COTTONWOOD
ENVIRONMENTAL LAW CENTER

June 5, 2019

Virginia Kelly, Team Leader
Forest Plan Revision
Custer Gallatin National Forest
P.O. Box 130
Bozeman, Mt. 59771

Re: CGNF Forest Plan Revision

Cottonwood Environmental Law Center submits the following comments on the revised Custer Gallatin Forest Plan. Cottonwood is a group of free-thinking rabble rousers dedicated to protecting the people, forests, water, and wildlife in the West.

1. Bison should be designated a Species of Conservation Concern.

The Forest Service previously released a document entitled Species of Conservation Concern. (Exhibit 1). According to the document:

> An initial list of potential 'Species of Conservation Concern' will be included in the Draft Assessment of Existing Conditions.

Exhibit 1 at 1 (emphasis in original). The document further goes on to state that species considered include "species identified by Federal, State, or

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Tribal entities as high priority for conservation." Exhibit 1 at 1.

Cottonwood previously submitted comments on behalf of the Northern Cheyenne Tribe of Indians asking the Forest Service to include bison as a species of conservation concern because of their high priority for conservation. Exhibit 2. The Draft Assessment Report of Ecological, Social, and Economic Conditions on the Custer Gallatin National Forest states bison are an important species for many reasons, including tourism, scientific research and cultural values. Exhibit 3 at 43. It appears the Forest Service errored by not including Buffalo on the list of *potential* species of conservation concern.

Page 42 of the Draft Assessment Report of Ecological, Social, and Economic Conditions on the Custer Gallatin National Forest states:

> A full list of wildlife species that were evaluated but not identified as potential species of conservation concern by Custer Gallatin staff is included in the wildlife specialist report.

Exhibit 3. The Wildlife Specialist Report states:

> Genetically pure wild bison occur at greatly reduced numbers across a very small fraction of their historical pre-European settlement range despite current and past conservation efforts (White et al. 2015).

Exhibit 4 at 126. The Wildlife Specialist Report goes on to state:

> In light of social tolerance issues, the prevention of further dispersal and range expansion, hunting and culling operations would be need to be used to manage populations.

Exhibit 4 at 127. The Custer Gallatin National Forest, in conjunction with other Interagency Bison Management Plan partners, has indicated that a new bison management plan is necessary in light of increased social tolerance, range expansion, and new Tribes asserting Treaty Rights. Exhibit 5. This indicates a need for the Forest Service to begin managing expanded habitat for bison. According to the Wildlife Specialist Report:

> The key role of the Custer Gallatin National Forest relative to bison is to provide suitable habitat.

Exhibit 4 at 129. The key findings in the specialist report do not address safety concerns regarding increased tribal hunting or hazing, concerns regarding long-term genetic viability of bison, or the change in social attitudes favoring bison. *See* Exhibit 4 at 133; Exhibit 5.

Cottonwood Environmental Law Center has worked with several Tribes and respectfully request that you designate Yellowstone buffalo as a

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species of conservation concern. Exhibit 6. Designating bison as a Species of Conservation Concern will allow the Forest Service to provide suitable habitat for bison in a manner that honors Treaty hunting rights, addresses safety concerns, and addresses concerns regarding the long-term viability and persistence of bison while being sensitive to Tribal cultures and changed public opinion of our National Mammal. Exhibit 6.

We also ask that you stop mechanized use in the Wilderness Study Area above levels that were in existence at the time the Wilderness Study Act was signed into law. There are alternative areas for mountain bikers to utilize, such as the road network in the Taylor Fork.

Thank you for considering,

/s/ John Meyer
JOHN MEYER, Executive Director

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Species of Conservation Concern

An initial list of *potential* "Species of Conservation Concern" will be included in the Draft Assessment of Existing Conditions.

The Forest Plan revision process will result in a list of "Species of Conservation Concern". The 2012 Forest Service planning regulations require changing from sensitive species designation to species of conservation concern for wildlife, fish, plants and invertebrates. The management direction in the revised Plan needs to contribute to maintaining a viable population of these species within their ranges.

A "Species of Conservation Concern" is a species, other than federally recognized threatened, endangered, proposed or candidate species, that is known to occur in the plan area (the Custer Gallatin Forest lands) for which the best available scientific information indicates substantial concern about the species' capability to persist over the long term in the plan area.

Ultimately, the Regional Forester decides the list of Species of Conservation Concern. The Forest Service will consider many species and then apply criteria to decide the Species of Conservation Concern:

Species Considered Include:

- Species listed as most vulnerable on NatureServe, (a species conservation ranking system).
- Species removed within the past 5 years from the Federal list of threatened or endangered species, and other delisted species that the regulatory agency still monitors
- Species listed as threatened or endangered by relevant States or federally recognized Tribes
- Species identified by Federal, State, or Tribal entities as high priority for conservation
- Species identified as species of conservation concern in adjoining National Forest System plan areas
- Species petitioned for Federal listing and for which a positive "90-day finding" has been made
- Species for which the best available scientific information indicates there is local conservation concern about the species' capability to persist over the long term in the plan area due to: 1) significant threats, 2) declining trends in population and/or habitat, 3) restricted ranges, or 4) low population numbers or restricted ecological conditions within the plan area.

Further consider those species known to occur on Custer Gallatin National Forest lands

Further consider those species
for which the best available scientific information indicates substantial concern about the species' capability to persist over the long term on Custer Gallatin National Forest lands

Species of Conservation Concern

-WOHEHIV-
The Morning Star

NORTHERN CHEYENNE TRIBE
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-WOHEHIV-
The Morning Star

To: Custer/Gallatin National Forest
Re: CGNF Forest Plan Revision-Species of Conservation Concern
Date: June 19, 2017

Dear Custer Gallatin National Forest,

On behalf of the Northern Cheyenne Tribe, Cottonwood Environmental Law Center requests that you add the American Buffalo to the list of Species of Conservation Concern for the Custer Gallatin Forest Plan Revision.

> According to the attached Forest Service document:
>
> A "Species of Conservation Concern" is a species, other than federally recognized threatened, endangered, proposed or candidate species, that is known to occur in the plan area (the Custer Gallatin Forest lands) for which the best available scientific information indicates substantial concern about the species' capability to persist over the long term in the plan area.

The Species of Conservation Concern document also states that "[s]pecies identified by Federal, State, or Tribal entities as high priority for conservation" will be considered for the list.

The American Buffalo is considered a species of high priority for conservation by the Northern Cheyenne Tribe. For centuries the American buffalo has been closely tied to the survival, identities, tradition, culture, spiritual beliefs, and religious practices of the Northern Cheyenne Tribe and their indigenous ways of life. The Forest Service lands surrounding Yellowstone National Park comprise high-quality native buffalo habitat and the Northern Cheyenne Reservation is located directly adjacent to Forest Service land managed by the Custer Gallatin National Forest that is historic buffalo habitat.

The Northern Cheyenne Tribe traditionally hunted buffalo on CGNF lands adjacent to its reservation and Yellowstone National Park. Treaty Rights held by the Northern Cheyenne allow tribal members to continue hunting buffalo in these areas. We ask that the Forest Service add the

American Buffalo to the list of Species of Conservation Concern to ensure the Tribe's Treaty Rights are respected.

Thank you for your consideration in this matter. Please contact John Meyers with the Cottonwood Environmental Law Center at 406.546.0149 should you have any questions or concerns regarding the contents of this correspondence.

Sincerely,

L. Jace Killsback, President
Northern Cheyenne Tribe

Bison (species of interest)

An iconic animal of the American West, bison are an important species for many reasons, including tourism, scientific research and cultural values. Modern Yellowstone bison, which are descended from the last wild plains bison herd, spend most of the year in Yellowstone National Park. During most winters, when food is limited by deep snow, bison migrate north into the Gardiner Basin and west into the Hebgen Basin. These two basins include portions of the Custer Gallatin.

The Custer Gallatin is the only national forest occupied by wild bison for a portion of the year.

Management of bison comes under the Interagency Bison Management Plan, which is a cooperative, multi-agency effort that guides the management of bison in and around Yellowstone National Park (see their Web site at www.ibmp.info). Custer Gallatin involvement in management of bison is primarily through participation in the plan. The Forest Service is scheduled to become the lead agency for this partnership in 2017.

Since near-extinction more than a century ago, Yellowstone bison populations have steadily increased and since 2000 have ranged from about 2,500 to just under 5,000 animals (the management plan objective is 3,000.) The herd's population growth since 1901 can be seen in Figure 9.

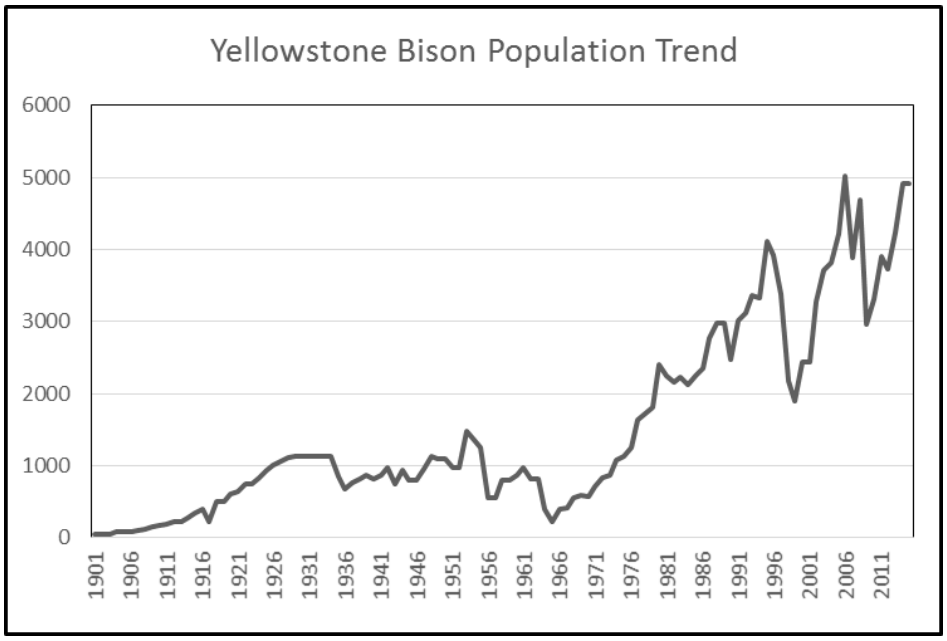

Figure 9. Yellowstone Bison population since 1901 (source: National Parks Conservation Association)

To manage population growth, Montana has a regulated bison hunting season and tribal members also hunt bison outside of Yellowstone National Park. Bison management concerns include population growth that exceeds available habitat and public concern over livestock exposure to brucellosis, a bacterial infection that can cause failed pregnancy and temporary sterility. While there have been no documented cases of brucellosis transmission

favored by mountain goats may be reduced in quantity and quality with climate change. Snowmobile encroachment into mountain goat habitat may have negative effects on their ability to fully use habitat, which is already naturally limited.

Bison

Existing Condition

Background

Management of Yellowstone Park bison comes under the Interagency Bison Management Plan. The current record of decision was signed in 2000 and included the Forest Service as a signatory. The National Park Service and Montana Department of Fish, Wildlife and Parks have started working on a new Interagency Bison Management Plan and the Custer Gallatin National Forest will participate as a cooperating agency since there is no Forest Service action proposed. All documents associated with the Interagency Bison Management Plan are on www.ibmp.info.

Yellowstone bison spend most of the year inside the boundary of Yellowstone National Park in two herds (northern and central). However, bison are a migratory species and move across a vast landscape in search of food. During most winters, when food is often limited by deep snow, some bison from the northern herd migrate into the Gardiner Basin north of Yellowstone National Park. Some bison in the central herd migrate west of Yellowstone National Park into the Hebgen Basin near the town of West Yellowstone. These two basins include portions of the Custer Gallatin National Forest. The Custer Gallatin National Forest is the only national forest occupied by wild bison for a portion of the year.

Under the Interagency Bison Management Plan, some bison are allowed to migrate out of Yellowstone National Park during the late fall, winter and early spring. The timing and numbers of bison migration is a function of weather related variables, in particular, snow conditions inside the park. This use is generally near the park boundaries on the Gardiner and Hebgen Lake Ranger Districts on the Custer Gallatin National Forest (Figure 15). Bison numbers and their distribution in Montana are managed under the authority and discretion of the state veterinarian due to their chronic exposure to brucellosis (81-2-120 Montana Code Annotated 2011 cited by White et al. 2015). The Montana Department of Livestock has the lead responsibility for all bison management actions and may request assistance from Montana Fish, Wildlife & Parks; the Forest Service; Animal Plant and Health Inspection Service; and the National Park Service. Within Yellowstone National Park boundaries, the Park Service is responsible for all bison management actions.

The only known focus of *Brucella abortus* infection left in the Nation is in bison and elk in the Greater Yellowstone Area (Aune et al. 2012). While bison can transmit brucellosis to cattle, all known transmissions in the Greater Yellowstone Area have been traced to elk and not bison (Ryan et al. 2013; Kamath et al. 2016). Bull bison pose almost no risk of transmission to cattle since the means of transmission is from aborted fetal tissue and fluids. Aune et al. (2012) found that Brucella bacteria can persist on fetal tissues and soil or vegetation for 21 to 81 days depending on month, temperature, and exposure to sunlight, but did not survive on tissues beyond June 10 due to the effects of UV and temperature. Scavengers were also an important factor in the disappearance of fetal tissue. They concluded that temporal separation of bison and cattle on shared pastures was an effective means of managing the risk of transmission.

Bison have been hunted on Custer Gallatin National Forest lands outside Yellowstone National Park by tribal and state-licensed hunters since 2005 (state hunting also occurred prior to 1991). To date,

hunting has not resulted in reduction of bison to the target population (3,000 per the 2000 Interagency Bison Management Plan); therefore, Yellowstone National Park has continued to trap bison at the Park Boundary. Yellowstone National Park is expected to make a decision on its quarantine analysis in the near future (transferring bison to approved facilities); this would be an alternative to shipping trapped bison to slaughter. Meat from bison shipped to slaughter (Table 14) is provided to Native American tribes.

The Custer Gallatin National Forest's involvement in management of bison is primarily through participation in the Interagency Bison Management Plan. There are three permitted activities associated with Custer Gallatin National Forest lands relative to bison. These include a permit for a portable temporary trapping facility on Horse Butte (issued in 1999 and renewed for 10 years in 2009, which was used 5 of the first 10 years and not since), a permit for Montana Fish, Wildlife & Parks to construct and maintain a fence associated with the bison guard at Yankee Jim Canyon, and most currently and in progress, a permit to construct and maintain a fence (Montana Department of Highways) associated with the bison guard on Highway 287 near Hebgen Dam.

The Custer Gallatin National Forest considers bison to be a wild ungulate when they occupy National Forest System lands. Although there have a few active livestock allotments within the area where bison are tolerated on the national forest (Source: Interagency Bison Management Plan annual reports.

), the Custer Gallatin National Forest expressed position is that it can manage livestock allotments (e.g., adjust class of livestock, cattle turn-on dates, or closures) to provide adequate spatial and temporal separation, relative to bison and brucellosis, to ensure allotments are not a barrier to existing or expanded tolerance.

In December 2015, Montana Governor Steve Bullock signed a decision notice that expanded tolerance for bison, primarily west of Yellowstone National Park. As part of this effort, tolerance zones were identified as areas where bison are allowed; i.e., not harassed or hazed, outside of Yellowstone National Park (Figure 16). The decision was based on an environmental assessment completed by Montana Fish, Wildlife & Parks under the Montana Environmental Policy Act (Montana Fish, Wildlife & Parks 2014). The decision allows year-long access to certain areas west of Yellowstone National Park (excludes access to areas with intermingled private lands) for both cows and bulls. It allows year-long access in the Gardiner Basin, north of Yellowstone National Park for bull bison only.

At its April 6th meeting, the Interagency Bison Management Plan partners endorsed the Governor's decision and outlined the needed changes an adaptive management plan that would implement the decision. That modified plan was signed by the partners under the Interagency Bison Management Plan.

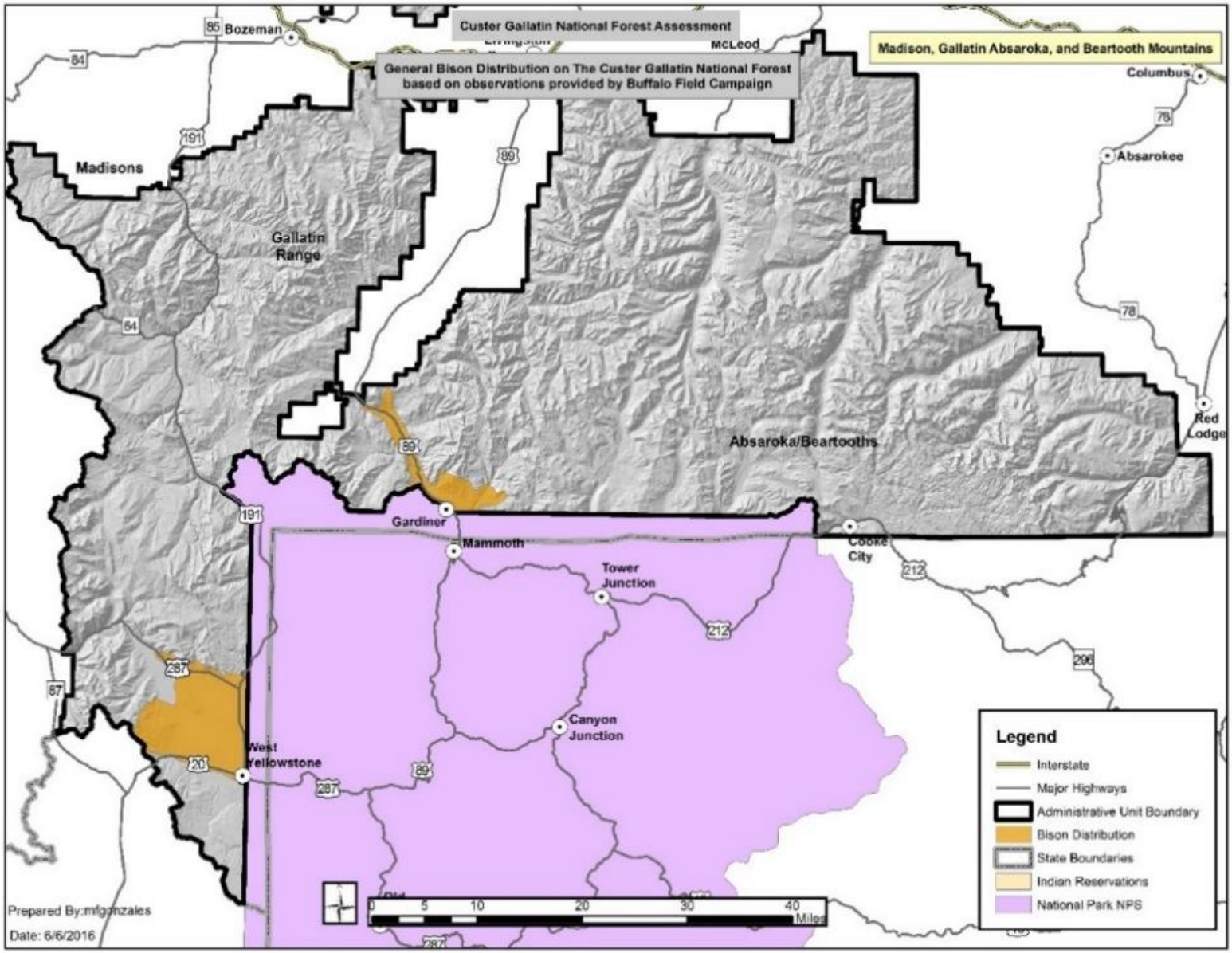

Figure 15. Distribution of bison in winter-spring on the Custer Gallatin National Forest based on Buffalo Field Campaign observations

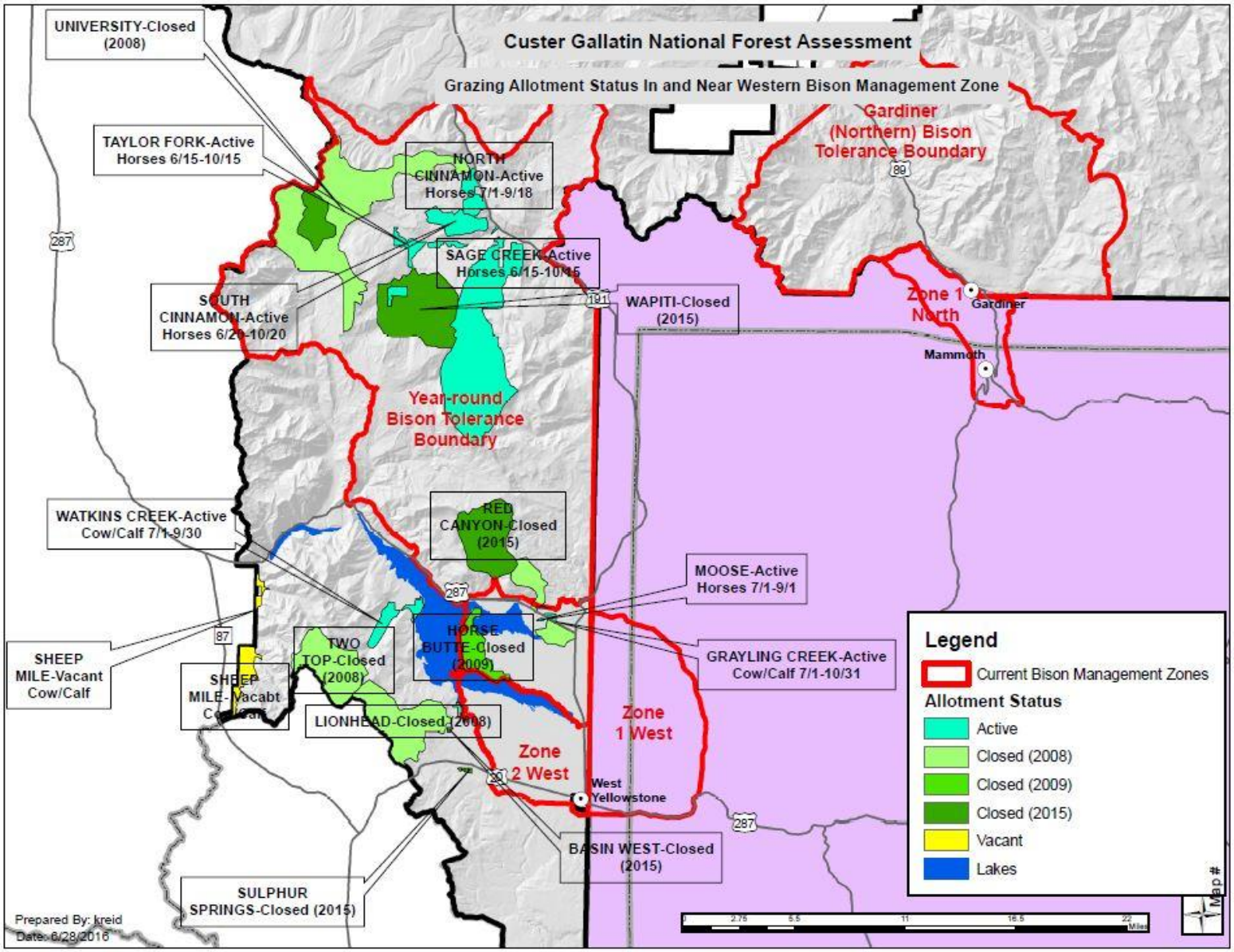

Figure 16. Bison tolerance zones and livestock grazing allotment status in 2016

Table 14. Bison management from 2008 through 2016

Year	Bison Shipped to Slaughter or Management Culls	Hunter Harvest	Sent To Quarantine
2016	50	380	?
2015	507	145	7
2014	258	322	60
2013	0	229	0
2012	0	28	0
2011	6	260	53
2010	3	4	0
2009	4	1	0
2008	1,448	166	112

Source: Interagency Bison Management Plan annual reports.

Table 15. Domestic livestock allotments within or nearby Bison Management Zones

Allotment Name	Location	Status	Class and Number of Livestock	Permitted Season
Allotments Within Western Bison Zone 2, Hebgen Ranger District				
Moose	East of Hebgen Lake	Active	4 horses	7/1–9/1
Grayling Creek	East of Hebgen Lake	Active	24 horses	7/1–10/31
Horse Butte	East of Hebgen Lake	Closed (2009)	Previously, cow/calf pairs	
Duck Creek	East of Hebgen Lake	Closed (2008)	Previously, cow/calf pairs	
Dry Gulch	Northeast of Horse Butte, North of Highway 287	Closed (2008)	Previously, cow/calf pairs	
Allotments Within the Western Bison Yearlong Tolerance Zone, Hebgen Ranger District				
Sage Creek	Taylor Fork Area	Active	129 horses	6/15–10/15
North Cinnamon	Taylor Fork Area	Active	60 horses	7/1–9/18
South Cinnamon	Taylor Fork Area	Active	35 horses	6/20–10/20
Taylor Fork	Taylor Fork Area	Active	90 horses	6/15–10/15
Wapiti	Taylor Fork Area	Closed (2015)	Previously, 160 cow/calf pairs	
Cache-Eldridge	Taylor Fork Area	Closed (2015)	Previously, 154 cow/calf pairs	
University	Taylor Fork Area	Closed (2008)	Previously sheep	
Red Canyon	North of Horse Butte, North of Highway 287	Closed (2015)	Previously, cow/calf pairs	
Allotments Outside of but Near the Western Bison Management Zones				
Watkins Creek	West of Hebgen Lake	Active	55 cow/calf pairs	7/1–9/30
South Fork	South of Hebgen Lake	Active	15 cow/calf pairs	7/1–9/30
Sheep Mile	South of Quake Lake	Vacant (Forage Reserve Allotment)	Previously, 89 yearlings	Previously, 6/20–10/20

Allotment Name	Location	Status	Class and Number of Livestock	Permitted Season
Basin	South of Hebgen Lake	Closed - West Unit (2015)[1]	Previously, 10 cow/calf pairs	
Sulphur Springs	South of Hebgen lake and Highway 20	Closed (2015)	Previously, 10 horses	
Lionhead	Hebgen Lake Area	Closed (2008)	Previously sheep	
Two Top	Hebgen Lake Area	Closed (2008)	Previously sheep	
Allotments within the Northern Bison Management Zone, Gardiner Ranger District				
Slip and Slide	East of Yellowstone River	Active	110 cow/calf pairs	6/16–10/15
Green Lake	West of Yellowstone River	Active	46 cow/calf pairs	6/16–10/15
Cottonwood	West of Yellowstone River	Vacant	Previously, cow/calf pairs	
Lion Creek	West of Yellowstone River	Vacant	Previously, cow/calf pairs	
Mill Creek & Section 22	Upper Cinnabar and Upper Mulherin	Vacant	Previously, 36 cow/calf pairs	Previously, 6/16–10/15
Park	West of Yellowstone River	Closed (2007)	Previously, cow/calf pairs	
Sentinel Butte	East of Yellowstone River	Closed (2007)	Previously, cow/calf pairs	
Allotments Outside of but Near the Northern Bison Management Zone, Gardiner Ranger District				
Tom Miner and Ramshorn	Tom Miner Basin	Active	126 cow/calf pairs; and private land 134 cow/calf pairs	7/1–10/15
Horse Creek/Reeder Creek	Upper Tom Miner	Active	81 cow/calf pairs, 22 yearlings, and 15 horse; and private land 15 horses	7/1–9/30
Wigwam	Lower Tom Miner	Active	56 cow/calf pairs; and Private Land 20 cow/calf pairs	6/16–9/30
Canyon	Tom Miner Basin	Closed (2007)	Previously, cow/calf pairs	

[1] East Unit added to the Basin Admin Site for periodic government stock use (horse/mule).

Population

The last wild plains bison herd in existence occurred in the Yellowstone area. Modern Yellowstone bison are their descendants (although 25 bison from Texas and Montana were brought in to augment the population in 1902). This is the only plains bison herd to continuously occupy part of its historic range. Genetically pure wild bison occur at greatly reduced numbers across a very small fraction of their historical pre-European settlement range despite current and past conservation efforts (White et al. 2015).

Bison are common in domestic herds, but may not be subject to the same selective pressures as wild bison. There may be artificial genetic selection for morphological, behavioral, and physiological traits different than those selected for in the wild, and substantial differences can arise in a few generations. Genetic studies have found domestic cattle DNA introgression in the vast majority of domestic and conservation herds studied to date. The Yellowstone herd is one of the few where this has not been

detected. Yellowstone bison exhibit wild behaviors and roam relatively freely over a large landscape (White et al. 2015).

Bison are social and gregarious and often form small herds of female led groups of about 20 animals. Cows and young remain in herds throughout the year, whereas bulls are solitary or in small groups until the rutting season in the summer when they begin to mix with cow-calf herds.

Most cows breed at 2 to 4 years, whereas males usually mature at 3 years; however, older (6+ years) males do most of the breeding. Breeding occurs in July and August, with gestation lasting 9.5 months. Normally, 1 calf is born mid-April to early June, with most births occurring in May. Cows usually give birth in isolation where vegetation provides cover. Brucellosis causes abortion and temporary sterility in cattle, but does not affect pregnancy rates In Yellowstone bison to any significant degree. Most calves are weaned by the end of their first year but remain with their mother until spring or later if she does not conceive. The life span of a Bison is 18 to 22 years. Winterkill is the primary mortality factor in Yellowstone Park. More severe winters result in increased winterkill. Wolf predation of bison has increased since their reintroduction into Yellowstone National Park (White et al. 2015).

Since near extinction over a century ago, Yellowstone bison populations have steadily increased and since 2000 have ranged from about 2,500 to just under 5,000 animals (Figure 17). The Interagency Bison Management Plan objective is 3,000. In winter 2016, there were about 5,000 bison counted following a removal of about 580 animals by state and tribal hunters and management culling (Interagency Bison Management Plan records).

Plumb et al. (2009) concluded that in light of severe winters and in balancing the capacity of the forage base in Yellowstone National Park, maintaining genetic diversity, and preserving migratory behavior, a population of 2,500 to 4,500 bison is sustainable, but at current high populations, it is difficult to effectively reverse the positive population trend. In light of social tolerance issues, the prevention of further dispersal and range expansion, hunting and culling operations would be need to be used to manage populations.

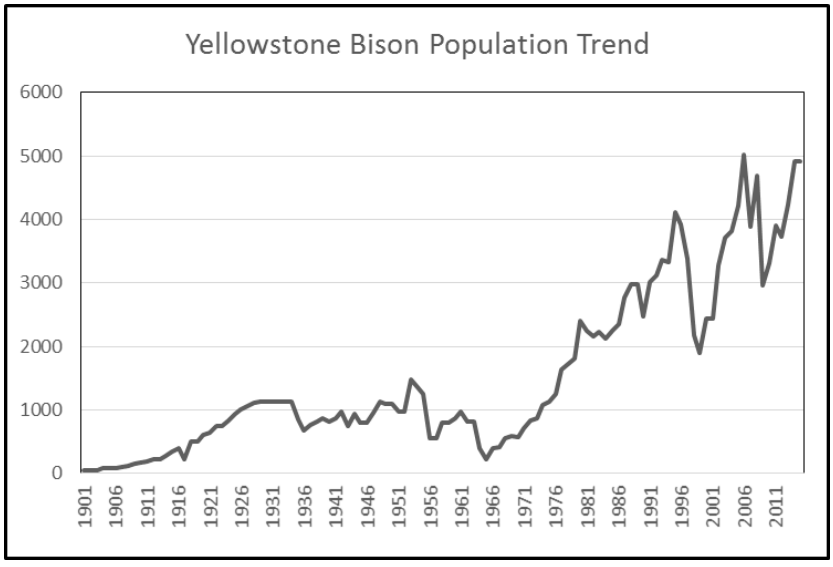

Figure 17. Population trends in Yellowstone bison

Source: The National Parks Conservation Association.

Habitat

Bison historically occupied about 20,000 square kilometers (4,942,108 acres) in the headwaters of the Yellowstone and Madison Rivers (Plumb et al. 2009). As of 2008, they occupied 3,175 square kilometers (784,560 acres) predominantly inside Yellowstone National Park. The current tolerance areas include about 200,000 acres on the west side and about 105,000 acres in Gardiner Basin on the north side. Prior to the Governor's decision, the tolerance zones were 12,500 acres on the north and about 70,000 acres to the west.

Bison select for mesic grassland habitats (Schoenecker et al. 2015) and graze on grasses, forbs, and sedges. In the winter, they use their massive heads to scoop snow away from forage. In Yellowstone National Park, sedges are most important in all seasons, followed by grasses. Forbs and browse are minor components in the diet (Meagher 1973). Although their food intake is large (about 30 pounds per individual per day), in a study in Utah, Ranglack et al. (2015) found that utilization of rangeland averaged 14 percent by bison, 52 percent by domestic cattle, and 34 percent by jackrabbits. During the winter, about a third of the foraging time is used to displace snow, which reduces foraging efficiency (Plumb et al. 2009). Since the 1980s, there has been migratory movements of bison outside the park in response to harsh winter conditions that make foraging difficult. This behavior, if not curtailed by intensive management actions, would likely have resulted in continued expansion of winter range and dispersal to suitable habitats north and west of the park (Plumb et al. 2009). Plumb et al. noted that population levels of about 550 and 1,500 for the northern and central herds, respectively, trigger migration outside of the park. There has also been movement from the central herd to the northern herd in part due to milder winter conditions and population levels in the central herd. The thermal features that bison use in Hayden Valley do not produce the same quality or quantity of forage relative to the northern range (White et al. 2015).

When bison leave Yellowstone National Park in the late fall and winter, they use habitat managed by the Custer Gallatin National Forest as well as private lands if they are tolerated. The reverse pattern occurs in the spring as snow melts and bison follow new vegetation growth from lower to higher elevations. The onset of new vegetation growth typically begins 3 weeks earlier in northern Yellowstone than in central Yellowstone such that bison on the Custer Gallatin National Forest near West Yellowstone tend to arrive later but be on the National Forest longer than bison on the northern range near Gardiner. Most bison migration into Montana occurs in late February and March across the northern boundary, and in April and May across the western boundary (White et al. 2015). Relatively few bison exit the northern boundary when conditions are mild. Bison migration back to interior park ranges typically occurs during April through June. At the present time, under the increased tolerance decision, this timing is also influenced by hazing operations forcing (female) bison back into Yellowstone National Park by May 1 on the northern range. Bison movements in areas of no tolerance are controlled by strategically placed "bison guards" on the highways which block movement of bison on the northern range from entering Yankee Jim Canyon on U.S. Highway 89 and from leaving the Hebgen Basin to the west on U.S. Highway 287 near Hebgen Dam. Bison are also hazed from areas of no tolerance such as private lands in the Hebgen Basin and areas south of the Madison River.

On the west side, in the absence of hazing from Horse Butte (this is first spring that the haze has not occurred), bison distribution and abundance in Hebgen Basin was monitored by Forest Service personnel. In May, bison numbers were around 250 in the basin and as of June 27, there were only 10 bison observed. About that many bison remained by the end of July. It appears that bison naturally migrate back into the park in mid-late May as conditions in the park provide green forage.

The key role of the Custer Gallatin National Forest relative to bison is to provide suitable habitat. Based on recommendations from Yellowstone National Park bison biologist Rick Wallen about bison habitat use (Wallen, R., 2016, personal communication), a query of existing vegetation (R1VMAP) was completed that included elevations below 9,000 feet, in grass, shrub, and low tree canopy cover (less than 25 percent) dominance types. Wallen noted that bison use all slopes (relative to steepness and aspect) and use some tree habitats, particularly in the fall. Given current constraints on bison tolerance, there is no expectation that bison would be re-established outside of the landscapes that are adjacent to Yellowstone National Park. Therefore, habitat was assessed only for the Madison, Gallatin and Beartooth landscape.

Currently, within the Madison, Gallatin, and Beartooth landscape, there are 293,151 acres (12.5 percent) of potentially suitable habitat for bison on the Custer Gallatin National Forest. Of that amount, 224,143 acres are grass and shrub lifeforms (Figure 18).

An on-going study of forage utilization and production in Lamar Valley of Yellowstone National Park has shown that bison grazing stimulates large amounts of soil nitrogen for plants leading to higher nitrogen availability in the food available for bison (Interagency Bison Management Plan Annual Report, 2015). Bison appear to be engineering their own habitat and enhancing the nutritional value by repeated grazing of sites throughout the growing season. Shifting patterns of bison use on the landscape are likely given forage changes, climate change, predation, and management actions.

The Custer Gallatin National Forest, in cooperation with Montana State University, undertook a habitat baseline study in Gardiner Basin in 2015 and this is on-going in 2016, with plans to replicate this type of analysis on Horse Butte in the Hebgen Basin in 2017 to 2018. The work included reconstructing historical conditions from past range studies and establishing soil and vegetation plots stratified by slope, aspect, elevation, lifeform, and geology (Figure 19). The objective of establishing the baseline is to be able to detect a 20 percent change in conditions with 80 percent accuracy. Data analysis from 2015 (Marlow, unpublished data) showed that range conditions are less than ideal, with most of the sites having 33 to 45 percent bare ground, which is between low-moderate erosion potential. The study also found that there is low species richness (19 species versus 65 suggested from the literature for this range type), which may be suggestive of low ecosystem resilience. However, no conclusions about trend are possible at this point, and it could be that the range condition is heading in a positive direction because of the reduction in elk foraging due to the dramatic decline in the Northern Range elk herd.

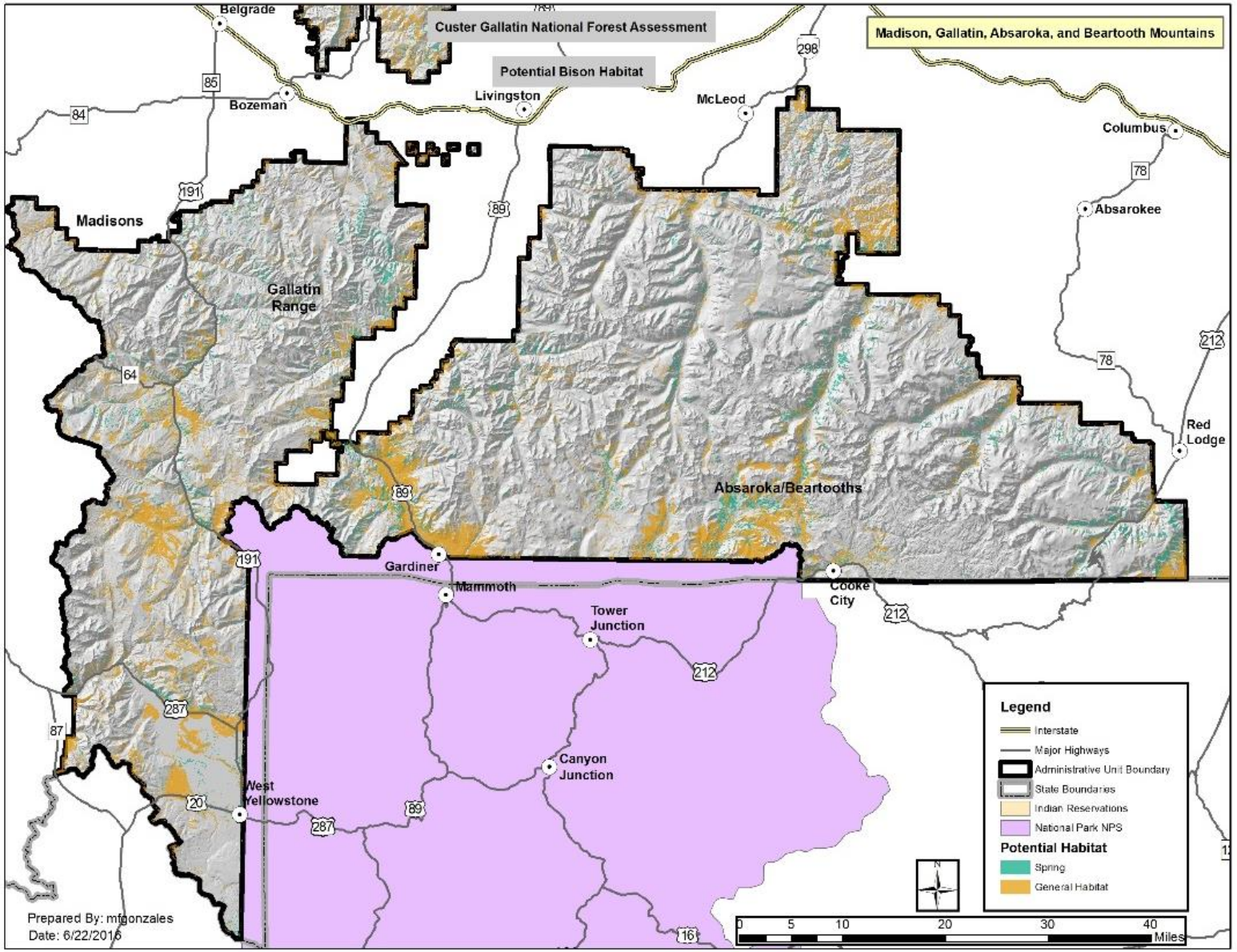

Figure 18. Potential bison habitat in the Madison, Gallatin, Absaroka, and Beartooth analysis area

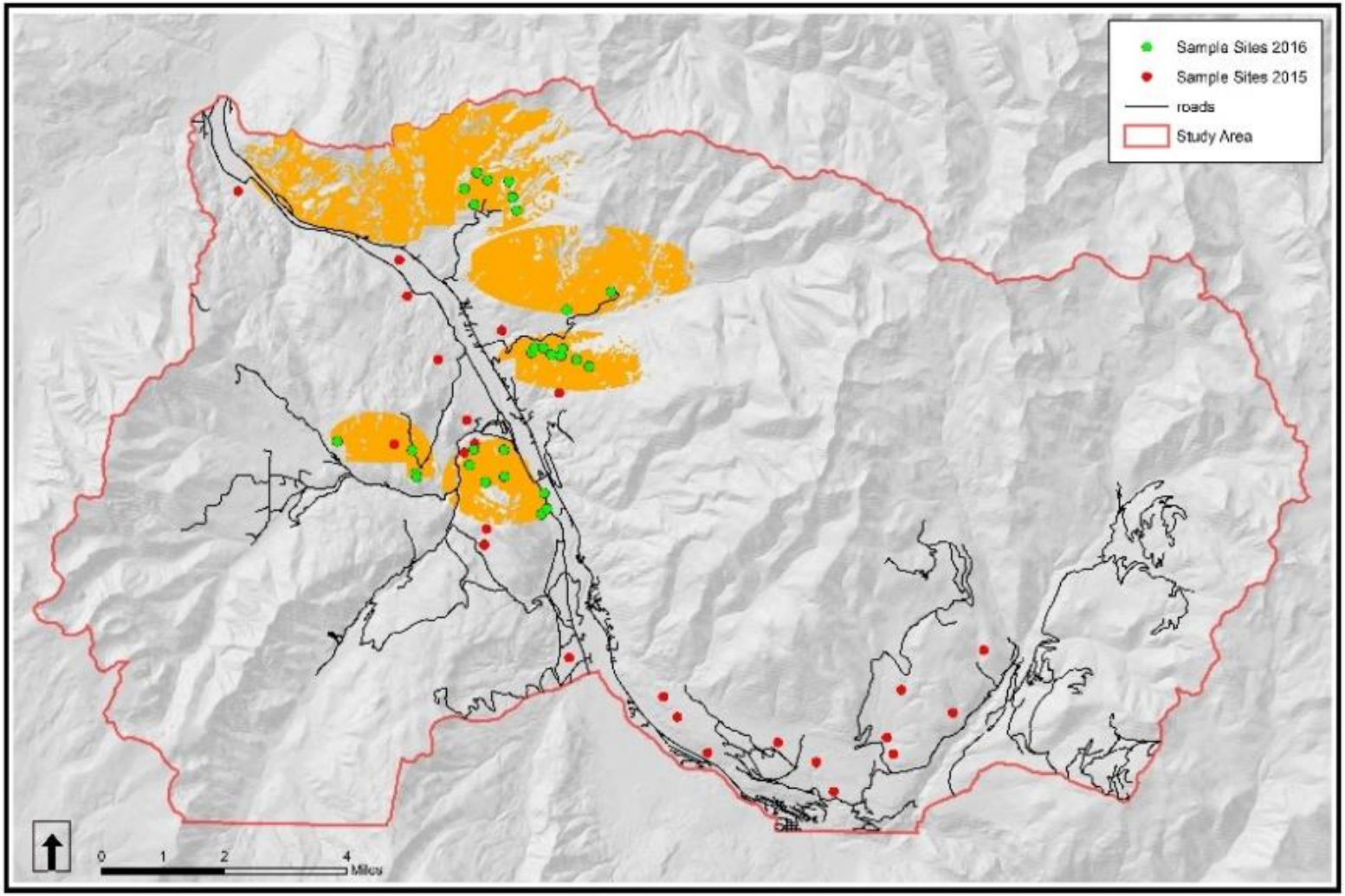

Figure 19. Plot locations for baseline habitat inventory in Gardiner Basin

The average useable forage production, based on 16 sites in the Gardiner Basin, was 586 pounds per acre. Given the droughty nature of this area, that is a very conservative figure to use in calculating forage availability on the entire Madison, Gallatin, and Absaroka Mountain Ranges. Nonetheless, with 224,143 acres of potentially suitable habitat in the Madison, Gallatin, and Absaroka Beartooth Mountain Ranges, the total conservatively estimated amount of forage production on those acres is 131,347,798 pounds. If only 10 percent of this was allocated to bison (given needs for other ungulates and domestic livestock), and each bison requires 930 pounds of forage in a month (31 pounds per day), then this portion of the Custer Gallatin National Forest could provide 14,123 bison months of grazing capacity. This equates to forage for 1,177 bison year-round or 2,354 bison for 6 months. Habitat improvements such as prescribed burning, aspen and meadow restoration, thinning and patch cuts in forest, and restoration of native grass species are all management actions that could increase this capacity. Yellowstone National Park bison biologist Rick Wallen (2016, personal communication) suggested that the NDVI index explained in the elk section, might also predict good habitat for bison (see Figure 11). Currently, a proposed land exchange (Shooting Star Ranch Land Exchange) is being analyzed which would provide an additonal 600 acres of publically owned habitat for bison in the Slip & Slide drainage in Gardiner Basin, if and when it becomes part of the Custer Gallatin National Forest.

Key Benefits to People

Yellowstone bison are a unique contribution to the rich biological and cultural values of the Greater Yellowstone Area. People travel from all over the globe to visit Yellowstone Park and to see wild bison. This has direct economic values to gateway communities and indirect values to humans from the experience of seeing wild bison in their native habitat.

Bison populations on public land provide recreation benefits for hunting and viewing wildlife, and also tribal and cultural values (these addressed elsewhere). Both state and tribal hunters harvest bison on the Custer Gallatin National Forest.

When they are allowed the opportunity to access large landscapes, bison are a keystone species; that is, they shape and influence the diversity of grassland ecosystems, and species that are inhabitants those grasslands (White et al. 2015). Some bird species require the short-grass conditions created by bison grazing (Askins 2007). Bison grazing and urine and feces contribute to increased plant nitrogen in areas grazed repeatedly. Bison may be important dispersers of grass and forb seeds. Known predators include wolves and grizzly bears, but they are not reliant on bison (a formidable prey species). However, bison carcasses, gut piles, and winter kill provide carrion for a host of carnivores and scavengers.

Other key benefits of bison include the economic opportunity for wildlife based employment for outfitters and guides and biologists in the private sector and for biologists that work for state and Federal agencies. Bison also provide for student research at academic institutions such as Montana State University.

Trends and Drivers

Yellowstone bison numbers have been steady increasing since near extinction a century ago. Bison are migratory and seek forage outside of Yellowstone National Park during the winter and spring. They naturally migrate north and west onto the Custer Gallatin National Forest especially in severe winters. The numbers on the Custer Gallatin National Forest are controlled by the State of Montana. A recent decision was made to allow bison in a larger area for a longer period of time on the west side. Bison on the forest are often re-distributed by hunting because hunting is concentrated along the boundary with Yellowstone National Park. Social tolerance for bison outside of the park is limited by the perceived risk

of transmission of brucellosis to domestic cattle, when elk are the likely source of cattle infections. There has been a trend of decreased active allotments in areas near or within bison tolerance zones; however, the Custer Gallatin National Forest has other potential ways to minimize the risk of transmission of brucellosis from bison to cattle. The Custer Gallatin National Forest has capacity in terms of suitable habitat and forage for additional bison than is currently tolerated. Since bison are no longer hazed from Horse Butte, there is no need to renew the special use permit to Montana to use a temporary portable trap on Horse Butte. This permit is up in 2019. Bison habitat suitability in the future will be influenced by climate change and disturbance or the lack of disturbance. Grazing, including grazing by bison, reduces fine fuel accumulations and could be a tool for land managers to deal with the likely higher wildfire risk associated with climate change (Svejcar et al. 2013).

Information Needs

The Custer Gallatin National Forest is working with Montana State University to complete habitat baseline inventories for the Gardiner Basin and is making plans to replicate this type of work on the west side. This information will help inform managers about range conditions and range capacity for including bison as a species of wildlife that occupies the forest at least on a seasonal basis. In Gardiner Basin, there is a need to understand the timing and niche partitioning of the many ungulate species that use this key winter rangeland resource.

Key Findings

Yellowstone bison are at an all-time high population having nearly gone extinct a century ago. During most winters, when food is often limited by deep snow, some bison from the northern herd migrate into the Gardiner Basin north of Yellowstone National Park. Some bison in the central herd migrate west of Yellowstone National Park into the Hebgen Basin near the town of West Yellowstone. These two basins include portions of the Custer Gallatin National Forest. The Custer Gallatin National Forest is the only national forest occupied by wild bison for a portion of the year. The only known focus of *Brucella abortus* infection left in the Nation is in bison and elk in the Greater Yellowstone Area. While bison can transmit brucellosis to cattle, all known transmissions in the Greater Yellowstone Area have been traced to elk and not bison. An important function of the Custer Gallatin National Forest lands occupied by bison is to provide state and tribal hunters an area they can harvest a wild buffalo. Bison have been hunted on Custer Gallatin National Forest lands outside Yellowstone National Park by tribal and state-licensed hunters since 2005 (state hunting also occurred prior to 1991). To date, hunting has not resulted in reduction of bison to the target population (3,000 per the 2000 Interagency Bison Management Plan); therefore Yellowstone National Park has continued to trap bison at the park boundary. The Custer Gallatin National Forest issues a permit for a portable temporary trapping facility (operated by the state of Montana) on Horse Butte (issued in 1999 and renewed for 10 years in 2009), which was used 5 of the first 10 years and not since. With expanded tolerance for bison on the west side, this permit is no longer needed. On the Hebgen Lake Ranger District, there are two active horse allotments within Western Bison Zone 2, four active horse allotments within the Western Year-round Bison Tolerance Zone, and two active cow/calf pair allotments and one vacant cow/calf pair allotment outside of but near the Western Bison Management Zones to the south and west. On the Gardiner Ranger District, there are two active (6/16 grazing season entry dates) and three vacant cow/calf pair allotments within the Northern Bison Tolerance Zone and three active cow/calf pair allotments in Tom Miner Basin outside of but near the Northern Bison Management Zones. There have been no issues with bison and cattle co-mingling on these allotments due to spatial and temporal separation. In light of severe winters and in balancing the capacity of the forage base in Yellowstone National Park, maintaining genetic diversity, and preserving migratory behavior, a population of 2,500 to 4,500 bison is

sustainable. In light of social tolerance issues, the prevention of further dispersal and range expansion, hunting and culling operations would be need to be used to manage populations.

The key role of the Custer Gallatin National Forest relative to bison is to provide and improve suitable habitat. If 10 percent of the available forage was allocated to bison, there is forage for 1,177 bison year-round or 2,354 bison for 6 months in the Madison, Gallatin, and Absaroka Mountain Ranges. Habitat improvements such as prescribed burning, aspen and meadow restoration, thinning and patch cuts in forest, and restoration of native grass species are all management actions that could increase this capacity.

Mule Deer

*C*urrent Forest Plan Direction

The current Custer Forest Plan lists mule deer as a key species of interest for management area D on the Ashland and Sioux Districts. No specific management standards are outlined concerning mule deer; however, the Custer Plan contains monitoring requirements for deer winter range. Mule deer are not specifically addressed in the Gallatin Forest Plan, but rather are included in big management direction.

Existing Condition

Mule deer occur across the plan area. They are typically found in the more open habitats of the Montane Ecosystem, but spend time in the subalpine coniferous forest types as well. In the pine savanna ecosystem, they are found in ponderosa pine forest, on sagebrush slopes, in woody draws, and badlands. During the daytime, mule deer seek out areas with rougher terrain that provides escape routes from predators as well as human disturbance. Mule deer typically browse on woody plant species, but also graze on herbaceous forbs and grasses (Foresman 2012).

Trends and Drivers

The States of Montana and South Dakota are charged with the management of mule deer. Trend information was obtained from these agencies and reported by landscape area below.

Madison, Henrys, Gallatin and Absaroka and Beartooth Mountains

For combined hunting districts 360 and 362 in the Madison Range, the approximate mean annual population growth for the time periods from 1997 to 2016, and 2006 to 2016 is 1.4 percent and 2.9 percent, respectively (Montana Fish, Wildlife & Parks 2016). District 520 (Beartooth and portion of Absaroka Mountains) population size -35 percent, percent buck harvest -40 percent; District 560 (Portions of Absaroka and Gallatin Mountains) population size -8.8 percent, percent buck harvest -14 percent (Montana Fish, Wildlife & Parks 2015).

Bridger, Bangtail, and Crazy Mountains

In Montana Fish, Wildlife & Parks Region 3, population trends for hunting district 312 that encompass the Bridger Mountains expressed in approximate mean annual population growth for the time periods between 1972–2016 and 2006–2016 is 3.7 percent and 2.3 percent, respectively. District 580 (portion of Crazy Mountains) population size +17.1 percent, percent buck harvest -23 percent.

Pryor Mountains

District 510 (Pryor Mountains) population size not reported, percent buck harvest -11 percent.

Yellowstone-Area Bison Management Plan and Environmental Impact Statement

March 2015

The National Park Service and State of Montana Begin a New Plan to Manage Yellowstone-area Bison Your Participation is Requested

The National Park Service and the State of Montana are jointly preparing a Yellowstone-area Bison Management Plan and Environmental Impact Statement (plan/EIS). The purpose of the plan/EIS is to conserve a wild and migratory population of Yellowstone-area bison, while minimizing the risk of brucellosis transmission between these wild bison and livestock to the extent practicable. This planning process will result in a new, long-term decision (Record of Decision) about how to manage bison in Yellowstone National Park (the park) and on adjacent lands outside of the park in Montana. The new decision would replace the existing Interagency Bison Management Plan (IBMP), however, Yellowstone-area bison management would continue to be guided by the IBMP and subsequent adaptive management adjustments until then.

Your participation is requested during the public comment period that begins on the date the Notice of Intent to prepare the plan/EIS is published in the Federal Register and closes June 15, 2015. During this public scoping period, the National Park Service and the State of Montana are seeking comments on the scope of the plan/EIS, including the purpose, need, and objectives, the range of preliminary draft alternative concepts, and environmental issues associated with the new plan.

Public scoping meetings are currently being planned in Bozeman, Gardiner, and West Yellowstone, Montana. Exact dates, times, and locations will be announced via press release and online at the NPS Planning, Environment, and Public Comment (PEPC) website available at: http://parkplanning.nps.gov/YELLBisonPlan. Each meeting will have an identical format and agenda.

The meetings will begin with a brief presentation on the history of bison management and the need for a new bison management plan. Following the presentation, there will be an open house, during which time staff from the park and the State of Montana will be available to answer questions. Attendees may submit their comments on forms provided at the meetings. Anyone, whether attending a public meeting or not, can comment online at the NPS PEPC website available at: http://parkplanning.nps.gov/YELLBisonPlan.

Inside This Issue

Why Prepare a New Bison Management Plan/EIS?

Bison management planning in and around the park has a long history. Currently, the park, State of Montana, and others manage bison under the Interagency Bison Management Plan (IBMP) that was adopted in 2000. The 2000 IBMP directs the National Park Service, U.S. Forest Service, and Animal and Plant Health Inspection Service to cooperate with the State of Montana to jointly implement the IBMP. Because of new information and changed conditions since the 2000 IBMP, a new plan is being prepared. The details of the new information and changed conditions will be included in the plan/EIS. Some of the key points include:

Purpose: The purpose of management is to conserve a wild and migratory population of Yellowstone-area bison, while minimizing the risk of brucellosis transmission between bison and livestock to the extent practicable.

Need: Because of new information and changed conditions since the adoption of the 2000 IBMP, a new bison management plan is needed.

1) More than 13 years have passed since implementation of the IBMP began and the effective lifespan of the original plan has almost been reached.
2) There is substantial new information available on bison biology, bison immune responses to vaccination and infection, the risk of brucellosis transmission from bison to cattle in Montana, and the effects of large-scale culls on bison demography.
3) There is increased tolerance of bison in Montana that facilitates the conservation and harvest of bison through public and treaty hunting.
4) New U.S. Department of Agriculture disease (or brucellosis) rules have reduced economic and regulatory impacts on the livestock industry since 2000.

Objectives for Bison Management

The National Park Service and State of Montana have the following objectives for managing bison under the new plan/EIS:

- maintain a viable, wild bison population and allow for ecological processes to occur
- clarify the public participation process as well as agency perspectives, jurisdictions, and management objectives
- establish quantitative population targets
- contribute to the conservation of bison in North America
- support the role of treaty rights in the management of bison
- minimize shipment to processing facilities
- increase hunting opportunities outside the park
- accommodate and manage for the natural migration of bison to and from winter range, to the extent practicable
- address property and human safety concerns related to bison
- maintain a high quality visitor experience related to bison, including viewing opportunities

The purpose statement articulates the broad goal of future bison management and the objectives are more specific statements of purpose.

Frequently Asked Questions

How many bison live in and adjacent to Yellowstone National Park?

The bison population fluctuates from 2,300 to 5,000 animals in two subpopulations, defined by where they gather for breeding. The northern herd breeds in the Lamar Valley and on the high plateaus around it, while the central herd breeds in Hayden Valley.

Why are Yellowstone-area bison special?

Yellowstone National Park is the only place in the United States where bison have lived continuously since prehistoric times. A number of Native American tribes especially revere the park's bison as pure descendants of the vast herds that once roamed the grasslands of the United States. The largest bison population in the country on public land resides in the park. It is one of the few herds free of cattle genes.

Do bison migrate?

Yes, bison are migratory animals. When and where they migrate depends on a complex relationship between abundance of bison, quality and quantity of summer forage, and winter snowpack. In the Yellowstone area, bison move from their summer ranges to lower winter ranges as snow accumulates and dense snowpack develops. The central herd moves both west and north toward park boundaries in winter and may remain along the west boundary well into birthing season.

What is bison tolerance and where are they tolerated outside of the park?

The term tolerance refers to areas adjacent to the park where bison are allowed to migrate. Currently, bison migrating out of the park during the winter are tolerated in specific areas within the Gardiner and Hebgen basins. Bison movement beyond the bison-tolerant areas would trigger management actions by the State of Montana, such as hazing back into the park or back into the established tolerance areas, increased surveillance, capture, or lethal removal.

Plan/EIS Estimated Schedule

Task	Estimated Date
Public Scoping Comment Period	Closes on June 15, 2015 **WE ARE HERE**
Draft EIS Available for Public Review	Spring – Summer 2016
Final EIS Released	Spring – Summer 2017
Record of Decision Issued	Fall 2017

January 26, 2017

From: Superintendent, Yellowstone National Park, National Park Service (NPS)
To: Managers, Interagency Bison Management Plan (IBMP)
Subject: Adaptive management proposal; discussions regarding public and treaty hunting

Recommended Actions: The IBMP members will discuss the development of a unified harvest strategy that increases hunting opportunities and hunter safety in the future by dispersing bison and hunters across more of the northern and western management areas. Discussions could include:

- Dispersing an agreed-upon number of hunters in space and time within the conservation areas
- Standardizing harvest regulations and enforcement
- Temporarily reducing hunting in some areas to allow bison to learn to use the new areas made available to them through the 2016 adaptive management adjustments for increased tolerance
- Initiating autumn hunts once bison begin to live in year-round tolerance areas (north and west)
- Anticipating how to incorporate additional tribes with treaty rights if and when they intend to hunt bison in the area

Background

- Currently, too many hunters are concentrated in too small an area near the northern boundary of park. Over time, there may be more tribal hunters in this area, which will exacerbate safety issues
- Hunting, as currently implemented with a concentration of hunters along the northern park boundary, is ineffective at controlling abundance and prevents most bison from migrating further into Montana
  - Hunters engage most bison that leave the park, and survivors run back to the refuge of the park
  - Maximum annual harvest was ~380 bison in 2016 (NPS removal recommendation was 1,000)
- Hunting is prohibited in Yellowstone National Park (16 USC 26). Desires to the contrary are unlikely to be realized, especially in the near future

Rationale for Adjustment

- In another proposal, we asked the IBMP members to consider locating a capture facility in Zone 2 of the northern management area (between Reese Creek and Yankee Jim Canyon), which would allow more bison to migrate into and through potential hunting areas before capture operations take place.
- There is a desire by managers to increase harvests, but larger harvests are unlikely until bison and hunters are distributed across a larger landscape
- If bison are allowed to live seasonally or year-round in the northern and western management areas without being chased back into the park then, over time, they should learn to distribute across the landscape and find other refuges than the park; thereby enhancing hunting opportunities in the future
- In 2011 and 2017, the Governor of Montana prohibited the shipment of bison into Montana for slaughter. Much more efficient harvests will be necessary to regulate bison numbers when these unpredictable and unilateral actions are taken. Otherwise, bison numbers will increase and cause adverse impacts to other natural resources, as well as larger migrations into areas with people and cattle.
- In another proposal, we asked the IBMP members to consider relocating some bison to the upper Gallatin watershed which, over time, could increase hunting opportunities.

Montana Fish, Wildlife & Parks

TO: Sam Sheppard, R3 Supervisor
Captain Adam Pankratz
R3 Warden Staff

FROM: Dave Loewen, Chief of Law Enforcement
Mike Volesky, Chief of Operations
Becky Dockter, Chief Legal Counsel

DATE: January 27, 2017

RE: Regulations Universally Applied to All Hunters While Bison Hunting

The bison hunt continues to present safety issues for all hunters, Tribal and State, in the small geographic area where bison are present. Despite the cooperative efforts by all enforcement personnel, the safety issues continue to escalate and the fear for injury or death to hunters is real. As such, the State of Montana intend s to enforce all safety-focused state law and regulations upon all hunters in both the Gardner and West Yellowstone basins while hunters are present for hunting bison.

The following statutes and regulations are intended to protect public safety; an issue that has been raised by all partners to bison hunting in these areas. These state laws apply universally to all wildlife and all hunters, Tribal and State.

Montana Code Annotated:

~§87-6-402 Unlawful hunting within city or town.
~§87-6-403 Unlawful hunting from public highway.
~§87-6-405(1) Unlawful use of vehicle while hunting.[1]
~§87-6-415 Failure to Obtain Landowner Permission for Hunting

Bison Regulations (Violation of Commission Rule, Mont. Code Ann. §87-6-201):

~To protect public safety and minimize traffic obstructions, no bison hunting is allowed within 100 yards of major highways.

~Hunting on national forest lands must follow restrictions in USFS order 36 CFR 261.10 (d) (firearm discharges are prohibited within 150 yards of residence, building, campsite, developed recreation site, or occupied area or across a forest service road or body of water.

All wildlife taken in violation of the above listed state laws are subject to confiscation.

In order to successfully implement all safety regulations and determine the capacity in which hunters are present, State officers are authorized to request identification from all hunters, and are expected to work with Tribal enforcement officers to enforce all regulations.

[1] Please note that § 87-6-405(2) is not included above because it focuses on the use of a vehicle for fair chase principles; completely unrelated to the safety of hunters in the field. By contrast, MCA §87-6-405(1) focuses on the prohibition of using a vehicle while hunting because of a lack of focused driving.

All other safety regulations and rules related to safety of hunters in the small geographic areas where all hunters converge while bison hunting should be applied universally as well, regardless of whether they appear on this list.

It has been a commitment on our part for years to work together to make a successful and safe hunt for all.

Rocky Mountain Tribal Leaders Council

711 Central Avenue, Suite 220, Billings, Montana 59102
Ph: (406) 252-2550 Fax: (406) 254-6355

May 31, 2019

Virginia Kelly, Team Leader
Forest Plan Revision
Custer Gallatin National Forest
P.O. Box 130
Bozeman, Mt. 59771

Re: CGNF Forest Plan Revision-Species of Conservation Concern

Dear Ms. Kelly,

On behalf of the Rocky Mountain Tribal Leaders Council, Cottonwood Environmental Law Center requests that you add the American Buffalo to the list of Species of Conservation Concern for the Custer Gallatin Forest Plan Revision. The Rocky Mountain Tribal Leaders Council's mission is to "preserve our homelands, defend rights of the Indian Treaties with the United States, speak in a unified voice, offer support to our people, and to otherwise promote the common welfare of all of the Indian Peoples of Montana, Wyoming, and Idaho. We represent the following:

Blackfeet Tribe
Chippewa Cree Tribe of Rocky Boy
Fort Belknap Indian Community
Fort Peck Assiniboine & Sioux Tribes
Northern Cheyenne Tribe
Crow Tribe
Little Shell Tribe of Montana
Confederated Salish & Kootenai Tribes
Eastern Shoshone Tribal Council
Northern Arapaho Tribal Council
Shoshone Bannock Tribes of Ft. Hall
Piikani Nation

According to the attached Forest Service document:

A "Species of Conservation Concern" is a species, other than federally recognized threatened, endangered, proposed or candidate species, that is known to occur in the plan area (the Custer Gallatin Forest lands) for which the best available scientific information indicates substantial concern about the species' capability to persist over the long term in the plan area.

The Species of Conservation Concern document also states that "[s]pecies identified by Federal, State, or Tribal entities as high priority for conservation" will be considered for the list.

The American Buffalo is considered a species of high priority for conservation by the Tribes represented by the Rocky Mountain Tribal Leaders Council. For centuries the American buffalo has been closely tied to the survival, identities, tradition, culture, spiritual beliefs, and religious practices of the our Tribes and indigenous ways of life. The Forest Service lands surrounding

Yellowstone National Park comprise high-quality native buffalo habitat and our Tribal lands are located directly adjacent to Forest Service land managed by the Custer Gallatin National Forest that is historic buffalo habitat.

Our Tribes traditionally hunted buffalo on CGNF lands adjacent to its reservation and Yellowstone National Park. Treaty Rights held by our Tribes allow tribal members to continue hunting buffalo in these areas. We ask that the Forest Service add the American Buffalo to the list of Species of Conservation Concern to ensure the Tribes' Treaty Rights are respected.

Thank you for your consideration in this matter. Please contact John Meyer with Cottonwood Environmental Law Center at 406.546.0149 should you have any questions regarding the contents of this correspondence.

Sincerely,

Gerald Gray, Chairman
Rocky Mountain Tribal Leaders Council

Cc: Tribal Leaders
File

-WOHEHIV-
The Morning Star

NORTHERN CHEYENNE TRIBE
ADMINISTRATION
P.O. BOX 128
LAME DEER, MONTANA 59043
(406) 477-6284
FAX (406) 477-6210

-WOHEHIV-
The Morning Star

To: Custer/Gallatin National Forest
Re: CGNF Forest Plan Revision-Species of Conservation Concern
Date: May 28, 2019

Dear Custer Gallatin National Forest,

On behalf of the Northern Cheyenne Tribe, Cottonwood Environmental Law Center requests that you add the American Buffalo to the list of Species of Conservation Concern for the Custer Gallatin Forest Plan Revision.

According to the attached Forest Service document:

> A "Species of Conservation Concern" is a species, other than federally recognized threatened, endangered, proposed or candidate species, that is known to occur in the plan area (the Custer Gallatin Forest lands) for which the best available scientific information indicates substantial concern about the species' capability to persist over the long term in the plan area.

The Species of Conservation Concern document also states that "[s]pecies identified by Federal, State, or Tribal entities as high priority for conservation" will be considered for the list.

The American Buffalo is considered a species of high priority for conservation by the Northern Cheyenne Tribe. For centuries the American buffalo has been closely tied to the survival, identities, tradition, culture, spiritual beliefs, and religious practices of the Northern Cheyenne Tribe and their indigenous ways of life. The Forest Service lands surrounding Yellowstone National Park comprise high-quality native buffalo habitat and the Northern Cheyenne Reservation is located directly adjacent to Forest Service land managed by the Custer Gallatin National Forest that is historic buffalo habitat.

The Northern Cheyenne Tribe traditionally hunted buffalo on CGNF lands adjacent to its reservation and Yellowstone National Park. Treaty Rights held by the Northern Cheyenne allow tribal members to continue hunting buffalo in these areas. We ask that the Forest Service add the American Buffalo to the list of Species of Conservation Concern to ensure the Tribe's Treaty Rights are respected.

Thank you for your consideration in this matter. Please contact John Meyer with Cottonwood Environmental Law Center at 406.546.0149 should you have any questions regarding the contents of this correspondence.

Sincerely,

Rynalea Pena

Rynalea Pena, Tribal President
Northern Cheyenne Tribe