



LEVEL
Battle finding comfort,
success with Bobcats
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907 82 DC BQZ 15

ELIZABETH BIRD
1505 HILLSIDE LN
BOZEMAN MT 59715-2347

*****CAR-RT LOT

BOZEMAN DAILY

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THURSDAY, FEBRUARY 16, 2023 | DAILYCHRONICLE.COM | \$1.50

Activists decry bison 'hunt' north of Yellowstone National Park

BRETT FRENCH
Billings Gazette

In 18 years of working to protect Yellowstone National Park bison, advocate Stephany Seay said she has never seen such a slaughter.

Tribal hunters have shot just over 400 bison, while state hunters have killed 55 so far this winter. The majority were killed in the Gardiner Basin on Custer Gallatin National Forest land, just north of the park's northern boundary. The National Park Service has killed 13 bison wounded by hunters that walked back into the park and another 37 were listed as unknown deaths, according to park data. In addition, tribal hunters have reported



JACOB W. FRANK/NPS

Hundreds of Yellowstone bison have migrated north this winter in search of food due to heavy early snow and cold temperatures that locked food under ice.

killing 13 elk in the region.

"It's a killing spree," Seay said, with bison entrails littering the landscape, including bison fetuses left after pregnant

females were killed.

What bison advocates characterize as a slaughter, however, is the exercise of eight tribal nation's long-held treaty rights,

as well as a source of healthy, lean protein for economically depressed reservation residents. Having the bison killed by tribal members also lessens the

pressure on Yellowstone officials to capture bison and ship them to slaughter houses for butchering, a management action that's long drawn criticism for being inhumane.

Seay and other bison advocates' concern comes as the U.S. Fish & Wildlife Service is studying whether to protect Yellowstone's bison under the Endangered Species Act. The large, shaggy animals — which have bounced back once from nearly being exterminated by commercial shooters in the 1800s — were designated the national mammal of the United States in 2016 in part because of their conservation.

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FIRING LINE

Seay said her nonprofit group, Roam Free Nation, acknowledges tribal members have every right to hunt bison, but questioned the nature of the bison harvest since the animals are often shot at or near the park border. As a result, the boundary has at times become a firing line. In mid-January, one Nez Perce hunter was grazed by another hunter's bullet.

The Park County Sheriff's Office investigated the incident, but no charges were filed. "The state, Forest Service and tribes continue safety coordination efforts so the Forest Service does not see an imminent health and safety threat that would constitute an access closure to National Forest System lands," Marna Daley, Custer Gallatin National Forest public affairs officer, wrote in an email.

"He got lucky the bullet wasn't two inches over," said Nathan Varley, a longtime Gardiner resident and businessman. "If the Forest Service needed a case to close the hunt area, that would be it."

Bonnie Lynn, who lives and operates a cabin rental business near Beattie Gulch, said the entire ecosystem is being negatively affected by the hunting as raptors and scavengers dine on the scattered internal organs, possibly ingesting poisonous lead

in November instead of January, and has remained fairly steady. Depending on the weather, hunts in the past have continued into March. Lynn blamed cold weather and heavy snow for pushing bison out of the park this winter as they seek a source of food.

As of Jan. 30, more than 450 bison were north of the park boundary in the Gardiner Basin with another 700 spread out in the roughly 8 miles between Mammoth Hot Springs and the park's border, according to data from the National Park Service.

This winter's bison migration is the largest seen in more than a decade, said park superintendent Cam Sholly.

As of October, Yellowstone officials estimated the bison population at more than 6,000 animals, up 27% from 2020. Year to date, including bison being held in the park's Stephens Creek capture facility for possible entrance into a quarantine and tribal transfer program, more than 1,000 bison have been removed from the population. The Park Service recommends against the removal of more than 1,500 animals. Depending on the final hunter harvest numbers, the Park Service may release some of the captured animals.

TRANSITION

Large numbers of Yellowstone

in Eastern Montana for the final round of testing before they can be shipped to participating tribes. So far, almost 300 bison have been transferred through the program, with the latest shipment of another 112 head this winter.

DISEASE

The bison are quarantined and limited to the tolerance zone out of fear of spreading brucellosis. The disease can cause pregnant cattle to abort. The main way the disease can be transferred is through a pregnant animal's contact with birthing fluids from an infected female. Yet male bison are also subject to quarantine and are killed by the Department of Livestock if they wander past the tolerance zone.

Brucellosis outbreaks in cattle herds are costly for ranchers, requiring quarantine, testing and removal of infected animals. Adjacent herds must also be tested. Failure to follow the procedures can result in the loss of the state's disease-free status, which makes interstate movement of cattle difficult and restrictive.

The bison quarantine program is constrained by the number of animals that can be held near Gardiner, about 250. The quarantine facility on the Fort Peck Reservation could handle more bison, but the state of Montana won't allow the bison to be shipped there until

Service to protect cattle ranchers from bison infecting herds with brucellosis. Bison are the only wildlife in Montana under the control of the Department of Livestock.

The bison advocacy group Buffalo Field Campaign, based outside West Yellowstone, has touted a possible legal argument to challenge Montana's treatment of bison.

BFC has posted online and written in its newsletter its belief that "once a court determines that an Indian tribe has retained the right to hunt and fish at sites off their reservation, the protection of federal recognition attaches in such a way that Indian Americans acquire rights superior to non-Indian Americans ... Moreover, courts hold that off-reservation hunting and fishing rights obligate the state to ensure the availability of a fair share of game and wildlife to treaty tribes ... Montana has done just the opposite, of course, including forcing the federal agencies to enter into an oppressive bison management regime that has seen over 12,000 wild bison senselessly slaughtered."

BFC continued, "That renewed pogrom on bison, experienced as trauma by Native Americans, has never formally been sanctioned by the courts — including in the case from which it sprang, which

incremental, slow and buffeted by politics at the state and national level.

Lynn said it will take "the court of public opinion" to halt the slaughter. That happened in 1990 when protests gained national attention. Back then, park rangers were planning to shoot female bison that left the park. Calves could be captured, sterilized and sold live. State hunters were allowed to kill bulls, being escorted to the animals by game wardens. At the time, the bison herd was much smaller, only about 2,500 animals.

When the national group Fund for Animals sued in 1991 to halt the killing, U.S. District Court Judge Charles Lovell wrote, "Montana has an absolute right under its police powers, in protecting the health, safety and welfare of its inhabitants, to remove by reasonable means possibly infected trespassing federal bison which migrate into Montana."

In the wake of national television attention regarding protests of the harvest, the Montana Legislature banned bison hunting in 1991. The ban was lifted 15 years later, but was closely regulated with low harvest numbers. In 2009, the Confederated Salish and Kootenai Tribes, Nez Perce and Inter Tribal Buffalo Council joined the Interagency Bison Management Plan after claiming treaty

from hunters' bullets. In 2019, she counted 358 bison gut piles left on forest land near her home.

"This is a national wildlife disaster," she said.

Lynn said the bison have no natural fear of humans after seeing thousands of tourists throughout the summer. She has unsuccessfully sued to try and halt the hunts, but vows to continue to be a "voice for the animals that do not speak."

Tribal representatives contacted did not respond in time to comment for this story.

BORDERLAND

Beattie Gulch is one of the first Forest Service properties where hunting can begin north of the park. The other main hunting area in the region, Eagle Creek, is located on a mountainside above the community of Gardiner. Once past these constriction points, there's more room for the bison to spread out, known as the tolerance zone. The zone ends near Yankee Jim Canyon, about 15 miles north.

Lynn won't rent out her cabins across from the gulch in winter because of the rifle shots ringing out day after day. She said hunting began earlier this year, starting

bison have been killed in the past. In 2008 more than 1,600 were shot by hunters or sent to slaughter, with another 700 dying within the park due to a harsh winter. Two years ago and then four years ago, 1,200 bison were killed each winter.

The difference is that this year the Park Service is sending fewer animals to slaughter. So far this year, 88 bison have been captured by the agency and shipped to slaughter with the meat given to tribal partners. But Sholly has committed to "substantially reducing" such shipments while "supporting increased tribal and state hunting outside of the park boundaries."

A Park Service graphic shows shipment to slaughter peaking in 2008 and on a steady decline since the winter of 2017-18. The last two winters were mild enough that few bison migrated out of the park. There is no hunting allowed inside Yellowstone.

The Park Service also captures and tests animals for possible entrance into a quarantine program. After passing successive tests to ensure they don't have brucellosis, the fenced-in animals can be transferred to the Fort Peck Tribes' quarantine facilities

they have repeatedly tested disease-free.

Under quarantine protocols authored in 2003, the U.S. Department of Agriculture's Animal Plant and Health Inspection Service requires the park to quarantine sexually mature bull bison for one year, with sexually immature female bison requiring two-and-a-half years of quarantine.

RESTRICTED

Because of the threat of brucellosis spreading, the state of Montana has not allowed bison to roam freely. Instead they are confined to tolerance zones just outside the park's North and West Entrances in Montana. Elk, which also carry brucellosis, are not similarly restricted, but the state does have a program to try and keep elk separated from cattle and also monitors the spread of the disease in what's called the designated surveillance area.

All of the legal gymnastics come from a court-mediated settlement in 2000 which created the Inter-agency Bison Management Plan. The coalition of tribal nations, state and federal agencies works together to make bison management decisions. The settlement came after Montana sued the Park

was dismissed by consent of the parties upon entering into the negotiated management plan."

Kekek Stark, a law professor at the University of Montana, said after studying the group's published account at the Billings Gazette's request, that he interpreted the group's argument as: Since tribal hunting rights are guaranteed, the state has no right to not let bison roam outside the park so they can be hunted.

"It seems to me that the group is arguing that 1) the bison should be free to roam in its original habitat, including outside the park, 2) while roaming, the state does not have unfettered discretion in how the bison are managed, i.e. culling to protect livestock, and 3) treaty tribes should be able to harvest them," Stark wrote in an email. "There are legitimate legal arguments for all three positions."

In comparing BFC's legal arguments to Northwest tribes' claims regarding salmon fishing, Stark said, "If a regulation is restrictive of treaty rights it must be necessary for conservation purposes."

PROGRESS

Although much has changed regarding bison management in the past 30 years, it has been

hunting rights. Five other tribes now claim similar rights, but Nez Perce and CSKT account for the majority of the bison harvest.

Tribal hunts are regulated by tribal officials. The Montana Department of Fish, Wildlife & Parks polices only state licensed hunters, and Montana license numbers are limited. The state issues 50 either-sex licenses each year but can release up to 100 cow/calf licenses if there is a large bison outmigration.

HUNTING?

Calling the killing of bison in the Gardiner Basin "hunts" ignores what most students are taught in hunter education classes about fair chase. The Boone & Crockett Club defines fair chase as the "ethical, sportsmanlike, lawful pursuit and taking of any free-ranging wild animal in a manner that does not give the hunter an improper or unfair advantage over such game animals."

Seay said her group "fully supports treaty rights and tribal sovereignty," but has a hard time justifying the killing of so many bison in such a small area.

"I see no end in sight unless somebody stands up and says something," she said.