

# Summary Report from Interagency Bison Management Plan Meeting August 11-12, 2009

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The following summary report reflects activities at the August 11<sup>th</sup> and 12<sup>th</sup> meeting of the IBMP partners, held at Room 152 of the State Capital Building in Helena, and hosted by the Montana Board of Livestock. These notes include the meeting of the IBMP Partners with representatives from the InterTribal Bison Cooperative, Nez Perce, and Salish Kootenai on the morning preceding the normal IBMP meeting. Agendas for both meetings can be found at [www.IBMP.info](http://www.IBMP.info). This report comes from the notes and flip chart records of facilitator Scott Bischke. The report contains a *Facilitator's Draft* watermark to recognize that as presented the IBMP partners have not reviewed these notes and accepted the facilitator's recollection/interpretation of events. Attendees included IBMP partners Jerry Diemer (APHIS), Mary Erickson (GNF), Pat Flowers (MFWP), Glenn Plumb sitting in for Suzanne Lewis (YNP), Marty Zaluski (MDoL); ~15 staff members present from across IBMP organizations each day; ~15 members of the public each day. Scanned attendance and speaker sign-up sheets are available from the facilitator.

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## Partial list of Abbreviations

- AM—Adaptive management
- APHIS—Animal and Plant Health Inspection Service
- CM—Christian Mackay
- GAO—Government Accountability Office
- GNF—Gallatin National Forest
- GP—Glenn Plumb
- GYA—Greater Yellowstone Area
- ITBC— InterTribal Bison Cooperative
- JD—Jerry Diemer
- MBoL—Montana Board of Livestock
- MDOL—Montana Department of Livestock
- ME—Mary Erickson
- MFWP—Montana Fish Wildlife and parks
- MSU—Montana State University
- MZ—Marty Zaluski
- NEPA—National Environmental Policy Act
- NGO—non-governmental organizations
- NPS—National Park Service
- PF—Pat Flowers
- PIOs—Public Information Officers
- RC—Ryan Clarke
- RoD—Record of Decision
- RTR—Royal Teton Ranch
- SEIS—supplemental EIS
- SL—Suzanne Lewis
- YNP—Yellowstone National Park

## Action items identified on August 11<sup>th</sup> and 12<sup>th</sup>

#	Who	What	By when
1	Steve, all	Publish information to IBMP.info in a timely, complete manner to complete GAO goal of being a data repository	On-going
2	Rick	Provide Steve Merritt YNP base maps for posting on IBMP.info	Aug 15
3	APHIS	Post flier at USAHA meetings regarding existence of IBMP.info	Oct USAHA mtg
4	Sam	Report out on progress on status RTR working group	Nov mtg
5	CM, PF	Inform Partners on discussion with Gov's office direction on state chartered Citizens' Group (yes/no)	Sep 1
6	Steve	Add new research from GP to IBMP.info; no statement that Partners have read all	Sep 1
7	Lyndsay	For annual report add items like IBMP.info, other responses to GAO, record of 7 meetings (see notes on IBMP.info), etc...not just AM, send these items to PJ, recall that past meeting notes contain much text to pull from regarding activities of the Partners	Sep 15
8	Partners	Partners to read 08/09 final report and send edits to PJ	Aug 31
9	PJ/Tech Comm	Once comments incorporated—sent in and from Aug 11,12 meeting—created final draft and circulate to Partners for agreement; post to IBMP.info as draft final report with AM recommendations to be added after Nov 17/18 meeting	Before Nov 17/18 mtg
10	Pat/Scott	Provide RTR briefing paper to Scott for posting to IBMP.info	Sep 1
11	PJ/Scott	Provide research bibliography to Scott for posting to IBMP.info	Sep 1
12	MZ, PJ, SS	Develop standard method for reporting damage expenses of private landowners for reporting in AM annual report	Before Nov 17/18 mtg
13	PJ?	Report out on persistence data from staff	For Nov

			meeting
14	Tom Lemke, RT	Meet to assess fencing opportunities associated with AM recommendation 3.2b; fencing would all be on private land	Aug 20
15	RC, JD	Discussion with Jack Ryan regarding their newly requested AM recommendation under AM action 1.2A	By Nov 17,18 meeting
16	LS, MZ, Tech Comm	Meet with Mark Anderson DoL before significant action on short term habitat adjustments to the North Side (logistical and geographical considerations)	By Nov 17,18 meeting
17	GP	Convene conference call for Tues Sep 9, 1-4 (max)	Aug 25
18	Partners	Reserve Tues Sep 9, 1-4 (max) for teleconference, also reserve Tue Sep 29 <sup>th</sup> , 10-12 for followup teleconference if needed	immediate

## Meeting summary notes

Due to multiple facilitator activities, the notes presented are not comprehensive but hit highlights of Partner discussions. Interested parties are asked to see the IBMP web site ([www.ibmp.info](http://www.ibmp.info)) where briefings and other documents created at this meeting are posted.

### MEETING WITH TRIBAL REPRESENTATIVES

The IBMP Partners invited members of the InterTribal Bison Cooperative (ITBC), Nez Perce, and Salish Kootenai for a morning (830-1130 AM) meeting prior to the normal IBMP meeting. Attendees included Ervin Carlson—ITBC Executive Committee President, Jerry Diemer—APHIS, Mary Erikson—GNF, Pat Flowers—MFWP, Keith Lawrence—Nez Perce, Glenn Plumb—YNP, Christian Mackay—BOL, Majel Russell—ITBC Counsel (replaced by her law partner), Jim Stone—Executive Director ITBC, Tom McDonald—Salish Kootenai, and legal counsel for the Salish Kootenai.

The purpose of the meeting was to have an open discussion on how the IBMP Partners, ITBC, and two treaty hunting tribes can work more cooperatively and collaboratively in the future.

Issues of discussion included:

1. Tribal concerns with the bison management plan.
2. What role the ITBC plays in consulting with the IBMP
3. Review and discussion of the jurisdiction of tribes to manage bison
4. Exploring ITBC interest in moving bison to ITBC tribes
  - Interest of the Tribes in obtaining Yellowstone Park bison that have been through the quarantine process
  - Developing a process to transfer bison to tribes
  - Obstacles in a plan to transfer bison to tribes
5. How to improve communications with tribes regarding the bison hunt in Montana

Highlights of the discussion included unanimous agreement from the Partners on including one member of the Nez Perce, Salish Kootenai, and ITBC onto the IBMP. The structure for tribal participation—e.g., ex-officio, full voting member, ongoing responsibilities, financial input, etc—are still to be determined. However, there is an expectation that the tribal representatives will be at the table with the IBMP Partners for the Nov 17, 18 Livingston meetings.

There was discussion about legal structuring of the new relationship, whether an MOU was required, and so on. In the end the Partners decided on a simple letter of invitation going from the Partners to the

three tribal entities. A question arose about the legal status of the ITBC (501c3? Other?) which representatives of the ITBC said they would clarify to the Partners via email or letter correspondence later.

A stepwise process was developed for continued progress of the IBMP/tribal interaction: 1) ITBC clarification of their legal status; 2) Partners (lead YNP) send invitation to the Nez Perce, Salish Kootenai, and the ITBC, 3) the Nez Perce, Salish Kootenai, and ITBC designate a member (one each) to attend the November IMBP meeting, 4) these designates attend November 17, 18 IBMP meetings.

## **PARTNER BRIEFINGS/UPDATES**

Brief reports from the Partners on current on-the-ground operations and/or developments since the last IBMP meeting. Highlights from these discussions included:

- **Christian Mackay (BOL) on Montana Stockgrowers suit.**—Christian provide an update on the current Montana Stockgrowers lawsuit against the BoL. The lawsuit alleges that the AM adjustments of the IBMP are overstepping the intent of the IBMP and require MEPA analysis. The suit is in progress in Bozeman.
- **Marty Zaluski (DoL) and Jerry Diemer (APHIS) on potential change in state brucellosis status.**—Dr. Zaluski described a proposal under discussion to create a national brucellosis elimination zone, currently no longer in consideration. Also of great interest to states in the GYA is a plan is being discussed to create designated surveillance and mitigation areas for brucellosis, thereby eliminating state class status. Next step in the process is for the USDA to produce a concept paper on brucellosis surveillance and mitigation areas for public review.
- **Mel Frost (MFWP on behalf of all PIOs) regarding status of IBMP.info.**—Mel provided an update on the user survey of what changes they wanted to see on the website. Only a small number of responses were received, nine of which were deemed relevant by the PIOs. Of those comments that did come in some requested addition of mapping capabilities and/or base maps to the site. The Partners reiterated a belief that to address GAO concerns the website should be a repository for information on the IBMP, but not be a place for active interaction, question posting, and so on. Mel's briefing paper on the user survey can be found at [www.ibmp.info](http://www.ibmp.info).
- **Pat Flowers (MFWP) bison quarantine update.**—There will be a decision on disposition of the current cohort by mid-December. The Partners discussed the idea that the IBMP needs to show success in this program; to demonstrate that disease-free bison can be verified and that quarantine and transfer to willing receivers can provide a method of bison conservation. A briefing paper on the quarantine situation can be found at [www.ibmp.info](http://www.ibmp.info).
- **PJ White (YNP) on transfer of surplus animals.**—PJ provided a briefing on the feasibility and difficulties associated with transfer of bison to willing takers outside of YNP. To date it appears that there is always a concern about brucellosis, regardless of testing and quarantine status. It is possible that an EIS will need to be completed to allow for bison transfer.

It was noted that Partners need to keep focused on creating a successful RFP process, through potentially helping interested parties structure their proposals. Also, some discussion was directed toward the tenuous nature of bison transfer, witness the recent decision of the Northern Arapahoe tribe not to take bison due to brucellosis concerns after originally being slated to do so. A briefing paper on the available habitat expansion areas can be found at [www.ibmp.info](http://www.ibmp.info).

- **Pat Flowers/Sam Shepherd (MFWP) on RTR Working Group formation.**—This working group is newly initiating and being led by Sam Shepherd. The group will work on the specific needs and materials (e.g., vaginal implants, radio collars) required to institute a tracking program for bison coming to and beyond the RTR in the winter of 2019/10. The group will also go through contingency

planning exercises for such items as fence failure. Details for the new fence for the RTR have been worked out over the last 6 months. Construction is expected to start in late August and be complete by the end of October. The fencing is currently out for bid.

The RTR working group is expected to be made up of Sam, Rob, Becky, Glenn, Tom, and Walt.

- **Lisa Stoufler (GNF for Technical Committee) on increased habitat opportunities for bison.**— Lisa provided the results of a study by the Technical Committee on short term available habitat expansion areas in the GYE. The group identified opportunities for expansion temporally and spatially, and also with potential differences in tolerance based on sex. A briefing paper on these areas for potential habitat expansion can be found at [www.ibmp.info](http://www.ibmp.info). Separately, Pat Flowers noted that MFWP has just designated Arnie Dodd to begin a study of suitable habitat for bison across the state of Montana.
- **Glenn Plumb (YNP) on new science.**—Per the AM plan, the Park provided a bibliography on all new research it was aware of in the area of brucellosis. A request was made that if anyone knew of other research papers, that they provide them to Glenn. There was general recognition that while members of the Technical Committee will likely have read all these research papers, that it would be incorrect to assume that each Partner had. The bibliography can be found at [www.ibmp.info](http://www.ibmp.info).

#### **CONCEPT PAPER DESCRIBING PROGRESS IN CREATING CITIZEN'S WORKING GROUP**

Lindsay Cole of APHIS presented a Citizens' Working Group concept paper on behalf of the Partner PIOs. The concept paper comes as the result of several Partner scoping meetings held since the last regular meeting in April, 2009. The concept is to create a state-chartered group as such a group avoids some of the strict requirements of a federally chartered FACA group. Citizen response was small (two speakers) but positive. Comments included that 1) this was a worthy effort, 2) that it needed to embrace all interested parties, 3) that it needs to be substantive, 4) that it needed to be perceived as fair, and 5) that it was important to keep the public involved in the chartering process. Through the discussion it was clear, and clearly stated to the public, that the current concept hinges on agreement by the Governor's office. Further stated was that the idea of a Citizen's Working Group would not be dropped if the Governor rejected a state convened working group, but that it would be big setback, from a group start date perspective at a minimum.

The Partners asked for a couple of corrections to the concept paper: in the second bullet the State of Montana, not the Partners, would ask the working group to provide information, 2) that this group would inform the state in 2011-2012, with a final product by spring/summer 2011.

The Partners stated a commitment to more deliberate approach for finding an acceptable public process. The next step is for Pat and Christian to meet with the Governor's office. Goal for this discussion is Sep 1, with a report to the Partners to follow directly afterward.

The concept paper can be found at [www.ibmp.info](http://www.ibmp.info).

#### **DRAFT ANNUAL REPORT AND AM RECOMMENDATION REVIEW**

PJ White provided draft copies of both the 2008/09 Annual Report and a set of adaptive management recommendations based on monitoring results from 2008/09. The Partners decided to discuss the two items separately though the overall goal will be to have both combined into a single report (i.e., that includes AM recommendations) following the Nov 17/18 meetings.

Partners were allowed to look at the annual report overnight. The next morning a statement was made that the report was largely a statement of facts and data on bison numbers, location, sero status, and so on and that it was probably 98% correct. This idea was not materially challenged. A request was made that any modifications be sent to PJ. Also, it was pointed out that this was an annual report, not simply a AM

report and thus it was missing such items as how the Partners addressed the GAO recommendations, statements about the 7 meetings leading up to signing the AM plan, [ibmp.info](http://ibmp.info), progress toward a public engagement process, and so on. A request was made and accepted that APHIS (Lyndsay Cole) draft those sections and send to PJ. Another request was made that the Partners only include just known state of MT expenses in the report, not un-validated claims from land owners on their fencing and other repair expenses.

Once all items for the annual report are incorporated, PJ will circulate a final draft to the Partners for full agreement. This document will then be posted to [www.ibmp.info](http://www.ibmp.info) as draft final report with AM recommendations to be added after Nov 17/18 meeting.

The Partners spent a good deal of time working on the 21 draft AM recommendations created by the Technical Committee and presented by PJ. (A request was made that the draft of these recommendations not be posted to [IBMP.info](http://IBMP.info) to avoid confusing the public, since all the recommendations are not yet agreed upon.) The items were tackled one-by-one with recognition that several items came out of the Technical Committee with directly conflicting recommendation. Status of the recommendations follows.

Recommendations under the following AM actions were accepted as presented: 1.1B, 1.2B, 1.3A, 1.3B, 1.3C, 2.1A, 2.1B, 2.1C, 2.2A, 3.1A, 3.1B, 3.1C

Recommendations under the following AM actions were accepted with the modifications shown:

- 1.2A bullet 1—Not parked, but Marty and Pat will discuss
- 1.2A bullet 2—new (during the meeting) request (2<sup>nd</sup> bullet) from APHIS to initiate a field study in or in proximity to YELL to investigate the ability of bison bulls to transmit *B. abortus* was added. Glenn said for the Park this would be a low priority relative to other research needs.
- 2.2B—DoL fine with the addition of Maiden Basin. Defer West Side discussion for zone 2 west of the river. Per Pat, Cutler Meadow discussion is for a future year, not the upcoming one.
- 2.2C—change 2<sup>nd</sup> bullet to say, “Explore operational quarantine agreements with willing tribes and other organizations for future transferring of “surplus” bison from YELL, including necessary NEPA/MEPA review (NPS).”
- 3.2B—1) delete 2<sup>nd</sup> bullet; 2) —add in first bullet: “evaluate whether strategic fencing is appropriate and if so for bison migration corridors ...” \*\*\* Scott to add in addition add 2<sup>nd</sup> sentence saying “explore bison mgmt opportunities assoc with strategic fencing”, 3) move final bullet to first bullet position
- 3.2C—delete first bullet
- 3.2D—delete bullet, change to “None at this time (MDOL).”

Recommendations under the following AM actions were parked: 1.1A, 1.1C, 3.2A. These three recommendations were parked due to time constraints. All three deal with on/off the landscape timing, hazing, and number constraints on bison being outside the Park. The Partners came up with possible plan to forgo hard # and date deadlines and instead form a committee that every year looks at prevailing conditions (key variables include new brucellosis persistence data, snow pack, # and location of bison out, status of green up in the Park, river levels [impact bison crossing ability]) in late Apr/early May and then each year set the date recognizing that it could be earlier or later than May 15. This thought process, though not yet agreed upon, was vetted for quite some time, and was largely based on monitoring data presented as part of AM plan. One thought put forth was that the current recommendations for these three items could then be changed to say that the Partners buy into a late April/early May decision making process by a committee using current data and dynamic ecological modeling to determine haze back timing. It was recognized that this could mean earlier or later than May 15<sup>th</sup> haze back, and that it might, for example, lead to hazing from Zone 2. A constraint noted was that Park Service personnel can have limited availability once tourist season starts and they need to turn to people management and similarly that late bison return could create safety issues due to increased traffic.

An additional analysis by DoL of the spring flow on the Madison River—important to bison crossing back and forth from the Park—was presented. The hydrographs can be found at [www.ibmp.info](http://www.ibmp.info). The result of this

discussion was for the Partners to schedule a future teleconference for deal (in part) with these 3 parked items.

### **FUTURE IBMP PARTNER MEETING PLANNING**

A follow up conference call was scheduled for Tuesday Sep 8<sup>th</sup> at 1-4 (max) PM. YNP will convene. Partners are requested to hold Sep 29<sup>th</sup> from 10 AM to 12 for potential follow-up. Agenda of the conference call will include discussion...

1. ...and hopeful resolution of remaining issues under the AM recommendations for 2009/10.
2. ...of Governor's response to create state-chartered Citizens' Working Group
3. ...next steps to take with tribal representatives
4. ... agenda for Nov 17, 18 meetings

The next regular IBMP meeting date has been changed from that previously published. The Fall meeting will be held 17, 18 Nov 2009 in Livingston at the Best Western with DoL newly acting as lead agency. Reasoning for date selection: AHA meeting is in late October so that time booked for many; bison hunt starts Nov 15; Veterans' Day holiday is Nov 11; DOL will be the new lead agency as of Nov 1. The agenda for this meeting will include at least the following items:

- Response to action items from Aug 11/12 meeting
- Hand over of IBMP leadership from YNP to DoL
- Completion and subsequent posting to IBMP.info of Annual Report; also notification to Congress of the report's availability
- Discussion of the next RFP (timing, cost, making process easier, determining barriers if no adequate proposals are submitted)) for quarantined bison and potentially helping groups with their proposals
- Report out on status of persistence study

### **Selected comments from public**

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The notes on comments are not intended to be complete, but rather representative to the best of the facilitator's ability to capture key statements.

#### **AUGUST 11<sup>TH</sup>**

- Statement that a rancher had \$1000 of fence damage when bison went through his fence several times. The rancher said that MFWP paid for the materials for repair but not the labor.
- Statement that a single unified map would be helpful for IBMP discussions.
- Statement that quarantine/transfer process moving forward the sooner the better.
- Statement that Horse Butte is cattle free and should be year round bison habitat.
- Statement of appreciation for tribes being here in the morning, also for the bibliography put out by Glenn.
- Statement of concern that the meeting with the tribes was not posted on the website
- Statement that the brucellosis persistence data needs to be published ASAP
- Statement that the Partners should use GIS mapping as a tool
- Thanks to FWP for starting habitat assessment plan statewide
- Statement that the ability to move bison out of the GYE has always been a problem; that instead bison should be kept in the marvelous habitat provided in the GYE but not utilized

#### **AUGUST 12<sup>TH</sup>**

- Question of need for hazing
- Request that Gallatin Wildlife Association be able to participate in future discussions of new habitat possibilities
- Statement that maps are not currently correct with respect to ownership, boundaries, confusion of state land and wildlife management areas, and opportunities for wildlife expansion
- Statement that there are no cattle north up the Gallatin to the creek formerly called Squaw Creek

- Thanks for the good, professional meeting
- Statement that too much of the discussion surrounded disease management, fencing, property damage, etc and request that it be refocused on conserving a wild, free bison population
- Statement that brucellosis can be managed and risk is low; statement that bison outside the Park come with many values that are under recognized.
- Request for Partners to think outside the box

## **Parked items**

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The following items were “parked” by the Partners to be considered during future meetings:

- From this meeting:
  - How can Partners reach out more effectively to communicate the requirements and timing of RFP opportunities for tribes and other entities to take possession of quarantined bison? APHIS may be able to help groups write their proposals.
- From previous meetings:
  - Partners need to have a discussion on their authority to transfer bison to the tribes (statement made during discussion of August 11<sup>th</sup> ITBC meeting).
  - Formalize revised Zone 2 map on the North Side as developed by Partner staff on a field visit November 20, 2008. This is to be part of next year’s AM plan—i.e., moving Zone 2 line to more reasonable on-the-ground conditions.