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Montana to face formidable foe in FCS finals

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CURIOUS CASE OF BISON



JACOB W. FRANK PHOTOS, NPS

It's unusual to see Park Service personnel, or anyone, in Yellowstone National Park carrying a weapon. But this summer a crew used air rifles to shoot darts to collect DNA samples from bison. The sampling is a small part of the work being conducted as the animals are considered for protection under the Endangered Species Act.



National mammal has rebounded, but still endangered?

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Editor's note: This story is part of 'ESA at 50,' a series that examines the past, present and future of the Endangered Species Act. Often called the "pit bull of environmental laws," the ESA has provided federal protection to nearly 2,000 animals and plants. On its 50th anniversary, it grapples with political uncertainty and unforeseen ecological challenges.

Yellowstone National Park's bison are one of only two populations in the world to have "continually persisted on their current landscape" for more than 14,000 years ... barely.

In the early 1900s, about 20 bison had avoided hunters by hiding in the park's remote backcountry. By breeding these

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Yellowstone officials are working to ensure more bison are transferred to tribes rather than slaughtered, but the program requires long quarantine periods to ensure the animals are disease free.

Chief Newman to retire from MT Rural Fire District

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On an August morning in 2017, Chris Newman was scheduled to start his first day as the Missoula Rural Fire District's new chief. As he was getting ready to go into the office, Newman got a call informing him he was going to be part of a joint command team for the Lolo Complex Fire, a massive blaze burning in the Bitterroot Valley.

"I had been chief for one hour," Newman recalled, adding that he didn't make it into the office for about six weeks after that while he was heading a joint command post.

"When you have good, talented, well-trained people you can do that," Newman said of the fire district's team. "Because you know that they're going to take care of business in your absence."

Newman, who's been at the depart-

ment's helm ever since, is wrapping up his time as chief at the end of December. He oversees the district's 52 firefighters who serve Missoula County. MRFD frequently aids other fire departments for wildland, structure and car fires along with medical calls and other emergencies.

Newman joined fire service work in 1992 in California. A few years later, he made the move to Montana and has been with Missoula Rural Fire ever since.

"I was planning on going into law enforcement," Newman said. "And just by kind of a chance, I fell into the fire service. And I'm very happy I did, because here I am."

Newman started at the department as a bottom-of-the-ranks firefighter. He recalled a car fire he responded to years ago, when the department had limited staffing

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ESA

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“Endangered Species Act protection can break the stranglehold Montana has placed on recovering wild bison in the Yellowstone ecosystem,” said Geist in an online post. “We need to honor, protect and restore Yellowstone bison where they are now extinct because of the failure of the State of Montana to provide for a self-sustaining population in the wild.”

Decades of court fights

Buffalo Field Campaign, along with the Western Watersheds Project, petitioned the Fish and Wildlife Service to protect bison under the Endangered Species Act in 2014. They were preceded by other petitioners.

In 1999, Minnesota author James Horsely appealed to FWS to safeguard Yellowstone bison. Ten years later, in 2009, the Center for Biological Diversity and Western Watersheds asked the FWS to protect bison. Each time the agency turned down the petitions.

In 2018, a federal judge accused the Fish and Wildlife Service of picking among contradictory scientific studies without explaining why the most recent petition’s science was “unreliable, irrelevant or otherwise unreasonable.” A year later, the FWS again turned down the petition, and in 2022 a federal judge for a second time ordered the agency to revisit its decision.

The repeated delays have frustrated Western Watershed’s Molvar, who said his group is again considering legal action to compel the FWS to move ahead.

“The Fish and Wildlife Service is definitely dragging its feet,” Molvar said. “The same issues keep cropping up over and over again.”

He accused the agency of ignoring best available science and being motivated by political agendas, instead of what’s best for bison.

Finally, in June 2022, the FWS said it would conduct a comprehensive status review of Yellowstone’s bison to determine if the species warranted protection under the Endangered Species Act. The agency noted the peti-



Bison are being held in the National Park Service’s bison capture facility at Stephens Creek, shown here in 2015, in preparation for shipment to slaughter.

tioners had “presented credible information to indicate potential threats to the (distinct population segment) from reductions of its range due to loss of migration routes, lack of tolerance for bison outside Yellowstone National Park, and habitat loss.” The FWS also acknowledged that management actions, disease and loss of genetic diversity “may pose further threats.”

Although the agency calls its assessment a “12-month finding,” its 14-page list showing all of the species being studied for protection in the United States forecasts the bison work won’t be done until 2026.

“The Service is conducting an in-depth status review and analysis using the best available science and information to arrive at a finding as to whether listing is warranted,” Joe Szuszwalak, a public affairs specialist for FWS, said in an email. “If listing is found to be warranted, the Service would then conduct a separate rulemaking process, with public notice and comment.”

The U.S. Fish and Wildlife Service is overseen by Martha Williams, a former director of Montana Fish, Wildlife & Parks.

‘Listing is a long haul’

Robert Fischman, a professor



NPS / JACOB W. FRANK

A bison cow and calf walk in the road in Yellowstone National Park.

at Indiana University Maurer School of Law, testified in April before a U.S. House Committee on Natural Resources subcommittee regarding the Endangered Species Act.

When contacted for this story, he said the Fish and Wildlife Service’s latest move is not a signal that bison will be listed as threatened or endangered. Instead, the agency will be conducting a two-part test: One is to decide if the bison are a distinct population segment; and the other to resolve whether there’s a trend suggesting bison are threatened or likely to be endangered.

The Fish and Wildlife Service could also decide the Yellowstone bison are a distinct population, but not rule on listing them, citing other priority species, Fischman said.

“One thing I think it will be important for readers in Montana to understand is that this would be a good time, before listing, for stakeholders to get together and decide: ‘Well, what’s something we can all accept that would contribute to bison conservation?’”

That was done in Montana when greater sage grouse were considered for listing under the ESA. Candidate Conservation

Agreements with Assurances were developed with landowners in existing core sage grouse habitat. The landowners voluntarily agreed to maintain and enhance bird habitat. In exchange, the landowners have fewer federal restrictions to worry about if the sage grouse is listed under the ESA.

Such a collaborative deal could protect a migratory corridor or create a program where private landowners could haze or shoot bison on their property, Fischman said as an example.

“If you can fold all those practices into a plan and show the Fish and Wildlife Service how that would be a net benefit for bison,” then the agency can approve the agreement and whatever is authorized by the agreement could continue to occur even if bison were listed, he explained.

Without such an agreement, were bison to be listed, Fischman said Park Service management would likely change little, if at all. However, it could affect how other agencies – like the Forest Service, Bureau of Land Management, as well as the state of Montana and private landowners – deal with bison when they migrate out of the park.

“The bottom line is: It doesn’t matter how few bison there are,” Fischman said. “It doesn’t matter how constricted their habitat is. It doesn’t matter whether the International Union for Conservation of Nature says these animals are in danger of disappearing. From a legal perspective, to be protected under the Endangered Species Act, it’s an administrative action that stems from this rulemaking procedure. So no matter how imperiled the species, if it’s not subject to a final rulemaking, it’s not protected under the Endangered Species Act.”

Nonetheless, Geist of the bison advocacy group Buffalo Field Campaign said his group sees the Fish and Wildlife Service’s decision to conduct a 12-month status review as “quite the milestone.” He also points to the federal courts twice ruling in the group’s favor as encouraging.

“Endangered Species Act listing is a long haul,” he said. “Anybody expecting a quick listing is going to be greatly disappointed.”

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