

Blue Goose Alliance Bulletin

#49- Aug. 30, 2006

The Blue Goose Alliance speaks out on the Annual Funding Agreement Issue at National Bison Range.

Requests by Montana Indian Tribes to have Secretary Kempthorne renew an agreement enabling them to perform numerous tasks on the National Bison Range Complex near Moiese, Montana should be denied according to the Blue Goose Alliance, a refuge advocacy group. According to a detailed report by the Refuge Manager, the tribes failed to perform, or failed to perform adequately, 59% of the duties and tasks to which they had agreed. "The magnitude of such failures should, alone, be sufficient to deny renewal," stated Joe White, Acting President of the Alliance. "But, in addition, the tribes have steadfastly refrained to promise any corrections or improvements in future performance. To accept and condone these failures would lead to continued poor performance and further damage the natural resources of the Bison Range." concluded Mr. White.

A letter recommending against renewal of the agreement was sent to Secretary Kempthorne by the Alliance. The letter follows:

Dear Mr. Secretary:

The Annual Funding Agreement (AFA) between the National Bison Range (NBR), Moeise, Montana, and the Consolidated Salish and Kootenai Tribes (CSKT) of Montana, is of grave concern to the Blue Goose Alliance (BGA, or Alliance). The BGA is a not-for-profit 501(c)(3) organization dedicated to protecting and enhancing the stature, integrity, and health of the National Wildlife Refuge system. Some background may help understand our concerns.

The NBR is one of the oldest and most popular refuges in the Nation. Lands for the refuge were originally purchased in 1908 for the market value price of \$29,955. They were subsequently purchased again for market prices, adjusted to the city of Missoula land prices of the 1970's, for millions of dollars, plus accrued interest of several more millions of dollars. The original bison herd released on the refuge was purchased for \$10,000 by the American Bison Society, using personal donations from people across the nation. Thus, this refuge was very much a grassroots effort, with support of Congress and President Theodore Roosevelt.

The CSKT have a stated objective of reclaiming ownership and control of all lands that were within the original 19th Century reservation boundaries, even though the boundaries had been dissolved by an Act of Congress in 1907. To get their foot in the door, CSKT sought and successfully convinced the DOI to enter into an AFA last year. The AFA assigned specific management responsibility to the tribes, and provided for prepayment of money and an allocation of eleven (11) previously federal positions to carry out that responsibility. In all, the CSKT were assigned dollars and positions equivalent to half of total refuge operations. The manager of the Bison Range and the U.S. Fish and Wildlife

Service (FWS) were opposed to this AFA, but were directed by Paul Hoffman, Deputy Assistant Secretary for Fish, Wildlife, and Parks, to accept and to sign the agreement as rewritten under his direction.

The BGA, and many other groups, opposed the agreement and submitted detailed comments as required by the process. Concerns of the Alliance included:

- 1) - The FWS lacks legislative authority to enter into such an agreement. There was unjustified and inaccurate interpretation of laws pertaining to both entities.
- 2) - Negotiation of the agreement was ultimately a product of representatives of CSKT and Paul Hoffman. The so-called public meetings held in Montana for public input were a sham. There was no official record made of such meetings and the concerns of individuals and organizations were dismissed in a rather cavalier manner.
- 3) - An agreement of this magnitude, which assigned management authority and transferred hundreds of thousands of dollars as prepayment for work not yet undertaken should have required at a minimum, an environmental impact statement (EIS).
- 4) - The CSKT are not qualified to assume most management responsibilities of the Bison Range, nor legally capable of adhering to existing policies and procedures required under National Wildlife Refuge laws.

Now, CSKT is seeking an extension/renewal/expansion of the AFA, plus more money to do the job. Serious shortcomings in the Tribe's performance during more than a year of operating under the agreement are well documented in the report of the refuge manager, even after it was severely edited by political level appointees in the Department. CSKT failed to perform, or failed to perform adequately, 59% of duties and tasks to which they had agreed. There were no provisions in the AFA for penalties and repayment to the government for incomplete work or for work not performed in a satisfactory manner. All monies were paid up front, with no return, regardless of performance. The refuge staff attempted to complete some of the most vital tasks that were not being done by CSKT, but lacked the money and manpower to accomplish any but the most vital to long-term continuity, public safety, and sound wildlife management. Since release of the report, CSKT ! has steadfastly refrained from any promise to correct or improve its performance in the future. It appears they fully expect the AFA to be continued and approved by the Department, based entirely on a claim to a special relationship to the land area and the animals of the Bison Range. It is the position of the Alliance that any such claims by CSKT are inappropriate and unsatisfactory, as was their performance of the work contracted.

We respectfully request that you review this matter, keeping in mind the disparate responsibilities and objectives of each party. The CSKT acts as a corporate entity with responsibility to tribal members only, and a requirement to operate at a profit. The FWS and the Bison Range are responsible to the public to protect, manage and conserve the habitat and all wildlife thereon for the enjoyment of present and all future generations. The Secretary of the Department of Interior is responsible, as set forth in 16 U.S.C. 668dd (a)(4)(A-M), to ensure the biological integrity, diversity and environmental health of the Refuge System are maintained for the benefit of present and future generations of

Americans; to ensure that the mission of the System and the purposes of each refuge are carried out; and much more.

The results of engaging in this AFA will require many months, or possibly years to bring refuge areas back to an optimal level of productivity. Money, manpower, volunteer services, basic biological data, and public confidence have all been lost. The shortcomings and lack of performance cannot be ignored. To extend or renew the AFA can only lead to further adverse effects. We believe it to be in the best interest of all parties concerned, for your office to cancel all negotiations for continuing this failed attempt to privatize management of our national wildlife refuges.

Sincerely yours

Isl Joe White

Joe White, Acting President

CC: Director, FWS
Regional Director (Denver), FWS
Refuge Manager, Bison Range
Senator, Burns, MT
Senator Baucus, MT
Representative Rehberg, MT
Representative Saxton, NJ
Representative Kind, WI
Representative Eshoo, CA
Audubon Society
National Resource Defense Council
National Wildlife Refuge Association
REP-America

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**NATIONAL WILDLIFE REFUGES....WHERE THE EXTRAORDINARY IS
EVERY DAY!**