



BUFFALO FIELD CAMPAIGN

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Interim Translocation of Bison EA
Montana Fish, Wildlife & Parks
PO Box 200701 Helena, MT 59620
BisonSiteEvaluationEA@mt.gov

Dear Montana Fish, Wildlife & Parks,

Buffalo Field Campaign was founded in 1997 to stop the slaughter of Yellowstone's wild buffalo population, protect the natural habitat of wild free-roaming buffalo and native wildlife, and to work with people of all Nations to honor the sacredness of wild buffalo.

Buffalo Field Campaign is located in West Yellowstone, Gallatin County, Montana, and is supported by volunteers and citizens in Montana, Idaho and Wyoming, and by people throughout the United States and from around the world who value America's native wildlife and the ecosystems upon which they depend, and enjoy the natural wonders of our irreplaceable public lands.

As an organization and on behalf of its members, Buffalo Field Campaign is concerned and actively involved with protecting the last remaining descendants of indigenous buffalo in North America to occupy their original range in the Yellowstone ecosystem. Buffalo Field Campaign publicizes the plight of the buffalo to end their slaughter by government agencies and to secure long-term protection for viable populations of wild buffalo and year-round habitat in the Yellowstone ecosystem. Buffalo Field Campaign actively engages the American public to honor our cultural heritage by allowing wild buffalo to exist as an indigenous wildlife species and fulfill their inherent ecological role within their native range and serve as the genetic wellspring for future wild, free ranging buffalo populations.

Buffalo Field Campaign submits our comments for public review and analysis in Fish, Wildlife & Parks' decision to continue privatizing and quarantining buffalo taken and descended from the Yellowstone population.

Having failed to formulate a plan for the long-term reintroduction of the imprisoned buffalo at the start of your decision to quarantine, Fish, Wildlife & Parks' current analysis is focused solely upon finding yet another temporary place to hold them until the agency can come up with another plan, due in 2015, presumably.

By capturing and confining wild buffalo without having a plan as to where you would ultimately place them, Fish, Wildlife & Parks has created one analysis after another that avoids taking responsibility for reintroducing buffalo in public and Tribal herds as you promised. This was made evident in early 2010, when Fish, Wildlife & Parks announced you would go against your own commitment to keep buffalo as wildlife and placed the 1st cohort of buffalo on a private ranch owned by Turner Enterprises Inc. who would be compensated for housing the buffalo through ownership of the majority of their offspring. The offspring, once belonging to all people and future generations, would become Turner's private, commercial livestock.

Buffalo Field Campaign and our supporters have opposed the quarantine and domestication of America's last wild buffalo at every step of the way and we have made this clear throughout every analysis and decision by Fish, Wildlife & Parks. Montana has consistently ignored the concerns of the public and began removing buffalo calves from their family groups, holding them in feedlots, experimenting upon them, and otherwise treating them like livestock. Fish, Wildlife & Parks' decision to quarantine has taken a heavy toll: 89 buffalo were randomly slaughtered to test for infection, mothers who were overfed died while giving birth, several calves were stillborn, other calves were euthanized after their mothers died, several buffalo died from trauma, a consequence of human handling and confinement in pens.

Buffalo Field Campaign is strongly opposed to all aspects of quarantine, as we believe that better solutions - including the protection and creation of wild buffalo migration corridors, along with stronger cattle-based brucellosis-risk management - are available for restoring wild buffalo throughout their native range in the U.S. Yellowstone buffalo that have been captive in the Quarantine Feasibility Study are extremely important to us; they are members of America's last continuously wild population and Buffalo Field Campaign and our supporters have a stake in their future. It's time for Fish, Wildlife & Parks to take responsibility and free the buffalo from quarantine.

Fish, Wildlife & Parks states that these quarantined buffalo are “brucellosis-free” yet you claim that quarantine must continue to “absolutely verify” they are free of infection. We know of no wildlife species that has undergone such a lengthy, intensive, and rigorous quarantine as these buffalo. They have undergone several calving cycles and multiple tests for an infectious disease that has not been found. The fact is there are no absolute scenarios under which buffalo would remain free of disease. We question what proof will be found in five years that has not been found already.

Our principal concern, one Buffalo Field Campaign is now defending in litigation, is Fish, Wildlife & Parks’ agreement with Turner Enterprises Inc. to privatize and commercially exploit buffalo progeny in exchange for quarantining the wildlife species on Turner’s Green Ranch. Under Fish, Wildlife & Parks’ “No Action” alternative:

“if the agreement was terminated during years 1-3, TEI would retain all the progeny but returning all the original study bison back to FWP. If termination occurred at the end of the monitoring period, FWP would still receive all the original study bison and 25% of their progeny with the remaining progeny going into TEI’s ownership.”

A potential consequence of taking “No Action” would result in a higher number of buffalo progeny becoming “the property of TEI.” Buffalo Field Campaign contends that such an arrangement is in violation of Fish, Wildlife & Parks’ public trust responsibilities and that the agency, as a trustee of public wildlife held in perpetuity for the benefit of all citizens in Montana, cannot alienate buffalo to a private party for commercial exploitation as livestock. Privatization reclassifies buffalo from a native wildlife species to domestic livestock. Fish, Wildlife & Parks has neither demonstrated nor articulated any public value served by forever removing buffalo and their offspring from the public trust to a private, for profit, commercial entity.

Furthermore, Fish, Wildlife & Parks lacks statutory authority to forever remove buffalo and their offspring from the public trust to a private business or for profit, commercial entity.

The controlling statute for reintroduction of wildlife ([87-5-711](#)) requires that the Montana Fish, Wildlife & Parks Commission determine “based upon scientific investigation and after public hearing, that a species of wildlife poses no threat of harm to native wildlife and plants or to agricultural production and that the transplanted or introduction of a species has significant public benefits.”

The people of Montana have not consented in our Constitution, and the Montana legislature has not provided any explicit authority to Fish, Wildlife & Parks to forever remove a native wildlife species - the buffalo and their offspring - from the public trust by granting ownership to a private business, or for profit, commercial entity.

Fish, Wildlife & Parks needs to fulfill your responsibility to fully analyze and disclose the impacts of your decision of privatizing buffalo descended from the Yellowstone population once protected “for the enjoyment of future generations.” Specifically, Fish, Wildlife & Parks needs to analyze and disclose how Montana’s agreement with Turner Enterprises Inc. to remove buffalo progeny and render them private livestock:

- Meets your present Purpose of and Need for Action “to establish new public and tribal bison herds and augment existing public and tribal bison herds with brucellosis-free bison.”
- Meets your Objective of the Proposed Action to provide “brucellosis-free bison for future conservation and restoration efforts.”
- Meets your original intent and previous analysis and decisions that buffalo would never be commercialized for private benefit: “All quarantine bison and their offspring are and will continue to be classified as public wildlife under the management jurisdiction of Montana Fish, Wildlife and Parks or the appropriate state or Tribal jurisdiction where they reside.” (MT FWP Request for Proposals Disposition of Quarantine Facility Bison, December 2009). “MFWP does not support transferring publicly owned bison for commercial ventures.” (MT FWP Decision Notice Bison Quarantine Feasibility Study, January 2005). “Some of the basic criteria or guiding principles identified to date for restoration projects in North American include: Bison cannot be utilized for commercial purpose.” (MT FWP Environmental Assessment Bison Quarantine Feasibility Study Phase II/III, 5.7 Criteria for suitable recipients/release site, December 2005).
- Meets Montana’s Constitutional right to a clean and healthful environment obligating Fish, Wildlife & Parks to protect wildlife for future generations.
- Meets the intent and purpose of Yellowstone National Park’s permit to capture buffalo “to determine if bison that have successfully completed quarantine are reliably negative for brucellosis and suitable for the establishment of new tribal and public herds.”
- Meets Yellowstone National Park’s permit requirements forbidding commercial exploitation without entering into a cooperative benefit-sharing agreement with the National Park Service.

- Meets Montana Environmental Policy Act's requirements to "fulfill the responsibilities of each generation as trustee of the environment for succeeding generations" and "attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences" and "preserve important historic, cultural, and natural aspects of our unique heritage."

Fish, Wildlife & Parks also needs to analyze and disclose how and why you reached agreement with Turner Enterprises Inc. to privatize buffalo progeny when other "organizations or private parties that expressed interest in receiving some of the Study bison were not considered viable options at this time and for this analysis because they ... were requesting the bison for solely commercial interests."

Buffalo Field Campaign contends that an additional decision that must be made by Fish, Wildlife & Parks is to re-visit your agreement with Turner Enterprises Inc. and to negotiate compensation for keeping buffalo in quarantine that does not remove buffalo progeny, nor permit Turner Enterprises Inc. to extract and keep genetic material including semen, ova, and/or zygotes.

We disagree with Fish, Wildlife & Parks that there "are no costs to FWP for the study bison remaining at the Green Ranch for the duration of the monitoring period. However, at the end of the monitoring period FWP would receive all the original bison and 25% of their progeny. The remaining progeny would go into TEI's ownership. Under the agreement, TEI keeps 100% of progeny born during the first three years."

Cost is not a monetary consideration alone it is also a loss in perpetuity to the people of Montana of buffalo progeny as a wildlife species freely migrating in their original range.

In addition, the state of Montana continues to expend and accrue legal costs and expenses defending Fish, Wildlife & Parks' decision to permit commercialization of wild buffalo as private livestock. These costs will continue to be borne by Montana taxpayers under Fish, Wildlife & Parks' "No Action" alternative and need to be analyzed and disclosed in your decision.

Buffalo Field Campaign agrees with Fish, Wildlife & Parks that Turner's Green Ranch is private and that public access is permitted "only with the landowner's permission" and that presently "there is no public access permitted onto the ranch's properties."

Buffalo Field Campaign has made several site visits to the Green Ranch in an attempt to view the buffalo in quarantine. It is an important consideration and Fish, Wildlife & Parks needs to re-visit the public's opportunity of access to view the buffalo as they remain in quarantine on Turner's private land. What harm is there in having a public tour of the public's wildlife to see firsthand how the buffalo are faring in quarantine?



Fish, Wildlife & Parks needs to analyze and disclose cumulative impacts to buffalo that once resided in Yellowstone National Park for the benefit and “enjoyment of future generations.”

The buffalo now in quarantine were once part of America's last wild population to continuously occupy their original range. Over 200 buffalo were captured inside Yellowstone National Park, separated from their family groups who were shipped to slaughterhouses, and rendered as test subjects in an experiment by USDA APHIS and Montana Fish, Wildlife & Parks.

The public deserves to know, Buffalo Field Campaign submits for the record, and asks Fish, Wildlife & Parks to disclose cumulative impacts to buffalo subject to your quarantine experiment, and to account for discrepancies in the numbers of buffalo that are in your care.

A synopsis of impacts suffered by America's last wild buffalo is presented here and derived from APHIS' Bison Quarantine Feasibility Study Interim Summary (May 2010), Montana Fish, Wildlife & Parks Draft Environmental Assessment for Interim Translocation of Bison (September 2011), and APHIS' Bison Quarantine Feasibility Study Interim Summary (May 2011):

1st cohort captured inside Yellowstone National Park and trucked to Corwin Springs quarantine in April 2005 with additional buffalo captured for quarantine in 2006.

- + 17 calves trucked in.
- + 85 calves trucked in.
- 3 buffalo sero-converted and were euthanized.
- 4 buffalo sero-converted and were euthanized.
- 2 of 3 "suspect" buffalo were euthanized.
- + 21 calves born in captivity 2008.
- 5 calves died at birth: 4 stillborn from dystocia, 1 rejected by mother.
- 2 mothers died after giving birth.
- 2 calves euthanized after mothers died.
- + 30 calves born in captivity 2009.
- 48 randomly selected buffalo were slaughtered "to determine latent infection. All were culture negative."

1st cohort of 87 buffalo - 33 adult females, 8 adult bulls, 16 yearlings, and 30 calves - trucked to Turner's Green Ranch February 17-18, 2010.

- + 21 calves born in captivity 2010.
- 4 buffalo died total: 1 orphaned calf died shortly after transport; yearling died from meningoencephalitis; 5 year old broke a leg; newborn calf died umbilical cord infection; 2 year old female struck by lightning.
- + 40 calves born in captivity 2011.

Buffalo in quarantine on Turner's Green Ranch: 143.

2nd cohort of 112 buffalo captured inside Yellowstone National Park for consignment to quarantine winter 2008. USDA APHIS and Fish, Wildlife & Parks do not account for the number of calves born in 2010 and 2011.

- + 112 calves trucked in.
- 27 buffalo sero-converted and were euthanized.
- 4 buffalo died; 2 from "unknown causes" and 2 from "trauma related to handling."
- 41 buffalo randomly slaughtered for culture analysis and "all animals were culture negative for *B. abortus*."
- 1 female was euthanized due to "trauma at the handling facilities."
- 1 female died "unknown causes."
- + Unknown number of calves born in captivity 2010.

+ Unknown number of calves born in captivity 2011.
1 female from the 1st cohort has not calved, a requirement of the quarantine.
“She may be released from quarantine after being spayed to ensure she does not get pregnant outside of the quarantine procedures.”

Buffalo in quarantine at Slip N Slide: 68.

Buffalo Field Campaign has adamantly opposed quarantining buffalo believing that the state of Montana’s first obligation is to conserve, protect and restore habitat to support migrations of Yellowstone buffalo in their original range. As it stands, the state of Montana continues on its course of destroying migratory buffalo under the fundamentally flawed Interagency Bison Management Plan. This on-going harm to migratory buffalo will not be rectified by a state bison management plan proposed for development in 2015. Nor will the harm be rectified by Montana continuing to treat buffalo in quarantine until an “absolute” determination is made that they are brucellosis-free.

Buffalo Field Campaign requests Fish, Wildlife & Parks to fully analyze and disclose impacts as specified in our comments. Please keep us informed on all proposals, decisions, and management actions affecting quarantined Yellowstone buffalo.

Sincerely,

Daniel Brister
Executive Director
Buffalo Field Campaign

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