

# IBMP PARTNER REFERENCE TOOL

## PARTNER STATUTORY AUTHORITIES & JURISDICTIONS RELEVANT TO IBMP

October 29, 2024

**Note:** *This reference tool was adopted by the IBMP Partners on May 15, 2024, updated by MDOL, MFWP, and APHIS, then adopted again on October 29, 2024. No IBMP Partner endorses the content or accuracy of any other Partner's representations related to statutory authorities and jurisdictions relevant to the IBMP.*

### CONFEDERATED SALISH & KOOTENAI TRIBES

The Confederated Salish and Kootenai Tribes of the Flathead Reservation (CSKT) are a federally recognized tribe comprised of the Selis (Bitterroot Salish) Qlispe' (Pend d'Oreille) and Ksanka band of the Ktunaxa (Kootenai). The Tribes' aboriginal territory includes what is now Montana, and parts of present-day Wyoming, Idaho and British Columbia. Through the 1855 Treaty with the Flathead, Etc., 12 Stat. 975 (Hellgate Treaty) the CSKT reserved for themselves a homeland (the Flathead Reservation located in northwestern Montana) as well as the right to continue hunting, fishing, and gathering on "open and unclaimed land" in "usual and accustomed places" throughout their aboriginal territory, which includes the Greater Yellowstone Area. The CSKT wild bison hunt is not a function of the IBMP. It is a treaty-reserved traditional subsistence hunt engaged in by CSKT Tribal members pursuant to off-Reservation wild bison hunting regulations enacted annually by the CSKT Tribal Council and enforced by CSKT Tribal Conservation Officers.

### INTERTRIBAL BUFFALO COUNCIL

American Indian tribes retained aboriginal rights over lands within their aboriginal territories and exercise rights reserved by treaties with the United States government. Each Tribe exists as a sovereign nation with self-governing authority with an emphasis on preservation of cultures and traditional lifeways through buffalo restoration to Tribal lands. Tribal sovereignty is recognized in the United States Constitution and protected by the United States Supreme Court decisions. The InterTribal Buffalo Council, a Federally-chartered Indian organization pursuant to the Indian Reorganization Act, is comprised of approximately 84 member tribes across 21 states, has transferred bison of Yellowstone origin to 19 tribes in at least 10 states to reestablish buffalo on Indian lands.

### MONTANA DEPARTMENT OF LIVESTOCK (MDOL)

- 81-1-101, MCA - Definitions
- 81-2-102, MCA - Powers of department
- 81-2-120, MCA – Management of wild buffalo or wild bison for disease control
- Administrative Rules of Montana – 32.3.224A
- Administrative Rules of Montana – 32.3.4: Brucellosis

### MONTANA FISH, WILDLIFE AND PARKS (FWP)

- MCA §87-1-201
- MCA §87-1-216
- MCA §87-2-730
- MCA §87-2-732

- MCA §87-5-715
- MCA §87-5-716

### NATIONAL PARK SERVICE/YELLOWSTONE NATIONAL PARK

The Yellowstone National Park Protection Act of 1872 requires the Secretary of the Interior to preserve “from injury or spoilation” the “timber, mineral deposits, natural curiosities and wonders” of the park and to ensure “their retention in their natural condition” (16 USC 21 *et seq.*, 17 Stat. 32). The National Park Service Organic Act of 1916 directs park managers 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 a manner and by such means as will leave them unimpaired for the enjoyment of future generations” (54 USC 100101a,b). Contemporary management policies have clarified managers should preserve “components and processes in their natural condition” which is defined as “the condition of resources that would occur in the absence of human dominance over the landscape” (National Park Service Management Policies 2006:36, 42).

### NEZ PERCE TRIBE

The Tribe is a federally-recognized Indian tribe with headquarters on the Nez Perce Reservation in Lapwai, Idaho. The Nez Perce people, the *Nimíipuu*, exclusively occupied, since time immemorial, millions of acres encompassing a large part of what is today Idaho, Oregon, and Washington—stretching from the Bitterroot Mountains to the Blue Mountains. Nez Perce also traveled far beyond this homeland to fish, hunt, gather, and pasture—frequently going east to buffalo country, to lands now comprising the Greater Yellowstone Area to hunt bison (*qoq’álx*) and other species for subsistence, cultural, ceremonial, and commercial purposes. In 1855, the Tribe negotiated a treaty with the United States. In Article 3 of the 1855 Treaty, the Tribe reserved to itself:

*[T]he right of taking fish at all usual and accustomed places in common with citizens of the Territory; and of erecting temporary buildings for curing, together with the privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed land.*

Treaty with the Nez Percés, art. 3, June 11, 1855, 12 Stat. 957. Pursuant to the Tribe’s inherent sovereignty, 1855 Treaty, status as a co-manager of its Treaty-reserved resources, and Nez Perce Tribal Revised Constitution and Bylaws, the Tribe authorizes and self-administers an annual bison hunt on open and unclaimed land adjacent to Yellowstone National Park.

### USDA FOREST SERVICE/CUSTER GALLATIN NATIONAL FOREST

The U.S. Department of Agriculture (USDA) Forest Service manages national forests pursuant to a multiple-use mandate, whereby renewable resources are used to best meet the needs of the American people (16 United States Code [USC] 528, 1604). Comprehensive forest plans are prepared to sustain wildlife populations and their habitats, with the management of wildlife often primarily conducted by the respective states (16 USC 528, 1604).

### USDA ANIMAL AND PLANT HEALTH INSPECTION SERVICE

The mission of the Animal and Plant Health Inspection Service (APHIS) is to protect the health, quality, and productivity of American agricultural resources against invasive pests and diseases. The Secretary of

Agriculture establishes regulations to prevent the interstate or international spread of livestock diseases, including the quarantine of animals. Under the Animal Health Protection Act (7 USC 8301-8322 et seq.), the Veterinary Services section of APHIS administers the National Brucellosis Eradication Program in cooperation with the states (9 CFR Part 78). The 2003 Uniform Methods and Rules (UMR) for Brucellosis Eradication describe standards for surveillance, testing, and interstate transport of livestock and domestic bison. They also contain a protocol for the quarantine of bison from Grand Teton and Yellowstone National Parks to determine if animals are brucellosis free. Guidance Document 6605.1 specifically identifies variances from the UMR for the quarantine of male bison from YNP.