

## **Memorandum**

March 31, 2011

To: Files

From: Federal Interagency Bison Management Plan Agencies

Subject: Adequacy of National Environmental Policy Act Documentation

The Record of Decision (ROD) for the Interagency Bison Management Plan (IBMP) was signed in December 2000 to coordinate bison management between the State of Montana and Yellowstone National Park. The National Park Service and the Department of Agriculture, Forest Service were co-leads on the Final Environmental Impact Statement (FEIS), and the Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) was a cooperating agency. The Montana Department of Livestock and Montana Department of Fish, Wildlife, and Parks considered the FEIS prepared by the federal agencies in preparing their Record of Decision in December 2000. These five agencies agreed to work cooperatively within an adaptive management framework to implement the IBMP. The Confederated Salish and Kootenai Tribes, InterTribal Buffalo Council, and Nez Perce Tribe became IBMP agencies in 2009.

This document considers changes since adoption of the IBMP and evaluates if the FEIS and ROD for the IBMP adequately describes and analyzes the impacts for the proposed adaptive adjustments (listed below). The IBMP agencies anticipated future adaptive management adjustments to the 2000 IBMP based on research, monitoring, and feedback from the implementation of a suite of conservation and risk management actions. Adjustments are intended to be applied within the framework of the IBMP and not alter its basic management direction or goals.

### **Description of the Proposed Action(s) and Applicable Mitigation Measures**

1. Allow bison on habitat on U.S. Forest Service and other lands north of the park boundary and south of Yankee Jim Canyon (see attached map). Bison would not be allowed north of the hydrological divide (i.e., mountain ridge-tops) between Dome Mountain/Paradise Valley and the Gardiner basin on the east side of the Yellowstone River and Tom Miner basin and the Gardiner basin on the west side of the Yellowstone River.
2. As necessary, trailer up to 300 female and calf bison testing negative for brucellosis from the Stephens Creek capture facility to a double-fenced quarantine facility in Corwin Springs for holding until release back into the park in spring. The quarantine facility in Corwin Springs is leased by APHIS and the State of Montana and APHIS have collaborated to complete environmental analyses for use of the facility.
3. Evaluate the effects of these adjustments and modify as necessary to prevent bison from

occupying lands north of the hydrological divide and minimize the risk of transmission of brucellosis to livestock.

Pursuant to the FEIS and ROD for the IBMP and adaptive management adjustments in 2008, the IBMP agencies will continue to maintain separation between bison and cattle in the Gardiner basin, capture groups of bison attempting to move into Montana (west of the Yellowstone River) in the Stephens Creek facility and test them for brucellosis exposure, segregate and hold test-positive bison in the facility, release bison testing negative for brucellosis from the facility to provide operational space and shorten confinement, and work with livestock operators and conservation groups to build/maintain adequate fences around cattle operations in the Gardiner basin to prevent commingling of bison with cattle.

### **Applicable National Environmental Policy Act (NEPA) Documents and Other Related Documents that Address the Proposed Adjustments**

- Montana Department of Livestock and Montana Fish, Wildlife, and Parks. 2000. Interagency bison management plan for the state of Montana and Yellowstone National Park. Record of Decision. December 22, 2000. Helena, Montana.
- Montana Fish, Wildlife, and Parks and the United States Department of Agriculture, Animal and Plant Health Inspection Service. 2004. Preliminary environmental assessment-October, 2004. Feasibility study of bison quarantine-phase I. <[http://ibmp.info/Library/5%20%20Quarantine1\\_Feasability%20Study%20Phase1.pdf](http://ibmp.info/Library/5%20%20Quarantine1_Feasability%20Study%20Phase1.pdf)>.
- Montana Fish, Wildlife, and Parks and the United States Department of Agriculture, Animal and Plant Health Inspection Service. 2004. Bison quarantine feasibility study phase I and decision notice. A proposed feasibility study of bison quarantine procedures. <[http://ibmp.info/Library/5%20-%20Quarantine2\\_Feasability%20Study%20Phase1%20ROD .pdf](http://ibmp.info/Library/5%20-%20Quarantine2_Feasability%20Study%20Phase1%20ROD.pdf)>.
- Montana Fish, Wildlife, and Parks and the United States Department of Agriculture, Animal and Plant Health Inspection Service. 2005. Environmental assessment. Bison quarantine feasibility study phase II/III. [http://ibmp.info/Library/5%20-%20Quarantine4\\_Feasability%20Study\\_EA%20Phase2-3.pdf](http://ibmp.info/Library/5%20-%20Quarantine4_Feasability%20Study_EA%20Phase2-3.pdf).
- Montana Fish, Wildlife, and Parks and the United States Department of Agriculture, Animal and Plant Health Inspection Service. 2005. Decision notice and finding of no significant impact. Bison quarantine feasibility study phase II/III. <[http://ibmp.info/Library/Bison%20Q%20Phases%20II& III%20Decision%20Notice.pdf](http://ibmp.info/Library/Bison%20Q%20Phases%20II&III%20Decision%20Notice.pdf)>.
- U.S. Department of the Interior, National Park Service (USDI) and United States Department of Agriculture, Forest Service, Animal and Plant Health Inspection Service (USDA). 2000. Final environmental impact statement for the interagency bison management plan for the State of Montana and Yellowstone National Park. Washington, D.C.
- USDI and USDA. 2000. Record of decision for final environmental impact statement and bison management plan for the State of Montana and Yellowstone National Park. Washington, D.C.
- USDI, USDA, and the State of Montana. 2008. Adaptive adjustments to the interagency bison management plan. National Park Service, Yellowstone National Park, Wyoming. <[www.ibmp.info](http://www.ibmp.info)>.

White, P. J., J. Treanor, and R. Wallen. 2008. Surveillance plan for Yellowstone bison monitoring the effects and effectiveness of management actions. National Park Service, Yellowstone National Park, Wyoming. <greateryellowstonescience.org >. Updated July 2010.

### **NEPA Adequacy Considerations**

**1. Is the proposed adjustment a feature of, or essentially similar to, an action or alternative analyzed in the existing NEPA documents? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)?** The proposed adjustments are within the same analysis area and similar to actions or alternatives analyzed in existing NEPA documents (as indicated below). A discussion of impacts was provided in the FEIS for the IBMP. Alternative 2 of the FEIS (Minimal Management) included a conservation area boundary that closely resembles the boundary line proposed in adaptive management adjustment #1. Also, the use of a quarantine facility such as the one at Corwin Springs, Montana to hold test-negative bison for release into the park in spring was described in the FEIS and ROD for the IBMP. Furthermore, the Joint Management Plan (JMP) of the ROD (page 32) indicates “The agencies may agree to modify elements of this plan based on research and/or adaptive management findings ... which may provide agency personnel with flexibility to achieve the objectives of the actions set forth in this plan.”

Proposed Adjustment #1: Allow bison on habitat on U.S. Forest Service and other lands north of the park boundary and south of Yankee Jim Canyon (see attached map). Bison would not be allowed north of the hydrological divide (i.e., mountain ridge-tops) between Dome Mountain/Paradise Valley (Zone 3) and the Gardiner basin on the east side of the Yellowstone River (Zone 2) and Tom Miner basin (Zone 3) and the Gardiner basin on the west side of the Yellowstone River (Zone 2).

### **Final Environmental Impact Statement—Modified Preferred Alternative**

“This alternative employs an adaptive management approach that allows the agencies to gain experience and knowledge before proceeding to the next management step, particularly with regard to managing bison on winter range outside Yellowstone National Park” (page 177).

“The agencies would limit bison movement at Yankee Jim Canyon in steps 2 and 3, and would use topography and progressively more intense management to ensure no contact with cattle. If needed to control bison movements, a second capture facility may be constructed between Reese Creek and Yankee Jim Canyon” (page 183).

“Topography and natural features would help restrict bison to public lands or lands where no cattle graze in the Reese Creek portion of the northern boundary area. Yankee Jim Canyon (the northern extension of the Reese Creek boundary area) is a narrow, natural constriction point for bison movement that would permit the agencies to halt bison movement north. The steep rocky terrain that impinges immediately on the Yellowstone River at this point provides a pincer point for bison movement. Flatter terrain south of Yankee Jim Canyon would allow hazing of bison, if necessary. The Yellowstone River, steep terrain, snow depth, and other features would also help restrict bison movement east or west” (page 185).

“With experience and knowledge gained from adaptive management steps and tolerance limits, zone boundaries and management actions within the zones may be modified” (page 186).

“Factors used by the agencies to estimate tolerance limits include interspersions of public and private lands, public and private landowner tolerance for bison in an area, geological or hydrological features limiting bison movement within a particular area, previous experience and observations of animal use on public lands in an area, [and] previous tolerance for wildlife on or adjacent to private lands” (page 192).

### **Record of Decision**

“A series of three adaptive management steps are prescribed in this Joint Bison Management Plan that will minimize the risk of transmission of brucellosis to cattle grazing on public and private lands adjacent to Yellowstone National Park and will, when all criteria are met, provide for the tolerance of a limited number of untested bison on public lands and private lands where permitted adjacent to Yellowstone National Park during winter” (page 22).

“To ensure bison remain as wild and free-ranging as possible within the constraint imposed by all of the mandates of the agencies charged with managing them, the Joint Management Plan would gradually increase tolerance of limited numbers of bison on winter range outside park boundaries. The agencies would move toward allowing untested bison onto winter range to the north and west of the park” (page 36).

“The adaptive management framework would allow the agencies to adjust this tolerance limit [for bison outside the park] based on new information and experience” (page 52).

“When the bison are on national forest system lands, the U.S. Forest Service has responsibilities under federal laws to provide habitat for the bison, a native species” (page 6).

... “The Forest Service administers national forests for multiple purposes, including providing habitat for wildlife and grazing allotments for cattle” (page 8).

### **2008 Adaptive Management Plan**

Management Action 1.1.b: “Use adaptive management to gain management experience regarding how bison use Zone 2 in the Gardiner basin, and provide space/habitat for bison in cattle-free areas.”

Management Action 1.3.c: “Annually, the Gallatin National Forest will ensure conflict-free habitat is available for bison and livestock grazing on public lands, as per management objectives of the IBMP.”

Proposed Adjustment #2: As necessary, trailer up to 300 female and calf bison testing negative for brucellosis from the Stephens Creek capture facility to a double-fenced quarantine facility in Corwin Springs for holding until release back into the park in spring.

Actions have been taken by the IBMP agencies to establish quarantine facilities and protocols. One of the sites chosen by the agencies is a privately owned parcel of land at Corwin Springs, Montana (Brogan Bison Facility) that includes five holding paddocks on about 50 acres. Montana Fish, Wildlife, and Parks and APHIS jointly prepared environmental assessments to review the impacts associated with a feasibility study of bison quarantine at this and other sites in 2004 and 2005. This project successfully developed quarantine facilities and procedures for Yellowstone bison that included supplemental feeding and nutrition monitoring, herd health assessment, animal welfare considerations, range resource management, bison handling

procedures, a weed management program, isolation and decontamination procedures for any potential brucellosis exposure events, facility maintenance plans, animal monitoring procedures, carnivore intrusion response protocols, animal escape response protocols, and animal/human emergency protocols.

### **Final Environmental Impact Statement—Modified Preferred Alternative**

“When the quarantine facility becomes available, it would be used to hold seronegative bison captured when the tolerance level of the boundary areas is reached, when the overall late winter bison population is greater than 3,000 animals, or when hazing bison back into the park to enforce the approximately 45-day separation period is ineffective” (page 179).

“Seronegative bison would be sent to a quarantine facility under the following circumstances: when bison tolerance levels in the north and West Yellowstone areas (presumptively 100 bison each) are exceeded; when the overall bison population is greater than 3,000 animals; when capture and testing of bison at the north and western boundary is used to enforce the approximate 45-day separation period between bison and cattle use of public lands in the north and West Yellowstone areas” (page 194).

“The federal agencies would initiate a separate NEPA analysis to determine the location, design, and operation of such a facility, although some details and possible designs are described in this environmental impact statement ...” (page 194).

“APHIS would serve as the lead agency in the design and would provide oversight of the operation of the quarantine facility. Any quarantine facility would follow an APHIS approved quarantine protocol similar to or as shown in appendix B of the *Draft Environmental Impact Statement*. Any approved quarantine operator would be required to sign an agreement ensuring that APHIS would have the ability to monitor the facility and enforce the terms of the quarantine protocol. Bison that pass through the quarantine protocol may be transferred to Indian reservations or other appropriate public lands” (page 194).

### **Record of Decision (ROD)**

“If hazing is unsuccessful, the NPS will operate the Stephens Creek capture facility and capture all bison attempting to exit the park in the area. The agencies will test all captured bison, send seropositives to slaughter, and temporarily hold all seronegatives (up to 125 animals) for release back into the park in the spring. The agencies will vaccinate with a safe vaccine all vaccination eligible bison that they capture” (pages 11 and 12).

“The agencies will test all captured bison, send seropositives to slaughter, and temporarily hold up to 125 seronegative bison at the Stephens Creek capture facility. Vaccination eligible bison that are captured would be vaccinated with a safe vaccine. Once the capacity of the capture facility is reached, all additional bison attempting to exit YNP would be removed at the Stephens Creek facility (seropositive bison would be sent to slaughter and seronegative bison may be sent to a quarantine facility [e.g., Corwin Springs, Montana], if available, and, if not available may be sent to slaughter or be removed for jointly approved research. The seronegative bison held at the facility will not be retested and will be released to the Park in the spring” (page 27).

“Captured bison could be moved to Stephens Creek for holding, sent to slaughter, or to a quarantine facility, if available, or removed for jointly approved research” (page 28).

Proposed Adjustment #3: Evaluate the effects of these adjustments and modify as necessary to prevent bison from occupying lands north of the hydrological divide and minimize the risk of

transmission of brucellosis to livestock.

### **Final Environmental Impact Statement—Modified Preferred Alternative**

“This alternative employs an adaptive management approach that allows the agencies to gain experience and knowledge before proceeding to the next management step, particularly with regard to managing bison on winter range outside Yellowstone National Park” (page 177).

“The experience gained from managing bison in both boundary areas would be used to determine the appropriate number of bison the agencies could manage in each area. The agencies would use this knowledge to implement step 3” (page 190).

### **Record of Decision**

“In recognition of the complexities of cooperative bison management, the federal and state agencies will work together on the research projects and the monitoring of the bison in each of the three steps described in the Joint Management Plan” (page 5).

“The management direction consists of an adaptive management program that includes intensive monitoring and coordination, as well as research projects with specified resultant management actions responding to the research results” (page 8).

“The agencies may agree to modify elements of this plan based on research and/or adaptive management findings. Implementation of management actions by the agencies will be conducted in accordance with this Plan and any memorandum of understanding and/or procedure agreements developed by the agencies, which may provide agency personnel with flexibility to achieve the objectives of the actions set forth in this plan” (page 32).

**2. Is the range of alternatives analyzed in the existing NEPA documents appropriate with respect to the new proposed adjustments, given current environmental concerns, interests, and resource values?** The proposed adjustments are within the range of alternatives analyzed in the FEIS and ROD for the IBMP. Alternative 2 of the FEIS (Minimal Management) included a conservation area boundary that closely resembles the boundary line proposed in adaptive management adjustment #1. The impacts of adjustment #1 were discussed in the FEIS on pages 396-400 (bison population), 445-446 (recreation—bison viewing/hunting), 471-475 (livestock operations), 482-486 (socioeconomics), and 360-361, 613-617 (human health). Impacts to threatened and endangered species, other wildlife, cultural resources, and visual resources would be negligible for this proposed adjustment.

Also, the use of a quarantine facility such as the one at Corwin Springs, Montana to hold test-negative bison for release into the park in spring (adjustment #2) were described in the ROD. The impacts of adjustment #2 were discussed in the FEIS on pages 429-438 (bison population), 445-446, 451-452 (recreation—bison viewing/hunting), 453-455, 463-465 (livestock operations), 477-478, 497-498 (socioeconomics), and 360-361, 613-617 (human health). Impacts to threatened and endangered species, other wildlife, cultural resources, and visual resources would be negligible for this proposed adjustment.

Furthermore, the Joint Management Plan (JMP) of the ROD (page 32) indicates “The agencies may agree to modify elements of this plan based on research and/or adaptive management findings ... which may provide agency personnel with flexibility to achieve the objectives of the actions set forth in this plan” (adjustment #3).

**3. Is the existing analysis valid in light of any new information or circumstances? Can you**

**reasonably conclude that new information and new circumstances would not substantially change the analysis of the proposed adjustments?** The analyses contained in the FEIS for the IBMP are still valid and there is no new information or circumstances that would substantially change the analysis of impacts relative to the proposed adjustments. There have been several brucellosis infections to livestock from elk in the greater Yellowstone area during the past decade and the prevalence of the disease in elk has significantly increased in some areas. However, these changes do not change the analyses of the proposed adjustments because they are not within the scope of the IBMP. The FEIS for the IBMP did “not analyze brucellosis in elk” (page x) because the stated purpose was to “... maintain a wild, free-ranging population of bison and address the risk of brucellosis transmission ...” by those bison to Montana cattle in the impact area (page 62).

The APHIS published an interim rule in 2010 that removes the provision for automatic reclassification of any Class Free State or area to a lower status if two or more herds are found to have brucellosis within a 2-year period or if a single brucellosis-affected herd is not depopulated within 60 days. Under this protocol, detections of brucellosis in domestic livestock within the greater Yellowstone surveillance area are dealt with on a case-by-case basis. As long as the outbreaks are investigated and contained, then state status does not change. In fact, brucellosis was detected in several domestic bison and cattle herds in Idaho, Montana, and Wyoming during 2009 to 2011 without a change in state status. Thus, the negative economic impacts of any transmission of *Brucella* from bison to cattle will be less than described in the FEIS for the IBMP and would not substantially change the analysis of the proposed adjustments.

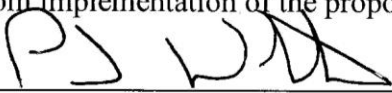

**4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed adjustment(s) similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?** Yes. The proposed actions were analyzed in previous environmental analyses. The proposed actions closely resemble actions directed by the IBMP and the environmental consequences should be similar to those disclosed in the 2000 FEIS for the IBMP. Alternative 2 of the FEIS included a conservation area boundary that closely resembles the boundary line proposed in proposed adaptive management adjustment #1. The use of a quarantine facility such as the one at Corwin Springs, Montana to hold test-negative bison for release into the park in spring (adjustment #2) were described in the FEIS and ROD for the IBMP. Also, Montana Fish, Wildlife, and Parks and APHIS completed an environmental assessment and decision notice for a bison quarantine facility at Corwin Springs in 2004. Furthermore, the Joint Management Plan (JMP) of the ROD (page 32) indicates “The agencies may agree to modify elements of this plan based on research and/or adaptive management findings ... which may provide agency personnel with flexibility to achieve the objectives of the actions set forth in this plan” (adjustment #3).

**5. Are the public involvement and interagency review associated with existing NEPA documents adequate for the current proposed action?** Yes. Significant public involvement occurred during the initial planning and completion of the 2000 ROD for the IBMP. Since that time, the IBMP agencies have met several times per year in public venues to deliberate on monitoring actions and recommendations for adaptive management adjustments. The direct, indirect, and cumulative effects that would result from the adjustments were analyzed in the 2000

FEIS for the IBMP (see website <ibmp.info>).

**6. Has the proposed adjustment been discussed with stakeholders?** The proposed adjustments for increased tolerance of bison north of the park were released to the public and were described in several regional newspaper articles during March 2011. The Natural Resources Advisor for the Governor of Montana has communicated with a Commissioner of Park County regarding the proposed adjustments. This document was sent to all the IBMP agencies for review and comment, and the final document will be posted on the IBMP website (ibmp.info). The proposed adjustments will be described in a press release, at an open house meeting in Gardiner, Montana, and at the spring public meeting of the IBMP agencies.

**Conclusion:** Based on the review documented above, we conclude that the proposed actions conform to the federal 2000 FEIS and ROD for the IBMP, which fully covers the proposed adjustments and constitutes compliance by the federal agencies with the requirements of the NEPA. There would be no impairment to the resources and values of Yellowstone National Park from implementation of the proposed actions.

	3-31-11
P. J. White, Chief, Aquatic and Wildlife Resources, Yellowstone National Park	Date
	3/31/2011
Dan Wenk, Superintendent, Yellowstone National Park	Date
	3/31/11
Mary Erickson, Forest Supervisor, Gallatin National Forest	Date
	3-31-2011
Brian McCluskey, Western Regional Director, APHIS	Date





# IBMP Northern Management Area

