



Salem, Brian <brian_salem@fws.gov>

Fwd: FW: draft bill

Meeks, Will <will_meeks@fws.gov>
To: Brian Salem <brian_salem@fws.gov>

Mon, Dec 11, 2017 at 4:36 PM

----- Forwarded message -----

From: **Caramanian, Lori** <lori.caramanian@sol.doi.gov>
Date: Thu, Mar 9, 2017 at 9:10 AM
Subject: Fwd: FW: draft bill
To: Will Meeks <will_meeks@fws.gov>

----- Forwarded message -----

From: **Nesbitt, Tanya (ENRD)** <Tanya.Nesbitt2@usdoj.gov>
Date: Wed, Mar 8, 2017 at 3:40 PM
Subject: FW: draft bill
To: "Caramanian, Lori" <lori.caramanian@sol.doi.gov>

From: Brian Upton [mailto:Brian.Upton@cskt.org]
Sent: Wednesday, March 08, 2017 5:33 PM
To: Nesbitt, Tanya (ENRD) <TNesbitt@ENRD.USDOJ.GOV>
Subject: FW: draft bill

From: Brian Upton [mailto:brianu@cskt.org]
Sent: Wednesday, May 11, 2016 2:25 PM
To: 'd_m_ashe@fws.gov'; 'jim_kurth@fws.gov'; 'stephen_guertin@fws.gov'; 'cynthia_martinez@fws.gov'; 'shaun_sanchez@fws.gov'; 'scott_aikin@fws.gov'; 'hallison_putnam@fws.gov'; 'hilary.tompkins@sol.doi.gov'; Barry Roth (barry.roth@sol.doi.gov)
Cc: vernon.finley@cskt.org; shane.morigeau@cskt.org; george@georgewaters.com; 'Chris Lambert' (chris@georgewaters.com)
Subject: draft bill

As discussed, attached for your review is CSKT's draft National Bison Range land restoration bill. We appreciate your consideration and hope to hear from you soon.

--
Lori Caramanian
U.S. Department of the Interior

DRAFT

114TH CONGRESS
2ND SESSION

S. _____

To restore the lands of the National Bison Range to federal trust ownership for the benefit of the Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation, and related purposes.

IN THE SENATE OF THE UNITED STATES

_____, 2016

Mr. TESTER AND MR. DAINES introduced the following bill, which was read twice and referred to the Committee on _____:

A BILL

To restore the lands of the National Bison Range to federal trust ownership for the benefit of the Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation, and related purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Bison Range Transfer and Restoration Act of 2016”.

SECTION 2. DEFINITIONS.

- (a) The term “bison” means North American plains bison.
- (b) The term “Flathead Indian Reservation”, or “Reservation”, means all land within the exterior boundaries of the Indian Reservation established under the July 16, 1855 Treaty

- (10) the Tribes have played a substantive role as conservation leaders, often in partnership with the National Bison Range;
- (11) the Tribes have demonstrated a long term commitment to responsible management of the lands and resources surrounding the National Bison Range and desire to carry out the purposes for which the Range was established by Congress;
- (12) the Tribes have extensive experience in wildlife and natural resources management, including, by way of example, the establishment and management of the country's first tribally-designated wilderness area (the 91,000 acre Mission Mountains Tribal Wilderness), as well as special management districts for large animals (Little Money Bighorn Sheep Management Area, Ferry Basin Elk Management Area) and the restoration and management of bighorn sheep populations, peregrine falcons and trumpeter swans on the Reservation;
- (13) the Tribes have a long history of successful partnerships with federal agencies on issues such as threatened and endangered species management, migratory waterfowl management, and wetland habitat management;
- (14) the Tribes have entered into past management-related agreements at the National Bison Range under the Tribal Self-Governance Act (25 U.S.C. § 458aa, *et seq.*);
- (15) the Tribes and the United States desire to build upon past and current partnerships, as well as honor and further the federal and tribal objectives of increasing tribal autonomy and tribal governmental capacity;
- (16) bison are no longer critically imperiled, as they were at the time the National Bison Range was established;
- (17) the facts and history regarding the federal government, the Tribes, the subject bison and lands, are exceptional circumstances that warrant action by Congress; and
- (18) the United States should hold title to the lands comprising the National Bison Range, with beneficial title of such land being restored to the Tribes for continued bison conservation and other wildlife and natural resource management purposes, as well as other non-conflicting purposes of the Tribes.

(b) The purposes of this Act include:

- (1) to acknowledge the Tribes' history, culture, and ecological stewardship with respect to the subject lands, bison, and other natural resources;
- (2) to ensure that the subject lands, bison, and other resources continue to be protected and enhanced;
- (3) to continue public visitation opportunities; and
- (4) to ensure a smooth transition for the subject lands, bison and other natural resources as the land is restored to federal trust ownership for the benefit of the Tribes.

SECTION 4. TRANSFER OF THE NATIONAL BISON RANGE LANDS TO THE UNITED STATES IN TRUST FOR THE CONFEDERATED SALISH AND KOOTENAI TRIBES.

(a) Notwithstanding any other provision of law, for the purposes of conserving bison, wildlife, and natural resources, and for the purposes of safeguarding the Tribes' interests in such resources, as well as the Tribes' traditional, cultural, and other interests, all of those lands

(3) for the third through the fifth fiscal years, fifty percent of what each county would have received but for enactment of this Act.

For the limited purposes of calculating payments to Lake and Sanders Counties pursuant to this subsection and the provisions of 16 U.S.C. § 715s, the lands transferred under this Act shall be treated as if they remained Refuge “fee area” as defined at 16 U.S.C. § 715s(g)(2).

(g) For the continued protection of the public, and as long as public visitation is required by federal law for the lands transferred by this Act, the Secretary shall provide the Tribes with funding sufficient to procure liability insurance covering tort actions filed by members of the public.

(h) Nothing in this Act shall be interpreted to relieve the United States of any of its obligations contained in Section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)). The Tribes shall not be liable for any land, soil, surface water, groundwater, or other contamination, injury or damage resulting from the storage, disposal, release or presence of any hazardous substance, as defined under 42 U.S.C. § 9601(14), on any portion of the property conveyed by this Act on or before the date on which the property is transferred into federal trust ownership for the Tribes.

(i) The provisions of this Act are uniquely suited to address the distinct circumstances, facts, history, and relationships involved with the subject bison, lands and Tribes. These provisions are not intended, and shall not be interpreted, as precedent for any other situation regarding federal properties or facilities.

(j) The statutory provisions found in 16 U.S.C. § 671, as amended, are expressly superseded and repealed by this Act.



Salem, Brian <brian_salem@fws.gov>

Fwd: FW: FWS Director and Interior officials

Meeks, Will <will_meeks@fws.gov>
To: Brian Salem <brian_salem@fws.gov>

Mon, Dec 11, 2017 at 4:36 PM

----- Forwarded message -----

From: **Caramanian, Lori** <lori.caramanian@sol.doi.gov>
Date: Thu, Mar 9, 2017 at 9:10 AM
Subject: Fwd: FW: FWS Director and Interior officials
To: Will Meeks <will_meeks@fws.gov>

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From: **Nesbitt, Tanya (ENRD)** <Tanya.Nesbitt2@usdoj.gov>
Date: Wed, Mar 8, 2017 at 3:40 PM
Subject: FW: FWS Director and Interior officials
To: "Caramanian, Lori" <lori.caramanian@sol.doi.gov>

From: Brian Upton [mailto:Brian.Upton@cskt.org]
Sent: Wednesday, March 08, 2017 5:34 PM
To: Nesbitt, Tanya (ENRD) <TNesbitt@ENRD.USDOJ.GOV>
Subject: FW: FWS Director and Interior officials

From: Jennifer Trahan [mailto:jennifert@cskt.org]
Sent: Wednesday, September 14, 2016 12:54 PM
To: dan_ashe@fws.gov; jim_kurth@fws.gov; steve_guertin@fws.gov; cynthia_martinez@fws.gov; scott_aikin@fws.gov; noleen_walsh@fws.gov; lawrence.roberts@bia.gov; mike.black@bia.gov
Cc: Vernon Finley; Brian Upton
Subject: FWS Director and Interior officials

September 14, 2016

FWS Director Dan Ashe:

FWS Deputy Director Jim Kurth:

FWS Deputy Director Stephen Guertin:

FWS Chief of Refuges Cynthia Martinez:

Response: The Tribes do not currently have plans for new points of access to the National Bison Range. However, the Tribes may consider such access points if there was reason to believe that they would improve the visitor experience while still protecting the Range's natural resources.

The Tribes have developed, and currently maintain, the existing Ravalli Hill scenic turnout interpretive area on Highway 93, on Tribally-owned land adjacent to the Bison Range. The public generally considers, and uses, this site as a public access Bison Range viewing area. The U.S. Fish & Wildlife Service considers the public access viewing from this site when it estimates annual overall public uses and visitation of the National Bison Range. Use of this Tribally-owned and managed site will not change in the future, but may be considered for expanded visitor experiences and interpretation.

4) **Interpretive opportunity**

Comment: Some commenters said that the proposed Bison Range restoration would allow for improved interpretive opportunities through greater incorporation of the Tribes' cultural and historical ties to the land, bison, and other natural resources found at the Range.

Response: The Tribes agree that the proposed Bison Range restoration would greatly expand the Tribes' ability to incorporate aspects of Tribal historical and cultural connections to the Range's land, bison and other natural resources. Based upon comments, as well as past feedback from the public, the Tribes believe that many people would welcome such interpretive additions.

5) **Funding**

Comment: Several commenters asked how the Tribes would fund operation of the Bison Range, and a couple of commenters questioned whether the Tribes may charge higher admittance fees.

Response: Under the Act, after the two-year transition period provided for in Section 4(e) of the Act (and addressed in item #7 of these responses), the Tribes would fund annual operations of the Bison Range – the federal government would no longer fund them. The Tribal Council is committed to funding the Bison Range at a degree that will maintain or exceed its current level of operation. Some portions of Bison Range operations may be able to be performed or addressed through existing staff in the Tribes' Natural Resources, Lands, or Maintenance departments. The Tribes would likely assess the current bookstore concession at the Bison Range visitor center to evaluate for expanded opportunities related to visitor needs and expectations, which could also assist with meeting annual funding needs.

Maintaining or increasing the current level of visitation would be one part of the budget planning process, and would dovetail with planning for public education opportunities, which are a priority for the Tribes. As stated above, maintaining reasonable entry fees would be essential to supporting the Tribes' interests in public education and visitor experiences at the Bison Range, whereas exorbitant fees would undermine those priorities.

Response: Both the Tribes and the U.S. Fish & Wildlife Service agree that it would be in the best interest of the natural resources involved for the two governments to cooperate in transitioning from federal to tribal management of the Bison Range. Section 4(e) of the Act provides for a transition period of two (2) years, during which the Interior Secretary would be directed to cooperate in, and assist with, the transition from federal to Tribal management. Such cooperation could take the form of: funding; transfer of equipment or personal property; assignment of staff via Intergovernmental Personnel Act agreements; or other assistance. This part of the legislation reflects the fact that both parties are equally interested in caring for the natural resources at issue. A smooth transition at the Range is in the public interest.

8) **Genetics**

Comment: Several commenters mentioned the genetic values of the National Bison Range's bison herd, and expressed concern that such values continue to be safeguarded.

Response: The professionals at the Tribes' Natural Resources Department fully appreciate and value the genetic characteristics and values of the bison herd at the National Bison Range. From a broader perspective, those genetic characteristics are a scientific representation of the uniqueness of this particular herd and its cultural and historic value to the Tribes. The Tribes would continue to manage this bison herd with this genetic value in mind.

9) **Weed control/management**

Comment: Several commenters mentioned the importance of weed control and management.

Response: The Tribes recognize the importance of controlling and managing invasive/noxious weeds. The Tribes currently devote a great deal of resources to weed control on the Reservation, having spent over \$545,000 during the period of fiscal years 2012-2016. Under the National Bison Range's existing management plan, which the Tribes helped develop, weed management projects are identified as high priority. Under Tribal management of the Bison Range, the Tribes would continue this prioritization.

10) **Restoration of land to Indian Tribes**

Comment: Several commenters expressed blanket opposition to the concept of restoring land to Indian tribes. Comments included such statements as:

- "Given the logic being used here, all non Indians [*sic*] should be moving out of the country and returning all lands back to the Native Americans."
- "Dangerous precedent to begin 'giving back' land to tribes"
- "we cannot undo the past"

Response: The Tribes believe that the Act should be evaluated on the merits of its own unique facts and history. While some individuals may oppose any sort of land transfer to a tribal government, or to Indians in general, such opposition does not have support in the law nor does it make for sound policy development.

13) Senior Passes/Golden Age Passports

Comment: Several commenters asked whether Senior Passes or Golden Age Passports would still be honored by the Tribes if the National Bison Range were restored to federal trust ownership for the Tribes.

Response: Senior Passes and Golden Age Passports are lifetime passes issued by the federal government for entry into various federal facilities such as National Parks and National Wildlife Refuges (*see* <http://store.usgs.gov/pass/senior.html>). The Tribal Council has not yet considered whether it would continue to honor such passes. However, providing low-cost services or programs for elders is common within the Tribal government.

14) National Environmental Policy Act (NEPA)

Comment: A couple of commenters made references to the National Environmental Policy Act (NEPA), including assertions of its application to this comment period.

Response: The public comments solicited and received by the Confederated Salish and Kootenai Tribes are not subject to the provisions of NEPA which, by its own terms, applies to major federal (not tribal) actions.

15) Hunting

Comment: One commenter asked whether hunting would be allowed on the Bison Range.

Response: Although hunting is allowed on some National Wildlife Refuges, public hunting is not currently allowed on the National Bison Range, although there are periodic "management hunts" used for population control of certain animals. The Tribes do not envision changes to this.

16) Ninepipe and Pablo Refuges

Comment: One commenter asked who would manage the Ninepipe and Pablo National Wildlife Refuges.

Response: The Ninepipe and Pablo Refuges are both located on land held in trust by the federal government for the Confederated Salish and Kootenai Tribes, and are both currently administered by FWS as part of the National Bison Range Complex. The Act would not affect management of either the Ninepipe or Pablo Refuges. FWS would continue to manage both, although they would likely be administered out of another refuge, such as Lost Trail or Benton Lake Refuges. Changing administrative headquarters for a refuge is not a new concept. The Lost Trail National Wildlife Refuge has been removed and added to the National Bison Range Complex in the past.

The Ninepipe and Pablo Refuges were both originally established as refuges after years of Tribal requests for the federal government to designate them as bird conservation areas. In 1921, the federal government finally agreed and President Warren Harding issued Executive Orders designating both Ninepipe and Pablo as refuges. In 1948,

Self-Governance Act. The Act would resolve that question by restoring the Bison Range to federal trust ownership for the Tribes.

21) Revising financial assistance to Counties

Comment: One commenter suggested that the Tribes' draft legislation could either lengthen the time period for phasing out the Refuge Revenue Sharing payments to Sanders and Lake Counties, or increase the amount of such payments to those Counties.

Response: The Tribes appreciate this suggestion, and share the concern of easing any transition in the Counties' budgets. The Tribes have considered alternatives to the provisions in Section 4(f) of the draft Act, and have discussed alternatives with both Sanders and Lake Counties. Those discussions may result in changes to this part of the draft legislation.

22) U.S. Fish & Wildlife Service motives

Comment: One commenter questioned the motives of the U.S. Fish & Wildlife Service in supporting the proposed Bison Range restoration, and asserted disbelief that the FWS support arose from either concern for tribal self-governance or conserving limited federal resources.

Response: The Tribes cannot speculate as to the reasoning behind FWS support for the Tribes' proposed legislation. However, FWS Director Dan Ashe has stated in correspondence that

[t]he plain fact is, the Salish-Kootenai are very capable managers. They can manage [the National Bison Range] and this herd. They very much want to do this. The land will be held in trust, by the BIA, on behalf of the CSKT, for the original purposes, so it will be protected, in perpetuity.

. . . There is only one reason that I am supporting this: It is the right thing to do! And sometimes, doing the right thing is scary. But as Martin Luther King taught us, "It is never the wrong time to do the right thing."

Director Ashe's statement above finds support in the recently-revised FWS Native American Policy, which talks about furthering "the United States' and the Department of the Interior's trust responsibility to federally recognized tribes to protect, conserve, and use tribal reserved, treaty guaranteed, or statutorily identified resources."

23) Bison Range Working Group

Comment: One commenter asked which parties constituted the Bison Range Working Group.

Response: The Working Group currently consists informally of the comments submitted on the Working Group website established by the Tribes. The Tribes have met with conservation group representatives to discuss our draft legislation, and the Tribes expect to continue this discussion now that public comments have been received and posted.

Responses of the Confederated Salish and Kootenai Tribes to Public Comments on the Tribes' Draft "National Bison Range Transfer and Restoration Act of 2016"

The Confederated Salish and Kootenai Tribes have collected over 150 comments on the Tribes' draft "National Bison Range Transfer and Restoration Act of 2016". These comments were solicited through the Bison Range Working Group website, which was established by the Tribes to notify the public of the draft legislation and to collect public comments, as well as through a public meeting held in Pablo, Montana on July 12, 2016. The comment period opened on June 10, 2016, was extended beyond its original closing date of June 24th, and closed on July 15, 2016.

The total number of comments received during that period was 153. Several individuals submitted more than one comment; the number of unique individuals/organizations that submitted comments is 145. Of those, approximately 76 commenters supported the Tribes' draft legislation, approximately 55 commenters opposed it, and 14 commenters presented questions or concerns without supporting or opposing the proposed legislation.

All of these comments have been posted on the Bison Range Working Group website (www.bisonrangeworkinggroup.org). To respect commenters' privacy, their email addresses, physical addresses (other than city/state), and phone numbers have been redacted from the comments prior to posting.

Below are a number of comments, concerns and questions that were raised in the public comments, along with responses from the Tribes. In the responses, the Confederated Salish and Kootenai Tribes are referred to as "Tribes", the draft National Bison Range Transfer and Restoration Act of 2016 is referred to as the "Act", the National Bison Range is referred to as "Bison Range", the Flathead Indian Reservation is referred to as "Reservation", and the U.S. Fish & Wildlife Service is referred to as "FWS" or the "Service".

1) Precedent

Comment: Some commenters expressed concern that passage of the Act would set a precedent for conveyance of other federal lands or facilities. One commenter asserted that "[g]iving ownership of the NBR to the CSK Tribe would by definition set a precedent of giving a federal wildlife refuge to a non-governmental entity." Other commenters pointed out that the Bison Range "is a completely unique situation and should not in any way be construed as a precedent regarding other federal properties."

Response: The Act directly addresses the issue of precedent. As a matter of law, Section 4(i) of the Act would prohibit the interpretation of the Act as a precedent. This section reads as follows:

The provisions of this Act are uniquely suited to address the distinct circumstances, facts, history, and relationships involved with the subject bison, lands and Tribes. These provisions are not intended, and shall not be interpreted, as precedent for any other situation regarding federal properties or facilities.

S. _____
9/13/16 revised draft

Title: To restore the land of the National Bison Range to federal trust ownership for the Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation for continued bison and wildlife conservation, for continued public access, and for other purposes.

IN THE SENATE OF THE UNITED STATES

_____, 2016

Mr. _____ introduced the following bill, which was read twice and referred to the Committee on _____:

A BILL

To restore the lands of the National Bison Range to federal trust ownership for the Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Bison Range Restoration Act of 2016”.

SECTION 2. DEFINITIONS.

In this Act:

- (a) BISON. - The term “bison” means North American plains bison.
- (b) NATIONAL BISON RANGE. - The term “National Bison Range” means all land within the Reservation that was reserved for the national bison range in the matter under the heading

- (7) when the Reservation was opened for homesteading, a free-ranging bison herd was no longer feasible, resulting in Michel Pablo selling the herd to off-Reservation interests;
- (8) many of the bison, or their descendants, from the Tribal member-managed herd were repurchased and brought back to the Reservation to form the original herd for the National Bison Range;
- (9) the bison herd at the National Bison Range descends largely from a herd started and managed as described in paragraph (6);
- (10) the Tribes have played a substantive role as conservation leaders, often in partnership with the National Bison Range, and they have demonstrated a long term commitment to responsible management of the land and resources surrounding the National Bison Range, and they desire to carry out the purposes for which the National Bison Range was established by Congress;
- (11) the Tribes have extensive experience in wildlife and natural resources management, including:
 - (A) the establishment and management of the 91,000-acre Mission Mountains Tribal Wilderness, the first tribally designated wilderness area in the United States;
 - (B) special management districts for large animals, such as the Little Money Bighorn Sheep Management Area and the Ferry Basin Elk Management Area; and
 - (C) the restoration and management of bighorn sheep populations, peregrine falcons and trumpeter swans on the Reservation;
- (12) the Tribes have an extensive history of successful partnerships with Federal agencies on issues such as –
 - (A) threatened and endangered species management;
 - (B) migratory waterfowl management; and
 - (C) wetland habitat management;
- (13) the Tribes have entered into prior management-related agreements at the National Bison Range under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aa, *et seq.*), and the Tribes and the United States desire to build on past and current partnerships, as well as honor and further the Federal and tribal objectives of increasing tribal autonomy and tribal governmental capacity;
- (14) bison are no longer critically imperiled, as bison were at the time the National Bison Range was established;
- (15) the facts and history regarding the Federal government, the Tribes, the bison and land on the Reservation acquired for the National Bison Range, are exceptional circumstances that warrant action by Congress; and
- (16) the United States should hold title to the land comprising the National Bison Range, with beneficial title of the land being restored to the Tribes for –
 - (A) continued bison conservation;
 - (B) other wildlife and natural resource management purposes; and
 - (C) other non-conflicting purposes of the Tribes.

(b) PURPOSES. - The purposes of this Act are -

(c) RELINQUISHMENT OF RIGHTS TO BISON. - The United States relinquishes to the Tribes all interests the United States may have in the bison on the land restored by subsection (a)(1).

(d) TRANSITION.-

(1) IN GENERAL. - Notwithstanding any other provision of law, during the 2-year period beginning on the date of enactment of this Act, the Secretary shall cooperate with the Tribes in transition activities regarding the management of land, bison and other resources conveyed by this Act, including by providing to the Tribes funds, personal property, equipment, or other resources determined appropriate by the Secretary for performance of, or assistance with, those types of activities that, as of the date of enactment of this Act, the Secretary performs at the National Bison Range.

(2) EFFECT. - Nothing in this subsection authorizes the Secretary to retain ownership or control of any real or personal property conveyed by this Act.

(e) PAYMENTS TO CERTAIN COUNTIES. -

(1) IN GENERAL. - In order to reduce the financial impact on the counties in which the land restored by this Act is located, for each of the first 5 full fiscal years beginning after the date of enactment of this Act, the Secretary shall make payments to Lake County and Sanders County in the State of Montana, out of amounts in the fund established under section 401(a) of the Act of June 15, 1935 (49 Stat. 378, chapter 261; 16 U.S.C. 715s(a)).

(2) AMOUNT OF PAYMENTS. - The payments under paragraph (1) shall be in an amount equal to 90 percent of the amount each county would have received if this Act had not been enacted.

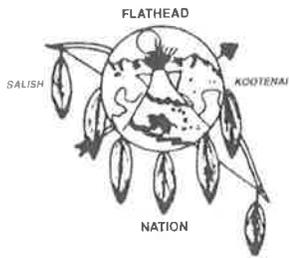
(3) TREATMENT OF LAND FOR PURPOSES OF CALCULATING PAYMENTS. - For the limited purposes of calculating payments to Lake County and Sanders County under this subsection and section 401 of the Act of June 15, 1935 (49 Stat. 378, chapter 261; 16 U.S.C. 715s) the land restored by this Act shall be treated as if the land was a "fee area" (as defined in section 401(g) of the Act of June 15, 1935 (49 Stat. 378, chapter 261; 16 U.S.C. 715s(g))).

(f) REPEAL. - The matter under the heading "NATIONAL BISON RANGE" under the heading "Miscellaneous" under the heading "DEPARTMENT OF AGRICULTURE" in the Act of May 23, 1908 (35 Stat. 267, chapter 192; 16 U.S.C. 671) is repealed.

(g) LIABILITY. -

(1) FUNDING FOR LIABILITY INSURANCE.- For the continued protection of the public, and as long as public visitation is required by Federal law for the land restored by this Act, the Secretary shall provide the Tribes with funding sufficient to procure liability insurance covering tort actions filed by members of the public.

(2) LIABILITY OF TRIBES. - The Tribes shall not be liable for any land, soil, surface water, groundwater, or other contamination, injury or damage resulting from the storage, disposal,



A Confederation of the Salish,
Pend d' Oreille
and Kootenai Tribes

THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD NATION

P.O. BOX 278
Pablo, Montana 59855
(406) 275-2700
FAX (406) 275-2806
www.cskt.org



TRIBAL COUNCIL MEMBERS:

Vernon S. Finley - Chairman
Len Twoteeth - Vice Chair
Troy Felsman - Secretary
Anita Matt - Treasurer
Ronald Trahan
Shelly R. Fyant
Leonard W. Gray
Carole Lankford
Dennis Clairmont
Patty Stevens

September 14, 2016

Mr. Dan Ashe, Director
U.S. Fish & Wildlife Service
U.S. Department of the Interior
1849 C St., NW
Washington, D.C. 20240

Via electronic mail at: d_m_ashe@fws.gov

original to follow via express delivery

Re: Revised Draft National Bison Range Restoration Legislation

Dear Director Ashe,

As you know, the Confederated Salish and Kootenai Tribes (Tribes) have continued to develop draft legislation that would restore the National Bison Range to federal trust ownership for the Tribes, with requirements for continued bison conservation and continued public access. Over recent months, the Tribes have taken the following steps:

- 1) We have met, and continue to meet, with representatives of numerous conservation groups in Montana and Washington, D.C.;
- 2) We posted our draft National Bison Range restoration legislation online in June (<http://bisonrangeworkinggroup.org>) so the public could review, and comment on, the draft bill;
- 3) We conducted a public comment period that was originally scheduled from June 10th through June 24th, but which we extended through July 15, 2016;
- 4) We held a public meeting in Pablo, Montana at which we: presented and explained the draft legislation; provided five Tribal staff from our Natural Resources and Legal Departments to discuss the legislation with attendees and answer any questions; and collected public comments. The Tribes advertised this meeting heavily in local print and radio media, resulting in approximately 150 attendees;



Salem, Brian <brian_salem@fws.gov>

Fwd: NBR public scoping comments

Meeks, Will <will_meeks@fws.gov>
To: Brian Salem <brian_salem@fws.gov>

Mon, Dec 11, 2017 at 4:35 PM

----- Forwarded message -----

From: **Will Meeks** <will_meeks@fws.gov>
Date: Tue, Aug 22, 2017 at 9:44 AM
Subject: RE: NBR public scoping comments
To: Lori Caramanian <lori.caramanian@sol.doi.gov>, Bernie Petersen <bernie_petersen@fws.gov>

Bernie,

Can you get with Stacey and see why names were redacted during a public scoping process?

Will Meeks

U.S. Fish and Wildlife Service

Mountain-Prairie Region

Assistant Regional Director

National Wildlife Refuge System

303-236-4303 (office)

720-541-0310 (cell)

From: Caramanian, Lori [mailto:lori.caramanian@sol.doi.gov]
Sent: Friday, August 18, 2017 3:19 PM
To: Bernie Petersen <bernie_petersen@fws.gov>; Will Meeks <will_meeks@fws.gov>
Subject: Fwd: NBR public scoping comments

Will & Bernie, I did get a call today from Brian Upton about this and about the scope of the settlement agreement. I told him generally what was in the agreement, and he was satisfied with that. No issues for CSKT.

U.S. Department of the Interior

Office of the Solicitor, Rocky Mountain Region

755 Parfet St, Suite 151

Lakewood, CO 80215

303-445-0604

--

Will Meeks

U.S. Fish and Wildlife Service

Mountain Prairie Region

Assistant Regional Director

National Wildlife Refuge System

303-236-4303 (w)

720-541-0310 (c)



Salem, Brian <brian_salem@fws.gov>

Fwd: next week

Meeks, Will <will_meeks@fws.gov>
To: Brian Salem <brian_salem@fws.gov>

Mon, Dec 11, 2017 at 4:33 PM

----- Forwarded message -----

From: **Will Meeks** <will_meeks@fws.gov>
Date: Thu, Sep 21, 2017 at 2:58 PM
Subject: Re: next week
To: Lori Caramanian <lori.caramanian@sol.doi.gov>
Cc: Bernie Petersen <bernie_petersen@fws.gov>

Thanks. Bernie, be sure to let him know we are sending it. Thanks.

Will Meeks
U.S. Fish and Wildlife Service
Mountain-Prairie Region
Assistant Regional Director
National Wildlife Refuge System
303-236-4303(w)
720-541-0310 (c)

On Sep 21, 2017, at 2:52 PM, Lori Caramanian <lori.caramanian@sol.doi.gov> wrote:

We had previously told Brian that we would provide informally and wouldn't require a FOIA request.

Sent from my iPhone

On Sep 21, 2017, at 4:42 PM, Bernie Petersen <bernie_petersen@fws.gov> wrote:

As I recall you did say send it. Since we tell people that comments are available by FOIA and not to expect confidentiality we agreed to just send. We also discussed if we should just be sending stuff to the Tribe or if they should go through the FOIA process. Don't recall a final decision on that one.

Bernard J Petersen

Refuge Supervisor for Colorado, Montana, Utah, Wyoming

US Fish and Wildlife Service Region 6

National Wildlife Refuge System

303-236-4310 W

720-708-8026 Cell

Lori Caramanian

U.S. Department of the Interior

Office of the Solicitor, Rocky Mountain Region

755 Parfet St, Suite 151

Lakewood, CO 80215

303-445-0604

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Will Meeks

U.S. Fish and Wildlife Service

Mountain Prairie Region

Assistant Regional Director

National Wildlife Refuge System

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