



Director's Office
PO Box 200701
Helena, MT 59620-0701
(406) 444-3186
Fax (406) 444-4952
Ref: D0239-21
September 28, 2021

John Mehlhoff
State Director, Montana/Dakotas
Bureau of Land Management
5001 Southgate Drive
Billings, MT 59101

Tom Darrington
Malta Field Office
Bureau of Land Management
501 South 2nd Street
Malta, MT 59538

Re: Draft Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for Change of Use DOI-BLM-L010-2018-007-EA

Dear Mr. Mehlhoff and Mr. Darrington;

It is the duty of the Montana Department of Fish, Wildlife & Parks (FWP) to supervise and manage matters of fish and wildlife in the State of Montana. As such, FWP thanks the United States Bureau of Land Management (BLM) for the opportunity to comment on the draft EA and FONSI for the above-captioned change of use request. American Prairie Reserve (APR) seeks authorization to change interior and exterior allotment fencing, change permitted species from cattle to "cattle and/or bison," and alter the periods of use on seven BLM allotments in the Malta Field Office. After reviewing both the EA and FONSI, FWP has several concerns, largely centered on the depth of analysis set forth in the EA.

1) The EA does not fully analyze potential impacts to containment associated with implementation of wildlife-friendly fencing.

APR proposes changing a portion of the allotments' fences to a four-wire fence. The second wire from the top of the fence would be a high tensile electric wire. See, EA at 2-9. BLM's EA references and include as an appendix, FWP's publication "A Landowner's Guide to Wildlife Friendly Fences: How to Build Fence with Wildlife in Mind."

Consistent safe passage across Montana's landscape is critical to wildlife traveling between daily feeding and resting areas, as well as to and from seasonal ranges. These routes are no less important than the destinations. FWP is grateful to landowners and land users when they take measures to accommodate traveling wildlife.

FWP's publication was drafted, largely, with containment of domestic livestock in mind. FWP recognizes a measure of success, both insofar as traditional domestic livestock containment and wildlife passage, when the fences described in the publication are utilized. Success may decrease significantly when the target of containment is a "non-production-oriented, wildlife management focused" bison herd, such as that belonging to APR. *See*, EA at 3-42. Indeed, it may be unreasonable to expect a wildlife-friendly fence to contain bison that are purposely managed as if they were wildlife.

Insufficient fencing could lead to bison escape, especially during high snow years that reduce fence efficacy. These escapes create burden for surrounding landowners as well as FWP's sister agency, Montana Department of Livestock. *See*, Mont. Code Ann. § 81-4-601, *et seq.* With the foregoing in mind, FWP would ask that BLM fully analyze whether the proposed fencing will be adequate to contain APR's bison, given that they are not managed as domestic livestock would be in a production operation. This additional analysis should consider: herd demographics, including numbers and ages of bulls relative to the number of cows and calves and the overall number of bison; forage abundance and quality; and time of year. Analysis should also assess the potential for the foregoing variables to influence the frequency with which bison challenge the fence or escape, due to inherent dispersal behavior or need for additional forage resources.

2) *The EA does not analyze potential disease impacts associated with increased commingling between wildlife and bison.*

As recognized in the EA, fence removal generally reduces habitat fragmentation and increases big game movements. *See*, EA at 3-10. However, the EA does not recognize that increased big game movements may foster increased commingling between wildlife and bison. This, in turn, would increase the potential for spreading any diseases present, in either the bison or the passing wildlife.

The EA only discusses disease transfer in two locations. On page 3-11, the EA discusses the transfer of brucellosis and bovine tuberculosis from livestock to wildlife. On page 3-14 of the EA, a number of diseases are listed that could infect bison and which can be transmitted to other livestock. The EA states that APR has committed to conducting limited disease testing, at a decreasing rate, for the next 10 years. *See*, EA at 3-15. There is no discussion of diseases that area wildlife might transfer to bison, and there is no analysis as to how APR's herd management goals might impact disease transfer, either to other livestock or to wildlife.

Specifically, the EA does not consider the "non-production-oriented, wildlife management focused" nature of APR's herd and what implications that management style, as opposed to traditional production agriculture, may have for disease transfer. For example, traditional livestock operations implement annual vaccination and cull/replacement programs. These management actions create an element of disease prevention or elimination that may not be present in APR's herd. If APR chooses not to employ these more intensive management methods, the EA should analyze whether disease contraction and transference escalate, both within the herd and within resident wildlife. While FWP conducts various health monitoring efforts, there are currently no long-term repeat captures of wildlife for disease surveillance in this area.

3) *The EA does not analyze potential land and forage resource impacts from mixed domestic bison and cattle.*

The EA is not clear to what extent bison and cattle might be mixed on the allotments. If both were present, interior fence removals justified or motivated by a land use pattern exhibited by bison may not address a

different tendency for cattle. The EA points to different selection by bison and cattle for riparian habitats. In this context, adjustments to interior fences that make riparian areas more vulnerable to grazing would be misguided if cattle were also present. For wildlife and other reasons, healthy riparian habitats are high value landscape features.

4) The EA does not analyze potential impacts to recreational opportunities that may be associated with a bison herd managed as wildlife.

In analyzing impacts to the recreating public, the EA states that potential for bison/recreationalist encounters would be low, and that "members of the general public could encounter bison when engaged in recreational activities such as hunting and hiking, just as they might encounter other livestock such as cattle." See, EA at 3-20. This analysis presumes that the bison are treated as, and will act as, domestic cattle.

However, the EA notes that APR manages their bison as if they are wildlife, a fact that runs contrary to the EA's conclusion on this point. As such, a correct impact analysis would identify and assess impacts to recreation on the basis that these bison would *not* be managed as most domestic livestock herds are.

5) The EA fails to discuss Allotment Management Plans (AMPs), which have previously applied on the relative allotments, or how the preferred alternative may preserve, or deviate from, AMP management objectives.

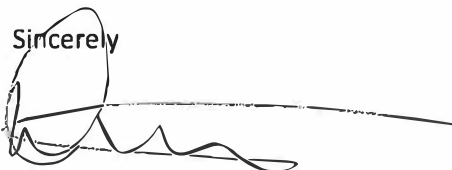
Several of the allotments at issue have historically been managed in accordance with an AMP. These AMPs contained information and goals specific to wildlife management and habitat on the allotments. The EA does not mention these AMPs. There is no discussion as to whether AMP goals have changed and, if so, why. A complete EA would include this analysis.

6) The EA does not discuss the removal of permit terms and conditions that exist on the current permit.

The present permits for the allotments at issue contain a number of "terms and conditions" which address permit cancellation and AMP compliance. See, EA at 2-2 and 2-3. However, the proposed permit does not incorporate the same terms. A sufficient EA would address and explain the deviation from existing terms and also analyze the impacts of removing those terms from the proposed permit.

FWP thanks BLM, again, for the opportunity to participate in the NEPA process. FWP would respectfully reiterate the importance of a considered and fully analyzed EA, and an appropriate decision made in accordance thereof.

Sincerely



Hank Worsech
Director