MONTANA GRASS CONSERVATION COMMISSION

P.O. Box 622 • Terry, Montana 59349

Montana Grass Conservation Commission

Zoom Meeting Agenda

May 19th, 2023 – 7:00 a.m. to 8:30 a.m.

Call to Order – Chairman, Greg Oxarart

A. Bison Executive order 3410 – Action item

B. Montana Grass Conservation Commission budget – Action item

C. Public comment or any other business that comes before the Montana Grass Conservation Commission

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The purpose of this **order** is to enhance the Department of the Interior's (Department) work to restore wild and healthy populations of American bison and the prairie grassland ecosystem through collaboration among the Department's Bureaus and partners such as other federal agencies, states, Tribes, and landowners using the best available science and Indigenous Knowledge.

ORDER NO. 3410 - U.S. Department of the Interior

doi.gov/sites/doi.gov/files/elips/documents/so-3410.pdf

THE SECRETARY OF THE INTERIOR
WASHINGTON

ORDER NO. 3410

Subject: Restoration of American Bison and the Prairie Grasslands

Sec. 1 **Purpose.** The purpose of this order is to enhance the Department of the Interior's (Department) work to restore wild and healthy populations of American bison and the prairie grassland ecosystem through collaboration among the Department's Bureaus and partners such as other federal agencies, states, Tribes, and landowners using the best available science and Indigenous Knowledge.

Sec. 2 **Authorities.** This order is issued under the authority of section 2 of the Reorganization Plan No. 3 of 1950 (64 Stat. 1272), as amended, and other applicable statutory authorities. Other authorities include the numerous ratified treaties and agreements between the United States and federally recognized Indian Tribes, along with the trust obligations owed by the United States to federally recognized Indian Tribes and their citizens.

Sec. 3 **Definitions**. Under this order, the term "American bison" means all subspecies of bison, also referred to as the American buffalo. The term "grassland," "grassland ecosystem," or "prairie grassland" means a landscape where the natural plant community is dominated by grasses that coevolved with bison. "Introgression" means the incidence of cattle genes in bison, owing to the legacy of intentional efforts to cross-breed bison and cattle in the early 1900s.

Sec. 4 **Background.** The American bison – a centerpiece of the Department's seal and designated as the U.S. National Mammal since 2016 – is inextricably intertwined with grassland ecology and American culture. The species once numbered 60 million in North America, with the population anchored in what is now the central United States. Many Indigenous cultures, especially in areas where the species was most abundant, developed strong ties with bison and relied upon them for sustenance, shelter, and cultural and religious practices. In the 19th century, bison were nearly driven to extinction through uncontrolled hunting and a U.S. policy of eradication tied to intentional harm against and control of Native American Tribes. By 1889, only a few hundred wild bison remained.

In addition to depriving Tribes of a critical resource and lifeway, the persecution of bison contributed to the decline of healthy grassland ecosystems and, eventually, to the Dust Bowl in the 1930's. The loss of the keystone species, coupled with land conversion, led to declines of other important grassland wildlife, such as migratory birds and pollinators. Indigenous peoples have long warned of the harm of removing bison from the land but to little avail.

Beginning in the early 20th century with the support of President Theodore Roosevelt, conservationists and scientists made a collective effort to restore the American bison. Since then, careful conservation and restoration efforts have increased the number of wild bison in the United States from fewer than 500 to more than 15,000. While the security of the species is a conservation success worth celebration, bison remain functionally extinct to both grassland systems and the human cultures with which they coevolved. Our attention and efforts must turn toward the ecocultural restoration of bison as native North American wildlife. Significant conservation work is necessary not only to ensure that bison will remain a viable species but also to restore ecosystem function, strengthen rural economies dependent on grassland health, and provide for the return of bison to Tribally owned and ancestral lands.

The imperative for ecocultural restoration is made even more urgent by climate change. Warming temperatures exacerbate the pressures on grasslands, with historic droughts, wildfires, and invasive species threatening the grassland ecosystems and the communities they support. The best science shows that returning bison to grasslands can enhance soil development, restore native plants and wildlife, and promote carbon sequestration, thereby providing benefits for agriculture, outdoor recreation, and Tribes. In addition, restoring bison and healthy grasslands can serve as a step toward national healing and reconciliation after centuries of federal policies designed to erase Native people and their cultures.

Of the approximately 15,000 wild bison in the United States, the Department manages 11,000 bison in herds across 4.6 million acres of U.S. public lands in 12 states. The Yellowstone National Park herd is the largest at approximately 4,800 animals. Most herds contain between 300 and 500 bison. Tribes have collectively restored an additional 20,000 healthy bison on Tribal lands, particularly in the Northern Great Plains and Intermountain states.

Federal herds are managed by individual system units (e.g., national parks and national wildlife refuges) but the overall conservation strategy is coordinated across the Department's bureaus through the Bison Conservation Initiative (BCI). The BCI was created in 2008, renewed in 2020, and is led by the Bison Working Group (BWG). The BCI represents nearly two decades of concerted coordination, investments in science-based management, and partnership development to advance the conservation of American bison. This includes working closely with stakeholders to promote herd health and to manage risks that diseases in bison may present.

Prior accomplishments serve as valuable touchstones and guidance for coordinated development of conservation approaches. Through this order, the Department builds on those accomplishments and reaffirms the commitment to the five goals of the BCI: wild and healthy bison herds, genetic conservation, shared stewardship, ecological restoration of grasslands, and cultural restoration.

Sec. 5 **A Framework for Restoring a Wild and Healthy Bison Population.**

a. A formal Charter for the Department's Bison Working Group (BWG) is hereby established (*see* Appendix I). All five bureaus with bison equities – the National Park Service (NPS), the U.S. Fish and Wildlife Service (FWS), the Bureau of

Indian Affairs (BIA), the Bureau of Land Management (BLM), and the U.S. Geological Survey (USGS) – will each identify one representative to serve on the BWG. Additionally, a seat on the working group shall be reserved for a Tribal leader.

b. Within 120 days of this order, the BWG will initiate formal Tribal consultation toward development of a Department Bison Shared Stewardship Plan. The plan will establish a comprehensive framework for American bison restoration, including strengthening long-term bison conservation partnerships. The Stewardship Plan will describe the Department's engagement with states, Tribes, landowners, and non-governmental conservation partners, and identify specific opportunities for the Department to lead or support the establishment of additional wide-ranging, healthy, and brucellosis-free, bison herds on federal and Tribal lands. A draft plan should be completed by December 31, 2023. The plan will adhere to the following principles:

(1) Pursue restoration of wide-ranging herds on large landscapes to support ecological and cultural restoration by facilitating discussion among federal agencies, Tribes, states, and other partners.

(2) Collaborate with states, Tribes, landowners, conservationists, and other interested parties toward shared bison stewardship that respects livestock health, private property rights, Tribal sovereignty, and state interests in wildlife management.

(3) Ensure bison herd management is informed by the best available science, including Indigenous Knowledge and adaptive management techniques, and engage with scientific and Indigenous partners to fulfill natural, cultural, and human dimensions information needs.

(4) Prioritize Tribally led opportunities to establish new, large herds owned or managed by Tribes and Tribally led organizations, and advance shared stewardship with Tribes on Federal land.

(5) Manage bison health to address the risks that disease in bison may pose to human health, domestic animals, or other wildlife, and advance application of low-stress handling principles.

(6) Restore and manage wild bison as native wildlife, and promote high levels of bison genetic diversity and minimize cattle introgression.

c. Within 120 days of this order:

(1) BWG will begin work on a strategy, led by USGS, to ensure the long-term conservation of genetic diversity of federal bison and identify optimal approaches for populating new, healthy herds of wild bison. Because most bison on Federal lands live in relatively small, isolated, range-restricted herds, managing these populations as one single connected population will help restore effective gene flow among these bison herds, through translocation of bison, while minimizing cattle introgression. The

strategy will be developed using the best available science with flexibility to incorporate new types of genetic data. A draft strategy should be completed by December 31, 2023.

(2) BIA will establish a Bison Management Apprenticeship program, in collaboration with NPS, FWS, and the BWG. Tribes that manage bison herds on their own lands or through co-stewardship agreements will benefit from training and knowledge sharing to support talent and capacity in their communities, including opportunities for hands-on experience supported by parks and refuges. The apprenticeship program will include opportunities for Tribal youth to work at U.S. Fish and Wildlife Service refuges and national parks and learn a variety of bison management practices. Program development will include Tribal engagement and could include partnerships with Tribes, states, foundations, and non-profit organizations.

d. Within 90 days of this order, NPS will initiate discussions with Tribes and other conservation partners on developing a plan to increase quarantine capacity for bison from Yellowstone National Park to undergo disease testing in order to further increase both shared stewardship and the number of live bison transferred to Tribes.

e. BWG members will actively pursue bison restoration on Federal and Tribal lands where appropriate, support partner restoration efforts as authorities and resources allow, pursue opportunities with partner agencies for bison restoration on lands they manage, and allocate funding for BCI staff support, Shared Stewardship Plan development, science, and on-the-ground conservation action. Funding opportunities provided by the Bipartisan Infrastructure Law, the Inflation Reduction Act, and other sources as appropriate, will provide initial investments for priorities identified in the Shared Stewardship Plan, and may support additional bison habitat restoration, reintroduction, and necessary facilities work.

Sec. 7 **Implementation.** The Secretary is responsible for implementation of all aspects of this Order, in coordination with the BCI. This responsibility may be delegated as appropriate. This Order does not alter or affect any existing duty or authority of individual bureaus.

Sec. 8 **Effect of the Order.** This Order is intended to improve the internal management of the Department. This Order and any resulting report or recommendation are not intended to, and do not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person. To the extent there is any inconsistency between the provisions of this Order and any Federal laws or regulations, the laws or regulations will control.

Sec. 9 **Effective Date.** This Order is effective immediately and will remain in effect until it is amended, superseded, or revoked, whichever occurs first.

Secretary of the Interior

Date: **March 3, 2023**

APPENDIX I

UNITED STATES DEPARTMENT OF THE INTERIOR INTERAGENCY BISON CONSERVATION WORKING GROUP CHARTER

1. **Official Designation:** Interagency Bison Conservation Working Group (Working Group).

2. **Scope and Objective:** The Working Group will coordinate bison herd management and research within the Department and the Federal Government; implement the Department's Bison Conservation Initiative (BCI); encourage partnerships with states, tribes, landowners, and organizations interested in bison conservation; and promote public education about and involvement with bison coordination.

3. **Fundamental Acknowledgments:** The Working Group:

   a. Recognizes wild bison as native North American wildlife and commits to managing federal bison as such. To the extent possible, the Department will manage wild bison around principles and practices that maintain the wild character of bison, minimize artificial selection and cattle introgression, and allow forces of natural selection to operate, including predation and competition for breeding.

   b. Recognizes the need to educate the public regarding the benefits of bison herd restoration efforts.

   c. Is committed to promoting herd health and managing diseases that may have significant impacts to bison conservation.

   d. Recognizes and will work to honor and support the inextricable linkage between many Tribes and bison.

   e. Recognizes that shared stewardship with states, Tribes, and stakeholders is essential to address the scale, complexity, and ecological and cultural significance of bison conservation and restoration.

   f. Is committed to working with interested states, Tribes, and stakeholders to establish and maintain large, wide-ranging bison herds, subject to the forces of natural selection, on appropriate large landscapes where their role as ecosystem engineers shapes healthy and diverse ecological communities. Bureaus may manage smaller and spatially constrained herds to maintain the core healthy genetic resource and restore local ecological processes to support species conservation, restoration, and shared stewardship goals.

g. Celebrates partnerships with many Tribes that are actively pursuing restoration of bison to their lands in order to support eco-cultural restoration and to promote cultural renewal, carbon sequestration, regenerative agriculture, economic development, job creation, food security, and food sovereignty on Tribal lands.

h. Recognizes that restoration of bison, a keystone species, directly contributes to regeneration of imperiled natural functions to North American grassland systems. Returning bison to grassland systems can promote soil development, increase carbon sequestration, and improve the function of grassland ecology for wildlife, environmental, and human health.

i. Recognizes that it can substantially advance conservation across North America by seeking opportunities to support the innovative work by others, including states and Tribes, through coordination, donation of live bison to start and supplement herds, and offering technical assistance and other resources to facilitate success.

j. Recognizes that, in landscapes with complex jurisdictions, federal conservation herds and lands can be the scaffolding upon which the conservation successes of other's (states' and Tribes') may be built.

4. **Duration:** The Working Group is expected to exist in perpetuity. The Charter is permanent and may be amended as described below.

5. **Official to Whom the Working Group Reports:** The Working Group reports to the Secretary through the Assistant Secretary for Fish and Wildlife and Parks.

6. **Bureau Responsible for Providing Necessary Support:** Support services for activities of the Working Group will be provided by the National Park Service and the U.S. Fish and Wildlife Service.

7. **Estimated Operating Costs**: All costs of participating in the Working Group will be borne by the home bureau of each member.

8. **Description of Duties:** The Working Group's duties include:

a. Implementation of the Department's BCI and orienting all activities toward the five stated goals of the BCI:

i. Wild, Healthy Bison Herds
ii. Genetic Conservation
iii. Shared Stewardship
iv. Ecological Restoration
v. Cultural Restoration

b. Coordination of policies, research efforts, and management practices for the Department's bison herds, and with States, tribes, non-governmental organizations, and others interested in bison conservation.

c. Collaboration with landowners, local officials, and others involved with or affected by bison herds managed for conservation purposes.

d. Development of a biennial work plan, with goals and objectives, having item (e) below as the first overall priority.

e. Actively seeking opportunities to increase existing Department herds to 1,000 or more bison, or to establish new herds that can reach that size, without impacts from non-native diseases, with little or no cattle introgression, subject to the forces of natural selection as practicable (including predation and breeding competition).

f. Actively consulting and collaborating with tribal partners to assist with tribal bison initiatives.

9. **Allowances:** None. Working Group members are all Federal employees or invited cooperators and guests and will receive no additional pay or allowances resulting from participation in the Working Group.

10. **Estimated Number and Frequency of Meetings:** It is anticipated that the Working Group will hold monthly virtual meetings and meet once annually in person.

11. **Termination Date:** This charter may be amended at any time by the Secretary or by unanimous vote of the Working Group's Leadership Team.

12. **Working Group Membership:** The Working Group will consist of a Leadership Team, General Membership, Cooperators, and Guests.

a. The Leadership Team will consist of one staff member each from the National Park Service, U.S. Fish and Wildlife Service, Bureau of Land Management, Bureau of Indian Affairs, and U.S. Geological Survey. These members will be the only voting members of the Working Group and will be appointed by the Directors of their respective agencies or their designees.

b. An additional seat on the Leadership Team shall be reserved for a Tribal leader.

c. The general membership of the Working Group will consist of approximately 30 subject matter experts from the above named five federal agencies, invited by Leadership Team members.

d. Cooperators shall be invited by the Leadership Team, are non-voting, and may include:

i. Employees of other federal Departments, agencies, or bureaus,
ii. A designee of the Intertribal Buffalo Council (ITBC).
iii. A designee of the Native American Fish and Wildlife Society, who shall be an employee of a Tribal Fish and Wildlife Agency that manages bison.

iv. A designee of the Western Association of Fish and Wildlife Agencies, who shall be an employee of a State fish and wildlife agency from a State in which wild bison are found.

v. Employees of federally affiliated organizations (e.g., The Smithsonian Institute).

e. Guests may be invited by the Chair or Leadership Team to present and discuss collaboration and conservation. Invited guests may include representatives of tribal organizations (including the Intertribal Buffalo Council and the Buffalo Treaty Tribes), States, nongovernmental organizations, agricultural producers, academics, and others.

13. **Subcommittees:** The Working Group may establish such subcommittees as it deems necessary. The Leadership Team will select subcommittee chairs and approve subcommittee members. Subcommittees will report to the full Working Group. The Leadership Team will task and approve the work of subcommittees. At a minimum, three subcommittees will remain standing:

a. Metapopulation Subcommittee, to be chaired by a wildlife geneticist from USGS and to focus on planning, research, and implementation of the Department's Metapopulation Management Strategy to ensure long-term conservation of genetic diversity of American bison on Federal land, attendance to wildlife health, and strategies for populating new large herds of wild bison.

b. Shared Stewardship Subcommittee, to be co-chaired by one member each from National Park Service and U.S. Fish and Wildlife Service and to focus on partnerships within the Department and with states, Tribes, non-governmental organizations, and private landowners to establish new large herds of wild bison.

c. Communications Subcommittee, to be chaired by a federal representative from one of the five member agencies, selected by the Leadership Team and to focus on effective messaging of conservation successes and scientific and other technical information for the public and for the Department's leadership, managers, and staff.

14. **Leadership, Accountability, and Reporting:**

a. The Work Group shall be chaired by the National Park Service member of the Leadership Team.

b. The U.S. Fish and Wildlife Service member of the Leadership Team shall serve as vice-chair.

c. The Chair, on behalf of the Leadership Team, shall submit a biennial written report to the Assistant Secretary for Fish and Wildlife and Parks and Associate Directors of each of the five bureaus.

d. The Leadership Team shall meet as necessary, and not less than twice annually, to address ongoing and emerging issues, opportunities, and resource needs of the subgroups in implementing the BCI.

e. In lieu of a standing Executive Committee, Leadership Team members shall report as necessary to the following positions within their home bureaus:

   i. National Park Service: Chief of the Biological Resources Division.
   ii. U.S. Fish and Wildlife Service: Chief of the National Wildlife Refuge System.
   iii. Bureau of Land Management: Assistant Director for Resources and Planning.
   iv. U.S. Geological Survey: Associate Director, Ecosystems.
   v. Bureau of Indian Affairs: Assistant Secretary of Indian Affairs.