

# **TO SAVE THE WILD BISON**

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Life on the Edge in Yellowstone

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Bison in winter near Castle Geyser. Courtesy of Jeff Henry.

## CHAPTER 8



### Outward Bound

After finding a milk cow to nurse the two wild calves he had captured in Pelican Valley in 1903, Peter Holt reported, "They were so pleased after their feed that they danced around in their stall with joy, then lay down, and grunting with satisfaction, went to sleep. We had no further worry about their future."<sup>1</sup> Both calves did live to maturity with the fenced herd, which was mixing with the wild herd by the 1920s. But with their "superior strength, endurance and stamina" as well as better protection from poachers, Yellowstone's last small band of wild bison survived their winters in the park and slowly increased in number. They were headed for a comeback even without help from the imported bison. But the life-sustaining milk given to the bison calves may have been the source of much worry in the future, the reason for so much bison slaughter and controversy decades later. Like Mrs. O'Leary's cow, which was blamed for starting the great Chicago fire of 1871 by kicking a lantern over in her shed, that cow at Yellowstone Lake might have been the one that spread brucellosis to the park's bison.

When brucellosis eradication programs began in the United States in the 1930s, nearly half of the tested cattle herds showed evidence of the disease.<sup>2</sup> However, the odds are against that particular cow having introduced it to Yellowstone bison, partly because she was not the only cow in the park. In 1903 more free-ranging cattle than bison could be found in Yellowstone. Because transport of food was difficult, hotels in the park were permitted to have livestock, and neighboring ranchers grazed their cattle illegally in the park until at least the early 1920s.<sup>3</sup> All four of the wild calves



that were transferred to the fenced herd by 1909 were nourished on milk from domestic cows, but transmission by males is rare, and only one of the captured calves was female.<sup>4</sup>

When the Greater Yellowstone Interagency Brucellosis Committee held a symposium in Jackson, Wyoming, in September 2002, no one mentioned that a century had passed since Yellowstone began managing bison as livestock, a practice that had been phased out by the 1960s but that some people thought should be reinstated. Some speakers did note that eight years had passed since the committee first met in 1994, and eight years remained for achievement of their ultimate goal: "Plan for the elimination of *Brucella abortus* from the Greater Yellowstone Area by 2010." Did that mean they expected to eliminate brucellosis by 2010 or, as some committee members thought more reasonable, that by 2010 they would come up with a plan to eliminate brucellosis? The confusion made it an appropriate goal for "this wonderland" that Holt described. Yellowstone's mysterious geysers and luridly colored hot springs inspired the sobriquet in the park's early days, after Lewis Carroll's 1866 book about Alice, and a Mad Hatter logic has often prevailed in a place where the bison were fed so they would survive the winter at the same time that bison were killed because the herd was thought too large for the range to support.

Along with sharing a piece of the pie known as the Greater Yellowstone Area, the states of Wyoming, Idaho, and Montana share the goal of maintaining a "brucellosis-free" status in the eyes of the U.S. Department of Agriculture and other states. Ranchers in brucellosis-free states are exempt from testing requirements when they sell their animals to someone in another state. States are designated brucellosis free when no infection is found in their domestic livestock for 12 consecutive months. In 2002 all states were classified brucellosis free except Texas and Missouri, which had a total of three infected cattle herds that year. However, neither Wyoming, Montana, nor Idaho was truly without brucellosis because each state also shared in greater Yellowstone's infected wildlife.

About half of the Yellowstone bison whose blood has been tested have been seropositive, indicating they have been exposed to *Brucella abortus*, but only about half of the seropositive bison were infected by the bacteria. The only way to determine whether an animal is infected is by examining the lymph nodes, mammary glands, and reproductive tissue, and that can only be done after the animal is dead. Elk that may be infected with brucellosis wander outside the park in far larger numbers without incurring

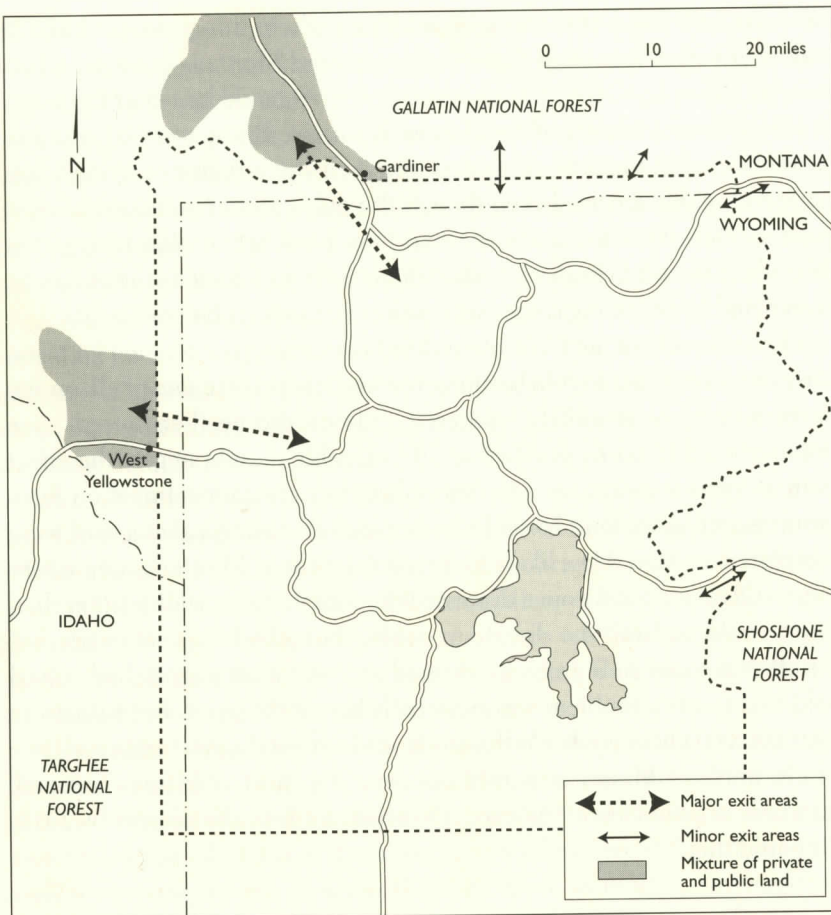
the same hostility, but this is a Wonderland where things do not have to make perfect sense, and at times the governor of Montana has seemed on verge of ordering "Off with their heads!" when it could be either the bison or Park Service officials whose demise is sought. Bison and elk were not created equal in the eyes of hunters and their support groups, and elk are more hospitably received even though the only cases of undulant fever in greater Yellowstone in the last 20 years have been two hunters who gutted their elk. The risk to humans from contact with an infected animal can be eliminated by following some basic precautions when butchering it.

The state of Montana has rationalized combining intolerance for bison with a welcome mat for elk by citing the low seropositive rate of elk on the northern range—less than 3 percent.<sup>5</sup> Elk on the northern range have outnumbered bison by as much as 20 to 1, which might negate the effect of their lower seropositive rate, but unless they are concentrated on feedgrounds, elk cows tend to seclude themselves during calving and were therefore considered less likely to spread the disease. Montana state veterinarian Clarence Siroky once dismissed the idea that any wildlife other than bison could transmit the disease to cattle. "Somebody has yet to prove if the other animals are a problem," he said in 1995.<sup>6</sup> That nobody had proved wild bison were a problem was apparently beside the point. But with more than 100,000 elk in greater Yellowstone, and a much higher seroprevalence in elk south of Montana, surely not even the most ambitious livestock regulator or politician could expect to eradicate *Brucella abortus* by 2010. Or could they?

### Born to Roam

"It is exceedingly desirable that a wide swathe should be cut along the entire boundary line wherever timber exists," Major John Pitcher proposed in 1903, when he wanted to simplify law enforcement in the park by making the perimeter obvious.<sup>7</sup> That goal was not met, and most people came to appreciate that a conspicuous boundary would be inappropriate for wildlife that made no distinction between inside and outside the park, between lesser and greater Yellowstone. But for human beings the distinction continued to be of utmost importance. Bison are most likely to leave the park during the winter and early spring, usually along routes that take them into Montana. Siroky referred to these bison as "wayward" and a *New York Times* headline called them "errant," both suggesting that the





Marked areas show where most bison have exited the park in recent decades. In addition, a small number have crossed the park's southern boundary into Wyoming and west into Idaho.

bison were delinquent or had gone astray. However, as Yellowstone historian Paul Schullery has pointed out, "they are not crossing lines but following them, as they make their way from one portion of a range to another. They are either reestablishing or pioneering lines of migration between seasonal food sources."<sup>8</sup>

Nearly all of the land outside the park's Montana boundary is on Gallatin National Forest, where bison are permitted in certain areas not used for grazing allotments. This includes the Eagle Creek-Bear Creek area, which covers about 23,000 acres along the park's north boundary and sometimes accommodates more than 100 bison during the winter. The higher-altitude Absaroka-Beartooth Wilderness has been used by fewer bison and usually only during the summer. Bison are more inclined to travel north along the Yellowstone River, where they cross private land and national forest grazing allotments. Publishing magnate Malcolm Forbes offered his 12,000-acre Royal Teton Ranch to the Forest Service in 1980 for \$6.5 million, but the deal fell apart, and the property was sold to the Church Universal and Triumphant. The church's headquarters and several thousand members moved to the ranch from California, espousing vegetarianism and believing that group prayer was "the most powerful force in the universe."<sup>9</sup> They prayed to keep the 1988 fires that engulfed much of the Yellowstone area from reaching the ranch, but they lost patience with bison from the park that were breaking through fences, and the Montana Department of Livestock killed hundreds of them at the church's request. The situation is similar west of the park: the areas where bison are permitted have rugged terrain and deep snow in the winter, and the bison prefer to go where they are not allowed.

It is no coincidence that the most popular bison routes intersect human communities, which were drawn to the same valley corridors that wildlife had long occupied. Even without brucellosis, tolerance for bison would be limited in these areas of Montana, where about 2,500 people reside. Bison are more destructive of private property than are elk, and more likely to cause human injuries. But the reason that nearly 4,000 wild bison have paid the ultimate penalty for their winter trespasses since 1985 is ostensibly that about 2,000 domestic cows and their calves are present within 10 miles of the park boundary, most of them only in the summer. Bison that cross the park's east boundary onto the Shoshone National Forest are in Wyoming, which permits up to 15 bison bulls where cattle are not present. Deep snow usually deters bison cows and calves from going there in the winter, but if



more than 15 bulls or any bison cows are found in that area from July through January, bison hunting applicants are called off a waiting list. The largest bison harvest on the Shoshone National Forest in a single year was 17 in 1996. Occasionally a few bison have crossed the park's west boundary onto the Targhee National Forest in Idaho, where they have been shot by state personnel.

Because bison are born to roam, they may leave the park regardless of population size. In the spring of 1911, when fewer than 200 bison resided in the park, four bulls traveled 43 miles across the boundary before the U.S. Cavalry was sent to drive them back.<sup>10</sup> Since then, the number of bison crossing the north boundary has varied widely from year to year, depending partly but unpredictably on population size and weather. In the west boundary area, which usually has deeper snow and less suitable winter range, migration appears to have become a springtime routine for some bison from the park interior. In a more perfect world designed by the National Park Service, the Yellowstone bison would be treated as a large game animal like elk, with all of the rights and risks attending thereto, including the possibility of disease without medical care and hunting used to control the population outside the park. However, in a system where brucellosis eradication is the order of the day and the Park Service has no jurisdiction over animals that leave Yellowstone, park managers could exert little influence. Montana held all the cards except the Queen of Public Opinion, who is generally opposed to killing photogenic animals on public land but is often trumped by the Jack of Livestock. Television coverage of bloody and writhing bison that ran in front of inept riflemen brought an end to Montana's bison "hunts" after a few years in the 1980s, but efforts to promote tourist boycotts of the state had no apparent effect. Montana's treatment of bison that leave Yellowstone has sometimes been presented as a states' rights issue in which mismanaged wildlife from a national park is invading Montana and jeopardizing the livelihood of hardworking ranchers. "We are innocent neighbors of a park service that has not taken responsibility for its wildlife," Governor Marc Racicot protested in a letter to the *New York Times* in 1996.<sup>11</sup>

### Cattle at Home on the Range

Although agriculture has declined as a source of income in Montana since the 1960s, most Montanans believe that agriculture and the businesses it

supports are essential to maintain their heritage and way of life.<sup>12</sup> Nearly half of Montanans live in rural areas as compared to one-quarter nationally, and the population of Billings, the state's largest city, is only 89,000. Agriculture accounts for about one-third of the state's labor income, and cattle outnumber people in most counties. Several hundred cattle are kept north of the park year-round by feeding them hay during the winter, but most cattle in the Yellowstone area are present only from May to October. These summer residents spend the winter at their home base elsewhere in Montana or Idaho, sometimes more than 200 miles away, where less snow accumulates and less feed is needed to stay warm. Trucking the cattle back and forth can be economical, especially for those that use public grazing allotments. The federal charge for one "animal unit month" (the cost for grazing a cow and a calf for a month) is \$1.43, compared to an average of more than \$12 for leasing private land.

As with other controversies in the Yellowstone area—wolves, grizzly bears, snowmobiles, coal bed methane mines—for many people the brucellosis debate is not really about brucellosis but about land use and who controls it. In a 1996 letter used to respond to complaints about Montana's bison policy, Governor Racicot explained:

The State of Montana simply wants Yellowstone National Park to manage its bison the way every other bison and cattle owner in America manages livestock—eradicate diseases, limit numbers to available forage and be a good neighbor. . . . In a South Dakota state park, for example, every year bison are rounded up and auctioned to landowners and others. We would welcome the opportunity for YNP bison to be rounded up and auctioned.<sup>13</sup>

That same year, a Wyoming rancher referred to his state's possible loss of brucellosis-free status because of wild bison as "just another nail in the coffin of cow-calf operations in Jackson Hole—a nail that will be reused in the coffin of private open space in Jackson Hole."<sup>14</sup> Some people think that wildlife advocates use the bison as a poster child to beg for expansion of national parks. This siege mentality was expressed by the Idaho state veterinarian, Bob Hillman, in a speech to the Livestock Conservation Institute.

In the current [Clinton] administration, extreme environmental and animals rights groups have strong friends and allies who are attempting



to impose the agenda of these groups on the rest of the country. These groups desire to eliminate ranching, timbering and mining from all public lands of the West. They want these lands dedicated to uncontrolled wildlife populations and to be their playground. . . .

Neither is it acceptable for the Department of Interior to confiscate more private or forest lands for utilization by bison. These proposals do not solve the problem, they only prolong and expand the problem. . . . We could easily lose the battle and in fact are very near to losing it.<sup>15</sup>

Neither private land nor national forest has ever been "confiscated" for use by Yellowstone bison. Under the Gallatin National Forest Plan set forth in 1987, the priority for areas near Yellowstone National Park is to provide habitat for "all indigenous wildlife species and for increasing populations of big game animals."<sup>16</sup> Political scientist Craig Allin therefore used the term "militant minority" to refer not to extreme environmentalists but to Yellowstone's local economic interests. They often prevail against the Park Service because "they care passionately, they work hard, their interests are easy to conceptualize and to quantify," Allin explains. "These are precisely the characteristics rewarded in our political system." He describes the park's national constituents, in contrast, as "a vast and far-flung tribe, not nearly so well informed. As absentee landlords, they assume that Park Service experts are in charge and that nature is being served. They are a silent majority, only partially represented by the national environmental lobby, and that is a poor recipe for political success."<sup>17</sup>

It is easy to paint the ranchers as caring only about their bottom line while the environmentalists are motivated by loftier ideals, but the real picture is hardly that black-and-white. The disdain that farmers, ranchers, and loggers sometimes express for both armchair environmentalists and practicing tree huggers does not spring solely from their bank accounts. People who make their living off the land may believe that they know and love nature more profoundly than environmentalists do. And in a way, they are right. As Evan Eisenberg pointed out in *The Ecology of Eden*, "The backpacker loves nature chastely; the farmer wants to get a child upon her."<sup>18</sup> But the process of impregnation, however lovingly carried out, entails the domestication of nature, the intrusion of civilization, and a loss of the wildness that the backpacker cherishes.

## Threats and Sanctions

Hillman also claimed that the Department of the Interior was "in violation of the USDA rules and program standards" because the National Park Service was "allowing brucellosis-infected wildlife to cross state boundaries and expose other animals to brucellosis."<sup>19</sup> This was incorrect. The U.S. Department of Agriculture has no rules pertaining to wildlife in national parks, and it could not deprive Montana of its brucellosis-free status because of wild bison that leave Yellowstone.

However, six state veterinarians sent letters in 1994 threatening to place sanctions on Montana cattle unless Yellowstone bison that left the park were killed. Much like the others, the letter from Washington began, "Today it has come to my attention that the state of Montana is no longer depopulating all the stray, brucellosis-infected bison which migrate into Montana from Yellowstone National Park." It concluded, "Unless you can immediately supply me with the assurance that such information is not correct, I must remove Montana from our list of exempted free states effective today."<sup>20</sup> One explanation for the similar letters is that Montana state veterinarian Siroky asked his colleagues to send them to justify Montana's killing the bison. In the same vein, although the Animal and Plant Health Inspection Service (APHIS) of the USDA appeared to issue Montana a warning, it later backed off and claimed that Siroky had asked it to threaten to downgrade Montana from its brucellosis-free status. The Montana Department of Livestock "wanted cover to deal with bison in the way they saw fit," explained Patrick Collins, director of APHIS legislative and public affairs.<sup>21</sup>

In January 1995 Montana sued the U.S. Departments of the Interior and Agriculture, claiming that the bison management policy carried out by the former would make it impossible to maintain the brucellosis-free status granted by the latter. In March the Western States Livestock Health Association passed a resolution urging APHIS to downgrade the brucellosis status of any state in which infected bison were allowed to roam. The four states that imposed sanctions on Montana cattle that year soon lifted them, but not before some ranchers had to test cows so they could be transported out of state. By requiring tests for interstate cattle shipments, a state veterinarian can impose on another state essentially the same penalty that would be incurred if APHIS revoked the state's brucellosis-free status. Montana



made no effort to seek enforcement of laws intended to protect interstate commerce from unfair state-imposed sanctions. But it was the threat of sanctions and the warning from APHIS that the Montana Department of Livestock used to persuade the state legislature to grant it authority over wild bison, transferring this responsibility from the Department of Fish, Wildlife and Parks. This reversed what happened in 1908, when the state of Montana declared free-roaming bison to be wild animals in order to prevent Michel Pablo from claiming as livestock the bison he could not round up on the Flathead Reservation.

In May 1995 U.S. senator Conrad Burns of Montana introduced a bill that would require testing every bison in Yellowstone, neutering or destroying all seropositive bison, quarantining the remainder for up to several years, and keeping the herd at 500 below the "optimum" size as determined by "a team of independent range scientists."<sup>22</sup> The bill did not go anywhere, but rather than challenge Montana's allegations about conflicting federal policies or clarify APHIS's lack of authority over wildlife, the U.S. Departments of the Interior and Agriculture reached a court settlement with Montana. They agreed to prepare an interim plan to be followed while work continued on the environmental impact statement (EIS) for long-term bison management that had begun in 1990. Under the National Environmental Policy Act of 1969, federal agencies must complete an EIS to analyze potential impacts before undertaking a program that could "significantly affect the quality of the human environment." Yellowstone superintendent Michael Finley may have wanted to turn down the settlement with Montana, but Park Service director Roger Kennedy instructed him otherwise.<sup>23</sup> The Department of the Interior wanted Yellowstone to be a good neighbor.

### The Montana Department of Livestock and Dead Bison

The interim plan agreed to in 1996 was the first plan in 30 years that called for the Park Service to cull Yellowstone bison. The Park Service built a facility with holding pens, pastures, and chutes two miles inside the north boundary near Stephens Creek where park employees could corral exiting bison and send them to slaughter. Bison that left the park near West Yellowstone were to be captured and tested by the Montana Department of Livestock, which would send seropositive bison and pregnant females (determined by vaginal probing) to slaughter. Because cattle were not

present in the winter on private land near West Yellowstone, bison that tested seronegative there would be released with "an official metal ear tag and an unobtrusive visual marking." Montana could shoot any bison found outside the park that could not be captured, except in certain areas of the Gallatin National Forest not used by cattle.

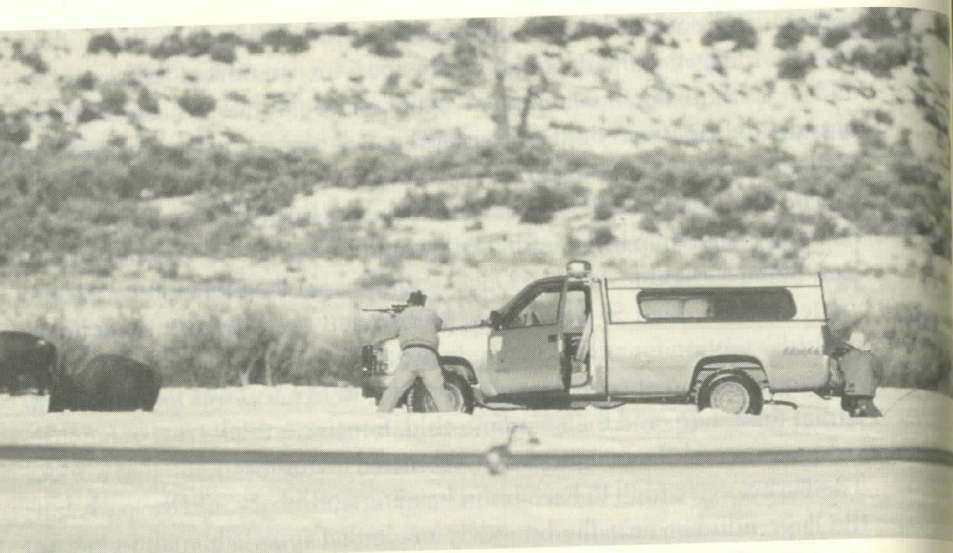
The Sierra Club Legal Defense Fund sued the Park Service in September, charging that to trap bison in the park would be a violation of the National Park Service Organic Act. On December 19, as Yellowstone's most severe winter in more than 50 years was getting under way, the judge denied the plaintiff's motion for an injunction to prevent captures at Stephens Creek. An accumulation of snow ranging from two to five feet was followed by a partial thaw, rain, and then extreme cold, freezing a thick crust of ice that was impenetrable by foraging bison, estimated to number 3,500 that winter. The Park Service tried to haze bison heading north back into the park, but the large number near the boundary made that impossible, and capture operations began.

By January 17 a total of 569 bison had been killed. To reduce the losses, the Park Service began using the facility at Stephens Creek to test bison and hold those that were seronegative. Outside West Yellowstone heavy snow prevented use of one of the two capture facilities, and the park's good neighbor shot almost three times as many bison as were tested. The Montana Department of Livestock (DOL) claimed it could not tell the marked, tested animals from the unmarked, untested animals. To remedy this, Siroky announced that they would start using "high visibility bangle ear markers." To wildlife advocates the use of such conspicuous livestock tags was demeaning to wild bison and symbolized the mindset they were fighting.

On January 28 Yellowstone chief ranger Dan Sholly wrote to Siroky, "We would view the use of bangle tags as a violation of the Interim Plan." He also objected to how bison were being received outside the park's boundary:

Often during DOL bison shooting operations, after the first well-aimed shot is fired, the shooting area becomes a free fire zone. Reportedly, most animals are being wounded multiple times, including numerous rump and gut shots with the idea apparently being to get as many animals down as possible. This shooting strategy, if in fact true, is not only inhumane, but with so much activity and chaos during the shoot would explain why your shooters are not recognizing marked animals.<sup>24</sup>

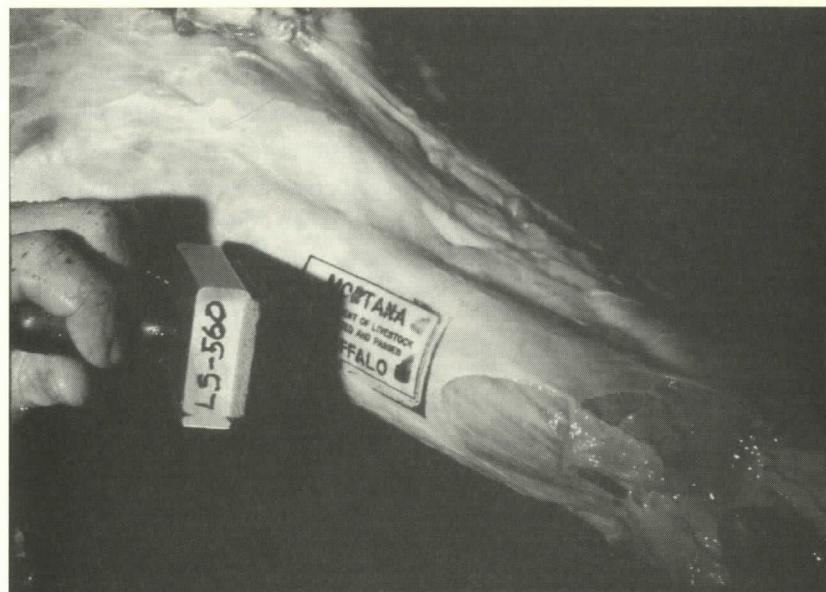




Montana Department of Livestock employees shooting bison that have left the park, 1997. Courtesy of Yellowstone National Park.

On January 29 APHIS confirmed that Montana could suspend the shooting of bison on public land without jeopardizing its brucellosis-free status. Demonstrating the irrelevance of APHIS to its concerns, the state rejected the proposal. Governor Racicot referred to the animals as “America’s bison” as a way of diffusing responsibility for what was happening, but the American government had no power to compel Montana to stop killing them. Yellowstone managers “make us out to be the bad guys,” Siroky said, “but they are allowing animals to be controlled by starvation and disease. That’s despicable.” Describing the state’s method for preventing brucellosis transmission from wild bison to cattle, Siroky said, “It’s horrible; I detest it, but it has to be done, even though the risk may be small.”<sup>25</sup>

Park employees also detested what they were doing and hoped that public opinion would rescue them, that media coverage of the bison butchering would embolden a higher authority to shut down the operation. During the confinement and shipment of bison to slaughterhouses, some were fatally gored or trampled; some had their horns broken off or their eyes gouged out when animals panicked. Some park employees wore black tape across the bison emblem on their badges. This symbol of mourning is ordinarily reserved for fellow employees who die in the line of duty, but some people felt the bison were dying on the job. When a rambunctious



Once the leg of a wild bison in Yellowstone that fell under the jurisdiction of the Montana Department of Livestock after it crossed the park boundary, 1997. Courtesy of Yellowstone National Park.

bull broke the squeeze chute at the Stephens Creek corral, some of the employees assigned to manage the captive bison were inwardly applauding. If they could not take pride in what they were doing, they could feel proud to work in a place that once contained such a magnificent animal.

On February 6 Yellowstone announced that bison shipments from Stephens Creek would resume because the capture facility was full and efforts to haze the remaining exhausted animals into the park were causing starvation. Montana would not permit the 147 seronegative bison in the corrals to be sent anywhere in the state but to a slaughterhouse, and APHIS rules prevented their being sent across state lines to an Indian reservation until after a quarantine period that could last for years. Referring to these bison as “political hostages,” Superintendent Finley said, “A lot of people around the country are rightfully questioning why we are doing this. They feel that the Park Service has lost its way. . . . We are participating in something that is totally unpalatable to the American people, and it’s something we are not convinced that science justifies.”<sup>26</sup>



## Claiming the Bison Heritage

Among those dismayed by the slaughter was the InterTribal Bison Cooperative (ITBC), whose goal is to restore bison to millions of acres of Indian land. In 1994 the tribes received 335 bison from Yellowstone, but only in exchange for butchering them after the animals had been shot outside the park. Some tribes welcomed the meat, but the ITBC declined to participate the following year. "Because it was being done wrong, you were missing the connection," an Assiniboin said in explaining the difficult decision. "You are treating them just like a cow. . . . When the whites exterminated the herds, they didn't just take our grocery store. They annihilated our church."<sup>27</sup>

Gloria Wells-Norlin, a member of the Little Shell Band of Chippewas, was harassed by both white and Indian activists for helping the Montana Department of Livestock butcher the carcasses and locate suitable recipients for them. To dress, skin, and quarter a bison carcass takes two people about two hours, but she felt she was making the best of a bad situation, contributing her time and money to the cause. "For us, it was a very spiritual thing," said Wells-Norlin. "We always gave prayer. We always chose one that was pointing east. We always gave thanks." Other Indians were not grateful. "That's a cruel, cruel attack on our people to give our children murdered animals," said a member of the Crow-Santee tribe who wanted live bison, not carcasses, to be shipped to Indian reservations.<sup>28</sup>

On February 12, 1997, the tribal chairman of the Fort Peck Assiniboin and Sioux was permitted to address a joint session of the Montana legislature. "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 found sanctuary in Yellowstone Park," explained Caleb Shield. "I speak for all Montana Indian Nations when I say that the slaughter of this wild herd must stop. 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."<sup>29</sup> Dancing to a different tune, Governor Racicot responded caustically to complaints about his state's treatment of wild bison. "It seems preposterous to us that policy paralysis of these federal agencies has created an over-population of diseased bison overgrazing a national park to the extent they seek to leave their alleged sanctuary. And Montana is called inhumane."<sup>30</sup> Of the 147 bison that survived the brucellosis test at Stephens Creek with seronegative results, 35 were trucked to a research lab in Idaho to test vaccines.



Lakota Sioux Chief Joseph Chasing Horse and Arvol Looking Horse at the National Day of Prayer for the Buffalo in Yellowstone, March 6, 1997. Courtesy of Yellowstone National Park.

As the death toll of bison passed 1,000, a large group of American Indians and others in mourning gathered near the bison confined at Stephens Creek. They shared a pipe and prayers to release the spirit of the bison that had been killed. They heard the blast when eight more bison were shot a mile away. Rosalie Little Thunder, a Lakota Sioux from South Dakota, arrived at the scene to find men gutting the carcasses. "It was like a murder in the church parking lot during the service," Little Thunder said. "It was shocking, the disrespect they showed the buffalo."<sup>31</sup>

The turnout for the bison auction at C&P Packing in Livingston was more than twice as large as for the prayer service. The best hides and heads went for \$160 each. "We bought three buffalo hides so each of our boys would have a park bison rug. It's our heritage," explained one native Montanan. The state received \$185,000 from the sale of wild bison products in 1997, partially offsetting the \$245,000 that Montana spent removing wild bison that year. But publicity about ill-gotten gains ended the practice. Since then, all carcasses have gone to tribal members and nonprofit organizations.



"I see this winter as a gift," said Mary Meagher, the native Montanan who had been studying bison in Yellowstone for three decades. "What is happening this winter is essential to the long-term welfare of the bison in Yellowstone. It will have removed a lot of the animals that know where they want to go." She rejected brucellosis as a valid reason for killing bison and doubted the disease could be eliminated from wildlife. But she believed the Yellowstone bison population was twice what it would be without roads groomed for snowmobiles—roads that make it easier for bison to travel to find winter forage. "The drop in numbers is exactly what the system needs."<sup>32</sup>

The media coverage crested on March 23 at a public meeting in Gardiner, whose winter population of 851 was briefly augmented by Montana's governor, two U.S. senators, and the U.S. secretary of agriculture. Michael Pablo, chairman of the Montana-Wyoming Tribal Leaders Council and descendant of bison rancher Michel Pablo, protested that the tribes' request for a seat at the table for the interagency bison management plan had been ignored and that Department of Livestock officials laughed when participants at the vigil asked to pray over the dead bison.

"We are not some primal band of neanderthals running around making sure every living animal is being put in the cross hairs," Governor Racicot said in his state's defense. "We can't go into the park and do what we choose, and we can't do what we choose outside of the park either." Superintendent Finley was permitted a two-minute response. The Bison Action Group, which had referred to state veterinarian Siroky as "the Eichmann of Yellowstone" and which some people regarded as a primal band of Neanderthals, made an uninvited response. One of the activists rushed into the room with a painted face and a bucket of rotting bison guts aimed at Racicot. An aide caught her by the arm and the offal spilled onto the table, splattering the politicians who had a seat at it.

Leaving the Bison Action Group out of the picture, Yellowstone's chief scientist, John Varley, described the feud as "a struggle between the park and agribusiness and we're losing badly."<sup>33</sup> At a meeting of the Montana Farm Forum, the audience applauded when Senator Burns described Michael Finley as "this jughead we've got running Yellowstone Park."<sup>34</sup> Naturalist Doug Peacock noted that the federal and state agencies all claimed to be "caught in the middle—a most improbable and cowardly axiom of ethical geometry."<sup>35</sup> What had seemed equally improbable was how many bison would get caught in the middle, between the privations of



In January 1997 bison that approached the park's north boundary near Gardiner, Montana, were herded into a corral. Until their release in early April, 112 bison were allowed to remain there, but nearly 700 were sent to the slaughterhouse. Courtesy of Yellowstone National Park.

winter in Yellowstone and the forage to be found somewhere out there, north of the park in Paradise Valley, bison habitat of epochs gone by. Nearly all 865 bison counted in the northern herd in early winter may have tried to leave the park. About 250 of them succeeded, remaining where they were allowed on the Gallatin National Forest east of the Yellowstone River. Those bison, and the 112 seronegative bison released from the Stephens Creek corrals in early April, may have been the only ones on the northern range that spring. But a total of 725 bison were removed near the park's north boundary, indicating that hundreds must have also traveled from the park's interior. Some of the bison that were tested and tagged near West Yellowstone showed up later at Stephens Creek, 30 miles away as the crow flies, and more than twice as far in bison miles. Perhaps the commotion around West Yellowstone impelled some bison to head north.

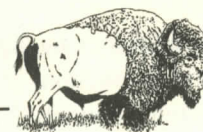
By the end of the winter, 1,084 bison had been removed at the boundary, including some that had tested seronegative and many that had not been tested at all. Most were in good condition when they tried to leave the park, but some of the bison that were unable or unwilling to leave found little to eat. An estimated 374 bison did not survive the poor diet or other natural



hardships of winter, leaving about 1,900 bison in the park when spring arrived. At Canyon Village a bull bison whose ancestors had faced down dire wolves was reduced to eating the brooms and welcome mats at tourist cabins. What kind of wild bison would Yellowstone be left with?

"Man wants to see nature and evolution as separate from human activities," Mark Kurlansky wrote in his book about cod, "the fish that changed the world." But as a "ferocious predator," man is part of nature and evolution. "If species cannot survive because man kills them, something more adaptable will take their place. Nature, the ultimate pragmatist, doggedly searches for something that works. But as the cockroach demonstrates, what works best in nature does not always appeal to us."<sup>36</sup>

## CHAPTER 9



### A Disagreeable Agreement

Wildlife advocates who hoped that the government officials negotiating a bison plan for the future would be haunted by bison ghosts of winters past were disappointed. "When you compromise, you end up with a less than desirable document," Superintendent Finley explained after the draft EIS was released in 1998. "If I were making the decision unilaterally, I would do it differently—I would have bison ranging freely outside Yellowstone on national forest lands."<sup>1</sup> The "preferred" alternative chosen by the inter-agency team was too similar to the existing plan to be desirable to anyone, but that was to be expected. The agencies had to compromise on something, and they ended up largely where they began. The Park Service could have let Montana do as it wished with bison that crossed the boundary, and watched with clenched fists as hundreds of bison were sent to slaughter. Instead it chose to participate in a program that would haze, capture, test, and vaccinate or slaughter some bison in order to obtain visiting rights for a limited number of bison in a limited area outside the park.

The interagency team agreed that the overall purpose of the EIS was "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." A "wild, free-ranging population of bison" was defined as one that is "not routinely handled by humans and can move without restrictions within specific geographic areas." The risk of brucellosis transmission from wild bison to cattle was not defined except to acknowledge that it was "low." Because many wildlife advocates