



Senator Steve Daines
320 Hart Senate Office Bldg.
Washington, DC 20510

Senator John Tester
311 Hart Senate Office Bldg.
Washington, DC 20510-2604

Re. Retention of irreplaceable bison herd at the National Bison Range

Dear Senators Daines and Tester:

We understand that Senate Bill 3019 has been introduced in the Senate Indian Affairs Committee. This bill has numerous controversial issues. However, the Montana Wild Bison Restoration Coalition, pursuant to its two limited goals, is commenting only on the need to retain the National Bison Range bison herd in public ownership, as it is an especially suitable herd for restoring wild bison on the Charles M. Russell National Wildlife Refuge, which is one of our goals.

The NBR Bison Are Necessary for Dept. of Interior Bison Conservation

Established in 1909, and augmented thereafter, the NBR herd has become an important and unique resource among Department of Interior (DOI) bison. The herd has “one of the highest levels of allelic richness, heterozygosity, and private alleles among the federal herds tested.” (Fish & Wildlife Service website). The herd grew from seven different primary sources - from Texas to Manitoba on the Great Plains, and from Yellowstone National Park.

However, the NBR herd has been losing rare alleles (types of genes) to genetic drift, and – due to its small size – will continue to lose alleles in the future.

A Department of Interior working group has been established to retain as much allelic diversity as possible among the 19 DOI herds. Even with 11,000 bison – very unevenly distributed among herds – the DOI bison will lose genetic diversity under current management. Ameliorating management should include: periodic strategic transfer of animals among herds, enlarging herds and their habitats, and replicating some herds as insurance against unforeseen catastrophic events in local areas. (Strategic transfer of

bison among herds will be constrained by a need to limit transfers among some groups of herds that are genetically distinct from other groups.)

Retaining public ownership and management of the NBR bison herd is important for full implementation of the above strategy. Loss of control of NBR bison will seriously impair the success of the strategy, which is already not fully adequate to retain a substantial amount of genetic diversity for the long term.

Senate Bill 3019 Does Not Commit to Genetic Conservation of Bison

Commitments for the future management of bison in S3019 are vague and open-ended:

(P. 57) The Tribes desire to carry out purposes for which NBR was established.

When the Bison Range was established in 1909, there was no understanding of bio-genetic conservation, thus we do not expect that the 1909 purposes create any commitment for maintaining a diverse, wild bison genome on NBR or for contributing to public DOI goals for genetic conservation of bison.

(P. 59) The USA should hold title to the land of NBR for continued bison conservation.

Any commitment of this vague statement is rescinded on page 62 where the USA would relinquish all interests in the bison.

(P. 60) S3019 is intended to insure that the bison will be “protected and enhanced”.

This statement is too vague to ensure retaining public values of the genetic resources of the NBR herd.

(P. 61) The land of the NBR shall be managed by the Tribes for the care and maintenance of bison.

This statement leaves the number of bison, and their management, quite unrestricted.

(P. 62) The USA relinquishes to the Tribes all interests in the bison.

This statement indicates no commitment to using the bison for anything other than unspecified Tribal purposes.

NBR Bison Were Not “Taken” From the Tribes

Whereas the land of the NBR has been held to have been a “taking” from the Tribes, without their consent (p.55), the original 1909 bison were either donated by the American Bison Society or purchased from Alicia Conrad of Kalispell. Moreover, the DOI has maintained and genetically enhanced the NBR herd, at public expense, for 110 years.

Thus, no historic issue of restoration of, or reparation for, any non-consensual removal of bison from the Tribes may be used to justify relinquishing all interests in the bison to the Tribes.

Requested Modification of S3019

Given the above, the Montana Wild Bison Restoration Coalition requests that S3019 be modified to not relinquish all public interests in NBR bison; and that statement on page 60, noted above, be modified to include “to ensure that future management of the herd will be conducted to maintain a genetically diverse wild bison genome, and to contribute to maintaining genetic diversity of other DOI bison herds, based on continuing cooperation and collaboration with the Department of Interior.”

However, a desirable alternative to the above would be to replicate the NBR herd by duplicating its genomic variation on the Charles M. Russell National Wildlife Refuge. This would require a commitment by the Tribes and by DOI to support transplanting all or many of the NBR herd to the CMR Refuge; and a prompt decision by the Montana Governor’s office to proceed with restoring wild bison on the Refuge. Perhaps the state decision could be based on the 2015 Environmental Impact Statement that was released but never concluded.

S3019 contains (p. 62) a 2-year transition period for accomplishing the latter alternative.

Please give these concerns and suggestions strong consideration. Currently, there are no public, wild bison year-round in Montana, under Montana law. We believe that restoring some public wild bison in Montana is mandated by the state Constitution and is the appropriate legacy to future generations. See mtwildbison.org for more information.

Sincerely,

James A. Bailey, Coordinator

Montana Wild Bison Restoration Coalition

cc. Governor Steve Bullock

Martha Williams, Director, MT Fish, Wildlife & Parks