

Internal NBR CCP TPs and Q&A

NBR NOI for CCP Talking Points:

- The National Wildlife Refuge System Improvement Act of 1997 requires that every refuge develop a CCP and revise it every 15 years, as needed. CCPs ensure refuge units are managed to fulfill the purposes for which it was established.
- The Service is publishing a Notice of Intent to prepare a CCP and Environmental Impact Statement (EIS) for the National Bison Range, a unit of the National Wildlife Refuge System (NWRS), in Moiese, Montana.
- Once complete, the CCP will outline the resource management goals and visitor recreational activities for the National Bison Range over the next 15 years.
- The draft CCP/EIS for the National Bison Range will include information about the planning process, refuge, and will outline a range of management alternatives.
- Based on public input received over the years, the Service believes that the range of management alternatives will likely include, at a minimum: current management, transfer the NBR from the National Wildlife Refuge System to be held in trust for the CSKT, and negotiation of an Annual Funding Agreement with CSKT.

NBR Transfer Talking Points:

- The National Bison Range was established in 1908 by Congress (16 USC 671) for the care and management of a herd of bison. In the late 1800s, the population of bison had plummeted from 30 to 60 million to a low of 100 in the wild. From an initial herd of 40, today, 350-500 bison call the National Bison Range home.
- It is the Service's expectation that a transfer of the lands comprising the National Bison Range into a trust for the benefit of the CSKT would ensure that these lands continue to be managed in accordance with the original purposes of the refuge, including the care and maintenance of the bison herd as well as the conservation of other wildlife and natural resources, and allow for continued visitor access.
- The Service considers the proposed transfer of the National Bison Range into trust as being a unique situation whereby a refuge was established within a Reservation boundary for a narrowly defined purpose, which was the conservation of bison at a time when they were on the verge of extinction, and that purpose has been successfully met.
- The Service and our partners, including other federal agencies, states, tribal nations, have made great strides in the conservation of bison across the western plains.

- We believe the CSKT will provide for the continued conservation of bison within this area, while allowing the Service to focus its limited resources on higher priority conservation activities.
- Transferring these lands into trust for the benefit of the CSKT is a unique opportunity for both the Service and the Tribes to provide for the continued conservation of bison and other wildlife and natural resources supported by these lands while allowing the Service to focus our limited resources on high-priority, landscape-scale conservation efforts.
- When the lands are held in trust, title to the lands is still held by the U.S. and the approval of the Secretary or their delegate is required [absent statutory authority that provides otherwise] before the lands can be sold or leased. Lands transferred to the tribe means the tribe owns the lands and has the right to sell or lease the property. For lands held in trust, the Secretary has fiduciary duties to protect the lands.
- The CSKT are experienced wildlife managers and is well equipped to manage the lands and resources that comprise the National Bison Range. They have one of the best tribal wildlife programs in the country and have been an active partner with the Service in the management of the National Bison Range.

GENERAL QUESTIONS

IF ASKED: Is the Service preparing a CCP because of the litigation?

We do not comment on pending litigation. The Service is preparing this CCP pursuant to the Refuge System Improvement Act

IF ASKED: Why would we give away one of our Refuges to a Tribe or any other entity?

We do not view this proposal as “giving away one of our refuges.” The National Bison Range was established in 1908 for the express purpose of conserving bison during a time when they were literally on the verge of extinction. And over the last hundred years, the National Bison Range has played a critical role in bison conservation. Since that time, the Service along with other Federal, State, and Tribal partners have made significant strides in conserving bison and re-establishing herds throughout their historic range. To this end, the Service believes that we have reached a level of success in the management of the National Bison Range such that we can rely on the CSKT to manage these resources into the future, allowing the Service to focus on other priority issues. By transferring these lands and bison to the CSKT under the BIA in trust, the Service can focus our limited resources on more pressing landscape-scale conservation priorities.

IF ASKED: Is the Service considering transferring other refuge lands that are similarly situated within the boundaries of tribal land?

No, the National Bison Range is a unique situation whereby a refuge was established wholly within a Reservation boundary for a defined purpose. Bison were on the verge of extinction, and the National Bison Range played a unique role in preventing that. The

Service, as well as DOI, must constantly assess how to meet our highest conservation priorities and to respect the government-to-government relationship we have with tribal sovereign nations, like the CSKT. In this case transferring these lands, to be held in trust for the Tribes, helps us to do both.

IF ASKED: How many people are employed by the National Bison Range and how will they be affected?

Our people are our top priority. Currently, the National Bison Range has seven employees and they will all remain valued members of the Service. We recognize that this may be a difficult transition for some of them as they have all contributed greatly to the conservation successes at the National Bison Range. As this process moves forward, we will be working with each of them to assess potential career options and opportunities within the Service.

IF ASKED: Does the CSKT have the biological expertise and/or financial resources to manage the lands and resources encompassing the National Bison Range?

We are confident that the CSKT have the resources and expertise to manage the lands, bison and other natural resources comprising the National Bison Range. They have one of the best tribal wildlife programs in the country and have been a partner in the management of the National Bison Range. We would not support a transfer if we did not believe that the CSKT were fully capable of managing these lands and bison.

IF ASKED: The bison population on the National Bison Range has been identified as having a high genetic diversity that is important for ensuring the genetic health of other Department of Interior bison herds. How will transferring the management of these bison to CSKT impact the genetic integrity of other bison conservation efforts?

In recent years, the Service has moved bison from the National Bison Range to other refuges, effectively spreading the unique genetic stock of these animals to other locations where we will still have access to them for conservation purposes. During this transition, the Service will also consider management of important genetic stock found on National Bison Range to ensure that it is available for the long-term conservation and restoration of bison across the U.S. We expect that CSKT will continue to provide these important genetic resources to other public and tribal herds across the country to ensure the genetic viability of the National Bison Range strain.

QUESTIONS RELATED TO PROPOSED LEGISLATION

IF ASKED: Did we assist the tribes in the drafting of their proposed legislation?

No, the Service did not draft the CSKT's legislative language. The Service was however, requested by CSKT to review their draft legislative language as the technical expert for the National Wildlife Refuge System and as the management agency for the National Bison Range. The Service has seen the draft legislative language and provided requested information as a subject matter expert.

IF ASKED: What are your thoughts regarding the tribes' draft legislation?

The Service has communicated we would support the transfer of the lands comprising the National Bison Range to be held in trust by the United States for the benefit of the CSKT. The Service would support a transfer that would require the lands to continue to be managed for the conservation of the bison herd, as well as other wildlife and natural resources, and also continue to allow for visitor access. CSKT has included these vital elements for the continued conservation of and public access to these lands in their draft legislative language.

IF ASKED: Do you support the draft legislation that has been developed by the CSKT?

The Service has expressed that we would support the transfer of the lands comprising the National Bison Range into trust for the benefit of the CSKT to continue to be managed for the conservation of the bison herd, as well as other wildlife and natural resources while also allowing for visitor access.

As a federal agency, it is not appropriate for the Service, to take a position on legislative language that is prepared by an outside entity, in this instance, the CSKT. The Service is prohibited from advocating for legislation that we do not have an Administration position on or attempting to influence Congress by appealing to the public. We are subject to three different anti-lobbying statutes, including the Anti-Lobbying Act (18 U.S.C. 1913) and annual provisions in the Interior and Financial Services/General Government appropriations statutes.

IF ASKED: Technical Drafting Assistance

- The Service received a request from congressional offices to provide technical drafting assistance for legislation that would transfer the lands comprising the National Bison Range unit of the National Wildlife Refuge System to the Confederated Salish and Kootenai Tribes (CSKT), to be held in trust by the Secretary of Interior for the benefit of the CSKT.
- Congress can request "subject matter expert" agencies to draft legislative text for potential legislation to accomplish particular objectives. Requests for "technical drafting assistance" are initiated by Congress and outline these objectives. In response to such requests, federal agencies provide draft legislative text. This draft legislative text does not represent an Administration position; and it may or may not reflect the agencies' interests.
- The federal agencies cannot speak to if or how information provided in response to a technical drafting assistance request will be used. It can be part of the information Congress uses to draft and consider legislation.
- In this case, the Service does not know if or when a bill will be introduced.
- The information provided was developed by and reflects the interests and perspectives of the Service regarding the proposed transfer.
- The CSKT was not a part of the Service's official process to respond to these requests.

- Technical Drafting assistance was requested by Senator Tester and Representative Zinke.
- Senator Tester's Office submitted a request on March 3, 2016
- Representative Zinke's Office submitted a request on March 15, 2016
- A response was provided to both offices on April 8, 2016

Can we provide a copy of our technical drafting assistance?

- RESPONSE: Since this is a product the Service provided for Congress, we would recommend reaching out to the requesting offices for a copy. Otherwise we would need to consult with DOI-SOL and the requesting congressional offices.

What types of information was provided in our technical drafting assistance?

- RESPONSE: We provided draft legislative language to address the objective of transferring the lands comprising the National Bison Range unit of the National Wildlife Refuge System to the Confederated Salish and Kootenai Tribes (CSKT), to be held in trust by the Secretary of Interior for the benefit of the CSKT.