



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Washington, D.C. 20240



In Response Reply to:  
FWS/ANRS/062622

JUN 16 2016

The Honorable Debra Feinstein  
United States Senate  
Washington D.C. 20510

Dear Senator Feinstein:

Thank you for your letter of June 2, 2016, regarding your constituent, Mr. Joseph Mazzoni, concerns with the U.S. Fish and Wildlife Service's (Service) expression of support for potential legislation transferring the National Bison Range into trust for the benefit of the Confederated Salish and Kootenai Tribes (CSKT). The Service recognizes your concern and passion for the National Wildlife Refuge System (Refuge System) and offers the following observations.

President Theodore Roosevelt established the National Bison Range in 1908 within the boundaries of the Flathead Indian Reservation, home of the CSKT. The Service considers this potential transfer of administration a unique situation because the National Bison Range was established wholly within a Reservation boundary for a narrowly defined purpose, the conservation of bison at a time when they were on the verge of extinction. The Service, along with our federal, state and tribal partners, has made great strides in conserving bison, and we expect this conservation success story will continue under this proposal.

The Service would support legislation that included provisions to ensure these lands are managed in accordance with the original purpose of the National Bison Range as well as provide public access. The Service considers the CSKT to be experienced land and resource managers that have a long history of successful wildlife conservation. We have confidence the CSKT will maintain the high conservation standards that have been established at the National Bison Range, preserving its conservation legacy.

I take my responsibilities for the Refuge System seriously and although you may not agree with the Service's position, I hope you acknowledge that if the Service is to continue achieving our mission, we must make difficult decisions to focus our limited resources on our country's greatest conservation challenges.

Sincerely,

Director





## United States Senate

WASHINGTON, DC 20510-0504

<http://feinstein.senate.gov>

June 2, 2016

U.S. Fish and Wildlife Services  
1849 C Street, NW  
Washington, D.C. 20240

To whom it may concern:

I write to bring your attention to the enclosed constituent correspondence my office received from Mr. Joseph Mazzone, a former Refuge Manager of the National Bison Range, so that you may be aware of the concerns raised.

I ask that you send the Fish and Wildlife Services' response to my office so that we may forward it to the constituent. Please email a copy of this response to Tamara Gilden of my staff at [tamara\\_gilden@feinstein.senate.gov](mailto:tamara_gilden@feinstein.senate.gov).

If you need any further information or assistance from my staff, please contact Tamara Gilden at [tamara\\_gilden@feinstein.senate.gov](mailto:tamara_gilden@feinstein.senate.gov) or (202) 224-3841.

Best Regards,

A handwritten signature in blue ink that reads "Dianne Feinstein".

Dianne Feinstein  
United States Senator

DF/tg

**b(6)**

February 17, 2016

Senator Diane Feinstein

United States Senate

Washington, D.C. 20510-0504

Dear Senator Feinstein:

As a retired, forty-year employee of the U.S. Fish and Wildlife Service (FWS), dedicated to the management and protection of units of the National Wildlife Refuge System (NWRS), I was stunned recently to learn that my former agency is proposing to support legislation that would “transfer lands comprising the National Bison Range to be held in trust by the United States” for the Confederated Salish-Kootenai Tribes (CSKT) in Montana. A copy of that announcement from FWS Mountain-Prairie Region Regional Director Noreen Walsh is attached. The refuge is referenced later in this letter as the NBR.



This proposal contravenes earlier assurances from FWS Director Dan Ashe in a September 16, 2011 letter to former Assistant Secretary of the Interior Nathaniel Reed in which Director Ashe states, "The Service cannot and will not 'turn over' management of NBR or any other Refuge to CSKT or any other non-Service entity. Under any future AFA, NBR will remain a unit of the National Wildlife Refuge System, managed by the Service under direct guidance of the Service's on-site Refuge Manager. " He goes on in that letter to say, "We are confident that a strong partnership, with Service and CSKT employees working together, under the direction of the Refuge Manager, is the best way to continue managing the NBR to achieve the Refuge's purposes and the mission of the National Wildlife Refuge System." A copy of that letter is also enclosed.

I am writing to urge you to do everything within your power to prevent this proposal for legislating the removal of the NBR from the NWRS from becoming a reality. In so doing, you will be sending a strong message that this iconic 108 year old refuge, or any other fully successful, fully functional unit of the NWRS will not be bargained away to appease the political or self-serving economic interests of non-Service entities, but rather preserving the ultimate integrity of the NWRS from such future threats.

Established by Congress in 1908, the NBR was one of 52 Theodore Roosevelt preserves that formed the precursor to what later evolved into the National Wildlife Refuge System, which, along with lands preserved within the National Park and National Forest Systems, formed a national land conservation legacy that has been held in trust and managed by the federal government for the benefit of all Americans ever since. It is a wildlife habitat protection system unrivaled by any other Nation in the World, with over 560 refuges now representing and protecting the enormous range of wildlife and wildlife habitat diversity found in our fifty States and territorial areas.

Protecting that legacy challenges every generation, with the most serious proposals those that would remove individual refuges or portions of refuges from federal stewardship and national public ownership. As a former Refuge Manager and refuge administrator at the regional level, I am fully aware of the range of threats refuges have faced throughout their history. I have also learned that the bulwark against those threats is ultimately the Congress and the various laws it enacts to ensure that the many values enshrined in the National Wildlife Refuge System are protected for future generations ...and its legacy preserved.

As a former Refuge Manager in charge of the National Bison Range, I'm also fully aware of its multiple public benefits. In addition to developing and managing one of the most diverse, natural herds of American Bison (whose genetics demonstrate valuable unique characters that are carefully managed in coordination with other FWS protected herds in Nebraska and Oklahoma), the refuge hosted over 100,000 visitors during my tenure...a figure that now exceeds 200,000. These are people and their families who come from all over the Nation and many other countries to see bison and other refuge wildlife in their natural habitats; a valuable and enjoyable learning experience for future leaders and other citizens of America.

It's also a mecca for outdoor photographers, who have the opportunity to pursue their hobby or profession in a proximity to wildlife rarely available elsewhere.

Throughout much of its history the refuge has enjoyed an extensive relationship with local and regional schools at all levels for research and environmental education opportunities, both on and off the refuge, with universities from as far away

as Western Washington bringing their classes for educational interactions with professionally trained refuge staff.

The refuge has also participated in cooperative environmental and wildlife health research programs associated with the University of Montana and other noted universities. Over the years it has provided surplus big game animals to the State of Montana for the re-establishment of native big game populations, including Rocky Mountain elk, big horn sheep and pronghorn antelope. Bison from the NBR have been used to improve genetic diversity in several other State and federally owned herds. They have also been used to begin limited new populations of bison in Colorado and Iowa, and have been donated to the CSKT Tribes on many occasions for food and other products (including two previous attempts by the Tribes to develop their own bison herd).

This refuge, along with many other units of the NWRS, has a long history of involving other groups and interests in assisting in the planning of and contributing to specific aspects of the management of individual refuges through the authority and use of cooperative agreements. They offer a very practical and legal opportunity to develop mutually beneficial partnerships



that contribute to the purpose of each refuge and the mission of the NWRS without abrogating the FWS's legal authorities and responsibilities under the law to manage units of the NWRS. The CSKT rejected this approach, and chose to pursue their interests through an Annual Funding Agreement (AFA), as provided for in the Indian Self Determination Act.

The FWS efforts to respond to the CSKT's request for an AFA that would involve them in the management of the NBR have repeatedly failed over a period now approaching 20 years, at tremendous cost to the Service and with enormous adverse impacts on professional refuge staff members. The fundamental reason is that 1) the tribe has made no secret of their desire to take over full ownership and control of the refuge (read their mission statement, also attached), and 2) Congressional law requires that refuges remain in the NWRS and be managed by the FWS. This impasse has now led to the current FWS incredible proposal to transfer the NBR out of the NWRS!

My hope is that, with your help and that of your colleagues, the Congress will emphatically refuse to support any proposed

legislation that would transfer the NBR or any other unit of the NWRS to the CSKT or any other non-Service entity.

Further, my hope is that the FWS will then decide to take a realistic approach to involving the CSKT in the management of the NBR by developing an annual cooperative agreement that clearly defines how the tribe can contribute to the objectives of the refuge and the mission of the NWRS, in a demonstrable manner, that is cost-effective for the FWS and maintains the authority and responsibility of the FWS for management of the refuge.

I enjoyed a good working relationship with the CSKT when I was the Refuge Manager at the NBR, and I see no reason why that kind of a mutually supportive relationship can't be continued...so long as each parties' expectations are truly realistic and consistent with applicable law.

Thank you for considering my request. I look forward to hearing from you.

Sincerely,