of a repeat exposure.

68 13-16 In addition to Palmer et al., (1996) the Report should also cite the preliminary results obtained by Dr. Dave Hunter of the Idaho Department of Fish and Game on the RB51 from experiments he had conducted on bison removed from Yellowstone Park last spring. According to research reports provided at recent meetings of the GYIBC, Dr. Hunter has documented abortions, retained placentae, placentitis, and other adverse effects in bison vaccinated with RB51 during the third trimester of pregnancy. This is precisely what The Fund predicted would be the result of this ill-conceived, inhumane, and illegal experiment when it requested that the NPS not permit the pregnant animals to be removed from the Park.

68 17-21 If so many factors can influence the development, efficacy, safety, and delivery of a vaccine, then is it worth the effort and expense to continue to promote vaccine development instead of more aggressively pursuing and implementing strategies to reduce the already insignificant risk of transmission even further? Given these factors, even if a safe and efficacious vaccine was developed under confined and controlled conditions, there is no guarantee that this vaccine will be effective under natural conditions. This possibility should be reflected in this section of the Report.

68 23-26 What evidence is available to suggest that brucellosis in bison and elk "closely resembles the disease in cattle, sheep, goats, and other ruminants?" The Fund does not believe that evidence is available to substantiate the alleged similarity in the disease between these different species. If there is, this evidence should be presented somewhere in the Report, perhaps in a table which compares the epidemiology, pathogenesis, serology, and bacteriology of B. abortus in these different species. In addition, the "important species differences (which) define the disease in a particular host" should be delineated in the Report. At present neither information about the similarities or differences in the disease in various animal species is contained in the Report.

68 37-38 How does progesterone or other steroids affect how B. abortus is cleared from an animal? Is bacteria clearance stimulated or diminished in response to increased levels of progesterone or other steroids? Since not everyone who reads the Report will be familiar with the impacts of progesterone or other steroids on animals, additional explanation about this impact should be included in the Report.

69 14-17 The study being referred to in this section should be specified.

69 22 What evidence is available which demonstrates that Strain 19 or RB51 is safe when given to bison subcutaneously in appropriate doses? All of the experimental evidence that The Fund is aware of including the experiments done by Dr. Donald Davis at Texas A&M University, Dr. Steve Olsen of the U.S. Department of Agriculture, Dr. Dave Hunter of the Idaho Department of Fish and Game, and other studies suggest that this conclusion is not accurate. None of these studies demonstrated that either Strain 19 or RB51 was safe in bison. In addition, it is not clear that appropriate doses of Strain 19 or RB51 in bison have ever been determined. Evidence to substantiate this claim must be provided or this assertion must be removed from the Report.

70 Figure III-2 What study is Figure III-2 referring to? A citation or reference to the study should be included in the Figure description.

71 12 A citation or reference to substantiate the statement regarding the failure to isolated Strain 19 and RB51 from nasal swabs, saliva, tears, or urine of bison and elk should be provided.

71 22-23 Since RB51 persisted in one bison two weeks post vaccination, this finding would not satisfy the efficacy and safety criteria contained in Table III-2 which specify that the bacteria must not persist in the bloodstream for more than 3 days. A citation or reference for the study referred to in this sentence should be provided.

71 29-30 What is the evidence to demonstrate that replication or persistence of the bacteria beyond 16 weeks is associated with localization in the reproductive organs and mammary glands of bison and elk? While this statement may be accurate for cattle, if it is has not been proven to be applicable to bison and elk as well, then the Report should provide this clarification.

71 37 A citation or reference to the ongoing study of Fort Niobrara bison should be provided.

75 5-31 Though the Report suggests that vaccination is critically important for eliminating the bacteria, the Report neglects to consider many of the impediments to a widescale vaccination program for free-ranging elk and bison, including the cost of developing a vaccine, the lack of an appropriate delivery system, and the logistical, social, and legal impediments to implementing a widescale vaccination program. Indeed, the Report indicates that a vaccination program for elk would be impossible and, if used on bison, would be very intrusive (Report at ES5;29). In addition, the Report nearly completely ignores the potential impact of a vaccination program on non-target species. It is one thing to implement a vaccination program on a herd of privately owned domestic livestock. It is something entirely different to implement a widescale vaccination program on free-ranging elk and bison, some of whom inhabit YNP. Like the majority of agency officials involved in this debate, the Report authors clearly don't understand the legal, policy, and social implications of designing and implementing ungulate management policies in National Parks.

75 29 Considering the rarity of documented abortions in the Yellowstone bison herd, and since even a safe and effective vaccine may induce abortions, isn't it possible that by implementing a vaccination program for Yellowstone bison the rate of abortion may be increased, rather than decreased? In addition, since intercurrent infection with field strain can affect the impact of the vaccine on the vaccinated animals, isn't it possible that the vaccine could induce abortions in field strain infected bison thereby increasing, not decreasing, the potential risk of transmission to domestic cattle? If, in time, the number of bison with a developed resistance to the bacteria increases, isn't time a more effective mean of further reducing the already insignificant risk of transmission even further?

REDUCING THE RISK OF TRANSMISSION FROM WILDLIFE TO CATTLE

76 1-6 Why must bacteria eradication, if even possible, involve a test and slaughter component? If this component is simply used to expedite the eradication process, then this is not a sufficient justification. Considering that cattle most likely introduced the bacteria to elk and bison and that the bacteria has been present in these populations for several decades, a quick fix or solution to this debate, regardless of what the livestock industry may desire, is unnecessary. Even if vaccination was available, if a vaccination-only approach took 60 years to eradicate the bacteria instead of 20 years if vaccination was combined with test and slaughter, the additional time should not be considered a detriment since the objective will still be achieved and it will be achieved in a manner that is more

consistent with NPS management mandates and policies. Considering that it has taken over 60 years to eradicate B. abortus in cattle, surely we can take as much time to eradicate the bacteria in bison and elk, assuming eradication is possible, acceptable, and desirable.

Moreover, the emphasis on eradication of the bacteria is not consistent with previous statements in the Report which suggest that eradication is "more a statement of principle than a workable program..." Report at ES5;26. If this is the case, and if risk management is a more appropriate strategy, then the Report should emphasize the development and implementation of strategies designed to reduce the already insignificant risk of bacteria transmission versus continuing to promote eradication.

76 20-22 What explains the reduction in seroprevelance in Wind Cave National Park bison between 1945 (85 percent) and 1960 (56 percent) and 1964 (37 percent)? Since the Report suggests that efforts to eradicate the bacteria were not initiated until 1964, then either sampling inconsistencies or some natural factor must be responsible for the significant decrease in seroprevelance between 1945 and 1964. This factor, if known, should be delineated in the Report.

76 28 It is not clear what is meant by "facilities for active control of the herd of 250 bison were not built." What is certain is that Wind Cave National Park, contrary to the conclusion in the Report, does not follow the "natural management" mandate of the NPS. As a fenced herd, it is not possible for "natural management" to apply to this group of animals. Wind Cave National Park and its management framework is nothing like Yellowstone and, thus, it is improper to compare the two programs.

78 8-17 Not only is it inappropriate to compare bison management, or potential management, strategies between Yellowstone and, for example, Wind Cave National Park, but it is even more inappropriate to compare the management of bison and brucellosis on a U.S. Fish and Wildlife Refuge with bison management in Yellowstone. National Wildlife Refuges are managed under a completely different legal framework than National Parks so what is possible on a Refuge may be illegal in a Park. The fact that Wichita Mountains Wildlife Refuge was able to eradicate brucellosis from its bison so quickly is an accomplishment but it is completely meaningless in regard to what is or is not possible in Yellowstone National Park.

78 27-30 This section is contradictory. On the one hand it is suggested that vaccination alone will not eliminate B. abortus, but then, on the other hand, suggests that "reduction of susceptible animal numbers by vaccination with decreased exposure to infectious material make elimination of brucellosis possible in the GYA." Either vaccination alone will or will not eliminate the bacteria. While The Fund is not supportive of using vaccination as a means to eliminate the bacteria, it believes that if a safe and effective vaccine is found then, given time, the bacteria can be eliminated through vaccination alone.

78 32-34 Artificially controlling elk populations and movements would also be helpful in reducing the risk of transmission but is not likely to be accepted by the public. This possible remedy, however, was not even mentioned in the Report. Moreover, artificially controlling cattle numbers, distribution, and movements also would further reduce the already insignificant risk of transmission but this too was, inexplicably, not suggested. Even the proposal to artificially control bison population numbers for disease management purposes, as was demonstrated during the winter of 1996/97, does not enjoy public support. One of the reasons for this lack of support is that the agencies, including the NPS,

have never involved the public in deciding whether B. abortus should be eliminated from wildlife in the GYE or if some form of risk-management, even if in perpetuity, is a more appropriate strategy to resolve this ongoing controversy. Instead, the agencies have independently decided to eradicate the bacteria, regardless of what the public may desire, and despite the fact that there is no federal or state law that requires the bacteria to be eradicated in wildlife.

While no one person can ever be completely objective, the level of bias in favor of cattle and against wildlife, particularly bison, reflected in this statement and which permeates a large proportion of the Report, is noteworthy.

79 2-10 This proposal, to use a widescale vaccination program in combination with a test and slaughter program to eliminate B. abortus in bison, is remarkably similar to a proposal put forth by the U.S. Department of Agriculture approximately 2 years ago. This is not surprising given Dr. Cheville's long-term employment by the USDA and his apparent continuing adherence to USDA policy and preference for addressing the Yellowstone bison issue. There is a number of serious problems with this proposal.

First, unlike cattle who are typically privately owned, Yellowstone bison are held in the public trust. Thus, implementation of a vaccination and test and slaughter program cannot be done without public support and public involvement in the decision-making process. In this case, neither the GYIBC or any of its member agencies have ever attempted to ascertain the public's perception of whether the bacteria needs to be eradicated at all, and, if so, what criteria or standards should be established to ensure that this program is done appropriately and humanely.

Second, if the agencies bothered to consider public opinion, then they would learn that the public is not likely to be supportive of any program that manages Yellowstone bison like livestock. Thus, even if there were an effective vaccine, it is quite possible that a segment of the public, perhaps a majority, would oppose initiating a vaccination program, not to mention a test and slaughter program, particularly if, as is the case here, there are reasonable and feasible alternatives to that action which would reduce the already insignificant risk of transmission even more.

Third, a vaccination and test and slaughter program is not economically feasible. To date, no vaccine has been found to be safe and effective in bison. The development of a vaccine for bison, if even possible, is likely to take several more years and costs millions of dollars and hundreds of animal lives. The development and implementation of a delivery mechanism will also be expensive. In addition to these direct economic costs, there may be indirect costs associated with such a program that are not easily quantified.

If the Report were truly complete, these types of economic, social, and logistic factors would have been considered and evaluated. Short of providing such an analysis, the Report, at the very least, should specify that the suggested management approaches may ultimately be possible scientifically, but may not be appropriate for political, economic, logistical, or social reasons.

79 12 While the testing and slaughter of bison in the GYE would be enormously difficult logistically, prohibitively expensive, and socially and politically unacceptable, the thought of conducting a similar program on elk in the GYE is even more improbable and unlikely. The Report should be modified to remove any reference to test and slaughter of bison or elk in the GYE, even if

these strategies were combined with vaccination, since such programs are infeasible and unacceptable.

79 23 This statement suggests that various alternatives are available to cause a reduction in the number of abortions in bison. Since the abortion rate is not known, but is expected to be quite low, how much further can the rate be reduced before the level of risk is considered acceptable? Given the other factors that influence the risk of transmission, in addition to abortion, the need for any additional reduction in the current level of risk would be difficult to substantiate and is likely to be economically prohibitive.

79 26 Relying on the opinion of Dr. R. Mead, the Washington State Veterinarian regarding the pros and cons of vaccination versus vaccination and test and slaughter is inappropriate. Why choose a State Veterinarian, someone with a clear bias in this debate, to provide such an analysis? Why not choose someone from an animal protection organization to provide an analysis? Why not choose someone who is truly objective and has no stake in the process, or someone who is knowledgeable about brucellosis in wildlife or NPS management policy, to prepare such an analysis?

The fact that Dr. Mead concluded that both approaches would result in an "adverse impact on GYA management" demonstrates that neither approach is acceptable since it would compromise the management mandate of one agency, the NPS, in favor of the interests of a special interest group, livestock producers.

80 12-14 This proposal is, not surprisingly, remarkably similar to a proposal put forth by the USDA several years ago. It fails to consider or include other potential solutions (i.e., terminating trail grooming in the Park, closing or modifying grazing allotments outside of the Park, or mandating cattle vaccination) which are all important risk management strategies which should be implemented.

80 25-26 The effort to eradicate B. abortus in Wind Cave National Park did not involve long term vaccination followed by a culling program. Instead, vaccination was used with test and slaughter to expedite eradication of the bacteria. This is not the same type of program which the Report evaluates for implementation in Yellowstone Park.

80 40-41 What would be the potential impact to other species if they ate feed laced with the vaccine? This information, if known, should be included in the Report.

81 34-36 Attempting to find a vaccine which would permit venereal transmission through natural service between a bison bull and cow is irrelevant since there is no evidence that bison bulls are able to transmit the bacteria through natural service. If vaccination is ever implemented for bison and/or elk in the GYE it will have to focus on female animals.

81 41-46 The responsibility for addressing this issue should fall more heavily on the agricultural producer than National Park wildlife. Though the producers in the GYE are not directly responsible for introducing the bacteria to wildlife, it most likely originated in cattle. Furthermore, placing management emphasis on the cattle instead of the wildlife is far easier logistically and far less costly because cattle are routinely handled and vaccines are available that are known to be relatively safe and efficacious in cattle. In addition, by requiring producers to only run steers or spayed heifers on their lands in the GYE, even if this is limited to only a 5 year period, provides additional time for finding a more permanent solution to this issue while reducing the day to day controversy associated with

slaughtering hundreds of animals annually. The Report should reflect these benefits of modifying the types of domestic cattle that can be stocked in the GYE.

82 22-25 It is not clear from this statement whether the proposal to establish quarantine zones will involve increased surveillance, monitoring, and vaccination of cattle or bison. Though it is presumed, particularly because no vaccine is currently available for bison, that this proposal is directed at cattle this should be clarified.

82/83 43-9 The lack of genetic diversity and unique alleles when comparing different bison populations does not suggest that "conservation of genetic diversity is not a major issue in the management of the YNP bison." If anything, this lack of diversity and unique alleles emphasizes the need to protect as many bison as possible to preserve as much remaining genetic diversity and unique alleles as is possible. Otherwise, the level of diversity and number of unique alleles in bison are likely to decline even further than has already occurred resulting in decreased genetic fitness.

83 26-30 Though this statement is principally directed at the northern YNP elk herd, why wouldn't these confounding variables associated with natural regulation in elk also be applicable to bison. That is, why don't the same factors that make Yellowstone natural regulation policy for elk controversial and the subject of significant debate influence Yellowstone natural regulation policy for bison in a similar manner? The fact that these variables exist suggest that there is no simple answer to whether the natural regulation policy for elk is effective or not. This same caution should have been, but inexplicably was not adhered to by the Report authors when evaluating natural regulation, including the effect of groomed snowmobile trails, on bison.

83 35-37 Despite the recognition of Yellowstone as a "baseline area" where the course of nature can be observed, this critical scientific benefit represented by Yellowstone is not considered when evaluating various B. abortus management alternatives. It is important that the scientific importance of Yellowstone be considered when evaluating any and all management policy modifications.

83 47-48 If decisions to intervene in the management of bison and elk in Yellowstone Park "must be supported by clear and compelling evidence and a consensus of experts that they are necessary," why shouldn't this same criteria be used in developing and implementing appropriate strategies for managing B. abortus in elk and bison or in determining if trail grooming in the Park should be terminated? Strategies implemented for bacteria management over the past decade have not been supported by clear and compelling evidence nor have experts agreed with the components of the strategy. In regard to trail grooming, the analysis provided in the Report, demonstrates a incomplete understanding of bison ecology or behavior, the ecology of Yellowstone Park, and without consulting with various experts that have a better understanding of these issues and how groomed trails may affect bison population dynamics, movements, and distribution.

Any decision to implement invasive management strategies for ungulates in Yellowstone must be well documented because such strategies, under most conditions, violate the NPS natural regulation mandate. Strategies for bacteria and winter use management are equally important and should be subject to the same level of analysis and agreement before implemented.

84 6 Elk are managed through hunting in Grand Teton National Park as a result of Congressional action, not because the NPS necessarily wants to allow elk hunting in this Park. As

written, this statement suggests that elk 'management" in GTNP is the result of a NPS decision that the elk herd needed to be managed through hunting, when the NPS has, at this time, no choice but to continue to permit elk hunting.

84/85 42-4 This section emphasizes the need to protect Yellowstone and to continue to adhere to a management policy of natural regulation, despite what critics, including Dr. McCullough may think. If anything, efforts should be made by Congress and the agencies to expand the boundaries of Yellowstone to create as large a natural area encompassing as much of the ecosystem as possible. Regardless of whether such an expansion is possible, Yellowstone and its management policies, though not supported by all, represent a critically important natural research area which are becoming increasingly rare. This fact, in and of itself, provides sufficient justification for continuing to apply "natural regulation" to the management of Yellowstone ungulates. To make this policy even more effective, however, the NPS has to stop grooming snowmobile trails to recreate and reemphasize, to the extent possible in this modern world, natural processes to the fullest extent possible.

85 9 The decline in the northern range elk herd is not attributable only to density dependent factors as hunting mortality contributes as well. The amount of hunting mortality is influenced by climatic conditions which, in turn, influenced elk emigration from the Park.

85 13-19 This section should be modified to reflect the true impact of snowmobile trail grooming on bison population dynamics. If groomed trails were eliminated, it is likely that natural regulation would, over time, exert a greater influence on bison population size and growth rates. To suggests that bison are not naturally regulated, and that control of bison needs to be addressed, fails to recognize NPS statutory and regulatory authority for the management of wildlife in the Parks. It also fails to consider the social dynamic of the potential for implementing a bison control program inside Yellowstone. A large majority of the public would reject such an alternative. Similarly, bison hunting outside of Yellowstone is likely to be opposed by the majority of the public because of the symbolic and historical importance of bison in American culture and due to the lack of fair chase associated with hunting National Park bison.

85/86 32-32 If the NPS continues to groom snowmobile trails in Yellowstone then the Park will continue to act as a "source" for bison. Contrary to the inadequate analysis provide in the Report of the impacts of groomed trails on bison population dynamics, movements, and distribution, if the NPS were to terminate trail grooming activities and prohibit snowmobile use in the Parks, it is unlikely that the Park, except if there were a series of mild winters, would continue to act as a source for Yellowstone bison. Because the Report's analysis of the impact of trail grooming on bison was deficient, this section of the Report should be modified to reflect the strong possibility that without snowmobile trails Yellowstone's bison population size may begin to fluctuate around a dynamic equilibrium and the number and rate of bison emigrating from the Park would likely be reduced.

86 15-22 Shifting the boundary beyond the current Yellowstone Park border where bison would be allowed to roam would not simply move the line beyond which bison must be killed if a shift in management boundaries was combined with prohibiting trail grooming and snowmobile use in Yellowstone Park. Under this strategy, given the impact of trail grooming on bison population size, movements, and distribution,, the average number and rate of bison leaving the Park is likely to decline over time, while those bison who do emigrate from the Park will have additional habitat to occupy before they face removal by capture or shooting.

YEL-14714 contd.
EXHIBIT 3 contd.

TESTIMONY PRESENTED AT THE BOARD OF LIVESTOCK HEARING
OCTOBER 18, 1991
RELATIVE TO THE ADOPTION OF RULES
FOR THE CONTROL OF MIGRATING DISEASED BISON

On oath and affidavit I hereby state for the record the following:

My name is Donald Ferlicka, I am a licensed doctor of Veterinary Medicine employed by the Department of Livestock as Administrator of Animal Health laws. I have been employed as a veterinarian by the Department for over 23 years, the last seven years, ten months as Administrator and State Veterinarian.

The fact of endemic brucellosis within the elk and bison of Yellowstone Park is a well documented scientific fact. Scientific studies have elucidated the natural history of this focus of brucellosis infection to be identical in every way so far studied to the cattle brucellosis that was eradicated from Montana on May 31, 1984. The disease survives within the wildlife species inside Yellowstone Park and has been shown to be readily transmissible to cattle outside the Park when contact is established with those cattle. Based on a large volume of USDA National contact herd transmission data, the probability is that contact between an infected bison herd and a clean cattle herd allows a 15-20% chance that the infection will transfer from the bison to the cattle. Brucellosis transmits as readily from bison to cattle as it does from cattle to cattle. There is no doubt that migrating bison from Yellowstone Park represent a clear and present risk of catastrophic proportions to the Montana Cattle Industry. Because of this clear and present risk, a large body of Federal and State authority exists to put certain species-specific prohibitions on animals affected with Brucellosis.

The magnitude of this potential catastrophe can be estimated by reviewing eradication program expenses and activities. The United States, in cooperation with the fifty states, has spent over $3 billion thus far for brucellosis eradication from the U.S. cattle population. The expense burden Nationally continues to accrue at

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a rate of $65 million a year. Montana's share of this total cost was $30 million with the task being completed in this State June 1, 1985, with the recognition as Brucellosis Free. Immediate savings from this accomplishment amounted to more than $2 million per year to the Montana Cattle Industry. Brucellosis eradication defines minimum performance standards based on scientific knowledge to be adhered to through compliance with Federal and State mandates. A worst case scenario of uncontrolled brucellosis reintroduction into Montana could represent losses of up to $10 million a year to the Montana Cattle Industry. A cost which can not be expressed in terms of dollars is the cost of human brucellosis or undulant fever. This disease is contracted through close contact with infected animals. From 1943 to 1949 Montana averaged ten human cases each year with a peak occurrence of 20 in the year 1950. Since that time incidence of undulant fever has dropped steadily to where no cattle caused cases have been reported since Montana was recognized as cattle brucellosis free in 1985. A wildlife caused case occurred however in 1985 in Southwestern Montana. Undulant fever is a serious disease that can cause severe disability and even death.

There has never been a comprehensive brucellosis control program conducted on the reservoir species within Yellowstone Park, although consideration of such a program has been requested numerous times through the years. Prior to 1968 emigration of bison from the Park was a rare event due to the active population control of bison within the Park by Park Rangers. With the abandonment of the active population control program for the "hands-off"/"natural-control-only" policy, the bison herd began to grow from 400 in 1968 to approximately 2000 by 1984. This exponential growth rate continues to this time. In 1971, to appease concerns of the cattle industries of Montana, Wyoming, and Idaho, a boundary control program was offered by the Yellowstone Park Administration. Under this plan, National Park Service Rangers and State Game Wardens would cooperate to stop emigration of bison by taking the animals through lethal means either inside or outside of the Park boundary. By 1975, small groups of bison were routinely threatening to migrate out and in a few instances did so temporarily. In 1984 State Game Wardens took 88 bison that left Yellowstone National Park under the afore mentioned boundary

control concept. Park officials took none to my knowledge. The 1985 Legislative Assembly adopted a hunting season for bison which was in effect from September 1985 until rescinded the Spring of 1991. Under this hunting provision a total of 683 bison were taken by hunters. The 1991 Legislature suspended the sales of licenses for hunting and turned bison control over to the Statutory Authorities of the Montana Department of Fish, Wildlife & Parks - for concerns of public safety and property damage, and to the Montana Department of Livestock to deal with the matter of diseased migrating bison and the risk they represent to cattle. The rules under consideration at this time and at this hearing are intended to specify the parameters of that Statutory Authority of the Department of Livestock.

The bison herd at this time in Yellowstone National Park is now estimated at 3200 head and continued increase is expected. Bison will therefore continue to migrate from Yellowstone Park in varying numbers from year to year. Until brucellosis is eliminated from the Park, diseased bison will be included in this migration and may well represent the majority of the animals involved. This migration therefore will put our billion dollar cattle industry at serious risk. Only maintaining separation of diseased bison from clean cattle can protect our industry until a definitive solution can be implemented. It is the responsibility of the Montana Department of Livestock to develop the mechanisms for that separation during the interim and contribute when possible to the long term resolution of the basic problem. For this reason I recommend the Board of Livestock adopt the rules proposed at this time.

DONALD P. FERLICKA, D.V.M.
Administrator & State Veterinarian
Animal Health Division
Montana Department of Livestock

NOTARY PUBLIC for the State of Montana
Residing at Montana, Montana
My Commission Expires December 6, 1993

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DRAFT

Protocol for evaluating Safety and Efficacy of a Wildlife Vaccine Against Brucellosis in the GYA

Prepared for the Greater Yellowstone Interagency Brucellosis Committee

The recommendations for the following criteria regarding efficacy and safety are based on the assumption that any brucellosis vaccine evaluated by these criteria would have defined dosage, route of administration, and age restrictions for any application of the vaccine. The vaccine strain will demonstrate stable characteristics following in vitro and in vivo passage. All efficacy evaluations within the principal species would be in animals of minimal recommended age, at the minimally recommended dosage and administered in accordance with recommendations. For safety evaluations within the principal species, animals would be of minimal recommended age, at the maximal recommended dosage, and administered in accordance with recommendations. The assumption is also made that the criteria for approval of a vaccine as safe will be the same in both male and female animals in the targeted population. For the purposes of this paper, the definition of a calf will be a bison or elk of less than 12 months of age.

Calfhood Vaccines

Safety

To be defined as safe, a vaccine would not have any clinical effects that would increase predation or decrease survivability. Adverse clinical effects may include, but not be limited to: listlessness, anorexia, depression, and arthritis. Clinical effects that are transient and minimal with no long term effects on survival may be acceptable. There should be no statistical difference between vaccinates and controls on these factors.

A safe calfhood vaccine will not be shed from a vaccinate prior to parturition.

The vaccine strain will not persist to the first calving in 95% or greater of the vaccinated individuals, or, persistence of the vaccine strain will not be associated with a significant reduction in the survivability (ie. no pathology) or the reproductive potential of the individual (ie. no induction of repeated abortions or decreased fertility). There should be no statistical difference between vaccinates and controls on these factors.

Efficacy

To be defined as efficacious in females, a vaccine must induce statistically greater protection against abortion or

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infection in pregnant vaccinates after experimental challenge when compared to non-vaccinated animals in the same experiment. For the purposes of these criteria, abortion will be defined as birth of a calf infected with the challenge strain. Infection is defined as either number of colony-forming units (CFU) per gram of tissue and/or number of infected tissues.

Use of model predictions must indicate that the vaccine, when used alone without other management influence, will significantly reduce the prevalence of brucellosis in the targeted wildlife population.

Experiments will need to be conducted to evaluate the duration of immunity of the vaccine but these experiments will not be required for initiation of use of the vaccine if all other safety and efficacy criteria are met. A vaccine should provide long term immunity and/or be able to be safely boosted during the life of the animal.

Adult vaccination

Safety

A safe vaccine will not induce significant reductions in survivability or reproductive efficiency as statistically demonstrated in clinical trials.

A safe vaccine will not induce an abortion rate which in and of itself would reduce the population of the target species. or in combination with natural or human caused reproductive barriers

Efficacy

A vaccine will be determined to be efficacious if it induces statistically greater protection in ~~pregnant~~ vaccinates against abortion or infection after experimental challenge when compared to non-vaccinated animals in the same experiment. In addition, modeling must indicate that the vaccine, when used alone without other management influence, will significantly reduce the prevalence of brucellosis in the targeted wildlife population.

A major advantage of a vaccine would be the ability to differentiate vaccinates from animals infected with Brucella field strains either by a serologic test or by alternative methods.

Nontarget species

A vaccine candidate cannot cause deleterious effects on the short-term survivability of representative ungulates, rodents, carnivores or avian species under experimental conditions. Candidate species that should be strongly considered for evaluation include: moose, bighorn sheep, antelope, mule deer, coyotes, wolves, ravens, microtus, peromyscus, and ground squirrels. Other species could be added if scientific data supports their inclusion.

Jun-92 Yellowstone Bison Data, FY 92 pg1

Acc #	Animal ID	Sex/Age	LN	Culture Results Ut	Ov	Test.	Other	Remarks
6946	91-7B	3-4 M				1	2 SI, SP	
6947	81ANZ6803	3-4 M	5			2		
	81ANZ6804	3-4 M	3			2	SP	
	81ANZ6805	3-4 M	4			2		
8154	81ANZ6806	6 M	5			4	SP	
	81ANZ6807	7 M	3			4	SP	
8155	91-13B	5 M	3+			2		B. ABORTUS
9362	91-14B		2					
9364	81ANZ6810	2 M	2			2		SERO +
	81ANZ6811	3 M	2			2		
	81ANZ6812	3 M	2			2		
	81ANZ6813	3 F	4					
	81ANZ6814	3 F	2	1	2		UD	
	81ANZ6815	4 F	2	1			UD, FET. LUNG FET. FL., LIV	
	81ANZ6816	7 M	2			2		
	81ANZ6817	5-6 F	3			2		
9906	81ANZ2618	4-5 M	4			2		
	81ANZ2619	2-3 M	2			2		
	81ANZ2620	4-5 M	1+			2		B. ABORTUS
	81ANZ2621	5-6 M	1			2		
	81ANZ2622	3-4 M	3			2		
	81ANZ2623	12+ M	2			2		
	81ANZ2624	3-4 M	2			2		
	81ANZ2625	2-3 M	3			2		
	81ANZ2626	3-4 M	2			2		
	81ANZ2627		3			2		
	81ANZ2628	2-3 M	3			2		
10109	81ANZ6829	M	2			2		
	81ANZ6830	M	1			2		
	81ANZ6831	8-9 M	2			2		
	81ANZ6832	M	2			2		
	81ANZ6833	M	2			1		
	81ANZ6834	M	2			2		
	81ANZ6835	M	2			2		
	81ANZ6836	M	2			2		
	81ANZ6837	M	2			2		
	81ANZ6838		1			2		
	81ANZ6839		1			2		
10682	81ANZ6840	1-2 M	3+			1		B. ABORTUS
	81ANZ6841	3-4 F	1	1	1		UD, AMNIO FL STOM. FLUID	
	81ANZ6842	1-2 M	2			2		
	81ANZ6843	1-2 M	3			2		
	81ANZ6844	2-3 M	5+			2		B. ABORTUS
	81ANZ6845	5 F	4	1			UD, AMNIO FL. COTY, STOM.FL	
	81ANZ6846	7-8 F	6				UD, AMNIO FL.	

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Jun-92 Yellowstone Bison Data, FY 92 pg2

Acc #	Animal ID	Sex/Age	LN	Culture Results Ut	Ov	Test.	Other	Remarks
	81ANZ6847	6 mo F	2	1	2		COTY, STOM.FL	
	81ANZ6848							NOT RECEIVED
	81ANZ6849	8+ F	4	1	2		2 UD	
	81ANZ6850	5-6 F	4	1			UD, STOM. FL. COTY,AMNIO FL	
	81ANZ6851	1 F	4	1	2			
	81ANZ6852	3-4 F	2				UD, STOM. FL COTY,AMNIO FL	
	81ANZ6853	1-2 F	2	1	1			
	81ANZ6854	8+ F	1	1	1		UD, STOM. FL SM.,AMNIO FL	
	81ANZ6855	1 M	3			2		
	81ANZ6856	6 F	4	1	1		UD, STOM. FL AMNIO. FL.	
?	81ANZ6857	5 M	1			2		
	81ANZ6858	2 M	1			2		
	81ANZ6859	M	3			2		
	81ANZ6860	4 M	1			2		
	81ANZ6861	3-4 M	4+			1		B. ABORTUS
	81ANZ6862	5-6 M	1			2		
10840	81ANZ6863	1-2 F	4		2			
	81ANZ6864	5 F	4	1	1		UD, STOM. FL AMNIO FL	
	81ANZ6865	4-5 F	4	1	1		UD, STOM. FL AMNIO FL	
	81ANZ6866	calf M	3			2		
	81ANZ6867	calf F	3+			2+		B. ABORTUS
	81ANZ6868	7 F	5	1			2 UD, STOM FL AMNIO FL	
	81ANZ6869	8+ F	6				COTY, STOM FL UD, AMNIO FL	
	81ANZ6870							NOT RECEIVED
	81ANZ6872	8+ F	6				COTY, STOM FL 2UD, AMNIO FL	
	81ANZ6873	3-4 M	4			2	OTHER 1	
	81ANZ6874							NOT RECEIVED
	81ANZ6879	7-8 F	5	1			2UD, AMNIO FL	
	81ANZ6880	7-8 F	4	1			2UD, STOM FL AMNIO FL	
11870	81ANZ6681	PREG.	3	1	1		UD, AMNIO FL ABOM. FL	SAMPLES LABELED 688_
	81ANZ6682	M	1			2		
	81ANZ6683	PREG	1	1	1		UD, AMNIO FL ABOM. FL	688_
	81ANZ6684	PREG	3	1	1		UD, AMNIO FL ABOM FL	688_
	81ANZ6685	FETUS F	2+				UD,UT,AMNIO F	B. ABORTUS

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Jun-92 Yellowstone Bison Data, FY 92 pg3

Acc #	Animal ID	Sex/Age	LN	Culture Results Ut	Ov	Test.	Other	Remarks
	81ANZ6686	PREG	2		1		UD, AMNIO FL ABOM FL	688_
	81ANZ6887	M	1			2		
	81ANZ6888	FETUS F	2		1		UD, AMNIO FL	
	81ANZ6889	PREG	5				COTY,ABOM FL 2UD, AMNIO FL	
	81ANZ6890	PREG	2		1		UD,AMNIO FL ABOM FL	
12413	81ANZ6893	6 M	4			2	SV	
	81ANZ6894	M	7			2	SP, SV	
	81ANZ6895	8 M	5			2	SP, SV	
	81ANZ6896	8 M	6			2	SV	
	81ANZ6897	5 M	2			2	SV	
	81ANZ6898	5 M	5+			2	SV+	B. ABORTUS
	81ANZ6899	6 M	3			2		
	81ANZ6900	M	1			2		
	81ANZ6901	M	6			2	SV	
	81ANZ6902	8 M	6			2	SV	
	81ANZ6903	4 M	2			2	SV	
	81ANZ6904	6 M	2			2		
	81ANZ6905	6 M	4+			2	SV	1 colony lt.growth B. ABORTUS
	81ANZ6906	5 M	2			1	SV	
	81ANZ6907	2 M	2+			2		B. ABORTUS
	81ANZ6908	4 M	5			2	SV	
	81ANZ6909	4 M	6			2	SV	
	81ANZ6910	5 M	6+			2	SP, SV	B. ABORTUS
	81ANZ6911	M	4			2	SV	
	81ANZ6912	4 M	3			2		
	81ANZ6913	4 M	2			2	SV	
	81ANZ6914	5 M	2			2	SV	
	81ANZ6915	5 M	2			2		
	81ANZ6916	4 M	2			2	SV+	100 colonies /pc B. ABORTUS
	81ANZ6917	2 M				2		
	81ANZ6918	4 M				2		
	81ANZ6919	5 M	3			2	SV	
	81ANZ6920	3 M	3			2	SV	
	81ANZ6921	8 M	4			2	SV	
	81ANZ6922	5 M	5			2	SV	
	81ANZ6923	5 M	6+			2	SV	1col, B. ABORTUS
	81ANZ6924	5 M	5			2	SV	
	81ANZ6925	5 M	3			2	SV	
12417	81ANZ6926	8 M	4			2	SV	
	81ANZ6927	7 M	4			2	SV	

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Jun-92 Yellowstone Bison Data, FY 92 pg4

Acc #	Animal ID	Sex/Age	LN	Culture Results Ut	Ov	Test.	Other	Remarks
	81ANZ6928	8 M	3			2	SV	
	81ANZ6929	5 M	3			2	SV	
	81ANZ6930	5 M	3			2		
	81ANZ6931	5 1/2 M	4			2	SV	
13094	81ANZ6932	1 M	1			2	SV	
	81ANZ6933	8 F	3	1	1		UD	
	81ANZ6934	1 F	4		1			
	81ANZ6935	1 F	1	1	2			
	81ANZ6936	1 M	4			2		
	81ANZ6937	1 M	7			2		
	81ANZ6938	3 F	6				COTY; 2 UD ABOM.&AMNIO F	
	81ANZ6939	3 F	6	1	1		UD	
	81ANZ6940	1 M	7			2		
	81ANZ6941	1 1/2 F	5	1	2			
	81ANZ6942	1 1/2 M	6			2	SV	
	81ANZ6943	1 M	8			2		
13101	91-141B	7 F	2					
14678	81ANZ6976	F	4	1	1		2 UD	
	81ANZ6977	F	4	1	1			
	81ANZ6978	M	3			2	SV	
	81ANZ6979	F	3				COTY, 2 UD STOM.& AMNIO	
	81ANZ6980	F	6				COTY,AMNIO F	
	81ANZ6981	M	2+			2		B. ABORTUS
	81ANZ6982	F	6				COTY, ABOM AMNIO F.	
	81ANZ6983	M	2+			2	SV	B. ABORTUS
	81ANZ6984	M	5+			2	SV	B. ABORTUS NUMEROUS
	81ANZ6985	M	6			2	SV	
	81ANZ6986	F	5				COTY, 2 UD ABOM.&AMNIO.F	
	81ANZ6987	F	4				COTY, ABOM.F. 2 UD, AMNIO.	
	81ANZ6988	F	3				COTY, ABOM.F. 2 UD, AMNIO.	
	81ANZ6989	F	4				COTY, ABOM.F. 2 UD, AMNIO.F	
	81ANZ6990	F	5					
	81ANZ6991	M	2			2	SV	
	81ANZ6992	F	5				COTY,UD,AMNIO SV	
	81ANZ6993	M	4					
	81ANZ6994	F	4				COTY, 2 UD	
	81ANZ6995							NEVER RECEIVED
	81ANZ6996	M	4			4		
	81ANZ6997	F	3+	1	2			B. ABORTUS

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Jun-92 Yellowstone Bison Data, FY 92 pg5

Acc #	Animal ID	Sex/Age	LN	Ut	Ov	Culture Results: Test.	Other	Remarks
15002	81ANZ6944	6-7 F	3				COTY, STOM.F. 2 UD, AMNIO.F	
	81ANZ6945	1-2 F	5	1	2			
	81ANZ6946	5-6 F	5				COTY,STOM. P 2 UD, AMNIO.F	
	81ANZ6947	1 M	4			2	SV	
	81ANZ6948	3-4 M	3+			2	SV+	B. ABORTUS
	81ANZ6949	7-8 M	3			2	SV	
	81ANZ6950	1 F	5	1	2			
	81ANZ6952	6 P	4	1	2		2 UD	
	81ANZ6953	CALF	5				COTY, 2 UD	
	81ANZ6954	1-2 M	3			2	SV	
	81ANZ6955	5 F	7				COTY, STOM.F. 2 UD, AMNIO.F	
	81ANZ6956	1 M	3			2	SV	
	81ANZ6957	7-8 F	4				COTY, 2 UD AMNIO. F.	
	81ANZ6958	1 M	4+			2	SV	B. ABORTUS
	81ANZ6959	8+ M	5+			2	SV	B. ABORTUS
	81ANZ6960	8+ M	2			2	SV	
	81ANZ6962	1-2 M	4			2	SV	
	81ANZ6963	CALF	3			2	SV	
	81ANZ6964	1 M	3			2	SV	
	81ANZ6965	1-2 F	3	1	2			
	81ANZ6966	3 F	6	1	2		UD	
	81ANZ6967	2-3 F	4+	1	2			B. ABORTUS
	81ANZ6968	1-2 F	3+	1	2			B. ABORTUS
	81ANZ6969	2-3 F	4				COTY, STOM. F UD, AMNIO. F.	
	81ANZ6970	3-4 F	4				COTY, STOM. F UD, AMNIO. F.	
	81ANZ6971	4-5 F	6	1	2		2 UD	
	81ANZ6972	1-2 P	5+	1+++	2+			B. ABORTUS
	81ANZ6973	3-4 F	5				COTY, AMNIO.F 2 UD, ABOM.F.	
	81ANZ6974	1 P	6	1	2			
	81ANZ6975	1 F	6+	1	2			B. ABORTUS
	81ANZ6998	1-2 F	5	1	2			
	81ANZ6999	6 F	5				COTY, ABOM. F 2 UD, AMNIO.	
	81ANZ7000	1 F	4	1	1			
15544	81ANJ3207	2 1/2 F	3+				COTY, ABOM.F. UD, AMNIO FL	B. ABORTUS
	81ANJ3208	1 F	3				UD	
	81ANJ3209	2 F	4			2		
	81ANJ3210	1 1/2 F	5	1	1			
	81ANJ3211	1 1/2 F	6	1	2			
	81ANJ3212	1 1/2 F	6	1	2		2 UD	

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Jun-92 Yellowstone Bison Data, FY 92 pg6

Acc #	Animal ID	Sex/Age	LN	Ut	Ov	Culture Results: Test.	Other	Remarks
	81ANJ3213	1 M	5			2	SV	
	81ANJ3215	6 F	6				COTY, AMNIO.F 2 UD, ABOM.F.	
	81ANJ3216	5 F	4	1	1		UD, AMNIO. F. ABOM. F	
	81ANJ3217	1 1/2 F	5+	1	1			B. ABORTUS
	81ANJ3218	1 M	3			2		
	81ANJ3219	1 M	2			2	SV	
	81ANJ3220	8 F	4				COTY, AMNIO.F 2 UD, ABOM.F.	
	81ANJ3221	2 1/2 F	6				COTY, ABOM.F. AMNIO. F.	
	81ANJ3222	7 F	5				COTY, ABOM.F. 2 UD, AMNIO.F	
	81ANJ3223	3 1/2 M	2			2	SV	
	81ANJ3262		2			2	SV	
16510	81ANJ3201	6 F	3	1	1		STOM.F, UD UT. F.	
	81ANJ3202	1 M	2			2		
	81ANJ3203	1 F	3	1				
	81ANJ3204	1 P	3	1	1			
	81ANJ3205	8 F	4				2 COTY,2 UD, UT.F.,STOM.F.	
	81ANJ3206	5 1/2 F	4	1	1			
	81ANJ3214	6 F	2				COTY, STOM. F UD, UT. F.	
	81ANJ3224	8 F	3				COTY, STOM. F UD, UT. F.	
	81ANJ3225	5 1/2 F	3				COTY, UT. F. 2 UD, STOM.F.	
	81ANJ3226	1 1/2 M	3			2	SV	
	81ANJ3227	7 F	2				SM,COTY,UD, STOM.F, UT.F.	
25382	8-284	AB. FET					CLOT, LUNG, STOM.	
29292	469		3			2		
32544	277-91B	M	2			2	SV	
32545	275-91B	M	2			2	2 SV	
	276-91B	M	2			2	2 SV	
32546	273-91B	M	2			2	SP	
	274-91B		2			2	SP., SV.	

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Bison Serology and Target Tissue Culture Results

Location 1	Location 2	Dispos.	Date Bled	Blood #	Sample #	BkTag #	EarTag #	Age(Est)	Age/Tooth	Sex	Preg?	Classif.	Plate	Card	BAPA	Rivanol	CF	Tube	D-TEC	PCFIA	RAP	Culture
Gardiner	Stephens Ck	Euth.	13-Jan-97	223	134			0.5		F	N	N	- 25	-	-	- 25	- 10	- 25	nd	0.592	-	-
Gardiner	Stephens Ck	Euth.	13-Jan-97	229	135			5+		F	Y	N	- 25	-	-	- 25	- 10	- 25	nd	0.934	-	-
Gardiner	Stephens Ck	Euth.	13-Jan-97	227	139			3		F	N	N	1 25	-	-	- 25	- 10	- 25	nd	0.923	-	-
Gardiner	Stephens Ck	Euth.	13-Jan-97	224	140			4 to 6		F	Y	N	1 25	-	-	- 25	- 10	- 25	nd	0.954	-	-
Gardiner	Stephens Ck	Euth.	13-Jan-97	206	141			2.5		F	N	R	1 50	-	+	1 50	3+ 40	1 200	nd	0.132	+	Biovar 1
Gardiner	Stephens Ck	Euth.	13-Jan-97	225	142			0.5		F	N	N	- 25	-	-	- 25	- 10	- 25	nd	0.955	-	-
Gardiner	Stephens Ck	Euth.	13-Jan-97	211	143			0.5		F	N	N	- 25	-	-	- 25	- 10	- 25	nd	0.931	-	-
Gardiner	Stephens Ck	Euth.	15-Jan-97	147	147			0.5		F	N	N	+ 25	-	-	- 25	- 10	+ 25	nd	0.882	-	-
Gardiner	Stephens Ck	Euth.	15-Jan-97	151	151			0.5		F	N	N	- 25	-	-	- 25	- 10	- 25	nd	0.928	-	-
W. Yellowstone	Horse Butte	Shot	5-Feb-97	157	157			1.5	1	F	N	N	1 25	-	-	- 25	- 10	- 25	-	0.955	0.53	-
W. Yellowstone	Horse Butte	Shot	5-Feb-97	158	158			3.5 to 4.5	3	F	Y	N	- 25	-	-	- 25	- 10	- 25	-	0.958	1.02	-
W. Yellowstone	Horse Butte	Shot	5-Feb-97	159	159			4.5	4	F	N	R	+ 50	+	+	1 50	2+ 80	1 400	+	0.936	43.56	-
W. Yellowstone	Horse Butte	Shot	5-Feb-97	160	160			2.5	2	F	Y	N	- 25	-	-	- 25	- 10	- 25	-	0.956	.79	-
W. Yellowstone	Horse Butte	Shot	6-Feb-97	161	161			>6	5	F	Y	N	- 25	-	-	- 25	- 10	- 25	-	0.945	.99	-
W. Yellowstone	Horse Butte	Shot	6-Feb-97	162	162			>6	5	F	Y	N	- 25	-	-	- 25	- 10	- 25	-	0.898	.63	-
W. Yellowstone	Horse Butte	Shot	6-Feb-97	163	163			4.5	3	F	?	R	- 25	-	-	- 25	4+ 20	1 50	-	0.955	38	-
W. Yellowstone	Horse Butte	Shot	6-Feb-97	164	164			4.5	7	F	?	R	1 25	+	+	- 25	4+ 20	+ 100	-	0.222	32.00	-
Gardiner	Stephens Ck	Slaughter	11-Feb-97	165	165	6105		1.5	0	F	N	R	1 100	+	+	1 50	4+ 40	+ 100	-	0.277	41.50	Biovar 1
Gardiner	Stephens Ck	Slaughter	11-Feb-97	166	166	6113		>6	10	F	Y	R	1 100	+	+	+ 50	4+ 40	+ 200	+	0.118	29.92	in progr.
Gardiner	Stephens Ck	Slaughter	11-Feb-97	167	167	6137		4.5	4	F	N	R	+ 200	+	+	+ 200	1+ 640	+ 200	+	0.082	23.23	Biovar 1
Gardiner	Stephens Ck	Slaughter	11-Feb-97	168	168	6114		5	8	F	Y	R	+ 50	+	+	1 25	4+ 20	+ 100	-	0.334	16.79	in progr.
Gardiner	Stephens Ck	Slaughter	11-Feb-97	169	169	6125		3	4	F	Y	R	+ 50	+	+	1 25	1+ 80	+ 200	S	0.390	6.62	in progr.
Gardiner	Stephens Ck	Slaughter	11-Feb-97	170	170		6729	5.5	6	F	Y	R	+ 50	-	+	- 25	4+ 20	+ 100	-	0.467	40.32	in progr.
Gardiner	Stephens Ck	Slaughter	11-Feb-97	171	171	6106		2.5	3	M	NA	R	+ 200	+	+	+ 200	3+ 10	+ 200	+	0.123	35.63	in progr.
Gardiner	Stephens Ck	Slaughter	11-Feb-97	172	172		6715	5	5	F	N	R	1 100	+	+	1 25	3+ 10	+ 200	+	0.167	12.32	in progr.
Gardiner	Stephens Ck	Slaughter	11-Feb-97	173	173	6119		2.5	2	F	N	R	+ 200	+	+	1 200	4+ 160	+ 200	+	0.115	18.84	Biovar 1
Gardiner	Stephens Ck	Slaughter	11-Feb-97	174	174	6123		1.5	0	M	NA	R	+ 200	+	+	+ 200	3+ 10	+ 200	+	0.039	12.78	Biovar 1
Gardiner	Stephens Ck	Slaughter	11-Feb-97	175	175	6120		3	3	F	Y	R	+ 100	+	+	1 100	1+ 10	+ 200	+	0.066	20.71	in progr.
Gardiner	Stephens Ck	Slaughter	11-Feb-97	251	251		6718	2.5	2	F	N	S	+ 25	-	+	- 25	2+ 10	+ 50	-	0.765	0.57	in progr.
Gardiner	Stephens Ck	Slaughter	11-Feb-97	252	252	6112		5.5+	10	F	Y	R	1 200	+	+	+ 25	2+ 40	+ 100	+	0.143	32.36	in progr.
Gardiner	Stephens Ck	Slaughter	11-Feb-97	253	253	6117		2.5	3	F	Y	R	+ 200	+	+	1 200	1+ 10	+ 200	+	0.171	31.04	in progr.
Gardiner	Stephens Ck	Slaughter	12-Feb-97	254	254		6791	5.5	7	F	Y	R	+ 200	+	+	1 200	1+ 640	+ 200	+	0.070	19.11	in progr.
Gardiner	Stephens Ck	Slaughter	12-Feb-97	255	255	6188		4.5	3	F	Y	R	+ 200	+	+	+ 200	4+ 640	+ 200	+	0.057	13.70	in progr.
Gardiner	Stephens Ck	Slaughter	12-Feb-97	256	256	6154		3.5	4	F	Y	R	1 200	+	+	1 50	3+ 40	+ 200	+	0.112	43.09	in progr.
Gardiner	Stephens Ck	Slaughter	12-Feb-97	257	257	6187		2.5	3	F	N	R	+ 100	+	+	1 50	3+ 80	+ 200	+	0.085	28.46	in progr.
Gardiner	Stephens Ck	Slaughter	12-Feb-97	258	258	6186		3.5	8	F	Y	R	+ 100	+	+	1 50	3+ 10	+ 200	+	0.089	30.09	in progr.
Gardiner	Stephens Ck	Slaughter	12-Feb-97	259	259	6145		2.5	2	M	NA	R	- 25	+	+	1 25	2+ 10	1 200	+	0.140	17.81	in progr.
Gardiner	Stephens Ck	Slaughter	13-Feb-97	260	260	6215		3		F	Y	R	1 200	+	+	1 100	4+ 160	+ 200	+	0.107	29.95	in progr.
Gardiner	Stephens Ck	Slaughter	13-Feb-97	261	261	6201		2		M	NA	R	1 100	+	+	1 25	4+ 20	- 25	-	0.224	34.56	in progr.
Gardiner	Stephens Ck	Slaughter	13-Feb-97	262	262	6217		0.5	0	M	NA	R	+ 200	+	+	1 100	3+ 40	+ 200	-	0.418	39.72	Biovar 1
Gardiner	Stephens Ck	Slaughter	13-Feb-97	263	263	6247		5		F	Y	R	+ 200	+	+	+ 200	2+ 40	+ 100	+	0.055	19.45	Biovar 1
Gardiner	Stephens Ck	Slaughter	13-Feb-97	264	264	6195		5		F	N	R	+ 200	+	+	+ 200	1+ 320	+ 200	+	0.073	24.59	in progr.
Gardiner	Stephens Ck	Slaughter	13-Feb-97	265	265	6249		2		M	NA	R	+ 200	+	+	+ 200	2+ 640	+ 200	+	0.068	42.16	Biovar 1

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Bison Serology and Culture Results (Full Sampling) Recd 11-17-97

Location 1	Location 2	Dispos.	Date Bled	Blood #	Sample #	BkTag #	EarTag #	Age(Est)	Age/Tooth	Sex	Preg?	Classif.	Plate	Card	BAPA	Rivanol	CF	Tube	D-TEC	PCFIA	RAP	Culture
Gardiner	RTR	Shot	17-Feb-95	101	101				4	F	Y	N	- 25	-	-	- 25	- 10	- 25	-	0.962	nd	-
W. Yellowstone	Deep Well Ranch	Shot	3-Mar-95	103	103				15	F	Y	R	+ 100	+	+	+ 100	4+ 80	+ 200	+	0.113	nd	-
W. Yellowstone	Deep Well Ranch	Shot	3-Mar-95	104	104				3	F	Y	R	+ 200	+	+	1 50	1+ 40	+ 200	-	0.220	nd	-
Gardiner	Stephens Ck	Shot	10-Mar-95	105	105				5	F	N	R	1 100	+	+	1 200	1+ 320	+ 200	+	0.059	nd	Biovar 1
W. Yellowstone	Duck Ck Y	Shot	16-Mar-95	107	107				5	M	NA	R	1 200	+	+	+ 100	4+ 40	+ 200	+	0.070	nd	-
W. Yellowstone	Duck Ck Y	Shot	16-Mar-95	108	108				2	F	Y	R	+ 200	+	+	+ 200	4+ 80	+ 200	+	0.062	nd	Biovar 1
W. Yellowstone	Duck Ck Y	Shot	16-Mar-95	109	109					M	NA	R	1 200	+	+	1 100	3+ 10	1 200	+	0.092	nd	-
W. Yellowstone	Duck Ck Y	Shot	16-Mar-95	110	110				3	M	NA	R	+ 50	+	+	+ 25	4+ 20	+ 50	-	0.215	nd	-
W. Yellowstone	Duck Ck Y	Shot	20-Dec-95	184	112			3.5		F	Y	R	1 200	+	+	1 200	4+ 80	+ 200	+	0.054	nd	Biovar 2
W. Yellowstone	Duck Ck Y	Shot	20-Dec-95	180	113			4		F	Y	N	- 25	-	-	- 25	- 10	- 25	-	0.978	nd	-
W. Yellowstone	Duck Ck Y	Shot	25-Jan-96	189	114			5 to 6		F	Y	R	1 100	+	+	1 50	4+ 40	+ 200	+	0.051	nd	-
W. Yellowstone	Duck Ck Y	Shot	25-Jan-96	185	115			6+		F	Y	S	1 50	+	+	- 25	- 10	1 50	-	0.666	nd	-
W. Yellowstone	Duck Ck Y	Shot	25-Jan-96	190	116			3		F	Y	R	1 200	+	+	1 100	4+ 40	+ 200	-	0.253	nd	-
W. Yellowstone	Horse Butte	Shot	23-Feb-96	153	117			7 to 8		F	Y	R	+ 100	+	+	1 50	3+ 40	+ 200	+	0.090	nd	contam.
W. Yellowstone	Along Rte. 287	Shot	18-Mar-96	195	118			6		F	Y	R	1 200	+	+	1 200	4+ 160	+ 600	+	0.075	nd	contam.
W. Yellowstone	Along Rte. 287	Shot	18-Mar-96	197	119			10+		F	N	R	+ 100	+	+	1 200	4+ 160	+ 200	+	0.029	nd	Biovar 1
W. Yellowstone	Along Rte. 287	Shot	18-Mar-96	202	120			10+		F	N	R	+ 25	-	+	- 25	4+ 20	1 100	-	0.614	nd	-
W. Yellowstone	S. Fork Madison	Shot	19-Mar-96	207	121			3		F	N	R	+ 200	+	+	+ 200	4+ 80	+120	+	0.053	nd	Biovar 1
W. Yellowstone	S. Fork Madison	Shot	19-Mar-96	209	122			8 to 10		F	Y	R	+ 100	+	+	1 200	4+ 80	+ 300	+	0.050	nd	-
W. Yellowstone	S. Fork Madison	Shot	19-Mar-96	199	123			8		F	Y	R	+ 200	+	+	1 200	4+ 20	1 600	+	0.051	nd	-
W. Yellowstone	S. Fork Madison	Shot	19-Mar-96	191	124			8 to 10		F	Y	R	+ 50	+	+	1 25	4+ 20	+ 50	-	0.480	nd	-
W. Yellowstone	Madison Rim	Shot	20-Mar-96	217	125			3		F	N	R	+ 200	+	+	+ 200	4+ 160	+ 600	+	0.070	nd	Biovar 1
W. Yellowstone	Madison Rim	Shot	20-Mar-96	216	126			3		F	Y	R	+ 50	+	+	1 50	1+ 40	+ 100	-	0.129	nd	-
W. Yellowstone			14-Nov-96	127	127			2.5		F	Y	R	+ 100	+	+	1 100	4+ 80	+ 200	S	0.114	nd	Biovar I
Gardiner	Stephens Ck	Euth.	13-Jan-97	222	128			2		F	Y	R	+ 50	+	+	+ 25	3+ 10	+ 100	nd	0.273	+	Target -
Gardiner	Stephens Ck	Euth.	13-Jan-97	228	129			6 to 8		F	Y	R	+ 200	+	+	1 200	3+ 160	+ 200	nd	0.100	+	Target -
Gardiner	Stephens Ck	Euth.	13-Jan-97	220	130			2		F	N	R	1 100	+	+	1 200	3+ 160	+ 200	nd	0.109	+	Biovar 1
Gardiner	Stephens Ck	Euth.	13-Jan-97	221	131			6 to 8		F	N	R	+ 50	+	+	1 100	1+ 80	+ 100	nd	0.125	+	-
Gardiner	Stephens Ck	Euth.	13-Jan-97	205	133			0.5		F	N	N	- 25	-	-	- 25	- 10	- 25	nd	0.947	-	-
Gardiner	Stephens Ck	Euth.	13-Jan-97	212	136			0.5		F	N	R	+ 100	+	+	1 50	3+ 40	+ 100	nd	0.471	+	Biovar 1
Gardiner	Stephens Ck	Euth.	13-Jan-97	226	137			10		F	Y	R	+ 100	+	+	1 50	2+ 10	1 200	nd	0.121	+	Target -
Gardiner	Stephens Ck	Euth.	13-Jan-97	219	138			2.5		F	Y	R	1 200	+	+	1 200	1+ 10	+ 200	nd	0.079	+	Biovar 1
Gardiner	Stephens Ck	Euth.	15-Jan-97	144	144			4.5		F	Y	R	+ 200	+	+	+ 200	2+ 640	+ 200	nd	0.082	+	Target -
Gardiner	Stephens Ck	Euth.	15-Jan-97	145	145			12+		F	N	N	- 25	-	-	- 25	- 10	- 25	nd	0.980	-	Target -
Gardiner	Stephens Ck	Euth.	15-Jan-97	146	146			6 to 8		F	Y	N	+ 25	-	+	- 25	- 10	+ 25	nd	0.840	-	Target -
Gardiner	Stephens Ck	Euth.	15-Jan-97	148	148			6 to 8		F	Y	R	1 50	+	+	1 25	- 10	+ 200	nd	0.096	+	-
Gardiner	Stephens Ck	Euth.	15-Jan-97	149	149			2.5		F	Y	N	- 25	-	-	- 25	- 10	- 25	nd	0.969	-	Target -
Gardiner	Stephens Ck	Euth.	15-Jan-97	150	150			6 to 8		F	Y	N	1 25	-	-	- 25	- 10	- 25	nd	0.996	-	Target -
Gardiner	Stephens Ck	Euth.	15-Jan-97	152	152			2		F	N	N	+ 25	-	-	- 25	- 10	1 25	nd	0.917	-	Target -
Gardiner	Stephens Ck	Euth.	15-Jan-97	153	153			3.5		F	Y	R	+ 200	+	+	1 200	3+ 160	+ 200	nd	0.076	+	Target -
Gardiner	Stephens Ck	Euth.	23-Jan-97			6029	5630	0.5		M	NA	R	1 200	+	+	+ 100	- 10	+ 200	nd	0.422	+	Target -

YELL-14714 contd.
EXHIBIT 3 contd.

ATTACHMENT 4

Bison Serology and Target Tissue Culture Results

Location 1	Location 2	Dispos.	Date Bled	Blood #	Sample #	BkTag #	EarTag #	Age(Est)	Age/Tooth	Sex	Preg?	Classd	Plate	Card	BAPA	Rivanol	CF	Tube	D-TEC	PCFIA	RAP	Culture
Gardiner	RTR	Shot	5-Mar-97	309	309			6+	5	F	N	R	+ 25	+	+	1 25	4+ 40	1 200	S	0.124	+	in progr.
Gardiner	RTR	Shot	6-Mar-97	310	310			5.5	5	M	NA	R	+ 25	-	-	- 25	3+ 10	+ 100	-	0.184	+	in progr.
Gardiner	RTR	Shot	6-Mar-97	311	311			5.5	5	M	NA	N	1 25	-	+	- 25	- 10	+ 25	-	0.808	-	in progr.
Gardiner	RTR	Shot	6-Mar-97	312	312			5.5	6	M	NA	R	+ 100	+	+	1 100	2+ 10	+ 200	S	0.126	+	in progr.
Gardiner	Pvt. Prop./E side	Shot	11-Mar-97	313	313			8 to 10+	9	M	NA	N	- 25	-	-	- 25	- 10	- 25	-	1.005	-	in progr.
W. Yellowstone	DOL trap	Slaughter	25-Mar-97	314	314	105		8 to 10+	11	M	NA	R	+ 50	+	+	1 50	3+ 40 P	+ 200	-	0.090	+	in progr.
W. Yellowstone	DOL trap	Slaughter	25-Mar-97	315	315	104		4.5	3	M	NA	R	1 200	+	+	1 200	1+ 640	+ 200	+	0.078	+	in progr.
W. Yellowstone	DOL trap	Slaughter	25-Mar-97	316	316	107		5.5	5	M	NA	R	+ 25	+	+	- 25	4+ 20	+ 50	-	0.384	+	in progr.
W. Yellowstone	DOL trap	Slaughter	25-Mar-97	317	317	106			9	M	NA	R	1 50	+	+	1 25	3+ 40	+ 100	-	0.189	+	in progr.
W. Yellowstone	DOL trap	Slaughter	26-Mar-97	318	318	109		2.5	3	M	NA	R	+ 200	+	+	+ 200	4+ 640 P	+ 200	+	0.069	+	Biovar 1
W. Yellowstone	DOL trap	Slaughter	26-Mar-97	319	319	110		3.5 or 4.5	3	M	NA	R	1 100	+	+	1 100	4+ 160	+ 200	+	0.093	+	in progr.

Bison Serology and Target Tissue Culture Results

Location 1	Location 2	Dispos.	Date Bled	Blood #	Sample #	BkTag #	EarTag #	Age(Est)	Age/Tooth	Sex	Preg?	Classd	Plate	Card	BAPA	Rivanol	CF	Tube	D-TEC	PCFIA	RAP	Culture
Gardiner	Stephens Ck	Slaughter	13-Feb-97	266	266	6243		6		F	Y	R	+ 50	-	+	- 25	4+ 20	+ 50	S	0.346	29 33	in progr.
Gardiner	Stephens Ck	Slaughter	13-Feb-97	267	267	6239		2		F	N	R	1 200	+	+	+ 200	3+ 320	+ 200	+	0.061	38 09	in progr.
Gardiner	Stephens Ck	Slaughter	13-Feb-97	268	268	6226		3		F	N	R	1 100	+	+	1 100	3+ 10	+ 200	+	0.113	39 87	in progr.
Gardiner	Stephens Ck	Slaughter	13-Feb-97	269	269	6225		3		F	N	R	+ 200	+	+	1 200	2+ 10	+ 200	+	0.075	17 04	Biovar 1
Gardiner	Stephens Ck	Slaughter	13-Feb-97	270	270	6225		2		F	N	R	1 200	+	+	1 200	4+ 320	+ 200	+	0.097	18 18	Biovar 1
Gardiner	Stephens Ck	Slaughter	13-Feb-97	271	271	6246		5		F	N	R	1 200	+	+	1 200	3+ 160	+ 200	+	0.079	15 96	Biovar 1
W. Yellowstone	Madison R.	Shot	25-Feb-97	272	272			2.5	2	F	N	N	- 25	-	-	- 25	- 10	- 25	-	0.925	0.45	in progr.
W. Yellowstone	Madison R.	Shot	25-Feb-97	273	273			2.5	3	F	N	R	1 100	+	+	1 100	- 10	+ 200	+	0.088	31.57	Biovar 1
W. Yellowstone	S. Fork Madison	Shot	26-Feb-97	274	274				4	F	N	N	- 25	-	-	- 25	- 10	- 25	-	0.996	0.80	in progr.
W. Yellowstone	S. Fork Madison	Shot	26-Feb-97	275	275				14	F	N	S	1 50	+	+	- 25	3+ 10	+ 50	-	0.366	33.17	in progr.
Gardiner	Stephens Ck	Slaughter	13-Feb-97	276	276		6774	4.5	3	F	Y	R	+ 200	+	+	+ 200	1+ 10	+ 200	-	0.058	11.13	in progr.
Gardiner	Stephens Ck	Slaughter	13-Feb-97	277	277	6190		8 to 10+	10	F	N	R	+ 50	+	+	1 25	4+ 20	+ 100	-	0.179	39.05	in progr.
Gardiner	Stephens Ck	Slaughter	13-Feb-97	278	278	6173		1 5	1	M	NA	R	1 200	+	+	+ 200	4+ 160	+ 200	+	0.098	28 83	Biovar 1
Gardiner	Stephens Ck	Slaughter	13-Feb-97	279	279	6143		1.5?	1	F	N	R	+ 200	+	+	+ 200	1+ 160	+ 200	-	0.221	44.72	Biovar 1
Gardiner	Stephens Ck	Slaughter	13-Feb-97	280	280	6212		6 to 8	11	F	N	R	1 200	+	+	- 25	4+ 20	+ 100	-	0.248	46.04	in progr.
Gardiner	Stephens Ck	Slaughter	13-Feb-97	281	281	6229		2.5	2	F	Y	R	+ 200	+	+	1 100	4+ 40	+ 200	S	0.146	39.33	Biovar 1
Gardiner	Stephens Ck	Slaughter	13-Feb-97	282	282	6216		1.5	1	M	NA	R	+ 200	+	+	+ 200	4+ 80	+ 100	-	0.241	53.20	Biovar 1
Gardiner	Stephens Ck	Slaughter	13-Feb-97	283	283	6223		6 to 8	ND	M	NA	R	+ 200	+	+	1 200	3+ 80	+ 100	+	0.086	43.21	in progr.
Gardiner	Stephens Ck	Slaughter	13-Feb-97	284	284		6821	5.5+	13	F	Y	R	1 200	+	+	1 100	4+ 40	+ 200	S	0.107	40.35	in progr.
Gardiner	Stephens Ck	Slaughter	13-Feb-97	285	285	6234		2 5	2	F	N	R	+ 100	+	+	1 50	2+ 10	+ 200	-	0.132	21.21	Biovar 1
Gardiner	Stephens Ck	Slaughter	13-Feb-97	286	286	6222		3 5	ND	M	NA	R	+ 200	+	+	+ 200	4+ 160	+ 200	S	0.109	31.40	Biovar 1
Gardiner	Stephens Ck	Slaughter	13-Feb-97	287	287	6242		8 to 10+	9	F	N	R	+ 25	+	+	1 50	3+ 40	+ 200	+	0.085	9.17	in progr.
Gardiner	Stephens Ck	Slaughter	13-Feb-97	288	288	6207		1 5	1	M	NA	R	+ 200	+	+	+ 200	2+ 80	+ 200	-	0.128	26 23	in progr.
Gardiner	Stephens Ck	Slaughter	13-Feb-97	289	289	6172		5 5	4	F	Y	R	+ 200	+	+	+ 200	3+ 10	+ 200	+	0.078	29 35	in progr.
Gardiner	Stephens Ck	Slaughter	13-Feb-97	290	290	6162		1 5	1	M	NA	R	+ 200	+	+	1 200	3+ 80	+ 200	S	0.131	40 56	Biovar 1
Gardiner	Stephens Ck	Slaughter	13-Feb-97	291	291	6157		1 5	1	F	N	R	+ 100	+	+	1 200	3+ 160	+ 200	S	0.095	28.22	in progr.
Gardiner	Stephens Ck	Slaughter	13-Feb-97	292	292	6193		5 5	8	F	N	R	+ 200	+	+	+ 200	2+ 80	+ 200	+	0.065	13 38	in progr.
W. Yellowstone	S. Fork Madison	Shot	26-Feb-97	293	293				3	F	N	N	- 25	-	-	- 25	- 10	- 25	-	0.996	0.68	in progr.
W. Yellowstone	S. Fork Madison	Shot	26-Feb-97	294	294				3	M	NA	N	- 25	-	-	- 25	- 10	- 25	-	0.990	0.53	in progr.
W. Yellowstone	S. Fork Madison	Shot	26-Feb-97	295	295				3	M	NA	R	+ 200	+	+	+ 200	3+ 320	+ 200	+	0.119	34 32	Biovar 1
W. Yellowstone	S. Fork Madison	Shot	26-Feb-97	296	296				3	M	NA	N	- 25	-	-	- 25	- 10	- 25	-	1.008	0.47	in progr.
W. Yellowstone	S. Fork Madison	Shot	26-Feb-97	297	297				3	M	NA	R	1 25	+	+	- 25	4+ 20	+ 50	-	0.219	20 75	in progr.
W. Yellowstone	S. Fork Madison	Shot	26-Feb-97	298	298				6	F	Y	R	+ 200	+	+	+ 200	- 10	+ 200	+	0.090	44.11	in progr.
W. Yellowstone	Madison R.	Shot	27-Feb-97	299	299			5.5 to 8.5	6	M	NA	S	+ 25	-	-	- 25	2+ 10	+ 50	-	0.381	10 40	in progr.
W. Yellowstone	Madison R.	Shot	27-Feb-97	300	300			6 to 8	5	M	NA	N	- 25	-	-	- 25	- 10	- 25	-	0.934	0.79	in progr.
W. Yellowstone	Madison R.	Shot	27-Feb-97	301	301			8+	15	M	NA	R	1 25	-	-	- 25	3+ 20	- 25	-	0.536	0.40	in progr.
W. Yellowstone	Madison R.	Shot	27-Feb-97	302	302			5.5	6	M	NA	R	+ 50	+	+	1 100	2+ 10	+ 200	+	0.074	19.31	in progr.
W. Yellowstone	Madison R.	Shot	27-Feb-97	303	303			6+	7	M	NA	S	+ 25	-	-	- 25	- 10	+ 50	-	0.780	0.40	in progr.
W. Yellowstone	Madison R.	Shot	27-Feb-97	304	304			4 5	4	M	NA	R	1 200	+	+	1 100	1+ 10	+ 200	S	0.112	58.43	in progr.
Gardiner	RTR	Shot	5-Mar-97	305	305			1 5	1	F	N	N	- 25	-	-	- 25	- 10	- 25	-	0.968	-	in progr.
Gardiner	RTR	Shot	5-Mar-97	306	306			5.5	4	F	N	R	+ 200	+	+	+ 200	1+ 10	+ 200	+	0.057	+	in progr.
Gardiner	RTR	Shot	5-Mar-97	307	307			1 5	1	F	N	N	- 25	-	-	- 25	- 10	- 25	-	0.880	-	in progr.
Gardiner	RTR	Shot	5-Mar-97	308	308			5.5	9	F	Y	R	+ 50	+	+	+ 25	1+ 10	+ 200	S	0.102	+	in progr.

YELL-14714 contd.
EXHIBIT 3 contd.
ATTACHMENT 4 contd.

YELL-14714 contd.
EXHIBIT 3 contd.

CAROL A. STATKUS
Assistant United States Attorney
MATTHEW H. MEAD
Assistant United States Attorney
[redacted]

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF WYOMING

PARKER LAND AND CATTLE CO., INC., Plaintiff, v. UNITED STATES OF AMERICA, Defendant.	)	No. 91CV0039B
LYLE R. PECK, Plaintiff, v. UNITED STATES OF AMERICA, Defendant.	)	No. 91CV0091B

DEFENDANT UNITED STATES OF AMERICA'S MEMORANDUM IN SUPPORT OF ITS MOTIONS TO DISMISS OR, IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT

Defendant, the United States of America, by and through the United States Attorney for the District of Wyoming, submits this Memorandum, along with four affidavits, a state administrative order and certain cited depositions, in support of its motions to

ATTACHMENT 5

bison were the direct cause of the Parker cattle herd becoming infected and that an infected Parker cow then transmitted the disease to Peck.

In November 1988, a brucellosis suspect reactor cow was discovered in the Parker herd. Dr. Douglas Woody ("Woody"), a veterinarian with the U.S. Department of Agriculture ("USDA"), investigated this suspect reactor for the USDA and questioned John Story ("Story"), Parker's ranch manager and president. Story stated that Parker had been vaccinating 100 percent against brucellosis and that Parker had not purchased any cows for [illegible] years. Woody offered to have the USDA test Parker's whole herd for brucellosis. Story was reluctant to test and declined. Parker did nothing to change its ranching operations. Calving took place January - March 1989. Parker employees continued to handle placentas and newborn calves and were exposed to reproductive tracts of cows.

In February 1989, a positive brucellosis reactor cow was discovered in the Parker herd. Now Story informed Woody that Parker had been vaccinating only 65 percent against brucellosis and that Parker had purchased two cows 10 years ago. In March 1989, Story again informed Woody that Parker had no female purchases for 10 years. He never told Woody that Parker had purchased 25 bred cows in 1984 which came from an unknown source.

Meyer & Glitzenstein

[redacted]

Katherine A. Meyer
Eric R. Glitzenstein
Howard M. Crystal

D.J. Schubert
(Wildlife Biologist)

[redacted]

July 17, 1997

BY DELIVERY

Mr. Denis P. Galvin
Deputy Director
National Park Service
1849 C Street, NW
Washington, DC 20240

Dear Mr. Galvin:

I recently learned that officials of the National Park Service (NPS) are meeting in Washington, D.C. today and tomorrow to discuss the management of bison in the Greater Yellowstone Ecosystem (GYE). The Fund for Animals (The Fund), which I represent, believes that this meeting provides an opportunity to redirect and refocus the efforts by the NPS to protect Yellowstone's bison and to develop management strategies that are legal, scientifically sound, and humane. A new NPS approach to this issue is desperately needed because, in the past two years, the NPS has consistently capitulated to the unsubstantiated and extreme demands of the U.S. Department of Agriculture and the State of Montana instead of aggressively defending Yellowstone's borders and its bison as is clearly the mandate of the NPS.

The Fund is just one of many organizations that has made known its intense frustration and disappointment over the recently agreed upon "preferred alternative" for the management of Yellowstone's bison. While there are many elements of that alternative which The Fund opposes, the element of immediate concern is the agreement to place a cap on the number of bison in Yellowstone Park. In a letter delivered this morning to Secretary of Interior Babbitt (see Attachment 1), The Fund denounced the population cap as being in violation of NPS mandates, inconsistent with NPS policies, and entirely arbitrary. In addition, The Fund believes that the notion of establishing a cap on what is intended to be a wild, free-ranging bison population managed through "natural regulation" establishes a very dangerous precedent for wildlife management in the National Parks.

In addition to the serious problems and implications of establishing a population cap on bison in Yellowstone Park, there

EXHIBIT 7

recycled paper

is a second issue which warrants attention and discussion among meeting participants. This issue pertains to the authority of the Animal and Plant Health Inspection Service (APHIS) over free-ranging bison.

As you know, APHIS has threatened to revoke the brucellosis-free status of Montana and Wyoming based solely on the presence of potentially exposed or infected bison in those states. Though APHIS has never acted on those threats, Montana's Governor, Marc Racicot has consistently used the threat of losing that status to justify the slaughter of Yellowstone's bison. Indeed, in practically every newspaper article written about the slaughter of bison last winter, the threat to the state's brucellosis-free status was given as grounds for the slaughter.

More recently, the question of APHIS authority over free-ranging wildlife came up at a July 10 hearing of the Senate Subcommittee on Parks, Historic Preservation, and Recreation. Once again, during testimony presented by officials from the Government Accounting Office, it was suggested that APHIS could revoke Montana's brucellosis-free status if a potentially exposed or infected bison entered the state. In response, Subcommittee Chairman Craig Thomas asked why we should bother with additional studies on brucellosis in bison or the risk of disease transmission that bison pose to cattle if APHIS could simply downgrade the brucellosis-free status of any state based on the mere presence of a Park bison in the state.

Clearly, these subtle APHIS threats have become, in the minds of many, the principal justification for the slaughter of Yellowstone bison. Even the NPS has become corrupted by this presumed authority. For example, I understand that one element of the "preferred alternative" in the draft Environmental Impact Statement calls for the establishment of Bison Management Areas outside of Yellowstone Park. APHIS has indicated, and apparently the NPS has conceded, that APHIS regulations will have to be modified to allow for potentially exposed or infected bison in a brucellosis-free state without jeopardizing that state's status. By conceding this point the NPS has, intentionally or unintentionally, legitimized APHIS's claim of authority over free-ranging bison.

APHIS, however, does not have authority over wild, free-ranging bison, never has had such authority, and may not be able to obtain such authority without legislation. This is not a question that is debatable or subject to different interpretations. The statutory and regulatory language, policy provisions, and case law clearly reveal that the authority of APHIS over animals stops at the barn door.

The statute provides authority to the Secretary of Agriculture to "make such regulations ... to prevent the introduction or dissemination of ... any contagious, infectious, or communicable disease of animals ... from one State ... to another," 21 U.S.C. §

111 (see Attachment 2). APHIS has done just that by publishing its brucellosis regulations (9 C.F.R. § 78.1 et seq.)(see Attachment 3). Those regulations are the basis for the brucellosis classification system currently in use. To be "class free" a state must not have any brucellosis in "cattle" or "domestic livestock" Id. at § 78.1). Conversely, to lose that status, brucellosis must be detected in cattle or domestic livestock, Id. at § 78.40 (see Attachment 4). Free-ranging, wild bison are not designated as cattle or domestic livestock and therefore whether a bison has been exposed to, or is infected with, Brucella abortus is irrelevant to the determination of the brucellosis classification of a state.

APHIS policy, as described in the Uniform Methods and Rules for Brucellosis Eradication, also is only applicable to domestic livestock. Not only is the definition of the National Brucellosis Eradication Program limited to "domestic livestock," UM&R at 6 (see Attachment 5), but the standard for a "Class Free State" is defined as "no known focus of infection in any domestic species uncontrolled at the time of certification," UM&R at 5 (emphasis added)(see Attachment 6).

Given this evidence, the finding of the court in Parker Land and Cattle Company, Inc. v. United States (see Attachment 7), that "the regulations ... do not apply to wildlife" and that "the UMR was intended to apply only to domestic livestock" is of no surprise. Indeed, it was the U.S. Department of Justice that aggressively argued this point in several briefs filed with the court in the Parker case (see Attachments 8 and 9).

Though some APHIS officials may argue otherwise, most APHIS officials understand that their authority does not extend to wildlife (pers. comm. with Terry Medley, APHIS Administrator, and with Dr. Mike Gilsdorf).

Even USDA attorneys recognize that APHIS authority is limited. In a March 1962 document, for example, Carl Bullock, then director of the USDA's General Regulatory Division, determined that the shipment of wild buffalo from Yellowstone Park through Montana into Wyoming was not in violation of the USDA brucellosis regulations because those regulations only apply to "domestic animals" (see Attachment 10). It is worth noting that even though these wild bison had been reduced to captivity, the USDA still did not consider these bison to be "domestic animals."

More recently, in a 1990 memorandum, the USDA's Assistant General Counsel Ronald Cipolla, responding to a question about APHIS's authority to regulate the importation and interstate shipment of aquatic animals, determined that APHIS authority is limited to "domestic animals" and "livestock" (see Attachment 11). Wild, free-ranging bison do not fall into either of these categories.

Given this evidence, there can be no question that APHIS authority does not extend over free-ranging bison. Moreover, upon

close examination of the legislative history underlying APHIS statutes, it also cannot be assumed that APHIS has the statutory authority to adopt disease control or eradication regulations which would encompass free-ranging wildlife.

Even if this statutory authority existed, it is a mistake to simply concede this authority to APHIS since there is no regulatory basis for doing so. Contrary to the opinions of certain NPS officials, there is a value in the process federal agencies must follow, as required by the Administrative Procedures Act, 5 U.S.C. § 551 et seq., in adopting or revising regulations. Among other things, this process requires that the public be notified of the new or revised rule and that they have an opportunity to comment on the proposed rule. The agency then must consider those comments before determining if the proposed rule is warranted. In this case, any attempt by APHIS to amend its regulation to extend its authority over free-ranging bison, would be met with stiff resistance by environmental, wildlife protection, and hunting organizations fearful that if APHIS gets a toehold into the management of one species, nothing would stop them from attempting to extend that authority even further.

While I recognize that the NPS may choose not to challenge APHIS over its presumed authority -- a decision which I believe is shortsighted -- the NPS does have an obligation to insure that the foundation of any plan for the management of Yellowstone bison is correct. In this case, as long as the NPS continues to presume that APHIS has authority over bison, the foundation for its management decisions will remain unstable.

Sincerely,

D.J. Schubert
Wildlife Biologist

cc: Dr. Dan Huff
Ms. Sarah Bransom
Mr. Wayne Brewster
Mr. Marv Jensen
Mr. John Mack
Ms. Debra Hecox
Mr. Ted Bolling
Dr. Mike Soukup

THE FUND FOR ANIMALS INC.

[redacted]

YELL-14714 contd.
EXHIBIT 7 contd.

Cleveland Amory
President

Heidi Prescott
National Director

July 17, 1997

BY TELEFAX AND MAIL

Mr. Bruce Babbitt
Secretary of the Interior
Interior Building
1849 C Street, NW
Washington, DC 20240

Dear Secretary Babbitt:

On behalf of the nationwide membership of The Fund for Animals, I am writing to request that you reject the "preferred alternative" for the management of Yellowstone's majestic bison recently agreed to by officials of the National Park Service (NPS), Animal Plant Health Inspection Service (APHIS), and State of Montana. While The Fund is not surprised that the "preferred alternative" is neither scientifically valid or humane, certain elements of the alternative selected are entirely inconsistent with the Park Service mandates and policies and should be remedied now in order to prevent the publication of a fundamentally flawed draft document.

As you know, the management of Yellowstone bison is enormously contentious and controversial. During this past winter alone, nearly 1,100 bison were shot or slaughtered due solely to the perceived, yet unsubstantiated, risk of Brucella abortus transmission from bison to domestic cattle. While no federal or state agency is without blame for this tragic slaughter, the NPS, the very agency that is mandated to protect these animals, is failing to uphold its obligation by constantly capitulating to the demands and interests of the U.S. Department of Agriculture, State of Montana, and the livestock industry.

The recent agreement on a "preferred alternative" is the latest evidence of the demise of the NPS, and by association the Department of Interior, to stand up and protect its lands and its wildlife, from outside interests and forces. In this case, the NPS negotiators and decisionmakers have made a bad situation worse by agreeing to continue an interim policy which resulted in the destruction of nearly a third of Yellowstone's bison herd last winter while adding the options of quarantine and hunting.

NATIONAL HEADQUARTERS [redacted]

While these additions are, by themselves, enormously controversial, scientifically questionable, and/or ethically repugnant, astonishingly the NPS also agreed to establish a cap on the bison population in Yellowstone Park and for NPS rangers to enforce that cap by hazing or killing bison in Yellowstone Park if the circumstances require such intervention.

By agreeing to the cap, NPS officials, namely Regional Director John Cook and Dr. Dan Huff, not only caved into the demands of APHIS and the State of Montana, but they also turned back the clock on bison management in Yellowstone by thirty years when a similar management strategy was employed to prevent Yellowstone's bison herd from exceeding an arbitrary size limit. That policy, as I am sure you are aware, was soundly rejected by the American public and the scientific community and ultimately was terminated in the late 1960s. Indeed, since that time the NPS has consistently rejected the notion of establishing a herd management objective for Yellowstone's bison, or any wildlife species in Yellowstone Park, because its natural regulation mandate did not permit such arbitrary caps or the intentional manipulation of population dynamics. Instead of learning from its historical wrongs, the NPS intends to repeat past mistakes.

If the cap itself was not bad enough, the origins of the cap are equally troubling and clearly demonstrate the lack of adequate and aggressive NPS leadership on this issue. As we understand it, prior to agreement on the cap, none of the agencies involved in this debate ever agreed to the establishment of a cap on Yellowstone's bison. It is only because officials from the State of Montana and APHIS misinterpreted the intent of statements in your February 26, 1997 letter to Governor Racicot regarding the need to control the bison population, that a limit on the bison population in Yellowstone was ever discussed.[1] Instead of pointing out this misinterpretation and defending the Yellowstone bison, NPS officials, specifically Dr. Huff, elected to advocate a cap on Yellowstone's bison population size. If it is the intent of Dr. Huff to continue to capitulate to the interests of Montana and APHIS by promoting the control and destruction of bison inside of

[1]Similarly, agency officials, including Dr. Huff, point to President Clinton's April 24, 1997 letter to Mr. John Tarburton, President of the National Association of State Departments of Agriculture, as additional justification for the cap. President Clinton's letter, however, did not include any statement suggesting that the Park bison population should be limited.

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EXHIBIT 7 contd.
ATTACHMENT 1 contd.

Yellowstone, then he should no longer represent the NPS on this matter.

The population cap (2,500) established in this new agreement is entirely arbitrary, based more on political concerns rather than scientific realities. While no one wants to repeat the massacre of this past winter, setting an arbitrary limit on the bison population in the Park and calling on Park officials to enforce that limit is not acceptable nor is it consistent with NPS policies which advocate "natural regulation."

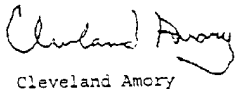
Morecver, such a limit and its associated consequences are entirely inconsistent with the NPS Organic Act which requires that an animal be found to be a "detriment" to the Park before it can be removed. In this case, the NPS has never declared bison to be "detrimental" to the Park and any attempt to make such a finding because of the unsubstantiated threat of bison to domestic livestock is irrelevant because the livestock are outside, not inside, the Park. Even if the perceived threat to livestock was a legitimate argument, how can a bison standing inside of the Park possibly be a threat to livestock outside Park borders.

Finally, placing a cap on the size of Yellowstone's bison population sets a very dangerous precedent for wildlife management in the National Parks. If Yellowstone, the crown jewel of the Park system, can artificially and arbitrarily limit the size of its bison population, what prevents those who dislike grizzly bears or wolves from advocating a similar strategy to minimize the impacts of those species outside of the Park. Indeed, as you know, many people, including some Congresspeople, advocate such a strategy for Yellowstone's recently reintroduced wolves. The NPS should not be in the business of compromising its mandates, policies, and most importantly, its wildlife, to address the unproven fear and speculation of the livestock industry, APHIS, and Montana.

You have the authority to correct these mistakes made by certain NPS officials who prefer to compromise and capitulate to the ongoing destruction of Yellowstone's bison and the erosion of NPS mandates and policies. On behalf of The Fund for Animals, I ask that you exercise that authority and immediately demand that the NPS renegotiate the "preferred alternative" in the DEIS, or, at the very least, direct the NPS to revise the "preferred alternative" to remove any provision which establishes a cap on the bison population in Yellowstone Park. In addition, we strongly urge you to assign NPS officials who are truly dedicated to the mission and mandate of Yellowstone Park and the NPS to be responsible for all future negotiations on this issue, and to

remove those officials currently involved who would rather compromise, than defend, America's foremost National Park and its wildlife.

Sincerely,



Cleveland Amory
President

cc: Mr. John Cook
Dr. Dan Huff
Mr. Mike Finley

YELL-14714 contd.
EXHIBIT 7 contd.

PREVENTION OF INTRODUCTION AND SPREAD OF CONTAGION

§ 111. Regulations to prevent contagious diseases

The Secretary of Agriculture shall have authority to make such regulations and take such measures as he may deem proper to prevent the introduction or dissemination of the contagion of any contagious, infectious, or communicable disease of animals and/or live poultry from a foreign country into the United States or from one State or Territory of the United States or the District of Columbia to another, and to seize, quarantine, and dispose of any hay, straw, forage, or similar material, or any meats, hides, or other animal products coming from an infected foreign country to the United States, or from one State or Territory or the District of Columbia in transit to another State or Territory or the District of Columbia whenever in his judgment such action is advisable in order to guard against the introduction or spread of such contagion.

Feb. 2, 1903, c. 349, § 2, 32 Stat. 792; Feb. 7, 1928, c. 30, 45 Stat. 59; July 22, 1954, c. 558, § 33, 68 Stat. 510; Jan. 28, 1956, c. 12, § 2, 70 Stat. 5.

Historical Note

1956 Amendment. Act Jan. 28, 1956 eliminated proviso "that no such regulations or measures shall pertain to the introduction of live poultry into the Virgin Islands of the United States."

1954 Amendment. Act July 22, 1954 added the proviso containing an exception with respect to admission of live poultry into the Virgin Islands.

1928 Amendment. Act Feb. 7, 1928 included live poultry within its provisions.

Effective Date of 1954 Amendment. Effective date of Act July 22, 1954, amending this section, see note under section 1343 of Title 48, Territories and Insular Possessions.

Legislative History. For legislative history and purpose of Act July 22, 1954, see 1954 U.S.Code Cong. and Adm.News, p. 2586. See also, Act Jan. 28, 1956, 1956 U.S.Code Cong. and Adm.News, p. 210.

Cross References

Suspension of importation of animals and quarantine of imported animals, see section 101 et seq. of this title.

Notes of Decisions

Constitutionality
- Generally 1
- Delegation of powers 2

Construction with other provisions 3
Delegation of powers 2
Review 6
State laws 4
Validity of regulations 5

1. Constitutionality

It is within the power of the federal government, under U.S.C.A.Const. Art. 1, § 8, cl. 3, to require domestic cattle to be treated to eradicate an infectious disease. Carter v. U. S., C.C.A.Ga.1930, 38 F.2d 227, certiorari denied 50 S.Ct. 468, 281 U.S. 752, 74 L.Ed. 1164.

ATTACHMENT 2

with, as determined by the Administrator.

(c) Compliance with minimum procedural standards.

(1) A State must implement and maintain minimum procedural standards.

(2) A State or area must make continued progress over a 2-year period in reducing the prevalence of brucellosis as determined by epidemiologic evaluation or it will be placed under Federal quarantine.

Class Free State or area. A State or area which meets standards for classification as a Class Free State or area and is certified as such on initial classification or on reclassification by the State animal health official, the Veterinarian in Charge, and the Administrator. Any reclassification will be made in accordance with §78.40 of this part. All cattle herds in the State or area in which brucellosis has been known to exist must be released from any State or Federal brucellosis quarantine prior to classification. In addition, if any herds of other species of domestic livestock have been found to be affected with brucellosis, they must be subjected to an official test and found negative, slaughtered, or quarantined so that no known foci of brucellosis in any species of domestic livestock are left uncontrolled. The following are the standards to attain and maintain Class Free status.

(a) *Surveillance.* (1) *Brucellosis ring test.* The State or area shall conduct as many brucellosis ring tests per year as are necessary to ensure that all herds producing milk for sale are tested at least twice per year at approximately 6-month intervals.

(2) *Market Cattle Identification (MCI) program.* (i) *Coverage.* All recognized slaughtering establishments in the State or area must participate in the MCI program. Blood samples shall be collected from at least 95 percent of all cows and bulls 2 years of age or over at each recognized slaughtering establishment and subjected to an official test;

(ii) *Brucellosis reactors.*

(A) *Tracebacks.* At least 90 percent of all brucellosis reactors found in the course of MCI testing must be traced to the farm of origin.

(B) *Successfully closed cases.* The State or area must successfully close at least 95 percent of the MCI reactor cases traced to the farm of origin during the 12-consecutive-month period immediately prior to the most recent anniversary of the date the State or area was classified Class Free. To successfully close an MCI reactor case, State representatives or APHIS representatives must conduct an epidemiologic investigation at the farm of origin within 15 days after notification by the cooperative State-Federal laboratory that brucellosis reactors were found on the MCI test. Herd blood tests must be conducted or the herd must be confined to the premises under quarantine within 30 days after notification that brucellosis reactors were found on the MCI test, unless a designated epidemiologist determines that:

(*1*) The brucellosis reactor is located in a herd in a different State than the State where the MCI blood sample was collected. In such cases a State representative or APHIS representative must give written notice of the MCI test results to the State animal health official in the State where the brucellosis reactor is located; or

(*2*) Evidence indicates that the brucellosis reactor is from a herd that no longer presents a risk of spreading brucellosis, or is from a herd that is unlikely to be infected with brucellosis. Such evidence could include, but is not limited to, situations where:

(i) The brucellosis reactor is traced back to a herd that has been sold for slaughter in entirety;

(ii) The brucellosis reactor is traced back to a herd that is certified brucellosis free and is 100-percent vaccinated; or

(iii) The brucellosis reactor showed a low titer in the MCI test and is traced back to a dairy herd that is 100 percent vaccinated and has tested negative to the most recent brucellosis ring test required by this section for herds producing milk for sale.

(3) *Epidemiologic surveillance.* (i) *Adjacent herds.* All adjacent herds or other herds having contact with cattle in a herd known to be affected shall be placed under quarantine and have an approved individual herd plan in effect within 15 days after notification of bru-

ATTACHMENT 3

YELL-14714 contd.
EXHIBIT 7 contd.

§§ 78.36–78.39 [Reserved]

Subpart E—Designation of Brucellosis Areas, and Specifically Approved Stockyards

§ 78.40 Designations of State/areas.

The Administrator may amend §§ 78.41 and 78.42 to reclassify States and areas as Class Free, Class A, Class B, Class C, or quarantined when the Administrator determines that the States or areas meet the appropriate definitions in § 78.1. The Administrator may approve the division of a State into two brucellosis classification areas upon finding that: (a) The State has legislative and regulatory authority for maintaining separate areas; (b) The State has committed resources to enforcing the different requirements in each area; (c) The State has an effective method for monitoring and controlling movement of cattle across the intrastate boundary; (d) The State has defined the intrastate boundary by county lines or by recognizable geographic features, such as rivers and highways; and (e) Each area of the State meets the standards for the brucellosis classification requested. The Administrator may amend § 78.43 to reclassify States as validated brucellosis-free States or remove such status when the Administrator determines that such States meet or do not meet the standards of a validated brucellosis-free State as defined in § 78.1. In the case of any reclassification to a lower class, reclassification as a quarantined State or area, or removal of validated brucellosis-free status, the State animal health official of the State involved will be notified of such reclassification or removal, and will be given an opportunity to present objections and arguments to the Administrator prior to the reclassification or removal taking place.

[51 FR 32520, Sept. 12, 1986, as amended at 53 FR 2222, Jan. 27, 1988; 56 FR 54631, Oct. 22, 1991; 56 FR 55612, Oct. 30, 1991]

§ 78.41 State/area classification.

(a) *Class Free.* Alaska, Arizona, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Utah, Vermont, Virgin Islands, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

(b) *Class A.* Alabama, Arkansas, California, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, South Dakota, Tennessee, and Texas.

(c) *Class B.* None.

[51 FR 32520, Sept. 12, 1986]

EDITORIAL NOTE: For Federal Register citations affecting § 78.41, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 78.42 Quarantined areas.

None.

§ 78.43 Validated brucellosis-free States.

Alaska, Arizona, California, Colorado, Connecticut, Delaware, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Virgin Islands, Virginia, Washington, West Virginia, Wisconsin, Wyoming.

[53 FR 4382, Feb. 16, 1988; 53 FR 21979, June 13, 1988, as amended at 53 FR 24930, July 1, 1988; 53 FR 44180, Nov. 2, 1988; 55 FR 420, Jan. 5, 1990; 55 FR 7823, Mar. 5, 1990; 55 FR 41955, Oct. 17, 1990; 55 FR 42354, Oct. 19, 1990; 56 FR 2127, Jan. 22, 1991; 56 FR 46109, Sept. 10, 1991; 58 FR 11365, Feb. 25, 1993; 58 FR 28343, May 13, 1993; 58 FR 68506, Dec. 28, 1993; 60 FR 67321, Dec. 29, 1995]

§ 78.44 Specifically approved stockyards.

(a) To qualify for approval by the Administrator as a specifically approved stockyard and to retain such designation, the operator[6] of the stockyard

[6]The operator shall be the individual legally responsible for the day-to-day operation.

Continued

167-725 O—96—3

ATTACHMENT 4

Class C State or Area	A State or an area within a State that meets the classification standards for Class C status and that has been certified as fulfilling the requirements of this status on initial classification or reclassification by the State animal health official, by the APHIS AVIC, and by the Deputy Administrator of VS, APHIS, USDA. Two of the several criteria considered under Class C status are that the infection rate for cattle and bison herds during the previous 12 months exceeded 1.500 percent and that the SCC percentage for the previous 12 months must be 90 percent or greater. If a State or area exceeds either of these criteria, it would be cause for immediate classification as a Class C State or area.
Commission firm	A person, partnership, or corporation that buys and sells livestock as a third party and reports details of the transactions to the seller and/or to the buyer. The term includes such persons or organizations whether or not they charge a fee for the service.
Commission sales	Sales conducted by a third party who reports details of the transaction to the seller, the buyer, or both.
Cooperative State–Federal Brucellosis Eradication Program	The Cooperative State–Federal Brucellosis Eradication Program, also referred to as the Brucellosis Eradication Program or simply the Program for convenience in this publication, is administered under a memorandum of understanding between the appropriate agency in each of the States and USDA. This Program includes all of the activities associated with detecting, controlling, and eliminating brucellosis from domestic livestock in the United States. The minimum standards for operating a Cooperative State–Federal Brucellosis Eradication Program within a State are contained in this publication (APHIS 91-45-002), Brucellosis Eradication: Uniform Methods and Rules. This UM&R is reviewed by representatives of the livestock industry and the appropriate State and Federal agencies annually and is revised as needed and published by USDA-APHIS.
Dairy cattle	Bovine animals of a recognized dairy breed.
Dealer	1. Any persons who engage in the business of buying and/or selling livestock in commerce, either for their own account or as an employee or agent of the seller or buyer; or 2. Any person who engages in the business of buying and/or selling livestock in commerce on a commission basis. The term "dealer" does not include persons who buy or sell livestock as part of their own bona fide breeding, feeding, dairy, and/or beef operation or who receive livestock exclusively for immediate slaughter on their own premises and who do not engage in the business of buying, selling, trading, or negotiating the transfer of livestock.
Deputy Administrator	The Deputy Administrator of VS, APHIS, USDA, or any other VS official to whom appropriate authority has been delegated.
Designated brucellosis epidemiologist	An epidemiologist who has demonstrated the knowledge and ability to perform the functions required under the standards of this UM&R and who has been selected for this position by the State animal health official and the APHIS AVIC. The regional epidemiologist and the VS brucellosis staff must concur in the selection and appointment of the designated brucellosis epidemiologist.

ATTACHMENT 5

Certified Brucellosis-Free Herd

A herd of cattle or bison that has qualified for and has been issued a Certified Brucellosis-Free Herd certificate signed by both the appropriate State animal health official and by the APHIS, VS, Area Veterinarian-in-Charge (AVIC).

The Certified Brucellosis-Free Herd status is valid for 12 months unless evidence of brucellosis is disclosed or the herd participates in a whole-herd vaccination plan. In the last case, the herd status is suspended until postvaccination testing confirms the herd's negative standing.

Chief Staff Veterinarian, Cattle Diseases and Surveillance Staff

The veterinarian in VS, APHIS, USDA, who is responsible for staff field support activities associated with the Federal Government's participation in the Cooperative State–Federal Brucellosis Eradication Program.

Class Free State or Area

A State or an area within a State that meets the classification standards for Class Free brucellosis status and that has been certified as fulfilling the requirements of this status on initial classification or reclassification by the State animal health official, the APHIS AVIC, and the Deputy Administrator of VS, APHIS, USDA. Included among the requirements for Class Free status are that the cattle and/or bison herds in the State or area within the State must have remained free from infections with field strains of *Brucella* for at least 12 months. All cattle and/or bison herds in which field-strain *Brucella* was known to exist must be legally released from quarantine before the area or State can be certified. In addition, all herds of other species of domestic livestock in which field-strain *Brucella* has been found or suspected must be tested negative, slaughtered, or quarantined, leaving no known focus of infection in any domestic species uncontrolled at the time of certification. The percentage of cases successfully closed for the previous 12 months must be at least 95 percent.

Class A State or Area

A State or an area within a State that meets the classification standards for Class A status and that has been certified as fulfilling the requirements of this status on initial classification or reclassification by the State animal health official, by the APHIS AVIC, and by the Deputy Administrator of VS, APHIS, USDA. Two of the requirements for Class A status are that the infection rate for cattle and bison herds may not exceed 0.250 percent during the previous 12 months and that the successful case closure (SCC) percentage for the previous 12-month period must be at least 95 percent.

Class B State or Area

A State or an area within a State that meets the classification standards for Class B status and that has been certified as fulfilling the requirements of this status on initial classification or reclassification by the State animal health official, by the APHIS AVIC, and by the Deputy Administrator of VS, APHIS, USDA. Two of the requirements for Class B status are that the infection rate for cattle and bison herds may not exceed 1.500 percent during the previous 12 months and that the SCC percentage must be at least 90 percent during the previous 12 months.

ATTACHMENT 6

See Williams v. Evans, 220 Kan. 394 Syl. ¶ 2, 552 P.2d 876 (1976).

[8] The essence of the argument raised by the defendants may more properly be encompassed by the doctrine of waiver. Kansas law requires that a constitutional challenge to a city ordinance be raised at the earliest possible opportunity or it is considered waived. *See Willoughby v. Willoughby*, 178 Kan. 62, 283 P.2d 428 (1955); *City of Junction City v. Mevis*, 226 Kan. 526, 601 P.2d 1145 (1979). The court notes that the doctrine of waiver may be applicable to the case at bar. However, because the plaintiff is proceeding *pro se*, he should be given an opportunity to brief the potential applicability of this doctrine to his case as it is properly termed. The parties are therefore ordered to show cause to this court in writing by August 6, 1992, why this case should or should not be dismissed entirely as to these defendants on the basis of the doctrine of waiver.

It is therefore ordered by the court that plaintiff's motion to reconsider (Doc. # 92) is denied. Defendants' motion to reconsider (Doc. # 82) is granted in part and denied in part. Plaintiff's claims against defendants Baugher, John Wilson, Dawson, Botcher, Basgall, Grimes, Clark, Joeckel, Roberts, Thompson, and Conner are dismissed in their entirety.

It is further ordered that defendants' motion for substitution of memorandum (Doc. # 89) is granted.

It is further ordered that the parties are hereby directed to show good cause in writing to this court by August 6, 1992, why or why not this action should be dismissed in its entirety as to the defendants herein named based upon the doctrine of waiver as articulated by the Kansas Supreme Court.

IT IS SO ORDERED.

PARKER LAND AND CATTLE COMPANY, INC., Plaintiff.

v.

UNITED STATES of America, Defendant.

Lyle R. PECK, Plaintiff.

v.

UNITED STATES of America, Defendant.

Nos. 91-CV-0039-B, 91-CV-0091-B.

United States District Court, D. Wyoming.

June 4, 1992.

Cattle owner and employee brought action against United States to recover damages sustained as a result of brucellosis infections. The District Court, Brimmer, Chief Judge, held that (1) United States was negligent with respect to its handling of brucellosis infection in bison and elk on federal land, but (2) it was not shown by preponderance of the evidence to be more likely than not that the elk and bison were the source of brucellosis infection in cattle.

Judgment for defendants.

1. **Animals ⇐37**

Although there was evidence of negligence on the part of National Park Service in management of brucellosis-infected bison herd that was allowed to roam free and thus possibly infect cattle grazing on public lands, cattle owner did not prove by preponderance of the evidence that infection was actually caused as a result of contact between its cattle herd and the bison.

2. **Animals ⇐37**

National Elk Refuge was negligent in management of very high number of brucellosis reactors on its elk feedground during critical months when transmission of the disease was most likely and in not endeavoring to vaccinate against the spread of the disease.

ATTACHMENT 7

YELL-14714 contd.
EXHIBIT 7 contd.
ATTACHMENT 7 contd.

CAROL A. STATKUS
Assistant United States Attorney
MATTHEW H. MEAD
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF WYOMING

PARKER LAND AND CATTLE CO., INC.,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

No. 91CV0039B

LYLE R. PECK,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

No. 91CV0091B

DEFENDANT'S PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Court for final disposition after a bench trial. The above-captioned actions, which have been consolidated, are brought by the two Plaintiffs Parker and Peck against the United States pursuant to the Federal Tort Claims Act

ATTACHMENT 3

97. The management of wildlife on both public and private lands in Wyoming is an exclusively non-proprietary governmental function, and since no private party would be liable for the negligent management of wildlife on private lands, the United States cannot be liable for the negligent management of wildlife on public lands. Raymer v. United States, 660 F.2d 1136 (6th Cir. 1981).

98. A private person cannot be held liable for trespasses of wildlife that has not been reduced to possession. Seaboard Air Line R. Co. v. Richmond-Peterson Turnpike Authority, 121 S.E.2d 499 (as cited in Later Case Service, 57 A.L.R.2d 242-50).

99. Where a state owned wild deer in a sovereign capacity, it was not liable as owner for damage caused by deer to plaintiff's potato crop and it had no duty to control deer so as to prevent damage. Leger v. Louisiana Dept. of Wildlife & Fisheries, 306 So.2d 391 (as cited in Later Case Service, 57 A.L.R.2d 242-260).

III. STANDARD OF CARE

100. In order to recover for negligence, Plaintiff is required to demonstrate all the necessary elements of a tort including the element of a legal duty owed by Defendant to Plaintiff. Brooks v. Zebre, 792 P.2d 196 (Wyo. 1990).

101. The Secretary of Agriculture is expressly authorized by 21 U.S.C. § 114(a) to control "brucellosis in domestic animals."

The Secretary's authority "to control and eradicate any communicable diseases of livestock or poultry" does not extend to the control of such diseases in wildlife.

102. The United States Department of Agriculture (USDA) regulations on brucellosis in 9 C.F.R. Part 78 do not apply to elk. The definition of "Animals" in 9 C.F.R. § 78.1 is "Cattle, Bison, and swine."

103. The United States Department of Agriculture regulations on brucellosis in 9 C.F.R. Part 78 do not apply to herds of unconfined, free-roaming bison. The USDA regulations on brucellosis control do not apply to wildlife. Wildlife are not and never have been included in the USDA-State brucellosis eradication program.

104. The rule that even when not required to do so, once the Government acts "it is responsible for its actions that are negligently carried out," Caraballo v. U.S., 830 F.2d 19, 21 (2d Cir. 1987), does not require the Government action to be successful, but only that no injury be caused by the action itself. If Parker's herd contracted brucellosis from wildlife, despite the Government's attempts to control the disease, Parker's injury was the result of the condition the Government attempted to control, not of the activity of attempting to control it. Besides,

YELL-14714 contd.
EXHIBIT 7 contd.

CAROL A. STATKUS
Assistant United States Attorney
MATTHEW H. MEAD
Assistant United States Attorney
[redacted]

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF WYOMING

PARKER LAND AND CATTLE CO., INC., Plaintiff,	)	
v.	)	No. 91CV0039B
UNITED STATES OF AMERICA, Defendant.	)	
LYLE R. PECK, Plaintiff,	)	
v.	)	No. 91CV0091B
UNITED STATES OF AMERICA, Defendant.	)	

DEFENDANT'S AMENDED PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Court for final disposition after a bench trial. The above-captioned actions, which have been consolidated, are brought by the two Plaintiffs Parker and Peck against the United States pursuant to the Federal Tort Claims Act

ATTACHMENT 9

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in the bison NEPA management planning process, which has been ongoing since at least 1985-86, which includes the WGFD that shares responsibility for the Jackson bison herd, and which is nearly complete. These activities are discretionary and policy-based. GTNP has initiated studies to observe migration which is an important consideration in determining what, if any, risk may be present. The small number of bison in GTNP make these bison a minimal part of the brucellosis problem. Even killing all of these bison would leave a large number of elk and bison carrying the disease.

63. YNP activities pertaining to wildlife brucellosis include the following: Participation in the ad hoc brucellosis technical committee, boundary controls in cooperation with Montana state livestock agencies, and preparation of an environmental impact statement and long-range bison management plan in cooperation with APHIS. These activities are discretionary and policy-based.

64. The USFS and BLM manage lands, not wildlife, and defer wildlife management, including wildlife disease control, to the WGFD, which has primacy over wildlife in the State of Wyoming and which has expertise in wildlife management, including wildlife disease. Such activity is discretionary and policy-based.

65. The Uniform Methods and Rules for Brucellosis Eradication (UMR) is a policy statement of APHIS that "contains the minimum

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standards of the Cooperative State-Federal Brucellosis Eradication Program." These standards are not regulations of the USDA that were published in the Federal Register and codified in the Code of Federal Regulations, and do not have the force of law. Government Exhibit QQ.

66. The UMR describes the Cooperative State-Federal Brucellosis Eradication Program in the following words:

> The Cooperative State-Federal Brucellosis Eradication Program, also referred to as . . . the Program for convenience in this publication, is administered under a Memorandum of Understanding between the appropriate agency in each of the States and the United States Department of Agriculture. This Program includes all of the activities associated with detecting, controlling, and eliminating brucellosis from domestic livestock in the United States.

Id., at p. 18.

67. The UMR provides in Chapter 2, Part II, that "A State or area that achieves Class Free status is officially recognized as being free of brucellosis in cattle." [Emphasis supplied]. Id., at p. 83.

68. The UMR provides in Chapter 2, Part II.B, that:

> All cattle herds in which brucellosis has been known to exist must be legally released from quarantine before a State is eligible for Class Free status. In addition, all herds of other species of domestic livestock in which brucellosis has been found or suspected must be tested negative, destroyed, or quarantined, leaving no known foci of infection in any species at the time of classification. [Emphasis supplied].

Id., at p. 85.

69. The UMR Epidemiologic Procedures in Part II.7 of Chapter 1 provide in part that:

> 5. Each State should require that an educational statement on brucellosis be given to buyers/sellers at the time cattle or bison change ownership:
>
> a. to create an awareness that brucellosis is a contagious disease;
>
> b. to reduce the risk of buying/selling brucellosis infected cattle;
>
> c. to encourage new owners to test cattle and bison 45-120 days after purchase;
>
> d. to encourage owners to vaccinate calves; and
>
> e. to motivate buyers/sellers to take positive actions to prevent the spread of brucellosis.
>
> The statement should:
>
> I be designed to meet varying conditions on a state-by-state or regional basis according to the need for education;
>
> II be written in plain English and have the approval of the responsible state-federal officials;
>
> III be printed in large, easily readable type on paper which is a contrasting color that will attract the attention of buyers/sellers.
>
> The statement should become a part of the necessary papers involved in any livestock transaction, such as a brand release, bill of

sale, health certificate, etc., with copies for both buyer and seller.

Id., at p. 62-63.

70. The USDA-APHIS-State brucellosis eradication program, as indicated by the above language, pertains to domestic livestock only. It does not apply to wild elk or wild bison.

71. According to Dr. Tom Thorne, the tools in the UMR and in the APHIS regulations, at Title 9 of the Code of Federal Regulations, do not and cannot be applied to free-ranging wildlife. According to Dr. Thorne, who has worked directly with wildlife brucellosis in Wyoming for over 20 years, the actions of the federal Defendants pertaining to wildlife brucellosis have been reasonable. The wildlife brucellosis problem does not have short-term or easy solutions, absent killing all the wildlife or removing cattle from public grazing lands.

72. It is clear that the elk and bison herds which are the subject matter in this case are free-ranging and wild. Early attempts of vaccination, test, and slaughter were during a time when bison were kept as domestic cattle or animals in a zoo. Even if there was a proven effective vaccine, the logistic problems of controlling a disease in free-ranging wild herds of this magnitude are immense. Recent Texas A&M studies have shown that the early attempts of vaccination with Strain 19 were probably futile.

ANIMAL HOSP. —11

MARCH 13, 1962

Movement of Wild Buffalo from Yellowstone National Park through Montana into Wyoming.

Dr. F. L. Herchenroeder, Chief Staff Officer
Interstate Regulations Enforcement, Animal
Disease Eradication Division, ARS

Reference is made to the letter, dated February 9, 1962, from Dr. Louis H. Smith, Veterinarian in Charge of the activities of your Division in Wyoming, which you submitted with your informal note dated February 14, 1962, requesting our views as to whether a movement of wild buffalo from Yellowstone National Park through Montana into Wyoming constitutes a violation of the Department's regulations relating to the interstate movement of animals. Dr. Smith stated that brucellosis test samples were taken from the buffalo at the time of loading but the tests were not run until after the animals were moved interstate as described above. The tests revealed that several of the wild buffalo were brucellosis reactors.

The interstate brucellosis regulations (9 CFR Part 78) apply only to "domestic animals". Subpart C of the regulations provides that "domestic animals" affected with brucellosis may not be moved interstate except in compliance with specified requirements. Since the buffalo in question were not "domestic animals", such regulations are not applicable thereto. Section 71.3 of the general regulations (9 CFR 71.3), provides that "animals" affected with brucellosis or certain other diseases may not be moved interstate, except that "domestic animals" which have reacted to a brucellosis test may be moved interstate in compliance with the provisions of Part 78 of the regulations. Since the specific regulations in Part 78 relating to brucellosis apply only to "domestic animals", there is some question as to whether the general regulation in section 71.3 would be applicable to brucellosis reactors other than "domestic animals". Furthermore, Dr. Smith stated that the brucellosis tests were not run until after the buffalo were moved interstate. At the time of the interstate movement of the animals, therefore, it was not known that any of the buffalo were affected with brucellosis. There is no requirement under the regulations that animals such as wild buffalo be tested prior to being moved interstate. Accordingly, it does not appear that the Act of February 2, 1903, as amended (21 U.S.C. 111, 120, 122),

ATTACHMENT 10

the statute applicable to this matter, was violated, since the Act provides a penalty only for "knowingly" violating the regulations promulgated under the statute.

We will be glad to discuss this matter with you further, if you so desire.

Carl R. Bullock

Director, General Regulatory Division

HMCarter:pil:3-13-62

United States Department of Agriculture — Office of the General Counsel

[redacted]

... 17 1990

MEMORANDUM

TO James Glosser
Administrator
Animal and Plant Health Inspection Service

FROM Ronald D. Cipolla
Assistant General Counsel
Regulatory Division

SUBJECT Legal Authority to Regulate the Importation and Interstate Shipment of Aquatic Plants and Animals

This memorandum is in response to your request for a legal opinion on what authority APHIS and other federal agencies have to promulgate regulations restricting the importation and interstate movement of aquatic plants and animals that may pose a risk to the health of domestic aquaculture operations or wild plant/animal communities. You wanted to know specifically if APHIS or any other federal agency could impose phytosanitary or zoosanitary regulations on certain aquatic plants and animals to prevent the introduction or spread of pathogens, parasites, parasitoids of cultured aquatic plants or animals or wild plants or animals, and to prevent the introduction or spread of aquatic plant and animal species that, if established, would have a deleterious impact on native plant and animal communities. If your agency had such authority, you also wanted to know what level of risk would have to be established to trigger your authority to regulate and whether you could prohibit importation or interstate movement of a species until it is determined that it does not pose a significant risk. You also requested a legal opinion concerning APHIS or other Federal agencies authority to issue export certificates that cultured aquatic organisms are free of specific pests, diseases, or associated harmful plant or animal organisms.

Opinions

It is our opinion that there is authority for APHIS to issue regulations to prevent the introduction into the United States or interstate spread of aquatic plant pests and diseases and to issue export certificates concerning aquatic plants' freedom from plant diseases and pests. It is also our opinion that APHIS has authority to regulate aquatic animals in order to prevent the introduction or dissemination or exportation of communicable diseases of livestock or poultry.

ATTACHMENT 11

YELL-14714 contd.
EXHIBIT 7 contd.
ATTACHMENT 11 contd.

However, in our opinion, it is doubtful that APHIS has authority to regulate aquatic animals or diseases and pests of aquatic animals or to issue export certificates concerning their freedom from diseases and pests that are not communicable diseases of livestock or poultry. Other agencies have authority concerning research and development of various aspects of aquaculture. The Department of Commerce has authority to conduct a voluntary fish inspection program, and the Food and Drug Administration has authority to conduct a fish and seafood inspection program. However, no other federal agency appears to have authority to issue export certificates regarding aquatic plants and animals freedom from diseases and pests.

Authority to Regulate Aquatic Plants

Authority for the Department to regulate aquatic plants is contained in the Plant Quarantine Act, the Organic Act, the Federal Plant Pest Act and the Federal Noxious Weed Act. The Plant Quarantine Act (7 U.S.C. § 151 et seq.), prohibits persons from importing or offering for entry into the United States any nursery stock without a permit issued by the Secretary, to prevent the entry of injurious plant diseases and insect pests. The Act also prohibits the shipment or offering for shipment of imported nursery stock from one state, territory or district to another, without meeting certain conditions. In addition, the Secretary is directed to restrict the importation into the United States of "any plants, fruits, vegetables, roots, bulbs, seeds or other plant products not included in the term 'nursery stock'" to prevent the entry of injurious plant diseases or insect pests. In order to prevent the introduction into the United States of "any tree, plant, or fruit disease or of any injurious insect new to or not theretofore widely prevalent or distributed within and throughout the United States," the Secretary has authority "to forbid the importation into the United States of any class of nursery stock or any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products from a country or locality where such disease or insect infestation exists...." Finally, the Secretary is authorized to quarantine any State, Territory or District, or portion thereof to prevent the interstate spread of a dangerous plant disease or insect infestation new to or not widely prevalent within and throughout the United States.

The Organic Act of 1944, as amended (7 U.S.C. § 147a et seq.), authorizes the Secretary to carry out independently, or in cooperation with States or political subdivisions thereof, farmers' associations and similar organizations, and individuals, operations or measures to eradicate, suppress, control, prevent or retard the spread of plant pests. It also authorizes the Secretary to certify that plants and plant products for export are free from plant pests.

The Federal Plant Pest Act (7 U.S.C. §150aa et seq.) broadened the Department's authority to regulate, among other things, the movement of plant pests into the United States and interstate and to regulate the movement into the United States or interstate of any product or article to prevent the dissemination of a plant pest where such actions are not authorized under the Plant Quarantine Act. The Secretary is also granted authority, as an emergency measure, to seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of as he deems appropriate, any product moving into or which has moved into the United States or

interstate which he has reason to believe is or was at the time of such movement infested with a plant pest or is in violation of the Act or regulations issued thereunder. In addition, the Secretary is granted authority to promulgate regulations requiring inspection of products, articles of any character, and their means of conveyance, as a condition of movement into or through the United States, and imposing other conditions upon such movement, as he deems necessary to prevent the dissemination into the United States, or interstate, of plant pests.

The Federal Noxious Weed Act of 1974 (7 U.S.C. § 2801 et seq.), provides authority for a regulatory system designed to prevent the introduction and dissemination in the United States of noxious weeds from foreign countries. This Act prohibits any person from knowingly moving any noxious weeds, identified in Department regulations, into or through the United States or interstate, unless authorized under a general or specific permit issued by the Secretary. Furthermore, the Secretary is given authority to take certain emergency actions, impose quarantines, and engage in cooperative eradication programs regarding noxious weeds. It should be noted that the definition of "noxious weed" includes "any parasitic or other plant of a kind, or subdivisions of a kind, which is of foreign origin, is new to or not widely prevalent in the United States, and can directly or indirectly injure ... navigation or the fish ... of the United States

Looking at the Acts together, it is clear the Secretary of Agriculture has extensive authority to act independently and with the states, organizations, and individuals, to prevent the spread of plant pests and diseases and noxious weeds through measures which include restrictions on the importation and interstate movement of plants and plant products, and other articles, and to seize, quarantine, treat, apply other remedial measures to, destroy or dispose of infested or infected plants, products, or other articles. Although the Acts do not specifically address aquatic plants, they are broad enough to cover such plants.

Authority to Regulate Aquatic Animals

To understand the Secretary's authority in this area, the animal quarantine laws enacted in 1884, 1903, 1905, and 1962, must be examined.

The Act of May 29, 1884, entitled An Act for the Establishment of a Bureau of Animal Industry (21 U.S.C. §§ 114a-l, 115, 117-120, 130), authorizes the Secretary of Agriculture to cooperate with the states and territories to prevent the exportation of diseased cattle; and to provide a means for the suppression and extirpation of pleuropneumonia and other contagious diseases of livestock.

Thereafter, the Act of February 2, 1903 (21 U.S.C. §§ 111, 121, 122), was passed, providing the Secretary of Agriculture with certain authority which had been omitted from the 1884 Act. Under section 2 of the Act, as amended (21 U.S.C. § 111), the Secretary is authorized "to make such regulations and take such measures as he may deem proper to prevent the introduction or dissemination of the contagion of any contagious, infectious, or communicable

disease of animals and/or live poultry ...' While this language is broad, the courts have held that the section cannot be read alone. It must be construed in connection with the other sections of the Act which authorize the Secretary to regulate the exportation and interstate movement of livestock. U.S. v Johnson, 35 F.2d 256 (D.Nev. 1929). The legislative history of the 1903 Act shows that Congress in enacting the statute, was concerned with diseases of "livestock" The legislation was an emergency appropriation and legislation to enable the Secretary of Agriculture to eradicate Foot and Mouth Disease, which at the time was threatening the country's livestock in New England.

Shortly thereafter, the Act of March 3, 1905 (21 U.S.C. §§ 123-127), was enacted. This Act was designed to close a number of gaps in the Animal Quarantine laws and to clarify authority for certain action under such laws. The general effect and purpose of the Act was to extend to all communicable diseases of livestock and poultry, the Secretary's authority to deal with emergency situations arising from outbreaks of such diseases, and to charge the Secretary with the general duty and responsibility of preventing the entry or dissemination of communicable disease of livestock and poultry, so he may take action before an emergency arises.

Subsequently, the Secretary's authority was broadened by the Act of July 2, 1962 (21 U.S.C. § 134 et seq.), legislation designed to close further a number of gaps which had shown up in the animal quarantine laws and to clarify authority for certain actions under those laws. The Act authorized the Secretary to seize, quarantine, or dispose of animals brought into the country or moved interstate in violation of any law or regulation administered by him to prevent the introduction or dissemination of any communicable disease of livestock or poultry, and those found to be infected with or exposed to any communicable disease dangerous to livestock or poultry when moving or moved into the United States or interstate.

While these Acts are concerned with the control of communicable diseases among livestock and poultry, it should be noted that the 1962 Act grants the broadest authority to the Secretary. This Act authorizes the Secretary to regulate animals (defined as "all members of the animal kingdom including birds, whether domesticated or wild, but not including man"), as necessary to guard against the introduction or dissemination of a communicable disease of livestock or poultry. Thus, the Department would have authority to enact regulations concerning aquatic animals and diseases or pests of aquatic animals if they are necessary to protect the livestock or poultry of the United States.

As to APHIS' authority to issue export certification that cultured aquatic animals are free from pests and disease, under 21 U.S.C. § 120 the Secretary is authorized "to establish such rules and regulations concerning the exportation and transportation of livestock ... where he may have reason to believe such diseases may exist into or through any State ... and to foreign countries, as he may deem necessary ..." Therefore, if livestock is construed to include aquatic animals, export certificates could be issued under such regulations.

Unfortunately, "livestock" is not defined in any of the animal quarantine laws. A fundamental cannon of statutory construction is, unless otherwise defined, words will be interpreted as taking their ordinary, contemporary, common meaning. Perrin v. U.S., 444 U.S. 37, (1979). Therefore, to determine whether aquatic animals may be regulated under the animal quarantine statutes, the definition of livestock must be examined.

In Webster's II New Riverside University Dictionary (1984), "livestock" is defined as "domestic animals, as cattle or horses, raised for home use or profit." A domestic animal is defined as an animal trained or adapted to live in a human environment and be of use to human beings. In Black's Law Dictionary (1981), "livestock" is defined as "domestic animals used or raised on a farm"; "the term in its generic sense includes all domestic animals;" and "fur bearing animals raised in captivity"

Livestock is further defined in its "generic sense" to include all domestic animals. Meander v. Unemployment Compensation Div., 136 P.2d 984 (Idaho 1943). There, the operator of a fish hatchery was found liable for unemployment compensation benefits, since the operations were not held to be within services exempted from paying benefits. Exempted services included; "raising, feeding or managing of livestock, bees or poultry." Although recognizing that "livestock" in its generic sense includes the propagation and rearing of all domestic animals, the court found that the "legislature did not use the term in its generic sense so as to include the raising of all domestic animals, otherwise 'poultry raising' would not have been specifically mentioned." Id. at 987. Mentioning that the court was unaware of any court decision holding fish are "livestock", the court concluded the term livestock, as commonly used and defined, does not include trout or spawn.

Domestic animal is defined in Black's as an animal habituated to live in or about the habitations of man. Horses, sheep and dogs are cited as examples of domestic animals. Based solely on the definition of domestic animals and the generic definition of livestock, an argument could be made that certain aquatic animals could be regulated by the Secretary of Agriculture in the same manner as he regulates livestock.

Although the starting point in any case involving statutory construction must be the language employed by Congress, application of the plain meaning rule does not preclude consideration of legislative history. Relevant legislative history may be examined to ensure that the literal application of language complies with Congressional intent. Belland v. Pension Ben. Guard. Corp., 726 F.2d 839 (D.C. 1984). Fiscal v. GMAC, 708 F.2d 143 (9th Cir. 1983). An examination of the legislative history of the 1884, 1903, 1905, and 1962 Acts, and opinions issued by the Solicitor of the Department of Agriculture reveals that the Department has not, in the past, construed livestock to include all domestic animals.

On February 7, 1928, the Acts of 1884, 1903, and 1905 were amended to include within their provisions "live poultry". The legislative history of that amendment reveals that the Department felt the action was necessary "to enable it to control and eradicate outbreaks of contagious poultry disease and prevent the spread of such diseases among the various States."

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EXHIBIT 7 contd.
ATTACHMENT 11 contd.

S. Rep. No. 42, 70th Cong., 1st Sess. 1 (1928). In the letter to Congress outlining the need for the amendment, the Secretary of Agriculture cited the 1924 outbreak of the contagious disease of European fowl pest, noting the Department was able to act in cooperation with the States and private organizations, but that "there was no specific authority in the acts to place a quarantine upon the States." Id. Furthermore, the Department brought to Congress' attention that this view was supported by the United States District Court decision in Must Hatch Incubator Co., Inc. v. Patterson, 32 F.2d 714 (D.C. Ore. 1927). In that case, a California corporation filed an action to restrain Oregon from enforcing state livestock sanitary board regulations covering the importation of baby chicks. Oregon filed a Motion to Dismiss alleging the complaint did not state facts sufficient to constitute a cause of action. The court granted the motion finding Oregon had not entered a field from which it had been excluded by Congress because "livestock" as used in the Acts of Congress of February 2, 1903 and March 3, 1905 did not include poultry. The definition of "livestock" used in the Packers and Stockyard Act (7 U.S.C. § 181 et seq.) was adopted by the court. There, "livestock" was defined as "cattle, sheep, swine, horses, mules, or goats, whether live or dead." In summary, the amendment of the two earlier statutes to include "and/or poultry" would be both meaningless and redundant if "livestock" or "animals" included all domestic animals.

Two decisions by the Solicitor of the Department of Agriculture also indicate that livestock has not been interpreted, in the past, to include all domestic animals. In 1942, the Solicitor issued an opinion which examined whether the Department had authority to undertake a rabies control program among cats, dogs, and other carnivora (foxes, wolves, coyotes, etc.). Without defining domestic animal or livestock, and relying on cited case law, the opinion stated that cats and dogs were domestic animals, but "undoubtedly" not livestock; carnivora were neither domestic animals or livestock; and horses and cattle were both domestic animals and livestock.

Thereafter, in 1953 the Solicitor issued an opinion on what might be done to protect the American rabbit industry from the threat of foreign disease. Again, without defining "livestock", the opinion concluded that the term, as included in the Acts, does not include fur-bearing animals such as rabbits.

Some courts, however, have held that "fur-bearing" animals fall within the definition of livestock. In Fromm Bros. v. U.S., 35 F. Supp. 145 (D.C.Wis. 1940), the breeding, raising and pelting of foxes was found to be "agriculture labor" within the Social Security Act for the purposes of determining exemptions, and "livestock" was interpreted to include fur bearing animals raised in captivity.

In summary, the Department could regulate domestic aquatic animals if they are construed to fall within the definition of livestock. The "plain meaning" of livestock, in its generic sense, appears to include any domesticated animal. Consequently, under the application of the plain meaning rule, domestic aquatic animals could be regulated under the animal quarantine laws. On the other hand, the construction of a statute by those charged with its administration is entitled to great deference, particularly when that interpretation has been followed consistently over a long period of time. U.S. v. Clark, 454 U.S. 555 (1982). While the term "livestock" has

never been defined in the animal quarantine laws, as outlined previously, the Department has indicated on several occasions that its authority under the animal quarantine laws covers a limited definition of domestic livestock and poultry, e.g. cattle, sheep, swine, goats and equines. Based on the statutes and opinions, it is apparent the Department has not construed the term "livestock" generically as including any domesticated animal, such as aquatic animals. Therefore, we believe the best course of action would be to seek legislation specifically granting the Department authority to regulate such aquatic animals.

Level of Risk to Trigger Regulation

Assuming the Secretary has authority to regulate aquatic plants and animals, it would be impossible specifically to define what level of risk is necessary to trigger regulation. The animal and plant quarantine laws provide the Secretary with broad authority to make such regulations and take such measures as he may deem proper to prevent the introduction or dissemination of any contagious, infectious, or communicable disease of animals and/or live poultry or any dangerous plant disease or insect infestation. Consequently, considerable discretion lies with the Secretary to determine when regulations are necessary.

Other Authority

While the Department's authority to regulate aquatic animals under the animal quarantine laws is not clear, there is no doubt that the Department has responsibilities for aquaculture research and development. Under 7 U.S.C. § 2201, aquaculture is listed together with agriculture, rural development and human nutrition, as subjects on which the Department of Agriculture has a duty to diffuse useful information to the people of the United States. Additionally, in 1980, the National Aquaculture Policy Planning Act was enacted providing that the Secretary of Agriculture, together with the Secretaries of Interior and Commerce, establish a National Aquaculture Development Plan to help encourage the development of aquaculture in the United States. The Act was formulated when there was no federal aquaculture program or policy aimed at coordinating research and development activities necessary for a healthy and viable aquaculture industry. In 1985 the Act was amended to designate the Department of Agriculture as the lead agency for coordinating aquaculture, based on a perceived need to have a single focus for aquaculture information within the government. Because Congress never appropriated monies under the Act and the administration has opposed the program, the Act has never been fully implemented. At this time research is being conducted by the Department in the areas of production, processing, nutrition, genetics and breeding. While the Act provides for research and development, it does not provide authority for regulation over aquaculture.

Other federal agencies delegated authority over aquaculture include the Departments of Interior and Commerce, Corps of Engineers, Environmental Protection Agency and Food and Drug Administration. The Department of Interior supports programs in aquaculture research and development through the Fish and Wildlife Service. Its programs are primarily directed toward enhancement of sport and anadromous fisheries and programs in fish health and fish nutrition are

presently underway. Furthermore, under 18 U.S.C. § 42, the Secretary of Interior may by regulation prevent the importation of fish found to be injurious to human beings, to the interests of agriculture, horticulture, forestry, wildlife or the wildlife resources of the United States. The Department of Commerce is engaged in aquaculture research through the National Marine Fisheries Service and the Office of Sea Grant, both within the National Oceanic and Atmospheric Administration. The Department of Commerce also has authority to conduct a voluntary fish inspection program, including, but not limited to, the development and promulgation of grade standards, the inspection and certification and improvement of transportation facilities, and rates for fish and shellfish and any products thereof. The Corp of Engineers is granted authority under 33 U.S.C. § 610 to control aquatic plant growth. Finally, the Food and Drug Administration has statutory authority to carry out a fish and seafood inspection program.

We would be glad to discuss this matter with you further, if you so desire.

February 3, 1997

Honorable Mark Racicot
Governor of Montana
Capitol Building Helena, Montana 59620

Dear Governor Racicot:

In response to a proposal suggested to you by Michael Finley, Superintendent of Yellowstone National Park (YNP), in his letter of January 17, 1997, a Humane Treatment Evaluation Team was formed to assess the facilities, procedures and practices currently utilized in the capture, handling, loading and transportation of bison. The team was composed of three veterinarians, a regional humane society director and a manager of a privately-owned bison ranch.

Just prior to the visit of the evaluation team to the Stevens Creek Bison Facilities, a capture and holding facility at the Northern border of YNP, trapping of bison at this location was suspended. Direct observation of the capture, handling, and transportation of bison was therefore not possible at the time of the January 28th site visit. The following evaluation was made by visiting the Stevens Creek site and meeting with the Park ranger involved in the capture operation. Additional information was obtained through discussions with a veterinarian from the Montana Department of Livestock and viewing a videotape previously taken of the procedures used in handling the bison.

I. CAPTURE AND HANDLING

Description

As described by Park officials, bison are hazed and drift fences direct them to a large pasture adjoining the livestock compound. When animals need to be tested or sorted by size for shipping purposes, they are herded, using vehicles and horses, into a triangular-shaped crowding pen. This pen feeds through corrals to a semi-circular tub area and then to a series of four chutes with guillotine doors for restraint and testing of individual animals. Animals were hazed to these areas by shouting and the use of paddle-type noise makers. During the herding process, some personnel remain on the catwalks overlooking the compound. Battery-operated, cattle prods ("hotshots") to administer electrical shocks are reportedly used very sparingly. The Park Ranger in charge felt most injuries are occurring in the more confined corral and chute areas.

From the last chute, animals are directed to either a loading chute in the corner of the compound or through an alleyway to one of four sorting pens where animals are separated by approximate age or weight.

Evaluation and Recommendations

It is apparent that the National Park Service (NPS) has made a great effort to minimize stress and injuries through the design of these facilities. However, slight modifications may further improve the handling operation. Consideration should be given to modifying the current design to permit construction of a holding pen to the west of the compound. This new pen could be baited with hay to entice the bison to this area from the large pasture. If gates between these areas are left open, bison will tend to gravitate back towards the large pasture area but could be readily shunted to the working pens and chutes with less stress to the animals. A member of the evaluation team will be glad to discuss these proposed modifications in more detail if there is interest on the part of the NPS.

The evaluation team is concerned that the current method of driving bison may place excessive stress

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EXHIBIT 18 contd.

on the animals and contribute to an unacceptable incidence of injuries. Consideration should be given to working smaller numbers of animals at one time and slowly moving animals towards the compound with the least possible amount of noise and confusion. Shouting and other noise makers currently in use only contribute to the stress level and should be omitted. Similarly, the team agrees that "hotshots" should be used only when absolutely necessary. Also, while several personnel are required to operate the gates, these individuals should not be present on the overhead catwalks or visible when animals are being driven towards the compound. Personnel present within the compound during the movement of bison should be limited to only those individuals essential to the operation.

II. LOADING, TRANSPORTATION AND EUTHANASIA

Description

After sorting by approximate age and/or sex, bison are loaded through a standard loading chute to goose-neck livestock trailers. The pens and alleyways are covered with sheets of plywood to prevent the animals from seeing daylight and trying to escape. An exception is a metal grid panel just to the right of the loading chute. Trailers are provided by private contractors and vary in size and capacity. The drivers usually determine the number of animals transported in their vehicles. A veterinarian with the Montana Department of Livestock stated that he has observed the loading and transportation process and was not aware of any specific problems associated with this aspect of the operation. There is a likely correlation however, between the amount of trauma to the bison in transit and the time in transport. Unfortunately, the closest facilities are not suitable for handling all animals because of inappropriate pens or inadequate cooler space. Animals which arrive late in the day must be held overnight which increases the chance of injury. Consequently, animals for slaughter are taken to facilities where slaughter and processing can be performed on the day of arrival whenever possible. All slaughter facilities euthanatize the animals via gunshots to the brain.

Evaluation and Recommendations

Because of the several varibles associated with the loading and transportation of the bison, protocols should be written to provide general guidelines for these procedures.

The metal grid panel near the loading chute should be covered with a plywood sheet to prevent animals from catching a horn or otherwise injuring themselves.

Though the evaluation team was not able to observe the loading, unloading and transportation process, it seems logical to assume that these procedures do contribute to the level of injury. For this reason, it is suggested that the NPS should determine if in-the-field slaughter and processing is a feasible alternative.

While gunshots to the brain may be aesthetically unpleasant to some individuals, unconsciousness is instantaneous if an appropriate firearm is used and the procedure is performed by skilled personnel. Veterinarians from the Montana Department of Livestock have observed this procedure and have not reported any problems.

III. HOLDING FACILITIES

Description

It was not the original intent of the NPS that bison should be held for prolonged periods in this facility. Circumstances, however, have temporarily changed the original plan and some longer-term holding of animals is now necessary.

At the time of the site visit, approximately 60 head of bison were being held in the fenced pasture adjoining the compound. Water was provided in continuous-flow water troughs and hay was provided on the ground. The troughs were checked daily and ice chipped from the surface when necessary.

Evaluation and Recommendations

The present facilities are acceptable for holding animals as long as overcrowding is not permitted.

IV. PERSONNEL

Description

The Park Ranger in charge of the day-to-day bison capture and handling operation is obviously committed to handle bison in the most humane manner possible but has not had extensive experience in handling captive bison prior to this past fall. It was mentioned that some of the NPS personnel handling the bison have had past livestock experience.

During the site visit, it was not possible to ascertain what individual person(s) had centralized decision-making authority for on-site processing probabilities or scenarios and no written protocols were available for bison handling or veterinary care.

Evaluation and Recommendations

The evaluation team felt that the handlers could make better use of natural bison behavior (avoidance of humans, flight/ fright zone, etc.) to capture, move and process the animals. Personnel with previous livestock experience can be valuable members of such a team but because of important differences between handling domestic livestock and large, wild animals, it is recommended that the NPS consider utilizing an individual with specific, in-depth experience in handling bison for training members of the bison handling team. Such an individual may be available from private sources or perhaps from other NPS locations.

The handling of the bison involve many repetitive processes. However, because different personnel with different levels of skill and experience are usually involved in this bison operation, written protocols should be formulated that provide specific methods for all aspects of the bison capture and handling program. Such protocols should address any known or expected scenarios and educate the team members to use the least aggressive techniques first.

SUMMARY AND CONCLUSIONS

At the risk of stating the obvious, the evaluation team would like to emphasize that bison are large, wild animals that are particularly dangerous to humans and conspecifics, especially when stressed. Given the mandate to capture and handle these wild animals for testing, it is obviously not possible to avoid all stress to these animals and some injury is an unfortunate but inevitable outcome.

It is the opinion of this evaluation team that the NPS had made a considerable effort to minimize the fatalities and injuries to the bison by constructing a stress-reducing facility and staffing the facility with personnel who are committed to handling the bison in the most humane manner possible. Additional training of personnel in handling this wild animal coupled with some minor modifications of facilities and procedures would further reduce injuries and fatalities to the bison during these procedures.

Members of this evaluation team will be glad to discuss these issues with any of the concerned parties at any time.

YELL-14714 contd.
EXHIBIT 18 contd.

Respectfully submitted,

Dave Pauli, Regional Director
HSUS Northern Rockies Office

Bud Griffith, Bison Ranch Manager

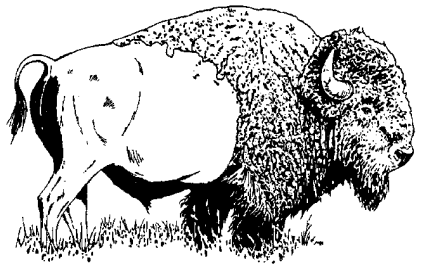
Harvey R. McKelvey, D.V. M.
USDA- Animal Care

William J. Quinn, D.V.M.
MVMA Director

Warren W. Frost, D.V.M., M.S.
Laboratory Animal Veterinarian

cc: Michael V. Finley
Clarence Siroky

THE BISON ALTERNATIVE



A HUMANE AND SENSIBLE ALTERNATIVE FOR THE LONG-TERM MANAGEMENT OF YELLOWSTONE BISON AND DOMESTIC CATTLE IN YELLOWSTONE NATIONAL PARK AND MONTANA

EXHIBIT 22

YELL-14714 contd.
EXHIBIT 22 contd.

INTRODUCTION

The bison of Yellowstone National Park (YNP) are descended from the handful of animals who survived market hunting and the government-sponsored bison slaughters between the late 1860s and 1889, when 30 to 60 million bison were killed and the species was nearly exterminated. The government endorsed this massacre as a tool to subdue and control the Plains Indians, for whom bison were critically important. Fortunately, the harsh climate and unforgiving topography of the Greater Yellowstone Ecosystem provided a few lucky bison with protection from the market hunters and government agents who were systematically destroying the species throughout its range.

Since the turn of the century, Yellowstone's bison herd has continued to grow. From the 1920s to 1967, the National Park Service (NPS) regularly killed bison in order to maintain the herd within a predetermined, yet biologically indefensible, size. Since 1967, the NPS has ostensibly allowed its wildlife populations to be managed primarily through "natural regulation," where natural factors control the size and distribution of YNP wildlife. During this time the bison herd increased in size from 397 bison in 1967 to a high of 4,200 in 1994. The popularity of bison also increased among YNP visitors. In addition to being aesthetically valuable, bison are important to the ecology and economy of YNP and surrounding areas, and have cultural and spiritual significance to many people.

In 1985, when Montana state officials shot 88 bison who had emigrated from YNP, a new and ugly chapter began in the government's treatment of these animals. This time the targets were not Native Americans, but rather the bacteria, *Brucella abortus*, which causes the disease "brucellosis" in cattle, and which was introduced to Yellowstone's bison by cattle. Though some bison harbor the bacteria, there is virtually no evidence to suggest that the bacteria adversely affects these animals. In response to the fears of the cattle industry about the potential risk of *Brucella abortus* transmission from bison to cattle, more than 3,000 bison have been shot by sport hunters, killed by state and federal agency officials, or captured and shipped to slaughter since 1985. Indeed, nearly 1,100 bison were killed during the winter of 1996-97 alone. Today, approximately 2,400 to 2,500 bison remain in YNP.

In reality, the fears of disease transmission echoed by the cattle industry are entirely speculative and unsubstantiated. There has never been a documented case of *Brucella abortus* transmission in the wild from bison to cattle. Moreover, the available data from hundreds of bison who have been killed over the years, indicate that if there is any risk of transmission, it is vanishingly small, and certainly does not justify current bison management policies. Despite this evidence, each winter more bison — including animals who pose virtually no risk of transmission (i.e., bulls, calves, yearlings and post-parturient cows) — are shot and slaughtered primarily to protect Montana's brucellosis-free status. The U.S. Department of Agriculture (USDA), however, which assigns this status, has no legal authority to downgrade Montana's status based merely on the presence of potentially exposed or infected bison in the state. The unwillingness of Montana to accept the scientific evidence and to adopt more flexible, and less draconian, bison management alternatives, leads many people to believe that this controversy is not about brucellosis at all, but rather is about whether bison should be allowed to roam outside of YNP where they may compete with cattle for forage on public lands.

Though the cattle producers and the Montana Department of Livestock have been the principal villains in this ongoing tragedy, the NPS is not without fault. Its claims, for example, that Yellowstone's bison are managed by natural regulation where nature, including severe winter weather, dictates bison population size and animal distribution, are entirely disingenuous and misleading. In reality, the NPS's efforts to facilitate snowmobile use of YNP by grooming (i.e., packing) snowmobile trails — which bison have learned to use as energy-efficient travel routes — have created an entirely unnatural system resulting in a decrease in the natural mortality rate of bison, and an increase in bison survival and productivity. Not only have these trails allowed bison to walk out of YNP where they are killed, but they have also altered bison distribution, movement, population size, and habitat use to the detriment of the species and of YNP ecology.

To address these issues, the NPS, Montana, and other federal agencies have recently published a new plan for bison management in Yellowstone. Unfortunately, this plan, the Draft Environmental Impact Statement (DEIS) on the long-term management of Yellowstone bison, fails to provide a sensible,

humane, economical, or scientifically credible strategy to protect Yellowstone's bison while also protecting Montana's cattle. Indeed, the DEIS is a waste of millions of federal tax dollars which permits the capture, confinement, vaccination, slaughter, shooting, and sale of America's bison.

The alternatives (including the preferred alternative) in the DEIS contain the same flaws, including:

- Placing too much emphasis on the management of bison and too little on the management of cattle grazing on public and private lands outside of YNP.
- Emphasizing the slaughter or shooting of bison, including bison who pose virtually no risk of bacteria transmission (i.e., bulls, calves, yearlings, and non-pregnant cows) to control population size, to prohibit or restrict bison use of public lands outside of YNP, and ostensibly to reduce the risk of brucellosis transmission.
- Managing bison like cattle rather than wildlife, and allowing the livestock industry and the Montana Department of Livestock, rather than wildlife professionals, to dictate bison management outside YNP.
- Failing to adequately consider the extremely remote risk — if any risk exists — of bacteria transmission from bison to cattle.
- Failing to provide a comprehensive strategy for managing bison, cattle, and *Brucella abortus* in and outside of YNP in a manner which is humane, scientifically credible, logistically and economically feasible, and which will restore YNP as a naturally regulated bison sanctuary.

SOLUTIONS

The Bison Alternative is a comprehensive, sensible, humane, and scientifically sound solution to the ongoing debate over bison, cattle, and *Brucella abortus* in YNP. If implemented, it would:

- Restore a naturally regulated bison population to YNP.
- Require the vaccination of cattle, not bison.
- Establish strategies to protect, not persecute, Yellowstone's bison.
- Restore YNP as a bison sanctuary for a naturally regulated bison herd.
- Emphasize strategies to manage risk rather than to eradicate bacteria.
- Prohibit the unsporting and unethical hunting of bison.
- Increase tolerance of bison on private lands outside of YNP.
- Manage bison like wildlife, not like cattle.
- Eliminate or modify cattle grazing practices to reduce the risk of bacteria transmission.
- Protect Montana ranchers from unnecessary and illegal sanctions from other states and from the USDA.

To accomplish these objectives, The Bison Alternative requires that the agencies implement the following management actions. Explanations and justifications for these actions are provided below.

1. Immediately close YNP to snowmobile use and prohibit trail grooming.
2. Prohibit cattle grazing and permit unrestricted bison access to all public lands adjacent to the western and northern borders of YNP.

3. Change cattle grazing practices on private lands — with compensation to affected ranchers — to reduce the alleged risk, if any, of bacteria transmission from bison to cattle, and acquire these lands, if and when available, as additional winter range for bison and other wildlife.

4. Increase landowner tolerance for free-ranging bison.

5. Do not vaccinate wild bison. Vaccination is impractical, prohibitively costly, wasteful, unnecessary, and ineffective.

6. Do not quarantine wild bison. Quarantine is impractical, prohibitively costly, inhumane, wasteful, and unnecessary.

7. Do not reestablish a public hunt of bison in Montana. A bison hunt is unsporting, unethical, and entirely inconsistent with hunters' concept of fair chase.

If The Bison Alternative is fully implemented, there will be no need to subject bison to the inhumane practice of capture and slaughter, and therefore no need to expend millions of dollars to construct and operate the capture facilities.

FURTHER EXPLANATIONS AND JUSTIFICATIONS FOR THE ACTIONS

1. IMMEDIATELY CLOSE YNP TO SNOWMOBILE USE AND PROHIBIT TRAIL GROOMING.

If the NPS intends to continue to manage its wildlife through natural regulation — which is its legal mandate — then it must prohibit snowmobile use and trail grooming. The NPS can use its administrative discretion to close YNP to protect wildlife from adverse impacts associated with snowmobile use, or it can exercise its legal authority under the Park Service Organic Act, which, contrary to the NPS's current interpretation, prohibits snowmobile use. At least, Yellowstone should prohibit snowmobile trail grooming, which is not authorized by NPS statutes or regulations.

Yellowstone's snowmobile trails, which have been groomed since the early 1970s, provide bison with energy-efficient travel routes facilitating their movements within and outside of YNP. The energy savings accrued through the use of these trails have completely and unnaturally altered bison population dynamics, distribution, movements, and habitat use, by increasing bison survival and productivity rates while decreasing natural mortality rates. As a result, according to Dr. Mary Meagher, the world's foremost expert on Yellowstone's bison, the size of YNP's bison population has increased to a number that at times has been as much as double that which the population would have been if the groomed trails did not exist. Though the population has never been so large as to cause overgrazing, the artificially enhanced size of the population has likely resulted in impacts to YNP ecology, and in particular, to the fragile thermally-influenced habitats unique to Yellowstone. If allowed to continue, these impacts could reduce the quality and quantity of winter survival habitat to the detriment of bison, other wildlife, and to YNP ecology. Bison use of the groomed trails also facilitates their movements outside of YNP where more than 3,000 bison have been shot or slaughtered since 1985. In addition to these impacts, snowmobiles exact a considerable negative impact on YNP's air quality, substantially detract from the serenity and solitude of the national park experience, and adversely affect a variety of other species including the grizzly bear and gray wolf.

Prohibiting snowmobile use and trail grooming in YNP would restore natural regulation as the principal mechanism controlling the growth, distribution, and movements of bison. This would likely result in a gradual decline in the number of bison in YNP and would reduce, and in some years entirely eliminate, the number and rate of bison emigrating from YNP onto public or private lands. Therefore, the alleged risk of bison transmitting *Brucella abortus* to cattle is also reduced. This, in turn, would reduce the risk of Montana losing its brucellosis-free status as the result of a brucellosis outbreak in cattle and would reduce the possibility of sanctions being imposed by other states.

Yellowstone is not beholden to the economic interests of the gateway communities nor is it

responsible for the excessive and irresponsible development of the communities based on the faulty presumption that snowmobiles would always enjoy access to YNP. Whatever economic impact the gateway communities may experience from YNP being closed to snowmobiles could be mitigated if the communities promote non-motorized recreation in Yellowstone. Furthermore, closing YNP to snowmobiles will not eliminate snowmobile recreation in the area, because hundreds of miles of groomed trails exist on U.S. Forest Service (USFS) lands adjacent to YNP. Though it is anticipated that the regional economic impacts of a YNP closure to snowmobiles would be minimal, whatever economic impact is felt by the gateway communities would be less than the adverse economic impacts of snowmobiling on YNP wildlife, air quality, solitude and serenity, and visitor experience.

2. PROHIBIT CATTLE GRAZING AND PERMIT UNRESTRICTED BISON ACCESS TO ALL PUBLIC LANDS ADJACENT TO THE WESTERN AND NORTHERN BORDERS OF YNP.

According to the DEIS, there are twelve cattle grazing allotments on public lands north and west of YNP which could potentially be affected by bison. These allotments contain a total of 1,119 cattle (including cattle on public and private lands in the allotments) depending on the time of year. Even though cattle are not grazed on public allotments on the west side of YNP in the winter, the mere fact that cattle will be present on these allotments has been used to justify the destruction of bison. Closing these allotments would make these lands available to bison. The USFS must immediately initiate efforts, as it has the legal authority to do, to administratively close these allotments. Though not advocated by this alternative, the USFS could — but is not obligated to — consider mitigating the impact of these closures on the producers by offering public grazing allotments somewhere else in the USFS system, or by buying out the grazing allotment permit holders. The economic costs of closing these allotments, even if the allotment permit was to be purchased from the permittee, would be far less than the costs of implementing many, if not all, of the alternatives in the DEIS.

The USFS and Montana also must, either by regulation, administrative action, or agreement, prohibit the hunting and killing of bison on the allotment lands so that bison can freely occupy and use these lands — public lands which should have always been available to bison — without restriction or harassment. In addition, the USDA must reassert Montana's brucellosis-free status and admit that it has no legal authority to revoke or downgrade this status based on the presence of potentially exposed or infected bison or elk in the state.

3. CHANGE CATTLE GRAZING PRACTICES ON PRIVATE LANDS — WITH COMPENSATION TO AFFECTED RANCHERS — TO REDUCE THE ALLEGED RISK, IF ANY, OF BACTERIA TRANSMISSION FROM BISON TO CATTLE, AND ACQUIRE THESE LANDS, IF AND WHEN AVAILABLE, AS ADDITIONAL WINTER RANGE FOR BISON AND OTHER WILDLIFE.

According to the DEIS, there are only a handful of private landowners who run approximately 1,000 cattle on private lands near the northern and western borders of YNP which may be affected by bison. To reduce the alleged risk of bacteria transmission from emigrating bison to cattle, the Montana Department of Livestock must mandate, by regulation, that private land ranchers either:

- Agree to fair market compensation for the value of their herd annually for five years.
- Modify the type of livestock from cow-calf groups to steer or spayed heifer operations.
- Construct a bison-proof fence around all pastures occupied by cattle, require the vaccination of all cattle against brucellosis, and establish annual mandatory brucellosis testing requirements for all test-eligible cattle.

The compensation option would be based on the fair market value for the type and number of stock previously managed on the land. If this option were selected, the rancher could not stock cattle on the land for a five-year period. Compensation would occur annually during this five-year period and would be paid by the federal government. During the compensation period, federal, state, and private

organizations must either purchase the land as additional publicly owned habitat for bison and other wildlife or enter into a conservation easement with the landowner which would preclude cattle grazing in the future for appropriate compensation.

If the rancher chooses to modify the type of stock on his or her land, any loss in revenue from the new operation compared to the old operation would be compensated by the USDA through funds allocated to the National Brucellosis Eradication Program, a cooperative program between the USDA and the states to eradicate brucellosis in domestic livestock.

If the rancher chooses to construct a fence, vaccinate, and subject cattle to testing, all costs would be paid by public funds. Agencies would collectively establish a fund to pay for materials and labor to construct bison-proof fences and to compensate property owners for certain damage caused by bison. The USDA, using funds allocated to the National Brucellosis Eradication Program, would pay for the cost and administration of the vaccine. The USDA and the Montana Department of Livestock will split the cost of annual testing for all test-eligible cattle. The testing requirement would only be applicable if bison and cattle were known to have occupied the private land in question at the same time between January and July, when the theoretical risk of transmission is highest.

The implementation of any of these strategies would reduce the alleged risk of bacteria transmission between bison and cattle on private land, would increase rancher tolerance for bison on private land, and would not result in any economic burden on private land ranchers. The costs of these strategies, excluding the acquisition of additional winter range, to the state and federal agencies is anticipated to be less than the cost of many, if not all, of the alternatives in the DEIS.

4. INCREASE LANDOWNER TOLERANCE FOR FREE-RANGING BISON.

A number of private landowners both on the western and northern sides of YNP welcome the presence of bison on their property and accept much of the damage bison may cause as a consequence of living adjacent to YNP. Others do not want bison on their land because of the potential for damage to private property or simply out of fear of the size and strength of these animals. The privilege of living in the Greater Yellowstone Ecosystem, however, brings with it the responsibility to accept and tolerate the presence of the region's wildlife species on private land. Private landowner acceptance and tolerance of Yellowstone's bison can be increased through education and compensation. The state of Montana must initiate a campaign to educate private property owners about bison, their ecology, behavior, and habits. Since people generally tend to fear the unknown, improving the landowners' knowledge and understanding of bison will inevitably increase their tolerance for bison. In addition, if and when bison cause excessive damage to private land, a compensation fund must be available to reimburse the landowner for the damage. This fund, which should principally be funded by the state of Montana with additional contributions generated by private organizations, would compensate only bison damage to fences or structures which resulted in more than $250 in damage. Since it is anticipated that relatively few bison will emigrate from YNP without the aid of groomed trails, the cost of this alternative will be minimal.

5. DO NOT VACCINATE WILD BISON. VACCINATION IS IMPRACTICAL, PROHIBITIVELY COSTLY, WASTEFUL, UNNECESSARY, AND INEFFECTIVE.

Several years ago, state and federal agencies arbitrarily decided to eradicate brucellosis from wildlife in the Greater Yellowstone Ecosystem. Despite the fact that there is no state or federal law or policy requiring the eradication of *Brucella abortus* in wildlife, and though the public was not given an opportunity to comment on this decision, the agencies have spent millions of dollars and countless hours engaged in an effort to find a safe and effective vaccine for use in free-ranging, wild bison and elk. Indeed, the agencies, particularly the NPS and USDA have placed an inordinate amount of emphasis on finding a vaccine while ignoring sensible, non-lethal alternatives which could have and should have been implemented to reduce the alleged risk of bacteria transmission between species.

Despite the millions of dollars and countless hours spent on developing a vaccine, the agencies have still not found a safe and efficacious vaccine for use in bison or elk. In addition, in pursuit of a

vaccine, hundreds if not thousands of healthy animals, many of whom were removed from the wild, have been used in terminal experiments testing the vaccine. Even if, by chance, a vaccine were found, the agencies would still have to design and develop a humane and efficient vaccine delivery system. The agencies have suggested that remote delivery of the vaccine through a dart or bio-bullet could be used for bison. The costs, personnel, and time involved in attempting to vaccinate more than 2,000 bison spread over thousands of acres, however, would seemingly preclude the use of this strategy. Even if it were workable, attempting to vaccinate bison without a commensurate program to reduce the presence of the bacteria in elk — who also harbor the bacteria and who numerically pose a greater risk of transmission (there are 14,000 to 16,000 elk in YNP) — would be a recipe for failure. To complicate matters further, because of the sheer number and range of Yellowstone's elk, it would be impossible to deliver the vaccine remotely to these animals. The other option is a bait that can be orally delivered. This, however, raises a number of significant problems including the inability to control vaccine dosage consumed by each animal and impacts to non-target species.

The vaccination of bison and other wildlife against brucellosis is unnecessary because there is no law requiring the eradication of the bacteria from these species and because risk management alternatives (such as those discussed above) are less costly and problematic and could be implemented immediately. Furthermore, vaccinating bison and elk against a disease that is solely of concern to the cattle industry is antithetical to the concept of treating wildlife like wildlife. Vaccination is a tool used in the livestock industry and, in this case, should be required for use in cattle, not wildlife.

6. DO NOT QUARANTINE WILD BISON. QUARANTINE IS IMPRACTICAL, PROHIBITIVELY COSTLY, INHUMANE, WASTEFUL, AND UNNECESSARY.

Several of the alternatives analyzed in the DEIS propose the construction and operation of a bison quarantine facility as an option for management. The agencies should immediately abandon any further consideration or discussion of this option for the reasons listed below.

First, quarantine is not, and cannot be, cost effective. The DEIS estimates that the quarantine facility would cost $500,000 to $800,000 to build, and $400,000 to operate annually, to support 50 bison. In addition, the annual costs of operating the capture facilities, from which some bison would be obtained for quarantine, are $677,000 for all the agencies combined. Since the agencies estimate that 132 to 137 bison will be captured annually under the preferred alternative, the costs for capturing 50 bison per year for quarantine is approximately $250,740 (more than $5,000 per animal). These costs do not include the costs of acquiring land for the quarantine facility or the one-time costs of constructing the capture facilities ($370,000). Using these estimates, and assuming that 50 bison per year will be released from quarantine, the annual cost of quarantine, excluding one-time construction costs, would be more than $13,000 per animal. If the one-time quarantine and capture facility construction costs and land acquisition costs are considered, and if it is assumed that far fewer than 50 animals (if any) will be released each year from quarantine, the per animal cost skyrockets.

This option is clearly not cost-effective, and if implemented would represent a multi-million dollar fleecing of America. The millions of state and federal tax dollars that the agencies appear willing to spend on a quarantine facility could be far better spent on vaccinating cattle, buying out grazing allotments, compensating landowners for property damage, constructing bison-proof fences around cattle pastures on private lands, and acquiring additional winter habitat for Yellowstone's wildlife.

Second, blood test negative animals should not be removed from the ecosystem. In the DEIS, the agencies currently propose to remove "surplus" blood test negative animals, yet there are no criteria or standards to define when a bison is "surplus." Moreover, these sero-negative animals either have never been exposed to the bacteria, have been exposed and have completely cleared the bacteria, or have a natural genetic resistance to infection — these are precisely the animals who should not be removed from the ecosystem for any reason. Similarly, blood test positive bison — animals who may not be infected or infectious and may have developed an immunity to the bacteria — also should not be removed from the ecosystem for slaughter, as is the current practice. Finally, establishing and operating a quarantine facility for the management of wild bison is antithetical to the concept of managing wildlife like wildlife.

Third, the quarantine protocol is incrdinately restrictive. The protocol, which was principally designed by the USDA, along with state veterinarians and livestock industry officials affiliated with the U.S. Animal Health Association, establishes procedures and guidelines for bison quarantine which are far more restrictive than the current quarantine standards for cattle. Under the bison quarantine protocol, some animals, such as female bison calves, would remain in quarantine for three to four years through their first breeding and birthing cycle before being candidates for release. If a quarantined animal should at any time during quarantine be blood test positive, that animal must be slaughtered. In addition, any bison kept in the same corral or pasture as the test positive animal either has to be slaughtered or has to restart the entire quarantine protocol. Given the inaccuracy of the initial blood test and the stress associated with keeping wild animals in confinement, it is inevitable that a portion of the quarantined animals will test blood positive sometime during quarantine. Given these facts, it is possible that no bison may ever be released from quarantine. Some believe that this was the intent of the livestock agency and industry officials who designed the quarantine protocol.

Assuming that the quarantine facility is built and that some bison actually are released from quarantine, they may be used to restock other federal lands, sold to the highest bidder, or made available to Native Americans. While we are not necessarily opposed to reintroducing these animals to federal lands, we do not support the sale or donation of these animals to private or tribal parties for the purpose of enhancing domestic bison ranching operations. Selling YNP's wildlife to the highest bidder is inconsistent with the public trust responsibilities given to state and federal agencies for managing wildlife and sets a dangerous precedent for the management of other species in the NPS system. Donating bison to Native American tribes to augment their bison ranching operations is also troubling. While we respect the cultural, spiritual, and economic needs of Native American tribes, we do not believe that bison ranching is representative of the historic, cultural, and spiritual connection between Native Americans and bison. Not only do we philosophically oppose the use of wild, free-ranging bison as a tool to enhance or expand a private or tribal bison ranching enterprise, but as advocates for the bison themselves, we do not believe that a life of servitude and eventual slaughter is an appropriate or acceptable alternative to protecting Yellowstone's bison in the wild.

7. DO NOT REESTABLISH A PUBLIC HUNT OF BISON IN MONTANA. A BISON HUNT IS UNSPORTING, UNETHICAL, AND ENTIRELY INCONSISTENT WITH HUNTERS' CONCEPT OF FAIR CHASE.

The proposal to reestablish a public hunt for bison in Montana must not be approved or implemented. The proposal calls for the Montana Legislature to reestablish a "fair chase" hunt for bison. Assuming, without conceding, that any sport hunt is "fair chase," it is impossible to establish a "fair chase" hunt for NPS bison. Yellowstone bison have become, through years of protection, acclimated to and trusting of the presence of humans. Their stolid temperament and acceptance of humans in their vicinity has made them incredibly popular and photogenic animals for millions of visitors. As a result of these interactions, Yellowstone bison have virtually no fear of people either with cameras or with guns. As was demonstrated in 1989 and 1990 when Montana previously permitted public hunting of bison, there was no challenge and no "sport" in shooting a Yellowstone bison. As The Fund for Animals documented in video footage of the 1989 hunt, bison were not routinely killed with the first shot and suffered immeasurable pain before dying.

In addition, as proposed in the preferred alternative, bison hunting opportunities would be permitted both on the northern and western sides of YNP. On the western side, for example, bison who are captured and test negative could be released onto public lands outside of YNP only to find themselves the targets of hunters. This alternative would effectively prevent bison from occupying public or private lands outside of YNP. On the northern side, bison who have historically been protected from human harassment in the Eagle Creek/Bear Creek portion of the Gallatin National Forest, will become targets of hunters. As a result, there could be no public or private lands anywhere in Montana on which bison would be permitted without the potential for persecution.

Finally, the gruesome and disturbing image of hunters shooting YNP bison at point-blank range broadcast on television will indisputably have negative implications for all hunters and all hunting.

For more information write to The Fund for Animals, [redacted]

Bison Management Plan EIS team
National Park Service - Sarah Bransom DSC_RP
P O Box 25287
Denver, CO 80225-0287

RE: Draft EIS for the Interagency Bison Management Plan

Ms. Bransom,

Thank you for the opportunity to comment on the Interagency Bison Management Plan/Environmental Impact Statement. The following issues are of concern to this club:

1) We are opposed to alternatives 2, 3, 5, and 6 because of their harmful effects upon traditional winter recreational uses like snowmobiling.
2) We are in support of Alternative 7, the preferred alternative, because:
   - Alternative 7 recognizes that Yellowstone Park cannot support an unlimited number of bison.
   - This alternative establishes a carrying capacity for bison, and manages that population accordingly and responsibly.
   - Alternative 7 does not impinge upon the people's right to use their park in the winter season through long established and traditional means such as snowmobiling.
   - Alternative 7 preserves the safest means of winter visitation to Yellowstone, and does not encourage automobile travel in dangerous winter driving conditions.
   - Plowing of roads within the park would not be cost effective.
   - Alternative 7 preserves the economy of gateway/bedroom communities, which have built year-round businesses, based upon the traditional winter uses of Yellowstone Park.

Please keep us on your mailing list to receive any additional information on this important project.

Sincerely,

Ron Ogden, President
Seeley Lake Driftriders
[redacted]

*South East Idaho Environmental Network (SEIEN) "SANE"

[redacted] Dr. M. Keene Hueftle CHAIR

Bison Management Team
National Park Service - Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

8-1-98

yell-1211

Dear EIS Team:

I want wild, free-roaming buffalo in Yellowstone. We oppose the "Preferred Alternative" recommended by the state of Montana and the federal government. The governments' plan continues the unnecessary killing of buffalo moving to public lands outside the park in winter. We can do better.

Yellowstone's buffalo, the largest wild, free-roaming buffalo herd in the United States, are too important to sacrifice. They are a source of pride for all of us.

I endorse the ***Citizens' Plan to Save Yellowstone Buffalo***, which will:
* Maintain wild, free-roaming buffalo in Yellowstone National Park.
* Create a large special management area outside the park where buffalo can use public lands to survive harsh winters, and where buffalo will be managed by wildlife professionals.
* Develop scientific buffalo population goals for this special management area outside the park.
* Use traditional wildlife management tools of relocation (to Indian reservations or public lands) and regulated harvest when science demonstrates that available land cannot support more buffalo.
* Recommend vaccination of cattle within and adjacent to the special management area.
* Emphasize acquisition of key winter range lands or easements through public purchase from willing sellers. Provide incentives to modify livestock operations to provide winter foraging opportunities for buffalo outside the park.

In addition: Our *SEIEN is made up of 20 separate environ Conservationists groups — totalling over 300 people - The Board unanimously voted that as chair, I write you in their behalf to adopt the "CITIZEN's Plan"

These strategies will maintain wild, free-roaming buffalo and protect the interests of the livestock industry in a balanced, common-sense manner. Please adopt this plan.

Sincerely, M. Keene Hueftle chair - SEIEN

Printed name: M. KEENE HUEFTLE Address: [redacted]

208.4.224.107

YELL-155565

Monday, November 2, 1998 - 23:35:55 pm EST
a lastname: Oros
b firstname: Tia
c organization: 7th Generation Fund
comments: X-Originating-IP: [206.13.45.154]
From: "Tia Oros"

The Yellowstone bison are a keystone species, representing the primal relationships of Indigenous peoples and Native animals with the landscape of their emergence.

The slaughter of this last remaining herd of bison must end. Butchering these animals is tantamount to the slaughter of Indian peoples since, as Rosalie Little Thunder, our Board chairperson eloquently said, "We share a common tragic history with the buffalo" and that "Our prophecies tell us we have an inseparable destiny," she

Tribes must be consulted in the process of the management and care of this species. This process must be carried forth and honored, the tribes want to be heard and have definitive statements in regard to the bison.

Destruction of the last wild herd leaves little else safe in Yellowstone or elsewhere. Such violence and massacre of life should not continue as a precedence of the Great Plains - - not its wildlife, its Indigenous people, nor its ecosystem.

There has not been a single documented case of transmission of brucellosis by a bison to cattle ever.

Additionally, we support the following points to preserve the last wild herd of bison in North American reaffirming the above:

* bison must be treated like wildlife, not like domestic livestock;
* require the vaccination of cattle, not bison;
* immediately prohibit the capture and slaughter of bison inside or out of Yellowstone National Park;
* eliminate cattle grazing on public lands surrounding the park and allow

YELL-15565 contd.

bison to use these lands without restrictions;
* rifle hunting of Yellowstone bison is unethical, unsporting, and should
not be permitted;
* establishment of a quarantine facility for Yellowstone's bison will be a
multi-million dollar waste of federal and state tax dollars and is entirely
unnecessary.
* native tribes need a larger voice in regards to this issue

With Respect,
Tia Oros, Program Director of the Seventh Generation Fund
[redacted]

YELL 10,603

March 24, 1996

Sierra Club Board of Directors, Wild Planet Strategy Team, &
Off-Road Vehicle Subcommittee
[redacted]

Re: "Harmless" Recreation Kills Wildlife!

Gentlepersons:

It has been customary for people to assume that when we are not directly harming wildlife, we are not harming them. Besides being a convenient rationalization, this assumption is understandable: we assume that others, even members of other species, are like us. We don't feel very threatened by the presence of other species; we are, after all, the top predator. We also live surrounded by plenty; most of us can't imagine what it is like to go hungry for even one day. Wildlife, however, does usually feel very threatened by our presence, and many organisms exist on a very tight (food/energy) budget. Also, they often have much greater visual and auditory acuity than we do, and hence can be disturbed by sensations that we wouldn't even notice. Amphibians, for example, are extremely sensitive to vibrations.

"Traditionally, observing, feeding, and photographing wildlife were considered to be 'nonconsumptive' activities because removal of animals from their natural habitats did not occur.... nonconsumptive wildlife recreation was considered relatively benign in terms of its effects on wildlife; today, however, there is a growing recognition that wildlife-viewing recreation can have serious negative impacts on wildlife" (Knight & Gutzwiller, p.257).

Technology has made it much easier for people to reach wildlife habitat, including areas where access used to be difficult, such as cliff faces, caves, under water, and inhospitable climates. Roads, trails, ORVs, mountain bikes, high-tech camping gear, freeze-dried foods, and even waterproof maps are some of the tools that allow people to travel far into wilderness in great comfort. That and increasing population have squeezed and frightened wildlife out of its preferred habitat, both temporarily and permanently, depriving it of needed foods, shelter, and choice of mates. Roads are particularly pernicious, because they not only give humans easy access to wilderness, but they fragment habitat, because many cover-adapted species are afraid to cross them.

Speed is a big factor. Being encased in a motor vehicle greatly reduces the sensations that you experience. Thus in order to obtain the equivalent physical experience that a hiker acquires in a short walk through the woods (complete with sounds, sights, smells, tastes, and touch), you have to drive a great distance! Similarly, a mountain biker travels too fast to fully appreciate his/her surroundings, and thus soon gets bored with the trail and needs to experience another (and another and another). This is one reason why mountain bikers are never satisfied, no matter how many trails they have access to, and why they are exerting such tremendous pressure on land managers around the world to give them ever greater access. (I asked one of them if there were any limit to this process. He told me that no one would ever want to bike Mt. Everest. However, only a few days later I saw an advertizement for a mountain bike trip to Mt. Everest!)

Here are some of the damaging effects that the mere presence of a human can have on wildlife: When an animal is guarding a nest, it can be scared away ("flushed") for some time, at least while a human is present. Besides using up energy that may not be plentiful, eggs and young are left exposed to dangerous temperatures (hot or cold) and predators. The movement of the parent, or sometimes the odor of the human, can direct predators to

YELL-10,603 contd.

the nest, causing the death of some of the young. Sometimes the parent in its rush steps on an egg or knocks it or its young out of the nest, leading to certain death for the offspring. Some parents may even abandon the nest or kill and eat the young, if they are frightened or startled enough. Young can get left behind when a parent flushes suddenly, get lost, and die of starvation or be eaten by a predator.

The stress of disturbance can increase energy needs, elevate heart rate (possibly leading to death), force the animal to temporarily or permanently abandon a feeding area, force it to become nocturnal, force it to spend a great amount of time watching for humans, interfere with reproduction, and in general decrease its productivity. Migratory birds, for example, have a limited amount of time to stock up on food before their trip. They often spend long periods flying over ocean, and can die if they don't have adequate nutritional reserves.

Because the Earth is losing some 100 species a day, worldwide, it is very important that we quickly become better informed, and stop mindlessly continuing "business as usual" in our approaches to wildlife and recreation.

Here are some relevant excerpts from Knight and Gutzwiller: "the notion that recreation has no environmental impacts is no longer tenable. Recreationists often degrade the land, water, and wildlife resources that support their activities by simplifying plant communities, increasing animal mortality, displacing and disturbing wildlife, and distributing refuse" (p.3); Boyle and Sampson ... reviewed 166 articles that contained original data on the effects of nonconsumptive outdoor recreation on wildlife. In 81% of them, the effects were considered negative" (p.51); "Nature viewing, by its very definition, has great potential to negatively affect wildlife. ... Predators learn to follow human scent trails to nest sites" (p.55); "activities [involving] nonmotorized travel ... [have] caused the creation of more ... trails in wildlands.... These activities are extensive in nature and have the ability to disrupt wildlife in many ways, particularly by displacing animals from an area" (p.56); "Recreational disturbance has traditionally been viewed as most detrimental to wildlife during the breeding season. Recently, it has become apparent that disturbance outside of the animal's breeding season may have equally severe effects" (p.73); "Birds can lose eggs and young when predators attack nests after parents are startled into flight" (p.133); "Human occupation and activity are clearly and directly correlated with declines in breeding populations of birds" (p.135).

"People have an impact on wildlife habitat and all that depends on it, no matter what the activity" (p.157); "Perhaps the major way that people have influenced wildlife populations is through encroachment into wildlife areas" (p.160); "a single visit to nest sites by people can cause nest abandonment" (p.161); "Some goslings got lost in the dense vegetation when parents headed for the pool, or parents swam off leaving goslings behind that could not follow" (p.162); "Pregnant animals suffered higher stress from wildlife viewers, causing some to abort" (p.163); "Outdoor recreation has been recognized as an important factor that can reduce biosphere sustainability.... Indeed, recreational activities, including many that may seem innocuous, can alter vertebrate behaviour, reproduction, distributions, and habitats" (p.169); "Human disturbance caused eagles to flush sooner than the other species, and eagles rarely returned to a carcass following disturbance" (p.170); "Juveniles that get displaced from familiar surroundings (e.g., home ranges) by recreationists may also be more susceptible to predation" (p.172).

"Displaced animals are forced out of familiar habitat and must then survive and reproduce in areas where they are not familiar with the locations of food, shelter, and other vital resources.... Hammitt and Cole ... ranked displacement as being more detrimental to wildlife than harassment or recreation-induced habitat changes.... Densities ... of 13 breeding bird species were negatively associated with the intensity of recreation activity by park visitors, primarily pedestrians and cyclists" (pp.173-4); "off-road vehicles can collapse burrows of desert mammals and reptiles" (p.176); "Compaction increases the mechanical resistance of the soil to root penetration and can reduce the emergence of seedlings" (p.184); "Soil compaction reduces the size of pore spaces, altering the soil fauna" (p.189); "several studies have shown the importance of contiguous, undisturbed habitat for many native species" (p.190); "Recreational activities clearly have substantial and generally adverse influences on terrestrial vegetation and soil, and on aquatic systems" (p.193); "researchers have documented an increase in heart rate in different species when approached by visitors, which can subsequently initiate other physiological effects of stress, including death" (p.206); "Indirect effects may also occur from development of trail networks and picnic areas, which not only remove habitat, but increase habitat edge ... [, opening] these areas for colonization by exotic ... species" (p.210); "Geese could not compensate for a loss in feeding time" (p.251); "The ESA defines harassment as 'an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behaviour patterns which include, but are not limited to, feeding or sheltering'" (p.304).

"It is expected that outdoor recreational activity will continue to increase, while the amount of wild land where wildlife may seek refuge from disturbance will decrease" (p.327); "Recreationists are, ironically, destroying the very thing they love: the blooming buzzing confusion of nature.... The recreation industry deserves to be listed on the same page with interests that are cutting the last of the old-growth forests, washing fertile topsoils into the sea, and pouring billions of tons of greenhouse gases into the atmosphere" (p.340); "Tom Birch ... argues that wilderness managers, charged with incarcerating wilderness, are more concerned with the advancement of their careers through achieving quantifiable goals (number of park visitors, total revenues) and developing park and forest amenities (roads, 'scenic' turnouts, restrooms, paved trails, maps, campgrounds) than with perpetuating the land community of which they are a part" (p.344).

Ideally, we should be working to reduce all human access to wildlife habitat. But at the very least, we should eliminate mechanical access (with the exception of small compromises for wheelchairs).

Sincerely,

Michael J. Vandeman, Ph.D.

References:

Knight, Richard L. and Kevin J. Gutzwiller, eds. Wildlife and Recreationists. Covelo, California: Island Press, c.1995.

Vandeman, Mike [redacted]

SIERRA CLUB

YELL-15804

[redacted]

Testimony by Lois Snedden, Vice-President for Conservation, Sierra Club

The Sierra Club believes that any plan for the management of the Yellowstone bison should include the following points:

1. Let the Buffalo Roam!
Bison should be allowed to roam on all public lands in the Greater Yellowstone Ecosystem. Bison should be allowed to remain on all public lands within the Greater Yellowstone Ecosystem and no restrictions should be placed on their movement. Bison should not be corralled or confined for any purpose.

2. Vaccinate the Cattle!
There has never been a confirmed case of the transmission of brucellosis from bison to cattle. In Grand Teton National Park, bison and cattle have inhabited the same lands for over 40 years. Those cattle were vaccinated against the disease. If Montana follows this plan of cattle vaccination, it is reasonable to expect similar results: no transmission of brucellosis -- and no need to control bison movement on public lands.

3. Let Wildlife Managers Manage the Wildlife!
The bison of Yellowstone are part of the only remaining wild, free-roaming herd in the United States. When they leave the Park, they should be managed by a wildlife agency, not a livestock agency. The Montana Department of Fish, Wildlife and Parks should take over jurisdiction of bison management in Montana.

4. Relocate Bison from Private Lands only where Necessary.
If bison threaten private lands or human safety, it is reasonable to adopt non-lethal, non-restrictive methods of removal.

5. Determine an Ecologically Based Carrying Capacity for Bison within the Greater Yellowstone Ecosystem.
Bison should be allowed to roam freely on the public lands of the Greater Yellowstone Ecosystem, until an ecologically based, peer-reviewed carrying capacity for bison in the Greater Yellowstone Ecosystem has been established. Bison movement and resource utilization outside of the Park over the next ten years should be studied to determine this carrying capacity, and the results should be incorporated into the final determination of carrying capacity. Until such a carrying capacity is established, no population control methods should be implemented.

Sierra Club is absolutely opposed to all management alternatives proposed by the National Park Service in their Draft Environmental Impact Statement (DEIS). We advocate responsible bison management, based on biological science not political science.

Recycled Paper with Soybean Ink

YELL-297

Reply to:

SIERRA CLUB
BERKS GROUP

July 8, 1998

Bison Plan Team
NPS
Sarah Bransom, DSCRP
P.O. Box 25287
Denver, CO 80225

Dear Bison Plan Team:

The Berks Group of the Sierra Club opposes the NPS preferred alternative about the bison. Allow bison to use of Forest Service and BLM lands outside Yellowstone in winter. Also allow populations to fluctuate naturally inside the park based on scientific data, reduce disease risk by seasonally separating bison and cattle, and support the acquisition of property outside the park for additional winter range.

Thank you for your time.

Sincerely,

Kim Renninger

Kim Renninger
Secretary, Sierra Club Berks Group

100% recycled paper

YELL-8850

October 13, 1998

To: Bison Management Plan EIS Team
NPS - Sarah Branscom DSC - RP
P. O. Box 25287
Denver, CO 80225 - 0287

Dear Ms. Branscom,

Please. To provide a science-based management plan for the bison herd of Yellowstone National Park, the carrying capacity for the bison on public lands of the Yellowstone ecosystem must be determined. Until such studies are completed, no population control methods should be used for the bison. A proven method to deal with the potential problem of spreading brucellosis to cattle that share the same range with bison has already been tested for many years in Wyoming. Vaccinate the cattle and let the buffalo roam on public land under the jurisdiction of the Montana Department of Fish, Wildlife and Parks. The slaughter of the bison must stop.

Submitted by,

Ann T. Macomber

Ann T. Macomber
Conservation Co-Chair
Sierra Club, Big River Group
[redacted]

YELL-13447

205.188.193.184

Sunday, November 1, 1998 - 11:44:38 am EST
a lastname: Broberg
b firstname: Len
c organization: Bitterroot-Mission Group of the Sierra Club
comments: Dear Bison EIS Team:

Thank you for the opportunity to comment on the Bison EIS. I am writing these comments on behalf of the Bitterroot-Mission Group of the Sierra Club. The bison is an important part of the wildlife of the park. I and my family and many of our members have enjoyed watching the bison in the park and wish to do so for many years in to the future. However, we believe that the preferred alternative threatens our future opportunities, the bison themselves and the ecosystem of whcih they are now a part. We oppose the prefrred alternative and support an alternative with the following elements.

First, population control of the bison herd that is associated with the park is not appropriate. We have no idea what the carrying capacity is of the park and surrounding public lands for bison. The plan should provide for a ten year study to determine carrying capacity of the park and surrounding public lands for bison. Only after that study should population control be exercised.

Only non-lethal, non-restrictive methods of removal should be used on private lands and only where necessary to protect those lands or human safety.

Vaccination efforts should focus on the cattle. There has never been a confirmed transmission of brucellosis from bison to cattle in the field. The risk of transmission should be borne by those that are using public lands for private enterprise. This has been doen in Grand Teton NP with complete success- no transmission has occurred.

Bison shuld be free to roam on public lands. No restrictions shuld be placed on their movement. They should not be corralled or confiend for any purpose.

Management of the bison shuld be by state wildlife managers outside the park. In Montana, the Department of Fish Wildilfe and Parks should manage the bison.

Note also that the management of bison also affects the threatened grizzly bear. The bear feeds on carcasses of ungulates in the spring. Reduction of the bison herd could have deleterious results for grizzly populations facing uncertainwhitebark pine nut crops and the potential loss of native cutthroat trout from Yeelowstone Lake due to the invasion of lake trout. Thus, NEPA and the ESA require full consideration of the impact of bison management on grizzlies. Ultimately management must be appropriate for grizzly survival and recovery int he Yellowstone ecosystem under the ESA.

Oral testimony provided at the Sheraton Palace Hotel, [redacted] on September 23, 1998

Comment No. 15199
Brad Brademeyer
Sierra Club, Black Hills Group

I'm Brad Brademeyer. I'm the chair of the Black Hills Group for the Sierra Club in [redacted]. Two Earth Days ago, I was conservation chair of the South Dakota chapter. I came out here to the Bay to Berkeley with Ernest Callenbach and went around and talked to the people about our vision that was evolving in Western South Dakota about restoring bison to the Great Plains.

A lot of people were coming to the conclusion that the time was now right to return the buffalo to the Great Plains. This was started from the Sierra Club's perspective because the National Forest Service was reviewing eight national grasslands in the northern plains. We have 60 percent of the comments that they received to request restoration of bison as a primary mission in the national grasslands.

We have also been working with the Indian tribes and Sioux tribes in the Western South Dakota, who have come to the same conclusion that the time is now right to restoring bison to the Great Plains. One of the major constraints in doing this is the supply of bison. That's why this slaughter in Yellowstone for a handful of pampered interests of Montana ranchers is so obscene when viewed from the larger public interest. What we consider the major public benefit of the Yellowstone herd is the wild gene pool. That's our primary concern is retaining that wild gene pool.

We don't want to restore shaggy cattle to the great plains. We want bison because bison won't die off by the hundreds of thousands in our blizzards like cattle do. And bison don't need a handholding to calve in springtime like cattle do. Bison are going to be the future of the great plains. I envision a time when ranchers will trade in their livestock for shares of stock. And what I would like to see is the great Sioux bison range restored on millions of acres in western South Dakota and Wyoming. In working with ranchers in the last few years, we have been opposing a billion and a half dollar railroad project which has been coming from the central Wyoming coal fields across South Dakota. We think we are going to stop this railroad. But in working with the Indian tribes, progressive ranchers, and others, and looking at this corridor that they were proposing to build this major railroad, we started thinking about a corridor coming out of Wyoming. How are the bison going to get back to the Great Plains? We are starting to think about now; we need a route for them to walk back to the plains. We don't want them trucked. We don't want them managed. We don't want them vaccinated. We don't want the semen shipped. We want the bison to return.

And this is the kind of things that are now being talked about in western South Dakota, the long-term economic and cultural stability of the region. I think Dances with Wolves was a fluke. This really is an important aspect of the western culture of how we see ourselves as a nation. And it requires wild bison, free-roaming bison, and unmanaged bison. I agree with Ernest Callenbach, the ranchers around Yellowstone should run bison. If they won't do that, they should be bought out. This is not really in the public interest. I think brucellosis is a political disease as seen by the intestines that were left lying around, which were supposedly the vehicle or vector of the disease. I think if anyone looks at the bison cattle issue from the non-disease standpoint, the bison so overwhelmingly are of public benefit that it doesn't really become a question.

Why is this even being discussed? These are really exciting times actually in western South Dakota. A lot of people are coming together. We have this kind of vision of how will people stay on the land? Bison require much less labor especially if it's a kind of national preserve where you are really just getting a share of the stock because at one time your ancestors own land. Now you can have an annuity because of a homesteading pattern that was in the distant past. This is what we were thinking about. I hope the bison become available to help in this restoration.

SIERRA CLUB

Central Florida Group [redacted]

YELL-3659

Bison Management Plan EIS Team
NPS Sarah Bransom DSC-PR
PO Box 25287
Denver, Col 80225-0287

Dear MS. Bransom:
After having spent summer vacation in Yellowstone, and only seeing 2 buffalo, I ask you to:

1) Let the buffalo roam - let bison remain on all public lands within Greater Yellowstone. no restrictions on movement. NO CORRALLING OR CONFINEMENT
2. Vaccinate the cows!
3. Let Wildlife Managers manage the Wildlife. When buffalo leave the park, let Wildlife not livestock agency manage them. Montana Dept. of Fish, Wildlife need to take over jurisdiction of bison.
4. Relocate from private lands only when necessary.
5. Determine ecologically-based carrying capacity for Bison within Yellowstone Ecosystem.

Central Fla. Sierra Club
Mary-Slater Linn
[redacted]

"When we try to pick out anything by itself, we find it hitched to everything else in the universe." John Muir

COLUMBIA GROUP

YELL-11,424 contd.

Carol Porto
Columbia Group, Oregon Chapter
Sierra Club
October 1, 1998

Bison Management Plan EIS Team
NPS- Sarah Branscom DSC-RP
PO Box 25287
Denver Colorado 80225-0237

On behalf of the 5900 members of the Columbia Group Oregon Chapter Sierra Club, I submit these comments of the Draft Environmental Impact Statement Bison Management Plan.

We find the National Parks proposal for the Bison Management Plan a blatant disregard of the public trust. We insist that you

STOP THE SLAUGHTERING

of the last free roaming herd of bison in the United States. This destruction of our national legacy at taxpayer expense due to livestock industrial pressure demonstrates the grossest stewardship of public lands.

NO MORE SLAUGHTER.
Is there a way to make this message any clearer?

Our members are in favor of a bison management plan which is based upon biological science rather than industrial profit. We feel the following issues are required in any management plan for bison in the Greater Yellowstone Ecosystem:

1. Bison should be allowed to roam and remain on ALL public lands in the Greater Yellowstone Ecosystem. No restrictions should be placed on their movement. No corralling nor confinement of bison should be allowed.

2. Cattle should be vaccinated as they are successfully in the Grand Teton National Park. The State of Montana can prevent transmission of brucellosis by cattle vaccination. In over forty years there has not been a confirmed case in the Grand Teton National Park.

SIERRA CLUB

[redacted]

COLUMBIA GROUP

The Montana Department of Fish, Wildlife and Parks should take over jurisdiction of bison management in Montana.

4. Use non-lethal, non-restrictive methods of bison relocation from private lands only if bison threaten human safety or private lands.

5. Determine an ecologically based peer reviewed carrying capacity for bison in the Greater Yellowstone Ecosystem.

This appalling and offensive slaughtering of bison must stop. We seek the protection of the wild and free buffalo herds in this nation.

Carol Porto

Carol Porto
Conservation Chair, Columbia Group
Oregon Chapter, Sierra Club

cc: Mr. Ray Clark CEQ, Office of the President Washington DC
Secretary Bruce Babbitt, US Department of the Interior
Secretary Dan Glickman, USDA
Governor Marc Racicot, Montana
John Paugh, Chairman, Montana Board of Livestock
Mr. Craig Reed, Acting Director APHIS

SIERRA CLUB

[redacted]

YELL 11,018

SIERRA CLUB

Delta Group of the San Francico Bay Chapter [redacted]

BISON MANAGEMENT PLAN EIS TEAM
NPS - SARAH BRANSCOM DSC-RP
P.O. BOX 25287
DENVER, CO 80225-0287

OCTOBER 13, 1998

THE DRAFT INTERAGENCY BISON MANAGEMENT PLAN EIS IS FLAWED AS IT IS BASED ON THE UNSCIENTIFIC FEAR THAT BRUCELLOSIS CAN BE SPREAD FROM BISON TO CATTLE IN A WILD SETTING WHICH HAS NOT BEEN ESTABLISHED. BISON SHOULD BE ALLOWED TO ROAM ON ALL PUBLIC LANDS IN THE GREATER YELLOWSTONE ECOSYSTEM. WHEN THEY LEAVE THE PARK THE MONTANA DEPT. OF FISH, WILDLIFE AND PARKS SHOULD TAKE OVER JURISDICTION OF BISON MANAGEMENT IN MONTANA. IF BISON THREATEN PRIVATE LANDS OR HUMAN SAFETY, REASONABLE NON-LETHAL METHODS CAN BE USED TO REMOVE THE BISON. THE BISON ARE NATIVE SPECIES WHILE THE CATTLE WERE INTRODUCED BY MAN. THE CATTLE SHOULD BE VACCINATED AGAINST THE DISEASE AS IS DONE IN GRAND TETON NATIONAL PARK.

SINCERELY,

TIMOTHY P. JOHNINE
CHAIR, DELTA GROUP OF THE SIERRA CLUB

Oral testimony provided at the Stardust Best Western Motel, [redacted] on August 11, 1998

Comment No. 14877
Doug Nilson
Sierra Club, East Idaho Group

I am Doug Nilson. I live and work in [redacted]. I chair the East Idaho Group of the Sierra Club. I am here to publicly endorse five simple but important points that Sierra Club chapters in the three Yellowstone states have consensual endorsed. My elaboration here on these points will be brief. My written comments will be more extensive.

Pointblank, let the buffalo roam. Bison are wildlife. They should be treated and managed like wildlife. They should have the same freedom of movement in the Yellowstone ecosystem public lands as the deer and the elk have.

Point two, vaccinate the cattle. The efficacy of this approach has been shown convincingly in Grand Teton National Park where bison and cattle have peacefully coexisted for many years and they have coexisted without a single case of bison to cattle brucellosis transmission.

Point three, wildlife managers should manage wildlife. The factual and value premises of Montana's Fish, Wildlife and Parks Department are much more appropriate bases for the management of bison than that state's Department of Livestock. DOL is a captive agency. Any time cattlemen express even the vaguest hint of a fear of brucellosis, buffalo seem to die.

Point four, remove bison from private lands only when necessary. I guess my further point here is that all of the agencies involved and private groups as well should show a lot of imagination in ensuring private landowners that it's in their interest as well as in the general public interest to provide winter range and indeed safe haven for buffalo that leave the Park. We have some experience with a number of kinds of incentives to help bring this about. Let's use them and improve them.

Point five, allow scientists with sophisticated methods and models to determine Greater Yellowstone's bison carrying capacity; avoid any premature setting of population target figures, especially very modest target figures. These studies can and should incorporate such ecologically critical data as effective size of bison herd on such nationally important goals as wolf and grizzly recovery. In the written extension of my remarks I'll discuss interesting new evidence about the importance of bison to grizzly bears.

I am going to shift gears here and make what I think is an important point about regional and national priorities that is not well addressed in the DEIS at all. I am looking at priorities here as the function of the importance of the goal times, multiplied by, the severity of the threat. How big a goal should brucellosis eradication be as a national or regional priority?

Let's concede that the goal is of some importance, is of medium importance. But empirical evidence suggests that the threat is only a tiny one. The goal times the threat here can be represented by this small ball (indicating), the goal times the threat. Now, how important is a healthy buffalo herd to the average Idahoan, Montanan, American? This goal is a very important one to millions of Americans. How serious is this threat to this American value? The threat to the viability of the bison remains high in every one of the alternatives presented in the agency's flawed DEIS.

So if we multiply goal importance here by threat severity here, we get a public priority of about the size of this ball (indicating).
I suggest that an acceptable analysis of the critical bison issue requires a careful thinking through of the relative priorities of bison health and brucellosis prevention. Not to do so leads to the troubling distortions that I find in this document.

Figure this: Why in the world would policy makers be so fixated on this priority (indicating) and from my point of view a little bit too cavalier about this one (indicating). I will leave that an open question. Thanks for your attention.

Oral testimony provided at the Gardiner School, [redacted] *July 29, 1998.*

Comment No. 15172
Sherman H. Janke
Sierra Club, Montana Chapter

Thank you. For the record, my name is Sherman Janke. I'm a resident of [redacted]. I'm here speaking on behalf of the Montana chapter of the Sierra Club, in which capacity I serve as the volunteer chairperson for that chapter.

Mr. Chairman, we would like to submit some written comments later on, but today I'll confine myself to some oral comments and indicate in more detail what the written comments are.

I have to say we're in disagreement with the government's plan. We assert that any acceptable bison plan ought to incorporate five elements, which I will elaborate on here.

First is let the buffalo roam. Bison should be allowed to roam on the public lands in the greater Yellowstone ecosystem. As long as they remain on public lands, no restrictions should be placed on their movement. The Sierra Club opposes confinement and corralling of Yellowstone bison on public lands.

The second point that we'd like to assert is to vaccinate the cattle. It's common knowledge there's never been a confirmed case of brucellosis from bison to cattle. In Grand Teton National Park, bison and cattle have inhabited the same lands for over 40 years. Those cattle were vaccinated against the disease. If Montana follows this plan of cattle vaccination, it is reasonable to expect similar results, i.e., no transmission of brucellosis and no need to control bison movement on public lands, again, speaking to the first plan.

The third point we'd like to emphasize is let wildlife managers manage the wildlife. The bison of Yellowstone are currently the only wild, free-roaming herd in the United States. When they leave the park, they should be managed by a wildlife agency, not a livestock agency. The Montana Department of Fish, Wildlife, and Parks should take over jurisdiction of wildlife management in Montana.

Fourth, relocate bison from private lands only when necessary. I'm sure there's going to be some differences of opinion as to what necessary means. However, if bison threaten private lands or human safety, we believe it is reasonable to adopt non-lethal methods of removing that threat, and we would accept hazing. We would accept translocating bison to other public lands areas and maybe a couple other options, but we emphasize non-lethal.

The fifth point is the most difficult one, to determine an ecological-based carrying capacity of the greater Yellowstone ecosystem. Again, we recognize that is going to be difficult, because there's going to be a correlation between the bison carrying capacity and that of the elk. So this is going to be a tough one, but we think it has to be done to the best of scientific ability. Bison should be allowed to roam freely on the public lands in the greater Yellowstone ecosystem unless a scientifically based, peer-reviewed carrying capacity for bison in the greater Yellowstone ecosystem has been established.

Bison movement and resources utilized outside of the park should be studied to help in determining this carrying capacity. The results should be incorporated into the final determination of carrying capacity. Until such a carrying capacity is established, no population control methods should be implemented.

Thank you. Again, we will submit more detailed comments, but we appreciate the opportunity to present testimony.

Oral testimony provided at Yellowstone Conference Hotel, [redacted] on August 13, 1998

Comment No. 14956
Drusha L. Mayhue
Sierra Club - Montana, Idaho, and Wyoming Chapters

My name is Drusha Mayhue, and I'm here representing the Montana, Idaho, and Wyoming Chapters of the Sierra Club. It's a group of about 6,000 people or so. And I just want to say that the Sierra Club is absolutely opposed to all management alternatives proposed by the National Park Service in their Draft Environmental Impact Statement. We advocate responsible bison management based on biological science, not political science.

Let's look at the facts. The number of cows we're talking about on this land is 1889 cows that are using the land, public and private, around the park. We do not need anymore expensive government programs to, to pay off these welfare ranchers at the expense of our last free-ranging herd of bison.

Any management plan for the bison should include the 12 following points: Let the buffalo roam. Bison should be allowed to roam on all public lands in the Greater Yellowstone Ecosystem. Bison should be allowed to remain on all public lands within the Greater Yellowstone Ecosystem and no restrictions should be placed on their movement. Bison should not be corralled or confined for any purpose.

Vaccinate the cattle. There has never been a confirmed case of the transmission of brucellosis from bison to cattle. In the Grand Teton National Park, bison and cattle have inhabited the same lands for over 40 years. These cattle have been vaccinated against the disease. If Montana follows this plan of cattle vaccination, it is reasonable to expect similar results: no transmission of brucellosis and no need to control bison movement on public lands.

Three, let wildlife managers manage the wildlife. The bison of Yellowstone are part of the only remaining wild, free-roaming herd in the United States. When they leave the park, they should be managed by a wildlife agency, not a livestock agency. The Montana Department of Fish, Wildlife & Parks should take over jurisdiction of bison management in Montana.

Relocate the bison from private lands only where necessary. If bison threaten private lands or human safety, it is reasonable to adopt non-lethal, non-restrictive methods of removal.

And five, determine an ecologically based carrying capacity for bison within the Greater Yellowstone Ecosystem. Bison should be allowed to roam freely on the public lands of the Greater Yellowstone Ecosystem until an ecologically based, peer reviewed carrying capacity for bison in the Greater Yellowstone Ecosystem has been established.

Bison movement and resource utilization outside the park over the next ten years should be studied to determine this carrying capacity and the results should be incorporated into the final determination of carrying capacity. Until such a carrying capacity is established, no population control methods should be implemented.

Thank you all.

YELL-10,156

Mount Evans Group
of the
Sierra Club
[redacted]

Bison Management Plan EIS Team
NPS -Sarah Branscom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Oct. 7, 1998

Dear Bison Management Team,

I am writing on behalf of the Mt. Evan's group of the Sierra Club to express our opposition to the management alternative proposed by the National Park Service in their Draft Environmental Impact Statement (DEIS). We advocate responsible bison management, based on biological science not political science. Any plan for the management of bison should include the following points:

1. Let the Buffalo Roam:
Bison should be allowed to roam all the public lands in the Greater Yellowstone Ecosystem. Bison should be allowed to remain on all public lands within the Greater Yellowstone Ecosystem and no restrictions should be placed on their movement. Bison should not be corralled or confined for any purpose.

2. Vaccinate the Cattle:
There has never been a confirmed case of the transmission of brucellosis from bison to cattle. In Grand Teton National Park, bison and cattle have inhabited the same lands for over 40 years. Those cattle were vaccinated against the disease. If Montana follows this plan of cattle vaccination, it is reasonable to expect similar results: no transmission of brucellosis and no need to control bison movement on public lands.

3. Let Wildlife Managers Manage the Wildlife:
The bison of Yellowstone are part of the only remaining wild, free roaming herd in the US. When they leave the Park, they should be managed by a wildlife agency, not a livestock agency. The Montana Department of Fish, Wildlife and Parks should take over jurisdiction of bison management in Montana.

4. Relocate Bison from Private Lands Only When Necessary:
If bison threaten private lands or human safety, it is reasonable to adopt non-lethal, non-restrictive methods of removal.

5. Determine an Ecologically Based Carrying Capacity for Bison within the Greater Yellowstone Ecosystem: Bison should be allowed to roam freely on the public lands of the Greater Yellowstone Ecosystem, until an ecologically based, peer-reviewed carrying capacity for bison in the Greater Yellowstone Ecosystem has been established.

Bison should be protected not persecuted. Please do not implement the proposed bison management policies.

Sincerely,
Michele C. Loewe
Wildlife Chairperson
[redacted]

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Sierra Club
NORTH STAR CHAPTER

[redacted]

YELL-15843

October 6, 1998

Bison Management Plan EIS Team
NPS - Sarah Bransom DSC-RP
P.O. Box 25287
Denver, Colorado 80225-0287

Dear Ms. Bransom & EIS Team members:

I am pleased to submit for inclusion in the public record comments on the Bison Management Plan Draft Environmental Impact Statement (DEIS) on behalf of the over 13,000 members of the North Star Chapter of the Sierra Club. The North Star Chapter encompasses all Sierra Club members living in the state of [redacted] [redacted] is a state where bison once roamed freely, and we have seen our share of slaughter of those animals most symbolic of our nation and the wilderness that once stretched from the Atlantic to the Pacific: bison, wolves, eagles. I can assure you, the management of the Yellowstone Bison herd is a matter of great concern to our members.

General Comments:

While we appreciate the work of the team in giving serious consideration to the management of the Yellowstone Bison herd, we must state firmly and unequivocally that we oppose all of the alternatives proposed by the National Park Service (NPS) in their DEIS, including the preferred alternative. We are extremely disappointed that the NPS had neither the vision nor courage to propose even one alternative that placed survival and protection of the Yellowstone bison herd above, or even on an equal footing with, the economic interests of local ranchers. Their failure to do so flies in the face of reason and justice, and is not worthy of an organization with such a proud history and high calling.

The slaughter of over 1,100 bison on the threshold of our nation's first National Park during the winter of 1996-1997 is a stain on the honor of the Park Service that will take decades to wash away, if that is even possible. Continued capture, killing and selling of bison simply looking for winter forage outside of Yellowstone is intolerable and our members resent deeply the idea of being made accomplices to this by paying taxes toward the more than $1 million annual price tag for this slaughter. Moreover, the capture, quarantine, testing, and vaccination of the herd, particularly when they are already under the stress of winter, defies logic when such activities are much easier to accomplish with the domestic livestock these actions are intended to protect.

printed on recycled paper

YELL-15843 contd.

The lands upon which the bison roam are, by and large, public lands upon which domestic livestock are the "tenants" which the American public tolerates to intrude upon the natural order. It is difficult for our members to understand the bias shown by the NPS in favoring these "tenant" livestock over the native bison, unless it is based on purely crass monetary and political influences. This is a truly sad commentary on our government in general, and the Park Service in particular.

The Yellowstone Bison herd is not the property of the NPS. In fact, the herd does not, in the common use of the word, "belong" to the people of the United States. It is a unique and magnificent part of our heritage and a fundamental component of the legacy we will leave to future generations. This honor and heavy burden of guardianship has been placed upon us, and we are failing.

We urge you, in the strongest terms possible, to revise the Preferred Alternative to give priority to the interests and survival of the Yellowstone bison. Give our nation the chance to be worthy of the honor and burden of our heritage. Do not make the citizens of this nation partners in a shameful decision that future generations will look upon with anger and disgust.

Specific Comments:

We urge that the NPS revise the Preferred Alternative to be a plan for protecting the Yellowstone Bison herd. Such a plan should be based on biological science, not monied self-interest and pressure politics, and should include the following:

1. Bison should be allowed to roam on all public lands in the Greater Yellowstone Ecosystem. No restrictions should be placed on their movement; they should not be corralled or confined for any purpose.

2. Livestock, not bison, should be vaccinated. There has never been a confirmed case of the transmission of *brucellosis* from bison to cattle. Moreover, the plan does not explain why Greater Yellowstone's free-roaming elk herd, numbering over 100,000 and also carrying *brucellosis*, is not similarly targeted. In Grand Teton National Park, bison and cattle have inhabited the same lands for over 40 years. Those cattle were vaccinated against the disease (as are nearly all cattle east of the Rockies!). If Montana follows the same plan of cattle vaccination, it is reasonable to expect similar results: no transmission of *brucellosis*, and no need to control bison movement on public lands.

3. Incentives should be developed to encourage private land-owners to change their grazing practices in ways that reduce contact between cattle and bison. Where landowners are interested in selling their property or offering conservation easements to accomodate bison, state and federal agencies should work with the landowners to achieve these goals.

4. Wildlife managers, not agricultural agents, should manage the herd when it leaves the park. The bison of Yellowstone are part of the only remaining wild, free-roaming herd in the United States. As such, they merit sufficient care and respect from our governmental agencies that, at a minimum, they be managed by trained wildlife specialists. When they leave the park, they should be managed by federal or state wildlife management agents, not agricultural or livestock agents with no scientific training in wildlife management.

5. Relocation of bison from private lands should occur only when the bison threaten those lands, human safety, or property. It should be accomplished using the least-restrictive, non-lethal means available. Priority should be given to relocating the bison to Native American reservations and other public lands.

6. No population control methods should be implemented until an ecologically-based, peer-reviewed carrying capacity has been determined for bison within the Greater Yellowstone Ecosystem. Bison movement and resource utilization outside of the park over the next 10 years should be studied to determine this carrying capacity, and the results should be incorporated into the final determination of carrying capacity. It also will be critical to incorporate into this evaluation the impact of recent wolf reintroductions and expansion, and their role as a primary predator on the bison herd. Until such a carrying capacity is established, the bison should be allowed to roam freely on the public lands of the Greater Yellowstone Ecosystem, without any efforts to control or limit their population.

Thank you for your consideration of our comments. We look forward to the issuance of the Final EIS.

Sincerely,

Ginny Yingling
State Director

cc: Vice President Albert Gore
Senator Paul Wellstone
Representative Bruce Vento
Representative Bill Luther
Representative Jim Ramstad
Representative David Minge
Representative Martin Sabo

YELL-9825

Placer Group Sierra Club
[redacted]

October 8, 1998

Ms. Sarah Bransom DSC-RP
Bison Management Team
National Park Service
P.O. Box 25287
Denver, CO 80225-0287

Re: Yellowstone EIS on Bison

Dear Ms. Bransom:

On behalf of the Placer Group Sierra Club, I would like to offer the following comments on the EIS for Yellowstone bison:

Flaws in the Government's Preferred Alternative:

Our club **strongly discourages the adoption of the Park Service's and the State of Montana's Preferred Alternative** for Yellowstone bison for the following reasons:

1. All of the great strides which have been made in the recovery of the American Bison should not be for naught. After recovery from the brink of extinction, the species certainly **deserves to be wild and free-roaming.** The government's plan does not call for this.
2. The basic premise and logic of the government's plan is flawed--although the bison are the wild animals, the DEIS emphasizes **their** management, rather than the **management of the domestic cattle.** A specific example of this is the plan's proposal to subject the wild animals, instead of the domestic cattle, to vaccinations against brucellosis. This plan has no scientific basis, since there has never been a documented case of the transfer of brucellosis from buffalo to cattle on the free range.
3. The government's plan calls for the Montana Department of Livestock to make management decisions for the buffalo, although the **buffalo are not livestock.**
4. The plan calls for the **slaughter and sport hunting of the buffalo**--this is an inhumane solution, since buffalo have little fear of humans. It is also makes no sense, since our country has worked hard on conservation of the species. How can we now be talking of destroying them?

Endorsement of Citizens' Plan

Instead, the Placer Group Sierra Club **endorses the Citizens' Plan to Save Yellowstone Buffalo** for the following reasons:

1. **"Excess" buffalo would be relocated to Indian reservations.** This would serve the dual purpose of saving the bison's lives, as well as uplift the spirit of Native Americans which suffered dramatically when the white man decided that decimating buffalo herds was the way to conquer Indian nations.
2. The Citizens Plan would set aside a special management area outside the park for forage areas during harsh winters.
3. It calls for **wild**life professionals to manage the buffalo, which are **WILD,** instead of the State of Montana's **Department of Livestock,** which manages **livestock.**
4. It calls for the **vaccination of cattle,** not of wild buffalo.

The Citizens Plan is the logical choice for the management of the Yellowstone Buffalo. **If the American bison is not allowed to roam freely, it will be another tremendous blow not only to the species itself and the Native American spirit, but to every American who appreciates liberty for himself and the creatures of the earth. Please do not adopt your Preferred Alternative.**

Please put our group on your notification list for this important plan. Thank you for your consideration.

Very truly yours,

C. French-Tritel

Cathie Tritel
Conservation Chair

PUBLIC HEARING

YELL-15726

Thank you for attending the Public Hearing for the *Draft Environment Impact Statement for the Interagency Bison Management Plan.* We appreciate your participation. Please use this form to record your comments. If you believe that we have missed an important issue, or need more information to fully assess the impacts, we welcome your written comments. Please be as specific as possible and include your rationale for the suggested changes. Feel free to make additional comments on separate sheets of paper and enclose them with this postage paid form. When you have finished fold along the dotted line so that the business reply address is on the outside, tape closed (no staples please), and mail. Your comments must be received by **October 16, 1998**. Thank you for your interest in the EIS.

As the Conservation Chair of the Rocky Mtn. Chapter of the Sierra Club (State of [redacted]), I would like to express my organizations opinion on the Bison Management Plan. I have also visited the Yellowstone backcountry for several years as a former employee of the U.S. Geological Survey and had a number of interactions with bison during those field trips. The Sierra Club's view is

1). All managent alternatives do not meet our criteria for what we regard as "scientifically-based" wildlife management; instead, political influences (particularly local political influences) are too prevalent.

2). Our central premise is that bison are migratory animals that should be allowed to adopt that instinctfully, at least on public lands in and around Yellowstone. There should be no distinction between elk and bison in that respect.

3). The brucellosis issue is either scientifically so weak it should be ignored, or dealt with to please local stockgrowers by vaccinating the livestock, instead of culling bison.

4). Bison numbers, if controlled at all, should be controlled by first determining, in a scientifically viable way, what sort of bison numbers are supportable by Yellowstone and the Greater Yellowstone Ecosystem and aiming for those numbers. The numbers should assume migration

5). If bison need to be removed from private lands in the Greater Yellowstone Ecosystem, that removal should be by non-lethal means if possible. The same should be true for "problem bison", i.e. the equivalent of "problem bears" (if such animals exist).

6). When bison management must be done outside the Park, we believe it should be done by agencies without a bias in favor of lethal means. As in Colorado, the local Dept. of Agriculture have such a bias and so should not have control of the program.

The bison in Yellowstone are today well known to millions of Americans who visit the Park and occasionally, but are impressed by the incredible (and visible) wildlife resource there. It should not be a matter unduly influenced (in our opinion) by a relative handfull of nearby ranchers and agency officials. Thanks for your consideration of these comments.

Ruth Cunningham

SIERRA CLUB · SANTA LUCIA CHAPTER

[redacted]

YELL-5432

September 19, 1998

Bison Management Plan EIS Team
National Park Service
Sarah Bransom DSC-RP
PO Box 25287
Denver, CO 80225-9901

Dear Ms. Bransom,

Last winter, I read with horror the newspaper accounts of the slaughter of 1100 bison in Yellowstone National Park. This action was absolutely unconscionable, in my opinion. The wholesale slaughter of wildlife on such a scale would be abhorrent to me under any circumstances, but particularly in the case of an animal as magnificent as the buffalo that we fought so hard to bring back from the brink of extinction. It is my understanding that the size of the herd has plummeted from 4000 head in 1996 to about 2200 today. And for what purpose? Ostensibly, this is being done to protect about 2,000 cattle located on national forest land surrounding the park from contracting the disease brucellosis – cattle that bring a whopping $4,200 of annual income to the Forest Service thanks to federal grazing subsidies (sometimes referred to as "cowboy welfare"). But there has not been a single case of cattle becoming infected by brucellosis from buffalo. Moreover, the only way the disease *could* be transmitted would be for cattle to come in contact with the afterbirth from a buffalo calving. Yet this did not prevent the indiscriminate killing of bulls and calves when they strayed out of the park during a season when bison aren't even calving (bison calve in spring). One also has to wonder why there is no concern about the 100,000 elk that roam the park freely and also carry the disease, if it really posed such a threat. It couldn't have anything to do with the amount of revenue they generate in hunting licenses, could it?

I had thought that the Environmental Impact Statement (EIS) recently undertaken by the National Park Service (NPS) might offer some reasonable solutions. In reviewing it, however, I find that I can't be enthused about any of the alternatives proposed as they all involve continuation of the slaughter to greater or lesser degrees. I would argue that the funding that would be spent on such "management programs" would be better spent funding research for an effective vaccination and treatment program and either eliminating the grazing leases or letting ranchers graze at their own risk. I support the Citizen's Plan to Save Yellowstone Buffalo and urge the NPS to go back to the drawing board.

Sincerely yours,

Holly Sletteland
Conservation Chair, Santa Lucia Chapter
Sierra Club

Oral testimony provided at the Holiday Inn South, [redacted] on September 29, 1998

Comment No. 15094
Barbara Loe
Sierra Club, Texas Lone Star Chapter

Hi. Good afternoon. My name is Barbara Loe. I'm the conservation chair of the Lone Star Chapter of the Sierra Club in [redacted]. I'm here to present the oral comments for the Lone Star Chapter of the Sierra Club concerning the interagency plan to manage the bison at Yellowstone National Park.

The Lone Star Chapter has 20,000 members in the state of [redacted]. Many of our members have spent time and money in Yellowstone National Park viewing the wildlife, and many, like myself, have never been there, but hope to go someday to see a wild herd of free roaming buffalo. The Lone Star Chapter is absolutely opposed to all management alternatives set forth in the Draft EIS. The Lone Star Chapter stands in agreement with other Sierrans and citizens around the country who support the management guidelines proposed in the Citizens' Plan, the National Wildlife Federation InterTribal Bison Cooperative Plan.

We advocate responsible bison management based on biological science, not political science or highly questionable and unproven veterinary science. The Sierra Club strongly objects to the senseless slaughter of bison that has taken place in the past and would continue to take place under the proposed alternative. The continued killing of healthy buffalo is unconscionable and really needs to stop.

The members of the Sierra Club in [redacted] strongly believe that bison should be able to roam freely on public lands outside the park boundary. Cattle should be taken off the public lands during the time the bison are present if the ranchers in the area feel they are threatened by the presence of bison.

Sierrans in [redacted] want to see our public lands managed for public wildlife, not managed for private livestock profit at taxpayer expense.

Given a choice between a wild, free roaming herd of buffalo or 2,000 cattle, [redacted] Sierrans and citizens all across the nation will choose the bison. Make no mistake about this. The public feels very strongly about the protection of their wildlife.

The bison should be managed by wildlife managers, not the Montana Livestock Agency when they move into Montana and off of public land Buffalo are not livestock. They should be managed by the Montana Department of Fish, Wildlife and Parks in these instances. The Sierra Club in [redacted] would like to see further research to determine the carrying capacity of the park along with the surrounding public lands in the Yellowstone ecosystem. We support the acquisition of additional public lands around the park to support the bison herd and other wildlife. And we support the relocation of buffalo in excess of the determined carrying capacity of the public lands in the Yellowstone ecosystem to tribal lands.

In closing, the Lone Star Chapter of the Sierra Club of [redacted] supports the common sense solutions set forth in the Citizens' Plan and strongly encourages the National Parks Service to adopt that plan as our management tool for Yellowstone bison. Thank you for the opportunity to speak.

146.187.19.97

YELL - 13036

Monday, July 20, 1998 - 13:19:52 pm EST
a lastname: Lindholdt
b firstname: Prof. Paul
c organization: Eastern Washington University
comments: I am writing on behalf of some 1,400 members of the Upper Columbia River group of Sierra Club, which I lead, besides the rotating membership of the Student Environmental Club at Eastern Washington University, which I advise. We support Alternative B among the bison management plans.

[redacted]

Oral testimony provided at the Virginian Convention Center, [redacted] *on August 10, 1998*

Comment No. 15130
Page McNeill
Sierra Club, Wyoming Chapter

I'm Page McNeill. I'm speaking today on behalf of the Wyoming chapter of the Sierra Club. And I also thank the park and whoever set this up that we could have public speakers today. I don't know about the rest of you, but I'm kind of tired of those other meetings where you just get to go around to the stations. I like to talk to the public.

And I would like to say there's just two words to best describe this plan. It stinks. But since I have the time to say more, I will.

The draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park offers seven alternatives for the long-term management of the Yellowstone herds. Not a single alternative provides a sensible, scientifically sound, humane, and nonpolitical strategy for bison management.

Your plan protects livestock interests above wildlife interests. Your plan would capture, test, vaccinate, quarantine, sell, and kill bison seeking winter forage near or outside the park boundaries. It could establish a public hunt for animals that have no fear of humans. It proposes to establish extensive bison quarantine facilities which will imprison wild animals from one to four years. Your proposed plan would cost taxpayers more than one million each year. We feel Yellowstone's bison must be protected, not persecuted.

The Wyoming chapter of the Sierra Club is absolutely opposed to all management alternatives proposed in this draft Environmental Impact Statement. We advocate responsible bison management based on biological science and not political science.

Any plan for the management of bison should include the following points: One, let the buffalo roam. Bison should be allowed to roam on all public land in the greater Yellowstone ecosystem. Bison should be allowed to remain on all public lands within the GYE, and no restriction should be placed on their movement. Bison should not be corralled or confined for any purpose.

Vaccinate the cattle. There has never been a confirmed case of the transmission of brucellosis from bison to cattle in the wild. In Grand Teton National Park, bison and cattle have inhabited the same lands for over 40 years. Those cattle were vaccinated against the disease. If Montana follows this plan of cattle vaccination, it is reasonable to expect similar results; no transmission of brucellosis, and no need to control bison movement on our public lands.

Three, let wildlife managers manage the wildlife. The bison of Yellowstone are part of the only remaining wild, free-roaming herd in the United States. When they leave the park, they should be managed by wildlife agency professionals. The Montana Department of Fish, Wildlife, and Parks should take over jurisdiction of bison management in Montana.

15130 contd.

Four, relocate bison from private lands only where necessary. If bison threaten private lands or human safety, it is reasonable to adopt nonlethal, nonrestrictive methods of removal.

And, five, determine an ecologically based carrying capacity for bison within the GYE. Bison should be allowed to roam freely on the public lands of the GYE until an ecologically-based, peer-reviewed carrying capacity for bison in the greater Yellowstone ecosystem has been established. Bison movement and resource utilization outside of the park over the next ten years should be studied to determine this carrying capacity, and the results should be incorporated into the final determination of the carrying capacity. Until such a carrying capacity is established, no population control method should be implemented.

The Sierra Club and our chapter will submit further written comments later on in the proceedings.

YELL-15890

October 30, 1998

Bison Management Plan EIS Team
NPS – Sarah Branscom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

RE: Draft Environmental Impact Statement for the Interagency Bison Management Plan for State of Montana and Yellowstone National Park

Dear Ms. Branscom;

Please accept the following comments on behalf of the Yellowstone Ecosystem Task Force (YETF) of the Sierra Club. YETF is a committee formed by the Northern Rockies, Montana and Wyoming Chapters of the Sierra Club. The national organization of the Sierra Club has 600,000 members that enjoy our public lands and expect balanced management from our public land's agencies and managers. Our goal is to help ensure protection of watersheds, biodiversity, air and water quality, and ecosystem viability. Through the YETF, we are committed to the biodiversity and viability of the Greater Yellowstone Ecosystem.

The Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park (DEIS) examines seven alternatives for minimizing the risk of transmitting brucellosis from bison to domestic cattle on public and private lands surrounding Yellowstone National Park. The DEIS is flawed in that it has ignored scientific fact (there is no documented or confirmed case of transmission of this disease from bison to domestic cattle in the wild), and has placed the burden and cost of management of a livestock problem on the backs of federal and state agencies, and therefore, the taxpayer. The DEIS fails to provide a scientifically or economically based solution to protect Yellowstone's bison or Montana's cattle. It wastes federal tax dollars while allowing capture, testing, vaccination, quarantine, selling, and killing of bison seeking winter forage on public lands outside of Yellowstone National Park.

YELL-15890 contd.

In the opening paragraph of the DEIS, it states, " Bison are an essential component of Yellowstone National Park because they contribute to the biological, ecological, cultural, and aesthetic purposes of the park." Kerry Gunther, Yellowstone Park Service Biologist, and Mark Haroldson, Interagency Grizzly Study Team member, stated in a letter to the team developing the DEIS that, "ungulate meat may become even more important to the nutritional well being of the Yellowstone grizzly bears in the future, due to the loss of bear habitat on private land as well as the potential loss of white bark pine seeds and cutthroat trout, two important high quality food sources." Gunther and Haroldson continued in their letter that, "due to the importance of ungulate meat to the nutritional well-being of grizzly bears in the northern, western, and central portions of Yellowstone Park, we believe that bison management alternatives that significantly reduce the bison population may have a negative impact on grizzly bears in these areas. Thus, all of the proposed alternatives with the possible exception of Alternative Two, may have short term negative impacts on some grizzly bears by reducing the number of bison carcasses available for bears to scavenge." Until an ecologically based, peer-reviewed carrying capacity for bison in the Greater Yellowstone Ecosystem is established, the DEIS is once again flawed in advocating "the use of lethal controls to manage bison is minimized as population size approaches 1,700 animals." In light of the above comments, we question how the 1,700 animal level was determined and whether this is an appropriate population minimum amount given the importance of bison and a healthy predator (grizzly bear and wolf) population.

The stated purpose of the DEIS is, "to maintain a wild, free-ranging population of bison and address the risk of brucellosis transmission to protect the economic interest and viability of the livestock industry in the state of Montana." This implies that a threat exists in the entire state when in fact if a threat exists, it is only to the small cattle population currently found adjacent to Yellowstone Park. We agree with the goal of maintaining a free-ranging population of bison. We do not agree with the proposed method of protecting the livestock industry in Montana through the capture, testing, vaccinating, or killing of bison. In Teton County, Wyoming, south of Yellowstone National Park, local ranchers have dealt with the brucellosis issue sensibly for decades. Cattle here have been vaccinated for brucellosis, with an existing vaccine, for over 30 years. No outbreak of brucellosis in cattle has ever been reported here, despite the fact that bison, elk and cattle have been sharing the same habitat for decades. To further prove the efficacy of this vaccination approach, the State of Wyoming has now embarked on a program of testing cattle in the northwest part of the state for brucellosis. In the last year, 40,000 cattle have been tested for brucellosis. Not a single one tested positive for brucellosis. There is no rational reason to suppose that bison pose any greater threat to cattle (in terms of transmission of brucellosis) than do other wildlife (such as elk). We already know that elk carry the disease. As stated in a recent scientific study of the National Research Council, the eradication of the disease in wildlife should not and cannot be a realistic goal. All of the alternatives assume vaccination of bison calves and captured adult bison when a safe and effective vaccine is available. Will elk be next? The goal should be the control of the disease in cattle. This is something that can be quite easily accomplished with existing vaccine. In the summary of the DEIS, it states that, "grazed cattle to the north and west of Yellowstone that could be directly affected

are estimated to total about 2,019 cow-calf pairs. They comprise less than 4% of the cattle population of Gallatin and Park Counties." It also states two paragraphs later, "The cost of vaccinating and testing is relatively minor, estimated at about 2% of average yearly cow-calf production costs in the western United States." The DEIS is advocating a plan that would cost the taxpayer somewhere between $1 million and $3 million per year, along with shared costs (estimated at $29.1 million to $44.1 million over the life of the plan). We advocate vaccinating the 2,019 cow-calf pairs that are directly affected at a cost of less than $10,000 in year one, and less in succeeding years since only newborn, female calves would have to be vaccinated. If one were to include the entire state of Montana, the cost of testing and vaccinating cattle would rise. However, as stated on page 17 of the summary, "The possibility of such transmission and associated indirect impacts would be considered remote in all alternatives."

All seven alternatives have common features. Listed below are those features with our response to each feature.

1. All alternatives require the cooperation of the state of Montana, the U.S. Forest Service, the National Park Service, and the Animal and Plant Health Inspection Service.

We agree with this statement in principle that agencies involved need to work in cooperation. However, we request that these government agencies base their work on biological science and not political science. We strongly believe that the State of Montana should pass the necessary laws to require that its wildlife agency, the Montana Department of Fish, Wildlife and Parks, have primary state agency jurisdiction over bison leaving Yellowstone National Park. It is this agency that is best equipped to manage wild animals, especially bison. The Montana Department of Livestock should not have jurisdiction over bison in the wild. They have proven that they give highest priority to protection of cattle, with no serious consideration given to bison protection.

2. Every alternative envisions the bison population would be managed primarily through natural processes inside Yellowstone Park.

We agree with this statement in principle. However, we request that this statement be expanded to include areas outside of the Park with management of bison through natural processes to be conducted by wildlife professionals in the U.S. Forest Service and the Montana Department of Fish, Wildlife and Parks. At no time should bison management be put into the hands of an agency whose main purpose is the management, health and inspection of livestock.

3. In all alternatives (except alternative 5 in the short term), the use of lethal controls to manage bison is minimized as the population size approaches 1,700 animals.

This statement is flawed. The DEIS does not contain adequate data concerning the ecologically based carrying capacity of bison within the Greater Yellowstone Ecosystem. Until this is established, we feel that the alternatives are putting at risk the predator population in Yellowstone by establishing a maximum population range for bison. As

stated above, the impact on grizzly bears, wolves and other predators and scavengers must be included in determining any population maximum.

4. All alternatives include large geographic areas where bison are able to range with little human intervention. In alternative 5, this area is limited to Yellowstone National Park.

Bison are a migrating animal and should be allowed to migrate. Limiting them to Yellowstone National Park is not realistic. As long as they are on public lands, leave them alone. If they wander onto private lands and the landowner requests them to be moved, we favor the use of hazing and/or other non-lethal, non-restrictive methods of removal. Until an ecologically based carrying capacity for bison is established and agreed upon through scientific methods and peer-review process, bison must be allowed to roam freely in a natural migration. The Park Service needs to establish the effects of winter grooming of snowmobile trails on the migration patterns of bison.

5. Monitoring is an integral part of every alternative, especially as bison approach designated border areas in Montana.

Bison should not be managed like domestic livestock. By establishing border areas, the DEIS is once again limiting the bison and potential migration routes on public lands. You have only moved the borders beyond Yellowstone National Park. Do we establish borders for elk, coyotes, grizzly bears, etc. NO!!! Why does the DEIS, in each alternative, seek to control the movements of bison? Let the buffalo roam! If a landowner has a problem with bison in Montana, let the wildlife professionals of the Montana Department of Fish, Wildlife and Parks be responsible for removing the bison through the use of non-lethal, non-restrictive methods.

6. All alternatives define a management boundary beyond which agencies would take action to ensure bison do not remain.

Again, why should the agencies restrict the movement of bison? A least expensive alternative is to vaccinate cattle and allow the bison to migrate naturally. It should make no difference whether the bison are inside the Park boundaries or in the National Forest. As far as private land, the owner should be given the opportunity to request that bison be moved in a non-lethal, non-restrictive method.

7. If a capture facility is sited as part of an alternative, it would meet certain environmental criteria and comply with requirements of the Endangered Species Act and the National Historic Preservation Act before construction began.

This is a nice statement and shows concern for the bison and those of us who want to see the bison protected. But construction of a capture facility is a waste of taxpayer's money and is not needed. Bison are wild animals. The Park Service warns us about this every time we go into Yellowstone National Park. As wild animals, they should be treated as wild animals. A capture facility is only used to remove bison from the wild.

8. All alternatives include the humane treatment of bison held in capture or quarantine facilities.

No capture facility is needed. The most humane treatment of bison is to let them roam.

9. All alternatives except alternative 5 allow bison outside the park. To do so and not to affect Montana's class-free status, special management areas (SMAs) would be created. The creation of these SMAs would not require changes to current APHIS regulations, but would require the approval of the state of Montana as specified by Montana law.

Again, SMAs restrict the movement of bison under each alternative. The majority of lands in each SMA are either National Forest or Wilderness Areas. The creation of SMAs is not needed in these areas. A change in grazing permits, whether through elimination, to steer only operations, or restricted time access could be used to separate cattle and bison. To work with Montana in helping to vaccinate cattle would be a least expensive alternative and would not require the purchase of private land inside the SMAs for only bison management. If the U.S. Government or the State of Montana want to purchase additional land surrounding Yellowstone Park to provide open space for future generations, land for winter grazing for bison, and for the betterment of ecological diversity, we are in favor of such a purchase. We support the purchase of the Royal Teton Ranch using Land and Water Conservation Fund monies.

10. Slaughtered bison could be auctioned or distributed to social service organizations. Bison shot in the field may be released to tribes. Live bison would be available if they had completed the approved quarantine protocol.

We are against the capture, slaughter, or quarantine of bison. However, we would support working with tribes (Native Americans) in protecting the bison and providing additional range on tribal lands.

11. In Montana, private landowners may shoot bison on their land with permission from the Department of Livestock, or they may ask the Department to remove bison.

The Department of Livestock should <u>not</u> be involved with a wild animal, bison. Their role should be confined to domestic livestock. Montana private landowners should not be allowed to shoot bison. Bison may be removed by non-lethal, non-restrictive methods by the Montana Department of Fish, Wildlife and Parks.

12. All alternatives include the suggested vaccination of female cattle calves in areas adjacent to the Park or in SMAs, as well as surveillance testing of these herds should contact with bison be suspected or occur. All alternatives also assume vaccination of bison calves and captured adult bison when a safe and effective vaccine is available.

We basically agree with the first part of this statement but would <u>require</u> vaccination of cattle in areas adjacent to the Park or in the National Forest/Wilderness Areas use for

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summer grazing. We also suggest limiting grazing activities in the National Forest/Wilderness Areas adjacent to the Park to eliminate the cattle/bison conflicts and to increase appropriate habitat for wild species. However, we disagree with the approach of vaccinating bison. Bison have, by best estimates, lived with the disease in their herd for 80 years without negative effects. Do not vaccinate bison. A safe and effective vaccine for bison is not available today. Even if it was, some scientists have stated that brucellosis could re-establish in the herd because of its prevalence in elk and other wild animals, and it would resume its 50% seroprevalence in the herd, if a vaccination program were ever halted. Eradication of brucellosis in wildlife should not and cannot be a realistic goal according to a recent National Research Council scientific study.

13. All alternatives include future research efforts.

We fully support this part of each alternative.

The alternatives as presented in the DEIS do not correctly address the stated goal "of minimizing the risk of transmitting the disease brucellosis from bison to domestic cattle on public and private lands adjacent to Yellowstone National Park." It does address the capture, testing, vaccinating, quarantining, selling, and killing of bison looking for winter forage on public lands outside of Yellowstone. This DEIS and its preferred alternative are expensive and address the problem to the benefit of one special economic interest group, the livestock industry of Montana. The Yellowstone bison are a national heritage enjoyed by millions of people as they travel through and visit Yellowstone Park. The Yellowstone bison are an important part of the Greater Yellowstone Ecosystem. None of this has been addressed in the DEIS. Any implemented management plan should include the following provisions to address the stated goal "of minimizing the risk of transmitting the disease brucellosis" and protecting Yellowstone bison herd:

1. **Let the Buffalo Roam!**
   Bison should be allowed to roam on all public lands in the Greater Yellowstone Ecosystem. Bison should be allowed to remain on all public lands within the Greater Yellowstone Ecosystem and no restrictions should be placed on their movement. Bison should not be corralled or confined for any purpose. Since brucellosis does not seem to affect bison, they should not be vaccinated. Since other animals in the ecosystem are infected with brucellosis, we do not feel that vaccinating bison will eliminate the perceived threat of brucellosis transmission. If in the future a vaccine proves effective in wildlife, many issues remain and must be addressed before bison or any other wild animal is inoculated. These issues relate to the effective delivery of the vaccine to wild animals and the need for them to remain wild. Also, because of the migration patterns of bison, Yellowstone Park needs to study the effect grooming of trails in winter has on the movement of bison outside of the park. Bison migrate and the migration should be a natural occurrence not affected by man-made trails.

   2. Vaccinate the Cattle!
   There has never been a confirmed case of the transmission of brucellosis from bison to cattle in a natural setting, in the wild. In Grand Teton National Park and the

neighboring National Forest land, bison and cattle have inhabited the same lands for over 40 years. Those cattle were vaccinated against the disease. If Montana follows this plan of cattle vaccination, it is reasonable to expect similar results: no transmission of brucellosis—and no need to control bison movement on public lands. To vaccinate the cattle would be the least expense alternative. If the state of Montana wants to maintain brucellosis free status, they should consider and implement a vaccination program with help from the proper federal agencies. Brucellosis is a cattle problem. Solve the problem where it can be effective, proven, and sound.

3. Let Wildlife Professionals Manage the Wildlife!
The bison of Yellowstone are part of the only remaining wild, free-roaming herd in the United States. When they leave the Park, they should be managed, if at all, by wildlife professionals in a wildlife agency. The Montana Department of Livestock is not the proper agency to be working with wild animals. The Montana Department of Fish, Wildlife and Parks should take over jurisdiction of bison management in Montana. No wild animal should come under the jurisdiction of a domestic livestock agency. It is not done for any other animal. Treat bison as other wildlife species are treated.

4. Relocate Bison from Private Lands only where necessary.
If bison threaten private lands or human safety, it is reasonable to adopt non-lethal, non-restrictive methods of removal. The removal of bison from private land should be handled by the Montana Department of Fish, Wildlife, and Parks. Instead of building costly containment areas, use the money to provide adequate funds to the Montana Department of Fish, Wildlife, and Parks to help defray the cost of managing and/or removing bison from private lands outside of Yellowstone Park.

5. Determine an Ecologically Based Carrying Capacity for Bison within the Greater Yellowstone Ecosystem.
Bison should be allowed to roam freely on the public lands of the Greater Yellowstone Ecosystem, until an ecologically based, peer-reviewed carrying capacity for bison in the Greater Yellowstone Ecosystem has been established. Bison movement and resource utilization outside of the Park over the next ten years should be studied to determine this carrying capacity, and the results should be incorporated into the final determination of carrying capacity. Until such a carrying capacity is established, no population control methods should be implemented. Studying the impact of herd size and movement on other species, especially predators and scavengers will preserve the delicate balance in the Yellowstone ecosystem.

With the vaccination of cattle, the problem of the disease brucellosis in the state of Montana will be addressed, retain Montana's brucellosis free status, and bison will remain an essential component of the Greater Yellowstone Ecosystem without livestock management. Let the bison roam!

We appreciate and thank you for the opportunity to comment on the Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana

and Yellowstone National Park. Please keep us informed of further developments in bison management planning.

Sincerely yours,

John Spahr
Steve Jones
Drusha Mayhue
Doug Nilson
Ralph Maughan
Vaughan Cipperly

The Yellowstone Ecosystem Task Force
[redacted]

Edwina Allen
Chairperson
Northern Rockies Chapter
of the Sierra Club
[redacted]

Sherm Janke
Chairperson
Montana Chapter of the Sierra Club
[redacted]

Page McNeill
Chairperson
Wyoming Chapter of the Sierra Club
[redacted]

SINAPU
[redacted]

Printed on Tree Free Kenaf Fiber Using Vegetable Ink

November 2, 1998

emailed and mailed this date

Ms. Sarah Bransom
Interagency Bison Management Plan, DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Dear Ms. Bransom:

Sinapu, a not-for-profit 501(c)(3) corporation, campaigns to return the gray wolf to the Southern Rockies and to protect their ecosystems. Thank you for producing and allowing the public to comment on the Draft Environmental Impact Statement (DEIS) for the Interagency Bison Management Plan.

I. The Interagency Bison Management Plan's Purpose and Need is to Promote the Welfare of the Livestock Industry.

The Interagency Bison Management Plan's conspires to offer nothing more than an apologia for the protection of livestock growers in Montana. As stated in the DEIS, only about 2,019 cow-calf graze on the public and private land west and north of Yellowstone National Park (YNP). Regardless, all of the alternatives in the DEIS favor the continued grazing of cattle at the expense of the free-ranging bison herd. This is especially egregious since public lands surround YNP. These lands, and the wildlife on them, belong to the American people and should be managed for the greater good and not for a small minority. Sinapu views the proposed alternatives as profoundly harmful to species and ecosystems. Rather than contemplating biodiversity, the DEIS attempts to placate a handful of ranchers. Thus, the issue of brucellosis transmission from bison to domestic cattle represents a smoke screen. The actual mission of the DEIS: to continue subsidized livestock grazing on public lands and provide ranchers with a risk-free business from all threats, whether real or perceived.

The DEIS itself states that 96% of all new jobs in the Greater Yellowstone Area, between 1969 and 1989, came from non-extractive sectors (other than agriculture, timber and mining). Additionally, only 5 and 10% of employment in Gallatin and Park counties, respectively, are tied to agriculture, timber and mining. The DEIS also notes that the area economy relies heavily on recreation and tourism. Thus, the

Advisory Board
David Brower [redacted]
Jasper Carlton [redacted]
Tom Dougherty [redacted]
Dave Foreman [redacted]
Deborah Popper [redacted]
Dorothy Rupert [redacted]
Candace Savage [redacted]
Charles Wilkinson [redacted]

KEEPOVER-RUG

Restore the Balance

Sinapu, named after the Ute word for wolves, is dedicated to recovery of the gray wolf in Colorado, and to restoration of the wild habitat in which all species flourish.

14,540 contd.

inordinate emphasis that the DEIS places upon the livestock industry is unfounded. The Yellowstone bison herd represents a greater value to the community if left in a more natural state in the Park itself and the surrounding public lands. Furthermore, activities like eco-tourism generate income and sustain the environment.

Only when the real purpose of the YNP bison program is explicitly identified can the program be meaningfully analyzed under the National Environmental Policy Act (NEPA). The various alternatives discussed in the DEIS hinge on the Interagency Bison Management team's (hereinafter "Team") skewed sense of "purpose" and "need." Even when viewed as a subsidy to the livestock industry, the proposed alternatives and the proposed actions appear extremely ineffective.

If the purpose of the Plan is to subsidize the livestock industry, the DEIS should discuss whether the livestock industry in Montana **needs** such a subsidy. How many of these ranchers are large corporations or wealthy people dabbling in livestock production? The Team should consider that the public lands livestock industry already receives a substantial subsidy from the federal government in the form of below market price grazing fees as well as other direct and indirect subsidies. Moreover, courts have found that when ranchers graze on public lands, they graze at their own risk:

> The BLM and USFS owe no duty to warn lessees of public lands of potential dangers upon said lands. . . the allottee accepts the risk that many dangers may be found on a grazing permit. The federal government factors in these risks when it arrives at a cost for the leases. Parker Land and Cattle Company, Inc. v. U.S., 796 F.Supp. 477 (D WY 1992).

The Team should consider whether these subsidies are responsible for significant impacts to public lands from grazing. The public has the right to ask: should livestock graze on public lands? Would it be cheaper for the government to pay ranchers not to graze altogether? Should livestock owners take full responsibility for their livestock? Are excessive subsidies a benefit to the public?

Additionally, the Team should consider whether there is some threshold level of livestock loss that should be accepted by livestock operators. Given that public lands are administered by the federal government under the "multiple use" philosophy, the Team should not attempt to provide a "brucellosis free" environment for the livestock industry. The agency, like the federal courts, should consider whether livestock operators should graze at some level of risk and thereby conserve multiple use values that benefit the environment and people who frequent Montana's wild places: recreationists, naturalists and hunters.

Federal agencies are first and foremost charged with *serving the public interest*. All activities and procedures must be revised to solicit and incorporate the views of many different interest groups, not just the livestock industry. Accountability, based on

balanced representation of the public is required by the Federal Advisory Committee Act (FACA).

II. The Alternatives Offered are Inadequate. A No-Grazing Alternative Should Be Considered.

The consideration of a range of alternatives is "the heart of the environmental impact statement." 40 C.F.R. § 1502.14. It is "absolutely essential to the NEPA process that the decisionmaker be provided with a detailed and careful analysis of the relative environmental merits and demerits of the proposed action and possible alternatives, a requirement that we have characterized as 'the linchpin of the entire impact statement.'" NRDC v. Callaway, 524 F.2d 79, 92 (2d. Cir. 1975). "The existence of a viable but unexamined alternative renders an environmental impact statement inadequate." Resources Limited v. Robertson, 35 F.3d 1300, 1307 (9th Cir. 1993) (quoting Idaho Conservation League v. Mumma, 956 F.2d 1508, 1519 (9th Cir. 1992).

The DEIS is inadequate pursuant to NEPA because it fails to offer a full range of alternatives. Specifically, it does not propose a no-grazing alternative. Economically and biologically such an alternative makes the most sense. Intense management of bison populations, as offered in the various alternatives, can be viewed as just another subsidy to the livestock industry. The costs of capturing, vaccinating and/or slaughtering bison simply to reduce the likelihood of brucellosis transmission to domestic cattle remain out of proportion to the relatively small amount of public lands grazing around the park.

Second, there has never been a proven case of brucellosis transmitted from bison to cattle in the wild. However, despite the lack of any scientific support of transmission the brucellosis issue has repeatedly been used as justification for the mass murder of bison and often on public land. The fear of domestic cattle herds being infected on public lands can be eliminated simply by prohibiting cattle grazing on the twelve public grazing allotments adjacent to the north and west borders of YNP.

Third, as the native species, bison should be given preference and allowed free access to the public lands surrounding YNP. Moreover, those public lands (and private lands, if they become available) near the Park, that provides winter rangeland for bison, should be added to YNP.

In addition to ending grazing on these various public allotments, it should be responsibility of anyone ranching on private land adjacent YNP to vaccinate their own herd or change their operation to reduce risk (i.e.: from cow-calf to steer or spayed heifer operation).

In sum, grazing of livestock on public lands is a *privilege* and should be done only if it is ecologically sound; if it does not disturb, harass, or murder the native creatures to

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make it possible. Bison's winter rangeland should be added to Yellowstone National Park.

III. Restrict the Use of Snowmobiles.

Snowmobiles must be eliminated from YNP. Besides their considerable impact on other wildlife, air quality and park solitude, the presence of snowmobile traffic in YNP facilitates the unnatural movement of bison during the winter. The bisons' unusual winter migration is facilitated by the grooming of trails for snowmobiles' use by the National Park Service (NPS). However, elimination of trail grooming alone would not remedy the situation. Due to the heavy snowmobile traffic in some areas of the park, trails become packed and further promote bison movement. Thus, only the complete restriction of snowmobiles from YNP can achieve the desired result of keeping bison within the park boundaries and allowing them to exist in much more natural conditions.

IV. NPS or the Montana Department of Livestock Has No Authority to Eradicate Wildlife. Wildlife Are Held in the Public Trust. Ranchers Should be Charged with Vaccinating their Herds for Brucellosis.

The ownership of wildlife under common law is a long established tradition in England and the United States. Wild animals, in the proprietary sense, are owned by no one, not even the state. Clajon Production Corp. v. Petera, 854 F.Supp. 843; U.S. v. Long Cove Seafood, Inc., 582 F.2d 159. Wildlife is held in trust for the public. "The American common law rule is that the sovereign owns fish and game in trust for its citizens." Mille Lacs Band of Chippewas Indians v. Minnesota, 861 F.Supp. 784. The U.S. Supreme Court has held that states hold wildlife in trust for its citizens for conservation and protection. Hughes v. Oklahoma, 441 U.S. 322 (1979).

Moreover, in a case involving a Wyoming rancher whose herd was infected with brucellosis, the court found that the United States Forest Service and the Bureau of Land Management had neither the duty to warn the rancher of potential dangers to his livestock, including threats of brucellosis, nor the responsibility of the well-being of the rancher's cattle in general. Parker Land and Cattle Company, Inc. v. United States of America, 796 F.Supp. 477. The court found that the "Wyoming Game and Fish Department [had] primary responsibility for managing wildlife. . ." id at 480. More importantly, the court found that APHIS and its Uniform Methods and Rules of Brucellosis Eradication (UMR) program had the duty to cooperate with states in managing the disease. But the court specifically found:

> The UMR was intended to apply only to domestic livestock and cannot be extended to cover wildlife. If the UMR was intended to pertain to wildlife then Wyoming could not have achieved free status [as a brucellosis free state] as the wildlife in the Greater Yellowstone Ecosystem are heavily infected. The regulations contained in Title 9 of the Code of Federal

> Regulations also do not apply to wildlife as it would not be physically possible to regulate wildlife in accordance with these directives. id., at 486.

Courts have, for over a century, established that the control and ownership of wild animals is explicitly held in trust for the public by the states. Our Supreme Court has found that wildlife is to be protected by the sovereign for protection and conservation. Both courts and statutes have established that where APHIS is involved in administering disease eradication programs, it has no jurisdiction over wildlife. Likewise, the Montana Livestock Department is precluded from the same authority. Therefore, when governmental agencies eradicate wildlife, it is in violation of the law. When ranchers graze on public lands, they must expect that risks are part of conducting business.

V. Bison are Native Fauna not Livestock and Should Be Managed by Biologists and not Agriculturists.

Officials from a state livestock agency should not be managing wildlife. Like deer, elk, prairie dogs, badgers, tiger salamanders and hawks, bison should be managed by the same biologists and wildlife professionals that manage Yellowstone and the surrounding public lands.

Obviously, livestock officials concern themselves with the promotion and protection of livestock, to the exclusion of wildlife and the environment. The use of vaccination and quarantine practices provide some examples of their attempt to manage the bison herd like livestock. Moreover, vaccination and quarantine procedures offer prohibitive costly and ineffective management methods. Bison, like many native ungulates, carry brucellosis. Elk and other potential vectors would warrant a single-species' vaccination program useless. At the same time, it must be recognized that wildlife vaccination programs are impractical. Obviously, the removal of cattle from public grazing allotments, vaccination of livestock on nearby private lands, and the management of bison as native fauna represents the most sensible course.

VI. Maintain the Natural Evolution of the Yellowstone Bison Herd.

Gunning down a group of wandering bison is not a natural selection event. In fact, animals that are industrious enough to seek forage outside of their usual range in lean times may actually prove more evolutionarily fit. The culling of these herds by a state livestock agency, just for crossing an artificially constructed line meddles with the species' natural course of adaptation and their subsequent evolution.

Management of the Yellowstone bison herd should include strategies that mimic historic migrations and other natural behaviors. Management should minimize impacts that threaten the viability and fitness of the population, both those current and those that are reasonably foreseeable. As with any species that has been dramatically reduced in

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numbers, bison must be managed using sound *conservation biology* principles, by trained biologists and wildlife personnel.

VII. Adjacent Lands, Especially the Traditional Winter Range for Bison, Should Be Added to the Park.

The natural bison migration into winter rangeland should merit a discussion of inclusion of that land into Yellowstone National Park. The cost of including increased park land would far outweigh continued wildlife vaccination programs and subsidized grazing on public lands.

Protected corridors must be established and easements purchased where necessary and possible. However, as addressed above, unnatural travel corridors such as groomed snowmobile trails should be eliminated.

Furthermore, public land grazing allotments need to be modified to give preference to bison movement and all of the naturally occurring wildlife. Once cattle have been removed from areas where bison are found, then the one main argument for the continued bison slaughter negates this activity.

VIII. Connected Actions must be Analyzed.

NEPA requires that a detailed environmental impact statement be written for each proposed action and that "cumulative actions" be considered together in one impact statement and not subdivided into smaller environmental analyses. Under the Council on Environmental Quality regulations implementing NEPA, related proposals also must be considered for decision together in a single EIS when they are "connected actions" or "cumulative actions." 40 C.F.R. § 1508.25(a); see also Save the Yaak v. Block, 840 F.2d 714, 719-21 (9th Cir. 1988).

For purposes of requiring consolidated treatment in a single environmental analysis under NEPA, proposals are considered "connected actions" if they:

(i) Automatically trigger other actions which may require environmental impact statements;

(ii) Cannot or will not proceed unless other actions are taken previously or simultaneously;

(iii) Are interdependent parts of a larger action and depend on the larger action for their justification.

40 C.F.R. § 1508.25.

Without a single comprehensive document, impacts to sensitive, threatened or endangered species are not considered.

What are the cumulative impacts to threatened or endangered species (including the black-tailed prairie dogs, a new proposed candidate for listing)? For instance, the DEIS states that all alternatives could disturb or displace recently reintroduced gray wolves. However, the cumulative effects of continuing current grazing programs and the possible reduction of bison, which constitute a portion of wolves' food, are not examined together.

NEPA requires that agencies undertake a complete cumulative impacts analysis when preparing an environmental assessment. "The EIS is, by its very nature, a cumulative impacts document." Resources Limited, Inc. v. Robertson, 35 F.3d 1300, 1305 (9th Cir. 1994). See also City of Tenakee Springs v. Clough, 915 F.2d 1308, 1312 (9th Cir. 1990); NRDC v. Callaway, 524 F.2d 79, 87-88 (2nd Cir. 1975). NEPA regulations define "cumulative impact" as:

> The impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

40 CFR §1508.7.

The Team's failure to review the cumulative impacts from other activities in the local area is a breach of its duties under NEPA. The lack of a cumulative impacts analysis is by itself grounds for invalidating an agency's NEPA decision. In Alpine Lakes Protection Society v. U.S. Forest Service, 838 F. Supp. 478, 484 (W.D. Wash. 1993), the federal court stated:

> The NEPA process is intended to help public officials make decisions that are based on an understanding of environmental consequences, and to take actions that protect, restore, and enhance the environment. 40 CFR 1500.1(c). See also 42 U.S.C. 4332(2)(E)(federal agencies shall study, develop, and describe appropriate alternatives to recommended course of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources). The failure to even consider whether there is a potential for cumulative impact on any aspect of the environment ... as a result of these projects cannot be characterized as a "truly informed exercise of discretion", nor can it be said to amount to the requisite 'hard look' at the environmental consequences of granting the permits in question. See Marsh v. Oregon Natural Resources Council, 490

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> U.S. 360, 377 (1989). It is this failure to even consider whether there is a potential for any cumulative impact as a result of the connected and cumulative actions that makes the [agency's] decision arbitrary and capricious. See Seattle Audubon Society v. Mosely, 798 F. Supp. 1473, 1483 (W.D. Wash. 1992)(the failure to consider a relevant factor is in itself arbitrary and capricious).

IX. The DEIS Fails to Adequately Disclose the Potential Environmental Impacts of the Bison Management Plan. The Integrity of the Science Used in the DEIS is Suspect.

NEPA requires that for every major federal action significantly affecting the quality of the human environment, the appropriate federal agency must prepare a detailed statement on the environmental impacts of the proposed action and any adverse environmental effects which cannot be avoided. 42 U.S.C. § 4332(2)(C)(i) & (ii). An EIS prepared pursuant to NEPA must include all relevant information at the time the agency makes a recommendation on a proposal for federal action. Kleppe v. Sierra Club, 427 U.S. 390, 405-406 (1976). Such information is largely useless if prepared after the fact. A central purpose of NEPA is to force the consideration of environmental impacts in the decision making process. That purpose requires that the NEPA process be integrated with agency planning "at the earliest possible time." 40 C.F.R. § 1501.2. The regulations also require that: "NEPA procedures must ensure that environmental information is available to public officials and citizens before decisions are made and before actions are taken." 40 C.F.R. § 1500.1(b)(emphasis added). An EIS "shall be prepared early enough so that it can serve practically as an important contribution to the decision-making process and will not be used to rationalize or justify decisions already made." 40 C.F.R. § 1502.2.

Despite the fact that courts have found that the responsibility of preparing a thorough and scientifically complete document is the burden of the agency preparing the document, (See County of Suffolk v. Secretary of Interior, 562 F.2d 1368, 1385 (2d Cir. 1977) (primary and nondelegable responsibility for providing adequate EIS analysis lies with agency) cert. denied, 434 U.S. 1064 (1978); 40 C.F.R. § 1502.24 (agencies must ensure scientific integrity of EIS analysis)), the Team failed its duty.

The DEIS's misplaced purpose requires management of bison for the protection of domestic livestock. A contrived brucellosis infestation provides the rhetoric that supplies this trumped-up hysteria. The DEIS acknowledges that poor science prevails, "disagreements (among scientists) and a paucity of information on brucellosis in bison make it impossible to quantify the risk of *B. abortus* transmission from bison." Yet, the whole purpose of the DEIS is to placate nearby ranchers and Montana Department of Livestock, and put the Yellowstone bison herd at considerable risk.

CEQ regulations place specific requirements on federal agencies when an environmental analysis is based on incomplete or unavailable information:

> When an agency is evaluating reasonably foreseeable significant adverse effects on the human environment or an environmental impact statement and there is incomplete or unavailable information, the agency shall always make clear that such information is lacking.
>
> (a) **If the incomplete information relevant to reasonably foreseeable significant adverse impacts is essential to a reasoned choice among alternatives and the overall cost of obtaining it are not exorbitant, the agency shall include the information in the environmental impact statement.**
>
> (b) If the information relevant to reasonably foreseeable significant adverse impacts cannot be obtained because the overall cost of obtaining it are exorbitant or the means to obtain it are not known, the agency shall include within the environmental impacts statement:
>
> (1) A statement that such information is incomplete or unavailable; (2) a statement of the foreseeable significant adverse impacts on the human environment; (3) a summary of existing credible scientific evidence which is relevant to evaluating the reasonably foreseeable significant adverse impacts on the human environment, and (4) the agency's evaluation of such impacts based upon theoretical approaches or research methods generally accepted in the scientific community. . .

40 C.F.R. § 1502.22.

Thus, 40 C.F.R. § 1502.22 imposes three mandatory obligations on ADC in the face of scientific uncertainty: (1) a duty to disclose the scientific uncertainty; (2) a duty to complete independent research and gather information if no adequate information exists (unless the costs are exorbitant or the means of obtaining the information are not known); and (3) a duty to evaluate the potential, reasonably foreseeable impacts in the absence of relevant information, using a four-step process.

X. Sensitive, Threatened and Endangered Species Were Not Adequately Analyzed.

Neither black-tailed prairie dog nor the black-footed ferret have been addressed in the DEIS. Recently petitioned for listing under the Endangered Species Act, black-tailed prairie dogs evolved with the bison in a classic symbiotic relationship. Research shows that bison prefer feeding on prairie dog towns, if they have a choice and prairie dogs prefer ground that is disturbed by bison. In addition, since prairie dogs occur in YNP, the possibility of restoring the Federally listed black-footed ferret exists. Again, the discussion on the impacts to gray wolves, *canis lupus*, merits little authoritative discourse and the mitigation measures are inadequate. Thus, the DEIS needs to address these additional species and the impact upon them as a result of any bison management plan.

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Sinapu's Comments on the DEIS for Bison Management
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XI. Hunting Should Not Be a Management Option for Bison.

Recent gruesome footage of the bison slaughter of 1996-97, shocked the nation and the world and poignantly illustrates that hunting of bison represents an unsportsman-like activity. Further, hunters argue that it lacks the element of fair chase. Many of the Yellowstone bison have become accustomed to people and show little, if any fear. The herd should be unmolested throughout its range in the Park or on adjoining public and private land.

Conclusion

With the proposed alternatives in the Bison Management Plan, bison can never hope to recover to their former splendor. Not only are their numbers and evolutionary capabilities harmed, domestication poses further dangers. Most importantly, a new paradigm must replace the minimal alternatives offered in the Plan. Ranchers should not control wildlife, which are held in trust for the public.

Bison and livestock management should not be conflated. The integrity of our last few remaining wild herds should be conserved above all else. The public wants and deserves a more enlightened future than what present decision-makers offer. These decision-makers and the Interagency Management Plan offer a century-old model. This Plan harkens back to a period when white settlers shot these magnificent animals from trains, for blood sport and to facilitate the Native-American eradication campaigns.

Instead, we have the responsibility to insure that the bison continue in as natural a setting and evolutionary course as possible, as a legacy for our generations to come, for the bison and for the Greater Yellowstone ecosystem.

We Remain Hopeful For All Things Wild,

Ken Keefover-Ring,
Board of Directors, Sinapu

Wendy Keefover-Ring
Dir. Outreach & Development, Sinapu

Oral testimony provided at the Holiday Inn, [redacted] on September 1, 1998

Comment No. 14928
Ken Keefover-Ring
Sinapu

Hello. My name is Ken Keefover-Ring. I'm a volunteer board member of Sinapu, and these comments are on behalf of our thousand-plus members.

Long before this hotel was built or even [redacted] or [redacted] were even here, buffalo roamed on the plains where we now stand. But, as everyone knows, as the frontier moved west, the buffalo were brought almost to extinction. And sure, these days the overall number of bison are increasing, but many of these animals are simply raised as livestock for profit, and there is only a small number of bison that are free roaming; and, of course, the Yellowstone bison are one such population of actual free-roaming bison, at least in the park boundaries, and this rarity of this free herd makes them all the more valuable to be protected. And hopefully this current trend of turning the buffalo into just another cow will end. For this reason, the Yellowstone bison should be protected and cherished.

The scenes of the bison shooting last winter brought back the grim, old, black-and-white photos of the original bison mass slaughter. The killing of them one by one as the others stood by waiting their turn was disgusting.

The reason they say for this, the main reason, was the transmission of brucellosis. First of all, there has never been a proven case of this disease transmitted from bison to cattle, not one documented case. However, despite any lack of scientific support, the brucellosis issue has been repeatedly used as the justification for this mass murder of bison, and often on our public lands. And even if there is this fear of this transmission of brucellosis to domestic herds, the cattle should be removed and preference given to the native species, the bison. As written, the Draft EIS will not reconcile the bison brucellosis issue in the bison's favor.

Next, why are officials from a state livestock agency managing the species that's part of the native fauna? Bison, like deer, elk, prairie dogs and other native species, are the original occupants of Yellowstone and should be managed by the same scientists and wildlife professionals that manage the rest of Yellowstone and the surrounding area's fauna, not a state wildlife agency. Obviously, a livestock official has the livestock industry's concerns in mind, and not the workings of the Yellowstone ecosystem.

This is especially grievous when these animals are killed on our public lands outside the park. Grazing livestock on public lands is a privilege and should be done only if it's ecologically sound, including not disturbing or murdering the native creatures to make it possible.

Gunning down a group of wandering bison is not what I would call a natural selection event. We are ruining the evolution of the bison by this mismanagement. In fact, animals that are industrious enough to seek forage outside of their usual range in lean times may actually be more evolutionarily fit. Just as raising bison for another table meat, the culling of these herds by a state

14928 contd.

livestock agency just for crossing a line is meddling with the species' natural course of adaptation and their subsequent evolution.

Of course, due to the change in the historical land use of the Yellowstone area, these herds must be managed, but this management must be done so as to minimize the effects upon the future viability and fitness of the population. And as with any species that's been dramatically reduced in numbers, the bison must be managed using sound conservation and biology principles by trained biologists and wildlife personnel.

Finally, the natural tendency of bison migration must be a priority on public land adjacent to the park. Protected corridors and established conservation easements need to be purchased where necessary and possible. Furthermore, public land grazing allotments must be modified to give bison movement and all the naturally occurring wildlife precedence above cattle. Once cattle have been removed from the areas where bison are found, the one main argument for killing them, brucellosis transmission, is also removed.

Within the foreseeable future, bison will never recover to their former splendor, and hopefully the disturbing trend toward their domestication will end. But we are obliged to protect and conserve the few remaining herds. Hopefully we are more enlightened today than the settlers who shot these animals from trains for the sport of it. We have the responsibility to ensure that bison continue in an intact habitat, in as natural as possible an evolutionary course. This will be a legacy for generations to come, for the bison and for the greater Yellowstone ecosystem itself.

Thank you.

YELL-639

Skyline Sportsmen's Association, Inc.

[redacted] [redacted]

July 25, 1998

Bison Management Plan EIS Team
National Park Service-Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO. 80225-0287

Dear Sarah,

In a study of the draft EIS on bison management by our 21 member board, we have concluded that alternatives #3 and #7 are preferred. We feel the brucellosis issue is grossly over-emphasized and can be controlled with a managed number of bison and some vaccination practices.

The primary cause of the entire buffalo problem is lack of range management. This feature is barely addressed in the EIS and it has been complete frustration to us for the last several years to note that park biologists have not explained that the deficiency of forage is the main cause of bison migration out of the park. This feature is also a reason for reducing and maintaining fewer numbers.

Several of our group, as photographers or interested hunters, are extremely concerned for all types of animals. We have observed the park closely for the past 40 years. Caused primarily by elk but also by bison, we have noted the deterioration of range conditions to its current deplorable condition. Grass eaten to the rocks, skylined conifers, destroyed aspen and cottonwood groves and irridicated willow areas are evidence of this condition. Students taking biology 101, let alone a good cow-man, could spot these signs immediately. The result has been extremely sad to us because of the severely reduced numbers of mule deer, sheep and moose.

We fully understand the park management theory of let-nature-take-its-course plan. The concept is faulted by recognizing a condition of area restriction and an imbalance of predators [primarily human]. Wolves will not get the job done either [another entire issue too lengthy to discuss here]. The main problem with the theory is that range conditions must at sometime become destroyed before large numbers of ungulates starve [which is undesirable] and it takes years to restore the habitat.

Other than not addressing habitat, the plan is on the right track by acknowledging the need for reduced bison numbers and by possibly using vaccine.The problem, however, will never be entirely resolved until the elk situation is remedied.

It is amusing to note the EIS still makes reference to the possibility of "hazing" bison back into the park. Please suggest to the "animal rightist" people that they should try chasing a hungry cow from a haystack to a snow drift and see if she'll stay there. We

YELL-639 contd.

also suggest sending some of the management team to the Bison Range at Moise, Montana for study at that location. They do a superb job of range management and animal control.

Sincerely,

Vince Fischer, President

SRM SOCIETY FOR RANGE MANAGEMENT

OFFICE OF THE EXECUTIVE VICE PRESIDENT
[redacted]

15723
[redacted]

September 1, 1998

Bison Management Plan EIS Team
National Park Service Attn: Sarah Bransom
P.O. Box 25287
Denver, CO 80225-0287

Dear Bison Management Plan EIS Team

Enclosed is a brief statement from the Society for Range Management regarding the Draft EIS on Bison Management in Yellowstone and the State of Montana.

Sincerely,

J.C. Whittekiend
Executive Vice President

YELL-15723 contd.

SRM Testimony – Yellowstone NP Bison EIS

Good afternoon. My name is Craig Whittekiend, I am Executive Vice President of the Society for Range Management, a 4000 member organization dedicated to managing and conserving the world's rangeland resources.

It is SRM's belief that this bison EIS addresses an important symptom of a problem in Yellowstone National Park. The symptom is that large numbers of bison, some infected with brucellosis, are leaving the park in search of forage. The problem in our opinion, is the lack of a range management approach designed to balance herd numbers with available habitat and forage resources. We believe that the current natural regulation strategy has resulted in a significant decline in the ecological condition of the park, and in some instances, has subjected the bison herds to unnecessary stress. We also believe that without more realistic management policies, animal stress and rangeland deterioration will continue.

In contrast to this policy, we believe there are proven, more ecologically sound management strategies for managing the Parks bison and other wildlife. Specifically, we believe animal numbers must be managed in some manner to limit forage demand to the carrying capacity of the habitat. Also, this management should be directed toward achieving desired conditions for the rangeland ecosystem. We also believe this same approach should used in managing any additional rangelands acquired in the future.

Congress has provided for a National Academy of Science review of the science underlying wildlife management policies in Yellowstone National Park. We believe the best long-term solution is to develop science based management strategies that insure balance between forage demand and forage availability. We strongly support the National Academy of Sciences project to address this issue in an open, fair, and professional manner, and urge others to support this effort.
Thank you for this opportunity to comment.

YELL-9668

SOUTH CAROLINA WILDLIFE FEDERATION

[redacted]

October 20, 1998

Bison Management Plan EIS Team
National Park Service
Sarah Bransom DSC-RP
PO Box 25287
Denver, CO 80225-9901

Dear Ms. Bransom:

The South Carolina Wildlife Federation would like to comment on the draft Environmental Impact Statement (EIS) for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park. We are concerned that the Park Service's draft Environmental Impact Statement falls short on many items. We believe that the EIS needs to be reworked and that common sense and sound scientific principles must be used.

None of the alternatives presented in the draft EIS resolves the Brucellosis (Brucellosis abortus) issue. In fact, implementation of the preferred alternative ensures the ongoing slaughter of bison in Montana. This is unacceptable! Sound management strategies could resolve the conflict between livestock producers and wildlife in Montana.

As you know, a reservoir of Brucellosis remains in free-ranging elk and bison of the greater Yellowstone area and there will continue to be an ongoing risk of accidental transmission to cattle. However, as you also know, there has never been a documented case of Brucellosis transmission between wild bison and range cattle. We believe this to be an important fact to be considered.

The Intertribal Bison Cooperative/National Wildlife Federation's Seven Point Plan takes a rational, scientific approach to resolving the conflict. We support this plan, which features several important points lacking in the preferred alternative.

WORKING FOR CONSERVATION IN SOUTH CAROLINA
An affiliate of the National Wildlife Federation

YELL-9668 contd.

We also believe wildlife professionals should be managing the bison and resolving the issues and problems.

The bison are a national treasure and belong to the public. Rational, objective decisions need to be made in order that future generations can experience this unique animal.

Thank you for the opportunity to provide comments on this very important document.

Sincerely yours,

Angela Viney
Executive Director

Oral testimony provided at the Holiday Inn Billings Plaza Hotel & Trade Center, [redacted] August 25, 1998

Comment No. 14855
Dan Dart
Southeast Montana Sportsman's Association

I'm here today on behalf of the Southeast Montana Sportsman's Association. And as their president, they have asked me to come and offer our comments as per our membership of our organization.

We first want to begin by saying that we want wild and free-roaming bison in the Yellowstone ecosystem. We oppose the preferred alternative recommended by the State of Montana and the federal government. We endorse The Citizens' Plan to address bison management.

As was previously stated, we want to maintain wild and free-roaming bison in Yellowstone National Park. We support the creation of a special management area outside the park, where bison can use public lands as their winter range. Bison then, once they are on those public lands, should be managed by wildlife professionals.

We recommend that when bison come in contact or on those public grounds that are being utilized by a lessee for grazing, that the cattle that utilize those grounds should be vaccinated for brucellosis. There are probably no easy answers as to who is going to pay for that. You know, when you look at the cost of per hundredweight of what a cow is getting on the market right now it's pretty darn tough to make a living out there running cows. We understand that, and we understand the livestock industry as a very viable and important industry here in the state of Montana and the state of Wyoming, as well. However, I would think that the State of Montana and the livestock people could find some monies to be able to offset some costs to protect their interests in this brucellosis issue.

We further endorse a flexible public land lessee grazing schedule on public lands to accommodate those bison migrating back into Yellowstone Park in the spring, as is dictated by weather.

A regulated, fair-chase hunting opportunity per a lottery drawing for resident and nonresident hunters should be allowed when the carrying capacity of the rangeland in the Yellowstone ecosystem reaches a predetermined number of bison. Once again, in talking about wildlife professionals, we believe the Montana Department of Fish, Wildlife, and Parks should regulate that hunting opportunity.

Jurisdiction of bison, when they enter public lands outside of Yellowstone National Park, should be placed in the hands of the Montana Department of Fish, Wildlife, and Park, as bison are wild game animals. It is our contention that the Montana Department of Livestock should not be the agency charged with management of wild animals.

14855 contd.

The preferred alternative, as it currently exists, does nothing more than to terrorize those animals when you're taking a free-ranging animal, you're rounding them up, and you're putting them into stock trailers and taking them off to slaughter. It is our contention once again that a fair-chase hunt is a more humane way in which to cull excessive bison numbers.

We recommend the acquisition of key winter rangelands or easements through public purchase from willing sellers. Incentives to modify livestock options to provide winter forage opportunities for bison outside Yellowstone National Park should be investigated.

It seems like this buffalo issue is finally coming full circle. I've worked on this when I was with Safari Club International, quite extensively with Ron Marlin, for a great many of years. And it looks like now we're finally going to get some solid answers out of this whole thing. As a sportsman's advocate and representing a group that is a strong advocate of the livestock industry, it is our contention that we can find some equal ground on this. We can protect our cattle industry but, at the same time, initiate a viable hunting opportunity. Thank you.

Oral testimony provided at the Holiday Inn Billings Plaza Hotel & Trade Center, [redacted] August 25, 1998

Comment No. 14861
Rich Herminghaus
Southeastern Montana Sportsman's Association

My name is Rich Herminghaus, and I'm with a group called the Southeastern Montana Sportsman's Association. And the first comment I would like to make is that I do oppose the proposed alternative recommended by the State of Montana and the federal government. I would like to see the management of bison transferred from the Department of Livestock to the Montana Fish and Game under the spirit of compromise. I believe the Montana livestock industry has spent a lot of time and a lot of money to earn our brucellosis-free status. And I think we have to respect those efforts and try to maintain that status.

I also think that the problem of brucellosis in the park buffalo is very real and needs to be addressed. I mean, I am not a wildlife biologist, and I would leave it up to them. But I do think we need to address the source of brucellosis in the park herd. However, I do think that there should be some compromise along the park borders and allow these buffalo to come out in the wintertime and graze the winter range; and in the springtime, to avoid contact, move the buffalo back into the park.

I think that there also needs to be some hard scientific data based on research to find out if there's transmission between bison and cattle, when does it occur, and apply this rule to some of our management practices.

I also would like to see eventually a population, a safe population number for bison determined. And if the grazing that occurs on the winter range by elk and bison is going to be detrimental to the range condition, then I would like to see the regulated harvest by the public enacted to take care of surplus numbers. Thank you.

Oral testimony provided at the Holiday Inn Billings Plaza Hotel & Trade Center, [redacted] August 25, 1998

Comment No. 14848
Bill Bickle
Southeastern Livestock Association

Hi. My name is Bill Bickle. I'm a rancher in southeastern [redacted] and a member of the Montana Stockgrowers and secretary of the Southeastern Livestock Association.

It's difficult to improve or expand upon Beth Almond's comments made earlier in this session, so I'll just summarize some of the basic points.

It is unfortunate that the Draft Environmental Statement does not present solutions to the basic issue. And the basic issue is that there are too many bison in Yellowstone Park relative to the resources that are available in the park. The statement and particularly the agency-preferred solution does not work towards a commitment to eliminate brucellosis in the park or manage the park bison within the sustainable carrying capacity of the park; rather, the Park Service's preferred solution is to export the park's problems into the state of Montana.

The Park Service, I believe, based upon science, should determine what the overall carrying capacity of the park is and manage their resources within those limitations.

Secondly, I think it is very important that the Park Service work towards the elimination of brucellosis within its population that they are responsible for. This is a process which should be conducted wholly within the park's borders.

In conclusion, let me say that this is an issue of importance to the cattle industry throughout the state of Montana, not only to those ranches or those cattle that happen to be adjacent to the park. The cattle industry in Montana is an export industry. We rely upon the reputation of our herd health to sell cattle outside of the state. Actions taken by the federal government that threaten the reputation of herd health in the state of Montana and, in fact, threaten the brucellosis-free status of our cattle threaten the ability to sell cattle outside the state of Montana and, therefore, threaten the economic viability of the ranching industry throughout the state. Thank you.

YELL-256

ANIMAL CARE AND WELFARE, SPCA

"...in behalf of those who cannot speak for themselves but depend on honorable men and women for kindness, mercy and justice"

[redacted] • HOURS TO 5:30 p.m. DAILY

EDWARD J. BLOTZER, JR.
Chief Humane Society Police Officer

BISON MANAGEMENT PLAN EIS TEAM
National Park Svc, Denver Service Center
P O Box 25287
Denver CO 80225-0287

Greetings: cc: Concerned / JUly 8 1998

After eight years of discord and discontent, the NPS and the State of Montana have finally published a Draft Environmental Impact Statement (EIS) on the long-term management of Yellowstone bison. UNFORTUNATELY, yet predictably, the EIS scientifically and legally flawed.

The purpose of this letter is to PROTECT the Bison; since 1985 more than 3,000 Yellowstone bison have been shot or slaughtered by state and federal officials because of a fear that the bison could transmit a disease (Brucellosis) to domestic livestock. THIS FEAR IS ENTIRELY SPECULATIVE.

There has NEVER been a documented case of bison transmitting Brucella abortus, the bacterium which causes brucellosis, to domestic livestock in the wild.

Indeed the scientific evidence demmnstrates that if Yellowstone bison pose any risk of transmission that risk is so extremely remote that it does not justify the slaughter of these animals.

Furthermore, if any risk exists, it can be nearly eliminated through the implementation of sensible and feasible risk management strategies, including prohibiting the use of snowmobiles in parks, prohibiting cattle grazing on public lands outside the park, and requiring the vaccination of cattle on private land.

Unfortunately, rather than implement these sensible alternatives to protect bison, management alternatives in the EIS primarily rely on public hunting, capture and slaughter, agency shooting, and quarantine as the principal tools for controlling the bison population and reducing the risk of disease transmittion. Such management tools are cruel, unnecessary, and entirely inappropriate. WE OPPOSE LETHAL MANAGEMENT OF YELLOWSTONE BISON, AND ask the agencies to develop a more sensible, humane and scientifically credible plan.
Humanely,
EDWARD J. BLOTZER, JR., President, Chief SPCA Police Officer **

A Public Service to People and Pets without any cost to taxpayers, by volunteer/experts in the care and welfare of animals, and laws protecting animals from neglect/abuse.

** *Chartered by the Commonwealth of [redacted] 1970 • A Non-Profit Society (SPCA)*
Since 1970. *– Law Enforcement • Humane Education –*

League for Animal Protection, Inc.
S.P.C.A.
(of Nassau County)
South Shore Office

[redacted]

YELL-2549

Dear Sir or Madame:

We are contacting you regarding the Draft Environmental Impact Statement on the long term management of bison in Yellowstone National Park. Since 1985, more than 3,000 Yellowstone bison have been shot and slaughtered by state and federal officials because of a fear that the disease brucellosis could be transmitted to domestic livestock. However, there has never been a documented case of this transmission occuring. If any risk exists, it can be nearly eliminated through prohibiting cattle grazing on public lands outside the park and by vaccinating cattle on private land.

Public hunting, capture, and slaughter are unnecessarily cruel as agency tools. Please work towards developing the most sensible, humane, and scientifically valid plan for protecting our nation's bison at Yellowstone.

Respectfully,

South Shore L.A.P/
S.P.C.A of Nassau County

YELL-10,071

SPEAK

[redacted]

October 7, 1998

The Bison Management Plan EIS Team
National Park Service
Denver Services Center
P.O. Box 25287
Denver, CO 80225-0287

Dear NPS Bison Team:

The following letter states my opposition to the EIS' plan of hunting and slaughtering the Montana and Yellowstone bison.

There are a number of reasons why these animals should be left alone:

- Hunting Yellowstone bison is like hunting parked cars. It is unethical, unsporting and unnecessary.

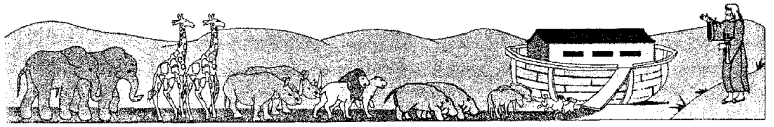
- There has never been a confirmed case of bison transmitting brucellosis to cattle under natural conditions. Even the chief ranger of Yellowstone Park, Dan Sholly, has stated that "the transmission of brucellosis from bison to cattle is more a perceived threat than a real one."

- All bison should be protected, not hunted.

Please do not allow the murder of Yellowstone and Montana bison. They have been persecuted long enough. Let them live in peace. Your comments are requested.

Respectfully yours,
Jacquie E. Lewis
Jacquie E. Lewis
President

Supporting and **P**romoting **E**thics for the **A**nimal **K**ingdom



206.162.84.11

YELL-13330

Tuesday, October 20, 1998 - 12:36:55 pm EST
a lastname: Woodenlegs
b firstname: Luke
c organization: St. Labre
comments: We strongly believe that the current management for Yellowstone Bison plan is inadequate. It does not address important issues. We feel that native tribes should have a voice in this matter. Not allowing other voices to be heard creates problems.

It is unfair that the ranchers are the only ones being heard. We, as members of the Northern Cheyenne and Crow Tribes, believe native tribes should be acknowledged. Native tribes have long had a relationship with bison. Bison and plains tribes have existed among each other for thousands of years. They mean much more than potential revenue, they are our heritage. We do not want them to end up living only as cattle, but free in the wild.

Allowing tribes to manage bison on their own would be beneficial for both tribal and federal governments. Employment would be created on reservations for bison management. Jobs would include: fencing, feeding, etc. Tourism would help tribal economies and surrounding districts. The federal and state governments would save money while tribes take the cost.

Listening only to the voices of ranchers is the root of the problem. Because of their fears, irrational actions were taken. The savings of not vaccinating cattle does not make up for killing 1500 bison.

[redacted]

YELL 11,096

St. Labre Volunteers
[redacted]

Bison Management Plan EIS Team
National Park Service
Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-9901

Dear Ms. Bransom:

As [redacted] residents who have visited Yellowstone National Park and who work with Native American population, we beseech you to treat the Park's buffalo herd as the cultural, environmental, and economic treasure it is. Our public lands should be managed to ensure the buffalos' survival. The alleged threat of Brucellosis to cattle does not bear hasty consideration of the buffalo as livestock that can be slaughtered or quarantined in a severe, costly manner.

The INtertribal Bison Cooperative/National Wildlife Federation's Seven Point Plan presents sensible, scientific solutions to the buffalo issue, and addresses the major groups involved. The allowance of buffalo to range on public lands outside Yellowstone and the possibility of tribal governments or wildlife agencies taking responsibility for buffalo outside the park are two practical approaches that the ITBC/NWF plan covers more humanely and specifically than the present draft EIS. We ask you to incorporate these important points in Montana's dealings with Park buffalo.

IN Native American culture, specifically in Plains tribes, the buffalo represents strength, endurance, and the sacred power to possess fortitude in the face of centuries of struggle. We want our tax dollars, and state policies, to reflect and respect the value of the free buffalo that remain.

We appreciate your sincere consideration of our comments.

Your truly,

Natalie L. Jones (Cont?)

A. D. C.

Paul V. Stevens

YELL-5187

Mrs. Musschoot's 7th Grade History Classes
Station Middle School
[redacted]

Bison Management Plan EIS Team, National Park Service
Attn: Sarah Bransom DSC-RP
PO Box 25287
Denver, CO 80225-9901

Dear Ms. Bransom:

As we were discussing the Early Native Americans and their plight, we were made aware of the slaughtering of many bison during the winter of 1996 -1997. As we looked further into this, we were dismayed that The Governor gave into the demands of the state livestock ranchers. We would like to share our thoughts with you on this subject and hope you will share them with others who can stop this senseless killing.

- We should be searching for a cure for diseases that the buffalo have, rather than killing them.
- Let the Native Americans take care of the buffalo. We have no reason to kill them, since they have done nothing to us.
- There is no reason to kill them if you do not need them for food or for other reasons.
- We risk extinction if we kill a lot at a time. The are part of our national heritage, as well as the Native Americans heritage.
- Put collars on sick ones and moniter them.
- A large fine should be given to individuals who harm or kill the buffalo. Use this revenue to help find a cure.
- Return the buffalo to the Native Americans because they know how to treat them with respect.
- Return them to the Native Americans so the buffalo can roam free. Give the Native Americans the choice of how to treat them.
- **Return them to the Native Americans in RETURN for what they taught us so many years ago.**
- There is no point in killing animals you THINK are diseased!
- If we have too many, offer them to other countries.
- Quarantine the sick ones and try to find a cure.
- Find other places for them, such as the open spaces in Alaska.

There are better ways to deal with over population of ANY ANIMAL other than mindless slaughter. This solution disrespects the beliefs of Native Americans. **We feel that their population has been disrespected long enough and that it is time to work with them.** Please reconsider redrafting the EIS and incorporate the Citizen's Plan into the document and analyze it as a viable alternative. Bison and buffalo are wildlife, not livestock, and as such should be managed by wildlife professionals for enjoyment by the public in a wild and natural setting on public and tribal lands -- not by livestock officials who only serve a single, special interest. Continue to let us, as well as our children and their children, visit and view an important part of our national heritage -- wild, free-roaming buffalo.

Sincerely,

Concerned students in Mrs. Musschoot's History classes

SIGNED BY 36 STUDENTS

YELL-8592

Dear Ms. Branson and the Bison Management Team,

The American Habitat Club of Stuyvesant High School is concerned with the slaughtering of Bison that range outside of Yellowstone National Park boundaries. It is not only immoral, it also completely defeats the purpose of the park itself. Moreover, the park boundaries are not evident to a bison, and they should not be expected to abide by our boundaries. In fact, the boundaries of the park should be altered to accomodate the migration of the buffalo. We cannot let the Bison population diminish away further; they are in the park for preservation. Education and research can prevent the irradication of our already scarce species.

The park could possibly run tests to verify or refute the belief that diseas can be passed from bison to cattle; one reason bison are slaughtered off park ground. These animals should be protected by federal law, and if they're all killed off, we will have lost one of the most important parts of the yellowstone ecosystem.

Sincerely,

The members of the American Habitat Club.

SIGNED BY 14 STUDENTS

YELL-7846 9-28-98

I WANT TO PROTECT THE WILD BUFFALO!

I want to protect Yellowstone Park's free-roaming buffalo. I oppose the DEIS's "Preferred Alternative" which will continue the unnecessary killing of buffalo that move to public lands outside the park. Instead, I endorse the Citizens' Plan to Save Yellowstone Buffalo, which maintains a wild, free-roaming buffalo herd **and** protects the interests of the livestock industry.

Additional comments: As legislative chairperson, I speak for 63 members of Sun City Friends of Animals, Inc.

Name: Barbara M. Palm

Address: Ms. Barbara M. Palm [redacted]

HSUS - Adopt a Pet, a Friend for Life

9c11-16576

SUN CITY FRIENDS OF ANIMALS, INC.
"Animals have rights, too"
[redacted]

YELL-8115

October 7, 1998

Bison Management Plan EIS Team
National Park Service
Denver Services Center
P.O. Box 25287
Denver, CO 80225-0287

Dear EIS Team:

As the representative of our 60 member organization, I encourage you to adopt the Fund for Animals' "Bison Alternative." It is a comprehensive, sensible and humane strategy to resolve the bison controversy, while protecting Yellowstone bison from being shot and sent to slaughterhouses.

Since 1985, more than 3,000 Yellowstone bison have been shot or slaughtered by hunters and state and federal officials, including nearly 1,100 bison during the winter of 1996-97 alone. The reason buffalo are being targeted is the threat that they carry brucellosis and that they may transmit the disease to cattle." In her book, "The Bison of Yellowstone National Park," Margaret Mary Meagher wrote:

"It is presumed that bison can transmit brucellosis to cattle, because the causative organism is apparently the same in both species of bovids. Transmission tests have not been made to verify this..."

In 1986, John Varley, Yellowstone Park Service's Chief of Research, said "[The transmission of brucellosis in bison to cattle has] never been demonstrated in the wild, only under experimental conditions."

Please stop the Yellowstone bison hunts. Their threat to cattle seems highly unlikely. Isn't it time you stopped protecting ranchers and started to show compassion and respect for one of America's symbols of freedom? A reply is requested.

Sincerely,

Barbara Palm

Barbara Palm
Legislative Chairman

Bison Public EIS Comment

Name: [redacted]
Organization: Teen Animal Protectors
Address: [redacted]
Email:
Comment:

I have started an animal protection organization for teens and we are currently protesting against buffalo slaughtering!

From the National Wildlife Federation's online public comment form:
(www.nwf.org/buffalo/commentform.html)

14,338

TEXAS AND SOUTHWESTERN CATTLE RAISERS ASSOCIATION

C. CONEY BURGESS, PRESIDENT J. MARK MCLAUGHLIN, 1ST VICE PRESIDENT JOHN E. DUDLEY, 2ND VICE PRESIDENT
STEVE MUNDAY, EXECUTIVE VICE PRESIDENT

October 29, 1998

Sara Bransom
United States National Parks System
DSC-RP
P.O. Box 25287
Denver, Colorado 80225-0287

Director Bransom:

The Texas and Southwestern Cattle Raisers Association appreciates the opportunity to comment on the health and well being of the cattle herd in the United States. TSCRA is a livestock trade association that represents over 14,000 cattle producers in the Southwest, primarily in Texas and Oklahoma.

It is imperative that National Park System officials aggressively pursue opportunities to manage this disease within the borders of Yellowstone National Park. Without an "in the Park" testing, removal, and vaccination program, the opportunities to manage this disease will be greatly reduced. As long as the bison herd is infected with brucellosis, any free ranging opportunities are simply not achievable.

The state of Texas ranks the eradication of brucellosis as one of the most important animal health concerns facing cattle raisers. Brucellosis affects our businesses in terms of our ability to ship interstate and the cost of production. TSCRA encourages the federal government to take every precaution to ensure the safety of the cattle business.

The livestock industry, federal animal health and disease control agencies, and state livestock and veterinary health agencies made a commitment to eradicate brucellosis in the US dairy and beef cattle herds over 60 years ago. To date, billions of dollars have been spent on the effort to eradicate this disease in our nation's cattle herd. Millions of domestic livestock have been tested, vaccinated, and held under quarantine. Hundreds of thousands of infected or exposed cattle have been sent to slaughter. All this has been accomplished in an effort to eradicate this devastating disease from our nation's cattle, and to protect the American people from the human equivalent of this livestock disease known as undulant fever.

The commitment to eradicate this disease by all concerned parties is unwavering and our efforts have brought us to the point where this disease in domestic livestock is limited to a very small number of carefully managed cattle herds in just a few states. We anticipate the disease will be completely eliminated in our nation's cattle herd shortly after the turn of the century. Tried and true methodologies for addressing the eradication of this disease

have been established within the nation's beef and dairy herds. The livestock industry realized that many years ago that one single course of action would not result in the eradication of this disease. These historic brucellosis management/eradication practices have included both the quarantine and testing of all animals exposed to the disease. This coupled with the removal (slaughter) of all positive testing animals and the vaccination of all non-exposed or negative testing animals has proven effective.

The 1998 National Academy of Sciences (NAS) report contains much information that is vital to the development and implementation of an effective brucellosis eradication program. The report contains important information on the potential disease transmission risks and threats to domestic livestock adjacent to the park. Comments within the report also address the progress of the disease within the park and how effective potential management strategies might be. It addresses test and slaughter protocol, the use of vaccines and delivery methodologies, and the limited effects on the genetic diversity of the park bison herd from a test and slaughter program similar to those used to control brucellosis in domestic cattle herds. The NAS report goes on to state that allowing infected bison to use areas outside the park as buffer zones for winter feeding will simple spread the disease threat over a much larger area. The report also addresses the ecological saturation of the Yellowstone ecosystem by the current numbers of resident elk and bison.

Cattle raisers adhere to stocking rates and carrying capacity when determining the size of their livestock herds. TSCRA encourages the federal government to follow suit with the bison herds in Yellowstone National Park. If these herds are controlled using formulations on the local carrying capacity, the animals will not need to wander in search of food. If these stocking rate numbers are complied with and utilized, the animals will stay within the confines of Yellowstone National Park.

TSCRA encourages the federal government to adhere to its policy of using sound and proven science in eliminating the disease. Administering the program using emotions and listening to groups who do not incur the cost of sick and dying cattle will be an expensive endeavor for production agriculture.

Sincerely,

Coney Burgess

C. Coney Burgess
President

Oral testimony provided at the Holiday Inn South, [redacted] on September 29, 1998.

Comment No. 15074
Gil Gilleland
Texas Animals

My name is Gil Gilleland, and I'm from [redacted], and I'm speaking for a group on the Internet, it's called Texas Animals, and we're primarily interested in animal rights and animal welfare. So obviously my comments are going to be from the aspect of what is best for the animal and very little, if any, emphasis, on what is best for the economic interest of the people riding snowmobiles or raising cattle to be slaughtered in Montana. That's the frame of reference. I have a handout that I'm going to give, and I will be speaking on this, but I would ask that it be incorporated into the records of this hearing.

The handout, which I just gave, if any of you ever want to refer to it, consists of two newspaper articles. The first one is from the Austin American Statesman published today, the 29th of September, 1998, and the title is "Feds must help Species Court Rules." You can read this in the Austin American Statesman. This does not pertain to bison, it pertains to an endangered species ruling. But I want to read the first paragraph from it because I think it's applicable.

The main thrust of what I'm going to say today is I think we need to show -- we, the government, the government agencies involved need to show good faith or better faith than they have shown. I believe the agencies at the State and Federal are going through the mechanics of this. I experienced a Bastrop fiasco whereby the Houston toad was assaulted a few years ago in order for an economic interest of a golf course. Our State Parks and Wildlife led by the chairman, Chairman Bass of the Commission and the director Sampson, Andrew Sampson of the Department.

When the National Parks Service denied construction of the Bastrop golf course in the park, Director Sampson used his connections in Washington where he used to work and he was able to circumvent the thrust of the National Park denial. He was able to reverse that decision and the National Park Service, it reversed its decision and said, yeah, go ahead, build a golf course, crush the toads, incidentally under the bulldozer.

So I am speaking and pleading to the Federal and State governments involved here, evidently it appears that the State government is in the forefront of this effort, and I'd like to just parenthetically mention before I read the first paragraph, the literature indicates this is an interagency effort. My contention is bad faith is shown from the very outset because it is not an interagency effort. There is nobody here, or at least officially listed in this literature, from the Bureau of Land Management. There is nobody here officially listed from the U.S. Fish and Wildlife Service. They may be here, but they're not identified, and they're not identified in the literature.

So that was my plea that I formulated last night when I came here was to please -- like a drug problem, with a drug problem we have a czar and the other national problems is -

I'm a retired Federal employee retired from the Federal government, and I know that you have to have -- interagency, you've got to get somebody to head it up to bring it together, and those two agencies are conspicuously absent. So the good faith aspect is tinged from the very outset.

Getting back to my news article -- the first paragraph only, which I'll read, "Federal agencies must carry out programs to conserve endangered species, not merely avoid accidents that jeopardize said species an Appeals Court has ruled in the case involving the Edwards Aquifer in Texas." So my plea is to carry out programs that are active, not just passive. And the things I've mentioned, the three aspects I mentioned, probably the video and this is the first time I've seen it, number one, the cattle grazing could be suspended to prevent interaction between bison and the cattle. Cattle grazing could be suspended during the winter so that Bison could forage in those areas outside the park, as they will no doubt escape from the park.

Number two, vaccination. Vaccination emphasis could be on the cattle, not on the bison. That's incidental. Get the cattle out of the way so the bison can free range in the winter and not dig through snow for nonexistent forage.

The third aspect is prohibit snowmobiles, which you will obviously allow them. But if you'll allow them, make -- jack up their fee and make them pay for winter forage to be stocked in the park so the bison will not be inclined to roam. Thank you.

Oral testimony provided at the Holiday Inn South, [redacted] on September 29, 1998

Comment No. 15081
Susan Petersen
Texas Committee on Natural Resources

Thank you. My name is Susan Petersen. I'm the vice chair in charge of issues for Texas Committee on Natural Resources. That's a statewide citizen conservation group, and it's the state affiliate of the National Wildlife Federation.

Actually this morning when I was dressing, I was looking for my favorite pin that I wear to hearings like this. It's a pink ceramic pig with little white wings, because that's about what I feel about the National Park Service's preferred alternative. It's like it will protect buffalo when pigs have wings and can fly.

Like the National Wildlife Federation, Texas Committee on Natural Resources does not believe that the alternatives presented in the EIS are appropriate for the management of the buffalo in Yellowstone National Park.

Texas Committee on Natural Resources stands with the National Wildlife Federation and the InterTribal Bison Cooperative in supporting the Citizens' Plan. This is a plan which manages buffalo as wildlife, not as livestock. It's a plan which allows the historic buffalo herd in Yellowstone to remain free roaming. It's a plan which stresses management areas on Federal lands outside the boundaries of Yellowstone, an acquisition of key winter ranges. It's a plan which stresses wildlife sciences, carrying capacity, scientifically based population goals. It's a plan which would relocate excess buffaloes onto tribal lands. This is the alternative which we prefer. And it's not in the EIS as developed.

I'm pleased that the National Park Service is holding this hearing in Austin. This issue concerns a national treasure, the Yellowstone National Park, and a national heritage, the free roaming buffalo. A little piece of just art here. A buffalo head nickel, Indian on one side, buffalo on the other Heritage. American heritage. All of our heritage.

Holding the hearings in states not abutting the park is an acknowledgment by the Park Service that these are America's buffalo, my buffalo, my park, and I and my members want a say in their management. I see cattle on ranches all over Texas. I can see penned buffalo just west of here, but I go to Yellowstone to see the free roaming buffalo.

I'll be handing in this stack of letters, there are about 140 in here, and they'll be turned in with letters turned in by the National Wildlife Federation later on during these hearings. These letters were collected last Sunday by myself and a couple of volunteers. We spent about seven hours talking to Austinites about the buffalo issue.
I like to do this, I like to talk to the general public to get their ideas about issues, major issues, and I've done this many times.

It gives me an idea of how the public understands the issues, how the importance is perceived, and the understanding of the public about the issues. About 75 percent of the people approached actually stopped to talk.

This is a large percentage, much larger than I usually get when I'm talking on issues. Most people are real busy, and they're too busy to stop, but when they hear buffalo and they hear Yellowstone, those two magic words, they actually stop and they take time to talk to you about the issue. About a third of the people had memories of the buffalo slaughter during that harsh winter. All had been disgusted by it. No one expressed support for that kind of carnage again, believe it or not. About three-quarters of the people who stopped and talked wound up signing a letter in support of the Citizens' Plan, and almost all of them took information and are carrying it with them. This Sunday was really well-spent by me.

I was impressed by the overall support for the buffalo and for the park. Texas is a private land state where the wildlife belongs to all people. Texans travel far to see the public lands, to get to the public lands, the national parks, and they expect to catch glimpses of the free ranging wildlife. The Citizens' Plan is the alternative that will keep the wildlife wild and the buffalo roaming. Thank you.

YELL 10 109

TRIMBELLE ROD & GUN CLUB
Ralph F. Schommer, President
[redacted]

October 6, 1998

BISON MANAGEMENT PLAN EIS TEAM, NATIONAL PARK SERVICE
Attn: Sarah Bransom DSC-RP
P.O. Box 25287
Denver, Co. 80225-9901

I am writing today because my Club members use the Yellowstone region and also because they wish to observe all the wild animals of that region in their natural habitat.

We support the "Citizen's Plan" for bison management. We believe that plan will protect rancher interests and the wild bison herd.

Bison are wildlife, not livestock, and as such should be managed by wildlife professionals for enjoyement by the public in a wild and natural setting on public and tribal lands.

Over the years (40) that our Club has been active in assisting wildlife management professionals in the State and Nation we have seen far to much overuse of public lands by grazing interests to the detriment of the wild animals that live their. This practice is a disservice to all the citizens who own this land in common. The National Park Service should consider the interests of all the co-owners of our public land and the wildlife that lives on it rather than the grazing interests who are profiting at the expense of our wildlife and our wild lands.

Please respond, if possible, when this matter is resolved.

Sincerely yours,

TRIMBELLE ROD & GUN CLUB
Ralph F. Schommer, President

Ralph F. Schommer

YELL-9369

the
Rio Grande Chapter
of
Trout Unlimited
c/o
Michael Norte
[redacted]

October 12, 1998

Sarah Branscom
Bison Management Plan EIS Team
US Department of the Interior
National Park Service
Denver Service Center-Branscom DSC/RP
12795 West Alameda Parkway
PO Box 25287
Denver, CO 80225-9901

Ms Branscom:

With a combined membership of over a thousand ethical anglers and dedicated conservationists, the Rio Grande Chapter of Trout Unlimited and the affiliated New Mexico Trout collectively represent one of the largest assemblies of conservation interests in New Mexico. Considering the importance of the now regrettably unique natural resources of the Greater Yellowstone Ecosystem, it should come as no surprise that virtually all of the members of these two groups have both visited and fished the waters of Yellowstone National Park, that the spiritual horizons of these individuals have been decisively broadened by these experiences, and that, as a result, these individuals will forever remain deeply concerned about what happens to any part of that rare and important area.

Both Trout Unlimited and New Mexico Trout have an obvious interest in the management of the fisheries in the Park; however, our interests certainly do not stop at the water's edge. To earn the right to be a trout stream, the rain and snow that falls on mountaintops, timbered slopes, and upland meadows must first

YELL-9369 contd.

melt its way across clean watersheds or percolate through undisturbed geology before it is finally filtered by healthy riparian systems. Fisheries, however, depend on more than just clean water. They depend on the invertebrates, the forage fish, the plant nutrients, the cooling shade, the dissolved oxygen, and all of the symbiotic plant and animal interrelationships that keep an ecosystem in balance. Thus, conserving trout fisheries is about a lot more than just protecting trout; it is about protecting everything upstream of those trout, from the upland timber and that vital riparian vegetation to the full complement of native plants and animals and, yes, even the quality of the water itself. Trout truly are indicators of total ecosystem health, which is why flyfishers focus so much energy on comprehensive riparian, watershed, and ecosystem protection.

Of equal importance, however, trout fisheries are also truly dependent upon the intellectual, ethical, and policy climates governing the ecosystems that surround them. Conservation priorities, stewardship philosophies, and patterns of regulatory compliance that are established to address one element of the ecosystem will inevitably come to influence the manner in which all other elements of the ecosystem are governed, as well as having an influence on the policy climates governing other ecosystems from coast to coast. When irresponsible attitudes and practices are allowed to flourish in one part of the country or with regard to one species, they tend to spread and to infect attitudes and practices in other areas. As someone once said, "injustice anywhere is a threat to justice everywhere." Thus, both Trout Unlimited and New Mexico Trout have a duty to participate in and provide input on any matter dealing with the establishment of organizational, conservation, or compliance priorities or policies that will impact America's public resources, wherever that impact might first occur. We believe our responsibilities in this area are particularly important in this case, since the policies and priorities that are established for an area as visibly symbolic as Yellowstone National Park will inevitably influence conservation philosophies and standards far beyond the Greater Yellowstone Ecosystem.

In this context and as both conservationists and public lands stakeholders, the Rio Grande Chapter of Trout Unlimited and New Mexico Trout submit these comments on the current ***Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park.*** In addition, both the Rio Grande Chapter of Trout Unlimited and New Mexico Trout believe that there is an obligation to remain, as well as great intrinsic value in remaining, true to the original intent and spirit of the National Environmental Policy Act (NEPA) and to 40 CFR 1500 through 1508, the original and still applicable promulgating regulations. This approach helps to limit the

dilution of intent that can result from subsequent reinterpretation. Thus, our comments will be heavily based upon 40 CFR 1500 through 1508, placing our trust in the assumption that your agency has, in accordance with 40 CFR 1500.2(a), "to the fullest extent possible" attempted to "interpret and administer the policies, regulations, and public laws of the United States in accordance with the policies set forth in the Act and in these regulations."

Frankly, we find the ***Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park*** to be inadequate with regard to fulfilling the requirements of the National Environmental Policy Act. We find it to be dangerously subject to the potential for conflicts of interest, insensitive to the fundamental mandate of Yellowstone National Park, unresponsive to the goal of developing alternatives that both meet genuine resource management needs and respect the desires of the majority of the taxpayers, and tailored to fit a predetermined conclusion that seems skewed toward a partisan political, social, racial, cultural, and economic agenda. Allow us to summarize our concerns, with more specific materials to follow.

Overview of our Concerns:

1. This current ***Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park*** is woefully inadequate with regard to providing the public with a clear understanding of the original environmental baselines for role of bison in both natural and human ecosystems, thus inadequate with regard to providing the public with a clear understanding of the cumulative impacts, to the natural and human ecosystems, that have brought this species and the human communities associated with it into their present tragic conditions.
    - Historical baseline information is critical to enabling the public to properly scrutinize the relationship of this currently alleged need for "bison management," along with its cumulative impacts, to past episodes of "bison management," along with their cumulative impacts, including the impact of "bison management" as part of the original genocidal assault on the peoples commonly known as the Plains Indians.
    - A wide range of wildlife, much of it now rare or endangered at some level, was once abundant throughout much of North America as a result of resources provided by free ranging bison. A clear understanding of the cumulative impacts of "bison management" on these species and the subsequent cost to the public is essential to enabling the public to assess the need for these actions and the alternatives being proposed.

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- The interwoven peoples commonly known as the Plains Indians suffered extreme, essentially genocidal, cumulative impacts from past "bison management" activities. An understanding of the history of these activities and their impacts, both acute and chronic, is critical to enabling the public to scrutinize the currently proposed alternatives and their possible motivations, as well as the possible need to more fully recognize the relationship between the Plains Indians and this species and, therefore, allow the remnants of these peoples to participate more substantively in the solution to this currently alleged need for "bison management."

2. The scope of the current ***Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park*** has been arbitrarily and capriciously narrowed in a manner that hampers the ability of the public to clearly recognize and understand the full range of actions and potential motivations that are connected, cumulative, or similar to this currently proposed "bison management" agenda and, thus, this narrowing of the proper scope of the document prevents the public from properly scrutinizing the full spectrum of cumulative costs, impacts, victims, and beneficiaries associated with this agenda.

   - Understanding the full scope of the actions, impacts, and beneficiaries associated with this "bison management" proposal is essential to guarding against conflict of interest, recognizing manipulation of the process, assessing and scrutinizing the propriety of the associated activities, all of which involve the utilization, transfer, and disposition of valuable public resources.
   - Both the need for and the impacts of this current "bison management" proposal have clearly relevant connections to the needs and impacts of subsidized public lands grazing in the area, to the artificial maintenance of degrading winter sports activities in the Park, and to the role that this current "bison management" proposal plays in aggravating, both in perception and in reality, the impacts of past and present federal, state, and local actions and policies regarding the political, social, economic, and psychological wellbeing of the remnants of those peoples commonly known as the Plains Indians. Yet, these connections largely remain politely invisible in the current document.
   - The failure to properly address relevant relationships between the effects of past and current "bison management" efforts and their persistent impacts on affected groups and communities within the human environment serves to effectively, but inappropriately, hamper the public with regard to understanding and responding to those aspects of the proposal that involve issues of human and civil rights and economic and environmental justice.

3. The processes associated with this currently alleged need for "bison management" and the current ***Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park*** seem to have been subject to numerous conflicts of interest derived from, first, the longstanding interdependent relationship between the livestock industry and the US Department of Agriculture and its relevant component agencies, the Animal and Plant Health Inspection Service and the US Forest Service; second, the potential for competition between beef and bison in an already overcrowded market for red meat; third, the subsequent desire of many in the livestock industry to see bison remain a "novelty" product, tainted by the perception of "disease;" fourth, the longstanding and still quite persistent racial, political, social, economic, and cultural antipathy of many in the livestock industry for the peoples commonly known as the Plains Indians; fifth, the demonstrated ability of the livestock industry to convert economic stratification into partisan political influence over both elected and appointed officials at both the state and federal levels; and, finally, the demonstrated willingness and ability of the livestock industry to use such partisan political influence to hold agency and program budgets at risk, as a means of coercing and intimidating recalcitrant agencies and officials. In this context, the current ***Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park*** certainly appears to be a classic case of "science under siege."

   - There has never been a documented case of brucellosis transmission between wild bison and range cattle and, on this basis, the risk of infection seems to be a cynical "red herring" at best; yet, it is our understanding that the State of Montana, as represented by the Montana State Veterinarian, an office with extremely tight ties to the livestock industry, arbitrarily and capriciously refused to accept a federal offer of a "low risk" category in association with these bison and is, instead, insisting upon a draconian and unnecessarily rigid "bison management" regime. In fact, at least two national organizations have had to request that the authority of the Montana State Veterinarian over bison issues be restricted, because of perceived conflict of interest.
   - The State of Montana arbitrarily and capriciously transferred jurisdiction over bison from the Montana Department of Fish, Wildlife, and Parks, an agency with a longstanding wildlife conservation focus, to alternative agencies and officials whose professional focus is livestock operations and the wellbeing of the livestock industry, thus reinforcing questions of both expertise with regard to decisions involving conserva-

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tion issues and the role that the potential for conflict of interest might play in this process.

- Although the alleged purpose of this current "bison management" proposal is to "address the risk of brucellosis transmission," the first two objectives listed for the development of a "bison management" plan are, first, to "address bison population size and distribution; have specific commitments relating to size of bison herd" and, second, "clearly define a boundary line beyond which bison will not be tolerated." These objectives only obliquely respond to any need to "address the risk of brucellosis transmission;" however, they correlate perfectly with an agenda aimed at limiting the bison population, in order to ensure that bison remain a rare "novelty" species, and with doing everything possible to slow their growth as a competitive commodity. In fact, the first six of the nine objectives listed for the development of a "bison management" plan involve placing limitations and negative impacts on the bison in order to protect vested cattle interests. The need to "maintain a viable population of wild bison in Yellowstone National Park" is listed as only the seventh of the nine objectives in this process and the development of a mechanism for the possible transfer of healthy bison to alternative interests is not listed as an objective at all. This situation clearly implies a process that is culpably skewed toward an agenda that seeks to go further than simply meeting the alleged need to "address the risk of brucellosis transmission."
- The federal purchase and protection of portions of the Royal Teton Ranch is a critical element of almost any plan to provide the winter range required to properly, safely, and reliably "maintain a viable population of wild bison in Yellowstone National Park" with a minimal need for cyclical butchery. The State of Montana has three federal legislators, one Senator from the minority party, who is deeply supportive of this purchase, and both a Senator and a Congressman from the majority party, who have both made public statements also indicating their support for this purchase. The estimated purchase price being discussed would be a large amount of money for most individual buyers; however, it is a relatively tiny, virtually insignificant, amount of money in terms of the federal budget, especially in consideration of the high visibility and value of the national assets involved. Under any normal circumstances, the US Senate and House of Representatives would be expected to immediately allocate such a relatively small amount of funding simply as an undisputed courtesy to Montana's majority Senator and Congressman, especially since the minority party, Montana's minority Senator, and the Clinton Administration are all enthusiastically and emphatically supportive of this purchase. Yet, as late as the date of this correspondence, federal funds for this purchase had not been allocated; the original purchase option with the Church Universal and Triumphant (CUT), a very willing seller, had been allowed to expire; and the CUT had been forced to announce its intention to begin considering private offers that could have extremely negative impacts on the habitat and

wildlife in this part of the ecosystem, potentially including the removal of this area as possible bison winter range. There would appear to be only two possible explanations for this apparent paradox. The majority leadership might be so disrespectfully contemptuous of Montana's majority Senator and Congressman that they are willing to break the longstanding traditions of courtesy in both the US Senate and House of Representatives over a relatively tiny amount of very popular funding, an unlikely explanation at best, or, more likely, Montana's majority Senator and Congressman are sending a different message to the majority leadership in private than their public statements would indicate. Possible motivations for this behavior would seem obvious. The federal purchase of portions of the Royal Teton Ranch would help to "maintain a viable population of wild bison in Yellowstone National Park," without having any negative impact on other stated objectives or the need to "address the risk of brucellosis transmission." If, however, the true agenda is to limit the bison population, ensure that they remain a rare "novelty" species, and do everything possible to slow their growth as a competitive commodity; then protection of the Royal Teton Ranch would be counterproductive.

- Idaho has a cattle vaccination program to guard against the spread of brucellosis, primarily from the elk who are a far more prevalent carrier of the disease than bison; however, it is our understanding that neither Montana nor Wyoming have such a program. If the need is to "address the risk of brucellosis transmission," it would seem that such a program would be a first step. If, however, the true agenda is to limit the bison population, ensure that they remain a rare "novelty" species, and do everything possible to slow their growth as a competitive commodity; then the difficulties and cost of establishing such a cattle vaccination program in Montana or Wyoming would need to be exaggerated to keep the focus on strategies that contain, limit, and negatively impact bison.
- Only a couple of thousand cattle use the US Forest Service's affected allotments adjacent to Yellowstone National Park and only seasonally. thus, the value of these subsidized public lands grazing operations is miniscule in comparison to, first, the cost of ongoing "bison management" or, second, the value of the bison as an economic development asset in the area, although the economic benefits of tourism admittedly tend to be dispersed through many pockets while the profits from subsidized public lands grazing operations tend to be concentrated into a few. If the need is to "address the risk of brucellosis transmission" while providing the maximum economic development potential to the majority of the taxpayers in the area, then it would seem that reassigning the subsidized public lands grazing operations in the area to other allotments would be a first step. If, however, the true agenda is to limit the bison population, ensure that they remain a rare "novelty" species, and do everything possible to slow their growth as a competitive commodity; then a different strategy would be apparent. A complete accounting of relative costs and values would remain hidden; the difficulties of

making any adjustments to subsidized public lands grazing operations would be exaggerated; and the focus would be kept on strategies that contain, limit, and negatively impact the bison.

- Bison are not domesticated livestock; they are public wildlife resources. Their ability to tolerate and survive intrusive handling, close human contact, or artificial confinement is characteristic of wildlife, not cattle. Yet, the existing and proposed quarantine and vaccination protocols used for bison are apparently based on constrictive holding pens, not open pastures, and direct injection, not oral baits. Thus, the existing and proposed quarantine and vaccination protocols for bison are apparently actually more rigid, aggressive, and stressful than comparable protocols allowed for cattle. This is too transparent. If the objective is to "maintain a viable population of wild bison" while also addressing "the risk of brucellosis transmission," then there would seem to be no need to arbitrarily and capriciously ignore the inherent factors that would put the bison at unnecessary risk. There would certainly seem to be no need to treat them in a more rigid, aggressive, and stressful manner than common cattle are treated. If, however, the true agenda is to limit the bison population, ensure that they remain a rare "novelty" species, and do everything possible to slow their growth as a competitive commodity; then treating them in a manner that seems designed to target their sensitivities and weaknesses, as these protocols seem to do, will ensure that the minimum number survive intact. Again, the current ***Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park*** is too transparent. It is culpably and inappropriately skewed and needs to be completely revisited.

4. The current ***Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park*** is so culpably skewed that even the alternatives seem to have been developed in a manner such that, no matter which alternative is chosen, it will be tainted to ensure furtherance of livestock industry goals and a partisan political, racial, social, cultural, and economic bias. The proposed alternatives truly seem rigged, a "name your poison" proposition.

Allow us to offer some specific details on some of our concerns.

Concern: Need to Better Document Environmental and Historical Baselines

The current ***Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park*** is woefully inadequate with regard to providing the public with the depth and

detail of historical background information that would allow them to understand the actions, processes, interests, victims, beneficiaries, and cumulative impacts that have shaped this currently alleged need for "bison management." Allow us to refer to 40 CFR 1500.1(b).

> *NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA.*

Allow us to also refer to a portion of 40 CFR 1500.2.

> *Federal agencies shall to the fullest extent possible... facilitate public involvement in decisions...*

On the most benign level, the development of a complete and accurate environmental and historical baseline for bison and "bison management" is absolutely essential to properly defining the problem to be solved by the proposed action, identifying the cumulative impacts that have shaped the problem into its current form, and beginning to refine alternatives that accurately target genuine needs. On an unfortunately more realistic level, without a complete and accurate baseline and a history of the cumulative changes from that baseline and their causes, the public is truly hampered in verifying the need for a proposed action, assessing the most appropriate alternative solution, and scrutinizing the potential that the disposition of public assets might actually be subject to improper conflicts of interest or hidden agenda.

Allow us to establish a reference to 40 CFR 1508.7.

> *"Cumulative impact" is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency, whether Federal or non-federal, or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions that take place over a period of time.*

A further definition of "Effects" is provided by 40 CFR 1508.8.

> *"Effects" include:*
> *(a) Direct effects, ...caused by the action and occur at the same time and place.*
> *(b) Indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems. Effects and*

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impacts as used in these regulations are synonymous. Effects include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative. Effects may also include those resulting from actions which may have both beneficial and detrimental effects, even if on balance the agency believes that the effect will be beneficial.

These references clearly establish that it is the intent of the NEPA that the full history of a problem be examined and documented for public consideration and scrutiny, since such examination and documentation is the only way to enable the public to understand the full cumulative impacts of past and therefore proposed actions. If you do not know where you started, then you really cannot assess your travels, know where your really are, trace how you got there, or anticipate where your proposed actions might realistically be expected to take you.

Baseline information must cover environmental information on the bison, their historical numbers and distribution, their historic role in the various ecological communities that they inhabited from coast to coast, and the impacts, both positive and negative, of their presence and their virtual elimination from these natural communities. For example, there is evidence that a number of species, including pronghorn antelope and several bird species, evolved in complementary relationships to the bison and that the virtual elimination of bison from the American West has significantly impacted these species. Similarly, there is evidence of the important role of bison as a food source for many of the carnivores and scavenger species that are now subject to costly conservation efforts, including efforts under the Endangered Species Act. These impacts need to be more clearly and forthrightly documented for public scrutiny in any final impact statement that addresses this alleged need for intensive "bison management."

At the same time, however, the NEPA considers impacts to human communities and environments, as well as impacts to their natural counterparts, and thus baseline information must also include data on "aesthetic, historic, cultural, economic, social, or health" impacts of "past, present, and reasonably foreseeable future actions regardless of what agency, whether Federal or nonfederal, or person undertakes such other actions." In this context, any final impact statement that addresses this alleged need for intensive "bison management" must also document the history of the virtual elimination of bison from the American West, first, in terms of its motivations and perpetrators, since this information is crucial to enabling the public to properly scrutinize the full range of possible motivations and interests behind this currently alleged need for "bison management;" and, second, in terms of its racially and culturally genocidal impacts on

the physical, social, spiritual, military, economic, cultural, and psychological foundations of the interwoven peoples commonly known as the Plains Indians, since this information is crucial to enabling the public to properly assess whether the proposed alternatives serve to extend an established pattern of negative impacts or begin to mitigate and restore such past impacts.

Prior to the virtual elimination of bison from the American West, the peoples known as the Plains Indians collectively controlled millions of square miles of North America with a current value of many trillions of dollars. There is ample evidence to indicate that the virtual elimination of bison from the American West was, in fact, part of a conscious strategy, both actively and passively implemented, to genocidally reduce the populations of Plains Indians, by eliminating their source of food and shelter; to thus destroy the ability of these peoples to militarily defend their hereditary property rights and ancestral claims to these aforementioned millions of square miles of North America; and to confine them to racial and cultural isolation and economic dependency as a means of removing them as an impediment to the uncompensated seizure of their property and the arbitrary and capricious redistribution of that property to other peoples, purely on the basis of race, creed, and national origin. Thus, these past "bison management" actions constituted a physical, economic, cultural, and psychological assault from which the remnants of the societies known as the Plains Indians have never fully recovered. The legacy of this past "bison management" clearly continues to constitute one of the most egregious unresolved violations of human and civil rights in the history of the United States. Properly and completely documenting and acknowledging the racially and culturally genocidal nature and motivations of these past "bison management" actions, including any available evidence regarding the involvement of the Grant Administration and early agricultural interests, is particularly important to providing the public with a context for scrutinizing both the currently alleged need for "bison management" and whether the proposed alternatives serve to extend an established pattern of negative impacts or begin to mitigate and restore such past impacts.

Concern: Proper Scope of Analysis:

Allow us to now refer to relevant portions of 40 CFR 1508.25.

...agencies shall consider...
(1) Connected actions, which means that they are closely related and therefore should be discussed in the same impact statement. Actions are connected if they:
(i) Automatically trigger other actions which may require environmental impact statements.

(ii) Cannot or will not proceed unless other actions are taken previously or simultaneously.
(iii) Are interdependent parts of a larger action and depend on the larger action for their justification.
(2) Cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact statement.
(3) Similar actions, which when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography...

With these regulatory references established, we very firmly believe that the current situation regarding the bison associated with both Yellowstone National Park and Grand Teton National Park, both populations being essentially the same metapopulation, is clearly the result of the cumulative effects and impacts of a wide range of actions that are connected, cumulative, and possibly similar as well and "should therefore be discussed in the same impact statement," in accordance with 40 CFR 1508.25. We further and equally firmly believe that the bulk of the connected, cumulative, and possibly similar actions associated with this "bison management plan," as this currently proposed action is characterized, are being improperly concealed and excluded from complete discussion in the current ***Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park.*** The exclusion of these connected, cumulative, and possibly similar actions from proper and complete discussion does, in fact, prevent the public from recognizing and reacting to the enormity and grotesque nature of the entire range of cumulative impacts resulting from the connected, cumulative, and possibly similar actions that have been implemented in association with the "management" of this species over the years.

To enable the public to completely understand the full implications of this situation, allow us to offer a discussion of the illicit practice known as "segmentation" of a NEPA process. The practice of "segmentation" involves breaking a single, broad, resource manipulation agenda into many smaller incremental pieces, each separated by artificial agency or process boundaries or by time and, in effect, disguised by the separation. In this manner, both the public at large and the judicial system can often be effectively misled into seeing, not a single resource manipulation agenda with potentially intolerable cumulative impacts over time, but simply a stream of tragically unfortunate, but seemingly discrete, individual actions, each with its own apparently smaller, less significant, seemingly more palatable, individual repercussions. Once segmented into pieces, many of the smaller "bits" of the broader agenda may be small enough to be quietly "farmed out" for implementation by other agencies or parties or even to fall below the threshold for categorical exclusions, thus escaping any public scrutiny at all. Whether by burying parts of the agenda beneath the threshold of public visibility or by revealing parts of the agenda in such small and deceptively innocuous incremental doses that they raise minimal concern, "segmentation" is an illegitimate, often politically motivated, tactic for "tricking" both the public at large and the judicial system into examining the impacts of each small piece of a broad agenda individually and thus never properly recognizing or comprehending the full intent or impact of the broader, special interest, resource manipulation agenda. The use of "segmentation" as a means of concealing, misrepresenting, or disguising the true scale of cumulative impacts from public scrutiny is thus intended to deceive the public into tolerating an integrated set of mutually related, interdependent, connected, cumulative, or similar actions that might never be tolerated, if the broader agenda of which they are a part were ever properly revealed and documented in its complete form. The language of 40 CFR 1508.27(b)(7) is, in fact, a clear admonition against this practice.

(7) Whether the action is related to other actions with... cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

In this sense, "segmentation" is one of the most fundamental and predatory violations of the letter, spirit, and intent of the National Environmental Policy Act.

We would offer only a few illustrative examples of the many broad areas that constitute connected, cumulative, or possibly similar actions bearing on the alleged need for this "bison management plan" and having impacts that are clearly cumulative with many of the anticipated impacts of this plan. To begin with, it is clear that, without the presence of subsidized livestock grazing on public lands in the vicinity of Yellowstone National Park, such an abundance of additional winter range would be available for bison that the need to protect the remaining private interests in this area would be so dramatically reduced that the scope of activities associated with this alleged need for "bison management" would accordingly be significantly reduced, to the point of constituting a qualitative change in kind from anything currently proposed or under study. In this context and in accordance with 40 CFR 1508.25(a)(1)(iii), the activities associated with this "bison management plan," including the act of preparing the ***Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park,*** are, regardless of the agencies or individuals that actually undertake them, interdependent parts of a

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larger action and depend on this larger action for their justification, with this larger action being the decision of the US Forest Service to allow livestock grazing on public lands in the vicinity of Yellowstone National Park. Thus, these subsidized livestock operations and this currently alleged need for "bison management" are "connected actions" that should be discussed in the same impact statement.

While the presence of subsidized livestock operations on adjacent public lands is mentioned in the ***Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park,*** the discussion of the impacts of these activities is woefully inadequate, which is understandable since subsidized livestock grazing on public lands, in terms of its "direct effects" alone, is so costly and its disturbing environmental impacts are already so controversial that accurately and completely documenting the full range of its impacts and those of the many other damaging activities that it drives, along with the impacts of this attempt at intensive "bison management," would invite decidedly unwelcome public scrutiny.

For example, simply with regard to native trout species and their habitat, the relationship between livestock grazing and watershed and riparian damage has been well documented in the literature, with numerous studies addressing the tendency of livestock grazing to strip streams of cover, trample and break their banks, foul their waters with organic pollution, smother spawning beds with silt, lower watertables, warm surface waters, and virtually eliminate formerly lush riparian corridors. These impacts alone are not insignificant in a region where both the Westslope Cutthroat and the Yellowstone Cutthroat have been proposed for listing under Endangered Species Act and their last strongholds seem to consistently be associated with areas that are free from livestock grazing, including Yellowstone and Grand Teton National Parks. Most, if not all, other forms of riparian wildlife, including many species of birds and animals as large and as increasingly rare as moose, also suffer as a result. With regard to direct competition for forage, elk and bison both suffer as domestic cattle are allowed to monopolize increasingly constrained winter range. Deer and antelope also suffer as, both by changing the types of grasses that can adapt to perpetual livestock grazing and by reducing stubble height, cattle eliminate fawn cover and expose deer and antelope fawns to predation during the most vulnerable period in their lifecycles. Since the activities associated with this alleged need for "bison management" are, in accordance with 40 CFR 1508.25, interdependent parts of the larger action represented by the decision of the US Forest Service to allow livestock grazing on public lands in the vicinity of Yellowstone National Park, these

impacts, of subsidized livestock operations on adjacent public lands, should be accurately and completely discussed in any final impact statement that addresses this alleged need for "bison management."

With regard to other "direct effects" of subsidized livestock grazing, these operations are highly subsidized activities that are necessarily supported by elaborate and costly range management, legal, public relations, and contracting structures within the US Forest Service. These requirements clearly have a significant impact on the funds available for other fundamental agency responsibilities, including wildlife and habitat protection and the maintenance of recreational improvements and services for the majority of the public. Thus, the development and maintenance of these costly "livestock support" functions are, not only "interdependent parts of a larger action and depend on the larger action for their justification," but also cumulative actions, "which when viewed with other proposed actions," including "bison management," have "cumulatively significant impacts." In this context and since the activities associated with this alleged need for "bison management" are, in accordance with 40 CFR 1508.25, interdependent parts of the larger action represented by the decision to allow livestock grazing on public lands in the vicinity of Yellowstone National Park, a complete and thorough analysis of these "livestock support" functions, a statement of their costs, and a full disclosure of their organizational and budgetary impacts on overall resource protection responsibilities must be included in any final impact statement that addresses this alleged need for "bison management."

Because of the connected and cumulative relationship between public lands grazing in the vicinity of Yellowstone National Park and this alleged need for "bison management," the requirement for a full disclosure of impacts under the NEPA does not end with the "direct effects" of these subsidized grazing activities, but extends to each and every connected, cumulative, or similar action associated with either livestock grazing on public lands in the vicinity of Yellowstone National Park or this alleged need for "bison management," including actions of other agencies that would not proceed without the presence of either of these activities. For example, various agencies frequently underwrite "animal damage control" activities, frequently also allowing similar private actions, in areas associated with grazing allotments. Predation on livestock is invariably the focus of these actions, since there is rarely, if ever, a sufficient history of any other kind of predation to warrant these operations. Thus, in accordance with 40 CFR 1508.25(a)(1)(ii), these "animal damage control" activities would not proceed unless the US Forest Service acted, either previously or simultaneously, to permit livestock grazing on these public lands. Thus, in accordance with 40 CFR

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1508.25(a)(1)(iii), these "animal damage control" activities are, regardless of the agencies or individuals that actually undertake them, interdependent parts of the larger action represented by federally supported livestock operations and depend on this larger action for their justification. From another perspective, many of the activities proposed as part of this "bison management plan" are, in accordance with 40 CFR 1508.25, "similar" in nature to "animal damage control" activities. In addition, when viewed in the context of overall cumulative ecosystem modification, the two types of activities constitute, throughout the ecosystem, directly "cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact statement," lest their impacts not be fully disclosed.

Other cumulative effects have impacted the ecosystem more broadly. Allowing livestock grazing on public lands "induced changes in the pattern of land use" and resulted in federal, state, and private actions that, over the years, have significantly impacted or eliminated populations of grizzly bears, black bears, wolves, mountain lions, eagles, hawks, raccoons, foxes, coyotes, and a wide range of other wildlife whose native range lies within the ecosystem. Even those species that have survived have lost genetic diversity and suffered severe distortions in their natural population dynamics, often triggering endangered species restoration costs in the process. These changes and their costs need to be documented, again because both these "induced changes in the pattern of land use" and the activities associated with this alleged need for "bison management" are, in accordance with 40 CFR 1508.25, cumulative impacts of the larger action represented by the decision to allow livestock grazing on public lands in the vicinity of Yellowstone National Park.

Since both these "induced changes in the pattern of land use" and the activities associated with this alleged need for "bison management" are, in accordance with 40 CFR 1508.25, cumulative impacts of the larger action represented by the decision to allow subsidized livestock grazing on public lands in the vicinity of Yellowstone National Park, we would also like to see an honest analysis of the impact of the resultant subsidized calves and beef on the ability of private land ranchers to compete in an already overcrowded market for red meat. One of the major environmental problems in the American West generally and the Greater Yellowstone Ecosystem in particular is the sale of private ranch properties for development, which simultaneously eliminates both open space and wildlife habitat. One of the drivers of these "changes in the pattern of land use" is the low price for calves and beef in the current overcrowded market and the resulting inability of private ranchers to remain economically viable. An important factor

in keeping the price of calves and beef low is competition from subsidized calves and beef produced on our public lands. Thus, not only does such subsidized grazing degrade the wildlife habitat on our public lands, it works against the preservation of habitat on our private ranchlands. The impacts of this subsidized support of unfair market competition need to be documented, again because this market interference, its impact on "the pattern of land use," and the activities associated with this alleged need for "bison management" are, in accordance with 40 CFR 1508.25, cumulative impacts of the larger action represented by the decision to allow livestock grazing on these public lands.

Similarly, since subsidized public lands grazing shares cumulative impacts and a connected relationship with this alleged need for "bison management," we would also, in accordance with 40 CFR 1508.25, like to see an honest analysis of the impact of subsidized calves and beef on the emerging market for bison meat in an already overcrowded market for red meat, where such subsidized support of unfair market competition can be even more troublesome. Since much of this emerging market for bison meat involves ventures involving remnants of the peoples commonly known as the Plains Indians, we would also expect to see a discussion, of the relationship between this subsidized support of unfair market competition and the current degraded economic conditions plaguing many of these groups, from the perspective of environmental and economic justice.

Moreover, the very existence of the highly subsidized grazing programs that are administered by the US Forest Service has had a number of additional cumulative "indirect effects," including some other very important and not completely beneficial social consequences, and these impacts and effects must also be documented to provide a complete picture of this alleged need for "bison management." To begin with, those who benefit from the aforementioned grazing subsidies often come to economically and politically dominate rural communities by virtue and as a direct result of their subsidized economic power. To preserve the economic source of this dominant position, these special interests often promote themselves as artifacts of a cultural heritage that must be preserved through special governmental considerations, subsidies, and fee structures. In reality, however, the livestock industry, particularly in this form, is not indigenous to the American West; neither is it the "subsistence" agriculture of some unique culture. This industry is composed of "cash crop" resource extraction businesses, built upon tightly controlled and stratified social and economic structures. Because livestock holdings have historically been perpetuated through regressive inheritance practices, this industry actually tends to concentrate and constrict, rather than expand, local economic opportunities. In addi-

YELL-9369 contd.

tion, like most extractive industries, these businesses generally do not need, nor do they act to stimulate the development of, nor do they genuinely welcome into their communities, a highly educated workforce. In this sense, this industry has traditionally not tended to encourage and, in fact, has often discouraged the development of the broader social and technological infrastructures that are increasingly essential to solid economic growth. These are not characteristics that foster widespread economic equity or social progress; however, these social consequences are some of the cumulative "indirect effects" of subsidized public lands grazing and, since the activities associated with this alleged need for "bison management" are, in accordance with 40 CFR 1508.25, interdependent parts of the larger action represented by the decision to allow livestock grazing on public lands in the vicinity of Yellowstone National Park, a complete and thorough analysis of these impacts needs to be included in any final impact statement addressing this alleged need for "bison management."

Unfortunately, subsidized grazing programs are demonstrating many even more negative cumulative "indirect effects." As economic pressures on all aspects of the livestock industry have increased and as public scrutiny of the environmental impacts of these subsidized uses of public resources has increased, many of the beneficiaries of these subsidized privileges have come to see the government of the United States and the external taxpaying public, not as exhausted benefactors, but as interlopers. Increasingly characterized by their high levels of personal hostility and resentment, this faction has demonstrated a pattern of attempting to use disinformation and even outright intimidation to perpetuate their control, often cynically misrepresented as "local" control, over lands and resources that are properly held in trust on behalf of all of the taxpaying citizens of the United States. Once this faction has committed themselves to these inappropriate attempts to extend their own dominion over these public resources, further cooperation with federal or other external interests, specifically including allowing the successful implementation of federal resource stewardship duties or civil rights guarantees, actually reinforces the broader public stake and undermines this faction's efforts to establish their own control. Thus, it eventually becomes consistent with the interests of this faction for them to attempt to weaken the perception of national sovereignty by demonstrating what is cynically misrepresented as a "local" capability to intimidate and obstruct the proper implementation and enforcement of national laws, particularly those that relate to either civil rights or stewardship of public resources.

Unfortunately, the very existence of this faction is an "indirect effect" of the connected and cumulative actions represented by subsidized public lands grazing

programs and this situation has had very genuine cumulative impacts on both this alleged need for "bison management" and the capability for proper stewardship over other public resources within the ecosystem of Yellowstone and Grand Teton National Parks. For example, this need for "bison management" is being alleged despite the fact that there has never been a documented case of brucellosis transmission between wild bison and range cattle and there is thus insufficient risk of disease transmission to warrant the actions being considered. This situation should clearly raise public doubts as to whether this alleged need for "bison management" is genuine or merely an attempt to restrict as much federal resource involvement as possible to as small an area of public land as possible.

Moreover, the current refusal to allocate funds, from the overflowing Land and Conservation Fund, for the purchase of a strategic portion of the Royal Teton Ranch clearly appears to be another element of this agenda of enforcing insular special interest control by resisting measures that might extend a broader public stake and thus expose the disposition of public resources in the area to greater public scrutiny. The activities of the Farm Bureau, with regard to its efforts to dismantle the progress made in wolf recovery, would seem to be yet another example of this special interest agenda. Ultimately, with regard to its cumulative social impacts, subsidized livestock grazing often serves to enable a small clique of beneficiaries to dominate local communities, intimidate the public, scoff the national will, and indulge in a lifetime of country living that would otherwise be far beyond their means, while the resulting habitat damage, wildlife loss, and climate of intimidation act to take the right to full enjoyment of the public lands away from the vast majority of the working public who are forced to underwrite these subsidies, support these subsidized country lifestyles that they will never be able to personally enjoy, and then pay the costs of endangered species efforts and other repair programs that are primarily made necessary by the habitat damage caused by subsidized grazing in the first place. In this sense, both the current partisan campaign of harassment against proper public resource stewardship activities and the activities associated with this alleged need for "bison management" are, in accordance with 40 CFR 1508.25, interdependent parts of the larger action represented by the decision of the US Forest Service to allow livestock grazing on public lands. Thus, these impacts should clearly be accurately and completely discussed in any final impact statement that addresses this alleged need for intensive "bison management."

Another of the broad areas that constitute connected, cumulative, and possibly similar actions bearing on the alleged need for this "bison management plan" and having impacts that are clearly cumulative with many of the anticipated

impacts of this plan is the decision to persist in artificial grooming of roads for the maintenance of inappropriate winter sports activities in the Park. This alleged need for "bison management" and the artificial grooming of roads in the Park during the winter should clearly be addressed in the same impact statement, lest "segmentation" occur.

Desired Mitigation and Relief

Allow us to refer to 40 CFR 1501.2(c), which requires agencies to...

> *Study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources...*

This matter is complex and reflects conflicts between contradictory interests and ambitions. It would be difficult to craft a proposal that properly addressed everyone's needs and desires, even if every agenda were presented openly and honestly; however, frankly, none of the alternatives proposed in the current ***Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park*** seem to attempt to respond to the full spectrum of "unresolved conflicts concerning alternative uses" of these resources, particularly the unresolved issues regarding the role of "bison management" and its impacts in both originally creating and perhaps now offering an opportunity to partially mitigate the glaring environmental and economic justice issues involving the peoples known as the Plains Indians.

We have been unable to find any proposal that addresses all of the relevant issues perfectly; however, we have been reviewing a proposal developed by the InterTribal Bison Cooperative in collaboration with the National Wildlife Federation. Known as the ITBC/NWF Seven Point Program or, in a manner closer to Native American tradition, The Citizens' Plan, their proposal represents a partnership between the world's leading wildlife conservation organization and the single group that most closely reflects, in today's world, the long ignored and uncompensated interests of those peoples who lost so much as a result of past "bison management." In this context, it is hard to imagine any partnership that could possibly be more appropriate for crafting a solution to this currently alleged need for "bison management."

We support The Citizens' Plan. Allow us to reiterate the elements of that plan.

1. Establish a Bison Research and Health Certification Center that works to conserve irreplaceable bison genetic diversity, whenever possible, by using bison that test

positive for brucellosis for further research while restoring those bison that do not pose a risk of contagion to tribal or public lands, including Yellowstone National Park.

2. Use science, not conjecture, to establish a population goal for the Yellowstone bison on an ecosystem basis; manage the population using standard, professional, wildlife management techniques, including relocation to tribal lands, controlled public hunting, and subsistence hunting by Native Americans; and conduct such hunts in a manner consistent with the principles of fairchase, in an ethical and sportsmanlike manner, and only on lands outside of the Park.
3. Purchase, from willing sellers, additional winter range and migration corridors to allow bison to safely travel to public lands beyond Yellowstone National Park.
4. Adjust cattle grazing operations on public lands adjacent to the Park, providing appropriate financial incentives to reduce the financial burden on permittees.
5. Implement a mandatory cattle vaccination program, initially utilizing the vaccine RB-51, within a "Brucellosis Management Area" around the Park. This precautionary measure will eliminate the already minor threat to livestock. The Animal and Plant Health Inspection Service should pay for this vaccination program.
6. Design a brucellosis vaccination program for bison inside the Park, but only after a vaccine that is safe and effective for bison and other wildlife is developed. Use a vaccine delivery system that minimizes the disturbance to wildlife.
7. Correct winter road management practices in the Park to prevent them from encouraging and assisting bison migration.

Again, we support The Citizens' Plan.

Respectfully,

Michael Norte
President

TURNER FOUNDATION INC.

YELL-11,514

October 1, 1998

Sarah Branscom
Bison Management Plan, EIS Team
National Park Service
PO Box 25287
Denver, CO 80225-0287

Dear Sarah Branscom:

We would like to comment on the draft Environmental Impact Statement on bison management at Yellowstone National Park, and in particular, your preferred management proposal, Alternative Seven. As landowners near Yellowstone and owners of a large buffalo herd, we believe we are in a unique and qualified position to discuss the options.

While we commend the National Park Service for undertaking a discussion of the future management of the herd, we find the preferred alternative to be at its foundation, flawed in analysis, and to represent a significant threat to the long term viability of buffalo populations in North America. Shooting buffalo at the end of the 20th century represents wasteful public policy, and to those of us who have learned to face history, a painful reminder of past, unnecessary violence in America.

As we are involved with buffalo as well as other ranching industries, we are aware that the Yellowstone herd is genetically the foundation of many present domestic herds -- the wellspring for recovery of this animal. Proposed further destruction of the herd is folly and sets a dangerous precedent for other once endangered animals.

One CNN Center
[redacted]

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We find the fact that there has never been a single documented case of brucellosis transmission from buffalo to cattle in the wild an important fact when considering so dramatic an alternative as herd population reduction by lethal controls. While we recognize brucellosis as a valid threat to cattle, we consider the separation of these herds during calving season, the vaccination of cattle and when available, a non-intrusive vaccination of buffalo to be more viable options for long term management.

We do support proposals listed in the Environmental Impact Statement that include suggestions for maintaining a separation of cattle and bison, including efforts to "seek agreements with grazing permittees and modify grazing allotments..." in the areas under dispute. We strongly support the use of grazing allotments designated for wildlife to be restricted for wildlife. More areas should receive this designation. We also strongly support aggressive acquisition of additional land for the Yellowstone herd, as suggested in Alternative Two of the Environmental Impact Statement.

Finally, there is a need for the National Park Service to include more complete recognition of the cultural and religious significance of buffalo to Native peoples, and fully include Native tribes and communities in the decision-making process on the future of the herd. Executive order and federal law require this consultation, and the buffalo deserve no less.

To sustain the long term vitality of the environment and the moral fiber of this country requires that we act responsibly on behalf of the buffalo. We urge you to consider options which protect and preserve the Yellowstone herd, a national treasure.

Sincerely,

R. E. Turner
President

Jane S. Fonda
Trustee

cc: Winona LaDuke, Honor the Earth
Peter Bahouth, Turner Foundation

24 letters were received from students in the third grade class of Union Furnace Elementary School, [redacted]. The next page is representative letter.

17685

October 28, 1998

Ms. Sarah Bransom
Interagency Bison Mgt. Plan,
DSC-RP,
P.O. Box 25287
Denver, CO. 80225-0287

Dear Ms. Bransom:

Through [redacted] Adopt-A-School Program, I have the chance to help Ms. Crystal Cole with her third grade class at Union Furnace Elementary School. Ms. Cole and I felt that it would be a good learning experience for the students to write letters concerning the Bison Management Plan. This exercise is helping them to learn about the bison, letter writing skills and how to be good citizens. I gave the class a brief description of the situation and the government's preferred plan and they wrote the enclosed letters.

We would really appreciate if you could take a few minutes to read their letters and to provide a brief response to the class. The response can be sent to Ms. Cole's Class, Union Furnace Elementary School, [redacted]. If you have any questions, please call me at [redacted]. Thank you.

Sincerely,

Richard Stewart
Adopt-A-School Volunteer
[redacted]

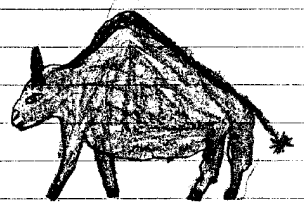
10/28/98

Ms. Sarah Branson
Denver, Colorado 80225

Dear Ms. Branson,

I'm Jacob Daniel Chamberlain. I'm in Third grade at Union Furnace Elementary in [redacted]. Our class has been learning about Bison. I think the Bison that Live in Yellowstone Park should be protected. They say Bison have disease that cattle can catch but they didn't prove it.

Sincerely,
Jacab Daniel Chamberlain



YELL-9364

UNITED STATES ANIMAL HEALTH ASSOCIATION

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[redacted]

ADMINISTRATIVE STAFF
LINDA B. RAGLAND
BEVERLEY R. BAHEN

October 9, 1998

Sarah Bransom
Interagency Bison Management Plan
DSC-RP
P.O. Box 25287
Denver, Colorado 80225-0287

RE: DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE INTERAGENCY BISON MANAGEMENT PLAN FOR THE STATE OF MONTANA AND YELLOWSTONE NATIONAL PARK

Dear Ms. Bransom:

Yellowstone National Park is the premier national park in the United States and perhaps in the world. It is imperative that the animal populations and the disease brucellosis be addressed in such a manner as to control and eradicate the disease and sustain the animals and their habitat for future generations of Americans.

The United States Animal Health Association (USAHA) is over 100 years old and is the oldest and most prestigious animal health oriented national organization in the United States. Past and present members of the USAHA have been and are responsible for the development and implementation of a number of successful disease prevention and eradication programs in the United States and these members collectively represent a vast wealth of scientific and practical brucellosis expertise in a number of domestic and wild animal species. The Committee on Brucellosis of the USAHA established a working group to evaluate the Draft Environmental Impact Statement (DEIS) and develop comments for the Association and its members. Members of the working group included animal health professionals who work with brucellosis and brucellosis infected animals and herds on a daily basis, university scientists who have an in depth knowledge of brucellosis, representatives of national livestock groups who have had to address brucellosis in their herds, and members of a national veterinary medical association. The working group developed draft comments, which were then reviewed and approved by the Association's Committee on Brucellosis and Committee on Wildlife Diseases. These committees represent hundreds of man-years of scientific and practical brucellosis expertise in a number of animal species. The Executive Committee of the United States Animal Health Association then approved the comments. The USAHA Comments are appended to this letter.

These comments reject the proposed alternatives contained in the DEIS and **recommend implementation of Alternative Six with a number of specific amendments.** We strongly believe this amended alternative meets the purpose for action and fulfills each of the nine stated objectives of the DEIS.

We strongly urge that the USAHA Recommended Alternative be implemented.

Thank you for the opportunity to comment on this important issue.

Sincerely,

R.H. McCapes, DVM
President, United States Animal Health Association

Attachment

UNITED STATES ANIMAL HEALTH ASSOCIATION
COMMENTS
ON THE
DRAFT ENVIRONMENTAL IMPACT STATEMENT
FOR THE INTERAGENCY BISON MANAGEMENT PLAN
FOR THE
STATE OF MONTANA AND YELLOWSTONE NATIONAL PARK
OCTOBER 6, 1998

Our comments to the Draft Environmental Impact Statement (DEIS) are discussed in the following sections: A. Important Issues; B. Assumptions Made in the DEIS; C. Deficiencies in DEIS; D. Actions or Changes Necessary for Implementation of Alternatives; E. Relative Burdens Imposed by Implementation of Alternatives; F. DEIS Relative to the National Research Council, National Academy of Science Report on Brucellosis; G. USAHA Recommended Alternative; and, H. Rationale for Rejection of Alternatives.

A. IMPORTANT ISSUES

There are a number of issues of great importance that must be addressed in order to resolve the Yellowstone National Park/State of Montana wildlife brucellosis problem in an equitable manner. Some of these issues have been addressed to varying degrees in the DEIS. Others have not been fully addressed. Important issues include the following:

1. Brucellosis is a zoonotic disease, i.e. it can be transmitted from animals to humans. Its significance must not be taken lightly.
2. The National Brucellosis Eradication Program is nearing completion in the United States. There are approximately 12 brucellosis-infected cattle and domestic bison herds remaining in the entire country. The only unchecked focus of brucellosis (*Brucella abortus*) infection remaining in the entire country is the infection in wild bison and elk of the Greater Yellowstone Area.
3. The management plan finally implemented must initiate immediate control of brucellosis in bison and must clearly lay out a plan for the eradication of brucellosis from YNP bison.
4. Brucellosis in elk must be addressed in order to achieve brucellosis control and eradication in the GYA.

5. Changes in authority. A number of the alternatives cannot be implemented without changes in authority.
6. Special Management Areas (SMAs) significantly increase the area impacted by diseased bison, result in a much larger area to "police" and are likely to increase the risk of transmission.
7. SMAs represent a de-facto increase in the size of YNP.
8. The disease, brucellosis, is impacting the natural gene frequency and therefore the genetic make-up of YNP bison
9. The State's animal health authority over diseases and diseased animals within the state must not be compromised.
10. The ability to freely move livestock in interstate commerce must be maintained.
11. Direct impact of brucellosis on YNP bison should be fully explored.
12. The livestock industry of Montana represents a highly significant segment of the economy of the state.
13. National Park Services' refusal to manage bison and brucellosis may have long term impacts for other diseases of equal or greater consequence, which may be introduced into the park. This management approach is in sharp contrast to the way DOI manages other wildlife in other parks and reserves where policies are implemented to serve both the wildlife and the public. There is no analysis to justify this difference in management style.
14. The definition of "low risk" bison is a significant factor in determining risk of transmission if SMAs are implemented.
15. Bison population size must be controlled to balance population with carrying capacity.
16. Carrying capacity of YNP must be established.
17. The DEIS must utilize the impartial science of the National Research Council, National Academy of Science final report on Brucellosis in the Greater Yellowstone Area to develop scientifically sound alternatives.
18. The proposed alternatives as presented in the DEIS are inadequate to address these important issues, therefore, Alternative 6 with the modifications presented in these comments provides the best alternative and should be implemented.

B. ASSUMPTIONS MADE IN THE DEIS

The DEIS makes a number of assumptions which we contend are not valid. These are addressed as follows:

1. All the Alternatives are "legally implementable".

- The introduction to the DEIS states that all of the proposed alternatives are "…legally implementable…" (DEIS, p. 4). Since we could find no definition of this statement, we must assume it means that each of the alternatives could be implemented under current state and federal laws or rules. We do not believe this to be the case. Currently, Montana law does not allow sport hunting of bison. Such authority would have to be created before several of the alternatives could be fully implemented. Attaining such authority is tenuous at best. Additionally, The Department of Livestock has specific authority to "…regulate estrayed or improperly disposed of animals that fit within Montana's legal definitions; this includes bison." Specific authority addresses "…the removal from the state of publicly owned bison originating from a herd infected with a dangerous disease when the disease may spread to persons or livestock or jeopardize the state's compliance with other state-administered or federally administered livestock disease control programs." (DEIS, p. 33) YNP bison clearly fall within this legal authority. This authority would have to be modified by the state legislature to fully implement some of the alternatives.

- Change of use on Forest Service grazing allotments to eliminate cattle grazing on the allotments would require additional NEPA compliance and would require modification of the Forest Plan. While additional legal authority may not be required, the alternatives, which call for the removal of grazing permits, would not be implementable with out further actions.

- Implementation of alternatives 2, 3, 4, 6 (phase 1) and 7 are dependant upon some future event occurring (such as the state of Montana changing its laws or rules), over which the cooperating agencies have little or no control.

2. Additional Ranges (SMAs) are Necessary to sustain the YNP bison herd.

- The "Need For Action" section (DEIS, p. 11) portrays the illusion that portions of the Gallatin National Forest have already been set aside because they "…contribute to the biological, ecological, cultural, and aesthetic purposes of the park." While such may be the desire of the NPS, Gallatin National Forest officials and a number of interest groups, much of the Gallatin National Forest remains an area of multiple use. The "Need For Action" section also suggests the need for the additional ranges in the national forest is because "…YNP is not a self-contained ecosystem for bison, and periodic migrations into Montana are natural events." We agree that YNP is not a complete ecosystem and contend that it would not be complete even with the addition of the proposed SMAs. Large migrations of bison from YNP did not begin until 1984-1985 (DEIS, p. 147). These migrations did not begin until the bison population exceeded 2,000 head. Since 1984-1985 bison have left YNP every year and the bison population has exceeded 2,000 head in each of these years (DEIS, p. 147).

3. Bison Migration is Related to Harsh Weather not Population Size.

- The "Background" section (DEIS, p. 12) states that "…more bison have attempted to move to ranges outside the park, particularly during harsh winters." and suggests that "…the number of bison moving beyond Yellowstone boundaries is highly variable from year to year, and show no strong or discernible correlation with population size." This statement is contrary to the National Academy of Science report which strongly correlates the movement of bison out of YNP to the population size of the bison herd (NAS Report p.61 -*Bison population size appears to be the overwhelmingly significant variable controlling movement of bison out of YNP*).

4. Lands outside YNP should be Reserved for Bison because Bison are Migratory and Lands Outside YNP Represent Historical Bison Ranges.

- We recognize that bison are nomadic animals and that bison once populated enormous ranges from Texas into Canada and from Kansas and Nebraska to Idaho and Oregon. We would all concede that this vast range was historic bison range. However, the fact that bison once ranged on these lands does not assume that these ranges are still available to bison. The same holds for the lands outside YNP to the west and north of the park. While significant portions of the lands outside YNP are designated as wilderness or wildlife management areas, significant portions of these lands are designated as multiple-use forestlands, or are state or private lands. These lands must not be lightly construed to be essential to the survival of the bison since bison are not endangered and genetically viable populations reside in YNP. The conversion of these lands to preferential use by bison assumes that a number of actions will occur, over which the lead federal agencies lack the jurisdictional authority. Additionally, such actions may place an unreasonable burden on private citizens and other public agencies.

5. The state of Montana will accept the legal responsibility for management of bison on SMAs within the state.

- Implementation of several of the alternatives would require the state of Montana to change state laws and rules to implement the changes required in the alternative. While the state is a cooperating agency in development of the DEIS, there is no assurance that the state legislature will approve the necessary changes.

6. The Montana legislature will appropriate funds to manage bison.

- The fiscal impact on the state of Montana for implementation of various of the alternatives, except for alternatives 5 and 6 (phase 2) ranges from $140,000 to $420,000 per year for 15 years. This represents a significant cost to the state. There is no assurance that the Montana legislature

will appropriate funds necessary to implement the alternatives.

7. The Montana legislature will approve (and the Governor sign) legislation approving bison hunting in the state.

- Several of the alternatives propose a bison hunt in the state of Montana. Based upon past experiences and bad publicity to the state from bison hunts, there is no assurance that the state will desire to approve bison hunting.

8. That owners of private lands will willingly sell their lands for the exclusive use of those lands by bison, or will willingly modify their existing operations by conversion to steer and spayed heifer operations adjacent to the park.

- There is no assurance that private lands will be available for outright purchase of property or purchase of easement. Even if such lands were available, federal ownership of the lands is inappropriate since the federal government already owns 97% of the landmass of the two impacted Montana counties.

9. The Congress will appropriate funds to purchase private lands for the proposed SMAs.

- The current mood of congress is to cut budgets, not to increase budgets, especially for land purchases. The idea that such an appropriation would be made is tenuous at best.

10. The Montana state veterinarian will allow untested brucellosis infected and exposed bison to have unrestricted access to SMAs within the state.

- As previously stated, current Montana laws and rules require the state veterinarian to take action against brucellosis infected and exposed YNP bison that enter the state.

11. That forty-nine other state animal health officials and livestock industries will accept Montana

cattle if brucellosis infected and exposed bison are allowed to freely range outside YNP.

The foregoing factors significantly reduce the number of alternatives that can be implemented without concurrent actions over which the agencies have little or no control.

C. DEFICIENCIES IN THE DEIS

We have noted that there are a number of deficiencies in the DEIS These deficiencies are captured in the following statements:

1. The zoonotic nature of the disease (i.e. the disease is transmissible from animals to man) is discounted and transmission potential is minimized.

2. The DEIS does not consider brucellosis as a disease in bison and the potential impact of the disease on the genetic make-up of YNP bison.

3. The DEIS proposes actions that rely on ideas and plans that are not legal under current law and rule.

4. Impact of the establishment of SMAs on the state of Montana is discounted and the effectiveness of SMAs in resolution of the YNP brucellosis issue is highly overstated.

5. The DEIS fails to emphasize that SMAs can only be permitted in the state of Montana as long as Montana continues to cooperate with the NPS - Per Judge Lovell in Fund for Animals Case.

6. The DEIS does not explain that acquisition of lands for SMAs, funds for purchase of lands, and availability of the lands for purchase are in doubt.

7. The DEIS does not explain that SMAs are de-facto expansion of YNP and are not justifiable based upon the projected number of bison that would use the SMAs under each alternative.

8. The DEIS discounts the fact that SMAs place a whole different group of livestock at risk by moving the effective boundary of the park.

9. The DEIS under-emphasizes that SMAs defer management of disease to areas outside the park and to the state of Montana.

10. The DEIS does not provide a scientific analysis of the bison carrying capacity of the ranges in the SMAs to determine the number of bison for which forages would be available and the number of bison each SMA could support in mild and severe winters. The number of bison proposed to overwinter in the SMAs ranges from zero (alternative 5) up to 500 head (alternative 2). We seriously doubt that there are sufficient forages to support this number of bison. Even though the size of the largest SMAs consists of 568,994 acres of additional land managed preferentially for bison (1,138 acres per bison), little of this land appears to be suitable for bison winter range.

11. The DEIS does not explain that the largest SMAs would not have mitigated the number of bison that migrated out of the park in 1996. SMAs would be ineffectual without population controls.

12. Statistical values for disease prevalence at year 2011 are questionable. We question the validity of the numbers, but even using DEIS numbers, disease incidence would only be reduced by approximately 50% by 2011, except for alternatives 5 and 6.

13. Bison population estimates and projections are not based upon science or carrying capacity of YNP - the DEIS does not present scientifically defensible data to support the population objectives. We do not believe such data exists. This belief is supported by the recently announced study, directed by the U.S. Congress, that commissions the National Research Council, National Academy of Science to conduct a study of Population Dynamics of Ungulates on the Northern Range. It is our understanding that the study is to evaluate natural regulation and population dynamics in management of wild ungulates on the Northern Range.

14. The DEIS does not analyze the impact of spread of brucellosis from bison to cattle. While the risk may be low it is not zero (NAS Report p. 5). Should transmission occur the impact to the affected producer and to the cattle industry of Montana will be severe. Because of the nature of the disease, detection may be delayed for some period of time before the disease is diagnosed. A number of herds in several states could be impacted before the disease is discovered. Such an impact must be carefully analyzed before a final alternative is selected. Cattle from the Greater Yellowstone Area are routinely exported to as many as twenty-three states and up to seven foreign countries.

15. The value of the livestock industry to the two impacted counties is discounted, as is the cost to ranchers to mitigate the threat of transmission from bison.

16. The value of a disease free YNP bison herd is not addressed in the DEIS. Many pages are devoted to discussion of the non-market benefit of the YNP bison herd. However, if the bison herd were free of brucellosis excess bison could be provided to Native American Tribes to establish bison herds, excess bison could be sold to help defray the cost of maintaining a disease free herd, or disease free bison could be allowed to move outside the park.

17. The DEIS does not address the fact that the term "free ranging" (DEIS, p. 28) as defined in the EIS could be equally applied to bison in other public herds in the U.S. such as Wind Cave National Park. Brucellosis was eradicated from the Wind Cave bison herd through a "natural management" program (p. 108, NAS Report) without impacting the "wild free ranging" character of the herd. The seroprevalence rate in Wind Cave bison was very similar to the seroprevalence rate in YNP bison.

18. The DEIS discounts that bison are not true migratory animals. They are nomadic. They move in search of food. Movement of bison from YNP is based upon population size and availability of

feed. SMAs will not contain bison without concerted efforts by the state of Montana.

19. The DEIS does not explain that while YNP is not a complete ecosystem for bison without the addition of SMAs, it would not be a complete ecosystem, even with the addition of the proposed SMAs.

20. The DEIS does not address the potential impact of brucellosis on Black and Grizzly Bears in YNP. Recent sampling of bears (K. Aune as reported to the GYIBC, September 17 - 18, 1998, Gardner, Montana) revealed that 4.5% of Black Bears and 21.2% of Grizzly Bears sampled were positive to brucellosis serological tests. No scientific research has been conducted to assess the impact of brucellosis on these species and the potential that these species could be a source of disease to cattle or other wildlife species through direct or indirect transmission.

21. The DEIS does not address brucellosis in elk. While the level of seroprevalence in northern Yellowstone elk appears to be quite low, the disease is present. Additionally, the seroprevalence in elk in other portions of the GYA (Jackson herd and Wyoming feedgrounds) is quite high (approximately 37%). Elk may serve as a reservoir for reintroduction of brucellosis to bison. Brucellosis must be addressed in bison and elk concurrently.

D. ACTIONS OR CHANGES NECESSARY FOR IMPLEMENTATION OF ALTERNATIVES

1. The state of Montana would have to amend its laws and rules in order to implement bison hunting which is proposed for alternatives 3, 4, and 7.

2. The Montana Department of Livestock would have to amend its legal authority to implement alternative 2 since this alternative would allow untested brucellosis infected and exposed bison to occupy large SMAs outside the park.

3. The Montana Department of Livestock would have to amend its legal authority to implement all

alternatives which utilize the new definition of "low risk" bison proposed in the DEIS

4. The Forest Plan for the Gallatin Forest would require amendment to eliminate public land grazing in alternatives 2, 3, and 7.

5. Owners of private lands would have to be willing to sell their private lands to fully implement alternatives 2, 3, and 7.

6. The Montana State Veterinarian and the Montana livestock industry would have to accept additional risk of transmission from bison in order to fully implement alternative 2, 3, 4, and 7.

7. State Animal Health Officials in the other 49 states would have to be willing to accept Montana's higher risk cattle without additional restrictions in order to fully implement alternatives 2, 3, 4, 6 (phase 1), and 7.

8. YNP would only be required to change its policy of natural regulation in order to implement alternatives 5 and 6.

E. RELATIVE BURDENS IMPOSED BY IMPLEMENTATION OF ALTERNATIVES

Alternatives 1, 2, 3, 4, 6 (phase 1) and 7 of the DEIS imposes unrealistic and unjustified burdens on the state of Montana, owners of private lands within the SMAs, and the livestock industry of the state. At the same time the burden on NPS and YNP is relatively small except in alternatives 5 and 6 (phase 2).

These burdens include the following:

1. The burden to control bison population size is placed upon the state of Montana in alternatives 1, 2, 3, 4, 6 (phase 1) and 7.
2. The state of Montana will be required to change its legal authority to implement several of the alternatives.
3. Alternatives 2 and 3 would force changes in cattle operations upon private citizens (ranchers). This is an unacceptable infringement on the rights of

private citizens. Additionally, all alternatives except 5 and 6 (phase 2) place the burden on the landowner to request relief from marauding and trespassing bison. Such a burden is a direct threat to public safety, public property and livestock owned by the private property owner. Such a burden is unreasonable, since the landowner cannot prevent the trespass of the bison onto his lands.

4. Livestock producers will be placed in a position of risk of disease transmission and will have to bear the cost of preventive measures.
5. Livestock producers could lose the ability to utilize grazing allotments in several of the alternatives.
6. In alternatives 2, 3, and 7 livestock producers will be forced to modify their operations or bear the consequences of disease exposure.
7. Private landowners may be placed in a position that their only option is to sell their property to the federal government.
8. The state of Montana will have to assume a huge financial burden to manage bison that migrate into the state from YNP.
9. The NPS escapes the burden of public harassment and condemnation and defers that burden to Montana because actions to address population and disease are conducted outside YNP in alternatives 1, 2, 3, 4, 6 (phase 1) and 7.

F. DEIS RELATIVE TO THE NATIONAL RESEARCH COUNCIL, NATIONAL ACADEMY OF SCIENCE REPORT ON BRUCELLOSIS (1998)

1. The DEIS downplays the significance of brucellosis to wildlife, to cattle and as a zoonotic disease.

a. Comments on Brucellosis from the NAS final report, 1998:

- NAS, p. 3 - "By authorizing USDA to regulate brucellosis transmission in cattle, the federal government has demonstrated concern that although a low risk, brucellosis poses a potentially great-loss situation in terms of potential economic consequences and possible human health effects".

- NAS, p. 9 - "If public opinion and political directions are aligned to a common goal, and if long-term commitments can be made by the federal departments and agencies involved, it is likely that brucellosis can be eliminated from YNP without loss of large numbers of bison or loss of genetic diversity".

- NAS, p. 25 - " Painful lesions in genital organs of bull bison appear to affect fertility and libido; males with painful testes do not compete successfully in breeding. That, with lameness that can result from brucellar arthritis and bursitis, reduces that ability of males to breed".

- NAS, p. 27 - "Brucellosis has been eliminated from many managed bison herds using the same protocols as are applied to cattle (i.e. vaccination and culling)".

- NAS, p. 36 - "The data that are available suggest only that the true prevalence (of brucellosis) is not zero and might vary from 12% to 100% in bison, and from 1% to 38% in elk."

- NAS, p. 36 - "*B. abortus* has been shown to cause abortion in bison from YNP".

- NAS, p. 36 - " Recently, *B. abortus* biovar 1 was isolated from an aborted fetus found near Old Faithful and a stillborn calf was located outside the YNP".

- NAS, p. 36 - " Data on a retained placenta from a bison shot and sampled on the north side of YNP established that *B. abortus* infects the placenta and causes abortion in bison in a manner similar to its effects on cattle."

- NAS, p. 37 - " Experimental studies show that bison are more susceptible to brucellosis than cattle or elk: nearly all infected bison aborted their first calf".

- NAS, p. 37 - " In the GYA, *B. abortus* is unlikely to be maintained in elk in the absence of the bison reservoir and if the elk feeding grounds are

closed".

- NAS, p. 40 - " Horses used by rangers and those brought into the GYA by park visitors for recreation are susceptible on contact with tissues or fluids of infected elk or bison".

b. Commenter's Response:

- It is important to recognize that brucellosis has been eliminated from other bison herds, such as Wind Cave National Park and Custer State Park.

- It is important to note that the issue of bison leaving the Park is not just about brucellosis. In addition to risks of disease transmission, bison can harm livestock, as well as cause property damage. They also pose a threat to human safety.

- It is important to note that all alternatives leave an unacceptably high estimated seroprevalence rate as late as the year 2011 (23-28%) except alternatives 5 and 6, which are estimated to be 0% by year 2011.

- The issue of eradication of brucellosis is critical in that it not only affects producers in the area adjacent to the Park, but throughout Montana and other states as well. In addition, it is important to note that brucellosis is a zoonotic disease, and that human infection with *Brucella abortus* has been reported in the GYA (Brucellosis in the Greater Yellowstone Area, NRC report, 1998).

- The significance of the change in definition of low risk bison that is utilized in several alternatives is not explained. This change is contained in Appendices (pp. 369-371) but is not explained in the context of the alternatives. Such a change in definition of low risk bison could result in spread of brucellosis to cattle and have a significant negative impact on the state of Montana. We are strongly opposed to implementation of the definition of "low risk bison" as defined in the APHIS letter on pages 369, 370 of the Appendices. Low risk bison must continue to be classified according to the definition of low risk bison originally developed for the Interim Plan. The reasons for rejecting the

revised definition as described in the letter from Dr. Gertonson, which is printed on page 371 of the Appendix, are all valid. In addition, the age and pregnancy status of female bison cannot be accurately determined without close examination of the animal. Infected bulls may breed with domestic cows (Research has not been conducted to prove that bison bulls cannot transmit the disease venereally). One and two year old females may become pregnant (As reported by Dr. Tom Roffe to the GYIBC, September 18, 1998, Gardner, Montana). If infected, this class of animal would be highly subject to abortion.

2. **Inaccuracy in DEIS relative to the Uniform Methods and Rules for Brucellosis:**

- **p.40 DEIS – Inaccurate Statement.** "The Animal and Plant Health Inspection Service's Uniform Methods and Rules for Brucellosis Eradication and relevant regulations offer sterilization as an option to livestock producers with brucellosis-exposed cattle."

  ❖ **Commenter's Response:** The forgoing statement is misconstrued in the DEIS. The UM&R provides that calves in infected herds can be neutered and then removed from the herd without restriction. Seropositive adult cattle in infected herds are removed from the herd and shipped to slaughter. Adults that remain seronegative are retained in the herd until it has been declared to be free of brucellosis. Should the herd be depopulated all intact exposed animals would be shipped to slaughter. While neutering of adult animals may be an option, it is not often utilized.

3. **DEIS Inaccurate or Incomplete Statements Regarding Culture of *Brucella abortus*:**

- **DEIS, p. iv., in the Summary:** Incorrect statement under **Diagnosis:** "The only sure way to know if an animal had the disease is to slaughter it and culture tissues from several locations for bacteria".

  ❖ **Commenter's Response:** *Brucella abortus* can also be isolated from milk or udder secretions, biopsy of lymph nodes and culture of reproductive tract

exudates or discharges from live animals, and from fetal and placental materials at the time of abortion or calving.

- **DEIS, p. iv., in Summary is a very misleading statement under Diagnosis:** "In Yellowstone bison, agencies have used a blood test for the presence of *Brucella* antibodies. For a number of reasons, these blood tests tend to overestimate the number of bison actually harboring the bacteria. Difficulties in isolating the bacteria from tissues and other factors have also meant fewer positive culture tests than the number of infected bison".

  ❖ **Response from Commenters:** It is common to obtain fewer positive culture tests than the number of infected animals in cattle as well. This is not a phenomenon that should cause doubt on the diagnosis of brucellosis in the Greater Yellowstone Area. The ability to culture *Brucella* is significantly related to the sampling, handling, shipping and culturing technique, and is dependent upon *Brucella* being present for culture in the sample collected.

- **DEIS, p. 17 of the Summary – Incorrect Statement:** " Killing suspect animals generally is necessary to obtain adequate samples for bacteriologic tissues."

  ❖ ***Response from Commenters:*** As discussed above, killing animals is not necessary. Udder secretions or milk can be collected for culture as well. Although this would not be an easy task in bison, it is possible, and is a technique that may be used with suspect animals in a quarantine facility in order to diagnose the cause of titers in those animals.

- **DEIS, p. 20 – Misleading Statements:** "It is possible that, although brucellosis may be endemic in this bison herd, few of the animals are capable of transmitting the disease. This suggestion is supported by noting the discrepancy between the frequency of seropositive animals in samples collected at various times since 1917 and the frequency of culture positive animals in samples of tissues collected during 1991-92 to determine the

presence of *B. abortus*".

❖ ***Response from Commenters:*** As the next sentence states, " Because of the technical difficulties in the isolation of *B. abortus* from bison tissues, the recovery rate is typically lower than the seroprevalence would suggest. Thus, as a negative culture does not provide conclusive evidence that the animals' tissues are free of bacteria, all seropositive animals are currently considered to be potentially infected". This is not unique to bison, it is also true for cattle tissues. In addition, the recent frequency of culture positive animals is not as low as this narrative seems to indicate. Out of 32 animals that were shot or euthanized between March 1995 and January 1997, which were identified as reactors serologically, 12, or 37.5% of those animals were culture positive. (Philo, testing done according to GYIBC protocol).

a. Comments Regarding Culture from the NAS final report, 1998:

- NAS, p. 4 "Recommendation: Because of testing insufficiencies, seropositive bison should be assumed for management purposes to be carrying live *B. abortus*".

- NAS, p. 21 " The small numbers of *B. abortus* in lymphoid organs are stimulated to replicate during pregnancy and to infect the reproductive tract". This would explain a mechanism by which an animal could very well be culture negative, but could pose a high risk of transmission at a later date, such as during pregnancy, when the *Brucella* would be proliferating".

- NAS, p. 21 "The small numbers of positive bacterial cultures that are obtained from a chronically infected herd do not come from the same individuals; that clearly indicates that the number of infected females is always greater than the number that are shedding or bacteremic at a given time".

- NAS, p. 30 regarding culturing of *Brucella*; "But in chronic infections with few organisms per gram of

tissue, large samples must be used...Bacteria can reside only in one small part of a lymph node, so the entire lymph node must be sampled for appropriate detection".

- NAS, pp.31-32 "Multiple serologic and bacteriologic culture tests done over time are the only reliable methods to determine infection in live animals". " It is more probable that any discrepancy between a clearly positive serologic test and bacterial culture is due to culture techniques". "The discrepancy in GYA bison between the high percentage of seropositivity and the much lower percent of bacterial isolations is most likely due to culture techniques".

- NAS, p. 34 "It is dangerous to assume that large numbers of seropositive animals do not carry live *B. abortus*. The occurrence of latent carriers among cattle (heifer syndrome) is widely accepted, and experimental evidence indicates that they occur among bison and elk".

4. DEIS Statements Regarding Transmission

- **DEIS, p. v. in Summary - comments under alternative Interpretation of Risk:** "It is possible that, although brucellosis may be endemic in the Yellowstone area bison herd, few of the animals are capable of transmitting the disease. This suggestion is supported by noting the discrepancy between the number of bison that test seropositive for brucellosis but are culture tissue negative".

  ❖ ***Response from Commenters:*** The evidence of approximately 50% seropositive bison in the area strongly indicates that transmission is occurring. As discussed previously, culture technique has a direct affect on the ability to isolate the organism. Culture positive animals are themselves infected with the organism and are very likely to transmit the disease when the organism is located in the reproductive tract. However, culture status alone is not a direct indicator of ability to transmit the disease. Seropositive animals, especially those with very high titers, may be harboring the organism as

well, yet may be culture negative if the organism is in insufficient numbers at the location cultured, or if culture technique is such that isolation is not likely.

- **DEIS, p. v : Incorrect Statement:** "This discrepancy and the infrequency of observed abortions in the Yellowstone bison herd (usually required for transmission of the disease between cattle) has led to the theory that the primary route of transmission among cattle (abortions and birthing events) may be different from that among bison. In bison, the bacteria may be transmitted through milk".

  - ***Response from Commenters:*** There is absolutely no evidence to indicate that transmission among bison is any different than that of cattle in chronically affected herds. In such herds, abortions are not commonly seen, yet transmission occurs during infective parturitions, in which the calf and the placental materials are teeming with *Brucella*. These infective birth events, combined with the interactive behavior of bison at the time of parturition, would ensure continued transmission in the herd. There is absolutely no evidence to support the supposition that transmission occurs primarily through the milk in bison. Although transmission may occur through the milk to a nursing calf, transmission most likely primarily occurs through the processes of abortion and/or calving, as in cattle.

a. Comments Regarding Transmission from the NAS final report, 1998:

- NAS, p. 5 - "Epidemiologic evidence, particularly that from GTNP and the National Elk Refuge (NER) points to transmission between free-roaming bison and elk and cattle".

- NAS, p. 16 - " The same species of *B. abortus* occurs in cattle, bison, elk, and sometimes other wildlife species, and transmission of *B. abortus* among cattle, bison, and elk has occurred in captivity, which documents their common susceptibility and the

potential for transmission in the wild".

- NAS, p. 19 - "At the time of abortion or birth of an affected calf, transmission of *B. abortus* to other animals occurs through contact of oropharyngeal tissues of a susceptible host with contaminated materials, usually by touching, licking, or ingestion of placental membranes and fluids".

- NAS, p. 46 - " The chance of nonvenereal transmission between the sexes is increased because of this protracted courtship behavior". Perhaps this explains why so many bison bulls are infected?

- NAS, p. 46 - " Still, the two most probable sources of *B. abortus* transmission are abortion or birth when infectious materials are in the environment. Because of long exposure of bison to *B. abortus,* they respond to it like a chronically infected cattle herd in which selection for genetic resistance has occurred". **Comment:** Or perhaps low levels of exposure to subinfectious levels of bacteria create some degree of resistance in chronically affected herds.

- NAS, pp. 48-49 - " Abortion by *B. abortus* -infected females is a more serious risk factor for disease transmission than is normal birth." "… timing places most abortions in the winter when both bison and elk are concentrated." "… In addition, disruption of normal hormonal controls results in retention of placentae in bison and failure of the females to clean up the birth products." "…Furthermore, at the typical time of abortion, winter temperatures and moisture would favor survival of *B. abortus* in the environment, as would sequestration of *B. abortus* in larger masses of birth tissue not consumed by the female".

- NAS, p. 79 - " The risk of transmission is determined largely by the number of abortions that occur, the presence and survival of *B. abortus* in placental exudates, and the exposure of a susceptible host through an appropriate tissue barrier". **Comment:** May also occur with infective births as well.

- NAS, p. 80 - " Transmission of brucellosis from naturally infected captive bison to cattle has been reported; captive bison under range conditions in North Dakota were in contact with beef cattle during the winter. Bison-to-cattle transmission in Arkansas has also been reported".

5. **DEIS Establishes Population Objectives for some Alternatives and Creates Extensive SMAs to "Provide winter range for bison outside YNP, Without Scientific Justification:**

❖ **Commenter's Response:**

❖ The area outside Yellowstone National Park over which bison would be able to range (e.g. SMAs) without interference from agencies needs to not be expanded, or expanded only minimally if expansion is necessary. Expanding the boundaries for normal movement of bison will only delay the problem of dealing with the bison that wander outside of allowed areas. This additional range area could possibly allow for increased population growth as more forage is available, which could therefore result in the bison needing to wander even further. Addressing the bison population size that the current range can support seems to be a more logical method of dealing with the range area. If increased SMAs become a necessary part of the bison management plan, then only seronegative, vaccinated, non-pregnant animals should be allowed in these areas.

❖ In alternative 2, bison would not be captured or slaughtered by agencies, and all existing capture facilities would be dismantled. This is unacceptable, as there is no mechanism for, or a commitment to the elimination of brucellosis, which is clearly one of the objectives of the DEIS. In addition, the cost for acquisition of land as described in alternative 2 is estimated to be approximately $44.1 million - also unacceptable, especially in light of the fact that acquisition of additional lands will not solve the problem of infected bison moving towards susceptible cattle. Additional lands only delays the need to deal with the problem

until such time as the bison population grows to fill this area, and then even more land will be needed.

❖ It is important to note that "requiring livestock owners to modify their operations is not a legal option". (DEIS, p. 41). However, a sentence on p. 30 states that "none of the alternatives retained for analysis was outside the agencies' legal constraints". This appears to be a contradiction that may delay any plans to modify cattle operations in the vicinity. Modifying livestock use is a part of several of the alternatives. In addition on the comments for alternative 2, p. 67, the following statements are made; "Determining which lands were appropriate for such changes, which owners were willing to sell, and negotiating compensation would take time", and " it is likely that, should some lands be acquired, bison would be allowed on them while others were the subject of continuing negotiations".

❖ Allowing bison on some newly acquired property, while negotiations are continuing on adjacent property for a potentially long period of time, could very likely increase the potential of cattle/bison interactions, and cause an increased risk of transmission to the cattle populations.

a. Comments Regarding Population Size, Natural Regulation and Range Expansion - from Brucellosis in the Greater Yellowstone Area, NRC final report, 1998:

- NAS, p. 6 - "Finding: Bison leave YNP as a result of an increasing population and harsh winter weather, and under current management practices within the boundaries of YNP, the bison population will continue to grow".

- NAS, p. 58 - " None of the weather variables or indexes shows a significant correlation with bison moving out of YNP; indeed, none is even suggestive. Only estimated bison population size is significantly related to the number of bison migrating out of the park".

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- NAS, p. 58 - "Above a population of 3,000, bison show the greatest probability of moving out of YNP".
- NAS, p. 60 - "Relatively mild winters that have thawing followed by freezing might be more difficult for bison than severely cold winters with deep snow".
- NAS, p. 61 - "Bison population size appears to be the overwhelmingly significant variable controlling movement of bison out of YNP".
- NAS, p. 62 - "Hard winters contribute to natural mortality inside YNP as well, and this is part of natural regulation".
- NAS, p.66 - " The lack of stabilization of bison population growth over time since the natural-regulation policy was adopted suggests that bison have expanded like a wave front across suitable habitat in YNP with little diminution until now they are pressing against the borders of YNP in winter".
- NAS, p. 68 - " Absolute population growth rate was essentially constant before and after bison began to use groomed roads; this finding suggests no substantial influence of snow grooming on demographic performance. There seems to be little supporting evidence of an ultimate effect of road grooming on bison population dynamics".
- NAS, p. 69 - "It will be difficult to prevent bison from moving where they please".
- NAS, p. 120 - "…Bison, in contrast, have not yet shown evidence of natural regulation over the range of numbers recorded, and their geographic expansion has already exceeded the boundaries of YNP. Natural regulation of bison in YNP appears to be unlikely….Although brucellosis has catalyzed the recent controversy, the fundamental issue is the need to respond to burgeoning bison numbers that are overflowing the park boundaries."
- NAS, p. 122 - "…Bison, however, have shown no evidence of regulation, but only of range expansion. The likely consequence of shifting the boundary of

protection from YNP to surrounding public lands is that bison, and perhaps elk, populations will simply increase further, shifting the boundary to a new point-private lands-where even greater numbers of bison will have to be dealt with."

G. USAHA RECOMMENDED ALTERNATIVE

After a careful study and evaluation of all seven of the alternatives contained within the DEIS, we have concluded that none of the alternatives are acceptable as written. We therefore recommend the selection of Alternative six with the following alterations as the preferred alternative:

1. In the spirit of adaptive management as recommended in the NAS report (pp. 122, 123, NAS Report), immediately devise and implement an RB51 calf and yearling vaccination program in YNP to evaluate delivery systems and gain practical vaccination field use data for RB51 vaccine in YNP bison. RB51 vaccine has been shown through several trials to be safe in bison calves. At the same time continue to develop efficacy data. Waiting for a "perfect" vaccine is a futile effort, as no such vaccine will ever exist.
2. Utilize empirical data from domestic bison herds and other public bison herds as the basis for implementation of adaptive management techniques (pp. 122, 123, NAS Report) for adult vaccination of bison with a reduced dose of RB51 until such time as efficacy studies on adult bison are completed. Such an effort should begin with seronegative adult females as they are processed through capture facilities. **Note for parts 1, and 2 of this subsection: A computer model, as presented to the GYIBC on September 18, 1998 by John Gross, Colorado State University, strongly suggests that utilization of a vaccine, even one that has a low to moderate efficacy, could significantly reduce the prevalence and risk of transmission of brucellosis in bison and elk populations.**
3. The ten-year time line for phase one should be reduced to a five-year time line. Within the five-year period of time, there shall be an increased percentage of bison vaccinated annually, which should include adult vaccination. Initiation of

phase two could be delayed if annual seroprevalence shows a statistically valid measurable reduction in risk of transmission to livestock species, from the benchmark of assigned risk, as result of a comprehensive vaccination program. After year five, the standard used to measure risk reduction will be seroprevalence. If seroprevalence cannot be determined or remains the same, phase two should begin immediately. Vaccination must be continued until eradication of brucellosis from bison and elk of the GYA has been achieved.

4. Eliminate the West Yellowstone SMA. Only test negative bison will be allowed west of Seven Mile Bridge. Bison approaching the west boundary must be captured or destroyed by NPS personnel before they reach the west boundary. Captured bison may be returned to the interior to the park or removed to an approved quarantine facility.
5. Reduce the proposed SMA on the north side of the park to the Little Trail Creek/Eagle Creek Area. We are strongly opposed to the establishment of any SMAs in Montana, however, we can accept this reduced SMA because of its designation as wildlife habitat since its acquisition in the late 1980s.
6. Bison hunting could be allowed in the Little Trail Creek/Eagle Creek SMA should the state of Montana determine hunting is in the best interest of the citizens of the state and the state legislature approves bison hunting. We are not opposed to hunting of bison. We are opposed to the promise of a bison hunt as a guise to gain approval for SMAs.
7. Establish up to eight capture facilities throughout YNP as described in the original alternative 6. The facilities would be utilized to test and vaccinate animals in phase two of the modified alternative.
8. Utilize an approved quarantine facility for sero-negative bison captured at the Seven Mile Bridge and Stevens Creek. The quarantine facility could also be utilized as part of the "adaptive management" strategy to evaluate the effectiveness of vaccines such as RB51 in seronegative adult bison and gain practical knowledge about the vaccine.
   - A quarantine facility should be constructed and put into operation as soon as possible if it is to be an effective alternative to destruction of

seronegative bison. The facility should be located in an area that is far removed from cattle herds. The current Brucellosis Uniform Methods and Rules requires the facility to be located within or adjacent to YNP or Grand Teton National Park. A facility could be ideally located adjacent to the capture facility at Stevens Creek. Another alternative would be to locate a quarantine facility near the capture facility at Seven Mile Bridge. Other possible locations could be in the Lamar Valley at or near the "Buffalo Ranch", or in the Madison River area near the west boundary. All of these locations are close to the bison herds so transportation and stress to the animals could be kept to a minimum. Additionally, these locations would retain the bison in the YNP environment and would keep quarantined bison away from cattle populations.

9. The alleged "major adverse affect" on the nesting pair of Trumpeter Swans at Seven Mile Bridge could be mitigated allowing the establishment of a capture facility.
10. The potential "adverse affect" on Grizzly Bears that might be caused by the reduction in carrion available to bears in phase 2 of the alternative could be mitigated by providing seropositive bison captured during phase 2 to the bears. Rather than send all seropositive animals to slaughter, some animals could be destroyed and placed in the same areas that bears have grown accustomed to finding bison carrion.
11. Bison population objectives for alternative 6 are based upon estimates of removals through intrusive management. The population size is not in any way based upon a scientific evaluation of the capacity of the ranges of YNP to support the population. Based upon the data contained in the EIS (pp. 146, 147), the maximum population that YNP can support without egress of large numbers of bison from the park is 1,800 - 2,000. We strongly recommend that the bison population be kept to a maximum of 1,800 head until such time as scientifically valid research is conducted, by non-partisan range management experts, to prove that YNP has the capacity to sustain larger populations of bison and other ungulates.

Alternative 6 with the forgoing amendments could be implemented without change to existing state and federal laws or regulations. We believe this amended alternative fulfills the purpose of action and fulfills each of the nine stated objectives of the DEIS. We strongly urge that this amended alternative be implemented as the preferred alternative.

H. RATIONALE FOR REJECTION OF ALTERNATIVES

We reject the proposed alternatives contained in the DEIS for the following reasons:

1. Alternative 1
Represents the status quo. It places a huge burden on the State of Montana. It does not adequately address the brucellosis issue. It has already resulted in the presence of high risk, untested bison in the west SMA. It is proven to be an unsatisfactory approach to the bison issue by both the NPS and the state of Montana. No specific measures are in place to insure that the bison population will remain within a given range.

2 Alternative 2
Risk of brucellosis transmission to livestock is highest in this alternative. Requires the acquisition of private lands and public grazing allotments. The source of monies to purchase private lands has not been identified. The alternative depends on alteration of livestock use, which the cooperating agencies lack the authority to impose. Allows untested brucellosis exposed and infected bison to inhabit SMAs. Current Montana law does not allow bison from an infected herd to freely range in Montana. Does not adequately address brucellosis control.

3 Alternative 3
Relies on extensive SMAs. Will have increased numbers of bison in the SMA. Does not adequately address disease control. There will be a higher risk of transmission to livestock in the SMA and bordering the SMA. Hunting will disperse bison, pushing them beyond the borders of the SMA. Modification of cattle operations and allotments is unlikely. Requires a change in Montana law to allow hunting.

4 Alternative 4
Same as alternatives 1 and 3.

5 Alternative 5
This alternative is the only one of the seven alternatives that could be implemented without change in authority and without additional NEPA compliance. While this alternative is the most desirable from the standpoint of brucellosis control and has a negligible impact on genetic integrity of the bison population, the alternative may not be acceptable to some of the public because large numbers of bison would be destroyed in the short term. However, in the long term, this alternative would probably result in the loss of fewer bison than the other alternatives.

6 Alternative 6
Extensive SMAs in phase 1. Does not provide for quarantine of seronegative bison. No scientifically defensible criteria for delaying beginning of phase two for 10 years. Phase 1 would increase risk of transmission.

7 Alternative 7
Extensive use of SMAs. We reject this alternative for same reasons as 1, 2, and 3. The alternative does nothing to address brucellosis in YNP or reduce risk of transmission. It does set an upper limit on the bison population, but does not contain realistic mechanisms to achieve the population objective.

YELL-9122

Cooperative Extension
University of California
Veterinary Medicine Extension

School of Veterinary Medicine
University of California
[redacted]

October 3, 1998

Bison Management Plan EIS Team
National Park Service
Ms. Sarah Bransom DSC-RP
P. O. Box 25287
Denver, CO 80225-0287

Dear Ms. Bransom and EIS Team:

Below are my specific comments on the draft EIS for the interagency bison management plan. I feel my comments are objective, science-based, and reflect my expertise on many of the scientific and medical aspects of the draft EIS. During the past 25 years I have had the opportunity to work with both domestic ruminants and wildlife ruminant species as a veterinarian. I am a board-certified specialist in both internal medicine and clinical nutrition. I have done research on Anaplasmosis in white-tailed deer (published in the Journal of Wildlife Diseases) and on parasitic diseases of coyotes. I have consulted on nutrition and health problems in the bison and musk oxen housed at the San Francisco zoo. I have consulted with many private parties that raise bison for a variety of reasons. I have also performed diagnostic tests on samples from bison from the National Bison Range. The problem of Brucella infection in the bison of Yellowstone National Park is not a complicated one from a scientific viewpoint and hopefully the National Park Service and the other involved agencies can solve it quickly and inexpensively.

Brucellosis is a Public Health Threat. The primary reason Brucellosis is of such concern in bison, cattle, and other species is because of the possible spread to humans through a variety of potential contacts (infected milk, placentae from infected females, infected tissues at slaughter, etc). *Brucella abortus* causes undulant fever in humans, a devastating disease for the individual patient with many potentially life-threatening sequelae. The USDA and state departments of agriculture have essentially eradicated the disease from cattle in the United States after several billion dollars and several decades of diligent work. The most significant remaining concentration of infection is in the bison of Yellowstone. Brucellosis as a public health issue was the "E. coli O157:H7" of the 1950's. Tools to eradicate Brucellosis were developed and implemented and these same tools need to be applied to the Yellowstone bison herd. Vaccination (including adult vaccination), serologic testing, and strict culling procedures could be implemented without delay to control and eliminate this disease in the bison. As a last thought on the urgency of eliminating Brucellosis from the Yellowstone bison, I offer this:

"What will be the National Park Service's response, when a pregnant woman or child develops undulant fever after picking up and handling a freshly aborted fetus in one of the meadows in Yellowstone Park?"

Animal Welfare Concerns for Yellowstone Bison. In the majority of instances, Brucellosis causes abortion in the females and is asymptomatic otherwise. However, many animals do develop infectious arthritis or orchitis, both conditions are very painful and debilitating to the individual animals affected. The continuation of the high level of Brucellosis infections in the Yellowstone bison is impossible to justify from the animal welfare aspect alone.

Brucellosis Eradication in Bison. Many private bison herds have attained and/or maintained Brucellosis-free animals. The availability of vaccines, serologic tests, identification and tracking systems, and veterinary medical expertise should make the task of eliminating Brucellosis from bison in Yellowstone relatively simple. The vast overpopulation of bison within the park should be an advantage in this situation. The herd can be quickly reduced in number by the use of strict culling of Brucella-positive or Brucella-suspect bison, vaccination of adults and selected young and re-introduction to the range. This much smaller, Brucella-free herd could be allowed to increase in size with less intervention for subsequent monitoring. Additionally, these Brucella-free bison could be transported across state lines and not interfere with the nationwide Brucellosis eradication program.

Risk of Transmission of Brucellosis to Domestic Animals and Man. The EIS discusses in several sections the unknowns related to assessing the risk of transmission of Brucellosis. This discussion seems very much misdirected. The risk is there, no matter how small, and the means to eliminate this risk are at hand. It seems irresponsible not to get on with the job of eliminating Brucellosis from the Yellowstone bison. This type of discussion will all become a moot point when a park visitor or employee develops undulant fever and starts a process of litigation. I think all citizens would be best served by eliminating this disease from the bison.

Specialized Management Areas. The Alternatives that contain SMAs as part of the plan seem totally out of place. The problem is the high incidence of Brucellosis in the bison (up to 50% in some surveys). To include overrun areas of infected animals seems ridiculous. If one wanted to clean up the problem, you would decrease the effective boundaries of the park. If one wanted to increase the problem, you would create an SMA. The inclusion of SMAs makes one wonder about the goals of the National Park Service. The use of SMAs with a severely Brucella-infected herd of bison begins to look like a potential land acquisition plan by the Park Service. Is this the case or does it just appear to be?

Management Alternatives. While the best alternative may not have been written yet, the most promising possibilities in the EIS are Alternative 5 or Alternative 6 (without the SMAs). These alternatives get to the heart of the problem, have short time frames, are inexpensive, and have the greatest chance of success. The National Park Service and associated agencies should set goals (i. e., elimination of Brucellosis, 3 year time frame, etc.) and work toward those goals by whatever methods necessary. To simply lock in an alternative plan, may be counter-productive. The preferred alternative (Alternative 7) does not aggressively address the problem

of Brucellosis in the bison. It is a passive program that allows too much time to elapse and therefore, will never get the problem resolved. Also, it looks to have a heavy component of land acquisition included. If the Park Service needs more land for Yellowstone, that should be addressed separately.

There is an urgency to solve this problem of Brucellosis in the Yellowstone bison. Once that problem is solved, many of the ancillary considerations will simply disappear. I would hope the agencies involved will aggressively work to eliminate Brucellosis as a threat to public health, domestic animals, and to the bison themselves. We all have a responsibility to manage these resources to the best of our abilities and knowledge. To simply let "nature take its course" after we have changed the basic structure of things over the past 200 years is irresponsible and undefensible.

Sincerely,

John Maas DVM

John Maas, DVM, MS
Diplomate, American College of Veterinary Nutrition
Diplomate, American College of Veterinary Internal Medicine

cc: George P. Radanovich
Richard Pombo
Elton Gallegly
Dr. Richard Breitmeyer
Dr. Gary Weber
Diane Feinstein
Jim Peterson
Sarah Braasch
Cindy Garretson-Weibel

Utah Farm Bureau Federation

[redacted]

YELL-15780

September 3, 1998

Bison Management Plan EIS Team
National Park Service
P. O. Box 25287
Denver, CO 80225-0287

Ladies and Gentlemen:

My name is Kim Christy. I am Vice President of Public Policy for the Utah Farm Bureau Federation. The Utah Farm Bureau is the state's largest general farm and ranch organization and represents over 22,000 member families, including the majority of Utah's agricultural producers. We appreciate this opportunity to comment on the *Draft EIS for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park.*

Our comments today largely align with the sentiments expressed by the Montana Farm Bureau at an earlier hearing. We too are very concerned with maintaining Montana's class free status regarding brucellosis. To that end, we have reviewed the seven alternatives presented in the draft and support alternative 5, the aggressive eradication of brucellosis from Yellowstone National Park bison. Alternative 6 may be acceptable if the Montana Department of Livestock were given the authority to manage special management areas (SMAs).

As pointed out in the Draft EIS, brucellosis is a non-native disease that was introduced to the park in the early 1900s. The disease causes wildlife and livestock to abort their unborn fetuses and can occur in humans as undulant fever. Due to the eradication of the disease in cattle and pasteurization of milk, it is not as common now as in the past, but it is still a threat. And although it is rarely fatal in humans, it is no doubt a debilitating disease. While the Draft EIS states that there have been no documented cases of buffalo transmitting brucellosis to cattle in the wild, the scientific community has not aligned with that conclusion.

It has been stated that an objective of the park administration is to manage a wild, free ranging population of bison. The key word here is manage. Wildlife numbers and diseases are effectively managed outside the park in a variety of ways. Moreover, fish populations within the park are managed through regulation, bears are managed by removing problem bears, sometimes lethally, and even wolves are penned, vaccinated, moved and removed. Yet the seemingly ineffective non-management of large ungulates (namely bison and elk) in the park is inconsistent with the management strategies of other wildlife species and appears to be an arbitrary, politically motivated experiment that is not working.

YELL-15780 contd.

We believe that this politically motivated strategy subjects the park to resource degradation by exceeding range land carrying capacities. Bison migration relates to animals seeking forage and as such, a management alternative should be supported which maintains bison and elk populations at levels that keep the animals in the park. The Draft EIS suggests that the park can sustain between 1700 and 3500 bison. The carrying capacity for these and other ungulates should be specifically established within the park before any alternatives are supported by the administration. In addition to impacts on vegetative resources, the Draft EIS should address impacts on riparian resources, water quality, and other wildlife species at various bison/elk population levels.

Alternatives 2, 3, and 7 propose the acquisition of lands and/or easements north of Gardiner and possibly beyond the west boundary area in the future. These alternatives should not be supported because they:

- do not provide any movement towards disease eradication or prevention;
- place the cattle industry in Montana and other surrounding states at greater risk for disease transmission and potential loss of class free status from APHIS. This could ultimately pose significantly negative health and economic consequences to the livestock industries in several western states;
- would not improve the situation of over-population of bison and/or elk in the park; and
- would lead to continued resource degradation by overgrazing an even larger area.

SMAs will effectively expand the boundaries of the park and increase the risk of disease transmission by making the proximity of bison to cattle occupying adjacent private lands and federal grazing allotments unacceptable. However, if the state veterinarian had the authority to revoke an SMA, or change the timelines of use if other states or APHIS threatened to remove Montana's class free status, we may support that as an acceptable option.

In closing, we question the validity of the draft's assessment of nonmarket values and social cost-benefits associated with the seven alternatives. It appears that the value of attaining a disease free bison herd attributed to alternatives 5 and 6 has been examined only in the context of decreased bison numbers rather than the benefits attributed to a healthy, disease free herd. Moreover, the economic ramifications to the livestock industries in Montana, Idaho, Wyoming, and possibly other states are not adequately addressed in the Draft. If these states lose their class free status for brucellosis, it could cost livestock producers millions of dollars and increased management burdens.

Thank you for the opportunity to comment on the Draft EIS. We hope that you will favorably incorporate our concerns into the final EIS.

YELL-9080

Utah Snowmobile Association

[redacted]

Oct. 15, 1998

Bison Management Team
National Park Service - Sarah Bransom
PO Box 25287
Denver, CO 80225-0287

Dear Team:

The Utah Snowmobile Association has received the Bison Management Plan Draft EIS and concludes the preferred alternative seven is the best management alternative. The Utah Snowmobile Assn. is comprised of 15 clubs and over 2,000 individual snowmobilers from the state of Utah. Many of our members have snowmobiled in the Park in the past and plan to do so again in the future.

During the years in which the popularity of snowmobiling in the Park has grown from its beginnings to its current use, the 1960's to the present, the bison population expanded tremendously. The expanding bison population was not managed to limit herd size to the carrying capacity of the park. The expanded herd size estimated at 3,500 animals exceeded the feeding capacity of the part in the winter conditions of 1996-97. A properly managed herd size would have avoided the large die off and hunting mortality experienced in the spring of 1997. Alternative 7 is the only alternative that would provide for a properly managed herd size and therefore is the USA's recommended alternative.

There is **NO** evidence snowmobiling in the park has negatively affected the bison herd. Many winter park visitors enjoy wintertime in the park including viewing the bison. Any plan that would restrict or reduce winter use would remove that opportunity from the public with a corresponding negative economic impact on the surrounding communities. Yellowstone should be maintained for the benefit and enjoyment of all the people.

Sincerely,

Glen A. Zumwalt
President, Utah Snowmobile Association

"For those who ride the greatest snow on Earth"

Utah Wildlife Federation
[redacted]

Chair
Gerald Gordon, [redacted]
Vice Chair
Ray Schelble, [redacted]
Secretary/Director
Treasurer/Office Manager
Amy Hall, [redacted]
Directors
Frank Aydelotte, [redacted]
Bill Burbridge, [redacted]
Brad Cutler, [redacted]
Ralph Duncan, [redacted]
Jerry Mason, [redacted]
Terry Messmer, [redacted]
Tom Pettengill, [redacted]
Kreig Rasmussen, [redacted]
Jack D. Ray, [redacted]
Paul Shields, [redacted]
Honorary Director
Merrell Miller, [redacted]

An affiliate of the
National Wildlife Federation

YELL-9301

UWFB:Buffalo.6

October 9, 1998

Subject: Comments to the Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park.

To: Bison Management Plan EIS Team
National Park Service
ATTN: Sarah Bransom DSC-RP
Post Office Box 25287
Denver, CO 80225-9901

Dear Ms. Bransom,

We have reviewed the Draft Environmental Impact Statement for the Interagency Bison Management Plan for Montana and Yellowstone National Park. Our comments are provided on the attached pages.

We thank you for the opportunity to comment on this important public wildlife and Yellowstone National Park management issue.

Please keep us informed on the progress of this initiative.

Sincerely,

Gerald E. Gordon
Chairman of the Board

Utah Wildlife Federation
[redacted]

UWFB:Buffalo.6

September 20, 1998

Subject: Comments to the Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park.

To: Bison Management Plan EIS Team
National Park Service
Sarah Bransom DSC-RP
Post Office Box 25287
Denver, CO 80225-9901

Upon completion of our review of the Subject Draft EIS, we provide the following comments for the record and your consideration.

1. General Comments.

a. The draft EIS states: "The purpose of proposed interagency action is to maintain a wild, free-ranging population of bison and address the risk of brucellosis transmission to protect the economic interests and viability of the livestock industry in the state of Montana."

b. With that stated purpose in mind, we are aware of the fact that the management of the Yellowstone National Park bison does not lend itself to a simple solution. However, your complex draft EIS makes the analysis of the problem and recommendation for resolve an enormous challenge to both the non-professional natural resource advocates as well as professional natural resource managers.

c. After our review of each proposed alternative we suggest that none of the proposed alternatives (if implemented as now written) will achieve the stated "purpose".

2. Specific Comments.

We support Alternative 3. Management with Emphasis on Public Hunting with the following changes.

a. The plan should include public hunting as the primary method of population control. We realize that even limited hunting will be as strongly opposed as extensive hunting therefore, the plan should include hunting as the primary population control. Man, and other predators, have a long history of playing a major role in animal population control and maintaining healthy herds.

We also believe that if hunting is presented in a positive image so that it does not create an anti-hunting/slaughtering image, hunting will be accepted as a proven method of population control.

If we read the draft EIS correctly, at present 85 buffalo hunt permits are planned to be authorized for the Yellowstone buffalo herd of approximately 3,500 bison. As you probably know, Utah has a free-roaming herd of 380 (275 wintering population) buffalo in the Henry Mountains area in southern Utah. Utah usually issues 38 permits annually. Utah has authorized an extra 35 permits this year because the annual 10 percent harvest did not control the herd growth. Predation in the Yellowstone ecosystem only explains part of the disparity in harvest needed to control herd numbers. Montana's ranchers could gain income from assisting such buffalo hunts which could help pay for brucellosis immunizations, etc.

b. It is stated in the EIS that bison have not impacted Yellowstone Park elk. We have trouble accepting that there is not a major forage overlap between bison and elk. If there are reductions in bison populations, the likely effect is an increase in elk populations resulting from forage increase and reduced displacement by bison. Without a plan for managing elk, the effect could be to have a further increase in elk numbers with the inevitable crash and long term damage to habit. Some professionals are saying that the Yellowstone elk herds are already too high and are destroying the habitat. The plan should address coordination between elk and bison management along with managing other ungulates and predators.

c. We also support the Seven Point Plan submitted by the National Wildlife Federation, that is:

(1) Establish a buffalo health certification center.

(2) Scientifically manage the Yellowstone area's buffalo.

(3) Acquire additional winter ranges and key migration routes.

(4) Adjust cattle grazing patterns on public lands.

(5) Vaccinate cattle consistently and routinely.

(6) Develop a vaccination program inside Yellowstone.

(7) Evaluate winter management of Yellowstone's roads.

d. Additionally, we also support the "Common-Sense Strategy to Bison Management" submitted by the Montana Wildlife Federation which includes:

(1) Recognize buffalo as wildlife and put wildlife professionals in charge of critical management decisions that must be made with scientifically based data including population control, available forage, land mass and carrying capacity.

(2) Maintain wild, free-roaming buffalo, by ensuring their (buffalo) access to public lands outside Yellowstone Park and direct agencies to develop a program to acquire winter range lands or easements through public purchase from willing sellers to expand available range.

(3) Provide incentives to modify livestock operations for greater winter foraging opportunities for buffalo outside the park, reduce contact between cattle and buffalo, and provide compensation for damage to private property.

(4) Relocate buffalo to Native American reservations or public lands or utilize a regulated harvest to control herd size.

(5) Reduce or alter grazing allotments on public lands where buffalo and cattle may come into contact.

(6) Require mandatory vaccination of all cattle within the Greater Yellowstone Area.

This concludes our comments.

Gerald E. Gordon
Chairman, Board of Directors

22 letters were received from students in the seventh grade science class of Valley Middle School, [redacted]. This page is a representative letter.

YLL-5191

September 10, 1998
Bison Management Plan EIS Team, National Park Service
Attn: Sarah Bransom DSC-RP
PO box 25287
Denver, CO 80225-9901

To Whom It May Concern:

We, the seventh grade science class believe that the bison of Montana and elsewhere should be protected. Not by farmers, ranchers or cattlemen, but certified wildlife conservationists. We also believe that as an alternative to destroying bison, healthy buffalo should be moved to Indian Reservations and other public lands where they belong. Buffalo must be allowed to roam free on public lands and if found on private land, they should be treated humanly.

Therefor we support the Montana Wildlife Federation in their effort to put the "Citizen's Plan" into action.

Many of us have seen Bison at many state parks and zoo's and believe that they are wonderful creatures that should be protected to the fullest extent.

We hope that you take our letter into serious consideration and hope that policies will drastically change in order to save the buffalo population.

Sincerely,
7th Grade Science,
Valley Middle School

Valley School District #262
[redacted]

Sharí

September 10, 1998
Bison Management Plan EIS Team, National Park Service
Attn: Sarah Bransom DSC-RP
PO box 25287
Denver, CO 80225-9901

To Whom It May Concern:

We, the seventh grade science class believe that the bison of Montana and elsewhere should be protected. Not by farmers, ranchers or cattlemen, but certified wildlife conservationists. We also believe that as an alternative to destroying bison, healthy buffalo should be moved to Indian Reservations and other public lands where they belong. Buffalo must be allowed to roam free on public lands and if found on private land, they should be treated humanly.

Therefor we support the Montana Wildlife Federation in their effort to put the "Citizen's Plan" into action.

Many of us have seen Bison at many state parks and zoo's and believe that they are wonderful creatures that should be protected to the fullest extent.

We hope that you take our letter into serious consideration and hope that policies will drastically change in order to save the buffalo population.

Sincerely,
7th Grade Science,
Valley Middle School

Hector Cornejo

14,277

VALLEY SNODRIFTERS
Snowmobile Club

October 5, 1998

Bison Management Plan EIS
National Park Service
P.O. Box 25287
Denver, CO 80225

To Whom It May Concern;

This letter is in responce to the Yellowstone National Park and winter tourism. We are opposed to the Alternatives 2,3, 5 and 6 because of the harmful effects on the winter tourism and recreation. We do support Alternative 7 because it establishes a capacity within the Park for the bison and it also manages the population of the bison accordingly. It is very important to manage the bison population in the Park because of the food supplies. When there is to many animals and not enough food this is when they start to roam and leave the Park in search for food sources. Winter of course is the hardest on the animals, so providing them with adequate food is very important in keeping the herds calm.

So far there has been no studies to prove that snowmobile use and trail grooming have any negative impact on bison and other wildlife in Yellowstone National Park.

When our Club held a ride in Yellowstone we not only appreciated the groomed trails, but were in awe of all the wildlife we were able to see. The beauty of the Park is there for everyone to be able to enjoy year round. Because of the size of thePark no typical individual could tour it without a motorized vehicle.

Remember the Park is "For the benefit and enjoyment of all the people".

Sincerely
Sue Strieter
Sue Strieter - Secty.
[redacted]

cc: JM - Pres.

YELL-11,398

VIRGINIA TENTH DISTRICT ENVIRONMENTAL COUNCIL
[redacted]

10/4/98

Interagency Bison Management Plan, DSC-RP
P.O. Box 25287
Denver, CO 80225-0287
Attn: Sarah Bransom

Re: Comments on the Yellowstone Bison Draft Environmental Impact Statement

Sarah:

Please add our group to the list of people in opposition to all alternatives in the DEIS.

Bison should be managed as "wildlife" not as a domesticated herd.

We are tired of our tax dollars being used to benefit individuals & corporations at the expense of our "wildlife."

The DEIS did not contain a true "no-action alternative" showing again a government agency's bias for a preselected alternative.

We have read two plans which take a much better tract in dealing with this problem: "The Citizens Plan to Save Yellowstone Buffalo" and "Plan B, the Buffalo's Alternative." Why were these plans not included in the DEIS?

Sincerely, STEVE PARKS
SPOKESMAN
VA. 10TH DIST. ENV. COU.

YELL-1946

VIRGINIA WILDLIFE FEDERATION

Virginia's [redacted] Conservationists [redacted]

[redacted]

August 20, 1998

Dear Ms. Bransom:

Many Virginia Wildlife Federation members have visited Yellowstone National Park, and we are concerned about the slaughter of Yellowstone buffalo in Montana. One of the main reasons we chose to spend our vacation dollars visiting the Park is to view buffalo and other wildlife. We consider Yellowstone's buffalo herd to be a valuable resource - too valuable to be squandered needlessly. We do not have to destroy Yellowstone's buffalo to protect Montana's cattle from brucellosis.

In our opinion, the Park Service's draft Environmental Impact Statement for the Interagency Bison Management Plan for Montana and Yellowstone falls short on many levels. With this letter we ask that you rework the EIS and put forth a management plan based on solid science and common sense.

None of the alternatives presented in the draft EIS would resolve the brucellosis issue. Rather, implementation of the preferred alternative would ensure the ongoing slaughter of buffalo in Montana. As American citizens who care about our Western heritage, we find this unacceptable. Through the application of substantive, scientifically sound management strategies, the conflict in Montana could be settled with benefits to both livestock producers and wildlife. But the livestock industry must take its fair share of the responsibility.

To our knowledge, there has never been a documented case of brucellosis transmission between wild buffalo and range cattle and the threat posed by buffalo to Montana's livestock is very small. Given that total eradication of brucellosis in Yellowstone is impossible, the price of chasing this pipe dream is too high. The agencies must manage for risk reduction as the more appropriate expenditure of the public's tax dollars.

The Inter/Tribal Bison Cooperative/National Wildlife Federation's Seven Point Plan takes a rational, scientific approach to resolving the conflict. We, of the Virginia Wildlife Federation, support this plan which features several important points lacking in the preferred alternative. The draft EIS, for example provides no assurances that buffalo will be allowed to range on public lands out side the park. Nor does it ensure that buffalo captured and placed in quarantine would ever make it out alive to be transferred to tribal governments, public land, or wildlife agencies. The ITBC/NWF plan covers all these bases.

We feel that buffalo should remain a public trust resource and should be managed by wildlife professionals.

We appreciate your careful and thoughtful consideration of our comments.

Sincerely,

Donald W. Hinchey

Donald W. Hinchey
President, Virginia Wildlife Federation

DWH/vj

cc: File

"An Affiliate of the National Wildlife Federation"

PRINTED ON RECYCLED PAPER

YELL-11,490

FROM : VOICE FOR WILDLIFE PHONE NO. : [redacted] Oct. 16 1998 02:33PM P1

OFFICERS
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Cheney M. Nahser
Kathleen F. Quasey
Roxcele D. Swanson
Davida L. Terry
M. Donald Terry

October 16, 1998

VIA FAX: [redacted]

Bison Management Plan EIS Team
National Park Service - Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Ladies/Gentlemen:

The Voice for Wildlife is a wildlife protection group headquartered in [redacted], which has 3,600 members. That being said, we wish to comment on the *Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park*. Our comments are as follows:

There is no evidence that bison can spread brucellosis to cattle. Most brucellosis experts agree that the risk of disease transmission is virtually non-existent, and that the adoption of sensible risk management strategies could eliminate any risk altogether.

Therefore, we do not agree with any of your Alternatives 1-7. Both the State of Montana and our Federal Government need to stop the slaughter of the bison and adopt sensible risk management strategies.

Very truly yours,

Davida L. Terry

Davida L. Terry
President

DLT/ab

A Not-For-Profit Organization

Advocates for Wildlife and their Habitat

Printed on recycled paper

14,312

Washington Cattlemen's Association [redacted]

October 22, 1998

Sarah Branson
Interagency Bison Management Plan
DC-R
PO Box 25287
Denver, CO 80225-0287

Dear Ms. Branson:

I submit the following comments on the Draft Environmental Impact Statement (DEIS) for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park.

After a 60 year long struggle to eradicate cattle brucellosis and with over $3 billion being spent, the US is finally nearing eradication of brucellosis from the nations cattle herd. Yet our own government who assisted us with the fight against this devastating disease is now the one who is harboring the last remaining hot bed for the disease. Brucellosis eradication is not only critical for the cattle industry, but the disease poses a serious public health threat if it is not controlled. It will also seriously impede our ability to open trade opportunities with Canada, such as the regionalization of animal health requirements as well as with other countries. The DEIS offers no alternatives that will eradicate Brucellosis from the Yellowstone Bison herd and this simply is not acceptable.

Experience in both private a public bison herds has shown that appropriate strategies can eliminate brucellosis. However, using Special Management Areas (SMA) to solve the bison problem is not an acceptable approach. This approach will only broaden the risk of problems to areas outside the boundaries of the park.

I ask that you draw your attention to the United States Animal Health Association's comments on the DEIS and address the concerns that are revealed in this document. There is no preferred alterative that is acceptable. However, alternative 6 should be implemented if the suggested modifications of the United States Animal Health Association are made.

Sincerely,

Bill Bennett

Bill Bennett, WCA Animal Health Chairman
Attachment

17680

18 letters were received from students in the sixth grade class of Washington Elementary School, [redacted]. This page is a representative letter.

Oct. 13, 1998

Dear National Park Service,

I think you shouldn't kill the buffalo because there have been some animals that have become extinct, and I think you shouldn't make any more animals extinct.

I think the citizens plan is a good plan. I say you should go on with the plan to test the buffalo and kill the ones with a disease because it's for a good reason. And the others should be sent to the Indians.

I think you would be doing the right thing. The park has done a good job with the animals but they'd be more happier and appreciated with the Indians.

sincerly,
Katie McRae

YELL-13452

206.63.146.64

Sunday, November 1, 1998 - 15:52:28 pm EST
a lastname: Warren
b firstname: Glenn
c organization: Washington State Snowmobile Association
comments: Dear Ms. Bransom,

In regards to the DEIS for the Interagency Bison Management Plan, I urge support for Alternative 7.

It is the most practical alternative providing the least negative imacts on the park. Bison should be managed to the confines of the park and overgrazing forces them to stray.

Several snowmobilers from [redacted] enjoyed snowmobiling in the park last winter and many return yearly. Thank you for providing a rewarding experience and we hope to be able to do it again in the future.

The present system of transportation in the park is the most practical, safest, most economical way of touring. Plowing could threaten lives and closing areas would deny the public access to enjoy the park.

Please keep me on future mailing lists.

Sincerely,

Glenn Warren

[redacted]

Interagency Bison Management Plan, DSC_RP
Sarah Bransom
P.O. Box 25287
Denver, Colorado 80225

YELL-4538

September 16, 1998

Dear Ms. Bransom,

I am writing on behalf of the Washington Wildlife Federation to support the Citizens' Plan to protect the buffalo of Yellowstone National Park. As the state affiliate of the National Wildlife Federation, we have long supported scientifically sound management of wildlife by professional wildlife managers.

We believe that the "Preferred Alternative" continues a practice that is based on the myth that bison infected with brucellosis can transmit the disease to cattle. As you know, there has never been one documented case. The Washington Wildlife Federation supports management decisions rooted in good science, not politics. Each year millions of Americans and visitors to this country flock to Yellowstone National Park to experience the astounding natural features of the region including a vital component of America's natural heritage - the buffalo. To allow the slaughter of this American icon to serve a single constituency is unconscionable.

The Citizen's Plan is good common sense and good science. It encourages landowners to become a part of the solution by offering incentives to reduce contact between cattle and buffalo. It encourages a more holistic management plan by ensuring that buffalo herds have access to public lands outside of the park.

The buffalo of Yellowstone are under the stewardship of all of the American people. It is the responsibility of the state and federal agencies to manage them for the future. The Washington Wildlife Federation endorses the Citizen's Plan.

Respectfully,

Thea Levkovitz
Vice-President
Washington Wildlife Federation

[redacted]

cc: Gov. Marc Racicot

YELL-16709

Bison Public EIS Comment

Name: Ken Hilton

Organization: Washington Wildlife Federation, President

Address: [redacted]

Email: [redacted]

Comment:

The Washington Wildlife Federation strongly supports the position of the National Wildlife Federation and others on the unnecessary slaughter of Yellowstone Buffalo. The ITBC/NWF Seven Point Plan takes a rational, scientific approach to resolving this conflict. Buffalo should be managed as wildlife, not livestock and should be given the freedom to roam.

From the National Wildlife Federation's online public comment form:
[redacted]

WESTERN WILDLIFE HEALTH COOPERATIVE

September 21, 1998

Sarah Bransom
Interagency Bison Mgmt. Plan
DSC-RP
PO Box 25287
Denver, Colorado 80225-0287

YELL-4433

Dear Sarah:

The Western Wildlife Health Cooperative (WWHC) is an association of wildlife health professionals from western state fish and wildlife management agencies that combine their expertise and resources to address all interstate wildlife health issues. The WWHC also serves as a standing advisory committee to the Western Association of Fish and Wildlife Agencies. As such, the WWHC has a major stake and interest in the management of brucellosis in elk and bison in the Greater Yellowstone Area (GYA). We would like to take this opportunity to comment on the Draft Environmental Impact Statement (DEIS) for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park.

From the perspective of professional wildlife disease managers, it is important that state and federal agencies work toward the elimination of introduced diseases such as brucellosis in bison and elk. However, these disease problems must be approached from an ecological perspective rather than as conventional domestic animal diseases. Solutions must apply principles of wildlife management as well as disease management and consider ecological consequences of actions.

As currently outlined in the DEIS, none of the proposed alternatives are acceptable to the WWHC. There are elements of several alternatives, particularly 6 and 7, that when combined provide a reasonable and achievable method for the management of brucellosis in bison.

The preferred alternative with significant modifications could provide a supportable and logical approach to managing diseased bison in Yellowstone National Park. We suggest the following changes and considerations for the development of the modified preferred alternative.

1. The overall objective of the management plan should be to strive for the eventual elimination, not just control or risk management, of brucellosis in bison and elk in the GYA.

YELL-4433 contd.

The elimination of brucellosis will require a long-term commitment to various management actions by various participating agencies.

2. Management Plans for the control and elimination of brucellosis in bison cannot succeed if a parallel plan for elimination of the disease in elk is not initiated. Despite the stipulation on page 46 that the issue of brucellosis in elk is "beyond the scope of this environmental impact statement" it is misleading to infer that the proposed alternative could eliminate brucellosis in bison in the absence of any elk management plans.

3. Long term vaccination of bison with a safe and efficacious vaccine should be a major component of the preferred management plan. Vaccination programs should be implemented as soon as safety and efficacy studies are completed even though other key elements of management may not be in place.

4. We do not consider the development and operation of a quarantine facility an appropriate wildlife management tool to be employed inside the boundaries of YNP or operated by the National Park Service. If quarantine facilities are utilized, they should be constructed at a location that would not negatively impact annual migration and habitat use and operated by animal health authorities in a manner that demonstrate they can be humanely handle bison. Preferably these facilities should be located some distance from the Park, but within the GYA where brucellosis facilities should be located some distance from the Park, but within the GYA where brucellosis already occurs.

5. Captured or quarantined bison that are brucellosis free should be returned to YNP whenever the population goals and objectives of the plan are not met to maintain a viable population. It is highly questionable to use the quarantine facility as a source of live bison for tribal governments or other publics when these bison could be returned to YNP to maintain the genetic and biological integrity of this herd. Providing quarantined bison to tribal governments or other publics should only be conducted under strict constraints to avoid the commercial exploitation of publicly owned wild free-ranging bison by the acquiring entities or by managing agencies dispersing the bison.

6. To enhance management flexibility we recommend increasing the population threshold from 2500 to 3500 as suggested for alternatives 3 and 6. This increase would lessen the

impacts of various management actions and allow more bison to fully inhabit the Park.

7. We support the development of special management areas (SMA) outside the Park which allow natural bison migrations. These management areas allow bison movement beyond the political boundaries that would otherwise diminish the unique free-ranging nature of this bison herd. However, without active population control, bison would gradually fill the SMAs resulting in an expanded and amplified problem of a larger population of brucellosis-exposed bison.

8. Public hunting, as opposed to agency culling, is the preferred method for removal of bison when such action is necessitated and must be conducted in accordance with state law. We agree that the use of fair-chase hunting in the Eagle Creek/Bear Creek SMA is a good management alternative, but feel additional hunting in the western SMA is also needed as outlined in Alternative 3. To effectively control bison populations, all designated SMAs should be considered for fair-chase hunting as a management tool.

9. Vaccination of adult domestic cattle potentially in contact with bison should be required along with periodic testing that would adequately preserve the brucellosis-free status of border states.

We appreciate your consideration of our input. If you have questions or require additional information, please do not hesitate to contact us. I can be reached at [redacted] or my e-mail is: [redacted].

Sincerely,

James. C. deVos, Jr.
Chair
Western Wildlife Health Committee

JDV:bw

Cc: Dr. Bruce Little
Dr. Lykle Vogel
WWHC States and Provences

206.230.42.166

YELL-15545

Monday, November 2, 1998 - 19:55:11 pm EST
a lastname: Coefield
b firstname: Jim
c organization: Wild Rockies InfoNet
comments: Jim Coefield
Wild Rockies InfoNet
[redacted]

Comments on the Draft EIS on Bison Management in Yellowstone and Montana.

Summary:

The DEIS that you have submitted to the public is fatally flawed. It demonstrates a grave lack of perspective as well as lack of biological evidence to backup its alternatives. It's range of alternatives is not satisfactory, nor does it contain a true no-action alternative. It will only result in further conflict and death of buffalo. It will not solve any purported disease conditions, as its scope is limited to only buffalo. It is culturally insensitive, as it does not fully consider tribal interests. It is a bowing down to the cattle industry, and serves only to legitimize and perpetuate the massive tax subsidies that have greased the public grazing lobby for decades. The DEIS does not address legimate issues of species viability as mandated by the ESA and NEPA, as there was no formal consultation with the USFWS. The population limits are arbitrary and capricious.

The DEIS fails to properly address purpose and need; has poor alternatives that focus on managing bison, not the true issues of brucellosis and cattle; fails to analyze a true no-action alternative, a violation of the National Environmental Policy Act (NEPA). Its "no-action" alternative permanently implements the Interim Bison Management Plan, the same plan that allowed over a thousand bison to be slaughtered last year. A true no-action alternative would allow the bison to occupy its winter range unfettered, on public land outside the Park.

Only by implementing an alternative like Plan B will the EIS meet the needs of all interested parties. It is the only sane thing to do. Any other path will only perpetuate this tradgedy and lead to further conflict.

Further Comments:

The DEIS allows the lead agencies to control bison in ways that would domesticate the last free-ranging wild herd in the United States. The alternatives proposed do not allow for the purpose of action "to maintain a wild, free-ranging population of bison and address the risk of brucellosis transmission..." If brucellosis was truly the concern, then other wildlife that carry brucellosis like elk would also be included to address the risk of reinfection from elk to bison. This DEIS also fails to consider alternative ways of managing brucellosis that would have minimal impact on bison and other wildlife.

The "no action" alternative is not a true no-action alternative, which is a violation of NEPA (National Environmental Policy Act). The DEIS does not consider revoking the management of the last free-ranging herd of bison from the Montana Department of Livestock, which is a conflict of interest, over to Fish Wildlife and Parks. Until this happens the bison will be managed in a way that does not protect them as wildlife but treats them as livestock. In a properly constructed EIS a preferred alternative would consider the impacts and costs of separating cattle from wildlife on bison and elk range, and would assess realistically the actual, rather than the perceived threat of brucellosis transmission.

My criticism centers around basic issues of noncompliance with NEPA:

* the DEIS's failure to properly address purpose and need;

* lack of a true "no-action alternative";

* lack of presentation of the full range of reasonable alternatives.

The DEIS's alternatives all are unacceptable because they all:

* restrict buffalo from their traditional habitat and winter range;

* contain extreme management techniques that ultimately will result in the domestication of this herd;

* serve to placate the cattle industry's single-minded drive to decimate the buffalo--an animal they see as symbolic of everything wrong with the federal government.

My criticisms extend to other issues:

* the plan's inhumane treatment of buffalo--treating them as livestock, not wildlife;

* expense --the DEIS throws millions of dollars at a problem, that could be

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addressed by much more cost effective means, created by the cattle, and will further grease the "welfare cowboys'" pockets at the expense of the buffalo and the taxpayer;

* lack of conclusive research surrounding the brucellosis issue. There has been no risk assessment or cost benefit analysis completed by the DEIS Inter-Agency Team.

* impacts on threatened, endangered, and sensitive species, and other wildlife;

****

Analysis of the DEIS

DEIS's Failure to Properly Address Purpose and Need

If the purpose of DEIS is to "address the risk of the brucellosis transmission," then the agencies first need to stop focusing on buffalo and address all species that carry this disease. The actions that the DEIS takes to address the risk of brucellosis does not fit the purpose statement. The actual risk of brucellosis is scientifically unknown. The DEIS also plans for strict control over the buffalo in all alternatives, using hazing, marking, capture and quarantine facilities, and inoculation--all management techniques at odds with the DEIS's stated purpose of "maintaining a wild bison herd." The inter-agency team even defined "wild bison herd" as one that is not routinely handled by humans. This goes against management techniques which the government proposes.

Lack of No-Action Alternative

The no-action alternative, which basically implements the Interim Bison Management Plan (revised in 1996), is not a true no-action alternative. The Interim Plan was responsible for the death of over 1,084 buffalo during the winter of 1996-97, in addition to natural deaths. The winter of 1988-89 also proved to be an unfavorable year for buffalo with a death toll of 569. 1994-95 and 1995-1996 followed with a total of 860 buffalo killed. Further use of this plan only would slaughter more and more buffalo each year. The proposed no-action alternative does not uphold the purpose and need of this DEIS, and does not offer the public a true no-action alternative. A true no-action alternative would allow buffalo to occupy traditional grazing land undisturbed by agency actions.

Allowing your no-action alternative to revert management to a document that has not undergone the NEPA scrutiny necessary to validate an EIS is a hidden attempt to avoid putting forth a true no-action alternative. It is a sham. A true no-action alternative is exactly that: A plan that does NOTHING. Not implement another failed government plan, not murdering innocent buffalo, not capturing and quarantining, etc. The chosen path of the DEIS will lead all the parties straight to court.

Buffalo Management and Viability of the Species

Buffalo have always roamed Yellowstone National Park undisturbed, and this is largest and oldest free-ranging population of buffalo in the United States. The Montana Department of Livestock (DOL) has been the main authority in charge of the management of the Yellowstone buffalo for too long. From the management techniques that the DOL uses, the buffalo have been captured, corralled, shocked with cattle prongs, and loaded on trucks to be taken to slaughter houses. This inhumane treatment causes injuries to the buffalo and sometimes death while being handled and transported. Continuing the DOL's management of buffalo will eventually domesticate them, killing off the oldest remaining populations of wild buffalo. The Yellowstone buffalo are wildlife and should be treated like all other wildlife in the Greater Yellowstone Ecosystem (GYE). The DEIS states that in each alternative the buffalo would be continued to be managed by the DOL, a serious conflict of interest. The management needs to be turned back over to the Montana Department of Fish, Wildlife, and Parks. The buffalo need to be treated and classified as wildlife in the state of Montana. Buffalo are NOT cattle.

The ESA does not look at domesticating the last vestiges of any remaining animal population as an adequate method of conserving their genetic diversity. The combined effects on the genetic viability of buffalo has not been addressed by the DEIS in violation of the ESA. If the prefered alternative is implemented, I will look towards petitioning the USFWS for listing the American Buffalo as threatened.

The DEIS must look at plans that have minimal impacts on buffalo and other wildlife. If the Yellowstone buffalo are to remain a dynamic population, then protective measures need to be taken that will ensure that the herd's wildness is protected.

Quarantining Buffalo

The Inter-Agency Buffalo Management Team thinks that the quarantine of Yellowstone Buffalo will only affect "individual buffalo." Not true--the whole buffalo herd would be affected if quarantine is approved. "By quarantining, family members will be separated. Social structures will be

destroyed or severely disrupted. Natural patterns of land use may be broken. And, knowledge that is normally passed on from generation to generation within the herd may be lost," states Virginia Ravndal, wildlife biologist. Some buffalo would be held in quarantine for up to four years, breaking their wild spirit. The State of Montana claims that the quarantine will be one of the disease management tools. The real purpose of quarantining the Yellowstone buffalo is to ensure that buffalo do not roam free so they won't cause problems for livestock grazing on public lands bordering the park. The quarantine facilities used would be nothing more than a feed lot.

Definition of Risk

The DEIS claims that because the Yellowstone buffalo carry brucellosis, cattle are at risk of contracting the disease. The DEIS presents no conclusive scientific research that determines exactly what the risk is, and there haven't been any documented cases of transmission between cattle and buffalo in the wild. How can the agencies manage the risk of disease transmission when they don't even know what level of risk, if any, there is.

All the management tools in each alternative have not been approved yet by the agencies and never may be. The DEIS assumes that these actions will be approved. Quarantine facilities require that an Environmental Assessment be released for public comment, this would be delayed of course (it took the Inter-Agency eight years to put out the DEIS).

Effects on Endangered, Threatened, Sensitive, and other Wildlife Species

The DEIS states that the preferred alternative would have adverse impacts on buffalo, as well as wildlife species including the grizzly bear and gray wolf. The Stephens Creek buffalo capture facility, located at the northern entrance to Yellowstone National Park, already has caused adverse impacts to the pronghorn antelope population, blocking migration patterns and causing confusion when they flee from predators. This facility would still be used in the preferred alternative, causing further disturbances in the pronghorn antelope population.

The methods for keeping buffalo in the designated special management areas (SMA's) would include hazing by the use of helicopters, cracker barrels, or horseback. The use of helicopter hazing this last spring violated bald eagle closure areas, and nesting areas were disturbed. These methods have and will impact bald eagles and other endangered, threatened, or sensitive species.

If Alternative 6 was used by the agencies, there would be construction of a capture/quarantine facility in a trumpeter swan nesting area. The DEIS claims that "this species may be affected by the location and operation of buffalo management facilities..." Trumpeter swans are a sensitive species, and there has been a decrease in population due to the amount of habitat available to these birds. There would be a disturbance of habitat and the agencies should not risk putting these birds under stress by taking their critical habitat.

If the Inter-agency DEIS team truly believes that their plan would be likely to adversely affect the grizzly bear, then they should request a formal consultation from the US Fish and Wildlife Services. The proposed buffalo management project is located within the Greater Bear Recovery Zone. The area is located almost entirely within management area Management Situation 1 (MS1), which contains grizzly population centers. "MS1 are areas key to the survival of grizzlies where seasonal and year long activity, under natural, free-ranging conditions... [containing] habitat components needed for the survival and recovery of the species or a segment of its population." This statement in the DEIS does not justify how the inter-agency team is able to go on with any of the proposed plans when grizzly bear habitat is being disrupted.

The potential land acquisition, exchange and conservation easement package has been jointly developed by the Rocky Mountain Elk Foundation, the Forest Service, and the Church Universal and Triumphant. This area proposed for exchange is located near the Northern entrance to Yellowstone National Park. The Forest Service would give the Church Universal and Triumphant 1,000 acres in exchange for 1,850 acres of conservation easement property. The area that the Forest Service is considering for exchange is located next to Mol Heron Creek, which is prime grizzly bear habitat. This land swap will destroy critical habitat for the grizzly bears that make the Greater Yellowstone Ecosystem their home.

What about the "Citizen's" Alternative?

Management techniques that the DEIS mandates would domesticate the buffalo and cause genetic loss to the herd. Alternative 3 in the DEIS, known as the "citizen's alternative," was developed by representatives from hunting and livestock interests, with input from a few conservation groups and the Inter Tribal Buffalo Cooperative (a tribal organization concerned with repopulating buffalo herds on tribal lands). This "citizen's alternative" is a combination of capture, test, slaughter, quarantine, creation of "special management areas", and hunting--all management techniques at odds with the purpose of action "to maintain a wild, free-ranging population of

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buffalo."

The agencies' preferred alternative states that it "involves many unknowns and assumptions about future conditions and available tools to manage the buffalo population." This "preferred alternative" makes it difficult to understand exactly what kind of management operations could take place. Both of these plans are not acceptable and would be worse than the current Interim Buffalo Management Plan. All the management plans in the DEIS would put a population limit on the amount of buffalo allowed in Yellowstone National Park. The purpose of the DEIS was not to decide population limits, and this type of a management tool will not ensure that the buffalo are a wild free-ranging population. This population cap presently is not used in the Buffalo Interim Plan, so the effects are unknown, but would prove to be deadly.

The Welfare Cowboy

"The federal government charges the bargain rate of $1.35 per animal unit month, as opposed to $15 for grazing on nearby private lands. The remainder of the costs to administer the grazing program are borne by federal taxpayers," states Christian Sinderman with Taxpayers for Common Sense. He also goes on to add, "This frank assessment leads to questions about why the government is spending millions slaughtering wildlife to protect subsidized cattle that are exposed to little risk...taxpayers pay to herd and corral wildlife, while domestic cattle enjoy their subsidized home on the range."

Use of Inappropriate Management Tools

The management techniques mentioned below are used in the various alternatives in the DEIS. I think that the following management tools are unnecessary or unethical when used on buffalo:

* quarantine facilities--buffalo would be kept in facilities for up to four years and then hopefully released to designated tribal members;

* visual impacts--buffalo would be tagged and marked with a peroxide strip;

* capture facilities--buffalo would be lured with hay to the facility and hauled off to slaughter houses for the sale of the meat, hides, heads, etc. The revenue from this would go back to the DOL;

* hazing--the use of cracker barrels (shooting firecrackers out of a rifle) and helicopters would be used to move buffalo long distances in a short amount of time. Used mostly during spring time, this has an adverse impact on pregnant females that are ready to birth. Disturbs grizzly bears in the spring when they are emerging from hibernation;

* hunting--there is no such thing as a "fair chase" buffalo hunt. Hunting is not the issue here;

* population control--the amount of buffalo in Yellowstone National Park alone would be limited to an arbitrary number far below the natural carrying capacity, threatening the genetic diversity of the herd;

* adverse impacts on wildlife--this includes all endangered, threatened, or sensitive species: grizzly bears, wolves, ungulates, bald eagles, trumpeter swans.

What should the EIS planning team do?

The planning team should look seriously at implementing Plan B. A preferred alternative in a properly constructed EIS would consider the impacts and costs of separating cattle from wildlife on bison and elk winter range, and would assess realistically the actual, rather than perceived threat of brucellosis transmission. This would save the taxpayers money, ensure the Montana's cattle industry maintained its brucellosis-free status, and would avoid the negative publicity that Montanans have endured through Montana Governor Marc Racicot's zero-tolerance buffalo policy."

A proper alternative would not incur the negative impacts associated with the DEIS's current preferred alternative: huge monetary costs, quarantine, vaccinating wildlife, visual impacts (tagging and marking), capture facilities, hazing, and impacts on ungulates, grizzly bears, wolves, and other threatened or endangered species.

I Support Plan B, the Buffalo's Alternative

I support Plan B. Plan B is a biologist's alternative that preserves the genetic diversity of the herd, treats them as wildlife, puts them under the management of wildlife experts, and gives the buffalo priority over cattle on public lands. This plan will ensure that the future of the herd as the nation's last remaining free-roaming herd is not put in jeopardy. This is not just a plan to compromise and watch the cattle industry once again win the battle over wildlife. Plan B:

* obviates any killing or confining of buffalo.

* allows for buffalo to roam freely in the Greater Yellowstone Ecosystem.

YEII-15545 contd.

* does not limit the size or movement of the buffalo herd.

* does not accept that the livestock industry has the expertise or the directive to manage the nation's wildlife-Buffalo.

* is based on science, not politics.

* advocates scientific risk management.

* respects the cultural concerns of Native Americans with strong ties to buffalo.

* insists on taking only those actions demonstrated to be cost-effective.

* ensures that buffalo receive preference over livestock on public lands. If conflict exist between wildlife and livestock on these lands, remove livestock, not buffalo, from these areas.

* modifies Montana's "zero tolerance" policy to one more consistent with modern disease management, i.e., adopt scientifically-based levels of risk.

Sincerely,

Jim Coefield
Wild Rockies InfoNet

[redacted]

Oral testimony provided at the Holiday Inn, [redacted] on September 1, 1998

Comment No. 14909
Andy Schultheiss
Wilderness Society

Thanks a lot. My name is Andy Schultheiss. I represent the Wilderness Society; not just the 13,000 or so members in the Four Corners Region, which is the office I work in, but also the 200,000 or so members nationwide.

This is the hardest conservation issue I've ever worked on in 10 years of working on conservation issues, and as this is my second of these public hearings, I'm going address a slightly different issue than I did before.

There is no solution to this problem, and I don't know if there is anybody in this room or anyone at the park service who believes there is a solution in the sense of eradicating brucellosis from the greater Yellowstone ecosystem. There is none. It's a goal that's approachable; it's not achievable. Or if it is achievable, it's achievable at such a great cost that it's not worth it.

There is brucellosis in the ecosystem, not just in the bison, but in the elk, and there is something like 50 times as many elk in the ecosystem as there are bison. Even in the absolutely desirable end, but even in the possibility that we could eliminate brucellosis from the bison herd, there would still be a pool of Brucella Abortus, which is the organism, in the elk herd. It would be transmitted right back to the bison within a few years, and it might well be transmitted from elk to cattle. Elk, as everybody knows, not only migrate across the boundary like bison do, but have a greater range, and they don't congregate in as big of herds as bison. So it's an even bigger issue. Elk are not being addressed in this EIS. And so it's one of the ways where this is so frustrating to people who have been working on it for so long is that the proposed solutions don't seem to address the real problem and they don't get to the solution of the problem.

But this conflict is not about brucellosis. Brucellosis may be the weapon it's being fought with, but the conflict is not about brucellosis; the conflict is about rangeland in an area where there isn't much. We have a conflict between about 2500 bison, the largest free-ranging wild bison herd in the Lower 48, versus slightly less than 2,000 cattle which graze in spring and summer on public lands outside the park.

It's time that we addressed the real question here, which is, what are the priorities? There are hundreds of thousands of cattle in Montana, if not millions. I'm not willing to denigrate the potential loss to the ranchers who own the 2,000 cattle in the ecosystem, but we have to have a balance here. We have, on one hand, the American icon, the reason why people go to Yellowstone, the object in the foreground of probably two-thirds of every photograph that's taken in Yellowstone. A park, by the way, that survey after survey says is America's favorite by leaps and bounds, versus a tiny percentage of the cattle industry in Montana, and I would remind everyone that the cattle industry is not the economic producer it once was in the state of Montana. Tourism, by the way, is a much more important element of the economy in lower Montana.

14909 contd.

So what's the solution? I'm not sure what the solution is. I know that the Citizens' Plan, as drafted by 10 or 12 environmental groups, is a step in the right direction, because it recognizes that the solution to the problem is merely to keep cattle and bison separate, allowing cattle winter range north of the park and west of the park and keeping cattle off that range. It proceeds from biological reality, not political reality; it proceeds from the truth that the presence of elk in the ecosystem means that even eliminating all the bison won't solve the problem; and it proceeds from a wise and experienced outlook which says that all ranching and all farming and pretty much all life is about managing risk. The risk in this case is vanishingly small, it is perhaps not even theoretical, so we can manage that; we can compensate if the worst happens. But let's look at this as a balanced approach to managing our public lands, not managing our public lands first and foremost for the benefit of the private economic interest.

Thanks.

YELL 14979

THE WILDERNESS SOCIETY

Nov. 2, 1998

Sara Bransom
Interagency Bison Management Plan
DSC-RP
National Park Service
P.O. Box 25287
Denver, CO 80225-0287

Dear Ms. Bransom:

I submit these comments on the Draft EIS for the Interagency Bison Management Plan for Yellowstone National Park and the State of Montana on behalf of The Wilderness Society.

The Wilderness Society is a 200,000-member national organization dedicated to protecting wild lands in the United States. The Wilderness Society has a long history of involvement in Yellowstone Park management issues, and we are are particularly concerned with the direction the bison management plan has taken.

Yellowstone's bison herd is important because it is the last trace of the bloodline from the great bison herds that roamed the Great Plains and the West that has remained largely wild. This herd is a national icon. It so symbolizes the vastness of the West and our public land heritage that it serves as the symbol for the Department of the Interior.

Despite this rich legacy, it is the only species prohibited from migrating outside of Yellowstone National Park. The proposed management plan does little to change that pattern. Yellowstone's bison deserve to be free roaming. Instead, the plan proposes continuing a ill-conceived practice of fencing the park with sharpshooters to kill bison as they wander across park boundaries.

There needs to be a bison management plan. But any management plan must incorporate the following points:

NORTHERN ROCKIES REGIONAL OFFICE
[redacted]

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- Bison should be managed by wildlife professionals, not the Montana Department of Livestock.
- Public lands adjacent to Yellowstone Park should be managed with a priority for wildlife.
- Shooting, live removal or test and slaughter of bison inside Yellowstone's boundary is unacceptable.
- Live removal to a quarantine facility so should be considered as long as bison are to go to other public lands or governments, such as Native American tribes.

The plan as proposed gives an unrealistic weight to the risk of brucellosis transmission. We believe the possibility of brucellosis transmission to be so insignificant that it poses no real threat to livestock or ranching interests. We propose establishing special bison management zones adjacent to Yellowstone. These areas would be managed for wildlife first. Cattle do not need to be removed from the areas to accommodate bison. The risk of transmission is remote an reasonable efforts to keep bison and cattle apart, with a minimal period of separation, is sufficient. Montana's past action of killing bison throughout the winter – even six months before cattle are expected to arrive on public lands – and killing low risk bison suggests an unwillingness on the state's part to accept reasonable conditions for separation.

We must strike a better balance between managing wildlife and cattle in this plan. There are between 2,500 and 3,500 bison in Yellowstone park, versus at least 1.2 million cattle in Montana. The number of cattle affected would be minimal and alternative public grazing allotments could be found, if necessary. Any bison management plan must allow for bison – a national icon – to migrate outside Yellowstone Park in search of winter range.

Some alternative in the EIS call for test and slaughter of bison within the boundaries of Yellowstone Park. This would be in direct contradiction to park philosophy of wildlife management and contradict the park's direction to manage proposed wilderness inside the park boundary. Approximately 90 percent of the park has been recommended for formal wilderness designation. Any trapping facilities or shooting of bison inside the wilderness would be illegal. In addition, there is no scientific evidence that bison inside the park need to be culled.

The Wilderness Society endorses the Citizens' Plan(attached). The Citizens' Plan manages bison as wild animals, minimizes human intervention in wildlife dynamics in Yellowstone National Park, and accommodates bison on winter range outside the park. It also guarantees reasonable and effective measures to protect private property and livestock interests.

Supporters of the Citizens' Plan believe the government's plan (Alternative 7) will continue an intrusive, lethal approach to managing Yellowstone bison. We believe it is a bureaucratic, impractical and expensive system of capturing, testing, vaccinating, shipping, killing and selling large numbers of wild bison. It restricts bsions from using public lands outside the park. It keeps the Montana Department of Livestock in charge of crucial decisions affecting bison and the wild and natural character of Yellowstone Park, not wildlife professionals. And it continues a conflict that embroils the region's ranchers in a controversy that is damaging to their industry.

At the core of the Citizens' Plan is designation of Special Management Areas (SMAs) outside Yellowstone Park. These areas would allow bison to roam, including critical winter range. The years of the largest bison – and elk – migrations outside Yellowstone are the toughest winters. High snowfall and ice crusts on the snow prompt wildlife to migrate to winter range at lower elevations. The SMAs would include winter range vital to bison survival during severe winters. Reasonable efforts would be made to protect human safety and private property.

We believe that the these SMAs will be no longer be necessary in the next bison management plan because better science will reflect the more accurate assessment of the risk of brucellosis transmission. This would allow bison to use more public lands where no significant conflicts exist with human safety and private property.

Bison should be allowed to use SMAs based on the ecological carrying capacity, as determined by an interagency panel of wildlife managers. In cases where carrying capacity is exceeded on the SMAs, then a combination of sport hunting and live removal is proposed. Removal of bison would be a function of population levels, not seroprevalance. Hunting of bison must be a "fair chase" hunt. Live removal would be for other government agencies or entities, and not for sale to private parties.

We must consider how we are protecting and preserving for future generations not only the notion of free-roaming bison, but the natural processes found in the Greater Yellowstone Ecosystem. These processes include wildlife migrations. Where else in the lower 48 states do we have a migrating bison herd. Where else in the world? It is time to restore balance to our bison management plan and allow for bison to use public lands adjacent to the park.

Sincerely,

Robert Ekey
Northern Rockies Regional Director

For attachment of Citizens' Plan to Save the Yellowstone Buffalo see National Wildlife Federation, YELL-14819

Oral testimony provided at the Sheraton Palace Hotel, [redacted] on September 23, 1998

Comment No. 15209a
Jay Watson
Wilderness Society, California Members

On behalf of the Wilderness Society, thank you for the opportunity to comment on the plan before us. I'm the California/Nevada regional director for the Wilderness Society, and I'm here on behalf of our almost 45,000 members in [redacted].

While the landscape of [redacted] really is a special place in the lives and hearts of the residents of the [redacted], I for one stand in awe of the wildlife in Montana. Wildlife not only of magnificent stature, but wildlife that played an elemental role in the history of our country.

When one thinks of the native peoples who lived in the Rocky Mountain West, I cannot help but think of the American bison. When one thinks of the supposed opening of the American West, you can't help but think of the American bison. So here we are just a few days after an original campsite of the Lewis and Clark expedition was uncovered in Great Falls, Montana, I can't help but understand why the American bison is the centerpiece of the official emblem of the Department of the Interior.

So in honor of all of what the bison stands for, I'm here to call for a plan decidedly different from the one before us. The Wilderness Society is one of 17 sponsors of a Citizen's Plan to save Yellowstone buffalo. We believe that any credible management plan must demonstrate several basic characteristics.

And these aren't limited to, but must include, maintaining a wild free-roaming herd of bison in and around Yellowstone National Park, emphasis of the acquisition of key winter range and the purchase of easements for key range outside of the park. Both are willing sellers through the underutilized Water Conservation Fund and purchase of lands adjacent to the park owned by the Church Universal Triumphant would be a very good place to start. It should also include incentives for changing grazing practices on allotments outside the park to reduce contact between cattle and buffalo and remove the Montana Department of Livestock's authority over Yellowstone bison and place it in the hands of wildlife professionals.

American bison are not livestock. They represent the very essence of the American west. And to treat them any differently I believe is an insult to our nation's history. I can only hope, as we move forward in developing a different plan, that there still is and will always be room in this nation for a wild free-roaming herd of Yellowstone bison. Thank you.

Wildlands Center for Preventing Roads

[redacted]

YEL - 15354

Bison Management Plan EIS Team
National Park Service, Denver Services Center
P.O. Box 25287
Denver, CO 80225-0287
Fax: (303) 969-2736

Dear EIS Team,

On behalf of Wildlands Center for Preventing Roads (CPR) I appreciate the opportunity to comment on the Bison Management Environmental Impact Statement. Wildlands CPR is a national grassroots coalition working to protect and restore wildland ecosystems by preventing and removing roads and limiting motorized recreation.

The Greater Yellowstone Ecosystem (GYE) - including Yellowstone National Park - is of particular concern to us because of the proliferation of motorized recreation, namely snowmobiles, in the area. Snowmobiles impact the area and its visitors in various ways from polluting the environment with hydrocarbons and carbon monoxide to damaging wildlife populations. Not only does the noise and mere presence of snowmobiles disrupt visitors, but it also decreases habitat security. Wildlife, bison in particular, travel on groomed snowmobile roads which facilitate their movement out of the park - where they are in danger of being shot my the State of Montana. (Friends of the Earth 1998). Seemingly, snowmobiles are at the root of this problem that this EIS addresses. The NPS is currently in the process of analyzing the issue of winter use in the park. Winter use is inextricably linked to the management of the bison; these management plans must be complementary, not contradictory.

It is clear that in order to be effective, the Bison Management Plan (the Plan) must address issues based on sound science, instead of solely politics. As is, the Draft Environmental Impact Statement (DEIS) released this summer of the Plan offers seven alternatives for the "long-term" management of the Yellowstone herds. Not a single alternative offered, including the Government's preferred Alternative 7, and Alternative 3, the so-called "citizen's Alternative" provide a sensible, scientifically sound, and humane, non-political strategy for bison management. The most scientifically sound and economically feasible is Plan B, "the Buffalo's alternative" which involves no killing or confining of buffalo and yet addresses legitimate disease management issues, and was developed by wildlife biologists and veterinarians.

The following are some specific suggestions that we have for the management of bison:

- Bison must be treated like wildlife, not like domestic livestock. The YNP population is our last free ranging herd of a wildlife species that is a integral part of our national heritage.
- Require the vaccination of cattle, not bison; the alleged justification is to prevent bison from transmitting brucellosis to livestock. However, there has never been a documented case of natural brucellosis transmission from bison to cattle.
- Immediately prohibit the capture and slaughter of bison inside or out of Yellowstone National Park;
- Eliminate cattle grazing on public lands surrounding the park and allow bison to use these lands without restrictions.
- Rifle hunting of Yellowstone bison is unethical, unsporting, and should not be permitted. The bison have no fear of humans, there is nothing sporting about a bison hunt.
- Establishment of a quarantine facility for Yellowstone's bison will be a multi-million dollar waste of federal and state tax dollars and is entirely unnecessary. Proposing to establish expensive bison quarantine facilities will imprison wild animals from 1-4 years, from which few bison will ever leave.

Furthermore, **YNP must immediately be closed to snowmobile use and prohibit trail grooming**. Snowmobile use and trail grooming upset the idea of natural regulation-, which is a legal mandate. The NPS is currently acting contradictory to the Park Service Organic Act, which prohibits snowmobile use. Nor is snowmobile trail grooming authorized by NPS's statutes or regulations. (Fund for Animals 1998).

YNP has groomed snowmobile trails since the early 1970s, providing bison with energy efficient routes facilitating their movements within and outside of the park. The use of these trails has altered population dynamics, distribution, movements, and habitat use and in the long term could reduce the quality and quantity of winter survival habitat. Thus impacting not only the bison, but also other wildlife and YNP ecology at large. Groomed trails serve as avenues for movements outside of the park, where more than 3000 bison have been shot or slaughtered since 1985.

> *"Prohibiting snowmobile use and trail grooming in YNP would restore natural regulation as the principal control mechanism controlling the growth, distribution, and movements of bison. This would likely result in a gradual decline in the number of bison in YNP and would reduce, in some years entirely eliminate, the number and rate of bison emigration out of YNP onto public or private lands. Therefore, alleged risk of bison transmitting Brucella abortus to cattle is also reduced. This, in turn, would reduce the risk of Montana losing its brucellosis-free status as the result of a brucellosis outbreak in cattle and would reduce the possibility of sanctions being imposed by other states.*
>
> *Yellowstone is not beholden to the economic interests of the gateway communities nor is it responsible for the excessive and irresponsible development of the communities based on the faulty presumption that snowmobiles would always enjoy access to YNP. Whatever economic impact the gateway communities may experience from YNP being closed to snowmobiles could be mitigated if the communities promote non-motorized recreation in Yellowstone. Furthermore, closing YNP to snowmobiles would not eliminate snowmobile recreation in the area, because hundreds of miles of groomed trails exist on US Forest Service (USFS) lands adjacent to YNP. Though it is anticipated that the regional economic impacts of a YNP closure to snowmobiles would be minimal, whatever economic impact is felt by the gateway communities would be less than the adverse economic impacts of snowmobiles on YNP wildlife, air quality, solitude and serenity, and visitor experience"* (Fund for Animals 1998)

The continued compromise of the bison in the name of promoting motorized recreation, prioritizing livestock grazing and short-term economic stability of gateway communities is inexcusable. We must act now in order to ensure that these animals- a valuable part of the aesthetic experience of YNP, in addition to their ecological. economic, cultural and spiritual significance – are protected for future generations and for their own intrinsic value.

Please seriously consider and respond to the issues and concerns expressed in these comments. We appreciate your consideration and would like to remain on the mailing list for the duration of this analysis.

Sincerely,

Dana Jensen

Cited:

Friends of the Earth, Wildlands Center for Preventing Roads. Trails of Destruction: How off-road vehicles gain access and funding on public lands. Friends of the Earth 1998.

Fund for Animals. The Bison Alternative. 1998

YELL-7555

Wildlife Damage Review

Bison Management Plan EIS Team
NPS Denver Service Center
POB 25287
Denver, CO 80225-0287

Oct. 3, 1998

Dear Team Manager,

Please consider the following comments as part of the official record regarding the proposed management of bison and their winter range.

We do not endorse any of the government's proposals for managing bison. None are acceptable or working alternatives for the American public that cares about protecting native wildlife and providing habitat for viable populations.

The PROBLEM is not bison. The PROBLEM is cattle and their owners. Brucellosis is one disease that has been targeted by APHIS for eradication, but we're not sure why. There are many disease threats to livestock and humans in this world. Surely there must be biologists employed by APHIS who realize the value that disease plays, and that such organisms serve a function? Our way of agriculture (factory farming and livestock production on the corporate scale) promotes disease and insect and bird depredation of crops. It is time to re-evaluate the notion that we have to keep making more and more food to feed more and more people, because the system is doomed to fail. Anyone with brains realizes that we must get back to community, which means small family farms and community support. The corporate mentality and business ways are trashing rural (and urban) America. We're fed up with "bigger is better". You aren't fooling anyone.

APHIS will not get away with domesticating bison, elk, deer, or any other wildlife native to America. We won't allow it. The hunting community won't allow it either. The exploitation of our wildlife will only lead to the destruction of the wild fabric, and the end of hunting.

Wildlife Damage Review supports the Fund for Animals plan for not managing Yellowstone bison. Our wildlife heritage should always be prioritized over domestic animals and private business. Healthy, viable wildlife populations are in everyones best interest. Private livestock growers only benefit the grower. I would certainly rather eat elk and deer, and make it a point not to buy market beef, pork or chicken. We have recommended to those on our mail list that they boycott beef, especially in light of the bison crisis. We have informed them that all livestock ends up at only about three slaughterhouses in the U.S., where the meat is pumped full of growth hormones and other additives that are not good for us. Montana beef can't be distinguished from other beef, but

YELL-7555 contd.

the kind of treatment dished out by Montana Livestock Department taints all livestock growers. We support boycotting beef.

We also support the National Park Service taking steps to phase out snowmobiling in the park. It is obvious that use of snowmobiles as recreation, as opposed to a transportation tool, is creating havoc within the park (not to mention other areas). It appears as if the NPS is "paving the way" by plowing snowmobile trails for bison to migrate to their destruction. Again, biology and protection of the park and its inhabitants has to be the bottom line. We are failing in our responsibilities if we do otherwise. We are currently trashing Yellowstone for future generations (of humans and wildlife).

We also support the elimination of domestic grazing, especially on public lands surrounding the park. Steps need to be taken right away to begin phasing out leases and reprioritizing those areas for buffers needed for traditional bison migration pathways. There is no reason that we cannot maintain a free-roaming bison herd in the Greater Yellowstone Region. Ranching outfits that stand in the way of that will be publicly condemned.

Sincerely,

Nancy Zierenberg

Nancy Zierenberg, Exec. Dir.

YELL-5455

Wildlife Management Institute

ROLLIN D. SPARROWE
President
LONNIE L. WILLIAMSON
Vice-President
RICHARD E. McCABE
Secretary

September 25, 1998

Bison Management Plan EIS Team
National Park Service-Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Dear EIS Team:

I am the President of the Wildlife Management Institute. The Institute is a private, nonprofit, scientific and educational organization founded in 1911 and dedicated to the restoration, conservation, and sound management of natural resources, especially wildlife, in North America. The Institute has the following comments on the DEIS for the Interagency bison Management Plan for the State of Montana and Yellowstone National Park.

The EIS Team is to be acknowledged for the effort preparing the document. The information and presentation of a wide range of alternatives provides the reviewer a good basis for comment.

We have concern with the title of the document. The emphasis of the DEIS is such that a title "A DEIS for the interagency management of brucellosis in bison for the state of Montana and Yellowstone National Park" better describes the content. Another concern we have relates to agency responsibilities and roles.

It appears that APHIS and the Animal Health Division of the Montana Department of Livestock are given a larger role and responsibility in developing this Interagency bison management plan than is appropriate. We are familiar with distinctions between federal and state jurisdiction in managing wildlife and we closely reviewed the section in the EIS on agency responsibilities. Free ranging bison are wildlife. Consequently, appropriate State and Federal Wildlife agencies with their professional wildlife staffs should manage bison outside of the park. This role should not be abrogated to APHIS and other livestock interests. We suggest that the EIS Team seriously revisit the appropriate roles of state and federal agencies in this issue as the FEIS is prepared. This concern is even more critical acknowledging the fact that there is no documented evidence of brucellosis being transmitted from bison to livestock in free ranging animals.

WMI notes that in considering the risk to domestic livestock the National Academy of Sciences Report finding that the risk of brucellosis transmission from bison to cattle is minimal is not highlighted in the report. Unfortunately the DEIS authors chose to not reference or cite the National Academy of Sciences draft "Brucellosis in the Greater Yellowstone Area." The FEIS must reference and utilize findings in the National Academy of Sciences Report.

Another concern deals with the decision to not include the Teton bison population in this document. The DEIS does not address management of brucellosis in bison for the greater Yellowstone ecosystem. Not addressing the bison/brucellosis situation to the south of Yellowstone in and adjacent to Grand Teton National Park ignores or at best postpones addressing management in a comprehensive fashion in the affected ecosystem. It is highly probable that interactions between the two populations will occur. The Institute urges the Team to include the Teton bison in this analysis or explain why it is appropriate to not include this population.

It is unrealistic to establish an objective of eliminating brucellosis in a free-ranging population of bison in the greater Yellowstone ecosystem. This is especially true given the presence of brucellosis in the elk of the region. Rather the appropriate focus of action is to reduce the risk of transmission of brucellosis to cattle from bison. So we ask why elk are not considered in this analysis for brucellosis control? Since brucellosis management seems to be the focus of the document, it is not clear why elk are eliminated from the overall disease management strategies. The Team should acknowledge and address this concern in the FEIS.

WMI is particularly concerned about the potential precedent the DEIS sets for dealing with brucellosis management involving other wildlife species -- especially elk. Our concern begins with brucellosis management in elk in the Yellowstone ecosystem and extends to the precedent for brucellosis management in elk elsewhere. Obviously, disease concerns are a major issue but they should not be the driving force for all decisions on bison management.

The Institute supports establishing a maximum number of bison or elk as a management objective in the Yellowstone complex. Without this upper limit, history would predict that the herd will increase and reach numbers nearing 4,000 and then a hard winter will occur and the crisis will have to be dealt with again. WMI supports management (removal) of bison to maintain population levels sufficient to provide observation opportunities by park visitors but below levels which significantly degrade vegetation and soils.

It is not certain however if the upper limit of 2500 identified by the Team in the Preferred Alternative is the appropriate number. Based on recent experiences, a population level near 2200 (today's estimate) certainly provides for adequate viewing opportunities within the park. The Institute suggests that this number be made flexible (in the selected alternative) to allow for information on rangeland capacity to be built into this limit when available. In other words, the alternative could be worded so that 2500 is the limit until research is completed that better determines the upper limit. At that time the limit would be changed.

The Institute encourages efforts to remove livestock and secure winter ranges outside of the park boundaries where specific bison management objectives can be developed. It appears to us that it would be much more effective to deal with domestic livestock as opposed to putting all the control efforts on bison. In accomplishing risk reduction it is much more effective and economical to manage the domestic animal portion of the equation rather than attempting to focus on the free-ranging wild bison. This is especially so given the small number of domestic livestock at risk and the high public value of bison in the Yellowstone ecosystem.

We can envision a number of innovative livestock management scenarios which could preclude livestock contact with bison during critical periods. These could include cattle slaughter on site, holding cattle in corrals or moving cattle out of the area during critical time periods, or providing grazing allotments elsewhere. There are a variety of options for which the operator could be compensated. Cost estimated for the implementation of the preferred alternative far exceed, especially over time, the value of the livestock operations impacted. We urge further considerations of these ideas in the FEIS.

The Institute is also concerned about bison "hunting." We urge the agencies involved in implementing the bison hunts to strive for a "fair chase" hunt. We do not feel that shooting animals from a firing line as they cross the park boundary constitutes hunting. The FEIS should emphasize the need for fair chase hunts.

In summary, the Institute urges the team to consider the Teton bison population in this analysis and to fully reference and cite the National Academy of Science report on brucellosis in the Yellowstone ecosystem. We suggest that more emphasis be placed on controlling livestock in the rangelands adjacent to the park and in securing these lands primarily for large wild ungulate habitats. We also support establishment of an upper population level for bison in the Yellowstone ecosystem. We urge the development and implementation of "fair chase" hunting. Finally, we strongly urge the team to reevaluate the role of federal and state agencies in management of free ranging wildlife outside the park boundaries.

Thanks for the opportunity for comment. We look forward to the final EIS.

Sincerely,

Rollin D. Sparrowe

Rollin D. Sparrowe
President

cc:
L. Carpenter, WMI
C. Meslow, WMI

YELL-374

Wildlife Rehabilitation and Refuge Center, Inc.

Susan Beattie, Director
[redacted]

Bison Management Plan EIS Team
National Park Service, Denver Services Center
PO Box 25287
Denver, Colorado 80225-0287

Dear EIS Team,

This letter concerns the future of Yellowstone Bison and the long term management of such. As a wildlife center, we are committed to studying scientific facts prior to expressing opinions.

Our studies have shown that the bison need protection. There is no confirmed case of them transmitting brucellosis to cattle in the wild. In fact, scientific evidence doe not link bacteria transmission from bison to cattle.

The USDA lacks legal authority over free ranging bison. They cannot downgrade the brucellosis free status of Montana on the presence of potentially exposed bison in the state.

The Treasure Coast supporters of this wildlife center vehemently oppose reestablishing a public or private bison hunt. Likewise, capture and slaughter of the bison are unacceptable. There should be no population objectives established for the Yellowstone bison herd. And equally outrageous would be the vaccination and/or quarantine of the herd.

A more sensible and logical approach is to ban the use of snowmobiles and eliminate the travel routes they enhance. This will reduce the number of bison who are able to leave the park. The parks are a sanctity and the use of the snowmobiles disrupts the tranquility.

It is imperative you act accordingly and do the right thing to protect the bison, the natural inhabitants of the park. Anything less is a miscarriage of justice to the wildlife and those of us who strive to protect them.

Sincerely,

Susan Beattie

Susan Beattie

Remember to be kind to the animals

14,309

THE WILDLIFE SOCIETY
MONTANA CHAPTER

Mr. Dale M. Becker, President
Montana Chapter of The Wildlife Society
[redacted]

October 27, 1998

Bison Management Plan EIS Team
National Park Service
Sarah Bransom DSC-RP
P. O. Box 25237
Denver, Colorado 80225-0287

Dear Ms. Bransom:

The Montana Chapter of The Wildlife Society (MTWS) is an association of wildlife professionals from throughout the State of [redacted]. As such, the MTWS has a significant interest in the management of brucellosis in wildlife in the Greater Yellowstone Area (GYA). We would like to take this opportunity to comment on the Draft Environmental Impact Statement (DEIS) for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park.

From the perspective of professional wildlife managers, it is important that state and federal agencies work toward the elimination of introduced diseases such as brucellosis in bison and elk when it is possible to do so. However, these disease problems must be approached from an ecological perspective rather than as a conventional domestic animal disease. Solutions must apply proven principles of wildlife management, as well as disease management, and must consider ecological consequences of various actions.

As currently outlined in the DEIS, none of the proposed alternatives are acceptable to the MTWS. There are elements of alternatives, particularly 6 and 7, that when combined provide a reasonable and achievable method for the management of brucellosis in bison. The preferred alternative, with significant modifications, could provide a supportable and logical approach to managing diseased bison in Yellowstone National Park (YNP). We suggest the following changes and considerations for the development of a modified preferred alternative.

The overall objectives of the DEIS deal with control of the bison population and distribution and disease risk management. However, we believe that the overall objective of the management plan should strive for the eventual elimination of brucellosis in bison and elk in the GYA. However, the elimination of brucellosis will require a long-term commitment to a variety

Protection of cattle in the GYA from brucellosis is a critical component of risk reduction and disease management. Zones within the GYA should be designated where cattle could potentially be exposed to brucellosis carried by bison or elk. Mandatory vaccination of all cattle with RB51 should be imposed within these designated zones. In addition, the Animal and Plant Health and Inspection Service should agree to protect the brucellosis-free status of states participating in cattle vaccination programs within these zones and should not impose sanctions until compelling evidence of transmission between free-ranging wildlife and cattle is actually documented.

Management plans for the control and elimination of brucellosis in bison cannot succeed if a parallel plan for the elimination of the disease in elk is not initiated. Despite the stipulation on page 46 of the DEIS that the issue of burcellosis in elk is "beyond the scope of this environmental impact statement", it is misleading to infer that the proposed alternative could eliminate brucellosis in bison in the absence of any elk management plans. Serious and dramatic efforts must be directed at evaluating the need and compatibility of feeding programs in the southern GYA, which seems to be the primary cause for maintaining brucellosis in elk. Those agencies involved in such feeding programs must consider management adjustments aimed at restoring natural, free-ranging elk on all winter ranges to dramatically reduce the potential for re-infection of bison and/or cattle from elk in the GYA. Immediate short-term measures that these agencies might take include feeding a pellet feed, rather than hay, and feeding in well-maintained bunks located above ground level. Additionally, these agencies need to aggressively pursue population and habitat management in these areas around feeding grounds, including reducing populations and protecting adequate winter feeding areas to entirely eliminate the need for artificial feeding within these areas of the GYA.

Long-term vaccination of bison and elk with a safe and efficient vaccine could be a component of the preferred management plan, but only after species-specific vaccine safety and efficacy studies are completed. A vaccine program for wildlife should be implemented when delivery systems are available that do not inhibit the free-ranging and unique wild character of these bison and elk populations.

We do not consider the development and operation of a quarantine facility an appropriate wildlife management tool to be implemented within the boundaries of YNP or operated by the National Park Service. If quarantine facilities are utilized, they should be constructed at locations that would not negatively impact animal migration and habitat use. These facilities should also be operated by animal health authorities in a manner that guarantees humane handling of bison. Preferably, these facilities should be located some distance from YNP, but within the GYA where brucellosis already occurs.

Captured and quarantined bison that are brucellosis-free should be returned to YNP whenever the population goals and objectives of the plan are not being met to maintain population viability and the genetic integrity of the YNP bison population. Providing quarantined

bison to any outside entities or other publics should be conducted within strict constraints to avoid the commercial exploitation of these publicly-owned, free-ranging bison by the acquiring entities or by managing agencies dispersing the bison.

The EIS should explore possible sites for the establishment and maintenance of at least five wild bison herds outside of the GYA. The need also exists for an outline of a process for environmental evaluation and decision-making necessary to establish sibling bison herds at other locations in the United States using surplus bison from YNP. Modern genetic analysis should be used to assure that the maximum genetic material would be present in these sibling herds.

To enhance management flexibility, we recommend increasing the population threshold from 2,500 to 3,500 animals as suggested in alternatives 3 and 6. This increase would lessen the impacts of various management actions and allow more bison to fully inhabit YNP. If bison population viability appears threatened in the GYA due to natural stochastic events or excessive removal programs, then during these periods management emphasis should be directed toward protecting cattle through intensified vaccination of cattle with RB51. Additionally, temporary testing programs within corridors where livestock could potentially contact bison to preserve the brucellosis-free status of the bordering states should be initiated. The current proposals vaguely refer to decreasing lethal controls but do not impose any requirements on the cattle industry to assure that risk of transmission is diminished.

We support the development of special management areas (SMAs) outside of YNP which allow natural bison migrations. These management areas must allow bison movement beyond the political boundaries that otherwise diminish the unique free-ranging nature of this bison population. Management of these SMAs should be ecologically-based, and habitat range condition parameters should be developed to assist in the establishment of population management goals within these management areas. Commitments to aggressive programs for establishing conservation easements or purchasing critical habitats should also be adopted in the DEIS. Additional SMAs might include habitat on the Gallatin River where bison can occupy public lands without conflicting with cattle. The Gallatin National Forest should evaluate all current grazing permits within SMAs and modify management to allow for use of public lands by bison whenever feasible.

Further evaluation of methods to control or remove surplus bison is needed. While public hunting, as opposed to agency culling, is the preferred method of removal of bison, such action should be taken only when necessitated and must be conducted in accordance with applicable laws. We agree that the use of regulated public hunting in the Eagle Creek/Bear Creek SMA is a good management alternative but feel that additional hunting in the western SMA is also needed as outlined in Alternative 3. To effectively control bison populations, all designated SMAs should be considered for regulated public hunting as a management tool.

14,309 contd.

We appreciate your consideration of these comments. If you have any questions that require any additional information, please do not hesitate to contact me.

Sincerely,

Dale M. Becker

Dale M. Becker, President
Montana Chapter of The Wildlife Society

14,642

WYOMING FARM BUREAU FEDERATION [redacted]

October 27, 1998

Bison Management Plan EIS Team
National Park Service - Sarah Bransom DSC-RP
P.O. Box 25287
Denver CO 80225-0287

Dear Ms. Bransom:

Thank you for the opportunity to comment on the Draft EIS for the Interagency Bison Management plan for the State of Montana and Yellowstone National Park. Wyoming Farm Bureau Federation represents over 2,500 agriculture producing families in the state's 23 counties.

The management decisions made concerning the buffalo herd in northwest Wyoming's Yellowstone Park will affect the livelihoods of not only our members, but of all agricultural producers in Wyoming. Lack of management, or the mis-management, of the Yellowstone bison herd has already placed an onerous testing burden on cattle producers in Wyoming's six-county (Lincoln, Hot Springs, Fremont, Teton, Sublette, and Park counties) surveillance area. It does no service to the federal government to have its agencies put hard-working, tax paying Americans out of business.

Wyoming Farm Bureau supports the eradication of brucellosis. The livestock producers of this state worked very hard, and spent millions of dollars to eradicate this disease in their herds. Wyoming has maintained a brucellosis free status since 1985, and to realize that agencies of our own government are willing to let this disease affect the trade and commerce of the agricultural sector of our state understandably leads to resentment. Agriculture is a major contributor to the economy of Wyoming; when the industry suffers, so does the state.

ISSUES THAT NEED TO BE ADDRESSED

Resolution of the Yellowstone National Park brucellosis problem is very important to us. There are many issues that need to be addressed when devising a management plan for the bison. The following issues are important to us, and we would like to see them fully explored.

1. Any final plan must immediately control brucellosis in bison, and must include a serious and timely plan to eradicate brucellosis from Wyoming's ungulate populations.
2. Brucellosis is also a human health concern. The disease can be transmitted from animals to humans. While undulant fever in humans is not deadly, it is chronic and debilitating. To have this disease in any animal population is unacceptable.

14,642 contd.

3. Special Management Areas (SMA's) raise some red flags. Until it is proven that the area already under your control can be managed satisfactorily by your agency, why should you have responsibility for a larger area? The SMA's will simply enlarge the area of the problem, allow justification for more animals (which most likely caused the problem originally), increase the risk of transmission, and give the federal government control of more land that they won't understand how to manage. The government has not exhibited any evidence that it can manage Yellowstone National Park, so we cannot accept any proposal which would allow the government to expand the geographic size of an area where their management style will only create more problems.
4. The area around Yellowstone is the last unchecked reservoir of brucellosis in the United States. This reservoir already has, or will, affect the economies of Wyoming, Idaho, and Montana. The ungulate herds in this area need to be rid of this disease, and then managed with sound techniques that consider the population sizes of **all** resident species (not just bison), the restraints of the existing habitat, and all the other factors that go into population biology, insuring that management policies serve the needs of the communities surrounding the Park, as well as the wildlife residing in the park.
5. State Veterinarians must have authority over diseases and diseased animals in their states. Interstate shipment of livestock without added burdens must be maintained.
6. Management must be based on impartial science, not ideology. The "wild" concept is a romantic human notion. "Wild" does not keep bison disease free, nor does it keep them from increasing their numbers to unsupportable levels. Conversely, management is not likely to make them any less wild. Yellowstone Park doesn't exist in a vacuum, it needs to be managed in the real world to be successful.
7. The economic impacts of the spread of brucellosis from bison to cattle is not addressed in the DEIS. Occurance of transmission would be devastating to the affected producers, and to the cattle industries of the states involved. As many as twenty three states and seven foreign countries import cattle from the Yellowstone area. The economic impact of a reservoir of brucellosis is considerable.
8. Only cursory attention is given to the effects of brucellosis on bison (page 16). This is not a benign disease in bison. The National Academy of Science found that lesions in genital organs of bull bison appear to affect fertility and reduce the males desire to compete successfully in breeding. Lameness, arthritis and bursitis, caused by brucellosis, further diminish breeding ability. NAS also found that brucellosis infects the placenta and causes abortion in bison in a manner similar to its effects on cattle. Also found in the NAS report is this statement, "Experimental studies show that bison are more susceptible to brucellosis than cattle or elk; nearly all bison aborted their first calf."

There are some assumptions in the DEIS which we do not think are valid. The assertion on page 12, in the "Background" section, that bison movement out of the park is a function of harsh weather, not population size, is not consistent with findings by the National Academy of Science. Their report states that "bison population size appears to be the overwhelmingly significant variable controlling movement of bison out of YNP." If the numbers are right for the habitat resources found in the park, an occasional harsh winter (which is usually how they occur), will not precipitate a mass exodus of bison from the park. Overpopulation, and the depletion of forage resources that it creates will cause migrations, whether the winter is mild or severe. Herd numbers need to be kept within the carrying capacity of the park; this holds true for all species that are to call the park home.

Yellowstone Park is not the last place on earth to see bison, elk, moose, deer, antelope or even the wolf. None of these animals are endangered, and there is no good reason to assume that additional lands must be acquired for, or converted to, their use to keep populations viable. Proper management of park populations is what is called for, not land acquisition or new designations for multiple use lands.

The map on page 13 gives a biased view of bison numbers. While the bison on ranches (such as the Durham Ranch in northeastern Wyoming) and in state parks, may not be considered 'wild', there is no doubt that they are bison. Differentiating between 'wild' and 'ranched' or 'managed' is truly splitting hairs. "Wild" only means something to us, not the bison At least the ranched and managed bison aren't diseased, and they have enough to eat. The potential for market benefits from Yellowstone bison is staggering. A disease free herd can be used to establish other herds across the U.S., or even sold or auctioned to help with management costs (see attached article on Custer State Park herd).

PREFERRED ALTERNATIVE

Wyoming Farm Bureau supports the alternatives that provide for an aggressive program to eradicate brucellosis in YNP. Alternative 5 is appealing because of the three year capture and test program for all park bison, with seropositives being sent to slaughter. An obvious problem with alternative 5 is the lack of a vaccination program; if the bison were the only brucellosis problem in the park, this might not be such a concern. However, control and eradication of this disease in the elk herds of the area would have to occur simultaneously with the bison program, and it is highly unlikely that will be happening. Because of the need for a vaccination program, Wyoming Farm Bureau supports the recommendation of the United States Animal Health Association as to the use of Alternative 6 (with the following alterations) as the preferred alternative:

1. The National Brucellosis Eradication Program is nearing completion. Its objective is to eradicate the disease from the U. S. cattle population by the end of 1998. This goal is in sight. The only remaining reservoir of brucellosis in this country is found in the ungulate populations of the Yellowstone area. According to the

14,642 contd.

NAS report, brucellosis has been removed from managed bison herds using the same protocols as are applied to cattle (vaccination and culling). A vaccination program is important in controlling and eradicating brucellosis, and trials have shown that the RB51 vaccine is safe for use in bison calves. There needs to be an immediate implementation of an RB51 vaccination program on calves and yearlings. This will give valuable field use data for the vaccine. At the same time continue to develop efficacy data. Waiting for the 'perfect vaccine' is not an option.

2. Use empirical data from domestic bison herds and other public bison herds as the basis for implementation of adult vaccination of bison with a reduced dose of RB51 until efficacy studies on adult bison are completed. Such an effort should begin with seronegative adult females as they are processed through capture facilities.
3. The ten-year time line for phase one needs to be reduced to a five-year time line. This will increase the percentage of bison vaccinated annually, and should include adult vaccination. After year five, seroprevalence will be the standard used to measure risk reduction. If seroprevalence remains the same or cannot be determined, phase two (capture, test and slaughter as in Alternative 5) would begin immediately. Vaccination would continue until eradication of brucellosis is achieved.
4. Eliminate the West Yellowstone SMA. Only test negative bison will be allowed west of Seven Mile Bridge. Bison approaching the west boundary must be captured or destroyed by NPS personnel before they reach the west boundary. Captured bison may be removed to the interior of the park, or removed to an approved quarantine facility.
5. Reduce the proposed SMA on the north side of the park to the Little Trail Creek/Eagle Creek Area. We are strongly opposed to the establishment of any SMA's in Montana, however this reduced SMA can be accepted because of its designation of wildlife habitat since acquisition in the 1980's.
6. Establish up to eight capture facilities throughout YNP as described in the original Alternative 6. Facilities would be utilized to test and vaccinate animals in phase two.
7. Construct and utilize, as soon as possible, an approved quarantine facility for seronegative bison captured at the Seven Mile Bridge and Stevens Creek. The facility could also be used as part of the 'adaptive management' strategy to evaluate the effectiveness of RB51 in seronegative adults, and gain practical knowledge about the vaccine.
8. The alleged 'major adverse affect' on the nesting pair of Trumpeter swans at Seven Mile Bridge should be mitigated to allow establishment of the capture facility.
9. The potential 'adverse affect' on Grizzly bears, that might result from the reduction in carrion available to bears in phase two of the modified program, could be mitigated by providing seropositive bison captured during phase two

to the bears. Rather than sending all seropositive animals to slaughter, some could be destroyed and placed in areas where bear have become accustomed to finding bison carrion.

10. Bison population objectives for Alternative 6 are based upon estimates of removals through intrusive management. The population size is not in any way based upon a scientific evaluation of the capacity of the ranges of YNP to support the population. Based upon the data contained in the DEIS (page 146-147), the maximum population that YNP can support without egress of large numbers of bison from the park is 1,800 to 2,000. We strongly recommend that the bison population be kept to a maximum of 1,800 head until such time as scientifically valid research is conducted, by non-partisan range management experts, to prove that YNP has the capacity to sustain larger populations of bison and other ungulates.

Sincerely,

Suzy Noecker
Information Director

cc: NER Committee
Board of Directors
Wyoming Livestock Board
Ron Micheli, Wyo. Dept. of Agriculture

Oral testimony provided at the Syndham Hotel, [redacted] on September 3, 1998.

Comment No. 14889
Karen Henry
Wyoming Farm Bureau

Good afternoon. Thank you for the opportunity to speak. I am Karen Henry, president of the Wyoming Farm Bureau, and the Wyoming Farm Bureau is the largest agricultural organization in Wyoming. And the American Farm Bureau is the largest voluntary agricultural organization in the world.

Wyoming is one of the states who has worked hard for the last 70 years to eradicate brucellosis, and yet, part of the states are under right now a sanction or a regulation mandating that six of the counties in Wyoming will test before their cattle are moved. That is a very stiff penalty for those producers to adhere to. Yet they are.

It is very hard economically, as well as hard on the cattle. It's hard to get your cattle in additional time and handle them and put them through the chute. There are a lot of things involved that just the lay person may not understand, and it is something that we are complying with and we're not complaining about. We are complaining, but we are complying with it.

Several thousand head of cattle have been tested since this was implemented last fall, and there have been no cases of brucellosis that have been tested, none of the cattle have tested positive. Yet, they are still under the same requirement to continue to do this. This is a very severe economic burden.

No one wants to completely eradicate the bison from Yellowstone Park. We maintain that it would be a good idea to have proper management and to eradicate the disease. I would agree with the gentleman from the Utah Farm Bureau, as well as the gentleman who is the veterinarian that just spoke before me. Those are very good comments that were made by both of those gentlemen, and we would agree with them completely.

I would ask a couple of questions. In a particular section in the draft EIS on the vaccination of bison, what protocols will be established when a vaccination program will be implemented? Why implementation of a vaccination program does not begin immediately?

And on the section that deals with APHIS, how could APHIS allow animals outside of Yellowstone Park without threatening the class free status, given the regulatory requirements and the history of the eradication program?

I would like to challenge the methodology and the assumptions in the social economic analysis and challenge the lack of bison-specific data. In the section that deals with quarantine, several of the alternatives propose a quarantine facility. How would the facility be funded? What happens to the bison if no state will accept them from the facility? Specifically, where would the facility be located? And I would like to maintain that the location of any facility within Yellowstone Park, preferably at the present Stephens Creek capture facility, would be the location.

Wyoming Farm Bureau would support Alternatives 5 and 6 as the preferred alternatives, and I thank you for the opportunity to speak.

Oral testimony provided at the Holiday Inn, [redacted] August 27, 1998

Comment No. 14826
Robert Hendry
Wyoming Stock Growers Association

Good afternoon. My name is Robert Hendry, and I'm the first vice president of the Wyoming Stock Growers Association. I appreciate the opportunity to comment on this Draft EIS.

I'm a third-generation rancher in central [redacted] In our family corporation, we manage land and livestock and natural resources on a very large ranch in central [redacted] I know what the word "management" means. And Yellowstone National Park's nonmanagement doesn't work.

Brucellosis is the problem, not the bison. We have to eradicate the disease, and then management of bison can take on lots of different alternatives. The Wyoming Stock Growers Association, the Wyoming Outdoor Council, the Wyoming Wildlife Federation, the Jackson Hole Conservation Alliance, and the Greater Yellowstone Coalition have a position paper and agree that brucellosis abortus is an introduced species and, as such, should be eliminated from wildlife.

And at this time, I would like to enter this statement into the record. It says those associations that I mentioned have the following thoughts and suggestions regarding the brucellosis concerns in wildlife and livestock. It was dated October 16, 1997.

We are going to have to test the bison inside as well as outside the park. And we have to start a vaccination program. We have two vaccines, strain 19 and RB51. RB51 is a fairly new vaccine in the cattle industry, but strain 19 has been used since the early '40s. It is proven to be effective in managing the disease in bison as well as livestock.

The cattle industry has almost eradicated the disease in cattle, with only about ten herds in Texas left to go. There is one private herd of bison in South Dakota and one bison and elk herd in the Yellowstone area that we have to eradicate the disease. Let's work together to get it done and get it eradicated.

This theory, that strain 19 is not safe and effective doesn't wash. In other parks, such as Roosevelt, Wind Cave, Fort Niobrara, and other private buffalo ranches, they have eradicated brucellosis from their bison herds and have an ongoing vaccination program.

In a conversation with Superintendent Finley at Cody, at a Cody town hall meeting, he likened strain 19 to penicillin; and that if you give penicillin to some people, they could die. And we just can't take the chance on hurting or possibly killing our bison with a vaccine that is not safe and effective.

Well, Mr. Finley, I think you're part of the problem, not the solution. Are people still using penicillin? Yes. Penicillin is fatal in horses sometimes. Do we still use penicillin in horses? Yes.

Maybe strain 19 can be replaced by a new and more effective vaccine, but it is the vaccine we have at this time and has been proven effective enough to virtually eradicate the disease in livestock. You are in charge of management of the park. Just go get it done.

The Wyoming Stock Growers Association supports alternatives 5 and 6. They are the only alternatives that deal with the disease and the eradication of brucellosis in the bison herd. The livestock industry has taken 3,000-plus herds of cattle in the United States down to 10 with just such a program of aggressive vaccination, testing and removal programs. We have the expertise and the economic interests to get the disease eradicated, and we are willing to help the Park Service in any way we can.

Just something on my own, if bison numbers are a problem to people, I think I could double the bison in the park, right today. I could double the number of the bison. But it's going to be by management, and it isn't going to be by some theory out of some college boy's textbook. This nonmanagement does not work. Thank you.

Oral testimony provided at the Holiday Inn Billings Plaza Hotel & Trade Center, [redacted] August 25, 1998

Comment No. 14854
Lois Herbst
Wyoming Stock Growers Association

Thank you. My name is Lois Herbst. And, today, I'm representing the Wyoming Stock Growers Association. I am a second vice president in that group. We now have three women for the first time in 126 years. It took 126 years to get three women elected an officer. But I know many of the people here today.

And first off, I would like to thank the Montana Stockgrowers, the ranchers in Montana, and the ladies for pursuing the program that they did, by suing, to see that this problem of brucellosis in the bison is taken care of. Wyoming did not opt to join that lawsuit. I'm in one of the counties that surrounds the park; although, I think I'm a three-hour drive from the park. But we have to test our cattle for brucellosis under an APHIS survey. There's six counties doing that.

They mentioned Mr. Steve Worton, at the Riverton livestock barn. Steve had the head person, the head vet from APHIS, visiting on August the 12th, I think, in Riverton. They gave them a tour of the area, the program that they are using for testing animals at the Riverton livestock barn. What they were specifically asking for was to eliminate having to test the animals, the cull cows that are going to slaughter. Well, it was refused. But perhaps a little headway was made for the study that will be revisited in November.

But one little incidence of the extremes of the testing program: I had two Hereford bulls, and I traded them to a neighbor for one good Black Angus bull. And we had to bring the vet out to test his bulls, to test my bull. We couldn't exchange pastures until the Livestock Board returned the permit papers to the local vet and the brand inspector. But after the test results, which took a couple of weeks because of the overload, we were able to truck our bulls to respective pastures.

The other day, I spoke in Jackson about the natural management in the park. As the gentleman said, the State Senator, it is a failure. I first heard about the overgrazing in Lamar Valley when Bruce Babbitt came to town for the first time, to Bozeman, during range reform. Two camera crews traveled through the park, just as recreation, in route the day before they came to Bozeman. And I heard them remarking about the overgrazed condition in the Lamar Valley. And then I went with the Society of Range Management to tour the area. And there are exclosures in the area. If you ever get a chance, near the buffalo headquarters there, you will find exclosures. And they are full of all types of vegetation, trees of every kind. But you wouldn't know what they were unless it had been pointed out to you. Trees are growing here because there's a fence around them. Trees are not growing anywhere else.

Anyway, natural management is not working for the environment, and it's not working for the bison. We have worked to eradicate brucellosis. It has cost three and a half million since 1934 -- and a half billion; I'm sorry. They said if you use the dollars, today's dollar, it would be over a billion that we have put into that program.

These other states need only the perception, only the knowledge that there is a the herd in the state of Wyoming, and they will not allow cattle to be shipped to their states. You're not going to address them with probablys from your studies and so forth. They know there's a diseased herd. It would be the kind thing to the bison, the tourists, to the ranching industry, to everyone to help eradicate that disease from the bison herd. Thank you.

Oral testimony provided at the Virginian Convention Center, [redacted] on August 10, 1998

Comment No. 15122
Robert L. Hendry
Wyoming Stock Growers Association

The Stock Growers would like to provide additional comments in writing at a later date.

Good afternoon, ladies and gentlemen. My name is Robert Hendry, and I'm first vice president of the Wyoming Stock Growers Association. We appreciate the opportunity to talk about this draft EIS.

I'm a third generation rancher in central [redacted] In our family corporation, we manage land, livestock, and the natural resources on 150,000 acres. I know what the word "management" means. One thing that it does not mean is letting things manage themselves, such as so-called natural management. The other is that to manage anything, you have to get off your butt and go do it.

This document is the management plan for Montana and the Yellowstone National Park. The disease brucellosis affects not only Montana directly but also Idaho, as well as Wyoming. It also affects the entire cattle industry of the United States. The producers in western Wyoming are having to test their cattle because of the concern of brucellosis in the greater Yellowstone area. This is a burdensome and costly operation for the livestock industry. We have mandatory vaccinations of our livestock in these areas; however, some other states are not satisfied. They have threatened to put sanctions on our cattle coming from this area. That is why it is vitally important to eradicate this disease in the Yellowstone area.

Not only the Yellowstone bison carry brucellosis. Elk in Yellowstone National Park and elk and bison in Grand Teton National Park also are infected. They will also have to be dealt with.

Governor Geringer of Wyoming has filed for a judgment on vaccinating elk on the Jackson Hole elk refuge, which are 30 to 40 percent infected with brucellosis. This is an example of the Park Service's nonmanagement. This disease needs to be eradicated. We hope that the Wyoming Game and Fish Department will be vaccinating elk on the elk refuge starting in the fall of 1998. The Wyoming Stock Growers Association will be working with the agencies to get the bison herd brucellosis free, as well.

It has become a trade barrier for our industry. Canada, which is brucellosis free, doesn't want cattle imports that have been calfhood vaccinated or Bang's vaccinated, which are the terms used for brucellosis vaccination. The nonmanagement, or natural management, as the park calls it, does not work. Bison and other large undulants are killing the vegetation in the north end of the park. There is no biodiversity among plant species such as willows and Aspen trees. They are eaten before they get a chance to grow. There are too many bison and elk on that range. That is why we agree that some sort of population controls need to be implemented. Bang's-free bison would open the door to a number of possibilities.

Where can you see large fields of grass blowing in the breeze? Don't look in the Geyser Basin. There isn't enough forage there to sustain that herd of bison. One only has to look at the condition of the bison. They are dull, dark-haired or dead-haired, not shiny coats of hair, which is an indication of not being in good condition less than a month or so away from winter.

The cattle industry resents the innuendo and the skew of the facts of the EIS. On page 4 of the summary, it says, The first known cases of brucellosis in a bison herd was reported in 1917. It is generally agreed that the transmission of brucellosis to the Yellowstone herd was from cattle.

Then on page 15 of the EIS, it says some of the bison that were imported to the park in 1902 originated from brucellosis infected herds.

The SMAs, we feel, are not going to work. They're going to be too costly. The CUT ranch has 1,500 acres of usable bison winter range and doesn't have any feed on it when the bison get there.

The Wyoming Stock Growers Association supports alternative 5 -- parts of alternative 5 and 6. And they are the only alternatives that deal with the disease and the eradication of brucellosis in the bison. The livestock industry has taken 3,000 plus cattle herds in the United States down to 10 with just such a program of aggressive vaccination testing and removal. We have the expertise and the economic interest to get this disease eradicated and are willing to help the Park Service in any way we can.

Thank you.

Oral testimony provided at the Virginian Convention Center, [redacted] on August 10, 1998

Comment No. 15128
Lois Herbst
Wyoming Stock Growers Association

Good afternoon. It's always a pleasure to be in [redacted]. I was here this week showing visitors your country, and it's absolutely marvelous.

I am a rancher in [redacted] with my son in a cow/calf production. We have a commercial herd. And we are in one of six counties that has to fall under the APHIS brucellosis surveillance program. We have now tested over 25,000 animals since this took place last fall, and there has been no positive results from those testings, which indicates that our program of management is working.

We cooperate with the Forest Service on when the cattle go into the forest and so forth. And, of course, we all vaccinate our cattle. And we have intensive management programs for the health of our cattle in all areas, not just brucellosis. This is expensive, but it's also a kind thing that we do for our animals, seeing that they are properly cared for.

Two years ago, I visited the national park, Yellowstone, with the Society of Range Management tour. That was my first exposure to natural management. I videoed those programs, our tours, the exclosures that we visited, and I have sent them extensively to people to give them indications of what to look for when they go through the park.

Friday, I was in the Lamar Valley and was able to point out to visiting relatives the difference in the landscape. The lands outside the exclosures are overgrazed without doubt. The riparian areas are terrible. But within the exclosures, everything looks fine, good shrubbery, grasses, and so forth. We were told on these tours that that is due to climatic conditions, possibly. Every stretch of the imagination is used to justify natural management. Natural management with the bison herd is not working.

I don't know if I said I'm the second vice president in Stock Growers. I didn't have my comments typed, but I will be at the Billings hearing, too, with typed comments.

We prefer the mixture of 5 and 6 alternatives. 7, as far as we're concerned, is out of the question. We can't have the bison leaving the park except to go to quarantine facilities or another type of program management. You can't have animals leaving Yellowstone Park when it will impact the cattle industry in three states, not just Montana but Wyoming, Idaho. These plans will be used everywhere.

I think, in the EIS, the economic impact of the cattle industry is minimized. It is great. Some of the best cattle in the United States are produced in these northern states. The consideration has to be given to this industry. You're going to have the only remaining pool of disease right in your Yellowstone herd, bison herd.

Everywhere else, there's been extensive funds -- if you use 1997 dollars, it's 10 billion -- since 1934, used to eradicate brucellosis.

And, actually, if people start thinking of it in the terms that this is the only pool of disease left, I think the whole country is going to ask that it be cleared up. We want complete eradication of brucellosis in the bison herd.

They were magnificent the other day. We really enjoyed photographing them and videoed them.

The ranch that I manage, we've been at this 94 years now. This is my eighth year. I was widowed in 1990. But believe me, every aspect of your program would be better with intensive management, especially as Steve Thomas has pointed out to us, the animals who, through your natural selection, have the good genetic base to not become diseased, will remain in the park.

Thank you.

NELS J. SMITH, [redacted] President • ROBERT L. HENDRY, [redacted] First Vice President
CAROL HAMILTON, [redacted] Second Vice President • JOHN M. DALY, [redacted] Second Vice President • LOIS G. HERBST, [redacted] Second Vice President
CINDY GARRETSON-WEIBEL, [redacted] Executive Director

15215
(Transcript #15122)

WYOMING
STOCK GROWERS
ASSOCIATION

SGA

[redacted]

[redacted]

Testimony on Draft EIS - Jackson
Robert L. Hendry

Good afternoon ladies and gentlemen. My name is Robert Hendry. I am the First Vice President of the Wyoming Stockgrowers Assn. We appreciate the opportunity to comment on this Draft EIS.

I am a third generation rancher in central [redacted]. In our family corporation, we manage land, livestock and the natural resources on 150,000 acres. I know what the word MANAGEMENT means. One thing that it does not mean, is letting things manage themselves, such as so called natural management. The other is that to manage anything you have to get off your butt and go do it.

This document is a management plan for Montana and Yellowstone National Park. The disease, brucellosis, affects not only Montana directly, but also Idaho as well as Wyoming. It also affects the entire cattle industry of the United States. The producers in western Wyoming are having to test their cattle because of the concern about brucellosis in the Greater Yellowstone area. This is a burdensome and costly operation for the livestock industry. We have mandatory vaccination of our livestock in these areas. However, some other states are not satisfied. They have threatened to put sanctions on cattle coming from this area. That is why it is vitally important to eradicate this disease in the Yellowstone area.

Not only do the Yellowstone bison carry brucellosis, elk in Yellowstone National Park and the elk and bison in Grand Teton National Park are infected as well. They will also have to be dealt with. Governor Geringer of Wyoming has filed for a judgment on vaccinating elk on the Jackson Hole National Elk Refuge, which are 30%-40% infected with brucellosis. This is an example of the park services non-management. This disease needs to be eradicated. We hope that the WY Game and Fish department will be vaccinating the elk on the refuge starting in the fall of 1998. The Wyoming Stockgrowers Assn will be working with the agencies to get the Jackson bison herd brucellosis free as well. It has become a trade barrier for our industry. Canada, which is brucellosis free, doesn't want cattle imports that have been calfhood vaccinated, or bangs vaccinated, which are the terms used for brucellosis vaccination.

The non-management or natural management, as the park calls it, does not work. The bison and other large ungulates are killing the vegetation in the north end of the park. There is no diversity among plant species, such as willows and aspen trees. They are eaten before they have a chance to grow. There are too many bison and elk on that range. That is why we agree that some sort of population control needs to be implemented. Which does not mean we want to see what happened in 1996-97. Not only was the livestock industry forced to take care of the bison when they left the park, but over 700 head of bison starved to death because of insufficient feed in the park. If the bison were clean, brucellosis free, they could be held in a quarantine facility, then used to populate Indian reservations or other bison ranges. The door would then be open to a number of possibilities. Management is the name of the game. Where are the moose in Yellowstone? Where are the beaver that once covered all of the area? Where are the aspen trees and willows? Where can you see large fields of grasses blowing in the breeze? Don't look in the Geyser basin. There isn't the forage there that will sustain that herd of bison. One only has to look at the condition of the bison, they are dull, dark-haired or dead-haired, not shiny coats of hair which is an indication of not being in good condition. This is not how they should look going into winter, less than a month and a half or so away. Non-Management or natural management DOES NOT WORK. If our ranchers let their BLM or Forest Service allotments get in that condition, we would be kicked off the land. The Park should have to live under the same Standards and Guildlines implemented by Secretary Babbitt that the other users of public land live under.

The cattle industry resents the innuendo and the skew of the facts in the draft EIS. The EIS contradicts itself about the origin of brucellosis. One example is where the summery talks about brucellosis in cattle and bison. On page IV of the summary it says, "the first known case of brucellosis in the bison herd was reported in 1917. It is generally agreed that transmission of brucellosis to the Yellowstone bison herd was from cattle, and occurred either through contact with infected cattle or from infected cows milk fed to captive bison calves". Then on page 15 of the EIS it says "Some of the bison that were imported to the park in 1902 originated from a brucellosis affected herd" and further "bison from Texas herds were exported to the Moiese Bison Range, Elk Island, and Yellowstone National Park. Subsequently brucellosis was discovered in each of those herds". It looks as though

you, the park service, brought brucellosis into the park. Our industry is getting tired of being the fall guy for brucellosis.

SMA's or Special Management Areas, are presented in all the alternatives except #5. We don't agree with the concept at all. It is going to be very costly. One example is the Church Universal and Triumphant (CUT) ranch acquisition in the Gardner area. They say this 15 million dollar deal would make more winter range for the bison. The reality is that out of the 10,000 plus acres, there is only 1500 or so acres of low land up and down the Yellowstone River. The rest being high mountain pastures with steep slopes, not suitable for winter grazing. The manager that runs livestock on that ranch said that after the elk forage that 1500 acres there is nothing left for the bison to eat when they finally get there. The CUT ranch is not a good grass country such as the high mountain meadows in the region, rather a dry arid valley with not much rainfall in which to grow vegetation. We think that the park should maintain its existing boundaries. The draft EIS talks about changing ranching operations around the park from cow-calf to yearling operations. This is unacceptable. In some cases the reason those ranches run cows and calves is that individuals on those ranches have found out over generations this is the best management practice for the ranching operation. Which covers range condition, management, water, grasses, and climate. In many cases not only would you have to deal with the ranch owners, but also their money lenders, bankers and other land managers such as forest service personnel.

They call for the acquisition of bison winter range through purchases of grazing rights, easements, or property from WILLING SELLERS. If bison are allowed out of the park boundaries, there will be no willing sellers only forced sales. No one will want to run livestock next to a bison herd that has no control of numbers, and non-management. The Greater Yellowstone Coalition, at its meeting this summer, said they were very concerned about the further encroachment of subdivisions on the Greater Yellowstone area. We agree with them. If you displace livestock from the National Forest Land around the park, those ranchers will be forced to sell. Who buys that deeded land, developers. Which means more subdivisions. For these reasons and others, SMA's are not acceptable.

Brucellosis is the problem, not the bison. We have to eradicate the disease, then management of the bison can have lots of different alternatives. The Wyoming Stockgrowers Assn, Wyoming Outdoor Council, Wyoming Wildlife Federation, Jackson Hole Conservation Alliance and the Greater Yellowstone Coalition have a position paper and agreed that brucella abortus is an introduced species and as such should be eliminated from wildlife. We are going to have to test the bison inside as well as outside the park and we have to start a vaccination program. We have two vaccines, strain 19 and RB 51. RB 51 is a fairly new vaccine in the cattle industry but Strain 19 has been used since the 1950's. It is proven to be effective in managing the disease in bison as well as cattle. The cattle industry has almost eradicated the disease in cattle with only around 10 herds in Texas left to go. There is one private herd of bison in South Dakota and the bison and elk in the Yellowstone area and we have eradicated the disease. Lets work together and get it done. This theory that Strain 19 is not safe and effective doesn't wash. In other parks, such as Roosevelt, Win Cave and Ft. Niobrara, they have eradicated brucellosis from their bison herds and have an ongoing vaccination program. In a conversation with Superintendent Finley at a Cody, WY town hall meeting, he likened strain 19 to penicillin and that if you give penicillin to some people they could die and that we can't take the chance of hurting or possibly killing our bison with a vaccine that is not safe and effective. Well, Mr. Finley I think you're part of the problem, not the solution. Are people still using penicillin? Yes. Penicillin is fatal in horses sometimes. Do we still use it in horses? Yes. Maybe Strain 19 can be replaced by a new and more efficient vaccine, but it is the vaccine we have at this time and has been proven effective enough to virtually eradicate the disease in livestock. You are in charge of the management of the Park - Just go get it done.

The Wyoming Stockgrowers Assn supports alternatives 5 & 6. They are the only alternatives that deal with the disease and the eradication of brucellosis in the bison herd. The livestock industry has taken 3000 plus cattle herds in the United States down to 10 with just such a program of aggressive vaccination, testing and removal programs. We have the expertise and economic interest to get this disease eradicated and are willing to help the park service any way we can.

Thank you.

Robert L. Hendry

[redacted]

YELL-15785

October 16, 1997

Dear U.S. Secretary of Agriculture Dan Glickman, U.S. Secretary of Interior Bruce Babbitt, and Wyoming Goverror Geringer:

The Wyoming Stock Growers Association, Wyoming Outdoor Council, Wyoming Wildlife Federation, Jackson Hole Conservation Alliance and the Greater Yellowstone Coalition have the following thoughts and suggestions regarding brucellosis concerns in wildlife and livestock:

1) We all agree that the brucella abortus organism is an introduced species and as such, every reasonable and responsible effort should be made to eliminate the organism from wildlife populations;

2) We support the ongoing efforts to develop safe and effective vaccines for elk and bison. Once safe and effective vaccines are developed, they should be administered in as unobtrusive manner as is possible, preferably orally.

3) We further recommend the Wyoming Game and Fish continue its efforts to increase natural habitat for elk to reduce reliance on winter feed grounds. Both the National Elk Refuge and the Wyoming Game and Fish should continue efforts to reduce the amount time elk are crowded at the supplemental feed lines, without introducing new conflicts with adjacent cattle herds.

4) Evidence from Wyoming Game and Fish Department experiments suggests that strain 19 is a safe vaccine for elk under the high density conditions of feed grounds and that the vaccine has no negative effect on non-target species. Prudent and responsible management indicates the need to continue conducting clinical trials on target species to fully determine the safety and efficacy of strain 19 on elk.

5) Wyoming livestock are free from brucellosis and have been since 1985. We believe that current livestock management activities are working and are opposed to the imposition of testing requirements on the six counties and view this as arbitrary and unnecessary. If the testing requirement is implemented, however, it should not remain in effect for more than one year.

In summary, these organizations are committed to eradicating brucellosis from wildlife in the least obtrusive manner possible and to maintaining Wyoming's excellent record of brucellosis free livestock. We encourage state and federal agencies to move as quickly as is prudent to develop a safe and effective brucellosis vaccine for elk and bison and work for the timely elimination of brucellosis in elk and bison.

We will continue to work together to accomplish these goals.

Sincerely,

Cindy Garretson-Weibel,
Executive Director
Wyoming Stock Growers Association

Dan Chu
Executive Director
Wyoming Wildlife Federation

Tom Throop,
Executive Director
Wyoming Outdoor Council

Franz Camenzind
Executive Director
Jackson Hole Conservation Alliance

Steve Thomas,
Wyoming Field Representative
Greater Yellowstone Coalition

C: U.S. Senator Mike Enzi
U.S. Senator Craig Thomas
U.S. Representative Barbara Cubin
Ron Micheli Director, Wyoming Department of Agriculture
John Baughman Director, Wyoming Game and Fish Department
Dr. Don Bosman Wyoming State Veterinarian

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Wyoming Wildlife Federation

Working Today for Wildlife's Tomorrow!

October 30, 1998

Sarah Bransom
Interagency Bison Management Plan, DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Dear Bison Management Team:

The Wyoming Wildlife Federation (WWF) is the state's oldest and largest sporting and conservation organization. Our 4,100 members from [redacted] and around the country are dedicated to the well being of Wyoming wildlife and its habitat. Yellowstone National Park (YNP) is very important to us due to its national and worldwide significance.

The Yellowstone bison/brucellosis situation has been particularly vexing to us. WWF believes that for years many important wildlife management and public land management principles have been subverted in order to "address" unsubstantiated concerns about brucellosis transmission to cattle.

There has never been a documented case of brucellosis transmission from wild bison to cattle in the Yellowstone area, and the means of transmission from wild bison to cattle is very limited. A scientific approach to the issue would focus on this limited means of transmission, instead of the overly broad policies that have been in place during recent years.

Unfortunately, the State of Montana and Yellowstone National Park have not taken a scientific approach in managing the risk that brucellosis in bison presents to the area's cattle. Instead, they have taken a political approach to assuage unreasonable concerns voiced by the Animal-Plant Health Inspection Service and some government veterinarians from others states.

WWF is pleased that the Draft Environmental Impact Statement (DEIS) was released, because it presents the first time in nine years that the public is able to comment on the management of Yellowstone's buffalo. The ball is finally rolling.

However, WWF is disappointed with the alternatives outlined in the DEIS. Alternatives 2 and 3 take a few steps in the right direction. But on the whole, none of them would manage the buffalo as wildlife. All of the alternatives would open up a Pandora's box of bad precedents that could affect the management of other wildlife, other national parks, and other public lands.

WWF was particularly displeased that the cooperating agencies would choose Alternative 7 as their "preferred" alternative. Its use of "test and slaughter" as the chief way to manage the risk of brucellosis transmission is unwarranted and flies in the face of traditional wildlife

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Wyoming Affiliate of the National Wildlife Federation

management principles. Alternative 7 is bureaucratic and expensive. It sets a low herd goal that is not based scientific principles. By severely restricting bison's use of the public lands adjacent to the park, it undermines the multiple use mandate of the National Forests. And by keeping the Montana Board of Livestock and the Montana State Veterinarian in charge of crucial decisions, it sets alarming precedent for the management of other wildlife species.

Disappointed by the contents of the DEIS, the Wyoming Wildlife Federation and numerous other sporting, conservation and Native American organizations joined together to develop and promote *The Citizens' Plan to Save Yellowstone's Buffalo. The Citizens' Plan's* main objective is to maintain a wild, free-roaming bison herd allowed to range inside and outside of YNP, while at the same time protecting the cattle industry from brucellosis transmission. It's an even keeled and complete program that uses science and common sense to achieve its goals. Its central concepts are balanced and sensible risk management and the scientific management of bison as wildlife.

The Citizens' Plan to Save Yellowstone Buffalo

The remainder of this letter will be organized by referencing portions of *The Citizens' Plan* and explaining why those portions need to be incorporated into the final EIS.

Management as a Natural Park

The Citizens' Plan states, "Yellowstone National Park should not be managed like a zoo, theme park, or cattle ranch. It must be managed as a natural national park. Yellowstone's buffalo will remain wild and free roaming. Inside the park, buffalo will not be shot or captured for testing, quarantine, or slaughter."

This stipulation would bring bison management in accordance with the enabling legislation of Yellowstone National Park. As the DEIS states, the 1872 Act of Congress "provide(s) for the preservation, from injury or spoilation, of all timber, mineral deposits, natural curiosities, or wonders with said park, and their retention in their *natural* condition." (emphasis added) The Lacey Act prohibited the "killing, wounding, or capturing at any time of any bird or wild animal…*within* the limits of said park." (emphasis added)

Yellowstone National Park is one of the few places in the country where natural processes are supposed to be allowed to occur. The scientific value of this natural regulation policy is immense. In a sense, YNP serves as a control group against which more hands-on management policies can be judged. From an ethical standpoint, the park's natural regulation policy also is enormously important. To many people, it is valuable to know that there are wild areas unencumbered by the hands of man. This existence value should not be underestimated.

In regards to the DEIS, this means that the wholesale capture and test policies in Alternative 5 and Alternative 6 are completely unacceptable. It means that the Stephens Creek capture facility should be used only for emergency purposes. And it means that any vaccination program for bison must be delivered in the field without capture.

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Management by Wildlife Professionals

The Citizens' Plan states, "Yellowstone buffalo and other wildlife will be managed by wildlife professionals, using the best wildlife management techniques. Management of wild buffalo outside the park will be returned from Montana's Department of Livestock to the state's Department of Fish, Wildlife and Parks."

Several key management decisions in the DEIS are to be conducted by livestock agents, not wildlife professionals. Approval of the definition of "low risk" bison is one prominent example. This is unacceptable.

Wildlife should be managed by those who have the best knowledge and expertise—wildlife professionals. Many management tools familiar to livestock agents (such as capture, test and slaughter, and hand injection of vaccines) are not appropriate for wildlife. Such management practices acclimate wildlife to human manipulation. By definition, wildlife must be allowed to roam according to their natural behavior.

Another reason that livestock agencies should not manage wild bison is that their interests are often directly opposed to the interests of wild bison and other wildlife. The Montana Board of Livestock and the state veterinarian have a statutory mandate to protect the interests of stockgrowers. Managing wild bison according to the interests of the ranching community is like having foxes guard the henhouse. It is common knowledge that wild bison and cattle are competitors for forage. Livestock interests could easily use the very small risk of brucellosis transmission to cattle as a smokescreen to increase the amount of forage available to cattle. This possibility is unacceptable. Yellowstone's bison deserve better, and it sets very bad precedent for the management of other wildlife species.

Buffalo Using Public Lands

The Citizens' Plan states, "Buffalo will be allowed to use public lands outside the park. The Plan identifies a Special Management Area (SMA). This SMA includes winter range adjacent to the park, which is vital to buffalo, especially during severe winters. Buffalo must be allowed to use public lands in the SMA with minimal human interference. On the north side, the SMA boundary will be the mouth of Yankee Jim Canyon. On the west side, the boundary will be the Gallatin National Forest boundary running north to Taylor Fork-Buffalo Horn drainage. Reasonable efforts to enforce the boundary would protect human safety and private property inside this management area."

The National Forests adjacent to YNP should be managed to allow wild bison. The Multiple Use-Sustained Yield Act states that National Forest lands should be managed for the benefit of wildlife in addition to the other defined uses. In addition, the National Forest Management Act states that National Forest lands should also be managed for species diversity.

National Forest lands are owned by the people of the United States and should be managed according to the interests of the entire country, not for the benefit of a small special interest group such as the stockgrowers. Yellowstone's bison herd, the only one in America that is not solely comprised of reintroduced bison, is an important symbol of the West and our national heritage. Surely, they are important enough to warrant the ability to range on National Forest lands adjacent to the park, especially when balanced and sensible strategies such as those in *The Citizens' Plan* are used to address the very small risk of brucellosis transmission to cattle.

Of the alternatives included in the DEIS, only Alternative 2 comes close to outlining a SMA of sufficient size. But, even Alternative 2's SMA doesn't allow for bison's use of an important stretch of National Forest land in the Madison River drainage west of the Hebgen Dam. The SMA in the final EIS should incorporate all the lands outlined in *The Citizens' Plan.*

The SMA drawn up in *The Citizens' Plan* sets up common sense boundaries based on ownership patterns of the land. Very little private property is included in *The Citizens' Plan's* SMA. Only 14 ranches and 2,000 head of cattle would be affected by it. National Forest lands within the SMA should serve as a transition zone between YNP and the private lands outside the SMAs. The National Academy of Sciences (NAS) Brucellosis Report stated that,

> Establishment of buffer zones between parks or reserves and the surrounding lands used for agriculture or other purposes is a well-accepted approach in land planning. The buffer zone is an area that can facilitate the transition between goals of two contrasting land uses....Federal lands outside YNP could...serve that function.

Management policies should be set with this idea of transition in mind. *The Citizens' Plan* envisions its SMAs as this sort of buffer zone, and creates management strategies that facilitate the transition between YNP and the private lands outside the SMA. The details of the management strategies will be discussed later in the letter.

Scientific Herd Goals

The Citizens' Plan states, "Scientifically sound herd size limits, based on interspecies ecology, range health, population viability and other factors, will be established for the public lands outside the park within the SMA. If additional public lands become available, for example through land exchange, easement, or public purchase, population limits would be modified to reflect the increased availability of winter range to buffalo. These herd size limits will be reviewed annually by a cooperative management team which would include wildlife professionals from the conservation community and Indian tribes as well as state and federal agencies."

Almost universally, big game in the United States is managed by setting herd goals based on carrying capacity and other scientific factors, and then managing for that scientific herd goal. Such a management strategy has successfully conserved big game in the country for nearly a century. *The Citizens' Plan* would mirror this management strategy. The interagency team that is proposed in *The Citizens' Plan* would be similar to the interagency team managing the Yellowstone's northern elk herd.

Unlike *The Citizens' Plan* which sets herd goals for the SMAs outside the park, the alternatives in the DEIS set a herd goals for the entire area to be used by the Yellowstone bison herd,

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including lands within the park. For most of the alternatives the upper limit is 3,500, and for Alternative 7 the upper limit is 2,700. These numbers are not corroborated with any scientific data and seem to be picked from thin air. This is a crucial mistake. The interagency team envisioned by *The Citizens' Plan* would solve this problem and help make sure that a herd goal is based on biology, not politics.

Minimum Herd Size Floors

The Citizens' Plan states, "A scientifically-based *minimum* buffalo herd size will be established. It will consider average winter habitat both within and outside the park in the SMA, and potential winter severity. Currently, the proposed minimum herd size for lands within the park is 1700 buffalo. This herd size should be increased to include consideration of winter habitat outside the park. Under no circumstances will the buffalo herd be reduced below this adjusted minimum herd size."

This is an important point. All alternatives in the DEIS, except Alternative 1, employ population numbers to guide management actions. However, none of the alternatives would definitely end lethal control measures below a certain point. In all alternatives, bison outside the SMA could be shot regardless of population numbers, bison on private property could be shot regardless of population numbers, and bison testing positive at quarantine could be sent to slaughter regardless of population numbers.

If a number of harsh winters hit the Yellowstone area, the bison herd could face drastic reductions unless the DEIS is changed to make sure such lethal control measures are not allowed below a certain population level. When bison need to be removed from an area (on private property or outside the SMA) and the population is at or below a herd minimum, WWF suggests that bison be captured and relocated back inside the park instead of killed. The use of long-term sedatives might prove useful with uncooperative bison. These types of sedatives have been successfully used with large wildlife in Africa for many years.

The Citizens' Plan sets such a minimum buffalo herd size. The 1700 number gives an indication of what would be an acceptable minimum size. It was taken from studies conducted by M.S. Boyce which showed that even in the harshest winters YNP is able to support 1700 bison. The minimum buffalo herd size should not be based solely on the viability of Yellowstone's buffalo herd. Interspecies ecology, natural migration movements, and other demographic data should all be considered if YNP wants to foster the natural traits of the buffalo and other wildlife species in the park.

The Use of Traditional Wildlife Management Tools

The Citizens' Plan states, "Buffalo will be managed outside the park on lands within the SMA. Options for managing buffalo as the herd size approaches the maximum limit for the public lands outside the park include transferring live excess buffalo to Indian reservations and other public lands, and appropriate, regulated harvest of excess buffalo (not to be conducted by government officials). This choice of management removal strategies (relocation or harvest) recognizes the need for flexible wildlife management options that give managers the opportunity to choose the option that is more appropriate in a particular location and situation."

It is crucial that Yellowstone's buffalo be managed as wildlife. Fair chase hunting and relocation are two traditional wildlife management techniques that have successfully been used to conserve big game for nearly a century. Their use as management tools would ensure that Yellowstone bison would be managed as wildlife, not livestock as the "test and slaughter" and agency shooting policies outlined in the DEIS would have the bison managed. If bison need to be managed (if over herd goals, outside the SMA, or on private property), the final EIS should use fair chase hunting and relocation, not "test and slaughter" or agency shooting.

In regards to the harvest component, some parts of Alternative 3 mesh nicely with *The Citizens' Plan*. WWF believes that all hunting should be conducted according to the principles of fair chase. Alternative 3 states that a hunter training session will be necessary, that hunters will be "on their own", that hunter will be given no mechanical advantage, and the bison would be conducted in more rugged and remote terrain in the neighboring Gallatin National Forest. These are important points to include, and WWF fully supports them. WWF also agrees with the passage in Alternative 3 that states that the cooperating agencies will negotiate agreements with affected landowners to provide private land access for bison hunting where possible.

Other portions of Alternative 3 are unacceptable to WWF. Alternative 3 would have the Department of Livestock and the state veterinarian identifying acceptable animals and areas. As stated earlier, wildlife professionals, not livestock agents, should manage wild bison. Alternative 3 also states that "nearly all bison, except possibly calves, would be harvested" in the xest Yellowstone area. As stated earlier, hunting should be used as a management tool to keep bison from exceeding a scientific herd goal. Harvesting all bison in an area of public land is not managing for a scientific herd goal. Rather, it is a substitute for agency slaughter and shooting. This is unacceptable.

In regards to the relocation aspect of *The Citizens' Plan*, WWF believes that it could be a useful tool to reestablish *wild* bison herds on tribal and public lands. The quarantine proposals in alternatives 3, 4, and 7 mention the idea of relocating bison outside the Yellowstone area. However, WWF has problems with the specifics of all the quarantine options mentioned in the DEIS. All the quarantine options would allow for "requesting organizations" to receive live Yellowstone bison. This could result in some privatization of publicly owned bison into the domestic ranching industry. This is inappropriate and could set bad precedent for the management of other wildlife species. The bison are publicly owned animals and should be managed in the Public Trust, not privatized. Furthermore, Yellowstone bison are wild animals and deserve to continue to be managed as wildlife even if they are relocated to areas outside the Yellowstone Ecosystem.

Member reservations of the InterTribal Bison Cooperative (ITBC) have agreed to manage Yellowstone bison as wildlife, and transferring bison to these participating tribes would avoid the privatization problem. Such relocations would be government to government transfers, instead of government to individual transfers. Over the long term, relocations of bison to ITBC and

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possibly public lands in the future could drastically increase the number of wild bison across the Great Plains, thereby greatly benefiting the species.

WWF sees other problems with the relocation and quarantine options in the DEIS. In Alternative 7 and Alternative 4 "as many seronegative bison as possible would be shipped to a quarantine facility." Quarantine is not to replace capture and slaughter and agency shooting as the chief risk management strategy. As worded in the DEIS, the quarantine components would severely limit the free roaming character of Yellowstone's buffalo.

The Citizens' Plan includes a relocation aspect, but its use would be conditioned on three things—bison on private property, bison outside the SMA, or bison in excess of a scientific herd goal. Bison should be allowed on the National Forest lands up to the carrying capacity of those lands. Relocation should only be used as a scientific management tool, not as wholesale reduction programs to keep bison off public lands.

The choice of the two management tools (hunting and relocation) would be left to the wildlife managers. WWF envisions hunting usually being the management tool of choice in the rugged remote areas adjacent to the park and relocation usually being the management tool of choice in developed areas and areas near roads. Hunting in the rugged and remote areas would maximize fair chase principles and would be useful where relocation was infeasible due to the severity of the terrain and the distance from roads.

The Alteration of Public Land Cattle Grazing

The Citizens' Plan states, "Where buffalo presence conflicts with cattle use of public lands, the Forest Service will change grazing allotments to accommodate buffalo use. Separation of buffalo and cattle on public lands will be achieved by adjusting the type of use, and/or the timing or location of livestock grazing on the allotments to maintain the desired separation."

The NAS Brucellosis Report states that "spatial and temporal separation of cattle and bison would be a good first step toward risk reduction." If cattle and bison are not commingling immediately before, during, and immediately after the bison's calving season, there is virtually no chance of brucellosis transmission to cattle.

Altering public land grazing is one of the easiest ways to ensure such spatial and temporal separation. If public land cattle grazing was delayed until a month after the end of the bison's calving season (July 1 or so), bison will have most likely migrated back inside the park, contaminated materials shed during the birthing process likely will have been removed by scavengers, and the brucella bacteria in any materials not removed by scavengers will have been killed by continued exposure to direct sunlight.

WWF believes that the risk management strategies outlined in Alternative 2 cover this aspect of *The Citizens' Plan,* and requests that they be included as part of the "preferred" alternative in the final EIS.

The Protection of Private Lands

The Citizens' Plan states, "Buffalo herds will not be allowed on private lands without the consent of the landowner if those buffalo threaten private property or human safety. They may instead be removed using traditional wildlife management techniques if reasonable hazing efforts have failed. The choice of management removal strategies (relocation or appropriate, regulated harvest) recognizes the need for flexible wildlife management options that give managers the opportunity to choose the option that is more appropriate in a particular location and situation."

Once again, scientific risk management calls for the separation of bison and cattle at certain times of the year. Also, bison can cause more property damage than other big game species. In order to respect private property rights and ensure balanced and sensible risk management, *The Citizens' Plan* outlines a substantial compromise by allowing for the removal of bison from private lands.

The difference between *The Citizens' Plan* and the alternatives in the DEIS is that removal will not mean agency shooting of bison on private lands as per Montana Statute (81-2-120, MCA). Instead, *The Citizens' Plan* advocates for the repeal of the above statute. Removal of bison from private lands should occur through the use of traditional wildlife management tools (hazing, relocation or fair chase hunting). These tools would solve the problems associated with bison on private property, but still treat the bison as wildlife.

In the DEIS, all the alternatives except Alternative 2 put the lion's share of the burden of risk management on the bison. This is unacceptable. *The Citizens' Plan's* proposal to remove bison from private land is offered in the spirit of compromise so that risk management will be conducted in a balanced fashion without the onus of responsibility being handed solely to one interest. Removal of bison from private property is only to be conducted in conjunction with all the other risk management strategies outlined in *The Citizens' Plan.*

Cattle Vaccination Requirements

The Citizens' Plan states, "Montana, Wyoming and Idaho are encouraged to require vaccination of cattle within and immediately adjacent to the SMA if such a regulation is not already in place."

The easiest and most economical way to reduce the risk of brucellosis transmission is to make sure that all cattle near YNP are vaccinated. Studies show that vaccination of cattle reduces by nearly 70% the chances that an exposed cow will contract brucellosis. The NAS Brucellosis Report states that "the most workable method of reducing the risk of transmission of brucellosis from bison and elk to cattle in the GYA is vaccination of cattle.... This program is the most cost-effective way of reducing potential transmission from wildlife in the short term.... Cattle vaccination should be universal in the area surrounding the GYA."

WWF is very disappointed that none of the alternatives in the DEIS require cattle vaccination. Given the comments in the NAS Brucellosis Report, this is unbelievable. To only "suggest" and

"encourage" vaccination leaves a gaping loophole that alleviates legal responsibility for ranchers to vaccinate cattle.

The DEIS states that "cooperating agencies have no authority to require vaccination of animals that remain on their owner's premises." This is patently untrue. The State of Montana has the authority to require cattle vaccination. In other states, such as Idaho, cattle vaccination is mandatory. Montana simply chooses not to pass legislation requiring it. In fact, some livestock officials are starting to discourage cattle vaccination in order to assuage unreasonable concerns from some international markets.

WWF recognizes that most responsible ranchers in the area already do vaccinate. But in order to ensure its universality and create a legal obligation, the final EIS should make mandatory calfhood vaccination with RB51 of all test-eligible cattle on public and private lands within the SMA and within a 20-mile radius of the SMA. The livestock industry must do their share of risk reduction and cattle vaccination is the easiest and most cost-effective way to start.

Compensation for Private Property Damage

The Citizens' Plan states, "Private entities, in coordination with government agencies, will work to establish a voluntary program to compensate for private property damage costs incurred by natural buffalo movements. Only damage to fences and other permanent structures would be eligible for compensation. In order for property owners to receive compensation, they must abide by the management objectives identified in this plan for Yellowstone buffalo."

While some area residents overblow the concerns over property damage, at times bison on private property can cause a fair amount of damage to permanent structures. In such instances, compensation is appropriate in order to alleviate any inequitable burden of responsibility. Also, if landowners know that they will receive compensation for property damage, they might be more amenable to having bison winter on their property.

None of the alternatives in the DEIS considers such a compensation program. One should be incorporated into the final EIS.

Habitat Acquisitions and the Modification of Livestock Operations

The Citizens' Plan states, "To better accommodate buffalo on important winter range adjacent to the park, agencies and organizations will aggressively pursue a program of working with private landowners to acquire lands or easements through public purchase from willing sellers. They will offer incentives to modify livestock operations (changes in type, timing, and location of use) on the intermingled private lands. Current priority areas are north of the park and Horse Butte west of the park."

As stated earlier, one key to sensible risk reduction is the separation of bison and cattle during key times of the year. There are many ways to accomplish such separation without agency shooting or slaughter. Private lands that currently graze cattle could be publicly purchased from willing sellers and/or conservation easements to remove cattle from private property could be sought from willing landowners. The proposed land deal involving the Church Universal Triumphant provides a good example of how the risk of transmission to cattle could be reduced with such tools.

Offering incentives to change livestock operations on private lands in the area would be another sound way to sensibly reduce the risk of brucellosis transmission. If a large enough incentive enticed ranchers in the SMA to change the type of cattle on their operation to steers and spayed heifers, the brucellosis risk would be greatly reduced. The NAS Brucellosis Reports states, "One approach...is to reduce contact by making the first line of contact a population of cattle that has a reduced likelihood of maintaining *B. abortus* in the herd. Limiting cattle near YNP borders to steers and spayed heifers could lower the risk of transmission in the treated animals."

Creating separation by changing the timing and location of use of some cattle operations could also greatly reduce the risk of brucellosis transmission. Most cattle operations do not winter cattle on private lands within the SMA proposed in *The Citizens' Plan.* If incentives were large enough to convince ranchers to delay turn-on dates on the private summer pastures until July 1, the risk of brucellosis transmission would be virtually eliminated. Nearly all bison will have gone back into YNP, and any contaminated materials shed during birthing events will have been removed by scavengers or become benign due to continued exposure to direct sunlight.

Alternative 2 incorporates the purchase of key areas and easements from willing sellers and provides incentives to encourage various changes in cattle operations (type, timing and location of use). WWF would like to see these parts of Alternative 2 put into the final EIS.

The Establishment of an Interagency Cooperative Management Team

The Citizens' Plan states, "An interagency/tribal/ public cooperative management team of wildlife professionals must be established and will meet on an annual basis to review buffalo and other wildlife populations, range and climate conditions, and other factors to assist in determining buffalo management outside the park. Members of the public will have an opportunity to comment of these plans."

An interagency management team of wildlife professionals manages Yellowstone's northern elk herd. It is logical that a similar team should be created for Yellowstone's bison as well. Creation of such a bison interagency management team should be included in the final EIS.

The Establishment of a Health Certification Facility to Enable Live Removal

The Citizens' Plan states, "A pasture-type bison health certification facility will be located within Montana, Wyoming or Idaho to facilitate transfer of live excess buffalo to Indian reservations or public lands. It will not be located within the park or SMA or where significant resources or natural processes wold be placed at risk because of the facility, including wildlife migrations or winter range immediately outside the park. Siting of such a facility will involve appropriate environmental review and public comment. Live removal and transfer to quarantine, while inappropriate for other wildlife species, is considered acceptable in these circumstances because

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of the very low number of wild buffalo, the concern for keeping more of the wild buffalo alive, and the interest of Native Americans in restoring buffalo to their culture."

Reintroducing Yellowstone bison to areas outside the Greater Yellowstone Area could provide a great benefit to bison as a wildlife species. While raising domesticated bison has found its niche in some corners of the livestock industry, there are still very few wild buffalo herds throughout the United States. This is unfortunate. Bison are magnificent animals and are arguably the wildlife species most important to our national heritage. By reintroducing bison to other areas, new wild bison herds could be created and bison could start a comeback as a wildlife species.

The concept of relocating buffalo to appropriate habitats outside the Yellowstone area was endorsed in the NAS Brucellosis Report. It stated, "Bison conservation might be better served if...the commitment (to acquire lands for bison conservation) were directed to the Great Plains, the heartland of the aboriginal bison range."

Unfortunately, no federal or state land management agencies are willing to create additional wild bison herds at this time. Hopefully, in the future some will. But until then, member reservations of the InterTribal Bison Cooperative (ITBC) are willing to take disease-free bison and either establish herds on their tribal lands or supplement herds that already exist. Such government to government transfers would allow for a live removal option without having to privatize the bison into the private ranching industry. The goal of the participating tribes is to manage the bison in such a way as to revitalize the prairie ecosystem as a whole by treating bison as wildlife, not as "shaggy cows".

Altogether, ITBC member reservations already have allotted over one-half million acres to be used as bison restoration habitat. In addition to this, ITBC has agreed to allow bison relocated from the Yellowstone area to be used as seed stock for any possible future reintroductions on public lands.

The combination of relocation of Yellowstone bison to tribal lands combined with the possibility of future reintroductions on appropriate public lands provides for the possibility of increased numbers of wild bison across the Great Plains not envisioned in over a hundred years.

The benefits of these new wild bison herds would be numerous. Because bison went through a severe genetic bottleneck during the 1800s, the genetic variability of the remaining bison is low. Studies conducted by Dr. C. Stormont suggest that YNP bison have the highest heterozygosity of any public herd. In short, Yellowstone bison are valuable genetically. Live removal of bison from Yellowstone to other areas would safeguard this genetic variability, thereby benefiting the species on the aggregate level.

New wild bison herds would also provide benefits to sportsmen and women. As new wild bison herds on public lands (and even to some degree on tribal lands) increase in size to huntable populations, sportsmen and women will be provided with more opportunities to hunt bison in a fair chase manner. Licenses to hunt wild bison are currently limited to only a handful of areas, and the demand for them is extremely high.

Furthermore, relocation of bison to the tribes would provide numerous benefits to the Native American people. Tied to the restoration of bison to tribal lands is the survival of many aspects of Native American religion and culture. Bison hold a significant role in many American Indian stories and are vital to the continued performance of numerous traditional ceremonies.

Because YNP's bison herd has been exposed to brucellosis, any reintroduction programs outside the Greater Yellowstone Area will have to involve a quarantine facility in order to assure that bison being relocated do not have brucellosis. No credible wildlife manager would risk introducing into a clean environment an exotic disease that can be transmitted to other animal species.

In nearly all instances, quarantining wildlife is inappropriate. Quarantine facilities do involve a fair amount of handling and thereby acclimate wildlife to human intervention. This takes some of the "wild" out of the wildlife. However, in situations where a wildlife species is scarce and relegated to only a few isolated populations, quarantine may become appropriate in order to relocate the rare animals to suitable habitats in other areas, especially when they are known to harbor an exotic disease. Blackfooted ferrets are rigorously tested for a number of diseases before they are introduced. And the wolves reintroduced to YNP were quarantined before they were released in the park. In regards to the Yellowstone bison situation, WWF believes that the benefits of increased numbers of wild bison across the Great Plains warrants the short-term invasive techniques of quarantine.

That being said, WWF does not envision a quarantine facility to be a place of "test and slaughter" techniques. All the alternatives in the DEIS that propose a quarantine facility would send to slaughter any bison testing positive for brucellosis. This is not necessary (especially for bulls), and it sets extremely bad precedent for the management of wildlife. Exposed elk and other bison herds in the Greater Yellowstone Area are often tested for brucellosis without the positives being put down.

Instead of sending them to slaughter, bison testing positive at the quarantine facility should be released into the interior of YNP. While in the short-term this might raise the seroprevalence in YNP bison, the inappropriate nature of slaughtering wildlife certainly outweighs the slight increase in seroprevalence. This is especially true once seroprevalence rates begin to decline due to the implementation of a safe and effective vaccination program for Yellowstone bison.

The "Preferred" Alternative in the DEIS states, "As many seronegative bison as possible would be shipped to a quarantine facility." As stated earlier, this is not how *The Citizens' Plan* envisions the use of a quarantine facility. The main emphasis of *The Citizens' Plan* is to allow bison to roam on appropriate public lands adjacent to YNP. According to *The Citizens' Plan*, quarantine as a precursor to relocation would only be used when bison were outside the SMA, on private lands, or above carrying capacity numbers. Even in these situations, fair chase hunting would be used as the tool of choice if conditions were appropriate.

14,397 contd.

Alteration of the Bison Quarantine Protocol

The Citizens' Plan states, "The current quarantine protocol accepted by the Greater Yellowstone Interagency Brucellosis Committee must be modified. We believe it is much more invasive, intrusive, time-intensive and costly than needed, and more extreme than what is required of livestock. Instead, we support development of a protocol that is more effective, efficient, humane and economical."

There is no physiological and certainly no epidemiological reason why the quarantine protocol should be more stringent for bison than for cattle. The quarantine protocol for bison should be changed to make it the same as for cattle.

A Vaccination Program for Yellowstone Buffalo

The Citizens' Plan states, "Buffalo may be vaccinated within the SMA to reduce the seroprevalence of brucellosis in the buffalo population only if and when a scientifically-proven safe and effective vaccine for buffalo is developed that is also found to be safe on nontarget species, can be administered in a non-invasive manner (preferably through oral delivery) and complies with other management objectives of the resource-managing agency. Any program to reduce or eliminate brucellosis in Greater Yellowstone buffalo will only be used in conjunction with other risk management strategies outlined in this plan, and will not proceed without similar considerations for the elk populations which are also infected with the disease."

A safe and effective vaccination program for Yellowstone bison would reduce the seroprevalence of brucellosis in bison, and could be a sensible tool to reduce the risk of transmission to cattle. Therefore, under certain conditions, WWF supports the implementation of a vaccination program and believes that one should be included in the final EIS.

In regards to the conditions, any vaccination program should be both safe and effective. The Greater Yellowstone Interagency Brucellosis Committee (GYIBC) recently established a definition of safety and effectiveness for the vaccination of bison. WWF believes that this definition is satisfactory, and supports its use when deciding whether to implement a vaccination program for Yellowstone bison.

Studies conducted Dr. Donald Davis at Texas A&M University showed that vaccination with strain 19 was not effective in bison calves, caused pregnant adult bison to abort, and caused pathological effects in pregnant adult bison. Thus, a vaccination program using strain 19 would be a waste of time and money if delivered to bison calves, and it would be dangerous if delivered to adult female bison. In short, such a program obviously would be neither safe nor effective.

Studies are currently being conducted with RB51 in regards to its safety and effectiveness with bison. If and when replicated studies involving RB51 and bison prove to meet the safety and efficacy standards set by the GYIBC, WWF would support its use with bison from a safety and efficacy standpoint.

But in order to support implementation of a vaccine program for Yellowstone bison, WWF believes that a noninvasive delivery system is also necessary. Capturing animals and running them through a chute are animal husbandry practices appropriate only for domestic animals, not wildlife. In order to manage the bison as wildlife and meet WWF's criteria for noninvasiveness, the vaccine must be delivered in the field without capture of the animal. Oral delivery and biobullet are the two obvious examples of vaccination in the field without capture, and both of these systems would be acceptable to WWF.

The Definition of Low-Risk Buffalo

The Citizens' Plan states, "Low-risk buffalo, as currently identified by the federal agencies, are bulls, calves, yearlings and cows that have already given birth. Montana and other states must recognize and accept this definition of low-risk buffalo."

Experts from many perspectives have agreed that the threat of brucellosis transmission from bison to cattle involves only breeding age female bison. An informational report adopted by the Greater Yellowstone Interagency Brucellosis Committee states, "The available evidence indicates that any risk of *Brucella abortus* transmission from bison to cattle is almost certainly confined to contamination by a birth event by adult females."

The "Preferred" alternative stipulates that "the state of Montana (state veterinarian and the Board of Livestock) reserves the right to identify bison with a lower possibility of transmission." This is an unnecessary loophole and an infringement upon the management of wildlife by livestock officials. Given the scientific consensus surrounding the definition of "low-risk", all parties involved in this issue should operate under the assumption that bulls, calves, yearlings, and cows that have already given birth are low-risk. The final EIS should reflect this fact.

The Need for More Research

The Citizens' Plan states, "We support research on the incidence, distribution, transmission, and control of brucellosis, and risk management options. Any research on buffalo must be coordinated among all agencies, including the Department of Interior, and respect other management objectives of the agencies."

There is a fair amount of scientific uncertainty regarding many issues involved in the brucellosis issue. As is always appropriate, objective scientific studies directed to fill gaps in knowledge should be supported.

Winter Use Management

The Citizens' Plan states, "Changes in winter road grooming practices within the park will be made in the long term if research shows they are warranted because of shifts in buffalo use of winter ranges within the park and access to areas outside the park. These changes will be implemented through a process including appropriate environmental analysis and public comment."

14,397 contd.

As stated earlier, objective scientific studies directed to fill gaps in knowledge should be supported. If studies prove that eliminating road grooming in certain areas would be beneficial to natural bison migrations, certain road segments should be closed. The sections on road grooming in Alternative 3 cover this point well. They should be incorporated into the final EIS.

That being said, WWF believes that the forthcoming winter use environmental impact statement would be a better place than this bison EIS to decide such questions.

Conclusion

Taken in its entirety, *The Citizens' Plan* is obviously a better approach to the bison/brucellosis issue than any of the alternatives in the DEIS. It protects bison at safe numbers in the Yellowstone area, and it could drastically increase bison numbers across the Great Plains. It uses science to manage Yellowstone bison as wildlife, and it uses science to virtually eliminate the risk of brucellosis transmission to cattle. It allows bison to roam on National Forest lands, and it allows cattle to forage on National Forest allotments with only minor adjustments. It creates increased opportunities for sportsmen and women to hunt wild bison, and it allows American Indian tribes to bring back bison to their culture. It protects private property rights, and it averts the pitfalls of the privatization of wildlife. In short, *The Citizens' Plan* is the common sense alternative.

The Yellowstone bison/brucellosis is a very important issue for WWF and the American public as a whole. Yellowstone bison are awe-inspiring animals that are important to our national heritage. But, this issue involves more than just bison. Many other issues are up for grabs. The management of our public lands, our national parks, and other species of wildlife are all at stake. Sportsmen and conservationists know it and are ready to fight to protect it. Current bison management and management proposed in the DEIS are unacceptable to a large segment of society, and, if left unchanged, will certainly result in reduced tourism to Montana and YNP and a multitude of legal confrontations.

That being said, WWF is confident that the final EIS will be a substantial improvement over the DEIS. You have the opportunity in the coming months to do the right thing. Please, take that opportunity. Incorporate *The Citizens' Plan* into the final EIS. Future generations will thank you.

Thank you for the opportunity to comment.

Sincerely,

David Dittloff

David Dittloff, WWF Bison/Brucellosis Program Organizer

Oral testimony provided at the Holiday Inn, [redacted] August 27, 1998

Comment No. 14825
David Dittloff
Wyoming Wildlife Federation

My name is David Dittloff, and I'm here today representing the almost 4,000 sportsmen and conservation-minded members of the Wyoming Wildlife Federation.

The Wyoming Wildlife Federation adamantly opposes the preferred alternative in the Environmental Impact Statement. It continues the test and slaughter policies that have led to drastic reductions in the buffalo herd in the past decade. It gives priority to cattle over wildlife on public lands surrounding the park. And it gives livestock officials, not wildlife professionals, management authority over wildlife.

One thing I would like to say is responding to certain comments regarding animal husbandry, ranching practices in regards to Yellowstone's buffalo. Yellowstone's buffalo are wildlife. They are only one of three wild buffalo herds in the entire country, and they are the only wild buffalo herd that has not been exterminated that is endemic to the area completely.

Introducing and advocating livestock management practices, animal husbandry practices, is bringing apples to a situation when you're dealing with oranges. Animal husbandry practices, such as extensive testing and slaughter processes, capture, extensive vaccination under capture, those take the wildness from the animal. You end up with domestic bison, not wildlife.

Furthermore, the containment policies prescribed in the Environmental Impact Statement, not allowing buffalo outside the park except for in certain small special management areas, is also a domestic livestock practice, not a wildlife practice. These are wildlife. They migrate under their natural instincts to where there are better forage and there are better opportunities to succeed. These containment policies, these test-and-slaughter policies set very bad precedent for the management of all wildlife species, in particular elk.

As we know, some elk in the Yellowstone ecosystem also test positive for brucellosis. Are we going to implement such animal husbandry practices on the elk, as well, extensive test and slaughter, containing them to the park? I don't think so. You are going to get every elk hunter, a major constituency in a tri-state area, up in arms. Elk have this base of support that buffalo don't, because they have been hunted.

That being said, the Wyoming Wildlife Federation would like to say that we are not against setting scientific herd goals for buffalo. It's just good wildlife management. We advocate one for buffalo leaving the park. There should be a scientifically set herd objective for the public lands the buffalo utilize outside the park. This is how elk are managed, pronghorn, deer, all wildlife species.

14825 contd.

But I would also like to say, in regards to this point, that the National Academy of Sciences states that the winter carrying capacity for Yellowstone Park is 3,000 animals. This is above the number set in the preferred alternative.

It has been said today that the issue is brucellosis, not buffalo versus cattle. Okay. Let's look at how brucellosis is transmitted, then. The best scientific evidence says that in order for a cow to contract brucellosis from wildlife, they would have to come into contact with contaminated reproductive materials, such as during the abortion event or the birthing event. The chances of this happening in the wild are very remote, especially when one considers that the brucella bacteria is not that hardy. Studies show that it will die within a few days of direct sunlight if the temperatures are above freezing and the materials are shed on dry ground.

Let's look in more depth at the National Academy of Sciences' study. How does it call for managing the risk of brucellosis transmission to cattle? It calls for vaccination of cattle. It states, "the most workable method of reducing the risk of transmission of brucellosis from bison and elk to cattle in the GYA is the vaccination of cattle." It also calls for developing a vaccination program for bison. Right now, studies have shown that strain 19 is not effective with bison calves. It is actually pathological. It causes adult female bison to abort. Studies are continuing on RB51. Let's hope they succeed; that they can be delivered in a noninvasive way and can be safe and effective.

NAS study also calls for policies of separation in space and time. We advocate for that, as well. Various ways to do it, delay turn-on dates on public land cattle grazing is one example. Changing cattle operations to nonsusceptible animals is another. We support those.

In closing, I would like to lend some support for The Citizens' Plan. We feel it approaches the problem of risk management and treating these animals as wildlife in a common-sense fashion. We hope that will be implemented. Thank you.

Oral testimony provided at the Stardust Best Western Motel, [redacted] on August 11, 1998

Comment No. 14875
David Dittloff
Wyoming Wildlife Federation

Hello, my name is David Dittloff and I am here representing the Wyoming Wildlife Federation. I am here today to talk about buffalo. Buffalo are magnificent animals and a symbol of the West.

But this issue deals with more than just buffalo. Over a hundred thousand elk are estimated to roam in the Greater Yellowstone area. A percentage of them also carry the disease brucellosis. We are very afraid at the Wyoming Wildlife Federation that these sort of test and slaughter policies could be incorporated into the management of elk to the detriment of elk hunting and all the money that it brings into the states of Wyoming, Idaho, and Montana.

This is why the Wyoming Wildlife Federation was so disappointed with the third alternative in the recently released Environmental Impact Statement.

The preferred alternative in the EIS is bureaucratic and expensive and it continues the unnecessary slaughter of buffalo that exit out of the Park. It puts livestock officials in charge of crucial management decisions, not wildlife professionals, and it gives cattle priority over buffalo on public lands adjacent to the Park. For these reasons the Wyoming Wildlife Federation and numerous other organizations, I believe we are up to 16 other organizations right now, developed and are promoting the Citizens' Plan. I believe the Citizens' Plan could take care of the problem on both ends of the state, would treat buffalo as wildlife, protect them in safe numbers and yet also protect livestock from the risk of transmission of brucellosis.

I would like to kind of outline the core values included in the Citizens' Plan. The first core value I see is the scientific management of buffalo as wildlife. In short, what we are trying to ask for is having buffalo managed like elk are managed, like deer are managed, like pronghorn are managed. Just like elk and other big game species, we feel that wildlife professionals should manage buffalo, not livestock agents. Just like elk and other big game species, we feel that buffalo should be able to utilize the public lands adjacent to Yellowstone National Park. Just like elk and other big game species, we feel that scientific herd management goals should be set for the buffalo on these public lands outside the Park, and just like elk and other big game species, we feel that they should be managed on these public lands with traditional wildlife management tools, such as fair chase hunting where it's appropriate or relocation. I would like to talk a little bit about the brucellosis issue. I think it's important to remember how brucellosis is transmitted. We should manage the risk of brucellosis with science, not with scare tactics, innuendo, and hysteria.

In order for a cow to become infected with brucellosis, they would have to come into contact with contaminated materials shed by a female buffalo during the birthing process or the abortion process. The chances of having this occur in the wild are very, very small. This also means that bulls, calves, and yearlings pose virtually no risk of transmission to domestic livestock.

14875 contd.

Furthermore I would like to add that the Brucella bacteria is not that hardy; studies indicate that it will die within a day or two of direct sunlight if temperatures are above freezing and it is shed on bare ground.

This leads me to the second core concept included in the Citizens' Plan, balance and sensible risk management. The Citizens' Plan would manage the risk of brucellosis in several ways: It would make cattle vaccination in the area surrounding Yellowstone Park mandatory in order to reduce the susceptibility of cows to brucellosis.

It would reduce the ability of buffalo to transmit the disease to cattle by developing a safe and effective vaccine program that can be delivered in a noninvasive fashion, basically that could be delivered in the field without capture of the wildlife.

The Citizens' Plan also focuses on separating buffalo and cattle during and immediately before the buffalo's calving season and this separation could be accomplished in several ways: By adjusting the public land cattle grazing times and patterns; by acquiring certain strategic properties by fee title or conservation easement from willing sellers. An example of this would be the Church Universal & Triumphant property in the Paradise Valley; and by removing buffalo congregating on private lands through use of traditional wildlife management tools, such as fair chase hunting or relocation.

The Wyoming Wildlife Federation feels that these ideas are the common sense middle ground. We believe that it would protect the buffalo, manage the wildlife, and virtually eliminate the chance of disease transmission to domestic cattle.

We have the opportunity with this Environmental Impact Statement to do the right thing, to solve this issue once and for all on both sides. Let's take that opportunity, support the Citizens' Plan and incorporate it into the final EIS. Thank you.

Oral testimony provided at the Holiday Inn, [redacted] on September 1, 1998

Comment No. 14918
David Dittloff
Wyoming Wildlife Federation

Good afternoon. My name is David Dittloff and I'm here today representing the Wyoming Wildlife Federation.

I would like to first address some comments that were made at the previous public meeting in Cody. Robert Henry, first vice-president to the Wyoming Stock Growers, entered into the record a letter signed by the Wyoming Stock Growers, Wyoming Wildlife Federation, the Wyoming Outdoor Council, Greater Yellowstone Coalition, and Jackson Hole Conservation Alliance. He implied that our organizations supported test and slaughter policies with buffalo. Nothing could be farther from the truth. I've talked with the other executive directors of the other three organizations. Because we were so outraged that that was entered in the record and implied we supported test and slaughter, I just thought it should be entered into the record at a public meeting such as this.

The slaughter of Yellowstone's buffalo must stop. The Wyoming Wildlife Federation is disappointed with the preferred alternative in the Draft Environmental Impact Statement. It continues the unnecessary slaughter of buffalo, gives cattle priority over wildlife on the public lands that surround Yellowstone National Park, and it gives management authority to livestock officials, not wildlife professionals.

Yellowstone National Park is owned by the people of America. It should be run according to the public's interest, not for a special interest group such as the stock growers. The national forests surrounding Yellowstone National Park are owned by the people of the United States. They, too, should be managed according to the public interest.

Montana's governor states that Montana has no choice but to kill buffalo leaving the park into the state of Montana. He believes the risk of brucellosis transmission from wild buffalo to domestic cattle is too high. But let's take a look at the real risk of transmission. In order for a transmission to occur between domestic cattle and wild buffalo, a domestic cow would have to come into contact with contaminated reproductive materials shed by a female buffalo during the abortion event or the birthing event. This would have to happen in a fairly quick span of time. This also means that bulls, calves, and yearling bison pose virtually no threat of disease transmission to domestic cattle. In fact, in the history of Yellowstone Park, there has never been a scientifically documented case of brucellosis transmission from wild buffalo to domestic cattle.

Clarence Sarokie, the past government veterinarian for the State of Montana and one of the chief proponents of killing buffalo as they leave Yellowstone Park, likened the risk of brucellosis transmission from wild buffalo to domestic cattle to that of being hit by lightning. Dr. Paul Nicolete, one of the top experts on brucellosis, stated, quote, "Perhaps few things in life are risk free, but this one seems near."

14918 contd.

Sure, the risk of brucellosis transmission from wild buffalo to domestic cattle is not zero. But what in life has no risk? What government policy has zero risk? I drove down here today from [redacted]; lots of construction, lots of traffic, some pretty dangerous situations. Has anyone considered closing the interstate highway system? It's also a proven fact that certain pesticides increase the risk of cancer in humans. Are Montana Stockgrowers calling for elimination of these pesticides in order to add zero risk? Of course not.

Let's use common sense instead. The risk of brucellosis transmission needs to be addressed through a cost-benefit analysis. Balanced and sensible risk management strategies are possible. The Wyoming Wildlife Federation and 18 other organizations are endorsing the Citizens' Plan.

The specifics of this have been covered by Mark Peterson and others. I'd like to put a short framework on that. I believe there are two core principles involved in this document: One is the scientific management of bison as wildlife; and the second is balanced and sensible risk management. We have the opportunity with this environmental impact statement to do the right thing regarding the Yellowstone buffalo. Take the opportunity. Support and implement the Citizens' Plan into the final environmental impact statement.

Thank you.

Oral testimony provided at the Virginian Convention Center, [redacted] on August 10, 1998

Comment No. 15127
David Dittloff
Wyoming Wildlife Federation

My name is David Dittloff, and I'm here today representing almost 4,000 sportsmen and conservation-minded members of the Wyoming Wildlife Federation. I'm here today to talk about buffalo.

Being the only nonintroduced wild buffalo herd in the United States, Yellowstone buffalo are more than just magnificent animals. They are a symbol of the west and a present reminder of a way of life that is all but gone. That is why the Wyoming Wildlife Federation is so disappointed with the preferred alternatives outlined in the government's Environmental Impact Statement. We're disappointed for numerous reasons. It is expensive. It's bureaucratic. It continues the unnecessary slaughter of buffalo. It gives livestock officials, not wildlife professionals, control over key management decisions and gives cattle priority over buffalo on public lands adjacent to the park.

For these reasons, the Wyoming Wildlife Federation has joined with numerous other groups to promote and create the Citizen's Plan. Franz and Steve have done a good job outlining that already. I'd like to maybe put in some framework, I guess, since they outlined the specifics so well.

The way I see the Citizen's Plan, it has two core values. The first is the scientific management of buffalo as wildlife. Basically, what we're saying is manage the buffalo similar to the way that elk and other big game species are managed. Just like elk and other big game species, buffalo should be managed by wildlife professionals, not by livestock officials. Just like elk and other big game animals, buffalo should be able to utilize the public lands that surround the park, the national forest lands. Just like elk and other big game species, scientific population should be created for the buffalo on these public lands adjacent to Yellowstone Park. And just like elk and other big game species, traditional wildlife management techniques such as fair game hunting where appropriate, or relocation, should be used to manage buffalo on these public lands outside the park.

As to the brucellosis issue, the first thing that I would like to say is that the risk of brucellosis transmission to cattle should be managed in a scientific fashion, not with scare tactics, not with hysteria. Let's remember how the disease is transmitted. In order for a cow to become infected, it would have to come in contact with contaminated reproductive materials shed by an infected female buffalo during the abortion event or the birthing event. This means that bulls, calves, yearlings are not able to transmit this disease to the livestock. They don't give birth. Also consider that the brucellosis bacteria is not that hearty. Studies show that the bacteria will die within two days of direct sunlight if temperatures are above freezing and if the bacteria, contaminated materials, are shed on dry ground.

15127 contd.

This leads to the second core value I see in the citizen' plan, which is balanced and sensible risk management. To reduce their susceptibility to brucellosis infection, the Citizen's Plan would make vaccination of cattle mandatory in an area surrounding Yellowstone Park to reduce the ability of buffalo to transmit the disease to cattle. The Citizen's Plan would attempt to develop a safe and effective vaccine program that could be used on buffalo and be administered in a nonobtrusive manner.

Also, a core concept of the Citizen's Plan is to separate the cattle from buffalo during and immediately before the buffalo's calving season, the time when transmission is possible. Such a separation could be accomplished in several ways: by adjusting public land cattle grazing turn-on patterns and times; by acquiring fee title or conservation easement to strategic properties adjacent to Yellowstone Park, particularly the CUT land north of Yellowstone Park; and by removing buffalo congregating on private lands through the use of traditional wildlife management techniques such as fair game hunting where appropriate, or relocation.

These ideas are the common sense middle ground. I think they show that we can have it both ways. We can protect the buffalo and treat them as wildlife and virtually eliminate the chances of brucellosis transmission from buffalo to cattle.

Let's learn some lessons from history. We have the opportunity with the Environmental Impact Statement to do the right thing. Let's take it. Please implement the Citizen's Plan.

YELL-2521

Jim Wood, Vice President
Yell County Wildlife Fed.
[redacted]

August 18, 1998

Bison Management Plan EIS Team
National Park Service
Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-9901

Dear Ms Bransom,

I am writing in regard to your recently released Draft EIS for the Interagency Bison Management Plan for the State of Montana. We are pleased that your Team will be conducting several information input meeting across the Nation and outside the local Yellowstone NP area.

These Bison remnants are not only part of our western wildlife but also our frontier heritage and deserve better than to be viewed as vermin by livestock interests who graze our federal lands. Stockmen not willing to share the people's public lands with these majestic animals and other wildlife and accept low health risk, whatever the type disease may be, should decline to graze cattle on federal lands. My group has hunted elk near Sula and deer at Ashland, Montana exposing ourselves to whatever risk using these federal lands might bring.

A substantial number of brucellosis infected elk migrate from the Park and winter in Montana, sharing the same winter range as Bison. Why are ranchers opposed to wholesale slaughter of elk?

I, along with many others from across America, have visited Yellowstone NP with our families, solely to observe bison, elk, bears, moose and the area's other remarkable diverse wildlife and scenery. Bison fill an ecological niche in the Yellowstone and deserve to have National Forest and BLM lands set aside free of livestock grazing to meet winter forage needs. Why can we not set aside wintering areas for Bison the same as we do for elk, bighorns and other wildlife that have seasonal migratory use patterns?

The Inter Tribal Bison Cooperative Plan takes a rational approach to resolving the conflict. I listened to this Plan back in March and support this approach which features several points lacking in the preferred alternative. The DEIS provides no assurances that buffalo will be allowed to range on public lands outside the Park. I own these lands and I prefer they be shared with the bison. With this letter we ask that you reanalyze the EIS and put forth a common sense plan that treats buffalo equal to other wildlife on our lands.

Sincerely,
Jim Wood
Jim Wood, VP

YELL-7319

Jim Wood, Vice President
Yell County Wildlife Federation
[redacted]

September 22, 1998

Bison Management Plan EIS Team
National Park Service
Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-9901

Dear Ms Bransom,

I am writing in regard to your solicitation of public comments on the Draft EIS, Interagency Bison Management Plan for the State of Montana and Yellowstone National Park. Thank you for providing a copy of the DEIS to us on September 6.

Our group is a 140 member affiliate of Arkansas Wildlife Federation and comprised primarily of sportsmen who hunt/fish and are consumptive users of the resource. We view Bison as a wildlife resource of proven economic importance to sportsmen willing to control populations through hunting as well as non consumptive values these historic animals contribute to the tourism economy through luring visitors who come largely to view wildlife in a natural setting. Please accept the following as a supplement to our organizations previous comments on the above DEIS action.

I complement the Team for your information gathering and DEIS document. However, there seems to be need to further discuss some additional related issues omitted from the document. The more I study your documentation and compare the TEAM's rational with Procedural Provisions of 40 CFR 1500-1508, I find too much reliance upon imagination instead of "scientific accuracy", as required by 1502.24.

1. It is confusing that NEED for the action is produced by the co-lead Agency's, State of Montana, undocumented claim that Bison may transmit brucellosis to cattle. The PURPOSE of the Action is to prevent risk of transmitting B. abortus from Bison to cattle, yet you conclude that it is impossible to quantify the risk, or if it even exists, of transmission between the two species in the Yellowstone area. Based upon accounting accuracy requirements of the NEPA Process, Purpose and Need of the Action looses scientific integrity and seems to rely solely upon imagination that a problem exists without even minimum evidence.

2. All Alternatives emphasize separation of cattle and bison under the imagination that such action produces a measure of risk reduction. Without determining the measure of risk factor produced by cattle and bison association, the DEIS fails the test of meeting NEPA Sec. 102, "to the fullest extent possible" obligation and qualifies for further studies in order to prove that risk is related to sharing the same range. I suggest that the State of Montana is obligated to produce such scientific documentation before implementing any alternative that allows blanket slaughter of bison that stray or migrate from the Park.

3. Alternative's 1, 4, 5, and 7 allows for slaughter of seropositive Bison and quarantine of seronegatives. This too drastically interferes with Bison's entitlement to utilize the summer and winter range and produces an adverse impact upon Bison to the benefit of only 4% of the summer grazing AUM's in Gallatin/Park Counties. A cost/benefit analysis that accounts for the $20 million annual viewing benefits of wildlife vs livestock grazing and Alt 7's 8,000 acre fee title acquisition should be developed for Gallatin NF Bison wintering areas. It would seem practical to assume that Bison migrating north of the Park would concentrate on ungrazed NF lands moreso than heavily summer grazed private lands, thus creating a forage incentive to stay off private lands.

4. We are fundamentally opposed to the actions in all Alternatives that permit arbitrary, non sport, shooting of Bison on private property at any time. If Bison are to be managed in this fashion, then domestic livestock that stray to Park or NF lands should also receive the same treatment.

5. The control of Bison populations throughout the Yellowstone area should rely upon sport hunting as much as possible and no nuisance animal outside the Park should be shot except where it is an immediate threat to public safety and can not be removed in a non lethal manner. Establishing Bison hunting areas as displayed in Alternative 3 should be subjected to a reanalysis that includes additional specific areas inside the Park boundary where archery or primitive weapon hunting will be permitted. Management of Bison through controlled hunting in sharply defined specific areas within the park is a reasonable and cost effective method of reaching and maintaining population goals and should also be analyzed as an Alternative in the Final DEIS.

6. The Park is not a self contained ecosystem for a variety of wildlife that share with domestic animals the same diseases, including Bighorns that can transmit disease to domestic sheep, elk that transmit brucellosis, several animals that transmit rabies, bears that can possess trichinosis or birds that migrate through with potential to transmit avian type diseases and many others. If we quarantined and managed the above wildlife under the same

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rational proposed for Yellowstone Bison, they would all become extinct. Wildlife will never be free of all diseases, including Bison.

In summary, the seven Alternatives fall measurably short of including management strategy that puts Bison interest equal to the local livestock industry. It is not in the public interest of the American taxpayers that established and annually fund the management of Yellowstone National Park and care for its Bison and other wildlife to trade off any part of a $40 million tourism industry to address a suspected NEED to control a Bison/livestock brucellosis risk that is based solely upon imagination by the State of Montana. A new DEIS Reanalysis should be developed for a Interagency Bison Management Plan that will give priority use of federal grazing lands adjacent to the Park to the needs of Bison, and where cattle grazing allotments interfere, the cattle should be removed and not the Bison.

We appreciate this opportunity to supplement our previous comments on your Draft EIS for the Interagency Bison Management Plan.

Sincerely,

Jim Wood

Jim Wood, VP
Yell County Wildlife Federation

Public agencies

Public Agency Comment Letters

Federal Agencies

Environmental Protection Agency - 14356; Alternatives/Issues - New, Bison - Definition of Low Risk, Bison - Special Management Areas - authority to manage, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Legal and Policy Mandates (management authority), Socioeconomics - Minority and Low-Income Populations

Federal Elected Officials

United States Senate, South Dakota - 17861; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Population, Bison - Special Management Areas, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority)

State Agencies

Alabama Department of Agriculture & Industries - 9839; Alternatives/Issues - New, Bison - Population, Bison - Special Management Areas, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception,

Arizona Department of Agriculture - 12033; Alternatives/Issues - New, Brucellosis - in Yellowstone Bison Herd, Brucellosis -Risk Management, Socioeconomics - Cost to livestock operators

California Dept of Food and Agriculture - 9243; Alternatives/Issues - New, Bison - Distribution (Live), Bison - Quarantine Operations, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators, Socioeconomics - Nonmarket Values

Georgia Department of Agriculture - 9000, 9229, 11108; Alternatives/Issues - New, Bison - Population, Bison - Special Management Areas, Bison - Vaccination, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Testing, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Socioeconomics - Social Values

Illinois Department of Agriculture - 9446; Alternatives/Issues - New, Bison - Special Management Areas, Brucellosis - Transmission and public perception, Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators

Indiana State Board of Animal Health - 9361; Bison - Special Management Areas, Cattle - Brucellosis Class-Free Status,

Kansas Animal Health Department-Livestock Commission - 8455; Alternatives/Issues - New, Bison - Special Management Areas, Bison - Vaccination, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status, Socioeconomics - Cost to livestock operators

Louisiana Department of Agriculture & Forestry - 9020; Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status, Socioeconomics - Cost to livestock operators

Michigan Department of Agriculture - 10509; Alternative Plan B, Bison Alternative, Socioeconomics - Project costs are reasonable

Minnesota Board Of Animal Health - 8993; Bison - Special Management Areas, Brucellosis - Transmission and public perception, Socioeconomics - Cost to livestock operators

Nevada Department of Business and Industry, Division of Agriculture - 7526; Brucellosis - in Yellowstone Bison Herd, Legal and Policy Mandates (management authority),

North Carolina Department of Agriculture & Consumer Services - 8791; Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception

North Dakota Department of Agriculture, Board of Animal Health - 8440; Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status,

Oregon Department of Agriculture - 14362; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Special Management Areas, Legal and Policy Mandates (management authority)

South Dakota Animal Industry Board - 9102; Brucellosis - Transmission and public perception
Texas Animal Health Commission - 9317; Bison - Population, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status,
Utah Department of Agriculture and Food - 14887, 15781; Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Public Grazing Allotments - modify, Bison - Special Management Areas, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception
Vermont Department of Agriculture, Food & Markets - 7485; Alternatives/Issues - New, Bison - Definition of Low Risk, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status
Washington Department of Agriculture - 10399; Alternatives/Issues - New, Bison - Special Management Areas, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators
Wisconsin Department of Agriculture, Trade & Consumer Protection - 11531; Bison - Special Management Areas, Bison - Vaccination, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception,
Wyoming Division Of Cultural Resources - 8778; Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures
Wyoming Game and Fish Department - 9268; Bison - Hunting, Bison - Population, Bison - Public Grazing Allotments - modify, Bison - Special Management Areas, Brucellosis - Transmission and public perception, Land Acquisitions / Easements or winter range,
Wyoming Livestock Board - 14820; Bison - Definition of Low Risk, Bison - Population, Bison - Special Management Areas, Bison - Vaccination, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Socioeconomics - Project costs are reasonable, Vegetation - Vegetative Communities

State Elected Officials

Idaho State Governor - 11121; Alternatives/Issues - New, Bison - Definition of Low Risk, Bison - Hunting, Bison - Population, Bison - Special Management Areas, Bison Ecology, Cattle - Change Cattle Operations (Public and Private), Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Cost to livestock operators, Socioeconomics - Nonmarket Values, Socioeconomics - Project costs are reasonable, Socioeconomics - Social Values, Vegetation - Vegetative Communities, Visitor Use - Winter Recreation, Wildlife - Threatened & Endangered Species
Montana House of Representatives - 8872, 14851, 14857, 15668; Alternatives/Issues - New, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Public Grazing Allotments - modify, Bison - Vaccination, Brucellosis - in Other Wild Ungulates, Brucellosis - Testing, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators, Socioeconomics - Social Values, Vegetation - Vegetative Communities
Montana State Senate - 940, 14843, 15316; Alternative - Adjustments to Interim Plan, Alternative Plan B, Alternatives/Issues - Eliminated From Further Consideration, Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Definition of Low Risk, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Population, Bison - Population - set an upper and lower population level, Bison - Property Damage, Bison - Quarantine Operations, Bison - Special Management Areas, Bison - Vaccination, Bison Ecology, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception, Cattle - Brucellosis Class-Free Status, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Legal and Policy

Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators, Socioeconomics - Nonmarket Values, Socioeconomics - Social Values, Vegetation - Vegetative Communities, Visitor Use - Winter Recreation, Visitor Use - Winter Road Grooming, Visual Resources - Landscapes and Viewsheds, Wildlife - Predators and Scavengers/Ungulates

Wyoming State Governor - 14448; Alternatives/Issues - New, Bison - Population, Bison - Vaccination, Brucellosis - in Other Wild Ungulates, Brucellosis -Risk Management, Legal and Policy Mandates (management authority), Visitor Use - Winter Road Grooming

County and Local Governments and Agencies

California, County Of Sacramento - 10336; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Social Values, Visitor Use - Overall Visitor Use and Experience

Cody Conservation District Board - 14829; Bison - Population, Bison - Public Grazing Allotments - modify, Cattle - Brucellosis Class-Free Status, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators, Vegetation - Vegetative Communities, Visual Resources - Landscapes and Viewsheds

Town of West Yellowstone, Montana- See Business Section under Moore & McFadden, Chartered - 14978

YELL 14356

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
999 18TH STREET - SUITE 500
DENVER, CO 80202-2466

November 2, 1998

Ref: 8EPR-EP

Ms Sarah Bransom
National Park Service
DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

VIA FAX AND MAIL

RE: U.S. Environmental Protection Agency's (EPA) Comments On The Draft Environmental Impact Statement For The Interagency Bison Management Plan For The State Of Montana And Yellowstone National Park (DEIS)

Dear Ms Bransom:

EPA appreciates the opportunity to submit its comments to the National Park Service (NPS) on the above referenced project and also appreciates the considerable effort the state and federal agencies involved have put forth in the publication of this DEIS. EPA's role in commenting on National Environmental Policy Act (NEPA) documents is many-fold. Section 309 of the Clean Air Act (CAA) directs EPA to review and publicly comment on any environmental impacts of a major federal action. In addition, every federal agency, including EPA, is directed to comment on NEPA documents in which issues are presented for which that particular agency has jurisdiction by law or by expertise. Section 309 of the CAA also directs EPA to determine whether environmental impacts associated with the action are unsatisfactory from the standpoint of public health or welfare or environmental quality and assess adequacy of the document.

Based upon our review, performed under our aforementioned responsibilities, EPA believes that the implementation of the preferred alternative will not avoid significant environmental impacts, and that the DEIS does not adequately assess the impacts of the proposal and explore all reasonable alternatives. The enclosures provide a detailed statement of our concerns. A summary of our concerns and recommendations is presented in the following paragraphs.

- **The discretionary culling of Yellowstone bison using lethal measures on public lands, in instances when other alternatives might serve the same purpose (reduction of risk of the spread of brucellosis to Montana livestock) is an environmental impact that could be avoided and should be disclosed.** Based upon our reading of the National Research Council's (NRC) report, "Brucellosis in the Greater Yellowstone Area," it has not been scientifically determined that the risk of brucellosis transmission from bison to cattle is quantitatively different from that of elk to cattle. Considering the uniqueness of the remnant Yellowstone bison herd, and the national significance of this natural resource, NPS should broaden the range of alternatives analyzed in detail in the DEIS to fully analyze these significant environmental impacts.

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- **There is an inadequate range of alternatives analyzed in the DEIS.** Additional alternatives have been identified which could be included in the DEIS, and reduce environmental impacts of the action. EPA understands that one of these proposed alternatives has been put forth by the National Wildlife Federation, the InterTribal Bison Cooperative and others, and that it may offer new and significant information. EPA believes that NPS should consider this or similar proposals, in the range of alternatives to be analyzed, to more fully preserve this unique resource as all interested parties work to resolve this issue based on the best science available.

- **Government-to-government consultation with Native American Tribes needs to be conducted for this action.** Bison are considered by many Tribes as a cultural resource. As discussed in our enclosed detailed comments, Native American Tribes have requested government-to-government consultation on this matter (see enclosed comments which contain relevant excerpts on government-to-government consultation, and Cheyenne River Sioux Resolution).

  The use of lethal measures to cull Yellowstone bison qualifies as a significant environmental impact in this context (as it relates to Tribal cultural resources) as described under 40 CFR 1508.27 (b) (5) and (8): "The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks." and "The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources."

- **The DEIS needs to address Environmental Justice as it relates to Native American Tribes and as described in guidance from the Council on Environmental Quality (CEQ).** In their publication, "Environmental Justice, *Guidance Under the National Environmental Policy Act*, under "Implementation" it states, "To the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations, low-income populations, Indian tribes in the United States...."

  The definition of disproportionately high and adverse environmental effects in the aforementioned CEQ guidance includes, "Such effects [as] ecological, cultural, human health, economic, or social impacts on minority communities, low-income communities, or Indian tribes when those impacts are interrelated to impacts on the natural or physical environment.

  EPA believes that the culling of Yellowstone bison with the use of lethal force is an interrelated impact as cited above and falls under the definition of significant impact, CEQ regulations section 1508.27 (b) (3).

- **The preferred alternative does not meet the first part of the stated purpose under the purpose and needs statement for this DEIS: "The purpose of the action is to maintain a wild, free-ranging population of bison..."** Based upon EPA's reading of the act which created the NPS and management policies presented in the DEIS, the NPS has a charge "to conserve...the wildlife in parks and to provide for enjoyment of the same in such manner, and by such means as will leave

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them unimpaired for the enjoyment of future generations," and to manage the resource in a regional context. This not only includes management to protect the economic development outside of the park (the Montana livestock industry), but also to protect the federal resource outside of the park in this regional context. NPS should be involved in decisions as to when Yellowstone bison are culled using lethal force on public lands outside of Yellowstone National Park (YNP) to fulfill this purpose. The preferred alternative leaves this decision, the management of a unique federal natural resource of national significance, to the discretion of the Montana state veterinarian.

- **The preferred alternative does not meet the second part of the stated purpose under the purpose and needs statement for this DEIS: "...address the risk of brucellosis transmission to protect economic interest and viability of the livestock industry in the state of Montana."** It is EPA's reading of the NRC report that there is no quantitative scientific information that the risk of transmission of brucellosis from bison to cattle is greater than that of elk to cattle. The NRC report states that, elk range and bison range overlap in the geographic areas of concern. If there is no scientific evidence that risk of transmission to cattle is greater with elk or bison, and elk and bison are intermingling with cattle in the same geographic area of concern, then the preferred alternative will not reduce the risk of brucellosis transmission to cattle.

- **The DEIS improperly segments the NEPA process.** The DEIS attempts to segment the NEPA process in two ways. The first way is by trying to address transmission of brucellosis to Montana cattle by only focusing on one of the brucellosis reservoirs, bison, while ignoring the other, elk. As explained above, EPA's reading of the NRC report indicates this will not meet one of the stated purposes of the DEIS. The second way in which this document attempts to segment NEPA is by addressing the risk of transmission of brucellosis to cattle for the state of Montana and leaving the addressing of the issue in the other surrounding states of Idaho and Wyoming to a larger NEPA effort in the future. To properly segment the NEPA process, the smaller effort (the current DEIS) must be able to fit into the future larger effort. Without addressing the elk and bison together in this DEIS, this will not be possible.

- **The NPS and cooperating agencies should issue a supplemental DEIS, so that the public has an opportunity to review and comment on newly presented information and analyzed alternatives.**

- **EPA suggests the Animal and Plant Health Inspection Service (APHIS) initiate a NEPA review of its brucellosis-free status policy** (see enclosed detailed comments for further explanation).

EPA's rating of this DEIS is Environmental Objections - Insufficient Information (EO-2). This rating consists of two components. The EO represents EPA's rating of the environmental impact of the proposed action. EO means that the review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment in the DEIS. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. The "2" component of the rating addresses the adequacy of the impact statement and whether a full range of reasonable alternatives has been included in the NEPA document.

Enclosed are EPA's detailed comments supporting this rating. EPA recognizes this is quite a

complex and contentious issue and commends all involved in their efforts to address brucellosis in the Greater Yellowstone Area. EPA is available to answer any questions that the NPS may have about our comments. Please contact Jim Berkley at (303) 312-7102 for this purpose.

Sincerely,

Cynthia Cody
Chief of NEPA Unit
Ecosystems Protection Program

enclosures

Detailed Comments:

1. The discretionary culling of Yellowstone bison using lethal measures on public lands, in instances when other alternatives might serve the same purpose (reduction of risk of the spread of brucellosis to Montana livestock) is an environmental impact that could be avoided. One example is that of the Montana state veterinarian making the decision on the time frame of bison removal from public lands and when hazing should end and lethal force will be used to remove bison.[1] Establishment of special management areas (SMA) will be left to the discretion of the state of Montana as specified by Montana law.[2] It is EPA's understanding that this will mean the SMAs will be established at the discretion of the Montana Board of Livestock. If SMAs are to be a real and viable part of the preferred alternative, there should be a commitment to establish (acquire land) and determine the location of these areas. The establishment of these areas should be determined by state and federal decision makers at least. The ideal is to have an open process that includes all stakeholders.

2. EPA has been in contact with the InterTribal Bison Cooperative (ITBC), which "[...] is a non-profit 501 (c) (3) tribal organization and is committed to reestablishing buffalo herds on Indian lands in a manner that promotes cultural enhancement, spiritual revitalization, ecological restoration, and economic development. ITBC is governed by a Board of Directors, which is comprised of one tribal representative from each member tribe." In our conversation with Executive Director, Mark Heckert, he indicated that there has been concern by Tribal governments that government-to-government consultation has not been initiated by NPS on this DEIS.

   EPA has received a copy of a Cheyenne River Sioux Tribal Council Resolution (Resolution No. 110-98-CR) requesting that the United States initiate official consultation with the Tribe (please see enclosed copy). EPA believes that this resource (Yellowstone bison) falls within the definition of cultural resource found in 40 CFR 1508.27 (b)(8). EPA believes that this consultation should take place prior to issuing the supplemental DEIS and in conformance with the Executive Memorandum mentioned below.

   The Executive Memorandum on "Government-to-Government Relations With Native American Tribal Governments", Federal Register, Volume 59, No. 85, page 22951, April 29, 1994, states:

   Each executive department and agency shall consult the greatest extent practicable and to the extent permitted by law, with tribal governments prior to taking actions that affect federally recognized tribal governments. All such consultations are to be open and candid so that all interested parties may evaluate for themselves the potential impact of relevant proposals.

[1]National Park Service, Draft Environmental Impact Statement For The Interagency Bison Management Plan For The State Of Montana And Yellowstone National Park. 1998. 107 pp.

[2]National Park Service, Draft Environmental Impact Statement For The Interagency Bison Management Plan For The State Of Montana And Yellowstone National Park. 1998. 58 pp.

Each executive department and agency shall apply the requirements of Executive Orders Nos. 12875 ("Enhancing the Intergovernmental Partnership") and 12866 ("Regulatory Planning and Review") to design solutions and tailor Federal programs, in appropriate circumstances, to address specific or unique needs of tribal communities.

3. The preferred alternative does not meet the first part of the stated purpose under the purpose and needs statement for this DEIS: "The purpose of the action is to maintain a wild, free-ranging population of bison..." Based upon EPA's reading of the act which created the NPS and management policies presented in the DEIS, the NPS has a charge "to conserve...the wildlife in parks and to provide for enjoyment of the same in such manner, and by such means as will leave them unimpaired for the enjoyment of future generations," and to manage the resource in a **regional** context.

   NPS' charge is stated in the act which created it in 1916: "to conserve the scenery and the natural and historic objects and the wildlife in parks and to provide for enjoyment of the same in such manner, and by such means as will leave them unimpaired for the enjoyment of future generations." Additional text in the DEIS states, *Several recent planning and policy documents, including the "Yellowstone National Park Master Plan" (NPS 1974), the "Yellowstone National Park Statement for Management" (NPS 1991), and the "National Park Service Management Policies" (NPS 1988), require that park planning be accomplished in a **regional** context (emphasis added). This latter concern is summarized in the "Management Policies" as follows: "Recognizing that parks are integral parts of larger regional environments, the National Park Service will work cooperatively with others to anticipate, avoid, and resolve potential conflicts, to protect park resources, and to address mutual interests in the quality of life for community residents, considering economic development as well resource and environmental protection."*[3]

   The statements above not only include management of the resource to protect the economic development outside of the park (the Montana livestock industry), but also to protect the federal resource outside of the park in this regional context. In the preferred alternative, it is stated that, "Bison located outside the park in the west boundary area would be hazed back into the park in the spring, 30 to 60 days before cattle occupy the area. The exact number of days, between 30 and 60, would be at the discretion of the state veterinarian. Those bison that could not be hazed back into the park would be shot."[4] This is a decision that should not be made by a state official solely, especially when it comes to Yellowstone bison on public lands. The NPS should play a substantive role in this decision, especially when it comes to managing a unique environmental resource such

[3]National Park Service, Draft Environmental Impact Statement For The Interagency Bison Management Plan For The State Of Montana And Yellowstone National Park. 1998. 31 pp.

[4]National Park Service, Draft Environmental Impact Statement For The Interagency Bison Management Plan For The State Of Montana And Yellowstone National Park. 1998. 61 pp and 107 pp.

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as the remnant herd of Yellowstone bison.[5]

Additional support for having both federal and state roles in the management of Yellowstone bison on public lands outside of the park is found in both the NRC and DEIS reports, where the national significance of this issue is emphasized: The NRC report states, when discussing reducing the risk of transmission of brucellosis, "Those approaches [the approaches to brucellosis transmission reduction present in the NRC report] could be used individually or combined, depending on the degree of control determined to be in the best national interest."[6] The DEIS also highlights the national significance of this issue by stating, "Management of bison in the Yellowstone area has become a matter of national attention and interest."[7] This national significance seems especially critical considering the unique character of this herd, as reflected in their heritage, and their key role with the general public who associates the park with the bison.

4. The preferred alternative does not meet the second part of the stated purpose under the purpose and needs statement for this DEIS: "...address the risk of brucellosis transmission to protect economic interest and viability of the livestock industry in the state of Montana." The NRC report supports the notion that the control of brucellosis in the GYA can not be achieved by implementation of the preferred alternative. In the NRC report, a paragraph on page 80 discusses transmission of Bison to Cattle and on page 81, Elk to cattle. Both animals carry B. *abortus*. The "bison to cattle" section states, "under natural conditions, the risk of transmission from bison to cattle is very low, but the appropriate quantitative risk assessments have not been done. The "Elk to Cattle" paragraph says, "Transmission of B. *abortus* from elk to cattle is unlikely in a natural setting. How is this different from the statement above about "bison to cattle?" Neither risks are quantified. The report states that brucellosis has been transmitted from bison to cattle under experimental conditions. The report also says, "the ability of brucellae to be transmitted from elk to cattle under experimental conditions has been proved."[8] The information on bison and elk seems to be the same in these instances.

The preferred alternative does not make sense in that it only focuses on bison to control the spread of B. *abortus* to Montana cattle. There is no scientific evidence presented in the NRC report that the risk of bison transmitting brucellosis to cattle is greater than that of elk in the GYA. The NRC report states, "the distributions of the two species overlap broadly in the GYA on the summer

[5]Isenberg, Andrew C., The Return of the Bison: Nostalgia, Profit, and Preservation. 1997. Environmental History. V2, n2, 179 pp.

[6]National Research Council, Brucellosis in the Greater Yellowstone Area. 1998. 7 pp.

[7]National Park Service, Draft Environmental Impact Statement For The Interagency Bison Management Plan For The State Of Montana And Yellowstone National Park. 1998. 167 pp.

[8]National Research Council, Brucellosis in the Greater Yellowstone Area. 1998. 80 pp and 81 pp.

range, where they are more dispersed, and on the winter range, where they are concentrated."[9]

5. There are nine objectives that the interagency team agreed would be used to help determine reasonableness of each alternative, and would be applied to the selection of a preferred alternative. Based upon information in the NRC report, objectives 4 and 5 can not be met. This supports the notion that a reasonable alternative has not been selected that can meet the stated purposes of the DEIS. Objective 4 states, "Commit to the eventual elimination of brucellosis in bison and other wildlife[10]..." The NRC report states, "Because neither sufficient information nor technical capability is available to implement a brucellosis-eradication program in the GYA at present, eradication as a goal is more a statement of principle than a workable program. The best that will be possible in the near future will be reduction of the risk of transmission of B. abortus from wildlife to cattle."

Objective 5 states, "Protect livestock from the risk of brucellosis..."[11] The NRC report makes several statements that support the need to address brucellosis reservoirs other than bison: "Many more elk than bison are present in the GYA." "The risk of bison or elk transmitting brucellosis to cattle is small, but it is not zero." "If infection rates are not substantially reduced in elk, reinfection of bison is inevitable."[12] "Any vaccination program for bison must be accompanied by a concomitant program for elk."[13] Based on these statements and the information presented elsewhere in the NRC report and mentioned in our comments above, EPA does not believe that the preferred alternative will substantially meet objective 5.

6. The DEIS improperly segments the NEPA process. It is stated in the DEIS that this effort will be to control the Montana problem. It is true that government agencies can segment the National Environmental Policy Act (NEPA) process under certain circumstances. However, when that segmentation is made, the segment must fit into the larger NEPA effort of which it is or will be a segment. The DEIS states that the Greater Yellowstone Interagency Brucellosis Committee (GYIBC) is working on a comprehensive plan for controlling brucellosis in the GYA (which will include Idaho and Wyoming). The approach in this DEIS must fit into the larger plan that will be developed by the GYIBC. The GYIBC plan will have to address elk as a reservoir of B. *abortus*. Because this DEIS does not address elk and does not fit as a piece of the future GYIBC plan, EPA believes that the preferred alternative is an improper segmentation of NEPA.

[9]National Research Council, Brucellosis in the Greater Yellowstone Area. 1998. 83 pp.

[10]National Park Service, Draft Environmental Impact Statement For The Interagency Bison Management Plan For The State Of Montana And Yellowstone National Park. 1998. 29 pp.

[11]National Park Service, Draft Environmental Impact Statement For The Interagency Bison Management Plan For The State Of Montana And Yellowstone National Park. 1998. 29 pp.

[12]National Research Council, Brucellosis in the Greater Yellowstone Area. 1998. 5 pp.

[13]National Research Council, Brucellosis in the Greater Yellowstone Area. 1998. 8 pp.

7. EPA believes that the NPS and cooperating agencies should issue a supplemental DEIS, so that the public has an opportunity to review and comment on newly presented information and analyzed alternatives. The new significant information is found in the NRC report and indicates that there is no quantitative scientific evidence that the risk of transmission of brucellosis from bison to cattle is greater than that of elk to cattle. This is quite significant in that, as stated above, elk range and bison range of concern overlap and that elk is the other major brucellosis reservoir in the GYA. Please see 40 CFR 1502.9 (c) for information on supplemental EISs.

8. Based upon information in the NRC report, should vaccination of cattle be considered as an alternative? The NRC report states that vaccination of cattle is the most cost effective and workable method of reducing the risk of transmission of brucellosis to cattle: "Given the difficulties of vaccinating bison, the most workable method of reducing the risk of transmission of brucellosis from bison and elk to cattle in the GYA is vaccination of cattle. This program is the most cost-effective way of reducing potential transmission from wildlife in the short term."[14]

9. The NRC report further states, "Decisions to intervene should be supported by clear and compelling evidence and a consensus of experts that they are necessary."[15] It also states, "Obviously, the knowledge and technical capability are available to manage bison and elk to stabilize their numbers inside YNP [Yellowstone National Park] at some upper limit. The important question, therefore, is not whether we can, but whether we should do so."

10. EPA acknowledges that Montana has legitimate and serious concerns about its brucellosis-free status and the effect that status could have on the livestock sector of the Montana economy.

11. The Animal and Plant Health Inspection Service (APHIS) should initiate a NEPA review of their policy on brucellosis-free status. This review would be on a national scale. This suggestion has its basis in the example cited in the DEIS: "Since Montana producers export a majority of their commodity to other states and to international markets, the perception of diseased animals could impede producers from around Montana from marketing livestock. For instance, during the 1996-1997 winter the state of Oregon imposed restriction on the movement of untested livestock from Montana into Oregon."[16] This example supports the need for a national dialogue on this issue.

12. Another supporting reason for an open discussion of the APHIS policy of brucellosis-free status is the level of concern about accepting APHIS' low risk definition of brucellosis transmission among Montana's livestock industry. This is further supported in that APHIS has indicated that this definition will not threaten Montana's brucellosis-free status, yet the level of concern remains. The low risk definition includes bulls, yearlings, calves and cows with their new-borns.

---

[14]National Research Council, Brucellosis in the Greater Yellowstone Area. 1998. 115 pp.

[15]National Research Council, Brucellosis in the Greater Yellowstone Area. 1998. 118 pp.

[16]National Park Service, Draft Environmental Impact Statement For The Interagency Bison Management Plan For The State Of Montana And Yellowstone National Park. 1998. 25 pp.

RESOLUTION NO 110-98-CR

WHEREAS, the Cheyenne River Sioux Tribe of South Dakota is an unincorporated Tribe of Indians, having accepted the provisions of the Act of June 18, 1934 (48 Stat. 984); and

WHEREAS, the Tribe in order to establish its Tribal organization; to conserve its Tribal property; to develop its common resources; and to promote its general welfare of its people, has ordained and established a Constitution and By-Laws; and

WHEREAS, the Yellowstone buffalo herd is the oldest free-roaming herd in the country and the direct descendants of the few survivors of the mass slaughter of the last century; and

WHEREAS, 1,084 Yellowstone buffalo, or one third of the herd, were killed during the winter of 1996-97, and the killing continues in 1998, with the deaths of these buffalo sanctioned by a United States Government plan still in effect; and

WHEREAS, the evidence demonstrates that the buffalo slaughter of the 1990's, just like that of little more than 100 years ago, is politically and not scientifically motivated; and

WHEREAS, the "interim bison management plan" currently in effect has never undergone an Environmental Impact Statement and the Cheyenne River Sioux Tribe has never been consulted on this matter of great cultural importance on a government-to-government basis, as required by Executive Memorandum; and

WHEREAS, there are more reasonable, environmentally sound, socially and culturally acceptable, and cost-effective ways of dealing with brucellosis in the Yellowstone buffalo herd; and

WHEREAS, the release of the draft Environmental Impact Statement on Yellowstone bison management has been delayed for eight years precluding the NEPA process during this time, and permitting instead for annual operating plans to be put into effect without tribal scrutiny; and

WHEREAS, Indian people considering the buffalo sacred have an inherent right and responsibly to protect the buffalo; and tribal nations, including but not limited to, those who define themselves as "buffalo people," consider the individual and herd plight of the Yellowstone buffalo a matter of great importance; and further consider that the buffalo slaughter of the 1990's, like the one of the 1880's has significant negative cultural and social affects on Indian people; now

THEREFORE BE IT RESOLVED, that the Cheyenne River Sioux Tribal Council strongly oppose the killing or confining of Yellowstone buffalo; and hereby requests the cooperation of all involved U.S. Government agencies with this Tribe and with other concerned tribal nations in resolving the conflict in a manner which precludes the disrespectful treatment of buffalo, including the killing or confining of any buffalo, and which provides for free-roaming buffalo both within and outside Yellowstone National Park; and

BE IT FURTHER RESOLVED, that the United States government immediately initiate official consultations with the Cheyenne River Sioux Tribe on this matter per Executive Memorandum, Federal Register, Volume 59, No. 85, page 22951, April 29, 1994 - Government-to-Government relations with Native American tribal government.

14356 contd.

Resolution No. 110-98-CR
Page 2

CERTIFICATION

I, the undersigned, as Secretary of the Cheyenne River Sioux Tribe, certify that the Tribal Council is composed of fifteen (15) members of whom 12, constituting a quorum, were present at a meeting duly and regularly called, noticed, convened and held this 11th day of May, 1998, May Regular Session; and that the foregoing resolution was duly adopted at such meeting by an affirmative vote of 12 for, 0 against, 0 not voting and 3 absent.

Arlene Thompson, Secretary
Cheyenne River Sioux Tribe

TIM JOHNSON
SOUTH DAKOTA

COMMITTEES:
AGRICULTURE, NUTRITION AND FORESTRY
BANKING, HOUSING AND URBAN AFFAIRS
BUDGET
ENERGY AND NATURAL RESOURCES

WASHINGTON OFFICE:
502 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510-4104
202-224-5842

17861

United States Senate

WASHINGTON, DC 20510-4104

RAPID CITY OFFICE:
PO BOX 1098
RAPID CITY, SD 57709
(605) 341-3850

ABERDEEN OFFICE:
PO BOX 1554
ABERDEEN, SD 57402
(605) 226-3440

SIOUX FALLS OFFICE:
PO BOX 1424
SIOUX FALLS, SD 57101
(605) 332-8898

TOLL FREE
1-800-537-0025

October 30, 1998

Sarah Bransom
Interagency Bison Management Plan
DSC-RP
PO Box 25287
Denver, CO 80225-9901

Dear Ms. Bransom:

I am writing to share my views regarding the proposed management plan for the Yellowstone National Park bison herd. I am concerned that the preferred alternative offered by the National Park Service does not sufficiently reflect the input of Native American tribes with respect to migrating Yellowstone bison.

While healthy ecosystems at every National Park are in this nation's best interest, I believe Yellowstone Park poses a number of unique challenges for park managers, foremost among these is the persistence of *brucellosis* in the bison and elk herds, and the threat to livestock in surrounding states posed by this disease.

Like many wildlife enthusiasts and concerned citizens across the country, I was appalled to watch the slaughter of hundreds of Yellowstone bison as they migrated out of the Park throughout the extremely harsh 1996-97 winter. Because South Dakota has not yet achieved *brucellosis*-free status, I am very sympathetic to the need to prevent infection of livestock in states surrounding Yellowstone. Yet the magnitude of the winter bison slaughter raises serious concern over the threat to the viability of the Yellowstone Park bison herd brought about by a combination of successive harsh winters and the current management regime. By following the current course of action, I fear the bison herd will continue to shrink at a precipitous rate. I feel it is important to explore ways to both control the spread of *brucellosis* and better conserve the current herd.

I have repeatedly urged the National Park Service to include representatives from concerned Native American tribes in the development of a Yellowstone bison management plan. The InterTribal Bison Cooperative (ITBC) has worked to integrate environmental sustainability and resource conservation through their efforts to restore bison to Native American tribal lands for economic and cultural renewal. The ITBC, with 47 member tribes in 16 states, is equally committed to protecting the many buffalo herds currently roaming our federal lands.

The ITBC, working with tribes across the country, presented the National Park Service with a proposal for healthy Yellowstone Bison management. This proposal advocates the capture and quarantine of bison migrating out of Yellowstone, with transfer of those bison to tribal and other federal lands once the animals are found to be *brucellosis*-free. The ITBC proposal has the endorsement of the National Wildlife Federation, this nation's largest wildlife advocacy group.

I also support the priority ITBC places on creating a special management area outside the park where buffalo can use public lands to survive harsh winters, preventing the slaughter of animals migrating onto private land while protecting the integrity of the "wild" status of these bison. Congress provided FY 1999 funding for the Department of Interior to acquire key winter range

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17861 contd.

lands adjacent to Yellowstone. I agree with tribes that over-management of this herd has the potential to lead to a degree of domestication of one of our most majestic native wild species. Providing additional protected rangeland for the Yellowstone herd will limit the impact of human management on this nation's largest wild, free-roaming herd

The National Park Service is now presented with a unique opportunity to implement a new *brucellosis* eradication management regime because of the reduced herd size. The time for action is now. I urge you to carefully weigh the input of the InterTribal Bison Cooperative and concerned Native American tribes in your efforts to solve what all would agree has been a most distressing and unnecessary predicament at one of this nation's greatest National Parks.

Thank you for your consideration of my views on this pressing matter. I will continue to closely monitor the development of a management plan for the Yellowstone bison herd, and will work to ensure Congress supports the National Park Service in the successful implementation of this plan.

Sincerely,

Tim Johnson
United States Senate

YELL 9839

State of Alabama
Department of Agriculture and Industries

Richard Beard Building • 1445 Federal Drive • Montgomery, Alabama 36107-1100
Mailing Address: Post Office Box 3336 • Montgomery, Alabama 36109-0336

Jack Thompson
COMMISSIONER

John B. Henderson
ASSISTANT COMMISSIONER

October 26, 1998

Sarah Bransom
Interagency Bison Management Plan
DSC – RP
P O Box 25287
Denver, CO 80225-0287

RE: Draft Environmental Impact Statement For The Interagency Bison Management For The State Of Montana and Yellowstone National Park

Dear Ms. Bransom:

Over $3.5 billion have been invested in eradicating brucellosis from the United States. Today there are only 6 brucellosis affected cattle and domestic bison herds remaining in the United States. Shortly brucellosis affected wildlife in the Greater Yellowstone Area will be the only uncontrolled Brucella abortus infection remaining in this country.

We are concerned that the Draft Environment Impact Statement For The Interagency Bison Management For The State of Montana and Yellowstone National Park did not utilize the impartial science of the National Research Council's final report on Brucellosis in the Greater Yellowstone Area in developing scientifically sound brucellosis eradication alternatives. The proposed brucellosis management alternatives as outlined in the May 1998 DEIS are not an adequate to address this important issue.

Alternative 6 with modifications presents the best workable alternative for dealing with brucellosis in the Yellowstone bison. Alabama supports the modifitive alternative 6 presented in the United States Animal Health Associations comments on the DEIS.

The concept of using Special Management Areas (SMA) to solve the bison problem is not an acceptable approach. The SMA's will result in an even greater population of bison in Yellowstone National Park and simply expand the park boundary exposing more livestock to brucellosis.

Alabama strongly supports the detailed comments on the DEIS submitted by the United States Animal Health Association. A copy of the USAHA comments dated October 6, 1998 is included with these comments.

Thank you for the opportunity to comment on this important issue.

Sincerely,

Jack Thompson, Commissioner
Department of Agriculture and Industries

J. Lee Alley, D.V.M.
State Veterinarian
Director of Animal Industry

For attachment see: Organization Section,
United States Animal Health Association,
YELL-9364

SHELDON R. JONES
Director

YELL-12033

JOE LANE
Associate Director

Arizona Department of Agriculture

1688 West Adams Street, Phoenix, Arizona 85007
ANIMAL SERVICES DIVISION
Office of the State Veterinarian
(602) 542-4293 FAX (602) 542-4290

October 10, 1998

Ms. Sarah Branson
Interagency Bison Management Plan
DC - R
P.O. Box 25287
Denver, CO 80225-0287

Dear Ms. Branson:

This letter is submitted as official comments to the *Draft Environmental Impact Statement* (DEIS) for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park. The proposed alternatives presented in the DEIS are inadequate. Alternative six, with the modifications recommended by the United States Animal Health Association provides the best alternative and should be implemented.

This country is nearing the eradication of brucellosis from cattle. Efforts have been ongoing for more than six decades and more than $3 Billion has been invested by state governments and the federal government, as well as the livestock industry, to bring this costly disease of zoonotic importance to closure. Brucellosis in the Yellowstone National Park is the ONLY remaining uncontrolled focus of Brucella abortus infection in the United States.

Not only is eradication of this disease from the United States important because of the economic impacts on livestock production, but also because this disease is a threat to public health. Having worked closely with Mexico on their brucellosis eradication program, I am intimately aware of the adverse impact on people who are infected with brucellosis. This is a serious zoonotic disease.

Experience in both public and private bison herds has shown that appropriate strategies can, and do eliminate brucellosis. The concept of using Special Management Areas to solve the brucellosis problem in Yellowstone National Park is not an appropriate strategy and is not an acceptable approach. I firmly believe that by incorporating the modifications recommended by the United States Animal Health Association in Alternative six of the DEIS, brucellosis can be eliminated from Yellowstone National Park in a time frame that is acceptable to this country.

Sincerely,

R. D. Willer

R. D. Willer, DVM
State Veterinarian
Arizona Department of Agriculture

c: YNP file

/rw

YELL 9243

STATE OF CALIFORNIA — PETE WILSON, Governor

DEPARTMENT OF FOOD AND AGRICULTURE

1220 N Street, Room A-114
Sacramento, CA 95814
(916) 654-0881

October 14, 1998

Comments on the Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park

California supports the development of a plan to resolve the problem of brucellosis affected wildlife in the Greater Yellowstone National Park Area (GYNPA). However, the Draft Environmental Impact Statement (DEIS), as presented, does not adequately address this serious brucellosis problem. The DEIS does not include adequate information:

- Brucellosis is a serious zoonotic disease and a serious public health threat, and because of the potential to transmit to humans, brucellosis is one of the most regulated diseases of cattle.
- Brucellosis affects wildlife other than the bison, most notably elk, and these are not included in this DEIS.
- Infected wildlife exists throughout the GYNPA, not just the northern portion of the national park (as discussed in the DEIS), and disease must be controlled in the entire GYNPA
- Other states are involved besides Montana.
- Bison should not be relocated from the GYNPA until the entire herd is free of brucellosis because adequate quarantine facilities and testing protocols to ensure that exposed bison are free of infection do not exist.
- The United States (US) livestock industry has worked since 1934 to eradicate brucellosis, and an estimated $3.5 billion has been spent in the National Brucellosis Eradication program. Brucellosis is now almost completely eradicated from cattle.
- The wildlife in GYNPA will soon become the only remaining area where uncontrolled Brucella abortus infection remains in the US.
- The presence of cattle brucellosis in the US severely restricts international and interstate trade.
- The GYNPA management plan that is chosen must include a program to control brucellosis in wildlife that will start immediately.

YELL-9243 contd.

- Brucellosis infection has been controlled in both private and public bison herds, showing that appropriate strategies can eliminate brucellosis from bison.
- The value of disease free bison is not analyzed in the DEIS.

The proposed alternative's presented in the DEIS are inadequate. Alternative 6, with the modifications recommended by the United States Animal Health Association, provides the best alternative and we recommend its implementation.

California supports the comments about the DEIS made by the United States Animal Health Association.

Sincerely,

Richard E. Breitmeyer, DVM, MPVM
Director and State Veterinarian
Animal Health and Food Safety Services

c. John Braly, Executive Vice President, California Cattlemen's Association, Sacramento, CA

For attachment see: Organization Section,
United States Animal Health Association,
YELL-9364

Georgia Department of Agriculture

Capitol Square • Atlanta, Georgia 30334-4201 YELL-9000

Tommy Irvin
Commissioner

October 15, 1998

Ms. Sarah Branson
Interagency Bison Management Plan
DC-R
Post Office Box 25287
Denver, Colorado 80225-0287

Dear Ms. Branson:

As the United States approaches the eradication of brucellosis in bovine herds nationwide, the only remaining uncontrolled Brucella abortus infection lies within the Yellowstone National Park area. The US Park Service has done an exceptional job in managing our national parks and I consider bison a large part of our country's heritage. I am deeply disturbed that the over population of bison is damaging our nation's premier park and threatening the national progress of eradicating bovine brucellosis.

The Special Management Areas concept that is being proposed is not an acceptable approach to solving the bison problem. Proven science based strategies have eliminated brucellosis in cattle and bison herds and should be no less successful in the Yellowstone area.

The proposed alternatives presented in the Draft Environmental Impact Statement (DEIS) are inadequate to eradicate brucellosis and repair the environmental damage. I believe that Alternative 6 with the modifications recommended by the United States Animal Health Associations (USAHA) provides the best alternative and should be implemented. A copy of the USAHA comments is enclosed for your review. The USAHA alternative addresses both the brucellosis infection problem and the over population of bison in the park and will minimize the risk of exposure to our nation's cattle herds.

Your consideration of these comments is appreciated.

Sincerely,

Tommy Irvin

Enclosure

For attachment see: Organization Section,
United States Animal Health Association,
YELL-9364

EQUAL OPPORTUNITY EMPLOYER

YELL-9229

Georgia Department of Agriculture

Capitol Square • Atlanta, Georgia 30334-4201

Tommy Irvin
Commissioner

October 19, 1998

Ms. Sarah Branson
Interagency Bison Management Plan
DC-R
Post Office Box 25287
Denver, Colorado 80225-0287

Dear Ms. Branson:

I consider bison a large part of our country's heritage. The US Park Service has done an exceptional job in managing our national parks and I am deeply concerned that the over population of bison is damaging our nation's premier park and threatening the national progress of eradicating bovine brucellosis. In excess of $3 billion has been spent in this eradication effort. As the United States approaches the eradication of brucellosis in bovine herds nationwide, the only remaining uncontrolled Brucella abortus infection lies within the Yellowstone National Park area.

The Special Management Areas concept that is being proposed is not an acceptable approach to solving the bison problem. Proven science based strategies have eliminated brucellosis in cattle and bison herds and should be successful in the Yellowstone area.

The proposed alternatives presented in the Draft Environmental Impact Statement (DEIS) are inadequate to eradicate brucellosis and repair the environmental damage. I support Alternative 6 with the modifications recommended by the United States Animal Health Associations (USAHA) provides the best alternative and should be implemented. A copy of the USAHA comments is enclosed for your review. The USAHA alternative addresses both the brucellosis infection problem and the over population of bison in the park and will minimize the risk of exposure to our nation's cattle herds.

Your consideration of these comments is appreciated.

Sincerely,

C. Carter Black DVM.

C. Carter Black,III,DVM
Associate State Veterinarian

Enclosure

For attachment see: Organization Section, United States Animal Health Association, YELL-9364

EQUAL OPPORTUNITY EMPLOYER

YELL 11,108

Georgia Department of Agriculture

Capitol Square • Atlanta, Georgia 30334-4201

Tommy Irvin
Commissioner

October 21, 1998

Ms. Sarah Branson
Interagency Bison Management Plan
DC-R
Post Office Box 25287
Denver, Colorado 80225-0287

Dear Ms. Branson:

I am writing you to comment on the management of Yellowstone National Park bison with regards to the eradication of the disease Brucellosis. I have been involved in Georgia's Brucellosis eradication efforts since 1985 as an Animal Disease Eradication Veterinarian for the Georgia Department of Agriculture. I am a "field" veterinarian working on the ground with cattle and bison owners to eliminate Brucellosis from their herd.

Georgia became Brucellosis Free in April 1998. Most of the United States is now free of Brucellosis. To my knowledge, less than 10 cattle herds remain infected in the entire United States. As the nation moves to "Free" status, the well known Brucella infection in Yellowstone National Park's bison becomes a greater threat to the national cattle industry as well as to the health of the Yellowstone National Park's bison herd itself. I feel it is imperative that the National Park Service develops an active program to eliminate Brucellosis from Yellowstone National Park bison. This disease will not go away by itself and it also poses a risk to humans that come in contact with aborted feti and to any neighboring cattle or bison herds in the area.

I think with the use of a new Brucella vaccine, RB51, a program could be developed using serological testing and vaccination to eliminate this disease in a relatively short (5-10 years) period of time. An action program could be implemented that would draw little criticism from the public and would have the support and assistance of the state of Montana and the cattle and bison industries. I believe the key to any management plan is to scientifically establish the carrying capacity for bison within the boundaries of Yellowstone National Park. The Yellowstone National Park population should be maintained at that level. This would reduce the incidence of contact between Yellowstone National Park bison and bison and cattle in areas adjacent to the Park. I appreciate the Park Service's hands-off, natural approach to the management of the Yellowstone National Park resources, but I am afraid that this approach to the bison Brucellosis issue is not going to work. The health and reproductive capacity of the Yellowstone National Park bison herd would greatly benefit from a little intervention with regards to the elimination of Brucellosis from the herd.

EQUAL OPPORTUNITY EMPLOYER

CRANE

YELL-11,108 contd.

Ms. Sarah Branson
October 21, 1998
Page Two

In my interaction with owners of Brucella infected cattle, I have met great resistance from some of them to measures necessary to eliminate the disease from their herds. In each case I feel that these owners would agree that after eradication was completed, their herds were healthier and more productive as a result of ridding Brucellosis from their cattle.

I do not feel the National Park Service will be allowed to maintain a herd of Brucella infected bison when the rest of the United States is free of the disease. I believe an active hands-on approach now will ultimately result in a strong, healthier herd of bison in the Yellowstone National Park. A herd that will represent our national heritage and be a source of pride for the Park Service could be achieved if a proactive test and vaccinate Brucella eradication program were to be implemented now in the Yellowstone National Park bison herd.

Sincerely,

L. Stanley Crane

L. Stanley Crane, D.V.M.
Animal Disease Eradication
Veterinarian

LSC/jpm

Illinois Department of Agriculture

Bureau of Animal Health • P.O. Box 19281 • Springfield, IL 62794-9281 • 217/782-4944 • TDD 217/524-6858 • Fax 217/524-7702

YELL-9446

October 14, 1998

Ms. Sarah Branson
Interagency Bison Management Plan
DC-R
P.O. Box 25287
Denver, CO 80225-0287

Dear Sarah:

I support the United States Animal Health Association's (USAHA) comments to the Environmental Impact Statement for the Interagency Bison Management for Montana and Yellowstone National Park. This nation has spent more than 60 years and $3 billion to eradicate brucellosis in the cattle herds in the United States. The Greater Yellowstone Area (GYA) represents the only uncontrollable B.abortus infection remaining in the United States. It is imperative that we complete this eradication effort. The GYA issue is not only a threat to the livestock industry, but could result in a major financial loss to cattle and bison producers in this country. Brucellosis also poses as a serious public health threat.

Using Special Management Areas (SMA) to solve the bison problem is not an acceptable approach to control and eradicate the disease in the GYA. The proposed alternatives presented in the Draft Environmental Impact Statement (DEIS) are inadequate. In conclusion, the modifications recommended by USAHA to Alternative 6 should be implemented. I therefore, would most appreciate your consideration to this request.

Sincerely,

Richard D. Hull

Richard D. Hull, D.V.M.
State Veterinarian
Bureau of Animal Health

RDH:sb

cc: Dr. J. Lee Alley

YELL-9361

INDIANA STATE BOARD OF ANIMAL HEALTH

Office of the State Veterinarian
805 Beachway Drive, Suite 50
Indianapolis, IN 46224-7785
Phone: 317/227-0300
Fax: 317/227-0330

Frank O'Bannon, Governor
Bret D. Marsh, DVM, State Veterinarian

October 14, 1998

Ms. Sarah Branson
Interagency Bison Management Plan
DC-R
P. O. Box 25287
Denver CO 80225-0287

Dear Ms. Branson,

I recently returned from the United States Animal Health Association(USAHA) meeting in Minneapolis, MN. where the Draft Environmental Impact Statement(DEIS) for the Interagency Bison Management Plan was discussed. The USAHA endorsed a specific set of comments that address the findings in the DEIS, and a copy of the USAHA document is enclosed.

Indiana producers, veterinarians and state and federal animal health officials worked for many decades before we received Brucellosis-free status in August 1992. Our industries are concerned about the continuing threat the Brucelosis-infected bison and elk pose to the nation's cattle herds. Significant progress has been made nationally in the eradication effort, and every effort must be taken to eliminate this disease from the country. It is estimated that the US Brucellosis eradication program in cattle has cost over $3 Billion over the last 60 years, and we must not permit the only unchecked focus of infection to jeopardize our disease status.

In private and public populations of bison, experience has shown that appropriate strategies can eliminate brucellosis. We encourage the application of these principles in the Yellowstone area. The proposed alternatives in the DEIS are inadequate to address this serious public health threat. Alternative 6 with the modifications recommended by the USAHA provides the best alternative and should be implemented. Further, the concept of using Special Management Areas(SMA) to solve the bison problem is not an acceptable approach.

We appreciate the opportunity to comment on the DEIS.

Sincerely,
Bret D. Marsh
Bret D. Marsh, DVM
Indiana State Veterinarian

For attachment see: Organization Section,
United States Animal Health Association,
YELL-9364

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STATE OF KANSAS
KANSAS ANIMAL HEALTH DEPARTMENT
George Teagarden, Livestock Commissioner
708 S Jackson Topeka Kansas 66603-3714
Phone 913/296-2326 FAX 913/296-1765

October 12, 1998

YELL-8455

Sarah Branson
Interagency Bison Management Plan
DC - R
P.O. Box 25287
Denver, CO. 80225-0287

Dear Ms. Branson,

Eradication of bovine brucellosis is coming to closure in the cattle herds of our nation. This effort has taken over sixty years and over 3 billion dollars of taxpayer's money, as well as unknown expense to the livestock producers of the U.S. Yellowstone National Park has the only remaining uncontrolled reservoir of brucella abortus in the United States. To insure that our country becomes truly free of brucellosis, the disease must be eradicated from the bison and elk of the Greater Yellowstone Area.

Brucellosis is a serious health threat to humans, as well as livestock. It would behoove all of us to do everything practical to eradicate the disease. Allowing brucellosis to go unchecked in our wild herds of bison in Yellowstone is not prudent public policy.

Brucellosis can be eliminated from bison. Information is available to support that private herds, as well as public herds, can be "cleaned-up" with appropriate strategies; including vaccination with RB 51 brucella vaccine. The concept of special management areas is not a viable means of controlling the disease, much less of eradication. Allowing exposed, infected animals to range over a greater area will only increase the risk to the cattle herds of the area.

The proposed alternatives presented in the DEIS are inadequate. Alternative 5 is surely the most efficient in regard to disease control and eradication, but I realize that the general public will not let that alternative be used because of the destruction of a large number of bison.

The United States Animal Health Association (USAHA) has developed and endorsed a modification of Alternative 6. I have enclosed comments from USAHA regarding the DEIS and the proposed alternative. I believe that this modification of alternative 6 can effectively control and eradicate brucellosis from the bison of Yellowstone, while satisfying the general public's demand for the least intervention into a "natural" setting.

Thank you for your positive consideration of the USAHA's modification of alternative 6.

Sincerely,
George Teagarden
George Teagarden
Livestock Commissioner

For attachment see: Organization Section,
United States Animal Health Association,
YELL-9364

YELL-9020

BOB ODOM
Commissioner of Agriculture & Forestry

October 15, 1998

Ms. Sara Bransom
Inter Agency Bison Management Plan
DSC/RP
P. O. Box 25287
Denver, CO 80225-0287

Dear Ms. Bransom:

The eradication of brucellosis in the United States cattle and bison populations is near a reality. After years and years of work and millions of dollars in expenditures and lost production this country is on the verge of eradicating this costly disease which is a menace to both human and livestock health.

Nowhere has this task been more difficult than in Louisiana. The climate and terrain coupled with necessary management practices have provided a unique and difficult situation in which to work. However, this state stands on the threshold of eradication and we are very concerned that the sacrifices on the part of our livestock industry will be jeopardized by failure to complete the eradication plans in this country.

Under these circumstances, we support the United States Animal Health Association comments on the Draft Environmental Impact Statement for the Interagency Bison Management Plan for the state of Montana and Yellowstone National Park, dated October 6, 1998. A copy of those comments is attached.

Sincerely,

Bob Odom
Commissioner

Dr. Maxwell Lea, Jr., D.V.M.
State Veterinarian

Attachment

For attachment see: Organization Section,
United States Animal Health Association,
YELL-9364

Louisiana Department of Agriculture & Forestry, P.O. Box 631, Baton Rouge, Louisiana 70821-0631, (504) 922-1234

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STATE OF MICHIGAN

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Deanna Stamp
Jordan B. Tatter

JOHN ENGLER, Governor
DEPARTMENT OF AGRICULTURE
P.O. BOX 30017 • LANSING, MICHIGAN 48909
611 W. OTTAWA • LANSING, MICHIGAN 48933
DAN WYANT, Director

October 12, 1998

Ms. Sarah Bransom
Interagency Bison Management Plan
DC-R
P.O. Box 25287
Denver, Colorado 80225-0287

Dear Ms. Bransom:

The United States is nearing eradication of brucellosis, a potentially serious public health threat, from the nation's cattle herd. This cooperative state, federal, and industry disease eradication program has spanned over 60 years with costs over $3 billion.

The only uncontrolled brucellosis (*B. abortus*) infection in the country is located in the Yellowstone National Park area in the bison herd. This uncontrolled infection poses a real and serious health threat to the livestock in the area and potentially to brucellosis-free states such as Michigan. Our livestock industries have invested greatly in dollars, animal resources, and intrastate and interstate testing requirements to attain this free status. A country free of *B. abortus* infection allows for increased free trade, increased revenues, and decreased risk of human infection.

Experience in both private and public bison herds has shown that appropriate strategies can and will eliminate brucellosis. The draft environmental impact statement for the interagency bison management plan for the State of Montana and Yellowstone National Park and the proposed alternatives contained within the impact statement are not acceptable. The concept of using Special Management Areas to solve the bison brucellosis problem will not accomplish the goal of eliminating brucellosis in an expeditious manner and reducing the risk to an acceptable level both for animal and public health concerns.

http://www.mda.state.mi.us

YELL-10,509 contd.

Ms. Sarah Bransom
Page 2
October 12, 1998

After careful review of this issue and the alternative proposed in the impact statement, I strongly urge you to not adopt the alternatives as written, but to adopt alternative six with the changes suggested by the United States Animal Health Association (USAHA). The USAHA is the most respected livestock animal health national organization in the United States. Several successful animal disease eradication programs, based on sound defendable science with practical implementation strategies, have been developed through the USAHA.

I have enclosed a copy of USAHA's comments on the draft environmental impact statement for the interagency bison management plan for the State of Montana and Yellowstone National Park for your review.

Sincerely,

Harry Michael Chaddock

Harry Michael Chaddock, D.V.M.
Division Director and State Veterinarian
Animal Industry Division

HMC/jyd

For attachment see: Organization Section,
United States Animal Health Association,
YELL-9364

YELL-8993

STATE OF MINNESOTA
BOARD OF ANIMAL HEALTH
119 AGRICULTURE BLDG
90 W. PLATO BLVD.
ST. PAUL, MN 55107
(612) 296-2942 VOICE
(612) 296-7417 FAX

October 15, 1998

Sarah Branson
Interagency Bison Management Plan
DC - R
P.O. Box 2587
Denver, CO 80225-0287

Dear Ms. Branson:

I am writing this letter in support of the United States Animal Health Association's (USAHA) position concerning the Draft Environmental Impact Statement (DEIS) for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park. Specifically I reject the proposed alternatives contained in the DEIS and recommend implementation of alternative six with a number of specific amendments recommended by USAHA.

Minnesota has been free of brucellosis since 1984 and the United States is nearing eradication of this disease from the nations cattle herd. The eradication effort has spanned 60 years and cost over 3 billion dollars. Minnesota cattle producers sacrificed greatly to eradicate this disease in an effort to protect the public health.

The Yellowstone area represents the only uncontrolled Brucella abortus infection remaining in the United States. Experience in both private and public bison herds has shown that appropriate strategies can eliminate brucellosis. The concept of using Special Management Areas to solve the bison problem is not an acceptable approach. As I stated above the proposed alternatives presented in the DEIS are not adequate. Alternative six with the modifications recommended by USAHA provides the best alternative and should be implemented.

Thank you for reviewing my comments.

Sincerely,

Thomas J. Hagerty, DVM
Executive Secretary
Minnesota Board of Animal Health

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BOB MILLER
Governor

CLAUDIA K. CORMIER
Director

Sparks Office:
2150 Frazer Avenue
Sparks, NV 89431-5566
(702) 688-1166
Fax (702) 688-2533

Las Vegas Office:
2300 McLeod Street
Las Vegas, NV 89104-4314
(702) 486-4690
Fax (702) 486-4695

STATE OF NEVADA

DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF AGRICULTURE
350 Capitol Hill Avenue
Reno, Nevada 89502-2992
Telephone (702) 688-1180 • Fax (702) 688-1178

PAUL IVERSON
Administrator

Elko Office:
1351 Elm Street
Elko, NV 89801-3364
(702) 738-8076
Fax (702) 738-2639

Winnemucca Office:
1200 E. Winnemucca Blvd.
Winnemucca, NV 89445-2999
(702) 623-6502
Fax (702) 625-1200

YELL-7526

October 2, 1998

Bison Management Plan EIS Team
National Park Service
Sarah Bransom DSC-RP
PO Box 25287
Denver, CO 80225-9901

As the state agency responsible for livestock health and disease issues, the following are Nevada Division of Agriculture's comments to the ***Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park*** (***PLAN***)

Primary and foremost is the issue of brucellosis. Nevada has been classified brucellosis free since 1990. The time and expense by federal, state and private industry to attain this status has been extensive, and maintenance of that disease free status is paramount.

As the ***PLAN*** so eloquently addresses, the ***Greater Yellowstone Ecosystem*** (***GYE***) is an enormous area. This area encompasses state, private, and federal lands in Wyoming, Idaho, and Montana. Yet the ***PLAN*** fails to address and consider brucellosis eradication from the ***GYE***. None of the alternatives has any provision for incorporating an area wide eradication program into it. Without that provision, there can be no successful achievement of brucellosis eradication from the United States let alone the ***GYE***.

The Nevada Division of Agriculture feels that it is imperative to have brucellosis eradication language incorporated into whichever alternative is accepted. Furthermore, USDA-APHIS-Veterinary Services should be the agency that controls, coordinates, and monitors this eradication effort. This would be in conjunction with affected state, federal and industry groups. This federal agency has the expertise and has no direct interest other than disease eradication. Only in this way can a realistic program function.

Nevada Department of Business & Industry

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(O)-3508

The Nevada Division of Agriculture requests the adopted plan adequately address this issue. Language must be in place delegating responsibility and authority to USDA-APHIS-Veterinary Services. This request is in no way meant to delay adoption or implementation of this ***PLAN***: But to get mechanisms in place to allow brucellosis eradication from the ***GYE***.

Respectfully submitted

David Thain, DVM,
Nevada State Veterinarian

YELL-8791

James A. Graham
Commissioner

North Carolina
Department of Agriculture
and Consumer Services
Veterinary Division

Dr. John K. Atwell
State Veterinarian

October 14, 1998

Ms. Sarah Branson
Interagency Bison Management Plan, DC-R
P.O. Box 25287
Denver, CO 80225-0287

Dear Ms. Branson:

I am commenting on the draft environmental impact statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park.

Brucellosis is a serious zoonotic disease that affects man, cattle, bison, elk and other animals. This nation has been embarked on a great effort to eradicate this disease from the cattle and swine herds in the United States. The goal of complete eradication in the nations' cattle herds is soon to be achieved. Very soon the only location in the United States that will have Brucella abortus in an uncontrolled situation will be the Yellowstone area.

I personally have more than 40 years working for the eradication of brucellosis. The appropriate procedures for eliminating the disease from both cattle and bison herds is well known. If the proper strategies are used, brucellosis can be eliminated from the Yellowstone area. With the years of effort, sacrifice and money expended to remove this zoonotic threat to humans and cattle, removal of the Yellowstone foci is the only acceptable alternative.

I have carefully reviewed the comments by the United States Animal Health Association (USAHA) and believe their comments are correct. Alternative number 6 with the changes recommended by the USAHA is appropriate. Attached.

Post Office Box 26026, Raleigh, North Carolina, 27611 - (919) 733-7601

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I strongly recommend that alternative 6 with USAHA modifications be adopted and implemented.

Sincerely,

John K. Atwell
State Veterinarian

JKA/gp
Attachment
Cc: Mr. W. B. Denny
Mr. M. A. Mixson

For attachment see: Organization Section,
United States Animal Health Association,
YELL-9364

Roger Johnson
COMMISSIONER OF AGRICULTURE

Larry Schuler
STATE VETERINARIAN

Susan Keller
DEPUTY STATE VETERINARIAN

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COMMERCIAL CATTLE

Mark Lewis, Lisbon
SECRETARY
VETERINARIAN

BOARD OF ANIMAL HEALTH
Department of Agriculture
State of North Dakota
600 E. Boulevard Ave. Dept. 602
Bismarck, ND 58505-0020
(701) 328-2654
FAX (701) 328-4567

Steve Yost, Dickinson
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Charlie Stoltenow, Fargo
CONSULTING VETERINARIAN

YELL-8440

October 12, 1998

Sarah Branson
Interagency Bison Management Plan
DC-R
Post Office Box 25287
Denver, Colorado 80225-0287

Dear Ms. Branson:

The North Dakota Board of Animal Health has been watching the actions of the Greater Yellowstone Interagency Brucellosis Committee (GYIBC) closely. Because we share a border with Montana there is a large movement of cattle back and forth between the two states. We are concerned about the possibility of importing brucellosis-infected cattle as a result of spread out of the Yellowstone area.

The United States is nearing the end of its eradication effort. We are scheduled to be declared brucellosis free by the end of this year. That will leave the Greater Yellowstone Area as the only nidus of brucellosis infection remaining in the United States. The eradication program has been a long and costly program. It would indeed be a shame to not finish the program. It is not only a program designed for the livestock industry. It was initially instituted because brucellosis is a zoonotic disease. In man *Brucella sp.* produces the disease known as undulant fever. The acute disease produces periodic temperature spikes to 105° F. In a chronic case it produces a severe and debilitating arthritis.

I urge you to take aggressive action to control and eradicate brucellosis from the Yellowstone bison and elk herds. To that end I support the USAHA comments on the Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park with one change. There appears to be some contradiction between statements made on Page 9, #18 referring to the movement of bison out of Yellowstone as a result of population size

and availability of feed and statements made on page 4, #3 and page 22, #a. which refer to the movement of bison out of the park due to population size. Population size is noted as being the overwhelmingly significant variable controlling movement of bison out of Yellowstone. I agree with the National Academy of Science report that says population size is the reason why bison move out of the Park.

The North Dakota Board of Animal Health is watching the situation in Yellowstone very closely. If there is any indication that brucellosis is extending beyond the Park boundaries, I am sure that the North Dakota Board of Animal Health will take whatever action it deems necessary to protect the livestock population of this state.

Thank you for your consideration.

Sincerely,

Larry A. Schuler, DVM
State Veterinarian

LAS:tlc

Enclosure: USAHA Comments

For attachment see: Organization Section,
United States Animal Health Association,
YELL-9364

Oregon
John A. Kitzhaber, M.D., Governor

Department of Agriculture
Mailing address:
635 Capitol Street NE
Salem, OR 97310-0110

Location address:
3420 Cherry Ave NE

October 20, 1998

Sarah Branson
Interagency Bison Management Plan
DC-R
P.O. Box 25287
Denver, Colorado 80255-0287

Comments on the Draft Environmental Impact Statement - Bison Management Plan

Dear Ms. Branson;

Many thanks for the opportunity to make comment on the Draft Environmental Impact Statement (DEIS) for the Interagency Bison Management Plan of the Yellowstone National Park (YNP) bison herd. I appreciate being able to indicate to you my views as State Veterinarian of Oregon which, I believe, also reflect the concerns of livestock producers in our state.

As a general premise, any approach to the YNP bison situation which does not deal directly and decisively with the twin problems of brucellosis control and population control is unacceptable. To continue stumbling from one non-solution to the next, negotiating around the edges of the problems rather than dealing with them directly, does not make sense for management of the YNP bison herd. Additionally, suggestions for the de facto increase in the area of YNP via the use of "Special Management Areas" (SMAs) without controlling both brucellosis and population first is counterproductive, antithetical to what is truly needed, and should not be under consideration.

Conversely, a plan which identifies and deals with brucellosis positive animals, provides for continued disease control and areas wherein proven negative animals can be safely harbored, and manages the population to match the carrying capacity of available range lands within YNP is to be applauded, embraced, and supported. Such a plan could surely include SMAs after - but only after - the total population is proven disease free.

It is a great irony that all the tools and techniques needed for decisive control of the brucellosis infection are available. The single outstanding problem is the will by the National Park Service (NPS) to do so. We know how to deal with brucellosis and we have had extensive experience - billions of dollars, millions of work hours, and 60 years worth of experience - and are presently within less than 10 cattle herds of nationwide eradication. We now have RB51 vaccine, the efficacy and safety of which is being continuously proven and which is an invaluable tool for this exercise. Techniques for sample collection, laboratory testing, handling and identification of animals - all are well known and not problematic. How to exercise disease control is not a question. Desire by NPS to do so continues to be.

Allowing the Yellowstone bison herd to be an ongoing reservoir for a disease of enormous economic significance in addition to its public health risks is abhorrent to animal health professionals across the nation. It is likewise a thorn in the side of beef cattle producers and dairymen throughout America whose livelihoods are threatened by the continued existence of the disease and its potential for spread to other places via cattle exposed to the bison. Oregon livestock producers have been involved with control of brucellosis for many decades. Terrible economic destruction has been wreaked on our industries over that time, but we are now free of the disease and intend to stay that way. Beef ranchers and dairymen alike have very strong sensibilities about this issue and any potential threat of recurrence is taken with greatest seriousness. The continued existance of brucellosis in Yellowstone bison represents an ongoing threat of exposure to our cattle industries and must be stopped.

In consideration of the various alternatives put forth in the DEIS, any plan which calls for widespread creation of "Special Management Areas" (SMAs) is not acceptable. This approach would only serve to increase the size of the park, enhance more bison population expansion, and increase the potential for livestock exposure to brucellosis. SMAs cannot be considered until significant advances have been made in both disease and population control.

In my understanding of the alternatives, number 5 is the most aggressive in terms of disease control. In addition to controlling brucellosis, this plan would result in rapid population reduction and a good start on proper management in that regard. A program of test, slaughter, and vaccination would be the quickest, surest, and most effective approach. It would also be far and away the most efficient in terms of stress to the animals, time, energy, and cost. Precedents have been set in both cattle and bison herds for this approach and it is proven workable. And again, to stumble from one non-solution to the next and prolong the conclusion of the situation for years and years to come is counterproductive in all respects.

14,362 contd.

I understand, though, the obstacles to such an aggressive approach in terms of public reaction to destruction of large numbers of animals. Perhaps alternative 6 could be made workable although in its proposed form it is insufficiently aggressive, I am opposed to significant use of SMAs, and I would find it much more palatable if the phases were reversed.

However, knowledgeable and experienced veterinarians in the United States Animal Health Association (USAHA), of which I am a member, have addressed several of the problematic areas of Alternative 6 and suggested modifications which make it an acceptable plan. Please see the attachment for those suggestions, and below my own comments:

1. If Alternative 6 is to be retained in its present format of vaccination as Phase 1 and capture/test/removal as Phase 2, the vaccination phase should be shortened from ten years to five years of aggressive and comprehensive vaccination. For maximum efficacy of the program, capture of the animals and vaccination in handling facilities rather than by "remote means" is necessary for proper vaccine administration, identification of vaccinated animals, and assurance that all eligible animals are done. This would also allow for comprehensive blood sampling to monitor the progress of the program.

2. All indications are that RB51 vaccine is safe and efficacious. Vaccination with RB51 should be initiated immediately in all classes of animals designated as eligible.

3. Locations for capture facilities must be determined immediately and construction begun so that the program can be initiated at the earliest possible moment.

4. Overpopulation of bison in YNP must be addressed realistically. Without population control the entire situation again sinks into a morass. Range management studies by uninterested third party specialists are required for scientific objectivity. All those involved can then agree to a plan for balancing range resources and bison population based on scientifically supportable evaluation of carrying capacity.

5. No bison must be allowed outside of the YNP and responsibility for keeping them inside park boundaries must rest squarely with the National Park Service. No neighboring state should be required to expend resources for control of the YNP overpopulation of bison, and no private livestock producer should be subjected to brucellosis exposure from uncontrolled bison migrations due to that overpopulation.

6. Any plan which presupposes changes in state or federal laws to make it workable is inherently flawed. My understanding of the USAHA amended Alternative 6 is that such changes are not needed and the plan can be immediately initiated.

7. The one small SMA (Little Trail Creek/Eagle Creek Area) included in the USAHA amended Alternative 6 can be accepted in light of its prior designation as a wildlife habitat area.

To conclude, I will endorse the USAHA amendments to Alternative 6. I will also support adoption of the USAHA Recommended Alternative 6 as the preferred alternative and operative plan for control of brucellosis and bison population management in the Yellowstone National Park bison herd.

Again, many thanks for the opportunity to express my thoughts and concerns. If there is any way in which I can be of assistance, please contact me.

for Gaylynn M. Hallberg DVM

Andrew A. Clark, State Veterinarian
Animal Health & Identification Division
phone 503-986-4680 fax 503-986-4734

cc. The Oregon Cattlemen's Association
The Oregon Dairy Farmers Association
Mr. Bruce Babbitt, Secretary, US Department of the Interior
Mr. Mike Dombeck, Chief, USForest Service
Mr. Roger Kennedy, Director, National Park Service
Mr. Craig Reed, Administrator, USDA/APHIS
Mr. Bob Smith, Chairman, House Agriculture Committee
Mr. Richard Lugar, Chariman, Senate Agriculture Committee
Oregon Congressional Delegation
Dr. Valerie Ragan, National Brucellosis Epidemiologist
Dr. J. Lee Alley, Chairman Brucellosis Committee, USAHA

For attachment see: Organization Section,
United States Animal Health Association,
YELL-9364

YELL-9102

SD ANIMAL INDUSTRY BOARD
411 South Fort Street
Pierre, South Dakota 57501-4503
Phone: (605) 773-3321
Fax: (605) 773-5459

October 13, 1998

To: Sarah Branson
Interagency Bison Management Plan
DC-R
P O Box 25287
Denver, CO 80225-0287

From: Sam Holland, DVM
SDH S D State Veterinarian

Re: Comments on Draft EIS for the Interagency Bison management plan for the State of Montana and Yellowstone Park.

A. I have reviewed USAHA comments and am in basic agreement with those comments supporting an amended form of alternative number six.

B. I have had personal experience with Brucellosis in a number of infected bison herds and have observed such herds both privately owned and in State and National Parks undergo very effective and practical cleanup methods. This experience has always led me back to the basic in dealing with a bacterial infection of animals that is transmittable to other animals and man. Keeping basic science principles in the forefront is vital to eliminating the agent from the host. Using basic science and sound judgment applies equally well to bison as it does to cattle. Using these principles has allowed numerous bison herds to be ridded of this disease while not decimating the herd or gene pool.

C. Having personally experienced the dreadly disease undulant fever which I contracted from livestock, it seems unfortunately negligent to take an unresponsible approach towards protecting the health of people exposed to this infected herd at all levels.

D. It is obvious that the parties charged with resolving Yellowstone's Brucellosis problem has grown over the years to the point where actions have become to burdensome to be effective or timely. It seems that appointing a "Czar-like" leader for this project with broad knowledge of Brucellosis is imperative to making progress.

YELL-9317

TEXAS ANIMAL HEALTH COMMISSION
"SERVING TEXAS SINCE 1893"

P. O. Box 12966
Austin, Texas 78711-2966

2105 Kramer Lane
Austin, Texas 78758

Phone: (512)719-0700
Fax: (512)719-0719

Terry Beals, DVM
Executive Director ✓

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October 13, 1998

Ms. Sarah Branson
Interagency Bison Management Plan
DC-R
P.O. Box 25287
Denver, Co 80225-0287

RE: COMMENTS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT(DEIS) FOR THE INTERAGENCY BISON MGMT. PLAN FOR THE STATE OF MONTANA AND YELLOWSTONE NAT'L PARK.....

Dear Ms. Branson:

The Texas Animal Health Commission is the agency responsible for animal health in the state with the largest cattle population in the country. Also, we will almost certainly be the last state in the U.S. to finish eradication of B. abortus, excepting the languishing situation in the bison of Yellowstone National Park. Literally, careers in regulatory veterinary medicine have been started and finished working on the control and eradication of this **serious zoonotic disease that also caused great production losses in both beef and dairy until the latter part of this century.**

With the known infected herds now numbering only in single digits, success is in sight for Texas. When we have successfully identified and eliminated the last cases of B. abortus there will be a strong commitment to protect this hard won achievement. Trade with states that are at continual risk of transmission from infected bison to cattle that could then move in trade channels and into Texas can be expected to be carried on with significant mitigating restrictions.

The brucellosis eradication program can best be described as having been a "small war" in our state. Under threat of a federal embargo in the late 1970's, the

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YELL-9317 contd.

Governor had to call a special session of the Texas legislature to bring the State program into line statutorily with the national Uniform Methods & Rules. Nationally, 60 years and three billion state and federal tax dollars have been required to reach this point-so near to final and complete eradication. This figure in no way includes the cost incurred by the producers nor the losses suffered.

I do not want to seem presumptuous, but from my naive perspective it raises a question in my mind as to why the "National Park Service" continues to allow the population of bison to exceed the known required levels of forage available within the park. It seems to follow that overconcentration and lack of any population management would predispose the bison to transmission and clinical disease-only one of which would be brucellosis.

This agency endorses Alternative six of the DEIS with the modifications suggested by the United States Animal Health Association(USAHA) and supported by several other national organizations including the National Cattlemen's Association, American Veterinary Medical Association, and others. Please find attached a copy of the 28 page comment prepared and also submitted by the USAHA which offers modifications to Alternative 6 of the DEIS as a course of action that can be successful and at the same time acceptable to all affected entities.

Respectfully,

Terry Beals

Terry Beals, DVM-MPVM
State Veterinarian

cc: TAHC Commissioners

For attachment see: Organization Section, United States Animal Health Association, YELL-9364

Oral testimony provided at the Syndham Hotel, 215 West South Temple, Salt Lake City, UT on September 3, 1998.

Comment No. 14887
Dr. Michael R. Marshall, State Veterinarian
State of Utah

My name is Michael R. Marshall. I am the State Veterinarian for Utah and also the Director of the Division of Animal Industry within the Utah Department of Agriculture and Food. I am a past president of the United States Animal Health Association, a past president of the National Assembly of Chief Livestock Health Officials in the United States, a past president of the Western States Livestock Health Association.

I would like to emphasize the importance of the United States being an active partner in the worldwide animal health system. The United States is currently involved heavily with the Office of International Epizootics or OIE in Paris, France. This organization sets worldwide movement standards and proper testing methods that conform to each individual disease in the world.

The United States is almost brucellosis free in livestock populations. There only remain four states on the countdown list, which will be free in less than one year, and one additional state, which only has 8 infected cattle herds. United States livestock owners and government agencies have worked diligently for 70 years to eradicate brucellosis from the United States. We would fully expect that the U.S. Department of the Interior, likewise, would work vigorously to eradicate this disease from Yellowstone Park.

On behalf the state veterinarian State of Utah, we heartily endorse Alternative number 5 on the action plan. However, we also recognize many other issues concerning the total ecosystem must be evaluated. Because of this, we also would endorse Alternative number 6 with some modifications. We will be listing those total modifications in written form through the United States Animal Health Association before the October 16th deadline.

Some people espouse the concept of "let nature do its own thing." In the name of animal health and well being, we should never allow bison or cattle to live with constant infections of metritis, abortions, vaginal infections, weight loss and general feeling of inappetance. Calves which are born alive from these mothers usually have decreased birth weights, greater susceptibility to other diseases, poor doers, and have the potential of spreading the disease later on in life through the heifer syndrome.

I have heard some say there is no proof that brucellosis in bison can be transmitted to cattle. On the contrary, several research projects around the country have shown this to occur. The burcella abortus field strain bacteria is identical in both species, and with proper avenues of infections the disease is transmissible. This concept of non-transmission between species is akin to saying, "I can smell a skunk in the back yard, but since I can't see him, he must not exist." We know that brucellosis is transmissible to humans, too.

14887 contd.

Utah owns a state park with 700 bison on Antelope Island in the Great Salt Lake. The herd is energetically managed with Utah Parks and Recreation, natural resources, the state veterinarian's office, as well as many other cooperating agencies and private groups. The herd is vaccinated for brucellosis, as well as many other manageable diseases. Utah takes great pride in the health and well being of these animals, which we feel have proper nutrition, proper animal husbandry and pleasant environment in which to live.

It is deplorable to me to think that anyone would allow disease to run rampant in a herd of animals in this day and age. We do not live 200 years ago, and we must be part of the overall system in today's world. We encourage the Department of the Interior to use viable ways of controlling disease in our animals, whether they are privately owned or government owned animals.

In summary, we support the following objectives: One, clean up brucellosis in bison in Yellowstone Park. Two, accomplish this within the current boundaries of the park. Three, population objectives should be achieved that are not arbitrary and capricious. Four, do not take current public grazing to form special management areas. Work in conjunction with other interested groups to protect the total ecosystem of the park, including other wildlife, fish and avian species and of course, plant and other biological systems. Thank you for the opportunity to address the group.

State of Utah
DEPARTMENT OF AGRICULTURE & FOOD

Michael O. Leavitt
Governor
Cary G. Peterson
Commissioner
Van Burgess
Deputy Commissioner

350 North Redwood Road
P.O. Box 146500
Salt Lake City, Utah 84114-6500
(801) 538-7100
(801) 538-7126 FAX

YELL-15781

September 3, 1998

Bison Management Plan EIS Team
National Park Service
PO Box 25287
Denver, CO 80225-0287

Ladies & Gentlemen:

My name is Michael R. Marshall. I am the state Veterinarian for Utah and also the Director of the Division of Animal Industry within the Utah Department of Agriculture and Food. I am a past president of the United States Animal Health Association; a past president of the National Assembly of Chief Livestock Health Officials in the United States; a past president of Western States Livestock Health Association.

I would like to emphasize the importance of the United States being an active partner in the world wide animal health system. The US is currently involved heavily with the Office of International Epizootics (OIE) Paris, France. This organization sets world wide movement standards, and proper testing methods which conform to each individual disease in the world. The United States is almost brucellosis free in livestock populations. There only remain four states on the count down list which will be free in less than one year; and one additional state which only has eight infected cattle herds. US livestock owners and government agencies have worked diligently for 70 years to eradicate brucellosis from the United States. We would fully expect that the US Department of the Interior likewise step up to the plate and work vigorously to eradicate this disease from Yellowstone Park.

On behalf the state of Utah, we heartedly endorse 'alternative number five' on the action plan. However, we also recognize many other issues concerning the total ecosystem must be evaluated. Because of this, we also would endorse alternative number six with some modifications. We will be listing those total modifications in written form through the United States Animal Health Association before the October 16th deadline.

I would like to address the issue of special management areas. Utah is opposed to expanding Yellowstone Park through special management areas for the buffalo. This would allow a greater potential reservoir of infection. We believe the bison should be contained within the existing park boundaries and cooperatively work through any effective eradication program. Population objectives should be agreed upon by all involved parties. These objectives should not be arbitrary and decided only by park management. The special management areas would probably require a decrease in public grazing allotments in certain areas. Utah believes this is wrong. Our forefathers who settled the West, negotiated with the federal government for the permits on those allotments. Proper grazing and range management is essential for the overall well being of the ecosystem. Our families have traded water, land and other grazing rights to establish these grazing allotments. We do not believe that the federal government should retract promises of the past in order to expand boundaries of Yellowstone Park through SMA's.

Some people espouse the concept of let nature do its own thing. In the name of animal health and well being, we should never allow bison or cattle to live with constant infections of metritis, abortions, vaginal infections, weight loss, and a general feeling of inappetance. Calves which are born alive from these mothers, usually have decreased birth weights, greater susceptibility to other diseases, poor doers, and have the potential of spreading the disease later on in life through the 'heifer syndrome.'

Renee Matsuura, Adm. Services | Michael R. Marshall, Animal Industry | David H. Clark, Chemistry Labs | Randy Parker, Marketing/Conservation | G. Richard Wilson, Plant Industry | Kyle Stephens, Regulatory Services

YELL-15781

Bison Management Plan EIS Team
September 3, 1998
Page Two (2)

I have heard some say there is no proof that brucellosis in bison can be transmitted to cattle. On the contrary; several research projects around the country have shown this to occur. The Burcella abortus field strain bacteria is identical in both species and with proper avenues of infections the disease is transmissible. This concept of non-transmission between species is akin to saying 'I can smell a skunk in the back yard, but since I can't see him he must not exist. We know that brucellosis is transmissible to humans too!

Utah owns a State Park with 700 bison on Antelope Island in the Great Salt Lake. The herd is energetically managed through Utah Parks and Recreation, Natural Resources, the State Veterinarians office, as well as many other cooperating agencies and private groups. The herd is vaccinated for brucellosis as well as many other manageable diseases. Utah takes great pride in the health and well being of these animals which we feel have proper nutrition, proper animal husbandry, and pleasant environment in which to live It is deplorable to me to think that anyone would allow disease to run ramped in herd of animals in this day and age. We do not live 200 years ago, and we must be part of the overall system in today's world. We encourage the Department of the Interior to use viable ways of controlling disease in our animals; whether they be privately owned or government owned animals.

In summary we support the following objectives:

1. Clean up brucellosis in bison in Yellowstone Park.
2. Accomplish this within the current boundaries of the park.
3. Population objectives should be achieved that are not arbitrary and capricious.
4. Do not take current public grazing to form special management areas. Work in conjunction with other interest groups to protect the total ecosystem of the park including other wildlife, fish and avian species and of course plant and other biological systems.

Thank you for the opportunity to address the group.

Sincerely,
Michael R. Marshall DVM

Michael R. Marshall DVM
State Veterinarian-Utah
Director Division of Animal Industry

YELL 7485

STATE OF VERMONT

DEPARTMENT OF AGRICULTURE, FOOD & MARKETS

Animal Health Section
Dr. Samuel Hutchins III, State Veterinarian
Telephone: (802) 828-2421 Fax: (802) 828-5983

October 13, 1998

Bison Management Plan EIS Team
National Park Service
Sarah Bransom DSC-RP
12795 W Alameda Parkway
PO Box 25287
Denver CO 80225-0287

Dear Ms. Bransom:

I have reviewed the executive summary for the Draft Environmental Impact Statement (DEIS) for the Interagency Bison Management Plan for the state of Montana and Yellowstone National Park and submit the following comments.

* The DEIS only recognizes the health risk to individuals involved in the bison management plan. The DEIS does not evaluate the direct risks from contact with aborted fetuses, infected placenta and contaminated ground or water for anyone who travels through the bisons range. Nor has the DEIS evaluated the indirect risk of exposure to brucellosis from scavengers such as coyotes and bears that feed on infected fetuses or placentas or from exposure to cattle, bison or elk should brucellosis spread from the containment area.

* The DEIS does not evaluate the impact of the elk infected with brucellosis that share the same range as the bison. The DEIS does not discuss the need to address brucellosis in elk if eradication of brucellosis in bison is a goal.

* The DEIS does not access the impact of brucellosis infection on the gene pool of the national bison herd. The DEIS assesses the number of bison for each alternative but does not discuss the quality of that herd including the effect of abortions or infertility in bulls due to brucellosis. Surplus bison in Yellowstone National Park could become seed stock for herds across the US if brucellosis was eliminated from the park.

SEAL OF QUALITY Vermont DEPT. OF AGRICULTURE

116 STATE STREET
DRAWER 20
MONTPELIER, VT 05620-2901

YELL-7485 contd.

Page 2.

* The DEIS does not acknowledge the risk of spread of brucellosis into cattle outside the state of Montana. The risk is minimal with current awareness of the brucellosis eradication program in cattle. As brucellosis eradication in cattle is accomplished surveillance systems will tend to become complacent and the risk for spread of brucellosis from the bison in Yellowstone National Park to cattle in Montana and outside Montana will increase unless brucellosis is also eradicated within the park. Free movement of cattle between states and internationally would be affected if brucellosis spreads to cattle herds.

I have reviewed the United States Animal Health Association, (USAHA) comments on the Draft Environmental Impact Statement for the Interagency Bison Management Plan for the state of Montana and Yellowstone National Park. I support these comments including the statement that none of the proposed alternatives are acceptable as written. I recommend alternative 6 with alterations as proposed by the USAHA as the preferred alternative of the seven alternatives included in the DEIS.

Sincerely,

Samuel Hutchins 3rd
State Veterinarian

cc: Senator Patrick Leahy
Senator James Jeffords
Congressman Bernard Sanders

enclosure: United States Animal Health Association comments on Draft Environmental Impact Statement for the Interagency Bison Management Plan for the state of Montana and Yellowstone National Park

For attachment see: Organization Section,
United States Animal Health Association,
YELL-9364

YELL-10,399

STATE OF WASHINGTON

DEPARTMENT OF AGRICULTURE

P.O. Box 42560 • Olympia, Washington 98504-2560 • (360) 902-1800

October 12, 1998

Sarah Branson
Interagency Bison Management Plan
DC – R
P.O. Box 25287
Denver, CO 80225-0287

Subject: Comments on Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park.

Dear Ms. Branson:

It is obvious that the Draft Environmental Impact Statement (DEIS) has been written with an agenda in mind to not address the seriousness of the fact that the Yellowstone bison are infected with the disease Brucellosis. The Department of Interior's request to the National Academy of Science for a scientific report on Brucellosis has been virtually ignored in the formulation of the seven alternatives. None of the alternatives will eradicate Brucellosis from the Yellowstone herd or be acceptable to the public. I believe that this is calculated by the writers of the DEIS so that alternative 1 (status quo) will be the fall back position while another long drawn out rewrite of the DEIS takes place.

The U.S. is nearing eradication of Brucellosis from the nation's cattle herd. This effort has taken 60 years and over $3 billion. Yellowstone area represents the only uncontrolled *B. abortus* infection remaining in the U.S. Brucellosis is a serious public health threat and a serious zoonotic disease. Experience in both private and public bison herds has shown that appropriate strategies can eliminate Brucellosis. The concept of Special Management Areas (SMA) to solve the bison problem is not an acceptable approach. SMA merely move the problems deeper into surrounding states. The proposed alternatives presented in the DEIS are all inadequate and inappropriate. Alternative 6 with the modifications recommended by the United States Animal Health Association provides the best alternative and should be implemented.

If any alternatives other than alternatives 5 or 6 (modified) are implemented it will be obvious that the Department of Interior is not going to seriously address the Brucellosis problems in the Yellowstone bison and will continue to put surrounding states at risk. With some alternatives there is even an increased risk. If that is the case, Washington state's animal health program will have no option but to restrict the movement of Montana cattle into our state. The State Veterinarian has that authority in rule to require Brucellosis testing from any Brucellosis free state if there is a risk of Brucellosis to the cattle populations of Washington State.

Sincerely,

Robert W. Mead, DVM
State Veterinarian

Attachment

For attachment see: Organization Section,
United States Animal Health Association,
YELL-9364

State of Wisconsin
Tommy G. Thompson, Governor

Department of Agriculture, Trade and Consumer Protection
Ben Brancel, Secretary

YELL-11,531

October 12, 1998

Bison Management Plan EIS Team
National Park Service - Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

The management of bison in the Montana/Yellowstone area of the Greater Yellowstone Area as proposed in the preferred alternative represents a solution that will continue to generate controversy and perpetuate the associated problems for many years to come. Rather than perpetuating divisive philosophies, a solution must be found that integrates rather than polarizes. Alternative seven segregates preservationists inside the park and utilitarians outside the park. Both factions need to find middle ground and a proposed solution that uses primarily six with modifications does approach a more moderate solution. This long term solution provides reduced risk of brucellosis to cattle, maintains adequate numbers of bison and elk within the GYA, will eliminate brucellosis from wildlife and will allow for free movement of non-infected wildlife and livestock. Best of all, this solution ends after a period of time because it's intent is to solve the problem and not perpetuate it. **Alternative six with the modifications as described in the USAHA recommended alternative as described in the USAHA comments should be pursued.**

With the United States nearing eradication of brucellosis in livestock, increased pressure will be applied by animal health authorities and the livestock industry to eliminate any reservoir of the disease in the United States. There will be a decreasing tolerance of risk associated with brucellosis and a demand that the federal agencies live by the same standards imposed upon the private sector for disease eradication. **Special management areas and redefining low risk bison will increase risk and will not be acceptable by state animal health authorities.**

The EIS minimizes the zoonotic potential of brucellosis when the disease was eliminated for precisely that reason. Veterinarians, livestock producers, and slaughter personnel, will continue to be exposed to brucellosis as long as it remains endemic in the United States. Medical doctors many times fail to recognize brucellosis because of unfamiliarity with the disease and it allowed to become chronic before diagnosis is made. When chronic, antibiotics are not as effective and patients struggle for many years with the disease.

It is difficult to understand the reluctance to eliminate brucellosis from YNP when the disease has been eliminated from other state and federal parks using vaccination, testing and habitat management. Experience and research has shown that this disease remarkable similar in bison and elk and cattle. There are currently known strategies that will eliminate the disease from this ecosystem without killing large numbers of animals. The vaccine has been proven to be safe, does not shed, is not detrimental to non-target species. Efficacy of vaccines could remain as a question as long as it is not used but as in human use, efficacy can be proven with use. **There is no reason that RB51 cannot be used immediately on bison calves and very soon on adults.**

The Wisconsin Department of Agriculture, Trade and Consumer Protection, Animal Health Division fully endorses the United States Animal Health Association's comments on the EIS dated October 6, 1998. A copy is enclosed for your review.

Thank you for being able to participate.

Sincerely,

Clarence J. Siroky, DVM
Administrator and State Veterinarian
Division of Animal Health

For attachment see: Organization Section, United States Animal Health Association, YELL-9364

2811 Agriculture Drive, Madison, WI 53718-6777 • PO Box 8911, Madison, WI 53708-8911 • 608-224-5012 • Fax: 608-224-5045

DIVISION DIRECTOR
Karyl Denison Robb, Ph. D.

WYOMING

YELL-8778

DIVISION OF CULTURAL RESOURCES

State Historic Preservation Office
Barrett Building
2301 Central Ave.
Cheyenne, WY 82002
(307) 777-7697
FAX (307) 777-6421

September 30, 1998

Bison Management Plan EIS Team
National Park Service - Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

RE: Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park; SHPO #0998KLK076

Dear Ms. Bransom:

Staff of the Wyoming State Historic Preservation Office have reviewed the above referenced document as it pertains to cultural resources and historic preservation compliance issues in Yellowstone National Park. Thank you for allowing us the opportunity to comment.

The Management Plan appears to adequately consider cultural resources and the potential effects to historic properties from the various alternatives. The historical background discussions are particularly comprehensive, informative, and well-written. We look forward to reviewing the comments of Native American tribes which will be incorporated into the final document. Further comments on specific project's effects on cultural resource sites within the state of Wyoming will be provided to Yellowstone National Park when we receive cultural resource documentation called for in 36 CFR Part 800.

Sincerely,

Judy K. Wolf
Deputy State Historic Preservation Officer
for
John T. Keck
State Historic Preservation Officer

THE STATE OF WYOMING
Jim Geringer, *Governor*

DEPARTMENT OF COMMERCE
Gene Bryan, *Director*

WYOMING
GAME AND FISH DEPARTMENT

Jim Geringer, *Governor* — John Baughman, *Director*

YELL-9268

October 2, 1998

WER 6194.01
National Park Service
Draft Environmental Impact Statement
Interagency Bison Management Plan for the
State of Montana and Yellowstone National
Park

Sarah Bransom DSC-RP
Bison Management Plan EIS Team
National Park Service
P.O. Box 25287
Denver, CO 80225-0287

Dear Ms. Bransom:

The staff of the Wyoming Game and Fish Department has reviewed the Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park. We offer the following comments for your consideration.

The Department supports the preferred alternative (number seven) because it comes closest to allowing the natural movements of bison and their use of public lands outside of Yellowstone. This alternative controls contact between cattle and bison (temporally and spatially), and, very importantly, identifies a population range as a management goal. By managing the Yellowstone bison herd for a specific population size, future movements and number of bison moving outside the Park will be more predictable and manageable.

Opponents (The Citizen's Plan) feel the preferred alternative is not doing enough to maintain a wild, free roaming herd, and places too much emphasis on removal of bison to maintain a population target. The Department feels that, of the alternatives presented, the preferred alternative allows free roaming opportunity until the brucellosis issue is resolved, other public lands can be used for habitat, or large areas of privately owned winter range can be purchased.

A suggestion for further consideration in this plan would be working toward expanding the area over which bison are allowed to roam on public and private lands outside Yellowstone National Park during the winter. The extent that bison are allowed to use public land or private land designated as wildlife habitat and the time these animals

Headquarters: 5400 Bishop Boulevard, Cheyenne, WY 82006-0001
FAX (307) 777-4610

are allowed to exist on these lands is currently tied to a risk management plan that is very conservative. As with the Northern Yellowstone elk herd, much of the historic crucial winter range for bison lies outside the Park. The plan could better recognize and accommodate this natural movement pattern by possibly creating a special management area outside the Park where bison could use public land to survive in winter. Bison use of winter and transition range on public lands is not a threat to cattle which may use the grazing allotments as long as the bison leave before the cows are turned onto the allotments. There is a theoretical chance a cow could contract brucellosis from contact with fetal fluids in the soil weeks after a bison has given birth, but this is highly unlikely. The management action required should be proportional to the real risk involved. There is also a very real need to protect, conserve, or acquire key parcels of private land to enhance big game winter range in the area north of Gardiner and it would be appropriate to include bison on some of this land.

One weakness of the Draft Environmental Impact Statement is there is no analysis of winter range carrying capacity for all the large ungulates using the affected winter ranges. Without this information, it is difficult to determine what the population objective should be. There is mention in the document that carrying capacity data are being compiled. The Department recommends the final plan specify a population range to prevent over-use of winter ranges and to reduce the magnitude of the winter exodus that occurs when the population is over 3,000 animals and winter conditions are severe. Including a carrying capacity analysis in the final Environmental Impact Statement would make the population objective more defensible. As opportunities for purchasing privately owned grazing rights or winter range become available in the future, carrying capacity estimates and population objectives can be revised.

Managing for a population objective requires the means to remove bison when numbers exceed objectives. The preferred alternative includes several options that could be used to control numbers, including slaughter, quarantine/shipping to reservations or other public land, agency take, and hunting. An emphasis on the use of hunters and quarantine/shipping to remove surplus bison would be more acceptable to some publics. There should be more emphasis on hunting, especially in the West Yellowstone Area, and certainly in the Reese Creek Special Management Area if established through the land purchases proposed. One possibility for emphasizing hunting would be to have the Department of Interior consider allowing Native American harvest of bison in Yellowstone Park, as this is legally possible and has been noted as a possibility by the Park in the past.

The discussion of Wyoming's public bison hunt on page 155 mentions hunting the "Absaroka herd" in several places. The Department has not designated the Yellowstone Park bison that use the Absaroka management area as the Absaroka herd, since this implies a different herd of bison separate from the Yellowstone herd. The discussion should state a bison reduction season is held on Yellowstone Park bison using the Absaroka management area east of the Park.

The discussion of the actual bison reduction season process on page 156 is not quite accurate. Applicants selected to hunt are not required to pass an interview. Each participant chosen to hunt is required to participate in a two hour hunter orientation program to cover issues involved with bison hunting and to demonstrate shooting proficiency. After completing the orientation and shooting, they are allowed to hunt on their own. Also, the document on page 156 lists the Jackson Bison Herd hunt as discontinued. It is not. In the 1998 biological year, we are proposing to harvest 15 bulls and 20 cows and calves to maintain the herd at about 400 bison. Agency culling may be used in a few instances related to damage problems on private land, safety issues, or to remove a bison in contact with cattle on private land.

Thank you for the opportunity to comment.

Sincerely,

Steve Facciani

STEVE FACCIANI
DEPUTY DIRECTOR

SF:TC:as
cc: USFWS
Julie Hamilton-State Clearinghouse

Oral testimony provided at the Holiday Inn, 1701 Sheridan Avenue, Cody, WY, August 27, 1998

Comment No. 14820
Jim Logan
Wyoming Livestock Board

Good afternoon. I'm Jim Logan. My affiliation is with the Wyoming Livestock Board. I want it to be known that the Wyoming Livestock Board will submit some written comments at a later date.

We feel, through the Livestock Board, the bison and wildlife are not the problem. And that's already been addressed, I guess, on the tape. The disease brucellosis is the problem. And the bison, as well as the livestock producers in the greater Yellowstone area, are victims of circumstance and inaction. Let's not allow this issue to turn into another Vietnam War scenario, even though some of our issues that we're dealing with here are just as ill-defined. The longer we prolong the issues by arguing the points of contention, the more divided the affected parties become. We need to pull together toward the common goals of disease eradication and free-roaming wildlife. I don't think anyone can deny that they enjoy seeing the buffalo and the elk and wildlife, and certainly nobody wants to do harm to them. But by the same token, we don't want to see disruption of livelihoods and ways of life, not only of the ranchers, but of all of the people in the greater Yellowstone area. Now, the only way to effectively deal with this disease issue is to use established scientific and epidemiological methods to eradicate brucellosis. The only way we can ever have free-roaming bison in the greater Yellowstone ecosystem and remain consistent with the goals of this group that's trying to do this economic impact statement -- the GYIBC, USDA APHIS, the livestock industry, and environmental protection -- is to eliminate brucellosis from the wildlife in and around Yellowstone National Park.

As I mentioned, we don't want to see the destruction of wildlife; but by the same token, we don't want to see the loss of livelihood or a way of life in our people in this area.

The only alternative that adequately and timely addresses disease control and eradication is alternative number 5. And I'll grant that I don't think that is perfect, but I do believe that it is the only one that, in a timely, relatively inexpensive, and accurate and adequate way will address the disease problem is alternative 5. Yes, it would require the loss of some bison, but it would be the least expensive, the least time-consuming, and the most effective method to reach the goal of brucellosis-free bison in the area.

There should be immediate implementation of a vaccination program in the bison. And I quote here from the National Academy of Sciences report. Brucellosis has been eliminated from many managed herds using the same protocol as are applied to cattle.

I think its high time that we admit that the fact is there is already available tested proven vaccines that are safe and effective. Now, if we wait until there's a vaccine that is 100 percent efficacious in controlling both abortion and infection from brucellosis, I think we could all safely say that we'll never vaccinate. But it has been proven in many privately managed herds that this can be effective.

Alternatives other than alternative 5 utilize SMA's, which, in my opinion, are simply subtle ways of expanding the park boundaries, squeezing the ranchers off of the areas surrounding the park, and basically only prolonging this controversy. The Environmental Impact Statement does not adequately address the problems of overpopulation, inadequate range management, and damage to riparian areas, to name only a few. The proposed definition of low-risk bison is not good. The only way any bison can be determined as low risk is by testing, and this you cannot do by a visual examination. This issue has been misconstrued to be a wildlife versus wildlife issue when, in fact, it first was a public health issue, now is a wildlife to wildlife issue, and we should be looking at it from this perspective.

Okay. It's stated in the draft that alternative 7 is the Agency's preferred alternative. And from the people I've spoken with in Montana, at least in the livestock industry, I strongly doubt that this is their preferred alternative. Thank you.

YELL 11,121

STATE OF IDAHO
OFFICE OF THE GOVERNOR

PHILIP E. BATT
GOVERNOR

P.O. BOX 83720
BOISE, IDAHO 83720-0034
(208) 334-2100

October 29, 1998

Bison Management Plan EIS Team
National Park Service
Sarah Bransom DSC-RP
P.O. Box 25287
Denver CO 80225-9901

Dear Ms. Bransom:

We have reviewed the May 1998 ***Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park***, and submit the following comments on behalf of the State of Idaho:

Yellowstone National Park (YNP) is the premier national park in the United States and perhaps in the world. Elimination of brucellosis (*Brucella abortus*) from bison and elk in the park and management of the animal populations and ecological habitat of the park in such a manner as to sustain the animals and their habitat for future generations of Americans must be the foundation of any management strategy applied to YNP.

We are convinced that the management strategy, including natural regulation, currently employed by the National Park Service (NPS) in YNP is flawed and will ultimately result in destruction of our premier national park, rather than sustaining it in perpetuity. Furthermore, many of the visitors to the park are naive about the characteristics of a properly functioning ecosystem. YNP must be easily recognized as an example of resource sustainability, not as an example of another case of failed federal management.

We believe the DEIS is insufficient. A number of the alternatives are based upon inaccurate assumptions. The DEIS contains a number of deficiencies. It fails to adequately address brucellosis in bison (except for alternatives 5 and 6) and the potential for transmission to livestock in each of the alternatives, it fails to address brucellosis in elk, and it fails to address a number of other important issues.

Additionally, we contend that the DEIS is insufficient because it does not contain an alternative-by-alternative analysis of the impacts of the various bison population objectives on significant elements of the affected environment. It does not address the impact of proposed bison population projections on range conditions, riparian conditions and water quality, or the invasion of noxious weeds into the park. No analysis is presented on the impacts of the various alternatives on the endangered, threatened or sensitive species that are, and will continue to be impacted by bison management decisions, particularly Westslope and Yellowstone cutthroat trout.

While we support the attempt to implement an effective plan for the management of the bison herd, and subsequently, the control of brucellosis, such a plan must equitably address all of these concerns.

Our comments will address each of these concerns and will recommend actions that will fulfill the purpose and objectives of the DEIS.

Deficiencies, Inaccuracies and Assumptions

There are a number of deficiencies and inaccuracies in the DEIS and implementation of several alternatives would be hampered or prevented by incorrect assumptions made in the DEIS. Significant among these deficiencies, inaccuracies and assumptions are the following:

- The DEIS states that all the proposed alternatives are "legally implementable" (DEIS, p.4). We believe the only alternative (as presented in the DEIS) that is legally implementable is alternative 5. This is the only alternative that does not require change in law or rule, or additional NEPA compliance before implementation could be accomplished.
- One of the alternatives (alternative 2) in the DEIS includes a very large Special Management Area (SMA) in the West Yellowstone area where untested, brucellosis infected and exposed bison would be allowed free access to the lands of the SMA. Over 20 miles of the southern boundary of this SMA is identified as the Idaho/Montana border. The DEIS is deficient in identifying this boundary for the SMA in that the alternative directly impacts the state of Idaho and the Idaho state agency which has statutory responsibility for bison was not consulted in development of the DEIS or the alternative. The DEIS assumes that the state of Idaho is willing to accept the responsibility for policing this boundary area and addressing the diseased bison that move into Idaho through this boundary area. Such an assumption is inaccurate. This alternative would potentially result in exposure of large numbers of Idaho cattle to brucellosis infected bison. The alternative is not acceptable to the state of Idaho and we contend it could not be legally implemented.
- Prior to the advent of European man, natural regulation within the area now encompassing YNP included harvest of bison and other ungulates by Native Americans. If regulation by natural processes is to be continued in the management of YNP it must include harvest of animals within the park boundaries by Native Americans. Such a scenario is neither analyzed in the DEIS, nor included in any of the alternatives.

YELL-11,121 contd.

- Currently other NEPA planning processes are under way that may impact implementation of any management strategy. These processes, their impacts or potential impacts are not addressed in the DEIS.
- In other NEPA efforts NPS has been very specific in demanding that alternatives correspond with current laws and regulations. In the DEIS, a number of the alternatives mandate changes in other agencies legal authorities.
- The DEIS discounts the zoonotic (transmissible from animals to man) nature of brucellosis.
- The DEIS discounts the impact of establishment of SMAs on the states of Montana and Idaho.
- The DEIS overstates the effectiveness of SMAs to address disease and population size.
- The DEIS fails to note that some of the SMAs will increase the risk of brucellosis transmission to cattle by placing larger numbers of cattle and many additional cattle herds at risk by a de facto expansion of YNP. Such action effectively moves the border of the park closer to large populations of cattle in both Montana and Idaho.
- The DEIS does not provide a scientific analysis of the bison carrying capacity of the ranges in the SMAs or the carrying capacity of the ranges within YNP.
- Bison population estimates and projections are not based upon science or carrying capacity of the park; they are based upon estimated harvest of animals outside the park and winterkill within the park.
- The DEIS does not address the impact of the transmission of brucellosis to cattle on the state of Montana, the region, or the entire country.
- The DEIS does not analyze the impacts of the alternatives on the ecology of YNP or upon the ecology of the proposed SMAs.
- The DEIS assumes that the state of Montana can and will willingly accept the fiscal, legal and image burdens imposed by all the alternatives (except alternative 5).
- Several of the alternatives in the DEIS would impose a revised definition of "low risk" bison on the state of Montana. The revised definition would result in large numbers of brucellosis exposed or infected bison in expanded SMAs where the potential contact with cattle would be increased and the potential for transmission to cattle would be increased. The DEIS inaccurately assumes that other state animal health officials will accept Montana cattle if this definition is imposed on Montana.
- All of the alternatives contained in the DEIS, except alternative 5 and phase 2 of alternative 6 defer disease management and bison population control to the state of Montana. This represents an unacceptable unfunded federal mandate on the state of Montana. Additionally, alternative 2 represents an unacceptable unfunded federal mandate on the state of Idaho.
- The DEIS fails to address salmonid species that are currently being considered for listing under the ESA. These species currently inhabit streams whose headwaters are within YNP. The impact of listing these species could have serious implications to management strategies contained in a number of the alternatives.

Elimination of Brucellosis (*Brucella abortus*)

Two of the objectives of the DEIS call for the "eventual elimination of brucellosis from bison and other wildlife" and to "protect livestock from the risk of brucellosis" (p. 29, DEIS), however only two of the seven alternatives (5 and 6) effectively fulfill these objectives. Alternative 6 delays effective brucellosis control for at least 10 years from the implementation of the management plan. None of the other alternatives would achieve control of brucellosis in bison or protect livestock from the risk of brucellosis during the life of the management plan.

Alternatives 5 and 6 are the only alternatives that would effectively reduce the risk of transmission to domestic livestock. Of these two, alternative 6 would increase the risk of transmission during phase one of the alternative. Most of the other alternatives would increase the risk of transmission by allowing large numbers of bison outside the park in larger SMAs. In some of the alternatives the disease status of the animals allowed outside the park would not even be determined.

None of the alternatives address brucellosis in elk or other wildlife species.

The management strategy that is ultimately implemented must clearly reduce the risk of transmission to livestock, lead to rapid elimination of brucellosis from bison, and eliminate brucellosis from other wildlife species.

Range Condition (Health)

On page vii. of the Summary, neither rangeland condition (rangeland health) nor the concept and current practice in YNP of "natural regulation" was identified as issues. This is preposterous, considering the great amount of controversy surrounding both issues. The lack of reality and understanding of the importance of both is inherent in the statement on page viii, that "Every alternative envisions that the bison population would be managed primarily through natural processes inside Yellowstone National Park."

A careful review and consideration of the discussion, that is presented in the National Academy of Science Report, on natural regulation and the modeling of bison population numbers reveals that the National Academy of Science (NAS) Report conflicts with the DEIS on these issues We agree with the NAS Report. The DEIS must be brought into conformity with the science based conclusions of the NAS Report.

A basic principle of rangeland management is that the health and productivity of the land is essential to the success of any related resource use. Rangeland Health is defined as "the degree to which the integrity of the soil and ecological processes of rangeland ecosystems are maintained" (Rangeland Health – New Methods to Classify, Inventory, and Monitor Rangelands. National Research Council, 1994).

The concept of natural regulation as applied by the NPS in YNP is flawed. There is very little that is natural about the system there. Park rangelands reportedly were already in poor condition at the turn of the century, due to overgrazing by excess numbers of elk and other animals (Ross, 1998, personal communication). Chadde and Kay (1991) present a compelling argument that the tall willow and aspen communities in the northern range have significantly declined since the park's formation. There is no assurance that

the present vegetation complex is "natural", nor is there anything natural about the restrictions of park boundaries, the very high ungulate populations, the numerous permanent structures and roads within the park, the extraordinarily high numbers of humans in and around the park, and, private fences outside of the park which interrupt natural nomadic and migratory patterns. The invasion of exotic weeds into disturbed areas was not present before the European settlement. Even the animals in the park (bison, elk, bears) are the product of long human manipulation as well (Pritchard, 1996).

The rangeland ecosystem will continue to be degraded with either the current bison population level or any of the long-term population objectives proposed in the alternatives. "All species of life, plant or animal, have at least some effect on their environment as a consequence of life processes. Species that become too disruptive may destroy the very ecosystems upon which they depend" (Despain, 1990). This statement is well supported by the experience early in this century on northern Arizona's Kaibab plateau. The creation of a game preserve and the protection of the deer herds resulted in mass starvation and severe depletion of the range (Trefethen 1967). One of the lessons learned from that experience:

> "Where man upsets the natural balance between plants and plant-eaters and between predators and prey, he must assume the function of a controlling agent if he wants healthy animals and a healthy range."

This same scenario has occurred many times with native ungulates in the United States, i.e., population depletion followed by protection, then the resultant rangeland degradation. Clearly, YNP is on the same track.

The Department of Interior's Bureau of Land Management (BLM), a sister agency to the NPS, is required by law and regulation to manage rangelands on a sustainable basis. By comparing the NPS policies to BLM regulations on domestic livestock, we are not implying that bison are cattle. Bison are wildlife. However, the impacts of these large grazing ungulates on the rangelands of YNP are similar to the impacts of domestic cattle on BLM ranges. The analyses conducted to implement the BLM standards must be considered in development of a management strategy for YNP.

The BLM's February 22, 1995, Rules and Regulations establishes "Fundamentals of Rangeland Health" as "fundamentals that address the necessary physical components of functional watersheds, ecological processes required for healthy biotic communities, water quality standards and objectives, and habitat for threatened or endangered species or other species of special interest". These Rules and Regulations also required broad-based Resource Advisory Councils in each Western State to develop standards for rangeland health to assure that these fundamentals were adequately addressed. The standards developed for Idaho, which are almost identical to those adopted by other states, provide for proper nutrient cycling, hydrologic cycling, and energy flow (Idaho BLM, 1997):

1) Watersheds provide for the proper infiltration, retention, and release of water…
2) Riparian-wetland areas are in properly functioning condition…
3) Stream channels and floodplains are properly functioning relative to the geomorphology…
4) Healthy, productive, and diverse native animal habitat and populations of native plants are maintained or promoted…
5) Exotic plant communities, other than seedlings, will meet minimum requirements of soil stability and maintenance of existing native and seeded plants. These communities will be rehabilitated to perennial communities when feasible cost effective methods are developed.
6) Surface and ground water on public lands comply with the state water quality standards.
7) Habitats are suitable to maintain viable populations of threatened, endangered, sensitive and other special status species.

We submit that meeting these standards, which are based upon the best available science, will provide for sustainability of any rangeland ecosystem including the rangelands of YNP. Any complete EIS must address the effect of various bison (and elk) population levels on the rangelands and must provide for the sustainability of the rangeland ecosystem.

While the following "guidelines" apply to livestock grazing on public lands, we contend that they are also applicable to large native herbivores grazing in YNP:

1) Use grazing management practices to maintain or promote significant progress toward adequate amounts of ground cover to support infiltration, maintain soil moisture storage, and stabilize soils.
2) Use grazing management practices to maintain or promote soil conditions that support water infiltration, plant vigor, and permeability rates and minimize soil compaction appropriate to site potential.
3) Implement grazing management practices that provide periodic rest or deferment during critical growth stages to allow sufficient regrowth …, including good plant vigor and adequate vegetative cover..
4) Maintain or promote grazing management practices that provide sufficient residual vegetation to improve, restore, or maintain healthy riparian-wetland functions and structure…
5) Apply grazing management practice to maintain, promote, or progress toward appropriate steam channel and streambank morphology and functions. **Adverse impacts due to ungulate grazing will be addressed.**
6) Apply grazing management practices that maintain or promote the interaction of the hydrologic cycle, nutrient cycle, and energy flow…
7) Apply grazing management practices to maintain adequate plant vigor for seed production, seed dispersal, and seedling survival of desired species…
8) Implement grazing management practices that meet state and federal water quality standards.
9) Use grazing management practices…to maintain or improve habitat for federally listed threatened, endangered, and sensitive plants and animals.

YELL-11,121 contd.

10) Apply grazing management practices that maintain or promote the physical and biological conditions necessary to sustain native plant populations and wildlife habitats in native plant communities.

We recognize that bison (and elk) cannot be managed in the same manner as domestic livestock. However, controlling populations of large ungulates so that population numbers do not exceed range carrying capacity will accomplish many of the same objectives imposed by BLM and NFS grazing management regulations.

Riparian Functioning and Condition, Water Quality

The DEIS does not adequately address water quality issues. Investigators have found that rates of erosion on the lower reaches of the Lamar River are high—much higher than one would expect in a "natural system". Data show that the Yellowstone River failed 5 of 7 water quality standards. Similar violations of water quality standards and evidence of declining riparian condition on public lands administered by the NPS sister-agency BLM would bring swift action: livestock grazing would be summarily cut or eliminated. In terms of ecosystem health, what difference does it make whether livestock or high numbers of elk and bison causes the problem?

The BLM has also adopted a process for determining proper functioning condition of riparian areas. Certain standards must be met before a riparian area can be classified as properly functioning:

HYDROLOGIC:
1) Floodplain inundated in relatively frequent events (1-3 years).
2) Active/stable beaver dams.
3) Sinuosity, width/depth ratio, and gradient are in balance with the landscape setting (i.e., landform, geology, and bioclimatic region).
4) Riparian zone is widening or has achieved potential extent.
5) Upland watershed not contributing to riparian degradation.

VEGETATIVE:
6) Diverse age-class distribution (recruitment for maintenance/recovery).
7) Diverse composition of vegetation (for maintenance/recovery).
8) Species present indicate maintenance of riparian soil moisture characteristics.
9) Streambank vegetation is comprised of those plants or plant communities that have root masses capable of withstanding high streamflow events.
10) Riparian plants exhibit high vigor.
11) Adequate vegetative cover is present to protect banks and dissipate energy during high flows.
12) Plant communities in the riparian area are an adequate source of coarse and/or large woody debris.

SOILS-EROSION DEPOSITION:
13) Floodplain and channel characteristics (i.e., rocks, overflow channels, coarse and/or large woody debris) adequate to dissipate energy.
14) Point bars are revegetating.
15) Lateral stream movement is associated with natural sinuosity.
16) System is vertically stable.
17) Stream is in balance with the water and sediment being supplied by the watershed (i.e., no excessive erosion or deposition).

These standards, now accepted by both the BLM and the US Forest Service were developed from comprehensive, on-the-ground experience and with the best available science. We contend that if these standards were applied to the riparian zones of YNP, many would fail to receive a "properly functioning" rating. The DEIS must justify the failure to utilize these standards in developing the alternatives contained in the document.

Noxious Weeds

A number of weeds have been introduced into YNP, many of them classified as "noxious". Exotic weeds include leafy spurge, spotted knapweed, Canada thistle, cheatgrass, dandelion, sheep sorrel, yellow sweetclover, and quackgrass (Despain 1990, and Houston 1982). Even common timothy, Kentucky bluegrass, and smooth brome are introduced grasses. Most of these species are from Europe, Asia, and the Mediterranean (Whitson et. al., 1996). These are not part of the natural system. Deterioration of native plant populations greatly facilitates the invasion of exotic species and this has the potential to significantly alter a natural habitat, bringing a significant change in species composition. The DEIS does not address the effects of the alternatives, or of natural regulation, on native plant communities and noxious weed invasion.

Threatened and Endangered Species

Several plant and animal species found in YNP are already listed as threatened or endangered under the ESA. The Westslope and Yellowstone cutthroat trout are currently under consideration for listing as endangered by the U.S. Fish and Wildlife Service. The DEIS does not address the impacts of any of the proposed alternatives, or of the NPS natural regulation policy, on the habitat of plants and salmonids listed or being considered for listing. Specifically, the DEIS fails to address the impacts of the alternatives on salmonids.

As stated earlier in these comments, there has been ample reported evidence that the rangelands in YNP are in poor condition. Specifically, woody riparian species are being over-grazed by wintering bison and elk. Surely, habitat requirements for both the Westslope and Yellowstone cutthroat for shade, hiding cover, and clean aerated gravel beds for spawning are the same within YNP boundaries as they are on private, state and federal lands outside of the Park. Stable, healthy stands of woody riparian species, as required for Properly-Functioning-Condition streams, are essential for providing necessary root structure for undercut banks, and the heavy canopy required for over-hanging vegetation that provides protection from avian and mammalian predators.

Loss of streambank stability (stable woody root mass) is also contributing to accelerated erosion and mass wasting of streambanks and riverbanks. As discussed earlier, water quality is being diminished throughout the entire river systems by heavy runoff within the YNP boundaries. Water quality is in turn diminished throughout the watersheds below the YNP boundary resulting in increased sedimentation, degradation of spawning beds, changes in the pool-riffle ratio, and increases in the diurnal fluctuations of stream temperatures. These issues must be addressed for the bison DEIS, just as they would be for any other grazing animal.

Bison Population Size

We strongly believe the size of the bison population in YNP is a significant part of the root cause of the controversy surrounding the management of YNP. Mass movement of bison out of YNP did not begin until the population exceeded 2,000 head. A maximum population size must be determined for YNP. If the population size is maintained within the carrying capacity of the rangelands of YNP, there is neither reason nor justification for SMAs.

Page 196, DEIS, "Impacts on Bison Population", states that YNP will support a long-term average of 2,700 bison, but that the "maximum herd size fluctuates between 1,700 and 3,500. The term "fluctuates" implies an established pattern or cycle of high and low population numbers, yet according to Table 29, the herd has been steadily increasing for almost 20 years. There does not appear to be any data to support the NPS contention that population numbers are part of a "normal fluctuation". It does support the view that the bison populations have "expanded like a wave front across suitable habitat in YNP ..." and that "natural regulation" of bison in YNP is highly unlikely (Cheville and McCullough, 1998, pp. 66 & 120).

Page 197 of the DEIS purports that an average of 5.1% of the bison population exited YNP from 1984-1986, and this value is then used in the model. However, averages are grossly misleading (Huff, 1954). On page 129, Table 29 shows a range of 0.1% to 31.5%, a huge discrepancy. There is ample evidence to show that not only higher numbers, but also higher percentages of bison exit the park once the population exceeds 3,000.

The NAS Report clearly shows that migration of bison out of YNP is strongly correlated to population size not weather or other events. The model utilized in the DEIS must be redone and include the findings of the NAS Report in the analysis of bison population projections and bison movement projections for each alternative.

We recommend that the bison population be managed to maintain the herd at the lower level of no more than 1,800 animals until such time as scientifically defensible research has been conducted which supports a greater carrying capacity. This would accomplish three things: 1) maintain the carrying capacity at a level consistent with low forage production (reduced animal deprivation, winter die-off and risk from year-to-year environmental variations); 2) provide some relief to rangeland conditions and provide an opportunity for habitat to recover during high forage production years; and 3) significantly reduce the numbers of bison exiting the park in the winter. We contend that the acquisition of additional lands outside of YNP is more likely to be a problem than a solution. Judging from the above-mentioned trend, it will merely lead to a greater population increase, result in further damage to the ecological systems in the park, and bring the bison-exiting problem closer to private lands outside the park, (Cheville and McCullough, 1998, p.122). The DEIS must be rewritten to address this potential for each of the alternatives.

Economic Impacts

On page xxii, the potential nonmarket values for alternatives 2, 3, and 7, which supports acquisition of additional grazing land for YNP bison, are estimated at $1.6 million to $22.9 million. The uncertainty and extremely wide range renders these values meaningless. Many economists view the evaluation of non-market outputs as "black magic that produces nothing but confusion" (Dyer, 1984). The use of relative terms rather than cardinal dollars would best be used in this type of nonmarket evaluation (Howitt, 1984).

The DEIS does not adequately address the impacts of the alternatives on small ranching units with grazing permits on U. S Forest Service allotments adjacent to the Park.. For example, how would implementation of Special Management Areas affect livestock turnout dates (alternative feed sources, impact on livestock management practices, etc)? Would above-normal management be required? What would be the effect of converting from a cow-calf operation to a steer/spayed heifer operation (Alternatives 2 & 3)--would the regional market supply-and-demand support this economically? If a federal grazing permittee were pressured to vacate an allotment, what are the alternatives? Any changes to a seasonal grazing permit or system will affect the entire operation. (For example, a mandatory cut in stocking rate for three months will result in a cut in the entire herd for the entire year if no alternative forage is available during those three months). These impacts are not just economic. The loss of agricultural enterprises (ranching) to the affected counties, and the loss of open spaces and the habitat these lands provide to numerous wildlife species are vital to a healthy community. In addition, agriculture, especially animal agriculture (ranching) and the lifestyle it provides is a cultural asset to the impacted counties and the state of Montana. If the ranching lifestyle is lost or severely changed, the culture of the area will be significantly altered. While the DEIS discusses at great lengths the bison as a cultural symbol, it fails to reach a balance of the importance of agriculture to the culture of the area.

A number of the actions proposed in the alternatives could destroy the economic viability of the ranches in the impact area. When this occurs the most efficient way for a landowner to regain economic stability is to sell the private lands to the highest bidder, which will be private citizens or developers, not the federal government.
The DEIS implies that the private lands would be available for purchase or control by agencies of the federal government. There is no assurance that monies could or would be

appropriated for purchase of these lands or that the landowners would sell to governmental agencies when the lands are worth much more in the private sector. Private sale and subdivision of the lands would significantly reduce open spaces that are available to wildlife, increase wildlife-human and wildlife-domestic animal interaction, and increase the number of conflicts in the impact area. The DEIS must assess the impact of the sale of private lands, in the impact area of the DEIS, for private development.

Summary

The DEIS is a poor attempt to justify continuation of the NPS "natural regulation" experiment and the continued sacrifice of natural resources inside and outside YNP in order to avoid making an unpopular political decision to address brucellosis and bring bison populations into a balance with a sustainable ecosystem. We strongly support the pending National Academy of Science review of the impacts of ungulate populations on the ecology of Yellowstone National Park. We are confident that this review will reveal many of the misguided and unsupported policies surrounding "natural regulation".

We believe the DEIS is seriously flawed and significantly deficient in that it does not adequately address brucellosis control or population numbers and it does not address the ecological conditions that are critical to management of large ungulate populations. Neither does it contain data to support the contention that the alternatives would not affect the ecology of the park. Specifically the DEIS either does not address and analyze or inadequately addresses the impacts of the various alternatives, including the preferred alternative, on the following:

1. The salmonid species currently being considered for listing. YNP contains the headwaters of two river systems that provide a substantial amount of the primary environment for either Westslope or Yellowstone cutthroat trout.
2. The invasion of exotic plants and weeds into YNP.
3. The health, productivity and diversity of YNP rangelands.
4. The health and functionality of streams and riparian zones.
5. State and federal water quality standards.
6. The disease brucellosis in bison and elk and the potential for transmission to cattle.
7. The impact of SMAs on the states of Montana and Idaho, on the cattle industry and on the ability to control disease or risk of disease spread.
8. The management of the bison population within carrying capacity of YNP.

We believe the DEIS must address the following questions. How can NPS justify basing their policies on lower standards than those imposed by her sister agencies? Why is the standard for managing rangelands and wildlife different among the agencies of the Department of Interior? Every other national park and national refuge in the United States is managed to balance habitat and animal populations so as to sustain both. Is there a valid reason for managing our premier National Park to a lesser standard than other national parks? If so, what is the justification for such a management strategy? We believe there is a double standard here. The so-called natural system in YNP is already "broken". It has already been interrupted, and the NPS must assume the responsibility of actively managing YNP ecosystems. We can only draw the conclusion that "natural regulation" is in reality "non-management".

We have identified many of the issues of concern and pointed out numerous inaccuracies, deficiencies and incorrect assumptions contained in the DEIS in our comments. Many additional inaccuracies, deficiencies and incorrect assumptions are identified in the comments submitted by the United States Animal Health Association (USAHA).

We do not believe any of the alternatives contained in the DEIS, except alternative 5 (which is probably politically unacceptable) are adequate to address all of the issues of concern and believe all seven of the alternatives contained in the DEIS should be rejected.

Recommendations

We agree with and fully endorse the comments on the DEIS that were developed and submitted by the USAHA. A copy of the USAHA comments is attached for your review.

The cooperating agencies must conduct a supplemental EIS to address the issues of concern, inaccurate assumptions, and deficiencies identified in these comments. Additionally, we urge the cooperating agencies to include alternative 6 as amended in the USAHA comments (USAHA Recommended Alternative, pp. 24-27, USAHA Comments on the DEIS, dated October 6, 1998) in the supplemental analysis and identify this amended alternative 6 as the preferred alternative in the final EIS.

We believe the USAHA Recommended Alternative can be implemented under current state and federal authority, and fulfills the purpose of action and fulfills each of the nine stated objectives of the DEIS.

Thank you for the opportunity to comment on this important issue.

Very truly yours,

Philip E. Batt

Philip E. Batt
Governor

cc. Idaho Congressional Delegation
Governor Racicot
Governor Geringer

For attachment see: Organization Section, United States Animal Health Association, YELL-9364

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The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

REPRESENTATIVE BOB RANEY
HOUSE DISTRICT 26

HELENA ADDRESS:
CAPITOL BUILDING
HELENA, MONTANA 59620-0400
PHONE: (406) 444-4800

HOME ADDRESS:
212 S 6TH STREET
LIVINGSTON, MONTANA 59047
(406) 222-0558

COMMITTEES:
TAXATION
NATURAL RESOURCES
FISH & GAME

October 15, 1998

Bison Management Team
National Park Service - Sarah Bransom
DSC_-RP
P.O. Box 25287
Denver, CO 80225-0287

Re: Bison Management Plan for Yellowstone

Please count me in as a supporter of the **Citizens' Plan** for Yellowstone buffalo as the best alternative for management of wild buffalo in and around Yellowstone National Park.

Single interest participants like the Stock Growers and PETA have kept too many eyes off the target - managing a herd of *wild* buffalo. I believe that means keeping them *wild* - as in forever! And, it means *wild*life agencies should be helping them survive, not livestock agencies!

It is imperative that these animals be allowed to use public lands outside the park for winter forage. Why should we have to risk the loss of this herd in an extremely tough winter because of unfounded fear of bison giving brucellosis to cattle?

When those tough winters arrive, they gotta eat! - Just like the elk that also carry brucellosis outside the park when they head for winter forage.

Let's accommodate this national treasure and maintain their numbers and wildness until another (hopefully less selfish) generation can come to their assistance. The **Citizen's Plan** offers the best alternative to do that.

Bob Raney

Bob Raney

Oral testimony provided at the Holiday Inn Billings Plaza Hotel & Trade Center, 5500 Midland Road, Lewis & Clark Room, Billings, MT, August 25, 1998

Comment No. 14851
Representative Alvin Ellis, Sr.
State of Montana

I'm Alvin Ellis. We ranch both in Carbon and Stillwater County, our family does. I'm a member of the Montana Stock Growers, and I'm a state representative in the legislature up in Helena.

I've been concerned with this problem, both in my public position and as a rancher, for some time. I remember very vividly in the '40s and '50s, when we tried to eradicate brucellosis in our cattle herd. We were testing spring and fall. We started a vaccination program. And when our first vaccinated heifers were calving, we decided to sell the cows and all of the vaccinated heifer calves and vaccinated two-year-olds because it was such a difficult problem. We were getting a number of reactors and suspects; and we were selling them at the yards; and, still, this problem continued to resurface. And I think anything that deals with brucellosis that isn't a long-term vaccination program is not going to work. In other words, you have to go through a generation of bison before you're going to eradicate the problem. And I think it absolutely vital that it be eradicated.

But what I'm going to talk about this afternoon is the absolute necessity to control the numbers. We ranch on the Beartooth Front, west of Red Lodge. And in the spring of 1997, I got a friend to fly me over to Big Timber and up the Yellowstone and through the park. And the contrast between the drainages outside the park and inside the park is absolutely phenomenal. And had I known that you have visual aids, I would have brought some of those slides for you this afternoon.

Outside the park, you identified the streams by the vegetation, the quaking Aspen, the cottonwoods, and the willows. The streambeds are relatively straight, the channels fairly deep, quite often shaded by vegetation. And in times of heavy silt, like when I flew over these drainages, they have the ability to carry the silt out in rather rapid fashion. The Yellowstone is braided with rather deep channels and myriad of small channels and vegetation along all of them. The shields and all of those drainages look like that.

Once you get inside the park, the only place there's any cottonwoods along Slough Creek, the Lamar, Soda Butte Creek, Pelican Creek, or any of the drainages that drain into the Yellowstone out of the Hayden Valley, that area between Canyon and Lake are naked of any vegetation except for a few cottonwoods on the stream bank right around the confluence of Soda Butte and the Lamar.

Those streams instead of being rather straight and deep channeled, meander. In fact, Slough Creek, Pelican Creek, those streams in the Hayden Valley are just serpentine. They are very shallow. They are inefficient at carrying the silt out when there is a lot of silt. And there's gonna be a lot of silt, because there are a lot of cutbanks. And the reason the park is having trouble with its cutthroat trout population is because they don't have the reds anymore to provide spawning for those fish.

Anything that does not control the number of bison is going to magnify the problem. It's comparable to when ACM, Anaconda Copper Company, was forced by our government to address the pollution they were creating in the Clark's Fork Valley in western Montana, and they wanted to increase the area that they could impact.

That's just exactly what the park is doing, the solution is. Now you may have seen studies that Superintendent Finley said that these are due to climatological changes, this vegetation change, and drought years. That's absolutely not true. The streams that are outside the park were impacted by water being drawn out of them in those dry years- irrigation water. Those studies are simply experts telling you what they are paid to tell you. And anything that does not control the number of bison is an environmental disaster. Thank you.

Oral testimony provided at the Holiday Inn Billings Plaza Hotel & Trade Center, 5500 Midland Road, Lewis & Clark Room, Billings, MT, August 25, 1998

Comment No. 14857
Representative Marian Hanson
State of Montana

My name is Marian Hanson. I'm from the House of Representatives in the State of Montana, and I'm Speaker Pro Tem. And I want to thank you today for the opportunity to address the Draft Management Plan for Yellowstone Park and Montana.

The first thing you have to realize is that your grazing land is not unlimited. You have to manage the buffalo numbers to fit the size of your property. Do not get any wild ideas that you have a right to lands outside of the park, because those lands are used by permittees that pay for that use. You have to keep your bison herd healthy.

My father-in-law suffered from undulant fever until his dying day. Nobody should be subjected to that disease when there is a vaccine for it.

Your other option is to have only the negative-tested bison left on the range. Perhaps if you only kept the clean ones, the grass would have enough rest to recover from the overgrazing I see in the park. If I, as a permittee, because I do have livestock on federal land, were allowed to build my animals to a number that overgrazing and starvation were the only management tools, my banker and your public would put you completely out of business. My permit to graze would be revoked, and yours should be, too. The only difference is the public does not know what to look for.

Buffalo are no different than livestock, except yours are supposed to be wild. And I don't buy the idea that you can't herd these animals for testing. Every other buffalo herd in America is tested and vaccinated, and Yellowstone is no different. You must address this brucellosis problem. Please clean up your herd and don't get any ideas that you can run them all over the country. I can't.

The Big Sky Country YELL-15668

MONTANA HOUSE OF REPRESENTATIVES

REPRESENTATIVE SHIELL W. ANDERSON
HOUSE DISTRICT 25

HELENA ADDRESS:
CAPITOL BUILDING
HELENA, MONTANA 59620-0400
PHONE: (406) 444-4800

HOME ADDRESS:
738 HWY 89 N
LIVINGSTON, MONTANA 59047
PHONE: (406) 222-1164

COMMITTEES:
HIGHWAYS & TRANSPORTATION—CHAIR
JUDICIARY
FISH & GAME
RULES

October 27, 1998

Sarah Bransom
Interagency Bison Management Plan, DSC-RP
P.O. Box 25287
Denver, CO 80255-0287

Dear Ms. Bransom,

I would like to submit my comments on the Interagency Bison Management Plan. I represent rural Park County in the State House of Representatives. This area includes all the property in Gardiner and north where the bison have traditionally migrated in the harsh winters.

To begin, I believe it is important to note how important agriculture is in Park County, and cattle in particular. I have lived my entire life on my family's ranch in Park County, first in Paradise Valley near Mill Creek, and now in the Shields Valley north of Livingston. The social fabric of this area is made of neighbors helping neighbors with calving, branding, harvesting and shipping calves and crops. There are numerous 4-H clubs, and our local FFA organizations have gained statewide recognition for their achievements.

Statistics from the Montana Department of Commerce indicate that there are about 385 farms and ranches in Park County. 255 of these are in the business of cattle production, and these produce nearly $15 million of annual sales. Livestock production is by far the largest segment of agriculture in Park County, and in Montana as well.

I think it is imperative that aggreessive steps be taken to avoid the risk of Montana cattle being infected with brucellosis, and that means addressing the problem at the source--the Yellowstone bison herd. I would like to see the Park system handle the problem within the Park's boundary, but realize that political realities probably won't allow that, and so I support Alternative 7, with some conditions.

First, I think it's very appropriate to manage for target numbers, as was done up until the 1960's.

YELL-15668 contd.

The target range in Alternative 7 may be a little high, as I believe the park is in need of some grazing relief, and that would ultimately improve the range and allow for a higher carrying capacity to be sustained. I would like to see some of the population control take place inside the park, as I feel it is unfair to put that responsibility off on the States. It seems appropriate to allow Native Americans to have a hunt in the park to help with the population control, as they would be the recipients of a lot of the meat and hides, and they could preserve some of their heritage this way.

Finally, I believe the Park System should cover the costs of the program. I think the park's management has absolutely been asleep at the wheel while the park has been overgrazed, overburned, and basically just left to it's own devices. This has caused Park County and Montana to incur substantial costs in flood control and bison control, and in regards to the bison, I feel it is time for the park to be a good neighbor and put its house in order.

Sincerely,

Shiell W. Anderson

Shiell Anderson

MONTANA STATE SENATE

SENATOR KEN MESAROS
SENATE DISTRICT 25
HOME ADDRESS:
2191 MILLEGAN ROAD
CASCADE, MONTANA 59421

COMMITTEES:
AGRICULTURE, LIVESTOCK & IRRIGATION, CHAIR
STATE ADMINISTRATION, VICE-CHAIR
FISH & GAME

CAPITOL BUILDING
HELENA, MONTANA 59620-0500
PHONE (406) 444-4800
HOME PHONE (406) 866-3318

YELL-940

August 2, 1998

Bison Management Plan EIS Team
National Park Service
Sarah Bransom DSC-RP
P.O. Box 25287
Denver, Co. 80225-9901

Re: Comment on Bison EIS

I am a third generation rancher located South of Great Falls, Montana. Our family ties to ranching extend back to my Grandparents acquiring a homestead relinquishment. We are a family owned and operated commercial cow calf operation along with growing small grains. I am currently a State Senator, Chairman of Agriculture, Livestock, and Irrigation Committee.

Montana has been responding to the management of Yellowstone Park for many years. The Brucellosis infection that exists in the Bison herd in Yellowstone has a dramatic affect on the economic climate of the State of Montana. Montana's economic base is derived from our natural resources. Agriculture, logging, and mining have historically and will continue to drive our economy. Agriculture is the largest business in the State and approximately one half of this revenue, about one billion dollars is generated from the sale of livestock. To demonstrate just how large the livestock industry is there are approximately three head of livestock for every resident of the State of Montana.

It is estimated that the lower forty eight states will be "Certified Brucellosis Free" later this year, **except for Yellowstone National Park.** Historically Montana has faced livestock trade sanctions from other states because of the threat of brucellosis from the Park.

In reviewing the proposed alternatives several options that are proposed may be responsibly considered in the future only after the brucellosis problem is addressed. **After and only after Yellowstone park implements an aggressive capture, testing and vaccination program and brucellosis is eradicated from the park can you consider other options.** It only makes sense to eradicate a disease from a herd first and to do it at a time when the population is at a relative low level. Also determine through responsible range management resources the carrying capacity of the various ranges within the Park, to determine the amount of wildlife the park can realistically support. Once the Disease is eradicated and predetermined carrying capacity is established , initiate measures to maintain a sustainable wildlife population. At this point hunting may be a viable option to harvest excess animals. Hunting is a heritage in Montana that is enjoyed by the vast majority of our citizens. If hunting is to be an option it only makes sense to make sure the animals are disease free and healthy. It would be irresponsible to allow public hunting of an animal infected with brucellosis that could be transmitted to humans in the form of undulant fever. If Yellowstone Park can join the rest of the United States in being certified brucellosis free and pose no risk to Montana's livestock industry and no health risk to the public, I would support legislation for Montana to initiate a public Bison hunting season as a means of population control.

YELL-940 contd.

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SENATE DISTRICT 25
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2191 MILLEGAN ROAD
CASCADE, MONTANA 59421

COMMITTEES:
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HELENA, MONTANA 59620-0500
PHONE (406) 444-4800
HOME PHONE (406) 866-3318

In alternative two, Special Management Areas (SMA)s are considered. This alternative is totally unacceptable! To allow diseased animals that jeopardize Montana's Livestock industry to roam outside the Park is not only irresponsible, but quite frankly illegal under current APHIS regulations relating to Brucellosis free status. Any diseased animal that jeopardizes the livestock industry that enters the State of Montana, the State Department of Livestock and the State Veterinarian **must** have the authority to determine which animals are tolerated, when and where the animals would be removed or returned to Yellowstone National Park..

Let me try to put this into context in another form. I am a landowner and a responsible steward of the land, and for example I manage xxxx amount of acres for production of animals. I raise them for a livelihood and you raise them for natural beauty and preservation. Being most responsible I start out with a disease free herd, if it is not disease free I eradicate the disease problems immediately. I determine the carrying capacity of the land, taking into account summer pasture available, winter pasture available, water quality and quantity and the distribution of the animals. Once this is accomplished I harvest a certain amount of the animals per year to maintain the animal health and protect the range resources.

What would happen if I managed my ranch like Yellowstone National Park is currently being managed? If I had a diseased herd and took no action to correct it and allowed my herd to expand unharvested and uncontrolled, I would not only be in violation of herd health regulations, I would also jeopardize the viability of the land, water resources and not only impact my own future but my neighbors as well.
Lesson – Be a good neighbor, control disease, determine what you can produce and preserve the beauty of the land that we all enjoy.

To recap the individual alternatives:

1 No action — This alternative is not acceptable, we need to eradicate Brucellosis!
2 Close roads, Develop SMAs — This alternative is not acceptable - Huge economic impacts to the State of Montana, Allowing diseases animals to roam outside of Park illegal under current APHIS rules.
3 Public Hunt — Public health hazard until the public can hunt a diseased free animal.
4 Public Hunt — Does not address eradication of Brucellosis – Human health hazard.
5 Aggressive Brucellosis Control — Strongly support, start immediately! Capture, test, and removal
6 Aggressive Brucellosis Control — Strongly support, start immediately! Vaccination program
7 Specific population range — Partially support as long as it is within the confinement of the current Yellowstone Park boundary and brucellosis is eradicated.

MONTANA STATE SENATE

SENATOR KEN MESAROS
SENATE DISTRICT 25
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2191 MILLEGAN ROAD
CASCADE, MONTANA 59421

COMMITTEES:
AGRICULTURE, LIVESTOCK & IRRIGATION, CHAIR
STATE ADMINISTRATION, VICE-CHAIR
FISH & GAME

CAPITOL BUILDING
HELENA, MONTANA 59620-0500
PHONE (406) 444-4800
HOME PHONE (406) 866-3318

The management of Bison in Yellowstone National Park has certainly captured the interest of many individuals, many of which are removed from the reality of the consequences that those of us face as a neighbor to the Park. Please take the above mentioned suggestions in consideration to make the correct decision. We need to work together in a responsible realistic solution for the problem that has not only plagued the Park but Montana as well.

Sincerely,

Senator Ken Mesaros
2191 Millegan Road
Cascade, Mt. 59421

Oral testimony provided at the Holiday Inn Billings Plaza Hotel & Trade Center, 5500 Midland Road, Lewis & Clark Room, Billings, MT, August 25, 1998

Comment No. 14843
Senator Lorents Grosfield
State of Montana

Thank you. My name is Lorents Grosfield. I'm a state senator for Park and Sweet Grass Counties.

Bison are different. I can't overstress that fact. Bison are bigger, slower, more fearful, and less fearful of humans than any other species of wildlife in Montana. And bison prefer different habitat than any other species of Montana. They prefer lower ground, open areas, river bottoms. In short, they prefer the same habitat that people prefer. We build our towns, our highways, our railroads, our homes, and our ranch headquarters in these same low lands, these same river bottoms.

Even if brucellosis is entirely eradicated from the Yellowstone bison herd, the conflicts that would be presented by a wide-ranging bison herd outside the park preclude the existence of such a herd except perhaps in very limited, narrow, and well-controlled circumstances, such as on the Indian reservations or on specific, well-managed, well-confined preserves. We cannot go back to the 1800s. This translates to population control. There's no way around it.

Without eradicating brucellosis from the herd, bison simply cannot be tolerated outside the park in any manner that presents a risk of intermingling with livestock. I don't think any Indian tribe will accept diseased animals; and, certainly, federal law will not allow the interstate transport of diseased animals, except perhaps to slaughter, nor should it. I suspect the Center for Disease Control in Atlanta would be very reluctant to express approval of circumstances that could potentially reintroduce undulant fever to Americans. We cannot go back even to the 1930s.

There's no doubt that brucellosis could be eliminated from the Yellowstone bison herd. The National Academy of Sciences' analysis concludes that brucellosis would likely disappear from Yellowstone if eliminated from the bison herd and if the elk feeding grounds in Wyoming and Idaho were phased out.

This aspect of alternatives 5 and 6, brucellosis eradication, must be given top priority for no other solution works in the long-run without it except alternative 1, the interim plan.

Additionally, I believe that the National Park Service has concluded that the Brucella organism is not native to the park. It is therefore an exotic. And it is my understanding that it is a nationwide Park Service policy to remove exotics from the National Park System. There's no valid excuse not to eliminate brucellosis.

Alternative 7 is the only one that has the other critical element of a solution, and that is establishing and maintaining a specific population for bison within specific boundaries. I believe the suggested number, 1,700 to 2,500, are too high. Several scientists, including Mary Meagher, Yellowstone Park's own buffalo expert, agreed. I would rather see the population range from about 800 to 1,200. No one I've heard of advocates going below 600. It is simply emotionalization and exploitation of an extremely difficult issue to suggest that the last free-roaming herd will disappear or that the Montana Department of Livestock or anyone else is pursuing that goal.

Do people really think that if the bison population was say, around 1,000, that we would see mass migrations outside the park in the winter? There would be no need, because there would be sufficient feed inside the park in the traditional wintering grounds. And this whole issue would be gone.

I need to say a word about hunting. As a state senator in the 1991 Montana legislature, I was one of the loudest voices for eliminating the hunt. I will continue to aggressively oppose any buffalo hunt outside Yellowstone National Park in Montana, unless and until acceptable specifics are developed relative to seasons, locations, and conduct of the hunt that can convince me that a hunt will not result in another media circus for Montana such as we experienced at the end of the 1980s when the national media demonized Montana. And because bison are different in the ways I've described, I have a hard time visualizing a hunt that would be sporting and out of view of the nightly news.

Some have suggested holding the hunt in remote wilderness areas, with topography and cover that poses a challenge for the hunter. That ignores the basic fact that buffalo tend to congregate in low, open areas when they leave the park, especially in the winter. As an elected public policymaker, I refuse to be put in a position of supporting a hunt that doesn't responsibly address these issues. We cannot go back even to the 1980s.

In summary, without addressing brucellosis and population numbers, the only alternatives that make sense are alternatives 1 and 4; basically, no tolerance of diseased animals outside the park. I'm not saying these are good, non-controversial decisions; they are just the only ones that are workable in the long-term, in the absence of brucellosis elimination and specific population and boundary control. Thank you.

MONTANA STATE SENATE

SENATOR LORENTS GROSFIELD
SENATE DISTRICT 13
PARK & SWEET GRASS COUNTIES
HOME ADDRESS:
HC 87, BOX 2145
BIG TIMBER, MONTANA 59011

COMMITTEES:
NATURAL RESOURCES, CHAIRMAN
JUDICIARY, VICE-CHAIRMAN
RULES
COMMITTEE ON COMMITTEES

CAPITOL BUILDING
HELENA, MONTANA 59620-0500
PHONE (406) 444-4800
HOME PHONE (406) 537-4489
FAX: (406) 537-4480
Email: lorents@mcn.net

November 2, 1998

YELL-15316

Bison Management Plan EIS Team
National Park Service
Sarah Bransom DSC-RP
PO Box 25287
Denver, CO 80225-9901

Dear Interagency Bison Management Plan EIS Team,

I appreciate this opportunity, including the extension of time offered, to comment on the Draft Bison Environmental Impact Statement (EIS). I will try to organize my comments by providing a brief introduction, then discussing several general issues, and finally conclude with specific recommendations regarding the seven alternatives officially offered, as well as a couple other alternatives since offered by other groups. I will make several suggestions regarding revisions that I believe would make the Final EIS both more informative, more complete, and in some cases more accurate and reliable.

For your information, by way of background, I will soon begin my third term representing Senate District 13, which includes all of Park County, one of the two areas in Montana most affected by the whole bison issue. (It also includes most of Sweet Grass County.) I have served two legislative sessions as Chairman of the Senate Natural Resources Committee.

INTRODUCTION

Bison are different from all other large wildlife species in the Yellowstone area. Bison are generally bigger, slower, and less fearful of or responsive to man and man's activities than any other species of wildlife in Montana. And, bison prefer different habitat than any other species. They prefer lower ground, open areas, river bottoms. In short, they prefer the same habitat that humans, their domesticated livestock, and a wide variety of human activities have historically preferred. We build our towns, our highways and railroads, our homes, our ranch headquarters in these same lowlands, these same river bottoms. We graze our livestock in these lowlands. Most of it-- outside Yellowstone National Park (YNP)-- is private land.

Meanwhile, YNP bison are infected with brucellosis. Without eradicating brucellosis from the herd, bison simply cannot be tolerated outside the Park in any manner that presents a risk of intermingling with livestock. I don't think any Indian tribe will accept diseased animals; the National Park Service (NPS) does not advocate transplanting diseased animals to other Parks in the system; and certainly federal law will not allow the interstate transport of diseased animals, except perhaps to slaughter. Nor should it-- I think the Center for Disease Control in Atlanta would be very reluctant to approve of circumstances that could potentially reintroduce undulant fever to Americans. This was not analyzed in the Draft EIS, but should have been. I urge you to contact the Center for Disease Control for their comment and guidance. Certainly, the Montana Legislature will never look favorably on circumstances or proposals that will increase the risk of infection to livestock or Montana citizens.

It's curious that the NPS doesn't even advocate for removal of non-diseased bison to a variety of other Parks within the NPS system that historically contained bison. NPS could then practice natural regulation on these translocated bison as well. This, by the way, is another management alternative that was not analyzed within the Draft EIS, but should have been. Apparently, even the NPS itself implicitly recognizes the real and political limitations surrounding a general use of natural regulation.

Even if brucellosis is entirely eradicated from the Yellowstone bison herd, the conflicts that would be presented by a wide- and free-ranging bison herd outside the Park preclude the existence of such a herd except in very limited, narrow and well-controlled circumstances, such as on Indian reservations or on specific, well-managed, well-confined preserves. We cannot go back to the 1800s, neither realistically nor scientifically, and certainly not politically.

GENERAL ISSUES

1. NATIONAL RESEARCH COUNCIL REPORT. I presume that the entire National Research Council's 1998 report entitled "Brucellosis in the Greater Yellowstone Area" will be utilized and responded to in the formulation of the Final EIS. In any case, I hereby request that you do that, and by this reference I hereby incorporate that entire report as part of this comment. I request that you analyze and respond to each finding and recommendation contained within that report in the Final EIS, and justify within the Final EIS the final preferred alternative in light of each of these findings and recommendations.

2. NATURAL REGULATION. While the National Park Service (NPS) may decide to continue to pursue its natural regulation policy within the confines of Yellowstone National Park (YNP), it is not realistic nor politically feasible to pursue such a "non-management" approach in significant areas outside the Park. Regardless of where maximum population numbers might be set outside the Park (either by private or public entities), the fact remains that such numbers WILL be set. Natural regulation biology outside the Park for such a large species that tends to inhabit areas suitable and desirable for a variety of man's activities simply will never happen, can never be allowed to happen. Thus, population control of bison will happen, if not within the Park, then outside the Park. National Park Service management strategies therefore have significance outside the National Park Service's area of jurisdiction, and as a public body, the NPS cannot ignore or escape from that reality. To attempt to do so would be irresponsible and reprehensible.

For example, for the National Park Service, that is, Yellowstone National Park

management, to pursue an attitude or policy based on source and sink dynamics (as described in the National Research Council's report beginning on page 121), with YNP being the "source" and various areas outside the Park the "sinks" presumes a decrease in numbers outside the Park. Since the area outside YNP is not a world without man where habitat by itself might not necessarily be a limiting factor (at least not until the entire "Buffalo Commons," or perhaps all of North America, were overgrazed by bison), the use of non-YNP areas as sinks would obviously result in and indeed necessitate human intervention. Resulting population decreases would by necessity be via either some sort of harvest or physical removal to other areas. However, no other area would accept diseased animals. It's hard even to imagine any other area that would accept bison without contemplating some sort of management scheme--- in other words, removal would not be to another area where natural regulation could be practiced. A Final EIS and preferred alternative must involve an acknowledgment of and culpability for NPS responsibility for the effects of its chosen management style (or non-management style, as many prefer to call it) on areas outside the jurisdiction of the NPS, namely public and private lands within Montana, Wyoming and Idaho, and perhaps elsewhere. I believe that the NPS must be made to cooperate and assist, both politically, economically, and educationally, in the management strategies that these other jurisdictions are forced to adopt as a consequence of NPS natural regulation policy.

3. NATIVES AND EXOTICS. I believe that the National Park Service has concluded that brucellosis is not native to the Park; it is therefore an exotic, and it is my understanding that, based on Park Service federal statutory mandates, it is nationwide Park Service policy to remove exotics from the national park system. There is no valid excuse not to eliminate brucellosis! The NPS should be actively pursuing the eradication of exotics, not studying them for years, and not ignoring them— especially exotics of such extreme concern as the brucellosis bacteria. Again, this is a federal statutory mandate. It is my understanding that the US Fish and Wildlife Service vaccinates bison at Moise. I believe even the NPS vaccinates at Wind Cave National Park. Again, there is no valid excuse not to eliminate brucellosis!

4. PLEASURING GROUND. Yellowstone was established as a "pleasuring ground" for the people. The NPS is charged with maintaining that "pleasuring" aspect. Yet, the Draft EIS has no analysis of the pleasure derived from observing a known healthy population versus a known diseased population, especially diseased by non-native, or exotic, organisms. An analysis of this aspect of YNP bison is a glaring omission from the Draft EIS, which I believe must be included in the Final EIS.

5. ESTABLISHING A SPECIFIC POPULATION RANGE. One critical element of a solution is establishing a specific population range for bison. However, I believe the suggested numbers in Alternative 7 are too high. Several scientists, including Mary Meagher, Yellowstone Park's own buffalo expert, agree. I'd rather see the population range from around 800-1200. No one I've heard of advocates going below 600— it is simply emotionalization and exploitation of an extremely difficult issue to suggest that the last free roaming herd will disappear, or that the Montana Department of Livestock or anyone else is pursuing that goal. We're talking about maintaining a herd, managing a herd.

Do people really think that if the population were around 1000, that we'd see mass migrations outside the Park in the winter? There'd be no need to as there'd be sufficient feed inside the Park in the traditional wintering grounds. No analysis of resulting winter outmigrations from a limited population of, say, less than 1200 has been done in the Draft EIS. Is not this a viable population for YNP? This analysis should be done in the Final EIS.

Some say don't establish a population range until conclusive scientific evidence is gathered to support the number. Would these advocates be singing the same song if we were talking about water pollutants— don't set the standard until absolute scientific proof supports it? That only invites further deterioration of the resource in the meantime. And by the way, whose science are they advocating— if it's natural regulation "science," that would be meaningless in the context of this particular EIS.

6. HUNT. As a member of the Montana Senate, I was a diligent and forceful voice in the demise of the buffalo hunt in Montana. I will continue to aggressively oppose any buffalo hunt outside Yellowstone National Park in Montana unless and until specifics are developed relative to seasons, locations, and conduct of the hunt that convince me that a hunt will not result in another media circus for Montana such as we experienced at the end of the 1980s when the national media demonized Montana. And because bison are different in the ways I've described I have a hard time visualizing a hunt that would be sporting and out of the view of the nightly news. Some have suggested holding a hunt in remote roadless areas with topography and cover that poses a challenge for the hunter. That ignores the basic fact that buffalo tend to congregate in low open areas when they leave the Park. As an elected public policy maker, I refuse to be put in a position of supporting a hunt that doesn't responsibly address these issues.

Those alternatives within the Draft EIS that mention a hunt do not do so from the perspective of using a hunt to exclusively be the population control method for bison outside YNP. What is proposed are really only token hunts, because they involve only a few bison. Population control would still have to utilize hazing back to YNP, removal, or other lethal means. This fact needs to be made clearer in the Final EIS.

One of the problems with establishing a hunt is that once it is done it creates the expectation of a huntable population, in other words, of a viable population outside the Park. Until I see specifics of a management proposal including exact location, times of year, effective boundary control measures, and specific enforceable population guidelines that convince me there will be no safety, property damage, other economic, or any political risk to Montanans, I cannot support the existence of such a population outside YNP in Montana. By political risk, I am referring to setting up any situation that might lead to the further demonization of Montana, Montana government, or Montana citizens by the national press. I'm sure you can appreciate the apprehension that I as a public policy maker for my state has about the safety, economic and political ramifications of this issue. (While some might say that Montana's killing of any bison deservedly leads to demonization, that argument conveniently ignores very real economic and private property issues.)

One other thing. Hunting within YNP by native Americans consistent with claimed aboriginal rights was not analyzed in the Draft EIS. This may prove consistent with the native side of the native vs. exotic discussion, and may be an appropriate way to control the population

numbers. At any rate, it should be analyzed in the Final EIS.
legislative intent re: hunting

7. BUFFER ZONES. The only thing a buffer zone gets you is pretty soon a need for a bigger buffer zone. This is especially true for predators and large mammals. YNP's organic act specifies boundaries— these are not illusory and they are too easily forgotten. Again, until I see specifics of a management proposal including exact location, times of year, effective boundary control measures, and specific enforceable population guidelines that convince me there will be no safety, property damage, other economic, or any political risk to Montanans, I cannot support the existence of Special Management Areas outside YNP in Montana. However, I believe that a discussion and analysis of source and sink dynamics relative to bison and the implications for Special Management Areas outside YNP is a glaring omission from the Draft EIS and should be included in the Final EIS, along with an analysis relative to each of the Alternatives, and especially the final preferred alternative.

8. VACCINATION. There is no doubt that brucellosis could be eliminated from the Yellowstone bison herd. The National Academy of Sciences analysis concludes that brucellosis would likely disappear from Yellowstone if eliminated from the bison herd and if the elk feeding grounds in Wyoming and Idaho were phased out. While phasing out these feeding grounds might well raise controversy rivaling the bison brucellosis issue, such a phase out must be considered. This needs analysis in the Final EIS as an integral element of a long term, complete solution. This aspect of Alternatives 5 and 6 must be given top priority for no other solution works in the long run without it, except Alternative 1, the interim plan.

ANALYSIS OF SELECTED SPECIFIC ASPECTS OF THE DRAFT EIS DOCUMENT: PURPOSE AND NEED

1. Purpose of Action. It is unfortunate that the Need for Action and Purpose of Action statements do not include mention of the public health concerns relating to brucellosis. This is discussed at some length in the NRC Report, and is mentioned in the Draft EIS. Certainly, the Purpose of Action is to "address the risk of brucellosis transmission to protect the public health of citizens of and tourists to Montana as well as the economic interest and viability of the livestock industry in the state of Montana." [Proposed additional language underlined.] The Purpose of Action should also be amended to reflect the statement in the Need for Action regarding the need to: "fully manage the herd." As I have noted above, even with the eradication of brucellosis, the herd needs management and WILL HAVE management, if not within YNP then certainly outside YNP. I hope you will amend the Final EIS to reflect these two corrections.

2. Alternative Interpretation of Risk. In the Background portion of the Draft EIS, in the Purpose of and Need for Action section, an "Alternative Interpretation of Risk" is offered. This "alternative" is characterized by such phrases as "It has been theorized that ...." and "It is possible that ...." The entire discussion is based on non-peer reviewed conjecture. This entire

"Alternative Interpretation of Risk" should be struck from the Final EIS as inappropriate and misleading. In order to have the confidence of the public, important government documents need to leave out segments such as this one that are not scientifically supportable.

3. Bison Distribution. The discussion about bison migration out of YNP is somewhat misleading. It is my understanding that this is really only a recent phenomenon, say over the past dozen or so years, with very few if any outmigrating in years prior to about 1984. That is relative to a much increased bison population over total numbers present in earlier years. This has significant implications for attempting to determine what appropriate herd size range should be, and should be documented in the Final EIS.

Also, with regard to distribution, there is some discussion of snowmobiles and road grooming, and their impacts on bison population. I would offer two points that were not analyzed in this regard, but should be. First, the road from Gardiner to Cooke City has not been groomed but has been actually plowed for dozens of years; if there were a population effect from grooming, it would certainly be at least as great from plowing. However, I am not aware of any evidence to support this, nor am I aware of any serious recommendations to discontinue this plowing, especially since it provides the only winter access to the populations of Cooke City and Silver Gate.

The other point is that the NPS closes the groomed roads to snowmobiles much earlier in the winter than most people realize--- this closure is for the purpose of plowing the roads in preparation for the summer season. According to a story in the Livingston Enterprise dated February 27, 1998 for example, the roads were to close beginning March 1st. This timetable, it should be noted, has been pushed earlier in recent years. This could have at least as significant an effect on bison outmigration as groomed snowmobile trails. An analysis of the timing of outmigration relative to spring plowing should be included in the Final EIS. This may also have potential implications for the return by hazing of bison to the interior of the Park which were not analyzed in the Draft EIS but should be included in the Final EIS.

4. Birth Control and Sterilization. Under alternatives suggested but not analyzed are included birth control and sterilization. I think it is inaccurate to assert that these "would not contribute to controlling migrations." Migrations occur relative to the relationship between population and available forage, especially during harsh winters. Thus, having a smaller, controlled population would generally contribute to decreased outmigrations. This statement should be modified or eliminated in the Final EIS. In addition, several of the alternatives contemplate a bison population outside YNP. Where these populations are to be tolerated on a permanent basis, birth control and/or sterilization could be an effective component of population control and should be considered, and addressed in the Final EIS.

5. Eagle creek/Bear Creek. Some of the historic background as well as several of the alternatives consider the use of the Eagle Creek and Bear Creek areas as a Special Management Area where bison may be or have been tolerated. Historically, this area has also seen significant use by elk leaving YNP. A number of years ago the state of Montana purchased and established the Dome Mountain Wildlife Management Area near the southeast end of the Paradise Valley.

This area is used in the winter by several hundred to thousands of elk. It is my understanding that one of if not the primary route these elk use to get to the Dome Mountain area is through the Eagle Creek/Bear Creek area and then over the divide to the north, which involves a relatively short distance. Somewhere in the Final EIS should be a discussion of this phenomena, and the likelihood that a tolerated buffalo herd in the Eagle Creek/Bear Creek area might follow these elk trails and spillover into the Dome Mountain area. Such a migration to Dome Mountain could conceivably put a significant number of bison on the edge of the entire Paradise Valley livestock industry virtually overnight. While an Eagle creek spillover to Dome Mountain was not analyzed in the Draft EIS, it should be in the Final EIS, including identifying prevention measures as well as specific contingency plans should the event occur. Because of the difficulty of the terrain, hazing them back would probably not be feasible. Because of the lack of handling facilities, capture would probably not be feasible either, unless such facilities were made available. This potentiality is of extreme concern to me because it could jeopardize the entire Paradise Valley livestock industry, and thus have significant impacts on the entire Montana livestock industry, on literally an overnight basis (likely during some severe snowstorm), unless effective preventative and contingency plans are ready. PLEASE address this in the Final EIS.

ANALYSIS OF SELECTED SPECIFIC ASPECTS OF THE DRAFT EIS DOCUMENT: ALTERNATIVES

1. Alternative 1. Essentially, the no action alternative serves to adequately protect the Montana livestock industry from economic devastation from brucellosis. It also serves to fairly adequately protect private property from damage. Please see however my discussion above regarding Eagle Creek/Bear Creek.

I presume and would strongly recommend that essentially this alternative is to be the management scheme utilized until and unless a better alternative is adopted, and completely phased in. I would suggest however adding a quarantine facility to Alternative 1 as soon as possible. This would be beneficial from a number of perspectives, including providing an ability to get much needed data in a timely fashion. It would also soon enable the transfer of some certified disease-free bison to other areas, probably Indian reservations. Politically, this would go a long, long way towards defusing the issue, and providing much needed time to research remaining issues and to implement a more permanent solution. Finally, it would make available an important tool for the meantime to deal with potential large outmigrations of bison. I would recommend construction of such a facility within YNP near the present Stephens Creek facility on acquired land not part of the 1872 original Park charter and organic act. This should not pose insurmountable legal problems; it puts the temporary responsibility where it belongs; and it is relatively convenient from a geographic perspective.

2. Alternative 2. Because of its significant impacts on both the livestock and tourism (winter use) industries, as well as on private property and public safety (especially on highways), I feel confident in stating that this alternative will never be supported by Montana.

3. Alternatives 3 and 4. See discussion above regarding a hunt. And again, a traditional Native American hunt should be considered.

4. Alternatives 5 and 6. These alternatives both address one of the absolute keys to any long-term solution, that is, aggressive brucellosis control. While neither alternative specifically discusses total eradication, this should be discussed in the Final EIS as a long term goal. See discussion above regarding elimination of elk feeding facilities which must be part of this effort and which must be discussed in the Final EIS.

In addition, if brucellosis capture facilities are set up within YNP, particularly at the Seven Mile Bridge, an analysis of providing alternative winter snowmobile access to the interior of the Park from West Yellowstone must be undertaken. I firmly believe that with none to minimal costs or physical changes, alternative trails could be sited that would not interfere with the operation of the capture facilities. Two examples that would need to be analyzed are the old stagecoach road and power line corridors. Either of these, as well as other possibilities (the terrain is relatively flat and negotiable from West Yellowstone to the Seven Mile Bridge area), could provide temporary alternative travel corridors for winter access to the interior of the people's pleasuring ground.

5. Alternative 7. This preferred alternative provides the other main essential ingredient of an acceptable solution, the establishment of a specific population range. However, I think the numbers are too high. See discussion above. At the very least, I think any adopted population range should be based only on available range within YNP (any Special Management Areas should only be for spillover, and not for primary range), and should be subject to change based on further refereed range science research and analysis of just what the YNP carrying capacity is. These considerations should both be included in the Final EIS with respect to any preferred alternative finally selected. This includes a meaningful discussion of the terms of necessary research to establish such a carrying capacity based on widely accepted scientific range management techniques.

ANALYSIS OF SELECTED SPECIFIC ASPECTS OF THE DRAFT EIS DOCUMENT: AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES (the following addresses issues that should be provided some background in the Affected Environment section, and some analysis of impacts in the Environmental Consequences section of the Final EIS)

1. Property Damaged By Bison. This section should include two additional areas. One is the public safety concern of likely highway accidents, including human injuries and fatalities (which were not even addressed). It should be obvious that the road kill of say a deer is one thing, but a collision with a bison could be quite another.

Also, any significant population of bison outside YNP, whether seasonal or year round, could have very significant adverse impacts on forage availability as well as crops. This is certainly property damage and should be addressed.

As a Montana Legislator, I will be very interested in this kind of information in making decisions on whether or not to support management actions that involve state approval or state dollars.

2. Nonmarket Values. This entire discussion is very suspect. It is based on an extremely controversial and largely discredited methodology that involves significant assumptions based on significant assumptions, based on still other assumptions. In this case, many of the numbers are based on extrapolations to bison from endangered species, which bison are not, and which therefore involves highly suspect assumptions to begin with. No original research relative to bison themselves are involved. No discussion of the difference between nonmarket values for diseased animals versus healthy animals is undertaken. No discussion of the nonmarket values relative to snowmobiling or a healthy agricultural economy is undertaken (many people prefer "Cows vs. Condos" for example). The statement is made that: "There have been no estimates reported in the economic literature of the affect of the presence or abundance of bison on the value park visitors derive from Yellowstone National Park." This should be enough by itself to preclude the inclusion of this entire discussion from the Final EIS. That no analysis of the significance of nonresponses to the statistical "validity" of the samples is even attempted is another reason sufficient to preclude this discussion. No Alternative and no serious commenter that I am aware of has advocated for the elimination of bison from YNP, such that the question is not a viewing versus not viewing, or an intrinsic value of knowing bison are in YNP versus knowing they are not; but no analysis of variable population numbers, which is the real issue, is undertaken or even attempted. At any rate, this entire discussion should be deleted from the Final EIS.

3. Cultural and Visual Resources. Agriculture is also an affected environment because of heavy current and historical agricultural influence on communities. Agriculture and a rural agricultural and livestock heritage is also a cultural and visual resource in the area surrounding YNP. For example, again, many people prefer "Cows vs. Condos." How does each alternative affect this? How does each alternative affect the culture and education in local communities (the Gardiner school, for example), especially those that consider taking agricultural land (and thereby the livestock on it) out of production to provide habitat in the Special Management Areas? The impacts on local economies and tax bases for buying agricultural land for habitat are simply not analyzed, but should be in the Final EIS. This includes the tax implications to other taxpayers in Park and Gallatin Counties who will have to make up the difference for the taxes lost due to these alternatives.

OTHER GROUP'S ALTERNATIVES

1. "CITIZEN'S PLAN." The so-called Citizens' Plan, presented primarily by the Greater Yellowstone Coalition (GYC), while it contains some items with which I agree, is in general a gross over-simplification of the difficult issues presented in the Draft EIS, as well as in

the NRC Report.

For example, the maps in their brochure entitled "The Citizens' Plan to Save Yellowstone Buffalo," depicting (in green color) several hundred thousand acres of suggested Special Management Areas ignore the basic fact that bison rarely if ever frequent the vast majority of these several hundred thousand acres. They also ignore the fact that several parts of these green areas include private land, developments, and even towns. It is nothing more or less than a deliberate attempt to mislead the public into believing that there are vast areas of biologically and politically suitable lands outside YNP, when in fact there are not.

Likewise with their depiction of the so-called "Indian connection." They mislead the reader into believing that tribes "across the country" stand ready and willing to take Yellowstone bison, and then make light of the disease factor by stating that the quarantine protocol could easily be made much simpler. They also advocate the relocation of bison to "other public lands" without indicating what they have in mind. And they advocate that any quarantine facility not only not be in YNP, but not even within any of the Special Management Areas, but it would be a pasture-type facility outside the immediate area--- they don't discuss how such a facility might attain federal or state approval, or how it would be maintained in a secure enough fashion so as to pose no risk to adjacent areas (or how it would be funded and staffed).

They assert that bison "movement outside the park is a natural process" without honestly qualifying that statement with the fact that it is only natural on an ongoing annual basis if the population within YNP exceeds the carrying capacity. While I agree with them regarding artificial feeding, they then assert that the killing of "1100 Yellowstone buffalo, from a herd of 3500, in just one winter" is bad management, without indicating how they might have done any better, given the disease, the large herd size, the tough winter that occurred, and no artificial feeding. I believe that the minimum herd size that they propose at 1700 would likely guarantee a need for outmigration in most years, because it is too high; at any rate, any minimum herd size would need considerable discussion in the Final EIS regarding its relationship to likely outmigration.

They assert that "there has never been a confirmed case of brucellosis transmission from wild buffalo to cattle," as though it's nothing to worry about. That's a lot like saying that there's never been a documented case in the wild of a rattlesnake biting a buffalo, implying that obviously then it's never happened and never will! They say this even though the NRC Report discusses the difficulty of even doing studies on wild transmission; the Report as well documents transmission from bison to livestock under controlled circumstances. I must say that I find it ironic that the GYC and many other commenters talk in terms of there never having been a documented case of transmission in the wild, and in the next breath talk of the futility of attempting to eradicate brucellosis in bison because they'll just get reinfected by the elk. How can these people expect the cattle industry to be comfortable that bison won't infect cattle, when they themselves believe that elk will infect bison? It seems more likely that the lack of transmission in the wild speaks to the continued success of the interim management plan, as well as the care taken by the states of Montana, Idaho and Wyoming, and individual livestock producers, to avoid intermingling.

They suggest their plan would be in place for ten years, and then reviewed. They don't acknowledge that it would take several years to put all the pieces together, such as quarantine and testing facilities, federal land exchanges, conservation easements, development of "a scientifically-proven safe and effective vaccine" found to be safe on all non-target species and administrable in a

YELL-15316 contd.

non-intrusive manner, brucellosis research, winter road grooming effects research, research to develop a scientifically-based minimum herd size, change of state laws to provide for regulated harvests, etc.

They advocate only a voluntary, private compensation program for reimbursement for damages to private property which would only involve fences and other permanent structures (not, for example, forage or crops), and would only be available to property owners who subscribed to the GYC's management objectives. They advocate not eliminating brucellosis from the YNP bison herd, or any vaccination within YNP, or any bison vaccination without a corresponding elk vaccination program. On the other hand, they advocate requiring vaccination of all cattle in the area at private expense, even though the vaccination is only indicated because the public bison are disease-ridden. While I believe that there are very few if any cattle in the immediate YNP area that are not currently vaccinated, I might add that it is my understanding that in the near future it will be a matter of course for slaughter facilities to dock brucellosis-vaccinated carcasses significantly, which will be an additional expense to livestock owners resulting from publicly-owned diseased animals.

Most importantly, they don't provide any ideas on what to do in the meantime that it would take to get all their pieces in order, other than to sue the NPS and the state of Montana regarding their activities under the interim management plan. Nor do they indicate what they would do with bison that test positive for brucellosis, or with bison that cross out of their proposed Special Management Areas.

I would agree that additional research on brucellosis in bison, on vaccines for bison, on transmission dynamics, and on YNP bison carrying capacity would be of benefit.

In short however, as I stated above, the "Citizens' Plan" is a gross oversimplification of the issues. The sponsoring environmental groups purport that it "guarantees reasonable and effective measures that protect private property and livestock interests." It does not. If any portion of it does appear in the Final EIS, I believe the areas I've discussed, among many others, will need to be analyzed and the analysis documented in that Final EIS.

2. "PLAN B." The so-called Plan B alternative, presented by some environmental groups, is based on no killing, no capture, no slaughter, essentially no management. It is therefore unworthy of any of your attention. It is an irresponsible nonsolution.

SUMMARY

In summary, a final preferred alternative simply must include brucellosis eradication as a long term goal, establishment of a defensible and enforceable population range (based on YNP available forage only), sensitivity to the political needs and public image of Montana, and responsible, non-intrusive approaches to private property and local economy issues.

Sincerely,

Lorents Grosfield

Lorents Grosfield

14,448

STATE OF WYOMING
OFFICE OF THE GOVERNOR

JIM GERINGER
GOVERNOR

STATE CAPITOL
CHEYENNE, WY 82002

October 30, 1998

Sarah Bransom, DSC-RP
Interagency Bison Management Plan EIS Team
National Park Service
PO Box 25287
Denver, CO 80225-0287

Dear Ms. Bransom:

On October 2, 1998, the Wyoming Game & Fish Department submitted their comments on the Interagency Bison Management Plan EIS in a letter signed by Deputy Director Steve Facciani. I would like to expand upon and clarify those comments.

The State of Wyoming has several priorities relative to a Bison Management Plan.

- *RB51 vaccine is proven safe and effective on non-pregnant bison. The State of Wyoming believes RB51 vaccination of all non-pregnant bison cows and calves must begin immediately.
- *The State of Wyoming believes any bison vaccination program in the Greater Yellowstone Area will be ineffective unless feed ground elk are vaccinated concurrently. Otherwise, they will provide a re-infection reservoir.
- *The State of Wyoming opposes any action that would usurp the authority of states to manage and regulate wildlife outside the current Yellowstone National Park boundaries.
- *The State of Wyoming opposes any road closures within Yellowstone National Park.
- *The State of Wyoming supports establishment of herd management objectives which are scientifically based on Yellowstone National Park forage capacity and consumption by bison and other wild ungulates resident in the Park.
- *Any management action should be proportional to the risk of *Brucella abortus* transmission.

As of late September of this year, the Yellowstone area represents the only uncontrolled *Brucella abortus* infection remaining in the United States. The disease is exotic and enzootic in bison in Yellowstone National Park. It has been proven that brucellosis can be eliminated from bison in other public and private bison herds using good management techniques.

E-MAIL: governor@missc.state.wy.us
WEB PAGE: www.state.wy.us

TELEPHONE: (307) 777-7434
TDD: (307) 777-7860 FAX: (307) 632-3909

14,448 contd.

Because brucellosis is a serious cattle and zoonotic disease that has potential public health significance, its presence in the bison and elk populations in Yellowstone National Park will have an adverse impact on interstate and international trade. The nationwide economic and public health ramifications of not eliminating brucellosis in Yellowstone National Park make it unconscionable for the National Park Service to *not* make every reasonable effort to eradicate the disease in Yellowstone's wildlife.

The Wyoming Game & Fish Department's suggestions concerning expansion of bison winter habitat outside current Park boundaries were made based on the assumption that the above-stated priorities are realized.

The State of Wyoming believes the final EIS should contain responses to the technical and scientific comments submitted by the U.S. Animal Health Association. While that document was submitted separately by that organization, I have enclosed a copy for your convenience.

I'm certain the National Park Service is as anxious as the State of Wyoming to see this issue resolved expeditiously, and in a manner that addresses public, livestock, and wildlife health issues and the protection of Yellowstone National Park's natural resources. We look forward to the opportunity to review the final Interagency Bison Management Plan EIS.

Thank you for this opportunity to comment.

Best regards,

Jim Geringer
Governor

JG:clc
Enclosure
CC: Wyoming Game & Fish Department
Wyoming Livestock Board
Wyoming Department of Agriculture
Wyoming Attorney General's Office
Governor Marc Racicot
Governor Philip E. Batt

For attachment see: Organization Section,
United States Animal Health Association,
YELL-9364

YELL 10,336

CHAIRMAN
BOARD OF SUPERVISORS
COUNTY OF SACRAMENTO
700 H STREET, SUITE 2450 • SACRAMENTO, CA 95814
(916) 874-5481 FAX (916) 874-7593
E-MAIL: illac@co.sacramento.ca.us

Sacramento County
The Community of Trees

ILLA COLLIN
SUPERVISOR, SECOND DISTRICT

Lyla Ferris Hanson
Chief of Staff

October 5, 1998

Bison Management Plan EIS Team
National Park Service
Attn: Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CA 80225-9901

Dear Ms. Bransom:

Re: Support of the Citizen's Plan for Managing Buffalo

This letter is to express support of the Citizen's Plan for managing the buffalo of Yellowstone. I urge the Park Service to re-draft the EIS, incorporate the Citizen's Plan into the document and analyze it as a viable alternative. Not to do so renders the EIS vulnerable to a lawsuit.

I personally am very much in agreement with three points made by many interested in the future of the Yellowstone bison:

- Buffalo must be allowed to roam free on public lands adjacent to the Park up to the "carrying capacity" of these adjacent lands; if additional land is needed, the state and federal agencies should acquire additional winter range next to the Park.
- As an alternative to destroying bison, excess, healthy buffalo should be moved to Indian reservations and other public lands.
- Bison are wildlife, not livestock, and as such should be managed by wildlife professionals for enjoyment by the public in a wild and natural setting on public and tribal lands - not by livestock officials who only serve a single, special interest.

YELL-10,336 contd.

Thank you for your attention to this important issue. I am a frequent visitor to Yellowstone Park as I travel to Wyoming yearly. I have urged many foreign visitors to travel there and have always found that seeing wildlife - especially bison - is the most memorable part of their journey. I am appalled at the State of Montana's actions in slaughtering bison, especially with such a dearth of scientific evidence to support claims made by cattle ranchers. I have never traveled to Montana since they started this senseless killing.

I look to you, the National Park Service, to protect a national treasure - Yellowstone and its wildlife.

Sincerely,

ILLA COLLIN, Supervisor
Second District

IC:jt
98-167
cc: Montana Wildlife Federation

Oral Testimony provided at the Holiday Inn, 1701 Sheridan Avenue, Cody, WY on August 27, 1998

Comment No. 14829
Pete Jachowski
Supervisor, Cody Conservation District Board

My name, like you said, is Pete Jachowski. I'm an elected supervisor on the Cody Conservation District Board.

The Cody Conservation District, a subdivision of state government, is charged with the protection and enhancement of soil, water, and other natural resources in this area.

One of the resource problems identified and being addressed by the district is rangeland productivity and the competition for forage between livestock and wildlife. This competition is primarily between the over objective elk herd numbers and the decreasing number of livestock that graze both public and private lands.

Forage on summer and winter ranges is being utilized beyond the level that is best for the resource. This situation is not unique to the Cody area but is a regional problem.

For this reason, the district is opposed to allowing another large herbivore i.e., bison on rangelands outside the park.

The district also feels that the Draft EIS did not give full credit to the importance of the ranching community that surrounds the park. Their economic importance goes way beyond the number of livestock sold every year. They provide open spaces and scenic vistas on the roads that lead into the park and are the source of the culture of the region, which is much sought after by the tourist. Land and agriculture reduces cost to the county governments, and productive agriculture decreases the spread of rural development. The success of many ranches depends on the continued use of grazing permits on public lands. Therefore, the alternatives in the Draft EIS, calling for changes in forest permits or rearranging schedules of grazing on private lands, are unacceptable.

The district believes that the bison should be managed to a level where their herd size is sustainable within the park and should not expect area landowners to pay for their mismanagement.

Ranches in Park County and six other counties in Wyoming have been forced to test cattle for brucellosis since January before they can be sold. This is a result of an APHIS review of their class-free status due, in part, to possible contacts with park bison. This has been a financial burden and a major inconvenience for many producers in a period of depressed cattle prices.

As long as the perceived threat of contact with bison exists, cattle originating from the Yellowstone area will continue to be discriminated against by buyers and will be discounted when sold at the markets.

The ranching community has been paying for the lack of management of bison in the park. We feel that a total separation of bison and cattle is imperative for the survival of the industry. Thank you.

Tribal governments

and tribal organizations

Tribal Government and Tribal Organization Comment Letters

American Indian Movement - 15261, 15297; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures

Assiniboine Tribe - 14844, 14850, 17708, 17723, 17724, 17725, 17726, 17727, 17728, 17729, 17730, 17731; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Carcasses), Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Humane Treatment, Bison - Hunting, Bison - Population, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison Ecology, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Cost to livestock operators, Socioeconomics - Minority and Low-Income Populations, Socioeconomics - Nonmarket Values, Socioeconomics - Social Values, Visitor Use - Overall Visitor Use and Experience, Visitor Use - Winter Road Grooming, Wildlife - Predators and Scavengers/Ungulates

Cheyenne River Sioux Tribe - 15079, 15133a, 17720, 17751, 17752, 17753, 17754, 17755, 17756, 17758, 17759; Alternative - Adjustments to Interim Plan, Alternatives/Issues - Eliminated From Further Consideration, Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Definition of Low Risk, Bison - Distribution (Carcasses), Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Population, Bison - Quarantine Operations, Bison - Vaccination, Bison Ecology, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Testing, Brucellosis - Transmission and public perception, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Legal and Policy Mandates (management authority), Socioeconomics - Minority and Low-Income Populations, Socioeconomics - Nonmarket Values, Socioeconomics - Social Values, Visitor Use - Overall Visitor Use and Experience, Visitor Use - Winter Recreation

Chippewa Cree Indians - 14837; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Public Grazing Allotments - modify, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Legal and Policy Mandates (management authority)

Colville Confederated Tribes - 6990; Alternatives/Issues - New, Bison - Hunting, Bison - Population, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Special Management Areas, Bison - Vaccination, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Visitor Use - Winter Road Grooming

Commanche Caddo - 15112; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Carcasses), Bison - Humane Treatment, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Socioeconomics - Cost to livestock operators

Confederated Salish and Kootenai Tribes of the Flathead Nation - 9371, 17715, 17735, 17736, 17737, 17738, 17739; Alternatives/Issues - New, Bison - Distribution (Carcasses), Bison - Distribution (Live), Bison - Hunting, Bison - Quarantine Operations, Brucellosis - in Other Wild Ungulates, Brucellosis - Transmission and public perception, Cattle - Change Cattle Operations (Public and Private), Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Nonmarket Values, Socioeconomics - Social Values, Visitor Use - Winter Road Grooming

Confederated Tribes of the Yakima Indian Nation - 11029; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Special Management Areas, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range

Crow Tribe - 17711, 17716; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Legal and Policy Mandates (management authority), Socioeconomics - Social Values

Flandreau Santee Sioux Tribe - 194; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Carcasses), Bison - Distribution (Live), Bison - Hunting, Bison - Population - set an upper and lower population level, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Special Management Areas, Brucellosis - Testing, Brucellosis - Transmission and public perception, Cattle - Change Cattle Operations (Public and Private), Legal and Policy Mandates (management authority), Visitor Use - Winter Road Grooming

Fort Belknap Community Council - 15745; Alternatives/Issues - New

Fort Belknap Tribal Council - 17734; Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Minority and Low-Income Populations

Gros Ventre Tribe - 17732, 17733; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Quarantine Operations, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Legal and Policy Mandates (management authority)

Ho-Chunk Nation - 17717; Bison - Quarantine Operations, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Socioeconomics - Social Values

Indian Counseling Center - 9757; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Special Management Areas, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range

Indian Summer Festivals Inc. - 9877; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Special Management Areas, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range

InterTribal Bison Cooperative - 14484, 14838, 15189a, 15240, 15271, 15290, 17712, 17714; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Definition of Low Risk, Bison - Distribution (Carcasses), Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Population, Bison - Property Damage, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Special Management Areas, Bison - Special Management Areas - proposed boundaries, Bison - Vaccination, Brucellosis - Testing, Brucellosis -Risk Management, Cattle - Brucellosis Class-Free Status, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Visitor Use - Winter Recreation, Visitor Use - Winter Road Grooming

Lower Brule Community College - 11453, 12050; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Special Management Areas, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range

Lower Brule Sioux Tribe - 9107, 9108; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Special Management Areas, Bison - Vaccination, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range

Lower Sioux Indian Community - 15811; Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures

Minnesota Chippewa Tribe - 10349; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Population, Bison - Special Management Areas, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Land Acquisitions / Easements or winter range, Legal and Policy Mandates

(management authority), Socioeconomics - Cost to livestock operators, Socioeconomics - Social Values

Minnesota State, Indian Affairs Council - 10031; Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Population, Bison - Special Management Areas, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range

Montana Tribal Fish and Wildlife Commission - 15363; Alternatives/Issues - New, Bison - Distribution (Carcasses), Bison - Distribution (Live), Bison - Hunting, Bison - Population, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison Ecology, Brucellosis - in Other Wild Ungulates, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Brucellosis Class-Free Status, Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Legal and Policy Mandates (management authority), Socioeconomics - Cost to livestock operators, Socioeconomics - Minority and Low-Income Populations, Socioeconomics - Social Values, Visitor Use - Winter Road Grooming

Nez Perce Tribal Executive Committee - 11409a; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Carcasses), Bison - Distribution (Live), Bison - Population, Bison - Population - set an upper and lower population level, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Special Management Areas, Bison - Vaccination, Brucellosis - in Other Wild Ungulates, Brucellosis - Testing, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Brucellosis Class-Free Status, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Minority and Low-Income Populations, Visitor Use - Winter Road Grooming, Visual Resources - Landscapes and Viewsheds

Northern Arapaho Tribe - 17722; Bison - Distribution (Live)

Northern Cheyenne Tribe - 14839, 14852, 15667; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Ranching, Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Legal and Policy Mandates (management authority),

Oglala Lakota College - 14408, 15384; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Population, Bison - Public Grazing Allotments - modify, Bison - Quarantine Operations, Bison - Special Management Areas, Bison Ecology, Cattle - Change Cattle Operations (Public and Private), Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority), Socioeconomics - Social Values, Vegetation - Vegetative Communities

Oglala Sioux Tribe - 4018, 15258, 17757; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison Ecology, Brucellosis - Transmission and public perception, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Legal and Policy Mandates (management authority), Socioeconomics - Minority and Low-Income Populations

Prairie Band of Potawatomi Nation - 17710; Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Nonmarket Values

Prairie Island Tribal Council - 15812; Bison - Distribution (Live), Bison - Population, Bison - Special Management Areas, Cattle - Vaccination - require vaccination with RB51, Citizen's Plan, Land Acquisitions / Easements or winter range, Legal and Policy Mandates (management authority)

Pueblo of Pojoaque - 5730; Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Effects on Free-Ranging Status and Distribution, Bison - Quarantine Operations, Brucellosis -

Transmission and public perception, Citizen's Plan

Rosebud Sioux Tribe - 17721; Legal and Policy Mandates (management authority)

Saginaw Chippewa Tribe - 15090; Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures

Shakopee Mdewakanton Sioux Community - 8827; Bison - Capture/Test/Slaughter Operations, Bison - Effects on Free-Ranging Status and Distribution, Cattle - Brucellosis Class-Free Status, Citizen's Plan

Shoshone-Bannock Tribes - 14775, 17740, 17741, 17742, 17743, 17744, 17745, 17746, 17747, 17748, 17749, 17750; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Carcasses), Bison - Effects on Free-Ranging Status and Distribution, Bison - Hunting, Bison - Population, Bison - Public Grazing Allotments - modify, Bison - Special Management Areas - authority to manage, Bison Ecology, Brucellosis - in Yellowstone Bison Herd, Brucellosis - Transmission and public perception, Brucellosis -Risk Management, Cattle - Vaccination - require vaccination with RB51, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Legal and Policy Mandates (management authority), Socioeconomics - Benefit and Cost Impacts (includes financial impacts), Socioeconomics - Minority and Low-Income Populations, Socioeconomics - Social Values

Sisseton Wahpeton Sioux Tribe - 17713; Alternatives/Issues - Eliminated From Further Consideration, Bison - Capture/Test/Slaughter Operations, Bison - Quarantine Operations, Legal and Policy Mandates (management authority)

Thunder Nation - 15280; Bison - Capture/Test/Slaughter Operations, Socioeconomics - Social Values

United Sioux Tribes - 17719; Alternatives/Issues - New, Brucellosis - Transmission and public perception, Legal and Policy Mandates (management authority)

United Tribes Technical College - 14455; Alternatives/Issues - New, Citizen's Plan

Upper Sioux Community - 14701; Alternative - Adjustments to Interim Plan, Brucellosis - Transmission and public perception, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures

Winnebago Tribe of Nebraska - 14563, 17709; Alternatives/Issues - New, Bison - Capture/Test/Slaughter Operations, Bison - Distribution (Live), Bison - Quarantine Operations, Brucellosis - in Other Wild Ungulates, Citizen's Plan, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Legal and Policy Mandates (management authority), Socioeconomics - Minority and Low-Income Populations, Socioeconomics - Social Values

Yankton Sioux Tribe - 15846, 17718; Alternative - Adjustments to Interim Plan, Alternatives/Issues - New, Brucellosis - Transmission and public perception, Cultural Resources - Archeology/ Cultural Landscapes/ Ethnographic Resources/ Historic Structures, Socioeconomics - Social Values

Oral Testimony provided at the Thunderbird Hotel, 2201 East 78th Street, Bloomington, Minnesota on October 6, 1998.

Comment No. 15261
Wabun Inini Vernon Bellecourt
American Indian Movement

(Native tongue spoken.) Vernon Bellecourt is my missionary name. (Native tongue spoken.)

I first want to thank the Interagency Bison Management Plan for holding these hearings here in the area of the Honashanabi, the Hochung, the Lakota and many other nations of people who have come here into what is called the Twin Cities. A special thanks to the InterTribal Bison Cooperative, Mark Heckert, who through his work alerted many of us that this was going to be, this very, very important gathering was going to be taking place here. I want to pay special recognition to my dear brother, Larry Cloud Morgan, who as many of us know, is one of our finest ambassadors, and wherever he has gone throughout the world, he has represented us with dignity and with integrity. We are very happy to see Larry still on the frontline.

Special congratulations to the young men and women of all races who came here, with the American Indian movement singers and the drum, because it is the young people that are carrying on the spiritual and cultural traditions that are, in fact, the foundation of our various nations called "injuns" by the colonial pirate, Christopher Columbus, who stumbled upon our shores 506 years ago.

Previous to that, the great spirit, Getchi Manidue (phonetic), put us on this sacred land as the safekeepers of this sacred land to live in balance and respect with all life, and we did that from time in memorial until that day 506 years ago, and later at Plymouth Rock, when a virus penetrated our sacred lands and our people. They brought themselves into the natural habitat of the original and natural people of this land. They themselves fleeing the countries of their origins from brutal corrupted political and economic systems, religious intolerance. They came to the so-called New World, which wasn't new at all. It had been here since time in memorial, occupied by great and distinct civilizations of people. And bringing themselves and their virus into the natural habitat of the original people, they set out to do the terrible crime of genocide, more so a crime of ethnicide, where they tried to destroy our tree of life, which is rooted deep from within Mother Earth through our spiritual, social, economic, political and philosophical roots. For a tree of any nation to be powerful, those roots must be deeply rooted within Mother Earth. Crimes of genocide, ethnicide to try to obliterate us is the very same thing that they have done to all of the other living brothers and sisters.

They come into the natural habitat of the buffalo with their cattle and their sheep, they come into the natural habitat of the wolf, the eagle, and like they killed the Indian, they turn around and kill the wolf, the buffalo, the eagle, the cougar, so that they can promote, perpetuate their so-called economic system.

In the Boundary Waters Canoe Area, where the last remaining wolves prosper, they are now talking about going out and thinning out the wolves. When what we should be doing is going to Yellowstone and going to the Boundary Waters Canoe Area and start thinning out some of these settlers, sending them back to the hills of Georgia and Kentucky, from where they came. These are the same idiots that move out to the airport and then complain about the noise. So, our answer to the problem is start thinning out some of these settlers outside of Yellowstone. Resettle them back into the hills of Georgia, where they polluted the environment anyhow. Resettle them back into the hills of Kentucky. That is our response to a management plan that will work. Get their cattle, get their sheep and get themselves out of the natural habitat of the wolf, the buffalo and the eagle, and allow them to prosper. Because if they are destroyed, who is going to be next. That is the position of the American Indian movement. And in whose veins the blood of our great warriors still flows. And the young people that we see here today must take on this task and let's see that the eagle, the wolf and the buffalo prevail over these settlers and these squatters.

You know, there was a time when they came, they used to multiply quite rapidly; they had twins, they had triplets. Now, with these potency drugs, they are having whole litters. This is the problem, over population. We aren't the one that is over populating the land and destroying the natural environment of these great spirits that we are talking about today. Me-gwitch.

Oral Testimony provided at the Thunderbird Hotel, 2201 East 78th Street, Bloomington, Minnesota on October 6, 1998.

Comment No. 15297
Michael Belianger
American Indian Movement

(Native tongue spoken.) I am speaking on behalf of the American Indian Movement, so I hope everybody is sensitive to the movement, now we speak. What I am specifically talking about here is a way of life. That our sacred bison, our buffalo, are our relatives. The common bond of the relationship of the four-legged and the two-legged. Our sustenance, the spiritual great gift from the creator that no man can ever break or kill. Because the covenant with our creator, our bison and buffalo are with the people, our family.

I would like to touch on Caul Pouley (phonetic). It is an organization that is a movement to bring back the old ways and to bring back the bison and the buffalo. And what I have to say to those that are slaughtering, that they don't have the right to try to genocide us again. It didn't work the first time, so don't even go there again. This kind of behavior will not be tolerated ever again. Listen, and give it up. Me-gwitch.

Oral testimony provided at the Holiday Inn Billings Plaza Hotel & Trade Center, Billings, Montana on August 25, 1998

Comment No. 14844
Michael Black Wolf
Assiniboine Nations

Good afternoon. Thank you for allowing me to speak today. My name is Michael Black Wolf. I'm a member of the Assiniboine Nations in Fort Belknap, Montana. And I, too, am a one-millionth generation. As a matter of fact, my family was in Montana before there was a Montana.

First and foremost, I would like to make my point clear that I do not support any one of the seven alternatives, because all include shooting of bison, regardless of their testing seropositive or seronegative for brucellosis, once they leave the park boundaries. And, also, bison are not cattle. You cannot manage bison as cattle. They are two totally different species. Once again, to make this clear, bison are not cattle. The plans that are in the EIS, from my perspective, do no justice at all for the bison.

When I am done voicing my opinion, I would like to submit as an alternative number 8, which was drafted by the Fort Belknap Natural Resources Planning Department and fully endorsed by the Fort Belknap Community Council.

If there is no consideration for this alternative 8, which I will be submitting, I would like to voice my opinion for the people's plan. And it's the seven-point solution by the InterTribal Bison Cooperative and the National Wildlife Federation.

And if you would like a copy or more information on this alternative from the Fort Belknap Community Council, you can call Delmar Bigbee at (406) 353-2205, extension 423. Thank you.

Oral testimony provided at the Holiday Inn Billings Plaza Hotel & Trade Center, Billings, Montana on August 25, 1998

Comment No. 14850
Mike Fox
President, InterTribal Bison Cooperative
Fish and Wildlife Director, Fort Belknap
Assiniboine Tribe

My name is Mike Fox. I'm the Fish and Wildlife Director for Fort Belknap, and I also manage a herd of 400 head of buffalo for Fort Belknap for the past seven years, so I know a little bit about how the critters operate.

And so I know that at some point in time you're going to have some surplus animals coming out of the park and needing to be relocated or something to be done with them, because that's just the nature of the animal. They survive in the harsh winters and they reproduce readily. So that's where the State of Montana and the Park Service is going to have to come off with a center somewhere and meet in the middle. And the Park Service's stance that that's a natural system down there just isn't true. If you want a natural system, you would have to capture, quarantine, and relocate the Indians back into the park. And that goes the same with the State of Montana. You need to come somewhere to the center to allow the minimum tolerance of those animals in the periphery of the park.

I'm also president of the InterTribal Bison Cooperative. We have brought the idea of a quarantine to the table. And when we first brought it to the table, oh, five or six years ago, people said that's unworkable. And now we see it incorporated into a lot of the plans. But what we don't want is a small feedlot-type operation for quarantine. We're talking about four or five thousand acres where you would have ready access to those animals for periodic testing, but they won't be standing ankle deep in their own waste. So that's basically what we bring to the table. And we're not stuck on the idea of it being on an Indian reservation, just somewhere where the animals are basically treated with respect, and that's all that we're asking. Thank you.

Excerpts from the Tribal Consultation meeting held at Yellowstone National Park, WY on August 12, 1998

Comment No. 17708
Delmar "Poncho" Bigby
Assiniboine Tribe

Who represents the State of Montana? Is that the Governor or the Department of Livestock?

But they are one step above us in this process. The livestock industry and the State of Montana are a part of the decision making process, where Indian Tribes are not. All we can do is consult. That does not mean that our concerns, our desires are options or actually a part of the decision making process because the decision-makers are anti-Indian, anti-Native American.

And the elk are not tested?

In reference to that portion of page 300, it is practically impossible for any tribal government to address that first paragraph.

Buffalo came to Fort Belknap in 1975. With more sweat lodges and people carrying pipes than prior to 1975, it is okay to be Indian.

Plains Tribes totally depended upon the buffalo for our economy. As an act of war, non-Indians selling buffalo hides, and non-Indians selling buffalo tongues as a delicacy. That was just a small part of it. They were killing buffalo to destroy the Indian way of life and the Indian economy so they could control.

Because you are not truly taking into account the words that are being presented to you from the Indian people.

Because it is their right, their way. Just like it was for me. Like the buffalo changed my life and that it is okay for me to be Indian.

By slaughtering the buffalo, by sending them to Gardiner, Montana to a private enterprise to butcher, cut into meat and sell to cafes and grocery stores as a delicacy. This is the same thing that the Army did that you referred to when they sold the buffalo robe and they sold the tongue. They denied that meat and that spirituality to Indian people and that is exactly what you are doing now. It is history repeating itself.

There are two ways to take a buffalo. One is like the State of Montana. Go out and give them a big rifle and let them shoot like on the firing line. We done that, we have learned from our mistakes, but the State of Montana hasn't. The other way is to take buffalo, is to take it spiritually.

That is why Mike (Fox) it was hard for him to make the decision and recommendations to the council that we not participate in coming and collecting the carcasses as we had in the past.

17708 contd.

Because it was being done wrong, you were missing the connection and all throughout this there is no connection. You are treating them just like a cow.

Any live or dead buffalo being made available to Indian Tribes at their direction. Preferably Tribes would be afforded the opportunity to harvest the buffalo in the proper manner
This large system that took place in the days of the buffalo, the days of their forefathers that the area may have resources that another tribe needs and they borrow. So indirectly, every tribe to my knowledge would have a link to Yellowstone National Park and its resources.

What kind of numbers are we talking about, what percent of land would the buffalo occupy as compared to the elk? Or if you can pull the number out of the air for APHIS. Then you compare that with the numbers of livestock that have potential contact. Somebody is blowing smoke someplace.

It appears that the big drums the State of Montana and APHIS are beating is a concern about brucellosis, but they're not concerned about brucellosis in elk which is the same disease. You are sacrificing buffalo for elk; you are getting on the same train as State of Montana and AHPIS. You are not, in my opinion, raising a proper defense for buffalo. If it is as you stated to me, that you hope that our minds are on the same road, which is to save and preserve the buffalo you would emphasize more that brucellosis is just a bigger problem in elk.

Just some follow up questions on the facility. It's my understanding then that the State of Montana auctioned off the meat of the buffalo. So it is correct then that the State of Montana, auctioned off these carcasses to put it out on retail to cafes, restaurants. How were they able to get past the USDA inspection standards?

Throughout the discussion with the various alternatives and what not, they referred to limiting raising livestock on federal land and have different seasons for buffalo. How does an individual secure the right to graze livestock, on in this particular case, Forest Service land. What is the cost per AUM? It appears that there is no real analysis associated with this Forest Service land and this public land.

It appears again, throughout the discussion here, private enterprise is for the privileged few and is taking precedence over the most public resource.

Excerpts from the Fort Belknap Tribal Council meeting held at Fort Belknap, Montana on September 10, 1998.

Comment No. 17723
Joe McConnell
Tribal Chairman
Assiniboine Tribe

First of all I'd like to thank Barbara for making the suggestion that you come and do a face-to-face with the Tribes. I believe as a government-to-government entity we should do that. So often we are usually given comments and asked to comment after the fact. Never has our input been asked for prior to the drafting of any kind of documents. And a lot of times that creates, right off the bat, problems because we are never included to start with. I just wanted to make that point for the record.

I guess what I could say, and I speak generally, is that I think there's been comments made this morning about the buffalo being sacred to the Indian people. We all feel that. We have those same sentiments. That's a general statement that will apply to all of us. We all have different experiences and concerns. I guess based on how some of us were raised traditional and others of us weren't. But still as you can see from looking around the chambers the buffalo is symbolized in this room. So it's not something that we are just putting on a show, it's been here before and it's real to the Tribes.

Excerpts from the Fort Belknap Tribal Council meeting held at Fort Belknap, Montana on September 10, 1998.

Comment No. 17724
Delmar "Poncho" Bigby
Assiniboine Tribe

Delete any reference of slaughter, shooting, hunting, agency personnel would shoot and insert. Invite Tribes to harvest those buffalo which we determine high risk in a manner suitable and respectful of the relationship between the buffalo and Indian peoples. It leaves the administering agency the opportunity to take an animal down should it pose a threat to individuals, property or livestock.

One of the biggest concerns that were raised throughout this last year and a half was the manner in which the buffalo were taken down. The very disturbing fact that it was okay for Indian people to be invited down to participate in the butchering and slaughtering of buffalo for which they faced a very real danger of transmittal of brucellosis in humans. What is it called the undulant fever. But the non-Indians were protected by the buffalo being transported to a slaughter facilities where they were able to skin, butcher and cut it up under very controlled environment. Where it was okay for the Indians to do it in the wild. I find that repugnant as a part of the National Park Service and the State of Montana jeopardizing Indian people, but protecting non-Indians.

It's my recommendation that seronegative tested buffalo be quarantined, go through a quarantine process. Our proposed quarantine facility is way down here. Geographically separated by approximately 25 miles is where our proposed quarantine facility for seronegative buffalo from the Greater Yellowstone ecosystem.

Our own reservation is dependent upon agriculture for our economics. We don't want to do anything that would jeopardize that industry. So what I propose as an alternative is that throughout the Greater Yellowstone area there be created a buffer zone within the states of Montana, Wyoming and Idaho. It's only those livestock within that geographic area that stand a potential of coming in contact with possible bison and brucellosis.

Or is there a process that these private herds go through to obtain a brucellosis -free certification? Because buffalo and bison are becoming increasing economic opportunity throughout the United States. Witness the fact that they have their own agency. What's the North American Co-op or something like? It is a major economic thing. The concern about brucellosis should also be concerned about those producers that are neighbors to those private herds.

Throughout the EIS brucellosis is a concern. I'd like to emphasize my concern also that the Yellowstone bison be certified brucellosis-free. Which would be impossible until such time as the elk are also certified brucellosis-free. So I think that should be a part of this process-- a non-issue. It's a concern, but it should not be a major focal issue. That the buffalo itself should be the issue not brucellosis. Because brucellosis, until it's cleaned up in the elk, will always be in that environment. I think it's a disservice and you're fooling people. You're fooling us; you're fooling other members of the general public if eradication of brucellosis is still a primary focal point of the EIS. It's a major concern, I agree. But it should not be the issue.

Excerpts from the Fort Belknap Tribal Council meeting held at Fort Belknap, Montana on September 10, 1998.

Comment No. 17725
Michael Fox
President, InterTribal Bison Cooperative
Fish and Wildlife Director, Fort Belknap
Assiniboine Tribe

I guess I'd like to reemphasize the fact that we do share a lot of things in common with the National Park. Trying to preserve a wild and free herd down there. But also keep in mind at some point there are going to be some surplus animals. We've got to make plans on how to deal with them. Like our herd out here, I know at some point we are going to have to do something with the surplus animals, or get more land, which would be nice.

So I guess that's one thing we have to keep in mind. Until the State of Montana develops something else other than a zero tolerance policy or something outside the Park, then I'd like to see the Park help us take care of the buffalo within the boundaries. And if that means capture and transport out to a quarantine area that's probably what we are going to have to do.

A lot of times we have heard a lot of the comments from the Park Service about that being an actual system. Like I said before, Indians were part of the system before it was a park and after it was a park for that matter. So it only makes common sense that Tribes be a part of the solution now, even if that means being fairly intrusive in the Park. And as far as management goes, as little management as possible on the buffalo is the best.

And the concept of the quarantine facility is more a free-roaming facility than it is a stockyard type operation.

And I guess, again, going back to the State of Montana just has a total lack of respect for the animals. That's, again, where we ask you to help us delay other than zero tolerance on state land.

Transport to reservations for quarantine and working on government relations with the Tribes.

Each year we transport 150 to 200 bison out of the national parks and wildlife refuges. This year we are transporting 136 to, I think, it's 11 different Tribes. So we have the experience. We know how to do it. Montana's excuse of, it's too dangerous to transport them on highways, at the same time they are saying that they were transporting diseased animals to slaughter over the same highways. And we are talking about transporting clean animals over those highways.

In the summary in the draft EIS, page 47, it talks about the impact on associated Tribes for minority and low-income populations. It continues to give you figures on $19,500 worth of bison meat donated on average per year. Minor beneficial impact. And then it goes on to say that some bison, donated live, would be slightly higher. But they don't look at the long-term of live donation of bison to the Tribes. These animals have calves well into their 30s and some has been documented into their 40s. So you are looking at the whole generation of people that it will impact and their descendents. The buffalo descendents will continue to provide to Indian Tribes so they really can't put a dollar value on it throughout a lifetime especially if we are talking live. That's why we keep coming back to the issue of bringing live animals out there to benefit the Tribes.

Excerpts from the Fort Belknap Tribal Council meeting held at Fort Belknap, Montana on September 10, 1998.

Comment No. 17726
John Allen
President, Assiniboine Tribe
Buffalo Chaser Cultural Society

Culturally the buffalo have always been the life of the Plains Indian. We have been called the buffalo people. Its importance to us is our life. I'm sure you all read the history books and stuff and everything on how it provided life and substance to the Tribes both religiously and physically. And times when the buffalo left us whenever desegregated and taken away from the Indian people. Indian people still held them dear to their hearts.

We are lucky that we too have a buffalo herd here. We utilize them for ceremonies, ceremonial feeds, and power feeds. Also buffalo in Yellowstone is real sacred to our hearts because some of the buffalo may have originated from there that we have in our herds. So the hot springs and Yellowstone Hot Springs plays a close tie with the Assiniboine tribe here. They have always gone down there. Of course, they went through enemy country and stuff. So it wasn't a real, everyday trip. They had to sneak down there. They utilized it down there. A lot of times they brought back some of the volcanic glass that obsidian, whatever they call it for arrow heads and what have you. So we have close ties with Yellowstone Park area.

I know modern Indians. What I would call the modern Indians from the '30s and '40s onto present time they have always gone to hot springs and brought back barrels of hot water, brought back jars of it and kept it. Used it to make their medicines, mixed their herbs in when people were sick. So the Hot Springs played a large part of our role for us.

I would like to see all Indian Tribes to be available to these parts of the buffalo. You know especially the ceremonial parts or make available. Maybe if you do have hunting you can limit some to some specific Tribes. So that's if the other Tribes can be made part of the hunting issue or if maybe they can get a permit for so many buffalo for their cultural societies. You know, that would play a good roll and good public relations with Native Americans.

I would also like to make a comment on brucellosis. I am a stockman myself you know. I'm worried about brucellosis, but it seems that NAFTA just opened the borders up here and they're letting Canadian cattle come right down in here without any brucellosis test

Also I'd like to emphasize that the buffalo is probably equal or more so than the eagle to the Indian people now. Talk about the eagle and everybody thinks that's Native American. Buffalo was taken away from us for a while there. There was a spell in between there we didn't have it. A lot of Tribes don't have it to this day. Buffalo people, buffalo in all our aspects of life it touches us one way or another. Whether we are culturally raised that way, traditional raised or just Caucasian raised, you know. Native Americans are quite a cross-section of society.

I don't see much private land that surrounds the park. A lot of it is federal land. There is BIA and Forest Service. Some of the towns have private land there, but I'd be very much in favor of well, I don't know what the price of grass is, ain't very much for federal ranchers. And ranchers that ranch on federal land have a privilege, you know. A lot of guys are paying $15, $16, $20 bucks for land for them acres. I ain't too certain, but I would like, so it wouldn't cost very much, for someone to lease that land and provide a winter grounds for them, additional winter grounds.

I know that buffalo utilized the groomed snowmobile roads to travel in and out of the park. They could put some barriers along the way on some of them or open a new road for them, a new path for them to travel to the wintering grounds.

As I say I have no problem hunting them provided that there's maybe some 10 percent of the tags are made available to Native Americans, you know, and not so much Montana Tribes. But Montana tribe are lucky, a lot of them have their own buffalo herds.

I go to Yellowstone quite a bit myself. I think I was down there this year in July. I only seen buffalo down there and a few water fowl. I didn't get to see any other animals. But one incident that touched me came to me. There was one buffalo going down the highway with Winnebago and campers and trailers just following it and people running behind it taking photographs. And we somehow got way ahead of them and pulled off there at a turnout and made some sandwiches and were watching the process coming, these people chasing the buffalo. And my little boy run down off the edge there and comes back and drags me down there and finds a buffalo wallow. So he wants to know what this is, you know, "It's a buffalo bed," I told him. He lays down in it, rolls around in it. We go back up and here comes the buffalo. So we just sit there and wait and sure enough the buffalo goes right to that wallow and lays down. And you see his head peeking out. My little son was real happy, you know. He says, I have a brother now," he says, "We shared the same bed." That might not mean too much to anybody, but it was a special moment to me with my son and Creator for making that happen. Probably remember that until we are gone, you know. That's a little something that was very special and it happened to my son and myself. These things can happen to native peoples. Something like that is a good sign to us.

So you got to keep your buffalo there. You're going to have to come to a compromise and do it as culturally and humane as possible.

I'm glad that you're meeting with Fort Belknap Tribes here, Sovereign Nation, you know. There's just as much clout, I don't want to go back to clout, but by God we are just as equal to the State of Montana in some ways.

So the Park is utilized by Native Americans quite a lot too.

Excerpts from the Fort Belknap Tribal Council meeting held at Fort Belknap, Montana on September 10, 1998.

Comment No. 17727
Wayne Azure
Departmental Justice
Assiniboine Tribe

Last year, I worked for Americore. We were invited down to butcher and gut the buffalo that was shot in one area. I don't know the place where it was, but when we got there we stopped at that check point station where they said. They gave us rubber gloves. They told us, basically, that if we cut ourselves we don't know if we are going to get brucellosis, or whatever that is.

Older ones, when they found out I was going down, they come to me and told me what they wanted. And it was hard to leave all of that stuff there that I couldn't get. When I just seen them laying there I was looking around and the way I was taught and the way I showed that we had ceremonies. I felt like a part of me died out there.

I did a research paper in 1993 for college on a buffalo, with the reintroduction of buffalo amongst tribal reservations. There has been a 30 percent increase of the population amongst Indian Tribes when the buffalo was reintroduced to them. Part of that study and survey was done through the InterTribal Bison Co-op.

But a lot of times if you look at what animal has more contact with the cows, when you talk about brucellosis, it's your elk. They have a bigger migration area than the buffalo. So my question to the department of parks is why isn't the elk tested the same as the buffalo?

To me, I see it as a racial issue because you go after something that belongs to, and is very much a part of, the Indian people. Yet the majority of the people, the uproars about these buffalo, or bison, whatever you want to call them, to me I see it more of a racial issue than anything else.

Why are the cattle ranchers or those who own livestock, why aren't they complaining about the elk?

So to me I see it, what is really the underlying issue here deals with the bison migrating as a natural part of their makeup.

But one thing that I'd really like to strongly emphasize when those buffalo and bison, whatever you want to call them, were introduced to these Tribes they might still have that. You will understand why sometimes, how it affects our people, especially me.

Excerpts from the Fort Belknap Tribal Council meeting held at Fort Belknap, Montana on September 10, 1998.

Comment No. 17728
George Shields
Fort Belknap Tourism and Buffalo Chaser Society
Assiniboine Tribe

I think if these Tribes on the Northern Plains here, if they have any culture at all, I think it would be a buffalo culture because everything stems around it.

We just have a few of them and we are trying to preserve them. What little we have left. I know it's not up to me, but if it was we'd just take all the buffalo back, period. I think they belong to the Indians anyway.

A venture in managing the buffalo in Yellowstone or if they can be part of management. If the Tribes have a joint venture in managing the buffalo in Yellowstone let them handle all that since it's a federal funded park.

Excerpts from the Fort Belknap Tribal Council meeting held at Fort Belknap, Montana on September 10, 1998.

Comment No. 17729
Ed Halver
Assiniboine Tribe

We have to remember what almost led to the demise of the buffalo in the late 1800s. I think the reason that still holds true today with some agency, was money. I think that we need to be aware of that and understand it.

I think the other thing, when we talk about education is that we have to educate the federal agencies and the state agencies to the Native Americans' belief in the buffalo and the system surrounding the buffalo. I think that people need to know and understand each tribe's individual outlook towards the buffalo. And the need that existed in the 1800s when they were almost completely slaughtered out, that need still exists today. I think that the various agencies that are involved in this need to be educated in the cultural, historical and religious aspects of each tribe's individual outlook towards the buffalo.

I guess what I'm trying to say is that there should be more respect shown to things for Mother Nature in that regard. I think the agencies involved need to situate themselves as to that need and respect each tribe's individual outlook toward that.

Excerpts from the Fort Belknap Tribal Council meeting held at Fort Belknap, Montana on September 10, 1998.

Comment No. 17730
Ron Speakthunder
Council Representative, Assiniboine District
Assiniboine Tribe

The Indian way, there was respect for all animals, the earth, everything, even the rocks had life in them. The buffalo has been big part of the Indian way of life from the beginning and still remains that way. And with the problem we have in Yellowstone Park, it's not just the bison; there's a problem. Any time you get a large concentration of animals and put natural barriers up you're going to have problems.

There are various plans. I am aware of all the plans that different agencies have been proposing to address the buffalo issue, brucellosis issue. Personally I think I kind of agree with our proposal here that Mike and Delmar wrote because the tribe was never involved with the beginning proposals.

As far as the buffalo being killed and stuff there's certain things that tribal, Indian people, do prior to taking an animal and these things should be followed, I guess, if the Indian people are involved in this.

I have been an advocate. I thought the Park Service should make it a priority to make the Yellowstone bison herd brucellosis-free.

I believe that, along on another note, various Tribes fall in line dependant on the buffalo and some Tribes have been left out.

The federal government has pretty much left the comments of Native Americans and tribal governments and just left them out of the picture and made the plans. And after the plans were all drafted and signed off, then Native Americans were contacted later. And it kind of gives an, I guess, it gives us a left-out feeling, you know, it's uneventful thing and hopefully this thing will not happen anymore.

Buffalo are important to Fort Belknap people here, Assiniboine and Gros Ventre. We even have societies that's named after the buffalo. I believe there's always been a place and there always will be a place for them in our society.

Your education part of our state people, federal people, livestock cooperatives needs to be done. It should always stay a priority because I think what got us in trouble is not educating the people. I guess ignorance is our own worst enemy. It starts rumors and causes a lot of damage and seems like our bison were caught right in the middle of these uneventful things that happened.

I guess one of our protocol that we should follow is making sure safeguarding brucellosis-free status of the Yellowstone bison herd. And we can utilize, you know, not all the buffalo in reality, but a great portion of them. I think this brucellosis thing got all blown out of proportion.

17730 contd.

I support the project. Something I would like to see, but I don't think the bill should fall on our laps. The Park Service or whoever should foot the bill on making the bison brucellosis free.

Excerpts from the Fort Belknap Tribal Council meeting held at Fort Belknap, Montana on September 10, 1998.

Comment No. 17731
Randy Wing
Assiniboine Tribe

All I got to say is I would like to see the buffalo come back to the reservation.

These culture ways are really coming alive now. Our culture is coming back. The buffalo is really powerful to the people, really sacred. The animal is really sacred.

Oral testimony provided at the Holiday Inn South, 3401 South Interstate Hwy 35, Austin, TX on September 29, 1998

Comment No. 15079
Fred Dubray
InterTribal Bison Cooperative
Cheyenne River Sioux Tribe

I'm a member of the Cheyenne River Sioux tribe in South Dakota, and I'm also my tribe's representative to another group called the InterTribal Bison Cooperative, which consists of member Tribes throughout the nation. And our primary purpose in this Cooperative was to reestablish buffalo back onto Indian lands in recognition of the need for our own survival as a people.

And I'd like to say today that an environmental impact statement that's been ongoing for at least the last eight years has been a failure of the government agencies that are involved, the State of Montana to live up to their responsibilities to the American people. An environmental impact statement by its nature is to address the concerns of those people that are being impacted by whatever the issue is at stake, and in this case, it's the buffalo in Yellowstone National Park.

So for the last eight years, our tribal people have been trying to participate in this process, but we've been constantly told this is not an impact on Indian people. We only include the people that are being impacted, which is APHIS, the National Forest Service, the State of Montana, and the National Park Service. There's only four agencies being represented there. We asked for a place, a seat at that table to have a tribal representative there, and we've been consistently told there's no impact.

But our ancestors and our elders tell us differently. There is no way to separate Indian people and buffalo. There's a spiritual relationship that's existed there for thousands and thousands of years. You cannot make that separation. That's totally impossible. So when these buffalo were annihilated and almost brought to extinction in the last century, it was like a holocaust to Indian people, and it had a very detrimental impact on their Tribes, and we're still suffering from that impact today.

And so, again, when they say there's no environmental impact on Indian people, you know we take exception to that. We took exception to it then; we take exception to it now. And just as we start to succeed a little bit, restore a few buffalo, then the killing starts again. It could be coincidence, but our experience suggests that maybe not.

We've also been told that the InterTribal Bison Cooperative does not represent these individual Tribes, so as a cooperative group, we couldn't represent these individual Tribes.

It's important to understand not only by these government agencies, but also by the public itself that we formulated this cooperative effort so that we could speak as one because we recognize that these buffalo are a symbol of our strength and our unity. So we got together by tribal council resolution, and each tribal council selected a person such as myself from my tribe to represent our tribe, to have the authority to speak for that tribe, but yet we still get turned away.

And then recently they said, well, we have to have a deal with the Tribes of government-to-government relationship. So that's been one of the flaws. But the same kind of thing. When you destroy something like these buffalo, it destroys us. Each time one of these buffalo is killed, part of us is killed, also. That's how deep that relationship goes.

And I'm sad to say that since the American situation has taken on the way it has in the last hundred years, this has become other people's country now, too. It's not just us anymore, it's not just the buffalo, and it's all you people too, the public. Because if these buffalo can't survive with the integrity of their own personal integrity which is roaming wild and free, maintaining that free spirit, then neither can we. Our culture can't survive.

And guess what, folks. If we don't survive, then you're next. And that's what this is all about. So basically, what this whole issue represents is our wildlife versus domestic lifestyle. Is there room for wildlife in this country? I think that's what this issue is all about, and I think that the government agencies have failed miserably in carrying out their responsibility and the will of the American people to preserve this valuable wildlife resource. So I thank you for the opportunity to speak today.

Oral testimony provided at the Summer School, Museum and Archives, 1201 17th Street, NW, Washington, D.C. on September 17, 1998

Comment No. 15133a
Fred Dubray
InterTribal Bison Cooperative
Cheyenne River Sioux Tribe

I'm Fred Dubray. I'm a member of the Cheyenne River Sioux Tribe in South Dakota. I'm also the Cheyenne River Sioux Tribe representative to the InterTribal Bison Cooperative, which is a group of 46 Tribes that have formed a cooperative effort to restore buffalo back to Indian Tribes and Indian land. And obviously we're very concerned, from our tribe and all the Tribes, about what's taking place in Yellowstone, the slaughter of these bison.

If you recall in history in the last century, the same thing happened basically. The bison or buffalo as we like to call them, were slaughtered, and one really sad and really major concern to the Tribes is that it was done on purpose. And it was done in order to destroy our economy and subjugate Tribes onto reservations where we exist today. And make no mistake about it; it had a very detrimental impact on the Tribes and our economy that still lingers. So today our efforts to restore buffalo on Indian lands is in direct retaliation to what happened a century ago and to try and restore our economy, try and restore dignity and pride to our people as a people.

So that's what the effort of our Cooperative represents. When we watch buffalo being slaughtered in Yellowstone, in direct opposition to those goals and objectives, we can't help but think that possibly the same thing is taking place for possibly the very same reasons. And I think it's absolutely outrageous because what's happened is a Holocaust again that happened in a previous century. We should be learning from our mistakes instead of making them again, time after time.

So we have been working on this effort with the Yellowstone National Park in trying to influence the decision that comes out of there and how these buffalo will be treated in the future. They have every right to remain as wildlife and retain their dignity as well. That is essential, and because our relationship with these buffalo demands that, and it has to be that way. If the dignity and self-esteem of buffalo themselves is destroyed, then basically they are destroyed as well, and there goes our relationship.

So our efforts have been to maintain the wild, free-roaming status. They have to do that. And we put a lot of effort into this EIS process. We have tried to be included in the process, but our willingness to participate has been basically pushed away and ignored, and we have become just another public commentator as any individual has. But the Tribes feel that we have a further right than that. We have treaty rights, and we have fundamental rights because these buffalo are part of our very culture. Without these buffalo, our culture can't even exist. It can't survive. So part of the Citizens' Plan that we have developed is a plan that will allow for solution to this problem. We have conceded some of our ideal objectives and goals because we realize that free-roaming buffalo totally, just free-roaming and allowed to go over private lands and all of that, is not possible and was not acceptable to a lot of groups. And it doesn't address the growing herd and the numbers and reproduction.

Buffalo, they are accused of having this disease called Brucellosis, which affects the reproductive capacities of the animals, supposedly, but yet, they yield a very high offspring every year. There are so many now that they said they have to kill them to get rid of some of the numbers. It doesn't make any sense. It defies logic. Yet here we are trying to restore buffalo back onto our lands while these are being needlessly slaughtered. One of the things that we propose is that we'll take care of them. We'll take the responsibility, and only in the event that it's an alternative to the killing.

We don't propose just going in, rounding up all the buffalo and transferring them to Indian lands. But what we do propose is that you take a better look at this. As an alternative to the killing, we would go in, gather them up, test them, and transfer them to Indian reservations to supplement the tribe herds and also provide some genetic diverse tribal herds and increase the wild herds out in this area.

So the Citizens' Plan that we have developed with the InterTribal Bison Cooperative in conjunction with the National Wildlife Federation and several other groups that have been concerned with this for a lot of years is what that plan represents and all of these points. You can find a copy out here of the Citizens' Plan, and we hope that that will be considered as a preferred alternative and added to the EIS process. Thank you.

Excerpts from the Tribal Consultation meeting held at Yellowstone National Park, WY on August 12, 1998

Comment No. 17720
Robert Chasing Hawk
Cheyenne River Sioux Tribe

I think that the religious significance is that we are the buffalo people, the Lakota People. And that when a year or two years ago they killed these buffalo over here they are killing our brothers and sisters, grandpas and grandmas. The State of Montana did not see this. In fact, our religious significance is nothing to them.

The State of Wyoming should have been part of the decisionmakers because at the East Gate the buffaloes roaming in the area are also going into the State of Wyoming.

Chairman Bourland said support the InterTribal Bison Cooperative when you get up there. Like Louis up there, I strongly oppose quarantine. These are my brothers and sisters who are going to be put in a boarding school, put into a jail So I totally disagree with a quarantine. They need to do more research. All the money that they get should be going toward the research to eradicate the brucellosis from the buffalo.

I think we need to look at these buffaloes here. How are we going to vaccinate them, how are we going to test them, how are we going to identify these buffaloes? So then do a little bit of research within this Yellowstone ecosystem. Somebody mentioned about the hazing fence. The hazing fences should be put up. And then you can corral them and mark them somehow that these guys test negative with ear tags. Whatever needs to be done.

There is some discrimination or racism within. You know these original buffalo, and I think the gentlemen and I agree, these are the Plains buffalo and somehow they ended up in here. These are not Yellowstone buffalo. Those belong up in the Plains area. They happen to drift into Yellowstone for protection from Wild Buffalo Bill or whatever his name was.

I for one don't vote for another slaughter.

It's all economics that we need to come up with a plan. Because you didn't consult the Tribes to begin developing the book here, that's number one. This plan is not going to work and you're not going to listen to any tribe. Consultation is exactly what the gentleman said is true. We submit things from the tribe, but the decision's already made. It's just a waste of time here to me. Because the State of Montana has a lot of politicians' clout to get its' way. And I thank you very much.

Excerpts from the Cheyenne River Sioux Tribal Council meeting held at Eagle Butte, SD on August 21, 1998

Comment No. 17751
Eagle Hunter
Cheyenne River Sioux Tribe

What I'm saying here is, that to me when they kill buffalo in Yellowstone it's just like killing my father, mother brother and sisters. But no one has ever taken that into consideration.

The solution I have is very simple. All the Tribes that belong to this Cooperative put $5,000 in, I hear there's 47 of them.. The problem is that once the buffalo leaves the boundary lines they become the property of Montana State. That's where the slaughter begins. But keeping them in the boundary lines, the National Park Service is saying that is not their responsibility. So who is responsible? What I'm saying here is put $5,000 into this and hire some people to keep the buffaloes in.

So then the next time think back to what I said, put some money into it and hire our own people like they think the snowmobiles they think, horses, ride horseback, keep those buffaloes in the boundaries.

Keeping them in the boundary lines is the only solution, the only way to go with that responsibility. It belongs to the Lakota people as well as other Tribes that believe in that. You can't even feed them. The Park Service can't feed them. Why are they leaving the park? Because they were starving. They want more food. There is no way to feed them. So then if we can get permission to take our own feed up there and feed them they're not wild anymore but they call them wild.

17751 contd.

But the killing still goes on. Every time I read about in the paper, you know, I hope somebody was there to take care of them properly. Last year, you know, I heard about the thousand that was killed. I just couldn't believe that our government would allow that to happen. Historically that's been the case as far as the buffalo are concerned. I can think of two or three cases where whole herds were killed because of the brucellosis.

Anyway, I just kind of wanted to give you a little bit of history on what I know. I think it's real hard to talk about when there's not many solutions.

I think, as Gregg said earlier, as a people, we can come together. Not only us, but also people throughout the United States. These meetings that we're doing, that the Park Service is doing, they're not only on reservations, a lot of them are in major cities in the United States. And maybe through all of these meetings, maybe the people can come to some agreement or solution where we might save these few remaining wild buffalo.

Excerpts from the Cheyenne River Sioux Tribal Council meeting held at Eagle Butte, SD on August 21, 1998

Comment No. 17752
Keith Annis
Cheyenne River Sioux Tribe

Good afternoon. My name is Keith Annis and I'm a descendant of Frederick Dubray, Sr. As many of you know he was credited with saving some of the last buffalo in the United States. There are some relatives here today and they have some information, some letters and documents that they would like to share with you. So maybe during the course of the meeting, you can come over here and just kind of read through some of the stuff.

I've been working on this buffalo issue for a couple of years. I've been living in Montana for the last five years, I guess, and I've made myself available for just anything concerning the buffalo. I guess my main reason is after (inaudible) sold the buffalo, sold them to a man in Fort Pierre, South Dakota. It's our understanding that from that herd, a lot of the buffalo that are in Wind Cave National Park and Teddy Roosevelt National Park came from Frederick Dubray, Senior's herd and a lot of the national parks in the area. I always believed that some of those made it all the way to Yellowstone. So, as I said earlier, it's hard to talk about.

I guess we see them as our relatives. I worked for two years, two winters when I first heard they were killing them. I think it was 1994 when they started the actual slaughter. Word got out that at Bozeman at Montana State University, there was an American Indian Club, and word got out that some of the people were interested in the buffalo. They were interested in the meat and different things that they could get.

At the time, I was president of that organization so I was contacted with it. So I became kind of a contact person in the Bozeman area. When they would shoot the buffalo, they would call me and I would put together a butchering crew, I guess. When I first started doing this, it was (inaudible). Even though they know this, I had this buffalo history behind me. I was never really involved with anything to do with buffalo.

So anyway, when the opportunity came up though, I decided it was something that I could do. So anyway, the first time they called us up, they said, "we have some buffalo that we need you to take care of " So I think about 10 or 12 of us went. It was over by West Yellowstone. I'll never forget that sight.

It was in kind of a timber valley, kind of a low spot with two hills on each side. Well, I couldn't see the buffalo until we got right on top of the hill. I believe they killed sixty that day. And they were on private land. I think if they were going a little farther, then they would have been on Forest Service land and they might have been okay for awhile. But as it was, they made their stand on private land. Anyway, as I said earlier, I will never forget that sight, going over that hill, sixty. From that point on, it was all downhill for me, I guess. Even though I made myself available to help do what I could. And it just became harder and harder each time we were called. I guess it just got to the point where it became too hard for me so I said I couldn't do it anymore.

17752 contd.

But the killing still goes on. Every time I read about in the paper, you know, I hope somebody was there to take care of them properly. Last year, you know, I heard about the thousand that was killed. I just couldn't believe that our government would allow that to happen. Historically that's been the case as far as the buffalo are concerned. I can think of two or three cases where whole herds were killed because of the brucellosis.

Anyway, I just kind of wanted to give you a little bit of history on what I know. I think it's real hard to talk about when there's not many solutions.

I think, as Gregg said earlier, as a people, we can come together. Not only us, but also people throughout the United States. These meetings that we're doing, that the Park Service is doing, they're not only on reservations, a lot of them are in major cities in the United States. And maybe through all of these meetings, maybe the people can come to some agreement or solution where we might save these few remaining wild buffalo.

Excerpts from the Cheyenne River Sioux Tribal Council meeting held at Eagle Butte, SD on August 21, 1998

Comment No. 17753
Marcella LeBeau
Cheyenne River Tribe
Gray Eagle Society

My name is Marcella LeBeau. I'm a member of the Cheyenne River Sioux Tribe and I'm a member of the Gray Eagle Society of Cheyenne River. Just as all these folks sitting at the table are members of the Gray Eagle Society and Clarence Runs After and Oliver Brownwolf. I would like to add some things.

What I've read in the newspapers about buffalo at Yellowstone National Park is very disturbing to me. We are fortunate on our frustrations that we have a current Chairman who is very supportive in regards to the buffalo and knowing the history and represent us well in that respect And also we have Fred Dubray who is a member of our tribe who brought buffalo back to our reservation. He had a dream and a vision that this bringing the buffalo back to Cheyenne River would change somehow our environment and our future. And that vision is one that we support and respect and we're very grateful to Fred for this effort and what he is doing for us.

Beyond that, we are in very dire straights here on Cheyenne River in regards to our health situation. Because we no longer live back in the time when our food sustained us in a healthy way, we are now overwhelmed with diabetes - diabetes is at epidemic proportions just as heart disease and many other problems because of our change in life style.

If we were to go back to the time when we ate as our grandparents did we wouldn't have the diseases that we have now on our reservation. The epidemic - diabetes is preventable and some of the other ills that we have are preventable. And so I'm not sure how this can all be changed about but the more involved we become, the more informed we become, perhaps we can change some of this so that our children and our grandchildren won't become diabetic or die of heart disease and all of the ills that are affecting us today.

I wanted to bring that up because I am retired nurse and it really bothers me that our people are in really severe health problems and unnecessary because of our change in life style and our eating habits. Thank you

Excerpts from the Cheyenne River Sioux Tribal Council meeting held at Eagle Butte, SD on August 21, 1998

Comment No. 17754
Gregg Bourland
Chairman, Cheyenne River Sioux Tribe

We all know that the buffalo, or the bison, were a main stay for the both the economy and the life of the Lakota people. But let's go back a little bit further. The buffalo were part of our creation story. We were told that prior to coming and living on this earth, as we know it today that we lived with buffalo, the Lakota did, which were then called the pided (phonetic) people. The pided (phonetic) people and ourselves lived in this land or this world beneath the earth, and the (inaudible) tricked the Lakota up on to the earth and we came upon the earth because the (inaudible) told us that the Earth was really a good place. Well (inaudible) had been living up here tricking the animals and he wanted us up here so he could have new beings to fool. But when we came upon the earth, we realized the earth was a hard place to live upon and our job down in the other world was to take care of the pided (phonetic) people. And so when we came onto the earth, the pided (phonetic) people felt sorry for us. They took pity upon us and in that pity, they came up on to the earth and became the pided (phonetic) buffalo. And they took care of us. They provided us with their hide for clothing, for shelter, for the things that we would need to be able to survive. Their flesh for food, their bones for tools. And they had basically one rule. That rule is that we would never fight over them. That they would be plentiful in numbers as long as we never fought over the buffalo. That was the rule.

So when our hunters went out and hunted buffalo and killed buffalo, they were given to the people of the home (phonetic) and the people shared these buffalo. And as the legend story goes, one day, two women fought over a buffalo liver. That's what I was told, I don't know if this actually happened. But I was told they fought over a liver. I know how good liver tastes, but for some reason, they got into an argument over this liver. And so the buffalo were allowed to go away.

Now we know how the buffalo actually went away in terms of what the Europeans did to our buffalo. Now you've got to bear in mind, history tells us that in 1851, the United States government, in a treaty with the great Sioux Nation, established our territory. It was a hunting territory. It was the right to procure buffalo and game within that territory. It was a very large expansive territory, covering some eighty million acres.

Again, in 1868, the United States government in Fort Laramie, Wyoming, April 29, by treaty, sought peace with us and again recognized our right to a very large tract of land. Which is a tract of land that encompasses a very broad area of Wyoming, western South Dakota, western North Dakota, and parts of Nebraska. This again was our territory and basically it said that we would be allowed to keep this territory so long as the number of buffalo allowed us to do so.

The United States government then went straight back home and started a purposeful plan to destroy our buffalo. They allowed hunters to come and to shoot them, and as a matter of fact, they even employed Army hunters. We all know the terrible sordid history of the United States government to destroy our economy. Now think about this. We were at war with the United States government. The United States government then sought to destroy our economy by destroying our buffalo.

Now, let's look at another war, World War II. How did the United States beat Hitler? Or Japan? They didn't beat their Army. They drove their industrial centers into the ground. The United States bombed Berlin. The United States bombed the city of Tokyo. Hiroshima was an industrial center. How you defeat a country is by destroying their economy. And how the United States basically secured this land, I'm not going to say they beat us, was they destroyed our buffalo. Our means to survive, our means to eat, our means to make teepees, our means to make clothing, our means to live. That was a purposeful and wanton destruction of our economy.

Now, after World War II, many of you may remember the Marshall Plan. The Marshall Plan was a huge, multi-billion dollar package of financial aid to fix up the economy of Germany, and to fix up the economy of Japan. And they did a pretty good job, as we can all see today. They are two of the most powerful industrial nations in the world.

Where was our Marshall Plan? They killed some million buffalo that physically were within our territory and in our economy. Where is our Marshall Plan?

Why not manage the herds properly? If they have a disease, eradicate the disease.

We have organizations like the InterTribal Bison Cooperative and others, the National Wildlife Foundation that we think have some good solutions. Maybe not every organization has the answer individually, but I think that with the cooperation of the United States government, the InterTribal Bison Cooperative, the National Wildlife Foundation and any other groups, I think we can find a common solution and a common ground.

The Yellowstone herd is one of the last wild remnants of the buffalo herd that once belonged to us. Like they drove us onto reservations, now our buffalo are on reservations. Yellowstone is a reservation the way I see it. It's a reservation, you know, and just like they tried to keep us Indians on these reservations, they want to keep the buffalo in there. But the buffalo are like us. They're free. They have a mind. They have a spirit. They don't know that they have a little bug inside of them called brucellosis and not all of them have it. But the minute they step out of their park, their reservation, they are killed for it. And even those that don't have it are killed. And that to me is a sin against God, a sin against nature, and a sin against everything that we're supposed to be living for.

First, we support the idea of road closure and the snowmobile trail closures in the winter.

But, what is important to really understand is that we believe that herding the buffalo should be based upon science and not on politics. Let me give you an idea of what I'm talking about. The United States government for a lot of years has had a heavy handed policy with Indian people. Basically, on these reservations when we raise cattle on our land or even buffalo on our own lands the United States government tells us how many buffalo or how many cows we can raise on our land. So we can't raise one cow more than what the government tells us is the allowable grazing rate. These are set according to federal guidelines that the federal government sets for us. Yet, in

Yellowstone, which is federal land, there are no such rates for their own animals such as the buffalo.

When you look at the EIS there's a lot of arbitrary figures thrown around in there. I don't see any scientific data that specifically addresses how many buffalo should that land be able to hold.

So we think that, again to use a scientific approach, we understand the Park Service has this age-old idea that the park is a natural ecosystem. Everything will take care of itself, the strong will survive and the weak will fall by the wayside, and they will become food for wolves and the coyotes and that's all nice. That's all really fine and dandy provided that it was a natural ecosystem, but it is not.

As I have indicated, when you have snowmobile trails running through the park, when you have roads, paved roads, and all sorts of different things, then it is not a natural ecosystem. I mean wolves were only recently reintroduced, much to the chagrin again of the ranchers who were concerned the wolves were going to sneak down and eat their cattle. As long as the park and the federal government is concerned about those cows on equal footing with buffalo, we're never going to get a fair shake because the United States government is more concerned about their European cattle than they are the buffalo.

If there is going to be a hunt, then according to the supreme law of the land, Article 6, Section 2 of the United States Constitution, and according to the 1868 Treaty, you are looking at the only people that should be allowed to hunt those buffalo in Yellowstone. Because the Constitution clearly states that the Treaty is the supreme law of the land and as the Constitutional Officers of the United States government, the Congress and its designees, such as the Secretary of Interior, are responsible for upholding the laws of the land, including Article 6, Section 2 which says the Treaties are the supreme law of the land. Hence the Treaty being the supreme law in the 1868 Treaty, it clearly says that as long as the numbers allow, we will be able to hunt buffalo in that Region. So thereby, if you have excess buffalo, and we do a scientific study of how many buffalo should we have in the park, and it is deemed that there are excess. Then we're the only people that should be giving chase. Not the State of Montana legislators saying 'oh well we decided to let them hunt buffalo,' or some federal agency saying 'we think hunting buffalo is a good idea, let's issue some licenses.' We are the only people, according to the law, who have a right to those buffalo.

When I say hunting that doesn't necessarily mean, in my book, kill them. If I want to hunt with a hypodermic needle and I want to take a buffalo down, test it, put it on a trailer truck and bring it back to the reservation, we have captures. That is our (inaudible) prey. What we do with it when we get it back here is our business. Maybe we're going to continue to raise more buffalo from it.

We think that with proper management controls, keeping a selective amount of buffalo in the park, in other words, selective numbers based on science, we believe that the buffalo will continue to flourish.

The buffalo as it stands are not treated by the people of Montana or even by the Park Service with very much dignity. They're treated as nothing more than an asset of some sort, a public asset where tourists can say, 'Oh look at that buffalo, let's take a picture, here's some popcorn.'

We believe that in an EIS if we're given an opportunity to install some of the cultural and spiritual values that the Lakota have known since time memorial. And we have lived on these plains and in those Eton Mountains and in the Black Hills for thousands and tens of thousands of years. If we are allowed to impart our knowledge about the buffalo and in cooperation with the Federal Park Service and the Native American Nations, we really think we can make this thing work. And we think that Yellowstone can virtually be blessed and none of this has to happen. Brucellosis, the simple solution is to route it out over the years.

I believe that the proper vaccines will be developed to get rid of brucellosis.

If you were to allow Native Nations, the Lakota Nation, to be key players in the EIS, and I understand the EIS has been put together, but if you were to reopen things back up and look at alternatives. The InterTribal Bison Coop for example, is made up of 40 tribal nations all with the same goal and the same love of reestablishing buffalo across our native land.

You know a lot of native people probably, if they really put their minds and hearts together, could really do a lot of damage to the tourist industry of Yellowstone if we really, really pushed it.

And we no more want to go to war with the federal government than they do. But I guarantee you we will fight for our buffalo. So, I beseech you to spread the message to higher ups, the Secretary of the Park Service, the Secretary of the Interior, the Secretary of Department of Agriculture, let's stop the war. I guarantee you, really, really believe that that is the noble thing to do. Thank you.

Excerpts from the Cheyenne River Sioux Tribal Council meeting held at Eagle Butte, SD on August 21, 1998

Comment No. 17755
Fred Dubray
InterTribal Bison Cooperative
Cheyenne River Sioux Tribe

I'd like to add to what our chairman said earlier, and that is in the treaty with the United States government. And I think it's very important to look at that because that recognizes that relationship the Lakota had with the buffalo. And when you have this indiscriminate slaughter of buffalo today, it has to be viewed as the same kind of attack on our tribal sovereignty today as it was then because that's the way we see it. We should still have that same kind of relationship that exists between our Tribes and the Buffalo Nations and when we look at buffalo herds, we take this very seriously as a socioeconomic development process to heal our people and our Tribes.

The National Park policy, for instance, allows for that very thing for surplus animals to be given to Indian Tribes. But Yellowstone Park is the only one where that doesn't happen. Instead, they are being indiscriminately killed. And I think we have to look at also our treaty clause that says as long buffalo roam in significant numbers to justify their chase, then we have the right to hunt them. At some point in time, if you're killing surplus buffalo, that has to be interpreted as surplus, or excess, or justifiable numbers, significant enough numbers that we could justify the chase. So even though things have changed, there's some other things that have to be changed. And I think to just continue the slaughter of the buffalo is the worst solution possible. And I know in the alternatives of the EIS, it seems that every one of them allows for that continued slaughter to go on, and I find that unconscionable and totally unacceptable in my opinion.

Because what your talking about is a life style that existed at a time when we had a self-sufficient life style and buffalo was a big part of it. So that's the testimonies that I've heard from that and I think that it's very important that we understand what it really means because even in the Park Service policy it says that it recognizes that life style, that relationship that Lakotas have with these buffaloes

I think that the part that really disturbs me is when this Environmental Impact Statement process is put together Tribes were not involved or included. Even though you've heard in all these testimonies that the lifestyle and relationship is very important and definitely impacts when the buffalo were slaughtered there was a severe impact to Lakotas and all the plains Tribes that had that intimate relationship with the buffalo. To have that same impact again today, every time you kill one of the buffalo, it's an impact on the Indian Tribes and yet there's not an Indian tribe or representative sitting at that table to negotiation this process and that's a concern of mine every since this process started. I think that violates the NEPA process itself. And I think that in order to get a fair representation there has to be an Indian representative at that table negotiating this because the impact is that severe to Indian people.

I think you can feed them, if necessary, rather than killing them and that's not going to make them become domestic just one time in severe situations, because it's already happened several times. If that's the case, then those buffalo are already domestic.

But the process is already so far along that it seems to me that one of these alternatives will be selected and be set and that is my greatest concerns. I was just wondering if it is something that has to happen, that at what point does the team look at and say, "we have all these comments and we have to do something different." We don't have an alternative that addresses these. What is the mechanism for that to take place? And who determines that, whether or not another we will even consider another alternative that is not listed as one of the seven?

Another question, suppose that they decided to look at other alternative, is there any further comment period on that? Because they could create another one that is worse.

I'm not sure just which year it was, but I know that the Cheyenne River Sioux tribe has passed several resolutions dealing with this issue and requesting from the federal court itself this kind of articulation. I think I can provide a document that was given to the Park Service several years ago that had various resolutions from several different Tribes asking for that same representation. So I'm curious if you guys have ever seen such a document because it certainly exists.

I was in court a few years ago when a Virginia Ravndal came out there. I think she was working for the Park Service. She was doing some kind of report about Indian Tribes and the input and cultural considerations. It was a report supposed to come out. I've never been able to see that document either. So I'm wondering if there exists such a document also and how, if, and why that has never become a part of the record because that was supposed to be part of the process, too, from what I understood.

Excerpts from the Cheyenne River Sioux Tribal Council meeting held at Eagle Butte, SD on August 21, 1998

Comment No. 17756
Joe Swift Bird
Cheyenne River Sioux Tribe

You know to begin, before the country was conquered, this was buffalo country and Lakota country. We roamed this country, free as we pleased and above all, I liked what Gregg Bourland said. He is the head of the family. Clothes, shelter, and food.

I just read an article here that says "bison slaughtered, hunted, and quarantined." That's just like the Lakota people could be. We were hunted, we were slaughtered, and we were quarantined on our reservations. And today, we're just like "Kawlija," an Indian that goes nowhere, with a handful of cigars. That's the way it was, but we threw away the cigars and picked up the Pipe. That's in a song.

Also, we use them, every bit. We worship those buffalo, even the skull we worship in the Sundance. What replaced and who replaced the Lakota land? And who replaced the buffalo? Who took away the lands of the Lakota? And who took the land and who had it replaced then? Who replaced it? What animals replaced it? Who is there now? It hurts. It hurts the Lakota people very much.

They put us in quarantines, which should be a compound, or concentration camp, which they call a reservation. That's where we're at today. Now, we'll worship that buffalo and what is there? Other people that came in conquered our worship. They worshipped the pig. They used every bit of that pig that they worship, like we worship the buffalo. And when they go to church, they render the bacon, the pork, praise the lord, hallelujah. It's a shame that we don't have a buffalo bank like they have a piggy bank.

Now, what are we going to do about buffalo? We have the buffalo herd at Pine Ridge. What happened to our buffalo herd? In Lakota, (speaks in Lakota about Takoj a and Tunkashila) What happened to the elderly honoring small children? So I volunteer to give up one of my cows for the people to eat. Afterwards we found out the buffalo were all gone.

Now where are they? Now those are tribal herds that belong to the people, the Lakota people. In our own tribal government at Pine Ridge, they are using the same thing, laws, policies, resolution, and ordinances. We are all tied down like "Kawlij a" today. When are we going to get started? Just like electing the judges. We want qualified judges. Graduated judges. We haven't even started. When are we going to learn to take over the Lakota place? When are we going to get started? To learn the Lakota way of life. We still survive. The Lakota still survive today. So let's be Lakota today. And live with the buffalo.

Excerpts from the Cheyenne River Sioux Tribal Council meeting held at Eagle Butte, SD on August 21, 1998

Comment No. 17758
Robert Chasing Hawk
Cheyenne River Sioux Tribe

I guess the main thing here today is the brucellosis. The disease was brought from the European country. Just like the disease that brought diabetes, cancer, and other White man disease, again transmitted to the buffalo somehow. We need to find a vaccine to eradicate this disease.

And so when they're killing over there we are killing our brothers and sisters, grandpas and grandmas. Last April we went over there, my brother and I went up there to visit the National Park and we met Laura at that time and Skip, sitting right there. They both work at the Yellowstone National Park and my brother and I, we went our separate ways. We didn't want to create any fanfare, no cameras, using our pipes to pray. I did my way and prayed. We came back in, about like middle part of May, to haze the remaining 45 back into Yellowstone.

Buffaloes are sacred. And these buffaloes here can bring back good lives to the people. You can give me a buffalo with brucellosis and I'll eat that buffalo and I'm going to be the healthiest person on earth. Just because of the economic condition of the State of Montana these buffaloes are slaughtered helplessly. Everything is economics. The White man is going to get rich off these cows and they have a lot of political clout. So that's why the buffaloes are being killed.

You need to get rid of the elks with the brucellosis.

So the only plans that I have, and I said that up in Yellowstone, is put hazing fences and have a research company come up with the right vaccine to cure the gene of the cow. And the buffalo are different. The vaccine is not going to work on the buffalo but the vaccine you have now today will probably work on the cow.

Wyoming is on the boundary of the Yellowstone National Park and they're not part of the decision making for this EIS. How come? Why weren't they involved?

My solution is I don't want the buffaloes to be killed. Come up with a vaccine and a proper way of testing these buffaloes because the testing you have today could become like small pox.

I know your policy is that you cannot feed the wildlife but something needs to be done quickly to keep the buffalo inside. Put up a fence, keep the buffalo inside the park.

So my alternative is to put the hazing fences up and keep the buffaloes inside the Yellowstone boundaries, test them, and vaccinate these buffaloes.

Excerpts from the Cheyenne River Sioux Tribal Council meeting held at Eagle Butte, SD on August 21, 1998

Comment No. 17759
Unidentified Audience Member

Are you going to do an EIS on elk?

Can we get this tribal representative at the table, and all the citizen groups and commentors are willing to come forward with a new alternative that supports the tribal alternative?

There were comments made and they did not care about our position. The fear that I have is that those alternatives are cut and dry by the State of Montana and they will pick one. And so I would like to say some people would come out of here and any other public hearings and try to pick and come up with some alternative plans. I've read some of the plans and listened to this and the alternatives. The fear that I have is let's not take another one, two, three, or fours years and in the meantime that interim plan is in effect. Another plan comes in and the buffalo will be shot and tested after they are shot. We need to look at the interim plan also.

I have a comment on the term "affiliated Tribes." I think that has been well approached maybe. Sounds like they were determined by an anthropologist. Is that how it happens to be determined?

Oral testimony provided at the Holiday Inn Billings Plaza Hotel & Trade Center, Billings, Montana on August 25, 1998

Comment No. 14837
Donald Meyers
Chippewa Cree People

(Native language spoken.) That's introducing myself in my native language, which is pretty. I thank these people and everybody that's here today to talk about this wonderful beast, the one we call buffalo or bison.

Today, I'm a one-millionth-generation Native American. I've been living here since the creation of this world. We have a problem with some of the creation that the Creator has given us to eat, this food. I speak today for myself, our people. I represent the Chippewa Cree People, Rocky Boy, Montana. I also sit on the commission, the Montana Fish and Wildlife Commission.

We have been discussing this for the last couple of days; what can we do? What can we do with the state and our neighbors in addressing this issue and, yet, maintain our integrity as a native people in our relationship with this great beast, this wonderful beast that's provided food and shelter for our people for many generations.

A lot has happened since the Corps of Discovery came through here in the 1800s. Lewis and Clark came here, and it was, as far as the eye could see, wildlife: elk, buffalo, everything. It was paradise. Today, we have a big problem. We don't have too many Native Americans left, traditionalists. We don't have too many buffalo left, either. We were herded up, rounded up, put on reservations. Now the buffalo has the same fate as we do.

So that's why I'm here today, to stand up and say, wait a minute; where in the world did this brucellosis come from? Who introduced that here? I was told and I've read some literature on the history of brucellosis. It was introduced in the 1800 or the 1900s by dairy cattle that were brought in there, because the superintendent of the National Park Service wanted to have milk with his breakfast. Now we have this problem today. The ranchers, it's a million-dollar industry. Your cattle roam where our buffalo used to roam. You have billions of dollars, as this one lady mentioned, a billion dollars in revenue to the State of Montana.

Now, you have to pardon me if I get angry when I talk about the buffalo. We use that buffalo, every part of it. Nothing is wasted. Nothing is thrown away. But, yet, in 1996, when we seen the slaughter down there by the State of Montana, slaughtering these innocent beasts, these wonderful, beautiful beasts, because they just happened to cross an imaginary line because they want to survive. They want to eat, too. They want to share that grass. There's not many buffalo left. They are not going to eat that much grass. How much cattle do we have in the State of Montana? Millions. So we're talking about a billion-dollar industry here.

And we're talking about a being, a sacred being that was given to the people, not only Indian people, but also all people to share, to eat. On some of the points that we brought up during our meeting, bison, they should be treated and managed as wildlife. Just as elk are allowed to roam

14837 contd.

free. Why does the State of Montana feel that the Livestock Commission or the Department of Livestock feel that they should be responsible for handling a wildlife critter when it should be the Department of Wildlife or Fish and Game. Bison should be the priority to the limited Forest Service and BLM range resources inside or outside the Yellowstone National Park. Allow bison to roam on adjacent public lands up to the carrying capacity of those lands. Grazing on public lands is a one billion-year subsidy. Don't bison deserve an equal consideration? Why do bison need to be killed when elk and several other species, which also carry brucellosis, are allowed to roam free? With that, I would like to thank you and thank this governmental entity for providing this opportunity for us to voice our concerns. Thank you.

YELL 6990

Colville Confederated Tribes

P.O. Box 150 - Nespelem, Washington 99155 (509) 634-8845

FISH AND WILDLIFE DEPARTMENT

September 17, 1998

Bison Management Plan EIS Team
National Park Service - Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Dear EIS Team:

The Colville Confederated Tribes have reviewed the *Draft EIS for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park*. Our comments are as follows:

We received a letter dated August 21st from Park Superintendent Michael Finley requesting consultations with Indian Tribes and the names of those who might be attending meetings in August and September for that purpose. We were not able to send a representative. We want to point out, however, that requesting meetings with Tribes after the DEIS has already been prepared and alternatives have been rejected, developed, selected as preferred, etc., does not constitute consultation and does not fulfill the United States trust obligations to do so with sovereign Indian governments.

We do not support any of the alternatives presented in the DEIS. All continue the strategy of overreaction based solely on perceptions, i.e., bison must be killed to prevent spread of brucellosis to cattle. None of the alternatives: (1) fully treat bison as free roaming wildlife; (2) maintain/return jurisdiction over bison to traditional entities, i.e., state wildlife agencies, Tribes and in this particular case, the Park Service; (3) find a balance between conflicting interests that still recognizes the needs of free-roaming bison; (4) circumvent the current premise/strategy that conflict is inevitable and killing bison is the primary strategy for resolving conflict or (5) emphasize risk management disease control policy rather than a costly and perhaps fruitless eradication effort.

Instead, the Colville Tribes support the *Citizens Plan To Save Yellowstone Buffalo*, sponsored by 21 different organizations and supported by Indian Tribes, sportsmen, ranchers, conservationists, scientists, business owners and others. We also support the *Bringing Buffalo Back Plan*, sponsored by the Intertribal Bison Cooperative and the National Wildlife Federation. Both Plans (attached) are similar and treat bison as free-roaming thereby best promoting the welfare and future of bison in the greater Yellowstone area, while acknowledging that the herd must be managed for the public trust and not dominated by perceptions of the livestock industry.

Main points of both Plans are to:

- Maintain wild, free-roaming bison in Yellowstone National Park.

YELL-6990 contd.

- Create a special management area (SMA) outside the park where bison can survive harsh winters, managed by wildlife professionals.
- Develop scientific bison population goals for the SMA and maintain minimum herd sizes.
- Use traditional wildlife management tools, e.g., relocation or hunting, as opposed to automatic, mandatory, wholesale slaughter.
- Establish a field type bison health certification center.
- Restrict bison from private lands if private property or human safety are threatened.
- Implement mandatory, consistent vaccination of cattle within and immediately adjacent to the SMA.
- Establish a voluntary program, sponsored by private entities and coordinated by public agencies, to compensate landowners for damage to fences and other permanent structures.
- Emphasize acquisition of key bison winter range from willing sellers and create incentives that would encourage livestock operators to increase winter forage.
- Adjust cattle grazing patterns on public lands in the SMA.
- Establish an interagency-tribal-public cooperative management team of wildlife professional to assist in determining management outside of the Park.
- Establish a vaccination program for bison but only if the vaccine is safe and effective for bison and can use a delivery system that minimizes disturbance to animals.
- Support more research on brucellosis in wildlife and on risk management disease control options/policy.
- Support changes in winter road grooming practices if research shows that current practices are harming bison by providing easy access out of the Park.

It also should be remembered that bison are spiritually sacred beings to Indian people and are fundamental to the practice and retention of many religious ceremonies and traditions. As such, wholesale slaughter is nothing short of sacrilege, is unconscionable and simply can not be condoned. Our hearts go out to those Indian Tribes who, having already lost their buffalo once, must go through such a painful ordeal again. Someone once said "history does not repeat itself, instead people repeat history." We must find a way to break the cycle in this case of bison in Yellowstone.

It seems truly ironic and sad to us that in an age where we have the technology to put a multinational space station in orbit around the planet, we can not find room for an animal that has been around for thousands of years, once numbered 60 million strong and is superbly adapted to its environment. All this because of a *perception* that bison might spread a disease to a mere 2,000 head of cattle near Yellowstone, a disease that cattle gave to bison in the first place. Let stop repeating history and start working towards a time, in the near future, where bison are ensured a place in our world, a world we share with all beings.

Sincerely,

Lourdes Anderson for

Joseph Pakootas, Chairman
Colville Business Council

For attachment of Citizens' Plan to Save the Yellowstone Buffalo see **Organizations**, National Wildlife Federation, YELL-14819

NWF ISSUES TAKE ACTION! JOIN US CATALOG FEEDBACK SEARCH HELP

[redacted]

A Project of NWF's **Rocky Mountain Natural Resource Center**

NWF Contacts

[redacted] Bringing Buffalo Back

The NWF/ITBC Seven-Point Buffalo Management Solution

"Our plan offers an alternative to one hundred years of dishonorable mistakes, when the buffalo lost its status as wildlife and Native Americans lost their status as the most deserving guardians of buffalo." (Mark Van Putten, *National Wildlife Federation President and CEO*)

This 7 point plan, presented by the National Wildlife Federation (NWF) and the **InterTribal Bison Cooperative** (ITBC), offers a common sense solution which effectively protects against the remote threats of **brucellosis** while ensuring the long term viability of our nation's last remaining herd of wild buffalo. Please **register your support** of this plan with the National Park Service today!

1. Establish a buffalo health certification center.

Yellowstone buffalo that wander onto private lands surrounding the Park could be captured and quarantined. Negative-testing animals should then be made available for reintroduction to tribal lands.

2. Scientifically manage the Yellowstone area's buffalo.

The agencies involved should set a population goal for the Yellowstone herd, taking into account wintering populations outside the Park. If the herd grows beyond the goal, strategic methods of herd management should be implemented outside Yellowstone.

3. Acquire additional winter ranges and key migration routes.

To allow buffalo to migrate safely beyond Park boundaries, public/private partnership easement purchases should be made, creating a buffalo migration corridor.

4. Adjust cattle grazing patterns on public lands.

Cattle grazing on public lands should be postponed until buffalo have calved or returned to Yellowstone or after buffalo have migrated to areas where cattle grazing is prohibited.

5. Vaccinate cattle consistently and routinely.

A mandatory cattle vaccination program should be implemented within a "Brucellosis Management Area surrounding Yellowstone, thus greatly reducing the already negligible threat to livestock.

6. Develop a vaccination program inside Yellowstone.

Using a vaccine delivery system that minimizes disturbance to wildlife, a brucellosis vaccination program for buffalo inside the Park should be implemented once a vaccine that is proven safe and effective for wildlife is developed.

7. Evaluate winter management of Yellowstone's roads.

It should be determined whether Yellowstone winter road management practice encourage and assist buffalo migration. If so, viable alternatives to the current policy of plowing or packing snow-covered roads should be put into effect.

Oral testimony provided at the Holiday Inn South, 3401 South Interstate Hwy 35, Austin, TX on September 29, 1998

Comment No. 15112
Cristal Allen
Commanche Caddo

I didn't come here with a prepared statement. I am Commanche Caddo native here in Texas. I take this as a personal affront to our people by your government. This is totally unnecessary that these buffalo be killed. Only 4 % of them maybe have this disease, and you're not even sure of that.

I feel that there are a lot of bureaucrats trying to make their mortgages. I don't care about their jobs, I don't care about their mortgages. There's a lot bigger issues at hand to us, to our people, to the American people that are here. If you take away everything that is natural, what is going to be left? If you take everything that is sacred, what is there? There's nothing.

I mean, we're seeing the ravages of it now. I had a man tell me the other day before the White man came, there was nothing here, there was no business, and there was no finance. I said everything was here, clean water, clean air, plenty of food, plenty of room. It was all here. It's not here anymore except for these very small areas.

What is the point of the senseless slaughter I would like to know? Nobody has given me a very good reason except for that a small number of cattlemen who don't want to go to the expense of vaccinating their cattle. Profit. Well, cry me a river. I'm sorry.

I think the bison are more important than their cattle business and they are sacred to us. At the very, very least, this should be done in a sacred way, it should be done not in an inhumane way. The meat should not spoil and be left and hauled away on trucks. It can go to feed people. This is a sacred thing to us. If people were burning churches, well, we know how the government feels about that.

I am opposed to any of the slaughter of the buffalo just like they're nothing, just like their lives mean nothing.

We are all part of a big microcosm here. We all need to pay attention to that otherwise it's going to come back and bite you on the behind. So that is my opinion. I believe that the government should start trying to represent all of the people who live here, not just the guys holding the jobs in office. That is all.

YELL-9371

THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD NATION
P.O. Box 278
Pablo, Montana 59855
(406) 675-2700
FAX (406) 675-2806

Joseph E. Dupuis - Executive Secretary
Vern L. Clairmont - Executive Treasurer
Frederick Cordier - Sergeant-at-Arms

TRIBAL COUNCIL MEMBERS:
Michael T. Pablo - Chairman
D. Fred Matt - Vice Chairman
Carole J. Lankford - Secretary
Wm. Joseph Moran - Treasurer
Donald "Donny" Dupuis
Michael Dyrglo, Jr.
Jami Hamel
Mary Lefthand
Elmer "Sonny" Morigeau
Lloyd D. Irvine

October 22, 1998

Bison Management Plan EIS Team
National Park Service
Sarah Bransom DSC-RP
P. O. Box 25287
Denver, Colorado 80225-0287

Dear Ms. Bransom:

The Confederated Salish and Kootenai Tribes have reviewed a copy of the "Draft Environmental Impact Statement (DEIS) For The Interagency Bison Management Plan For The State Of Montana And Yellowstone National Park". Although we appreciate the opportunity to comment, consultation is defined as including tribal concerns in the development of the EIS for the management plan, not relegating tribal interests to comments on what the Confederated Salish and Kootenai Tribes consider a very important Trust resource. Our comments pertain to three primary areas of interest, which include 1) overall comments, 2) specific page-by-page comments primarily focused on the "Cultural Resources" sections of the text, and 3) technical wildlife management comments.

Overall Comments

Generally, we recommend that the brief and generic treatment of tribal history in the two paragraphs under the headings "Impacts on Cultural Resources" of the Summary Section and "Cultural Resources-History" of the Affected Environment Section needs restructuring to include tribal nations individually and in much greater length and detail.. The attempt to cover 11,000 years of tribal history in one paragraph is inadequate.

There is a great imbalance between the two brief paragraphs of tribal history versus the detailed and thematic treatment of non-tribal history in the "Livestock and Agricultural Influences" history of the "Cultural Resources" section. This disparity reinforces the inappropriate treatment of bison as livestock rather than wildlife and fails to fully develop the long cultural relationship between bison and tribal peoples.

Furthermore, these brief history sections tend to reinforce the thinking that tribal history began when strangers and visitors arrived and that there is a separation between early peoples and native people today. This problem of separation of tribal past from the present perpetuates a predominant archeological myth and breaks a sense of continuity of history and culture. Understanding tribal past is critical to the understanding of tribal values and tribal ways of knowing aboriginal territory. Tribal ways of knowing are based on a millennia of habitation, observation, and experience and, if for no other reason than sheer longevity, these ways of knowing are of value.

We also recommend that tribal input be incorporated throughout the document rather than lumped together with general public input. Tribal consultation after the document is drafted relegates Tribal involvement to a commenting role as opposed to a full participatory party. This process leaves the DEIS not only inaccurate but ineffective in representing a tribal historic, cultural, and spiritual perspective.

Again, we recommend that references to tribal history or culture not be confined to these sections alone but also be incorporated into the sections of the document addressing specific themes in the general history of bison.

Specific Comments on the Tribal Cultural Resources Section

Page iii, paragraph 1, Summary, Proposed Action. In the first sentence, ..."long-term management (assumed for purposes of analysis to be 15 years)"... The Confederated Salish and Kootenai Tribes do not consider 15 years to be a long-term plan. A 100 or 200 year plan reflecting multiple generations would more likely be considered a long-term plan from a tribal point of view.

Page iii, paragraph 1, Summary, Need for Action. In the third sentence, "Some bison have brucellosis and may transmit it to cattle outside the park boundaries in Montana." Why are bison separated and marginalized from other wildlife within the park? Are elk, deer, moose, and antelope considered as possible carriers of brucellosis? This appears to be a weak claim left unsubstantiated.

Page iii, paragraph 1, Summary, Purpose of Action. In the first sentence, "The purpose of the proposed interagency action is to maintain a wild free-ranging population of bison..." The prevailing discussion of possible brucellosis threat and range management demonstrates the management of bison as livestock rather than a "wild free-ranging population of bison."

Page xxv, paragraph 1 and 2, Summary, Impacts on Cultural Resources. This section is written in the past tense. Native peoples continue to hunt today and hold bison as a critical element of indigenous culture within traditional homelands.

Page xxv, paragraph 2, Summary, Impacts on Cultural Resources. This section cites "English settlers" and "Euro-American Explorers" as sources of early information regarding numbers of bison. This non-tribal point of view is ethnocentric. It is appropriate to contrast this point of view with tribal perspectives.

Page xxvi, paragraph 1, Summary, Impacts on Cultural Resources. First sentence, "Bison…were central to plains tribal spiritual culture,…". Again, this statement of tribal spiritual culture is written in the past tense and perpetuates the erroneous myth that tribal people are no longer existent nor continue cultural practices. This continued use of past tense unduly separates tribal peoples today from our ancestors of the past.

Page xxvi, paragraph 1, Summary, Impacts on Cultural Resources. In the third paragraph, "Shoshone believe that spiritual power is concentrated in the physical form of the bison." There is no source cited for this statement.

Page xxvi, paragraph 2, Summary, Impacts on Cultural Resources. In the first sentence, "Traditional use of bison by humans centers on hunting and is evidenced in the archeological record." It may be appropriate to contrast this standard anthropological point of view with tribal perspectives on bison.

Page xxvi, paragraph 3, Summary, Impacts on Cultural Resources. Again, there are continued uses of references to archeological sites. The understanding of the relationship between people and place could best be understood through consultation with tribes. Contrasting or comparing of tribal points of view would reduce the reliance on the archeological perspective.

Page xxvii, paragraph 1, Summary, Impacts on Cultural Resources. The second sentence discussing mitigation measures fails to include tribes in the consultation process. Minimally, tribes are interested parties. The Tribal Preservation Office of the Confederated Salish and Kootenai Tribes is established under the authority of and federally recognized by the National Park Service.

Page 187, paragraph 1, Cultural Resources, History. "…both historic and prehistoric times." This statement of historic and prehistoric time frame supports the bias that history began with the arrival of non-native visitors and strangers to the area. Consideration may be given to time references such as pre-contact and post-contact or pre-European and post-European contact. It may be appropriate to contrast this point of view with tribal

perspectives on origin and time of occupancy. Creation stories from various tribes might illustrate tribal similarities across the region.

Page 188, paragraph 6, Cultural Resources, History. "Many Americans believe that the bison vanished from the American landscape, along with the indigenous peoples." This statement might lead one to believe that Native peoples vanished from the landscape entirely. Native peoples have reserved and ceded portions of their homelands while retaining rights reserved by Treaty on ceded lands. In the past, state and federal governments have denied access to portions of tribal homelands, estranging people from portions of their homeland, but native peoples have not vanished.

Page 189, paragraph 6, Cultural Resources, Affected Cultural Resources, Archeology. There is a conspicuous absence of tribal record in this section. The record of tribal place names and cultural use sites could be included in this section to provide some balance between archeology and tribal views on cultural resources.

Page 190, paragraph 3, Cultural Resources, Ethnographic Resources. As stated in the text, this section is incomplete.

Page 299, paragraph 1, Impacts on Cultural Resources, Summary of Laws, Regulations, and Policies. There are Executive Orders that need to be included in this list; Executive Orders:

1) Executive Order of April 29, 1994; 59F. R. 22951, "Government-to-Government Relations With Native American Tribal Governments",
2) Executive Order 13007, 61 F.R. 26771, "Indian Sacred Sites," and 3) Executive Order of May 14, 1998, "Consultation and Coordination With Indian Tribal Governments",
3) Executive Order of May 14, 1998, "Consultation and Coordination With Indian Tribal Governments".

Page 300, paragraph 6, Impacts on Cultural Resources, Impacts common to all alternatives. "…develop mitigation measures in consultation with the state historic preservation officer and the advisory council." There is a need for tribal participation in the mitigation plan and process.

Technical Wildlife Management Comments

From a wildlife management perspective, the way that this issue has been handled by the involved management agencies to date is extremely disappointing. We fully realize the significance of brucellosis as a potential threat to the livestock industry in Montana. However, it must be noted that the Yellowstone bison are the last truly free-ranging bison

YELL-9371 contd.

population left in the United States. All other bison herds are confined in farm-like situations and are basically managed similar to domestic livestock. We strongly believe that a need exists within the involved management agencies to realize that these animals

are free-ranging wildlife, not cattle. They should not be managed as livestock by the Montana Department of Livestock (MDOL) and Animal and Plant Health Inspection Service (APHIS) in the lead management agency roles. Instead, professional wildlife managers should be charged with making the management decisions involving bison population management, control of bison numbers, bison carrying capacity, and other significant factors based upon sound scientific data. As a result, we find it odd that the Montana Fish, Wildlife and Parks has not been accorded a realistic management role in this issue and that the agency seems to have been largely left out of this process. Furthermore, given the special relationship between Native American people and bison, some interagency combination of tribal, state and federal agency natural resource management professionals might be developed as an advisory body for bison management.

Text on page v of the Summary states that "Scientists and researchers disagree on even some of the most basic factors influencing the risk of transmission. These include whether studies on cattle are applicable to bison, whether controlled studies are applicable in the field, and the best ways to conduct additional research to determine the risk of transmission." The DEIS further states that "These disagreements and the paucity of information on brucellosis make it impossible to quantify the risk of *B. abortus* transmission from bison (and elk although this environmental Impact Statement does not analyze brucellosis in elk) in the Yellowstone area to domestic livestock." These statements raise serious questions. Given such a lack of quality data and the high level of disagreement on this issue within the scientific community, it seems that bison are being cast as the sacrificial lamb to indicate that the involved management agencies are doing something about this perceived problem when, in fact, proof of the existence of a problem seems very questionable.

The fact that approximately eighty years of interactions between bison and cattle in the Yellowstone area has not resulted in a single documented case of wild bison infecting cattle with brucellosis indicates that the so-called "brucellosis problem" has been grossly overblown, if not invented for some other reasons by the MDOL and APHIS. One can only wonder as to the reasons. If one assumes that such a problem does actually exist, it will still be very difficult, if not impossible, to achieve the brucellosis eradication goals envisioned by some of the proposed alternatives in the absence of an effective vaccine and an effective means by which to administer it to the Yellowstone bison population. Until the development of both, such plans are not possible to accomplish.

The failure of the DEIS to consider the potential role of elk as possible brucellosis carriers creates another flaw in the overall approach of this document. Once again, with the lack of data that apparently exists there seems to be a lot of emphasis on taking some extreme action (i. e., most of the alternatives in this DEIS) based upon incomplete scientific data or a total lack of data. While we are hesitant to believe that elk play a significant role in brucellosis, given the lack of credible data available, we believe that the question cannot be ignored in consideration of this issue.

The primary problem related to the bison in the northern portion of Yellowstone National Park is related to a shortage of adequate winter range during especially harsh winters. Several years ago, when the issue of bison management first arose, the Tribal Council sent a letter to former Park Superintendent Robert Barbee in which the need to prioritize acquisition of crucial winter range for both bison and elk outside the park boundaries as a solution to the problem of migrating animals was stressed. That recommendation remains timely. While the DEIS speaks of Special Management Areas, the need exists to create such areas to serve as buffers between cattle and bison and other wildlife species. It is certainly not out of the question to require livestock producers who use the adjacent federal land for their operations to bear some of the responsibility for this effort, rather than merely having agency personnel kill bison. The potential for creating incentives to assist with the modification of livestock operations to provide additional winter habitat for bison, reduce the potential for cattle-bison contact, and provide for compensation for damage to private property caused by bison should also be examined.

While the need will periodically exist to reduce the bison population in the Park, we strongly suggest that more emphasis be placed upon capture of surplus animals and distribution to Native American Tribes and organizations. The utilization of some form of controlled harvest of surplus animals is also acceptable. We find the recent slaughter and sale of animals which are the property of the people of the United States by the MDOL and APHIS to be a very poor way of managing surplus animals.

It is difficult to conceive of a program of brucellosis control working without a requirement for vaccination of all cattle within a reasonable potential contact area surrounding the Park and in adjacent areas. Once again, some responsibility for control of disease that can be proven to be borne and spread by livestock must rest with the livestock producers. To re-emphasize a point already discussed in this letter, brucellosis is a livestock problem, not a bison problem.

The role played by grooming roads within the Park must be factored into any examination of bison movements out of the Park during the winter. If it is a significant factor in enhancing the movements of bison, discontinuing the practice must be seriously considered.

YELL-9371 contd.

Bison Management Plan EIS Team
October 22, 1998
Page Seven

With these comments in mind, we hope that the cooperating agencies will carefully consider the concerns that we have raised. We also strongly suggest that the alternative jointly proposed by the Inter-Tribal Bison Cooperative and the National Wildlife Federation be seriously considered before a final decision is made pertaining to future bison management direction for Yellowstone Park and surrounding areas. That proposed alternative includes most of the concerns and comments that we have voiced in this letter.

In closing, the Tribes consider this an important document that could pave the way for a better mode of bison management and a better working relationship between Tribes and Yellowstone National Park. A document like the Bison DEIS could provide the forum for building a good foundation for communication. It might also provide the opportunity to develop a respectful working relationship that decreases the possibility of problems arising in the future.

Thank you in advance for your kind attention to these comments and concerns. Please do not hesitate to contact me if you have any further questions.

Sincerely,
Confederated Salish and Kootenai Tribes

Michael T. Pablo, Chairman
Tribal Council

Excerpts from the Tribal Consultation meeting held at Yellowstone National Park, WY on August 12, 1998

Comment No. 17715
Fred Matt
Confederated Salish and Kootenai Tribes of the Flathead Reservation

Even though I feel a little bit offended by the fact that I feel like we are in the eleventh hour of the 11th a.m. or p.m. in this process and then you are asking us for our involvement.

Someone tried in their way to convey to you who are conducting this meeting that the spiritual significance is something that Indian people will vary from tribe to tribe what their spiritual significance is. And it is hard to do that collectively as one large group. Now I feel like you bring us in here putting us all in one basket. Every one of us are individuals; Tribes that have very, very different significant interests in relationship with buffalo. Just the technical information we have, we can be of help, we can also help in other areas, but I think it's really unfair to ask that of us at this point.

Who are the 8 Tribes that you referred to?

This documentation, this history, this information that the Park Service uses along with state and federal agencies, it's all based on historical documentation that comes from the White man's point of view. We do have accounts of coming down here in the Yellowstone area to hunt buffalo. There's a lot of information and a lot of documentation, oral documentation from our people that is not recorded.

Excerpts from the Confederated Salish Kootenai Tribal Council meeting held at the Tribal Headquarters at Pablo, Montana on September 8, 1998

Comment No. 17735
Michael Mickey Pablo, Chair
Confederated Salish and Kootenai Tribes of the Flathead Reservation

Maybe it shouldn't have been the State of Montana, but it should have been from the Flathead Indian Reservation where the bison were imported. We talked to the State several times, and tried to set up a meeting with the Governor. I did meet with him on this, and told him we would be glad to sit down and try to figure something out; but they weren't imported from the State of Montana. They came from the Flathead Reservation. I think even in the *Montana Historical* magazine that they publish, I forget, but like '67, I believe it was, even they credit the Indians here on this reservation as saving 80% of the bison left in the world; those bison came from here. So in doing that, I think a little slam on the State of Montana, but they came from Flathead Reservation, not from the State of Montana.

We need to get something done because we do have a finite resource. Whether it's the bison, themselves, or whether it's the range that they run on, it is a finite resource. We need to get through and figure something out to take care of that. I think no matter what type or what alternative comes out, would it be one of the alternatives by the number or could there be a combination of parts of 3 and parts of 7 in that?

I think we need to make sure that that we can define some type of a range in the Park and outside the Park on Forest Service lands; and then those others, maybe we need to try to figure out how to work with the State. If there's anything to harvest, I believe the Tribes would have the first opportunity for a harvest, maybe half of the animals, or something like that and open the rest of them up. I know the Montana-Wyoming Tribal Leaders Council by resolution, and we sent a letter off from here. I believe, also, that whenever the numbers start getting up in the quarantining them and testing, and if any of those that are found brucellosis free, the Tribes should have the opportunity to have those taken to those reservations to start herds up.

But I know that the history of the bison follows the history of our people in the country. With the arrival of the Europeans, our numbers were about the same; and we just about reached extinction the same time as the bison did. When we look at that, the overall plan by the United States to get rid of bison was to defeat the Indians because they couldn't defeat them on a battlefield when it was warrior to warrior. So what they did was they went after the food source, and they did a very good job because they nearly drove them to extinction.

If we look at the process to set up some type of a quarantine, then any of those excess animals that are brucellosis free should go back to the Tribes if the Tribes are set up and willing to take them.

Another alternative that had gone out from the Tribes here several years ago was for the Park Service to actively seek the possibility of trying to buy some of those private lands outside the reservations, or like the State of Montana, the federal government buying any more additional lands for federal use. Could there be a possibility of purchasing with the option of trading other lands in other areas to expand that, given a range that the bison could use?

I'm glad to hear that the grooming of the snowmobile trails and everything will not take place anymore. There was a large number that hadn't gone out before; but since the road was there and it was plowed, I'd take the easiest route, too. So I think that's a good action to take.

I guess also even with the harvesting of some of the bison that's allowed, when that's done, I think all of our folks followed the process pretty good because, what is it, brucellosis can give ungulate fever in humans.

I think one thing that maybe we need to always reflect on is unless they found some here recently, there has been no or very little evidence of brucellosis that's actually been contracted by cattle from bison.

If that is the case, what are we going to do with the elk because there could be a similar case there. So I think we need to figure out how to deal with this, get something into place that will work because a few years down the road, we'll probably end up in the same situation with the elk.

Excerpts from the Confederated Salish Kootenai Tribal Council meeting held at the Tribal Headquarters at Pablo, Montana on September 8, 1998

Comment No. 17736
Michael Durglo, Jr
Confederated Salish and Kootenai Tribes of the Flathead Reservation

Prior to the interim plan, did the National Park Service deal primarily with the bison issue or was it after that that the Montana Department of Livestock pretty much got involved, or were they always involved?

Has there ever been any discussion as to the possibility of the Tribes in Montana, Wyoming and Idaho taking over the management of Yellowstone National Park? Has there ever been any discussion, in that sense, a possibility or even an idea?

There's a lot of evidence that our tribe used that area aboriginally, years ago, for the hunting of bison, and there are a lot of stories that are handed down within the tribe. I don't know if they ever discussed – I have seen in some of the alternatives that there was hunting that was involved in some – hunting activities that were associated with those. I was wondering as far as aboriginal hunting rights in our treaties, the possibility that the Tribes could work out some kind of a hunting deal.

We were involved in going over and picking up those carcasses, and I guess the thing that bothered me was that it seemed to me that there were other organizations or groups that were also receiving those bison carcasses. The media was kind of saying, well, you know, "These carcasses are going to the Tribes." I don't know if people knew that the Tribes were not the only ones that were getting those animals. It seemed like they were kind of using that to say, "Well, it's okay."

Excerpts from the Confederated Salish Kootenai Tribal Council meeting held at the Tribal Headquarters at Pablo, Montana on September 8, 1998

Comment No. 17737
William Joseph Moran
Confederated Salish and Kootenai Tribes of the Flathead Reservation

Because I think if we start off by allowing Indian Tribes to gain successful bids at management of portions of the Park's responsibility, then that path is a more acceptable route. This is probably consistent with the present administration's attempts to build some Indian economic security and the way it treats its assets and resources pertaining to us. So I think it's best that, like the Rocky Boy, Chippewa Cree gaining a successful bid, I think that step is positive and the right way to go slow, acceptable to most people. Most people in the United States may not accept it any other way because everyone feels, like Yosemite, Yellowstone Park is probably the best known, probably, outside of Yosemite, I think. I'm not sure how that is. Yosemite first, Yellowstone second, I think, probably, and everybody in America says, "That's a little bit of ours now," is that right?

My prior comments as to Yosemite and Yellowstone don't hold true for the National Park Service, however, with the bison up at National Bison Park. Nobody thinks that belongs to the Park Service. Everybody thinks that belongs to us. We think it's ours. That's a different situation. Probably rightfully belongs to the tribe to manage, and that herd could be accommodated, if that were to change management that way also, with brucellosis-free bison. We could make a larger management plan to accommodate all that. But I think that is true, that when you drive on the reservation, you see bison off to the side, everyone decides all of a sudden through the window that that must be the Confederated Salish and Kootenai Tribes' herd. No one realizes it's a Park Service-managed facility.

Excerpts from the Confederated Salish Kootenai Tribal Council meeting held at the Tribal Headquarters at Pablo, Montana on September 8, 1998

Comment No. 17738
Lonnie Morigeau
Confederated Salish and Kootenai Tribes of the Flathead Reservation

"American bison is a trophy animal for big game hunters." This is in respect to the "Impacts on Recreation" under the title of "Hunting." Nowhere in that paragraph does it discuss the fact that there was any consideration for seven of the reservations in Montana to have the same opportunity to hunt. I believe we should maybe somehow fall first in line if they're going to use desecration as a matter of management.

There was a statement made that the Lacy Act prevented the hunting of bison within the boundaries of Yellowstone Park.

Excerpts from the Confederated Salish Kootenai Tribal Council meeting held at the Tribal Headquarters at Pablo, Montana on September 8, 1998

Comment No. 17739
Dale Becker
Confederated Salish and Kootenai Tribes of the Flathead Reservation

I guess the whole trend of this plan – I've watched the issue develop over the years from the standpoint of being a wildlife biologist – is troubling to me because basically it looks like we're on the fast track to completing the transition of the last remaining free-ranging bison here in the United States into livestock.

I'm also troubled by the fact that the Montana Department of Fish, Wildlife and Parks has largely been dealt out of this process. It seems like the State Department of Agriculture speaks on this issue, which, to me, seems that it should be a wildlife management issue also. I think it started before the document was developed that the National Wildlife Federation and InterTribal Bison Club developed another alternative for consideration. And again, I think the timing wasn't perfect for it maybe to be included in the draft document, but is there any indication that that alternative may be considered to a larger extent than it is in the draft, obviously?

YELL-11,029

Confederated Tribes and Bands
of the Yakama Indian Nation

Post Office Box 151, Fort Road
Toppenish, WA 98948

Bison Management Team
National Park Service - Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Dear EIS Team:

I want wild, free-roaming buffalo in Yel owstone. I oppose the "Preferred Alternative" recommended by the state of Montana and the federal government. The Government plan continues the unnecessary killing of buffalo moving to public lands outside the park in winter. We can do better.

Yellowstone's buffalo are too important to sacrifice. They are a source of pride for all of us.

I endorse the Citizens' Plan to Save Yel owstone Buffalo, which will:

* Maintain wild, free-roaming b iffalo in Yellowstone National Park.

* Create a large special management area outside the park where buffalo can use public lands to survive harsh winters, and where buffalo will be managed by wildlife professionals.

* Develop scientific buffalo popu lation goals for this special management area outside the park.

* Relocate buffalo to Indian reservations or public lands or use a regulated harvest, but only when science demonstrates that available land cannot support more buffalo.

* Recommend vaccination of cattle within lands adjacent to the special management area.

* Emphasize acquisition of key winter range lands or easements through public purchase from willing sellers. Provide incentives to modify livestock operations to provide winter foraging opportunities for buffalo outside the park.

In addition: Our tribe currently manages a herd of 42 buffalo, and would and could manage buffalo if they were relocated to our reservation. We have had our herd since 1993. Please help the tribes to regain buffalo to their reservations that can take care of them.

These strategies will maintain wild, free-roaming buffalo and protect the interests of the livestock industry in a balanced, common-sense manner. Please adopt this plan.

Sincerely, Judith A Garcia
(signature)

Name: JUDITH A GARCIA
(please print)

Address: Box 151

Toppenish, WA 98948

Excerpts from the Tribal Consultation meeting held at Yellowstone National Park, WY on August 12, 1998

Comment No. 17711
Leroy Stewart
Crow Tribe

So you're saying we're not after the state, that we're after you. But they get to sign on the dotted line, that is the point right there. Also, I have a point here where you say trial and error and you have the hands off policy here, especially with fire. And you saw how thousands of acres were burned, and you had to bring in the fire fighters. You're basically doing the same thing with the bison hands off policy, and you had to slaughter over a thousand and then turn around and try and find a solution.

Excerpts from the Tribal Consultation meeting held at Yellowstone National Park, WY on August 12, 1998

Comment No. 17716
Dennis Big Hair, Sr.
Crow Tribe

About 108 years ago they didn't ask us to help them slaughter the bison in Indian Territory. You have all these problems when it comes to bison because these buffalo come down in the lower valleys in the winter to live, like any animal, and they slaughter them off because they don't want them to mix with cows. I still have my hunting and fishing rights on this Yellowstone Park as a Crow. We can restore the buffalo, we have a lot of room on the reservation for these buffalo. We can help you.

We have calves and buffaloes up there, and I said if they don't want them, give them to us we will take care of them.

YELL-194

Flandreau Santee Sioux Tribe

Box 283 Flandreau, SD 57028

Phone 997-3891
Fax 997-3878

Sarah Bransom
Interagency Bison Management
P.O. Box 25287
Denver, CO 80255-0287

6-30-98

RE: E.I.S. for Interagency Bison Mngt Y.N.P/ Montana

Dear Ms. Bransom:

Enclosed are the comments and concerns regarding the E.I.S. draft for Yellowstone National Park Bison Management. A copy of our comments will also be forwarded to the I.T.B.C. board for review. Please feel free to call or write if there are any questions or comments you would like to convey to our tribal Natural Resources Department, I may be reached at the above numbers.

Respectfully,

Wesley D. Hansen
Natural Resources Director
Flandreau Santee Sioux Tribe

cc: itbc

Position on the Reduction of Brucellosis in Bison

Though we understand the need to protect human and animal health from unnecessary disease risk, we feel that the risk bison Brucellosis poses to cattle is negligible. Moreover, we feel that the tactics used by the Animal and Plant Health Inspection Department in enforcing their Brucellosis eradication program have generated a pandemonium that is ultimately based on little evidence. The following evidence suggests to us that risk of Brucellosis transmission is slight:

(a) Behavioral patterns bring bison only rarely into contact with cattle;
(b) The disease organism is readily killed by heat, sun and dryness outside the host, making transmission highly unlikely unless cattle are present at the time of a bison birth event;
(c) Few bison display pathology (abortions), suggesting the presence of many resistant or partially resistant individuals;
(d) Transmission by bull bison is improbable;
(e) Culture tests (unlike the less accurate serology tests) suggest that disease prevalence in the bison population ranges between merely 10 to 15%;
(f) Vaccinations are approximately 70% effective in preventing the disease in cattle.

For the above reasons, we find the proposals outlined in the Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park costly, unnecessary and unproductive. Until such time as an effective vaccine can be developed and accurate tests on live bison (as opposed to carcasses) become available, we concede that the following low-impact measures of bison population control and risk reduction are acceptable:

- Closure of groomed snowmobile roads to discourage long-distance migration outside the park;
- Hunting (?), only if regulations and programs outlined in the EIS are carried out and enforced, and if thorough demographic and genetic monitoring of the entire population is undertaken;
- Capture and transport of bison to quarantine, testing and research facilities (including those operated by the ITBC), only if population reduction becomes necessary;
- Incentives to promote vaccination from calfhood of all animals that potentially could come in contact with bison herds and modifications of grazing patterns that place only non-breeding animals in "risky" areas;
- Regular testing of bison on ranches near the park;
- Modification of grazing rights on public lands to reduce contact of animals with bison;
- Creation of SMAs wherever cattle are likely to come in contact with wildlife to prevent the downgrading of Montana's Brucellosis-free status

We acknowledge that population control may become necessary if natural perdition rates are too low to reduce bison numbers. We also accept that bison transport to the public may be undesirable as it would promote disease spread to herds outside the Park. However, we feel that it is unreasonable for APHIS to set policies that place the burden of risk reduction on the park and wildlife authorities. The risk is low, and responsibility for preventing spread of the disease, belongs, we feel, to the ranchers who choose to graze their cattle near the park. We feel the risk is no different from that posed by other wildlife within the park, including grizzlies, wolves and coyotes. The policy undertaken sets a precedent for the park to engage in aggressive control of movements of other species, jeopardizing the park's mission to preserve an intact wilderness ecosystem containing healthy populations of free-ranging wildlife. Money that is proposed to be used on the extreme management programs proposed in the EIS would, we feel, be better spent in research to develop more effective vaccines and test methods and potential cures.

We ask that the Park Service involve ITBC in developing an education program for hunters, and in any relocation of bison from the park to quarantine facilities.

Position on the Reduction of Brucellosis in Bison

We understand the need of the State of Montana and the National Park Service to reduce the risk of disease transmission. We find elements of several of the alternatives acceptable. However, we feel that none of those outlined fully incorporates all of the options available to park managers. Specifically, we feel that a final plan should include the following elements:

(a) Closure of groomed snowmobile roads as proposed in Alternative 2;
(b) An education program for ranchers that makes clear the improbability of disease transmission, and provides incentives for them to (1) vaccinate all cattle from calfhood; (2) test seasonally for the disease; (3) graze only non-breeding animals in "risky" areas; (4) modify grazing patterns to avoid contact with bison;
(c) Lethal control only as a last resort;
(d) Lethal control done humanely; managers should be instructed on the quickest, most painless method of shooting;
(e) Culture and serology testing of all carcasses;
(f) Release of carcasses to tribes and the public;
(g) Capture and quarantine attempts before shooting; quarantine facilities either on the park lands or on ITBC lands should be put into use as soon as they become available;
(h) Acquisition of as much land as feasible for bison migration; ideally to the extent outlined in Alternative 2;
(i) Imposition of lower limits on population controls, as proposed in Alternative 7; however population demographics and genetics should be monitored regularly (Though it has been suggested that genetics will be maintained above 580 individuals, this number is theoretical and probabilistic. It should be treated as a hypothesis only. Genetic monitoring to ensure that within-population diversity is maintained should be carried out regularly);
(j) Hunting only if regulations and programs outlined in the EIS are followed through;
(k) Modification of grazing rights; recognition that, on public lands, risks should be assumed by the rancher;
(l) No "test and slaughter" of bison within the National Park;
(m) Investment in the development of more effective test than the present serology procedure (which tends to identify a large number of false positives), as well as a safe vaccine for wildlife and a cure;
(n) Long-term separation, continued testing and quarantine of pregnant seronegative bison, rather than immediate slaughter;
(o) Easing of quarantine procedures; we feel that a year or more of quarantine and testing is excessive, particularly if some animals are to be released back into the park;
(p) Release of five seronegative bison to the public and tribes.

Several of these elements have been included in Alternatives 2 and 7. However, none incorporates all. We concede that disease control within the Yellowstone bison population has become necessary. However, we feel that an acceptable plan will utilize all of the above alternatives, placing emphasis on those that ensure the health, survival and natural migratory behavior of the present population.

Fort Belknap Community Council

(406) 353-2205
R.R. 1 Box 66 • Fort Belknap Agency
Harlem, Montana 59526

YELL- 15745

TRIBAL NATURAL RESOURCES DEPARTMENT

TRIBAL LAND
FISH & GAME
PRAIRIE DOG
RANGE IMPROVEMENT

Fort Belknap Indian Community
(Tribal Govt.)
Fort Belknap Indian Community
(Elected to administer the affairs of the community and to represent the Assiniboine and the Gros Ventre Tribes of the Fort Belknap Indian Reservation)

August 17, 1998

MEMORANDUM

TO: Council members
& other interested persons

FROM: Delmar 'Poncho' Bigby
Natural Resources Planner
(406)353-2205, Ext. 423

SUBJECT: DRAFT ENVIRONMENT IMPACT STATEMENT (EIS) FOR THE INTERAGENCY BISON MANAGEMENT PLAN FOR THE STATE OF MONTANA AND YELLOWSTONE NATIONAL PARK

Attached for your review and comments is a DRAFT RESPONSE TO THE DRAFT EIS FOR BISON MANAGEMENT IN YELLOWSTONE NATIONAL PARK. A copy of the DRAFT EIS and SUMMARY is available in my office located upstairs in the North-West corner of the Tribal Building.

The deadline for comments on the DRAFT EIS is October 1, 1998.

I am requesting that your comments of the DRAFT RESPONSE be into me by September 15, 1998.

You are encouraged to submit your own individual comments on the DRAFT EIS. Comments should be sent to:

Sarah Bransom
Interagency Bison Management Plan
DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

DRAFT

Bison Management Plan EIS Team
National Park Service
Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

SUBJECT: DRAFT ENVIRONMENT IMPACT STATEMENT (EIS) FOR THE INTERAGENCY BISON MANAGEMENT PLAN FOR THE STATE OF MONTANA AND YELLOWSTONE NATIONAL PARK.

TO WHOM IT MAY CONCERN:

The Fort Belknap Indian Community Tribal Government, representing the Assiniboine and Gros Ventre Tribes of the Fort Belknap Indian Reservation submits the following comments to the DRAFT ENVIRONMENT IMPACT STATEMENT (EIS) FOR THE INTERAGENCY BISON MANAGEMENT PLAN FOR THE STATE OF MONTANA AND YELLOWSTONE NATIONAL PARK.

The term Buffalo (Bison) will be utilized throughout our comments due to the fact that this is the most recognizable term for an animal that the Creator placed on the North American continent to meet the needs of Native American (Indian) peoples who are the original inhabitants (owners) of this continent. The Buffalo (Bison) is called many names by the numerous Nations (Tribes) who have benefited from the Buffalo for many thousands upon thousands of years.

The Fort Belknap Indian Community Tribal Government strongly believes the Buffalo (Bison-Bison) must remain FREE RANGING and retain their WILDLIFE STATUS. We also assert that 'Buffalo (Bison-Bison)' that are under the control and management of the United States Government and their Agencies/Departments are a TRUST ASSET OF INDIAN TRIBES in accordance with our treaties and subsequent Acts of Congress and Executive Orders.

We also strongly oppose the indiscriminate slaughter of the Buffalo and commercialization through auction of the carcass, heads and hides and other parts to 'the 'highest bidder'. We also

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strongly oppose the commercialization of "fair chase hunt" as a part of the management requirements of the State of Montana.

We strongly support the adoption of ALTERNATIVE #8 as follows:

ALTERNATIVE #8

BUFFALO (BISON) are a trust resource for the citizens of the United States of America and throughout the World. BUFFALO (BISON) have a special Spiritual, Economic and Social place in the Hearts, minds, body and should of the various Indian Nations (Tribes) of North American. It shall be the mandate of the United States Government to protect and preserve the FREE RANGING and WILDLIFE STATUS of the Buffalo and re-affirm the Trust relationship between the Buffalo and Indian Nations (Tribes) as established by Treaties, Acts of Congress and Executive Orders of the United States Government.

The information and data as set out in the DRAFT EIS is incorporated into this alternative in part. The following points are to be inserted into the appropriate language for approval:

1. Buffalo are to remain wild free ranging wildlife under the jurisdiction, where-so-ever located, of the National Fish and Wildlife Service, with concurrent jurisdiction of the ~~Nation~~ Park Service, with meaningful consultation with Indian Tribal Governments and/or their representatives.

2. Buffalo shall be allowed to utilize public lands outside Yellowstone ~~Nation~~ Park within broadly defined Special Management Areas. Where use by Buffalo may be in competition with domestic livestock, the needs of Buffalo shall take precedence. Livestock may continue to utilize public lands in accordance with modified permit processes.

3. Buffalo population goals must be established for the Yellowstone herd that are based upon science, ~~not politics~~. The populations should be based ~~on habitat~~ within the Park, SMA's and any future lands acquired for buffalo use.

4. Acquisition of additional Federal, State and/or Private lands for winter range and key migration routes outside the Park, including the Church Universal Triumphant (CUT) properties is a priority. NPS shall work with private landowners on a 'willing-seller basis' to acquire additional lands or easements and shall offer incentives to landowners to change/modify livestock operations on any and all Federal and/or State and/or Private lands which may be required to accomplish the goal of maintaining a wild free ranging Buffalo population.

5. Where there is potential conflict between domestic livestock and buffalo, adjustments will be made to domestic livestock grazing allotments and grazing times on public lands required to accomplish

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the goal and to reduce or eliminate contact between buffalo and domestic livestock.

6. All domestic cattle, and possibly horses, shall be vaccinated within the SMA's at no expense to the livestock producer.

7. Implement a 'live removal' option for Buffalo with a mandate to work with Tribal Governments and ITBC to implement a 'relocation' program in accordance with a protocol to be developed. The 'live removal' option would be of the highest priority in accordance with the following procedures:

a. Within 18 months, a 'capture facility or facilities' will be constructed at appropriate location(s) to capture buffalo.

b. ALL Buffalo will be tested for brucellosis in accordance with the latest technology available in accordance with APPENDIX 'B': QUARANTINE PROTOCOL FOR BISON.

8. Any animal not eligible for 'live removal' will be separated and confined to a 'holding facility'. Indian Tribal Governments will be notified of the numbers and class of animals within the 'holding facility' and be offered FIRST PREFERENCE to utilize the animal to meet their needs. Any animal which is not eligible for 'live removal' must be 'taken down' within or near to the 'holding facility'. In the event no Tribal Government is able to take the animal, the ITBC will be contacted for identification of other eligible individuals to take the animals.

9. Any animal which is eligible for 'live removal' shall be coordinated with ITBC for procedures and priority of distribution.

10. Where possible, sero-positive buffalo shall be used for research on brucellosis rather than slaughter all positive. In the event an animal is not suitable for research, disposition of the animal shall be in accordance with #8.

COMMENTS ON DRAFT EIS AND PREFERRED OPTION #7:

The DRAFT EIS was developed without any contact with Tribes in violation of the GOVERNMENT-TO-GOVERNMENT relationship established by Congress and Executive Orders. This lack of contact fails to recognize the sovereignty of Tribal Governments and violates the Trust Responsibility of the United States Government and it's agencies and departments to Indian Tribes.

The Buffalo in Yellowstone National Park today are "managed" in the same manner as the Tribes were "managed" in the late 1800's under a Federal Policy of extermination. To slaughter the Buffalo because they are infected with an imported disease is ~~unconscionable~~.

Pg. #101 - Para. #2 - 'delete' slaughter and include "invite Tribes to harvest those Buffalo which would be determined high-risk in a manner suitable and respectful of the relationship between Buffalo

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and Indian peoples." 'delete' shooting bison outside the SMAs --, quarantine of (delete '"some"') and insert "all" seronegative bison, 'delete' hunting for recreational purposes, -----.

Para. #4 - COMMENT: The population of Buffalo in and around Yellowstone National Park is not at the level to warrant undue concern about numbers, therefore there is ample time to comply with the 'environmental compliance' and 'public review' process and to identify funding for the quarantine facility or facilities.

Para. #5 - ---, the agencies would continue to rely on the capture, ('delete' slaughter and insert "invite Tribes to harvest those Buffalo which would be determined high-risk in a manner suitable and respectful of the relationship between Buffalo and Indian peoples" hazing, ('delete and/or shooting') -----.

Para. #6 - DELETE any and all reference to "hunting is an additional management tool." and reference to Montana authorization of regulations for public hunting of bison.

Pg #102 - Para. #2 - For purposes of analysis, -- money was available for such a purchase, "an organization or public entity agreed to manage the land," ---.

COMMENT: The ITBC, representing Indian Tribes, is a logical organization to either perform this service or be a part of a public entity to manage the land.

Para. #3 - The preferred alternative (alternative 7) --. In general, hazing bison from areas where they were not permitted such as outside SMAs or on private land would be attempted before "Tribes were invited to harvest those Buffalo which would be determined high-risk in a manner suitable and respectful of the relationship between Buffalo and Indian peoples".

Para. #4 - In phase 2, ---. This might mean (delete 'purchase' and insert 'modification of grazing rights on public lands'), --.

Pg. #103 - Para. #1: Although the preferred alternative is distinct, --. Capture and (delete 'slaughter' and insert "Tribes will be invited to harvest those Buffalo which would be determined high-risk in a manner suitable and respectful of the relationship between Buffalo and Indian peoples". -- (delete: "As many seronegative bison as possible" and insert "All seronegative bison will" be shipped to a quarantine facility, --. (Delete any reference to "hunting".)

NORTHERN BOUNDARY

Reese Creek

Pg. #103 - Para. #2 - Management actions at the capture facility -- (delete 'might be shot' and insert: "Tribes will be invited to harvest those Buffalo which would be determined high-risk in a manner suitable and respectful of the relationship between Buffalo and Indian peoples"--. If population numbers approached 2,500,

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(delete: 'agency personnel would likely shoot' and insert: "Tribes will be invited to harvest those Buffalo which would be determined high-risk in a manner suitable and respectful of the relationship between Buffalo and Indian peoples")--.

Para. #3 - -- (Delete: 'Seropositive bison would be shipped to slaughter at approved facilities' and insert: "Tribes will be invited to harvest those Buffalo which would be determined high-risk in a manner suitable and respectful of the relationship between Buffalo and Indian peoples". Any bison that are slaughtered due to unforeseen circumstances will be made accessible to Tribes for ceremonial and/or health activities.) Until a --- (delete: also be shipped to slaughter,' and insert: "Tribes will be invited to harvest those Buffalo which would be determined high-risk in a manner suitable and respectful of the relationship between Buffalo and Indian peoples".)

Pg. #104 - Para. #3 - --(and population numbers at or above 2,500), --(delete: 'would be sent to slaughter' and insert: "Tribes will be invited to harvest those Buffalo which would be determined high-risk in a manner suitable and respectful of the relationship between Buffalo and Indian peoples".)

EAGLE CREEK/BEAR CREEK

(Delete any reference to hunting or shooting and insert: "Tribes will be invited to harvest those Buffalo which would be determined high-risk in a manner suitable and respectful of the relationship between Buffalo and Indian peoples".)

WESTERN BOUNDARY

(Delete any reference to 'or shoot' 'or shot' and/or 'hunting' and insert: "Tribes will be invited to harvest those Buffalo which would be determined high-risk in a manner suitable and respectful of the relationship between Buffalo and Indian peoples".)

Para. #3 - --- They would be tested for exposure to B. abortus, and all seropositive bison (delete: 'shipped to slaughter at an approved slaughterhouse' and insert: "will be accessible to Tribes who will be invited to harvest those Buffalo which would be determined high-risk in a manner suitable and respectful of the relationship between Buffalo and Indian peoples"

Pg. #107 - Delete any reference to "hunting' or 'will be shot' or 'would be shot' or 'agencies would shoot bison' or 'Hunting bison' or 'number of hunting permits issued' and insert, as appropriate: "will be accessible to Tribes who will be invited to harvest those Buffalo which would be determined high-risk in a manner suitable and respectful of the relationship between Buffalo and Indian peoples"

RISK MANAGEMENT

Pg. #107 - Alternative 7 would rely on separation, capture, (delete: any reference to 'shooting', or 'hunting' or 'agency

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shooting', 'slaughter' or 'would be shot' and insert: "Tribes will be invited to harvest those Buffalo which would be determined high-risk in a manner suitable and respectful of the relationship between Buffalo and Indian peoples".)

Pg. #108 -- Livestock owners on private property would (delete 'continue to be responsible' and insert: 'be re-imbursed')

POPULATION MANAGEMENT

Pg. #108 - Para. #1 - (Delete 'lethal methods' and 'the agencies would shoot;, and 'Also, if hunting-- was approaching 1,700.', 'sent to slaughter', and 'would be shot on private land', and 'shot by agencies.', and 'would be shot' and 'If hunting was approved -- numbers approached 2,500.' and insert: "Tribes will be invited to harvest those Buffalo which would be determined high-risk in a manner suitable and respectful of the relationship between Buffalo and Indian peoples".)

Para #2 - (Delete any reference to 'Hunting permits', 'shooting' and insert: "Tribes will be invited to harvest those Buffalo which would be determined high-risk in a manner suitable and respectful of the relationship between Buffalo and Indian peoples".)

QUARANTINE

Pg. #109 - COMMENT: Any bison subject to 'slaughter' will be available for "Tribes will be invited to harvest those Buffalo which would be determined high-risk in a manner suitable and respectful of the relationship between Buffalo and Indian peoples". Any bison that are slaughtered due to unforeseen circumstances will be made accessible to Tribes for ceremonial and/or health activities.)

PUBLIC HUNTING

Pg. #110 - Delete any reference to Public Hunting as an alternative and insert "Tribes will be invited to harvest those Buffalo which would be determined high-risk in a manner suitable and respectful of the relationship between Buffalo and Indian peoples". Any bison that are slaughtered due to unforeseen circumstances will be made accessible to Tribes for ceremonial and/or health activities.

ESTIMATE OF COST

COMMENT: This DRAFT EIS must assess the economic impact to the Greater Yellowstone eco-system within the States of Montana, Idaho and Wyoming of the presence of Buffalo (Bison) and their contribution to the tourism income -versus- the economic impact of the livestock industry within the Greater Yellowstone eco-system.

At a minimum, due to the concerns of the State of Montana, Idaho and Wyoming concerning 'brucellosis', a buffer zone around the Greater Yellowstone eco-system should be created that in the

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event any livestock are identified as contacting brucellosis the remaining of the States would not be penalized through loss of their 'brucellosis free status' due to the geographical isolation of the buffalo (bison) which are of concern in this DRAFT EIS.

Of greater concern about 'brucellosis' is the fact the ELK are in greater probability of contact with livestock than Buffalo. This DRAFT EIS should be expanded to address of the issue of real concern, which is 'BRUCELLOSIS' and ALL POTENTIAL CARRIERS OF BRUCELLOSIS MUST BE INCLUDED IN AN ENVIRONMENTAL IMPACT STATEMENT BECAUSE BUFFALO (BISON) ARE NOT THE ONLY SPECIES OF CONCERN. THE EXPANDED ENVIRONMENTAL IMPACT STATEMENT MUST ADDRESS THE REAL ISSUE TO MONTANA, IDAHO, WYOMING, APHIS, DEPARTMENT OF LIVESTOCK AND RANCHERS IN THE GREATER YELLOWSTONE ECO-SYSTEM AND THOSE STATES WHICH INCLUDE THIS ECO-SYSTEM.

This concludes this portion of our comments and we reserve to the right to amend and expand our comments on any portion of the DRAFT EIS.

Respectfully,

Joseph F. McConnell, President
Fort Belknap Community Council

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Excerpts from the Fort Belknap Tribal Council meeting held at Fort Belknap, Montana on September 10, 1998.

Comment No. 17734
Arthur Stiffarm
Fort Belknap Tribal Council

The other thing is the economic part of it. I don't agree with what they had in there. I was looking at the section that Mike Fox referred to on page 37 about economic development. My understanding is that nobody is supposed to profit from these slaughters. The State of Montana did profit from the slaughters in the form of one hundred thousand dollars.

The other thing that they said at the time of the slaughter was those people that were low to moderate-income people would have the first choice. When actually the contracts for the slaughtered animals that the Tribes did not slaughter actually went out-of-state.

Excerpts from the Fort Belknap Tribal Council meeting held at Fort Belknap, Montana on September 10, 1998.

Comment No. 17732
William Main
Gros Ventre Tribe

A starting point for that would be to talk about educating state people on the importance of buffalo to us. These people have got to also realize that these buffalo, if they have the disease, it's a foreign disease thing. It was given to them by domestic livestock that came from another country, similar to small pox in the Indians.

But my thoughts on this whole thing are to make the buffalo herd within Yellowstone brucellosis free. Once that's done, then it's easy to develop a plan on what to do with them afterward. I don't think it would be that difficult to round up these buffalo within the Park, or the majority of them, test them and dispose of the infected animals. And once you have a brucellosis-certified herd, you have a lot less problems.

If that cannot be done, then I still support the Fort Belknap proposal that was offered last year to have the quarantine area here.

There's always a certain group of people that are identified, that are consulted, as the ones that may be impacted. One thing that really bothered me in the opening statements was that fact that several Tribes, for whatever reason (archeological, anthropological), were going to be consulted. And perhaps there's some merit to that because of their geographical location. But we are talking about saving bison here and bison are important to all Indians. And I think from the beginning that the intent should have been to contact whatever Indian Tribes wanted to participate and whatever individual Indian wanted to participate in these processes.

In regards to educating the state on this stuff, to teach somebody, they have to be willing to learn. For the most part in my lifetime dealings with many of the state officials, they simply don't care when it comes to Indian people because we are viewed as second-class citizens. Until the mentality changes, then I don't see any reason to try to educate.

I guess even during the EA process, whatever you call it, there are Tribes that have treaties whose original boundaries ran along Yellowstone Park, and I didn't hear any of those Tribes' intent.

Save the buffalo.

Excerpts from the Fort Belknap Tribal Council meeting held at Fort Belknap, Montana on September 10, 1998.

Comment No. 17733
Joe Fox
Gros Ventre Tribe

Your preferred item 7, or choice number 7, talks about controlling the numbers, etcetera. At the end, you talk about capture, slaughter, hunting to a lesser degree, I think it is the way it was described. I'd be concerned about that because to me that would be going right back to where we have been for the last several years. In the hard winter, we'd be slaughtering as usual. So instead what should be in their plan? Is a plan such as ours, to setup a program on Fort Belknap Reservation to take these excess buffalo and work the program that we are recommending.

I believe that if we had cooperation of the Park Service to work with us in developing the curriculum and project we could do a cooperative effort in education like this.

Excerpts from the Tribal Consultation meeting held at Yellowstone National Park, WY on August 12, 1998

Comment No. 17717
Cecil Garvin
Ho-Chunk Nation

There is a connection that exists yet between Indians and the animals, specifically buffalo, bison. The answer is yes. There has been a lot of research done on Indians and buffalo. It's in the school system, the education system. Those research items are in those documents and school materials saying, yes there was a connection and yes there is still a connection.

The question has to be asked why domestic bison herd quarantine procedures are different than for wild bison quarantine procedures.

YELL-9757

Bison Management Team
National Park Service - Sarah Brar som DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Dear EIS Team:

I want wild, free-roaming buffalo in Yellowstone. I oppose the "Preferred Alternative" recommended by the state of Montana and the federa government. The Government plan continues the unnecessary killing of buffalo moving to public lands outside the park in winter. We can do better.

Yellowstone's buffalo are too important to sacrifice. They are a source of pride for all of us.

I endorse the Citizens' Plan to Save Yellowstone Buffalo, which will:

* Maintain wild, free-roaming buffalo in Yellowstone National Park.
* Create a large special management area outside the park where buffalo can use public lands to survive harsh winters, and where buffalo will be managed by wildlife professionals.
* Develop scientific buffalo population goals for this special management area outside the park.
* Relocate buffalo to Indian reservations or public lands or use a regulated harvest, but only when science demonstrates that available land cannot support more buffalo.
* Recommend vaccination of cattle within lands adjacent to the special management area.
* Emphasize acquisition of key winter range lands or easements through public purchase from willing sellers. Provide incentives to modify livestock operations to provide winter foraging opportunities for buffalo outside the park.

In addition: Thank you for heeding our wishes, being a committee with vision, and seeing beyond more expedience.

These strategies will maintain wild, free-roaming buffalo and protect the interests of the livestock industry in a balanced, common-sense manner. Please adopt this plan.

Sincerely,

(signature)

Name: CHRISTOPHER S. RUBEL, REL. D.
CALIF. M.F.T. LIC. #MB1985

Address: INDIAN COUNSELING CENTER
219 N. INDIAN HILL BLVD., #202-B
CLAREMONT, CA 91711
(909) 624-4727 FAX: (909) 621-5881

YELL-9877

Bison Management Team
National Park Service - Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Dear EIS Team:

I want wild, free-roaming buffalo in Yellowstone. I oppose the "Preferred Alternative" recommended by the state of Montana and the federal government. The Government plan continues the unnecessary killing of buffalo moving to public lands outside the park in winter. We can do better.

Yellowstone's buffalo are too important to sacrifice. They are a source of pride for all of us.

I endorse the Citizens' Plan to Save Yellowstone Buffalo, which will:

* **Maintain wild, free-roaming buffalo in Yellowstone National Park.**
* **Create a large special management area outside the park where buffalo can use public lands to survive harsh winters, and where buffalo will be managed by wildlife professionals.**
* **Develop scientific buffalo population goals for this special management area outside the park.**
* **Relocate buffalo to Indian reservations or public lands or use a regulated harvest, but only when science demonstrates that available land cannot support more buffalo.**
* **Recommend vaccination of cattle within lands adjacent to the special management area.**
* **Emphasize acquisition of key winter range lands or easements through public purchase from willing sellers. Provide incentives to modify livestock operations to provide winter foraging opportunities for buffalo outside the park.**

In addition: As the nation's largest Native American festival we believe it's important to preserve as much of the Native American culture and heritage as possible. The Buffalo, like the wolf in Yellowstone is an important part of the ecology and the history of the park and the Native American tribes who live outside Yellowstone. Please keep the buffalo alive and the wolf packs.

These strategies will maintain wild, free-roaming buffalo and protect the interests of the livestock industry in a balanced, common-sense manner. Please adopt this plan.

Sincerely, Edna B. Wilson
(signature)

Name: Edna B. Wilson
(please print)

Address: Indian Summer Festivals Inc.
[redacted]

InterTribal Bison Cooperative

P.O. Box 8105 • Rapid City, South Dakota 57709-8105
PHONE: (605) 394-9730 • FAX: (605) 394-7742 • E-MAIL: itbc@enetis.net
www.intertribalbison.org

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October 30, 1998

Sarah Bransom
Interagency Bison Management Plan, DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Dear Ms. Bransom,

Please find the enclosed EIS Comments of the InterTribal Bison Cooperative in response to the "Draft".

Thank you.

Sincerely,

Mark Heckert
Executive Director

• Member Tribes •

• Blackfeet • Cheyenne River Sioux • Choctaw Nation of OK • Confederated Salish & Kootenai • Crow • Crow Creek Sioux • Eastern Shawnee of OK • Elk Valley Rancheria • • Flandreau Santee Sioux • Fort Peck Tribes • Fort Belknap Gros Ventre & Assiniboine • Ho-Chunk Nation • Kalispel • Lower Brule Sioux • Loyal Shawnee • • Menominee Tribe of WI • Mesa Grande Band of Mission Indians • Modoc of OK • Nambe' Pueblo • Nez Perce • Northern Arapaho • Northern Cheyenne • • Oneida Nation of WI • Picuris Pueblo • Pojoaque Pueblo • Ponca of NE • Prairie Band Potawatomi Nation • Prairie Island Dakota • Rosebud Sioux • Round Valley Tribes • • San Juan Pueblo • Sandia Pueblo • Santee Sioux • Sault St. Marie Chippewa • Shoshone-Bannock • Sisseton-Wahpeton Sioux • Southern Ute • Spirit Lake Sioux • • Spokane • Standing Rock Sioux • Taos Pueblo • Tesuque Pueblo • Ute • Winnebago of NE • Yankton Sioux •

Comments of the InterTribal Bison Cooperative to

The Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park.

The InterTribal Bison Cooperative (ITBC) is a national Native American organization which currently represents 47 federally-recognized tribal governments (list attached), from 17 states, on issues of buffalo restoration and management. Member tribes of the ITBC participate through official Tribal Council Resolution (on file).

Historical Background (from Turek, 1996)

The area now known as Yellowstone National Park has been inhabited by Native Americans for at least 7,500 years. Since the end of the Pleistocene glaciation Native Americans have lived, hunted, and traveled in the Yellowstone ecosystem, evidence of Native occupancy abounds. In the 1880s Yellowstone Superintendent, Philetus W. Norris conducted the first archaeological surveys in the park, collecting artifacts and documenting sites. During the 1950s and 60s there were several archaeological projects conducted in the park but a thorough archaeological survey has yet to be completed for Yellowstone National Park. [i]

Early in the nineteenth century, when white fur trappers and explorers first entered the region, Shoshoni, Bannock, Crow, and Blackfeet bands were living in the Yellowstone country. Interior Salish, (Flatheads), Kalispels, Nez Perces, and Coeur d'Alenes were also familiar with the Yellowstone region, as were some Assiniboine, Arapaho, and Lakota bands. [ii]

Prior to the creation of the national park in 1872, the Yellowstone country had been reserved for Indians. The 1851 Treaty of Fort Laramie, placed all of the land on the western side of the Yellowstone River (the river runs south to north within the park boundaries) within, "The

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territory of the Blackfoot Nation." The Blackfoot territory recognized by this treaty was defined as,

"commencing at the mouth of the Muscle-shell river; thence up the Missouri River to its source; thence along the main range of the Rocky Mountains, in a southerly direction, to the head-waters of the northern source of the Yellowstone river; thence down the Yellowstone River to the mouth of Twenty-five Yard Creek; thence across to the head-waters of the Muscle-shell River, and thence down the Muscle-shell River to the place of beginning."

The 1851 Treaty of Fort Laramie also recognized the Crow's rights to the lands south and east of the Yellowstone River.

"The territory of the Crow Nation, commencing at the mouth of Powder River on the Yellowstone; thence up Powder River to its source; thence along the main range of the Black Hills and Wind River Mountains to the head-waters of the Yellowstone River; thence down the Yellowstone River to the mouth of Twenty-five Yard Creek; thence to the head waters of the Muscle-shell River; thence down the Muscle-shell River to its mouth; thence to the head-waters of Big Dry Creek, and thence to its mouth." [iii]

Near the mouth of the Judith River, in October of 1855, Isaac I. Stevens negotiated a treaty with the Blackfeet and several other Northwest Indian tribes. Article 3, of the treaty recognized a common Indian hunting ground in the territory of the upper Missouri and Yellowstone Rivers. This common hunting ground was reserved for tribes living on both sides of the Rocky Mountains. Residing east of the Continental Divide were the "Blackfoot Nation, consisting of the Piegan, Blood, Blackfoot, and Gros Ventres tribes of Indians." The treaty's western Indians were the "Flathead Nation, consisting of the Flathead, Upper Pend d'Oreille, and Kootenay tribes of Indians, and the Nez Perce' tribe of Indians." Article 3 of the treaty described the common hunting ground and the rights and privileges of the tribes.

"The Blackfoot Nation consent and agree that all that portion of the country recognized and defined by the treaty of Laramie as Blackfoot territory, lying within lines drawn from the Hell Gate or Medicine Rock Passes in the main range of the Rocky Mountains, in an easterly direction to the nearest source of the Muscle Shell River, thence to the mouth of Twenty-five Yard Creek, thence up the Yellowstone River to its northern source, and thence along the main range of the Rocky Mountains, in a northerly direction, to the point of beginning, shall be a

common hunting-ground for ninety-nine years, where all the nations, tribes and bands of Indians, parties to this treaty may enjoy
equal and uninterrupted privileges of hunting, fishing and gathering fruit, grazing animals, curing meat and dressing robes. They further agree that they will not establish villages, or in any other way exercise exclusive rights within ten miles of the northern line of the common hunting-ground, and that the parties to this treaty may hunt on said northern boundary line and within ten miles thereof.

Provided, That the western Indians, parties to this treaty, may hunt on the trail leading down the Muscle Shell to the Yellowstone; the Muscle Shell River being the boundary separating the Blackfoot from the Crow territory." [iv]

The 1868 Fort Laramie Treaty with the Crows greatly reduced the tribe's territory. A new southern reservation boundary was drawn along the 45th parallel leaving a small parcel of land, east of the Yellowstone River within the Crow Reservation. In 1872 this parcel of land on the Crow Reservation was included within the boundaries of Yellowstone National Park. [v]

Although the Shoshoni and Bannock's treaties did not include references to the Yellowstone area, Shoshonis and Bannocks lived and hunted in the park until the end of the nineteenth century. The Sheepeater Band, or Tukudikas, lived year-round in Yellowstone National Park. Other bands of Shoshonis and Bannocks traveled through the park during seasonal migrations, often staying in the Yellowstone country throughout the summer. An Indian route across the northern tier of the park became known as the Bannock Trail. The trail was often used by the other western tribes traveling to and from the buffalo grounds in Wyoming and Montana.

In 1872 Congress created Yellowstone National Park, and although the Yellowstone country had been included in several Indian treaties, there are no references to Indian tribes or treaties in the Yellowstone Park Act.

In spite of the evidence of Native occupancy and use, a popular belief that Indians were afraid of Yellowstone's geysers and thermal features became part of the park's history. Probably stemming from concerns that the Nez Perce retreat through the park in 1877, and the Bannock

War of 1878, would deter visitors, Yellowstone's second superintendent Philetus W. Norris, spread the notion that Indians feared entering the park. Although it was based upon misconceptions and ignorance of Native beliefs, the idea that Indians were afraid of geysers, mud pots, and other thermal features conformed to Indian stereotypes embraced by white Americans. The myth that Indians were afraid of the park also made the government's attempts to remove Native Americans from Yellowstone National Park easier. As recently as the 1950s Yellowstone Park Ranger trainees were told, "Indians never lived in Yellowstone Park because they were afraid of geysers." Anthropologists and historians also promoted this idea in academic and popular writings. [vi]

In his efforts to secure the park for the touring public, Norris traveled to the Indian reservations surrounding Yellowstone National Park, requesting assurances from the tribes that they would no longer enter the park. Norris also lobbied politicians in Washington D.C., asking that they address Yellowstone's "Indian problem," warning the Indian commissioner that if Indians continued to come into the park they would do so "only at the peril of a conflict."

In preparation for conflict Norris constructed a fortress-like headquarters on the crest of Capitol Hill east of Mammoth Terraces. The superintendent also recommended the elimination of Crow lands in Yellowstone, claiming that the three-mile strip was never "occupied, owned, or even claimed by the Crows."

In 1880 Norris' efforts proved fruitful, the Crows agreed to relinquish their claims to lands in the park east of the Yellowstone River. The Crow agreement of 1880, ratified in 1882, appeared to leave Yellowstone National Park free from any future Indian claims. [vii]

By the late 1880s Yellowstone's Indians were restricted to reservations. With the elimination of Indian lands within the park's boundaries, it appeared that Yellowstone's "Indian

problem" had been solved. During this same period the survival of the Yellowstone buffalo herd became a national concern.

In 1885 George Bird Grinnell reported that there were less than one thousand buffalo left in North American. Not more than two hundred of the shaggy survivors lived in Yellowstone National Park, one of the few remaining buffalo herds left on the continent. And this remnant of the once vast herds was being threatened with extinction by poachers. The U.S. Army was called in to patrol Yellowstone and remove the poachers. A number of projects designed to protect and enhance the park's herd were also initiated. In 1896 it was suggested that a buffalo reserve be created on Yellowstone Lake's Dot Island.

The Dot Island reserve was dreamed up by Captain E.C. Waters, operator of a steamboat service on Yellowstone Lake. Waters' project enjoyed only limited success, his passengers were soon complaining about the poor conditions on the island. In an attempt to stimulate tourist's interest in his Dot Island tour, Waters requested permission in 1899 "to have a few Indians, . . kept in their wigwams and located on Dot Island in Yellowstone Lake from June 15th to September 15th." Although the Secretary of the Interior approved Waters request, the inclusion of Indians on Dot Island does not appear to have taken place. In 1925 another attempt at including Indians and buffalo in the park proved more successful. [viii]

At the end of the summer of 1925 Yellowstone Superintendent Horace M. Albright invited a number of Crow Indians to camp in the park and assist in the round-up of the Yellowstone buffalo herd. Referred to as "buffalo plains week," by Albright, the event was a big hit with tourists. Visitors were taken in stagecoaches to Indian camps "with their tepees, open fires, travois, and handiwork of the tribe, and peopled with braves, squaws, and papooses," and treated to "a vivid reminder of the fact that not so many years ago the ancestors of these very

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Indians roamed and hunted over the lands in this vicinity." Not only were the Crows dressed in buckskins and feathers, and camping in colorful tepees, they were also chasing buffalo. Buffalo plains week failed to become an annual event, but by the early 1930s the Crows were again becoming involved in the management of the park's buffalo herd. [ix]

In 1931, Max Bigman, a Crow tribal member, recommended that a buffalo herd be started on the Crow reservation with thirty head from Yellowstone's herd. The park had recently begun culling its herd, sending the meat, hides, and heads to Indian reservations in Montana and Wyoming, Bigman realized that here was a source of live buffalo for the Crows. Due to lack of range and insufficient support from the BIA, Bigman's herd never materialized. But three years later the Crow Tribal Council voted to establish a tribal herd in the reservation's Big Horn Canyon. [x]

Robert Yellowtail, Crow tribal member, and BIA agency superintendent, acquired the first live buffalo from Yellowstone National Park in 1934. According to park records twelve live buffalo were shipped in 1934, 96 in 1935, and 90 in 1936, other documents reveal that an even larger number of buffalo were turned over to the Crows. Due to a fear of spreading brucellosis, the shipment of live buffalo from the park was discontinued in 1945. [xi]

Superintendent Yellowtail's interest in Yellowstone National Park concerned more than buffalo, at times he requested trout, elk, and bear from the park. In 1935 Yellowtail suggested that Crow tribal members be admitted to the park free of charge maintaining, "that the Park was formerly a part of the Crow Reservation and that the Park was taken from the Crows without any compensation whatsoever." Yellowtail's request triggered an investigation by the BIA's Land Division. The Bureau's investigation revealed that Crow lands within the boundaries of the national park had been included in the treaties of 1851, 1868, and the agreement of 1882. The

1851 Treaty of Fort Laramie, never ratified by Congress, reserved for the Crows a large area in both Montana and Wyoming, east of the Yellowstone River, now within the boundaries of the national park. The 1868 treaty with the Crows left the tribe with a small portion of land east of the Yellowstone River. The agreement dated June 21, 1880, and ratified April 11, 1882, turned over this small portion of the Crow Reservation within Yellowstone National Park to the United States.[xii]

Although Yellowstone stopped shipping live buffalo to Indian reservations in 1945 due to fear of spreading brucellosis, other national parks continued the practice. South Dakota's Wind Cave National Park which also began shipping live buffalo to Indian reservations in the early 1930s, continues to transfer live animals to tribes. North Dakota's Theodore Roosevelt National Park, has also supplied Indian reservations with live buffalo.

The Blackfeet, the first tribe to receive buffalo carcasses from Yellowstone National Park, were approached by Glacier National Park officials in the 1930s about developing a cooperative buffalo herd. But a history of disputes with Glacier National Park over hunting rights and the park's boundary, and continuing efforts by the Park Service to take land from the tribe, earned the enmity of the Blackfeet. Consequently the tribe was not interested in any cooperative arrangements with the Park Service in the 1930s.[xiii]

In 1965 the director of the National Park Service requested the assistance of the BIA in a bison removal program at Yellowstone. Nothing ever came of this request and it was not until 1992 that Indian tribes once again became involved in the transfer of live buffalo from Yellowstone National Park.[xiv] (end notes attached)

Legal Issues and Precedence Regarding Tribal Involvement

The preferred alternative for long-term management of Yellowstone bison perpetuates the slaughter of the Nation's last free-roaming bison herd to protect the same livestock interests that eradicated the American bison from Native American lands in the 19th Century. The Department of Interior and State of Montana must acknowledge and accommodate the repeated requests from Tribal Nations to implement a more humane and respectful bison management policy.

Native American religious concerns and cultural values are embedded and impacted by management decisions concerning the survival of the last free-roaming bison to survive the 19th Century. In prayer pipe ceremonies on the steps of the United States and Montana Capitols, and in the bison killing fields along the Yellowstone and Madison Rivers, Native American political and religious leaders have pleaded with Federal and State officials to stop the unjustified slaughter of Yellowstone bison.

On February 12, 1997--in the middle of the largest bison slaughter of the 20th Century--Fort Peck Tribal Chairman Caleb Shields made a plea in a special address to a joint session of the Montana Legislature regarding Yellowstone bison:

> *Like us, they are the last survivors. Those of our ancestors that survived the 19th Century found sanctuary on reservations. In 1894, the last wild buffalo herd left in the United States--about 20 head--found sanctuary in Yellowstone Park.*
>
> *I speak for all Montana Indian Nations when I say that the slaughter of this wild herd must stop. The killing is out of hand. Hundreds of buffalo have been slaughtered without even attempting to test them for brucellosis. . . .*
>
> *Our cultures are different on this issue. Under our religion, buffalo are respected. They are good medicine. Their skulls and hides adorn our most sacred lodges. We still dance, sing and pray to them. What is occurring now outside Yellowstone Park is disrespectful. . . .*
>
> *At the close of the 19th Century, Indian Nations do not have a seat at the table on buffalo policy. We deserve a seat at the table now. This issue is fundamental to our culture and we believe we can contribute to this policy in a positive and respectful manner.*[1]

His plea fell on deaf ears. The slaughter of Yellowstone bison escalated after his address.

The member Tribes of the ITBC have joined with national, regional and local conservation groups and communities to develop a balanced alternative. The Citizen's Plan accommodates the *rational* concerns with the spread of brucellosis, while recognizing that the Yellowstone bison herd is a National treasure that should be protected and allowed to roam within the context of defined management areas and less lethal management tools.

Yellowstone bison policy needs to shift from the lethal management schemes employed in the past and embodied in the EIS preferred alternative, to stewardship schemes as reflected in the Citizen's Plan. Just as jurisdiction for Federal Indian Policy was transferred in the 19th Century from the Department of War to the Department of Interior, bison policy at Yellowstone must undergo a similar transition. As the 21st Century approaches, bison policy must not continue to be controlled by thinly-veiled 19th Century attitudes, biases, and economic interests. The United States Government and the State of Montana must adhere to the legal and moral obligation to act as a guardian--rather than executioner--of the Nation's last wild bison herd.

This long-overdue shift in policy and attitude has profound implications for Native American people that extend far beyond the Yellowstone ecosystem. This is one of the reasons the Yellowstone bison saga has resonated so strongly across Indian Country. Many Indian Tribes and Native Americans believe that the plight of the Yellowstone herd is inextricably tied to their own survival. They believe that respect for the Yellowstone bison and the defense of the bison's inherent right to prosper in the Yellowstone ecosystem are intertwined with Native American prophecies that portend the return of the Buffalo Nation. The United States Government and the State of Montana appear oblivious to this cultural concern, though it has been made repeatedly by tribal political and cultural leaders.

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[1] See Declaration of Mike Fox, at 8 and Exhibit 2. A copy of this Declaration and attachments is in enclosed and incorporated herein by reference.

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The forty-seven Tribal Nations represented by the ITBC are dedicated to restoring bison to North America and to restoring cultural and religious respect for bison. The management policy proposed for the Yellowstone bison herd will only result in the continuation of bison slaughter without justification. The ITBC Tribes request that the Department of Interior honor its fiduciary and legal obligation to consult with Tribal Nations on this matter and modify its bison policy accordingly. Since time immemorial (pre-biblical times), Native Americans have enjoyed a special cultural relationship with American bison. Many tribal creation stories and religious ceremonies center around the bison. The United States Government and the State of Montana have no such cultural or historical relationship with bison. As the millennium of colonization and industrialization comes to an end, the time has come for the United States Government to acknowledge the historic and cultural relationship that exists between Tribal Nations and the Buffalo Nation, and allow the Tribal Nations a seat at the table in developing bison management policy--especially when this policy concerns the continued survival of the Nation's last surviving wild bison herd.

ITBC submits that such a change in bison policy is justified not only because of moral and historical and cultural context. It is also required by law and policy. Several principles of federal law and policy converge to provide a legal foundation for a new Yellowstone bison policy that affords recognition and respect for the cultural and religious relationship Tribal Nations enjoy with the Nation's last surviving free-roaming bison herd. This penumbra of rights logically begins with another "special relationship" which the Supreme Court recognized and enforced 166 years ago which grew out of the historic relationship between Tribal Nations and the United States Government.

Courts have long recognized that a "special relationship" exists between the United States and Indian tribes. Northern Cheyenne Tribe v. Hodel, 12 Ind. L. Rep. 3065, 3070 (D. Mont. 1985), *rev'd in part on other grounds*, 851 F.2d 1152 (9th Cir. 1988). *See also*, Chambers, Judicial Enforcement of the Federal Trust Responsibility, 27 Stan. L. Rev. 1213 (1975); F. Cohen, Handbook of Federal Indian Law, at 220-21 (1982 ed.). The relationship between the federal government and Indian tribes has been likened to that of a "ward to a guardian," Cherokee

Nation v. Georgia, 30 U.S. (5 Pet.) 1, 17 (1831), and imposes fiduciary duties upon the federal government. Seminole Nation v. United States, 316 U.S. 286, 296-97 (1942).

These duties collectively are known as the "federal trust responsibility," a doctrine which has been applied by courts in a variety of situations to require federal consideration and protection of Indian rights. The trust responsibility applies not only to on-reservation dealings with tribal property but also to federal action outside the reservation which affect tribal interests. Northern Cheyenne Tribe, 12 Ind. L. Rep. at 3070; Pyramid Lake Paiute v. Navy, 898 F.2d 1410, 1420 (9th Cir. 1990). The "trust doctrine is not limited to situations in which the government is managing property owned by an Indian tribe . . . ." Eric v. Secretary of the United States Department of Housing and Urban Development, 464 F. Supp. 44, 49 (D. Alaska 1978), *citing* Morton v. Ruiz, 415 U.S. 199, 236 (1974).

The Ninth Circuit has held that "any Federal government action is subject to the United States' fiduciary responsibilities toward the Indian tribes." (emphasis in original). An agency's conflicting substantive responsibilities do not relieve it of its trust obligation. *See* Pyramid Lake Paiute v. Morton, 354 F. Supp. 252 (D. D.C. 1973). Where the "special relationship" exists, federal officials must not only consider but must also affirmatively protect Indian interests when carrying out their official duties. Northern Cheyenne Tribe, at 3171. Even though the Department of Interior may have conflicting responsibilities regarding the "national interest," the Northern Cheyenne court held that these conflicts did not relieve the government of its trust responsibilities to the Tribe:

> To the contrary, identifying and fulfilling the trust responsibility is even more important in situations such as the present case where an agency's conflicting goals and responsibilities combined with political pressure asserted by non-Indians can lead federal agencies to compromise or ignore Indian rights.

Id. (emphasis added).

The National Park Service's acts are subject to its fiduciary duty to Native American Tribes where its actions impacts their interests. In the present case, this fiduciary duty dovetails nicely with the Park Service's duty to protect wild bison. The Organic Act that applies to Yellowstone

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Park states that the purpose of national parks "is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." 16 U.S.C. § 1 (emphasis added). Therefore the exercise of its fiduciary duty owned to Tribes can easily be carried out in concert with its statutory obligation to protect wildlife under the Organic Act.

Intertwined in this trust obligation is the special commitment and directive issued by President Bill Clinton requiring that all federal agencies in his administration proactively consult and confer with Tribal Nations on matters that affect tribal interests. At the historic gathering of all Tribal Nations at the White House on April 29, 1994, President Clinton made this commitment to the Tribal Nations:

> Let me speak for a moment about religious freedom, something precious to you, something deeply enshrined in our Constitution. For many of you traditional religions and ceremonies are the essence of your culture and your very existence. . . . No agenda for religious freedom will be complete until traditional Native American religious practices have received all the protections they deserve. . . .
>
> This then is our first principle--respecting your values, your religions, your identity and your sovereignty (emphasis added)

President Clinton backed this commitment up with a Memorandum Directive he signed that day. That Memorandum Directive was addressed to the heads of all Executive Departments and Agencies regarding government-to-government relations with Native American tribal governments. It states that in recognition of the "unique legal relationship with Native American tribal governments," the President directs that "each executive department and agency shall consult, to the greatest extent practicable and to the extent permitted by law, with tribal governments prior to taking actions that affect federally recognized tribal governments. All such consultations are to be open and candid so that all interested parties may evaluate for themselves the potential impact of relevant proposals."

That is not what occurred here. The Department of Interior and State of Montana negotiated in private over the preferred alternative now proposed in the Draft EIS. No prior consultation between the Federal Agency and Tribal Nations occurred, notwithstanding the repeated requests of Tribal leaders to have a seat at the table.

In fact, one month after Chairman Caleb Shields made his plea to have Tribes be seated at the table regarding Yellowstone bison management in his address to the Montana Legislature, the Chairman of the Montana-Wyoming Tribal Leaders Council, Michael T. Pablo, made the same request in written testimony which was read to Secretary Babbitt, Secretary Glickman, Governor Racicot, and other officials at the March 21, 1997, Gardiner, Montana, public meeting on the escalating bison slaughter. After reminding these federal and state officials of Chairman Shields request before the Legislature the month before, Chairman Pablo stated:

> *On March 6, Tribal religious leaders held a National Day of Prayer for the Park bison on the steps of the U.S. And Montana Capitols, and here at Gardiner. To add insult to injury, bison were slaughtered while this prayer was taking place, and Montana Department of Livestock officials objected and laughed when participants asked to pray over the killed bison.*
>
> *The Montana-Wyoming Tribal Leaders Council strongly supports the alternative put forth by the InterTribal Bison Cooperative: quarantine the bison that test negative for brucellosis, and return them to tribal and public land as an alternative to slaughter.*

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We are also aware that federal and state officials are having internal discussions regarding the alternatives that will be proposed in the draft environmental impact statement that will control long-term Park bison policy. We request that the views of the Indian Nations be afforded equal weight in these policy decisions. . . . On behalf of Montana Tribes--and all Indian Nations--I respectfully call on you to stop the slaughter of our Buffalo Nation and to provide the Indian Nations a seat at the table regarding future management of the Nation's last remaining wild bison herd. (emphasis added)

Notwithstanding these point blank requests from tribal leaders to Federal and State leaders, the Tribal Nations' request for a seat at the table was ignored. The commitment to "government-to-government" consultation was ignored. Instead, private negotiations took place between the Department of Interior and the State of Montana wherein the Department of Interior acceded to the political pressure from Montana livestock interests. The draft EIS was released without any prior Tribal consultation with the result that the Tribes and conservation groups had to prepare an entirely new alternative to present to the agencies due to the lack of consideration and consultation of their views.

The exclusion of the Tribal Nations' from this process was not only a violation of the federal trust responsibility and President Clinton's commitment to consult and confer with Tribal Nations, it also flies in the face of the consultation requirements under the National Historic Preservation Act ("NHPA"). The Yellowstone bison herd is a national treasure. This herd is unique. These bison are the last free-roaming bison to survive the bison holocaust of the 19th Century. It is also now indisputable--though apparently still oblivious to some--that American Indian tribes have a special kinship and relationship to this herd that is based in history and culture. For example, throughout the Nation, solemn prayer pipe ceremonies have been offered for this special bison herd because of its unique significance.

The NHPA states that "[i]t shall be the policy of the Federal Government, in cooperation with . . . Indian tribes . . . to . . . administer federally owned, administered, or controlled prehistoric and historic resources in a spirit of stewardship for the inspiration and benefit of present and future generations. 16 U.S.C. § 470-1(3). The Secretary of the Interior is authorized to expand and maintain a National Register of Historic Places composed of districts, sites, buildings, structures, and objects significant in American history . . . and culture." 16 U.S.C. § 470a(a)(1)(A). The federal agency with control over these historic resources "should be

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sensitive to the special concerns of Indian tribes in historic preservation issues, which often extend beyond Indian lands to other historic properties." 36 C.F.R. § 800.1(c)(iii)(The Section 106 regulations). When an undertaking may affect properties of historic value to an Indian tribe on non-Indian lands, the consulting parties shall afford such tribe the opportunity to participate as interested parties. Id.[2] Properties of traditional religious and cultural importance to an Indian tribe . . . may be determined eligible for inclusion on the National Register." 16 U.S.C. § 470a(d)(6)(A).

While there may be no precedent for designating wildlife as an historic resource and object under the NHPA, the present circumstances are unique. This is the last surviving, free-roaming bison herd in the United States. This herd has special historical significance to the Nation at large, and to Tribal Nations in particular. The Advisory Council on Historic Preservation's Statement on Policy concerning consultation with Native Americans Concerning Properties of Traditional Religious and Cultural Importance provides guidance in this matter:

Historic properties with traditional religious and cultural importance ("traditional cultural properties") are essential to maintaining the cultural integrity of Indian tribes and Native Hawaiian organizations. Such properties are critical to the cultural lives of many Native American communities. To preserve the character of such properties in the context of Federal agency planning requires that all participants in Section 106 review carry out the requirements of the Council's regulations in ways that respectfully balance Native American cultural values with other public interests.

The principles of regulatory flexibility set forth in Section 800.3(b) should be employed by the participants in the Section 106 process. Traditional cultural properties are an integral part of the living communities and must be viewed in a culturally sensitive manner throughout the Section 106 process. Rigid adherence to the precise procedures in the regulations may be detrimental to the values that give a traditional cultural property its significance. Agencies should not require Native Americans to conform rigidly to procedures that may be alien to them. . . . Strict

[2]See also 16 U.S.C. § 470a(d)(1)(A) and (B)(Secretary shall assist Indian tribes in preserving historic properties in a manner that ensures tribal values are taken into account to the extent feasible).

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adherence to regulatory procedures must not be allowed to take precedence over respect of the rights and beliefs of Native Americans.

Where the interests of a Native American group in a traditional cultural property are religious in nature, such as . . . the belief that the property played a role in the traditional creation of the group, participants in Section 106 review must respect such interests in accordance with the First Amendment to the U.S. Constitution and the American Religious Freedom Act (42 U.S.C § 1996). . . . (emphasis added).

The eligibility criteria under 36 C.F.R. § 60.4 support the eligibility of the Yellowstone bison herd to the National Register. Section 60.4 provides:

> The quality of significance in American history . . . and objects that possess integrity of location . . . feeling and association and (a) that are associated with events that have made a significant contribution to the broad patterns of our history, or (b) that are associated with the lives of persons significant in our past; or (c) that embody the distinctive characteristics of a . . . period . . . or that represent a significant and distinguishable entity whose components may lack individual distinction; or (d) that have yielded, or may be likely to yield, information important in prehistory or history."

The Yellowstone bison would be eligible under nearly all of these criteria, but need only qualify under one.

Section 106 requires the National Park Service to take into account the effect of any undertaking on any site or object that is eligible for inclusion in the National Register prior to the undertaking. The Act is clear that the Section 106 review must be done prior to the expenditure of any federal funds on the undertaking. 16 U.S.C. § 470f. The National Park Service has violated this requirement in the present case. It is an accomplice to the largest bison slaughter in the 20th Century. It has constructed a capture facility in the Reese Creek area for the purpose of collecting bison for slaughter. Moreover, it has expended substantial expenditures on the disastrous Interim Bison Plan (which will again be in effect this winter) and in proposing its equally-flawed preferred alternative. It has not complied with its Section 106 legal obligations.

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The National Park Service has a legal obligation to consult the affected Indian Tribes on this undertaking and to avoid or mitigate damage or destruction of this historic bison herd. 16 U.S. C. § 470h-2(a)(2)(D) and (b). This it has failed to do. Because the proposed management plan and recent slaughter of the Yellowstone bison herd impacts tribal religious concerns associated with this herd, the National Park Service must also respect and comply with the American Indian Religious Freedom Act, 42 U.S.C. § 1996, and the directives pronounced by President Bill Clinton to respect tribal cultural and religious values and consult with Tribes on a government-to-government basis.

Because the ITBC believes that the State of Montana has received federal funding or other federal assistance in past bison management policies and in the preparation and/or implementation of the proposed preferred alternative, the Section 106 requirements of NHPA apply with equal force to it. Moreover, state officials must act consistent with the Montana Constitutional commitment to recognize "the distinct and unique cultural heritage of the American Indians" (Article X, Section 1, 1972 Montana Constitution) and "provide for the . . . preservation, and administration of . . . historic [and] cultural . . . objects (Article IX, Section 4, 1972 Montana Constitution).

In conclusion, the Department of Interior and the State of Montana have failed to carry out its moral and legal obligation to consult with affected Tribal Nations prior to release of the draft EIS. This has prejudiced and corrupted the process because none of the alternatives proposed in the EIS reflect a commitment to stewardship principles. The preferred alternative will only result in future needless bison slaughter, destruction of a national treasure, and continued disregard for Tribal cultural concerns. The Citizen's Plan reflects an appropriate balance between stewardship and professional management of the Nation's last remaining free-roaming bison.

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Weaknesses of all the EIS Alternatives:

1. Lack of coordination/consultation with Tribes. Tribes, as detailed above, are sovereign governments, and as such, must be consulted on issues which effect their resources. This consultation has been entirely lacking in this process. This lack of consultation constitutes a breach of NEPA regulation, and the trust responsibility of the US government.

2. The EIS process fails to recognize the unique cultural, historical, and legal relationship between Tribes and the buffalo which pre-dates all subsequent authorities.

Due to these blatant and overriding deficiencies in all the management alternatives presented, further analysis of these alternatives is futile and unwarranted. In place of the presented alternatives, we submit, support, and request full consideration of the alternative listed below, known as the "Citizen's Plan";

The Citizen's Plan to Save Yellowstone Buffalo

The Citizens' Plan to Save Yellowstone Buffalo is the only plan to efficiently and effectively protect Yellowstone's buffalo, the largest wild, free-roaming herd in the United States, while pursuing reasonable risk management strategies. It is supported by groups and individuals from Greater Yellowstone and across the country, including sportsmen, Native American tribes, ranchers, conservationists, scientists, park visitors, business people, and others. The plan would be in place for 10 years, and would be reviewed in the context of new scientific information. It represents a balanced solution while working to establish better scientific information on which to base future management decisions. The Citizens' Plan states:

* **Yellowstone National Park** should not be managed as a zoo or theme park, or a cattle ranch. It must be managed as a 'natural' national park. Yellowstone's buffalo, the largest wild, free-roaming herd in the United States, will be protected. Buffalo will not be captured, tested, shot, or removed to quarantine or slaughter from within the park.

* Yellowstone buffalo and other wildlife will be **managed by wildlife professionals**, using the best wildlife management techniques. Management of wild buffalo outside the park will be returned to the Montana Department of Fish, Wildlife and Parks.

* Buffalo will be allowed to **use public lands** outside the park, within the boundaries of a Special Management Area (SMA). The purpose of the SMA is to identify an area including winter range contiguous to the park which buffalo can use. Buffalo must be allowed to use public lands in the SMA, with minimal human interference. On the north side, the SMA boundary will be the mouth of Yankee Jim Canyon. On the west side, the boundary will be the Gallatin

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National Forest boundary to the Taylor Fork-Buffalo Horn drainage. The SMA boundaries will be reasonably enforced.

- Scientifically-based **herd size limits**, based on interspecies ecology, range health, population viability and other factors, will be established for the public lands **outside the park** within the SMA. If additional public lands become available, for example through land exchange, easement, or public purchase, these limits would be modified to reflect the increased availability of these winter range lands to buffalo. These herd size limits will be reviewed periodically by a cooperative management team which includes wildlife professionals from the conservation community and Indian tribes as well as state and federal agencies.

- A scientifically-based **minimum** buffalo **herd size** will be established. It will consider average winter habitat availability within and outside the park in the SMA, and potential winter severity. Currently, the proposed minimum herd size for lands within the park is 1700 buffalo. This herd size should be increased to include consideration of winter habitat outside the park. Under no circumstances will the buffalo herd be reduced below this adjusted minimum herd size.

- Buffalo must be **managed outside the park** on lands within the SMA. Options for managing buffalo as the herd size approaches the maximum limit for the public lands outside the park include transferring live excess buffalo to Indian reservations and other public lands, and appropriate, regulated harvest of excess buffalo (not to be conducted by government officials). This choice of management removal strategies (relocation or harvest) recognizes the need for flexible wildlife management options that give mangers the opportunity to choose the option that is more appropriate in a particular location and situation.

- Where buffalo presence **conflicts with cattle use of public lands**, the Forest Service will change grazing allotments to accommodate buffalo use. Separation of buffalo and cattle on public lands will be achieved by adjusting the type of use, timing or location of livestock grazing on the allotments to maintain the desired separation.

- Where **public lands are not used for cattle grazing** any time of the year, such as at Eagle Creek, or where other acquisitions or incentives provide for buffalo use, buffalo are allowed to remain, and no hazing or capture will occur unless the number is above the established herd objectives for buffalo in that area.

* Buffalo herds will not be allowed on **private lands** without the consent of the landowner if those buffalo threaten private property or human safety. They may instead be removed using traditional wildlife management techniques if reasonable hazing efforts have failed. The choice of management removal strategies (relocation or harvest) recognizes the need for flexible wildlife management options that give mangers the opportunity to choose the option that is more appropriate in a particular location and situation.

- Montana, Wyoming and Idaho are encouraged to require **vaccination of cattle** within and immediately adjacent to the SMA if such a regulation is not already in place.

- Private entities, in coordination with government agencies, will work to establish a voluntary program to **compensate for private property damage** costs incurred by natural buffalo movements. Only damage to fences and other permanent structures would be eligible for compensation. In order for property owners to receive compensation, they must abide by the management objectives identified in this plan for Yellowstone buffalo.

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* To better accommodate buffalo on important **winter range** adjacent to the park, agencies and organizations will aggressively pursue a program of working with private landowners to acquire lands or easements through public purchase from willing sellers. They will offer incentives to modify livestock operations (changes in type, timing, location of use) on the intermingled private lands. Current priorities areas are north of the park and Horse Butte west of the park.

- The agencies will support the current effort to acquire private land winter range **north of the park** between Reese Creek and Yankee Jim Canyon.

* An **interagency/tribal/public cooperative management team** of wildlife professionals must be established and will meet on an annual basis to review buffalo and other wildlife populations, range and climate conditions, and other factors to assist in determining buffalo management outside the park. Members of the public will have an opportunity to comment on these plans.

* A **pasture-type bison health certification facility** will be located within Montana, Wyoming or Idaho to facilitate transfer of live excess buffalo to Indian reservations or public lands. It will not be located within the park or the SMA or where significant resources or natural processes would be placed at risk because of the facility, including wildlife migrations or winter range immediately outside the park. Siting of such a facility will involve appropriate environmental review and public comment. Live removal and transfer to quarantine, while inappropriate for other wildlife species, is considered acceptable in these circumstances because of the very low number of wild buffalo, the concern for keeping more of the wild buffalo alive, and the interest of Native Americans in restoring buffalo to their culture.

- The current **quarantine protocol** accepted by the Greater Yellowstone Interagency Brucellosis Committee must be modified. We believe it is much more invasive, intrusive, time-intensive and costly than needed, and more extreme than what is required of livestock. Instead, we support development of a protocol that is more effective, efficient, humane and economical.

* **Buffalo** may be **vaccinated** within the SMA to reduce the seroprevalence of brucellosis in the buffalo population only if and when a scientifically-proven safe and effective vaccine for buffalo is developed that is also found to be safe on nontarget species, can be administered in a non-intrusive manner (preferably through oral delivery) and complies with other management objectives of the resource-managing agency. Any program to reduce or eliminate brucellosis in Greater Yellowstone buffalo will only be used in conjunction with other risk management strategies outlined in this plan, and will not proceed without similar considerations for the elk populations which are also infected with the disease.

- **Low-risk buffalo**, as currently identified by the federal agencies, are bulls, calves, yearlings and cows that have already given birth. Montana and other states must recognize and accept this definition of low-risk buffalo.

* We support **research** on the incidence, distribution, transmission, and control of brucellosis, and risk management options. Any research on buffalo must be coordinated among all agencies, including the Department of Interior, and respect other management objectives of the agencies.

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* Changes in **winter road grooming** practices within the park will be made in the long term if research shows they are warranted because of shifts in buffalo use of winter ranges within the park and access to areas outside the park. These changes will be implemented through a process including appropriate environmental analysis and public comment.

A complete analysis of the Citizens Plan and adoption of this plan as the management framework for bison in the Greater Yellowstone Ecosystem, with the full and complete consultation and participation of Native American tribes, is absolutely necessary to the constuctive resolution of this issue. The InterTribal Bison Cooperative, and our 47 member tribes offer every resource at our disposal to stop the killing of these buffalo.

Thank you for your consideration of these comments.

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ENDNOTES

For Norris's reports on archaeological sites in Yellowstone see; Philetus ris. Annual Report of the Superintendent of the Yellowstone National Pa shington, D.C.: G.P.O., 1879): pp. 10 - 13. Annual Report of the Superintend the Yellowstone National Park. (Washington, D.C.: G.P.O., 1881): pp. 35 & fth Annual Report of the Superintendent of the Yellowstone National Park." Rep the Secretary of the Interior. (Washington, D.C.: G.P.O., 1881) pp. 32 - 40, 4

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. Treaty of Fort Laramie With Sioux, Etc., 1851. A copy of the treaty can nd in Charles J. Kappler, *Indian Affairs Laws and Treaties,* vol. II (Washingt , 1904), 594-596.

Treaty With The Blackfeet, 1855. (II Kappler 736).

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Weixelman. The Power To Evoke Wonder. The author's thesis is a thorough study myth concerning Native fear of Yellowstone. J. Jacob Hoffman. A Prelimin haeological Survey of Yellowstone National Park. Unpublished Masters Thes tana State University, 1961. pp. 4&5.

. Brigham D. Madsen, *The Lemhi: Sacajawea's People* (Caxton, Idaho, 1990) p. 1 hard A. Bartlett, *Yellowstone: A Wilderness Besieged* (University of Ariz ss, Tucson, 1985) p. 222, Norris described the two story park headquarte lding as having "an octagonal turret or gunroom, nine feet in diameter and t high, well loopholed for rifles, and all surmounted by a national flag fif ee feet from the ground...." Fifth Annual Report of the Superintendent of lowstone National Park, Washington 1881, p. 46; Agreement With The Crows, 18 Stat., 42).

i. Army Records, Letters Sent, Volume I (June 17, 1897 to July 15, 189 lowstone Archives; Letter from Captain Wilber E. Wilder to Mr. E.C. Waters, Ma 1899.

Yellowstone Archives; Horace M. Albright. "Annual Report for Yellowst ional Park 1925." page 16.

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National Archives, Record Group 75, Central Classified Files, Records of eau of Indian, 1907-1939, Crow Agency, File 307.2, 1931, Max Bigman; Letter il 14, 1931 from BIA Commissioner C. J. Rhoads to C. H. Asbury, Superintende w Agency; Letter of April 20, 1931 from Asbury to Rhoads; Letter of April 1 from B.S. Garber, Acting BIA Commissioner to Max Bigman.

NA, RG 75, CCF, Records of the Bureau of Indian Affairs, 1907-1939, Crow Agen e 307.2, Buffalo Range--Transfer Of Buffalo From Yellowstone Park; Numer uments in this file detail the establishment of the Crow's Buffalo he lowstone National Park Archive; Annual Reports for Yellowstone National P 0-1938; Report for 1934, page 12, Buffalo Ranch Activities: 165 head of surp falo were slaughtered and meat distributed to Indian reservations in Wyoming tana, as had been occuring since at least 1930. 1934 was the first year any l falo were shipped. "Twelve were shipped alive." Superintendents of lowstone National Park, Annual Reports 1939-1947 V.12; Report of 1945, page on, "Largely due to criticism voiced by the American Veterinary Medi ociation, the Director, National Park Service, placed a ban on the shipment e bison from Yellowstone, and Dr. E. R. Quotrup, of the Fish and Wildlife Serv detailed to carry on an intensive investigation of brucellosis in Park bison "

. NA, RG 75, CCF, Records of the Bureau of Indian Affairs, Crow Agency, 19 9, File 307.2, 1936; Memorandum of December 2, 1935, from Walter W. Woehlke Commissioner Collier; Memorandum of December 17, 1935 from Land Division; Let date) from BIA to Arno B. Cammerer, Director, NPS.

i. NA, RG 79, CCF, Records of the National Park Service, 1933- 1949, Glac ional Park, Box # 969; Letter of December 2, 1933, from E.T. Scoy erintendent, Glacier N.P., to George Wright, NPS, Division of Wildlife; Letter ember 8, 1933, from Scoyen to Director, NPS; Letter of March 28, 1934, f ght to Director, NPS; Letter of April 23, 1934 from Scoyen to Director, N ter of Feb. 15, 1938 from BIA, Assistant Commissioner to Director, NPS.

. Telephone conversations with Mark Heckert, Executive Director, The InterTri on Cooperative Sept. 1, 1993 and Feb. 2, 1994. In a memo dated November 4, 19 director of the NPS requested the assistance of the BIA in a bison remo gram at Yellowstone National Park. A search of NPS records in Washington D led to uncover this memo. The BIA's records for this period were either destro lost during the take over of the BIA's Washington offices by Indian militants early 1970s. In early 1994 the Park Service agreed to work with the InterTri on Cooperative and Oklahoma Indian tribes in a buffalo transfer project lowstone National Park.

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Blackfeet Nation
Browning MT

Cheyenne River Sioux Tribe
Gettysburg SD

Choctaw Nation of Oklahoma
Durant OK

Confederated Salish & Kootenai
Pablo MT

Crow Creek Sioux Tribe
Ft. Thompson SD

Crow Tribe
Crow Agency MT

Eastern Shawnee Tribe of OK
Seneca, MO

Elk Valley Rancheria
Crescent City CA

Flandreau Santee Sioux Tribe
Flandreau SD

Fort Belknap Indian Community
Harlem MT

Fort Peck Tribes
Poplar MT

Ho-Chunk Nation
Black River Falls WI

Kalispel Tribe
Usk WA

Lower Brule Sioux Tribe
Lower Brule SD

Loyal Shawnee Tribe
Tahlequah, OK

Menominee Indian Tribe of WI
Keshena WI

Mesa Grande Band of Mission Indians
Santa Ysabel, CA

Modoc Tribe of Oklahoma
Miami OK

Nambe O-ween-ge Pueblo
Nambe NM

Nez Perce Tribe
Lapwai ID

Northern Arapaho Tribe
Ft Washakie WY

Northern Cheyenne Tribe
Lame Deer MT

Omaha Tribe of Nebraska
Omaha, NE

Oneida Tribe of Indians of WI
Seymour WI

Picuris Pueblo
Penasco NM

Pojoaque Pueblo
Santa Fe NM

Ponca Tribe of Nebraska
Lincoln NE

Prairie Band Potawatomi
Mayetta KS

Prairie Island
Welch, MN

Rosebud Sioux Tribe
Rosebud SD

Round Valley Indian Tribes
Covelo CA

San Juan Pueblo
San Juan Pueblo NM

Sandia Pueblo
Bernalillo NM

Santee Sioux Tribe of Nebraska
Niobrara NE

Sault Ste Marie Tribe of Chippewa
Sault Ste Marie MI

Shoshone-Bannock Tribes
Fort Hall

Sisseton Wahpeton Sioux Tribe
Agency Village SD

Southern Ute Indian Tribe
Ignacio CO

Spirit Lake Sioux Tribe
Fort Totten ND

Spokane Tribe of Indians
Wellpinit WA

Standing Rock Sioux Tribe
Fort Yates ND

Taos Pueblo
Taos NM

Tesuque Pueblo
Santa Fe, NM

Ute Indian Tribe
Ft Duchesne UT

Winnebago Tribe of Nebraska
Winnebago NE

Yakima Nation
Yakima, WA

Yankton Sioux Tribe
Marty SD

ATTACHMENT

James S. Angell
Douglas L. Honnold
Sierra Club Legal Defense Fund
11 E. Main Street Suite C
Bozeman, Montana 59715
(406) 586-9699
Attorneys for Plaintiffs

Patrick L. Smith
SMITH & GUENTHER, P.C.
Attorneys at Law
815 E. Front Street, Suite 3
Missoula, MT 59801
Telephone: (406)721-1070
Attorney for InterTribal Bison Cooperative

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA

INTERTRIBAL BISON COOPERATIVE, a non-profit corporation; DEFENDERS OF WILDLIFE, a non-profit corporation; JACKSON HOLE ALLIANCE FOR RESPONSIBLE PLANNING, a non-profit corporation; GREATER YELLOWSTONE COALITION, a non-profit corporation; DAVID RITCHEY, an individual,

Plaintiffs,

v.

BRUCE BABBITT, in his official capacity as Secretary of the Interior; DENIS GALVIN, in his official capacity as Acting Deputy Director of the National Park Service; MICHAEL FINLEY, in his official capacity as Secretary of Agriculture; MICHAEL DOMBECK, in his official capacity as Chief of the U.S. Forest Service; TERRY MEDLEY, in his official capacity as Administrator of the Animal and Plant Health Inspection Service; MARC RACICOT, in his official capacity as Governor of the State of Montana; LAURENCE

CAUSE NO.

DECLARATION OF MICHAEL FOX

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PETERSEN, in his official capacity as Executive Officer of the Montana Department of Livestock; MONTANA DEPARTMENT OF LIVESTOCK, a state agency; PATRICK J. GRAHAM, in his official capacity as Director of the Montana Department of Fish, Wildlife & Parks; MONTANA DEPARTMENT OF FISH, WILDLIFE & PARKS,

Defendants.

I, Michael Fox, hereby declare as follows:

1. I am the President of the InterTribal Bison, Inc., a non-profit corporation organized and incorporated under the laws of the State of Colorado in 1992. The InterTribal Bison, Inc. also conducts its activities under the name InterTribal Bison Cooperative ("ITBC"). ITBC has its principal office in Rapid City, South Dakota. We are the major inter-tribal organization in North America whose purpose and mission is devoted to restoration and development of bison on tribal lands. We focus our activities exclusively on buffalo. One of ITBC's highest priorities in recent years has been to advocate for alternative solutions to prevent the slaughter of the Yellowstone Park bison that leave the Park during the winter.

2. ITBC is a Native American organization established to aid in the restoration and development of bison in North America. According to its Articles of Incorporation, the ITBC was founded on the principle

that the bison is the lifeblood of the Plains Indian people and was a gift from the Creator. Its Articles quote the Lakota honoring song in its Statement of Principles: "Buffalo Nation, our people are depending upon you, so we pray that you will be healthy."

3. The ITBC represents 43 federally-recognized Indian tribes that are voting members of the organization. Our member tribes include nearly all of the Indian tribes in proximity to Yellowstone Park (including tribes that claim treaty rights adjacent to the Park): the Crow Tribe, Northern Cheyenne Tribe, Assiniboine and Sioux Tribes of the Fort Peck Reservation, Gros Ventres and Assiniboine of the Fort Belknap Reservation, Confederated Salish and Kootenai Tribes of the Flathead Nation, Blackfeet Tribe, Northern Arapaho Tribe of the Wind River Reservation, and the Shoshone-Bannock Tribes of the Fort Hall Reservation (which include the Sheepeater Band which are indigenous to Yellowstone Park). In addition to our tribal members, the ITBC has individuals, businesses and organizations that are non-voting members of the ITBC. These members subscribe to ITBC's purpose and mission. Some of these members have businesses in proximity to the Yellowstone Park who

rely on tourism, and who personally enjoy the experience of wild roaming Yellowstone bison. Their businesses and personal enjoyment and ability to watch free-roaming wild bison is diminished by the wanton slaughter of the Yellowstone bison. The same is true for our member tribes and their membership: they too enjoy travelling to Yellowstone Park and areas outside the Park. Their outdoor experience is enriched by seeing the Nation's last wild bison herd roaming on the public lands, rather than gunned down or corralled and sent to slaughter.

4. When a new tribe joins the ITBC we ask them to add an eagle feather or an appropriate offering to ITBC's Ally Staff, which is done in a prayerful manner within the circle and presence of all members. This staff symbolizes the alliance between the Indian Nations and the Buffalo Nation, an alliance that has existed for centuries before Europeans arrived in North America. We do this ceremony because the buffalo restoration activities of the ITBC has a fundamental religious and cultural purpose, in addition to any economic development purpose. We pray that our circle of Indian Nations will remain united and strong to assist the Buffalo Nation, which seeks to return to

North America as prophesied by many of our member tribes' religions. We collectively pray to the Buffalo Nation at all of our meetings because our Native American religion and culture have always allied itself with the Buffalo Nation--our helper and provider. This religious and cultural identification and alliance with the Buffalo Nation is a core element of ITBC's organizational purpose. Other Peoples of the world have their own religions, practices, beliefs and symbols, and we respect those. To our member tribes, and their members, the buffalo is sacred and is worthy of worship, respect, and reference. We hope and pray that our religious beliefs are likewise respected.

5. Long before the arrival of Europeans, the people indigenous to this continent lived in harmony and in reliance on the North American bison. The bison once roamed throughout most of North America, from Florida to the Yukon. Buffalo are more than "wildlife" to us. They have special stature. Buffalo are central to some of our member tribes' Creation stories and play a central role in Native American culture and religion. This is still true today. Tribal Nations continue to pray to the Buffalo Nation in our most sacred ceremonies. We use buffalo skulls and hides in

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our sun dances, healing ceremonies, sweat lodge ceremonies, and we call upon the Buffalo Nation to bring us good medicine. We view the health, resurgence and survival of the Buffalo Nation as related to the health, resurgence and survival of Indian Nations. There is a strong sense among our member tribes that their culture can not exist without the buffalo. Under Native American culture, the Buffalo has always possessed innate religious and cultural worth, in addition to being a central source of food, clothing and shelter throughout time for our people. These are all reasons why we sing homecoming songs to the Buffalo Nation.

6. ITBC's member tribes and its membership share a special kinship with the Yellowstone Park bison herd. Like the buffalo, Native Americans came close to being exterminated from the continent by the close of the 19th Century. (In fact, some United States tribes were exterminated). European diseases and overt genocide took a heavy toll. In 1492 the Native population of the coterminous United States (i.e., lower 48 states) was more than 5,000,000. By 1900, however, the Native population had plummeted to as low as 125,000 in the United States (lower 48). *See*

Thornton, Russell, *American Indian Holocaust and Survival: A Population History Since 1492*, at 25,32,42, University of Oklahoma Press (1987). This is close to a 97% genocide rate. For decades, the office of U.S. Indian affairs was housed in the Department of War, and was only later transferred to the Department of the Interior. The extermination of the buffalo hastened the subjugation of Native peoples. High-ranking U. S. Governmental officials viewed the extermination of the bison as a convenient means of facilitating the removal of Native Americans to reservations and making Indians dependent on the federal government. *See, e.g.*, House Reports, 43rd Cong., 1st Sess., No. 384, p. 99 (Secretary of the Interior Columbus Delano stated this view in 1874: "The buffalo are disappearing rapidly, but not faster than I desire. I regard the destruction of such game . . . as facilitating the policy of the Government, of destroying their [Indian] hunting habits, coercing them on reservations, and compelling them to begin to adopt the habits of civilization."); U.S. General Phillip Sheridan commented on whether something should be done to the white hunters' wholesale slaughter of bison: "Let them kill, skin, and sell until the buffalo is exterminated, as it is the

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only way to bring lasting peace and allow civilization to advance." Brown, Dee, *Bury My Heart at Wounded Knee*, at 254. See also *The Extermination of American Bison*, Washington, Smithsonian Institution, at 495-501 (1889); Garretson, Martin S., *The American Bison*, New York Zoological Society, at 128 (1938).

7.It has only been in the 20th Century (especially the last 50 years) that Native Americans have been able to reverse the 500 year genocidal plummet in our population. The same is true of the Buffalo Nation. Last winter will go down in history as the largest slaughter of wild bison in this Century. To our member tribes and our membership, last winter's wanton slaughter of Yellowstone bison is eerily reminiscent of the 19th Century slaughter of buffalo and of past genocidal policies directed at Native Peoples. These memories are still fresh in our minds because it was only a few generations ago that our ancestors were killed and suffered under similar genocidal policies that afflicted the American bison.

7. Bison were once the most numerous large mammal on the North American continent, numbering approximately 60 million, before the arrival of Europeans. However, due to the most

infamous genocidal campaign directed against a large mammal in world history, by 1889 the number of American bison was estimated at 541. Of these, about 20 head--the Yellowstone Park herd--were the only wild bison remaining in the United States. At the close of the 19th Century, Salish-Kootenai tribal member Michel Pablo (the great-great grandfather to former Salish-Kootenai Tribal Chairman Michael T. Pablo) owned the largest herd of American Bison in the world. In 1902, 18 buffalo were purchased for Yellowstone Park from Michel Pablo to bring new blood into the fledgling Yellowstone Park herd. *See* March 21, 1997 Letter from Michael T. Pablo, Chairman, Montana-Wyoming Tribal Leaders Council to Governor Marc Racicot, *et al.* (Copy attached as Exhibit 1). Though our member tribes view all bison as sacred, the Yellowstone bison are unique, and the gene pool of this herd is unique. They are the last wild survivors of the North American bison holocaust. These healthy (brucellosis-tested negative) bison should be kept alive, rather than wantonly

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slaughtered. Our tribes would prefer to see this unique gene pool perpetuated through the quarantine option we have long advanced, so that this gene pool can restore and strengthen bison herds on Indian reservations and other public lands.

9. It is difficult to explain in words the visceral objection Native Americans have to the wanton slaughter of Yellowstone bison that has just occurred. Our religious and political leaders have called on this slaughter to stop based on religious and cultural grounds, but these pleas have fallen on deaf ears:

(a). On February 12, 1997, the Chairman of the Assiniboine and Sioux Tribes of the Fort Peck Reservation was selected by Montana tribes to present the State of Indian Nations address to a joint session of the Montana Legislature. In that address, Chairman Shields pleaded with the elected leaders of the Montana Legislature:

I speak for all Montana Indian Nations when I say that the slaughter of this wild herd must stop. The killing is out of hand. Hundreds of buffalo have been slaughtered without even attempting to test them for brucellosis.

Our cultures are different on this issue. Under our religion, buffalo are respected.

They are good medicine. Their skulls and hides adorn our most sacred lodges. We still dance, sing and pray to them. What is occurring now outside Yellowstone Park is disrespectful.

A copy of Chairman Shield's statements regarding bison is attached as Exhibit 2.

(b). On March 6, 1997, tribal religious leaders held a National Day of Prayer for the Yellowstone Park bison on the steps of the United States Capitol, the Montana Capitol, and within Yellowstone Park near Gardiner. They prayed for the killing to stop. But it continued. In fact, buffalo were gunned down a few miles from the prayer ceremony in Gardiner while the prayers were being offered. The slaughter of Yellowstone Park bison has received extensive coverage in the Native American media sources. *See* Exhibit 3.

(c). On March 21, 1997, Montana-Wyoming Tribal Leaders Council Chairman Michael T. Pablo, sent a letter to the Governor Racicot, the Montana Congressional delegation, and Secretaries Babbitt and Glickman protesting

the Yellowstone Park bison slaughter. (The Tribal Leaders Council represents all federally-recognized Indian tribes in Montana and Wyoming.) Attached to that letter was a resolution from the Tribal Leaders Council supporting the ITBC's position on the Yellowstone Park bison controversy. This letter was delivered and read at the March 23, 1997, Gardiner, Montana, public hearing on the slaughter which was co-sponsored by federal and state officials. (Copy attached as Exhibit 4).

10. The ITBC has proposed a common sense alternative to the slaughter of the Nation's last wild bison herd: quarantine the bison that test negative to the brucellosis antibody and return them to tribal and public lands alive. This approach is more respectful of the unique Yellowstone bison and Native American cultural and religious concerns. We believe this management tool has broad-based public support in Montana and throughout the Nation. For the last four years, the ITBC has coordinated the transfer of live surplus bison to tribes from Badlands National Park, Wind Cave National Park, the National Bison Range (at Moiese, Montana), the Fort

Niobrara National Wildlife Refuge, the Wichita Mountains National Wildlife Refuge, and the C. M. Russell National Wildlife Refuge. In addition, most of these National Parks and National Wildlife Refuges have transferred bison to tribes for at least 20 years prior to ITBC's involvement. The public instinctively understand the relationship between Indian Nations and the Buffalo Nation, and would prefer to see brucellosis-free bison returned to native lands. Evidence of this support in Montana is embedded in legislation adopted by the 1997 Montana Legislature which codifies this policy. In the final days of the Montana Legislature, Governor Marc Racicot introduced legislation to authorize a bison quarantine facility for Yellowstone Park bison, as an alternative to slaughter. The ITBC offered an amendment to this bill (House Bill 547) to allow the quarantined bison to be transferred to Native American Tribes. The ITBC amendment was accepted *unanimously* by the free conference committee that rewrote the bill. This bill has been enacted into law. A complete copy of the ITBC amendment language that was approved by the Montana Legislature is attached as Exhibit 5.

11. So there be no misunderstanding: our member tribes have no, per se, objection to hunting or killing

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buffalo. We have done so since the beginning of time. But according to our culture, this killing should be done in a respectful manner that honors the Buffalo Nation, especially when these bison are the progeny of the last wild herd to survive the 19th Century holocaust. By any standard, last winter's record-breaking slaughter of bison was a disgrace. Bulls were shot on public lands, though they pose no risk to the spread of brucellosis. Hundreds of bison (bulls, non-pregnant cows, calves) were slaughtered without even being tested for brucellosis.

12. Because of the concerns and interests discussed above, the ITBC has been an active participant in this controversy for many years. The ITBC's involvement has included:

(a) In 1992, the year ITBC was created, the ITBC made the first petition to the National Park Service to end the killing of the Yellowstone bison and to propose the live removal strategy to transfer buffalo to American Indian reservations. Similar petitions have been made on a yearly basis up to the present time.

(b) In September, 1994, the ITBC presented the first proposal to the National Park Service and the

Department of Interior to capture and quarantine the bison leaving Yellowstone Park and translocate the bison proving to be disease-free to reservations and other public lands.

(c) The winter of 1994-95, the ITBC coordinated the dispersal of bison killed by the State of Montana to needy American Indian tribes and communities. This program was instituted through a Memorandum of Agreement with the State of Montana, and was discontinued by the ITBC when it became apparent that this activity was subverting ITBC's live removal goal.

(d) ITBC provided testimony on a yearly basis to Congress in opposition to the slaughter and supporting the live removal of bison that would otherwise be slaughtered, and testimony on various proposals advanced by different members of Congress.

(e) ITBC provided comment to the Interim Bison Management Plan which is the subject of this litigation.

(f) ITBC has provided testimony regarding Park bison management at the March 23, 1997, public meeting in Gardiner, Montana, and has submitted correspondence to federal and state agencies on this matter on many

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occasions in recent years.

13. I believe the United States Government has a trust obligation to the American People--and to Indian tribes in particular--to manage the Yellowstone bison in a manner that does not result in their slaughter. I also have a personal interest in this matter that is injured by the recurring actions of the state and federal entities and officials named in this suit. I am a member of the Assiniboine Tribe enrolled on the Fort Belknap Reservation. I am the director of the Fort Belknap Tribe's Fish and Wildlife Department and the manager of the Tribe's buffalo herd. My personal ability to enjoy Yellowstone bison roaming wild on public lands adjacent to the Park is injured by the record-breaking slaughter of Yellowstone bison that has just transpired. For all the reasons stated above, my cultural and religious beliefs, and the interests of the ITBC are directly injured by the failure of the Defendants to supplement their environmental assessment, to take a hard look at the environmental consequences of their actions, and by the violation of the National Park Service Organic Act resulting from the Interim Bison Management Plan

14. I believe that the injuries I have suffered, and that our member tribes and other ITBC members have

suffered, could have been avoided if the agencies had considered a full range of bison alternatives, and if they modify the existing Interim Bison Management Plan in accordance with additional environmental analysis warranted by the disastrous winter that has concluded.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information, and belief.

DATED this _____day of August, 1997.

_____

Michael Fox

Oral testimony provided at the Holiday Inn Billings Plaza Hotel & Trade Center, Billings, Montana on August 25, 1998

Comment No. 14838
Tony Willman
Technical Services Director
InterTribal Bison Cooperative

Hello. I'm Tony Willman. I'm a third-generation rancher. I'm a wildlife biologist, and I'm a Technical Services Director for the InterTribal Bison Cooperative. I'm here today representing the InterTribal Bison Cooperative.

As a Technical Services Director for the InterTribal Bison Cooperative, I work closely with 46 Tribes in states, restoring bison to tribal lands in a manner that is culturally and spiritually acceptable to the Tribes. Working so closely with 11 so many different Tribes has given me a unique insight as to what the buffalo means to the different Tribes. There is a unique relationship between Tribes and buffalo that cannot be explained in five minutes here. It cannot be explained in five days. The concept cannot even be grasped in a year. In fact, it is such a unique relationship that it takes a lifetime to understand, because that is what it is, a way of life.

One of the many major flaws of any of the seven alternatives is the total lack of recognition of the cultural and spiritual significance of bison to Tribes. The EIS has serious deficiencies in recognizing Tribes as sovereign nations, recognition of trust responsibilities held by the various agencies to the Tribes. The Draft EIS process has been virtually devoid of any consultation or coordination with the Tribes in developing this Draft EIS. The requirements of the Draft EIS protocol have not involved tribal consultation as they should.

The InterTribal Bison Cooperative, along with the National Wildlife Federation, has worked together for the sole benefit of the Yellowstone bison to develop a seven-point plan to save the Yellowstone bison. This plan attempts to remove the politics and the economics of the Yellowstone bison and puts emphasis back into protecting Yellowstone's bison, free-roaming bison herds and treating them as wildlife. This plan will treat bison as wildlife, not livestock, just like the elk are treated as wildlife.

- The first point of the seven-point plan is to establish a buffalo health certification center. Yellowstone buffalo that wander onto private lands surrounding the park could be captured and quarantined. Negative-testing animals should then be made available for introduction to tribal lands.
- Point number two, scientifically manage the Yellowstone area's buffalo. The agencies involved should set a population goal for the Yellowstone herd, taking into account wintering populations outside the park. If the herd grows beyond the goal, strategic methods of herd management should be implemented outside of Yellowstone.
- The third point is to acquire additional winter ranges and key migration routes. This would allow buffalo to migrate safely beyond park boundaries onto public and private partnership easements. Purchases should be made creating a buffalo migration corridor.
- The fourth point, adjust the cattle grazing patterns on public lands. Cattle grazing on public lands should be postponed until buffalo have calved or returned to the Yellowstone area or after buffalo have migrated to areas where cattle grazing is prohibited.
- Point number five, vaccinate cattle consistently and routinely. A mandatory cattle vaccination program should be implemented within a brucellosis management area around the park; thus, greatly reducing the already negligible threat to livestock.
- Point number six, develop a vaccination program inside Yellowstone. Using a vaccine delivery system that minimizes disturbance to the wildlife, a brucellosis vaccination program for buffalo inside the park should be implemented once a vaccine has been proven to be safe and effective on wildlife.
- Point number seven, which would be to evaluate winter management of Yellowstone's roads. Determine whether or not Yellowstone winter road management practices encourage and assist this buffalo migration. If so, viable alternatives to the current policy of plowing or packing snow-covered roads should be put into effect.

I'm here to request or to demand that the EIS be reissued and include some of these--all of these--the rest of these available options that I've surfaced that aren't included in the plan right now. And it should include this common sense, seven-point plan that we've developed. Thank you very much.

Oral testimony provided at the Sheraton Palace Hotel, 2 New Montgomery, Sea Cliff Room, San Francisco, CA on September 23, 1998

Comment No. 15189a
Fred Dubray
InterTribal Bison Cooperative
Cheyenne River Sioux Tribe

And I'm a member of the Cheyenne River Sioux tribe in South Dakota, and I'm also the representative from the High Tribe, the, which consists of 46 member Tribes throughout the country.

First of all, I'd like to say that we adamantly oppose the alternatives presented in the government's plans. Because none of them address the real problem, as we see it and that's the real problem is the indiscriminate killing of these buffalo. That to us is the major issue.

And to understand our relationship to buffalo, you have to go back in time a little bit. In a previous century just prior to the European invasion of this country, there existed approximately 70 million buffalo here, and there were approximately 7 million Indian people that co-existed. By the turn of the last century, there were less than 500 buffalo, and there were approximately 150,000 Indians. And that's the way that relationship is. Our existence depends on their existence. And that's just the simple reality. So for the last 100 years after that holocaust took place, we still have managed to survive. But it's taken its toll over the last 100 years. And we have recognized that and we made previous attempts. And we are attempting now to restore buffalo back onto our tribal lands to heal our people. Some of the problems that exist there are devastating and are very problematic.

We have got like ten times the rate of heart disease and diabetes as any other people directly related to the diet of our people, the government rations that were given out for the last 100 years to replace the buffalo. That's simply unacceptable. We decided we want to restore buffalo back to our tribal lands. And that's what we've been doing. And then, when we see the indiscriminate killing of these buffalo in Yellowstone Park, that's like another slap in the face. The holocaust starts all over again. So it almost seems like that has to be related to us. These are our relatives. And in La Culta culture, you have to take care of your relatives. And so you can't separate buffalo from Indian culture. That's impossible. They are that vital. They are part of our nation. Our nations exist together.

So some people would like to say we have no right that we have no say-so. But we do. We have an inherent relationship that was here prior to the government that tells us that we don't have that right. We have it written in our treaties with the United States Government. And so there is a lot of legal basis as well as moral basis. They are relationships that exist there.

Oral testimony provided at the Colonial Inn, Helena, Montana on July 27, 1998.

Comment No. 15240
Mike Fox
President, InterTribal Bison Cooperative
Fish and Wildlife Director, Fort Belknap
Assiniboine Tribe

Thank you. My name is Mike Fox, I'm president of the InterTribal Bison Cooperative, the ITBC. The ITBC is made up of 45 Tribes that are committed to bringing the buffalo back into the daily lives of Indian people. I also manage a herd of over 400 buffalo for the Fort Belknap Indian Reservation. First of all, we support the Citizens' Plan to save the Yellowstone buffalo. The buffalo should be created like other wildlife and allowed to use public lands.

Part of the Citizens' Plan calls for the relocation of surplus animals and, believe me, I've worked with buffalo for the past ten years and you will not surplus animals, they're pretty hearty critters. So that has to be part of the plan, you have to have a plan to deal with what you're going to do with the surplus animals. Just as a gentleman said earlier that he had a buffalo ranch, that you put the plan in place and you implement it.

In the past, Fort Belknap has offered a holding, testing, and relocation facility for the Yellowstone buffalo. I'm not talking about a couple hundred acres, I'm talking about a 4,000-plus acre holding facility where the buffalo would be able to remain, would be able to roam somewhat freely, but they'd be available for periodic testing. The InterTribal Bison Cooperative has said they would raise the funding for the yearly operational cost of this. As part of the plan, we'd offer that back on the table again that we would do a relocation and testing facility.

We believe that the InterTribal Bison Cooperative with our 45 Tribes, we have 38 of them currently raising buffalo, we have the expertise to operate the facility. We've relocated animals all over the country from Montana to Nebraska to Oklahoma to California and to Washington state, so we have the knowledge and ability to do it and that's what we're bringing to the table. Thank you.

Oral Testimony provided at the Thunderbird Hotel, 2201 East 78th Street, Bloomington, Minnesota on October 6, 1998.

Comment No. 15271
Fred Dubray
InterTribal Bison Cooperative
Cheyenne River Sioux Tribe

I am Fred Dubray. I am a member of the Cheyenne River Sioux Tribe of South Dakota. I am also the Cheyenne River Sioux Tribe's representative to the InterTribal Bison Cooperative, which consists of 47 Tribes.

Our efforts are to restore buffalo back to Indian land and kind of turn this country back into what it is supposed to be. So, that has been our goal and our founding philosophy of what we stand for. And to go back a few years, you have to understand why this is so important. When a buffalo roam is 60 million, some say 70 million numbers, they were the lifeblood of our tribal people. They provided everything. And it is very difficult to explain that relationship anymore. And it was so difficult for European people to understand that they feared that relationship that existed, and what they fear, they destroy. So, that's exactly what started to happen. And if you look up through the last couple of hundred years of development of civilization or all of the different words that applies to it, what has happened to this country, it has been virtually destroyed. All of our natural resources are being destroyed. The buffalo are just the first. Everything that is wild, everything that is natural is to be moved aside for a different way, a different philosophical view, if you will. So, that's what has taken place here.

I had an unfortunate privilege, I guess you might call it, to hear at a grazing hearing in Montana a few years back when they were discussing the grazing rates of public lands. There was a gentleman that spoke and he said that the American people have already decided this issue about wildlife or environmentalists versus agriculture. He said we got laws, policies and regulations in place to turn this into an agricultural state and there is no room for wildlife. He said that is what the American people have decided. So, let's do away with all of these little wildlife reserves and do what the American people requested. That was his speech. He got a standing ovation. I was very concerned about that. I began to think about it over the last few years why and I realized he is exactly right. That's the real scary part. He is right that there is laws and regulations and policies in place to do that very thing. To turn this into a completely agricultural state. And that is partially what this is all about. Is to do away with those things that are wild and natural and turn this into an agricultural state. The one flaw that he had in his speech, I think, was the intent of the American people. That was the intent of the American people, when they set aside these wildlife reserves like Yellowstone National Park, was to preserve and to protect, and that's the part that he left out. But, I don't think that people understand today that these policies and laws and regulations, like he said, are in place and they are slowly eroding away every bit of wild that is left. So, that is the big threat here. All of the policies of the federal government that are in place, the seven alternatives, that's what that represents. That's why those plans come out that way, because whether they like it or not, they are just doing their job.

The other thing is to Indian people, they say that we don't have a connection there. We don't have an impact. There is not an environmental impact. But, for thousands of years these Buffalo have had a very intimate relationship with tribal people. They are just like that. They are the same (indicating). As a matter of fact, if you go back in time a little bit, our legends and our stories, creation stories say that we are the same, we come from exactly the same place. You can't make that separation. No matter how hard you try, you can't separate Indian people from buffalo. That is not even possible.

So, when they destroy the Buffalo, they only destroy the physical part of that relationship. It is very devastating. We still feel the results of that today and the consequences, but fortunately, our spiritual leaders protected that spiritual connection and that has prevailed over all of this time. Now, it is time to bring those buffalo back. Like Black Elk said, "When the people restored the sacred hoop, the buffalo come back." That's what this is all about.

So, it is time that the Indian people take the responsibility to put this country back in shape and if other people can only recognize that we have within the genetic structure, genetic makeup of Indian people, that intimate knowledge that exists there. In animals, they call it instinct. It is the same thing. Except in western civilization, they try to separate the human relationship from the rest of the natural world, and that is where the problem comes from.

You have to look to Indians to put this country back in shape, and that's what it is all about. Thank you.

Oral Testimony provided at the Thunderbird Hotel, 2201 East 78th Street, Bloomington, Minnesota on October 6, 1998.

Comment No. 15290
Mark Heckert
InterTribal Bison Cooperative

Good afternoon. I am Mark Heckert. I am Executive Director of the InterTribal Bison Cooperative based out of Rapid City, South Dakota. We are a national native governmental nonprofit organization of 47 Native American Tribes working to restore buffalo, as Mr. Fred Dubray explained much better than I could.

First, a couple of mechanical things. One, I want to make sure it is understood that our complete comments will be coming via mail by the 16th, and we will revise them and extend them from this statement. Also, I want it made known that what originally started out as the ITBC Native National Wildlife Federation Plan, has been incorporated into what is now the Citizens' Plan. Therefore, I would like it known for the record that the comments that commence supporting the ITBC NWF Plan are in fact comments supporting the Citizens' Plan.

We have been working on this for about nine years now. We started in the winter of '89/'90, the first year they killed buffalo. You probably are all well aware by now they have killed over 3,000 in the last seven, eight years. Upon witnessing this personally on a number of occasions, the Tribes and I have been reminded of that time 150, 100 years ago when it was initiated. The U.S. Government has had a buffalo management plan that has been going on for about 120 years, and this is simply an extension of what happened 100 years ago.

The InterTribal Bison Cooperative is a participant in and a supporter of the Citizens' Plan. We feel this plan will maintain the wild free roaming buffalo, and allow for wildlife professionals to again take over the management functions of the Yellowstone herd. It will allow for the working between the government agencies and the private land owners in the area to provide for protection of the land owners from occurrences that may happen with the buffalo, once they get on private land. We are creating incentives for landowners to change their grazing practices. Because, in fact, a great portion of the problems that are occurring now, the problems that have resulted in the killing of 3,000 buffalo, are the result of about five grazing lease holders and 2,000 cattle. If those cattle could be separated in time and space from where these buffalo graze, we would eliminate about 90 percent of the discussion. That is a simple step. It had been proposed years and years ago and it has yet to be taken into consideration.

Finally, in September 1994, we made our first offer that the Native American Tribes would take these buffalo and relocate them to tribal lands where they would be honored, respected and made use of with the Indian people. The offer still stands. We have Tribes that are ready to create facilities to hold these animals. The 3,000 animals that have died could have provided for many, many people in this generation and for generations to come. We will do whatever we can to get this stopped. I appreciate your support. Whatever happens, if the government today was to adopt the Citizens' Plan, we probably still have two to five years which we will be operating under the interim plan which allows the State of Montana to kill these buffalo as they come out. This can't be a short-term thing. If you people are dedicated to preserving these animals, you have to follow this issue. Like I said, it is going to be litigated one way or the other. If they were to implement this plan today, they will still be killing buffalo when they come out of Yellowstone this winter. That is a situation we can't have. It is going to take long-term involvement by people and sustained involvement and involvement that continues to follow this issue, because like I said, it is going to keep going on for a long time here. Please don't think that your comments are the last word here. Like I said, if it were to be adopted here today, there are still a couple more years of litigation, where the State of Montana can essentially do what they would like, if not for the force of public opinion. The government needs to recognize that the Tribes have a vested interest in this, by virtue of culture, history and morality. The Tribes will provide the moral leadership with this problem, if we can just get the government to listen. Thank you.

Excerpts from the Tribal Consultation meeting held at Yellowstone National Park, WY on August 12, 1998.

Comment No. 17712
Mike Fox
President, InterTribal Bison Cooperative
Fish and Wildlife Director, Fort Belknap
Assiniboine Tribe

Many of the Tribes want the buffalo treated as wildlife. They will not be favorably treated as wildlife by Montana or APHIS if we don't get rid of that disease.

Wildlife still plays a huge part in our everyday life. When we have buffalo on our reservation, the buffalo are playing a greater and greater role. That's our biggest interest, to bring the buffalo back for the Indian people, and that's why most of us are here today.

I would like to clarify at least part of the concept of quarantine or whatever you want to call it. Fort Belknap has put up 4000 acres for this facility so it would be a free-roaming, free-ranging type of facility, rather than a feed lot operation for quarantine. Other Tribes have access to this type of acreage, where they can design a facility, where they can allow more of a natural setting, but it still will allow for periodic testing.

The analysis on that question of the 2000 cattle (how many allotments there are, how many acres there are) has really been done well by the Greater Yellowstone Coalition.

Excerpts from the Tribal Consultation meeting held at Yellowstone National Park, WY on August 12, 1998

Comment No. 17714
Mark Heckert
InterTribal Bison Cooperative

One of the things we don't want is to let the State of Montana off the hook. They have responsibility, for one, when 1000 elk migrate out of the park, they are more than happy to take them. But when it comes to migrating buffalo, it becomes an international issue. They have the same responsibility to wildlife management for the elk as the buffalo, and we need to hold them to that.

I think we need to go back. There's a bunch of different perspectives on baseline issues as to why we are here and how the Tribes can be involved in this. You might go back and address the Park Service policy specifically dealing with park resources in relation to Native American usage and procession. Then I think you might look under the NEPA specific requirements that you are required to carry on with the Tribes.

The Crow Tribe, at least, feels it is a Trust resource issue. They feel they have unresolved treaty rights which would include Yellowstone Park or at least up to the borders.

I believe in the 1868 Fort Laramie Treaty there is a stipulation that as long as there are buffalo in sufficient numbers to justify a hunt, the Tribes do have a right to hunt these animals. I would certainly make a strong case that because the state and federal governments have been participating in killing a thousand of these buffalo in the last two years that provision probably comes into play.

There was a funding bill in 1932 that recognized that Yellowstone National Park needed more money to manage their fish and wildlife. In that committee report, it stated that the surplus animals out in the park ought to be distributed to Native American Tribes. It didn't specify live or dead. I was thinking they were probably referring to both.

Some people have the idea that this is something new that we are just starting out now when in fact there has been a long relationship between the Tribes and this park in particular. Through the ITBC we have been working with the other National Parks that do have buffalo.

I understand that in a 1876 survey of Yellowstone Park that Reese Creek was described as a stone drive where they drove animals for the hunt into the Reese Creek waters. It has to be probably acknowledged that there were Indian people hunting here at least from the physical evidence.

Our position on this is that we will do anything we can to get these animals out alive.

17714 contd.

When we initially started on the first run at an isolation facility, we contacted the state and federal agencies. They said they would only allow an isolation or quarantine facility in an area that wasn't a brucellosis free state.

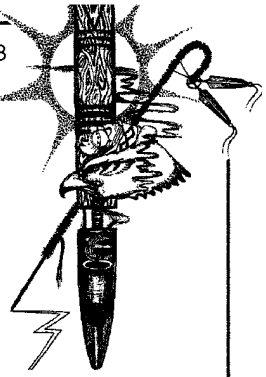
We initially said we were going to transport them down to the Choctaw Tribe in Oklahoma because Oklahoma is a Class A state. Probably two years ago during the winter when they were shooting these buffalo in such high numbers, the administration was about to issue an executive order allowing those buffalo to be transported down to the Choctaw Tribe. That was squashed by the Oklahoma congressional delegation.

We even discussed the applicability of tribal sovereignty, with the reservation being a federal reservation, and the animals being transported from one federal reservation to another federal reservation. What the upshot of that was we had state vets saying, 'Yeah, you can do that but we'll quarantine the reservation once they get there.'

What we have been going through is to protect five grazing permits and 2000 head of cattle. So we have killed maybe 4 or 5 thousand buffalo to protect these 2000 cattle that are on federal land.

Why aren't the other cooperators, or co-leads, represented here today and will they be represented in the future at the other tribal meetings?

YELL-11,453



October 7, 1998

Bison Management Team
National Park Service
Sarah Bransom DSC-RP
P O Box 25287
Denver, CO 80225-0287

Dear EIS Team,

I want wild, free-roaming buffalo in Yellowstone. I oppose the "Preferred Alternative" recommended by the state of Montana and the federal government. The government plan continues the unnecessary killing of buffalo moving to public lands outside the park in winter. We can do better.

Yellowstone's buffalo are too important to sacrifice. They are a source of pride for all of us. I endorse the Citizen's Plan to Save Yellowstone Buffalo, which will:

- Maintain wild, free-roaming buffalo in Yellowstone National Park.
- Create a large special management area outside the park where buffalo can use public lands to survive harsh winters, and where buffalo will be managed by wildlife professionals.
- Develop scientific buffalo population goals for this special management area outside the park.
- Relocate buffalo to Indian reservations or public lands or use a regulated harvest, but only when science demonstrates that available land cannot support more buffalo.
- Recommend vaccination of cattle within lands adjacent to the special management area.
- Emphasize acquisition of key winter rangelands or easements through public purchase from willing sellers. Provide incentives to modify livestock operations to provide winter foraging opportunities for buffalo outside the Park.

In addition, I encourage research specifically for bison. All research and data to date is centered on domestic cattle. There is a large gap of knowledge regarding how the immune systems of buffalo work, what vaccine is best suited for buffalo and what level of antibodies is acceptable (titre level) to indicate resistance to brucellosis and other common cattle diseases.

Native American Tribal Colleges are the correct vehicles for conducting this research and should be funded to carry out this vital and important work.

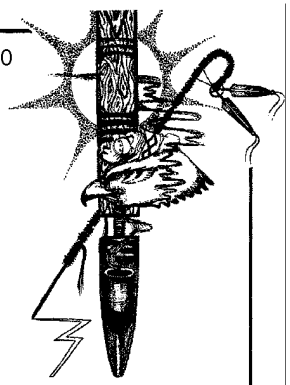
These strategies will maintain wild, free-roaming buffalo and protect the interests of the livestock industry in a balanced, common sense manner. Please adopt this plan.

Sincerely,

Mary Sue Schneider, President
Lower Brule Community College
Lower Brule Sioux Tribe
Lower Brule, SD 57548

LOWER BRULE COMMUNITY COLLEGE
P.O. Box 243 • Lower Brule, SD 57548
(605) 473-9232

YELL-12050



October 7, 1998

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National Park Service
Sarah Bransom DSC-RP
P O Box 25287
Denver, CO 80225-0287

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Sincerely,

Judi Wood

Judi Wood, Bison Project Coordinator
Lower Brule Community College
Lower Brule Sioux Tribe
Lower Brule, SD 57548

LOWER BRULE COMMUNITY COLLEGE
P.O. Box 243 • Lower Brule, SD 57548
(605) 473-9232

YELL-9107

Michael B. Jandreau
Chairman

KUL WICASA OYATE
Lower Brule Sioux Tribe

605-473-5561
Lower Brule, SD 57548

October 7, 1998

Bison Management Team
National Park Service
Sarah Bransom DSC-RP
P O Box 25287
Denver, CO 80225-0287

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Native American Tribal Colleges are the correct vehicles for conducting this research and should be funded to carry out this vital and important work.

These strategies will maintain wild, free-roaming buffalo and protect the interests of the livestock industry in a balanced, common sense manner. Please adopt this plan.

Sincerely,

Michael B. Jandreau

Michael B. Jandreau, Chairman
Lower Brule Sioux Tribe
Lower Brule, SD 57548

YELL-9108

Lower Brule Sioux Tribe
Department of Wildlife, Fish and Recreation
P.O. Box 246
Lower Brule, South Dakota 57548

Phone 605-473-5666

October 7, 1998

Bison Management Team
National Park Service
Sarah Bransom DSC-RP
P O Box 25287
Denver, CO 80225-0287

Dear EIS Team,

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Native American Tribal Colleges are the correct vehicles for conducting this research and should be funded to carry out this vital and important work.

These strategies will maintain wild, free-roaming buffalo and protect the interests of the livestock industry in a balanced, common sense manner. Please adopt this plan.

Sincerely,

Ben Janis, Executive Director
Dept. of Wildlife, Fish & Recreation
Lower Brule Sioux Tribe
Lower Brule, SD 57548

Lower Sioux Indian Community

P.O. Box 308 • RR#1 • Morton, MN 56270

YELL-15811

Resolution No. 62-98

WHEREAS, Congress by enactment of P.L. 93-638 provided a mechanism for Indian Tribes to exercise the right of SELF-DETERMINATION; and

WHEREAS, The Lower Sioux Community Council has the power under the Constitution and By-Laws of the Lower Sioux Indian Community to promulgate Resolutions governing the conduct of Business in and for the Community; and

NOW THEREFORE BE IT RESOLVED: That the Lower Sioux Community Council approves of and supports the citizens plan to **save Yellowstone Buffalo.** We believe these strategies will maintain, wild, free roaming buffalo, while protecting the interest of the livestock industry. We as a Tribal Nation, want the wrongful killing of the buffalo stopped and turned over to the Indian people.

CERTIFICATION; We do hereby certify that the foregoing Resolution No. 62-98 was duly presented and enacted upon by the Lower Sioux Community Council by a vote of 4 for and 0 against, with a quorum being present; meeting was held October 05, 1998.

10-5-98
Dated

Roger Prescott, Chairman
Lower Sioux Community Council

Betty Lee, Secretary
Lower Sioux Community Council

SENT BY:Minnesota Chipp Tribe ;10- 2-98 ;12:58PM ;Minnesota Chip Tribe→ 605 394 7742:# 2/ 3

NORMAN W. DESCHAMPE, PRESIDENT
EUGENE L. McARTHUR, VICE PRESIDENT
GARY S. FRAZER, EXECUTIVE DIRECTOR
ELI O. HUNT, SECRETARY
DAVID C. MORRISON, SR., TREASURER

YELL 10,349

The Minnesota Chippewa Tribe
P.O. BOX 217 — CASS LAKE, MINNESOTA 56633-0217

Administration 218-335-8581
Home Loan 218-335-8582
Economic Development 218-335 8583
Education 218-335-8584
Human Services 218-335-8585
Water Quality 218-335-8303

TELEFAX 218-335-6562

October 2, 1998

Bison Management Team
National Park Service - Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Dear EIS Team:

On behalf of the Minnesota Chippewa Tribe, we want wild, free-roaming buffalo in Yellowstone. We oppose the "Preferred Alternative" recommended by the state of Montana and the federal government. The Government plan continues the unnecessary killing of buffalo moving to public lands outside the park in winter. We can do better.

Yellowstone's buffalo are too important to sacrifice. They are a source of pride for all of us.

We endorse the Citizens' Plan to Save Yellowstone Buffalo, which will:

* Maintain wild Free roaming buffalo in Yellowstone National Park.
* Create a large special management area outside the park where buffalo can use public lands to survive harsh winters, and where buffalo will be managed by wildlife professionals.
* Develop scientific buffalo population goals for this special management area outside the park.
* Relocate buffalo to Indian reservations or public lands or use a regulated harvest, but only when science demonstrates that available land cannot support more buffalo.
* Recommend vaccination of cattle within lands adjacent to the special management area.

* Emphasize acquisition of key winter range lands or easements through public purchase from willing sellers. Provide incentives to modify livestock operations to provide winter foraging opportunities for buffalo outside the park.

These strategies will maintain wild, free-roaming buffalo and protect the interests of the livestock industry in a balanced, common-sense manner. Please adopt this plan.

Sincerely,

Norman W. Deschampe

Norman W. Deschampe
President

YELL-10,031

State of Minnesota
INDIAN AFFAIRS COUNCIL

1450 Energy Park Drive
West-Room 140
St. Paul, Minnesota 55108
Phone: (612) 643-3032
Fax: (612) 643-3077

1819 Bemidji Avenue
Bemidji, Minnesota 56601
Phone: (218) 755-3825
Fax: (218) 755-3739

October 7th, 1998

Bison Management Team
National Park Service-Sarah Bransom DSC-RP
PO Box 25287
Denver. Colorado 80225-0287

Dear EIS Team:

Please consider this letter as a support letter for the Mdewakanton Sioux of the Lower Sioux Reservation, in their efforts to save the Buffalo of Yellowstone Park. We the Board of Directors of the Minnesota Indian Affairs Council oppose the "Preferred Alternative" recommended by the state of Montana and the federal government. The Government plan continues the unnecessary killing of buffalo moving to public lands outside the park in winter. There are other alternatives to consider.

For instance we endorse the "Citizen's Plan to Save the Yellowstone Buffalo; which will:

Maintain wild, free-roaming buffalo in Yellowstone National Park.

Create a large special management area outside the park where buffalo can use public lands to survive harsh winters, and where buffalo will be managed by wildlife professionals.

Develop scientific buffalo population goals for this special management area outside the park.

Relocate buffalo to Indian reservations or public lands or use a regulated harvest, but only when science demonstrates that available land cannot support more buffalo.

Recommend vaccination of cattle within lands adjacent to the special management area.

AN EQUAL OPPORTUNITY EMPLOYER

Emphasize acquisition of key winter range lands or easements through public purchase from willing sellers. Provide incentives to modify livestock operations to provide a winter foraging opportunities for buffalo outside the park.

These recommended strategies will maintain wild, free-roaming buffalo and protect the interests of the livestock industry in a balanced, common-sense manner. Please adopt this plan and save the buffalo of Yellowstone National Park. Their reemergence from near extinction is something that we need to protect and to support their continued existence.

Sincerely,

Joe Day, S.R.

Mr. Joe Day, Executive Director
Minnesota Indian Affairs Council

Bison Management Plan EIS Team
National Park Service
Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

10/27/98

YELL - 15363

Dear EIS Team:

The Montana Tribal Fish and Wildlife Commission has reviewed the Draft Environmental Impact Statement (DEIS) on the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park (YNP) and offers the following comments and recommendations. The purpose of the Montana Tribal Fish and Wildlife Commission includes the protection and preservation of fish and wildlife resources as well as maintenance of reserved hunting and fishing rights outside the exterior boundaries of Reservations. Members of the Commission include the Blackfeet, Crow, Sioux, Chippewa-Cree, Kootenai, Gros Ventre, Assiniboine, Northern Cheyenne, and Salish Nations.

The Commission is deeply concerned regarding the lack of Tribal involvement in formulation (and proposed implementation) of the subject management plan. Requests for input after the document is drafted and alternatives developed relegates Tribal involvement to that of another commentor or public rather than a cooperating agency or partnership role. We are also concerned regarding the seeming trend of Federal or State Livestock interests assuming jurisdiction over wildlife and the extreme measures presented in the various DEIS alternatives to simply capture and slaughter bison. While we acknowledge the concerns of state livestock officials and producers over potential transmission of brucellosis to domestic livestock and possible loss of the State's brucellosis-free status, the extreme measures being proposed in the DEIS (including the preferred alternative) are, in our minds, not justified in view of available scientific information and the minimal risk of disease transmission. We believe the problem would be more effectively and logically addressed through implementation of a risk management disease control program focusing on management of cattle to minimize exposure while avoiding the wanton slaughter of bison as well as the unwelcome precedent of livestock officials assuming jurisdiction over wildlife.

Additional information on the cultural and religious significance of bison to Indian people is outlined below. However, we believe it would be more appropriate to revise this section to address each of the Tribal Nations individually and in greater detail. Certainly, attempting to cover all of the involved tribes and over 11,000 years of history in a mere paragraph is not adequate nor acceptable.

Historically, the Plains Tribes were not farmers, but nomadic hunters whose lives depended upon the buffalo. These tribes divided into small bands of extended families to follow the buffalo across the plains, taking with them little besides their tepees, horses, and travois. Each Plains Indian tribal culture was unique as were their traditional uses for bison. Many different

parts of the bison were eaten and considered a delicacy among the various Tribes. Every part of the bison was used. The skull was used in ceremonies and prayer, bones were shaped into knives, clubs, arrowheads, shovels, awls, paintbrushes and shovels; the brains served in hide preparation; muscles were utilized in making sinew, bows, thread, arrows and glue; hair was formed into rope; the hide was fashioned into a variety of products from clothing, bedding, bags, and containers, to shields, drums, saddles, bull boats, and halters, etc.; the bladder and stomach were used for containers and pouches; the hooves and feet for glue and rattles. Some other known uses include: raw liver, gristle from the snout, raw kidney, belly fat, entrails, hoofs of unborn calves, marrow from leg bones, blood, parts of the stomach, brains, and testicles. Probably the most universal use among Tribes was as dried meat. This was sometimes kept as jerky or was often processed into "pemmican", a mixture of pulverized dried meat, fat, berries and other natural additives.

Unfortunately, the nomadic life and much of our culture came to an abrupt end in the early 1880's when the buffalo nearly became extinct (Bryan 1996). Historians have documented that the near extinction of the bison was, in fact, a calculated military strategy to defeat the Plains Indians. Then Secretary of Interior, Columbus Delano, is quoted as stating that, "he would rejoice, so far as the Indian was concerned, when the last buffalo was gone". "By this means the Plains Indian was defeated behind the lines in a battle of logistics - his supplies were cut off." (Allan 1974).

However, as a result of conservation efforts, the bison survived and with them Plains Indian culture. Extremely spiritual, the Plains Indians have always integrated their religion closely with the natural world. Native People do not worship the buffalo, but rather hold this magnificent creature in high esteem and recognize it's role in the survival of our species. We recognize that the Creator has provided for all creation and that we all play an important and vital role in what is now called an ecosystem. Although each of the Montana Indian Nations have their own unique culture, language, and ceremonies, all view the buffalo as a sacred animal that nurtured their people for generations. While bison carcasses made available to Plains Tribes as a result of the YNP culling process have been appreciated and used with great respect, Indian people would much rather see bison roaming wild and free on public and tribal lands. The bison's relationship to Indian people is very sacred. We believe that bison represent our spirit and remind us of how our lives were once lived, "free and in harmony with nature."

Despite the near extermination of the buffalo, most Plains Indian Tribes are still very familiar with traditional uses of bison. Many Tribes maintain tribal bison herds from which animals are periodically culled and butchered in the traditional way. Every part of the buffalo body is used in ceremonies from the Great Sundance to the Cree Giveaway dance. While non-Indians often want specifics regarding our religious beliefs, and the uses and cultural significance of different animals, places, etc., these things are very difficult to explain. How would a non-Indian explain, in brief, the mystery of the Shroud of Turin or the sacredness of the Sinai Mountains? We are often told by Priests that we need to trust in faith, yet when our medicine

people say this they are scoffed at.

To give some insight into our beliefs, know this: The Buffalo skull is used in the sacred and powerful Sundance, a ceremony used by many plains tribes. The Sundance ceremony is a celebration of new life and the fulfillment of a vow and promise. It is a Native American celebration of the New Year. Our non-Indian relatives celebrate the New Year each year on January 1st, while we celebrate ours during the Sundance which is held in the spring of the year. It is a celebration of new life, from the grass on which the buffalo eat to the great trees from which the Sundance Lodge is made and the Great Eagle whom is representative of the messenger of prayers, representing all of the wingeds. To the Jews and the Christians, a great covenant was made between the Creator and the people. To us, a covenant exists between Indian people, the Creator and the buffalo. The sacred pipe is symbolic of the covenant. Under the American Indian Religious Freedom Act, all agencies must consider and evaluate the potential effects of any proposed action to those resources of cultural and religious importance to Indian people. While the DEIS presents some information on potential impacts to archeological sites, there is no discussion regarding the cultural impacts resulting from the ongoing slaughter and proposed treatment of bison.

The DEIS alternatives require the cooperation of the State of Montana, USFS, NPS, and AHPIS but make no mention of cooperation/coordination with Tribes as equal partners. The subject document and planning effort has, to date, ignored the Federal Trust responsibility to Tribes and failed to recognize their sovereign nation status as well as the need for coordination on bison issues. Aside from meetings scheduled during the DEIS review period, Tribal involvement in formulation of the management plan and alternatives has been nonexistent. All Federal agencies bear a trust responsibility to Indian Nations. It is our understanding that the State is a trustee of wildlife and thus has a fiduciary responsibility to protect wildlife species for all people of the State. How does this coincide with the slaughter of bison? Bison represent an important cultural and religious resource to all Indian people and despite NPS statements to the contrary, bison certainly must be considered a trust resource. As such, any planning effort regarding bison should include the Tribes as a full and equal partner.

While we acknowledge the concerns of livestock interests, we are dismayed by the major emphasis placed on the economic impacts of the proposed management plan on livestock operations while little is documented regarding the economic impact of a wholesale assault on Yellowstone's bison and/or elk both to the region's tourism and recreation economy or to Indian people. In addition, there is no discussion of the cultural and religious concerns of Indian people. Our understanding of Park policy was that surplus bison would be made available to Indian tribes. The DEIS documents the number of bison killed outside the Park and estimates of the number of carcasses provided to Tribes during certain years. However, during implementation of the interim management plan, more than half of the bison removed from the Park went to other entities, with several hundred bison slaughtered and sold by the Montana Department of Livestock. We find the recent slaughter and sale of these bison, which are the property of all the people of the United States, by the Montana Department of

Livestock both unacceptable and a poor example of how we should be managing what is probably the last remaining free-ranging bison population. The DEIS also fails to quantify the effects of potential jobs lost in Indian country because of state slaughter and sale of sero-negative bison as well as the loss in hides, meat and other parts to Indian communities not to mention the potential live animals lost that could have gone to build Tribal and/or public herds.

It is the belief of the Tribal Fish and Wildlife Commission that the livestock industry/State Dept. of Livestock should not be managing bison, elk, or any other wildlife species. Bison are wildlife, not livestock, and they should be treated as wildlife and managed by wildlife professionals just like elk, antelope or other wildlife species. Professional wildlife managers should have responsibility for making decisions involving bison population management, the carrying capacity for bison, and need to control bison numbers based on sound biological data. We believe the precedent set so far in the bison issue of shifting authority for wildlife management to livestock interests is cause for great concern. The DEIS states, "Some residents may not understand the science behind the management actions of alternatives in this environmental impact statement because many perceive the bison as an endangered species, which it is not." However, it is apparent that many of the interests currently involved in this issue and in formulation of the DEIS view bison as domestic livestock, **which** (we must point out) **they are not**. Bison are an important **wildlife species**, an integral part of the ecosystem, both revered and respected. They should be managed accordingly. The potential ramifications to wildlife management should wildlife managers lose jurisdiction over wildlife to livestock interests are considerable.

The approach of the State of Montana in dealing with brucellosis in bison compared to similar disease concerns in other arenas appears conflicting at best. Montana has essentially adopted a "zero tolerance" policy for bison leaving the Park, stating that **no risk of infection** can be tolerated. However, during discussions on proposed game farm operations regarding the potential for introduction of disease into resident wildlife and domestic herds from introduced game farm animals, State and livestock officials (as well as livestock groups) asserted that any disease concerns were simply unfounded, stating that while risks did exist they were minimal and should not be an issue since, "we live with risks every day when we get out of bed - it is part of life." It is interesting how the perspective changes depending on who stands to make money and who or what is at risk!

Are elk, deer, moose, and antelope not also considered possible carriers of brucellosis? It is a fact that elk in both Wyoming and Montana have tested positive for brucellosis and the disease has also been documented in other species. However, elk represent a substantial financial resource for the involved states and, thus have been kept out of the picture up to this point under the auspices that fewer elk are infected and their patterns of habitat use do not bring them into as close contact with cattle, meaning the risk of transmission is less. However, in reality elk and bison (and cattle) utilize common habitats where the potential for reinfection exists. Thus, under the present line of thinking, elk must also be considered a potential source of infection for bison and cattle. As such, any ecosystem scale plans/attempts to address

brucellosis must encompass all affected wildlife species (including elk) to be effective. The recent controversy surrounding the National Elk Refuge and the Wyoming Game and Fish Department only underscores the importance of including elk in any regional brucellosis policy. So why do bison continue to be killed when elk and several other species which also carry brucellosis roam freely? What is the sense of eradicating infected bison when the remaining animals may potentially be reinfected by elk at any time? Is it only a matter of time before the Livestock Board turns its sights on elk and pushes for test and slaughter there too?

Based on this information, it appears both ludicrous and arbitrary and capricious for the subject document to only address brucellosis in and the economic effects of a test and slaughter operation for bison while completely ignoring other wildlife species. Any management plan must clearly address both species in a comprehensive approach for any chance of success as well as for adequate and meaningful analysis of alternatives and potential impacts. Certainly, a similar brucellosis eradication program for elk would be significantly more costly and controversial as well as having a severe impact on the economy of the area. To not address the full scope of the brucellosis issue here represents, at minimum, a major oversight if not an intentional misrepresentation of the facts and constitutes a fatal flaw in the entire NEPA process. Any analysis of an ecosystem level brucellosis eradication program must address the cumulative effects of a full scale government assault upon two of the region's most important wildlife species, bison and elk. Also, if concern over the possible introduction of brucellosis into Montana cattle herds is so great, the Commission must question why the State has not required testing or curtailed the importation and transport of cattle from Canada, where brucellosis is known to occur?

It is our opinion that the proposed alternatives outlined in the DEIS do not consider nor utilize the best biological and scientific information available regarding brucellosis in bison. Decisions regarding diagnoses, treatment and management direction are being made based on assumptions that brucellosis is similar in bison and cattle. However, this does not appear to be the case. There is now question whether bison can even transmit brucellosis to domestic cattle in a wild situation. While early studies indicated that bison reacted much like cattle when infected with the disease, the methods employed in these studies have been highly criticized. Recent research has shown that bison are not affected by brucellosis in the same manner as cattle, with few incidents of abortion and an exceedingly low rate of reproductive tissue infection. Based on this information, some scientists have concluded that park bison are not a threat to cattle with regard to transmission of brucellosis. There are indications that, at a minimum, the immunological response of bison to brucellosis differs, perhaps significantly, from cattle. Perhaps bison have developed a natural immunity to brucellosis, the genes for which may be eliminated if slaughter of all seropositive animals continues, as proposed. As stated in the DEIS, "The precise relationship between serological tests and presence of *brucellosis abortus* bacteria in bison is not well understood at this time...Research is currently underway...but results are not yet available." Thus, it appears that seropositive test results alone are insufficient evidence to condemn bison to slaughter. This lack of conclusive scientific evidence and the most recent information on brucellosis in bison should be clearly

outlined and considered in formulation of alternatives. Additional ongoing and planned research to answer the many remaining questions regarding this disease need to be completed before any proposal is made to remove additional animals from the population.

It has also yet to be scientifically proven that transmission of brucellosis from bison to cattle is a problem. In fact, despite some 80 years of interaction between infected bison and cattle, there has **never been a single documented case** of wild bison infecting cattle with brucellosis. In 1989, **over 800 cattle from 18 different herds** grazed areas where Yellowstone bison occurred, **yet none** of these cattle ever **tested positive** for exposure to brucellosis. Of the more than 1900 bison killed since 1994 in and around YNP, how many animals were actually tested for brucellosis? Of these, how many **tissue tests** (considered a more reliable indication of active infection for bison) were positive? It is our understanding that of the 213 bison killed from 1991-92 only some 12% showed positive tissue culture tests for brucellosis. While some of this information is included in the Background section of the DEIS, it appears to have been completely overlooked in formulation of the alternatives which appear completely driven by livestock interests. The above information needs to be fully disclosed, analyzed and considered in formulation and analysis of alternatives in the DEIS.

Based on current scientific knowledge, it appears that none of the existing alternatives outlined in the DEIS will solve the brucellosis problem. Do the NPS and State plan on systematically slaughtering every bison, elk or other species that might carry the disease? According to the draft report from the National Academy of Science, complete eradication of brucellosis is impossible, however the risk of transmission is low. Despite over 50 years of effort and spending billions of dollars, APHIS has been unable to eliminate brucellosis in domestic cattle herds. Attempts to eradicate it in wild populations would be far more expensive, with even less chance of success. As stated by Dr. Margaret Meyer, School of Veterinary Medicine, Univ. of CA, Davis, "Data ... on over 2,500 serological tests, hundreds of necropsies and pathology findings support the conclusions that the YNP bison herd is not "heavily infected" and that brucellosis in bison is not mimetic of bovine brucellosis. Further, any attempt to control the disease in the YNP herd by test and slaughter based on serologic tests used for identifying infected cattle will do nothing but eradicate titers, eradicate bison, devastate and probably destroy a singularly unique, irreplaceable, awe inspiring and incalculably valuable vestige of great plains heritage." Brucellosis continues to persist in domestic livestock populations despite extensive and costly eradication efforts (still more than $60 million annually). In view of this and the potentially staggering economic, cultural and environmental costs of such an eradication program (in bison and eventually elk), we seriously question whether complete eradication is essential or even possible in wildlife populations.

The issue of carrying capacity and the need to control bison numbers has been brought up repeatedly by livestock interests as necessary to curtail movement of wildlife to public and private lands outside the Park. However, as stated in the DEIS, bison movements are not correlated with herd size. Rather, severe weather conditions and snow depths are the primary factors influencing migration of bison out of the Park. Carrying capacity and grazing impacts

issues have long been debated in Yellowstone. As stated in the DEIS, the NPS is initiating research to study the ecological carrying capacity in the park. However, it is recognized that the Park is not a complete ecosystem for many of the large mammals that inhabit the area. The natural home ranges of many species necessarily include lands outside or bordering Yellowstone. Several factors serve to influence the availability of food in the ecosystem and in severe winters or drought years, animals must range over larger areas to meet their food requirements. Unfortunately, as noted in the DEIS, many of the prime wintering areas outside/adjacent to the Park are also locations favored for human habitation. Thus, much of the lower elevation areas are in private ownership, settled/developed, or otherwise utilized for agriculture or livestock and are thus unavailable to wildlife. In addition, much of the Forest Service land bordering the Park is also utilized by livestock as well as for recreational and extractive purposes, degrading its value to wildlife.

As mentioned in the EIS, the Park also grooms roads and trails during winter months for snowmobiling and recreation. This, in turn, has facilitated movement of bison from the interior of the Park. Closure of some of these roads/trails may be required to prevent emigration of large numbers of bison from the Park. We support such measures and believe conservation of Yellowstone's bison should again take precedent over the cries of tourists and users for more access and longer seasons. Our nations wildlife have few options and few remaining habitats to ensure their survival.

The DEIS states that ranching and other agricultural activities continue to provide open space for wildlife. However, it should also be noted that our public lands, set aside for the enjoyment of all Americans and to provide habitat for and maintain viable wildlife populations, are also used extensively to support private livestock operations. Grazing on public lands amounts to roughly a $1 billion a year subsidy. Livestock operators graze their cattle on public lands at the bargain rate of $1.35 per animal unit month compared to $11-15 per unit on adjacent private lands. That amounts to as much as a 91% federal subsidy of grazing on public lands. We believe our national wildlife resources, including bison, deserve at least an equal if not greater consideration. Bison and other wildlife species should have first priority with regard to utilizing grazing resources on the "limited" Forest Service and Bureau of Land Management lands outside YNP. Bison, like other wildlife, should be allowed to roam freely on these adjacent public lands in numbers up to the scientifically established carrying capacity.

We also question why the issue of maintaining genetic variation within the YNP bison population and the potential effects of killing over one third of the herd were not addressed in the DEIS. As stated by Knudsen and Allendorf at the 1987 North American Bison Workshop, "maintenance of genetic variation should be a primary concern of managers of bison herds." They state that the historical bottleneck caused by the near extinction of bison and the fact that they are now maintained in herds where there is often little or no exchange between groups is cause for concern. The survival of a species, its ability to adapt to change, depends on its genetic variation. Studies have confirmed a positive association between genetic variability and fitness as measured in increased survival, growth rates, and disease resistance. Loss of

genetic variation can result in juvenile mortality, reduced growth rate, and lower reproductive potential. It is also now recognized that the long-term maintenance size (effective population size) of the herd is even more important than size of the founder group. Size of the herd is critical in determining the rate of loss of genetic variation.

While we recognize the concerns of livestock interests with regard to loss of brucellosis free status, compensation is available under both Federal and State law to those who lose an infected herd. In addition, APHIS can not reclassify a state if the infection was imported and has not spread to other herds. They also have the option of addressing an outbreak by subdividing a state for classification purpose, and have managed to deal with some outbreaks in Wyoming without downgrading that State's status. It is also our understanding that APHIS has no management authority over bison or other wildlife species. In view of these facts and the minimal potential for disease transmission, we can only view AHPIS'S threat to downgrade Montana's brucellosis status as both premature and spawned by political rather than scientific or protectionist motives/needs.

It must also be recognized that today ranching plays only a limited role in the regional economy compared to wildlife and natural resource-related activities such as tourism and recreation. Thus, any brucellosis eradication policy which requires eradication of large numbers of bison and potentially elk would be economically and politically difficult if not impossible to support. We believe the minimal risks present for brucellosis transmission and the costs involved in implementing a brucellosis eradication policy in Yellowstone wildlife with only questionable chance of success, do not justify the dire consequences that may result. A far more effective and reasonable approach would be to minimize contact between cattle and wildlife during those periods when brucellosis transmission is most probable. Since cattle are easier to control and manage, efforts should focus on adjusting cattle use on public lands within the bison winter range area outside the Park through adjusting areas or timing of allotment use. We believe it is not unreasonable to require livestock producers who use public lands adjacent to the Park to bear some of the costs for control of this disease which is known to have been introduced and to be spread by cattle.

Current alternatives also fail to recognize the Tribal concerns and cultural values as well as the economic and cultural importance of bison to the American Indian people and to the region. Therefore, we recommend formulation and analysis of an additional alternative in the EIS, which would include:

- Maintaining a wild, free roaming, viable bison population in YNP
- Development of scientifically based bison population goals for the YNP herd (**Based on science** means based on habitat available (in YNP, Special mgmt areas and wintering areas to be acquired outside YNP) **not politics**
- Creation of a **large special management areas** outside YNP, where bison can

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use public lands to survive harsh winters and where they will be managed by wildlife professionals

- Management of cattle to minimize the risk of infection through:
- Obtaining easements on or acquiring **key winter range lands** adjacent to YNP and providing incentives to modify livestock operations to provide grazing opportunities for bison and other wildlife
- Vaccination of cattle using lands adjacent to these special mgmt areas
- Creation of incentives to adjust cattle grazing on public lands in/adjacent to bison use areas to avoid periods of bison use

Only as a last resort and **only** when scientific evidence indicates that the available land can not support more bison, should animals be removed through a **live removal program. Bison** should **remain in the public trust** rather than being privatized or offered to the highest bidder. Animals identified for removal would be captured and placed in a **health certification center** for **quarantine before being** relocated. Negative-testing bison could then be available for reintroduction to Tribal or other Federal lands. Sero-positive bison could be made available for brucellosis research, as needed. We believe culling should be done only as a last resort when it is not possible to remove bison by any other means. The Commission also urges that any future bison culling actions consider tribal cultural needs.

We do not support the quarantine feedlot-type facility proposed by APHIS. We believe it would only facilitate the spread of disease and it is doubtful any bison would ever leave there alive. Once again, the DEIS fails to provide an objective and unbiased analysis of a reasonable and prudent alternative. The Tribal Fish and Wildlife Commission proposes location of a quarantine facility on Tribal lands. Under this scenario, the Tribes would agree to work with Federal and State Officials to assure all quarantine protocols were met. In addition, the only costs incurred in creating the facility would be for construction as the Tribes would provide any necessary land. The health certification center would consist of a pasture-type facility (outside YNP and the special mgmt areas) where bison could be held and managed under more natural/healthy conditions. The State has not allowed transport of live bison to other tribal or Federal lands supposedly due to concerns over disease transmission. Yet they have allowed for the transport of live bison over state and federal highways to slaughter facilities up to 160 miles away. Certainly, if existing highways are safe enough for the transport of bison to slaughter (and safe enough for transport of hazardous material like nuclear missiles), we should be able to move bison from YNP to any sanctioned quarantine facilities. The complete lack of any environmental analysis of hauling live bison to slaughter only underscores how biased the current DEIS process has been, skewing the reader's perception toward livestock industry

driven alternatives rather than encouraging a thorough environmental analysis that addresses all issues and identifies all reasonable and prudent alternatives. The risk of hauling live bison to slaughter, quarantine facilities, or any where else should be thoroughly evaluated as it relates to all alternatives.

Despite the obvious public and political pressure to resolve the brucellosis/bison controversy as soon as possible, we believe that the proposed solutions as outlined in the current DEIS are both premature and biologically unsound. The bison and elk populations inhabiting Yellowstone are an important national treasure to all Americans and as such deserve the benefit of better scientific data regarding brucellosis transmission; more research data regarding the effectiveness of acceptable brucellosis vaccines for wildlife; a more thorough environmental analyses encompassing all wildlife species that carry brucellosis including elk; and most importantly, development of additional alternatives based on the latest scientific information rather than hastily concocted proposals, which appear to be driven by special interests.

This constitutes our comments on the draft document. We wish to reiterate that the Commission does not support lethal control of bison except as a last resort when live removal is not possible. In addition, any proposed culling (done as a last resort) should recognize the cultural needs of the tribes. Our member Tribes strongly support the above outlined alternative along with our proposal to locate quarantine facilities on available Tribal lands. We urge consideration of this option and look forward to working with you in the future. Only through working together can we avoid the mistakes of the past and save the bison for all peoples.

Sincerely,

Donald Meyers, Secretary/Tresurer
Montana Tribal Fish and Wildlife Commission
RR 1 Box 542
Box Elder, MT 59521
406 395-4207

YELL-11,409

Nez Perce

TRIBAL EXECUTIVE COMMITTEE

P.O. Box 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

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October 11, 1998

Bison Management Plan EIS Team
National Park Service - Sarah Branscom DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

Dear Ms. Branscom,

The Nez Perce Tribe has received and reviewed the draft Environmental Impact Statement (DEIS) for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park. We understand the Cooperators are attempting to deal with a complex and emotional set of issues in the DEIS. While we can appreciate the effort that has gone into developing the decision document we are still struck by a sense that the alternative containing the "Tribal' perspective remains to be considered.

We believe the Cooperators have violated at least the spirit if not the intent of the National Environmental Policy Act Regulation 1502.14 by not considering the 7 point alternative proposed by the Intertribal Bison Cooperative (ITBC) and the National Wildlife Federation (NWF) (attached) with the other alternatives evaluated. While some features of the ITBC/ NWF proposed alternative have been incorporated into other alternatives the original proposal has not been evaluated as a package. The various elements of the ITBC/ NWF proposal will be effective only as a whole proposal. We strongly recommend the Cooperators evaluate the ITBC alternative and issue the evaluation for public comment as a supplemental EIS (SEIS).

Eradication of brucellosis in Yellowstone elk and bison populations is not possible at this time. The Executive Summary of the National Academy of Science (NAS) report entitled *Brucellosis in the Greater Yellowstone Area* indicates it will not be technically feasible to meet the stated goal of eradicating brucellosis in Yellowstone Park until there is an effective vaccine for brucellosis for bison and elk and a system to administer the vaccine to the bison and elk. The Executive Summary of the NAS report concludes that brucellosis in the elk population in the Greater Yellowstone Area, if not eliminated, will result in a reinfection of the bison population. The DEIS does not address concerns regarding the brucellosis infection in the elk population. Since a vaccine is not available and since the brucellosis infection in the elk population is not addressed two alternatives should not be considered further. Alternatives 5 and 6, whose success is tied closely to the availability and use of a vaccine for brucellosis for bison are unreasonable because : 1) the vaccine does not exist, 2) if such a vaccine did exist failure to vaccinate elk would defeat the purpose of vaccinating bison. These alternatives need to be deemed not worthy of further consideration in the final EIS. The goal, for this planning period, should be to minimize contact between bison and cattle, especially pregnant bison during the winter and later in the calving season, which will result in a decreased risk of transmission of brucellosis bison to cattle.

We believe the threat, brucellosis represents to the cattle industry in Montana, comes not from the brucellosis-infected bison outside the Park but from the cattle being fed in areas adjacent to Yellowstone National Park in the winter that may come in contact with the bison. The number of cattle adjacent to Yellowstone National Park during the winter, when the bison are outside Park boundaries, is fairly small. A combination of : 1)larger Special Management Areas which bison would not be allowed to leave and 2) some key land acquisitions or easements within those SMA's; and 3) some allotment purchases on lands administered by the Forest Service, to further enhance the distance between cattle and bison, and 4) a mandatory cattle vaccination program for the same area would reduce the risk of transmission of brucellosis to cattle to a level that would insure the maintenance of the brucellosis free status of Montana.

It is important that the concerns of the cattle industry be addressed in this decision. It is also important that all stakeholders share part of the responsibility for the solution. Attached is a summary we have developed comparing the benefits and responsibilities of the ITBC/ NWF alternative and the preferred alternative. The benefits of the preferred alternative are bestowed on a small group of people, while the responsibilities of the alternative are placed upon a separate group of people. The ITBC/ NWF plan by comparison spreads the responsibilities and the benefits among the stakeholders.

We believe the evaluation of the impacts should be revised. The impacts to the cattle producers has been over estimated while the impacts to the Tribes has been underestimated. The impact to the cattle producers of losing the statewide brucellosis free status was identified as being at risk. The basis for this concern needs to be explored further. Brucellosis free status was obtained by Montana in 1985 when the brucellosis infection within the bison in the Park was already documented. If the retention of the brucellosis free status is now dependent upon eliminating brucellosis from the elk and bison populations in Yellowstone National Park during this planning cycle, which the NAS has concluded is not possible to accomplish without a vaccine for bison and elk, then perhaps the impact of keeping any bison in Yellowstone, may indeed be losing the brucellosis free status for the State of Montana. But if the brucellosis free status can be maintained for Montana by managing the risk of exposure of cattle, to brucellosis infected elk and bison, while the vaccine is being developed, then the impact to the cattle producers is only the value of the grazing practices that would need to be changed to manage the risk of transmission. Thus, Montana is only at risk of losing the brucellosis free status if the risk of transmission from bison to cattle were to be unacceptably high, which is presumably the current management of the situation, or the "No Action" alternative in the DEIS. All the other alternatives should be structured, at the minimum, to maintain the brucellosis free status for Montana. The impact to the cattle producers, that is

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quantified, for the remaining alternatives, impact analysis, should be the changes required in the grazing practices adjacent to Yellowstone to create a buffer in time and space between the wintering bison population and the cattle adjacent to the Park in the winter time, assuming no cattle stray into Yellowstone during the bison calving season. The impact of the decision to tribes has been evaluated to be the number of bison expected to be harvested multiplied times the average price paid at auction for slaughtered animals. The value to the Nez Perce people of the harvested animals is not only the meat and the hides but the values to the Nez Perce people to relive and ancient tradition, to have bison meat for social occasions, or for the Senior Citizen Center luncheon program and a myriad of other uses such as Pow-wows and funerals. The value to us is what the meat and hides and parts allow us to do not just the dollars people have paid for a carcass at auction. That is why the Nez Perce people, were willing to spend more than the average price the bison carcasses were yielding at auction, for the opportunity to retrieve bison from areas adjacent to the Park. Further, a much higher value is that of securing live bison from the park to start or augment bison herds on several Indian reservations. The impact analysis in the DEIS did not consider the value of Tribes receiving live animals and the value of their progeny to the Tribes or the impacts a bison herd would have in terms of jobs created here on the reservation, or the self esteem the members of the Tribe would have as a result of having a bison herd here. The ITBC has information regarding the current prices live animals are yielding at auction. We suggest the impact analysis include a component of live animals, at current market value in the impact to Tribes section.

For the reasons we have cited in this letter we urge the Cooperators to issue a SEIS that contains: 1) the ITBC/ NWF seven point plan as alternative 8, and 2) the revised analysis of impacts to tribes and to livestock operations of the alternatives and 3) the analysis of impacts to the tribal cultural resources and landscapes which was not contained in the DEIS.

Sincerely,

Samuel N. Penney

Samuel N. Penney, Chairman
Nez Perce Tribal Executive Committee

Comparison of benefits and responsibilities of the ITBC Alternative and the Preferred Alternative

STAKEHOLDERS	Who shares Responsibilities ?		Who Reaps the Benefits?	
	ITBC	Preferred Alt.	ITBC	Preferred Alt.
Ranchers	Some	None	Some	Lots
Visitors	Some	Lots	Some	None
Snowmobilers	Some	None	Some	Lots
Native Americans	Some	None	Lots	Some
Federal Agencies	Some	Lots	Lots	Lots
State Agencies	Some	Lots	Lots	Lots

The ITBC / NWF, 7 point proposal is different from the other alternatives presented by the Cooperators because it is the only option that:

1. Considers the input of and socioeconomic and cultural opportunities for the Tribes named in the EIS as affected.

2. Creates effective, largely non-lethal, buffers that separate bison and cattle in space and time in the absence of a bison and elk vaccine for brucellosis. Buffers will be created by a combination of : acquisition of land from willing sellers; acquisition of allotments on federal lands, easements on private land; and modification of terms or types of allotments on public lands.

3. Balances responsibilities among all stakeholders (Tribes, Montana, Yellowstone, APHIS, Cattle Industry, Visitors and Snowmobilers).

4. Selectively explores how, what type, and where a quarantine facility would be located.

5. Expects to generate some private funding to help address problems through an offer to cooperatively develop the quarantine facility.

Summary of the Recommendations of the Nez Perce Tribe :

1. Analyze the ITBC/ NWF alternative as a new alternative (number 8) because section 1502.14 of the National Environmental Policy Act Regulations require the Cooperators to consider all reasonable alternatives.

2. Distribute the new alternative to the public as a supplement to the EIS.

3. Delete alternatives from further study in the Final EIS that rely on a vaccine to be successful.

4. Fully evaluate the impacts of the alternatives to Tribes, especially the preferred alternative.

5. Review and revise the language in the impact analysis section regarding the livestock producers. Place the impact into perspective regarding the number of cow-calf pairs, the number of operators that own those animals and the income derived on the National Forest Lands in Park and Gallatin Counties that would be affected.

6. Examine the socioeconomic benefits of all alternatives, including the ITBC/ NWF alternative, to affected Tribes.

7. Put the effort needed into the development of the quarantine facility to make it an integral part of the alternative selected rather than something to be started at a later date.

8. Make more than half the bison taken in a year available to tribes.

9. Insure that the impacts of the alternative selected is distributed across all stakeholders rather than exempting a few from any impacts or responsibilities.

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The following are concerns of the Nez Perce Tribe regarding the Draft Bison Management EIS for Yellowstone National Park.

Summary

To summarize the points from Chairman Samuel N. Penney's letter (attached)the Nez Perce Tribe believes the Cooperators are required by NEPA regulation 1502.14 to analyze the 7 point alternative compiled jointly by the Intertribal Bison Cooperative (ITBC), National Wildlife Federation (NWF). Further the Tribe believes the ITBC/NWF alternative should be analyzed and issued for consideration as a SEIS.

Goal number four, as listed in the DEIS Summary, which is to eradicate brucellosis in Yellowstone National Park, is not technically feasible in this planning period, the goal for this planning period should be to reduce the risk of brucellosis transmission from bison to cattle by keeping them separated. Eradication of brucellosis in bison in the Yellowstone National Park is not feasible at this time because a vaccine for bison and the system to deliver the vaccine to bison does not exist. The authors of the Summary of the National Academy of Sciences report on brucellosis in the Greater Yellowstone Area appear to feel there is a real potential to pass brucellosis from the elk to the bison since there are many times more elk than bison and since the elk unlike the bison are documented to have abortions during the winter. Since the disease is believed to be most commonly transmitted through the birthing material the authors of the report have concluded the brucellosis infection in the elk and bison population need to be resolved at the same time or the infection within the elk population will re-infect the bison population. Additionally the report concludes eradication of brucellosis in elk will require the termination of winter elk feeding programs in the Greater Yellowstone Area. None of the alternatives in this DEIS address the brucellosis infection in the elk herd. It is not possible to eradicate brucellosis at this time.

Alternatives that rely strongly on vaccination programs in bison to minimize the chance of transmittal to cattle are not reasonable since a vaccine for bison and elk does not exist. Therefore, if an alternative is selected that includes vaccines to minimize the chance of brucellosis infection in cattle, the other elements of the program need to be effective in the absence of a vaccine. The Nez Perce Tribe strongly recommends the Cooperators drop from further consideration, alternatives 5 and 6 that rely on vaccination of bison to diminish the rate of brucellosis infection among bison and thereby minimize risk of exposure to cattle.

The impacts on livestock, under the heading impacts common to all alternatives, on page 234 of the DEIS lists three types of activities designed to reduce the risk of transmission of brucellosis from bison to cattle. They are : 1) actions that maintain separation of bison and cattle, 2) actions that reduce the incidence of infection and 3) actions that reduce the numbers of bison. Activity number 2 and 3 involve destruction of bison. Without a vaccine for elk and bison for brucellosis activity number 2 is ineffective. The preferred alternative conservativly uses Special Management Areas (activity number 1) especially in the Reese Creek area which has been used quite heavily in the recent past as winter range by bison. But, even the creation of the Special Management Areas causes concerns such as is found in the last paragraph of the section entitled methodologies for analyzing impacts on page 234 of the DEIS, where concern is expressed that animal health authorities might view the SMA's as buffer zones for diseased bison to leave Yellowstone National Park and therefore cattle grazed in Montana could receive lower prices in the marketplace. We are very much concerned that if two of the three tools the Cooperators are considering for use in this situation are unavailable or ineffective, the solution of choice would be to reduce the number of bison. It is not reasonable, for two thirds of the actions proposed to reduce risk, to involve destruction of bison while restrictions on grazing of cattle, to create more effective separation of bison and cattle, is not considered a risk management technique. The DEIS does not contain safeguards to insure the destruction of bison, does not become the only solution used. This discussion is found in the impacts to cattle section of the DEIS. It can not be viewed as a reasonable decision if the only effective basis of managing risk of transmission is to reduce the bison herd size. The SEIS must address this concern.

The Cooperators must evaluate the impacts to the Tribes as listed in the DEIS. The analysis must be done in a reasonable manner and in a way that does not minimize impacts to Tribes while maximizing the impacts to the cattle raising industry. The Cooperators are bound to consider all reasonable alternatives, which means the ITBC/NWF alternative needs to be analyzed. The best way to perform this analysis so the Nez Perce Tribe and the public can review and comment on it before a decision is issued is to develop and release a SEIS.

The following are the general comments of the Nez Perce Tribe regarding the Draft Bison Management Plan for Yellowstone National Park and the surrounding area. To facilitate the Cooperators use of the comments they are broken down by subject area and have a series of recommendations at the end of each section. It is important to the Tribe the comments be understood by the Cooperators. If there is any question with these comments please feel free to call us and see if we can clarify the specific concern for you.

Policy Questions
(208) 843-2253
Samuel N. Penney, Chairman of the Nez Perce Tribal Executive Committee
James Holt, Member of the Nez Perce Tribal Executive Committee

Technical Questions
(208) 843-7328
Jack Bell, Manager, Natrual Resource Department
Jason Lyon, Acting Director, Cultural Resources Program
Keith Lawrence, Director, Wildlife Program

(208) 843-2271 Nee-Mee-Poo Health

(208) 843-2261
Nez Perce National Historical Park, Bob Chenoweth, Otis Halfmoon, Kevin Peters

1. CONCERNS REGARDING THE USE OF A BISON VACCINE

VACCINATED ANIMALS WILL TEST POSITIVE. While there is no vaccine for bison and elk for brucellosis at the time this DEIS is written, the Nez Perce Tribe hopes one will be developed soon. However, the use of a vaccine will require changes to the protocol regarding which animals to slaughter in the future. According to the National Academy of Sciences report a serum test for brucellosis will document the active pathogen or brucella antibodies. The introduction of a vaccine to the bison population would make all the animals vaccinated test positive. A serum test, therefore, can not be the basis for a decision of whether or not to slaughter vaccinated animals. Many of the alternatives in the DEIS that contain vaccination programs also call for the slaughter of animals that test positive. It appears to us to be a self fulfilling prophecy to decide to slaughter all animals that test positive and then introduce an agent, into as much of the population as possible, that causes animals to test positive for brucellosis.

NO EFFECTIVE DELIVERY SYSTEM FOR THE VACCINE. The DEIS states that vaccination may be done from the air with dart guns. Even if animals are marked at the

time of inoculation there will not be certainty that two years after darting an animal now testing positive was successfully vaccinated or that the positive indication is the result of the vaccination. Conversely, animals vaccinated will show positive whether or not they have been infected with brucellosis. A policy to slaughter all animals caught in the trapping facilities that test positive for brucellosis (preferred alternative) will not differentiate between vaccinated animals and infected animals and all would be slaughtered. At some point in the future after the vaccine is developed and implemented the majority of the bison will test positive for brucellosis. How then does Chart 3 page xv of the summary predict falling rates of seroprevalence? After the development and use of a vaccine the positive serum test can't be the basis for slaughtering Bison. A new protocol will need to be developed.

Again, our concern, is to address what is technically feasible at the present time and what methods yield the best results. Alternative 5 and 6 rely on testing, slaughter and vaccination to rid the bison population of brucellosis. We are extremely concerned that without a vaccine most animals leaving the Park at Reese Creek will be slaughtered and once a vaccine is available and widely used all animals that leave Yellowstone National Park will be slaughtered.

CONCLUSION / RECOMMENDATIONS:
A method to deliver a vaccination to bison and elk needs to be devised.

When a vaccine is developed and in use the testing protocol on animals inoculated by airborne staff will need to be changed.

2. DO NOT CONSIDER ALTERNATIVE FIVE FURTHER.

DROP ALTERNATIVE FIVE FROM FURTHER CONSIDERATION BECAUSE IT CONFLICTS WITH PARK POLICIES. Alternative 5 should be dropped from further consideration because the location of capture facilities within Yellowstone National Park violates the pledge among the Cooperators that is found in the Summary after Objective 9 whereby the Cooperators agree to observe the policies and regulations of the other Cooperators. The National Park Service policies violated are found on page 359 in Appendix E: Legislation and Policy Guidance. The two policies that speak most directly to the criteria of alternative five are :

> "Parks having native migratory species will ensure the preservation of their populations and their habitats inside the park and will cooperate wherever possible with others to ensure the preservation of their populations and habitats outside the park. Management action may include participation in regional land use planning efforts and cooperation with states and native American authorities in the setting of game harvest regulations for land outside the park." **(Chap.4:7)**

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"Natural processes will be relied on to control populations of native species to the greatest extent possible. Unnatural concentrations of native species caused by human activities may be controlled if the activities causing the concentrations can not be controlled." **(Chap.4:6)**

CONCLUSION/ RECOMMENDATION :
National Park Service policies prohibit the development and operation of multiple capture facilities within Yellowstone National Park for bison or elk before several other options are exhausted which include: 1) the use of additional Forest Service administered land outside the park as bison winter range 2) the consideration of not grooming as many roads for snowmobile use in the winter in an attempt to inhibit bison migration out of Yellowstone National Park. Because Alternative 5 violates Park Policy and the Cooperators have agreed not to violate the policies of the Cooperators, this alternative should not be considered further.
The preferred alternative does not allow the National Park Service to "cooperate wherever possible" with ranchers and permittees outside the Park because the alternative does not provide for any cooperation with permittees beyond current practices.

3. OBJECTIVES and CONSTRAINTS Page vi and vii in EIS
RELATIVE IMPORTANCE OF OBJECTIVES. The objectives are very important because they drive the development of the EIS and the alternatives. It is vital, then, for the Objectives be clear and understood by all.

OBJECTIVE FIVE QUALIFICATION. Objective 5, Protect livestock from the risk of brucellosis, needs to be clarified. The NAS report indicates it will be a period of time before it is possible to significantly reduce the rate of brucellosis infection in bison. Until a vaccine for bison and elk and a method of distributing the vaccine are developed, risk of exposure to cattle from brucellosis in the bison population will be managed, but not eliminated. Compounding the concerns about the spread of brucellosis in the absence of the bison and elk vaccine is the risk of possible transmission between the elk and cattle. The transmission of brucellosis between elk and bison is not addressed in the DEIS. Since brucellosis in elk and bison in the Greater Yellowstone Area can not be eradicated in the next few years, the Cooperators are really going to have to attempt to manage the amount of risk that exists of brucellosis transmission from elk and bison to cattle.

OBJECTIVE SEVEN REVISION. Objective 7, which is to maintain a viable population of bison, does not indicate which direction on the spectrum of viability the desired population will be managed. Is the Objective to maintain a small viable population or a larger but still viable population or something in between? The Nez Perce Tribe feels the bison are an important part of the Yellowstone Ecosystem, likely having been present there for the last several centuries. As with Objective 5, we feel it is imperative for the Objective to contain an indication of what level or direction the viable population should be managed toward. Policies of the National Park Service and the Yellowstone National

Park clearly state natural population controls are the preferred choice (Page 359 of the DEIS Yellowstone National Park Master Plan (1974). If park policies are to be incorporated into the FEIS, we feel the objective should indicate something more than the minimum viable bison population is the desired outcome of the implementation of this plan. Objective 7 needs to incorporate an indication of the intent of the population goal.

OBJECTIVE NINE RESTRUCTURING. Objective 9 is "Recognize the need for coordination in the management of natural and cultural resource values that are the responsibility of the signatory agencies." It is plain to us natural resources are cultural resources. We are not sure what this Objective is intended to accomplish but it seems to be much weaker than the statement that follows it that is not even a numbered objective. The Nez Perce Tribe enjoys a rich and broad relationship with the National Park Service as it relates to the Nez Perce National Historic Park, which has sites in three states. We know that the staff and the Park Service as an agency of the federal government understands the government to government relationship that exists between the Nez Perce Tribe and the Federal Government and that the relationship was formalized through the Treaties of 1855 and 1863. Additionally we know the Park Service and the Government of the United Sates acknowledges the Trust responsibility agreed to in the treaty in which the federal government accepted responsibilities for the management of some resources previously managed by the Tribe. We are very concerned that this document upon recognizing the historical use of the area by the Nez Perce, the Nez Perce cultural ties to the area that remain, and the legal responsibilities the Federal Agencies have regarding Tribes, then attempts to address those responsibilities through a pledge of coordination that does not have a clear purpose or intent. Coordination is good but can not replace the National Park Service responsibilities to manage the bison resource as a cultural resource, on behalf of, and for the benefit of the Nez Perce people.

CONCLUSIONS/ RECOMMENDATIONS:
OBJECTIVE 5. **Under the current technical capabilities cattle can not be protected from all risk of transmission of brucellosis from bison to cattle unless all bison and elk are eliminated. Since this is not proposed, there will still be some risk. The Objective should be to decrease or manage the level of risk accepted over time.**

OBJECTIVE 7. **This objective does not provide any guidance on the desired size of the bison herd and either needs to incorporate an indication of the desired population goal or develop a separate goal that does. We suggest maintaining the bison herd near the carrying capacity of the Yellowstone National Park and the SMA's adjacent to Yellowstone.**

OBJECTIVE 9. **This Objective needs to be revised. We would welcome some dialog about the intent the Cooperators tried to embody with this Objective before we recommend final language for this Objective.**

4. DISTRIBUTION OF SLAUGHTERED BISON.

CRITERIA TO SEND BISON TO SLAUGHTER OR HARVEST IN THE FIELD. Implementation of the new management plan will, at some point, likely result in animals being trapped outside the Park and tested. As a result of the testing, some may be slaughtered. Without discussing the number of animals slaughtered or the criteria for when to slaughter animals we feel compelled to address the disposition of the harvested animals. There is no discussion of the criteria used to decide when bison will be taken to slaughter or when they are to be shot in the field or why tribal members are limited only to animals shot in the field.

DISPOSITION OF SLAUGHTERED ANIMALS. The 11th paragraph under the heading entitled "Features Common To All Alternatives" on page 6 of the Summary simply states:

> "Slaughtered bison could be auctioned or distributed to social service organizations. Bison shot in the field may be released to tribes. Live bison will be available if they had completed the approved quarantine protocol."

There are several concerns raised by the attitude embodied in this summary the Cooperators need to address. The basic concern is that there will be a competition for scarce resources (harvested bison) and the mechanism whereby the Cooperators or a lead agency will decide how the animals are to be distributed is not delineated.

CONCERNS WITH HARVEST IN THE FIELD. The experience of the Nez Perce Tribe has been the state workers in the field shooting bison tend to sacrifice good shots to emphasize the harvest of more animals. Many of the animals retrieved were dispatched cleanly and efficiently. Many others were not. Members of the Tribe have retrieved animals that were shot in a manner commonly known as "gut shot" where the stomach or intestines of the animal were ruptured by bullets and the body cavity was exposed to the stomach contents or the fecal material in the intestines. Typically the shooters are in the field before daylight and the tribal members are led from a gathering place to the killing field after the shooting is over. Delays in cleaning a gut shot animal can cause some meat to spoil. Other animals had wounds in areas that produce the best cuts meat. As you are aware a bullet wound to a muscle results in a lot of bleeding and damage to the surrounding tissue rendering it inedible. While everyone would like an animal that has been cleanly killed we understand the conditions that people are working under. What does not seem appropriate is to reserve all the slaughtered animals for potential distribution to social service organizations or to auction them off rather than to make some available to tribes.

CULTURAL USES VS. INCOME FOR THE STATE. Without guidelines delineating how the bison harvested will be distributed, we feel cultural uses for these animals are pitted against the desire to raise funds from their sale. It is hard to understand this perspective when the Summary on page 19 recognizes tribal members in Montana have a lower per capita income than non-Indians, and that 46% of the tribal members in Montana live below the poverty line while about 17% of the non-Indian population suffers the same fate. In addition the unemployment rate among tribal members in Montana is 46% while the non-Indian people have a 2-5% unemployment rate.

PAST DISTRIBUTION. In the winter of 1996-1997 there were 1,084 bison harvested. Of that total 513 were killed in the field and retrieved by members of several tribes. The State Dept. of Agriculture did not differentiate between coordinating the distribution of animals through Tribal Governments or other organizations such as Native American Student organizations. Further Tribes with no historic ties to the Greater Yellowstone Area were considered for access to the distribution of carcasses.

When there is a compelling need for these resources among the Indian community and also a recognized cultural tie to animals, and the area they come from, and an expressed desire to devote the scarce resources available to retrieving the animals when killed in the field (the cheapest solution available at the time) it is hard to understand why the State chose to reserve roughly half the animals for distribution to outlets other than Tribes or for sale at auction. In the Summary (page 19) it is recognized that bison meat sells for nearly twice what beef does because it is considered a health food by some consumers. It is exasperating to see stories of Yellowstone Bison being sold at auctions and transported around the country for use in restaurants and elsewhere when the Cooperators also recognize the need, that the original owners have for this resource today.

The EIS needs to address the distribution issue because once capture facilities are developed it will be easier to round up live animals and ship them to slaughter. How can the Cooperators review this data and conclude the potential distribution of 720 bison carcasses over the next four years would have a negligible impact on tribes in the future. The Nez Perce Tribe feels the ability to receive animals has a significant impact on the Tribe, and the culture of the Nez Perce Tribe. The animals retrieved by Nez Perce people have revived a tradition that had likely not been exercised for a nearly century. It was a spiritual awakening for those that were able to participate.

CONCLUSIONS/ RECOMMENDATIONS :

It is hard for us to avoid the conclusion the Cooperators have judged the issues from a reference frame that does not include a tribal perspective. We believe the policies of the Cooperators commit the SEIS to, at the minimum, evaluate the impacts of the decisions of the Cooperators that are caused by this decision. How and to whom the bison harvested are distributed is certainly an impact to the tribes listed in the DEIS.

Animals should be distributed through coordination directly with designated representatives of tribal governments.

Harvested animals should be made available to the Tribes listed in the DEIS.

Harvested animals should not be auctioned off.

The formula for distribution of animals between Tribes or Social Organizations needs to be formalized. Because of the unemployment and the poverty surrounding

Tribes and the cultural ties to the region for the last several thousand years we recommend the Tribes receive 85% or more of the animals killed in the field or slaughtered.

The value to members of the Nez Perce Tribe of the slaughtered animals can not be considered to be simply the average price received at auction last year. The value should include at least the funds spent to make the trip and recover the animal(s). But it also very true the value of the animals to tribal members is not based on solely on economics. Many families that left the Nez Perce Reservation to retrieve bison drove two vehicles to Yellowstone with several family members to help. They typically stayed overnight in a motel, ate some of their meals at restaurants and in the late winter would communally rent snowmobiles to facilitate retrieval of the animals. Upon returning with large quantities of meat and exhausted from their efforts, often in near zero weather, and in one case a blizzard, many people chose to have their meat cut and wrapped. Additionally some people chose to have their hides professionally tanned to insure the hair remained on the hide. Many of the hides were between 65 and 75 square feet and the price for tanning was between $13.00 and $15.00 per square foot. One family had a bison head mounted and gave it to the Nez Perce Tribal Executive Committee (NPTEC) and it now hangs in the room where the elected leadership of the Tribe, NPTEC, holds its meetings. Obviously, based on the expenditures of individuals the value of the animals to them is alot higher than simply the auction price.

5. VALUE TO TRIBES OF RECEIVING LIVE AND SLAUGHTERED BISON.
RAVNDAL REPORT. When the interim management guidelines were developed, the National Park Service contracted with Virginia Ravndal to gather information regarding the cultural ramifications of the bison in Yellowstone from the Tribal perspective. The draft report Ms. Ravndal developed, which is referenced as being completed in 1997 on page 245 of the DEIS should be included in the appendices of the SEIS, especially since it was apparently never published. At the very minimum we would like to receive a copy of this draft report since we do not know what it contains regarding the Nez Perce Tribe.

The value of the animals alive and the impact of their progeny starting bison herds on reservations has not been considered but should be a part of the decision. The DEIS has estimates of the carcasses that may be available under each option but the number an estimate of the number of live bison the Tribes could expect to receive was not found.

CONCLUSIONS/ RECOMMENDATIONS :
The Cooperators must incorporate the cultural value of the bison to the Tribes.

The value of the bison alive to start other herds on reservations is not evaluated but should be.

The opportunity to start other herds on reservations is enhanced through the support and technical abilities the Intertribal Bison Cooperative makes available to Tribes. The value of this support contributes to the expected success Tribes would have with starting herds given live animals from Yellowstone National Park.

The Cultural section of the EIS needs to be expanded to portray the values of the bison to the tribes. If the Cooperators do not have sufficient information to complete this section we recommend you consult with Dr. Deward Walker, of Colorado State University regarding the significance of bison to Nez Perce people and contact our Cultural Resource Program to explore the possibility of conducting interviews with Tribal elders. The contacts with the elders would indicate how the bison is woven into the culture of the Nez Perce people. Of course the Cooperators are free to contact the staff of the Nez Perce National Historical Park in Spalding Idaho too. We would recommend contacting either Otis Halfmoon or Kevin Peters at Spaulding. Bob Chenoweth who manages the museum collections has said there are several items in the collections that are made from bison.

6. PREFERRED ALTERNATIVE BURDEN OF IMPLEMENTATION.
The DEIS minimizes impacts of the preferred alternative implementation to Tribes and maximizes impacts to cattle producers while placing the burden of the implementation on the Tribes and tourists and protecting the cattle producers and snowmobile enthusiasts. The language in the SEIS describing impacts to Tribes should address this imbalance.

VALUE AT RISK FOR CATTLE IS VALUE OF GRAZING NEAR PARK. The preferred alternative puts the burden of the change in management style upon the bison, the Tribes and the tourist industry in the area. None of the burden of the change is carried by the winter snowmobile users or associated support services or the people raising the estimated 2,019 cow-calf pairs in the region.

The Cooperators have evaluated the impact to the cattle industry of Montana if the State were to lose its brucellosis free designation. However, the DEIS does not compare the value of the 2,019 cow-calf pairs located near Yellowstone National Park with: 1) the value of the live bison (at $1,400 to $4,000 per head for live animals) and 2) the financial impacts of the potential decrease in tourist numbers or 3) the cultural and economic impacts to tribes based on implementation of the preferred alternative. There is no analysis that encompasses the value to Tribes of receiving live animals to start or augment bison herds existing on tribal. The argument is made that the value to the cattle industry of the proposed action is the value of all the grazing in the entire state since the brucellosis free status is what is at risk. In reality the cattle nearest Yellowstone Park, what the DEIS describes as 2% of the grazing in Gallatin and Park Counties, is the value that is at risk to create larger SMA's outside the Park for bison to winter on. It is the value of part of the 2,019 cow-calf pairs that should be compared with the impacts to bison, Tribes and tourists. creating larger or smaller SMA's would affect the amount of grazing by

domestic cattle still allowed adjacent to Yellowstone National Park. The SMA's or buffers as we prefer to call them would be increased in size through the use of easements, acquisitions and modifying grazing practices or operations as well as cattle vaccinations. The buffer would provide an area for bison to winter outside the Park and reduce the risk of transmission of brucellosis from bison to cattle, which has never been documented to occur, by diminishing the chance the animals would come in contact.

CONCLUSIONS/ RECOMMENDATIONS :
The manner in which the impacts and benefits of the alternatives are estimated is flawed and needs to be fixed.

The cost of keeping bison outside the Park is the cost of creating a buffer between the bison and elk and the cattle. In the preferred alternative the buffers near the Reese Creek area are small and the plan is to harvest bison leaving the SMA's. While the DEIS preferred alternative calls for the use of a quarantine facility there is no planned start up date for the facility. When the facility is opened bison testing negative may be held through the winter and released back into the Park in the Spring. Consequently the preferred alternative will result in bison leaving Yellowstone near Reese Creek being killed until the quarantine facility is built. Conversely, in alternative 2 and presumably in the ITBC/ NWF alternative the buffer areas are larger in the Reese Creek area, providing more winter range for bison and a greater chance larger numbers of bison will live to see the next season and return to the Park. What is at risk to create the larger buffer area is the limiting of season of allotment use or in some selected cases the elimination grazing near Yellowstone National Park on both private and federally managed lands, largely what is referred to as the grazing in Gallatin and Park Counties. The impact analysis should only include the value of <u>some</u> of the 2,019 cow calf pairs using this area rather than the cattle industry in the State because, it is only a portion of this regional industry that would be impacted in the ITBC/ NWF alternative or Alternative 2.

Conversely the impacts to Tribes of the small SMA's have been underestimated because, under the preferred alternative, without the quarantine facility bison will be shot in the field or captured and sent to slaughter regardless of whether they test positive or negative for brucellosis. The loss of the value of live bison distributed to tribes was not considered. The value to the Nez Perce Tribe of the bison killed was underestimated by using only the average value Montana received for the bison at auction.

<u>The Citizens' Plan to Save Yellowstone Buffalo</u> **states the U.S. Forest Service recieves roughly $5,000 for grazing on federal lands adjacent to Yellowstone in Park and Gallatin Counties. Fuirther they assert that the 2,019 cow-calf pairs are owned by 14 ranchers. We have a picture a large balancing scale in our mind with the 14 permittees and $5,000 and the value of the cattle raised in a season, together with several thousand snowmobilers and the snowmobile rental shops on one side of the**

scale and on the other side would be literally thousands of Native Americans from several sovereign Nations, the value of hundreds of live and harvested bison, the cultural impacts of reducing the bison herd in the Park, the potential to reduce the Park tourist numbers and the impacts that has on associated industries and the bison themselves and of course the prestige among Indian Country of the ITBC operating the Quarantine facility. We can not picture how the Cooperators ever picture this scale balancing.

7. BRUCELLOSIS IN ELK.
FEEDING PROGRAMS INCREASE INFECTION RATE IN ELK.
Elk are currently fed outside the park to maintain a large population of animals for recreational purposes and to minimize their interaction with cattle which also minimizes damage to hay crops from elk (and fences). Idaho has already decided to unilaterally stop feeding elk that leave the park for winter ranges outside and to harvest more animals to reduce herd sizes to reduce crowding and hopefully reduce the infection rate of brucellosis among elk leaving Yellowstone National Park and wintering in Idaho. While we are not aware of the scope of the Idaho feeding program for Yellowstone elk in Idaho is, the other feeding programs support a large number of animals. If all winter feeding of elk were to end as the National Academy of Sciences report indicates will be needed to reduce the rate of brucellosis infection in elk, then the impacts of reducing the herd elk herd size and the associated damages that will occur on lands adjacent to the established feeding stations must be evaluated. The DEIS is mute on the elk brucellosis infection except to say it will be evaluated in another decision document. We feel these decisions are linked and should be evaluated together; to evaluate them separately illegally segments the problem and the planning for the solutions under NEPA. The impacts of the decision to reduce the risk of transmission of brucellosis from bison and elk to cattle can not be evaluated in pieces but rather as one decision.

INFECTED ELK MOVEMENTS MAY DEFEAT BISON SMA's. The use of SMA's has been developed to restrict bison movements to minimize the possibility the elk and bison will come in contact. But the Cooperators have not evaluated whether the elk which exist in far greater numbers than bison and have been documented to have spontaneous abortions in the winter, pose the same risk to cattle as bison might or if the elk are also expected to stay within the SMA's move beyond the boundaries of the proposed SMA's.

HOW TO DEAL WITH INFECTED ELK. The Department of Livestock has empowered people to kill bison found own their private property. Will elk also be shot to minimize risk, whether or not they test positive for brucellosis just to prevent them from occupying the same areas as cattle? The ability of the infected elk to move at will while the bison are artificially restricted seems to defeat the purpose of creating the SMA's to limit the geographical area the bison could spread brucellosis within. Are we trying to reduce or minimize the risk of transmission of brucellosis from bison to cattle only to have the effort foiled by elk that travel the same routes as the bison but are allowed to winter on private

lands near cattle operations? The brucellosis infection in the elk population hinders the effectiveness of any alternative to manage bison alone to meet the Objectives of this DEIS.

CONCLUSIONS/ RECOMMENDATIONS :
Winter elk feeding programs maintain elk populations at artificially high levels within and adjacent to Yellowstone National Park. Various public agencies maintain the feeding programs because :

a) The programs are popular with the public for a variety of reasons.
b) The feeding programs maintains the elk population at a level higher than possible without the programs.
c) the feeding programs concentrate wintering animals and therefore minimize damage to adjoining private property.

The DEIS does not address the impacts of the winter feeding program, especially the impacts created by facilitating a higher brucellosis infection rate among elk, or the impacts of stopping the winter feeding program. The SEIS should evaluate these concerns.

There is no reason to kill or round up and slaughter bison leaving the SMA's, if the infected elk are allowed to leave the SMA's and mingle with cattle. The elk migration impact on the attempt to manage risk of bison to cattle transmission of brucellosis needs to be evaluated in the SEIS.

Differences in difficulty between the capture and testing of bison and capture and testing of elk for brucellosis will need to be analyzed.

While elk, as bison, have not been documented to transmit brucellosis to cattle, there is a perceived threat as there is with from the brucellosis infection in the bison herd and the Idaho Department of Fish and Game has started to address that risk through addressing the brucellosis infection in elk that winter adjacent to Yellowstone National Park in Idaho. Since the elk herd in the Greater Yellowstone Area is estimated at more than 50 times the size of the bison herd doesn't the greater numbers translate into a higher risk for transmission than with bison? The elk and bison infections are linked through the NAS report and decisions regarding brucellosis management in both can not be segmented. The analysis should happen in the SEIS.

What are the recommendations for handling infected elk? How will they be captured and tested? What are the impacts of manipulating the elk population on the Tribes, the tourist industry, the impacts the impacts to the visual resources. The elk population goals (herd size and composition has not been discussed.

The brucellosis infection in the elk will hinder the effectiveness of any alternative selected. How much of an impact the infection in the elk population will have has not been analyzed. According to the National Academy of Sciences report the

infection in the elk population will prevent the Cooperators from attaining objective four of the DEIS.

8. BALANCING THE BURDEN OF THE IMPACTS OF THE PREFERRED ALTERNATIVE.
IMPACTS OF THE CURRENT PREFERRED ALTERNATIVE FALL ON A SMALL SEGMENT OF THE PUBLIC WHILE THE BENEFITS ARE REAPED ECONOMICALLY BY A FEW. Reading the DEIS we are struck by the feeling there is no advocate for bison among the Cooperators. The perspective we receive in the preferred alternative is that the bison population will sacrifice for the greater good of the statewide ranching community. Tribes readily identify with this situation. There would not be a statewide ranching community without the grazing lands that were obtained through treaty from Tribes. And yet the lands obtained are not enough. Now bison in the park need to be managed to minimize a threat to the statewide cattle industry. This threat didn't even originate with the bison but was most likely introduced with cattle brought from Europe. So the bison herd, the Native Americans who would benefit from the bison and the national and international tourists all will be negatively impacted to the benefit of the owners of 2,019 cow- calf pairs that some believe are owned by only a few people. It is also anticipated the winter snowmobile activity would not be disrupted by the preferred alternative. A decision to place the burden of the decision on the bison and not share the impacts/ costs with the cattle or winter recreation industry, appears to be a political solution especially when the impacts are compared to the return to the owners of the National Forest for the grazing of domestic cattle.

RECOMMENDATIONS/ CONCLUSIONS:
The return for grazing cattle on the National Forest is relatively small in terms of dollars. The return is not balanced against the estimated worth to tribes of getting bison out alive and to reservations. The impacts should not be focused on the Tribes and the bison and those that appreciate the visual resources. They should be spread across the spectrum of stakeholders instead of shared by a few. Creating larger SMA's that are likely to be more effective, but will require changes to grazing practices on federal lands, is an example of how the Nez Perce Tribe would expect the Cooperators to shift some of the burdens of the preferred alternative to the other stakeholders.

9. SEROPREVALENCE.
HOW CAN SEROPREVALENCE CHANGE WITHOUT A VACCINE OR AN EFFECTIVE DELIVERY SYSTEM?
Page 13 of the EIS summary. The DEIS Summary in Chart 3 page XV states seroprevalence would be 0% after completion of capture, test, and slaughter operation by 2013. The Chart shows a zero infection rate @ year 2011. The National Academy of Science states on page 13 of the summary of their report states that the bison will not be rid of brucellosis until there is an effective vaccine and a delivery system. Even this does not account for re-infection from other sources such as elk or predators having fed on

infected bison. The predicted seroprevalence is derived solely from a model output that does not account for the fact an effective vaccine for bison does not exist at this time. The review by the NAS says the model output is not technically possible.

RECOMMENDATIONS/ CONCLUSIONS :
The DEIS contains a chart predicting the measurable change in seroprevalence in bison in Yellowstone as a result of the use of a vaccine. There is no vaccine in existence for bison. While the effects of a vaccine can be predicted the decision to be made by the Cooperators should be based on the tools available at the writing of this decision document and available to implement this plan this winter. Chart 3, page xv should be deleted from the plan. The focus of the management should be the management of risk by the separation of bison and cattle and the vaccination of the cattle existing adjacent to the Yellowstone Park.

10. EXISTING CAPTURE FACILITIES.
WERE EXISTING CAPTURE FACILITIES APPROVED THROUGH A NEPA DOCUMENT? The No action alternative includes capture facilities. Were the development and operation of capture facilities inside Yellowstone National Park subjected to NEPA review within the interim operating plan ? If not, it is unreasonable to grandfather the capture facilities into the No Action alternative.

WHAT HAS BEEN THE EXPERIENCE OF OPERATING THE QUARANTINE FACILITY FOR THE WINTER OF 1997-1998?
The Superintendent of Yellowstone National Park decided on November 27th of 1997 that the changes to the Interim Management Plan to change the Stephens Creek facility to "selectively" hold animals that test negative for brucellosis through the winter and move them back to the Park in the spring.

RECOMMENDATIONS/ CONCLUSIONS :
According to the action by the Yellowstone Park Superintendent on pages 327-328 of the DEIS the changes to the interim management plan did not require additional analysis under NEPA. If the capture facilities inside Yellowstone National Park were not evaluated in a previous EA or EIS their impacts should evaluated in the SEIS rather than simply included in the No Action Alternative.

One of the changes in bioson management for the winter of 1997-1998 was the inclusion of the provisions to capture animals in the Reese Creek area, test and then hold animals for the winter that tested negative, so they can be released in Yellowstone in the Spring. The facilities developed to support this effort sound like the precursor to the Quarantine Facility mentioned in the DEIS. How many animals were captured? What sex and age were they? How many tested positive and were slaughtered and how many tested negative and were held through the winter and released back to the Park in the spring time? Where is the holding facility located? How many animals can it accommodate? What are the provisions

for keeping the animals testing negative separate from new animals caught in the trap? These holding facilities should be likely be considered, at least temporarily, for the quarantine facility for the upcoming winter. It needs to be described and included in the FEIS discussion.

11.. EFFECTS OF ROAD CLOSURES ON BISON.
GATHER DATA REGARDING THE IMPACTS OF GROOMING ROADS IN THE WINTER INSIDE YELLOWSTONE NATIONAL PARK. Alternatives 2 & 3 are the only options to consider researching the effects of road closures on bison. Like the vaccine that has not been created yet but is a part of every alternative the need to research the effects of closing some roads to winter traffic should be a part of every alternative. It is again a question of balance. On page 359 of the EIS selected portions of the National Park Service Management Policies of 1988 are listed.

> **Chapter 4:5** states, "Management emphasis will be on minimizing human impacts on natural animal population dynamics."
> **Chapter 4:6** states : "Unnatural concentrations of native species caused by human activities may be controlled if the activities causing the concentrations can not be controlled."

Both of these policy statements indicate that if there are impacts of the winter snowmobile use on the bison population, Yellowstone National Park is obligated to attempt to change the snowmobile use patterns at the minimum to relieve the impacts on the bison population. To understand the impacts, if any, they must first be studied. Therefore, the first step is to include the research effort in all the alternatives.

RECOMMENDATIONS CONCLUSIONS :
National Park Service Policy commits Yellowstone National Park to evaluating the impacts of the winter grooming of roads and the attendant snowmobile use upon the bison and other wildlife populations. Further the Park Service is committed to taking action to minimize any detrimental impacts that are documented to wildlife from recreational activities. Since the Cooperators have committed in the Objectives to recognize the policies of all the Cooperators, each alternative of the FEIS should contain the commitment of the National Park Service to gather data documenting the impacts, if any, to bison of winter grooming of roads and the snowmobile use the grooming facilitates.

12. THE SMA'S RELATIONSHIP TO MODIFICATIONS OF GRAZING ALLOTMENTS ON THE NATIONAL FOREST.
MODIFICATION OF GRAZING ALLOTMENT TERMS ENHANCES SMA'S EFFECTIVENESS AS BUFFER BETWEEN BISON AND CATTLE.
Alternative 2 is the only alternative to focus on using modifications of the National Forest Grazing allotment terms to enhance the buffers created by the SMA's. The enhancement

of the buffers created by the SMA s give some measure of security that a plan will work in the absence of a vaccination program and the lack of development of a quarantine facility. When we review Alternative 7 and find no SMA buffers in the Reese Creek area, an area bison have used the last few years to leave Yellowstone, we are left to conclude the buffer will be effectively created by the operation of the trapping facility now in the Stephens Creek Area or the destruction of bison as they leave Yellowstone. Alternative 7 calls for acquisition of winter range north of the park in the future and a development of a quarantine facility some time in the future, but until those options become a reality, all animals captured in the Reese Creek area will be slaughtered, regardless of whether they test positive or negative until the population decreases to 1,700 animals. At that point animals testing negative **might** be held until spring and then released back into the Park. Where they will be held and how is not specified. But even at the low population level there is still the commitment to continue to slaughter animals that test positive. The alternative, in the absence of the vaccine and the quarantine facility, seems to rely heavily on capture and slaughter for creating a buffer between bison and cattle in the Reese Creek Area. The preferred alternative appears to rely on animals not leaving the park as the population is reduced toward 1,700 animals to end the slaughtering of animals that test positive. This does not address Objective 7 found on page vii which is to maintain a viable population if alternative defines 1,700 animals as a viable population.

RECOMMENDATION/ CONCLUSION :
The SMA's are needed to provide an amount of winter range outside the Park while also creating a buffer between bison and cattle in time if not in space. With no vaccine the preferred alternative relies on trapping and slaughter to keep bison from mixing with cattle and therefore confined to what is a relatively small SMA adjacent to the Reese Creek area. The SMA adjacent to Reese Creek represents a small portion of the area used by the bison as winter range. The SMA appears to have been artificially truncated to avoid private land near Gardiner. The SMA needs to be expanded and the grazing allotments immediately adjacent to the SMA on the National Forest lands need to be modified to have later turn out dates to maintain the buffer between cattle and bison.

The purchase of private lands needs to focus on the migration routes from the Reese Creek Area to the area outside the Park.

Emphasis must be placed on establishing the location and development of the Quarantine facility for the bison or else the animals caught near Reese Creek that are not infected will be captured and slaughtered according to the terms of the preferred alternative.

13. TRIGGER FOR PHASE 2. We did not encounter the description of when "phase 2" is expected to be initiated or what would trigger it's implementation. We could not discern why some features of the management plan were relegated to a second phase rather than being included in phase one.

RECOMMENDATIONS/ CONCLUSIONS :
The expanded SMA suggested for the Reese Creek/ Yankee Jim Canyon as part of the Phase 2 action should be incorporated into Phase 1. It is important to the Tribe to attempt to maintain the bison population based on the relationship of the bison to the capacity of the winter range to support them rather than artificially set limits based on SMA's that are known to be smaller than the winter range used in recent years. We strongly believe this can be accomplished while also reducing the risk of transmission of brucellosis between cattle and bison by separating the animals in time and space through the use of the SMA's. Smaller SMA's and a commitment to slaughter bison outside the SMA means in winters with more snow means more bison will be trapped or shot.

When management guidelines conflict as they invariably will do, there is always a question of which criteria in the plan prevails over the others. We are very concerned that the commitment to trap and shoot bison outside the SMA's is a stronger commitment in the preferred alternative, than the commitment to not allow the population to dip below 1,700. The plan appears to be based on the supposition that a bison herd that nears the 1,700 animal level will remain inside Yellowstone National Park. We have not seen any data to support this supposition, especially with the advent of grooming of roads in the winter for snowmobile use. The plan does not evaluate the impact of winters with deep snow forcing more animals than expected outside the Park.

14. ANALYSIS OF COSTS
ALTERNATIVES WITH CHEAPER ANNUAL OPERATING BUDGETS THAN THE PREFERRED ALTERNATIVE ARE AVAILABLE. The annual operating costs of Alternative 2 (summary page 73) are roughly 25% of the operating costs quoted in the preferred alternative (summary page 111). Both options arrive at the same result which is to reduce the risk (for this planning period) of transmission of brucellosis to cattle. Why did the cooperators choose the preferred alternative number 7 which has an estimated annual operating budget of over $2.2 million dollars and not Alternative 2 which has an annual operating budget of roughly $580,000? It appears that the burden of implementing the change is being placed upon the bison and the Tribes and the tourists that enjoy seeing the bison and now the taxpayer while the few people adjacent to the Park that graze livestock are being protected and not asked to make any sacrifices. The taxpayer is asked to pay a higher price than needed to protect the cattle industry in Montana. From an economic standpoint this is not justifiable and it is also clear it is not a reasonable decision.

The alternatives do not attempt to evaluate the cost of the lost opportunity of the Tribes to receive carcasses and especially do not evaluate the cost to the Tribes of receiving live animals and the herds, and jobs and social ramifications within Tribes that would be generated on reservations receiving live bison from Yellowstone, or the public assistance that might not be needed if Native Americans were able to obtain bison and start herds of

their own. The inability to receive live animals is never measured in terms of cultural impacts.

RECOMMENDATIONS / CONCLUSIONS :
The following series of questions are <u>not rhetorical</u> in nature. They are real questions aimed at trying to obtain a better understanding of how wide spread the brucellosis transmission concern is. Are bison in Montana only in question or are bison in other States a concern? Are there infected bison leaving the park to spend the winters in areas to the east or south of the Park? Do the cattle grazing allotments near Yellowstone, on lands managed by the U. S. Forest Service, ever stray into Yellowstone? Is there interchange between the bison population in Yellowstone and other bison populations outside the Yellowstone National Park? If we assume elk, bison and cattle can all function as vectors to disperse brucellosis then the SEIS should have addressed the impacts of elk, infected with brucellosis, leaving Yellowstone to spend the winter in Idaho or Wyoming as potentially exposing the cattle or bison or other elk populations, to the risk of contracting brucellosis.

Alternative 2 has the same benefits as alternative 7 but has 75% lower operating costs. Over long periods of time, projects with higher startup costs and lower annual operational costs are always cheaper than projects with higher annual operational costs. The difference in land costs between alternative 2 and 7 is $15 million dollars. Since the alternative 7 operational costs are roughly $1.6 million dollars higher per year than alternative 2 yearly costs it will only be about 9.4 years before the cost of alternative 7 will exceed the cost of alternative 2. What is the justification for picking the more costly option (7) as the preferred alternative over more cost effective alternatives such as alternative 2?

The issuance of an SEIS is an opportunity to develop and issue the impact analysis that contains the cost to tribes of not receiving live bison unless the quarantine facility is operational this winter. The cost analysis should include the losses of not obtaining bison that test negative from Yellowstone and the opportunities lost to augment or start herds on reservations with those animals.

The analysis should also indicate why the Intertribal Bison Cooperative, who has consistently expressed an interest in operating the quarantine facility was not considered as the operator. The SEIS containing the ITBC/ NWF option should include the ITBC as the quarantine facility operator.

The analysis in the SEIS should reconsider the basis for the costs of determining the lost opportunities which were calculated to figure the loss to tribes of not retrieving the bison carcasses or being able to receive some of the slaughtered animals. The average cost paid at auction does not represent the worth of the animals to the Nez Perce people because it does not incorporate what Nez Perce people spent to have the chance to recover animals. One group of Nez Perce arrived in Gardiner as a

warm weather front moved in, the bison returned to Yellowstone and after two days of motels and restaurant meals the group returned home empty handed.

15. CULTURAL IMPACTS.
On page 300 of the DEIS there is a request for Tribes to attempt to articulate the impacts to their tribe of the specific impacts of each alternative. The following is our attempt to delineate the impacts as specifically as we can. However, we still expect the Cooperators to further research the potential Nez Perce cultural impacts with the references we have supplied and other resources available, rather than simply rely on this statement.

The members of the Nez Perce Tribe that have been able to travel to the Greater Yellowstone Area to retrieve bison carcasses these last few years have been deeply moved by the experience. Many people felt a deep spiritual connection with ancestors they did not realize existed although they knew from the oral tradition the Nez Perce had crossed the Bitteroots to hunt bison. To live the opportunity was much different than to hear about it.

The DEIS documents the archeological resources in Yellowstone have not been explored in depth. But the record unearthed so far shows involvement with the area by the region's tribes for thousands of years. The Nez Perce Tribe feels that record likely involves their ancestors based on oral history of the Nez Perce pursuit of bison in Montana, the Blackfoot Treaty recognizing the Nez Perce right to hunt bison and the records from the Nez Perce War regarding the travel through the region then on what has become known as the Nez Perce Trail. The Nez Perce, after obtaining the horse in the early 1700's, became increasingly mobile. Archeological records from Idaho show that Bison were fairly common in the area near the confluence of the Snake and Clearwater Rivers for differing periods time. It is believed that bison existed here during periods of higher rainfall and were eliminated from this region as the climate became drier. We convey this information to simply reaffirm the Nez Perce were familiar with bison and sought them out through travel to Montana after they were no longer available in this region. The Nez Perce living in the vicinity of Kamiah, Idaho under the leadership of various chiefs were known to travel to Montana and stay for months at a time enjoying hunting and eating bison as well as curing hides and renewing acquaintances.

The National Park Service and the Nez Perce Tribe have worked together for many years to build the Nez Perce National Historical Park, which is managed by the National Park Service. Some early photos kept in the collections of the Nez Perce National Historical Park Headquarters in Spaulding, Idaho show some Nez Perce even abandoned the tradition of covering their shelters with tule mats and adopted the Plains tradition of using bison hides for coverings. It is apparent the Nez Perce were still accessing the bison resource in a fairly substantial manner when the pictures were taken which affirms the importance to the Nez Perce Tribe to be included in the treaty regulating the harvest of game in the area south of the Blackfeet treaty territory.

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While America has adopted the bison as a cultural icon the Nez Perce have held bison in a position of significance for hundreds of years and have relished the opportunity to access them for both consumptive and non-consumptive uses. If bison populations in and around Yellowstone were to be diminished to a point where opportunities to view them as a dominant part of the Yellowstone landscape were impacted, our experience of visiting the Park as a place of spiritual rejuvenation, a place where the animals still roam free, then our cultural experience, would be diminished.

We find the activities expected to be used to mark bison as having been vaccinated from the air, offensive. It is not part of a free ranging herd to have bison with peroxide or paint stripes on their hides or tags on their backs. Signs that the animals have been intensively managed and handled many times reduce the animals from that of a free independent being to something less. If the commitment of the plan is to maintain a free ranging herd of bison inside the Park, then some better ways of obtaining data from the animal must be used.

The Nez Perce Tribe has been involved in Gray Wolf Recovery in Idaho for the last three years. When asked what it meant to the Tribe to have wolves back in the region again, Mr. Charles H. Hayes, a past leader of the Tribe, said it was like reviving a conversation that had been broken off long ago. Culture is a living breathing thing. It changes and evolves with each new generation that emerges. But it is impossible to have a rich cultural experience without the signs and symbols that you associate with your culture. This can be equated with the icons you would see in any church in the land, such as candleholders, altars, or statues. We need to have access to bison meat, bison hides, heads and skulls, ribs and tails and all the other parts of the animal that can be used to make the things we use, as Nez Perce in today's world. Many of the things we need to live traditional lives are in short supply because they get in the way of economic development. For example the anadromous fish that used to populate the tributaries of the Columbia River are nearly gone, victims of ocean over fishing and the hydroelectric power development in this region and the Columbia River. The cheap electric power that made the Northwest economy grow has also helped to rob us of our cultural heritage. Today we feel we are in competition with other economic interests to maintain opportunities to have bison much as we are locked in the same battle to save salmon. These economic pressures will press to diminish the bison herd in Yellowstone because they are convinced the bison threaten their interests, their way of life. We are just as convinced that to save their way of life they are asking us to end ours. We need the free roaming bison in Yellowstone as a cultural touchstone, a reminder of a way of life that was, and is carried on in us today. We need herds of bison in Yellowstone that produces excess animals we can access both as live animals and as harvested animals. We desire to have live animals to start herds on our reservation where we can be responsible for and manage the bison resource.

Live bison coming from Yellowstone to Nez Perce country means to us what the elimination of the threat of Brucellosis means to the cattlemen in Montana: food, sustenance, jobs, income and a way of life. The related long term impacts, we expect to

see, from receiving live bison would be : new jobs in managing the bison and in production of related products from hides, skulls etc. by artisans, pride in ownership, regional recognition as a bison producer, potentially better health, less need for public assistance as people enter the work force as jobs are created, income for Tribal government to address the needs of its people. Additionally funds from the sale of bison meat and products would be expected to be largely to people outside this region which would bring funds into the region where it would benefit the regional economy by adding a new industry and jobs which would support more spending with local merchants for goods and services.

We do not understand why the Federal Government, through the actions of the National Park Service and APHIS, can abuse their trust responsibility to the Nez Perce people by asking the Native Americans to sacrifice our values so a small percentage of the ranching community can proceed with business as usual and so snowmobilers have the use of the roads in Yellowstone. The decision should show some balance by spreading responsibilities among the stakeholders rather than focusing them on the bison, the Tribes, the tourists and the taxpayers.

RECOMMENDATIONS/ CONCLUSIONS :

The benefits of the preferred alternative are bestowed on a small number of ranchers that graze cattle adjacent to the Park. *The Citizens' Plan to Save Yellowstone Buffalo* has reported that there are only about 14 allottees on the National Forest that would be affected by enlarging the winter ranges available to the bison outside but adjacent to Yellowstone. The value of the federal grazing leases (approximately $5,000) has never been in the fees the people pay to the federal government but in the value of the livestock supported on the leases. In this case less than 2,019 cow calf pairs. But the preferred alternative in the DEIS exempts this group as well as the snowmobile riders and rental agencies from suffering any of the responsibilities of the implementation of this decision. The burdens of the implementation of this decision are placed on the Tribes who will be economically, as well as culturally impacted, the bison themselves, the tourists and the taxpayers who are being asked to pay for a more expensive solution than is required to address the issues. No attempt has been made by the Cooperators to share the burden of the implementation of the preferred alternative among the stakeholders. This needs to change before the FEIS is issued.

The ITBC/ NWF, 7 point alternative, spreads the burden of implementation among the stakeholders which is one more reason why the alternative must be analyzed and included in a SEIS.

It is in the Nez Perce Tribe's interest to see the bison population in Yellowstone maintained at or above current levels by using winter range, in the form of SMA's, outside but adjacent to Yellowstone National Park. With bison populations at current levels or returning to the levels recently existing in Yellowstone it is reasonable to expect continued opportunities to easily see large groups of animals in

Yellowstone as well as the continued opportunity to receive live or harvested animals from Yellowstone. If the population were reduced the opportunities to access bison will likely diminish and the cultural landscape of Yellowstone will likely change also.

The DEIS on Page 234, under the Impacts to Livestock Operations section within the heading Impacts Common to All Alternatives states: "examples of activities esigned to ensure that bison management reduces the risk of transmission : ... actions that reduce the numbers of bison". While there are three activities cited in this section that reduces the risk of infection among cattle, two involve the destruction of bison. While we agree the destruction of bison will certainly limit risk of brucellosis transmission to cattle we are concerned this will become the cornerstone of the risk reduction program in the preferred alternative, especially in the absence of a quarantine facility. We believe the federal government policy supports the development of a preferred alternative that spreads the risks and burdens among the stakeholders in this decision rather than focusing the burdens on the tribal and tourist interests. The development of the SEIS to analyze the ITBC/ NWF alternative and revise the impacts to Tribes will allow the Cooperators an opportunity to review these concerns before a FEIS and decision are issued.

16. QUARANTINE FACILITY.

ITBC MANAGEMENT OF THE BISON QUARANTINE FACILITY. The ITBC request to develop, support and operate the quarantine facility has been ignored. The DEIS places APHIS in the role of the operator of the quarantine facility. No reason is given why ITBC management of the quarantine facility was not considered. The ITBC has the expertise to manage this facility and should strongly be considered as its operator. One of the immediate benefits of ITBC involvement would be the partnership with the National Wildlife Federation and the fundraising possibilities they posses between the two organizations. We believe, if they were given the chance they would be able to establish much of the facility without funds from the Cooperators. An opportunity to save taxpayer funds should not be taken lightly. In a SEIS the option to have the ITBC manage the quarantine facility must be considered.

RECOMMENDATION/ CONCLUSIONS :

The use of a quarantine facility has been championed by the ITBC. The ITBC has proposed that it manage the facility. ITBC management of the quarantine facility has not been considered in the DEIS. Further there is no reason offered why the proposal has not been considered further. The SEIS should contain the 7 point ITBC option and also as a part of that option evaluate the option of the ITBC managing the quarantine facility.

17. COMPARISON OF IMPACT ANALYSIS.

IMPACTS ON LIVESTOCK OPERATIONS. Under the heading, " Methodologies for Analyzing Impacts" on page 233 of the EIS there is this statement : "As required by NEPA regulations, both direct and indirect impacts on livestock operations are analyzed."

Socioeconomic Impacts. On page 245 of the EIS under the heading Summary of Regulations and Policies, the following statements are made: "National Environmental Policy Act Regulations require analysis of social and economic impacts resulting from proposed major federal actions in an environmental impact statement." In addition, Executive Order 12898, dated February 11, 1994, on Federal Actions to Address Environmental Justice in Minority and Low-Income Populations, requires federal agencies to assess the impact of actions on cultural minority and low-income communities.

On page 300 of the DEIS under the heading of, Impacts Common to All Alternatives, the following statements are made:

> "The specific significance of bison in tribal life varies from tribe to tribe. To adequately assess the impacts, it is important that representatives of each tribe articulate specific impacts on their tribe of the alternatives. Their comments will be incorporated into the final document."

DESCRIPTION OF IMPACTS TO GRAZING COMMUNITY AS CONTAINED IN THE DEIS. It is insulting to have the Cooperators recognize the policies above in print, recognize their responsibilities under federal guidelines, fulfill those responsibilities to the grazing community and not even make an attempt at meeting the required analysis for tribal concerns. As it says above "both direct and indirect impacts on the livestock operations are analyzed." Under the discussion of the impacts to livestock operations contemplating conversion from a cow-calf to steer or spayed-heifer enterprises the following conclusion is reached :

> " Even with governmental incentives, most producers would likely balk at making the conversion, in essence, to a new type of livelihood within the livestock industry. Although their cattle would no longer be susceptible to brucellosis, it would be questionable whether this benefit would adequately justify for many producers the monetary and non-monetary costs that conversion would entail. The amount of compensation that would be required by producers to convert from cow-calf operations could range widely, since each producer would differ in his perception of risks posed by bison and the personal satisfaction gained from raising calves. Some producers might be willing to convert at reasonable cost to the public, but others could be expected to refuse all reasonable offers."...
> "Clearly it would be a voluntary decision, and, therefore, producers would only agree to conversion of their operations if they found the level of compensation acceptable."

DESCRIPTION OF IMPACTS TO THE NEZ PERCE TRIBE MISSING FROM THE DEIS. Based on the above-quoted wording from the section on impacts to cattle, the Nez Perce Tribe would expect the new SEIS to include language similar to that describing the cattle impacts describing the impacts of all the alternatives upon the culture and

heritage of the individual Nez Perce Tribal member. We would expect something close to the following: " With governmental incentives for each of the enrolled members of the Nez Perce Tribe, to help them adjust to the lost opportunities of not having bison (live animals to export to the Nez Perce Reservation or the abundance of animals enjoyed in the Park) and the related cultural strife that will cause, some members may choose to try and adapt, if an adequate amount of compensation would be made available to individuals to assist them in replacing the cultural experience the bison represents to them (be it hides, heads, meat and the by-products from local sources or the opportunity to visit larger herds of bison on other reservations). Since each individual member of the Tribe holds bison in different esteem some may choose to accept adequate monetary compensation while others would be expected to attempt to support the continued ability to access bison through taking animals from the traps within or adjacent to Yellowstone National Park or from National Forest Lands surrounding Yellowstone National Park. Clearly it would be a voluntary decision on the part of each and every member of the Tribe each would have to make. Since some members of the Tribe derive great personal satisfaction from visiting the Park and seeing bison or from the harvest and/or management of live bison they may be expected to refuse compensation at a reasonable price."

While we do not really expect the previous paragraph to make it into the SEIS we do hope that by using it we can point out to the Cooperators that the language used to weigh the impacts of the alternatives is very heavily weighted toward fully describing the impacts to a small portion of the cattle producing community and minimizing impacts to a large number of Native Americans, who are members of several Sovereign Nations, whose cultural heritage has been intertwined with the Yellowstone area and bison in general for thousands of years.

IMBALANCE OF IMPACTS AMONG STAKEHOLDERS. But even beyond the language and terms used in the impact analysis, we are gravely concerned there is no attempt to balance the impacts of the preferred alternative among stakeholders. The cattle producing community and the snowmobile industry and enthusiasts receive the benefits and everyone else, especially the Native American community and Nez Perce interests, lose. The need to eradicate brucellosis stems from the desire to protect the cattle ranching community. The plan is to compensate them for impacts if there is a need to change their operations, and yet the EIS requests Tribes to submit their concerns so they can be analyzed. The imbalance in the approach to making this decision is compounded by the Cooperators reluctance to incorporate what essentially is the "Tribal" option as submitted by the ITBC and the NWF.

NO CONSIDERATION OF THE "TRIBAL OPTION". If the Cooperators issue an SEIS containing the analysis of the ITBC/ NWF proposal, the cultural impacts to Tribes of all the proposed alternatives, the impacts of receiving live bison and the updated evaluations of the Tribal perspective of the value of carcasses, the Tribes and public will have an opportunity to review and comment on the analysis before a decision is issued. If the required review is included in the FEIS there will be no opportunity to comment on

the analysis. The reasonable course is to answer the questions raised through the issuance of an SEIS.

If the SEIS were to analyze the cost to the Nez Perce people of not being able to start a bison herd with some of the animals that will come through Reese Creek and test negative, but be slaughtered because the quarantine facility is not operational this winter, the losses to the Nez Perce would be clearer.

If the analysis included the future benefits and opportunities the Nez Perce Tribe will not enjoy because of the inability to obtain live bison from Yellowstone because the quarantine facility, approved with the decision, but not constructed or functional when the Record of Decision is made, the impacts to the Nez Perce Tribe would be clearer.

If the analysis included the cost the Nez Perce people have incurred to retrieve and preserve bison rather than just the average cost of an animal at auction the impacts of lost opportunities to Nez Perce people to recover harvested bison would be clearer.

If the analysis of cultural impacts included the uses the bison are put to rather than simply a monetary value of the hide or meat then the cost of the lost opportunities to the Nez Perce people would be clearer.

How can the Cooperators recite the policies and legislation they are bound to follow and then so blatantly exhibit their disdain for the Nez Perce and Native American perspective, let alone the cultural impacts to tribes of the preferred alternative while embracing the values of the owners of the 2,019 cow-calf pairs? The trade off being made within the preferred alternative, to minimize the impacts created by this decision to the owners of the cattle and the snowmobile recreation while placing most of the burden of this decision on the tourists and the bison and the Tribes if not the taxpayers of the nation, is not reasonable and does not follow federal guidelines.

RECOMMENDATIONS/ CONCLUSIONS :

Care must be taken to review and edit the impact analysis language to use consistent descriptions of potential impacts instead of describing some while ignoring others. It is not reasonable to quantify some impacts and not even analyze others.

The ITBC/ NWF or what we are calling the "Tribal" alternative must be considered. It is a unique option that balances the impacts of the decision among the stakeholders in a way none of the other alternatives do. An SEIS is clearly the easiest way to remedy what we believe to be some fatal shortcomings within the DEIS.

Both direct and indirect impacts of the decision to Tribes must be considered. The indirect impacts must consider the impacts of Tribes receiving live bison from Yellowstone National Park and the impact their offspring could have.

While we have focused much of our discussion on the monetary end of some of the impacts in order to help the Cooperators see the impacts from another vantage point it does not mean the Nez Perce Tribe feels the cultural impacts of this decision are less noteworthy. It simply means that we, like the Cooperators, find it difficult to put a price tag on what it means to Nez Perce people to be able to see and spend time among lots of groups of bison in the Park. It is hard to put a price tag on an experience that puts you in touch with a way of life your great grandfather enjoyed, a way of life we are not always able to follow today. It is hard to envision having the same experience with a group of animals that have peroxide bleach streaks or paper tags hanging off them or are festooned with multiple brightly colored ear tags. Aspects of the preferred alternative that detract from the Nez Perce ability to see, communicate with and visit wild and free animals will diminish the cultural experience sought. This must be incorporated into the SEIS analysis.

18. TAGGING AND MARKING ANIMALS.

PEROXIDE BLEACHING. Once a vaccine is developed there is mention of using paper tags and or peroxide to mark animals so they can be recognized as already vaccinated as well as ear tags for those animals caught in traps and vaccinated. While we have hope for the vaccine we also have hope that the system eventually settled on for recording which animals have been vaccinated can be relatively unobtrusive, such as small ear tags whose color does not contrast greatly with the animals. But bleaching animals' fur, attaching paper tags and brightly colored plastic ear tags will detract from the objective of having a free roaming herd, from our perspective. It is hard to feel they are free if they are decorated with so much evidence of their recent capture and handling.

RECOMMENDATIONS/ CONCLUSIONS :

The Nez Perce Tribe is familiar with several remote monitoring techniques for recording fish as they swim through fish ladders. Most of the techniques like adipose fin removal, or coded wire implants, do not detract from the appearance of the fish or give you a feeling the fish is less than free and wild although we know the adipose fin clip designates the fish came from a hatchery and the clipping is done by hand. We feel, when the brucellosis vaccine for bison and elk becomes available there must be some ways of documenting the animals that have received the vaccine without being as obvious as the peroxide bleach, paint or paper tag proposals. Seek alternative methods of documenting the delivery of the vaccine to the animals.

19. DISTRIBUTION OF BISON

DEIS VALUES OF BISON. The DEIS predicts 103 bison would be slaughtered each year under option 1. On page 246 under the evaluation of impacts there is a conclusion that the impacts to tribes of the donated 58 carcasses @ $337 an animal (auction receipts average) will provide a negligible benefit in the context of the overall food needs of the tribe. Again this is a problem of perspective, "Negligible benefit" is in the eye of the beholder. We would first question why half the bison carcasses were reserved for auction

or social organizations. The public needs to know the basis of the decision being made; to harvest bison in the field, which are made available to tribal members and when animals are captured and taken to slaughter where they have been auctioned or provided to social organizations, so they can comment on the criteria the decision is based upon.

During the winter of 1996-1997 the total number of animals distributed by either method was roughly the same. We are unaware of any explicit policy analysis behind this distribution method. What is the reason the bison are auctioned at all? The DEIS recognizes the average tribal members in Montana are more likely to live below the poverty line, make half of the per capita income of the other residents of the state and suffer higher unemployment. If many of the bison slaughtered go to social organizations for feeding people in need, why don't tribes receive the bulk of the animals harvested?

SIGNIFICANCE. From the Nez Perce perspective the opportunity to have even one animal a year is significant. We want to impress upon the Cooperators that a centuries old Nez Perce tradition was broken with the end of the Nez Perce travels to Montana to harvest bison. Any opportunity to rekindle those spiritual and cultural ties is significant to the Nez Perce Tribe and its people.

Even more significant would be the opportunity to receive live animals to start a herd here. It is disturbing to read the DEIS and not read of any predictions of the value of the bison that would pass through quarantine facility and be made available to the tribes or the value of their progeny. The value of an opportunity to start a bison herd without the cost of buying all the animals is certainly significant and must be analyzed in the impacts to Native Americans. Developing and issuing this analysis for comment is another reason to issue a SEIS.

CONTRIBUTION TOWARD HEALTHY LIFESTYLE OF THE NEZ PERCE.

Deward Walker, a noted Anthropologist, has estimated that 90% of the historical diet of the Nez Perce people was from fish and wild game. He has estimated, historically, the Nez Perce consumed in excess of 1,000 pounds of fish per capita per year. According to the archeological record unearthed here, the Nez Perce lived largely the same lifestyle with some notable changes like obtaining the horse and using the bow and arrow, for over 10,000 years. It is impossible for the Nez Perce people to replace the protein lost from the declining fish runs by the use of other game resources and so the diet of the average Nez Perce person has undergone radical change over the last 50 years. It is impossible for the Nez Perce physiology to adapt so quickly. Julia Davis, a member of the Nez Perce Tribal Executive Committee who is Chairwoman of the Northwest Portland Area Indian Heath Board says, "the high incidence of chronic diabetes, heart disease and pulmonary problems among Nez Perce people is due in part to: 1) the lack of availability of native foods in quantities required to sustain us and, 2) the Nez Perce physiological inability to adjust to changes in diet from traditional foods that were heavily weighted to protein and contained no refined sugar and very little flour. The Nez Perce people need all the native foods we can get to maintain our health". It is hard to underscore the importance of

developing bison here or receiving carcasses or slaughtered animals to pursue a healthy lifestyle. We feel bison could help us maintain our health in a very real way. Possibly even reduce health provider costs over the long term.

RECOMMENDATIONS/ CONCLUSIONS :
In addition to the citing of the employment, per capita income statistics and poverty statistics the SEIS should also research health concerns with the Indian Health Service to reference statistics about the incidence of diabetes, heart problems and other health problems among the Tribes affected by this decision as compared with the population at large.

Kevin Peters, a member of the staff of the Nez Perce National Historical Park, is fond of saying the big horn sheep and bison horns were the first plastics. Nez Perce people used them for spoons cups and other utensils. The DEIS mentions that some people view bison meat as a health food now and pay a premium to get it. The Nez Perce know the foods of their ancestors are what keeps them healthy. They just can not afford to buy 1,000 lbs. of salmon per capita per year. Any opportunity to access bison coming out of Yellowstone, alive or dead are significant to the Nez Perce people.

20. IDENTIFICATION OF CULTURAL RESOURCES.

NPS POLICY IS TO PRESERVE CULTURAL RESOURCES. The National Park Service policy regarding preservation of cultural resources and the goal of fostering an appreciation is listed on page 299 of the DEIS. The DEIS states that inventories of Native American cultural uses of the Yellowstone National Park area and the artifacts contained within Yellowstone have not been performed. On the same page of the DEIS is the admission that cultural landscapes of Yellowstone have also not been evaluated. It is not reasonable to assume the impacts of the preferred alternative upon cultural resources or cultural landscapes can be determined if the resources in question have yet to be identified.

RECOMMENDATIONS/ CONCLUSIONS :
As part of the SEIS there should be a commitment to either accelerate or initiate a program to schedule the work needed to identify the cultural resources of the Yellowstone National Park. The data gathered is needed to address other NEPA reviews within the Yellowstone National Park. It is not reasonable to continue to produce NEPA analysis of impacts based on minimal or no knowledge of the cultural resources impacted.

It is important to determine the impact on the cultural landscape of this decision. We are confident the National Park Service will perform the appropriate surveys when ground disturbing activities are contemplated and so the resources in the ground seem relatively safe. But the cultural landscape has the potential to be impacted by this decision without being evaluated. That can not be allowed to happen.

21. BISON HERD MANAGEMENT

IMPACTS OF PAST MANAGEMENT. The large harvest of the recent past occurred at two locations where the highest number of animals come out of Yellowstone and where there is reasonable access for people in the winter. We did not see a discussion in the DEIS that described the impact of the harvest upon the bison herd. Estimating the current bison population does not communicate anything about the herd composition. How has the herd composition been affected by the recent harvest. Has the reproductive rate changed because of the harvest? There appears to be an underlying supposition that the bison harvest at the two locations outside Yellowstone has uniform impacts spread throughout the Park and the impacts are not concentrated upon any smaller locations within the Park. We did not see any data or discussion in the DEIS that addressed the bison population beyond an estimate of total size. We did not see the harvest records broken down in terms of the total number of animals taken by sex and age classes. The relationship between the bison harvest and its impact upon the cultural landscape within specific areas within Yellowstone has not been evaluated.

RECOMMENDATIONS/ CONCERNS :
The annual herd composition data regarding the Yellowstone bison population, has not been presented in the DEIS and it should be included in the SEIS. We would like to review herd composition data for the last 15 years if available.

In many discussions of wild animals people tend to talk about a herd. The discussion of the Yellowstone Bison has been reduced to a "herd" discussion, which we suspect is an incredible simplification of the situation. The implications of the harvest outside the Park, upon the bison in specific locations within Yellowstone, needs to be evaluated since it more than likely impacts the smaller bands of animals distributed through out Yellowstone in a less than uniform manner and therefore has implications upon the cultural landscape that have not been evaluated yet but should be in the SEIS.

The preferred alternative in the DEIS establishes upper and lower population limits but does not establish any other goals for the management of the population. It will be desirable to know when serum negative animals are captured whether they are needed in Yellowstone for herd health or can reasonably be released to reservations. It will be important in the future to establish population management goals for bison if they have not been established already. The goals should be included in the SEIS.

The data regarding the age and sex structure of the bison harvested over the last several years should be summarized and presented in the SEIS along with a discussion of the population management goals and objectives for the bison herd.

Excerpts from the Tribal Consultation meeting held at Yellowstone National Park, WY on August 12, 1998

Comment No. 17722
Nelson P. White
Northern Arapaho Tribe

If buffalo are your problem, we'll take your problem off your hands anytime.

Oral testimony provided at the Holiday Inn Billings Plaza Hotel & Trade Center, Billings, Montana on August 25, 1998

Comment No. 14839
Floyd Fisher
Northern Cheyenne Tribe

Good afternoon. My name is Floyd Fisher. I'm the buffalo manager for the Northern Cheyenne Tribe of Lame Deer, Montana. It is a pleasure to testify here today in Billings on the management plan for the Yellowstone bison.

The buffalo are very important to the Cheyenne people. We value the buffalo highly in our culture and today's complaisant way of life. We have never forgotten the buffalo. We will protect their rights to live.

It is very sad to see the Yellowstone bison slaughtered. But we must all work together to solve this disease of brucellosis. So we urge you, all of you, work together to fight the right to live, just like ourselves. The buffalo need a safe home to raise their young. The Northern Cheyenne Tribe desires more than what is outlined in the civil plan for the Yellowstone bison, but we realize that we must all work together if we hope to save the Yellowstone bison. So we will endorse the civil plan; however, it is short of a full respect and for expansion of their range.

Perhaps we can work together, or perhaps we can work forward and give the Yellowstone Park bison more room, more land to roam. The buffalo are part of the Yellowstone Park environment. So let's comment on their needs. The Northern Cheyenne Tribe will do whatever we can to help the Interagency Bison team. So please don't hesitate to ask for help. We are buffalo tribe, and we understand their needs. Thank you for your patience.

Oral testimony provided at the Holiday Inn Billings Plaza Hotel & Trade Center, Billings, Montana on August 25, 1998

Comment No. 14852
Jennie Parker
Northern Cheyenne Tribe

Good afternoon. When election year comes around, all of these little things surface. Everyone that is running for office has something that they want to use for votes.

I think we need priorities. Priorities have to be just to address this problem. It's not the buffalo's problem. It's a people problem: people in the government, people in state offices; it's a problem to the ranchers. I'm a rancher, and I can understand where the ranchers are coming from, but I also work with the buffalo program on our reservation. I'm a Northern Cheyenne, and we have a few buffalo. You heard Floyd Fisher talk.

We, as a tribe of Indians, Northern Cheyenne, we're a federally recognized tribe and a member of the InterTribal Bison Co-op. We are in opposition to the slaughter of buffalo. There has to be a better alternative.

As an Indian tribe, as a Cheyenne, the buffalo are very significant to our people, to our beliefs and our traditions. They are relevant to our sacred beliefs. The buffalo is a sacred symbol within our ceremonies. And we have done this for hundreds of years. And in the past, they were a total source of life for our people, as well as other Tribes. We revere the buffalo in a sacred manner. We have a sacred buffalo hat that has been with our people for hundreds of years. They did a study on the sacred buffalo hat several years ago to find out how old it was.

People mentioned that the buffalo were almost annihilated in the 1800s. What's wrong with our system? We have many, many problems. We have a drug problem; not just in our reservations. We have a big drug problem that was in the Time magazine, in the front page of the Billings Gazette for several weeks. Why don't the legislators and the people in offices attack those problems?

Our state, State of Montana, and other states, Congress, they pass numerous laws for the protection of these beautiful animals, as well as other animals. Then our own state violates these laws. If one of us goes out there and shoots a buffalo, what's going to happen to us? We'd get threatened with a strong fine, maybe a prison sentence. I think that it is time to stop the desecration of buffalo. I'm speaking as a Cheyenne, because we revere them in a sacred manner. They are alive and need the respect and protection from what is planned for them. We need to address this problem. We've heard many good suggestions. And I know something good will come from this hearing.

There has to be other things that need to be addressed in the Yellowstone National Park, and these are the snowmobiles. They make trails for these buffalo. And they need to feed the buffalo, not just in one area, but maybe they need to feed the buffalo wherever they are at in the Yellowstone Park so that they won't be jumping over the fences or going through the fences onto the ranchers' land.

As a Cheyenne people, the woman is always the last to talk. Well, I would suggest that they transfer the buffalo to the other national parks that don't have buffalo or give them to the Tribes or other entities that are interested in taking care of the buffalo

- WOHEHIV-
The Morning Star

NORTHERN CHEYENNE TRIBE

INCORPORATED

P.O. Box 128
LAME DEER, MONTANA 59043

- WOHEHIV-
The Morning Star

YELL-15667

October 28, 1998

Bison Management Plan EIS Team
National Park Service-Sarah Bransom DSC-RP
P.O. Box 25287
Denver, CO 80255-0287

Dear EIS Team:

In regards to the request for comments on the Draft Environmental Impact Statement for Yellowstone Bison Management, we would like to go on record stating we are opposed to the preferred alternative because of the indiscriminate slaughter of bison and recommend the National Park Service develop an alternative that recognizes the concerns of all Indian Tribes. We also encourage you to consult with the Montana/Wyoming Tribal Fish and Wildlife Commission and individual Tribes in the development an acceptable management plan.

The Northern Cheyenne Tribal Council will be voting on a resolution supporting this letter and a letter from our Cultural Commission at their next Council Meeting and we will be sending that resolution as soon as it is approved.

Sincerely,

Norma Gourneau

Norma Gourneau, Acting President
Northern Cheyenne Tribe

SO/cs
cc: file

LITTLE WOLF AND MORNING STAR - Out of defeat and exile they led us back to Montana and won our Cheyenne homeland that we will keep forever.

Oglala Lakota College

14,408

COLLEGE PRESIDENT
THOMAS H. SHORTBULL

P.O. Box 490
KYLE, SOUTH DAKOTA 57752-0490
Telephone (605) 455-2321
FAX (605) 455-2787

BOARD CHAIRMAN
TOM CONROY JR.

October 26, 1998

Bison Management Team
National Park Service
Sarah Bransom DSC-RP
PO Box 25287
Denver, CO 80225-0287

27th Anniversary
OGLALA
1998

Dear EIS Team

I want wild, free-roaming buffalo in Yellowstone! I oppose the "Preferred Alternative" plan that has been recommended by the state of Montana and the federal government. The government plan continues the unnecessary killing of buffalo moving to public lands outside the park in winter. This seems senseless, destructive, and unnecessary. There are better ways of handling this issue without the slaughter of an American icon. The bison in Yellowstone are the last of the free-roaming herds that once graced the land with their presence. They have a spiritual connection with not only the native tribes of this continent, but also with many people across the world. What wastes to sacrifice these animals, because of political agendas that some people have on control of land around our National Parks. This issue has very little to do with the cattle disease of Brucellosis, and everything to do with power and politics. We might as well be dealing with people in Washington D.C., not in the beautiful state of Montana in one of the most beautiful places on earth.

I endorse the Citizen's Plan to Save Yellowstone Buffalo, which will:

- Maintain wild, free-roaming buffalo in Yellowstone National Park.
- Create a large special management area outside the park where buffalo can use public lands to survive harsh winters, and where wildlife professionals will manage buffalo.
- Develop scientific buffalo population goals for this special management area outside the park.
- Relocate buffalo to Indian reservations or public lands or use a regulated harvest, but only when science demonstrates that available land cannot support more buffalo.
- Recommend vaccination of cattle within lands adjacent to the special management area.
- Emphasize acquisition of key winter rangelands or easements through public purchase from willing sellers. Provide incentives to modify livestock operations to provide winter foraging opportunities for buffalo outside the Park.

CHARTERED BY OGLALA SIOUX TRIBE
ACCREDITED BY THE NORTH CENTRAL ASSOCIATION

BISON MANAGEMENT TEAM
NATIONAL PARK SERVICE
TO: SARAH BRANSON DSC-RP

FROM: OGLALA LAKOTA COLLEGE
BISON PROJECT INTERNS:
JENNIE FLYE- LAKOTA
JOE CHIEF BEAR-TETON SIOUX

15384

I am writing this letter in regards to the crisis that is happening in the Yellowstone National Park. It scares me to think that the United States government is allowing the slaughter of the ***Great Buffalo Nation*** to continue the way it has been for the last few years. You can just imagine how these proud brothers and sisters feel and what they are going through.

We need to remember that this is the last true wild herd left in the lower 48 states. Once these animals are gone Yellowstone Park will lose one of it's most important resources. We fully support the I.T.B.C.'s Bison Support Plan of relocating the bison that come out of the park to tribal lands all over the U.S. This includes the quarantine which holds the bison for a minimum period of 120 days. From a cultural aspect the bison are very important to all Native Americans. The buffalo are in every part of the Lakota circle of life. They represent religion,nutrition,culture,strength,education,spiritual guidance,family values,and harmony.

The bison are also excellent cultivators of the land. Their hoof action disturbs the soil thus enabling a wide range of plant diversity to regenerate. When they wallow or roll in the many grasses covering the prairie the seeds of these plants become trapped in their coats and are carried to different parts of the ranges.

This is a few of the reasons that the bison are so very important to our ecosystem. The state of Montana should be one of the first to recognize this since their ecosystem is pretty fragile. With the bison around Montana's overgrazed lands might be restored to a certain degree. This is something to think about.

The DOL could easily find ways to get their cattle vaccinated. If the costs escalate they can seek paths for vaccination funding. You can find help anywhere if you look hard enough. Remember this disease "BRUCELLOSIS" came from cattle in the first place.

The U.S. Forest service can modify their grazing permits so that the bison and cattle can share these public lands but at seperate times of the year. The U.S. Forest service needs to create some reasonable guidelines for all cattle ranchers bordering the park to follow instead of letting these people walk all over them.

We would like to send our prayers to the YELLOWSTONE BISON.

WOPILA:
Jennie Flye
Joe Chief Bear

Oglala Sioux Tribe

Box H
Pine Ridge, South Dakota 57770
(605) 867-5821 Direct (605) 867-1138
Fax: (605) 867-1004

Office of the Secretary
THERESA B. TWO BULLS

YELL-4018

September 10, 1998

Ms. Sarah Bransom
Bison Management Plan IES Team
National Parks Service
P.O. Box 25287
Denver, CO. 80225-9901

RE: Tribal Council Action

Dear Ms. Bransom:

Please find enclosed a copy of Resolution No. 98-72, which the Oglala Sioux Tribal Council passed, during their Special Session held on the 27th day of August, 1998.

If you have any questions, please contact this office.

Sincerely yours,

Theresa B. Two Bulls

THERESA B. TWO BULLS
OST Secretary

Enclosure

cc: Senator Tom Daschle
Senator Tim Johnson
Representative John Thune

YELL-4018 contd.

RESOLUTION NO. 98-75

RESOLUTION OF THE OGLALA SIOUX TRIBAL COUNCIL
OF THE OGLALA SIOUX TRIBE
(An Unincorporated Tribe)

RESOLUTION OF THE OGLALA SIOUX TRIBE STRONGLY OPPOSES THE UNNECESSARY KILLING, CONFINING, OR INTERFERENCE WITH THE NATURAL MIGRATION OF YELLOWSTONE BUFFALO ON PUBLIC LANDS.

WHEREAS, the Oglala Sioux Tribe considers the buffalo to be of great historical, cultural, and spiritual significance and further considers the buffalo to have a significant role in the health of the ecosystems, and is therefore, deeply concerned about the continuing slaughter of the Yellowstone buffalo herd; the oldest and the last free-roaming herd in this country; the surviving descendants of the mass slaughter of the 1800's, and

WHEREAS, nearly 1,100 buffalo, or one-third of the existing herd, were killed during the winter of 1996-97, and the killing continued in 1998, and will continue into 1999, with the deaths of these last wild buffalo sanctioned by a United States Government plan still in effect, and

WHEREAS, the release of the draft Environmental Impact Statement on the Long-term Bison Management Plan has been delayed for, at least, eight years precluding the National Environmental Policy Act process during this time, without tribal involvement, and

WHEREAS, the Interim Bison Management Plan, currently in effect, has never undergone an Environmental Impact Statement on Yellowstone Bison Management and has permitted instead, for annual operating plans that has resulted in the buffalo slaughter, and

WHEREAS, in the absence of scientific evidence of buffalo-to-cattle disease transmission risk, the Oglala Sioux Tribe, considers this recent buffalo slaughter, just like the buffalo slaughter of the 1800's; to be politically and not scientifically motivated, and

WHEREAS, the Oglala Sioux Tribe has an inherent right and responsibility to protect the last wild buffalo herd and considers the plight of the Yellowstone herd a matter of great importance and will have negative cultural and spiritual effects on native people, and

WHEREAS, there are more culturally, socially, environmentally, and economically sound, acceptable solutions in determining the future of the Yellowstone buffalo herd, and

WHEREAS, the Oglala Sioux Tribe has never been consulted on this matter of great cultural importance on a Government-to-Government basis, as mandated by Executive Memorandum and National Environmental Policy Act provisions, now

THEREFORE BE IT RESOLVED, that the Oglala Sioux Tribe strongly opposes the unnecessary killing, confining, or interference with the natural migration of Yellowstone buffalo on public lands, and

BE IT FURTHER RESOLVED, that the Oglala Sioux Tribe demands the United States Government to immediately initiate official governmental consultations with the Oglala Sioux Tribe on this matter, per Executive Memorandum, Federal Register, Volume 59, No. 85, Page 22951, April 29, 1994, on Government-to-Government Relations with Native American Tribal Governments and per National Environmental Policy Act stipulations that Federally-recognized tribes are to be given special consideration, and not to be considered as the "general public".

C-E-R-T-I-F-I-C-A-T-I-O-N

I, as undersigned Secretary of the Oglala Sioux Tribal Council, hereby certify that this Resolution was adopted by the vote of: 15 for; 0 against; 0 abstain; 0 not voting, during a SPECIAL SESSION held on the 27th day of AUGUST, 1998.

Theresa B. Two Bulls

THERESA B. TWO BULLS
Secretary
Oglala Sioux Tribe

A-T-T-E-S-T:

John W. Steele

JOHN W. STEELE
President
Oglala Sioux Tribe

RECEIVED
AUG 31 1998
Pine Ridge Agency

Oral Testimony provided at the Thunderbird Hotel, 2201 East 78th Street, Bloomington, Minnesota on October 6, 1998.

Comment No. 15258
Elaine Quiver
Oglala Sioux Tribe

Good afternoon. My name is Elaine Quiver. I am from Pine Ridge, South Dakota. I am one of the Oglala Tribe Grey Eagle Society members. I am here today to address the slaughter of the buffaloes.

The buffaloes are well known by the Lakota and once lived among the people. The people and the buffalo had a co-existence since times ago in the past. Every part of the buffalo was utilized by our people. Today, we don't have that many buffaloes and we need to preserve the buffaloes. Our children today are losing the value system, because of the things that happened to us in the past, and we don't need the buffalo to experience the same thing. We don't need to slaughter our buffaloes. We have ample land in our reservations and there is ample land where people are not living. We should try and have the buffalo survive and maybe the children will learn something to help the buffalo be utilized by the people again.

Today, I would like to read a resolution that was made by the Oglala Sioux Tribe, and I think this is something that we all should think about. When we go someplace to present something, we need to be together as unified Tribes. We are the aboriginal people on this island, and we should provide each other the resources and the things that we need together. We could help our people. We could help our non-Indian people to help us preserve and control America for freedom and justice for all of us. These are some of the things that I have learned through the years working with children, working with different Tribes, and with the non-Indians. I think we need to do something together as a whole in order to survive.

Today, we were not involved in all of the planning. We have five different groups that were preparing these systems, drafting these impact statements. As Lakota people, we were never involved. We never had a consultation to be involved in this buffalo impact statement. Today, I will read you the resolution 9875, resolution of the Oglala Sioux Tribal Council of the Oglala Sioux Tribe, an unincorporated tribe.

The resolution of the Oglala Sioux Tribe strongly opposes the unnecessary killing, confining or interference with the natural migration of the Yellowstone buffalo on public lands.

Whereas, the Oglala Sioux Tribe continues to feel buffalo to be a great historical, cultural and spiritual significance and further considers the buffalo to have a significant role in the health of the ecosystem, and therefore, is deeply concerned about the continuing slaughter of the Yellowstone buffalo herd, the oldest and the last free-roaming herd in this country, who are the surviving descendants of the mass slaughter of the 1800s.

One-third of the existing herd were killed during the winter of 1996 and '97. The killing continued in 1998, and will continue into 1999, with the death of these last wild buffalo sanctioned by the United States Government, plans still in effect.

We ask that the release of the Draft Environmental Impact Statement on the long-term bison management plan has been delayed for at least eight years, precluding the National Environmental Policy Act processed during this time without tribal involvement.

Whereas, the interim bison management plan currently in effect has never undergone an Environmental Impact Statement on Yellowstone bison management. It has permitted instead for annual operating plans that have resulted in the buffalo slaughter.

Whereas, in the absence of the scientific evidence of buffalo to carry disease transmission risk, the Oglala Sioux Tribe considers this recent buffalo slaughter just like the buffalo slaughter of the 1800's, to be political and not scientifically motivated.

Whereas the Oglala Sioux Tribe has an interest, right and responsibility to protect the last of the wild buffalo herd and considers the plight of the Yellowstone herd as a matter of great importance and will have negative cultural and spiritual effects on the native people.

Whereas, there are more culturally, socially, environmentally and economically sound and acceptable solutions in determining the future of the Yellowstone buffalo herd. Whereas, the Oglala Sioux Tribe has never been consulted on this matter of great cultural importance on the government to government basis as mandated by executive memorandum and National Environmental Policy Act provisions now.

Therefore, it be resolved that the Oglala Sioux Tribe strongly opposes the unnecessary killing, confining or interfering with the natural migration of Yellowstone buffalo on public lands. And be it further resolved that the Oglala Sioux Tribe demands the United States Government to immediately officiate immediate governmental consultations with the Oglala Sioux Tribe on this matter, per executive memorandum, Federal Register Number 59, Number 85, Page 22951, April 29, 1995. A government to government relationship should exist with Native American tribal governments. The National Environmental Policy Act recognizes that Tribes should be given special consideration and not to be considered as the general public. Undersigned Secretary of the Oglala Sioux Tribal Council hereby certifies that this resolution adopted by the vote of 15-4, none against, none abstained, not voting during a special session held on the 27th day of August, 1998.

Thank you. I would like to thank all of you for listening, and I hope that we would resolve what is part of our treaty issue. We have given up many things to be part of the United States Government, and one of the things that we forgot to protect is our buffalo that roam the wild country in the past. With that, I would like to say thank you to all of you for listening. I would like to thank all of the children that are here. You are the future generation and you should protect and think about your cultural rights and your cultural property that exists with the Treaty of 1868. It states that clearly that we should have a government to government relationship in all cultural rights. (Native tongue spoken.)

Excerpts from the Cheyenne River Sioux Tribal Council meeting held at Eagle Butte, SD on August 21, 1998

Comment No. 17757
Elaine Quiver
Oglala Sioux Tribe
Gray Eagles Society

I think we lived longer, without the medical skills we have today, in those years. Because of strengthening nutrition we had the common medicines that exist through the herbs and plants. But what has changed all that? One of the things that we did last year, we did a lot of research through the grandparents that I work with. They always say, "well let's find out what happened to us, what happened to our grandparents." One of the things that was done last year was we had a workshop on White Buffalo Conference which brought up herbs and food that was eaten maybe 200-300 years ago. Among them was the buffalo. It took one year for my grandparents to dry, solar dry, the buffalo meat and solar dry the fruits we had 3 years ago, and brought it to the workshop. We taught the kids that these were the types of foods that were eaten a long time ago and they didn't have all the obese and diabetics and people were more alert in their minds and were more in control of their own lives.

So we need a lot of help from the Park Service. We need a lot of help for education awareness. And we need the National Forest, the national range lands, and things like this where the plants are still growing. We need the Park Service to preserve our plants, our natural habitat that exists, and the bison most of all. And I think a lot of us have land that could be used to raise the buffalo that are needed, even small herds.

All I want to say today is to encourage the Park Service to become a partnership to our way of life because I think you have that expertise in learning to walk with Mother Earth.

We need all leaders to get together. We need all grandmas to get together. We need educators to get together. We need to get to the Park Service and tell them our history because I think they are kind of fragmented too. As working with some of them, some of you, I think you come and isolate your position in one area, and a lot of people don't do research of what is involved.

Excerpts from the Tribal Consultation meeting held at Yellowstone National Park, WY on August 12, 1998

Comment No. 17710
Steve Ortiz
Prairie Band of Potawatomi Nation

Whenever the Tribes come together as a consortium to agree upon if any of the seven will match their expectations, I would strongly suggest that little bit of history there that goes along with the buffalo.

Right now, it just has a taste of the marketing concept of trying to sell. It gives me the impression that these are the only 7 plans that are out and this is it. It doesn't leave open the idea that these are 7 oppositions that are being discussed right now and this is a draft plan at this point that has not been adopted by everyone yet.

Page 300 of this opening paragraph 'Impact common to all alternatives' talks about defending nature. Any plan that is developed here 1, 7, 8, whatever, this statement in here to me is nothing different than a prosecuting attorney making a statement to the defense attorney, 'this is what your client says.' I want to say bison are important to the religious beliefs and value system of the Prairie Band of Potawatomi People, in the same way when you ask an American why a vote is important in the democracy, it is part of the belief and value system of democracy.

I got to thinking about all these nice things for the bison, but in reality the United States is a free enterprise system driven by money and budgets. One of the things I didn't see today in this EIS study and in the video is a cost, a financial cost analysis of each of the 7 plans and an optional maybe 8.

I also didn't hear any dollar figures about what is the market value of the cattle industry that could be affected by this bison disease. In comparison to the total US market, are we talking about a market that's 5% of the 100% market? I would like to see a little cost-benefit analysis on that. Also, I would like to know, in the overall picture of Yellowstone, what economic value as a dollar figure, do bison have to drive tourists here compared to the cattle industry outside of here?

Audrey Kohnen
President

Darrell Campbell
Secretary

Noah White, Jr.
Vice President

Ronald Johnson
Treasurer

Lu Taylor
Assistant Secretary/Treasurer

YELL - 15812

Prairie Island Tribal Council
(A Tribal Government)

RESOLUTION 98 - 10- 2- 105

WHEREAS, The Prairie Island Indian Community in the State of Minnesota (also known as the Prairie Island Mdewakanton Dakota Community) is a federally recognized Tribe organized under 25 U.S.C. § 476. and is governed under the terms of the Constitution and By-Laws adopted by the tribal members on May 23, 1936, and approved by the Secretary of the Interior on June 20, 1936; and

WHEREAS, the said Constitution and By-Laws provide that the Community Council (sometimes referred to as the Tribal Council) shall be the governing body for the Prairie Island Indian Community (Article IV, Section 1); and

WHEREAS, the Tribal Council has the authority under the Constitution and By-Laws to promulgate ordinances, resolutions, institute regulations, and consider various legal matters that fall within the authority of a federally recognized Indian tribe; and

WHEREAS, the Tribal Council has the authority under the Constitution and By-Laws to promote the general welfare of the Community by regulating the conduct of trade and the use and disposition of property upon the Reservation; and

WHEREAS, the Tribal Council supports the Inter Tribal Bison Cooperative ("ITBC") and its efforts to promote the proliferation of buffalo throughout the United States; and

WHEREAS, ITBC has asked the Community to endorse the Citizens' Plan to Save Yellowstone Buffalo which is designed to:

* Maintain wild, free-roaming buffalo in Yellowstone National Park.
* Create a large special management area outside the park where buffalo can use public lands to survive harsh winters, and where buffalo will be managed by wildlife professionals.
* Develop scientific buffalo population goals for this special management areas outside the park.

r/leagaldoc/resolute/tribal/lenaenr.doc 5636 Sturgeon Lake Road • Welch, MN 55089
(651) 385-2554 • 800-554-5473 • Fax (651) 388-1576 • TTY 800-627-3529 Deaf or Hearing Impaired

* Relocate buffalo to Indian reservations or public lands or use a regulated harvest, but only where science demonstrates that available land cannot support more buffalo.
* Recommend vaccination of cattle within lands adjacent to the special management area.
* Emphasize acquisition of key winter range lands or easements through public purchase from willing sellers. Provide incentives to modify livestock operations to provide winter foraging opportunities for buffalo outside the park.

THEREFORE BE IT RESOLVED, the Tribal Council hereby appoints Art Owen to represent and vote for the Community at meetings of the ITBC; and be it further

RESOLVED, that the Tribal Council supports the efforts of the ITBC to enact the Citizens' Plan to Save Yellowstone Buffalo.

CERTIFICATION

This resolution was passed at an Executive Meeting of the Prairie Island Tribal Council with a quorum present with a vote of ___ for, ___ against, ___ abstentions, ___ absent on October 2, 1998.

VOTE SUMMARY

President Audrey Kohnen.	X for,	___ against,	___ abstain,	___ absent
Vice President Noah White, Jr.	X for,	___ against,	___ abstain,	___ absent
Secretary Darrell Campbell	X for,	___ against,	___ abstain,	___ absent
Treasurer Ronald Johnson.	X for,	___ against,	___ abstain,	___ absent
Sec./Treas.Lu Taylor	___ for,	___ against,	___ abstain,	___ absent

Audrey Kohnen
Tribal Council President

Noah White, Jr.
Tribal Council Vice-President

Darrell Campbell
Tribal Council Secretary

Ronald Johnson
Tribal Council Treasurer

Lu Taylor
Tribal Council Secretary/Treasurer

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GOVERNOR
Jacob Viarrial

LIEUTENANT GOVERNOR
George Rivera

SECRETARY
Linda S. Diaz

TREASURER
Gloria Garcia

PUEBLO OF POJOAQUE

ROUTE 11, BOX 71
SANTA FE, NEW MEXICO 87501
ADMINISTRATIVE OFFICES: (505) 455-2278

YELL-5730

September 30, 1998

Bison Management Plan EIS Team
National Park Service
Att: Sarah Bransom DSC-RP
PO Box 25287
Denver, Co. 80225-9901

Dear Ms. Bransom:

The Pueblo of Pojoaque Tribe and their employees are concerned about the slaughter of yellowstone buffalo in Montana. We consider Yellowstone's buffalo herd to be a valuable resource--to be squandered needlessly. We don't have to destroy Yellowstone's buffalo to protect Montana's cattle from Brucellosis.

None of the alternatives presented in the draft Environmental Impact Statement for the Interagency Bison Management Plan for Montana and Yellowstone falls short on many levels. We ask that you re-work the EIS and put forth a management plan based on solid science and common sense.

There has never been a documented case of brucellosis transmission between wild buffalo and range cattle, the threat posed by buffalo to Montana's livestock is very small.

The Inter-Tribal Bison Cooperative/National Wildlife Federation's Seven Point Plan takes a rational, scientific approach to resolving the conflict. We support this plan, which features several important points lacking in the preferred alternative. The draft EIS, for example, provides no assurances that buffalo will be allowed to range on public lands outside the Park. Nor does it insure that buffalo captured and placed in quarantine would ever make it out alive or be transferred to tribal governments, public land, or wildlife agencies. The ITBC/NWF plan covers all these bases.

We appreciate your careful and thoughtful consideration of our comments.

Sincerely,

Jacob Viarrial

Governor Jacob Viarrial
Pueblo of Pojoaque

Excerpts from the Tribal Consultation meeting held at Yellowstone National Park, WY on August 12, 1998

Comment No. 17721
Fremont Follis
Rosebud Sioux Tribe

What are the chances of the Tribes that are gathered here and Yellowstone Park Service doing some kind of MOA? So that we will have just as much input as you people in government-to-government relationships?

Oral testimony provided at the Holiday Inn South, 3401 South Interstate Hwy 35, Austin, TX on September 29, 1998

Comment No. 15090
David Pego
Saginaw Chippewa Indian Tribe

I came here today because I'm not only concerned about buffalo, but because I'm a member of an American Indian tribe. I'm a member of the Saginaw Chippewa Indian Tribe from Michigan, and I wanted to reiterate to you that buffalo, the rest of nature are very important to the people who were the original inhabitants of this land. And in many cases, we gave up this land willingly because of promises that were made to us that the land, its occupants, both human and otherwise, would be taken care of.

Many of the things that we were promised did not come to pass. We were promised adequate health care. That's a scary thing to me because the latest statistics that I've seen, which are only several years old, show that only 60 percent of American Indian men live to be age 45. That's an incredible statistic in this time of air ambulances and laser surgery and the fact that the Indian people have national health care system that was promised to us by treaty obligations, and they can't keep us alive.

And we, like the buffalo, are at a point where there are not many of us left. Coming into the century, there were less than 400,000 American Indians who were alive despite the fact there were 15 to 50 million American Indians when Columbus and the rest of the Western European explorers first started coming over here. So there's a great deal of sadness that we all carry for the people that have been lost and for the animals that have been lost.

And I just wanted to tell you today that the buffalo are important to the Native people. They represent survivors, just as we represent survivors, the Tribes that remain.

And I highly endorse the Citizens' Plan. I think the fact that there's an opportunity to reunite some of these majestic animals with the Indian people is just simply an amazing proposal to me.

I also wanted to say to you that I think this is all kind of silly. Here we are having hearings around the United States at what cost? I don't know how much this is costing – hundreds of thousands? Probably not. Several million? Probably. And you have American Indian children dying today because they cannot get adequate health care. Government dollars going to debate something that is so simple to decide that you shouldn't slaughter majestic animals who are survivors from another era, a time when America really was free. It just doesn't make sense to me. And I'm one voice, but I want you to think about that.

You know, the American Indian people need help, and it's going to be wonderful if every child who is Indian can reach out and touch a buffalo. I really want them to be able to reach out and touch a computer and to grow older than 45 years old. Thank you for your time.

YELL-8827

Shakopee Mdewakanton Sioux Community

2330 SIOUX TRAIL NW • PRIOR LAKE, MINNESOTA 55372
TRIBAL OFFICE: 612•445-8900 • FAX: 612•445-8906

OFFICERS
Stanley R. Crooks
Chairman
Glynn A. Crooks
Vice Chairman
Susan Totenhagen
Secretary/Treasurer

October 15, 1998

Ms. Sarah Bransom
Interagency Bison Management
Plan, DSC-RP
P.O. Box 25287
Denver, CO 80225-0287

RE: ***Shakopee Mdewakanton Sioux (Dakota) Community Business Council Resolution No. 10-14-98-002, Support for the Citizens Plan to Save Yellowstone Buffalo***

Dear Ms. Bransom:

Enclosed herein please find a copy of Shakopee Mdewakanton Sioux (Dakota) Community Business Council Resolution No. 10-14-98-002, Support for the Citizens Plan to Save Yellowstone Buffalo.

If you have any questions regarding this matter, please contact me at (612) 496-6110.

Sincerely,

William J. Hardacker
Special Staff Legal Counsel

Enclosure

YELL-8827 contd.

Shakopee Mdewakanton Sioux Community

2330 SIOUX TRAIL NW • PRIOR LAKE, MINNESOTA 55372
TRIBAL OFFICE: 612•445-8900 • FAX: 612•445-8906

OFFICERS
Stanley R. Crooks
Chairman
Glynn A. Crooks
Vice Chairman
Susan Totenhagen
Secretary/Treasurer

BUSINESS COUNCIL RESOLUTION NO. 10-14-98-002

SUPPORT FOR THE CITIZENS PLAN TO SAVE YELLOWSTONE BUFFALO

WHEREAS, the Shakopee Mdewakanton Sioux (Dakota) Community is a sovereign Indian Tribe, federally recognized and organized under the provisions of the Indian Reorganization Act of 1934, and is governed under the terms of the Constitution approved by the Secretary of the Interior on November 28, 1969; and

WHEREAS, the Business Council is designated by Article III of the Constitution of the Shakopee Mdewakanton Sioux Community to perform duties authorized by the General Council; and

WHEREAS, the Business Council maintains the constitutional authority, as granted by the General Council, to conduct the day to day business of the Community including the administration and management of the Community's governmental programs; and

WHEREAS, the Business Council, pursuant to Section 14.3 of the Gaming Revenue Allocation Amendments to Business Proceeds Distribution Ordinance (Ordinance Number 10-27-93-002), maintains the authority to appropriate and expend funds for such purposes as the normal operation of government requires; and

WHEREAS, the Business Council has reviewed the situation surrounding the management and treatment of buffalo located in and near the Yellowstone National Park and the Business Council believes the plan called "The Citizen's Plan to Save Yellowstone Buffalo" is worthy of its support; and

WHEREAS, the Business Council believes the strategies behind "The Citizen's Plan to Save Yellowstone Buffalo" are the best way to protect wild, free roaming buffalo from unnecessary killing, while also protecting the interest of the livestock industry around Yellowstone National Park; and

WHEREAS, the Business Council determines that it is in the best interests of the Community and all Indian people that the buffalo located in and near the Yellowstone National Park be protected pursuant to "The Citizen's Plan to Save Yellowstone Buffalo"; and

NOW THEREFORE BE IT RESOLVED, the Business Council hereby supports what is called "The Citizens Plan to Save Yellowstone Buffalo" in an effort to stop the unnecessary killing of buffalo located on or near theYellowstone National Park.

CERTIFICATION

This Resolution was passed at a Regular meeting of the Shakopee Mdewakanton Sioux (Dakota) Community Business Council with a quorum present with a vote of 7 for, 0 against, 0 abstentions, on October 14, 1998.

Stanley R. Crooks, Chairman

Glynn Crooks, Vice-Chairman

Susan Totenhagen, Secretary-Treasurer

14,775

The SHOSHONE-BANNOCK TRIBES

FORT HALL INDIAN RESERVATION
PHONE (208) 238-3700
(208) 785-2080
FAX # (208) 237-0797

FORT HALL BUSINESS COUNCIL
P. O. BOX 306
FORT HALL, IDAHO 83203

October 30, 1998

Comments of the Shoshone-Bannock Tribes regarding the July 1,1998 Draft Environmental Impact Statement (DEIS) for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park.

The purpose of the proposed interagency action is to maintain a wild, free-ranging population of bison. This is to be done in such a manner as to address the risk of brucellosis transmission and to protect the economic interest and viability of the livestock industry in the State of Montana. Having set forth this purpose, the Draft EIS then spends more time on the issue of brucellosis than on maintaining a free range population of bison. The Shoshone-Bannock Tribes (hereafter referred to as "Tribes") do not want to downplay the issue of brucellosis as it is a serious issue, however, there should have been more time and effort put into the matter of maintaining a wild, free-ranging population of bison. The non-Indian society for years put pressure on the buffalo in Yellowstone Park, bringing them to near extinction. Now there is a federal agency whose duty is to protect the bison in the Park who cannot do much better today. The Tribes have watched the National Park Service in this process and are not satisfied with the outcome as presented in the Draft EIS. It is the strong spirit of the buffalo which has kept them alive throughout the years of devastation by non-Indian society. It is this strong spirit which the Tribes want to preserve in a population of bison that are "wild and free ranging" and not simply a population of museum or park animals. Although the Tribes are not satisfied with the process of the draft EIS, we offer the following comments:

1. The Draft EIS fails to recognize and protect the trust responsibility that the federal agencies have to the Shoshone-Bannock Tribes and their off-Reservation treaty protected rights. Yellowstone National Park itself encompasses 2.2 million acres and the area outside the park included in the Greater Yellowstone Ecosystem includes an additional 568,994 acres of which, about 97 percent are federally managed, one percent State or local government managed and two percent private. The federal government is the fiduciary of tribal resources, which means it must act in good faith and utter loyalty to the best interest of the tribes. It is the Tribes' belief that this trust doctrine far outweighs any commitment the Federal Government has to the farm and ranch community. The Tribes have been treated as little more than the "interested public" throughout this process. The treaty rights of the Tribes involve the supreme law of the land and need to be

given their proper consideration in this process. Federal officials must faithfully execute the trust responsibility which has been delegated, and the courts are careful to scrutinize their actions in this regard. We encourage the federal agencies involved to take another look at the process and determine how the interests of the Tribes can better be served.

2. The Draft EIS does not provide adequate documentation of the risk of brucellosis to cattle in the surrounding areas. Although the Tribes understand the threat of burcellosis to the surrounding cattle operations, we cannot support the sacrificing of a valuable resource without better data and better "science" as to the impact of the bison to the cattle. Sound data is lacking regarding the transmission of brucellosis from free ranging bison to domestic cattle. The risk of brucellosis transmission to cattle is not defined or quantified in the document. Citation is given to studies which do not support the conclusions set forth in the document. In the summary under Risk of Transmission- Page V. it is stated: " These disagreements and the paucity of information on brucellosis in bison make it impossible to quantify the risk of B. abortus transmission from bison in the greater Yellowstone area to domestic livestock." On page 19, also under Risk of transmission , it states: "Although transmission from bison to cattle has occurred under experimental conditions in confined spaces, this has never been documented under free ranging conditions" The impossibility to quantify the risk of transmission of this disease to cattle, whether it be from elk or bison, makes this DEIS appear to be very pre-mature. The plan does a very good job of providing an unbiased treatment of the risk of B. abortus transmission to livestock, and makes it easy to draw the conclusion that there is no documented risk. However, all the alternatives presented assume there is a risk because APHIS assumes there is a risk. Obviously, APHIS is unable to correctly interpret the ecological and environmental data presented. The Tribes would like to join in the scientific analysis and work with the federal agencies in truly presenting options which reflect the state of the science and in this manner become a partner in these management decisions.

3. The preferred alternative neither properly reflects the concept of establishing a wild and free ranging population of bison, nor does it represent the science presented in the Draft EIS. The preferred alternative, as is the case with each alternative, involves many unknowns and assumptions about future conditions and available tools to manage the bison population. This disclaimer, stated at the beginning of each alternative, makes it difficult to review and make comment on this EIS. As stated in the DEIS language, the impacts on several resources could be slightly different, depending on what tools are available and depending on which options are approved. This might mean slightly different impacts than those described. It appears that decisions based on assumption are being made in regards to this action. It may be assumed that the decision has already been made in regards to this EIS and what alternative will be accepted.

Assumptions are also being made in regards to required approvals of special management areas (SMAs) to be created immediately upon the signing of the Record of Decision. If these assumptions are not realized what happens to the comments received and the decisions that have

14,775 contd.

already been made? The Shoshone Bannock Tribes find decisions based on so many assumptions very hard to review, very hard to comment on, and very hard to understand the logic behind decisions or the alternatives based on these assumptions. According to the DEIS Alternative 7, if these assumptions are not realized, the agencies would continue to rely on the capture, slaughter, hazing, and/or shooting of all bison attempting to exit the park at Rees Creek as described in the Interim Bison Management Plan under which the agencies already operate. As stated, the agencies are going to continue to operate under the Interim Bison Management Plan if many of these assumptions are not realized. This should be an indicator that the agencies should find the answer to some of these assumptions before making any decisions.

4. The comments of the Tribes regarding other alternatives have not been properly addressed in the Draft EIS. Hunting is an additional management tool and would be available to help manage the Yellowstone Bison. Article IV of the Fort Bridger Treaty signed July 3, 1868 reserves the rights of the Shoshone and Bannocks to hunt on the unoccupied land of the United States. Since 1980, the Shoshone Bannock Tribes have had a hunting system in place which requires the use of Big Game hunting tags for off-reservation hunting. Regulations for off-reservation hunting are strictly enforced. Bison have been legally harvested in the Horse Butte area by tribal members for several years. If hunting is used as an additional management tool, as stated in alternatives 3,4, and 7, Shoshone-Bannock Tribes' treaty rights regarding hunting should be honored, and Tribal members should be allowed to participate in all bison hunts in the greater Yellowstone area.

5. Cultural resources have not been properly addressed in the Draft EIS. The Shoshone Bannock Tribes believe that the impacts to cultural resources are not adequately addressed in the DEIS. Cultural resources were addressed as only archeological sites, when in fact cultural resources are seen by the Shoshone Bannock Tribes as resources which are viable, living resources that are important to the culture and well being of the contemporary and future members of the Shoshone Bannock Tribes. Bison are considered both a natural and cultural resource to the Shoshone Bannock Tribes.

It appears that this DEIS is using the definition and criteria of the National Historic Preservation Act (NHPA) for discussing the impacts to cultural resources. Although compliance to NHPA is a mandate which the involved federal agencies must comply with, it is not the only mandate which requires compliance. The National Environmental Policy Act (NEPA) analysis of the impacts proposed must address the impacts of the Federal action on the human environment. Human Environment is "interpreted comprehensively to include the natural and physical environment and the relationship of people and the environment." (40 CFR 1508.14) The "Natural Environment" includes the land, the air, the water, and all living things on and in them. The "Physical environment" includes both the natural environment and other physical things variously referred to as the "built environment." As written, the DEIS only takes into account the

impacts to the archeological and historic resources or the physical environment which are only a piece of the cultural resources picture. What seems to be lacking is the relationship of the people and the environment as expressed in social institutions, economic structure, subsistence practices, religious beliefs, and traditions. The impacts may be seen as impacts to a cultural resources, but the social impact is not adequately assessed. The Shoshone-Bannock continue to view the bison as a very important resource in their everyday life, even as they have done in the past. Bison continue to be an important cultural component. Bison are not only seen as a traditional subsistence resource, but also an important spiritual, ceremonial, and intricate part of the Shoshone Bannock culture.

The Shoshone Bannock Tribes believe that the DEIS as written is inadequate. The DEIS does not address the need for the action or the impacts of the action, either environmentally or socially. This DEIS is made up of assumptions which scientific data cannot support at this time. The failure of the agencies involved to adequately involve the Tribes in management decisions or to consult with the tribes in a timely and professional manner is also a reason for not accepting the DEIS as written.

6. Proper consultation with the Tribes did not occur. Although efforts were made by representative of the National Park Service to present the Draft EIS to the Tribes, true consultation did not occur. True consultation means meaningful dialogue between the federal agencies and the Tribes with due regard taken for the concerns of the Tribes which then must be truly considered in the document. In addition, other federal agencies did not participate in the meetings with the Tribes. There is a trust obligation due and owing by all federal agencies to the Tribes and all agencies must strive to properly execute that obligation both individually and as one federal government. The Tribes welcome the opportunity to have true consultation on this matter but do not believe such consultation occurred.

7. Proper consideration of additional alternatives has not been given. There has been a failure to consider other viable alternatives. Another alternative should be added to the plan which assumes that risk of transmission of B. Abortus from bison to cattle is nonexistent or minimal. The alternative should allow Bison to leave the park and establish new herds in the National Forest Lands surrounding the park and to establish new migration routes in and out of Yellowstone Park. Livestock owners will be required to immunize their cattle and maintain fencing to keep bison off private property. The Federal Government should provide financial assistance to landowners for fencing and vaccinations. Adoption of this alternative would require APHIS to allow all states bordering Yellowstone National Park to retain their "Brucellosis Free" status

The Tribes believe that great strides have been taken in setting forth the information necessary to make a decision on management of the wild and free-ranging bison in Yellowstone National Park, but more work needs to be done. Additional information needs to be gathered and added to the available information for inclusion into the Draft EIS in order for it to be adequate for its

14,775 contd.

Bison Management Plan
DEIS Comments
Page 5

purposes. The Tribes are willing to work with the agencies in a government-to-government consultative process which truly reviews all available science and considers the impact on the treaty trust obligations of the federal government to the Tribes.

The Shoshone-Bannock Tribes would like to thank the Bison Management Plan EIS team for recieving our comments and hope that some changes take place in the final management plan. Written response to theses comments can be sent to my office at the address noted on the letterhead.

Sincerely,

Keith Tinno, Chairman
Fort Hall Business Council

cc: Tribal Attornies Offfice
Tribal Wildlife/d. Christopherson
Tribal Fish and Game B. Haskett
Tribal Land Use/ T. Galloway
Tribal HeTO
Chrony

Excerpts taken from the Shoshone-Bannock Tribal Council meeting held at Fort Hall, ID on August 18, 1998

Comment No. 17740
Blane Edneo
Shoshone-Bannock Tribes

Take no offense, but I am just curious, was the consultation with the Native American or tribal populous done as an afterthought?

In the EIS, there is no mention of the impact upon treaty Tribes and our so-called deal with the United States government. There is also a total disregard for tribal social values or emotional values as they relate to some of those who have traditional hunting areas.

Let's talk about the economic value to the livestock owners then on the north and the northwest portion of the park. What statistics would prove how the brucellosis in the bison could impact the livestock? What percentage?

There are two other problems with this. If you look at your attendees, the psychological implication right here is that the first thing you start talking about is the purpose and the background and then you start talking about the brucellosis in the cattle and bison. The implication is there, but you already decided that the threat is there and the threat is real and we have got to do something about it. So, I think you are misleading the general public and planting psychologically in their mind that you have already decided that brucellosis and bison go hand-in-hand. So there is a need to remedy that threat. What concerns me is, who is planting this psychological implication in the publications? Is this based upon biology, solid statistics, or is this based upon public pressure and politics in the State of Montana?

In effect, you make cultural resource impacts, but all you talked about is generic history, which is stereotypical or trails of Indian Americans. Then you talk about archeological sites. To us, cultural resource is a living breathing thing, not only the past, but also the past, present, and future. Time and again, we asked to discuss these same issues with various government agencies, and time and again we have the same generic stereotypical action being presented to us.

The other problem with this whole thing is that the government-to-government relationship is not really existent here because when the decision comes down, you notice he didn't say we would have any say in making the decision. The other thing that is a real fact is our tribal members have gone up there to attempt to exercise our treaty rights in regard to the buffalo and have ended up in jail and with handcuffs. They have prosecuted in attempting to exercise our rights. If we go up there and attempt to do a government-to-government relationship, ours will be behind bars.

I think one thing that is left out in the whole scenario too is all of us are taxpaying citizens, whether Indian or non-Indian. We all pay federal taxes. If you are talking about slaughtering resources, you are using our tax money as well to slaughter something that is an integral part of our lives and society.

Excerpts taken from the Shoshone-Bannock Tribal Council meeting held at Fort Hall, ID on August 18, 1998

Comment No. 17741
J.J. Archer
Shoshone-Bannock Tribes

Are the Tribes invited by the Park Service to comment on bison issues or is this just strictly a government deal?

This sounds to me like a good excuse because with brucellosis bison they can go ahead and pop them off. Whether it would be Montana, Wyoming, or Idaho, I think the ranchers are using it as an excuse to go ahead and slaughter under the guise of the Forest Service, Montana, or under the Park Service. That's what it looks like to me. If there are no statistics, then why are they doing it?

It is just the case of where federal lands are being turned over to management. The government is giving it to the state, the state turns around and sells it off to individuals, and now they are around the park. It didn't used to be that way. There was a range and the buffalo used to go out there in those areas. It was federal land. You can't expect them to stay in a small spot and try to survive there. They won't do it. They are a grazing animal.

We need a big say in all of this because to us the buffalo are everything: food, shelter, clothing, tools, whatever. The whole buffalo is used. The animal is important to us and will remain important to us. We should not be left out when we should be having more say-so about the animal.

Excerpts taken from the Shoshone-Bannock Tribal Council meeting held at Fort Hall, ID on August 18, 1998

Comment No. 17742
Michael Price
Shoshone-Bannock Tribes

The other thing is that I think if any bison should die, I think the tribal members should have the right to kill them, and they should be treated with respect when the animals are put down. They were never ours to begin with.

Excerpts taken from the Shoshone-Bannock Tribal Council meeting held at Fort Hall, ID on August 18, 1998

Comment No. 17743
Randy Thompson
Shoshone-Bannock Tribes

As part of the EIS, aren't there more agencies involved in this park management aspect than the Park Service?

It is my concern that with the new management strategy for the park, we are not managing the bison.

You're talking about hazing to control the bison, but yet you don't have that kind of management control. How is that management done? Do you just round them up or go out and find them in a certain area?

Excerpts taken from the Shoshone-Bannock Tribal Council meeting held at Fort Hall, ID on August 18, 1998

Comment No. 17744
Diana Yupe
Shoshone-Bannock Tribes

To me, that is what is confusing about the EIS. It appears the infection was in the cattle.

As far as where the cultural aspect comes in, I might talk about that later.

Right now, it appears the management proposal is to manage the infected rather than the infectee, the ones who are infecting the population of natural animals. But then there is the management of the naturals rather than the domestics.

Excerpts taken from the Shoshone-Bannock Tribal Council meeting held at Fort Hall, ID on August 18, 1998

Comment No. 17745
Jim Reed
Shoshone-Bannock Tribes

There is absolutely no scientific information to support those management activities. There has never been a single documented case and there has been absolutely no repetition in the studies that have been done on the transferring of brucellosis between bison and cattle and vice versa. There is absolutely no data to support such a management.

I have an alternative to offer to your impact statement. There is one that seems to be left out and I think it is one that would be very well received by all Indian people nationwide. Instead of shooting the buffalo, give them to us. Round them up, we will come get them. We will incorporate them as part of our herds. There are hundreds of thousands of Indian people nationwide that want to see the buffalo back, that understand the buffalo are normal in this system, not cows. That has been left out as an alternative.

It is just asinine to shoot buffalo and then they turn around and give them to the Indians or the needy or whoever else. These buffaloes are just like eating the bottom of your shoe this time of year. It is just really asinine. We sit here and give up on our treaty rights. Since we have treaty rights, why can't we go in there and hunt these buffalo when they are nice and fat and laying under the trees. If they have to thin the crop out, we can exercise our treaty rights in there.

We have to go back and figure out how we can get that money from the Park Service to the Tribes. We have had people hired to go and do this work. It is not adequate to give the meat to the Tribes. First of all, there is a treaty that Yellowstone Park is a traditional cultured property. It does meet National Register eligibility under the NR program. It has extreme special significance to our people. Not only for the hot springs but also for the mountains and resources that the Tribes have not been using since the closing of the park to us. Actually, because of the fees, it has been literally closed, we cannot practice, we cannot enjoy, we cannot visit, and we cannot be part of the park due to the closing. The traditional-ness of it is still there. It has not disappeared, but we have been restricted from it like Indians.

Ultimately, the problem seems to be the bison are moving onto grazing allotments of very rich livestock cattlemen, a very small number of cattlemen's allotments, and they have a great deal of political clout.

Based on a complete lack of data, they have decided that bison are the worst thing that could ever happen to their cattle. The worst that could ever happen to their business. They don't want the bison anywhere near their cattle so the National Park Service has invested all this energy to bend and satisfy a very small number of very rich people.

This whole environmental impact thing, this whole management thing is going to be catering to a handful of individuals. As a United States citizen, that is kind of absurd. We are taking a national treasure, rearranging bison herds and managing them to satisfy just a few voters that have strong public pull. Why can such a travesty be allowed to continue? It doesn't make any sense. The last I heard, the buffalo were pretty important.

There is a real important distinction that needs to be made with respect to the government-to-government relationship between Indian Tribes and federal agencies and the need for process. Indian Tribes need to be considered as co-managers not public entities. As a co-manager, we need to be involved in all aspects of the decision making for these reasons as the reports show. They are Aboriginal landowners. We cannot be lumped into that public category. Our input needs to rank far and away above that of a letter from a concerned individual that lives in the Garden Valley or a rancher.

As we move forward in the environmental impact statement and process, you need to remember that even if the public comment period has passed if any federally recognized tribe has a concern, or complaint, an addition, or subtraction, it needs to be waived as with any other federal agency.

Excerpts taken from the Shoshone-Bannock Tribal Council meeting held at Fort Hall, ID on August 18, 1998

Comment No. 17746
Maxine Edmo
Shoshone-Bannock Tribes

The concern I have is from looking at the your schedule of meetings and the stated areas. It seems to me like the treaty Tribes have been excluded from this whole theory system. To me, to exclude the Indian people from this type of thing is complete disregard for our people. The meetings you have scheduled here started in July and then the rest of the meetings are in big urban areas. Nothing here at Fort Hall, why wasn't Fort Hall listed on here? Then you come as an afterthought, which is an insult to me.

Is there a separate listing for the government-to-government relationships?

In regard to the treaty that our tribe made with the federal government, there is a trust responsibility by every federal agency, and those are the ones listed in here, to the Indian Tribes. Who in these federal agencies is working on behalf of the Tribes to keep us informed and updating us as they go along in this process?

If you use that same theory on the migration of the animals, irrespective of whether it is the State of Idaho or the State of Wyoming, or Montana, or Yellowstone Park, that is our aboriginal territory. Like it or not, we should have a direct say in that management. A right and equal status with an active part with the Park Service, Forest Service, and unfortunately if the State of Montana is involved we should have equal standing or more standing than Montana. You have to remember when you talk to federally recognized Indian Tribes you are really talking to a sovereign nation.

The thing I see wrong is the State of Montana having all this power in this whole process. Our treaties were made with the federal government.

To me, this whole EIS thing that you are doing is absolutely wrong. Having your hearings in these big urban areas, they don't have an interest in the buffalo. They don't care. In history, what has happened to the buffalo is well documented. They were annihilated. This is all that is left in the park, and that is all that is left of the buffalo. This is just an excuse to get rid of the rest of them, which is absolutely wrong. Where is the brand on these buffalo by all these non-Indians that you are giving all the authority to?

Is there anywhere in the EIS that talks about feeding these animals?

Excerpts taken from the Shoshone-Bannock Tribal Council meeting held at Fort Hall, ID on August 18, 1998

Comment No. 17747
Keith Tinno
Shoshone-Bannock Tribes

My question is, out of those ranches that have grazing allotments in the forest area next to the park, how much cattle is in that area when the buffalo are allowed to graze outside the park? During the winter, how much cattle are in those areas?

So there have been several proposals written up about constructing quarantine facilities like on the Choctaw Nation that was bought in 1994 or 1995, I think early 1995. There have been others by the ITBC and the National Wildlife Federation. I think they mention quarantining as a management option. It is included in the EIS as part of the alternatives and it could be chosen.

In the EIS regarding the buffalo, there is really no scientific proof or anything about brucellosis?

Excerpts taken from the Shoshone-Bannock Tribal Council meeting held at Fort Hall, ID on August 18, 1998

Comment No. 17748
Tony Galloway, Sr.
Shoshone-Bannock Tribes

When you talk about hazing, what do you mean by hazing? Chasing them by airplane and rubbing . . . on them and stuff like that?

One of the things you should probably jot down is to feed the animals. Part of our culture is having a live buffalo in the first place. To save these buffalo, keep these animals alive. These animals are starving. You have to feed them in order to keep them in there. You look at the natural way of doing things, and it has shrunk so much. How do you expect them to stay in there and feed on nothing?

Excerpts taken from the Shoshone-Bannock Tribal Council meeting held at Fort Hall, ID on August 18, 1998

Comment No. 17749
Stan Baldwin
Shoshone-Bannock Tribes

Does the brucellosis come from cattle to begin with, not from buffalo?

Why do you shoot the buffalo?

Excerpts taken from the Shoshone-Bannock Tribal Council meeting held at Fort Hall, ID on August 18, 1998

Comment No. 17750
Public Speaker (identity unknown)

First in time, first in right. It works real well with water. Why is it something that was imported? You've got to remember that the Native American, the animals, they took care of the ecosystem. The buffalo knew how the buffalo grazed. It worked well for the animals. Now you bring something that was imported that doesn't have that respect, something that is strange and slaughters. The cattle don't know how to work with the rabbits, birds, and trees. They were the disruption.

The buffalo is very holy to us. They are held in our religious ceremonies.

Is this just political that you guys are dancing to the tune? You have to remember you guys were imported. Divide and conquer in the name of the almighty dollar.

Excerpts from the Tribal Consultation meeting held at Yellowstone National Park, WY on August 12, 1998

Comment No. 17713
Aluah Quinn
Sisseton-Wahpeton Sioux Tribe

A comment about the facilities at Stephen Creek, and if you have any numbers up there and you hold them for any length of time. So they did get supplemental feed? Won't it be a good idea to improve the facilities at Stephen Creek? Maybe build some hazing fences where they normally might get out so that they would migrate into a larger compound of some type. Then they could be worked through the facilities and tested with the reactors slaughtered and the others kept until they're actually proven clean.

The whole problem lies when the animals leave the park boundaries. We can go ahead and work them before they get to the boundaries or where ever the problem areas are, or fence the whole park, which is unconceivable. But if the Park Service can concentrate on the problem areas, I don't see where it would be such a big problem anymore because there seems to be more and more support for the live removal of bison.

I would agree and if we could deal with it before they get to the park boundary then I would think the state would be completely out of it. Then we would be in a government-to-government working relationship.

For the animals that were shipped to slaughter here two years ago out of those facilities, did the State of Montana have to issue a permit to transport those?

Oral Testimony provided at the Thunderbird Hotel, 2201 East 78th Street, Bloomington, Minnesota on October 6, 1998.

Comment No. 15280
David Wilson
Thunder Nation

My name is Dave Wilson. I represent Thunder Nation, a founder. What Thunder Nation does is use the gifts that the Creator has given us to try to help the young people, the young children that get washed down the stream by the drugs, by the hunt for money. And it seems like everything here that is being talked about, everything that this commission has got going, it is based on finance, money. It seems like this whole society is kind of based on money. It is a religion. It is valued more than anything else is. It is valued more than our own children are. But money is what this is all about. Money is what Montana is all about. Killing sacred animals, moving people off their lands, cutting down the tree nation and polluting the sky, it all has to do with money. It seems like the society's values are based on money. Now, all of these values are starting to kick them in the .... The children are starting to go awry, the drugs are rampant, and gang violence is rampant. And it is still the religion of this country. It is still the basis for all their dealings with anybody else. It doesn't have nothing to do with what is sacred, what is of value. It all has to do with Uncle Sam's USA greenback.

If that's what Montana is all about, I for one won't ever return to Montana. I for one will never go to Yellowstone, if we can't get what we want. We can't change the values. We are in big problems here. We have a lot of problems. A lot of my people, a lot of my children are caught up with all of this. They are caught up with the values that are put out on television. They are caught up with the values that this government, that these commissions, that these parks put on the US greenback. The old good USA dollar.

It seems like every day you listen to the news, you read the newspapers, you are involved in talks, you are involved in what your house payments are, what your car payments are, how much money you have in your pocket. That doesn't make the value of a human being. That doesn't make the value of a bison, of the buffalo, it doesn't make the value of a wolf. You take all of your money, and when you go see your God, show him all of your money and tell him what a great person you are because you had so much money.

The battle that I fight every day is on the streets. I go see my children. I see the children of my cousins, my sisters. I bring in the traditional gift that has been given to us by the Creator. That's our drum. I am a drum keeper. I am a song keeper. I have seen all of your AA programs, I have seen all of your drug programs, your rehabilitation programs, you created those, we created those because we put value on money, above all else. So, now we have to create everything else to counteract the values that we have. We have to start putting some real value on this Mother Earth, on this grandmother earth that gives us everything. She has never asked you for anything.

It is time to change the values of the people that want to kill the buffalo in Montana. If money is what their value is, then maybe we shouldn't go to Montana. Maybe we shouldn't go to Yellowstone Park. They generate millions and millions of dollars every year from tourists like you and I, who want to go see nature, who want to get in contact with our mother, the earth. You get in contact with Mother Earth and she will tell you what she needs, she will tell you what to do. But, it has nothing to do with how much money is in your pocket. It has nothing to do with how much money you are willing to spend.

Excerpts from the Tribal Consultation meeting held at Yellowstone National Park, WY on August 12, 1998

Comment No. 17719
Clarence Skye
United Sioux Tribes

Remember, I don't think there has ever been a proven case where brucellosis has effected the livestock.

I thought if I went into a government area and did some damage to a government area, the federal government would come get me, send me to trial, and send me to prison. But if a federal buffalo can walk out of the reservation and get shot by a rancher, I thought they were protected by the federal government.

Also for the relationship between the Tribes and the National Park Service, I think technical assistance should be provided not only to the Tribes, but the Tribes provide technical assistance to the National Park Service. Management, animal control, and environmental development are also important when there is excess buffalo, and deciding which Tribes can use the excess buffalo, the surplus buffalo.

14,455

UNITED TRIBES TECHNICAL COLLEGE
3315 UNIVERSITY DRIVE
BISMARCK, NORTH DAKOTA 58504 • PHONE 701-255-3285 • FAX 701-255-1844

October 15, 1998

Sarah Bransom
Interagency Bison Management Plan,
DSC-RP,
PO Box 25287
Denver CO 80225-9901

Dear Sarah:

The Northern Plains Bison Education Project (NPBEN) is working in concert with the InterTribal Bison Cooperative (ITBC), and to implement a plan to save bison leaving Yellowstone National Park from the needless slaughter perpetrated by the State of Montana Department of Livestock.

Northern Plains Bison Education Network:
The following tribal colleges are members of the Northern Plains Bison Education Network:

Cankdeska Cikana Community College
Cheyenne River Community College
Fort Berthold Community College
Little Priest Tribal College
Lower Brule Community College
Sinte Gleska University
Oglala Lakota College
Sisseton-Wapeton Community College
Sitting Bull College
United Tribes Technical College

The tribal colleges also received Land Grant Status under the Act of 1994, and Little Priest Tribal College received its status this year. Seven of the ten tribal NPBEN colleges are from tribes that are members of the InterTribal Bison Cooperative.

Mission
The mission of the ITBC is "to restore bison to the Indian Reservation in a manner that is compatible with the spiritual and cultural beliefs."

The mission of the NPBEP is:
1. To establish a regional postsecondary collaboration supporting the restoration, development, and management of bison herds, and;
2. To establish a regional clearing house for distribution of bison to Tribal land grant institutions for cultural, educational and research purposes.

14,455 contd.

The mission statements of both organizations require the joint efforts to respond to finding a sensible solution to the problems in Yellowstone National Park.

Northern Plains Bison Education Network Proposal

The reasonable solution is to conduct brucellosis research through tribal land grant institutions, in Animal Health Facilities established under tribal law, which would exceed state and federal standards. This would be a win-win solution for the National Park Service, and other parties involved, and most importantly the bison.

1.) It would halt the needless killing of animals, just because they crossed a state line.
2.) It would conduct research for the sake of the bison, not just the impact negative or positive that it would have on livestock, and ultimately protect the economic and livestock interests.
3.) It would provide factual information and a scientific database.
4.) It would conduct research on bison in the Yellowstone area to ensure bison and other native wild animals in the area are protected from brucellosis a dreaded bovine disease.
5.) It would allow research associated with brucellosis and the risk of disease transmissions to other wild animals and livestock.
6.) It would allow Tribal Land Grant Institutions the opportunity to research as part of the bison herd development on Indian reservations.

Support of the Citizens Plan:
The Northern Plains Bison Education Project supports the Citizens Plan to Save Yellowstone Buffalo endorsed by the following sponsors: American Bison Association, Defenders of Wildlife, Gallatin Wildlife Association, Greater Yellowstone Association, Idaho Wildlife Federation, InterTribal Bison Cooperative, Jackson Hole Conservation Alliance, Montana Audubon, Montana River Action Network, Montana Wildlife Federation, National Parks and Conservation Assn., National Wildlife Federation, Natural Resources Defense Council, The Wilderness Society, Wyoming Wildlife Federation, Wyoming Wear, and the Yellowstone Raft Company. The Citizens plan would:

1.) Maintain wild, free roaming buffalo, by ensuring that herds will have access to public lands outside the park.
2.) Place wildlife professionals in charge of crucial decisions about wild buffalo instead of leaving that authority with Montana's Department of Livestock.
3.) Direct government agencies to work with private landowners adjacent to the park to protect landowners' interest.
4.) Manage buffalo by relocating them to Indian reservations and public lands or through a regulated harvest only if science demonstrates there are too many buffalo for available land.
5.) Create incentives that encourage landowners to change their grazing practices in ways that reduce contact between cattle and buffalo.
6.) Work to compensate private landowners when natural buffalo migration damages fences or other private property.

United Tribes Technical College supports the Northern Plains Bison Education Network, and the InterTribal Bison Cooperative in the development of a plan to find a sensible plan to resolve the bison issue in Yellowstone National Park.

Sincerely,

Dr. David Gipp, President
United Tribes Technical College

Cc. ITBC

14,701

Upper Sioux Community
Board of Trustees
Dallas Ross, Chairman
L. Alan Olson, Vice Chairman
Brad Lerschen, Tribal Secretary
Jeanette Marlow, Treasurer
Tom Ross, Member at Large

USC RESOLUTION NO. 37-98

WHEREAS, The Upper Sioux Community is a federally recognized Indian Community possessing the powers of self-government and self-determination, and is governed by the Constitution of the Upper Sioux Community; and

WHEREAS, The Upper Sioux Community has an elected governing body called the Upper Sioux Board of Trustees which is empowered by the Tribal Constitution to act on behalf of the members of the Upper Sioux Community; and

WHEREAS, The Upper Sioux Tribe strongly opposes the unnecessary killing, confining, or interference with the natural migration of Yellowstone Buffalo on public lands; and

WHEREAS, The Upper Sioux Tribe considers the buffalo to be of great historical, cultural, and spiritual significance and further considers the buffalo to have a significant role in the health of the ecosystems, and is therefore, deeply concerned about the continuing slaughter of the Yellowstone buffalo herd, the oldest and the last free-roaming herd in this country, the surviving descendants of the mass slaughter of the 1800's; and

WHEREAS, nearly 1,100 buffalo, or one-third of the existing herd, were killed during the winter of 1996-97, and the killing continued in 1998, and will continue into 1999, with the deaths of these last wild buffalo sanctioned by a United States Government plan still in effect; and

WHEREAS, the release of the draft Environmental Impact Statement on the Long-term Bison Management Plan has been delayed for, at least, eight years precluding the National Environmental Policy Act process during this time, without tribal involvement; and

WHEREAS, the Interim Bison Management Plan, currently in effect, has never undergone an Environmental Impact Statement on Yellowstone Bison Management and has permitted instead, for annual operating plans that has resulted in the buffalo slaughter; and

WHEREAS, in the absence of scientific evidence of buffalo-to-cattle disease transmission risk, the Upper Sioux Tribe, considers this recent buffalo slaughter, just like the buffalo slaughter of the 1800's; to be politically and not scientifically motivated; and

WHEREAS, The Upper Sioux Tribe has an inherent right and responsibility to protect the last wild buffalo herd and considers the plight of the Yellowstone herd a matter of great importance and will have negative cultural and spiritual effects on native people; and

WHEREAS, there are more culturally, socially, environmentally, and economically sound, acceptable solutions in determining the future of the Yellowstone buffalo herd; and

WHEREAS, the Upper Sioux Tribe has never been consulted on this matter of great cultural importance on a Government-to-Government basis, as mandated by Executive Memorandum and National Environmental Policy Act provisions.

THEREFORE BE IT RESOLVED, that the Upper Sioux Tribe strongly opposes the unnecessary killing, confining, or interference with the natural migration of Yellowstone buffalo on public lands; and

BE IT FURTHER RESOLVED, that the Upper Sioux Tribe demands the United States Government to immediately initiate official governmental consultations with the Upper Sioux Tribe on this matter, per Executive Memorandum, Federal Register, Volume 59, No. 85, Page 22951, April 29, 1994, on Government-to-Government Relations with Native American Tribal Governments and per National Environmental Policy Act stipulations that Federally-recognized tribes are to be given special consideration, and not to be considered as the "general public".

CERTIFICATION

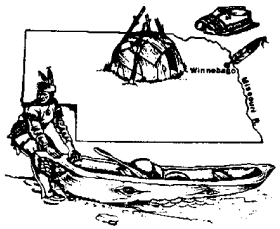
We, the undersigned members of the Board of Trustees, do hereby certify that the foregoing **USC Resolution No. 37-98** was duly adopted and approved on October 5, 1998 by a vote of 4 For, 0 Against, 0 Abstentions and 1 Absent.

Dallas Ross, Tribal Chairman
Upper Sioux Board of Trustees

Brad Lerschen, Tribal Secretary
Upper Sioux Board of Trustees

WINNEBAGO TRIBE of NEBRASKA

WINNEBAGO TRIBAL COUNCIL P.O. BOX 687 WINNEBAGO, NEBRASKA 68071



October 15, 1998

Sarah Bransom
Interagency Bison Management Plan,
DSC-RP,
PO Box 25287
Denver CO 80225-9901

Dear Sarah:

The Winnebago Bison Project a program of the Winnebago Tribe of Nebraska is working in concert with the InterTribal Bison Cooperative, and the Northern Plains Bison Education Project to implement a plan to save bison leaving Yellowstone National Park from the needless slaughter perpetrated by the State of Montana Department of Livestock.

Mission

The mission of the Winnebago Bison Project is "to restore bison to the Winnebago Reservation in a manner that is compatible with the spiritual and cultural beliefs of the tribe." Other tribal bison projects operate under similar mission statements. The spiritual and cultural relationship of bison is different in the tribal community, and just considering them livestock is insulting to bison and Native Americans. The return of bison is the answer to prayers of our elders, and the menace or pest in the Greater Yellowstone Area is a blessing in tribal communities. Bison took care of us in the past, and now the bison need our assistance in order to flourish and expand.

Northern Plains Bison Education Network (NPBEN)

The following tribal colleges are members of the Northern Plains Bison Education Network, Cankdeska Cikana Community College, Cheyenne River Community College, Fort Berthold Community College, Little Priest Tribal College, Lower Brule Community College, Sinte Gleska University, Oglala Lakota College, Sisseton-Wapeton Community College, Sitting Bull College and United Tribes Technical College. The tribal colleges also received Land Grant Status under the Act of 1994, and Little Priest Tribal College received its status this year. Seven of the ten tribal NPBEN colleges are from tribes that are members of the InterTribal Bison Cooperative.

Winnebago Proposal Regarding Bison in Yellowstone.

The reasonable solution is to conduct brucellosis research through tribal colleges, in animal health facilities established under tribal law, which would exceed state and federal standards. This would be a win-win solution for the National Park Service, and other parties involved, and most importantly the bison.

- It would halt the needless killing of animals, just because they crossed a state line.
- It would conduct research for the sake of the bison, not just the impact negative or positive that it would have on livestock, and ultimately protect the economic and livestock interests.
- It would provide factual information and a scientific database.
- It would conduct research on bison in the Yellowstone area to ensure bison and other native wild animals in the area are protected from brucellosis a dreaded bovine disease.
- It would allow research associated with brucellosis and the risk of disease transmissions to other wild animals and livestock.
- (The tribal community is equally concerned about the possible brucellosis transmission to other animals in the Yellowstone National Park.)
- It would allow Tribal colleges the opportunity to conduct research as part of the college and tribal bison herd development on Indian reservations.

Winnebago Support of the Citizens Plan

The Winnebago Tribe of Nebraska supports the *Citizens Plan to Save Yellowstone Buffalo* endorsed by the following sponsors: American Bison Association, Defenders of Wildlife, Gallatin Wildlife Association, Greater Yellowstone Association, Idaho Wildlife Federation, InterTribal Bison Cooperative, Jackson Hole Conservation Alliance, Montana Audubon, Montana River Action Network, Montana Wildlife Federation, National Parks and Conservation Assn., National Wildlife Federation, Natural Resources Defense Council, The Wilderness Society, Wyoming Wildlife Federation, Wyoming Wear, and the Yellowstone Raft Company.
"The Citizens plan would:

- Maintain wild, free roaming buffalo, by ensuring that herds will have access to public lands outside the park.
- Place wildlife professionals in charge of crucial decisions about wild buffalo instead of leaving that authority with Montana's Department of Livestock.
- Direct government agencies to work with private landowners adjacent to the park to protect landowners' interest.
- Manage buffalo by relocating then to Indian reservations and public lands or through a regulated harvest only if science demonstrates there are too many buffalo for available land.
- Create incentives that encourage landowners to change their grazing practices in ways that reduce contact between cattle and buffalo.
- Work to compensate private landowners when natural buffalo migration damages fences or other private property."

Winnebago Actions

Tribes in the immediate area presently eligible to receive bison from the National Park Service are the Winnebago Tribe of Nebraska, the Santee Sioux Tribe of Nebraska, the Ponca Tribe of Nebraska, and the Yankton Sioux Tribe. We wait for the day when this issue is resolved, and we receive shipment of bison from Yellowstone National Park in the same manner at other parks in the Nation Parks Service.

The Winnebago Tribe is in total support of Little Priest Tribal College, the Northern Plains Bison Education Network, and the InterTribal Bison Cooperative in the development of a plan to restore bison to Indian Country and public lands in any manner possible. This also includes the development of Animal Health Facility Standards on the Winnebago Reservation for research purposes.

Finally, as citizens of the State of Nebraska the bison in Yellowstone National Park belongs to us too. We cannot continue to condone the needless indiscriminate slaughter of this National Treasure leaving Yellowstone National Park. Let us find a way to treat the bison with respect.

Sincerely,

Daryl LaPointe
Chairman, Winnebago Tribe of Nebraska

Louis LaRose
Manager, Winnebago Bison Project

Cc:
The Nebraska Delegation
Governor Nelson
ITBC
Dr. Gipp

Excerpts from the Tribal Consultation meeting held at Yellowstone National Park, WY on August 12, 1998

Comment No. 17709
Louis LaRose
Winnebago Tribe of Nebraska

The bison are in Wyoming. Where is jurisdiction?

We're against brucellosis. I don't care if it's in buffalo, elk or other wild game or the cow, and we're just as much concerned with the brucellosis-free state as Montana.

But I am trying to figure out since you have the veterinarians stacked against us, you have APHIS and the State of Montana on the other side, and the forestry service on the inside voting in this committee, it seems like it's stacked back right from the start. It really makes us wonder if the input we have as a tribe is going to be of any importance.

The Tribes are asked to state our cultural relationship to the buffalo. It's kind of very specific to tell our relationship and most of us can do that. But no one has said anything about the White people including their cultural relationship to livestock. I mean it's almost like a religion to them, because it fits right into their way of thinking, their economy. So I'd like to ask why we are being asked what our religious thoughts are about bison. I think that's unfair that we had to show our religious point of view before we can eat at this table. I think that is irrational and unfair, but we can do it.

When bison are in the Park everywhere it does make a difference. It doesn't make a difference whether you're Indian or White or what state has the national park, it belongs to the whole country. I think that not doing anything and allowing them to cross a state boundary, into another jurisdiction into another mind field, is your responsibility, on the part of the Park Service, because it really sets them up just to be exterminated.

There are a couple of things we want to mention in regards to page 300. There are Tribes within the InterTribal Bison Cooperative who feel that when it comes to talking about their religion, that's their business. Because you really have no right to ask a person about their sacred religious beliefs on certain issues. That's how they look at it. But most of those bison probably came from the plains in one area that are in Yellowstone.

We have a relationship to bison, and it's part of who we are so we have a linkage. I think if you kept looking we have a historical, and cultural linkage to that animal and what we want to do is save them. Something we need to talk with the Park Service about is that the relationship that establishes stronger between you and the Tribes and it is the Winnebago Tribe and the State of Montana and the Winnebago Tribe and APHIS when it comes to talking about bison. Because APHIS does not want to deal with them as bison, they want to reclassify them and deal with them as livestock.

I have done a lot to oppose both you and APHIS and the State of Montana every chance I can because every time you see one of those buffalo kicking because they cross the state line it is failure. It's a failure on my part for not doing enough. This document can turn totally against us and it can become the road map to the annihilation of bison the way some people want. I don't want to see that happen and I think we have enough rational people that we can put together a good plan to respond to common interest and move on.

Take a look at some of these sacred cows. One of the things that we can get with is that quarantine and I tell you that I support it but I hate it.

I don't know how many times I have talked to tribal people who have dealt with buffalo in one way or another, and you know what happened, the buffalo are back and the people have changed. The beginnings changed. They are beginning to grow and they are beginning to understand little things about their lives that they didn't know before. It's beginning to have impacts on Tribes where there are buffalo, and that's something has to be handled. We don't see these as a commodity, we don't get hung up on all of these other things that people do. So we need to take a look at other kinds of ways. So when we really get down to it, it's more cost efficient to provide bison to the Indian people than it is to pay for all those amputation surgeries that Indian Health Service came up with.

We have got to begin to find your best people in the Park Service and begin to have them develop a program so that we start bringing young men and women from our tribal colleges into your program so they begin to learn about your bison management. So they can take them back right now.

When it comes to the issue, I think that if you developed a quarantine facility along the kinds of things that you are talking about, you don't have to have that boarding house mentality. You can do other things. There are all kinds of things you can do if you are creative, and I tell you I am pretty creative.

I think that we could tie research into one of the major universities that does research. We have major land grant colleges in Nebraska and we are in two states so we can tie with Iowa State at Ames. If it went through, and we met that protocol, then why not, because I think we want to study bison for bison's sake, not for livestock's sake.

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Yankton Sioux Tribe

Box 248
Marty, SD 57361
(605) 384-3804 / 384-3641
FAX (605) 384-5687

YELL-15846

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Business and Claims Committee Y S T

MEMBERS:
FRANK JANDREAU, JR.
ROBERT (PETE) KEZENA
JOSEPH McBRIDE
EVERDALE SONG HAWK
JOHN SULLY, SR.

YANKTON SIOUX TRIBE
RESOLUTION NO. 98-304

WHEREAS: The Yankton Sioux Tribe is an unincorporated Tribe of Indians operating under an amended Constitution and By-Laws approved on April 24, 1963 and June 16, 1975; and

WHEREAS: The Yankton Sioux Tribe Business and Claims Committee is an elected body constituted for the purpose of conducting the Business and serving the best interest of the Yankton Sioux Tribe; and

WHEREAS: The Yankton Sioux Tribe Business and Claims Committee has contributed throughout the years improving the standard and quality of life on the Yankton Sioux Reservation and Tribal Community; and

WHEREAS: The Yankton Sioux Tribe considers the buffalo to be of great historical, cultural and spiritual significance and further considers the buffalo to have a significant role in the health of the ecosystems, and is therefore deeply concerned about the continuing slaughter of the Yellowstone Park buffalo herd, the oldest and the last free-roaming herd in this country; and

WHEREAS: Nearly 1,100 buffalo, or one-third of the existing herd, were killed during the Winter of 1996-97, the killing continued into 1998, and will continue into 1999, with the deaths of these last wild buffalo sanctioned by a U.S. Government plan which is still in effect; and

WHEREAS: The release of the draft Environmental Impact Statement on the long-term Bison Management Plan has been delayed for over eight years, during which time tribes have not been involved in the National Environmental Policy Act process; and

WHEREAS: The Interim Bison Management Plan, currently in effect, has never submitted an Environmental Impact Statement on Yellowstone Bison Management and, instead, has permitted operating plans which resulted in the buffalo slaughter; and

YELL-15846 contd.

WHEREAS: In absence of scientific evidence of buffalo-to-cattle disease transformation risk, the Yankton Sioux Tribe Business and Claims Committee considers the recent slaughter of buffalo to be politically, and not scientifically, motivated; and

WHEREAS: The Yankton Sioux Tribe has an inherent right and responsibility to protect the last wild buffalo herd and considers the plight of the Yellowstone buffalo herd, which has had a negative impact concerning tribal cultural and spiritual matters, a matter of great importance; and

WHEREAS: The Yankton Sioux Tribe believes that there are more culturally, socially, economically, and environmentally sound, acceptable solutions in determining the future of the Yellowstone buffalo herd; and

WHEREAS: The Yankton Sioux Tribe has never been consulted on this matter of great cultural importance on a Government-to-Government basis, as mandated by Executive memoranda and National Environmental Policy Act provisions;

NOW THEREFORE LET IT BE RESOLVED, that the Yankton Sioux Tribe Business and Claims Committee strongly opposes the unnecessary killing, confining or interference of the natural migration of Yellowstone buffalo on public lands;

BE IT FURTHER RESOLVED, that the Yankton Sioux Tribe Business and Claims Committee demands the U.S. Government to immediately initiate official government consultations with the Yankton Sioux Tribe on this matter as stipulated by Executive Order No. 13084, dated May 14, 1998, entitled "Consultation and Coordination With Indian Tribal Governments", and as mandated by National Environmental Policy Act stipulations that federally-recognized tribes be given special consideration, and that tribes are not to be considered as "the general public".

CERTIFICATION

This is to certify and affirm the above and foregoing resolution was duly authorized and passed by the Yankton Sioux Tribe Business and Claims Committee on the 6 day of October, 1998, at a meeting held at Tribal Office in Marty, South Dakota, on the Yankton Sioux Reservation by a vote of 8 in favor, 0 opposed, 1 abstained, 0 not voting, and 0 absent. Motion carried.

Stephen Cournoyer, Jr., Chairman
Business and Claims Committee
Yankton Sioux Tribe

Glenford Sully, Secretary
Business and Claims Committee
Yankton Sioux Tribe

Excerpts from the Tribal Consultation meeting held at Yellowstone National Park, WY on August 12, 1998

Comment No. 17718
Steve Cournoyer Jr
Yankton Sioux Tribe

Everybody is excited about having buffalo on the reservation there in a pasture where they are really noticeable down around the river. Like all the comments, culturally, they are sacred to the people who lived off of them for hundreds of years.