

Blue Goose Alliance Bulletin

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An Annual Funding Agreement (AFA) at the National Bison Range, between the Fish and Wildlife Service (FWS) and the Confederated Salish and Kootenai Tribes (CSKT) expired on September 30, 2006. The CSKT has refused to sign an extension until they receive additional personnel positions and additional funds.

The report by the refuge manager, of the first 18 months of operation under this first of a kind agreement indicated mixed results. The failures outweighed the positives to such a degree that under any common set of rules there would be no consideration given to extend this AFA.

This AFA requires the FWS to operate under the rules of the “Indian self-determination and education assistance act” (ISDEAA). The BGA has written to the Secretary of the Interior, requesting that no consideration be given to extending the failed AFA. Failing cancellation, we requested that the AFA be placed on hold until personnel problems associated with dual management could be reviewed by the Office of the Inspector General (OIG) for the department of interior.

The CSKT received eleven of the twenty-one positions existing at the time of the signing of the AFA. They also received half or more of the operation funds for the refuge. The work projects that were not completed or that were unsatisfactory were in one sense lost, because under the Rules, Title 25 of the Code of Federal Regulations (CFR) pertaining to native Indian laws, the money is disbursed at the signing of the agreement. There is no clause or recourse in the AFA for return of funds if the work is incomplete, sub-standard, or if there is a failure to perform.

The remaining FWS staff at the refuge has filed an informal grievance requesting that the AFA not be renewed. The details of the grievance are not known. FWS director Dale Hall stated publicly that the cause of problems relating to failures in carrying out the tasks in the AFA lie with the staff at the National Bison Range. We have heard that the entire FWS staff at the Bison Range will be transferred. The organization Public Employees for Environmental Responsibility (PEER) will defend the employees in this matter.

Chairman James Steele wrote a letter to the president of the BGA on September 18, 2006. He took exception to points made to the Secretary of Interior in a BGA letter of August 24, 2006. A response to the Chairman's letter was sent on October 16, 2006. In essence, it was explained to the Chairman why the BGA was against an AFA under the conditions imposed by Indian Tribal Law. In addition, the BGA is of the opinion that the Department of the Interior and the FWS do not have the authority to enter into any agreement that transfers management responsibilities, with money, to any entity, native or otherwise. Congress has reserved that right unto itself.

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