

National Bison Range Case

2007-2008

Location: Montana

Background:

After several months of negotiations, the Confederated Salish and Kootenai Tribes of the Flathead Reservation and the U.S. Fish and Wildlife Service have signed an annual funding agreement for the National Bison Range Complex, located in Moiese, Montana, within the boundaries of the Flathead Indian Reservation. After a 90-day Congressional review period by the Senate Indian Affairs Committee and the House Natural Resources Committee, the agreement became final on September 24, 2008.

Established in 1908, the National Bison Range is administered by the Fish and Wildlife Service as a National Wildlife Refuge with the goal of conserving the American bison. The Refuge Complex consists of the National Bison Range, Pablo and Ninepipe National Wildlife Refuges, and a portion of the Northwest Montana Wetland Management District. In addition to its mission to conserve the American Bison, the Complex provides important habitat for a variety of other species such as elk, pronghorn antelope and migratory birds.

The Confederated Salish and Kootenai Tribes are composed of the Bitterroot Salish, the Pend d'Oreille, and the Kootenai Tribes. The Tribes occupy the 1.3 million acre Flathead Reservation in northwestern Montana. The entire National Bison Range Complex lies within the borders of the Confederated Salish and Kootenai Tribes reservation.

In 1994, the Confederated Salish and Kootenai Tribes approached the Fish and Wildlife Service about exploring a management role at the National Bison Range under the authority of the Tribal Self-Governance Act, which permits tribes to petition bureaus within the Department of the Interior to manage federal programs that are of "special geographical, historical, or cultural significance" to the tribe. The Tribal Self-Governance Act was enacted in 1994 as an amendment to the Indian Self-Determination and Education Assistance Act, which was passed by Congress in 1975 to allow tribal management of programs that previously had been managed on their behalf by the federal government.

In 2004, the parties began implementing the first role-sharing management plan for the National Bison Range. However, in late 2006 tensions developed between the Fish and Wildlife Service and the Tribes about the management of the Range.



To resolve their impasse, in 2007, the Interior Department's Office of Collaborative Action and Dispute Resolution (CADR) asked for assistance from the U.S. Institute for Environmental Conflict Resolution (U.S. Institute), a program of the Udall Foundation. In this instance, the U.S. Institute contracted with third party impartial facilitators Jon Townsend, of Agreements Work, and Suzanne Ghais to assess the feasibility of using assisted negotiation to resolve the tensions.

The U.S. Institute conducted an assessment and determined that a negotiated solution was feasible. The negotiation process then took place and included balanced voluntary representation of the parties. After five months of meetings and negotiations, on June 19, 2008, the Tribes and the Fish and Wildlife Service signed a three-year funding agreement, representing a government-to-government partnership to share management responsibilities for the National Bison Range.

The agreement, which was phased in during the first quarter of Fiscal Year 2009, outlines activities the Tribes will perform at the Bison Range during fiscal years 2009 through 2011. The annual bison round-up was completed in October 2008. In accordance with the funding agreement, the Tribes' Deputy Refuge Manager and lead biologist were scheduled to begin work at the National Bison Range Complex during the first quarter of fiscal year 2009. On January 1, 2009, the Tribes assumed responsibility for the full biological, maintenance, and fire management programs, and most of the visitor services program at the refuge complex, and for conducting much of the work at the Bison Range Complex, including prescribed burns, biological monitoring, interpretive programming, facility and equipment maintenance and moving bison between refuge grazing units.

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