

Briefing Memo - Subject

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MEETING BRIEFING MEMO

May 1, 2023

MEMORANDUM FOR THE SECRETARY

FROM: Superintendent Cam Sholly, Yellowstone National Park, (b)6, cam_sholly@nps.gov

SUBJECT: Yellowstone Bison

DATE: May 1, 2023

TIME: 12:30 EDT

VIRTUAL: TEAMS

DAY OF STAFF: Shannon Estenoz, Chuck Sams

I. PURPOSE

YOU will be briefed on the Yellowstone National Park new bison management plan/draft environmental impact statement (DEIS). The new plan contains updated information and addresses changed circumstances since the original Interagency Bison Management Plan (IBMP) was signed by the Governor of Montana and Secretaries of Agriculture and Interior in 2000. The NPS is requesting approval to release the DEIS for agency, Tribal, and public review.

II. BACKGROUND AND HISTORY

- The original IBMP was completed in 2000 pursuant to a lawsuit and mediation agreement with the State of Montana. The parties agreed to common objectives including maintaining a free-ranging bison population and reducing risk of brucellosis transmission to cattle. Both objectives have been achieved over the past 23 years. A population target level of 3,000 was also agreed to.
- There is limited tolerance for wild bison migrating into Montana due to concerns about brucellosis transmission to cattle, human safety, and property damage. Their abundance and distribution are regulated by capture and culling near the park boundary for slaughter and quarantine, and public and Tribal hunting in Montana.
- Members of the IBMP are the State of Montana, US Department of Agriculture Animal and Plant Health Inspection Service (APHIS), Custer Gallatin National Forest, NPS, Salish and Kootenai Tribes, Nez Perce Tribe, and the InterTribal Buffalo Council.
- Many circumstances have changed since 2000, with fewer cattle near the park, expanded bison tolerance outside of the park, eight Tribes exercising treaty hunting on the boundary, less conflict with landowners, and other factors. Science has also shown that the park can ecologically sustain many more bison.
- The NPS is in litigation with Cottonwood Environmental Law Center regarding the adequacy of NEPA compliance and in litigation with Neighbors Against Bison Slaughter and Bonnie Lynn regarding concentrated Tribal hunting along the boundary of the park. Following separate litigation from 2009 with Buffalo Field Campaign, the U.S. Fish and Wildlife Service scheduled a 12-month status review for 2026 to assess the potential listing of a distinct population segment of Yellowstone-area bison as threatened.

KEY MESSAGES

- Alternative 1 prioritizes maintaining a negligible risk of brucellosis transmission from bison to cattle to assure that management will prevent the transmission of brucellosis from bison to livestock. Bison numbers would range between about 3,500 and 5,000 bison after calving. Increased bison transfer to Tribal lands consistent with DOI Secretarial Order 3410.
- Alternative 2 would prioritize the NPS' trust responsibilities to Tribes by using quarantine to identify brucellosis-free bison and restore them to Tribal lands, and treaty hunting outside the park to provide Tribes with access to traditional

resources. Bison numbers would range between about 3,500 and 6,000. Increased bison transfer to Tribal lands consistent with DOI Secretarial Order 3410 using expanded quarantine capacity.

- Alternative 3 would prioritize treating bison more like wild elk. Captures for slaughter would cease and the NPS would allow bison numbers to increase and rely on natural selection and harvests in Montana to regulate numbers, which could range from 3,500 to 7,000 bison after calving. Increased bison transfer to Tribal lands consistent with DOI Secretarial Order 3410 using expanded quarantine capacity.
- The Governor of Montana dislikes the alternatives as they do not meet the original 2000 IBMP's target population size of about 3,000 bison. He has threatened litigation if the NPS does not reduce numbers towards 3,000 and vaccinate bison.
- The Nez Perce, Salish and Kootenai, Umatilla, and Yakama Tribes want more migrating bison to increase hunting opportunities. The InterTribal Buffalo Council wants the NPS to transfer more live bison to Tribes, with shortened timelines for quarantine and Tribal right of first refusal for all bison transferred from the park.
- The NPS doubled the capacity of the Bison Conservation Transfer Program (quarantine) in the park during 2021-2022 to lower the number of bison sent to slaughter and increase their restoration to Tribal lands. Since 2019, 294 bison have been sent to the Fort Peck Indian Reservation. The InterTribal Buffalo Council subsequently transferred more than 170 bison to 23 Tribes in 12 states.

III. NEXT STEPS/UPCOMING DEADLINES

- The DOI solicitors have indicated to the court that the Park will complete a final EIS and Record of Decision by the end of July 2024, per the current agreement.

IV. ATTACHMENTS

- ATTACHMENT 1: [Bison Management PowerPoint presentation \(pdf\)](#)
- ATTACHMENT 2: [Bison Management FAQ](#)

BIOGRAPHY

Cam Sholly, Superintendent



Cameron (Cam) Sholly assumed duties as the Superintendent of Yellowstone National Park in October of 2018. Cam is a third-generation park service manager and began his National Park Service (NPS) career in 1990 in Yellowstone's backcountry. During his tenure, Cam has worked with Yellowstone's team to set new strategic priorities that focus on the Yellowstone workforce, strengthening the Yellowstone ecosystem, delivering a world-class visitor experience, investing in infrastructure, and building coalitions and partnerships. Cam oversaw the response and recovery to devastating floods in 2022, reopening 93% of the park within 20 days. The park is completing a \$40 million employee housing improvement project, expanding bison conservation efforts, investing a record amount to combat non-native species, and developing a more focused approach to ecosystem management, sustainability, and future climate challenges. His previous assignments include Regional Director for the Midwest Region, Associate Director for Visitor and Resource Protection, and multiple field leadership assignments.

Last interaction: Yellowstone National Park visit during July 2022 following the park's 500-year flood event.

A scenic landscape of Yellowstone National Park at dawn or dusk. In the foreground, a herd of bison is grazing in a field of tall, dry grass. A single evergreen tree stands to the left of the bison. The background features rolling hills and mountains, with the sun low on the horizon, creating a warm, golden glow and some atmospheric haze.

Yellowstone National Park

Bison Management Plan

Draft Environmental Impact Statement Briefing

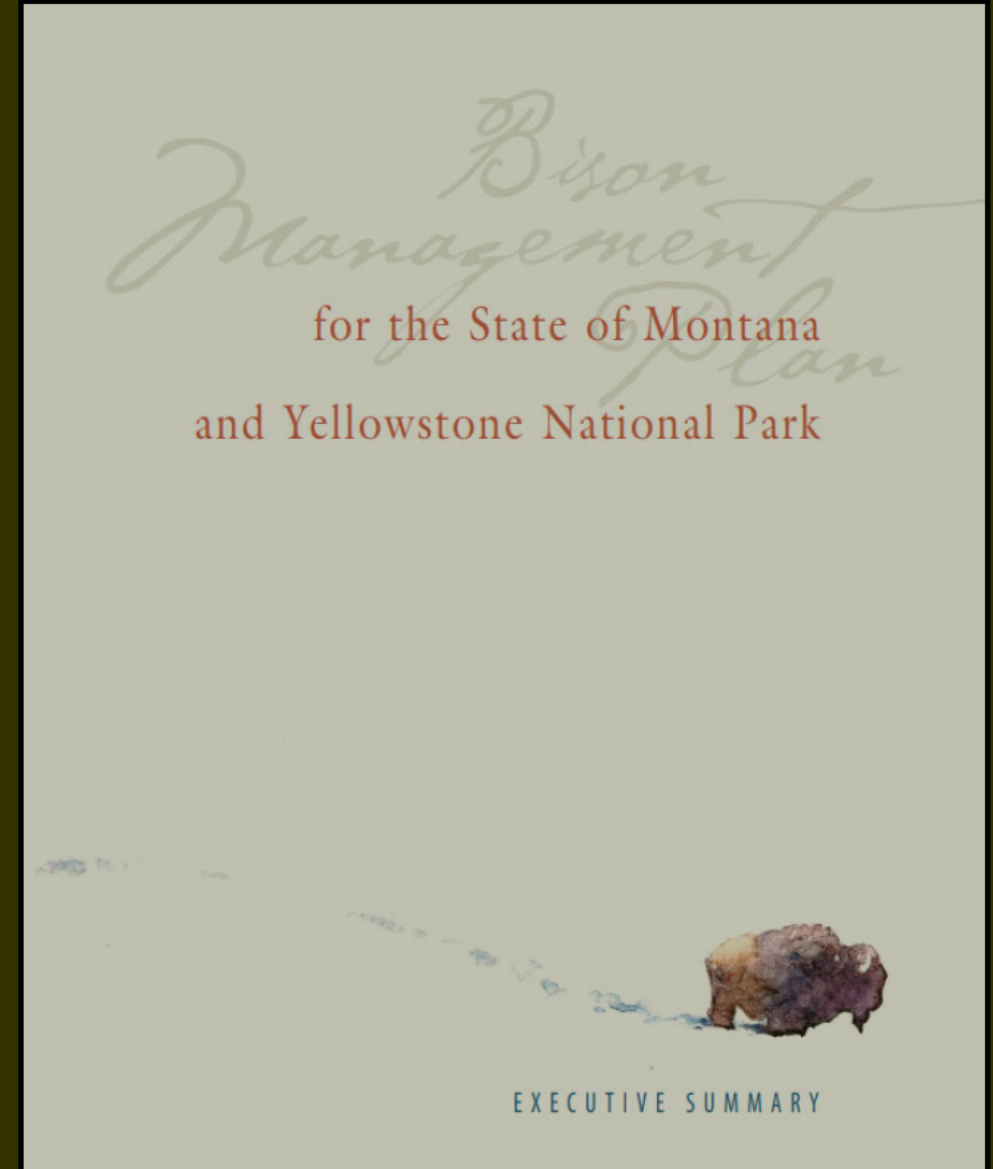
Interagency Bison Management Plan (IBMP) Background

- Montana sued DOI/NPS in 1995 due to concerns with Yellowstone bison potentially transmitting brucellosis to cattle
- Brucellosis can induce abortions in cattle under certain conditions and approximately 60% of Yellowstone bison carry brucellosis (no transmissions from bison to cattle have been documented)
- No agreement could be reached between the parties on bison management objectives after the lawsuit was filed
- Court agreed to dismiss lawsuit, however, parties agreed to mediation to attempt to agree on common objectives
- Parties agreed to complete Environmental Impact Statements with two common objectives: 1) maintain a wild, free-ranging bison population; and 2) reduce the risk of brucellosis transmission from bison to cattle



Interagency Bison Management Plan (IBMP) Background

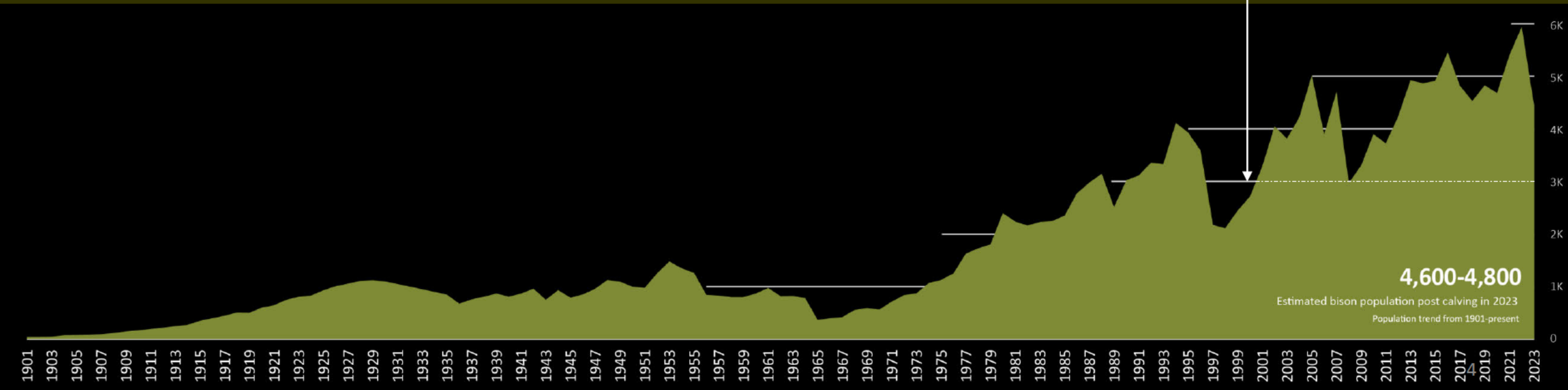
- All IBMP objectives have been achieved over the past 23 years
- A bison population target of 3,000 (pre-calving) was set to primarily prevent large bison migrations out of the park
- There was no court requirement to maintain a population of 3,000 bison
- Federal and State IBMP documents authorized adaptive management changes when new information and science became available
- Initial IBMP “partners” included USDA, DOI and Montana, and later included Nez Perce Tribe, Salish and Kootenai Tribes, and ITBC (Tribes added to IBMP in 2009)



Yellowstone Bison Population Key Points:

- Bison population has been well over 3,000 for most of the past two decades
- The 10-year population average is over 5,000
- Population reached a record 6,000 in 2022
- Population is expected to be 4,600-4,800 in 2023

The bison population has regularly been well above 3,000 animals since the IBMP was signed in the year 2000



Methods Used to Manage the Bison Population

Tribal/State Hunting

- Eight Tribes are currently exercising Treaty hunting rights on the boundary
- Tribal/state hunters harvested a record 1,174 bison in the 2022/23 winter

Bison Conservation Transfer Program

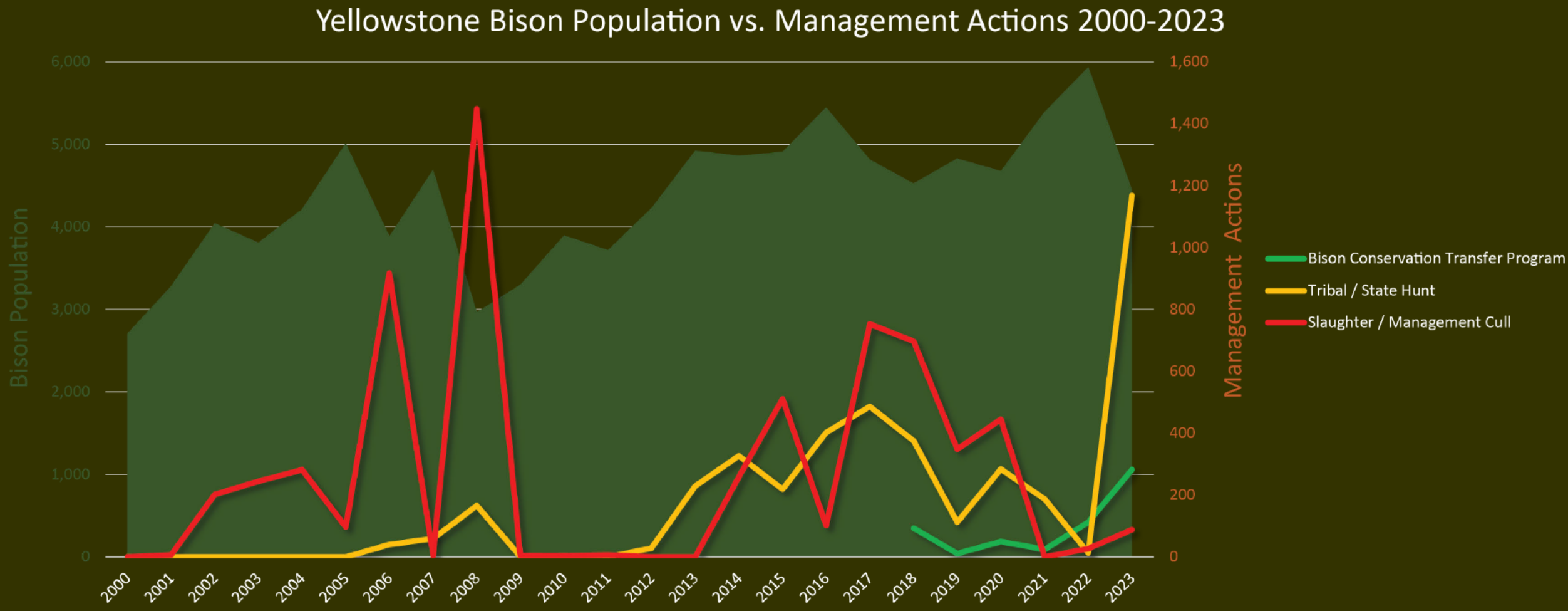
- Established in 2018, bison are captured and put through a multi-year brucellosis protocol. Once cleared, they are transferred to Ft. Peck (Assiniboine and Sioux)
- Nearly 300 have been transferred to date; another 282 were entered into the program in 2023
- 23 Tribes in 12 states have received live bison through the program

Shipment to Slaughter

- The park has used shipment to slaughter as a primary method to reduce the population over the past 20 years
- Record low number have been shipped to slaughter over the past three years
- Bison meat and hides are given to Tribes in partnership with CSKT
- Most unpopular method from a public perspective
- Worst method of population control for bison (inhumane and genetics)



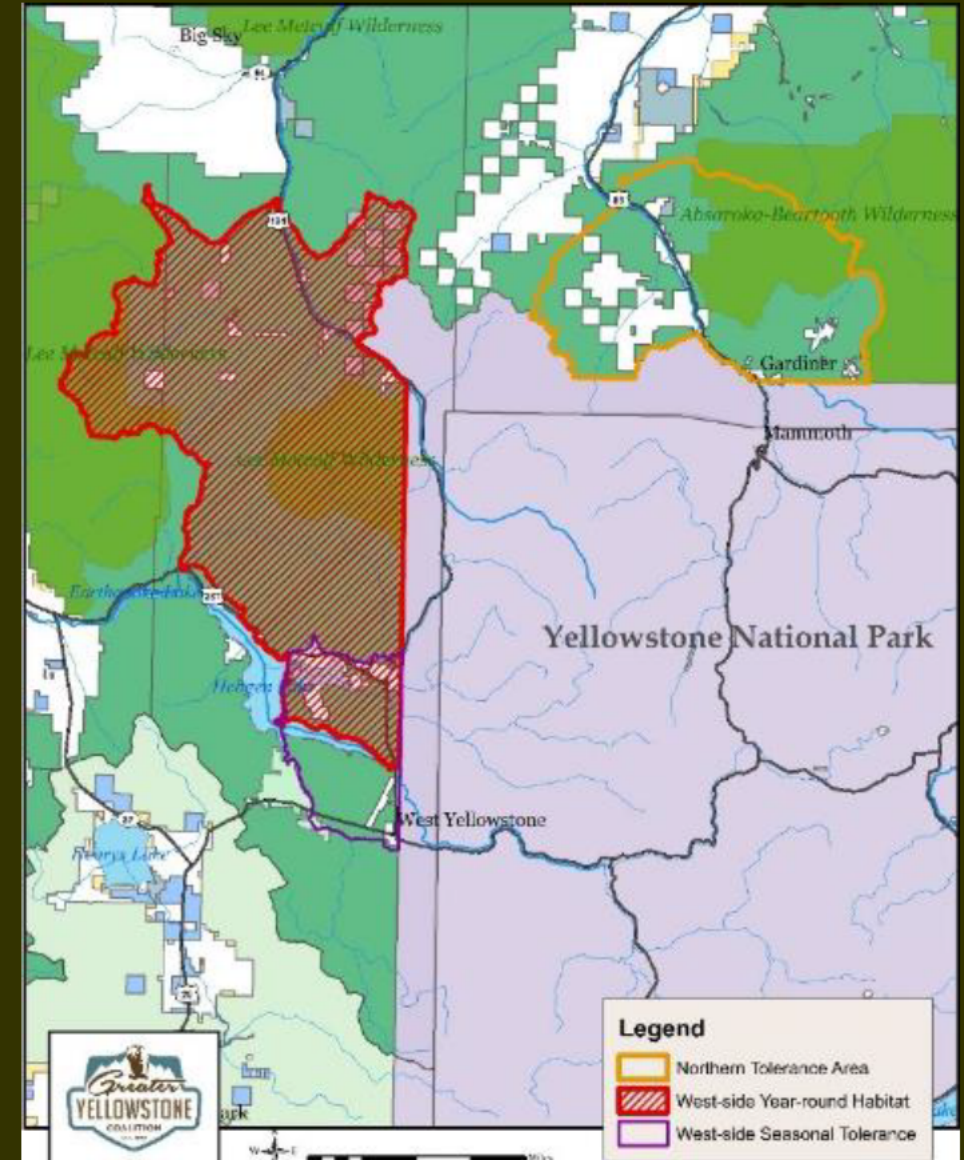
The park is achieving its objective of lowering the number of bison shipped to slaughter and increasing Tribal hunting opportunities and live transfers via the conservation transfer program



There has never been a documented transmission of brucellosis from Yellowstone bison to livestock.
Land owner conflicts have trended downward since 2011 and remain at extremely low levels.

Changes Since the IBMP was Signed

- Far fewer cattle exist near the Yellowstone boundary
- Bison tolerance zones were approved by Montana in 2015 providing bison more room to migrate (map – right)
- Conservation easements within the northern tolerance zone allow bison grazing
- Multiple Treaty Tribes harvest bison each year in the tolerance zones. No hunting occurred back in 2000
- Conflicts between bison and landowners have been reduced significantly
- Bison Conservation Transfer Program is operational and recently expanded
- Bison carrying capacity has been studied in Yellowstone and is believed to be substantially higher (8,000-10,000)
- The primary threat of brucellosis has been shown to be from elk, not bison – National Academy of Sciences



Purpose of the New Bison Management Plan/EIS

The last major Environmental Impact Statement completed on Yellowstone bison was the original IBMP in 2000. The purpose/reason for the plan:

- Preserve a sustainable population of free-ranging bison while continuing work to address brucellosis, human safety, property damage, supporting Tribal hunting
- Analyses for the original IBMP modeled a timeline of 15 years for the general lifespan of the plan. Recent litigation pointed out that the park's current plan is over 20 years old and needs updating
- Numerous actions have been taken through adaptive management over the past decades and need to be included in a contemporary NEPA document
- New science and information is available now along with many changed conditions since 2000

Primary Issues and Stakeholder Concerns

- NPS does not control what happens outside of the Yellowstone boundary
- Disagreements about population levels and distribution of bison
- Potential for brucellosis transmission
- Shipments to slaughter
- Tribal/state hunting
- Capacity of tolerance zones outside of the park
- Ongoing and potential future litigation
- Montana Governor's desire to see bison population at 3,000
- ESA petition on listing bison (genetics)

EIS Cooperating Agencies and Perspectives:

The majority of agencies and Tribes, including Montana, agreed to be part of the planning process in late 2020. All except Montana have been supportive of proposed alternatives.

- State of Montana
 - Stated they want the population reset at 3,000 bison
 - Threatened to sue if park does not lower bison population
- Custer Gallatin National Forest, U.S. Forest Service, USDA
 - Want bison year-round on national forest
- Animal and Plant Health Inspection Service (APHIS), USDA
 - Want brucellosis suppression
 - Partner in brucellosis testing
- Nez Perce, Salish and Kootenai, Umatilla, and Yakima Tribes
 - Want higher numbers of bison for cultural purposes and hunting opportunities
- InterTribal Buffalo Council (ITBC)
 - Want more live bison to Tribes; expansion of quarantine capacity

Actions Common to All EIS Alternatives:

Yellowstone would:

- Continue to meet primary IBMP objectives
- Continue working closely with all IBMP partners
- Continue supporting Tribal treaty rights
- Increase output from the Bison Conservation Transfer Program
- Use adaptive management
- Conduct forage/grazing research
- Maintain genetic diversity
- Work with partners to explore expanded quarantine options outside the park per Secretarial Order 3410
- Work with USDA on shortening brucellosis protocols
- Work with Tribes on coordination and collaborative management

Montana would:

- Determine management actions in Montana
- Work with Tribes to determine the location and extent of hunting outside of the Yellowstone boundary



Alternative 1

No Action Alternative (current management):

Yellowstone would:

- Maintain 3,500-5,000 bison (post calving)
- Primarily use capture and slaughter to lower population
- Increase bison transfer to Tribal lands consistent with DOI Secretarial Order 3410
- Support Tribal hunting by allowing bison migration into Montana

Pros/Cons:

- Success: no brucellosis transmission
- Slaughter very unpopular
- Short window to capture and ship bison to slaughter
- Capture of bison interferes with Tribal hunting opportunities



Alternative 2

Yellowstone would:

- Maintain 3,500-6,000 bison (post calving)
- Lessen shipments to slaughter
- Increase bison transfer to Tribal lands consistent with DOI Secretarial Order 3410 using expanded quarantine capacity
- Support Tribal hunting with larger population facilitating larger migration into Montana and fewer captures

Pros/Cons:

- Many more live bison to Tribes
- Increased ecological benefits
- Hunting – uncertain if it can regulate numbers consistently
- Potential slight increase in brucellosis transmission risk/conflict outside of the park



Alternative 3

Preferred Alternative:

Yellowstone would:

- Maintain 3,500-7,000 bison (post calving)
- Immediately cease captures for shipments to slaughter
- Rely on hunting outside the park to regulate population
- Increase bison transfer to Tribal lands consistent with DOI Secretarial Order 3410 using expanded quarantine capacity
- Support Tribal hunting with larger population facilitating larger migration into Montana and fewer captures

Pros/Cons:

- Increase the number of bison for conservation and hunting
- Increased ecological benefits
- Likely increase the need for State management outside of the park
- If hunting is not effective, reinstitution of slaughter will occur to control the population
- Potential for litigation from Montana



Expected Outcomes

- Contemporary plan based on updated information and science, changed conditions, and two decades of lessons learned and adaptive management
- More viable population with increased ecological role and benefits
- Plan will continue to meet IBMP brucellosis objectives; take more aggressive management actions if necessary (including hazing, hunting, and removals)
- Trust responsibilities enhanced:
 - Increased viability/ecological role of bison
 - Increased Tribal hunting responsibilities
 - Increased restoration to Tribes
- Litigation possible on either side (Montana, NGOs, others)



Next Steps

- Due to 2022 flooding, Yellowstone received an additional six months to complete a final EIS and Record of Decision by the end of July of 2024
- DEIS will continue to be reviewed by DOI solicitors
- Biological Assessment prepared for Section 7 consultation (grizzly bear, lynx)
- Notice to EIS review team (DOI, NPS, SOL)
- Congressional briefings
- Re-engage cooperating agencies
- Publish draft EIS in Federal Register in July 2023
- U.S. Fish and Wildlife Service 12-month status review



Briefing Statement

Bureau: National Park Service
Issue: Bison Management FAQ
Park Site: Yellowstone National Park
Date: April 27, 2023

What is the Interagency Bison Management Plan?

- Montana filed a lawsuit against the Department of Interior/National Park Service in 1995. The lawsuit focused on the state's concerns that Yellowstone bison entering Montana could potentially transmit brucellosis to Montana livestock and jeopardize the state's brucellosis-free status for cattle and trade.
- The lawsuit resulted in a mediated settlement and corresponding federal and state Environmental Impact Statements/Records of Decision that created the Interagency Bison Management Plan (IBMP) in 2000.
- The primary IBMP objectives include: 1) maintain a wild, free-ranging bison population; and 2) reduce the risk of brucellosis transmission from bison to cattle. Both objectives have been achieved since 2000.

Who are the IBMP Partners?

- The original IBMP partners included the Department of the Interior/National Park Service, U.S. Department of Agriculture (U.S. Forest Service and the Animal and Plant Health Inspection Service (APHIS), and Montana Departments of Livestock and Fish, Wildlife and Parks.
- In 2009, the IBMP expanded to include three Tribal partners. They include the Nez Perce Tribe, Confederated Salish and Kootenai Tribes of the Flathead Nation, and InterTribal Buffalo Council.
- IBMP partners meet three times per year to discuss bison management. Lead partner duties rotate each year.

What Should the Yellowstone Bison Population Be?

- The original IBMP identified a target bison population of 3,000 animals. This number was agreed upon as a minimum number that would minimize large migrations out of the park, reducing brucellosis risks of transmission to cattle.
- Both federal and state environmental documents authorized the use of adaptive management decisions as conditions changed and/or new science became available. IBMP partners have made a wide range of adaptive management decisions over two decades, including allowing higher bison population numbers.
- The carrying capacity for bison inside of the park is 8,000-10,000 based on studies by Yellowstone wildlife biologists. Due to the constraining factors remaining outside the park, however, the population must be kept at a lower level. The bison population has not been below 4,000 bison since 2012 and rose to 6,000 in 2022.
- Alternatives in the park's draft Bison Management Plan outline population ranges from 3,500 to 7,000 bison.

What is Brucellosis?

- Brucellosis is an infectious bacterial disease that can induce abortions in livestock under the right conditions.
- Brucellosis was first detected in the Yellowstone bison population in 1917. Yellowstone bison and elk first contracted the disease from cattle.
- Approximately 60% of Yellowstone bison are infected with the disease currently.
- There have been no known instances of brucellosis transmission from bison to cattle in the Yellowstone area.
- Elk also carry and transmit brucellosis. Anywhere from 10-40% of the elk population within the Greater Yellowstone Ecosystem are infected with the disease. Over 30 cases of brucellosis transmission have occurred between elk and livestock since 1998.
- Brucellosis concerns livestock producers because, if cattle become infected, producers lose income from killing infected cattle, additional testing requirements, and possible restrictions on trade. These concerns have substantially influenced the management of Yellowstone bison and constrained their distribution.
- A brucellosis-free classification allows producers to export cattle to other states or nations without testing. Currently, all 50 States, Puerto Rico, and the U.S. Virgin Islands are designated Class Free for brucellosis (USDA APHIS VS, 2014). The Greater Yellowstone Area is the only known location within the United States where *Brucella-abortus* is still present, specifically in wild bison and elk.

What is the Designated Surveillance Area?

- The Designated Surveillance Area (DSA) is an area in southwest Montana where brucellosis infected wildlife (mostly infected elk) exist and can expose cattle and domestic bison to the disease of brucellosis. As a result, cattle are required to participate in Montana's brucellosis testing program.

- The purpose of the DSA is to prevent an infected animal from moving out of the area and to limit disease transmission. These regulations promote trading partner confidence in the brucellosis-free status of Montana's livestock. Approximately 5.1% of Montana's cattle (113,000 animals) are located within the DSA.
- While elk occupy the entire DSA, Yellowstone bison are not allowed to move into most of the DSA with the exception of the small tolerance zones on the north and west sides of the park (see below).

What are the Bison Tolerance Zones?

- Prior to 2011, Yellowstone bison were generally constrained to the boundary. Culling and hunting of the population generally occurred on the boundary or immediately adjacent until 2015.
- In 2015, Montana authorized expanded tolerance "zones" for bison moving outside of Yellowstone National Park. These zones are located on the north and west sides of Yellowstone, within Montana.
- The tolerance zones allow Yellowstone bison to move out of the park within a limited geographical area.

What are the Primary Means of Controlling the Bison Population?

- A series of NPS bison management plans between the 1960s and 1990s put specific boundaries and lethal control measures in place to prevent bison from moving into Montana. In 1996–97, a particularly harsh winter with deep snow and ice conditions sent hundreds of bison toward park boundaries, seeking accessible forage at lower elevations. Severe winter conditions resulted in the removal of 1,123 bison in the five months between November of 1996 and April of 1997.
- The park has used shipment to slaughter, Tribal/state hunting, and a recently developed live transfer program of brucellosis-free bison to manage the population.
- Over the past four years, Yellowstone has communicated an intent to substantially reduce shipments to slaughter and rely more on Tribal/state hunting and live transfer to American Indian Tribes.

How does the Slaughter Program Work?

- Shipment to slaughter is one of the most unpopular methods of population reduction. Public opinion is starkly against slaughter and the park has worked hard to move away from the program.
- Bison are captured in the capture facility on the boundary. They are then transferred in trailers to livestock slaughter facilities where they are killed and the meat and hides are distributed to Tribal members, primarily in partnership with the Salish and Kootenai Tribes.

How does the Tribal/State Hunt Work?

- Hunting Yellowstone bison outside the park began in 2006. In 2023, there were a record eight Treaty Tribes hunting bison on the boundary. The park has reduced shipments to slaughter to provide better Tribal hunting opportunities.
- Higher numbers of bison in the population usually means larger migrations out of the park, when snowpack is deep at higher elevations and less food is available, which provides more hunting opportunities.
- Montana also issues a limited number of bison hunting tags for state hunters.

How does Live Transfer/Quarantine Work?

- Yellowstone started a new live transfer program in 2018 in partnership with the Assiniboine and Sioux Tribes at Ft. Peck, USDA – APHIS, and the State of Montana.
- The program is now called the Bison Conservation Transfer Program (BCTP). Bison are captured, quarantined, tested multiple times for brucellosis over several years under an APHIS approved brucellosis protocol. The protocol timeframes are roughly two years for males and three years for females.
- Once bison pass the initial phases of the protocol, they are deemed brucellosis-free and are then transferred to the Tribes at Ft. Peck for one additional year of assurance testing. The InterTribal Buffalo Council then works with the Ft. Peck Tribes to transfer bison to Tribes around the country.
- The park has transferred nearly 300 bison to Ft. Peck since 2019. These bison have been transferred to 23 Tribes in 12 states across the country.
- The park recently invested \$1 million to double the quarantine capacity in the park and has entered 282 new bison into the facility in 2023.
- Yellowstone is working closely with APHIS to reduce the length of the protocol. See Journal of the American Veterinary Medical Association 261:<https://doi.org/10.2460/javma.22.09.0424>.

How is Climate Change Affecting Bison Migrations and Population Numbers?

- Bison move to lower elevations primarily when weather conditions are harsh, and they are unable to find forage at higher elevations.
- Bison remain in the park when snowpack is lower and winters are warmer. Since harsh winters are less frequent with the climate warming, bison migrate out of the park less predictably. When that happens, the population size increases because fewer bison are harvested. There were fewer migrations out of the park during the previous two winters resulting in the population growing by about 27% to over 6,000 bison.
- The winter of 2023 was a very difficult winter for bison and other species due to prolonged, deep snow at higher elevations and cold temperatures. A record migration out of the park occurred resulting in a record number of Tribal and state harvests.

What has Changed since the Original IBMP?

- Many things have changed since 2000 when the original IBMP was signed. Most notably, there are far fewer cattle adjacent to the park in 2023 which substantially reduces the risks of brucellosis transmission. Hunting was not available as a primary population control tool in 2000 and now eight Treaty Tribes and state hunters help reduce the population through hunting. Additionally, the creation of the tolerance zones has given bison some limited room to move beyond the Yellowstone boundary.

What has Happened in 2023 to Cause so Much Attention?

- Due to light migrations out of the park over the past several winters, the bison population in Yellowstone grew to approximately 6,000.
- Significant snowfall and cold temperatures beginning in November of 2022, caused a record number of bison to move to lower elevations and leave the northern end of the park.
- Eight Treaty Tribes hunting on the boundary coupled with a record number of bison available for harvest resulted in approximately 1,100 bison killed by Tribal members. Another 75 bison were killed by state hunters. This has caused substantial media attention across the country.
- Very few bison were removed from the population in the previous several winters.
- Yellowstone captured an additional 282 bison to enter the Bison Conservation Transfer Program and shipped 88 to slaughter in January after committing a small number to the Salish and Kootenai Tribes.

What are the Politics Currently?

- The current Montana governor is adamant that bison numbers return to 3,000 identified in the original IBMP.
(b)5 Deliberative
- The governor has indicated a possibility of litigation if the bison population does not return to 3,000.
- (b)5 Deliberative

What are the Successes and Challenges?

- All IBMP objectives continue to be met. Higher numbers of bison have proven to have substantial positive ecological benefits within the park and are providing Tribes with larger harvest opportunities.
- The Bison Conservation Transfer Program has been a major success and will continue to supply live, brucellosis-free bison to Tribes across the country. Larger opportunities exist for future collaboration.
- The park must continue engaging the public/media to help them understand this complex issue.
- (b)5 Deliberative

Why is Yellowstone Doing a New EIS and Bison Management Plan?

- In 2022, YNP initiated new analyses of bison management to update information and address changed circumstances since the original plan in 2000. The NPS released a notice of intent in January 2022, evaluated scoping comments, and prepared a draft environmental impact statement (EIS) for release this June.
- The NPS is in litigation regarding the adequacy of NEPA compliance for the IBMP and the impacts of concentrated Tribal hunting along the boundary of the park on nearby residences and businesses.
- NPS will continue working within the IBMP framework after the EIS process is completed.

Contact: Cam Sholly, Superintendent, cam_sholly@nps.gov, 307/344-2002 (o), (b)6 (c)