

**MEMORANDUM OF UNDERSTANDING
AMONG THE
NATIONAL PARK SERVICE
STATE OF MONTANA
U.S. FOREST SERVICE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE**

Purpose:

To establish an understanding among the State of Montana, the U.S. Forest Service (USFS), and the National Park Service (NPS) regarding their roles and responsibilities in the preparation of a long-term bison management plan and environmental impact statement (EIS) for the Yellowstone area.

To establish an understanding among the above and the Animal and Plant Health Inspection Service (APHIS) regarding its role as a cooperating participant in the preparation of a bison management plan and environmental impact statement for the Yellowstone area. In addition, this memorandum recognizes an informal relationship with the Ad Hoc Technical Committee for Brucellosis in Wildlife in the Greater Yellowstone Area (Ad Hoc Committee) in order to tap their knowledge and expertise as it relates to brucellosis in the greater Yellowstone area. It is recognized that many members of the committee are also agency representatives in this process.

Background Information:

In recent years, bison have emigrated during the winter months from within Yellowstone National Park to areas outside the park. Movement has occurred with the Mary Mountain herd on the west boundary near West Yellowstone, Montana, and with the Northern Range herd on the north boundary near Gardiner, Montana. Acquired knowledge outside of range areas, natural gregariousness, increased herd size, weather conditions, and human activity all appear to be factors in bison movement.

Statement of Roles:

The NPS, the State of Montana, and the USFS will be responsible as joint-lead agencies for the preparation of a bison management plan and EIS (CEQ 1501.5). Joint-lead status is so designated because each participant has significant involvement with the management of bison in the Yellowstone area. Additionally, each has approval authority for proposed actions within their jurisdiction and specific expertise related to development of the plan and the EIS. To assure adherence to schedule one of the agencies will assume a coordinator/facilitator role. The NPS representative will function as such since NPS

Implementing procedures will guide the process. The joint preparation of the bison management plan and the EIS reflects the agencies' belief that each must agree to the final plan if the plan is to be effective. Joint preparation is expected to reduce the duplication of regulatory requirements.

APHIS and the Ad Hoc Committee will act as cooperators and consultants in the preparation of a bison management plan and EIS. As cooperator, participation will be governed by the provisions of the CEQ regulations at 40 C.F.R., Section 1501.6. Both APHIS and the Ad Hoc Committee have special expertise with the Brucella abortus organism.

Statement of Responsibilities:

The USFS, the NPS, and the State of Montana will be jointly responsible for the preparation of the plan and EIS. The EIS will comply with the requirements of the National Environmental Policy Act, Montana Environmental Policy Act, U.S. Council on Environmental Quality and environmental policy requirements of each agency. The National Park Service's implementing procedures, as contained in NPS-12, will be followed for the preparation of the EIS.

The USFS, NPS, and the State of Montana bring special expertise to the development of the management plan. Each agency will bear its own cost for development of information directly related to its areas of expertise as described below.

The State of Montana, through the Department of Livestock and the Department of Fish, Wildlife and Parks, has particular expertise in, knowledge of, and responsibility for livestock health and management and wild game management on lands within the s___ and outside Yellowstone National Park. Specific contributions include but are not limited to:

- Livestock Management Practices
- Wildlife Management Practices
- Brucellosis Information
- Socioeconomic Concerns

The U.S. Forest Service has particular expertise in, knowledge of and responsibility for habitat on national forest lands outside Yellowstone National Park. Specific contributions include but are not limited to:

- Natural Resources on USFS Lands
- Cultural Resources on USFS Lands
- Socioeconomic Concerns
- Land Use Information
- Threatened and Endangered Species

The National Park Service has particular expertise in, knowledge of and responsibility for bison and their habitat inside Yellowstone National Park. Specific contributions include but are not limited to:

- Natural Resources on NPS Lands
- Cultural Resources on NPS Lands
- Visitor Use Concerns
- Socioeconomic Concerns

Threatened and Endangered Species
Brucellosis Information

APHIS will bring special expertise to the development of this management plan and will develop information directly related to its areas of expertise as described below.

The Animal and Plant Health Inspection Service has particular expertise in the eradication of the Brucella abortus organism in domestic cattle operations. Specific contributions include but are not limited to:

Livestock Health and Management Practices
Brucellosis Information

Other Responsibilities

The USFS, the NPS, and the State of Montana will share in acquiring, analyzing and reporting public input on the plan and EIS.

The joint-lead agencies will designate staff representatives to form a core planning team. This team will meet regularly to draft the plan and environmental documents. APHIS will be consulted on a regular basis, and representatives may attend all core planning team meetings.

The USFS, the NPS, and the State of Montana will have a representative participate at all public meetings. The NPS will be responsible for publishing and distributing the draft and final EIS and Record of Decision.

The joint-lead agencies must be in agreement on planning procedures and plan contents at each stage of the planning process. Actions and policies prescribed within the plan must be within the authorities of each of the joint-lead agencies has responsibility for mitigation required as part of the EIS.

This Memorandum of Understanding will be considered implemented on the date of the last signature hereto.

This Memorandum of Understanding may be terminated by the withdrawal of any party hereto, upon a written 30 day notice to the other parties. This Memorandum will be terminated 60 days after completion of an approved bison management plan and EIS, with the total period not to exceed five years.

During the performance of this agreement, the participants agree to abide by the terms of Executive Order 11246 on non-discrimination and will not discriminate against any person because of race, color, religion, sex or national origin. The participants will take affirmative action to ensure that applicants are employed without regard to their race, color, religion, sex or national origin.

No member or delegate to Congress, or resident Commissioner, shall be admitted to any share or part of this agreement, or to any benefit that may arise therefrom, but this provision shall not be construed to extend to this agreement if made with a corporation for its general benefit.

JOINT-LEAD PARTICIPANTS

Governor, State of Montana

Date: 5/15/92

Regional Forester, U.S. Forest Service, Northern Region

Date: 4/13/92

Regional Director, National Park Service, Rocky Mountain Region

Date: 1/10/92

COOPERATING PARTICIPANT

Director Western Region

USDA Animal and Plant Health Inspection Services-Veterinary Services

Date: 2/5/92

United States Department of Agriculture

Animal Plant Health Inspection Service

Date: 3/5/92