

Blue Goose Alliance Bulletin

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Appeals of the U. S. Court Rescission of the National Bison Range Annual Funding Agreement Withdrawn

On September 28, 2010, in response to the court filings by the Blue Goose Alliance and the Public Employees for Environmental Responsibility (PEER), the U.S. District Court rescinded the Annual Funding Agreement with the Confederated Salish and Kootenai Tribes (CSKT) at the National Bison Range in Montana. The District Court Order stated that Fish and Wildlife Service relied upon a Categorical Exclusion which was not sufficient to meet the requirements of the National Environmental Policy Act.

Initially, the Department of Justice filed an appeal. We have now learned that the appeal has been withdrawn. On January 19th attorneys for CSKT also filed an appeal with the DC Court of Appeals. It is our understanding that they, too, have now withdrawn that appeal. This means that the Annual Funding Agreement with the CSKT has been cancelled.

In the court suit, the Blue Goose Alliance argued that the Annual Funding Agreement was prohibited by the National Wildlife Refuge System Administration Act as amended. Violations of the Endangered Species Act were also raised. The court did not rule on those issues, but agreed that they could be reopened in the future.

The Court approved a request by the U.S. Fish and Wildlife Service to use an Emergency Hiring Authority for thirty days to complete the activities associated with the annual bison roundup. The FWS has placed two new federal employees on the NBR staff since the end of the roundup, including a biologist. There are currently no positions at the National Bison Range advertised on USA Jobs. PEER has put out a news release on the withdrawn appeal which can be found at http://www.peer.org/news/news_id.php?row_id=1452

This Bulletin and all previous Bulletins are available in PDF format at <http://www.bluegoosealliance.org>

The mission of the Blue Goose Alliance is to promote the establishment of a National Wildlife Refuge Service as a separate agency within the U.S. Department of the Interior.

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