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Director Joe Maurier
Montana Department of Fish, Wildlife, and Parks
P.O. Box 200701
Helena, MT 59620-0701

October 17, 2011

Dear Director Maurier:

Today, the Legislative Environmental Quality Council (EQC) voted unanimously to submit this letter as part of the public comment process for the draft environmental assessment (EA) issued by your agency for the interim translocation of bison. As such, the EQC strongly urges you and the Fish, Wildlife, and Parks Commission to delay making a decision about whether to relocate bison within Montana until a statewide bison conservation strategy is adopted. At the very least, a comprehensive environmental impact statement (EIS) should be prepared to analyze the short- and long-term impacts of relocating bison, even on an interim basis, on the Spotted Dog and Marias River Wildlife Management Areas and the Fort Belknap and Fort Peck reservations.

The EA does not satisfy the Montana Environmental Policy Act (MEPA), which requires an agency to consider all potential impacts of a proposed action on the human environment and whether those impacts would have a significant effect. The EA lacks sufficient analysis of many potential impacts and whether they would be significant, including the loss of acreage to other wildlife, effects on species of concern, impacts to vegetation, the spread of noxious weeds, and the effects on surrounding lands and cultural and historically sensitive sites, to name a few. In more than one instance, the EA states that potential impacts are unknown, uncertain, or difficult to predict. Also, an addendum to the EA, apparently drafted to reduce the proposed costs, poses a range of infrastructure materials that could be used at each site without having analyzed the impacts of those materials at each site, further illustrating the inadequacy of the EA.

The EA fails to consider many long-term impacts at the proposed sites as well. Again, regarding the proposed infrastructure, including fencing, buildings, and water systems, the EA offers no analysis on the effects of leaving the infrastructure in place or removing it once bison are moved to a permanent location. If an interim site is later considered for permanent use, the EA defers the analysis of those impacts to a future time. These long-term, and perhaps cumulative, impacts should be evaluated now.

The EQC's analysis is supported by a recent decision by Montana's Fourth Judicial District Court on the construction of roadside turnouts to accommodate the transport of so-called "megaloads". That ruling states that without making an initial determination as to whether turnouts would remain in place, it was unclear how the Montana Department of Transportation could adequately consider the significance of impacts related to turnout construction.

Besides falling short of MEPA requirements, the EA does not fulfill the requirements of Senate Bill No. 212, enacted by the 2011 Legislature. The law requires a management plan to be adopted before any bison under the department's jurisdiction are relocated and stipulates what that management plan should include.

The EA provides some details on "management elements" and includes a "sample management plan", but this is inconsistent with and insufficient to meet the intent of SB 212. The required MEPA analysis and public vetting of a proposed management plan is incomplete if the document provided for review is only a sample. In addition, the sample management plan in Appendix B includes details regarding operations and infrastructure at the Spotted Dog WMA that could impact the human environment but were not analyzed in this EA.

The EA also does not adequately address the following requirements of a management plan, as specified by SB 212:

87-1-216(5)(c)(iii), requiring "contingency plans to expeditiously fund and construct more effective containment measures in the event of an escape";

87-1-216(5)(c)(iv), requiring "contingency plans to eliminate or decrease the size of designated areas, including the expeditious relocation of wild buffalo or bison if the department is unable to effectively manage or contain the wild buffalo or bison";

87-1-216(5)(e), requiring "a reasonable maximum carrying capacity for any proposed designated area"; and

87-1-216(5)(f), requiring "identification of long-term, stable funding sources that would be dedicated to implementing the provisions of the [bison] management plan for each designated area." The EA states that the source of funding for startup and annual costs at the WMA locations is unknown.

Based on these inadequacies and extremely strong opposition voiced at recent public hearings, the EQC urges you and the Fish, Wildlife, and Parks Commission to delay any decision on the relocation of bison until a statewide bison conservation strategy is completed or at least until a comprehensive EIS can be conducted for this proposal.

Please let me know if I or the EQC staff can be of assistance.

Sincerely,

Senator Jim Keane, Chairman

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