

Blue Goose Alliance Bulletin

#41 - October 31, 2004

Heroic FWS Managers Join Opposition to Unworkable Bison Range Agreement

In a nearly unprecedented move, 23 Refuge and Hatchery Managers have written to the Bison Range Complex Manager raising serious concerns about the proposal to allow turnover of important refuge activities to the Confederated Salish and Kootenai Tribes (CSKT). Managers took the action based on concerns that the proposal could become a prototype for future agreements involving their refuges or hatcheries with other tribal entities. (Since that letter was written, at least 33 additional Refuge Managers have indicated their support for and concurrence with the letter.)

The conclusions reached by the managers in their independent analysis, pronounced the draft fatally flawed. It separates responsibility for managing from the authority to do so. Splitting of that fundamental relationship would leave the manager unable to accomplish the purposes of the refuges, and the mission of the Refuge System. "No refuge manager, no matter how skilled, could successfully implement this agreement as it is written," wrote the 23 managers.

Other specific criticisms by those managers include:

"We firmly believe that any annual funding agreement...should add value to the program; have specific performance standards and ensure accountability; be accomplished in a sound and competent manner; be cost effective to the U.S. Fish and Wildlife Service and the American public, and exclude inherently federal functions and programs where the statute establishing the program does not authorize the participation sought by the tribe.

"As currently written, it is not clear that the draft annual funding agreement with the CSKT meets any of these five criteria," the letter stated.

The entire letter can be accessed through the website of Public Employees for Environmental Responsibility (PEER) at:

<http://www.peer.org/23refugemgrs.pdf>

Access to PEER's comments will also be found at that site. The Blue Goose Alliance comments were issued as Bulletin No. 39, which can be accessed at:

<http://www.bluegoosealliance.org/Bulletin39.html>

The released draft agreement was actually negotiated in secret meetings with Department of the Interior political appointees, and contained many provisions objected to by Bison Range personnel and the Denver Regional Office. The Fish and Wildlife Service had the final Annual Funding Agreement (AFA) proposal forced upon it by Departmental officials. Under the Freedom of Information Act, the Blue Goose Alliance and other conservation organizations, such as PEER, have obtained verification of the behind the scenes coercion. Concerns have been raised that disputes over future

management actions will be constantly referred to Department levels for arbitration, with a high probability that final decisions will favor CSKT.

The whole issue raises the specter of the Indian Self-Determination and Education Assistance Act (ISDEAA) being used beyond the 31 refuge units and 4 fish hatcheries currently listed in the Federal Register as eligible for similar agreements. Refuges across the nation are located near, or on, lands previously used extensively by aboriginal peoples for gathering, hunting, tribal rites, and actual occupation. Thus, the entire NWRS could become enmeshed in expensive negotiations and face the turnover of vital programs, functions, services, or activities to tribal groups. This is a very real and serious threat that has been fostered in the Department of the Interior, and is probably an unintended extension of the ISDEAA. But, despite all objections and concerns, the draft proposal is being forced forward, and will likely be sent to the Indian Affairs subcommittees in Congress after being signed later this year, meaning that vital oversight by fish and wildlife authorizing subcommittees may not occur.

All BGA affiliates, members, and supporters of the NWRS within the family addressed by the Blue Goose Alliance Bulletins should be vitally interested in this issue, and all refuge managers across the country should take serious note of what is going on. Information on the issue is available at:

<http://mountain-prairie.fws.gov/cskt-fws-negotiation/>

Bill Reffalt, President of the Alliance, urges all managers to consider writing to the Bison Range Complex manager, joining the 23 brave souls that drafted the letter opposing the draft agreement. The comment period has been extended until November 4, 2004. Public comments should be emailed to:

draftafapubliccomments@fws.gov

Universal support would not be lost upon the leadership, the outside NWRS advocates, or the Congress.