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## **INTERIOR ISSUES NEW MARCHING ORDERS FOR BISON RANGE DEAL — Funding Agreement with Tribe by Next March but Big Questions Remain**

Washington, DC — The Interior Department has ordered the U.S. Fish & Wildlife Service to conclude a new funding agreement transferring positions and operations for the National Bison Range to a local tribe by the end of March 2008, according to a memo posted today by Public Employees for Environmental Responsibility (PEER). Under this directive, the maximum number of refuge jobs and functions would be ceded to the Confederated Salish and Kootenai Tribes (CSKT).

In a November 26, 2007 memo, Lye Laverty, the newly confirmed Assistant Interior Secretary for Fish, Wildlife & Parks, lays out an “action plan” for resolving the contentious status of the refuge where last year the U.S. Fish & Wildlife (FWS) cancelled a previous funding agreement with the CSKT citing harassment of staff and extensive performance problems.

Under Laverty’s approach –

- National Bison Range would remain “a unit of the National Wildlife Refuge System” subject to “policy and management direction of the FWS”;
- The bison herd at the refuge will stay at “90% of the average” size of the herd for the past three fiscal years; and
- The overall budget for the Bison Range – \$1.5 million per year and 13 full time slots – will not change without approval from both Laverty and the FWS Director.

Laverty directs FWS to start negotiating off of a draft agreement prepared this year by the CSKT. The questions that remain unresolved include –

- Whether every position on the refuge will be transferred to the CSKT? Laverty suggests that only an “inherently federal function” will be withheld from the tribe but concedes that “there is no clear, unambiguous definition of the term”;
- What mechanism will assure adequate performance of refuge functions? In its evaluation of the previous agreement, FWS cited a long list of functions which it charged were not done or improperly performed. CSKT disputed this assessment, however; and
- How to resolve disagreements and “restore...trust and mutual respect”?

“Given that more than 75 national parks and wildlife refuges are eligible for similar tribal transfers, Interior needs to end its ad hoc approach and adopt a national policy on these funding agreements,” stated PEER Executive Director Jeff Ruch, noting that a proposed national policy has been pending at Interior for more than two years. “A function is either ‘inherently federal’ or it is not – what is inherently federal does not vary from place to place or mutate through negotiation.”