OPTIONAL PUBLIC COMMENT FORM

Thank you for helping us plan...your comments are very important to the development of Comprehensive Conservation Plans (CCP) for all the units of the National Bison Range Complex. The purpose of this form is to provide an additional opportunity for you to express your ideas and provide input for the future management and activities of the National Bison Range Complex.

Please submit your comments by **September 30, 2017**. *[Attach additional comments on a separate sheet of paper if needed.]*

Qualities

What do like the most about the different units that make up the National Bison Range Complex?

Diversity

Topics

What do you think should be addressed in the new conservation plans for the units of the National Bison Range Complex?

Clear, concise communication 1) with county management who I have observed (on Blasdel) using 4-wheelers to spray for weeds during closure & 2) with signage when communicating to public trying to use facilities.

Opportunities

How do you think we should manage for wildlife habitat, provide *priority wildlife-dependent public uses, maintain and improve infrastructure, support the staff, and develop partnerships with the community?

Perhaps you could enlist the help of the NonProfits that ~~should~~ have vested interest in upkeep, use & management i.e. Pheasants 4ever, Wild Geese Unlimited etc.

*** priority wildlife-dependent public uses :** ***hunting, fishing, wildlife observation, photography, environmental education, and interpretation***

Additional comments...

We appreciate you providing any issues, input, and ideas to be considered in planning for the Complex's new Comprehensive Conservation Plans!

Mailing List

If you wish to be on our mailing list to receive more information about the CCPs of the units of the National Bison Range Complex, please provide the information below:

Yes, I wish to be on the mailing list. I understand that names and addresses on federal mailing lists must be released to the public on request, under the Freedom of Information Act.

Name Debi Soukup

Address P.O. Box 28

City Somers **State** MT **Zip** 59932

Important: *Please note that the names on the CCP Mailing List become part of the public record for this project. The Service must release the names, if requested, under the provisions of the Freedom of Information Act of 1974. To be placed on our mailing list, we need your permission. Please sign below.*

Signature Debi Soukup **Date** 9/30/17

Thank you again for your contribution to the U.S. Fish & Wildlife's planning effort. Please fold this letter in half, tape closed, and send via post by September 30, 2017.

RECEIVED OCT 0 5 2017

MISSOULA MT 590

30 SEP 2017 PM 1 T

FOREVER

MAIL TO:

Bernardo Garza and Toni Griffin, Planning Team Co-Leaders
National Bison Range Complex Comprehensive Conservation Plans

U.S. Fish and Wildlife Service
Branch of Policy and Planning
P.O. Box 25486
Denver, CO 80225-0486

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U.S. Fish & Wildlife Service
National Bison Range Complex — Comprehensive Conservation Plans

OPTIONAL PUBLIC COMMENT FORM

Thank you for helping us pian...your comments are very important to the development of Comprehensive Conservation Plans (CCP) for all the units of the National Bison Range Complex. The purpose of this form is to provide an additional opportunity for you to express your ideas and provide input for the future management and activities of the National Bison Range Complex.

Please submit your comments by **September 30, 2017.** *[Attach additional comments on a separate sheet of paper if needed.]*

Qualities

What do like the most about the different units that make up the National Bison Range Complex?

The variety and consistency. Each provides unique opportunities to the public and researchers while also providing similar benefits.
For Lake County these are facilities that draw visitors. They also provide employment opportunities for local persons and career U.S.F.S. personnel. The revenue from USFS Wildlife refuge related pILT is significant to us.

Topics

What do you think should be addressed in the new conservation plans for the units of the National Bison Range Complex?

1) Providing recreational opportunity for all persons, families, etc.
2) Perhaps better trails to encourage pedestrians at the bird refuge sites without too much disruption.
3) Better record keeping regarding activities at all the sites, as visitors are not monitored at Ninepipes, etc.

Opportunities

How do you think we should manage for wildlife habitat, provide *priority wildlife-dependent public uses, maintain and improve infrastructure, support the staff, and develop partnerships with the community?

County services could contract for road grading, weed control, etc while tribal help with fire control is also local. Using local volunteers and local employees regardless tribal minority status will also build support for all parts of the facility. Trophy hunting for the Bison Range is inappropriate given its conservation of goals, except hunting for management purposes.

*** priority wildlife-dependent public uses :** ***hunting, fishing, wildlife observation, photography, environmental education, and interpretation***

Additional comments...

We appreciate you providing any issues, input, and ideas to be considered in planning for the Complex's new Comprehensive Conservation Plans!

We look to cooperating in review and completion of comments and alternative development. Please send us out a signed cooperator MOU.

OPTIONAL PUBLIC COMMENT FORM

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Please submit your comments by **September 30, 2017**. *[Attach additional comments on a separate sheet of paper if needed.]*

Qualities

What do like the most about the different units that make up the National Bison Range Complex?

I Appreciate the ability to enjoy the NBR without fighting crowds of people, while viewing wildlife in its most natural state.

Topics

What do you think should be addressed in the new conservation plans for the units of the National Bison Range Complex?

I enjoy the current structure of the NBR. I'm in favor not improving roadways any further & maintaining the current entrance location in Moiese. I hope the focus remains on the wildlife, not on visitation #'s.

Opportunities

How do you think we should manage for wildlife habitat, provide *priority wildlife-dependent public uses, maintain and improve infrastructure, support the staff, and develop partnerships with the community?

As mentioned, I like the natural approach. I hope the entrance is never relocated, roadways remain dirt, and priorities remain w/ the wildlife.

*** priority wildlife-dependent public uses :** ***hunting, fishing, wildlife observation, photography, environmental education, and interpretation***

Additional comments…

We appreciate you providing any issues, input, and ideas to be considered in planning for the Complex's new Comprehensive Conservation Plans!

Mailing List

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Yes, I wish to be on the mailing list. I understand that names and addresses on federal mailing lists must be released to the public on request, under the Freedom of Information Act.

Name NINEPIPES LODGE

Address 69286 US HWY 93

City CHARLO **State** MT **Zip** 59824

Important: *Please note that the names on the CCP Mailing List become part of the public record for this project. The Service must release the names, if requested, under the provisions of the Freedom of Information Act of 1974. To be placed on our mailing list, we need your permission. Please sign below.*

Signature _____ **Date** 9/28/17

Thank you again for your contribution to the U.S. Fish & Wildlife's planning effort. Please fold this letter in half, tape closed, and send via post by September 30, 2017.

RECEIVED OCT 0 2 2017

MISSOULA MT 598
28 SEP 2017 PM 1 L

MAIL TO:

Bernardo Garza and Toni Griffin, Planning Team Co-Leaders
National Bison Range Complex Comprehensive Conservation Plans

U.S. Fish and Wildlife Service
Branch of Policy and Planning
P.O. Box 25486
Denver, CO 80225-0486

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Please submit your comments by **September 30, 2017**. *[Attach additional comments on a separate sheet of paper if needed.]*

Qualities

What do like the most about the different units that make up the National Bison Range Complex?

- quality educational opportunities for children and adults @ value of land conservation, stewardship ethics, public access to natural environments
- receptiveness of staff to provide field trip opportunities for young (& old) children (& adults)
- variety of natural habitats & native wildlife. (Flora & Fauna) for experience & learning to be diversified.

Topics

What do you think should be addressed in the new conservation plans for the units of the National Bison Range Complex?

- Basic infrastructures upgrades, paths for fully accessible use, outhouses in good working condition, regularly updated visitor center exhibits
- noxious weed removal (can be approached with volunteer, public involvement to assist with labor, "as public learns more".
- sufficient staff on site - dependable regular, not temporary or short-term, especially to be "out in the field" to promote positive public relationships + good communication

Opportunities

How do you think we should manage for wildlife habitat, provide *priority wildlife-dependent public uses, maintain and improve infrastructure, support the staff, and develop partnerships with the community?

Bring high school students, scouts, 4H, other community groups in to participate in improvement efforts (weeds, building benches for public, creating interpretive signs, etc.
They learn & receive pride in community service AND the provide the manpower that is difficult to find within FWP staffing

* priority wildlife-dependent public uses : *hunting, fishing, wildlife observation, photography, environmental education, and interpretation*

Additional comments...

We appreciate you providing any issues, input, and ideas to be considered in planning for the Complex's new Comprehensive Conservation Plans!

RECEIVED SEP 2 7 2017

Mailing List

If you wish to be on our mailing list to receive more information about the CCPs of the units of the National Bison Range Complex, please provide the information below:

Yes, I wish to be on the mailing list. I understand that names and addresses on federal mailing lists must be released to the public on request, under the Freedom of Information Act.

Name Christine Wren

Address P.O. Box 1150

City Lolo **State** MT **Zip** 59847

Important: *Please note that the names on the CCP Mailing List become part of the public record for this project. The Service must release the names, if requested, under the provisions of the Freedom of Information Act of 1974. To be placed on our mailing list, we need your permission. Please sign below.*

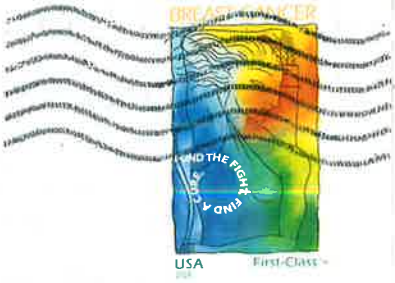
Signature Christine Wren **Date** 9-20-17

Thank you again for your contribution to the U.S. Fish & Wildlife's planning effort. Please fold this letter in half, tape closed, and send via post by September 30, 2017.

NATIONAL WILDLIFE REFUGE SYSTEM

ATLANTA METRO 300

21 SEP 2017 PM 3 L



MAIL TO:

Bernardo Garza and Toni Griffin, Planning Team Co-Leaders
National Bison Range Complex Comprehensive Conservation Plans

U.S. Fish and Wildlife Service
Branch of Policy and Planning
P.O. Box 25486
Denver, CO 80225-0486

t a p e c l o s e d

OPTIONAL PUBLIC COMMENT FORM

Thank you for helping us plan...your comments are very important to the development of Comprehensive Conservation Plans (CCP) for all the units of the National Bison Range Complex. The purpose of this form is to provide an additional opportunity for you to express your ideas and provide input for the future management and activities of the National Bison Range Complex.

Please submit your comments by **September 30, 2017**. *[Attach additional comments on a separate sheet of paper if needed.]*

Qualities

What do like the most about the different units that make up the National Bison Range Complex?

Of the units within the NBRC, the Bison Range is the one we are most familiar with. It is, therefore, the unit we really appreciate the most, for its diversity of habitat and species, and its dramatic topography. The fact that it was an island during the era of Glacial Lake Missoula is especially fascinating. The short Bitterroot Trail near the top of Red Sleep Mountain is always a treat. Finally, the views of the Mission Mountains and the Mission Valley from the pull-outs and all along the Red Sleep Mountain loop road are always spectacular. It is clearly a "gem," which needs our collective protection and support.

Topics

What do you think should be addressed in the new conservation plans for the units of the National Bison Range Complex?

Improving the interpretation and public education about the resources within each unit is of critical importance. Once the public has a good understanding of the value of all these natural resources then it will become easier for the refuge to garner the resources (dollars) it needs to address critical maintenance issues, personnel vacancies and otherwise improving the overall experience for the visiting public. For example, the visitor center at the Bison Range is woefully inadequate to serve the public it was originally designed for. Upgrading or replacing this facility should be high priority item. Obviously, with a bigger operating budget the refuge can better meet the challenges of managing the wildlife within its boundaries.

Opportunities

How do you think we should manage for wildlife habitat, provide *priority wildlife-dependent public uses, maintain and improve infrastructure, support the staff, and develop partnerships with the community?

I strongly believe the FWS should move towards ultimate management of the Bison Range by the CSKT. The Range, after all is wholly within the Reservation. The bison have always been a major cultural icon for all Native Americans so it is entirely appropriate for the Tribe to be the ultimate stewards of America's mammal.

As noted above I believe that environmental education and interpretation are the highest priority of the public uses. To assist in these efforts the FWS should work with the local communities to foster the creation of a non-profit "Friends of the National Bison Range" organization. In my own experience such an entity can assist the Service in fund-raising, for example, for a new and improved visitor center.

*** priority wildlife-dependent public uses : *hunting, fishing, wildlife observation, photography, environmental education, and interpretation***

Additional comments...

We appreciate you providing any issues, input, and ideas to be considered in planning for the Complex's new Comprehensive Conservation Plans!

Mailing List

If you wish to be on our mailing list to receive more information about the CCPs of the units of the National Bison Range Complex, please provide the information below:

Yes, I wish to be on the mailing list. I understand that names and addresses on federal mailing lists must be released to the public on request, under the Freedom of Information Act.

Name Kent E. Watson

Address 225 Black Pine Trail

City Missoula **State** MT **Zip** 59803

Important: *Please note that the names on the CCP Mailing List become part of the public record for this project. The Service must release the names, if requested, under the provisions of the Freedom of Information Act of 1974. To be placed on our mailing list, we need your permission. Please sign below.*

Signature "Signed" **Date** 9/26/17

Thank you again for your contribution to the U.S. Fish & Wildlife's planning effort. Please fold this letter in half, tape closed, and send via post by September 30, 2017.

Postage Required

MAIL TO:

Bernardo Garza and Toni Griffin, Planning Team Co-Leaders
National Bison Range Complex Comprehensive Conservation Plans

U.S. Fish and Wildlife Service
Branch of Policy and Planning
P.O. Box 25486
Denver, CO 80225-0486

t a p e c l o s e d

Susan Campbell Reneau

Comment Form

Draft Comprehensive Conservation Plan
National Bison Range Complex

RECEIVED JUN 6 2017

1. What are the qualities of the National Bison Range Complex that you value most?

Beauty of the area. Wildlife.

2. What issues would you like to see addressed in the plan, from either a conservation of natural resources or public use point of view?

No discussion of turnover of any federal tasks or positions to any special interest gro and a return to management procedures as other National refuges are handles thru Civil Service Commission.

3. Do you have additional thoughts, suggestions, or comments to share? *(You may attach additional comments to this form.)*

A full staff of federal workers - especially all levels of wildlife biologists - must be hired as it occured prior to 2005 when AFAs started. No CCPs should be done without them. Project leader Jeff King must be the lead when it comes to the writing of any CCP and no federal positions should be held out in anticipation of a possible AFA with the CSKT. An AFA should not be discussed ever again with any special interest group such as the CSKT.

Thank you for taking the time to fill out this comment form. Your comments will be shared with the planning team for the comprehensive conservation plans for the National Bison Range Complex. The team will address these and other comments received during the planning process. Please submit comments by June 19, 2017.

Public comments related to the scoping portion of the planning process can be sent to the following postal or electronic addresses or by fax:

NBR Complex, Planning Branch
U. S. Fish and Wildlife Service
PO Box 25486
Denver, CO 80225-0486

Email: scoping_NBR@fws.gov
Fax: 303/236 4792

will submit to email also

No assignment of inherently federal tasks should be given during the CCP process except to federal employees and all necessary positions must be filled on a permanent basis.

Comment Form

RECEIVED JUN 6 2011

Draft Comprehensive Conservation Plan
National Bison Range Complex

1. What are the qualities of the National Bison Range Complex that you value most?

- ACCESS of public to a WORLD CLASS GAME PARK
- LONG TERM EXPERT MANAGEMENT BY USFWS.
- Bird & wildlife viewing opportunity
- Opportunity to share this with visitors - despite the fact that they are no longer considered endangered, many people have not seen bison up close.

2. What issues would you like to see addressed in the plan, from either a conservation of natural resources or public use point of view?

(1) Noxious weed control by experts.
(2) Maintaining balance of game animals.
(3) Maximize viewing opportunities while preserving the park-like nature of the range.
(4) Consider enhanced viewing & binocular stations at some points.

3. Do you have additional thoughts, suggestions, or comments to share? *(You may attach additional comments to this form.)*

(1) - The NBR is more than most Wildlife Refuges. It is more like a game park. Should it be reclassified and moved to the National Park Service?

(2) Consideration should be given to creating a far more accessible entrance on top of Rovalli Hill & upgrading road to HQ, ↑ viewing areas, all of which would ↑ visitation. Consider public/private partnership to make changes. Create Friends of NBR fundraising group. (See reverse)

Thank you for taking the time to fill out this comment form. Your comments will be shared with the planning team for the comprehensive conservation plans for the National Bison Range Complex. The team will address these and other comments received during the planning process. Please submit comments by June 19, 2017.

Public comments related to the scoping portion of the planning process can be sent to the following postal or electronic addresses or by fax:

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U. S. Fish and Wildlife Service
PO Box 25486
Denver, CO 80225-0486

Email: scoping_NBR@fws.gov
Fax: 303/236 4792

(3) Get cooperation from MT Dept. of Tourism, & CSKT to promote NBR Complex & Mission, & Golf as "Destination Area to visit & do jt Promotion.

(4) Establish venue for CKST Educational Programs.

(5) Develope long term Personnel policy that will maintain FWS expertise in NBR Management.

PHIL BARNEY, PRESIDENT, PROTECT PUBLIC LAND, LLC

OPTIONAL PUBLIC COMMENT FORM

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Please submit your comments by **September 30, 2017**. *[Attach additional comments on a separate sheet of paper if needed.]*

Qualities

What do like the most about the different units that make up the National Bison Range Complex?

THE WILDLIFE,
THE BEATIFUL SETTING.
THE INTACT ECOSYSTEM
THE NATURAL HISTORY STORY
THE ICE AGE FLOOD FEATURES

Topics

What do you think should be addressed in the new conservation plans for the units of the National Bison Range Complex?

1. ACCESS IS A KEY ISSUE AS FEDERAL OWNERSHIP, THIS TRANSFER TO A NON FEDERAL SOVERIGN THE PUBLICS ABILITY TO USE AND ACCESS

Opportunities

How do you think we should manage for wildlife habitat, provide *priority wildlife-dependent public uses, maintain and improve infrastructure, support the staff, and develop partnerships with the community?

THE SITE IS WITHIN THE ICE AGE FLOODS NATIONAL GEOLOGIC TRAIL AND CONTAINS MANY ICE AGE FLOODS FEATURES. WE USE AND INTERPRET THESE FOR SCIENCE AND EDUCATION. THIS IS AN IMPORTANT PARTNERSHIP TO MAINTAIN AND GROW

*** priority wildlife-dependent public uses :** ***hunting, fishing, wildlife observation, photography, environmental education, and interpretation***

Additional comments...

We appreciate you providing any issues, input, and ideas to be considered in planning for the Complex's new Comprehensive Conservation Plans!

Mailing List

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Yes, I wish to be on the mailing list. I understand that names and addresses on federal mailing lists must be released to the public on request, under the Freedom of Information Act.

Name JAMES SHELDEN

Address 1650 HAYES DRIVE

City MISSOULA **State** MT **Zip** 59808

Important: *Please note that the names on the CCP Mailing List become part of the public record for this project. The Service must release the names, if requested, under the provisions of the Freedom of Information Act of 1974. To be placed on our mailing list, we need your permission. Please sign below.*

Signature James K Shelden **Date** 8/30/20

Thank you again for your contribution to the U.S. Fish & Wildlife's planning effort. Please fold this letter in half, tape closed, and send via post by September 30, 2017.

Postage Required

MAIL TO:

Bernardo Garza and Toni Griffin, Planning Team Co-Leaders
National Bison Range Complex Comprehensive Conservation Plans

U.S. Fish and Wildlife Service
Branch of Policy and Planning
P.O. Box 25486
Denver, CO 80225-0486

t a p e c l o s e d

OPTIONAL PUBLIC COMMENT FORM

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Please submit your comments by **September 30, 2017**. *[Attach additional comments on a separate sheet of paper if needed.]*

Qualities

What do like the most about the different units that make up the National Bison Range Complex?

The variety of wildlife viewing opportunities available on the land.

Topics

What do you think should be addressed in the new conservation plans for the units of the National Bison Range Complex?

Every effort should be made to transfer control of the complex to tribal hands. This will take a long time but it must be done.

Opportunities

How do you think we should manage for wildlife habitat, provide *priority wildlife-dependent public uses, maintain and improve infrastructure, support the staff, and develop partnerships with the community?

Prioritize wildlife habitat, staff support, and partnership development.

*** priority wildlife-dependent public uses : *hunting, fishing, wildlife observation, photography, environmental education, and interpretation***

Additional comments...

We appreciate you providing any issues, input, and ideas to be considered in planning for the Complex's new Comprehensive Conservation Plans!

Mailing List

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Yes, I wish to be on the mailing list. I understand that names and addresses on federal mailing lists must be released to the public on request, under the Freedom of Information Act.

Name Jedd Santar-Gorton

Address 1305 Lily Ct.

City Missoula **State** MT **Zip** 59825

Important: *Please note that the names on the CCP Mailing List become part of the public record for this project. The Service must release the names, if requested, under the provisions of the Freedom of Information Act of 1974. To be placed on our mailing list, we need your permission. Please sign below.*

Signature _____ **Date** 8/30/17

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RECEIVED SEP 18 2017

OPTIONAL PUBLIC COMMENT FORM

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Please submit your comments by **September 30, 2017**. *[Attach additional comments on a separate sheet of paper if needed.]*

Qualities

What do like the most about the different units that make up the National Bison Range Complex?

Size: Visitors have opportunity to explore wide-open MT spaces to see bison + other wildlife, flora + ~~spaces~~ fauna.
quality: herd is managed to avoid over-grazing
availability + accessibility: the Range can be readily accessed on a road system + the views from Hwy 93 N afford folks in autos to see bison

Topics

What do you think should be addressed in the new conservation plans for the units of the National Bison Range Complex?

management / agency(s): Should USFWS have exclusive management or should the Flathead Indian tribe be invited to join hands w/ USFWS for management?
Consider:
- are other areas co-managed w/ native groups?
- Could the tribe have active / consistent input?
- Tribe should be invited to give input for decision-making →

Opportunities

How do you think we should manage for wildlife habitat, provide *priority wildlife-dependent public uses, maintain and improve infrastructure, support the staff, and develop partnerships with the community?

All these areas are vital. My limited knowledge of management doesn't allow for informed answer — Partnering w/ community + Tribe in particular will be effective. Continue opportunities for community involvement (use Audubon + other groups to communicate). Infrastructure — advocate for Fed. $. Staff support: adequate training / mentoring / professional development.

* priority wildlife-dependent public uses : ***hunting, fishing, wildlife observation, photography, environmental education, and interpretation***

Additional comments...

We appreciate you providing any issues, input, and ideas to be considered in planning for the Complex's new Comprehensive Conservation Plans!

Thank you! I 'love' to visit the Bison Range + have a long history there. My mom, Gladys Van Shay (1928 - 2015) saw the white baby bison. In her later years we named her "White Buffalo"!

Jack Shay Jr.

continued
A Topics 's Tribe graciously
Thanked Interior Secy Zinke when
decision re: management was
made. Let's give tribe
opportunity for involvement.

Mailing List

If you wish to be on our mailing list to receive more information about the CCPs of the units of the National Bison Range Complex, please provide the information below:

Yes, I wish to be on the mailing list. I understand that names and addresses on federal mailing lists must be released to the public on request, under the Freedom of Information Act.

Name GAIL LINNE

Address 106 Murray Ave

City Whitefish State MT Zip 59937

Important: *Please note that the names on the CCP Mailing List become part of the public record for this project. The Service must release the names, if requested, under the provisions of the Freedom of Information Act of 1974. To be placed on our mailing list, we need your permission. Please sign below.*

Signature G Linne Date 9/14/17

Thank you again for your contribution to the U.S. Fish & Wildlife's planning effort. Please fold this letter in half, tape closed, and send via post by September 30, 2017.

Gail Linne
106 Murray Ave.
Whitefish, MT 59937-3117

Postage Required

MISSOULA MT 59812
13 SEP 2017 PM 1 L

MAIL TO:

Bernardo Garza and Toni Griffin, Planning Team Co-Leaders
National Bison Range Complex Comprehensive Conservation Plans

U.S. Fish and Wildlife Service
Branch of Policy and Planning
P.O. Box 25486
Denver, CO 80225-0486

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OPTIONAL PUBLIC COMMENT FORM

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Please submit your comments by September 30, 2017. *[Attach additional comments on a separate sheet of paper if needed.]*

Qualities

What do like the most about the different units that make up the National Bison Range Complex?

The things I like about the NBRC are the public access. There are wildlife viewing opportunities and facilities and that is wonderful. I like that there are outreach opportunities from NBRC staff and visitor centers and kisoks. I do not totally appreciate the info being administered from the National Bison Range interpretive center in Moise in regards to tribal history, culture, land use, place names or animal names. I like that you hold and manage bison within the Flathead Indian Reservation. Staff seem friendly.

Topics

What do you think should be addressed in the new conservation plans for the units of the National Bison Range Complex?

Coordination with the Confederated Salish and Kootenai Tribes on revamping your visitor center in Moise is really the top issue I have for any new plans for the NBR. Also, adding tribal place names and words to informative kiosks around the range drive. There are so many missed opportunities for collaboration in this regard. I think 2 huge missed opportunities is (1) the Tribes scenic turnout at the top of Ravalli Hill. Work with the Tribes to do informative signs there. Or honestly relocate the entrance to the NBR to US 93. Moise is no longer a train stop and no longer a relevant entrance. (2) The other is the scenic pull out at 9-pipe off US 93. There is a well-used road leading to a dilapidated walking path, nasty outhouse, and recreation area infested with weeds and bees. I know this is co-managed with MTFWP, but work with FWP to fix that place up! That is an amazing opportunity for people to stop and learn and view wildlife. Why ignore that place??

Recruit tribal members to work in technical and support positions at NBR. Make it a priority. Facilitate STEP programs with students from Salish Kootenai College or the University of Montana in all positions (Wildlife, wildland recreation, forestry, land management). The CSKT and potentially Blackfeet history of all refuge areas within the complex (on the Flathead Reservation and off) should be explored and displayed where appropriate. I would suspect the Blackfeet (Pikuni) people may also have some history near Lost Trail.

Opportunities

How do you think we should manage for wildlife habitat, provide *priority wildlife-dependent public uses, maintain and improve infrastructure, support the staff, and develop partnerships with the community?

The Service, State and Tribes should be working together better to manage wildlife on a landscape level, rather than separate as they do currently. The service should take the lead on starting to cultivate a relationship with the three agencies and potentially create a co management committee to address issues of climate change, human settlement increase, overabundance of deer, other hunting opportunities, etc. The three agencies should start working as neighbors rather than unfriendly acquaintances or enemies as a group. All topics listed below, hunting, fishing, wildlife observation, photography, env. education and interpretation all fall under this category. This will take time, healing of bad feelings, mistrust and others but it is worth the effort fall all people living here and visiting here.

* priority wildlife-dependent public uses : *hunting, fishing, wildlife observation, photography, environmental education, and interpretation*

Additional comments...

We appreciate you providing any issues, input, and ideas to be considered in planning for the Complex's new Comprehensive Conservation Plan

Scoping NBR, FW6 <scoping_nbr@fws.gov>

comments for Bison Range Complex CCP scoping

Pat Jamieson <bisonbird@charlo.net> Sat, Sep 30, 2017 at 12:31 PM
To: scoping_NBR@fws.gov, bisonrange@fws.gov, toni_griffin@fws.gov, bernardo_garza@fws.gov

Hello

below are some comments. Please also see attached if that is more convenient.
Thank you

Pat Jamieson
PO Box 136
Dixon Montana, 59831

National Bison Range Complex- CCP Scoping comments.

I would like to start my comments with the plea that current R6 organizational chart for staffing at the National Bison Range Complex would be filled as soon as possible. It would be in the best interest neither of the natural resources nor to the public to wait the 2 to 3 (or more) years it will take before the CCP is complete. If staffing is delayed any longer, then the implementation of any CCP would be delayed while staff is hired and trained, not to mention the time needed to bring resources back to the level they were before the filling of vacancies was frozen. The Complex needs to have its current organization chart filled to capacity acknowledging the restriction due to budget. However, these restriction should be based on budget and not on political concerns. The Complex should be treated with equal weight as other Field Stations in the Region. There is no reason why the Lead Biologist position has been empty for 4 years, not to mention the other empty positions (from 2 ½ to 5 years).

All aspects of the Bison Range Complex should be addressed, including:

1. Bison conservation and genetics:
The Bison Range is critical for this effort since it is the founding herd for a bison meta-population, including the Rocky Mountain Arsenal NWR and Neil Smith NWR.

2. Habitat preservation and conservation:
The Bison Range has one of the largest remaining remnants of intermountain prairie. It also includes extensive wetland habitat with Ninepipe and Pablo NWRs and the Northwest Montana WMD as well as an easement program around Ninepipe NWR.

3. Integrated weed control:
Continue current works to maintain habitat for bison and other wildlife as well as preserving one of the last remaining remnants of the intermountain prairie as well as wetland habitats of the omplex.

4. Public Use:
The National Bison Range is one of the most visited Refuges in the country and is an important place for environmental education, as well as a means to reach people with Service messages and to foster support for the Refuge System. Ninepipe and Pablo NWRs are sorely underused for environmental education.

5. Facilities:
The current Office and Visitor Center at the Bison Range is 36 years old and needs major renovation and/or replacement. At a minimum, it needs extensive work to reach ADA compliance and to hold visitors at peak seasons.

6. Trails and Roads:
Need to inspect, upgrade and replace as needed for safety, staff needs, and public access. The joint wildlife viewing trail for Ninepipe NWR (Tribe, State and Service) needs to be replaced along with extensive weed control.

7. Partnerships:
Maintain current relationships as well as explore new ones to the betterment of the resources, with the caveat that no one entity be preferred to the detriment of the Complex. Provide adequate staff and funding to make this a successful program (with note to a volunteer coordinator).

8. Staffing and Funding:
The Complex needs to have its current organization chart filled to the capacity acknowledging the restriction due to budget. However, it should be based on budget and not on political concerns. The Complex should be treated with equal weight as other Field Stations in the Region. As the CCP is developed, other staffing needs may need to be addressed.

Please note that I would like to be including on the CCP Mailing List. I understand that my name may be release under a FOIA request. You have my permission.

(PS I will be sending a signed hard copy of the permission slip to your office in case this does not suffice for me to get on your mailing list.
As a suggestion, you should inform people of this requirement when you acknowledge any comment submissions since most regions do require this written permission and people may not know of it.)

NBR CCP Scoping comments.Pat Jamieson.docx
16K

P.O. Box 70 · Polson, MT 59860
(406) 883-1346
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lakers@flatheadlakers.org
www.flatheadlakers.org

Flathead Lakers:
Working for clean water, a healthy ecosystem, and lasting quality of life in the Flathead Watershed

National Bison Range Complex Comprehensive Conservation Plans Comments

September 27, 2017

Bernardo Garza and Toni Griffin, Planning Team Co-Leaders
U. S. Fish and Wildlife Service
Branch of Policy and Planning
PO Box 25486
Denver, CO 80225-04865

Please accept the following comments submitted by the Flathead Lakers for the U.S. Fish and Wildlife Service (USFWS) Bison Range Complex Comprehensive Conservation Plan (CCP) development.

The Flathead Lakers is a nonprofit, grassroots organization. Our organization was founded in 1958 and currently has over 1,500 members. We work to protect water quality in Flathead Lake and its watershed through education, advocacy and stewardship projects.

Our beautiful lakes, rivers and streams, and the fish and wildlife that depend on them are part of what makes the Flathead such a special place and are a large part of its identity. The quality of the environment contributes to our quality of life and our economy. In fact, our quality natural environment has become a competitive advantage and a major force driving economic growth in Flathead County.

The Flathead Lakers initiated the collaborative Critical Lands Project in 1999 to address concerns that rapid growth and development would damage lands and waters critical to maintaining the quality of Flathead Lake and its tributaries and the area's quality of life. The Flathead Lakers coordinate the resulting partnership, the Flathead River to Lake Initiative (R2L), which includes representatives from federal, tribal, state, and local resource management agencies, land trusts, conservation groups and landowners. R2L partners have protected close to 6,000 acres of critical lands and waters through conservation easements and land acquisitions, and restored several miles of riparian areas. Protection efforts focus on wetlands, riparian areas, floodplains, and shallow alluvial aquifers essential to maintaining clean water in Flathead Lake and its watershed, and that also provide important waterfowl and wildlife habitat, outstanding scenic vistas, and recreation opportunities. Many of these efforts help protect existing USFWS Complex properties and expand protection of bird and wildlife habitat by conserving adjacent private lands.

The USFWS National Wildlife Refuges and Waterfowl Production Areas have unique qualities worth preserving and maintaining for the local, regional, and national benefits they provide for current and future generations.

Recommendations for conservation plans

Staffing: We recommend that staffing priorities and structure be revisited to ensure proper staffing of all refuges and waterfowl production areas, including those north of Flathead Lake. Staffing needs for the refuges under jurisdiction of the Lost Trail NWR management unit should be addressed and positions filled in a timely manner in order to achieve their missions. Minimum staff positions required to manage and protect these USF&WS properties were not filled despite the availability of funding for the positions. We understand that hiring was put on hold due to management uncertainties for the Bison Range NWR and giving hiring priority to this refuge over the Lost Trail NWR management unit. This created a bottleneck for these important WPAs and NWRs.

Staff positions should be **increased** to manage, monitor, and protect the USFWS Lost Trail manage unit properties to ensure the agency is in accordance with the region's needs and challenges, and to ensure public use is compatible with the Lost Trail NWR management unit goals. Population growth and demand for outdoor recreation opportunities has increased, while growth and development also reduce neighboring habitat on private land. The public benefits of these refuges and waterfowl production areas are significant and require a commensurate level of management, research, and public education. Current staff levels far from sufficient to meet the needs and pressures placed on those properties in northwest Montana.

Conservation and Management Planning: We encourage USFWS to partner with local, state, and tribal natural resource management agencies, conservation organizations, and other groups to identify management needs and develop comprehensive plans for each property that take into account the regional landscape and conservation needs and opportunities to protect the region's unique wildlife, recreational, scenic, and other important values. Working with partners could help identify strategies and solutions that increase efficiency in use of government resources, creatively use local skills and resources, and improve management within the context of the surrounding landscapes.

Monitoring and Research: Monitoring is important to ensure management is responding appropriately to stressors and challenges. The Flathead Lake, Blasdel, and Smith Lake WPA bird and wildlife values are significant and well known. Yet, in the past, USFWS staff indicated a lack of available data. Surveys by American Bird Conservancy staff validated and recorded those values in the Flathead Lake and Smith Lake WPAs. We recommend that research and monitoring be conducted collaboratively to collect needed information and ensure that the public resources are understood and managed to protect the unique values of each area and within a larger landscape context, including wetlands, surface and ground water, fish and wildlife, recreation, and scenic beauty.

Management Within a Larger Landscape Context: CCP goals should consider the refuge and WPAs within the larger landscapes, landscape stressors, and other area conservation programs and plans to assess how USFWS properties complement and strengthen local, regional, and transboundary conservation efforts. The importance and public benefits the Bison Range Complex units and other protected areas provide have increased, not diminished, as the Flathead Valley grows and develops. Scenic areas around wetlands, lakes, and along rivers and streams, such as those near the Flathead Lake, Blasdel, and Smith Lake WPAs are prime areas for

development. Development and recreation in and around these WPAs may pose increasing challenges and may require increased management, public outreach and education, and policing to maintain conservation values, reduce stressors, and find creative management strategies that allow the public to enjoy as well as conserve their values.

Changing weather patterns, including extended summer droughts and increased temperatures, further elevate the significant role the USFWS properties play in preserving the natural values and benefits they provide. The value of the bird and wildlife habitat and water quality and quantity provided by wetlands, shallow groundwater, and associated farmland will only increase. Management solutions may require, for instance, engaging with adjacent agricultural producers to enhance wildlife benefits, partnering with neighboring landowners to provide wildlife viewing opportunities or shoreline access, in addition to increasing policing and invasive species control and management.

Conservation Goals: We recommend that the conservation values and associated management strategies discussed below for various USFWS properties be included in the CCP.

The Flathead Lake and Blasdel WPAs: The north shore of Flathead Lake stuns new visitors and long-time residents alike with its dramatic beauty. The north shore comprises a special combination of beautiful scenery, farm lands, lakeshore, wetlands and riparian habitat. It is a hot spot for waterfowl and other birds and for bird hunting. These natural assets contribute to the area's quality of life and economy, and our hunting and fishing heritage.

The USFWS Waterfowl Production Area on the north shore contains the most significant wetland acreage around Flathead Lake. The WPA and adjacent north shore lands support a high number and diversity of birds. Over 229 bird species have been recorded for the general north shore area. Bird surveys collected by the American Bird Conservancy and Montana Audubon designated the north shore as an Important Bird Area in 2009.

Waterfowl hunting is an important part of the Flathead Valley's outdoor heritage. This area is important both for hunting in the fall and nesting habitat in the spring and summer. Adjacent agricultural areas also provide important habitat and forage areas for waterfowl. Waterfowl travel between the Flathead Lake and Blasdel WPAs and other wetlands, the Flathead River, and farm fields, for feeding and resting. Farm fields often flood in the spring and provide an important food resource to thousands of migratory waterfowl such as tundra and trumpeter swans, Canada geese, northern pintails, mallards, and American widgeon. Spring migratory birds need high quality forage during migration to arrive in nesting areas in good shape for reproduction.

University of Montana researchers describe Flathead Lake as one of the cleanest lakes in populated areas around the world. Clean water is a priceless natural resource that for us all. The Flathead Lake WPA's wetlands and vegetated riparian buffers help protect water quality in Flathead Lake.

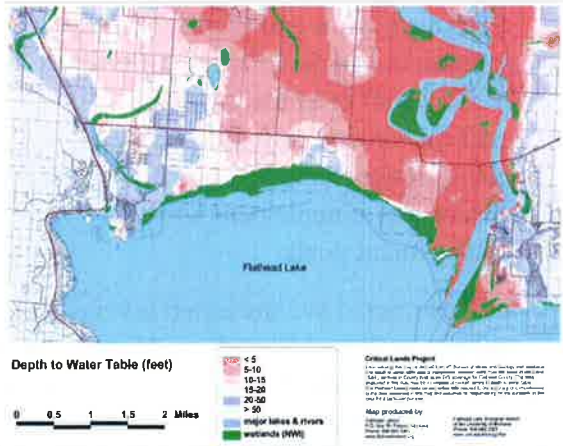

Figure 1. Depth to water table

Groundwater throughout much of the north shore area is less than 20 feet from the surface, and as little as two feet deep (see Figure 1). The high ground water contributes to seasonal spring flooding which provides bird habitat.

Natural beauty is a priceless asset to the Flathead Valley, for the economic benefits provided by the tourism industry and for quality of life. The breathtaking views the Flathead Lake WPA and adjacent lands offer to visitors and local residents is important to the cultural identity of the area. The value the Flathead Lake WPA plays in providing and maintaining iconic scenic beauty should not be underestimated.

Ashley Creek watershed WPAs: The Ashley Creek watershed includes the Smith Lake, Batavia, and Blasdel Waterfowl Production Areas. The Smith Lake WPA is a magnet for birds as well as bird watchers and fishermen. Several species of special concern are found in the drainage, including westslope cutthroat trout, northern leopard frog, bald eagle and common loon. Common loon pairs nest in the Ashley Creek drainage and loons forage in Smith and Foys Lake. The rare northern leopard frog, once common throughout Montana, is found in in Foys Lake, Lower Foys Lake, and the Fire Station pond. Several wetland and riparian areas in this watershed provide significant habitat for regionally significant birds, including Black Terns, red-necked grebes and wood ducks, among others.

Conservation Efforts: R2L partners have been working to protect ecologically significant areas near the USFWS WPAs to provide buffers for the WPAs and expand conservation of critical areas to protect additional habitat and associated resources and to ensure that the WPAs do not become islands in a sea of development. R2L partners have been exploring ideas for a practical conservation strategy for the north shore area and implementing conservation projects that protect its special attributes. In recent years, MT Fish, Wildlife and Parks (MFWP), a key partner, purchased over 400 acres of wetlands and farmlands, which are now the North Shore Wildlife Management Area (WMA). The North Shore WMA borders the Flathead Lake WPA and is managed by MFWP to complement the values and management plan of the Flathead Lake WPA (see Figure 2). MFWP is also working to restore wetlands and improve crop rotation to benefit foraging for birds. MFWP staff consulted with USFWS staff on wetland restoration project plans, designs, and implementation to ensure they complement USFWS management goals.

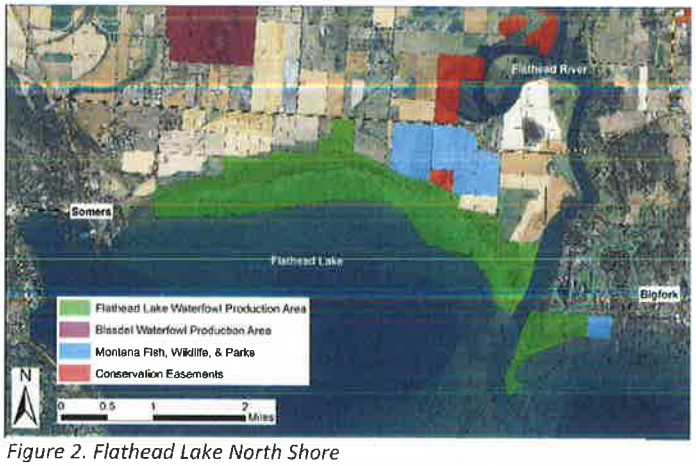

Figure 2. Flathead Lake North Shore

R2L partners have protected several properties near the Blasdel WPA, around Weaver (also known as Wiley) Slough, and bordering the Flathead River and Ashley Creek, which include significant wetland sloughs, riparian areas, and farmland (see Figure 3). These areas provide important habitat continuity for wildlife and open space. The riparian corridor along Ashley Creek, between Weaver Slough and the Fathead River, is in good condition and is widely used

by a variety of wildlife species, including grizzly bears, mountain lions, migratory waterfowl and songbirds. R2L partners are working with landowners on both the river and creek to restore riparian habitat and improve water quality and fish and wildlife habitat.

The wetlands are stop-over and foraging sites for shorebirds and waterfowl, as well as habitat for numerous amphibians, insects, fish, and mammals. They provide alternative stop-over sites when disturbance drives birds and other wildlife out of an area. They are also critical for the uptake and long-term storage of nutrients in the wetland vegetation. They are all within the FEMA floodplain boundaries and likely to provide important floodplain functions for the river.

R2L partners have also protected significant wetland habitat associated with the Smith Lake WPA and Ashley Creek (see Figure 4) through land acquisitions and donated and purchased conservation easements to protect and reduce disturbance on adjacent wetlands and farmland. Over the years, R2L partners transferred two protected areas to USFWS to expand the Smith Lake WPA, for consistent management and efficiency and efficacy of government resources.

The USFWS WPAs in the Flathead Valley are truly deserving of thoughtful consideration to ensure that the environmental quality, natural amenities, and public benefits they provide endure.

Thank you for the opportunity to comment.

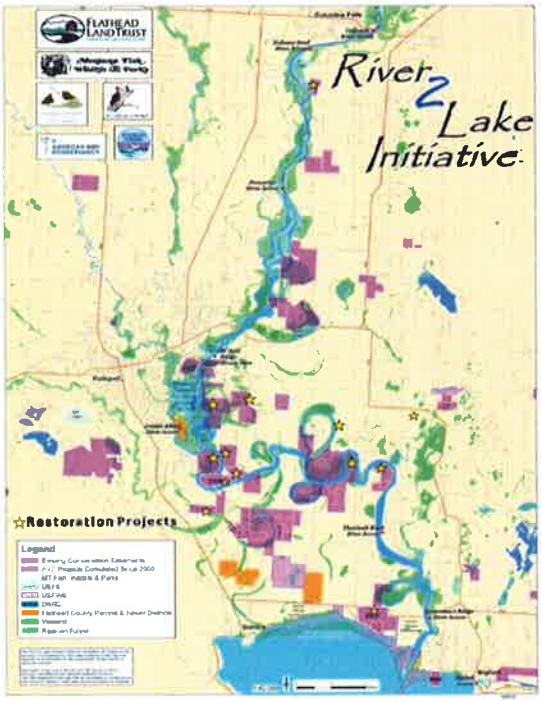

Figure 3. R2L accomplishments

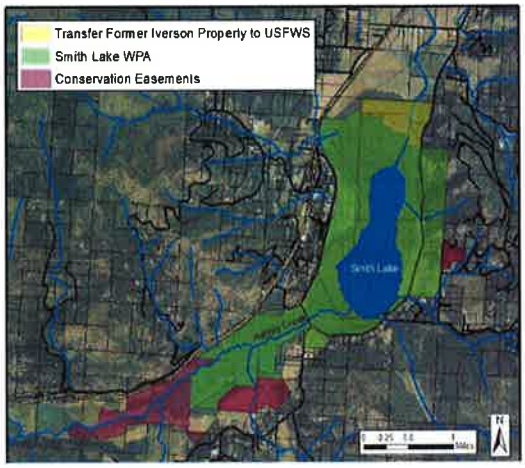

Figure 4. Smith Lake WPA

Constanza von der Pahlen

Constanza von der Pahlen
Critical Lands Program Director
Flathead Lakers

Flathead Audubon Society
PO Box 9173
Kalispell, MT 59904

September 25, 2017

Bernardo Garza
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Dear Mr. Garza and Ms Griffin:

Flathead Audubon Society, a 501 c (3) non-profit organization dedicated to conserving birds, wildlife habitat, and ecosystem diversity is based in Kalispell, MT. Our 400+ members greatly appreciate the extended public comment period for public scoping for the development of the CCPs for the National Bison Range Complex, particularly for Pablo, Ninepipe, and Lost Trail NWRs and the diverse properties within the Northwest Montana Waterfowl Management District in both Lake and Flathead Counties.

Flathead Audubon has been a key supporter of many of your agency's land acquisitions over the last few decades that make up this outstanding portfolio of wildlife habitats. We are also frequent visitors to your public lands through our many annual field trips to the Mission Valley (Ninepipes NWR, various WPS, Bison Range); Lower Valley Flathead (Flathead Lake and Blasdel WPAs) and Smith Valley (Batavia and Smith Lake WPAs). We have also organized annual field trips to Lost Trail NWR and many other places west of Kalispell with stops at McGregor Lake WPA. Additionally, our members and the public at large enjoy hundreds of visitor days hunting and wildlife viewing on all of them.

As you know, these strategically located USFWS properties were purchased using various sources of public funds for the purpose of protecting wildlife and wildlife habitat. Although to you these lands may seem somewhat disconnected and isolated because they are scattered across two large counties, **these lands are becoming increasingly vital to sustaining migratory and resident birds, many species of threatened and endangered plants and animals, and healthy populations of both game and nongame species in light of rapid population growth and development in northwest Montana.**

The quality wetland and grassland habitats that make up much of this part of your refuge system are important not only as stand-alone exemplary valley floor habitats for wildlife that are under intense pressures for development or agriculture; but also, **they are part of a larger mosaic of protected lands**. This mosaic of adjacent or nearby protected lands includes numerous Montana Fish, Wildlife & Parks Wildlife Management Areas (WMAs) such as the Ninepipe WMA complex that surrounds the Ninepipe NWR and the state's North Shore WMA and Osprey View Fish Conservation Area that buffer the Flathead Lake WPA. Many other MFWP protected lands include Foys Bend and Otter Island Fish Conservation Areas along the Flathead River, and over 200,000 acres of state-held landscape scale conservation easements in the Swan, Whitefish, Thompson, and Fisher River Valleys. In addition to state protected lands, many your WPAs are bordered by lands protected by conservation easements held by private land

trusts. Further, on a regional scale, the lands that make up the Northwest Montana Wetland District plus the National Wildlife Refuges lie within counties that are largely protected by the National Forest Service or National Park Service.

The value of your lands will become increasingly important as development threats and climate change continue to pressure ecosystems and as strategic conservation in this region (part of several landscape scale efforts including Yellowstone to Yukon, Crown of the Continent, Great Northern LCC, and other landscape scale Initiatives) move forward. **These lands are critically important to our ongoing high priority local conservation efforts, to our members who visit these places often, and to our future generations who we hope will see greater land protection and habitat improvement over time.**

Below are our more specific suggestions for consideration in developing these important CCPs:

Manage in Context with Local, Regional, International Conservation Efforts. The Bison Range Complex including all associated northwest Montana refuges and WPAs (Complex) lie within the internationally recognized Yellowstone to Yukon (Y2Y) connection corridor and Great Northern Landscape Conservation Cooperative (http://greatnorthernlcc.org). The maintenance and enhancement of your grasslands, wetlands, and migratory bird habitat and movement within the Complex will continue to ensure that migratory and resident birds and other wildlife, plants and ecological processes can continue to function at the geographic and landscape scale. The Y2Y area map, overview, and progress to date can be found here: https://y2y.net/vision/our-progress. **We ask that the individual and collective CCPs consider their place in the context of the surrounding conservation plans and programs and the specific values/contributions that each of these USFWS lands adds to local, regional, and international conservation efforts.**

Consider All Migratory Bird Habitat Needs. Due to invasive species, climate change, and development pressures, migratory bird habitat is decreasing internationally on all lands, including federally-managed lands. The USFWS has clearly emphasized creation and protection of bird breeding habitat because breeding and rearing are obviously important elements to wildlife conservation. **However, seasonal migratory habitat** provides critical resting and feeding areas needed by birds moving to and from those breeding areas and can be equally important. During the development of each CCP, consider what the best or multiple values of your properties may be; these might be other than just bird breeding/rearing habitat. On many properties, the agency may want to emphasize migratory habitat by providing specific types of food plots or gathering/resting areas for large numbers of migratory birds/species. A diversity of habitat or management objectives over the parcel or parcels (rather than just nesting cover, for example) should be evaluated in context of the landscape, future changing conditions, status of bird populations, and public input. Considering multiple habitat objectives may provide more migratory bird or other wildlife benefits, could help buffer impacts of climate change and impacts of invasive species; help migratory birds meet their caloric requirements for breeding and migration in a changing environment; and offers some degree of predictability for migratory species.

From 2010-2014, a cooperative project between Montana Fish, Wildlife & Parks, USFWS staff, and Flathead Audubon was initiated to quantify the size and composition of the spring waterfowl migration through the Flathead and Smith Valleys near Kalispell. Although the results have yet to be published, the data clearly documented tens of thousands of migratory waterfowl, comprised of about 20 different species, moving through these northwest MT valleys following snow-melt. Waterfowl used both public and private lands as a foraging/resting stopover from the end of February through April each year. The public lands and waters provided important resting and foraging habitat for diving species but the adjacent open and often protected farmlands, often temporarily flooded, provided a significant food resource for many upland nesting migratory waterfowl species such as tundra swan, Canada goose, mallard, Northern pintail, gadwall, and American wigeon. These farmlands are being rapidly converted to development and will be lost if efforts are not made to conserve them. Future CCPs in both the Mission and Flathead Valleys should consider the context of the land, the value of the region's agricultural lands to migratory birds as well as their value in buffering development on

USFWS lands and work cooperatively with adjoining landowners, local land trusts, and agencies to preserve and enhance agricultural soils and farmlands. Additionally, periodic managing of retired federal agricultural lands (through plowing, creating food plots, and diversifying species) that make up most of the WPAs in northwest Montana can address negative impacts of invasive species (e.g. reed canary grass) and noxious weeds, provide secure foraging opportunities should adjacent lands be converted to development. Finally, both Flathead Lake WPA and Ninepipe NWR are bordered by MFWP Wildlife Management Areas. Clearly developing complementary management plans and potentially sharing/coordinating in land management activities and costs such as weed control and fences, makes sense.

Climate Change. In the CCP, propose to manage with climate change in mind so that there is a degree of flexibility. Consider adding land to the federal system, cooperation with adjoining landowners, and other activities to extend the area of influence over a larger landscape. Large scale connections of native/non-native prairie and wetland habitats are essential to providing safe movement for animals, plants and processes responding over larger landscapes in response to changing climate regimes. We can't always anticipate how and where changing temperatures and weather patterns will occur, but by providing some undeveloped natural habitat that allows animals and processes to move across habitat can be essential to their resiliency and sustainability in unpredictable change. Consider future passage for native amphibians and reptiles where they occur, since roads can be a significant barrier to them.

Boundaries/Expand. Consider the influence of all the above factors that affect land ownership and management and the optimum size and configuration of each parcel in the Bison Range Complex that is needed to meet your objectives and wildlife needs. We recognize federal budget limitations, but overall goals and objectives should be primarily based on science and wildlife needs (in all contexts), rather than current budgets. What is the ideal area of Lost Trail NWR if you want to protect the complex restored wetland and grassland ecosystems as well as habitat connectivity between mountain ecosystems and Northern Continental Divide and Cabinet-Yaak Ecosystems? Should not the Smith Lake or Flathead Lake WPAs take in more buffer lands to insure habitat values and water quality are protected? Lands are currently for sale adjacent to your Smith Lake WPA. Weyerhaeuser has been trying to market timberlands around Lost Trail NWR to developers for many years. The USFWS needs to be ready before these lands actually begin to sell. **Each CCP needs to identify needs, locations, and opportunities to expand its boundaries**. Current bureaucratic limitations that may currently exist, may need to be changed. Through working with partners and creative fund-raising, additional parcels can be incorporated into the federal system or at least be protected.

Fire. Work with neighbors to establish/re-establish a more historical fire regime, by planning and implementing controlled burns or other limited vegetation management to encourage the habitat conditions that were in synch with historic fire regimes. Ideally, schedule burning to the season of the year when fire would normally occur (late summer/fall), not spring when essential breeding and feeding are occurring. If treatments must occur during sensitive periods, keep the acreage small, try to provide untreated pockets within the treatment area to allow refugia for wildlife affected by the treatment, and make edges irregular to the extent possible. (Volunteers and cooperative agreements with local fire agencies working together during these treatments can help reduce impacts).

Invasive Species. The threat of invasive species will only increase in a global economy, climate change, and continued land uses/disturbances on adjacent lands. These species threaten natural ecological processes and should be prevented first and then controlled or managed consistent with best management practices and minimal impacts to native plants and animals. Control the invasive species that have the greatest impact on native species, such as those that change the ecosystem to preclude recovery (especially important in fire-responsive species such as cheat grass. Due to historic introductions, other invasive species such as reed canary grass and Garrison creeping foxtail are prevalent or dominant on many northwest Montana wetland WPAs. The CCPs need to identify these species, their extent and distribution, their impacts or values to the land and wildlife species, and the agency's proposed management strategies to reduce or minimize detrimental impacts of

these species to the ecosystem and wildlife. Example of a management tool might be grass banking; sharing limited grazing or haying of non-native stands in exchange for cover/forage on adjoining properties.

Noxious Weeds. The CCPs must address an increasing need to identify, manage, and reduce noxious weeds on all federal properties. Each CCP should have a solid integrated noxious weed plan (and include funding) that is developed in conjunction with adjoining landowners and other interested parties. These plans could include cooperative agreements with adjoining landowners/farmers and/or state and private partners to patrol and address specific serious weed problems inside federal lands and also along borders. A key example of working in partnership with others for a common goal was demonstrated for purple loosestrife in the Mission Valley. Partnerships with Lake County, Confederated Salish and Kootenai Tribes, and many conservation organizations/volunteers were very successful in limiting the spread of purple loosestrife throughout Mission Valley wetlands.

Wise use of targeted pesticides by properly-trained personnel at the proper time of the year can be extremely effective, vs hand treatments, pulling roots etc. Educate the public on the benefits of these herbicides and the many ways their use can be constrained to avoid adverse effects to wildlife and natural systems. The trade-offs of "protection" vs permanent loss of habitat to invasive should be evaluated, and short-term impacts of the pesticides may be prudent in some cases, even if there are adverse effects when compared to not using pesticides and allowing invasive species to become permanently established and the native habitat lost for the long term. Once some invasives become established, the ecosystem is permanently altered, and restoration may not be possible.

Staffing. Ensure proper staffing to allow professional level management of the land, ensure compliance with regulations, provide oversight and coordination with scientific studies, and conduct positive outreach with the public. Consider implementing broad-scale cooperative management agreements with neighboring landowners to help meet mutually beneficial goals (weed control, wildlife fences, access, fire, etc.). Increase staffing to closer to historical levels so that the CCPs can be properly implemented.

Public Outreach. Federal public outreach is a paramount need for the Bison Range Complex to ensure success and long-term survival of this program and its lands. For example, most of the public has no idea who manages the Flathead County WPAs (is it the Creston Fish Hatchery or MFWP?) and who to contact. Few members of the public understand the history or ecological roles of these lands nor recognize current funding and budget limitations. As part of the CCP process, bring a cross-section of the community out to these lands for learning, appreciation, understanding, wildlife observations, photography, etc. and to develop and implement useful projects. The Outreach Program should be designed to increase local support for the lands, volunteer base, and ideas for future improvements such as walkways, bird observation towers or blinds, species lists, etc. Encourage a discussion and activities that help protect and restore habitat. Celebrate 10-year anniversaries with field trips and events. Encourage school programs that emphasize wildlife species and the local importance to wildlife, hunting, open space. Send out newsletters, use social media to share what it is you have. The long-term benefits of public outreach to your agency will pay back in major dividends when you need help with specific projects or threats like fire, invasive species, droughts, storms, land sales, development proposals etc.

Education/Research. Through staff resources or perhaps volunteer coordinator or intern, develop an educational and research program unique to each area. This program should be designed for the next generation of managers and biologists. Staff can tap into the Flathead and Mission Valley's exemplary science programs at high schools, Flathead Valley Community College, and Salish and Kootenai College. Create/publicize rules that restrict wildlife collection for recreational or scientific study. Reach out for educational and research ideas during the CCP process.

Recreation/Hunting. Each of your lands has unique and often highly desired public recreational opportunities based on its distance from population centers, type of hunting or other recreational

opportunities that exist there, and adjacent land issues. Developing Public Access plans will never meet everyone's needs; but, we think that allowing people to observe wildlife safely (not just along public roads), by accessing (foot or vehicle) small portions of primarily closed areas or seeing historic places (Blasdel barn, Lost Trail's buildings) gives them more ownership and appreciation of the land and its history. This can be done by creating strategically located self-guided trails, boardwalks, viewing towers, field trips, classes, etc. Partners and foundations are often willing to fund these kinds of projects.

Montana wildlife viewers are also highly supportive of hunting. Explore new wildlife watching and hunting opportunities for each property that will still maintain critical habitats and wildlife protections (e.g. closures) but allows for some other uses. For example, trespass at the Flathead Lake WPA is significant during the spring as the lake level drop over winter creates about a mile-wide beach that becomes irresistible to the public by late April or May. Some of this area is used by resting Canada geese and other waterfowl as well as eagles and gulls all winter and into spring; but as migratory bird numbers naturally decrease, perhaps one or more beaches could be opened up to walking below the high water mark while other areas remain closed. This might help relieve public pressure but also give folks the opportunity to see birds from certain sites (observation platforms) as well as Flathead Lake's incredible 6 mile protected shoreline. Consider what adjacent public land managers' access rules are and consider how to mesh them.

Water Rights. If applicable, establish a means to ensure each property has water rights in perpetuity, even if the laws need to be revisited to provide water rights for wildlife, fish and natural processes.

Infrastructure. Ensure that all roads, fences, power lines, power poles, wind and solar generators, wildlife/plant/natural barriers, and traffic speeds are wildlife friendly or that there is adequate means for wildlife to avoid collisions with traffic and other physical barriers. Ensure that pipes, vents, and other structures are screened or capped to prevent entrapment of cavity seeking birds and animals.

Lighting and Noise. Control any lights under federal control in the area by: a) not using lights; or b) if using lights, use minimum lumens, buffer the lights to the sky and point the lights away from any wetlands or riparian areas whenever possible. Reduce noise or use vegetation and other means to reduce influence of noise to the Complex lands to the extent possible. Contact the FAA to ensure no low-level flights will regularly occur over the lands in the Complex, at least during sensitive periods of the year. Restrict amplified noise in campgrounds and recreational areas.

We thank you for the opportunity to comment and we look forward to working with regional and local planning staff as you begin to put your plans together.

Sincerely,

Kay Mitchell, President
Flathead Audubon Society
P.O. Box 9173
Kalispell, MT 59904
406-756-8130

September 20, 2017

RECEIVED SEP 2 7 2017

Re: Public Comment Request.

I am responding to your open invitation to receive comments from the public on your Conservation Plan.

The following comments address the bison range in particular. I do visit Lost Trail and the Ninepipes as I am accessing the bison range.

I have been a visitor to the National Bison Range for several years now. Over that time I have seen progress and decline of the facilities. I visit the range at least monthly, and in the Spring and Fall, I can be seen there about weekly. Let me start with the positives.

The road condition is usually in good shape for travel. I especially appreciate the dust abatement that is practiced there. The staff at the visitors are generally polite, courteous, and informative. Some are better at describing the function and rules of the range.

I am fully aware that bring a federal organization, you have budget restrictions and those restrictions impact what you are able to accomplish.

First my biggest complaint is the lack of personnel to patrol the range and enforce the rules. I am a stickler for rules and compliance. Too often have I witnessed people leaving the road and approaching wildlife putting them and the wildlife in jeopardy. This past Monday, I witnessed two occasions where photographers were way out of bounds trying to get close-ups of the big bull and his herd of cows. They were clearly too close to the elk, and as a result they influenced the behavior of the elk. The elk retreated into the trees thus removing the opportunity for others to see them. I called and reported it and met with Brian to discuss the infractions. I posted the image I took on your Facebook page.

Many photographers and those who call themselves photographers have the attitude that they will do anything to "get the shot" and that rules don't apply to them. With only two rangers I was told you have, it is impossible to patrol the spread out land under your control. I would love to see more enforcement especially at the bison range since it is the one segment of the complex that has the highest visitation especially on weekends and during the rut season.

Adding additional enforcement would certainly help. If that is not possible, then perhaps having the enforcers present at the bison range during those times.

The personnel at the visitor center could explain the rules about staying in or close to the visitor's cars. A single sheet handout on colored paper given to each party could help too. I know from experience that inserting the warning in the newspaper handed out at Yellowstone gets lost. People don't read the newspaper after leaving the entry point until later that day or night. They are too eager to see the animals.

Another suggestion would be to close the fishing access along Mission Creek during the rut. It appears that the recent interlopers parked at the fishing access gate near the horse pasture and hiked a great distance from there to be near the elk herd. When I photographed them, they had cameras and no fishing gear and were a considerable distance from the creek. This would not inhibit fishermen to access the creek in other areas.

Perhaps you could place low, but clearly visible, signs along the road paralleling Mission Creek. There are a few places that especially attract people who venture out onto the grounds between the road and the creek. Signs here to remind interlopers could be used to deter the offenders, And reinforce the action taken by the enforcement person when the offender claims he/she did not know they were in violation of the rules.

With a tight budget, I would be willing to pay for those signs out of my money in order to level the playing field for all those you use the range. Please take this offer seriously and consider it in your planning.

Regarding the opportunities for management, I can't make any recommendations since you respond well to the overall care and safety of the animals. Several of us have asked about coyote control, but extermination would not be an option. I enjoy photographing coyotes and would not like to seem them gone from the facility. But I do know that the population of newborn pronghorns and whitetail deer is greatly impacted by there presence.

I was disappointed to learn how devastating the pneumonia virus was on the Bighorn sheep population. Hopefully the existing heard will have some immunity to future infections- that is if the virus doesn't mutate!

Is it possible to offer photography tours led by an employee there that would open other areas of the range? This could offer another income stream to the range.

Currently I am retired and can offer my services occasionally as a volunteer to help with the interpretive program. I taught freshman biology at the University of North Carolina- Wilmington and at Shaw University for several years. Although a lab rat type of biologist, I can brush up on wildlife biology and perhaps be of some service.

I appreciate you taking your time to evaluate my input. I wish for the complex all the success in your evaluation and planning for the future.

Respectfully,

Everett Davis

Everett Davis

Kalispell, MT 59901
406-257-2278

bisonbird <bisonbird@blackfoot.net> Jun 19
to me

Notice of Intent to Prepare a Comprehensive Conservation Plan for the National Bison Range, Moiese, Montana

Comments From: Pat Jamieson, PO Box 136, Dixon, MT 59831
406-246-0009, email: bisonbird@blackfoot.net
(USFWS, retired - Outdoor Recreation Planner, National Bison Range)

I want to thank you for this opportunity to send in comments on the intent to prepare a Comprehensive Conservation Plan (CCP) for the National Bison Range. For over 100 years, this historic refuge has fulfilled its mission and goal of preserving the American bison for all US citizens. Developing a CCP is an excellent way to insure the best ways on how to continue this mission for the future. Please note – I wrote HOW to continue, no WHO. A CCP should outline the HOW, using and providing up-to-date information, ideas and tools to produce a document that can best provide guidelines and direction, which in turn will provide ways to work with and recuit the best partners to reach the goals.

I remind you that the Refuge belongs to all citizens and I am quite concerned about the singling out of the Confederated Salish and Kootenai Tribes (CSKT) to be a "cooperating agency" in this process. There are many qualified and involved parties who should also be mentioned along with the CSKT, including many of the Refuge's past partners, such as the Montana Department of Fish, Wildlife and Parks, Duck Unlimited, Pheasant Forever, local neighbors and businesses, volunteers, public schools and universities and so many more. This CCP should not be approached with blinders – it should be open to selection of the best partners for the Fish and Wildlife Service to work with to do its very best for this public resource. This includes providing adequate funding to continue the Refuge's mission during the years it will take to compose, complete and implement this CCP.

During the last 5 years, the National Bison Range has been stripped of essential personnel and base budgets while it was "on hold" during discussions of negotiation an Annual Funding Agreement, producing an Environmental Assessment and even a Federal Register notice of intent to transfer the Range out of the Refuge System altogether. This means that experienced and professional personnel are sadly limited for the production of this CCP. I nominate that Laura King, R6 Planning, be deeply involved as she has worked at the Refuge for many years and knows its workings and history very well. I myself would be willing to lend my 20+ years of experience in Public Use and Environmental Education at the Bison Range to assist with producing the best CCP for the Refuge. In this vain, I suggest, that you pull the files from the original Bison Range Complex CCP process back in 1998. It has many fine comments from staff, partners, and neighbors. And since the process was actually started for the Bison Range (and put on hold while a CCP was produced for the brand new Lost Trail NWR), there are also files that have initial starts for the Range's CCP and EA (at least I know the ones for Public Use are still around since I was the one who wrote them and know they are still in the computer I used prior to retirement).

I would also respectfully, and firmly, suggest you look back in the FWS records and pull comments from those sent in for these proposals. Many motivated citizens spend much time and effort in providing insightful thoughts and I hope they will not lost. I am attaching mine along with this so I do not have to repeat myself here. I sincerely hope that they will not be discarded again, as was the case the AFA EA that was never finalized after comments were received.

Again, my three main points for the CCP process for the National Bison Range is to 1) work on HOW the refuge should be best managed, not by WHOM (that will work out once goals and objectives are developed); 2) recruit personnel with experience at the Bison Range and with the Fish and Wildlife Service to produce the best document possible; and 3) provide funding and personnel to the Refuge to allow it to continue its mission during this long process.

Thank you.

Attachments:
Comments congress.7.15.16
AFA -EA comments.PatJ.9.18.14

Dear US Fish and Wildlife Service

I want to thank you for the opportunity to take part in public comments on the Environmental Assessment on the proposed Annual Funding Agreement at the National Bison Range. I would appreciate it if my comments and insights are taken into consideration when choosing an alternative which will be in the best interest of the Refuge lands and their resources.

I would emphasize that any alternative should be evaluated with what is in the best interest of the refuge lands and their natural resources, as in keeping with the Mission of the Refuge System "to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of current and future generations of Americans." (see page 22 of EA). As a formal (newly retired) Refuge System employee, I am deeply committed to this Mission and feel it should be the priority when considering <u>any</u> partnership and agreement that impacts refuge resources, especially in light of the special resources and historical significance of the National Bison Range and the other units considered in this EA.

The document states in several places that an AFA is the only way the Confederated Salish and Kootenai Tribes can realize self-governance in an agreement with the Service – however, please note that the Service's mission is to natural resources and refuge lands, not to realizing the goals of others, even of important partners and neighbors. We can enter into a variety of partnerships with the CSKT without using AFAs. Many of these types of agreements can be entered into without the need for the long time frames which the past AFAs have involved. And there would be less controversy, allowing for activities and programs to get done. The Tribes unwillingness to enter into these other types of partnerships should not force the Service to enter into any agreement that is not in the best interest of refuges and resources. I do not wish to be cruel, but any individual who works for the Refuge System and the Service and who doesn't consider the best interests of natural resources and refuge lands to be their top priority should probably rethink their career path. By blindly following this AFA path, because of the "needs of the CSKT", shows me where people's priorities truly lie.

I would like to state that my biggest concern over the proposed AFA has been to the lack of support, staffing, and future planning done at the National Bison Range and the other units affected, particularly over the last 4 years while the EA has been composed (and even further back while the Refuge went into and out of previous AFAs). I find it to be totally unacceptable. Projects and staffing should not have been put "on hold" because the Service was unsure if/when an AFA would be in place. Comprehensive Conservation Plans for the various units have not been written and there is currently no time line in place to ensure they will be done quickly. If one assumes (per the Mission Statement) that the natural resources and refuge lands are the priority, the CCPs should had priority over the time, effort, and budget spent on writing this EA. And yet, this was considered to be outside the scope of the plan and was not evaluated. How can something so integral to the managing in the best interest of the resources and of the refuge units not be part of the scope?

In this vane, why was there no mention of the delay in developing a national policy for implementing AFAs within Interior programs? Not only is this integral to developing consistent

and quality AFAs, it would make development and implementation go more smoothly if guidelines were in place. This is another item that should be within the scope of the plan and analyzed.

The units involved in the development of this AFA have been in limbo long enough – 4 years since the last AFA and over 15 years spent developing, negotiating, going into and out of AFAs. A case in point – the No Action Alternative (Alternative A) has a staffing chart that is not the actual staffing on the ground. Permanent positions have not been filled or have been filled with temporary staff. If this chart is the optimum (based on a realistic budget) needed to run the units in the best interest of the resources, why has it not been filled sometime in the last four years while work on the EA and AFA was being done? It looks to me as if this chart was set up so it would be in place for the AFA alone, not for the good of the resources – completely against the vision of the Refuge System mission. It would go a long way to reassuring me that Service personnel are working in the best interest of Refuges and their resources if this staffing chart was filled immediately.

Also, I see a continued use of the term "manage" found throughout the EA and AFA documents when discussing the CSKT role in the National Bison Range. On page 24, Self-Governance Act (Chapter 3.6, subsection (2)) states "...plan, conduct, consolidate, and administer." Manage is not mentioned even in the self-governance language so why do you use it in this document? It would seem to negate the legality of this agreement. Please replace it throughout the document with that of the act's language.

On Page 30, there is no mention the consequences of having to end the 2008 AFA one full year prior to its scheduled end. This included loss of numerous staff, some positions which have still not been filled (the Refuge is not at the No Action organizational chart level and has not been for the 4 years since cancellation). This is a major consequence of dealing with AFAs – what to do if there are not sufficient Service staffing available when Tribal staff goes and how to fill in behind if politics dictate the Service "hold" positions for the eventual (maybe) return of an AFA. Will there be a guarantee to refill positions ASAP (within budget constraints) in this eventuality – for the good of the resources?

At this point in time, I would recommend the No Action Alternative (Action A) because there are too many eventualities that need to be considered before entering into another AFA. You need to analyze an alternative that includes:

1. considering all consequences with the best interests of the natural resources and refuge lands as a priority. While promoting self-determination goals of tribes is a good goal, it is not the Mission of the Refuge System;
2. finding ways to truly partner with the Confederated Salish and Kootenai Tribes with the best interests of the resources in mind. Other types of partnerships may be more cost efficient, be easier/faster to get into, allow for better working relationships;
3. find ways to guarantee that the refuge units will not be left in limbo if/when AFAs are cancelled or no longer continued so as keep on managing the natural resources in the best way possible, such as fully staffing the organizational chart;
4. find ways to allow all personnel – Service, Tribal, volunteers, contractors, etc – to work together as true partners. If we are true partners and are all working for the best of the resources, why are IPAs part of the picture? Dedicated Service personnel, who truly work for the mission, should not have to choose another entity to supervise them if they

wish to stay at this refuge unit. That is a gross misuse, and abuse, of Service employees;

5. if the Service is to have a "presence" to the public who visit the National Bison Range, there needs to be a way to have both Service and Tribal employees in the Visitor Center. Refuge identity is critical. Visitors and the public need to know that this Refuge is part of the US Fish and Wildlife Service. How can having all CSKT staff in the Visitor Center convey this message? How does it convey the sense of partnership when the public doesn't see us working together? Visitor Services is the FACE of the SERVICE. It is what the public sees. This is how we identify and promote the mission of the Service. The Service has a bad-enough identity problem without having no "face of the Service" present to those who visit this flagship Refuge. Getting support of the public for the preservation and conservation of natural resources is a prime reason for public contact – make sure the public knows that it is a Refuge unit.

Here are some other very important aspects were not covered in the analysis of consequences –

1. the impact of being in "limbo" for the last four years and the impacts on resources due to lack of personnel. The Organizational Chart is not real – this does not reflect what is on the ground at the moment. I strongly feel the Service should fill this chart **NOW**, prior to choosing an alternative from this EA and prior to any future AFAs. If the Service feels that the current staffing level is adequate for the protection and conservation of the resources and refuge lands, then that is what should be reflected when negotiating any AFAs. It should not stand for what the units would receive if the Service entered into an AFA with the Tribes. It should stand for what is best for the resources now (remember the Mission);
2. the fact that the units do not as yet have, nor have started, their CCPs, which are crucial for managing resources in the best way possible. Do not use the excuse that we are waiting for an AFA before we start the CCP process – if the Tribes want to be involved, they can be without an AFA in place (we involve other entities without entering into AFAs).
3. developing an Interior-wide policy for developing and implementing AFAs. We need to be better prepared to develop better, more meaningful, cost effective and, for the Service, resource protection/conservation agreements;

Thank you again for the time to look over my comments. I again remind you that the Mission of the Refuge System is for the conservation and management of natural resources and lands. It may not be politically prudent at this time, but I urge you to be good Refuge employees and do what is best for the resources.

Pat Jamieson
PO Box 136
Dixon, MT 59831
bisonbird@charlo.net

Pat Jamieson
PO Box 136
Dixon, MT 59831

July 15, 2016 to Senators Daines and Tester, Representative Zinke
July 26, 2016 to Governor Steve Bullock

Dear ----------:

I would like to take some moments of your time to talk about a topic that is very dear to my heart and which is now causing me some fear and trepidation. I refer to the proposal by the USFWS to support legislation that would remove the lands comprising the National Bison Range in Montana from the National Wildlife Refuge System (U.S. Fish and Wildlife Service) and transferred to be held in trust by the United States for the benefit of the Confederated Salish and Kootenai Tribes (Tribes). To this ends, the Tribes have written draft legislation and have opened it to public comment prior to soliciting sponsors. I would strongly urge you to NOT to support this legislation. **What is most important to me about the National Bison Range is that it stays a National Wildlife Refuge, building on its 100+ years of conservation history.**

I have two strong reasons for this: 1) the 100+ year history of the National Bison Range as part of the National Wildlife Refuge System and the credit and honored owed to its past and present dedicated employees and volunteers; and 2) the fact that the Tribes have the resources and expertise to develop their own bison herd and such an effort would provide benefits beyond that which would fall to the Tribes. Support and reasoning for this is as follows:

1). The National Bison Range would not be the special place it is today if President Theodore Roosevelt had not designated it a National Wildlife Refuge in 1908 nor if private citizens had not made the effort to raise funds to purchase bison to donate to the Government. This achievement needs to be acknowledged and recognized, particularly by the Confederated Salish and Kootenai Tribes. I cannot speculate if bison would still be part of the valley if the Flathead Indian Reservation had not been opened to homesteading. But the Reservation **WAS** opened with lands allotted to Tribal members and other lands opened to homesteaders. I can reasonably speculate, based on land uses since that time, that if the lands of the National Bison Range had not been designated a National Wildlife Refuge prior to opening of homestead claims, it would look similar to the other lands nearby (such as the Moiese Hills and Round Butte) much of which are held in private hands and used for ranching, farming, and homes. The lands of the National Bison Range would **not** be a large piece of intermountain prairie with an abundance of native plants, birds and mammals associated with it. It would **not** have become a home to a conservationally-important bison herd. The National Bison Range is special **because** it is a National Wildlife Refuge – otherwise it would have no more or less special import to anyone than other lands of the Flathead Indian Reservation.

Dedicated staff, volunteers and citizens have endeavored over 100 years to preserve the Range for its initial purpose of being a place for bison to recover from its brush with extinction.

Some of this important history starts earlier with the initial introduction of some bison to the Flathead Indian Reservation in the mid-1800s which were then incorporated into one of the largest private bison herds at the time owned and managed by Michel Pablo and Charles Allard. When Charles Allard died in 1896, his heirs sold his half of the famous Pablo/Allard herd, some going to Charles Conrad of Kalispell to be part of his bison herd. When the Flathead Indian Reservation was opened to homesteading and Pablo had to sell his herd of bison, he ended up selling to Canada as the U.S. Government declined to purchase the bison. The American Bison Association (ABA), crucial to raising private funds to purchase bison for the newly established National Bison Range, was not started early enough to purchase any of the Pablo bison, a situation they regretted (see their first, second and third annual reports – available at the University of Montana Library Archives). However, they were pleased to be able to work with Conrad to purchase animals from the Allard line. (As a side note: just this spring, the Blackfeet Nation worked with Canada to purchase back bison of the Pablo line to start a "wild" herd on their reservation, thus completing the circle since some of the Pablo/Allard herd came from eastern Montana). The ABA held a national campaign to solicit funds which allowed the ABA to purchase bison and donated them to the government for the U.S. people.

The herd at the National Bison Range is one important part of the Department of Interior (DOI) bison conservation program. I quote from the DOI Bison Report: Looking Forward (Natural Resources Report NPS/NRSS/BRMD/NRR-2014/821), page 1, paragraph 3, sentence 1 - "Looking ahead, we must first recognize that existing DOI bison resources are crucial to the long-term conservation of the species, and the Department has an obligation to maintain the conservation status and value of the approximately 10,000 bison supported on 4.6 million acres of DOI and adjacent lands." So, while bison are no longer critically endangered, every DOI herd is **crucial** to the continued conservation of the public herds – we should not be contemplating taking any of them out of the program.

Many employees, volunteers and partners have worked tirelessly over the past century to manage the Range as a public trust to all American. I myself worked over 20 years as a USFWS employee and put all my heart into being the best public servant I could be. I am saddened to think that if the National Bison Range is transferred to the Tribes, I and many other U.S. citizens might not be hired for a job based on experience, education or merit as the Tribes have a priority hiring practice. (The hiring policy of the Confederated Salish Kootenai Tribes provides for hiring, in order of preference: 1) CSKT tribal members, 2) CSKT tribal spouses, 3) other Native Americans, and 4) others that don't fall into these categories. While quite legal for the Tribes to practice, it is a policy that the Federal EEO hiring does not allow.) I am also heart-sick that the USFWS would think of transferring one of the crown jewels of the Refuge System, one with such a long history and successful management and which brings great pride and credit to the NWRS, USFWS, and the DOI, to another entity.

2). To keep the National Bison Range in the National Wildlife Refuge System family I would like to suggest a better way to provide for the benefit of the Tribes.

I think the Confederated Salish and Kootenai Tribes (Tribes) could/should be pursuing an effort to establish a bison herd of their own without the controversy of trying to transfer a National

Wildlife Refuge to the Tribes. As stated in Section 3(a)(12) of the draft proposed legislation, "the Tribes have extensive experience in wildlife and natural resources management", listing a number of examples, including special management areas for other large animals (such as elk and bighorn sheep). With the ability to obtain bison from Department of Interior (DOI) herds (including, but not limited to, the National Bison Range) as well as assistance, training, expertise, and, I suspect, funding, the Tribes could start this process easily and quickly. Plus, the DOI would benefit because there would now be an added bison herd that could be considered as genetic stock to supplement their conservation efforts (see the DOI Bison Report: Looking Forward of June 2014). And it would be a particular benefit to the National Bison Range as a close partnership with the Tribes could allow sharing of staff, equipment, expertise and training. Partnerships already exist between the Tribes and the USFWS, an example being the Range's annual bison Roundup where Tribal staff and volunteers working alongside Refuge staff and volunteers. This partnership could easily work the other way, with Bison Range staff helping out with a Tribal herd. I would sincerely support and encourage such an effort on part of the Confederated Salish and Kootenai Tribes and on part of my Montana delegation. How great would it be for the Tribes to pursue such an endeavor, to have complete control over their own Tribal bison herd and start their own proud history of maintaining a bison herd?

Please seriously consider my impassioned plea to keep the National Bison Range as a proud part of the National Wildlife Refuge System and to encourage/support Tribal efforts to establish their own herd.

Thank you so much.

Sincerely,
Pat Jamieson
bisonbird@charlo.net

P.S. If you are interested in my comments to the draft National Bison Range Restoration Legislation, please feel free to contact me. Comments are also being posted on the Tribal website, BisonRangeWorkingGroup.org

Susan Reneau <bluemountain@montana.com> Jun 21
to me, toni_griffin, kelly_hogan, Russell, charles_robison, Matt, Noreen, Cynthia, bernie

Dear Secretary of Interior Ryan Zinke and the U.S. Fish and Wildlife Service:

Your official newsletter given to me at the June 6 and 7 meetings in Polson and Kalispell lists the scoping email for filing comments for the CCP process at the National Bison Range as scoping_pablo_ninepipes@fws.gov, but that email bounces and I discovered that to file comments to you I need to send comments toscoping_nbr@fws.gov. Thankfully, I also filed my comments to the regional staff that attended the meetings and to other FWS staff I know but it disturbs me that your official newsletter published a non-functional email for contacting anyone related to the CCP process. This further illustrates my frustration that local control of the CCP process is the best way to organize the information, not from a regional process, as was the order of Mr. Ryan Zinke. The regional leaders in the Denver office of the FWS need to follow the instructions of Mr. Ryan Zinke. They also need to use the experienced CCP planner, Laura King, who is stationed at the National Bison Range and would cost the taxpayers much less than to have people from Denver traveling back and forth to the National Bison Range for CCP meetings, especially since they are unfamiliar with the National Bison Range.

I attended two meetings on June 6 and 7 in Polson and Kalispell by traveling in excess of 250 miles to start the scoping process for the comprehensive conservation plans (CCPs) at the National Bison Range Complex that has never been done since the 1997 National Wildlife Refuge System Improvement Act was passed by Congress requiring CCPs all national wildlife refuges. I understand the most, if not all, other national wildlife refuges in the United States have CCPs in place, including Lost Trail National Wildlife Refuge, which is a part of the National Bison Range Complex, but not the National Bison Range itself, which is a violation of the 1997 federal law. This is because since 1994 efforts have been underway to force this premiere national wildlife refuge to give away its inherently federal positions and federal money to a sovereign Indian government that has no desire to keep this iconic national wildlife refuge under the management of the National Wildlife Refuge System. This Indian government, the Confederates Salish Kootenai Tribes (CSKT) has stated in public hearings that if they are given the land that is the National Bison Range they will use the land for other purposes.

If the National Bison Range is destroyed, so will all national wildlife refuges, all national parks and all other federal lands, so it is critical to respect federal laws that are in place and respect the National Bison Range Complex.

Federal workers stationed at this national wildlife refuge, many of whom are actually registered members of this Indian reservation and are also federal workers, have been left in limbo and turmoil because the Indian government wants total control over the National Bison Range, which is contrary to many levels of federal law. All of these federal workers are qualified and excellent and should remain in place without the threat of being replaced by contract workers under an annual funding agreement with workers that are not federal workers.

I heard from the five regional staff members sent from the Denver regional office to run the meetings that the project leader of the National Bison Range Complex will not be the leader of the CCP process as is the standard operating procedure of all the other CCPs that have been completed at all the other national wildlife refuges and that regional staff people unfamiliar with the National Bison Range will run the CCP process. Furthermore, retired and long-time U.S. Fish and Wildlife Service employees wishing to participating in the CCP planning process will not be allowed to attend meetings and can only submit their comments like the general public. My understanding from many U.S. Fish and Wildlife Service

employees and retirees is that CCPs always have the refuge manager or the complex project leader as the head of the CCP process but not at the National Bison Range Complex where everything is in trauma. Why has the regional office in Denver under the leadership of Noreen Walsh taken the leadership away from Jeff King and given it to regional planners that have no knowledge of the National Bison Range? This makes no sense and is not what is best for the National Bison Range. This is a repeat of what I said above but I want to emphasize this point.

Mr. Zinke indicated that he wanted local managers of national wildlife refuges to have direct control over their refuges but the process for this CCP is the exact opposite and I object to this procedure. The person hired to write and manage the CCP for the National Bison Range Complex was excluded from the process and the complex project leader, Jeff King, is not the prime leader. All meetings and day to day activities to complete the CCP will be performed by the regional staff planners that have no specific knowledge of the National Bison Range Complex and the National Bison Range.

Furthermore, the two meetings on June 6 and 7 were very poorly attended by the public and very poorly advertised. If the local refuge leaders had been allowed to speak to the local media I know there would have been a better turnout.

As I understand the CCP process, a national wildlife refuge needs a full staff of professionals and at this time, the National Bison Range Complex is seriously understaffed because of the turmoil caused from the pressure of this sovereign Indian government wanting control over inherently federal tasks and positions so all aspects of jobs go unfilled.

No discussion of an annual funding agreement should be mentioned or considered during the CCP process, yet the AFA with this sovereign Indian government was brought up during these meetings, which put a further damper over the CCP process. The highly paid attorney for this sovereign Indian government was the only person I saw attend these two days of meetings except for one tribal leader.

Weed control, management of wildlife, maintenance of fences and buildings, and overall law enforcement are all of concern to me and without a minimum of 10 professional staff at the National Bison Range Complex, work cannot be accomplished.

The five regional office staff people cost the taxpayers thousands of dollars to fly from Denver for those two days, stay at hotels, and return to Denver. Project Leader Jeff King lives in the area and should have run the meetings.

One CCP is all that is needed, not two. Lost Trail already has a CCP and just needs to be updated in 2020. You need to figure out how much money has been wasted since 1994 as this sovereign Indian government has tried to force themselves on this premiere national wildlife refuge and take away federal jobs and federal money from a national wildlife refuge that belongs to all Americans.

In the spirit of Theodore Roosevelt, Ding Darling, and the Flying Blue Goose, I say, the wildlife and its habitat cannot speak, so I must. Please listen to the direction of Mr. Ryan Zinke.

Susan Campbell Reneau
4 Martha's Court
Missoula, MT 59803

719-661-4037
bluemountain@montana.com

William Reffalt <w.c.reffalt@comcast.net> Jun 21
to Susan, me, toni_griffin, kelly_hogan, Russell, charles_robison, Matt, Noreen, Cynthia

Susan: the proper email is: scoping_pablo_ninepipe@fws.gov . You have added an "s" at the end of ninepipe and that is the reason your email bounced.
Bill

From: Susan Reneau [mailto:bluemountain@montana.com]
Sent: Wednesday, June 21, 2017 11:37 AM
To: scoping_NBR@fws.gov; toni_griffin@fws.gov; kelly_hogan@fws.gov; 'Roddy, Russell' <russell_roddy@ios.doi.gov>; charles_robison@daines.senate.gov; 'Matt Hogan' <matt_hogan@fws.gov>; 'Noreen Walsh' <noreen_walsh@fws.gov>; 'Cynthia Martinez' <cynthia_martinez@fws.gov>; bernie_petersen@fws.gov; 'Will Meeks' <Will_Meeks@fws.gov>
Subject: Comments regarding the scoping process for a CCP at the National Bison Range

National Headquarters
1130 17th Street, N.W. | Washington, D.C. 20036-4604 | tel 202.682.9400 | fax 202.682.1331
www.defenders.org

Submitted electronically to scoping_NBR@fws.gov *and via postal mail*

June 19, 2017

Toni Griffin
Refuge Planner
National Bison Range CCP
134 Union Boulevard
Lakewood, Colorado 80228

RE: Notice of Intent to Prepare a Comprehensive Conservation Plan for the National Bison Range, Moiese, Montana

Dear Ms. Griffin:

Defenders of Wildlife (Defenders) appreciates the opportunity to provide scoping comments in response to the revised notice of intent to prepare a Comprehensive Conservation Plan (CCP) for the National Bison Range in western Montana (82 Fed. Reg. 22843). Defenders is encouraged by the new planning process. As we indicated in our comments on the previous scoping notice (attached), a proposal to legislatively transfer the Bison Range to non-federal management would raise serious concerns. Defenders recognizes the deep cultural and historic ties the Confederated Salish and Kootenai Tribes (CSKT) have with the Bison Range, however, and the CSKT's admirable record of wildlife and resource management. As we note below, we support exploring alternatives that would promote a meaningful role for the CSKT in the management of the Bison Range, while retaining the Range as part of the National Wildlife Refuge System. For each alternative, the Environmental Impact Statement (EIS) for the CCP must examine how management would achieve refuge goals and uphold Congressional mandates to conserve native species, biodiversity and other public values on the Bison Range.

Founded in 1947, Defenders of Wildlife is a national conservation organization focused on conserving and restoring native species and their habitats across the country. Based in Washington, DC, the organization also maintains six regional field offices and represents 1.2 million members and supporters in the United States and around the world, with nearly 5,000 in Montana. Defenders is deeply involved in public lands management and wildlife conservation, including the protection and recovery of flora and fauna in the Northern Rockies.

Our priorities include preserving and ensuring proper management of the National Wildlife Refuge System, the only network of federal lands and waters dedicated to wildlife conservation. The Refuge System is essential to protecting America's astounding diversity of wildlife, while also providing innumerable recreational and educational opportunities for wildlife watchers, sportsmen, scientists and outdoor enthusiasts; supporting more than 35,000 jobs nationwide; and generating billions of dollars in local, sustainable economic revenue.

The Bison Range was critical to saving the American Plains Bison from extinction, and though its importance to bison has diminished as the species has recovered, it remains a popular wildlife refuge that provides vital habitat for a diversity of species today. The issues identified below are relevant to development of a robust CCP for the refuge.

Refuge System Mission and Bison Range Purposes

The U.S. Fish and Wildlife Service (Service) manages the Bison Range under the National Wildlife Refuge System Administration Act, as amended by the National Wildlife Refuge System Improvement Act (Improvement Act) (16 U.S.C. §§ 668dd-668ee), which states that it is the policy of the United States that "each refuge shall be managed to fulfill the mission of the system as well as the specific purposes for which that refuge was established" (16 U.S.C. § 668dd(a)(3)(A)). The Service must describe how each alternative in the EIS supports the mission of the Refuge System and the purposes of the Bison Range.

The mission of the National Wildlife Refuge System is:

> "to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife and plant resources and their habitats within the United States for the benefit of present and future generations of Americans" (16 U.S.C. § 668dd(a)(2)).

Refuge purposes are derived from the laws, executive orders, permits or other legal documents that authorize land acquisition for a refuge. The purposes of the National Bison Range include:

> "…a permanent national bison range for the herd of bison to be presented by the American Bison Society" (35 Stat. 267; May 23, 1908);
>
> "…refuge[] and breeding grounds for birds" (Executive Order 3596; December 22, 1921);
>
> "…adequate pasture for the display of bison in their natural habitat at a location readily available to the public" (72 Stat. 561; August 12, 1958);
>
> "…(1) incidental fish and wildlife-oriented recreational development, (2) the protection of natural resources, (3) the conservation of endangered species or threatened species" (16 U.S.C. § 460k-1);
>
> "…the development, advancement, management, conservation, and protection of fish and wildlife resources" (16 U.S.C. § 742f(a)(4)).

The Improvement Act also binds the Service to additional substantive management criteria to incorporate in the Bison Range CCP. The law requires all refuge uses to be compatible with the primary purpose of the individual refuge and the wildlife conservation mission of the Refuge System (16 U.S.C. § 668dd(d)(3)). It also includes the nation's broadest statutory commitment to ecosystem protection to "ensure that the biological integrity, diversity and environmental health of the System are maintained" (16 U.S.C. § 668dd(a)(4)(B)). In developing the CCP, the Service should analyze the ability of each management alternative to meet these mandates.

In addition, the Service has adopted a policy to guide the CCP planning process. According to the policy, planning goals are to "ensure that wildlife comes first in the National Wildlife Refuge System" and that management of each refuge "help fulfill the System mission, maintain and, where appropriate, restore the ecological integrity of each refuge and the Refuge System, as well as achieve the specific purposes for which the refuge was established" (602 FW 3(3.3)(A)). The CCP should evaluate and explain the extent to which each management alternative achieves these goals.

Wildlife Conservation

The Bison Range protects one of the largest and last remaining tracks of intact, publicly-owned intermountain native grasslands in the United States, among the rarest habitat types in North America (FWS 2013a; FWS 2013b). It is home to a diversity of wildlife species, including 350-500 plains bison, Rocky Mountain elk, bighorn sheep, pronghorn, mule and white-tailed deer, mountain lions, bears, bobcat and over 200 species of birds (FWS 2013a). The CCP should explain how the Service intends to monitor the status and trends in fish, wildlife, and plants on the refuge in accordance with the Improvement Act (16 U.S.C. § 668dd(a)(4)(N)).

The CCP should identify and describe the effects of each management alternative on wildlife, with particular regard to obligations under federal wildlife laws. The CCP should analyze how each alternative fulfills the Service's obligation under Section 7(a)(1) of the Endangered Species Act to "carry[] out programs for the conservation of endangered species and threatened species" (16 U.S.C. § 1536(a)(1)), including the threatened grizzly bear, which likely uses the Bison Range to transit to lower elevations of the Flathead Valley. The CCP should also consider application of the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) on the Range. The Service is required by these laws to avoid unlawful take of covered bird species.[1]

Refuge planning policy advises the Service to consult the following to help determine the species and resources of concern on the refuge: ESA; Migratory Nongame Birds of Management Concern in the United State; Partners in Flight Watch List; state lists of rare, threatened, endangered or species of concern; National Audubon Society State Watch Lists; The Nature Conservancy's heritage program and ranking system; and state heritage databases and conservation data centers (602 FW 3(3.4)(C)(1)(e)). Defenders' review found that the Bison Range provides habitat for three Montana Species of Concern (grizzly bear, gray wolf, and bison) and is likely within the range of three bat Species of Concern (Townsends big-eared, hoary, and fringed myotis), as well as 22 bird Species of Concern (MFWP 2016, cross-referenced with FWS, undated(a)).

Habitat Management and Connectivity

The Service should consider options for addressing habitat management issues and improving wildlife conservation in the planning process, regardless of which alternative the agency chooses.

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[1] *See, e.g., Protect Our Communities Found. v. Jewell*, 825 F.3d 571, 585–86 (9th Cir. 2016) (discussing cases where agencies' management actions directly caused take in violation of MBTA, and noting in dicta that an agency's "more directly supervisorial position" over the actions of a third party causing take was distinguishable from the indirect regulatory role where no MBTA liability applies); Executive Order 13186, Responsibilities of Federal Agencies to Protect Migratory Birds, 66 Fed. Reg. 3853 (Jan. 10 2001) (requiring all agencies whose activities could negatively affect migratory birds covered by the MBTA to enter into Memoranda of Understanding with the Service to address take).

Through development of the CCP, the Service is required to identify and describe "significant problems that may adversely affect populations and habitats of fish, wildlife, and plants within the planning unit and the actions necessary to correct or mitigate such problems" (16 U.S. C. § 668dd(e)(2)(E)). The agency's policy guidance additionally advises that planning processes identify "opportunities to improve the health of habitats or the functioning of ecosystems" (602 FW 3(3.4)(C)(1)(e)). The Service should also follow its policy guidance by "considering the broader goals and objectives of the refuges' ecosystems and watersheds when developing management direction" (602 FW 3(3.3)(C)).

Landscape connectivity is an increasingly important consideration in resource and land use planning to sustain biodiversity, ecosystem function and robust wildlife populations into the future (Correa Ayram et al. 2016; Ament et al. 2014). Habitat loss, degradation and fragmentation pose the most important threat to the survival of native species, contributing to the shrinking distribution of many wildlife populations in North America. For example, pronghorn, lynx, and wolverine all exhibit contracting ranges within the Northern Rockies, compared to their historical distributions (Laliberte and Ripple 2004). The CCP should examine strategies to increase habitat connectivity with and between the Bison Range and surrounding lands. Conserving habitat corridors, linkages and hydrologic connections supports ecological processes such as migration, dispersal, genetic exchange and climate adaptation. Wildlife corridors increase movement between isolated habitat patches by approximately fifty percent, compared to areas that are not connected by corridors (Gilbert-Norton et al. 2010).

The relatively undisturbed habitat and location in the Mission Valley make the Bison Range a critical wildlife corridor for both mammals and birds moving through the lower Flathead Valley; it is incumbent upon the Service to document how the CCP intends to address both resident and transient species that use the refuge. Defenders recommends that the EIS/CCP consider wildlife-friendly fencing to facilitate movement of deer, elk, pronghorn and other species, while effectively containing bison within refuge boundaries.[2] The CCP should also analyze the impacts to wildlife and habitat of internal fencing and consider removing internal fencing to allow bison to naturally roam and graze, free from the "take half, leave half" grazing program, and where random grazing use might promote more diverse vegetative and habitat conditions.

Another important issue at the Bison Range is invasive species control. Second only to habitat loss, invasive species are a major threat to native flora and fauna, and to entire ecosystems (Evans et al. 2016). Almost half of imperiled native species in the United States are threatened by invasive species predation and competition (Simberloff 2000; Mack et al. 2000). The CCP should include an integrated pest management plan to prevent and control invasive species, and restore areas affected by weed incursion.

Compatible Wildlife-dependent Recreation

The Bison Range is a popular refuge with visitors. The Service maintains a visitor center on the Range and hosts more than 200,000 people annually, making it one of the most visited refuges in the Refuge System (Devlin, *The Missoulian*, 02-08-2017; FWS, undated(b); Carver and Caudill 2013: 286).

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[2] *See* Paige, C. 2012. A Landowner's Guide to Wildlife Friendly Fences: How to Build Fence with Wildlife in Mind. Second Edition. Montana Fish, Wildlife & Parks, Private Land Technical Assistance Program. Helena, MT. Available at www.montanans4wildlife.org/pdfs/MT%20Fence%20Guide_FINAL%20REVISED.pdf

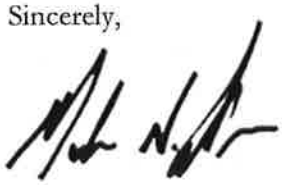
Public use of the Range includes touring, hiking, fishing, wildlife viewing, photography, and environmental education. The Service should ensure enhanced consideration of compatible wildlife-dependent recreational uses in the planning process (16 U.S.C. § 668dd(a)(4)). The CCP should describe how each management alternative would support the six priority wildlife-dependent uses on the Range and must provide compatibility determinations for all individual uses to maintain consistency with wildlife conservation goals (602 FW 3(3.3)(E); 602 FW 3(5)(b)).

Cooperation with the Confederated Tribes

In developing the CCP, the Service should consider how best to establish effective long-term coordination, interaction, and cooperation with the CSKT in management of the Bison Range. For example, the agency has drafted, but not yet finalized a draft policy to guide development of Annual Funding Agreements (AFA) with Tribes on national wildlife refuges. The new policy would reportedly establish parameters and a path forward for carrying out such agreements. It may be helpful for the Service to finalize this policy prior to proceeding with any draft negotiated AFA for the Range. An appropriate management agreement that recognizes and formalizes the CSKT's immemorial bond and commitment to the Bison Range must preserve Service's authority to manage the Range in accordance with Refuge System laws, policies and regulations.

Thank you for this opportunity to comment on the proposed CCP for the National Bison Range. We look forward to participating in the planning process ahead.

Sincerely,



Mark N. Salvo
Vice President, Landscape Conservation

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Griffin, Toni <toni_griffin@fws.gov> Jun 23 (12 days ago)
to me, FW6

---------- Forwarded message ----------
From: **Marvin Plenert** <marvplenert@yahoo.com>
Date: Fri, Jun 16, 2017 at 10:03 PM
Subject: NOI Comments
To: Toni Griffin <toni_griffin@fws.gov>

FEDERAL REGISTER COMMENTS FOR NOTICE OF INTENT:

NATIONAL BISON RANGE AND COMPLEX REFUGES
SUBMITTED BY MARVIN L PLENERT

May 16, 2017 U.S. Fish and Wildlife Service

Toni Griffin, Refuge Planner
NBR CCP
134 Union Boulevard
Lakewood, Co. 80228

The following comments are submitted regarding the Fish and Wildlife Service (Service) Notice of Intent (NOI) in the May18, 2017 Federal Register (FR) to prepare a comprehensive Conservation Plan (CCP) for the National Bison Range (NBR) and satellite refuges that make up the complex. The Service has stated that in order to increase efficiency and save tax payers dollars, two CCP's will be prepared for the entire NBR complex. No argument can be made for this claim of separating out the NBR from the rest of the complex, Quite the contrary, considerably more tax payers dollars will be saved if a single document is prepared for the entire complex. The area is managed as a complex and should be planned as a complex. Also no major issues have been identified at this time for proposing a full blown environmental impact statement (EIS) versus an environmental assessment (EA) for the NBR. Therefore in the interest of saving dollars the Service should allow the process of preparing an EA dictate the need for an EIS.

This CCP effort must be carried out in accordance with fulfilling the requirements of the National Wildlife Refuge System Administration Act of 1966 as amended by the National Wildlife Refuge System Improvement Act of 1997, as well as the National Environmental Policy Act (NEPA) and is long overdue. Complying with these legal mandates and finally agreeing to produce a CCP was obviously triggered as a result of the Public Employees for Environment Responsibility (PEER) law suit. In any event, it is required to be completed legally, correctly, and in accordance with Service protocol, and policies on preparing CCP's. Thus, policy articulated in the Service CCP manual recognizes the importance of the refuge manager as the leader of the CCP planning team with full decision making authority throughout the process. This is an absolute requirement if a quality product is to be achieved. Having reviewed numerous CCP's I have yet to see one that excludes the refuge project leader and staff. Since the staff and budget has been depleted by the Regional Refuge Chief in recent years it is doubtful that current staff with a wealth of knowledge of conditions at the NBR who should produce the CCP can complete the task without additional staff and funding. This should be corrected immediately, with full funding and staffing restored. Per the refuge planning policy the planning team should at a minimum include the refuge manager deputy refuge manager, wildlife biologist, visitor services specialists and administrative officer.

Given the past history of Service reluctancy to halt the political and Tribal meddling as to who should own, manage and administer this iconic refuge, it is questionable that the Denver Regional Office Leadership Staff can be objective and/or capable of an unbiased evaluation of any comments received. One has to only look at the 100's of comments, petitions and letters which were submitted to the Service during the past 2 decades in opposition to the attempted Service and Confederated Salish and Kootenai Tribes (CSKT) Annual Funding Agreements (AFA's), to arrive at that conclusion. The third and final AFA attempted effort in 2014 was another example of waste in terms of staff time and scarce refuge dollars spent, and represented the Service's feeble effort to comply with another unlawful NEPA compliance law suit. To date, that E A lies in limbo with no notice of decision or any record of finding ever published or attempt of closure and compliance. What assurance do we, the Public, have that this NOI will end up the same way? It should also be pointed out that after 20 plus years of scheming behind the scenes to gain control of the NBR by the CSKT, it is foolhardy to turn around and allow them to be a cooperating agency or partners during the CCP process as a
gigantic conflict of interest still exists. Reinforcing this is necessary because the CSKT have previously taken the position the CCP should not even exist. Therefore, the Tribe under NO circumstances should be allowed to be involved with the CCP as a partner or cooperating agency, but should have the same status as other stakeholders, conservation NGO's or the general public, in making their views known. The aforementioned fact makes it all the more necessary that in the interest of being legal and transparent to the process as well as the Public and Stakeholders, the Service must unequivocally retain sole and full decision making authority throughout the entire CCP process as required by Federal Statutes.

The Service has put the cart before the horse by conducting two scoping meetings prior to any form of preplanning which is one of the most important aspects of the entire CCP process. Also, suggesting that a preferred alternative of negotiating another AFA with the CSKT before any preplanning, vision statements or setting of goals has been conducted is already in violation with Service policy. The Refuge Improvement Act clearly stipulates the major topics to be included in a CCP and makes it clear that it is intended to guide the Service in the future management of refuges. Thus, any alternative that states the Service will negotiate an AFA would be precedence setting and in direct conflict with the fundamental purpose of a CCP. This is especially true because of the Service's interaction with attempted co-management of refuge programs by the CSKT in the recent past has been problematic and illegal. The Service needs to go back to the drawing board and

review comments submitted on the E A for the last proposed AFA to see just what the public reaction was to alternative C. Instead at this point in the CCP process it is strongly recommended that any alternatives be left to the public to identify during the process.

In summary, one of the main benefits of developing a CCP is the mandatory requirement for the Service and the public to interact and design and evaluate long term management strategies, something that is long over due at the NBR. The Service has participated in countless meetings and negotiating sessions with the CSKT, however until recently there has never been any interaction with the public on management or administration issues, therefore the CCP process requires mandatory public involvement efforts and needs to be done correctly in compliance with legal mandates and Service policy. The omission of the refuge project leader and staff in the process must be immediately corrected.

The Service also needs to put a halt to personal agendas and start listening to the public who are the true owners of the NBR. All Americans as well as the people of Montana and especially the on the ground managers and refuge staff, and refuge's natural resources deserve and require an Agency that is responsive and transparent, which has been absent for a long long time at the NBR. It is also obvious that the regional Service leaders are not listening to Secretary of the Interior Ryan Zinke who wants the decision making process pushed away from Washington or Regional Offices and down to field project leaders. Therefore it becomes mandatory that the NBR field staff be given the lead in developing the CCP, as well s determining and developing cooperative ventures with Tribes. It is also questionable as to why the Service planner already stationed at the NBR who possesses more talent and knowledge about the NBR then any of the regional office planners is not being utilized in this CCP effort? It also makes a farce out of the saving dollars statement. Its long overdue for the regional leadership to stop the vendetta toward the NBR and its staff and put this iconic refuge back on the pedestal where it once was and belongs. As a former Regional Director I would have been elated to have had this seventh most visited iconic refuge in my region, and would never have allowed it to be comprised by anyone.

My final comment as it relates to the last paragraph of the NOI on public availability of comments. No names, phone numbers or addresses should be provided to the CSKT or anyone else unless it is in compliance with the statutes found in the Freedom of Information Act (FOIA). The reason this is necessary is that the Service did provide the commenters personal information to the CSKT in past processes without going through a FOIA request, and it had a stifling effect on Mission Valley Residents or local refuge neighbors, businesses or Tribal employees from commenting for fear of Tribal retaliation.

I appreciate the opportunity to comment on the NOI, and trust that my comments will accurately be considered.

Marvin L Plenert
20500 S Tranquility Ln.
Oregon City, Oregon 97045
marvplenert@yahoo.com
Copy also sent to FWS Denver Regional Office via Post office, and Secretary Zinke

Griffin, Toni <toni_griffin@fws.gov> Jun 12
to me

Toni Griffin
Refuge Planning
Mountain-Prairie Region
U.S. Fish & Wildlife Service
134 Union Blvd
Lakewood, CO 80228
Office Phone: 303/236-4378
Telework: Tuesday, Friday

--------- Forwarded message --------
From: **Marvin Plenert** <marvplenert@yahoo.com>
Date: Thu, Jun 8, 2017 at 12:01 PM
Subject: Fw: Comments for CCP
To: Toni Griffin <toni_griffin@fws.gov>

Toni The attached comments are of utmost importance and strongly recommend that they be entered into the record, as well as consider them as comments on the revised NOI. Mr Kaschke is a past refuge manager of the NBR as well as a long time resident in the Flathead Valley, and knows more about the NBR then all of the Denver R O folks collectively do.
Thanks

Marvin Plenert

From: Marvin & Janet Kaschke [mailto:kastree@polson.net]
Sent: Thursday, June 08, 2017 10:13 AM
To: bisonrange@FWS.gov
Subject: Comments for CCP

To whom it concerns;

The following comments are concerning " public scoping" for preparing a Comprehensive Conservation Plan (CCP) for the Nat'l Bison Range(NBR).
My first comment is if you are truly interested in getting public input you failed miserable. I only found out from a friend , to my knowledge there was nothing in the local paper or other media TV, radio etc.

After some 15-20 years of the FWS attempting to give the NBR to the Confederated Salish & Kootenai tribe, and numerous meetings on the subject local folks are saying why comment our past efforts have been ignored. I suggest those past comments be reviewed as part of the plan. I along with most local people I've talked to want the FWS to have complete management control like it did for the first 80+ years prior to the proposed give away. If you truly want public comment you must convince them their efforts will be listened to.

My second concern is the plan. The public document must be short showing past history of the flora and fauna and what will be done in the future. If a lot of information is needed for management it can be in an appendix. I suggest it contain the history of all flora and fauna and how other things like weather, predators, disease, exotic plants, grazing, etc. effects the vegetation and animals. Then what

is being planned to change anything. The real story is what's happened in the past and what FWS expects to do in the next 20 years to manage the area. This is a tremendous task to gather and analysis all the past data and project the next 20 years of management. It can only be done by properly staffing the Refuge and giving the Manager authority to operate it.

Marvin R. Kaschke

June 19, 2017

Submitted Via E-Mail

Toni Griffin
Refuge Planner, NBR CCP
134 Union Boulevard
Lakewood, CO 80228
scoping_NBR@fws.gov

RE: Notice of Intent to Prepare a Comprehensive Conservation Plan for the National Bison Range in Moiese, Montana

Dear Ms. Griffin,

On behalf of the Natural Resources Defense Council and our Members and Online Activists, I write to express our support for the U.S. Fish & Wildlife Service (FWS) moving forward with developing a Comprehensive Conservation Plan (CCP) for the National Bison Range (NBR) in Moiese, Montana, and I also write to express our disappointment in the change of course by FWS from your original January 2017 Notice of Intent to Prepare a CCP for the National Bison Range – and to urge FWS to move forward with its original preferred alternative of restoring the lands of the NBR to federal trust ownership for the Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation.

NRDC is a national conservation organization with over 2.4 million Members and Online Activists. NRDC and our Members and Activists have a strong interest in doing what is right both for Native American communities and for bison, our national mammal.

In our February 16, 2017, comment letter in response to the original January 2017 Notice of Intent, we explained that we fully supported Alternative B, the preferred management option, as we fully support restoring the lands of the National Bison Range to federal trust ownership for the Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation. As stated in the original January 2017 Notice of Intent, "In addition to the management of the herd of bison, the CSKT will conserve the natural resources and provide for public visitation and educational opportunities on such lands. Resources would be managed to perpetuate and protect the natural environment and to preserve cultural and historic resources and values. The alternative returns to the tribe control of their traditional lands and cultural resources."

We still fully support this proposal, do not understand what has substantively changed in the past five months, and we urge FWS to move forward with its original preferred alternative of restoring the lands of the NBR to federal trust ownership for the Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation.

NATURAL RESOURCES DEFENSE COUNCIL

317 E MENDENHALL STREET | SUITE D | BOZEMAN, MT | 59715 | T 406.556.9300 | F 406.404.1909 | NRDC.ORG

Regarding the scope of issues to be considered in the draft CCP/EIS, in the unfortunate event that FWS does not move forward with its original preferred alternative of restoring the lands of the NBR to federal trust ownership for the Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation, we would like to see a detailed and comprehensive explanation of what changed in the past five months to convince FWS to make such a significant change.

In the event FWS does the right thing and moves forward with its original preferred alternative, in addition to the obvious issues to consider (e.g., environmental impacts, laws, rules, regulations, public access, etc.), we urge you to make clear why restoring the National Bison Range lands to federal trust ownership for the Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation is a unique situation and is not, and shall not be interpreted, as a precedent for any other transfer situation regarding federal lands.

As you are readily aware, the issue of privatizing public lands or transferring federal public lands to states – both of which NRDC vigorously opposes – is a controversial political issue these days. As such, it is imperative that you explain in detail why such a transfer would be unique, warranted, and separate from the issue of privatizing public lands or transferring federal lands to states.

We look forward to engaging in this process as it moves forward.

Sincerely,

Matt Skoglund

SIERRA CLUB
FOUNDED 1892

Via Email to scoping_NBR@fws.gov

June 13, 2017

Toni Griffin, Refuge Planner
NBR CCP
134 Union Boulevard
Lakewood, C 80228

RE: Notice of Intent to Prepare a Comprehensive Conservation Plan for the National Bison Range, Moiese, Montana [FWS-R6-R-2017-N074]

Dear Ms. Griffin:

Thank you for the opportunity to comment once again on the *Notice of Intent to Prepare a Comprehensive Conservation Plan for the National Bison Range*. Sierra Club submits these comments on behalf of our more than 2,500 members in Montana and 3 million members and supporters nationwide. Our members have a strong interest in the American bison. We highly value its place on the landscape and the important ecological, spiritual and cultural role of bison, our country's national mammal.

In addition to this letter, we resubmit our prior scoping comments from February 2017.

We wish to express our strong disappointment that the U.S. Fish and Wildlife Service (Service) has decided not to include a preferred alternative of Congressional transfer of the National Bison Range (NBR) unit to the Confederated Salish and Kootenai Tribes (CSKT) in the Comprehensive Conservation Plan (CCP). As detailed in our previous scoping comments, we support evaluation and inclusion of such an alternative.

As noted in the prior Notice of Intent (NOI), "The National Bison Range" (NBR) provides an overview of the overall mission of the NBR to "maintain a representative herd of bison, under reasonably natural conditions, to ensure the preservation of the species for continued public enjoyment." The U.S. Fish and Wildlife Service (Service) notes that: Congress appropriated the NBR from CSKT through eminent domain; that the CSKT have cultural, historical, or geographic connections to the land, that there are significant cultural sites located on the Range formerly owned in trust for CSKT, and that the NBR herd descends from bison owned and preserved by CSKT tribal members." For these reasons, we believe the DOI should include a comprehensive evaluation of restoration of the NBR to the CSKT in the Environmental Impact Statement (EIS)/CCP.

Regardless, the Service must meaningfully engage with the CSKT in all phases of development of the EIS and CCP. We trust that the Service will follow through on its intent to "invite the Confederated Salish and Kootenai Tribes (CSKT) to participate as a cooperating agency" as noted in the NOI. The special technical expertise and cultural relationship of the CKST on the Flathead Indian Reservation in regard to bison should be given full consideration as a key "cooperating agency."

We appreciate that the Service acknowledges the CSKT's instrumental role in saving the country's last bison by bringing these bison to the Flathead Indian Reservation and ensuring an enduring herd on the Reservation. We reiterate Sierra Club's recognition of the CSKT as a national leader in natural resource management, including in regard to the NBR.

Thank you for your consideration of our comments.

Sincerely,

Bonnie Rice

Bonnie Rice
Senior Representative
Our Wild America Campaign

Claudia Narcisco

Claudia Narcisco
Chair, Conservation Committee
MT Chapter Sierra Club

David Wiseman <bd643@yahoo.com> Jun 19
to toni_griffin, me, King

FEDERAL REGISTER COMMENTS FOR THE NOTICE OF INTENT:
National Bison Range, Moiese, MT
Submitted by David Wiseman, Morrison, CO

Attention: Toni Griffin, Refuge Planner, NBR CCP

Ms. Griffin:

Well Toni here we go again. I will try to be brief. This is the third go around for me which began in 1998 as I recall (originally as the NBRC project leader) ! I don't envy you and the other professionals involved in trying to get a decent CCP completed. As you probably know, the first two attempts at preparing a NBRC CCP were halted due to political interference at the Washington, DC level by the Confederated Salish and Kootenai Tribes, CSKT and their lobbyist. At least back then the integrity of the National Wildlife Refuge System, NWRS, and NBRC was a regional priority.

CSKT involvement
In light of previous tribal interference with the CCP process my first comment is to say that the CSKT should not be given any more status in the CCP development process than say the Blue Goose Alliance. At least the Blue Goose Alliance mission, unlike that of the CSKT, is to protect the integrity of the NWRS. This is not to say the goals and objectives of the CSKT are bad, however they ARE in direct conflict with the integrity of the NBRC and NWRS. For example and as I understand it, the CSKT are still in violation of the National Wildlife Refuge System Administration Act (NWRSAA) at Pablo NWR by still having a portion of their authorized stock car race track (Mission Valley Speedway) across the refuge boundary into Pablo NWR. Does this sound like a "partnership" or a "cooperating agency" action?

The NBR was not established by the CSKT, nor for the CSKT and it has not been maintained for 100+ years by the CSKT. It was, however, established by the United States of America for all the citizens of the USA and has been maintained for 100+ years by the USA. The CSKT deserve a voice in the process of developing a CCP. However, not on the "Coordinating Team". They should have equal involvement as do the public, conservation NGO's, Montana Fish Wildlife and Parks, and other stakeholders in making their views known. The analysis of their views should be made by an unbiased, properly constituted Coordinating Team.

Lack of NBRC staff
For at least a couple of decades now Region 6 powers that be have systematically deprived the NBRC of essential FWS staff necessary to accomplish the purposes of all of the refuge units in the complex. We all know other similarly sized refuge complexes within R6 typically have at least three times the permanent staff as is currently permitted at the NBRC. FWS needs to hire additional well qualified staff at the NBRC with a knowledge of the NWRS to prepare a good quality CCP.

CCP Team Leader
FWS needs to listen to guidance of their new Secretary of the Interior and delegate the CCP team leadership to the Project Leader of the NBRC. Please follow the long established protocol of the project leader being the first level of plan content approval and signatory and not just a bystander expected to implement a garbage in / garbage out document.

Separate Complex CCP 's!
Here we go again. I can smell a Regional Office predecisional document without even being in the RO building. What could be a good reason for having two parallel processes within the same Complex and office. Maybe it is the same reason as publishing that an EIS will be prepared. The Regional Directorate should not be pre-selecting an alternative that will require an EIS. An Annual Funding Agreement or give away should not be addressed in the CCP. The CCP is supposed to be about how the refuges, waterfowl production areas and conservation easements within the complex are managed and not about who manages them or conducts the work. The FWS should not initiate any discussions or negotiations relative to an annual funding agreement, cooperative agreement or land transfer until the CCP is completed and the CSKT are in compliance the the NWRSAA on the co-managed refuges of Ninepipe NWR and Pablo NWR.

The FWS should save time and money by preparing a CCP for all units of the NBRC in one process. If Region 6 is truly interested in saving tax payer dollars it will follow normal protocol and prepare an Environmental Assessment before deciding if an EIS is warranted.

Refuge purposes
All of the refuge legally mandated purposes should be included in planning documents. The purpose of the NBR is not just a "representative herd of bison". Executive Order 3596 furthers the purpose of the NBR to include it as "refuges and breeding grounds for birds". This should be included and not ignored as thousands of migratory birds utilize the NBR each year for breeding and migration.

Public availability of personal information

The last paragraph of the NOI on public availability of comments is a sad state of FWS resolve. No names, phone numbers or addresses should be provided to the CSKT or anyone else unless it is in compliance with the statutes found in the Freedom of Information Act. If you cannot guarantee a persons privacy to communicate with their government you should state why. I have personally known individuals who moved from the Flathead Indian Reservation due to personal threats as a result of their involvement in NBR issues.

Thank you for the opportunity to provide my comments. I am hopeful the FWS will finally prepare a CCP that enhances the future and protects the integrity of all the units of the NWRS within the NBRC.

Respectfully,
David Wiseman
NWRS Retiree

Griffin, Toni <toni_griffin@fws.gov> Jun 23 (12 days ago)
to FW6, me

---------- Forwarded message ----------
From: **David Wiseman** <bd643@yahoo.com>
Date: Tue, Jun 20, 2017 at 7:30 AM
Subject: Lost Trail NWR CCP
To: "toni_griffin@fws.gov" <toni_griffin@fws.gov>

FEDERAL REGISTER COMMENTS FOR THE NOTICE OF INTENT:
Lost Trail NWR, Moiese, MT
Submitted by David Wiseman, Morrison, CO

Attention: Toni Griffin, Refuge Planner, Pablo NWR and Ninepipe NWR CCP

Ms Toni Griffin:
No CCP is due for the Lost Trail NWR. FWS says it wants to save money and that is a good idea. First, cancel the unnecessary notice to prepare a CCP for Lost Trail NWR which is not due until many others within Region 6 are over due! Second prepare all the long overdue CCP's in the NBRC together (same team, same travel, same publication, same meetings.

Thank you for the opportunity to provide my comments.

Respectfully,
David Wiseman
NWRS Retiree

Public Employees for Environmental Responsibility

962 Wayne Avenue • Suite 610 • Silver Spring, MD 20910 • 202-265-PEER(7337) • fax: 202-265-4192
e-mail: info@peer.org • website: www.peer.org

Comments of Public Employees for Environmental Responsibility (PEER) on Notice of Intent to Prepare a Comprehensive Conservation Plan for the National Bison Range, Moiese Montana

June 19, 2017

Toni Griffin, Refuge Planner
NBR CCP
134 Union Blvd.
Lakewood, CO 80228
By mail and by email to: scoping_NBR@fws.gov

On May 18, 2017, the U.S. Fish and Wildlife Service, Department of Interior (FWS or the Service), issued a "Notice of Intent to Prepare a Comprehensive Conservation Plan for the National Bison Range, Moiese Montana." On the same date, the Service also issued a "Notice of Intent to Prepare a Comprehensive Conservation Plan; Pablo, Lost Trail and Ninepipe National Wildlife Refuges, and the Northwest Montana Wetland Management Districts, Montana." Those units of the National Wildlife Refuge System (NWRS) are part of the National Bison Range Complex. Scoping comments on both Comprehensive Conservations Plans (CCPs) were requested to be submitted by June 19, 2017.

These comments are submitted in response to the Bison Range Notice by Public Employees for Environmental Responsibility (PEER). PEER is a national non-profit organization made up of local, state, and federal resource professionals whose mission is to promote open, ethical and accountable governmental administration of environmental laws and regulations and management of public lands throughout the United States. PEER has been involved with issues concerning the National Bison Range since 2004, and has been a strong advocate of continued federal management of the Bison Range in accordance will all applicable federal laws and policies. In 2010, PEER prevailed in litigation challenging the Service's failure to comply with the National Environmental Policy Act (NEPA) regarding the last Annual Funding Agreement (AFA) with the Confederated Salish and Kootenai Tribes (CSKT). *Reed v. Salazar*, 744 F. Supp. 2d 98 (D.D.C. 2010). PEER is also a plaintiff in pending litigation challenging the failure of the Service to develop and complete a CCP for the Bison Range, which was required by law to have been completed by October 2012. 16 U.S.C. § 668dd(e)(1)(iv)(B). *Reneau, et al. v. U.S. Fish and Wildlife Service, et al.*, Case No. 16-cv-966 (D.D.C.). That case also challenges FWS's failure to prepare an EIS in accordance with NEPA for its proposal, announced in February 2016, for legislation to transfer the Bison Range out of the NWRS and into a trust held by the United States for the benefit of the CSKT.

The current Notice of Intent (NOI) for the National Bison Range is a revision of a previous NOI published on January 18, 2017. The previous NOI stated the contradictory intentions to prepare a management plan for the National Bison Range as part of the NWRS for

the next 15 years, and at the same time to propose as the "preferred management option" that the Bison Range by transferred by Congress out of the NWRS and to the CSKT, returning the lands to "trib[al] control." 82 Fed. Reg. 5598. PEER submitted comments on that NOI, pointing out that a CCP is legally required to be a plan for management of a refuge as part of the Refuge System, and cannot be a vehicle for a proposal to abolish a refuge. The current NOI appropriately disclaims the plan to propose transfer of the Bison Range as the "preferred management option" for the CCP, and instead commits to "evaluat[ing] how we [i.e., the FWS] will manage the NBR." 82 Fed. Reg. 22844 (May 18, 2017). The NOI also acknowledges that, by law, the "purpose of a CCP is to provide refuge managers with a 15-year strategy for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System [NWRS], consistent with sound principles of fish and wildlife management, conservation, legal mandates, and Service policies." *Id.*

PEER welcomes the Service's return in the revised NOI to the proper legally mandated function of a CCP. However, PEER remains concerned about how this process is being carried out and whether it can result in a robust CCP that comports with the law and Service policy.

1. Sufficient resources at the refuge level must be devoted to preparing the CCP and accompanying NEPA document. As a result of plans for management or co-management of the Bison Range by the CSKT over more than a decade, the FWS has failed to fully fund and staff the Bison Range, apparently holding the Refuge in limbo pending anticipated new arrangements. The absence of a CCP that was due in 2012, one of the last CCPs remaining due in the entire Refuge System, is a manifestation of this problem. The entire Bison Range Complex now has only five full-time staff, and only three of these are professionals with the knowledge and skills needed to contribute to the preparation of a CCP. This is compared with 17 staff in 2003 and ten in 2013. The Bison Range has half the budget it had in 2010. This situation is evidently not due to a true shortage of resources at FWS, since as recently as 2015, in negotiations for an AFA with the CSKT, the Tribes were offered 13 positions. Now that the proposal to transfer the Bison Range out of the NWRS is off the table, the Bison Range must be restored to full funding and staffing so that it can properly carry out refuge functions, including preparing the CCP and NEPA documents and eventually implementing the CCP.

   These concerns are magnified by the fact that FWS plans to engage in two separate CCP/NEPA processes at once – one for the Bison Range with an EIS and one for the rest of the units of the National Bison Range Complex with an environmental assessment (EA) -- greatly increasing the workload and the burden on Refuge staff. Also, FWS has pre-determined that an EIS should be prepared for the Bison Range, a far more demanding and resource-intensive process than the usual process of preparing an EA and then moving to an EIS only if issues revealed in the EA process demonstrate the need for an EIS. FWS should prepare one CCP for the entire National Bison Range Complex, and begin with an EA that would evaluate the need for an EIS.

2. Having the CCP/NEPA process run out of the Regional Office cannot substitute for leadership and professional contributions at the refuge level. FWS apparently intends to prepare the CCP/NEPA documents at the Regional Office, perhaps to sidestep the need for adequate funding and staffing at the Bison Range. The NOI is directed from, and comments are to be submitted to, Regional personnel. The Bison Range refuge manager has not been named the planning team leader for the CCP, as is customary. The refuge manager was sidelined in the CCP scoping meetings that have already taken place. While the Regional Office has a role to play, it cannot substitute for the on-the-ground knowledge and leadership at the refuge level that is necessary to prepare a CCP.

3. FWS is not following its own Manual for Comprehensive Conservation Planning, casting doubt on whether there will be a legitimate, robust, and ultimately successful CCP process. FWS is already failing to follow its own Comprehensive Planning Process, 602 FWS 3, which provides "minimum requirements for all CCPs." *Id.* at § 3.1. The Manual sets out a series of steps that result in the data gathering, analysis, and public input that are necessary to produce a quality, legally compliant CCP that will actually "provide refuge managers with a 15-year strategy for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System . . . ." 82 Fed. Reg. 22844. Even the issuance of the NOI should not have occurred without numerous prior planning steps, including assembling the planning team, establishing refuge purposes and history, identifying planning and compliance requirements, establishing the purpose and need for the plan, delineating the planning area and identifying data needs, reviewing existing vision and goals for the refuge, beginning internal scoping, preparing a plan for public involvement and outreach, and establishing a work plan and schedule for the CCP. 602 FW 3, Sec. 3.4.C(1). There is no indication that any of this has occurred, casting doubt on the existence of a serious, compliant CCP process as opposed to actions that merely create an appearance that the process is going forward.

   FWS has also already held two public scoping meetings that served little or no legitimate purpose, as FWS had not done all of the pre-planning steps described above in order to obtain information and analysis to present to the public. The meetings were also poorly publicized and poorly attended; leaving the impression that FWS was trying to check off a box without providing any actual substance.

4. Another AFA with the CSKT should not be considered in the CCP. Although not noted in the NOI, the FWS revealed at the scoping meetings that consideration of another AFA with the CSKT would be part of the CCP process. A CCP is a plan for management of a refuge by FWS as part of the NWRS for a 15-year period, including addressing management of fish and wildlife, ecological integrity, public use, budgetary and staffing needs, and public involvement. It should not be a vehicle to consider the entirely separate issue of another AFA, which would provide for the CSKT to participate in performing some of the refuge functions. Rather, the plans for management of the Bison Range as a part of the Refuge System should be completed before considering how another AFA might fit into them. In addition, even if it were

otherwise appropriate to consider an AFA as part of the CCP process, at this point there is no proposed AFA to consider. Attempting to meld the CCP process with an AFA process could significantly delay the already long-overdue CCP.

In conclusion, the CCP process should be restarted in accordance with the steps laid out in FWS's Comprehensive Conservation Planning Manual, with adequate staffing and resources at the Bison Range to successfully lead the process.

Sincerely,

Paula Dinerstein

Paula Dinerstein
Senior Counsel

FLATHEAD
SALISH KOOTENAI
NATION

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

THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD NATION
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Pablo, Montana 59855
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A People of Vision

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Dennis Clairmont
Patty Stevens

August 15, 2017

Mr. Kelly Hogan, Acting Planning Chief
Ms. Toni Griffin, Refuge Planner
NBR CCP
U.S. Fish & Wildlife Service
134 Union Blvd.
Lakewood, CO 80228

Dear Ms. Griffin,

In response to the revised "Notice of Intent to Prepare a Comprehensive Conservation Plan for the National Bison Range, Moiese, Montana" and the "Notice of Intent to Prepare a Comprehensive Conservation Plan; Pablo, Lost Trail, and Ninepipe National Wildlife Refuges, and the Northwest Montana Wetland Management Districts, Montana" which the U.S. Fish & Wildlife Service published in the May 18, 2017 Federal Register, enclosed please find scoping comments from the Confederated Salish and Kootenai Tribes in response to both Notices.

If you have any questions, please contact me at (406) 275-2760 or brian.upton@cskt.org.

Thank you,

Brian Upton
Tribal Attorney
CSKT Legal Department

enclosures

CSKT Scoping Comment in Response to the "Notice of Intent to Prepare a Comprehensive Conservation Plan; Pablo, Lost Trail, and Ninepipe National Wildlife Refuges, and the Northwest Montana Wetland Management Districts, Montana"

August 15, 2017

In response to the U.S. Fish & Wildlife Service's (FWS, or Service) May 18, 2017 notice of intent to prepare a Comprehensive Conservation Plan (CCP) and accompanying Environmental Assessment (EA) for the Pablo, Lost Trail, and Ninepipe Refuges, as well as the Northwest Montana Wetlands Management District (NMWMD) (collectively, hereinafter referred to as the "subject Refuges"), all of which are currently part of the National Bison Range Complex (NBRC), the Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation (CSKT, or Tribes) submit this scoping comment. During scoping meetings held in Polson and Kalispell, Montana on June 6th and 7th, respectively, FWS Refuge Planner Toni Griffin indicated that the Service would accept scoping comments beyond the June 19th date identified in the May 18th notice of intent, and would in fact accept them up until a draft EA was developed.

This comment identifies those areas which the Tribes believe should be addressed in the CCP. The Tribes understand that the CCP is a large undertaking, and that the Service may not be able to address all topics in great detail. While we address it specifically in some of the below-listed areas, the Tribes expect that the CCP would generally assist in helping the public understand how the Service expects the subject Refuges to operate as part of the newly-designated Western Montana National Wildlife Refuge Complex, as identified and discussed in the Service's Region 6 document titled "National Wildlife Refuge System Realignment Strategy and Staffing Framework", released in November of 2016.

To the extent that the subject Refuges are part of the existing NBRC, CSKT incorporates by reference into this comment the "CSKT Scoping Comment in Response to the Revised 'Notice of Intent to Prepare a Comprehensive Conservation Plan for the National Bison Range, Moiese, Montana", also dated August 15, 2017 and submitted to the Service.

The general issues identified below are not listed in any particular order, and are thus not necessarily identified in order of priority.

History and Tribal Interests in the Ninepipe and Pablo National Wildlife Refuges

The Ninepipe and Pablo Refuges, and the Lake County portion of the Northwest Montana Wetlands Management District, are all located within the Flathead Indian Reservation, which the Tribes reserved under the 1855 Treaty of Hellgate (12 Stat. 975). Both of the reservoirs located in the Ninepipe and Pablo Refuges are artificial bodies of water created early in the last century for irrigation purposes as part of the Flathead Indian Irrigation Project. The Ninepipe and Pablo Refuges are each on lands that are beneficially-owned by CSKT, and held in trust by the United States. At least as early as 1917, CSKT had requested the federal government to place conservation protections on both of these reservoir properties, to be set aside as game or bird

preserves. Consequently, President Warren G. Harding signed Executive Orders in 1921 creating what are now known as the Pablo and Ninepipe National Wildlife Refuges, for use as "refuge[s] and breeding grounds for native birds" (Executive Orders #3503 and #3504). The Executive Orders created the refuge areas "subject to Reclamation Service uses under the provisions of the act approved June 17, 1902 (32 Stat. 388), and to any other valid existing rights . . . ." [*emphasis added*] These existing rights include Tribal uses which have been subsequently recognized by Congress.

In 1948, Congress addressed and compensated the Tribes' claims for past federal uses of the Ninepipe and Pablo lands, and purchased from the Tribes perpetual easements to use Tribal land for the two Refuges. In § 5(b) of the Act of May 25, 1948 (62 Stat. 269), Congress authorized funds to be paid to the Tribes as full payment for a permanent easement for the Ninepipe and Pablo refuges. In so doing, Congress recognized, and preserved, the Tribes' reserved rights in both of the Refuge properties. Congress reiterated that the Tribes "shall have the right to use such tribal lands, and to grant leases and concessions thereon, for any and all purposes not inconsistent with such permanent easement." [1] Use of the term "inconsistent" in this legislation predates use of the word "compatibility" as an FWS term of art. The legislation governing compatible uses and compatibility determinations at Refuges was enacted later.

Agricultural activities on Ninepipe and Pablo Refuge lands have been a constant presence throughout the 20th century and up to the present. Shortly after creation of the refuges at the Ninepipe and Pablo reservoirs, FWS conducted or authorized agricultural activities on the lands. In the early 1940's, the Tribes, as the landowner, asserted that Tribal members should benefit from any agricultural activity on the property, as they had before the refuges had been created. Subsequently, Tribal members again utilized lands within the refuge boundaries. Tribal and FWS cooperation continued through the succeeding decades with respect to agricultural activities. This cooperation later led to a Memorandum of Understanding between FWS, CSKT and the Bureau of Indian Affairs (BIA) which recognized the farming program within the refuge "to be consistent with wildlife refuge purposes" and which was in effect throughout most of the 1990's.

In order to educate the public, as well as its own staff, the Tribes request that the Service include in its CCP/EA the history and legal status of the Ninepipe and Pablo Refuges. Much of the public may be unaware of the Tribes' ownership of the lands upon which those Refuges are located, as well as the Tribes' role in originally requesting that the lands be federally-designated as conservation areas. Similarly, many people are unaware that the Tribes granted a perpetual easement to the United States for use of the Ninepipe and Pablo properties for refuge purposes, and that, as part of that legislation, the Tribes retain congressionally-recognized reserved rights in those Refuges. The Tribes believe it is in both the Tribes' and FWS' interest in educating

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[1] For more information, including the Tribes' original requests for Ninepipe and Pablo to be set aside as bird/game preserves, as well as the congressional history, *see* Brian Upton, "Returning to a Tribal Self-Governance Partnership at the National Bison Range Complex: Historical, Legal, and Global Perspectives", 35 Public Land & Resources Law Review 52, at 77-78 (2014).
Accessible online at: http://scholarship.law.umt.edu/cgi/viewcontent.cgi?article=1423&context=plrlr.

people about this historical and legal landscape. We cannot move forward effectively and intelligently unless we know our history.

To this end, the Tribes appreciate that FWS, as part of its online CCP descriptions of the Pablo and Ninepipe Refuges, included statements about the Tribes requesting the establishment of the Refuges, as well as the Tribes managing the fisheries in each Refuge (https://www.fws.gov/mountain-prairie/refuges/nbrc.php).

Collaboration

The Tribes encourage cooperative efforts with the Tribes to be addressed in the EA under any alternatives identified during this scoping period, including the 'no action' alternative.

At this time, the Tribes do not believe that the CCP, and accompanying EA, should address as a specific management alternative Tribal management or cooperation through an agreement under the Tribal Self-Governance Act or other authority. The Tribes believe that any such analysis would be more appropriate and effective in a separate document that would accompany a future proposal or agreement. However, given the long history of cooperation and coordination between the Tribes and the Service, the Tribes believe it would be appropriate for the CCP/EA to acknowledge the history, and potential future, of Tribal cooperation at the subject Refuges, as well as generally address collaborative work with the Tribes.

As a general matter, development of this CCP provides an opportunity for FWS to examine how it interacts with the Confederated Salish and Kootenai Tribes. It also provides a chance to examine the Ninepipe and Pablo Refuges, and the Lake County portions of the NMWMD, within the context of their location on the Flathead Indian Reservation – and the Lost Trail Refuge within the context of its location in the Tribes' aboriginal and treaty-ceded territory. Similarly, this is an opportunity to revisit how FWS interacts with Tribal citizens, the Reservation community, and the general public with respect to indigenous culture, language, and land uses. FWS may elect to do the minimum amount required with respect to these efforts, and generally approach this CCP as it would any other Refuge. Alternatively, FWS may elect to become a leader in how federal agencies in this country approach: 1) partnerships with tribal governments in Indian country; and 2) the federal trust responsibility towards tribes within the context of Refuge management. The Tribes encourage the latter approach.

The Tribes encourage the Service to examine, as one model, the forward-thinking approach of its Canadian counterpart. The Canadian Wildlife Service (CWS), by way of example, utilizes "Impact and Benefit Agreements" with respect to its management of National Wildlife Areas and Migratory Bird Sanctuaries within the indigenous Territory of Nunavut. While this is against the backdrop of a different legal landscape, the salient point is how the federal government of Canada has proactively chosen to engage, collaborate and interact with its aboriginal partners in Nunavut. As part of its management of National Wildlife Areas and Migratory Bird Sanctuaries in Nunavut, the CWS addresses the following issues, among many others:

- use of native language in CWS interpretive and other materials and activities, including place names;
- use of "traditional, current and evolving body of Inuit values, beliefs, experience, perceptions and knowledge regarding the environment";
- incorporation into management plans of cultural history and the context within which the wildlife areas or bird sanctuaries operate;
- development and use of oral histories
- use of aboriginal guides;
- explicit consultation procedures to ensure substantive, rather than superficial, consultation;
- explicit evaluation and tracking activities to measure progress on achieving these objectives; and
- criteria for hiring CWS staff working within Nunavut, including knowledge of: Inuit culture, society and economy; native language; and knowledge of laws relevant to the Inuit/Nunavut legal landscape.

Among many other things, these agreements provide for incorporation of native languages, staff training, and traditional ecological knowledge (TEK) into Western science. As stated on FWS' website, "[a]n increasing number of scientists and Native people believe that Western Science and TEK are complementary."[2] The Tribes believe that this CCP presents an opportunity for FWS to encourage field-level implementation of the agency's policy statements regarding TEK.

Bird, Waterfowl and Migratory Bird Management

Given that bird and bird habitat conservation were the primary motivations for the Tribes to request the United States to designate Pablo and Ninepipe as conservation areas, we expect that these purposes will be prominently addressed in the CCP, including with respect to the rest of the subject Refuges. The CCP should address specific bird populations and management, including Trumpeter swans, and cooperative efforts on same.

Wildlife and Fisheries Management

The Tribes expect big game species management to be addressed in the CCP. The Tribes would also expect that predator management (including, among other species, black bear, grizzly bear, gray wolf, coyote, mountain lion, golden eagle, and bald eagle) would be addressed by the CCP. Other wildlife, including turtles, should also be addressed as necessary.

The Tribes recommend that the CCP address surveying and monitoring of nongame birds, as well as amphibians and reptiles. As mentioned earlier, the Tribes further recommend that the CCP acknowledge the Tribes' role in fisheries management at the Ninepipe and Pablo Refuges.

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2 *See* https://www.fws.gov/nativeamerican/pdf/tek-fact-sheet.pdf

Habitat Management

Reservoir conditions, range conditions, weed management, Russian olive tree issues, fire management, riparian management, wetland management, and water management issues are all components of habitat management that should be addressed in the CCP.

Aquatic Invasive Species

The Tribes believe that the CCP should address contingencies for aquatic invasive species, whose profile has recently been elevated in Montana.

Public Use and Access

The CCP provides an opportunity to examine and plan for such public use/access considerations as: visitation projections; desired visitor experiences; fishing access; wildlife watching and photography opportunities; recreation site (picnic areas) availability and management; fee structures; and the possibility of tours.

With respect to access by citizens of the Confederated Salish and Kootenai Tribes, the Tribes believe that the existing Memorandum of Agreement between FWS and CSKT governing access to the Ninepipe and Pablo Refuges (as well as to the National Bison Range) has worked well.

Visitor Services

The Tribes anticipate that the CCP would address visitor services issues for the subject Refuges, including how they could be incorporated into the only visitor center serving the NBRC on the Flathead Indian Reservation, which is located at the National Bison Range in Moiese. These issues should include, at minimum:

- interpretive displays, materials and sale items;
- information availability and standards/criteria for inclusion of information/materials;
- education, public awareness, programs and presentations;
- staffing and volunteers; and
- incorporation of native languages in signage and interpretive materials

Cultural and Historical Resources

The inventory, preservation, and management of cultural and historical resources are high priorities for the Tribes and need to be addressed at some level in the CCP. We have cooperated with the Service in this area in the past, and we look forward to continued collaboration through our Tribal Preservation Department. The Tribes request that the Service consult with us regarding these issues, consistent with Executive Order No. 13175 ("Consultation and Coordination with Indian Tribal Governments"), the Department of the Interior Policy on Consultation with Indian Tribes, and the National Historic Preservation Act (54 U.S.C. § 300101 *et seq.*).

Facilities maintenance

It would be helpful for the CCP to address facilities maintenance expectations, needs, budgets and costs for such facilities, including fences (exterior and interior) and trails.

Enforcement

Given the Service's Region 6 "Realignment Strategy Staffing Framework", and in light of that document's reference to a prioritization protocol for filling vacancies, the CCP should address the Service's expectations or outlook for enforcement responsibilities and jurisdictional impacts, as well as any cross-deputization expectations, needs or opportunities.

Personnel

Again, against the backdrop of budget projections and the above-referenced "Realignment Strategy Staffing Framework" and its associated protocols, the CCP should address the existing vacant positions, as well as expected, desired and potential positions looking forward.

The Tribes also believe the CCP should address Service actions to either recruit federal staff that have knowledge of Salish, Pend d'Oreille and Kootenai culture, or train existing staff with respect to those cultures, as the Canadian Wildlife Service does with respect to its designated wildlife areas and bird sanctuaries in indigenous areas. This would not only have benefits for the staff and their interactions with the Tribes, but would also increase the ability of such staff to answer visitor questions or otherwise aid in public education on the history and culture surrounding the subject Refuges. This has particular relevance to the Ninepipe and Pablo Refuges, which are located on land currently beneficially-owned by the Tribes (federal trust ownership for the Tribes) and in which the Tribes have reserved rights.

On October 27, 2017, Chairman Vernon Finley sent a letter to Refuge Manager Jeff King requesting consultations for any NBRC position vacancies.

Research

The CCP should also address any projected activities, or needs, regarding research concerning wildlife, habitat, animal health, genetics, or related issues.

Climate Change

In order to effectively look forward as a planning document, the CCP should address projected, likely, or potential impacts of climate change on habitat, species (fauna and flora), water, forage and wild fire impacts. The Tribes would ask the Service to take into consideration the Tribes' Climate Change Strategic Plan, which was adopted in September 2013 and is available at www.csktribes.org/CSKTClimatePlan.pdf.

Fire

FWS, CSKT and the Bureau of Indian Affairs have historically entered into Annual Fire Management Operating Plan agreements addressing fire control at the National Bison Range. The CCP should address the Service's plans, expectations, budget and cost outlooks for fire control, as well as controlled burns and other fire-related management issues for the Subject Refuges.

Traditional Ecological Knowledge

For the most part, FWS does not proactively seek to discover, apply, or educate the public about traditional ecological knowledge (TEK) at the Subject Refuges. As mentioned above, the Tribes encourage the Service to use this CCP process as an opportunity to revisit how it may approach TEK with respect to Ninepipe, Pablo, Lost Trail and the NMWMD. The above-referenced Canadian Wildlife Service "Impact and Benefit Agreements" with Inuit government in Nunavut provide one model for such an approach.

Consultation

As a general matter, the Tribes request that the Service consult with us regarding the subject Refuges in accordance with Executive Order No. 13175 ("Consultation and Coordination with Indian Tribal Governments"), the Department of the Interior Policy on Consultation with Indian Tribes, and the National Historic Preservation Act (54 U.S.C. § 300101 *et seq.*).

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The Tribes are happy to provide any additional information regarding the topics outlined in this scoping comment. For any inquiries, please contact Brian Upton, Tribal Attorney, at (406) 275-2760, or (406) 675-2700, x1165.

CSKT Scoping Comment in Response to the Revised "Notice of Intent to Prepare a Comprehensive Conservation Plan for the National Bison Range, Moiese, Montana"

August 15, 2017

In response to the U.S. Fish & Wildlife Service's (FWS, or Service) May 18, 2017 revised notice of intent to prepare a Comprehensive Conservation Plan (CCP) and accompanying Environmental Impact Statement (EIS) for the National Bison Range (NBR, or Bison Range), the Confederated Salish and Kootenai Tribes (CSKT, or Tribes) submit this scoping comment. This comment follows the Tribes' February 16, 2017 scoping comment, submitted in response to the Service's original notice of intent to prepare a CCP/EIS for the NBR, dated January 18, 2017.

The Tribes were pleased that FWS Refuge Planner Toni Griffin stated, during scoping meetings held in Polson and Kalispell, Montana on June 6th and 7th, respectively, that all comments submitted in response to the January 18th notice will remain part of the administrative record for the current revised notice. The Tribes support this, as it is burdensome for the public to have to respond to two different notices of intent for the same CCP/EIS within the span of six months. Since it will remain part of the administrative record, the Tribes are not resubmitting, as part of this comment, our original February 16, 2017 scoping comment with attachments. Ms. Griffin also stated that the Service would accept scoping comments beyond the June 19th date identified in the May 18th revised notice of intent, up until a draft EIS was developed.

As a preliminary matter, the Tribes note that, when the Department announced that the Service would no longer be evaluating as its preferred alternative the legislative restoration of the Bison Range to federal trust ownership for CSKT, it stated that an initial review by FWS showed that a majority of the comments submitted in response to the Service's January 18, 2017 original notice of intent were against the preferred alternative.

In reality, many more people were represented in support of the preferred alternative. FWS received a total of less than 60 scoping comments in response to the January 18th notice. Included in those responses are comments from The Sierra Club, Natural Resources Defense Council, Wildlife Conservation Society, Montana Conservation Voters and Headwaters Montana, which collectively represent over six million people. Those organizations all submitted comments in support of the preferred alternative. The National Wildlife Federation, which has over four million members, has also been on record with its support for congressional legislation restoring the Bison Range to federal trust ownership for the Tribes, as have a number of other organizations (*see NWF comment included as part of the Tribes' comment in response to the January 18th scoping notice*). It is therefore misleading to imply that most of the comments were opposed to the preferred alternative when an exceedingly large majority of people, on the order of millions as represented by the commenters, were actually supportive of it.

It is, however, instructive to look at the actual comments submitted by individuals opposed to the preferred alternative. Of the several dozen comments submitted by individuals opposing the preferred alternative, the following excerpts are representative of many of them:

"I would suggest a better effort would be directed toward extinguishing the boundaries of The [*sic*] Flathead Indian Reservation and terminate the conflicting (and illogical) status of 'sovereign' tribes. . . ."

[*from comment submitted to FWS dated February 16, 2017*]

"All federal and state funding and subsidization of some 20 billion of the 567 tribes and the 400 some in waiting need to be stopped. This sort of tribal welfare is creating a national embarrassment. . . . The objective of the reservations have long run its course [*sic*]"

[*from comment submitted to FWS dated February 18, 2017*]

"[T]he indians [*sic*] ask for more money, free college, rights to lands water, now bison . . . If they want to be autonomous then why do they keep asking for things from the rest of the tax paying public?"

[*from comment submitted to FWS dated February 20, 2017*]

"We've given them enough free things for way to [*sic*] many years."

[*from comment submitted to FWS dated February 28, 2017*]

"Meanwhile, native populations need to better prepare themselves to take on such responsibilities and philosophies in our current world, or even to become self-sufficient citizens. Generations of federal welfare and total provision has been [*sic*] demeaning and a detriment rather than a help for them as a society."

[*from comment submitted to FWS dated February 21, 2017*]

Rather than recognizing the Tribes' record as a natural resources manager, as does FWS and many national, regional and local conservation groups, many of these commenters simply display an ideological opposition to Indians, reservations, tribal governments, and federal Indian law. While everyone is entitled to their opinion, it is equally important that FWS recognize and acknowledge that numerous comments submitted display themes of bigotry or hostility towards tribes. The comments indicate that there appears to have been some coordination amongst some of the commenters, including individuals who have been the subject of past reporting by the Montana Human Rights Network, the Southern Poverty Law Center, and others for what the Montana Human Rights Network, for example, identifies as anti-Indian activity.[1]

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[1] *E.g.*: Montana Human Rights Network, "Right-Wing Conspiracies and Racism Mar Opposition to Confederated Salish and Kootenai Tribes and State of Montana Water Compact", April 15, 2015 (*see* http://www.mhrn.org/publications/specialresearchreports/Right-Wing%20Conspiracies%20and%20Racism%20Mar%20Opposition%20to%20Confederated%20Salish%20and%20

With respect to the Tribes' input in response to the revised notice of intent, this comment identifies those areas which the Tribes believe should be addressed in the NBR CCP and/or EIS. The Tribes understand that the CCP is a large undertaking, and that the Service may not be able to address all topics in great detail. The Tribes expect that the CCP will generally assist the public in understanding how FWS expects the NBR to operate as part of the newly-designated Western Montana National Wildlife Refuge Complex, as identified and discussed in the Service's Region 6 document titled "National Wildlife Refuge System Realignment Strategy and Staffing Framework", released in November of 2016 (further addressed in subsequent sections of this comment).

The general issues identified below are not listed in any particular order, and are thus not necessarily identified in order of priority.

Management

The Tribes were pleased to see that the original January 18, 2017 notice of intent had indicated that, of the initially-identified management alternatives that the EIS would evaluate, FWS had identified as its preferred alternative congressional legislation to restore the National Bison Range to federal trust ownership for the Tribes, with requirements for continued bison and wildlife conservation. Last summer, after consulting with FWS, the Tribes had publicly released draft legislation to accomplish such a restoration, with requirements for continued bison and wildlife conservation as well as continued public access: the National Bison Range Restoration Act. The Tribes continue to believe that such restoration would be an effective way to: manage the wildlife and other resources; increase effective public education and visitation experiences; and address the Tribes' history with the NBR land and bison. However, we understand that the Service is now focused on maintaining the NBR as a National Wildlife Refuge and is no longer examining a restoration option.

While the Service's notice of intent to prepare a CCP/EIS includes management alternatives that address Tribal participation or cooperation, the Tribes would encourage cooperative efforts with the Tribes to be addressed even under the 'no action' alternative and any other alternatives identified during this scoping period.

At this time, the Tribes do not believe that the CCP, and accompanying EIS, should address, as a specific management alternative, Tribal management or cooperation through an agreement under the Tribal Self-Governance Act or other authority. The Tribes believe that any such analysis would be more appropriate and effective in a separate document that would accompany a future proposal or agreement. However, given the long history of cooperation and coordination between the Tribes and the Service, the Tribes believe it would be appropriate for the CCP/EIS

Kootenai%20Tribes%20and%20State%20of%20Montana%20Water%20Compact.pdf); Montana Human Rights Network, "On the (Bison) Range: Tribes Seek Management Role, Confront Anti-Indian Sentiment", Human Rights Network News, March 2008, at 7 (*see* http://www.mhrn.org/publications/humanrightsnetworknews/0308.pdf); and Ryan Lenz, "Seeing Red", Southern Poverty Law Center Intelligence Report, February 17, 2016 (*see* https://www.splcenter.org/fighting-hate/intelligence-report/2016/seeing-red).

to acknowledge the history, and potential future, of Tribal cooperation at the National Bison Range, as well as generally address collaborative work with the Tribes.

The Tribes encourage the Service to use this opportunity to revisit how it interacts with the Tribes, our Tribal citizens, and the general public with respect to indigenous culture, language, and land uses. This is also an opportunity for the Service to examine the Bison Range within the context of its location on the Flathead Indian Reservation. FWS may elect to do the minimum amount required with respect to these efforts and generally approach this CCP as it would for any other Refuge. Alternatively, FWS may elect to become a leader in how federal agencies in this country approach: 1) partnerships with tribal governments in Indian country; and 2) the federal trust responsibility towards tribes within the context of Refuge management. The Tribes encourage the latter approach.

A model that the Service could examine comes from the agency's Canadian counterpart. The Canadian Wildlife Service utilizes "Impact and Benefit Agreements" with respect to its management of National Wildlife Areas and Migratory Bird Sanctuaries within the indigenous Territory of Nunavut (*copy included with this comment as Attachment #1*). While this is against the backdrop of a different legal landscape, the salient point is how the federal government of Canada has proactively chosen to engage, collaborate and interact with its aboriginal partners in Nunavut. As part of its management of National Wildlife Areas and Migratory Bird Sanctuaries in Nunavut, the CWS addresses the following issues, among many others:

- use of native language in CWS interpretive and other materials and activities, including place names;
- use of "traditional, current and evolving body of Inuit values, beliefs, experience, perceptions and knowledge regarding the environment";
- incorporation into management plans of cultural history and the context within which the wildlife areas or bird sanctuaries operate;
- development and use of oral histories
- use of aboriginal guides;
- explicit consultation procedures to ensure substantive, rather than superficial, consultation;
- explicit evaluation and tracking activities to measure progress on achieving these objectives; and
- criteria for hiring CWS staff working within Nunavut, including knowledge of: Inuit culture, society and economy; native language; and knowledge of laws relevant to the Inuit/Nunavut legal landscape.

These Impact and Benefit Agreements provide for the incorporation of native languages and staff training into the protected areas' management, as well as the incorporation of traditional ecological knowledge (TEK) into Western science. As stated on FWS' website, "[a]n increasing number of scientists and Native people believe that Western Science and TEK are complementary."[2] The CCP/EIS should address this with respect to the Bison Range.

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[2] *See* https://www.fws.gov/nativeamerican/pdf/tek-fact-sheet.pdf

Ninepipe, Pablo, & Lost Trail National Wildlife Refuges; Northwest Montana Wetlands Management District

Since our prior scoping comment, the Service published, on May 18, 2017, a notice of intent to prepare a CCP and accompanying environmental assessment for the remainder of the National Bison Range Complex (NBRC), including the Ninepipe, Pablo and Lost Trail National Wildlife Refuges, as well as the Northwest Montana Wetland Management Districts. In response to that notice, CSKT is submitting separate scoping comments. To the extent that they are part of the existing NBRC, CSKT incorporates by reference into this comment the "CSKT Scoping Comment in Response to the 'Notice of Intent to Prepare a Comprehensive Conservation Plan; Pablo, Lost Trail, and Ninepipe National Wildlife Refuges, and the Northwest Montana Wetlands Management District, Montana", also dated August 15, 2017 and submitted to the Service.

Wildlife and Fisheries Management

The Tribes expect that bison and big game species management would be prominently addressed in the CCP. This management, including for bighorn sheep, elk and deer, would include such issues as: herd size targets/culling plans; general health monitoring and management; genetics; as well as other general management issues.

The Tribes also expect that predator management (including, among other species, black bear, grizzly bear, gray wolf, coyote, mountain lion, golden eagle, and bald eagle) would be addressed by the CCP.

The Tribes recommend that the CCP address surveying and monitoring of nongame birds, as well as amphibians and reptiles.

The Tribes further recommend that the CCP acknowledge the Tribes' role in fisheries management at the National Bison Range.

Habitat Management

Range condition, weed management, pine encroachment, forest habitat management, fire management, riparian management, wetland management, and water management issues are all components of habitat management that should be addressed in the CCP.

Aquatic Invasive Species

The Tribes believe that the CCP should address contingencies for aquatic invasive species, whose profile has recently been elevated in Montana.

Public Use and Access

The CCP provides an opportunity to examine, and plan for, such public use/access considerations as: visitation projections; desired visitor experiences; fishing access; wildlife watching and photography opportunities; recreation site (picnic areas) availability and management; fee structures; and the possibility of tours.

With respect to access by citizens of the Confederated Salish and Kootenai Tribes, the Tribes believe that the existing Memorandum of Agreement between FWS and CSKT governing access to the National Bison Range (as well as the Ninepipe and Pablo Refuges) has worked well.

Visitor Services

The Tribes anticipate that the CCP would address the following issues related to visitor services:

- current state of, and future outlook for, the visitor center, including need and potential for replacement;
- access considerations, including potential for an additional, or alternate, entrance such as at Ravalli Hill (a suggestion made by public commenters on several occasions);
- interpretive displays, materials and sale items;
- information availability and standards/criteria for inclusion of information/materials;
- education, public awareness, programs and presentations;
- incorporation of native languages in signage and interpretive materials
- receipt collection and accountability; and
- staffing and volunteers

Cultural and Historical Resources

The inventory, preservation, and management of cultural and historical resources are high priorities for the Tribes and need to be addressed at some level in the CCP. We have cooperated with the Service in this area in the past, and we look forward to continued collaboration through our Tribal Preservation Department. With respect to cultural and historical resources, the Tribes specifically request that the Service consult with us regarding these issues, consistent with Executive Order No. 13175 ("Consultation and Coordination with Indian Tribal Governments"), the Department of the Interior Policy on Consultation with Indian Tribes, and the National Historic Preservation Act (54 U.S.C. § 300101 *et seq.*).

Facilities maintenance

It would be helpful for the CCP to address facilities maintenance expectations, needs, budgets and costs for such facilities as the visitor center, residences, barns and other buildings, roundup facilities, picnic area toilets and structures, fences (exterior and interior), and trails.

Enforcement

Given the Service's Region 6 "Realignment Strategy Staffing Framework", and in light of that document's reference to a prioritization protocol for filling vacancies, the CCP should address the Service's expectations or outlook for enforcement responsibilities and jurisdictional impacts, as well as any cross-deputization expectations, needs or opportunities.

Personnel

Again, against the backdrop of budget projections and the above-referenced "Realignment Strategy Staffing Framework" and its associated protocols, the CCP should address the existing vacant positions, as well as expected, desired and potential positions looking forward. Staffing, and associated volunteer needs, at the National Bison Range, has been the subject of several articles in local/regional newspapers over recent months, so there is likely considerable public interest in understanding the Service's long-term outlook for Bison Range staffing.

The Tribes also believe the CCP/EIS should address Service actions to either recruit federal staff that have knowledge of Salish, Pend d'Oreille and Kootenai culture, or train existing staff with respect to those cultures, as the Canadian Wildlife Service does with respect to its designated wildlife areas and bird sanctuaries in indigenous areas (as mentioned above). This would not only have benefits for the staff and their interactions with the Tribes, but would also increase the ability of such staff to answer visitor questions or otherwise aid in public education on the history and culture surrounding the Bison Range.

On October 27, 2017, Chairman Vernon Finley sent a letter to Refuge Manager Jeff King requesting consultations for any NBRC position vacancies (*copy attached to this comment as Attachment #2)*.

Research

The CCP should also address any projected activities, or needs, regarding research concerning wildlife, habitat, animal health, genetics, or related issues.

Climate Change

In order to effectively look forward as a planning document, the CCP should address projected, likely, or potential impacts of climate change on habitat, species (fauna and flora), water, forage and wild fire impacts. The Tribes ask the Service to take into consideration the Tribes' Climate Change Strategic Plan, which was adopted in September 2013 and is available at www.csktribes.org/CSKTClimatePlan.pdf.

Fire

FWS, CSKT and the Bureau of Indian Affairs have historically entered into Annual Fire Management Operating Plan agreements addressing fire control at the National Bison Range.

The CCP should address the Service's plans, expectations, budget and cost outlooks for fire control, as well as controlled burns and other fire-related management issues.

Support for Tribal Participation & Cooperation at the National Bison Range

The CCP should address the potential for opportunities for cooperative efforts with the Tribes at the Bison Range. Support for such Tribal participation is strong. Below is a list of entities and organizations that have provided letters or resolutions of support for the Tribes' above-referenced draft Bison Range restoration legislation, or the restoration concept. It is logical to infer that the same entities and organizations would, for the same reasons as they support Bison Range restoration, also support other forms of Tribal participation and cooperation at the NBR.

1) National Wildlife Federation
2) Natural Resources Defense Council
3) Sierra Club
4) National Parks Conservation Association
5) The Wilderness Society
6) Montana Conservation Voters
7) Montana Environmental Information Center
8) Mission Mountain Audubon
9) Flathead Audubon
10) Five Valleys Audubon
11) Headwaters Montana
12) Flathead Reservation Human Rights Coalition
13) National Congress of American Indians
14) Rocky Mountain Tribal Leaders Council
15) Affiliated Tribes of Northwest Indians
16) Iinii Buffalo Treaty Signatories
17) Nez Perce Tribe
18) Missoulian editorial board (*February 14, 2016*)

While a number of the above organizations are national, regional, or state-wide in scope, it is significant that some of the most frequent local users of the National Bison Range, represented by local Audubon chapters, support Bison Range restoration and Tribal management. All three of the local Audubon chapters have provided letters of support: Mission Mountain Audubon; Flathead Audubon; and Five Valleys Audubon.

The letters and resolutions from the above-listed organizations are attached to this comment as "Attachment #3".

History

We cannot move forward as effectively and intelligently as we desire unless we know our history. The Tribes believe that the Service should include in its CCP/EIS some history of the

National Bison Range. It is apparent from some of the public comments made in scoping meetings, as well as some written comments received in response to the original notice of intent, that many people are not familiar with the role of the Tribes with respect to the National Bison Range's initial herd, as well as the land itself. It is also apparent that there is a great deal of confusion and misinformation with respect to the past Tribal Self-Governance agreements at the National Bison Range. The CCP/EIS provides an opportunity to present the public with relevant facts.

Consultation

As a general matter, the Tribes request that the Service consult with us regarding National Bison Range issues in accordance with Executive Order No. 13175 ("Consultation and Coordination with Indian Tribal Governments"), the Department of the Interior Policy on Consultation with Indian Tribes, and the National Historic Preservation Act (54 U.S.C. § 300101 *et seq.*).

The Tribes are happy to provide any additional information regarding the topics outlined in this scoping comment. For any inquiries, please contact either Tom McDonald, Manager, Fish, Wildlife, Recreation & Conservation Division, CSKT Natural Resources Department, or Brian Upton, Tribal Attorney, at (406) 275-2760, or (406) 675-2700, x1165.

BLUE GOOSE ALLIANCE
1050 MATADOR DRIVE SE
ALBUQUERQUE, NEW MEXICO 87123

SCOPING COMMENTS: Re: National Bison Range-CCP-Notice of Intent

Sent by email to: scoping_NBR@fws.gov

June 16, 2017

Attention: Toni Griffin, Refuge Planner, NBR CCP

Ms. Griffin:

These comments from the Blue Goose Alliance respond to the May 18, 2017 Federal Register Notice of Intent signed by U.S. Fish and Wildlife Service Acting Regional Director Anna Munoz.

The Blue Goose Alliance (BGA or Alliance) is a private, non-profit organization incorporated in New Mexico and granted an Internal Revenue Service status of 501(c)(3). The BGA has been deeply involved, since 2002, with the National Bison Range (NBR), a century old National Wildlife Refuge in Montana.

The Alliance is dedicated to maintaining the integrity of the National Wildlife Refuge System, supporting proper funding, growth, and management of the System in compliance with its guiding statutes and related federal laws, and seeking elevation of the NWRS to separate agency status within the Department of the Interior (DOI).

Introduction

The National Bison Range was established by Act of Congress dated May 23, 1908 (35 Stat. 251, 262, 267). That statute directed President Theodore Roosevelt to "*reserve and except from unallotted lands now embraced within the Flathead Indian Reservation ... for a permanent national bison range for a herd of bison to be presented by the American Bison Society.*" That action was the first time in U.S. history that Congress directed establishment of a reserve for wildlife conservation and appropriated funds for acquisition of the lands involved and for the required special fencing and annual operations. The National Bison Range therefore uniquely became the first federal acquisition of a comprehensive wildlife conservation area, an historically significant event. Its success over the past century, given its relatively confined extent, demonstrates the diligence taken in selecting proper year-round habitats as well as the dedication and expertise of its

federal refuge personnel. Today, the American plains bison is recognized as the Nation's National Mammal. Yet, it remains essentially extinct within its native ecosystems across our prairies and grasslands. Although initial steps are underway to reestablish a bison herd in the historically significant eastern Montana grasslands, substantial problems remain in the ultimate efforts to fully restore this iconic North American mammal and keystone elements of its native ecosystem.

The National Bison Range contains indispensably important genetic material with one of the lengthiest and best documented records of all members of its bison herd. The NBR is considered by DOI as an essential part of its commitment to final recovery of this keystone species. The Comprehensive Conservation Plan now anticipated for the NBR is, therefore, significantly important at this time.

The intent of Comprehensive Conservation Planning is articulated in the National Wildlife Refuge System Administration Act (NWRSAA, 80 Stat. 929; 16 U.S.C. 668dd-668ee). Congress intended that FWS carefully and thoroughly plan effective future management of every refuge in the System and directed that once completed, management of each refuge should follow the guidance of its CCP.

Refuge Comprehensive Plans are intended to detail and describe future refuge management by FWS. None of the hundreds of CCPs completed in compliance with the NWR Administration Act were created with the notion of contracting portions of traditional refuge management to a non-FWS entity, yet Region 6 has issued an NOI and statements at public meetings stipulating an intent to consider negotiating an Annual Funding Agreement for refuge programs, including major portions of arguably "Inherently Federal" functions. Delegation of biological and public use programs to a non-federal entity while stripping the federal refuge staff of adequate ability to resume full management if necessary presents a serious breach of federal policy, and may be outside the mandates of guiding statutes.

The strict provisions in Refuge System laws for retention of every refuge in the system were enacted in 1976. They affirmed that National Wildlife Refuges should never again be "co-managed." The ensuing statutes removed existing authority for the Secretary, BLM, or the President to divest any refuge, or refuge lands, without satisfying specific requirements. The 1997 amendments to the NWRSAA retained those safeguards assuring that refuges were to be managed by the Secretary through the Director of the U.S. Fish and Wildlife Service. Further, the legislative history of the 1997 amendments, as enacted by overwhelming

bipartisan votes, specifically removed previously proposed language that would have allowed "other entities" to manage refuge programs. The final statute permits only state fish and wildlife agencies, under strict FWS developed guidelines and regulations, to manage refuge programs or portions of refuge programs.

The unprecedented proposal by FWS Region 6 to deviate from the intent of Comprehensive Conservation Planning, and possibly from the NWRSAA, is very troubling and warrants careful analyses for potential violations of its guiding statutes.

FWS lacks capacity to fittingly undertake the CCP-NOI

The current absence of essential staff and basic funding at the NBR cannot support the demands of initiating an operative Comprehensive Conservation Planning process with accompanying NEPA documents.

Required extensive public outreach, selecting and organizing a properly convened Coordinating Team, providing basic facts and details (including the necessary research to fill existing gaps in required data) to interested stakeholders and concerned public via widely disseminated pamphlets and circulars while devoting in-depth, coordinated attention to analyses of input from varied sources and development of achievable management alternatives would engulf the currently available personnel at the refuge and in the Regional Office.

Implanting the CCP/NEPA responsibilities on the NBR staff, consisting of the Project Leader, a mid-level biologist and an entry level range conservationist (which remain the best, most knowledgeable, up-to-date source of essential biological, ecological facts and existing impediments and gaps in knowledge), atop the daily work managing the diverse NBR animal populations and habitats courts with failure. Adding the requirements of dealing with the spring/summer surge of public visitation, inquiries, requests and related commitments to assure public safety, raises the combined tasks to an impossible overload.

The NBR staff is responsible for 3 other National Wildlife Refuges, an entire Waterfowl Management District, and numerous conservation easements on lands in the Mission Valley. And, further complicating the matter, Region 6 has issued another NOI for beginning a separate but concurrent CCP process for all those other refuge lands and commitments.

Organizing to meet Challenges

The NBR Project Leader should be designated as lead planning team decision-maker for both the NBR CCP and the CCP for other refuge units of the complex, assisted by the supervising regional planner. From that logical and appropriate designation, the FWS needs to begin seeking qualified refuge staff according to the previously approved (2015) staffing plan.

The refuge complex has been without a Deputy Project Leader for 5 years, lacks senior biologists and range specialists with knowledge of the animals, habitats, annual management cycles, key problems, practices that have worked or not worked in the past, and numerous other important management and operating basics for the NBR.

The Regional Chief of Refuges has the responsibility to provide resources necessary to support properly each refuge in the Region. Various reasons have been offered to explain the demonstrably inadequate staff and funding for the Bison Range—but it remains a failure that must be remedied prior to deeply committing to these CCP/NEPA documents. The NBR has an approved staffing plan, and an appropriation allocated by the Congress for its operation. Neither the funds nor staff authorized have been released to the Project Leader. That failure should be remedied as soon as possible.

This discussion is not to say that beginning a responsible CCP process, as described in the planning Manual cannot be done. Many of the "Preplanning" steps can be completed by regional planning staff with assistance from the refuge level. The Project Leader and Regional planner should cooperatively assign priorities for accomplishing important foundational work. Once in place the preplanning steps readily facilitate ensuing elements of the plan and enable informed outreach to the interested public. Taking the time up front to accomplish preplanning is well worth the efforts.

Important Issues to be Addressed in the CCP

History

The discussion of the original establishing purpose(s), should also include the purposes added by the 1921 Executive Order to protect native birds, and the 1958 Statute requiring establishment and maintenance of a bison exhibition pasture. Additionally, the mandates in the National Wildlife Refuge System Administration

Act requiring each refuge to contribute to purposes of the System, and the overarching direction to the Secretary to assure all refuges are managed for biological diversity, integrity and environmental health should be recognized as purposes. The discussion should clearly establish the foundation to guide future wildlife and habitat management of the National Bison Range, while permitting the specified compatible public uses.

Wildlife

Each large mammal population on the NBR should be addressed in reasonable detail, providing a documented historical outline for each species on the NBR. This should include population origin, relevant objectives, past methods used to maintain the population within objective targets, methods for dealing with disease outbreaks, and other life-history data of importance. Summaries should be included for the formal and informal research and wildlife management studies that have been completed, and all studies currently underway. These facts should thus form the basis for discussion of alternative management strategies later in the CCP.

For the plains bison, now the U.S. national mammal, the premier public trust species for this National Wildlife Refuge, the CCP should provide a detailed history of the origins and original purposes for establishing the NBR along with facts on the founding animals and respective bloodlines of those founders. It is generally accepted that at its deepest point of decline in the 19th Century, the plains bison numbered only about 550 animals. Details about the founders of the major conservation bison herds is of vital importance due to the concerns raised by the inferred limited range of genetic material thus forming the entirety of current bison herds. The NBR's founding bison have a complex lineage and documented interactions with other major lineages. Those factors should be thoroughly discussed. Past inadvertent cattle introgression, potential for future genetic drift, strengths and deficiencies of current genetic testing techniques and related topics should be presented. Disease possibilities and protocols for periodic testing along with methodologies for handling sudden outbreaks should be elaborated.

The founding of a bison metapopulation in 2009 along with a basic operating protocol for such management and its primary objectives is a very important topic for the CCP. The central role of NBR bison in that metapopulation model is an essential feature of all Fish and Wildlife Service bison herds. It is, therefore, highly important that a thorough discussion be included in the background information of the CCP.

Habitat

Habitat is at the heart of all wildlife management. The NBR's unique relict Palouse grassland now integrated with the rare intermountain grassland type places the NBR in a position of being the sole U.S. National Wildlife Refuge with the responsibility for

protection and maintenance of this scarce and valuable habitat type. Hosting a year-around complex of large mammal species, many of which are grazing animals, results in grazer concentrations within the relatively small 18,900-acre refuge requiring application of intensive management techniques not required on a much larger grassland area.

The internal fencing/pastures within NBR constitute a vital component permitting that more intensive management. A solid discussion related to these subjects is called for in the CCP. Additionally, invasive species are a recognized problem on the NBR. For the refuge to maintain and protect the vital native grasslands, particularly key species of fescue and other native grasses along with its other vital components, it must design and conduct a carefully planned, assiduously implemented "integrated pest management program" annually. Such a program is labor intensive and requires involved technicians to have formal training, proper equipment, and important knowledge of the target species and any potential or listed threatened or endangered native species that could be affected.

Climate Change

A major complicating factor that must be thoroughly addressed in the CCP is the expected features and likely impacts to be expected from the effects of Climate Change. It is probable that some subtle, but important changes have already begun to affect the NBR plants and animals. The Coordinating Team should consist of expert wildlife, plant, disease, genetic, and ecosystem specialists from agencies such as the State Fish and Game Department, State agricultural agency, USGS Biological Division, Natural Resources Conservation Service, USFS, County officials, the University of Montana, and others in order to have the expertise necessary for identifying and analyzing available data along with interpreting models of expected climate changes in Western Montana and the Mission Valley in particular.

Cultural, Archeological and Related Resources

The National Bison Range was established during the Congressionally mandated allotment process to tribal members of the Confederated Salish and Kootenai Tribes—followed immediately by opening the remaining lands within the Flathead Reservation to non-Indians for settlement under the provisions of the Public Land Laws of the U.S. Native peoples have lived on and used these lands, and other lands beyond the Reservation boundaries, for millennia. It is to be expected that the area contains cultural materials and areas important to the tribes and its members. Federal laws mandate that the FWS must recognize its responsibility to identify, protect, consult with the tribes about, and otherwise respect such important cultural features, artifacts, etc. This topic should be given thorough thought and discussion. The Tribes have previously completed a cultural survey and report under contract to the FWS. The CCP process should provide an appropriate opportunity to analyze that report and decide if additional

cultural survey work should be done in the future, its nature, the cooperating parties, and related factors that will lead to properly complying with the law, and the desires of the Tribes and members.

Visitor Services, Recreation, Environmental Education outreach

Among the outstanding features of the National Bison Range is its reputation for providing a spectacular display of wildlife in natural settings with the highly aesthetic background of the Mission Mountain Range and adjacent pastoral setting of the valley. With visitation now approaching a quarter million each year, most from states and countries beyond Montana's borders, the NBR ranks among or exceeds the visitation experienced by the "Urban Refuges" so pridefully featured by the FWS (each so designated was recently "granted" an addition of $1 million to its base budget – but no such money was provided to NBR). The lack of staff has curtailed many of the outreach programs that have been very successful and highly praised among the Valley schools in the past.

It is clear from the original reconnaissance report to the American Bison Society by Dr. Morton Elrod, to the later reports published by the ABS, the NBR was intended to be a place for the public to come, to experience, and to benefit from NBRs accessible and captivating panorama. What has resulted from the generous gifts of rare and endangered wildlife made to the NBR by the ABS, other states, Canada, Cities, conservation organizations and individuals has been made even more special due to the successes and operating practices of the professional refuge staffs.

Further, the unique trust relationship set up by the Congressional directive to President Theodore Roosevelt to establish the NBR, including where to establish it, and then consistently funding the refuge for the ensuing 109 years represents a hallmark of wildlife conservation in America. The National Bison Range, its bison and other wildlife, are long-established Federal Public Trusts[1] [2] that, by statute, may not be given away, transferred, or sold solely based on a decision of a Director, Secretary, or even the President.[3] [4] [5] [6] Fifty-Five consecutive Congresses have honored the commitment by the 60th Congress in accepting the gift of pure blood bison from the American Bison Society (with money donated by citizens from 29 states and the District of Columbia) and enacting provisions establishing a "permanent National Bison Range" in Montana.

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[1] Blumm, Michael C. and Lynn Schaffer (2014). *The Federal Public Trust Doctrine: A Law Professor's Amicus Brief.* Brief signed by more than 50 law professors (collectively having >1100 years of teaching experience) urging the Supreme Court to review a lower court's decision in Alec L v. McCarthy, 561 F.Appx. 7 (D.C.Cir. 2014)

[2] Sax, Joseph L. (1970). *The Public Trust Doctrine in Natural Resources Law – Effective Judicial Intervention.* 68 Mich. L. Rev. 471 (1970).

[3] Bean, Michael and Melanie Rowland (3rd Ed, 1997) *Evolution of National Wildlife Law.* Praeger Publ., CT; pp. 289-291.;

[4] Civil No. 75-1004 (D.D.C. Jan. 26, 1976)

[5] 43 U.S.C.A. 1761-65, Oct. 21, 1976

[6] Act of Feb. 27, 1976, Pub. L. No. 94-223, 90 Stat. 199 (codified at 16 U.S.C. 668dd).

The intervening Congresses have consistently appropriated funds for its acquisition (twice), its staff, infrastructure, operational and management needs thereby assuring proper long-term conservation of the highly valuable bison strain represented by the resulting herd. Those values – that commitment – should not be squandered in a way that dishonors the Century of pioneering efforts, the successes over time in overcoming sizeable obstacles, difficult biological, ecological, and related problems. The plains bison is at a crossroads today. There are remaining obstacles to the necessary final efforts to reintroduce the plains bison back to its ecological home. The federal conservation herds are the primary sources of founding genetic material that is essential to achieving a remarkable recovery program. The NBR is among the very few herds with unique genetic materials necessary to assure that future plains bison are fully and properly representative of their ancestors, the 30 – 60 million monarchs of the prairies and plains of North America. The CCP should give full recognition to that set of facts.

The NEPA Document and Process

As alluded to earlier in these comments, the highly unusual and likely extra-legal announcement that the FWS intends to prepare an EIS with a given set of alternatives and with a pre-determined "Preferred" alternative is precedent setting, unwise, and subject to judicial challenge and review. Further, the preparation of a full-featured Environmental Impact Statement is costly, and time consuming. The Alliance believes that FWS should withdraw the EIS feature of the Jan. 18 CCP-NOI and begin its NBR-CCP process using the model most frequently utilized in CCPs since the earliest ones – an Environmental Assessment process. That will facilitate placing needed attention on the CCP rather than the rigorous EIS demands. The costs will be considerably lower. And, if the EA process should conclude, after considering public scoping, Cooperating agency input, stakeholder ideas and suggestions, etc., that an EIS is necessary, they will have a firm foundation from which to work.

The final topic to be addressed is the statement in the NOI that the FWS "intends to invite the CSKT to participate as a cooperating agency ...." Given the efforts undertaken by the CSKT since the Feb. 5, 2016 announcement by the Service that it had initiated discussions with the tribes to consider transfer of the NBR to the tribes in a Tribal Trust status, and the explicit statement in the Jan. 18 CCP/EIS NOI, such a move would result in a huge conflict of interest situation, that would inevitably taint the entire process. The tribes have developed and released to limited public review a proposal that goes far beyond merely transferring the NBR lands to Tribal Trust status.

The value of the "lands, facilities, equipment, developments, structures, improvements, appurtenances and all personal property" (as described in the CSKT—9/13/2016—revised draft proposal for legislation transferring the National Bison Range to Tribal Trust) have an estimated value of $60 million to $100 million. Those values currently belong to the citizens of America—bought and paid for by them. The NWRSAA expressly provides that if lands acquired by the FWS for refuges is to be divested from

the NWRS, it can be done only by means of an exchange for lands of equal value, or it must be paid for at today's fair market value. The amounts are significant. Having CSKT sitting on the "Coordinating Team" would be an unacceptable conflict of interest.

The Tribes obviously deserve a voice in the process of developing a CCP. But, not on the Coordinating Team. They should join the ranks of the public, the conservation NGOs, and other stakeholders in making their views known. The analysis of their views should be made by an unbiased, properly constituted Coordinating Team.

Thank you for this opportunity to comment. The Alliance is hopeful that the Service will seriously consider, and upon seeing the expressed needs for changes to be made to the published Notice of Intent, withdrawing the one printed in the Jan. 18 Federal Register and ultimately publish one that incorporates these and other comments received by interested parties.

Sincerely,

William C. Reffalt
Vice President and Issues Coordinator

Blue Goose Alliance
1050 Matador Dr. SE
Albuquerque, NM 87123

of the National Wildlife Refuge System Administration Act, the Federal Activities Inventory Reform Act, and the 1994 Indian Self-Governance Act.

The issues of which we are aware include grazing violations that contribute to invasive weed infestations, unauthorized farming within designated refuge boundaries and in violation of the easement conditions, and an intrusion into the Pablo NWR by a CSKT operated Race Track. Again, lack of recent public information on these units as well as the Lost Trail NWR and Northwest Montana WMDs prevents certainty about possible additional compatibility issues.

We do know that weed control is an important ongoing issue on these units. The lack of funding and staffing have prevented the NBR Complex from complying with its integrated pest management program. The lack of adequate weed control at Ninepipe NWR is especially troubling in that as the water source for a large portion of the southern part of the Mission Valley, the lack of weed control results in the main irrigation canal carrying large quantities of Whitetop seed out to the farms and ranches supplied by that canal.

We urge the planners to investigate these matters and include in the resulting CCP alternative strategies for full compliance with the State and County laws governing landowner responsibilities in weed control.

Finally, we again note, as our comments submitted for the NBR Scoping indicated, that these refuge units of the National Bison Range Complex should not be considered as a concurrent and separate CCP, but should be combined into a single, enlarged effort to plan management of all units within this complex in appropriately designed chapters within a CCP designed for the entire Complex. The added complexity, inconvenience to the interested public, the NBR Complex staff plus the added costs are not desirable or warranted.

We appreciate this opportunity to comment.

Sincerely,

William C. Reffalt
Vice President and issues Coordinator

Blue Goose Alliance
1050 Matador Dr. SE
Albuquerque, NM 87123

SCOPING COMMENTS Re: April 25, 2017 Notice of Intent to prepare a Comprehensive Conservation Plan for the Ninepipe NWR, Pablo NWR, Lost Trail NWR, and Northwest Montana Wetland Management District areas.

Sent by email to: scoping_pablo_ninepipe@fws.gov

June 18, 2017

Attention: Toni Griffin, Refuge Planner

Ms. Griffin:

These comments from the Blue Goose Alliance respond to the April 25, 2017 Federal Register Notice of Intent signed by U.S. Fish and Wildlife Service Regional Director Noreen Walsh.

The Blue Goose Alliance (BGA or Alliance) is a private, non-profit organization incorporated in New Mexico and granted an Internal Revenue Service status of 501(c)(3). The BGA has been deeply involved, since 2002, with the National Bison Range (NBR), a century old National Wildlife Refuge in Montana.

The Alliance is dedicated to maintaining the integrity of the National Wildlife Refuge System, supporting proper funding, growth, and management of the System in compliance with its guiding statutes and related federal laws, and seeking elevation of the NWRS to separate agency status within the Department of the Interior (DOI).

Lack of recent information regarding the units involved in this CCP proposal precludes detailed ideas, comments or suggestions. Had the FWS completed the usual "Preplanning steps" as outlined in their Refuge Manual Chapter *602 FW 3*, we would have welcomed the opportunity to respond more fully in this Scoping effort.

We are aware of a continuing and troubling matter regarding Ninepipe NWR and Pablo NWR: continued compatibility issues involving the CSKT, and some of its members. There are several issues that were first identified in the late 1990s, that have failed of resolution in part due to the urgent issues raised by the attempt to install an Annual Funding Agreement with provisions that exceed the restrictions

Scoping Pablo Ninepipe, FW6 <scoping_pablo_ninepipe@fws.gov>

Re:public comment on federal register MONTANA HAS GUN HAPPY RESIDENTS - THE NATION NEEDS TO PUT A BRAKE ON TEH GUN HAPPY WILDIFE MURDERERS IN MONTANA

Jean Public <jeanpublic1@yahoo.com> Thu, May 18, 2017 at 2:41 PM
Reply-To: Jean Public <jeanpublic1@yahoo.com>
To: "scoping_pablo_ninepipe@fws.gov" <scoping_pablo_ninepipe@fws.gov>, "americanvoices@mail.house.gov" <americanvoices@mail.house.gov>, "info@nyclass.org" <info@nyclass.org>

this is national public land, not local land for profiteers to maul. nor is it land that fws employees should be mauling. we need land to preserve and protect wildlife and birds. that should be the aim of this plan.

no burning
no chemical applicatsions
no new roads and make sure those who ride on roads observe speed limits and control
no logging
no hunting or trapping to cause misery and torture to wildife or birds. protect and preserve them.

that is what we want for our national public land, owned by 325 million americans. can you do that and stop acting so notoriousy ugly to widllife.

for example the scam words used in your planning document. you call the murder of wildlife and birds "wildlife depende RECREATION". THAT IS DISGUSTING, DEPLORABLE AS HILLARY WOULD SAY.

SAY WHAT IT IS. IF YOU PLAN WILDLIFE AND BIRD MURDER, CALL IT THAT SO THE PUBLIC KNOWS WHAT YOU ARE ALL ABOUT. WE ARE SICK AND TIRED OF YOUR OBFUCCATING WHICH APPROACHES POLITICAL INCIVILITY TO THE AMERICNA PUBLIC.

THE AMERICAN PUBLIC OWNS THIS LAND. THEY NEED HONESTY TO BE USED WHEN YOU DEAL WITH THEM, BNOT LYING AND USEAGE OF WORD PATTERSN LIKE "WILDLIFE DEPENDENT RECRATION" TO HIDE WILDIFE MURDER AND KILILNG AND TRAPPING BRUTALITY IS INSANE. YES, INSANE. PROPAGANDISTIC INSANITY. THIS COMMETN IS FOR THE PUBLIC RECORD. PLEASE RECEIPT. JEAN PUBLIEE JEANPULIC1@GMAIL.COM

[Federal Register Volume 82, Number 95 (Thursday, May 18, 2017)]
[Notices]
[Pages 22844-22846]
From the Federal Register Online via the Government Publishing Office [www.gpo.gov]
[FR Doc No: 2017-10111]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-R6-R-2017-N072; FXRS12610600000-178-FF06R00000]

Notice of Intent to Prepare a Comprehensive Conservation Plan;
Pablo, Lost Trail, and Ninepipe National Wildlife Refuges, and the
Northwest Montana Wetland Management Districts, Montana

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent to prepare a comprehensive conservation plan; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), intend to gather information necessary to prepare a draft Comprehensive Conservation Plan (CCP) and associated Environmental Assessment for Pablo, Lost Trail, and Ninepipe National Wildlife Refuges, and the Northwest Montana Wetland Management Districts, all of which are units of the National Wildlife Refuge System. The three Refuges and Wetland Management Districts are all part of the National Bison Range Complex. Elsewhere in this Federal Register, we are also publishing a revised notice of intent to prepare a draft CCP for the National Bison Range. We are accepting comments on these two notices simultaneously.

DATES: To ensure consideration, written comments must be received or postmarked on or before June 19, 2017.

ADDRESSES: If you wish to comment on the scope of the Comprehensive

[[Page 22845]]

Conservation Plan/Environmental Assessment, you may submit your comments by any of the following methods:

[ssquf] Email: scoping_pablo_ninepipe@fws.gov.

[ssquf] U.S. Mail or Hand-Delivery: Toni Griffin, Refuge Planner, NBR CCP, 134 Union Boulevard, Lakewood, CO 80228.

FOR FURTHER INFORMATION CONTACT: Toni Griffin, Refuge Planner, by mail (see ADDRESSES), or by telephone at (303) 236-4378.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), intend to gather information necessary to prepare a draft Comprehensive Conservation Plan (CCP) and associated Environmental Assessment (EA) for Pablo, Lost Trail, and Ninepipe National Wildlife Refuges, and the Northwest Montana Wetland Management Districts, all of which are units of the National Wildlife Refuge System. The three Refuges and Wetland Management Districts are all part of the National Bison Range Complex. Elsewhere in this Federal Register, we are also publishing a revised notice of intent to prepare a draft CCP for the National Bison Range. We are accepting comments on these two notices simultaneously.

Introduction

The CCP for Pablo, Lost Trail, and Ninepipe National Wildlife Refuges, and the Northwest Montana Wetland Management Districts, will describe the desired future conditions of the units and provide long-range guidance and management direction to Refuge staff on how best to achieve refuge purposes. The notice complies with our CCP policy to (1) advise other Federal and State agencies, Tribes, and the public of our intention to conduct planning on this refuge complex, and (2) to obtain suggestions and information on the scope of additional issues to consider during development of the CCP. Through the CCP, the Service intends to evaluate how it will manage Pablo, Lost Trail, and Ninepipe National Wildlife Refuges, and the Northwest Montana Wetland Management Districts.

This notice is in compliance with Service Refuge Planning policy to advise other agencies and the public of our intentions, and to obtain suggestions and information on the scope of issues to be considered in the planning process. Participation in the planning process will be encouraged and facilitated by various means, including news releases and public meetings. Notification of all such meetings will be

announced in the local press and on the NBR Web site: https://www.fws.gov/refuge/national_bison_range/.

Background

The National Wildlife Refuge System Administration Act of 1966, (Administration Act), as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd-668ee), requires us to develop a CCP for each national wildlife refuge. The purpose of a CCP is to provide refuge managers with a 15-year strategy for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System (NWRS), consistent with sound principles of fish and wildlife management, conservation, legal mandates, and Service policies. In addition to outlining broad management direction on conserving wildlife and their habitats, CCPs identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation and photography, and environmental education and interpretation. We will review and update the CCP at least every 15 years in accordance with the Administration Act.

Each unit of the NWRS was established for specific purposes. We use these purposes as the foundation for developing and prioritizing the management goals and objectives for each refuge within the NWRS mission, and to determine how the public can use each refuge. The planning process is a way for us and the public to evaluate management goals and objectives that will ensure the best possible approach to wildlife, plant, and habitat conservation, while providing for wildlife-dependent recreation opportunities that are compatible with each refuge's establishing purposes and the mission of the NWRS.

We will conduct environmental review pursuant to the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), by preparing an environmental assessment (EA). The Service intends to consult with the Confederated Salish and Kootenai Tribes (CSKT) during this process.

The Service will prepare a CCP and EA that will describe how it will manage the units over the next 15 years. To facilitate sound planning and environmental assessment, the Service intends to gather information necessary for the preparation of the CCP/EA and obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the CCP/EA.

History of the Refuges and Wetland Management Districts

Ninepipe and Pablo National Wildlife Refuges were each established as easement refuges in 1921 ``as a refuge and breeding ground for native birds,'' (Executive Order 3503, Ninepipe; Executive Order 3504, Pablo). Lost Trail National Wildlife Refuge was established on August 24, 1999, and became the 519th refuge in the National Wildlife Refuge System. It was established for use by migratory birds, conservation of fish and wildlife resources, fish and wildlife oriented recreation, and the conservation of endangered or threatened species. Finally, the Northwest Montana Wetland Management Districts are lands acquired ``as Waterfowl Production Areas'' subject to ``all of the provisions of [the Migratory Bird Conservation Act . . . except the inviolate sanctuary provisions'' (Migratory Bird Hunting and Conservation Stamp Act, 16 U.S.C. 718). Ninepipe and Pablo National Wildlife Refuges, and the portion of the Wetland Management District in Lake County, Montana, lie within the exterior boundaries of the Flathead Indian Reservation of the Confederated Salish and Kootenai Tribes (CSKT). Members of the CSKT have a cultural, historical, or geographic connection to the land and resources of the Range.

Additional Information

The mission and purposes for which the units were established are used to develop and prioritize management goals and objectives within

the National Wildlife Refuge System mission, and to guide which public uses will occur on the units of the Complex. The planning process is a way for the Service and the public to evaluate management goals and objectives for the best possible conservation efforts of this important wildlife habitat, while providing for wildlife-dependent recreation opportunities that are compatible with the Refuges' establishing purposes and the mission of the National Wildlife Refuge System.

We will conduct a comprehensive conservation planning process that will provide opportunity for tribal, State, and local governments; Federal and State agencies; organizations; and the public to participate in issue scoping and public comment. We are requesting input for issues, concerns, ideas, and suggestions for the future management of Pablo, Lost Trail, and Ninepipe National Wildlife Refuges, and the Northwest Montana Wetland Management Districts.

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Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment--including your personal identifying information--may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: April 25, 2017.

Noreen Walsh,

Regional Director, U.S. Fish and Wildlife Service, Denver, Colorado.

[FR Doc. 2017-10111 Filed 5-17-17; 8:45 am]

BILLING CODE 4333-15-P

Scoping Pablo Ninepipe, FW6 <scoping_pablo_ninepipe@fws.gov>

Fwd: NOI Comments

Griffin, Toni <toni_griffin@fws.gov> Fri, Jun 23, 2017 at 9:17 AM
To: FW6 Scoping NBR <scoping_nbr@fws.gov>, FW6 Scoping Pablo Ninepipe <scoping_pablo_ninepipe@fws.gov>

---------- Forwarded message ----------
From: **Marvin Plenert** <marvplenert@yahoo.com>
Date: Fri, Jun 16, 2017 at 10:03 PM
Subject: NOI Comments
To: Toni Griffin <toni_griffin@fws.gov>

FEDERAL REGISTER COMMENTS FOR NOTICE OF INTENT:

NATIONAL BISON RANGE AND COMPLEX REFUGES
SUBMITTED BY MARVIN L PLENERT

May 16, 2017 U.S. Fish and Wildlife
Service
Toni Griffin, Refuge Planner
NBR CCP
134 Union Boulevard
Lakewood, Co. 80228

The following comments are submitted regarding the Fish and Wildlife Service (Service) Notice of Intent (NOI) in the May18, 2017 Federal Register (FR) to prepare a comprehensive Conservation Plan (CCP) for the National Bison Range (NBR) and satellite refuges that make up the complex. The Service has stated that in order to increase efficiency and save tax payers dollars, two CCP's will be prepared for the entire NBR complex. No argument can be made for this claim of separating out the NBR from the rest of the complex, Quite the contrary, considerably more tax payers dollars will be saved if a single document is prepared for the entire complex. The area is managed as a complex and should be planned as a complex. Also no major issues have been identified at this time for proposing a full blown environmental impact statement (EIS) versus an environmental assessment (EA) for the NBR. Therefore in the interest of saving dollars the Service should allow the process of preparing an EA dictate the need for an EIS.

This CCP effort must be carried out in accordance with fulfilling the requirements of the National Wildlife Refuge System Administration Act of 1966 as amended by the National Wildlife Refuge System Improvement Act of 1997, as well as the National Environmental Policy Act (NEPA) and is long overdue. Complying with these legal mandates and finally agreeing to produce a CCP was obviously triggered as a result of the Public Employees for Environment Responsibility (PEER) law suit. In any event, it is required to be completed legally, correctly, and in accordance with Service protocol, and policies on preparing CCP's. Thus, policy articulated in the Service CCP manual recognizes the importance of the refuge manager as the leader of the CCP planning team with full decision making authority throughout the process. This is an absolute requirement if a quality product is to be achieved. Having reviewed numerous CCP's I have yet to see one that excludes the refuge project leader and staff. Since the staff and budget has been depleted by the Regional Refuge Chief in recent years it is doubtful that current staff with a wealth of knowledge of conditions at the NBR who should produce the CCP can complete the task without additional staff and funding. This should be corrected immediately, with full funding and staffing restored. Per the refuge planning policy the planning team should at a minimum include the refuge manager deputy refuge manager, wildlife biologist, visitor services specialists and administrative officer.

Given the past history of Service reluctancy to halt the political and Tribal meddling as to who should own, manage and administer this iconic refuge, it is questionable that the Denver Regional Office Leadership Staff can be objective and/or capable of an unbiased evaluation of any comments received. One has to only look at the 100's of comments, petitions and letters which were submitted to the Service during the past 2 decades in opposition to the attempted Service and Confederated Salish and Kootenai Tribes (CSKT) Annual Funding Agreements (AFA's), to arrive at that conclusion. The third and final AFA attempted effort in 2014 was another example of waste in terms of staff time and scarce refuge dollars spent, and represented the Service's feeble effort to comply with another unlawful NEPA compliance law suit. To date, that E A lies in limbo with no notice of decision or any record of finding ever published or attempt of closure and compliance. What assurance do we, the Public, have that this NOI will end up the same way? It should also be pointed out that after 20 plus years of scheming behind the scenes to gain control of the NBR by the CSKT, it is foolhardy to turn around and allow them to be a cooperating agency or partners during the CCP process as a

gigantic conflict of interest still exists. Reinforcing this is necessary because the CSKT have previously taken the position the CCP should not even exist. Therefore, the Tribe under NO circumstances should be allowed to be involved with the CCP as a partner or cooperating agency, but should have the same status as other stakeholders, conservation NGO's or the general public, in making their views known. The aforementioned fact makes it all the more necessary that in the interest of being legal and transparent to the process as well as the Public and Stakeholders, the Service must unequivocally retain sole and full decision making authority throughout the entire CCP process as required by Federal Statutes.

The Service has put the cart before the horse by conducting two scoping meetings prior to any form of preplanning which is one of the most important aspects of the entire CCP process. Also, suggesting that a preferred alternative of negotiating another AFA with the CSKT before any preplanning, vision statements or setting of goals has been conducted is already in violation with Service policy. The Refuge Improvement Act clearly stipulates the major topics to be included in a CCP and makes it clear that it is intended to guide the Service in the future management of refuges. Thus, any alternative that states the Service will negotiate an AFA would be precedence setting and in direct conflict with the fundamental purpose of a CCP. This is especially true because of the Service's interaction with attempted co-management of refuge programs by the CSKT in the recent past has been problematic and illegal. The Service needs to go back to the drawing board and review comments submitted on the E A for the last proposed AFA to see just what the public reaction was to alternative C. Instead at this point in the CCP process it is strongly recommended that any alternatives be left to the public to identify during the process.

In summary, one of the main benefits of developing a CCP is the mandatory requirement for the Service and the public to interact and design and evaluate long term management strategies, something that is long over due at the NBR. The Service has participated in countless meetings and negotiating sessions with the CSKT, however until recently there has never been any interaction with the public on management or administration issues, therefore the CCP process requires mandatory public involvement efforts and needs to be done correctly in compliance with legal mandates and Service policy. The omission of the refuge project leader and staff in the process must be immediately corrected.

The Service also needs to put a halt to personal agendas and start listening to the public who are the true owners of the NBR. All Americans as well as the people of Montana and especially the on the ground managers and refuge staff, and refuge's natural resources deserve and require an Agency that is responsive and transparent, which has been absent for a long long time at the NBR. It is also obvious that the regional Service leaders are not listening to Secretary of the Interior Ryan Zinke who wants the decision making process pushed away from Washington or Regional Offices and down to field project leaders. Therefore it becomes mandatory that the NBR field staff be given the lead in developing the CCP, as well s determining and developing cooperative ventures with Tribes. It is also questionable as to why the Service planner already stationed at the NBR who possesses more talent and knowledge about the NBR then any of the regional office planners is not being utilized in this CCP effort? It also makes a farce out of the saving dollars statement. Its long overdue for the regional leadership to stop the vendetta toward the NBR and its staff and put this iconic refuge back on the pedestal where it once was and belongs. As a former Regional Director I would have been elated to have had this seventh most visited iconic refuge in my region, and would never have allowed it to be comprised by anyone.

My final comment as it relates to the last paragraph of the NOI on public availability of comments. No names, phone numbers or addresses should be provided to the CSKT or anyone else unless it is in compliance with the statutes found in the Freedom of Information Act (FOIA). The reason this is necessary is that the Service did provide the commenters personal information to the CSKT in past processes without going through a FOIA request, and it had a stifling effect on Mission Valley Residents or local refuge neighbors, businesses or Tribal employees from commenting for fear of Tribal retaliation.

I appreciate the opportunity to comment on the NOI, and trust that my comments will accurately be considered.

Marvin L Plenert
20500 S Tranquility Ln.
Oregon City, Oregon 97045
marvplenert@yahoo.com
Copy also sent to FWS Denver Regional Office via Post office, and Secretary Zinke

Scoping Pablo Ninepipe, FW6 <scoping_pablo_ninepipe@fws.gov>

Fwd: Comments regarding the CCP at the National Bison Range Complex

Griffin, Toni <toni_griffin@fws.gov> Fri, Jun 23, 2017 at 9:20 AM
To: FW6 Scoping NBR <scoping_nbr@fws.gov>, FW6 Scoping Pablo Ninepipe <scoping_pablo_ninepipe@fws.gov>

---------- Forwarded message ----------
From: **Susan Reneau** <bluemountain@montana.com>
Date: Sun, Jun 18, 2017 at 7:11 PM
Subject: Comments regarding the CCP at the National Bison Range Complex
To: scoping_pablo_ninemile@fw.gov, bernie_petersen@fws.gov, bernardo_garze@fws.gov, "Griffin, Toni" <toni_griffin@fws.gov>, kelly_hogan@fws.gov, Noreen Walsh <noreen_walsh@fws.gov>, Will Meeks <Will_Meeks@fws.gov>
Cc: charles_robison@daines.senate.gov, "Roddy, Russell" <russell_roddy@ios.doi.gov>, aaron_flint@mail.house.gov, sam_sweeney@daines.senate.gov, "Flint, Jessica" <Jessica.Flint@ampf.com>

Dear Secretary of Interior Ryan Zinke and the U.S. Fish and Wildlife Service:

I attended two meetings on June 6 and 7 in Polson and Kalispell by traveling in excess of 250 miles to start the scoping process for the comprehensive conservation plans (CCPs) at the National Bison Range Complex that has never been done since the 1997 National Wildlife Refuge System Improvement Act was passed by Congress requiring CCPs all national wildlife refuges. I understand the most, if not all, other national wildlife refuges in the United States have CCPs in place, including Lost Trail National Wildlife Refuge, which is a part of the National Bison Range Complex, but not the National Bison Range itself, which is a violation of the 1997 federal law. This is because since 1994 efforts have been underway to force this premiere national wildlife refuge to give away its inherently federal positions and federal money to a sovereign Indian government that has no desire to keep this iconic national wildlife refuge under the management of the National Wildlife Refuge System. This Indian government, the Confederates Salish Kootenai Tribes (CSKT) has stated in public hearings that if they are given the land that is the National Bison Range they will use the land for other purposes.

If the National Bison Range is destroyed, so will all national wildlife refuges, all national parks and all other federal lands, so it is critical to respect federal laws that are in place and respect the National Bison Range Complex.

Federal workers stationed at this national wildlife refuge, many of whom are actually registered members of this Indian reservation and are also federal workers, have been left in limbo and turmoil because the Indian government wants total control over the National Bison Range, which is contrary to many levels of federal law. All of these federal workers are qualified and excellent and should remain in place without the threat of being replaced by contract workers under an annual funding agreement with workers that are not federal workers.

I heard from the five regional staff members sent from the Denver regional office to run the meetings that the project leader of the National Bison Range Complex will not be the leader of the CCP process as is the standard operating procedure of all the other CCPs that have been completed at all the other national wildlife refuges and that regional staff people unfamiliar with the National Bison Range will run the CCP process. Furthermore, retired and long-time U.S. Fish and Wildlife Service employees wishing to participating in the CCP planning process will not be allowed to attend meetings and can only submit their comments like the general public. My understanding from many U.S. Fish and Wildlife Service employees and retirees is that CCPs always have the refuge manager or the complex project leader as the head of the CCP process but not at the National Bison Range Complex where everything is in trauma. Why has the regional office in Denver under the leadership of Noreen Walsh taken the leadership away from Jeff King and given it to regional planners that have no knowledge of the National Bison Range? This makes no sense and is not what is best for the National Bison Range.

Mr. Zinke indicated that he wanted local managers of national wildlife refuges to have direct control over their refuges but the process for this CCP is the exact opposite and I object to this procedure. The person hired to write and manage the CCP for the National Bison Range Complex was excluded from the process and the complex project leader, Jeff King, is not the prime leader. All meetings and day to day activities to complete the CCP will be performed by the regional staff planners that have no specific knowledge of the National Bison Range Complex and the National Bison Range.

Furthermore, the two meetings on June 6 and 7 were very poorly attended by the public and very poorly advertised. If the local refuge leaders had been allowed to speak to the local media I know there would have been a better turnout.

As I understand the CCP process, a national wildlife refuge needs a full staff of professionals and at this time, the National Bison Range Complex is seriously understaffed because of the turmoil caused from the pressure of this sovereign Indian government wanting control over inherently federal tasks and positions so all aspects of jobs go unfilled.

No discussion of an annual funding agreement should be mentioned or considered during the CCP process, yet the AFA with this sovereign Indian government was brought up during these meetings, which put a further damper over the CCP process. The highly paid attorney for this sovereign Indian government was the only person I saw attend these two days of meetings except for one tribal leader.

Weed control, management of wildlife, maintenance of fences and buildings, and overall law enforcement are all of concern to me and without a minimum of 10 professional staff at the National Bison Range Complex, work cannot be accomplished.

The five regional office staff people cost the taxpayers thousands of dollars to fly from Denver for those two days, stay at hotels, and return to Denver. Project Leader Jeff King lives in the area and should have run the meetings.

One CCP is all that is needed, not two. Lost Trail already has a CCP and just needs to be updated in 2020. You need to figure out how much money has been wasted since 1994 as this sovereign Indian government has tried to force themselves on this premiere national wildlife refuge and take away federal jobs and federal money from a national wildlife refuge that belongs to all Americans.

In the spirit of Theodore Roosevelt, Ding Darling, and the Flying Blue Goose, I say, the wildlife and its habitat cannot speak, so I must. Please listen to the direction of Mr. Ryan Zinke.

Susan Campbell Reneau

4 Martha's Court

Missoula, MT 59803

719-661-4037

bluemountain@montana.com

Scoping Pablo Ninepipe, FW6 <scoping_pablo_ninepipe@fws.gov>

Fwd: Lost Trail NWR CCP

Griffin, Toni <toni_griffin@fws.gov> Fri, Jun 23, 2017 at 8:26 AM
To: FW6 Scoping Pablo Ninepipe <scoping_pablo_ninepipe@fws.gov>, FW6 Scoping NBR <scoping_nbr@fws.gov>

---------- Forwarded message ----------
From: **David Wiseman** <bd643@yahoo.com>
Date: Tue, Jun 20, 2017 at 7:30 AM
Subject: Lost Trail NWR CCP
To: "toni_griffin@fws.gov" <toni_griffin@fws.gov>

FEDERAL REGISTER COMMENTS FOR THE NOTICE OF INTENT:
Lost Trail NWR, Moiese, MT
Submitted by David Wiseman, Morrison, CO

Attention: Toni Griffin, Refuge Planner, Pablo NWR and Ninepipe NWR CCP

Ms Toni Griffin:
No CCP is due for the Lost Trail NWR. FWS says it wants to save money and that is a good idea. First, cancel the unnecessary notice to prepare a CCP for Lost Trail NWR which is not due until many others within Region 6 are over due! Second prepare all the long overdue CCP's in the NBRC together (same team, same travel, same publication, same meetings.

Thank you for the opportunity to provide my comments.

Respectfully,
David Wiseman
NWRS Retiree

Scoping Pablo Ninepipe, FW6 <scoping_pablo_ninepipe@fws.gov>

Fwd: Pablo NWR and Ninepipe NWT NOI CCP comments

Griffin, Toni <toni_griffin@fws.gov> Fri, Jun 23, 2017 at 9:21 AM
To: FW6 Scoping Pablo Ninepipe <scoping_pablo_ninepipe@fws.gov>

---------- Forwarded message ----------
From: **David Wiseman** <bd643@yahoo.com>
Date: Mon, Jun 19, 2017 at 6:19 PM
Subject: Pablo NWR and Ninepipe NWT NOI CCP comments
To: "toni_griffin@fws.gov" <toni_griffin@fws.gov>
Cc: King Jeff <jeff_king@fws.gov>

FEDERAL REGISTER COMMENTS FOR THE NOTICE OF INTENT:
Pablo NWR and Ninepipe NWR, Moiese, MT
Submitted by David Wiseman, Morrison, CO

Attention: Toni Griffin, Refuge Planner, Pablo NWR and Ninepipe NWR CCP

Ms. Griffin:

Lack of NBRC staff
For at least a couple of decades now Region 6 powers that be have systematically deprived the NBRC of essential FWS staff necessary to accomplish the purposes of all of the refuge units in the complex. We all know other similarly sized refuge complexes within R6 typically have at least three times the permanent staff as is currently permitted at the NBRC. FWS needs to hire additional well qualified staff at the NBRC with a knowledge of the NWRS to prepare a good quality CCP.

CCP Team Leader
FWS needs to listen to guidance of their new Secretary of the Interior and delegate the CCP team leadership to the Project Leader of the NBRC. Please follow the long established protocol of the project leader being the first level of plan content approval and signatory and not just a bystander expected to implement a garbage in / garbage out document.

Separate Complex CCP 's!
Here we go again. I can smell a Regional Office predecisional document without even being in the RO building. What could be a good reason for having two parallel processes within the same Complex and office. Maybe it is the same reason as publishing that an EIS will be prepared. The Regional Directorate should not be pre-selecting an alternative that will require an EIS. An Annual Funding Agreement or give away should not be addressed in the CCP. The CCP is supposed to be about how the refuges, waterfowl production areas and conservation easements within the complex are managed and not about who manages them or conducts the work. The FWS should not initiate any discussions or negotiations relative to an annual funding agreement, cooperative agreement or land transfer until the CCP is completed and the CSKT are in compliance the the NWRSAA on the co-managed refuges of Ninepipe NWR and Pablo NWR.

The FWS should save time and money by preparing a CCP for all units of the NBRC in one process. If Region 6 is truly interested in saving tax payer dollars it will follow normal protocol and prepare an Environmental Assessment before deciding if an EIS is warranted.

Refuge purposes
Ninepipe NWR and Pablo NWR are very unusual and the Federal Register NOI hardly did them just. I hope the CCP process will go in depth as to their history before, during and after their establishment. For example the lands the refuges are on can only be used by the CSKT for purposes that are compatible with the refuge purposes and Refuge uses are subject to the irrigation purposes.

Public availability of personal information
The last paragraph of the NOI on public availability of comments is a sad state of FWS resolve. No names, phone numbers or addresses should be provided to the CSKT or anyone else unless it is in compliance with the statutes found in the Freedom of Information Act. If you cannot guarantee a persons privacy to communicate with their government you

should state why. I have personally known individuals who moved from the Flathead Indian Reservation due to personal threats as a result of their involvement in NBR issues.

Thank you for the opportunity to provide my comments. I am hopeful the FWS will finally prepare a CCP that enhances the future and protects the integrity of all the units of the NWRS within the NBRC.

Respectfully,
David Wiseman
NWRS Retiree

Scoping NBR, FW6 <scoping_nbr@fws.gov>

Bison Range

Sue Janssen <outyaak@gmail.com> Wed, Aug 23, 2017 at 11:07 AM
To: Scoping_nbr@fws.gov

Hello - I see you are taking comments on management of the Bison Range so thought I'd chime in as I love visiting this place whenever I get the chance.

I live in Yaak so occasionally on a Missoula trip I'll try to take a drive along the way through the Bison Range. I love doing this - love the view from the upper part of the drive, and I love seeing all the wildlife.

I wouldn't know what to offer for comments on how to manage this awesome place other than it does bother me to see all the noxious weeds. It would seem like such a massive infestation would reduce the amount of grazing available to the wildlife - plus it just looks bad. I would hope they are at least trying some of the biologic approaches. I know a lot of folks don't like herbicides but I use them carefully on our property and the drawbacks of not using them is obvious. I also know St. Johns Wort is a difficult weed to control - so don't know what the answer is. Maybe a small users fee to drive through would help pay for weed control.

Anyways, just want you to know I love visiting the Bison Range!

Sincerely,

Sue Janssen
301 River View Dr
Troy, MT

Scoping NBR, FW6 <scoping_nbr@fws.gov>

Bison Range

Elliott Oppenheim <intellitek@aol.com> Thu, Aug 24, 2017 at 9:39 AM
To: Scoping_nbr@fws.gov

This must be preserved at all costs. The Bison Range is a vital part of Americana and is crucial to the wildlofe preservation.

Elliott Oppenheim, MD,JD,LLM Health Law
406-273-4212
4065310879- cell

Scoping NBR, FW6 <scoping_nbr@fws.gov>

Bison Range

Alex gmail <galextaft@gmail.com> Thu, Aug 24, 2017 at 9:12 PM
To: Scoping_nbr@fws.gov

I believe the Tribe should be the steward of the range with the federal government providing adequate funds for good management. Thank you.

Alex Taft
332 S 1ST ST W APT A
Missoula, MT 59801
406-218-8438

Scoping NBR, FW6 <scoping_nbr@fws.gov>

Oppose transfer of Bison Range

Rosie <chickcharne@aol.com> Mon, Sep 11, 2017 at 10:16 AM
To: scoping_NBR@fws.gov

I wish to be on record as strongly opposing the transfer of the National Bison Range to the Confederated Salish and Kootenai Tribes.

First and most importantly, 'gifting away' a national park could set in motion a trend to give away other parks.

Second, should the FWS 'give it away', the people of the United States would lose all control over the Bison Range. Should the tribes change range management polices, raise visitation fees, or change the use of the range, United States citizens would no longer have say.

As I understand the situation, the Bison Range Park is running well at this time under the management of the FWS. Why would we, in our right minds, disrupt the management and 'gift away' a national park?

Please convey my opinion to Secretary of the Interior, Ryan Zinke, and encourage him to stick by his original decision.

Rosemarie Strope, a homeowner on Flathead Lake

Scoping NBR, FW6 <scoping_nbr@fws.gov>

NBR Scoping comments Additional comments for the National Bison range CCP scooping meetings. Submitted by Marvin L Plenert September 13,2017 My June 16 comments on the notice of intent to prepare a CCP for the National Bison Range and Satellite Refuges are still very relevant. It is difficult for me to comprehend why the Service is extending the comment period. Could it be another push by the CSKT to control the process as well as the NBR? Its long over due for the Service to stop catering to the CSKT because of their continued conflict of interest to take over and control the NBR. They should be treated no differently then the general public for this CCP. This behind the scenes maneuvering must stop if a quality CCP is to be produced, and the NBRC is again managed as the iconic and respectable refuge it once was. The Service

Marvin Plenert <marvplenert@yahoo.com>
To: "scoping_NBR@fws.gov" <scoping_NBR@fws.gov>

Wed, Sep 13, 2017 at 2:53 PM

Additional comments for the National Bison range CCP scooping meetings.
Submitted by Marvin L Plenert September 13,2017

My June 16 comments on the notice of intent to prepare a CCP for the National Bison Range and Satellite Refuges are still very relevant. It is difficult for me to comprehend why the Service is extending the comment period. Could it be another push by the CSKT to control the process as well as the NBR? Its long over due for the Service to stop catering to the CSKT because of their continued conflict of interest to take over and control the NBR. They should be treated no differently then the general public for this CCP. This behind the scenes maneuvering must stop if a quality CCP is to be produced, and the NBRC is again managed as the iconic and respectable refuge it once was. The Service also missed a golden opportunity with the interview with local newspapers to reiterate that negotiating for another AFA will not be an objective of this CCP. I urge you to contact the local media outlets and set the record straight, as the general public is hesitant to get involved as long as the CSKT are controlling the effort.

Finally it is a gigantic waste of time and tax payer dollars to even consider two separate CCP's for the NBRC. It is managed as a complex and should be planned with one CCP. To also state that in order to comply with the National Environmental Policy Act (NEPA) two separate actions, an EIS for the NBR and an EA for the Satellites will be produced is ludicrous and another waste of money and everyones time. Also the Service must adhere to its own manual and rules regarding CCP's and publicly name the Refuge Manager as the planning team leader for the entire effort, as has been the case for the 500 plus planned refuges to date. This as well as full levels of funding and staffing for the NBRC must be restored so a quality CCP will be produced in order to guide the management for the next fifteen years.

Lastly, the Service must comply fully with the Administrative Procedures Act and analyze all comments received to date and release the information to the public. Many of us are tired of commenting, and NEVER receiving any feed back, which is essential if a quality product is to be produced. Please enter my comments into the record.

Marvin L Plenert Retired FWS Regional Director
20500 S Tranquility Ln
Oregon City, Oregon 97045

CC: Acting Director Sheehan
Secretary Zinke

Scoping NBR, FW6 <scoping_nbr@fws.gov>

Opinion on Bison Range Management

Lindsey Dorrington <lindseydorrington@gmail.com> Sun, Sep 17, 2017 at 1:00 PM
To: scoping_nbr@fws.gov

To Whom It May Concern,

My name is Lindsey Dorrington. I am a "white" woman who was raised and currently live in Ronan, MT. I do not believe the National Bison Range should be run by the Salish and Kootenai tribes.

The elders of the tribe are frustrated with the younger members who are currently making decisions because their opinions and wisdom are not currently being taken into consideration on important decisions. The elders were totally against a huge casino being built and run on the reservation, but their input was ignored and now even more families are suffering from the loss of gambling addiction. The transfer of the once Kerr Dam has caused the local schools to lose tax funding to the extent that staff is being let go and the education of the children is weakening, which the elders and the rest of the community are angry about. The elders are also upset because not enough of the federal money already given to the tribe goes towards elder care, and the tribal health care workers who are hired to help the elders often take advantage of them.

It seems that much of the argument for the transfer of the bison range to the tribes is centered around using the wisdom and "old ways" of the elders to manage the land and wildlife. I wonder how this claim can be taken seriously, seeing how the elders are being ignored now. My family visits the bison range several times a year and it does not seem as though the buffalo care whether we are tribal or not.

Sincerely,
Lindsey Dorrington

Scoping Pablo Ninepipe, FW6 <scoping_pablo_ninepipe@fws.gov>

Comments on CCPs

Lauridson, Patrick - NRCS, Missoula, MT <Patrick.Lauridson@mt.usda.gov> Thu, Sep 7, 2017 at 9:28 AM
To: "Scoping_NBR@fws.gov" <Scoping_NBR@fws.gov>, "scoping_pablo_ninepipe@fws.gov" <scoping_pablo_ninepipe@fws.gov>
Cc: "Gauthier, Melinda - NRCS, Missoula, MT" <Melinda.Gauthier@mt.usda.gov>, "McCauley, Lisa - NRCS, Bozeman, MT" <Lisa.McCauley@mt.usda.gov>

To Whom It May Concern:

The following comments are being submitted relating to the current open comment period for CCPs for the National Bison Range Complex, associated NWRs, and the Northwest Montana Wetland Management Districts.

The Natural Resources Conservation Service (NRCS) currently manages Wetlands Reserve Program (WRP) easements held by the United States of America within the boundaries of two properties for which CCPs are being prepared (Lost Trail NWR and Smith Valley WMAs). NRCS would like to remind the USFWS of this fact and request that these easements and their provisions be points of focus during the planning process. More specifically, NRCS is hopeful that the USFWS will incorporate management objectives in their planning documents that are common with the WRP Program mission and objectives. Further, NRCS cautions the USFWS to avoid incorporating management scenarios into the associated CCPs that conflict with WRP Program statutes and the original intent of these easement purchases. NRCS is always available to assist the USFWS should there be questions regarding the WRP Program, its objectives, or the specific restoration goals and objectives for these easements.

Thank you for your time, consideration, and the opportunity to comment.

Sincerely,

Pat Lauridson

Pat Lauridson

Area Biologist, Missoula Area Office

Disability Special Emphasis Program Manager

Natural Resources Conservation Service

United States Department of Agriculture

www.nrcs.usda.gov

Tel: (406) 303-3438

Fax: (855) 510-7027

Reoccurring Telework Days: Thur, Fri

National Wildlife Federation
Northern Rockies, Prairies, and Pacific Regional Center
240 North Higgins, Suite 2 • Missoula, Montana 59802 • 406-541-6731
100 W Harrison, South Tower, Suite 410 • Seattle, Washington 98119 • 206-285-8707
6641 SE Lake Road • Milwaukie, OR 97222 • 503-616-3613

August 30, 2017

U.S. Fish and Wildlife Service
National Bison Range CCP/EIS Scoping Comments
Ninepipe/Pablo/Lost Trail CCP/EA Scoping Comments

Via e-mail

With this letter, the National Wildlife Federation urges the U.S. Fish and Wildlife Service (FWS) to recognize and provide opportunities for the Confederated Salish and Kootenai Tribes (Tribes) to engage meaningfully in all aspects of the National Bison Range Complex management activities. This is consistent with our prior and ongoing support for transfer of authority to the Tribes to manage the National Bison Range for its conservation, cultural and educational purposes; ideally, this transfer would be included in the options considered during the current review, but opportunities for collaboration and partnership extend beyond that particular action.

Now in our 81st year, the National Wildlife Federation annually engages 6 million supporters across the political spectrum in wildlife conservation activities, conservation education and environmental advocacy. Through our 50 affiliate organizations and seven regional offices we work on local, state and national levels. The Tribes are long-time valued partners in helping the National Wildlife Federation achieve its mission: "Uniting all Americans to ensure wildlife thrive in a rapidly changing world."

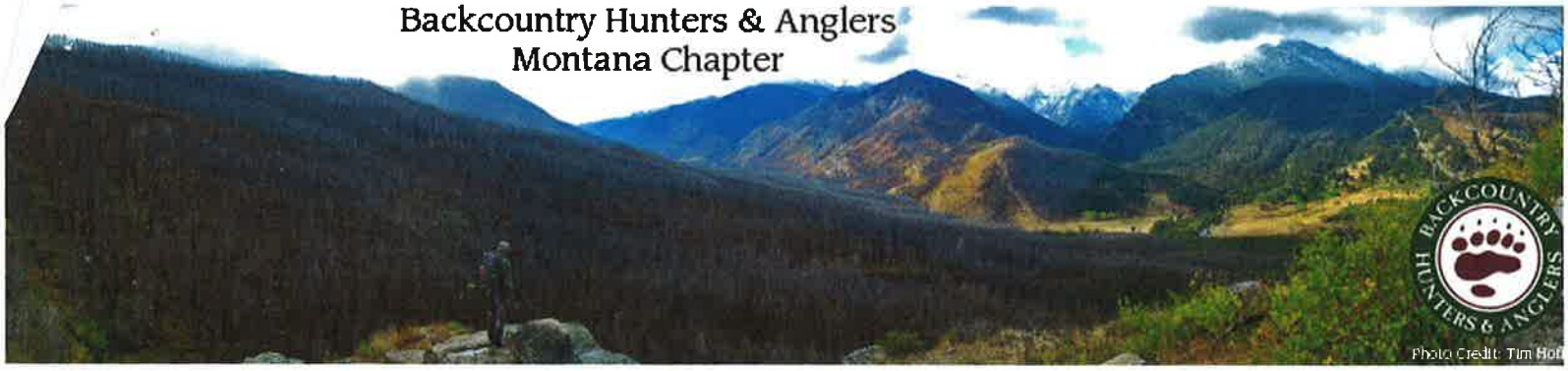
The Tribes have a strong record of conservation management on the Flathead Reservation for the benefit of the general public as well as tribal members. Over the past three decades, the Tribes have been leaders in establishing a tribal wilderness area, protecting grizzly bears, improving water quality and quantity, insisting on road projects that better protect many wildlife species, and in acquiring lands for conservation purposes. In addition to their long and strong track record of wildlife management, the Tribes also bring cultural, historical and geographic connections to the National Bison Range Complex.

For these reasons, the National Wildlife Federation urges the FWS to work as closely as possible with the Tribes in developing the CCPs and associated EIS and EA for the National Bison Range Complex and to seek opportunities for the Tribes to assume management authority in implementation of the selected management actions.

With best regards,

Sarah Bates
Regional Deputy Director

Garrit Voggesser
Director, NWF Tribal Partnerships Program



1295 Lena Lane
Missoula, MT 59804
September 14, 2017

Bernardo Garza and Toni Griffin
US Fish and Wildlife Service
Branch of Policy and Planning
PO Box 25486
Denver, CO 80225-0486

RECEIVED SEP 20 2017

Montana Backcountry Hunters and Anglers (MT BHA) welcomes the opportunity to comment on the Scoping phase of development of the Comprehensive Conservation Plans (CCP) for the National Bison Range Complex. MT BHA represents nearly 1500 Montana hunters and anglers. Montana BHA committed to protection and enhancement of Montana's fish and wildlife resources and fully recognized the value of lands managed by the USFWS in the Flathead, as they contribute important elements of such habitats. I was able to attend the Scoping Meeting in Missoula representing Montana BHA We appreciate how such a CCP will guide management regardless of who administers such lands. We also recognize the importance of adequate staff funding if implementation of a worthy plan can be accomplished.

We offer the following suggestions to be considered as planning moves forward.

1) ***Restore Columbian sharp-tailed grouse to the intermountain grasslands within the National Bison Range***. The National Wildlife Refuge System Improvement Act identifies restoring biological diversity as a major goal of the Act. In addition, most of our intermountain grasslands have largely been converted to agriculture or other incompatible uses, making National Bison Range lands one of the few landscape-sized alternatives for reintroduction. Such an iconic grassland species could add to ecological completeness and offer new interpretative opportunities. We are aware that a simple reintroduction of transplanted sharptail was tried some time ago on the Bison Range but was not successful. Current science on reestablishing upland birds has tested other methods that may be more successful. We are also aware that a sharptail habitat evaluation of the Bison Range was previously conducted, and should be helpful in considering such a reintroduction.

2) **MT BHA supports sustained and improved access to and around USFWS properties, particularly properties that are adjacent to other public lands and/or private properties that had a tradition of open public access. We encourage USFWS to proactively work with such property owners and NGOs to ensure access in perpetuity.**

We specifically support USFWS seeking opportunities to acquire public interest in additional lands adjacent to the Lost Trail NWR. Private lands adjacent to the Lost Trail NWR currently belonging to Weyerhauser have a high potential to be subdivided or marketed without restrictions on future uses. Resulting incompatible development would reduce the value of Lost Trail NWR as a travel corridor for many species, and may preclude or reduce existing use and value by some species within the wetland portion of within the existing NWR boundary.

3) **Expand the acquisition of both easements and fee acquisition of lands adjacent to and near Ninepipes and Pablo NWR.** Ongoing incompatible development of yet unprotected lands will leave little acquisition opportunity in the future if not protected during the early part of the 15 year plan's

life. Such acquisition would enhance the value of the NWR and waterfowl production areas and reduce the effect of habitat fragmentation of wetlands as well as upland habitats still remaining.

4) **Prioritize control of invasive species and prevention of new species onto all NWR lands in the planning area.** Invasive plant species threaten the forage base for bison and other ungulates. In addition some invasive species may reduce NWR land's suitability for other species as well. In addition, the condition of the NWR reflects on desirability of NWR by adjacent landowners and other agriculture interests in the Flathead. With 200,000 visitors, invasive species from NWR could be inadvertently transported elsewhere by visitor's vehicles.

5) **Restore fire into the Bison Range and other NWR lands as feasible**. Fire is an important ecological process to most of the habitat types within the Flathead NWR system. Not only is fire important to the ecological health of lands within the NWR system, but its use is important as an interpretative and educational opportunity for visitors. Douglas fir encroachment could be reversed with regular use of fire, particularly on the National Bison Range.

5) **Emphasize a strong and diverse educational and interpretative program at the NBR and Lost Trail NWR.** With over 200,000 visitors, as well as local populations surrounding the National Bison Range, the NBR offers a unique and most important role in providing information that would not as appropriate elsewhere. In our opinion, the stories of the history of bison's importance to Native American cultures, the importance of intermountain grasslands, and the connection between wildlife and their habitats are just some of the stories that could be effectively told at the NBR. For Lost Trail NWR could tell many stories about ecotones between forests and wetlands and the importance of connectivity between landscapes.

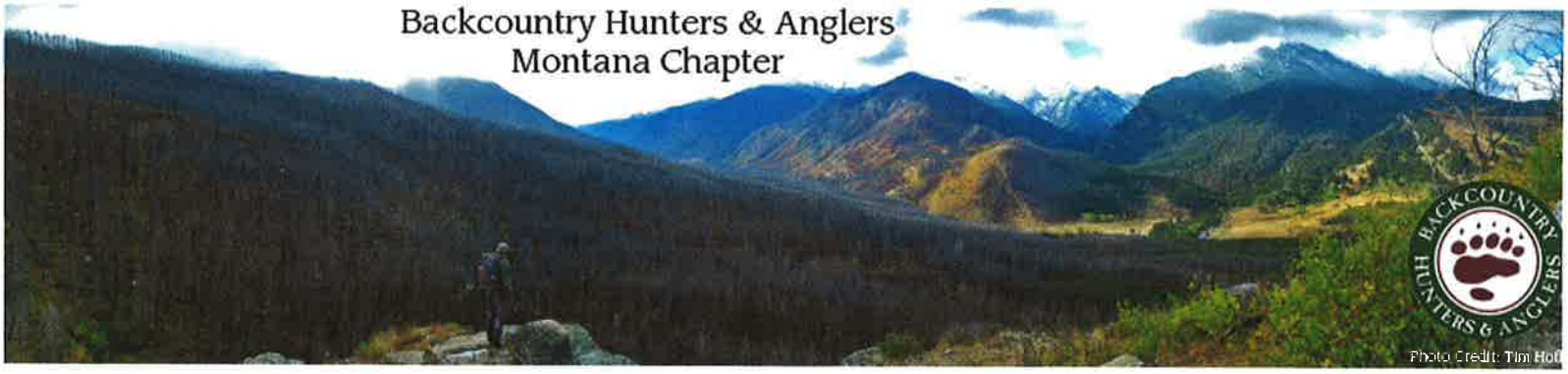
6) **Expand hunting and fishing opportunities as feasible**. We appreciate the existing opportunities offered by these lands. There may be valid additional opportunities. Montana's Freezeout Wildlife Management Area near Choteau opens some closed areas late in the fall hunting season to pheasant hunting after most waterfowl have left and ponds are largely frozen over. There could be a similar opportunity at Ninepipes and Pablo in our opinion, as closed areas now serve to harbor harvestable numbers of rooster pheasants.

7) **Diversify the upland plant community as feasible on waterfowl production areas**. Our observation is that orchard grass has become very extensive and essentially a monoculture in some areas, and as a result vegetative diversity has been significantly reduced. Diversification of plant communities by treating orchard grass monocultures would enhance habitats for many wildlife species, and if properly planned, would not reduce these areas value for waterfowl. Application of fire may be an important tool, but also creation of shelterbelts, cereal grains, and other methods could improve habitats for a number of species. Cooperative efforts using NGOs and other agencies could make this more feasible and gain public support.

We look forward to following the progress of the plan over the next 3 years, as well as its implementation. I have attached the comment form with the required Mailing List information and required signature.

Sincerely,

Greg Munther
Conservation Director
Montana Backcountry Hunters and Anglers



1295 Lena Lane
Missoula, MT 59804
September 15, 2017

Bernardo Garza and Toni Griffin
US Fish and Wildlife Service
Branch of Policy and Planning
PO Box 25486
Denver, CO 80225-0486

RECEIVED SEP 2 7 2017

Montana Backcountry Hunters and Anglers submitted a September 14 scoping letter that contained the following suggestion:

*1) **Restore Columbian sharp-tailed grouse to the intermountain grasslands within the National Bison Range**. The National Wildlife Refuge System Improvement Act identifies restoring biological diversity as a major goal of the Act. In addition, most of our intermountain grasslands have largely been converted to agriculture or other incompatible uses, making National Bison Range lands one of the few landscape-sized alternatives for reintroduction. Such an iconic grassland species could add to ecological completeness and offer new interpretative opportunities. We are aware that a simple reintroduction of transplanted sharptail was tried some time ago on the Bison Range but was not successful. Current science on reestablishing upland birds has tested other methods that may be more successful. We are also aware that a sharptail habitat evaluation of the Bison Range was previously conducted, and should be helpful in considering such a reintroduction.*

We are supportive of reintroduction of sharptailed-grouse onto the National Bison range, however we want to correct the subspecies genetics of the sharptailed grouse that inhabited the Bison Range before their extirpation. We did not consider most recent results of a cooperative sampling effort (Subspecific Identification of Sharp-tailed Grouse (*Tympanuchus phasianellus*) samples from Montana, Kenneth I. Warheit, CAPS Contract No 09-1011, May 2009) included seven museum study skins from the Sanders/Lake County area from the year1896 . These study skins have genetic material consistent with the Plains subspecies, *T.phasianellus.jamesi* rather than the Columbian subspecies, *T.phasianellus.columbianus*. No doubt any reintroduction effort would identify the correct subspecies to work with, we wanted to clarify our information from our September 14 letter.

Sincerely,

Greg Munther
Conservation Director
Montana Backcountry Hunters and Anglers

The new conservation plans for the National Bison Range should acknowledge that the Fish and Wildlife Service is acting as a steward of the public lands entrusted to it in the National Bison Range, and that there are other public interests compatible with their primary mission which need to be accommodated. Specifically, FWS should recognize the special geologic features of Glacial Lake Missoula present on the National Bison Range and continue at least to provide the same level of public access as at present to view these features and to do research. The possibility of additional interpretive materials provided by others should be included as well as possible collaboration with the National Geologic Trail currently being developed.

The National Bison Range should continue to be administered as public lands in accordance with the goals set forth in the plan regardless of any change in management or administration of this property.

Submitted by Sherry McLauchlan, 875 Wyoming Street Ste 305, Missoula MT 59801

I wish to be placed on your mailing list and give my permission to do so.

RECEIVED SEP 1 8 2017

Flathead Valley Pheasants Forever

Kalispell, MT

8/29/17

Dear Mr. Shinn:

The Flathead Valley Chapter of Pheasants Forever represents nearly 200 local members who enjoy hunting on both public and private lands throughout the state, but of course have a vested interest in the management of our local public lands.

We just learned of the upcoming planning effort and meeting in Polson, but are unable to send a representative, hence our hope you may carry our comments forward into the planning process.

Our concerns and hope is that there will be more active management of our local refuge lands that would include periodic burning to thin overgrown sections, installation of shelterbelt, nesting, and forage zones, instead of the relative monoculture we now have. Upland portions of Batavia and Smith Lake, and the Blasdell units have become largely overgrown and certainly do not provide the optimal diversity of habitat that helps with bird production or habitat diversity.

We would like to see partnerships established that benefit both sportsmen and women, as well as our local agriculture practitioners, as this model has shown to be successful across the state and nation. Property recently acquired by the state of Montana near the north shore of Flathead Lake is the most recent example. Contracted farming provides the management, rotation of crop, and mandates a percentage of the crop remain as a food plot, beneficial to both wildlife and hunters.

We urge the same type of actions are taken on these overgrown and overlooked units previously mentioned above. Thank you for considering our concern and suggestions, and we stand ready to become more engaged and even volunteer some labor if it can help meets our shared objectives.

Sincerely,

Tyler Heine

tyler@topnotchturf.com

406 212 4490

Vice President, Chapter #138

Gary Moses

mobilt13@gmail.com

406 471 0665

Committee Member, Chapter #138

OPTIONAL PUBLIC COMMENT FORM

Thank you for helping us plan... your comments are very important to the development of Comprehensive Conservation Plans (CCP) for all the units of the National Bison Range Complex. The purpose of this form is to provide an additional opportunity for you to express your ideas and provide input for the future management and activities of the National Bison Range Complex.

Please submit your comments by **September 30, 2017**. *[Attach additional comments on a separate sheet of paper if needed.]*

Qualities

What do like the most about the different units that make up the National Bison Range Complex?

I think that the current balance is fine and doesn't need tweaking except for perhaps picnic area. (tables, parking)

Topics

What do you think should be addressed in the new conservation plans for the units of the National Bison Range Complex?

Hopefully you know the carrying capacity of the different pastures for bison. Obviously each year the surplus should be given away to the CSKT so they can have their own herd to eat, move from pasture to pasture, and manage as they should see fit. Perhaps having their own bison on their own, tribal owned property would fulfill their cultural and ~~re~~ emotional, psychological and mystical needs.

Opportunities

How do you think we should manage for wildlife habitat, provide *priority wildlife-dependent public uses, maintain and improve infrastructure, support the staff, and ~~develop partnerships with the community~~? Omit the last part. To involve the CSKT is flagrantly racial. They can have their own Bison on their own tribal owned land. I realize well intentions are meant in involving them with the "bison mystical" (spelling) But native americans need to live in America today. Not in the 1800's. Giving people of any Nationality including Indians, the necessities of life and including bison range ownership; breeds, food, vehicles, money etc, doesn't work. Ronald Reagan said as much and said as example of how giving people things is the American Indian

* **priority wildlife-dependent public uses :** ***hunting, fishing, wildlife observation, photography, environmental education, and interpretation***

Additional comments...

We appreciate you providing any issues, input, and ideas to be considered in planning for the Complex's new Comprehensive Conservation Plans

Consider a relationship with the U of M and MSU (Universities) I'd bet that lots of the projects, planting of native prairie grasses, perhaps short grass prairie, etc. Perhaps they could get University credits through the Wildlife Biology program.

P.S. I'm 74 years old, have a B.S. degree in Wildlife Biology.

COMMENTS OF LAKE COUNTY 6-6-2017

1. Lake County has been accepted as a cooperator agency and awaits the memo, and working ASAP.
2. The scoping exercise involves us and we should be there now as part of identifying of issues and ideas to incorporate in alternatives.
3. Issues of concern should include
    a) Genetics and management of the Bos Bison at the Range
    b) Bighorn sheep and pneumonia.
    c) Visitor hours and community- regional support for the same
    d) Use of the volunteers who responded for R/M/O/ and visitors.
    e) Operation of the ancillary facilities like the bird refuges, wetland areas like nine pipes, lost trail etc.,
    f) Refuge sharing revenue stream; i.e. PILT
    g) Employment opportunities and also intern opportunities for students-
        1) U. M.
        2) SKC
        3) Missoula Tech
        4) Local High schools
4. The economic impact and sustainability of local businesses and employment opportunities, and preserving and encouraging this action. This is a large economic feature to these counties.

June 4, 2017

U.S. Fish and Wildlife Service
Ms. Griffin, Refuge Planner
National Bison Range CCP
134 Union Boulevard
Lakewood, CO 80228

Ms. Griffin,

The following comments have been prepared on the scope of planning as described under the Notice of Intent (NOI) to prepare a Comprehensive Conservation Plan (CCP) for the National Bison Range, Moiese, Montana.

To start out it is worth applauding the intent of this action where the U.S. Fish and Wildlife Service (Service) is revising its January, 2017 NOI to move in a different direction with additional opportunity for public involvement through proper scoping via the CCP process. It appears earlier public comment was taken to heart in regards to policies for preparing a CCP, especially for this iconic refuge as part of the National Wildlife Refuge System. The importance of these policies can not be understated as they have been prepared as a guide to the Service so planning activities can be consistently carried out in accordance with the National Wildlife Refuge System Administration Act of 1966, as amended by the Refuge Improvement Act of 1997. These policies also step down key features of the National Environmental Policy Act of 1969 (NEPA) so management actions being considered can be properly evaluated for impacts under full public disclosure. Public involvement and input from stakeholders is a basic principle of NEPA and should be embedded into the CCP planning process from this point on.

Policy articulated in the CCP manual recognizes the importance of the refuge manager and/or project leader as the leader of the CCP planning team with full decision making authority throughout the process. It is important that the Service comply with this policy via means of the planning team's "operational" document. This insures that sound science, data analysis, and quality decision making will be made at the field level taking a de-centralized approach in resource management. The refuge program is a field based program and decisions are always best when executed at the field level where knowledge is greatest for that particular refuge unit. It is important to recognize that a quality staff of several different disciplines be engaged to carry out the CCP process. That said, the Service should take immediate action to replace refuge staff removed over recent years so a credible process can be undertaken. At a minimum staff involved in the CCP, including pre-planning, should consist of a project leader and/or refuge manager, deputy project leader and/or refuge manager, wildlife biologist, visitor services specialist, and an administrative officer.

There has been no discussion or mention of pre-planning, one of the most important aspects of the entire CCP process. Given the existence of the National Bison Range for over 100 years, and its perceived complexity, it is imperative the Service carry

out a pre-planning effort. There are 100s of hours of work that will be required in reviewing historical documents, references, and biological data to develop the initial products of pre-planning. If done properly it will provide a foundation for a logical sequence of sound analysis and decision making which must start with authorizing legislation and purposes, and will end with quality goals, objectives, and strategies. There are at least a half a dozen processes in between, but ultimately they lead and end with management direction for selection of a well documented and supported preferred alternative. In addition, a pre-planning effort will lay the ground work for selecting focal species and priority resources of concern with strong documentation of support coming from governmental panels of varying expertise, and partner and stakeholder organization documents such as those prepared and/or endorsed by the Nature Conservancy, Partners in Flight, and most importantly, Montana Fish, Wildlife, and Parks.

It is essential that the Service identify and summarize those management options and issues that properly fall within sideboards and scope of the CCP which will be addressed by the refuge, and those that will not be addressed, and a short justification as to why not. Also, direction in management must be articulated as to how it will address purposes for establishment of the refuge and the Refuge System mission. A good example is potential expansion in management with regards to prairie restoration and re-establishing bison to areas of historical importance. This seems appropriate given the National Bison Range's purpose for establishment of preserving the American bison. An action such as this would also expand the refuge's role in biological diversity and ecosystem management where refuge purity of genetic strains of bison could be used for re-introduction of herds at various locations of the Great Plains. This would be part of a greater landscape conservation effort, a priority for the Service.

Landscape conservation is an area where the Confederated Salish and Kootenai Tribes (CSKT) could shine in assisting the Service as a stakeholder of the refuge, in partnership with other organizations, to re-introduce bison as part of the greater landscape conservation effort previously mentioned. CSKT could complement the work of other partners by working on none refuge lands where on the ground involvement by refuge staff is limited to some degree.

As indicated earlier, public participation and involvement is the hallmark of the CCP process and this is what sets it apart from other planning efforts undertaken by the Service on behalf of the Refuge System. CCPs set a very high bar, a standard other processes have never come close to matching, especially when it comes to full disclosure. This standard should not be compromised, or be perceived by the public as being compromised. Any reasonable person would conclude an inappropriate compromise is currently in the works due to the Service's intentions of inviting the CSKT as a "cooperating agency" for assistance during the CCP process. It is unclear how that role will unfold at this time. However, it is clear that there is a substantial historic relationship between the Service and the CSKT, and that there is much to be gained by the tribes under certain directions in management. It is simply a "conflict

of interest" and should not be promoted by the Service. This fact is all the more reason the Service must take extra precautions to remain transparent and open to all stakeholders and the public at large. It must be disclosed with certainty that the Service will retain sole and full decision making authority throughout the duration of the CCP process as required by federal statute and law. That said, the CCP planning process was never intended to facilitate management direction and decisions by means of any other entity other than the Service, as authorized by oversight congressional committees of the Refuge System.

There are two actions of management direction that the Service should avoid. They include the implementation of an Annual Funding Agreement (AFA) and/or entering into a Cooperative Management arrangement with the CSKT. Challenges the Service has recently faced with implementation of former AFAs have been seriously problematic. There have been biological performance concerns and inherently federal issues, and the Service has yet to address litigation requirements, specific to the National Bison Range, that were last set down by our federal court system. With regard to Cooperative Management arrangements, numerous questions remain regarding their appropriateness for use within the Refuge System. These actions simply have no standing and the CCP process should be allowed to reject them from further consideration.

Finally, there is no argument the Service can make in support of partitioning out the National Bison Range to prepare a separate CCP from the rest of the grouped refuge units of the Complex when these other units will be covered by one document. To the contrary, much time and money will be saved if a single document is prepared for the entire Complex. This is a change in planning the Service needs to make early, versus later. Furthermore, there is no evidence that the Service should elect to prepare an associated Environmental Impact Statement (EIS), versus an Environmental Assessment (EA), for the National Bison Range at this time. There are no major issues that support the Service's current position of preparing an EIS. That said, the Service should allow the process of preparing an EA dictate the need for an EIS. Again, there will be a substantial savings in both time and money.

In closing, it is my hope that the Service recognizes this opportunity as a major milestone in the crossroads for conserving the American bison. A well-laid foundation in planning can add greatly to the Service's ability to make sound decisions in cooperation with its partners, and help realize a vision for this iconic refuge which is both inspiring and shared by many. Wildlife of the National Bison Range, the American people, and our national mammal deserve nothing less.

Please feel free to contact me if you have any questions regarding these comments.

Sincerely,

Ralph D. Webber
431 N. Milnor Lake Road
Troy, Montana 59935
(406) 295-5952
ralphwebber@frontier.com

Re: public commetn on federal register THE PUBLIC WANTS A PRESERVATION AND PROTECTION PLAN - NOT A CONSERVATION KILLING PLAN - THEY USE THIS WORD TO HIDE THE MURDER AND KILIN OF BISON

Inbox x

Jean Public <jeanpublic1@yahoo.com> May 18

to me, humanelines, info, info, info, CASH, madraven, INFO, LETTERS, SCOOP, CON

the fws under its leadership has shown itself to be far too often a killer and murdere of animals and wildlife. it exists to offer up animal bodies for murder and killing.i see animasl as part of our world and i want protection and preservation for their lives. i want humane treatment of all animals.

i have concerns with locating any wildiflie or animals site in montana, where the populace has consistently shown no indication that it cares to protect and preserve wildlife. is this site really ok. for animals to live.

2. secondly in yellowstone, the management of bison has been particularly cruel, showing that if a bison goes one ft outside of the perimeter it is shot to death and the agency taks the new calves born and some of the herd to slaughter in trucks. i dont want any bison to have that happen to them. that needs to stop. it is merciless, vindictive, brutal and terrroristic. we dont need to do that to animals.

3. other wildife needs to be protected on our naiontal land as well, wild horses for example. i find this agency far too stupid in giving away our national land for cheap cheap cheap leasin grates to the local clive bundys, who exist to plunder our national land of all wildlife and to use our national land for their own profiteering and detroying that land in their usage.
we want the cattle profiteers off our national land. we want them to buy or lease their own land from private owners, not our public land to be used like this anymore. it has been shown
that nothing wild exists on our national open space anymore. the profiteers are loathsome in their destuction of animasl lives. we need much more consideration of what the handling of these bison will be. we are sick and tired of wildlife mruderers being in charge at usfws right on down from dan ash. you seem to only hire wildlife murderers in this agency. i would like an investigaiton of those hiring practices. do you have that on your empoyment application - are you a wildlkife murderer? this comment is for the pubilc record. please receipt. I WOULD LIKE AN INVESTIGATION OF THE HIRING PRACTICES AT THIS AGENCY. JEAN PUBLIEE JEANPUBLIC1@GMAIL.COM

Skip Palmer <jpalmer@blackfoot.net>
to me

Jun 18

FEDERAL REGISTER COMMENTS FOR NOTICE OF INTENT
NATIONAL BISON RANGE AND COMPLEX REFUGES

SUBMITTED BY SKIP PALMER

May 16, 2017
U.S Fish and Wildlife Service
Toni Griffin, Refuge Planner
NBR CCP
134 Union Boulevard
Lakewood, Co. 80228

The following comments are submitted regarding the Fish and Wildlife Service Notice of intent in the May 18, 2017 Federal Register.

I attended both scoping meetings in Polson and Kalispell Montana. From the information I reseed from them it is obvious public comment is all most use less. And the CCP Manual is a problem to the Regional office and will only be used when necessary . The AFA should have never been part of the information. That will only become reality if the CCP is done according to protocol. Then if their is a need for a AFA it can move foreword . The U.S. Fish And Wildlife Service has all ready headed down the wrong road n the CCP process. So I will refer you to comments by some very knowledgeable people that I think the entire CCP team should read every word. If these comments are ignored the entire CCP process will be in vain. I will refer you to (William Reffalt Blue Goose Alliance) (Marvin Plenert) (Ralph Weber) (Peer Public Employees for Environmental Responsibility). If the Regional office wishes to ignore all of this knowledge and push forward with another ill conceived plan. The Planning team will be at fault, the regional office is never wrong.

Skip Palmer
54624 Hwy 212
Charlo Montana
59824

A 24 year veteran of the Fish and Wildlife Service, 16 at National Bison Range: The Fish and Wildlife Service should follow the law!!

Jennifer Ferenstein jennifer_ferenstein@tws.org via twsorg.onmicrosoft.com Jun 7
to me

THE WILDERNESS SOCIETY

June 7, 2017

To Whom It May Concern:

The mission of The Wilderness Society (TWS) is to protect wilderness and inspire Americans to care for our wild places. We contribute to better protection, stewardship and restoration of our public lands, preserving our rich natural legacy for current and future generations. Our National Wildlife Refuges are among the most democratic public lands America has to offer and collectively they provide Americans and international visitors with the opportunity to connect with nature up-close. TWS has an ongoing commitment to ensuring that our nation's Wildlife Refuges are managed wisely. On behalf of our 700,000 members and supporters, I am writing to express TWS' support for the Confederated Salish and Kootenai Tribe's (CSKT) goal of restoring the lands of the National Bison Range (NBR) to federal trust ownership for the Tribes of the Flathead Indian Reservation.

We urge the Department of the Interior to work with the CSKT regarding the NBR CCP and EIS to develop a means for the Tribe to restore the NBR to their reservation while ensuring that the NBR remains 1) accessible to the public; and, 2) managed solely to maintain bison, wildlife and other natural resources. Our support for the return of the NBR into Federal Trust ownership on behalf of the CSKT is contingent upon safeguarding these values. Given the NBR's unique history, location and mission, the restoration of management to CSKT will in no way establish a precedent regarding the disposition of other federal lands.

Currently a unit of the National Wildlife Refuge System, the NBR is located entirely within the borders of the CSKT Reservation and had been reserved by the CSKT in the 1855 Treaty of Hellgate. The wanton slaughter of the bison by market hunters, the United States government and its agents over a hundred years ago, decimated the bison, with devastating consequences for the Native American people that depended upon them. In recognition of the imminent extinction of the bison and to save the species, Congress and President Theodore Roosevelt established the NBR in 1908. But without CSKT tribal members who originally helped to preserve the last of the wild bison through establishment of a herd on the Flathead Indian Reservation in the late 1800's, there would have been no bison to place in the newly created refuge.

Today, the NBR is home to hundreds of bison and other native species. It is a popular destination for travelers to Montana from all over the world who come to learn about the natural, cultural and spiritual significance of the bison to American Indians and to our country.

TWS supports restoration of the NBR to federal trust ownership for the Tribes of the Flathead Indian Reservation because it is good national policy that supports tribal sovereignty and wildlife. In addition, the proposal does not constitute a transfer of public lands out of the public estate which TWS would not support. The proposal would return ancestral lands to the CSKT while maintaining the trust responsibilities of the Federal Government without setting any precedent regarding the disposition of public lands or a reduction in access to the public

Signed,

Jennifer Ferenstein
Montana Senior Representative

Jim Vashro <jsjvash@montanasky.us> Jun 7
to me

The National Bison Range is a tremendous and unique resource. However, about half the southern part of the Range which faces out on Highway 200 is largely unknown to the public. When I lived in Arlee I commonly drove along Highway 200 to glass for wildlife.
You might look for an opportunity to create a wildlife viewing area along Highway 200 along with interpretive signs explaining the extent and role of NBR for those travelers passing through that don't have time to visit NBR. Or that may entice some to alter travel plans to visit.
The hiking trail on Red Sleep Mountain Drive does give some views along the southern slopes. I understand the concern over mixing hikers with wildlife. However, I see a fair number of hikers on that upper trail and I haven't heard of conflicts. You might look for more opportunities for short trails that would both encourage visitors to slow down and experience the NBR at a slower pace and also open some vistas for viewing that are not available from Red Sleep Mountain Drive.
Jim Vashro, 1837 Stag Lane, Kalispell, Mt. 59901 jsjvash@montanasky.us

Flathead Audubon Society
PO Box 9173
Kalispell, MT 59904

Toni Griffin
U.S. Fish and Wildlife Service
Branch of Planning and Policy
134 Union Boulevard, Suite 300
Lakewood, Colorado 80228
scoping_NBR@fws.gov

June 21, 2017

Dear Ms. Griffin,

The Flathead Audubon Society is a local chapter with deep concern for our environment. Our members are long-time and regular users of the National Bison Range. We submit the following comments for the scoping notice for the development of the comprehensive conservation plan (CCP) for the National Bison Range.

The Confederated Salish and Kootenai Tribes' culture and history should play a major role in the interpretation and management on the Bison Range, and they should be deeply involved in the planning and execution of any resulting plans. Flathead Audubon supported the proposed transfer of the Bison Range back to the Tribes and even though political decisions have blocked that transfer, it should still be possible to include them much more deeply in the interpretation, programs, and management on the Bison Range. The Tribes have a much longer history with bison than the FWS and that history should be an important part of the message conveyed to visitors.

Flathead Audubon would like to see the bison on the Bison Range managed more like wildlife and less like domestic animals as is currently done, where population size, sex ratio, and age structure are intensively controlled by the managers. If this is not possible due to space (acreage) limitations or other factors, then it should be prominently explained.

Thank you for considering our comments.

Kay Mitchell, President
Flathead Audubon Society
P.O. Box 9173
Kalispell, MT 59904
406-756-8130

PEER
Public Employees for Environmental Responsibility
962 Wayne Avenue • Suite 610 • Silver Spring, MD 20910 • 202-265-PEER(7337) • fax: 202-265-4192
e-mail: info@peer.org • website: www.peer.org

Comments of Public Employees for Environmental Responsibility (PEER) on Notice of Intent to Prepare a Comprehensive Conservation Plan for the National Bison Range, Moiese Montana

June 19, 2017

Toni Griffin, Refuge Planner
NBR CCP
134 Union Blvd.
Lakewood, CO 80228
By mail and by email to: scoping_NBR@fws.gov

On May 18, 2017, the U.S. Fish and Wildlife Service, Department of Interior (FWS or the Service), issued a "Notice of Intent to Prepare a Comprehensive Conservation Plan for the National Bison Range, Moiese Montana." On the same date, the Service also issued a "Notice of Intent to Prepare a Comprehensive Conservation Plan; Pablo, Lost Trail and Ninepipe National Wildlife Refuges, and the Northwest Montana Wetland Management Districts, Montana." Those units of the National Wildlife Refuge System (NWRS) are part of the National Bison Range Complex. Scoping comments on both Comprehensive Conservations Plans (CCPs) were requested to be submitted by June 19, 2017.

These comments are submitted in response to the Bison Range Notice by Public Employees for Environmental Responsibility (PEER). PEER is a national non-profit organization made up of local, state, and federal resource professionals whose mission is to promote open, ethical and accountable governmental administration of environmental laws and regulations and management of public lands throughout the United States. PEER has been involved with issues concerning the National Bison Range since 2004, and has been a strong advocate of continued federal management of the Bison Range in accordance will all applicable federal laws and policies. In 2010, PEER prevailed in litigation challenging the Service's failure to comply with the National Environmental Policy Act (NEPA) regarding the last Annual Funding Agreement (AFA) with the Confederated Salish and Kootenai Tribes (CSKT). *Reed v. Salazar*, 744 F. Supp. 2d 98 (D.D.C. 2010). PEER is also a plaintiff in pending litigation challenging the failure of the Service to develop and complete a CCP for the Bison Range, which was required by law to have been completed by October 2012. 16 U.S.C. § 668dd(e)(1)(iv)(B). *Reneau, et al. v. U.S. Fish and Wildlife Service, et al.*, Case No. 16-cv-966 (D.D.C.). That case also challenges FWS's failure to prepare an EIS in accordance with NEPA for its proposal, announced in February 2016, for legislation to transfer the Bison Range out of the NWRS and into a trust held by the United States for the benefit of the CSKT.

The current Notice of Intent (NOI) for the National Bison Range is a revision of a previous NOI published on January 18, 2017. The previous NOI stated the contradictory intentions to prepare a management plan for the National Bison Range as part of the NWRS for

the next 15 years, and at the same time to propose as the "preferred management option" that the Bison Range by transferred by Congress out of the NWRS and to the CSKT, returning the lands to "trib[al] control." 82 Fed. Reg. 5598. PEER submitted comments on that NOI, pointing out that a CCP is legally required to be a plan for management of a refuge as part of the Refuge System, and cannot be a vehicle for a proposal to abolish a refuge. The current NOI appropriately disclaims the plan to propose transfer of the Bison Range as the "preferred management option" for the CCP, and instead commits to "evaluat[ing] how we [i.e., the FWS] will manage the NBR." 82 Fed. Reg. 22844 (May 18, 2017). The NOI also acknowledges that, by law, the "purpose of a CCP is to provide refuge managers with a 15-year strategy for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System [NWRS], consistent with sound principles of fish and wildlife management, conservation, legal mandates, and Service policies." *Id.*

PEER welcomes the Service's return in the revised NOI to the proper legally mandated function of a CCP. However, PEER remains concerned about how this process is being carried out and whether it can result in a robust CCP that comports with the law and Service policy.

1. Sufficient resources at the refuge level must be devoted to preparing the CCP and accompanying NEPA document. As a result of plans for management or co-management of the Bison Range by the CSKT over more than a decade, the FWS has failed to fully fund and staff the Bison Range, apparently holding the Refuge in limbo pending anticipated new arrangements. The absence of a CCP that was due in 2012, one of the last CCPs remaining due in the entire Refuge System, is a manifestation of this problem. The entire Bison Range Complex now has only five full-time staff, and only three of these are professionals with the knowledge and skills needed to contribute to the preparation of a CCP. This is compared with 17 staff in 2003 and ten in 2013. The Bison Range has half the budget it had in 2010. This situation is evidently not due to a true shortage of resources at FWS, since as recently as 2015, in negotiations for an AFA with the CSKT, the Tribes were offered 13 positions. Now that the proposal to transfer the Bison Range out of the NWRS is off the table, the Bison Range must be restored to full funding and staffing so that it can properly carry out refuge functions, including preparing the CCP and NEPA documents and eventually implementing the CCP.

   These concerns are magnified by the fact that FWS plans to engage in two separate CCP/NEPA processes at once – one for the Bison Range with an EIS and one for the rest of the units of the National Bison Range Complex with an environmental assessment (EA) -- greatly increasing the workload and the burden on Refuge staff. Also, FWS has pre-determined that an EIS should be prepared for the Bison Range, a far more demanding and resource-intensive process than the usual process of preparing an EA and then moving to an EIS only if issues revealed in the EA process demonstrate the need for an EIS. FWS should prepare one CCP for the entire National Bison Range Complex, and begin with an EA that would evaluate the need for an EIS.

2. Having the CCP/NEPA process run out of the Regional Office cannot substitute for leadership and professional contributions at the refuge level. FWS apparently intends to prepare the CCP/NEPA documents at the Regional Office, perhaps to sidestep the need for adequate funding and staffing at the Bison Range. The NOI is directed from, and comments are to be submitted to, Regional personnel. The Bison Range refuge manager has not been named the planning team leader for the CCP, as is customary. The refuge manager was sidelined in the CCP scoping meetings that have already taken place. While the Regional Office has a role to play, it cannot substitute for the on-the-ground knowledge and leadership at the refuge level that is necessary to prepare a CCP.

3. FWS is not following its own Manual for Comprehensive Conservation Planning, casting doubt on whether there will be a legitimate, robust, and ultimately successful CCP process. FWS is already failing to follow its own Comprehensive Planning Process, 602 FWS 3, which provides "minimum requirements for all CCPs." *Id.* at § 3.1. The Manual sets out a series of steps that result in the data gathering, analysis, and public input that are necessary to produce a quality, legally compliant CCP that will actually "provide refuge managers with a 15-year strategy for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System . . . ." 82 Fed. Reg. 22844. Even the issuance of the NOI should not have occurred without numerous prior planning steps, including assembling the planning team, establishing refuge purposes and history, identifying planning and compliance requirements, establishing the purpose and need for the plan, delineating the planning area and identifying data needs, reviewing existing vision and goals for the refuge, beginning internal scoping, preparing a plan for public involvement and outreach, and establishing a work plan and schedule for the CCP. 602 FW 3, Sec. 3.4.C(1). There is no indication that any of this has occurred, casting doubt on the existence of a serious, compliant CCP process as opposed to actions that merely create an appearance that the process is going forward.

   FWS has also already held two public scoping meetings that served little or no legitimate purpose, as FWS had not done all of the pre-planning steps described above in order to obtain information and analysis to present to the public. The meetings were also poorly publicized and poorly attended; leaving the impression that FWS was trying to check off a box without providing any actual substance.

4. Another AFA with the CSKT should not be considered in the CCP. Although not noted in the NOI, the FWS revealed at the scoping meetings that consideration of another AFA with the CSKT would be part of the CCP process. A CCP is a plan for management of a refuge by FWS as part of the NWRS for a 15-year period, including addressing management of fish and wildlife, ecological integrity, public use, budgetary and staffing needs, and public involvement. It should not be a vehicle to consider the entirely separate issue of another AFA, which would provide for the CSKT to participate in performing some of the refuge functions. Rather, the plans for management of the Bison Range as a part of the Refuge System should be completed before considering how another AFA might fit into them. In addition, even if it were

otherwise appropriate to consider an AFA as part of the CCP process, at this point there is no proposed AFA to consider. Attempting to meld the CCP process with an AFA process could significantly delay the already long-overdue CCP.

In conclusion, the CCP process should be restarted in accordance with the steps laid out in FWS's Comprehensive Conservation Planning Manual, with adequate staffing and resources at the Bison Range to successfully lead the process.

Sincerely,

Paula Dinerstein

Paula Dinerstein
Senior Counsel

Headwaters Montana
P.O. Box 4310, Whitefish, Montana 59937

Toni Griffin, Refuge Planner
NBR CCP
134 Union Boulevard
Lakewood, CO 80228

June 16, 2017

Dear Mr. Griffin:

Re: [FWS–R6–R–2016–N221]; [FXRS12610600000–178–FF06R00000] Notice of Intent To Prepare a Comprehensive Conservation Plan for the National Bison Range, Moiese, Montana

We are very disappointed with Sec. Zinke's decision to not **return** the land of the National Bison Range to its rightful owners, the Confederated Salish and Kootenai Tribes, as we wrote in our February 2, 2016 to you. Sec. Zinke completely mischaracterized the issue by labeling the return as a "transfer," inferring, incorrectly, that he was upholding his pledge to not transfer federal public lands. The land of the NBR was taken from the Tribes, and should be returned. The issue had extensive public comment, and the time was ripe for correction. Instead, the Secretary took the low road and has needlessly perpetuated a historical wrong.

On behalf of our over 2,000 subscribers in Montana and across the U.S., we write in support of the U.S. Fish & Wildlife Service proposal to develop a Comprehensive Conservation Plan (CCP) for the National Bison Range.

Headwaters Montana is a federally listed non-profit organization based in the U.S. Flathead Valley. We advocate for conserving our clean water, fish, wildlife, and traditional, quiet outdoor recreation in the Crown of the Continent region west of the Continental Divide.

The Confederated Salish and Kootenai Tribes of Montana saved the American Bison from extinction and established the herd that became the National Bison Range herd. Bison were persecuted and nearly erased from the face of the earth as a deliberate federal government policy to subjugate the many American Indian tribes that preceded European settlement on the North American continent and who depended on wild Bison for their physical and spiritual sustenance. We support the USFWS proposal to develop a Comprehensive Conservation Plan.

The CCP should cover at least the next 15 years of management on a range of management topic, including wildlife and habitat management; public access and use; operation and management of the visitor center and other facilities; staffing needs; contingencies for the effects of climate change, including range management, weeds and aquatic invasive species. We also think that the CCP should address tribal cultural resources and opportunities for tribal collaboration.

Thank you for the opportunity to comment,

Dave Hadden, Executive Director
Headwaters Montana, Inc.
406-270-3184 / info@headwatersmontana.org

FEDERAL REGISTER COMMENTS FOR NOTICE OF INTENT:
NATIONAL BISON RANGE AND COMPLEX REFUGES
SUBMITTED BY MARVIN L PLENERT

May 16, 2017

U.S. Fish and Wildlife Service
Toni Griffin, Refuge Planner
NBR CCP
134 Union Boulevard
Lakewood, Co. 80228

The following comments are submitted regarding the Fish and Wildlife Service (Service) Notice of Intent (NOI) in the May18, 2017 Federal Register (FR) to prepare a comprehensive Conservation Plan (CCP) for the National Bison Range (NBR) and satellite refuges that make up the complex. The Service has stated that in order to increase efficiency and save tax payers dollars, two CCP's will be prepared for the entire NBR complex. No argument can be made for this claim of separating out the NBR from the rest of the complex, Quite the contrary, considerably more tax payers dollars will be saved if a single document is prepared for the entire complex. The area is managed as a complex and should be planned as a complex. Also no major issues have been identified at this time for proposing a full blown environmental impact statement (EIS) versus an environmental assessment (EA) for the NBR. Therefore in the interest of saving dollars the Service should allow the process of preparing an EA dictate the need for an EIS.

This CCP effort must be carried out in accordance with fulfilling the requirements of the National Wildlife Refuge System Administration Act of 1966 as amended by the National Wildlife Refuge System Improvement Act of 1997, as well as the National Environmental Policy Act (NEPA) and is long overdue. Complying with these legal mandates and finally agreeing to produce a CCP was obviously triggered as a result of the Public Employees for Environment Responsibility (PEER) law suit. In any event, it is required to be completed legally, correctly, and in accordance with Service protocol, and policies on preparing CCP's. Thus, policy articulated in the Service CCP manual recognizes the importance of the refuge manager as the leader of the CCP planning team with full decision making authority throughout the process. This is an absolute requirement if a quality product is to be achieved. Having reviewed numerous CCP's I have yet to see one that excludes the refuge project leader and staff. Since the staff and budget has been depleted by the Regional Refuge Chief in recent years it is doubtful that current staff with a wealth of knowledge of conditions at the NBR who should produce the CCP can complete the task without additional staff and funding. This should be corrected immediately, with full funding and staffing restored. Per the refuge planning policy the planning team should at a minimum include the refuge

manager deputy refuge manager, wildlife biologist, visitor services specialists and administrative officer.

Given the past history of Service reluctancy to halt the political and Tribal meddling as to who should own, manage and administer this iconic refuge, it is questionable that the Denver Regional Office Leadership Staff can be objective and/or capable of an unbiased evaluation of any comments received. One has to only look at the 100's of comments, petitions and letters which were submitted to the Service during the past 2 decades in opposition to the attempted Service and Confederated Salish and Kootenai Tribes (CSKT) Annual Funding Agreements (AFA's), to arrive at that conclusion. The third and final AFA attempted effort in 2014 was another example of waste in terms of staff time and scarce refuge dollars spent, and represented the Service's feeble effort to comply with another unlawful NEPA compliance law suit. To date, that E A lies in limbo with no notice of decision or any record of finding ever published or attempt of closure and compliance. What assurance do we, the Public, have that this NOI will end up the same way? It should also be pointed out that after 20 plus years of scheming behind the scenes to gain control of the NBR by the CSKT, it is foolhardy to turn around and allow them to be a cooperating agency or partners during the CCP process as a gigantic conflict of interest still exists. Reinforcing this is necessary because the CSKT have previously taken the position the CCP should not even exist. Therefore, the Tribe under NO circumstances should be allowed to be involved with the CCP as a partner or cooperating agency, but should have the same status as other stakeholders, conservation NGO's or the general public, in making their views known. The aforementioned fact makes it all the more necessary that in the interest of being legal and transparent to the process as well as the Public and Stakeholders, the Service must unequivocally retain sole and full decision making authority throughout the entire CCP process as required by Federal Statutes.

The Service has put the cart before the horse by conducting two scoping meetings prior to any form of preplanning which is one of the most important aspects of the entire CCP process. Also, suggesting that a preferred alternative of negotiating another AFA with the CSKT before any preplanning, vision statements or setting of goals has been conducted is already in violation with Service policy. The Refuge Improvement Act clearly stipulates the major topics to be included in a CCP and makes it clear that it is intended to guide the Service in the future management of refuges. Thus, any alternative that states the Service will negotiate an AFA would be precedence setting and in direct conflict with the fundamental purpose of a CCP. This is especially true because of the Service's interaction with attempted co-management of refuge programs by the CSKT in the recent past has been problematic and illegal. The Service needs to go back to the drawing board and review comments submitted on the E A for the last proposed AFA to see just what the public reaction was to alternative C. Instead at this point in the CCP process it is strongly recommended that any alternatives be left to the public to identify during the process.

In summary, one of the main benefits of developing a CCP is the mandatory requirement for the Service and the public to interact and design and evaluate long term management strategies, something that is long over due at the NBR. The Service has

participated in countless meetings and negotiating sessions with the CSKT, however until recently there has never been any interaction with the public on management or administration issues, therefore the CCP process requires mandatory public involvement efforts and needs to be done correctly in compliance with legal mandates and Service policy. The omission of the refuge project leader and staff in the process must be immediately corrected.

The Service also needs to put a halt to personal agendas and start listening to the public who are the true owners of the NBR. All Americans as well as the people of Montana and especially the on the ground managers and refuge staff, and refuge's natural resources deserve and require an Agency that is responsive and transparent, which has been absent for a long long time at the NBR. It is also obvious that the regional Service leaders are not listening to Secretary of the Interior Ryan Zinke who wants the decision making process pushed away from Washington or Regional Offices and down to field project leaders. Therefore it becomes mandatory that the NBR field staff be given the lead in developing the CCP, as well s determining and developing cooperative ventures with Tribes. It is also questionable as to why the Service planner already stationed at the NBR who possesses more talent and knowledge about the NBR then any of the regional office planners is not being utilized in this CCP effort? It also makes a farce out of the saving dollars statement. Its long overdue for the regional leadership to stop the vendetta toward the NBR and its staff and put this iconic refuge back on the pedestal where it once was and belongs. As a former Regional Director I would have been elated to have had this seventh most visited iconic refuge in my region, and would never have allowed it to be comprised by anyone.

My final comment as it relates to the last paragraph of the NOI on public availability of comments. No names, phone numbers or addresses should be provided to the CSKT or anyone else unless it is in compliance with the statutes found in the Freedom of Information Act (FOIA). The reason this is necessary is that the Service did provide the commenters personal information to the CSKT in past processes without going through a FOIA request, and it had a stifling effect on Mission Valley Residents or local refuge neighbors, businesses or Tribal employees from commenting for fear of Tribal retaliation.

I appreciate the opportunity to comment on the NOI, and trust that my comments will accurately be considered.

Marvin L Plenert

Marvin L Plenert
20500 S Tranquility Ln.
Oregon City, Oregon 97045
marvplenert@yahoo.com

Copy also sent to FWS Denver Regional Office via Post office, and Secretary Zinke

15069 Robles Grandes Dr.

Rancho Murieta, CA 95683

June 18, 2017

U.S. Fish and Wildlife Service

Ms. Toni Griffen, Refuge Planner

National Bison Range CCP

134 Union Blvd.

Lakewood, Colorado 80228

Dear Ms. Griffen:

Following are my comments regarding the May 18, 2017 Federal Register Notice of Intent signed by the U.S. Fish and Wildlife Service to prepare a Comprehensive Conservation Plan (CCP) for the National Bison Range (NBR) and, separately, for the other refuge and wetland units managed as part of the NBR Complex (NBRC) in Moiese, Montana.

After twenty plus years of persistent efforts by the Confederated Salish-Kootenai Tribes (Tribes), with the increasing acquiescence of the Fish and Wildlife Service (Service), to compromise the authority and responsibility of the Service to effectively manage this refuge, it's gratifying to see the Service finally recognize the importance and legal

requirement of preparing a CCP for this historic and truly iconic unit of the National Wildlife Refuge System (NWRS). I applaud the Service for finally taking this critical action.

However, as it is my view that the NOI published by the Service, and its subsequent actions are inadequate and inconsistent with Service policies and Congressional mandates related to preparation of CCPs. These policies were prepared as a guide to the Service and those of its' employees responsible for the management of the NWRS to ensure that planning activities or efforts would be carried out in accordance with and in fulfillment of the requirements of the National Wildlife Refuge System Administration Act of 1966, as amended by the Refuge Improvement Act of 1997 (NEPA), which require that the full range of management actions being considered must be properly evaluated for impacts, <u>with full public disclosure and meaningful involvement.</u>

The Service has already held two public scoping meetings that served little or no legitimate purpose, as it had not done all of the pre-planning steps described in its own Manual for Comprehensive Conservation Planning, as outlined in section 602 FWS 3, which describes the "minimum requirements for all CCPs", that help ensure all essential information needed for meaningful public involvement and the Service's decision-making process is provided and properly considered. The

meetings were premature, poorly publicized and poorly attended, leaving the distinct impression that the Service was trying to subvert its own planning guidelines for some predetermined purpose.

As a former 40 year Service employee with experience in overseeing the preparation of CCPs on our Alaskan refuges and on certain refuges in the Pacific and Southwest Regions of the Service (including, as refuge manager, participating in the preparation of the first Master Plan for the National Bison Range before the CCP process was adopted), I'm fully aware of how this planning process needs to be implemented to ensure compliance with the spirit and intent of established legal mandates, and to ensure the best long term management goals, objectives and practices for individual units of the NWRS.

Thoughtful, comprehensive analysis of all practical management alternatives that consider wildlife and other natural resource values and science-based management alternative are essential if this process is to be properly done.....and, with informed, active public (stake holder) participation in the decision-making process..... <u>should lead to the best long term management strategies, and preferred alternative.</u>

The NOI fails to identify and analyze an adequate range of alternatives, and fails to adequately consider the wildlife

resource values of the refuge....particularly as they relate to its 100 year and continuing contribution to the preservation of national and genetically significant populations of our national mammal, the American Bison.

What I find most egregious are comments made by the Services representatives at the meetings referenced above suggesting that, after nearly two decades of mis guided efforts to relinquish control over the NBR to the local Tribes, it plans to continue those efforts before the CCP process is even properly implemented. This makes a mockery of the CCP process and is insulting to the public to whom this refuge belongs and who have a primary interest in determining its future status and management. It also makes a mockery out of the Service's obligation to hold and manage the NWRS in trust for the American people. This refuge and the NWRS is a public asset. Thus, it is the public, not the Service nor the Tribes who have the right to determine its future.

And, as I have expressed repeatedly in earlier comments regarding the Service's continuing efforts to compromise the effective management and future status of this refuge, relinquishing a fully functioning, historically significant unit of the NWRS would set a terrible precedent for maintaining the future integrity of the NWRS, and its legacy for the American public.

Secondly, while I understand that the purposes and objectives of the other units that comprise the NBR Complex are somewhat different from the primary purposes of the NBR, I'm not convinced that they warrant the time, expense and complications of two separate CCP processes. Their purposes are pretty straight forward and compatible with those of the NBR. Further, if they all are to be administered as units of a "complex", with their administration headquartered at the NBR, then it makes sense to me that their management be fully integrated and addressed in one CCP for the complex. I'm confident that there is adequate precedent for this approach and starting the CCP process over in full compliance with the foregoing comments would facilitate that sensible approach.

And, finally, my experience strongly suggests that, while a Regional staff can and should provide support for the mechanics of the CCP process, the Refuge Manager, with the full support of his or her staff knowledgeable about refuge wildlife and related resources, must be the primary decision maker that drives the planning process, especially as it relates to best management strategies and practices and their realistic alternatives. That clearly means that the manager or project leader must be the most essential member of the planning team. That does not mean that they have to serve as the team leader, with its planning organizational responsibilities. I realize that few project leaders have the time for such a role. But, their

knowledge, experience and expertise must be the foundation for a meaningful planning process and the development of effective, long term, coherent management guidance.

I support the development of a CCP for the National Bison Range Complex, but also strongly believe that

you need to start over with this planning process to ensure that it:

a. Fully and adequately develops a more comprehensive set of alternatives, with the clear understanding that all units within the complex will be retained within the NWRS under continuing management, in perpetuity, by the Service;

b. That it not proceed on the basis of a presumed, pre-determined outcome regarding the preferred alternative;

c. That it commit to objectively and sincerely considering the views of the public who engage in the planning process, and not pay lip service to public involvement and the will of the public;

d. That the Service approach this process with the clear understanding that this refuge belongs to the American public and that its' responsibility is to represent the public's interests in their pursuit of best management practices and the future status of the refuge within the NWRS. This means that the Service should be solely and independently responsible for the proper conduct of the CCP process, and that the Tribes be treated as any other public entity in the decision-making process and, finally, and perhaps most importantly,

e. That the NBRC Refuge Manager or Project Leader be given the primary role for driving the CCP process and responsibility for its' future implementation. Further, to accomplish that effectively, Region 6 must take action to restore the approved level of staffing and funding that it has so irresponsibly and shamefully reduced over the past twenty or so years. It's long past time for some Regional

leadership and commitment to this iconic unit of the NWRS!

Thank you for the opportunity to comment on the DOI. I can only hope that my comments are sincerely considered.

Sincerely,

Joseph P. Mazzoni

Toni Griffin, Refuge Planner
National Bison Range

June 7, 2017

Dear Planner Griffin:

I am a rangeland ecologist in Polson, Montana. I have lived in this area and followed the management of the National Bison Range for over fifty years.
The first priority of any management plan is to provide for the proper management of the rangeland resource. Without that you have no base for future options.
In the 1960s a detailed range condition survey was done on the National Bison Range by the range experts of the Soil Conservation Service (NRCS today).
This data was invaluable in monitoring changes in range condition, thus providing information as to what management changes needed to be made to maintain a
healthy range. But, guess what? This valuable data has been lost.
So, I strongly urge that any management plan begin with acquiring base line data on the condition of the range. You do not know where you are going without seeing where you have been.
I would be glad to meet with anyone involved in the planning process.

The enclose letter to congress has been in several Montana newspapers.

I tried to sent these comments via email but the email address on the web site would not work.

Sincerely, Chuck Jarecki
218 Pheasant Ridge
Polson, Montana, 59860

Phone: 406-883-2248
Email: skywagon@centurytel.net

Bison Range comments to Congress

Chuck Jarecki
2i8 Pheasant Ridge
Polson, MT 59860

I wish to voice my strong objections to the proposal that the Confederated Salish and Kootenai Tribes (CSKT) be given possession of the National Bison Range located at Moiese, MT .

Here is why I feel qualified to comment: I graduated from Cornell University College of Agriculture in 1961 and completed additional course in Range Management at Montana State University. My 40+ career was beef cattle ranching near Polson.

My guiding principle during my ranching career was that good stewardship of the land was paramount to a successful ranch. I became active in the Society for Range Management and served on its board of directors and still serve on the endowment fund development committee. The Society bestowed upon me their highest award for land stewardship. I also served on a National Academy of Sciences committee for four years, developing a new method of classifying the health of rangeland. The committee's work was published in a book entitled "Rangeland Health". Also, I served for ten years on the Montana Noxious Weeds Advisory Council.

Therefore, I offer the following : In my fifty-five years living and working on the Flathead Indian Reservation, it is my overall observation that the CSKT is not able to properly manage the grazing lands under their control. The primary function of the management of rangeland is to maintain a desirable plant community, utilizing such tools as proper stocking rate, and good grazing distribution of livestock. This requires suitable fencing, stock water development, noxious weed control, and rotational grazing. It is my considered opinion that the Tribes have fallen short in these areas of good rangeland stewardship.

Regarding range management on the National Bison Range, I have witnessed the progress the successive managers have made over the past five decades to improve the range, combat noxious weeds, and maintain a stocking rate in balance with the forage resource, while at the same time providing a quality educational experience for visitors. What is to be gained by the transfer of ownership to an entity that has a mediocre track record of managing rangeland? There is no evidence that a transfer to the CSKT would improve the National Bison Range or that the current good management would be retained.

The National Bison Range is for all Americans to own as a part of our national wildlife refuge system. The American Bison is now our national mammal. The National Bison Range should remain just that: a national treasure for all U.S. citizens and managed by a respected Federal agency that has the knowledge and proven track record to maintain the refuge.

Another consideration is the fact that if the manager of the National Bison Range is not doing a satisfactory job, that person will have to answer to higher authority within the U.S. Fish and Wildlife Service. If the Tribes achieve ownership and management of the Bison Range, the buck stops with the Tribal Council, an entity which is more political than professional.

Bison Range Comments, page 2. Chuck Jarecki

In summary, a few facts and opinions:
1) American Bison were never native to the Flathead Valley. They are a Great Plains animal.
2) The American taxpayers have already paid the CSKT twice for the land on which the Bison Range is situated.
3) The National Bison Range is just that: a National wildlife refuge owned by all the people of the United States. It should not be given to an entity that claims to be another sovereign nation.

Therefore, I urge you to oppose the transfer of the National Bison Range to the CSKT. It should remain under the ownership of the United States and managed by the U.S. Fish and Wildlife Service as one of our country's wildlife refuges.

25 September 2017

FROM:
Cecil Frost Ph.D.
Landscape Fire Ecologist
Research Collaborator, University of North Carolina
119 Potluck Farm Road
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RECEIVED SEP 2 9 2017

TO:
Bernardo Garza
U.S. Fish and Wildlife Service
Branch of Planning and Policy
134 Union Boulevard, Suite 300
Lakewood, Colorado 80228
bernardo_garza@fws.gov
303 / 236 4377 telephone
303 / 236 4792 fax

Dear Mr. Garza,

Below are my comments for the new CCP for Lost Trail NWR in answer to the following questions. As researcher who has worked there my comments concern only the Lost Trail NWR portion of the CCP. Thank you for the invitation to comment.

What do you think should be addressed in the new conservation plans for the units of the National Bison Range Complex?

Having traveled widely in Montana I have to say that Lost Trail in its alpine valley may be the most beautiful refuge in the state. The commitment of several million dollars to relocate the old road bed out of the valley to restore the wetlands damaged by past ditching demonstrates the importance of Lost Trail to the State of Montana and governments of the surrounding counties. The funding of repeated projects at Lost Trail by the Elk Foundation demonstrates their ongoing commitment to supporting the refuge as habitat for elk, which, along with waterfowl are its most important contribution to preserving biological diversity in the Northern Rockies.

I request that the CCP address the following issues that I observed from 2015 - 2017. They relate to operation and restoration of the refuge under **601 FW 3, Biological Integrity, Diversity, and Environmental Health** of the National Wildlife Refuge System Administration Act of 1966 as amended by the National Wildlife Refuge System Improvement Act of 1997, 16 U.S.C. 668dd-668ee (Refuge Administration Act). Section 4(a)(4)(B) of this law states that "In administering the System, the Secretary shall . . . ensure that the biological integrity, diversity, and environmental health of the System are maintained for the benefit of present and future generations of Americans . . . ." This is one of 14 directives to the Secretary contained within the Refuge Administration Act.

Issue: Restoration of fire. Lost Trail is in a lightning hotspot and fire history records show its prairie component experienced a very high fire frequency, from 1 to 6 year intervals historically. In recent

years there have been at least three lightning ignitions in the immediate vicinity each year. Any one of these fires would have likely burned the whole refuge which has a continuous ground layer of flammable grass but these would have been light surface fires. There was no time for fuel to accumulate for a damaging fire.

Burning by Native Americans would have supplemented lightning. The valley was part of the ancestral lands of the Kootenai tribe, members of the confederated Salish-Kootenai on the Flathead reservation. As late as 1910 the people made annual fall trips through the lands of Lost Trail to gather camas bulbs and wild potato, and hunt elk, all for their winter food supply. This lasted until around 1920 when their access was curtailed by the ranchers who settled the area. The tribe typically burned their foraging lands to maintain the crop plants in open, sunny conditions and prevent woody invasion, so this may have been an annual activity that supported some of the unusual pyric vegetation such as western larch savanna on both sides of the valley as well as the fire-dependent camas beds.

Request 1: Please include in the CCP a plan for regular use of prescribed fire sufficient for restoration of the many fire dependent species such as western larch, camas, spalding's catchfly and sloughgrass. This does not mean that the original frequency has to be reinstated but that regular fire is needed for restoration of species diversity, natural vegetation structure and composition and elimination of hazardous fuel. This is vital for addressing these **Key Concepts** of the Act: **Historic Conditions, Biological Integrity, Biological diversity.**

Request 2: Please include in the CCP a plan for removal of the small areas on the north side planted with rows of dense, small ponderosa pine, misguidedly installed as "mitigation" after a wildfire, and aim to restore to the original, fire dependent larch savanna and woodland (the original larch stumps are still present). **Addresses Key Concepts of the Act: Biological Integrity, Historic Conditions**

Request 3: Access by Native Americans. Consider providing access for the Kootenai people for gathering of traditional materials, if desired, including possibly bulbs of camas which is abundant on the west end of the refuge—one of the largest populations in Montana—for reestablishing the extensive beds that once occurred on the Flathead Reservation before decimation by saturation of the landscape by domestic cattle, horses and sheep in the late 19th century.

Freedom from Cattle

There were no bison or other cattle analog at Lost Trail or indeed anywhere west of the Continental Divide since the end of the Wisconsin Glaciation (Stutte 2004). Elk is the native grazer. Cattle are not an elk analog; their feeding habits and impact are very different. Many of the grass, shrub and forb species here, such as those mentioned above, are known cattle grazing decreasers and historical saturation of the landscape with cattle would have extirpated an unknown number of native plants. Up to 50% of native species may be lost from cattle lands.

Agricultural and range science journals have sought to find ways that cattle "benefit" prairie, including the argument that prairie evolved with bison. That is not true in this region which has had none for the past 7,000 year portion of the Holocene. One of the recent arguments used for justifying cattle grazing on public lands is that they can be used to reduce weeds. This has been tried on very badly overgrazed

cattle range but that is in what has recently been called the "Working Landscape" which includes the ranchlands and commercial cattle operations where managing sustainable forage for maximizing cattle production is the goal. Commercial cattle production is a recipe for damage to native plants that are the foundation of the food chain that supports the pollinators, birds and animals that depend on them. National Wildlife refuges are in a different land use entirely—the domain of Restoration, acknowledged in the Act—where cattle have no place. Furthermore, recent work has shown that the intensity of land use by cattle required to certain reduce weeds on damaged lands does work, but is followed immediately by a new crop of different weeds as well as loss of a large percentage of valuable native species (Olson 1999).

Cattle have no place at Lost Trail and with ten years of protection the refuge is recovering nicely from the cattle era

A major importance of the refuge is as natural habitat for elk, and elk hunting is a major attraction. Evidence from browsing on aspen, saskatoon serviceberry and other shrubs indicate that elk are near their carrying capacity at Lost Trail. Domestic cattle would be a direct competitor with Elk, worsen the impact on forage species, constitute an affront to the support the Elk Foundation has invested in National Wildlife Refuges.

Request 3. The CCP should reaffirm the commitment to protect the refuge from cattle in deference to elk, a native species. **Addresses Key Concepts** of the Act: **Historic Conditions, Biological Integrity, Biological diversity**

In 2015 there were no cattle on the refuge, other than the occasional one or two that managed to find a break in the fence and were quickly retrieved by their owner. In 2016 and 2017 things changed. Late in the season I woke in the blue modular housing unit where I had been staying on the west end of the refuge to find a herd of about 40 cattle that had broken through the fence during the night and done other damage to refuge property. I understand that since then there have been large herds of cattle on the refuge all summer.

Request 4. Please address the issue of non-enforcement of laws to protect the refuge from what is clearly intentional cattle trespass and include in the CCP the actions that will be taken to prevent further incursions. **Addresses Key Concepts of the Act: Biological Integrity, Biological diversity**

Request 5. Please address how will the federal threatened plant species Silene spaldingii be protected from damage by cattle trespass and refuge monitoring costs reimbursed by trespassers. **Addresses Key Concepts of the Act: Biological Integrity and Biological Diversity**

Scoping Pablo Ninepipe, FW6 <scoping_pablo_ninepipe@fws.gov>

National bison range complex 15 year plan

matm <matm@montanasky.com> Fri, Sep 29, 2017 at 1:09 PM
To: scoping_pablo_ninepipe@fws.gov

I would like to comment on lost trail nwr. I support keeping it open to the public. I have visited many times with friends and family. It is a great place to see native flora and fauna. I have attended excellent educational programs anf field trips there. I support its continued operation.
Marianne Madler
Whitefish, MT

Sent from my Verizon Wireless 4G LTE smartphone

Scoping NBR, FW6 <scoping_nbr@fws.gov>

National Bison Range scoping meeting

Jack Reneau <bluemountain2@montana.net> Sun, Oct 1, 2017 at 2:25 PM
To: scoping_nbr@fws.gov
Cc: Jeff King <jking@fws.gov>

To US Fish and Wildlife Service,

I attended the third National Bison Range scoping meeting held in Missoula, Montana, and have a couple of recommendations. First, the NBR Complex Project Leader Jeff King should be totally in charge of the Comprehensive Conservation Planning (CCP) process for the National Bison Range (NBR), which is in total compliance of the CCP process. No one representing the Confederated Salish Kootenai Tribe should be involved in the CCP process. In addition, any involvement from the regional office should be in support of Jeff King, not in place of Jeff King.

Secondly, I agree with Jeff King that there should be no attempt to institute another Annual Funding Agreement (AFA) at the NBR with the CSKT or anyone else during or after the CCP process.

Thirdly, Jeff King, the NBR Complex Project Leader, pointed out at the Missoula scoping meeting that only 6 positions at the NBR are currently filled and that all other positions that were previously filled at the NBR are being held back in anticipation of another AFA with the CSKT. These positions should be immediately filled with qualified federal workers under the Civil Service Commission and included in the CCP process for the NBR Complex. Federal jobs should only be filled by qualified federal workers.

Please feel free to contact me if you have any questions. In addition, please keep me informed of the progress of the CCP process. In other words, I give you permission to include me on any email and snail mail communications. My email address is bluemountain2@montana.com and my mailing address is below.

William J. "Jack" Reneau

4 Marthas Court

Missoula, MT 59803

Scoping NBR, FW6 <scoping_nbr@fws.gov>

Further comments about the scoping process for National Bison Range Complex

Susan Reneau <bluemountain@montana.com> Fri, Sep 29, 2017 at 1:42 PM
To: scoping_nbr@fws.gov

I further state that Project Leader of the National Bison Range Complex should be the lead coordinator for the entire CCP process at the National Bison Range Complex, including the organization of any public or private meetings WITHOUT involvement of regional office personnel unless they are support staff to the Project Leader of the National Bison Range Complex.

I understand the CSKT under the guidance of Attorney Brian Upton is working to write and produce a movie documentary explaining why they should take over all aspects of control of the National Bison Range and why the U.S. Fish and Wildlife Service should abdicate this premiere NATIONAL wildlife refuge to a special interest group that is a sovereign government independent of the United States taxpayers that bought and paid for all aspects of the National Bison Range since its founding in 1908.

I support NBR Project Leader Jeff King in his pronouncement that no annual funding agreement with the CSKT should be a part of the CCP but that seems to not be stopping the CSKT from continuing their efforts to take over all jobs, tasks and FEDERAL MONEY for the operation of this premiere NATIONAL wildlife refuge. This is WRONG.

I contend that NO special interest group such as the CSKT should EVER be given any portion of the National Bison Range or any national wildlife refuge or national park or any federal land system. I support a cooperative VOLUNTEER participation as is the case with other American citizens that VOLUNTEER their time to help national parks, national wildlife refuges and other federal lands, but I do not support giving away federal lands to ANY group of American citizens such as the CSKT that are uniquely American citizens and members of a sovereign government that is independent of federal law and thus do not have to listen to anyone from the federal government or the American taxpayer.

This is the third time I have submitted comments regarding the CCP and as yet I have not seen any summary of any comments. The last CCP meeting was deliberately help in Missoula because of a request by the CSKT's attorney Brian Upton who arranged for members of the Sierra Club, National Wildlife Federation and other environmental groups to speak so we saw a huge jump in attendance at that "planning" meeting.

Many retired and active-duty U.S. Fish and Wildlife Service employees have submitted comments to you objecting to the involvement of the CSKT in the employment at the National Bison Range because such forced employment violates federal law. It must be noted that of the six remaining FEDERAL workers at the National Bison Range, three of them are CSKT members but are federal workers that were selected for their skill, education and experience and not for their membership in the CSKT, which is how all federal workers are selected under the Civil Service Commission begun by Theodore Roosevelt during his presidency.

There is no need for the CSKT government to be involved in employment or management of federal taxpayer funds at the National Bison Range and that is a wasteful use of time and money that has been spent by taxpayers.

OPTIONAL PUBLIC COMMENT FORM

Thank you for helping us plan...your comments are very important to the development of Comprehensive Conservation Plans (CCP) for all the units of the National Bison Range Complex. The purpose of this form is to provide an additional opportunity for you to express your ideas and provide input for the future management and activities of the National Bison Range Complex.

Please submit your comments by **September 30, 2017**. *[Attach additional comments on a separate sheet of paper if needed.]*

Qualities

What do like the most about the different units that make up the National Bison Range Complex?

Topics

What do you think should be addressed in the new conservation plans for the units of the National Bison Range Complex?

~~THREE~~ PAGES ATTACHED - ALL PERTAINING TO LOST TRAIL NWR
FOUR

Opportunities

How do you think we should manage for wildlife habitat, provide *priority wildlife-dependent public uses, maintain and improve infrastructure, support the staff, and develop partnerships with the community?

*** priority wildlife-dependent public uses :** ***hunting, fishing, wildlife observation, photography, environmental education, and interpretation***

Additional comments...

We appreciate you providing any issues, input, and ideas to be considered in planning for the Complex's new Comprehensive Conservation Plans!

601 FW3 3.20 provides authority and guidance for protection of biological integrity, diversity, and environmental health from actions outside of refuges.

Weyerhaeuser owns and plans to sell for development the lands that surround Lost Trail. Such sales would destroy the habitat and corridor values for lynx, wolverine, wolves, grizzly bears, a large elk herd and many other species which are now supported by Lost Trail and the absence of development on Weyerhaeuser.

The highest priority for the future of wild lands and wildlife for Lost Trail is acquisition of these lands or the establishment of conservation easements on them. This must be the **number one job** of Lost Trail until this is accomplished – the damage caused by the loss of these lands far outweighs any management improvements that many occur on Lost Trail. Lost Trail is simply too small to sustain all the wildland benefits present at this time in history.

An answer of no from either Weyerhaeuser or FWS to rectifying this problem cannot be accepted.

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First is the law outlining USFWS duties and second is the work needed at Lost Trail to comply

601 FW 3
Biological Integrity, Diversity,
and Environmental Health

National Wildlife Refuge System Administration Act of 1966 as amended by the National Wildlife Refuge System Improvement Act of 1997, 16 U.S.C. 668dd-668ee (Refuge Administration Act).
Section 4(a)(4)(B) of this law states that "In administering the System, the Secretary shall . . . ensure that the biological integrity, diversity, and environmental health of the System are maintained for the benefit of present and future generations of Americans . . . ." This is one of 14 directives to the Secretary contained within the Refuge Administration Act.

We integrate the principles of this policy into all aspects of comprehensive conservation planning, including pre-planning guidance (see 602 FW 3.4C(1)(e)) as we complete plans to direct long-range refuge management and identify desired future conditions for proposed refuges (see 602 FW 1.7D).

Key Concepts of the Act:

Historic Conditions – refers largely to the pre-European settlement landscape

Environmental Health – refers to the **abiotic** processes such as the fire and water functions present in the historic landscape

Biological Integrity – refers to the **biotic** processes such predation, beaver wetlands, tree cavity formation through woodpeckers, ground squirrels helping water flow deep into soils through there digging activities, and thousands more well beyond our individual and collective knowledge present in the historic landscape

Biological Diversity – diversity means **not** managing optimally for individual species – managing natural processes for evolutionary conditions provides the full array of habitat components appropriate for the landscape and the species that historically occurred there.

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Work needed for restoration and sustainability of Environmental Health, Biological Integrity, and Biological Diversity on the Lost Trail landscape

Restore the original hydrology.

This project is well underway and is outstanding.

RECEIVED OCT 0 2 2017

Restore and sustain the original fire regime.

Fire was the major force in the Lost Trail landscape for about 6000 years prior to European settlement. The plants and animals that historically lived here were here because of the habitats created by fire. Fire is as necessary for the health of the larger landscape as water is for the wetlands. Removing fire from lands - as we do - is like draining water from wetlands. The health and diversity of the ecological systems is damaged – greatly.

We have learned from the Cecil Frost study that much of Lost Trail burned every 1 to 5 years historically. There are small fire sheltered sites that burned less often. Thus to restore the fire regime we need to burn more than 1000 acres annually. These prescribed fires should be completed during mild conditions when fire prone sites will burn and fire sheltered sites will likely not burn more often than not.

The native flora in the small prescribed fire that was conducted has been invigorated. Aspen and Saskatoon serviceberry are appearing where they were not seen before and weeds are being out-completed.

If these fires cannot be completed because of bureaucratic or financial reasons – then these problems must be fixed for landscape health and compliance with USFWS purposes and laws.

Restore the original light levels of herbivory

Because of past heavy cattle use and present numbers of deer, elk, and trespass cattle Saskatoon serviceberry, black cottonwood, Bebb willow, Booth's willow, Geyer willow, and Scouler willow and perhaps several other 'early warning' species are not re-generating. Only the older plants that are out of reach or heavily protected by browsed and dead stems are still present. A few aspen groves have young stems that are growing out of the browse zone, typically in locations where animals are less abundant such the aspen grove beside the horse ranch house. But in the majority of aspen groves no young stems survive herbivory.

All of the above species are preferred over grasses by cattle most of the year and they are preferred foods of deer and elk.

Cattle hopefully will never be returned to Lost Trail. Cattle have a mystique in America that has concealed the fact that they are simply exotic animals. If they were feral goats, pigs, donkeys

are other animals that lack the mystique of cattle they would be thought of as a very major pest because of their impacts. And they are not permitted on Refuges when fire or native wildlife accomplish desired management (601 FW-3, 3.15 B). Cattle camp in riparian zones and will certainly and completely prevent any restoration of woody flora hoped for in the otherwise successful hydrology restoration. Deer and elk alone will be problem enough.

Elk and deer numbers should be managed for low densities through liberal hunting seasons and through complete protection of wolves, lions, and bears on the Refuge. Elk and deer are a part of the diversity of Lost Trail but are of no more importance than the yellow warbler and a host of other species that need the willow patches and wetlands. Bison were not present in this landscape historically.

Weeds are not a first priority to the extent commonly imagined – weeds are primarily a symptom of a larger problem – a poorly cared for native flora. The native flora of Lost Trail is poorly cared for because of lack of fire and excessive herbivory in combination. Without restoration of hydrology, original fire regimes and light herbivory – all of them together – weeds will prosper regardless of treatment. Attempting to treat weeds without landscape restoration is putting the cart before the horse. Spraying weeds where native plant species occur also (most of Lost Trail) as a stand-alone project characteristically accomplishes the opposite of restoration - killing the native flora and providing better future weed habitat.

RECEIVED OCT 0 2 2017

FLATHEAD
SALISH KOOTENAI
NATION

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

THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD NATION
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A People of Vision

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

August 15, 2017

Mr. Kelly Hogan, Acting Planning Chief
Ms. Toni Griffin, Refuge Planner
NBR CCP
U.S. Fish & Wildlife Service
134 Union Blvd.
Lakewood, CO 80228

Dear Ms. Griffin,

In response to the revised "Notice of Intent to Prepare a Comprehensive Conservation Plan for the National Bison Range, Moiese, Montana" and the "Notice of Intent to Prepare a Comprehensive Conservation Plan; Pablo, Lost Trail, and Ninepipe National Wildlife Refuges, and the Northwest Montana Wetland Management Districts, Montana" which the U.S. Fish & Wildlife Service published in the May 18, 2017 Federal Register, enclosed please find scoping comments from the Confederated Salish and Kootenai Tribes in response to both Notices.

If you have any questions, please contact me at (406) 275-2760 or brian.upton@cskt.org.

Thank you,

Brian Upton
Tribal Attorney
CSKT Legal Department

enclosures

CSKT Scoping Comment in Response to the "Notice of Intent to Prepare a Comprehensive Conservation Plan; Pablo, Lost Trail, and Ninepipe National Wildlife Refuges, and the Northwest Montana Wetland Management Districts, Montana"

August 15, 2017

In response to the U.S. Fish & Wildlife Service's (FWS, or Service) May 18, 2017 notice of intent to prepare a Comprehensive Conservation Plan (CCP) and accompanying Environmental Assessment (EA) for the Pablo, Lost Trail, and Ninepipe Refuges, as well as the Northwest Montana Wetlands Management District (NMWMD) (collectively, hereinafter referred to as the "subject Refuges"), all of which are currently part of the National Bison Range Complex (NBRC), the Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation (CSKT, or Tribes) submit this scoping comment. During scoping meetings held in Polson and Kalispell, Montana on June 6th and 7th, respectively, FWS Refuge Planner Toni Griffin indicated that the Service would accept scoping comments beyond the June 19th date identified in the May 18th notice of intent, and would in fact accept them up until a draft EA was developed.

This comment identifies those areas which the Tribes believe should be addressed in the CCP. The Tribes understand that the CCP is a large undertaking, and that the Service may not be able to address all topics in great detail. While we address it specifically in some of the below-listed areas, the Tribes expect that the CCP would generally assist in helping the public understand how the Service expects the subject Refuges to operate as part of the newly-designated Western Montana National Wildlife Refuge Complex, as identified and discussed in the Service's Region 6 document titled "National Wildlife Refuge System Realignment Strategy and Staffing Framework", released in November of 2016.

To the extent that the subject Refuges are part of the existing NBRC, CSKT incorporates by reference into this comment the "CSKT Scoping Comment in Response to the Revised 'Notice of Intent to Prepare a Comprehensive Conservation Plan for the National Bison Range, Moiese, Montana", also dated August 15, 2017 and submitted to the Service.

The general issues identified below are not listed in any particular order, and are thus not necessarily identified in order of priority.

History and Tribal Interests in the Ninepipe and Pablo National Wildlife Refuges

The Ninepipe and Pablo Refuges, and the Lake County portion of the Northwest Montana Wetlands Management District, are all located within the Flathead Indian Reservation, which the Tribes reserved under the 1855 Treaty of Hellgate (12 Stat. 975). Both of the reservoirs located in the Ninepipe and Pablo Refuges are artificial bodies of water created early in the last century for irrigation purposes as part of the Flathead Indian Irrigation Project. The Ninepipe and Pablo Refuges are each on lands that are beneficially-owned by CSKT, and held in trust by the United States. At least as early as 1917, CSKT had requested the federal government to place conservation protections on both of these reservoir properties, to be set aside as game or bird

preserves. Consequently, President Warren G. Harding signed Executive Orders in 1921 creating what are now known as the Pablo and Ninepipe National Wildlife Refuges, for use as "refuge[s] and breeding grounds for native birds" (Executive Orders #3503 and #3504). The Executive Orders created the refuge areas "subject to Reclamation Service uses under the provisions of the act approved June 17, 1902 (32 Stat. 388), and to any other valid existing rights . . . ." [*emphasis added*] These existing rights include Tribal uses which have been subsequently recognized by Congress.

In 1948, Congress addressed and compensated the Tribes' claims for past federal uses of the Ninepipe and Pablo lands, and purchased from the Tribes perpetual easements to use Tribal land for the two Refuges. In § 5(b) of the Act of May 25, 1948 (62 Stat. 269), Congress authorized funds to be paid to the Tribes as full payment for a permanent easement for the Ninepipe and Pablo refuges. In so doing, Congress recognized, and preserved, the Tribes' reserved rights in both of the Refuge properties. Congress reiterated that the Tribes "shall have the right to use such tribal lands, and to grant leases and concessions thereon, for any and all purposes not inconsistent with such permanent easement." [1] Use of the term "inconsistent" in this legislation predates use of the word "compatibility" as an FWS term of art. The legislation governing compatible uses and compatibility determinations at Refuges was enacted later.

Agricultural activities on Ninepipe and Pablo Refuge lands have been a constant presence throughout the 20th century and up to the present. Shortly after creation of the refuges at the Ninepipe and Pablo reservoirs, FWS conducted or authorized agricultural activities on the lands. In the early 1940's, the Tribes, as the landowner, asserted that Tribal members should benefit from any agricultural activity on the property, as they had before the refuges had been created. Subsequently, Tribal members again utilized lands within the refuge boundaries. Tribal and FWS cooperation continued through the succeeding decades with respect to agricultural activities. This cooperation later led to a Memorandum of Understanding between FWS, CSKT and the Bureau of Indian Affairs (BIA) which recognized the farming program within the refuge "to be consistent with wildlife refuge purposes" and which was in effect throughout most of the 1990's.

In order to educate the public, as well as its own staff, the Tribes request that the Service include in its CCP/EA the history and legal status of the Ninepipe and Pablo Refuges. Much of the public may be unaware of the Tribes' ownership of the lands upon which those Refuges are located, as well as the Tribes' role in originally requesting that the lands be federally-designated as conservation areas. Similarly, many people are unaware that the Tribes granted a perpetual easement to the United States for use of the Ninepipe and Pablo properties for refuge purposes, and that, as part of that legislation, the Tribes retain congressionally-recognized reserved rights in those Refuges. The Tribes believe it is in both the Tribes' and FWS' interest in educating

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[1] For more information, including the Tribes' original requests for Ninepipe and Pablo to be set aside as bird/game preserves, as well as the congressional history, *see* Brian Upton, "Returning to a Tribal Self-Governance Partnership at the National Bison Range Complex: Historical, Legal, and Global Perspectives", 35 Public Land & Resources Law Review 52, at 77-78 (2014).
Accessible online at: http://scholarship.law.umt.edu/cgi/viewcontent.cgi?article=1423&context=plrlr.

people about this historical and legal landscape. We cannot move forward effectively and intelligently unless we know our history.

To this end, the Tribes appreciate that FWS, as part of its online CCP descriptions of the Pablo and Ninepipe Refuges, included statements about the Tribes requesting the establishment of the Refuges, as well as the Tribes managing the fisheries in each Refuge (https://www.fws.gov/mountain-prairie/refuges/nbrc.php).

Collaboration

The Tribes encourage cooperative efforts with the Tribes to be addressed in the EA under any alternatives identified during this scoping period, including the 'no action' alternative.

At this time, the Tribes do not believe that the CCP, and accompanying EA, should address as a specific management alternative Tribal management or cooperation through an agreement under the Tribal Self-Governance Act or other authority. The Tribes believe that any such analysis would be more appropriate and effective in a separate document that would accompany a future proposal or agreement. However, given the long history of cooperation and coordination between the Tribes and the Service, the Tribes believe it would be appropriate for the CCP/EA to acknowledge the history, and potential future, of Tribal cooperation at the subject Refuges, as well as generally address collaborative work with the Tribes.

As a general matter, development of this CCP provides an opportunity for FWS to examine how it interacts with the Confederated Salish and Kootenai Tribes. It also provides a chance to examine the Ninepipe and Pablo Refuges, and the Lake County portions of the NMWMD, within the context of their location on the Flathead Indian Reservation – and the Lost Trail Refuge within the context of its location in the Tribes' aboriginal and treaty-ceded territory. Similarly, this is an opportunity to revisit how FWS interacts with Tribal citizens, the Reservation community, and the general public with respect to indigenous culture, language, and land uses. FWS may elect to do the minimum amount required with respect to these efforts, and generally approach this CCP as it would any other Refuge. Alternatively, FWS may elect to become a leader in how federal agencies in this country approach: 1) partnerships with tribal governments in Indian country; and 2) the federal trust responsibility towards tribes within the context of Refuge management. The Tribes encourage the latter approach.

The Tribes encourage the Service to examine, as one model, the forward-thinking approach of its Canadian counterpart. The Canadian Wildlife Service (CWS), by way of example, utilizes "Impact and Benefit Agreements" with respect to its management of National Wildlife Areas and Migratory Bird Sanctuaries within the indigenous Territory of Nunavut. While this is against the backdrop of a different legal landscape, the salient point is how the federal government of Canada has proactively chosen to engage, collaborate and interact with its aboriginal partners in Nunavut. As part of its management of National Wildlife Areas and Migratory Bird Sanctuaries in Nunavut, the CWS addresses the following issues, among many others:

- use of native language in CWS interpretive and other materials and activities, including place names;
- use of "traditional, current and evolving body of Inuit values, beliefs, experience, perceptions and knowledge regarding the environment";
- incorporation into management plans of cultural history and the context within which the wildlife areas or bird sanctuaries operate;
- development and use of oral histories
- use of aboriginal guides;
- explicit consultation procedures to ensure substantive, rather than superficial, consultation;
- explicit evaluation and tracking activities to measure progress on achieving these objectives; and
- criteria for hiring CWS staff working within Nunavut, including knowledge of: Inuit culture, society and economy; native language; and knowledge of laws relevant to the Inuit/Nunavut legal landscape.

Among many other things, these agreements provide for incorporation of native languages, staff training, and traditional ecological knowledge (TEK) into Western science. As stated on FWS' website, "[a]n increasing number of scientists and Native people believe that Western Science and TEK are complementary."[2] The Tribes believe that this CCP presents an opportunity for FWS to encourage field-level implementation of the agency's policy statements regarding TEK.

Bird, Waterfowl and Migratory Bird Management

Given that bird and bird habitat conservation were the primary motivations for the Tribes to request the United States to designate Pablo and Ninepipe as conservation areas, we expect that these purposes will be prominently addressed in the CCP, including with respect to the rest of the subject Refuges. The CCP should address specific bird populations and management, including Trumpeter swans, and cooperative efforts on same.

Wildlife and Fisheries Management

The Tribes expect big game species management to be addressed in the CCP. The Tribes would also expect that predator management (including, among other species, black bear, grizzly bear, gray wolf, coyote, mountain lion, golden eagle, and bald eagle) would be addressed by the CCP. Other wildlife, including turtles, should also be addressed as necessary.

The Tribes recommend that the CCP address surveying and monitoring of nongame birds, as well as amphibians and reptiles. As mentioned earlier, the Tribes further recommend that the CCP acknowledge the Tribes' role in fisheries management at the Ninepipe and Pablo Refuges.

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2 *See* https://www.fws.gov/nativeamerican/pdf/tek-fact-sheet.pdf

Habitat Management

Reservoir conditions, range conditions, weed management, Russian olive tree issues, fire management, riparian management, wetland management, and water management issues are all components of habitat management that should be addressed in the CCP.

Aquatic Invasive Species

The Tribes believe that the CCP should address contingencies for aquatic invasive species, whose profile has recently been elevated in Montana.

Public Use and Access

The CCP provides an opportunity to examine and plan for such public use/access considerations as: visitation projections; desired visitor experiences; fishing access; wildlife watching and photography opportunities; recreation site (picnic areas) availability and management; fee structures; and the possibility of tours.

With respect to access by citizens of the Confederated Salish and Kootenai Tribes, the Tribes believe that the existing Memorandum of Agreement between FWS and CSKT governing access to the Ninepipe and Pablo Refuges (as well as to the National Bison Range) has worked well.

Visitor Services

The Tribes anticipate that the CCP would address visitor services issues for the subject Refuges, including how they could be incorporated into the only visitor center serving the NBRC on the Flathead Indian Reservation, which is located at the National Bison Range in Moiese. These issues should include, at minimum:

- interpretive displays, materials and sale items;
- information availability and standards/criteria for inclusion of information/materials;
- education, public awareness, programs and presentations;
- staffing and volunteers; and
- incorporation of native languages in signage and interpretive materials

Cultural and Historical Resources

The inventory, preservation, and management of cultural and historical resources are high priorities for the Tribes and need to be addressed at some level in the CCP. We have cooperated with the Service in this area in the past, and we look forward to continued collaboration through our Tribal Preservation Department. The Tribes request that the Service consult with us regarding these issues, consistent with Executive Order No. 13175 ("Consultation and Coordination with Indian Tribal Governments"), the Department of the Interior Policy on Consultation with Indian Tribes, and the National Historic Preservation Act (54 U.S.C. § 300101 *et seq.*).

Facilities maintenance

It would be helpful for the CCP to address facilities maintenance expectations, needs, budgets and costs for such facilities, including fences (exterior and interior) and trails.

Enforcement

Given the Service's Region 6 "Realignment Strategy Staffing Framework", and in light of that document's reference to a prioritization protocol for filling vacancies, the CCP should address the Service's expectations or outlook for enforcement responsibilities and jurisdictional impacts, as well as any cross-deputization expectations, needs or opportunities.

Personnel

Again, against the backdrop of budget projections and the above-referenced "Realignment Strategy Staffing Framework" and its associated protocols, the CCP should address the existing vacant positions, as well as expected, desired and potential positions looking forward.

The Tribes also believe the CCP should address Service actions to either recruit federal staff that have knowledge of Salish, Pend d'Oreille and Kootenai culture, or train existing staff with respect to those cultures, as the Canadian Wildlife Service does with respect to its designated wildlife areas and bird sanctuaries in indigenous areas. This would not only have benefits for the staff and their interactions with the Tribes, but would also increase the ability of such staff to answer visitor questions or otherwise aid in public education on the history and culture surrounding the subject Refuges. This has particular relevance to the Ninepipe and Pablo Refuges, which are located on land currently beneficially-owned by the Tribes (federal trust ownership for the Tribes) and in which the Tribes have reserved rights.

On October 27, 2017, Chairman Vernon Finley sent a letter to Refuge Manager Jeff King requesting consultations for any NBRC position vacancies.

Research

The CCP should also address any projected activities, or needs, regarding research concerning wildlife, habitat, animal health, genetics, or related issues.

Climate Change

In order to effectively look forward as a planning document, the CCP should address projected, likely, or potential impacts of climate change on habitat, species (fauna and flora), water, forage and wild fire impacts. The Tribes would ask the Service to take into consideration the Tribes' Climate Change Strategic Plan, which was adopted in September 2013 and is available at www.csktribes.org/CSKTClimatePlan.pdf.

Fire

FWS, CSKT and the Bureau of Indian Affairs have historically entered into Annual Fire Management Operating Plan agreements addressing fire control at the National Bison Range. The CCP should address the Service's plans, expectations, budget and cost outlooks for fire control, as well as controlled burns and other fire-related management issues for the Subject Refuges.

Traditional Ecological Knowledge

For the most part, FWS does not proactively seek to discover, apply, or educate the public about traditional ecological knowledge (TEK) at the Subject Refuges. As mentioned above, the Tribes encourage the Service to use this CCP process as an opportunity to revisit how it may approach TEK with respect to Ninepipe, Pablo, Lost Trail and the NMWMD. The above-referenced Canadian Wildlife Service "Impact and Benefit Agreements" with Inuit government in Nunavut provide one model for such an approach.

Consultation

As a general matter, the Tribes request that the Service consult with us regarding the subject Refuges in accordance with Executive Order No. 13175 ("Consultation and Coordination with Indian Tribal Governments"), the Department of the Interior Policy on Consultation with Indian Tribes, and the National Historic Preservation Act (54 U.S.C. § 300101 *et seq.*).

♦ ♦ ♦

The Tribes are happy to provide any additional information regarding the topics outlined in this scoping comment. For any inquiries, please contact Brian Upton, Tribal Attorney, at (406) 275-2760, or (406) 675-2700, x1165.

Attachment #1

to the August 15, 2017 CSKT Scoping Comment

INUIT IMPACT AND BENEFIT AGREEMENT
FOR NATIONAL WILDLIFE AREAS AND
MIGRATORY BIRD SANCTUARIES

Attachment #3

to the August 15, 2017 CSKT Scoping Comment

LETTERS AND RESOLUTIONS RECEIVED BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES IN SUPPORT OF THE TRIBES' DRAFT NATIONAL BISON RANGE RESTORATION LEGISLATION

NATIONAL WILDLIFE FEDERATION®

Protecting Wildlife *for our children's future*

June 24, 2016

Vernon Finley, Chairman
Confederated Salish and Kootenai Tribes
P.O. Box 278
Pablo, MT 59855

Comments on Draft Legislation to Restore the National Bison Range
To the Confederated Salish and Kootenai Tribes

Dear Chairman Finley:

The National Wildlife Federation (NWF) has reviewed the proposed legislation drafted by the Confederated Salish and Kootenai Tribes that would restore the lands of the National Bison Range to federal trust ownership of the Confederated Salish and Kootenai Tribes. http://bisonrangeworkinggroup.org/wp-content/uploads/2016/06/CSKT-Draft-NBR-Bill-6-6-16.pdf

NWF supports moving forward with introducing the draft bill in the Congress and endorses its adoption into federal law. Over the last forty years, NWF has been a close observer of the exceptional wildlife stewardship provided by CSKT on the Flathead Reservation. This extensive track record gives us confidence that CSKT will manage the bison and other wildlife of the National Bison Range in a highly professional manner.

Because of the Tribes' cultural and historical connection to bison, we believe CSKT has the background to do an even to a *better* job than current managers of the refuge. No one can tell the story of bison conservation with more passion or authenticity than Native Americans. This close bond with bison is what also gives us complete confidence that conservation of this herd will be a foremost consideration. Moreover, the transfer legislation clearly commits the Tribes to manage the bison and other wildlife for conservation purposes. We believe that providing the Tribes with the opportunity to tell the bison conservation story from their viewpoint is one of the most attractive aspects of this land transfer.

NWF offers its support for this important legislation with the understanding that it is a completely unique situation and should not in any way be construed as a precedent regarding other federal properties. We are pleased to see the proposed legislation makes that explicit. There

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The National Wildlife Federation, Northern Rockies, Prairies & Pacific Region
www.nwf.org/Northern-Rockies-and-Pacific-Region

are several factors that make this situation one of a kind. In particular, it's important to understand that the National Bison Range lies completely within the Flathead Indian Reservation, on lands acquired from the tribe by the U.S. government with minimal compensation. In addition, Tribal members played a critical role in preserving the bison that made up the original herd.

We are also pleased to see that the legislation stipulates that public use of the Bison Range will continue. CSKT has a strong track record of allowing public access on nearly all tribal lands and conservation areas. It's plain to us that the Tribes look forward to the opportunity to showcase their longstanding relationship with bison to the public.

We believe it is helpful that CSKT has proposed a two-year "transition" period designed to ensure that change occurs in as seamless a manner as possible. This will ensure that management differences experienced by the public are minimal.

In sum, NWF has worked closely with CSKT land managers and biologists for several decades and we have complete confidence in their natural resource and wildlife management abilities. The fact that the location of the Bison Range is in the midst of a tribal reservation, coupled with the long tribal history associated with the creation and conservation of this bison herd, can only lead us to conclude that the tribe will be excellent stewards of these bison, as well as other wildlife.

With best regards,

Tom France

Tom France
Regional Executive Director

Garrit Voggesser
Director, Tribal Lands Program

September 16, 2016

Vernon Finley, Chairman
Confederated Salish & Kootenai Tribes
PO Box 278
Pablo, MT 59855

RE: Letter in Support of the National Bison Range Restoration Act of 2016

Dear Chairman Finley,

On behalf of the Natural Resources Defense Council, I write to express our support of the National Bison Range Restoration Act of 2016. We fully support this 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."

Given the unique history of these lands, we support their return to the Confederated Salish and Kootenai Tribes. We acknowledge the clear protection and conservation mandate contained in the bill. Regarding the future of the National Bison Range lands, the draft bill clearly states that the lands restored under this Act shall be "managed by the Tribes, consistent with the purposes of this Act, solely for the care and maintenance of bison, wildlife and other natural resources, including designation or naming of the restored land. As part of its management, the Tribes shall provide public access and education opportunities, and shall at all times have a publicly-available management plan for such land, bison and natural resources . . . ." This protection is consistent with the interest of NRDC and our members.

In regard to the unfortunately hot issue of privatizing public lands or transferring federal public lands to states – both of which NRDC vigorously opposes – the draft bill also makes clear that "[t]he provisions of this Act are uniquely suited to address the distinct circumstances, facts, history, and relationships involved with the subject bison, land and Tribes. These provisions are not intended, and shall not be interpreted, as precedent for any other situation regarding Federal land, property or facility."

We have worked with multiple CSKT members on the Yellowstone bison issue, and we have had the honor and privilege of attending bison meetings on the Flathead Indian Reservation. We fully support the National Bison Range Restoration Act of 2016, and we look forward to the CSKT's excellent management of these lands.

Sincerely,

Matt Skoglund

NATURAL RESOURCES DEFENSE COUNCIL

317 E MENDENHALL STREET | SUITE D | BOZEMAN, MT | 59715 | T 406.556.9300 | F 406.404.1909 | NRDC.ORG

SIERRA CLUB

October 27, 2016

Vernon Finley, Chairman
Confederated Salish and Kootenai Tribes
P.O Box 278
Pablo, MT 59855

Dear Chairman Finley:

The Sierra Club would like to first take the time to thank the Confederated Salish and Kootenai Tribes for the opportunity to review the proposed legislation that would transfer the National Bison Range within the Flathead Indian Reservation. In general, the Sierra Club supports the proposal to transfer the National Bison Range (NBR) within the Flathead Indian Reservation in Montana into Federal Trust ownership as part of the reservation for the benefit of the Confederated Salish and Kootenai Tribes.

We respect the Tribes' cultural and historical connection to bison and that the NBR lies wholly within the Flathead Indian Reservation, on lands appropriated from the Tribes by the U.S. Government with minimal compensation. The Sierra Club affirms the concept of restoring the NBR and its bison to the Confederated Salish and Kootenai Tribes for the purpose of bison conservation and ensuring the long-term health of the bison population. We support the restoration of the NBR to the Confederated Salish and Kootenai Tribes with continued public access and educational opportunities and a publicly-available management plan for such land, bison and natural resources. We respect the rights and accomplishments of the Confederated Salish and Kootenai Tribes in managing bison, grizzly bears and other wildlife and lands within the reservation and the NBR.

We, however, have some concerns, which are important to highlight. The Sierra Club is particularly conscious of the political climate that exists currently. The political context is challenging and fraught with potential difficulties which we will have to monitor to assure the bill remains clean.

We greatly appreciate the opportunity to discuss the proposed bill prior to introduction and are in support of the Confederated Salish and Kootenai Tribes and your management of bison, and the restoration of the NBR to the Confederated Salish and Kootenai Tribes.

Very Respectfully,

Michael Brune

Michael Brune
Executive Director
Sierra Club

50 F St NW, Washington, DC 20001 TEL: (202) 547-1141 FAX: (202) 547-6009 www.sierraclub.org

March 31, 2017

Dear Chairman Finley,

Since 1919, the National Parks Conservation Association (NPCA) has been the leading voice of the American people in protecting and enhancing our National Park System. On behalf of our more than one million members and supporters, I write to express support for the Confederated Salish and Kootenai Tribes' draft legislation that restores ownership of the National Bison Range to the federal government in trust for the Tribes of the Flathead Indian Reservation (the National Bison Range Restoration Act).

Specifically, this legislation seeks "to restore the lands of the National Bison Range to federal trust ownership for the Confederated Salish and Kootenai Tribes," and clearly states that the lands restored shall be managed by the Tribes "solely for the care and maintenance of bison, wildlife and other natural resources." This legislation also requires that the Tribes "shall provide public access and education opportunities, and shall at all times have a publicly-available management plan for such land, bison and natural resources."

These values and outcomes reflect NPCA's position of ensuring both conservation and public access, and we recognize the Confederated Salish and Kootenai Tribes' (CSKT) long and highly successful history of wildlife protection and wildland access. It is time to restore the National Bison Range to federal trust ownership for the Salish, Kootenai and Pend 'd Oreille.

Congress and President Theodore Roosevelt established the National Bison Range (NBR) in 1908. The land was taken in what the U.S. Court of Claims, in a 1971 decision, held to be an unconstitutional taking due to lack of tribal consent to its acquisition, and failure of the federal government to pay the Tribes fair market value for the land. Although the court ordered the United States to pay the Tribes what it should have at the time of acquiring the Bison Range, the fact remains that the Tribes never consented to the taking of the land.

Located wholly within the boundaries of the Flathead Indian Reservation (home of the CSKT), the purpose of the NBR was to conserve bison at a time when that species was threatened with extinction. The National Bison Range's unique history, location and narrow mission means the restoration of management to CSKT will in no way establish a precedent regarding the disposition of other federal lands, a fact made explicit in the legislation.

Since Roosevelt created the NBR, the initial herd of 40 bison has grown and thrived; today, the NBR is managed as home to between 350 and 500 bison. Throughout the intervening years, the CSKT have established world-class wildland, wildlife and recreation programs. This includes, but is by no means limited to: protection and restoration of species such as grizzly bears, trumpeter swans, peregrine falcons, northern leopard frogs and bighorn sheep; establishment of the Mission Mountain

Tribal Wilderness (the first Tribal Wilderness in North America); co-management of recreational and commercial fisheries in Flathead Lake (the largest lake west of the Mississippi); and protection and restoration of critical watersheds, including streams, rivers, lakes and waterfowl production areas.

In addition to this proven expertise, the geographic location of the NBR – within the boundaries of the Flathead Indian Reservation – argues strongly for restoration of management authority to CSKT. Also important is the profound historic and cultural connections of CSKT to bison; in fact, CSKT members played a critical role in preserving the original bison herd at the NBR, more than a century ago. In short, this legislation represents good Tribal policy, good wildlife policy and good land-use policy. It has the support of many land- and wildlife-oriented organizations (locally, regionally and nationally), and the US Fish and Wildlife Service has been supportive of the idea.

While we understand there are efforts by some to transfer public lands out of federal ownership and into state ownership, restoration of the National Bison Range is an entirely different matter. Fundamentally, the National Bison Range would remain in federal ownership, but would once again be held in trust for CSKT. In addition, the National Bison Range was originally Tribal Reservation land taken without Tribal consent – a fact that distinguishes it from virtually any other situation. Finally, as mentioned above, the very bison for which the NBR was created descend from a herd that was started and managed by CSKT members at a time when the plains bison was under a very real threat of extinction.

NPCA supports this draft legislation, including provisions to ensure the NBR will be managed for both conservation and public access, just as Theodore Roosevelt envisioned when establishing the NBR. Restoration of management authority of the NBR to the CSKT honors the historic and cultural ties of Tribes to both the land and to the bison, and recognizes the many groundbreaking successes of the CSKT wildlife and wildland programs.

Sincerely,

Michael Jamison

Glacier Program Manager
National Parks Conservation Association
PO Box 4485
Whitefish, MT 59937
406.862.6722
406.250.2540

THE WILDERNESS SOCIETY

April 28, 2017

Vernon Finley, Chairman
Confederated Salish & Kootenai Tribes
PO Box 278
Pablo, MT 59855

Dear Chairman Finley,

The Wilderness Society (TWS) is committed to working with diverse communities across America to preserve our nation's rich natural legacy for future generations. On behalf of our 700,000 members and supporters, I am writing to express our support for the Confederated Salish and Kootenai Tribe's (CSKT) goal of restoring the lands of the National Bison Range (NBR) to federal trust ownership for the Tribes of the Flathead Indian Reservation.

We welcome the opportunity to work with the CSKT and others to ensure that the NBR remains 1) accessible to the public; and, 2) is managed solely to maintain bison, wildlife and other natural resources. Our support for the return of the NBR into Federal Trust ownership on behalf of the CSKT is contingent upon safeguarding these two values. Given the NBR's unique history, location and mission, the restoration of management to CSKT will in no way establish a precedent regarding the disposition of other federal lands.

Currently a unit of the National Wildlife Refuge System, the NBR is located entirely within the borders of the CSKT Reservation and had been reserved by the CSKT in the 1855 Treaty of Hellgate. The wanton slaughter of the bison by market hunters, the United States government and its agents over a hundred years ago, decimated the bison, with devastating consequences for the Native American people that depended upon them. In recognition of the imminent extinction of the bison and to save the species, Congress and President Theodore Roosevelt established the NBR in 1908. But without CSKT tribal members who originally helped to preserve the last of the wild bison through establishment of a herd on the Flathead Indian Reservation in the late 1800's, there would have been no bison to place in the newly created refuge.

Today, the NBR is home to hundreds of bison and other native species. It is a popular destination for travelers to Montana from all over the world who come to learn about

James C. Williams, President

1615 M Street, NW, Washington, DC 20036 | ph 202 833-2300 | **wilderness.org**

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the natural, cultural and spiritual significance of the bison to American Indians and to our country.

TWS supports restoration of the NBR to federal trust ownership for the Tribes of the Flathead Indian Reservation because it is good national policy that supports tribal sovereignty and wildlife. In addition, the proposal does not constitute a transfer of public lands out of the public estate which TWS would not support. The proposal would return ancestral lands to the CSKT while maintaining the trust responsibilities of the Federal Government without setting any precedent regarding the disposition of public lands or a reduction in access to the public

Now is the time for Americans to come together to ensure that our public lands reflect the cultures and perspectives of people and communities across our nation, and inspire people to care about the outdoors. TWS believes that the NBR is a good example of such an effort that will support and honor the land and the people for generations to come.

Signed,

MONTANA CONSERVATION VOTERS

June 30, 2016

Vernon Finley, Chairman
Confederated Salish & Kootenai Tribes
PO Box 278
Pablo, MT 59855

RE: Comments in support of the National Bison Range Transfer and Restoration Act

Chairman Finley:

One of the core principles of Montana Conservation Voters (MCV) is the protection of our public lands as well as access to those public lands. At the state and federal level, MCV has vehemently opposed efforts to transfer or sell-off public lands to state or private ownership or even to study these misguided proposals. Such an effort would certainly lead to loss of access to pristine public lands and likely mismanagement by states who are inexperienced at multi-purpose land management.

However, MCV stands in proud support of the National Bison Range Transfer and Restoration Act and supports the Bison Range's transfer to be held in trust by the U.S. Department of the Interior (DOI) and managed by the Confederated Salish and Kootenai Tribes (the Tribes). The restoration of the Range to the Tribes would return land provided for in the Hellgate Treaty of 1855 and continue the Tribes' proven track record of responsibly managing lands while maintaining public access for the benefit of all Americans.

A look at the Flathead Reservation is enough to show how the Tribes have distinguished themselves as responsible resource managers. The Tribes have established a tribal wilderness area, developed a grizzly management plan, restored endangered bull trout habitat, reintroduced the trumpeter swan, created wildlife corridors, and managed invasive species. The reservation also includes half of Flathead Lake, one of the most popular recreation areas in the state that affects tribal and non-tribal interests alike. In addition, the Tribes have worked in partnership with the U.S. Fish & Wildlife Service (USFWS) to develop the land use plan for the Range and have co-managed the Range alongside USFWS. The Tribes have a proven record to manage the Range and are committed to maintaining public access to the Range so visitors can not only learn about the history of the bison but also the Tribes and their history with the land over the millennia.

While supporters of the idea to transfer federal lands to the state control might point to this proposed transfer of the Range as an argument to transfer more lands to states, it is clear that the Montana Constitution and the U.S. Constitution make this is a unique circumstance. Article I of the Montana Constitution declares that "all lands owned or held by any Indian or Indian tribes shall remain under the absolute jurisdiction and control of the congress of the United States." Article I, Section 7 of the U.S. Constitution states that, "The Congress shall have the power ... to regulate Commerce ... with the Indian Tribes." The Range is currently under the jurisdiction of the USFWS within DOI and the transfer authorized by the Restoration Act would simply move that jurisdiction to another part of DOI so the land

could be held in Trust for the Tribes. It is under the purview of Congress to take this action and there is no state interest in this adjustment of jurisdiction.

Enactment of the National Bison Range Transfer and Restoration Act is an important step to expanding self-determination for the Tribes who have a proven record of managing lands and the Range. We are confident that the visitor experience, opportunities for wildlife viewing and taking in outstanding scenery will be much the same as it is today and even better in many ways. MCV stands ready to help the Tribes bring attention and support to this important legislation.

Sincerely,

Clayton Elliott
Executive Director
Montana Conservation Voters

MCV is a statewide non-partisan membership organization that is dedicated to fighting for Montana's air, water, open spaces, wildlife, and public health. MCV provides voter participation services to over 72,000 Montanans.

Gmail

Bison Range Working Group <bisonrangeworkinggroup@gmail.com>

BRWG: Comment

1 message

[BRWG Website] <wordpress@bisonrangeworkinggroup.org> Thu, Jun 23, 2016 at 7:06 PM
Reply-To: [redacted]
To: BisonRangeWorkingGroup@gmail.com

First Name (required)
James

Last Name (required)
Jensen

Email Address (required)
[redacted]

Street
[redacted]

City
Helena

State
MT

Zip Code
[redacted]

Phone
[redacted]

Comment
The Montana Environmental Information Center wishes to respectfully support the proposed legislation. Any request for help MEIC can provide will be favorably received.

James D. Jensen
Executive Director
Montana Environmental Information Center
[redacted]
www.meic.org

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This e-mail was sent from a contact form on Bison Range Working Group (http://bisonrangeworkinggroup.org)

Mission Mountain
Audubon Society

48901 Hwy. 93, Suite A-179 Polson MT 59860 406-883-3611

24 June, 2016

Dear Bison Range Working Group,

The Mission Mountain Audubon Society supports returning the National Bison Range to the Confederated Salish and Kootenai Tribes. This should have been done a long time ago. The Kootenai, Pend d'Oreille, and Salish peoples clearly know how to manage bison and history is on their side; in fact, a tribal member is responsible for saving the original bison calves from the plains that grew into the herd we enjoy today. Always planning for seven generations ahead, the tribes have skillfully demonstrated that their thoughtful and sustainable stewardship of the land and its natural resources has made the Flathead Indian Reservation a great place to live for everyone, tribal and non-tribal people alike.

Indeed, the Bison Range is a popular wildlife watching destination that is frequented by many Mission Mountain Audubon members and we welcome the increased Tribal management of all of its flora and fauna. Significantly, the proposed legislation guarantees that public access will continue which is an important consideration to our membership.

But that's not the only reason. Mission Mountain Audubon applauds the Salish and Kootenai Tribes' reintroduction of the Trumpeter Swan. Just yesterday, for example, I helped with the release of six Trumpeter swans into the Pablo National Wildlife Refuge. Thanks to the Tribes' progressive conservation efforts, the Trumpeter population inhabiting the Flathead Indian Reservation has increased from zero to approximately 150 to 180 birds over the past 20 years. And not only did the Tribes successfully reintroduce the Peregrine Falcon, but they intend to bring back the Columbian Sharp-tailed Grouse once they have restored the appropriate habitat.

For thousands of years, the Salish, Pend d'Oreille, and Kootenai peoples have depended on the land for food, shelter, and inspiration. Although each of the tribes are culturally unique, they all share a strong spiritual connection to the environment including a deep respect for bison. A quick look at the map of the Flathead Indian Reservation shows four Conservation Areas dedicated to Bighorn Sheep, Elk, and Grizzly Bear, two Tribal Primitive Areas, and the Mission Mountain Tribal Wilderness that reveals their strong commitment to the conservation of wildlife and natural resources as well as the preservation of their cultures.

Plainly put, the Confederated Salish and Kootenai Tribes have earned the right to manage the bison. Furthermore, this an opportunity to correct a historic injustice when land from the Flathead Indian Reservation was taken- without their consent- to create the Bison Range. Now is the time to makes things right. Thank you for your consideration.

James Rogers

President, Mission Mountain Audubon, 48901 HW 93, Suite A- 179, Polson, MT 59860

Audubon
FLATHEAD

PO Box 9173
Kalispell, MT 59904-9173
www.flatheadaudubon.org

November 26, 2016

To: Bison Range Working Group
Subject: Transfer of National Bison Range

Flathead Audubon Society's Board of Directors has voted to support proposed legislation to transfer the National Bison Range to trust management by the Confederated Salish and Kootenai Tribes. We recognize the history, culture and ecological stewardship of the Tribes upon the land of the current National Bison Range. We believe that under the competent management of the Tribes' Natural Resource department, the Bison Range and its bison herd will flourish for generations present and future.

Flathead Audubon members, their families and friends have for many years spent time bird and wildlife watching on the Bison Range. We applaud the Working Group's inclusion in the proposed bill of strong language establishing and supporting continued public access. Also, a major tenet of Flathead Audubon's existence has always been education. We have been pleased to learn that the Tribes have a similar interest in promoting education and experiential learning on the Bison Range.

Change is usually uncomfortable at first, and perfection is a goal, not an absolute. The performance of the federal managers is not at issue in this transfer. Most individuals, tribal and non-tribal, who associate with the Bison Range in any way, are aware right now of problems that need to be fixed, adjustments that need to be made, and potentials not yet recognized. We have a realistic respect and belief that the Tribes are prepared to address the needs of the land.

In February of 2008, Flathead Audubon presented Dale Becker and the CSKT Wildlife Management department with our Conservation Achievement Recognition, for providing a successful, positive conservation example to others. Over the years, we have admired and appreciated Dale and his crews' successes, including the restoration of Trumpeter Swan, Peregrine Falcon, Northern Leopard Frog, and Bighorn Sheep populations. It is our belief that there is no greater measure of intent than one's previous good works. These successes are the real basis of our faith in the continued thoughtful and careful management the Tribes will give to the Bison Range, for our generation and many more in the future.

Thank you for allowing comment on this important issue.

Kay Mitchell, President
Flathead Audubon Society
P.O. Box 9173
Kalispell, MT 59904
406-756-8130

FIVE VALLEYS AUDUBON SOCIETY
P.O. BOX 8425
MISSOULA, MT 59807

23 January 2017

Mr. Vernon Finley, Chairman
Confederated Salish and Kootenai Tribes
P.O. Box 278
Pablo, MT 59855
Re: Comments on Draft Legislation to Restore the National Bison Range to the Confederated Salish and Kootenai Tribes

Dear Chairman Finley,

The Board of the Five Valleys Audubon Society, Missoula, MT has reviewed the Draft Legislation to Restore the National Bison Range to the Confederated Salish and Kootenai Tribes, and has voted unanimously to support this proposal. We recognize the Tribes' cultural and historical connection to bison and to the lands of the Bison Range—which are wholly located within the Flathead Reservation. We also acknowledge the expertise the Tribes' have demonstrated in wildlife management and endangered and threatened species recovery.

Our Chapter appreciates the varied habitats, wildlife, and bird species supported on Tribal lands. We annually visit these areas during field trips, to help others enjoy the wildlife and appreciate the rich natural resources of the Mission Valley. In addition, our Chapter has deep ties cooperating with local refuge management, and in fact we participated in the 'adopt a refuge program' at Ninepipe Refuge during the 1980s. We also have helped secure past Land Water and Conservation funding for nearby Waterfowl Production Areas. In that spirit, our Chapter would like to offer our continued volunteer support, if that would be helpful, in such activities as bird surveys or winter raptor counts, for example.

We are pleased that the transfer stipulates continued public access at the Bison Range, and that the transfer in no way could be construed as setting a president for relinquishing management other federal lands.

Thank you for your continued commitment to science-based wildlife and habitat management.

With kindest regards,

Rosemary H Leach

Rosemary H. Leach
President, Five Valleys Audubon Society

Headwaters Montana
P.O. Box 4310, Whitefish, Montana 59937

Friday, July 15, 2016

Dear CSKT Bison Range Working Group:

Headwaters Montana, a non-profit conservation organization based in northwest Montana, fully supports the proposed legislation that would restore the National Bison Range property to the Tribes. This correction is long overdue and we agree entirely with the history cited in the draft legislation. We urge the Montana congressional delegation to act on this proposed legislation this year.

We attended the public meeting on July 12, 2016. The comment form that was distributed at that meeting asked four questions. We will address those four questions here.

1. **What is most important to you about management of the Bison Range?** We think there are three main issues: 1. Restoration of Tribal ownership of the Range. 2. Restoration of the habitat as cheatgrass seems to be taking over the grasslands of the Range. 3. Designing a sustainable grazing program; it seems to us that the 8 pastures technique (if that is how the Range is currently divided) is not working.

2. **What new opportunities do you see for the Bison Range?** Is there an opportunity to expand the range, or to move bison onto the Ferry Basin Elk Conservation Area? It seems that more area is needed to move toward a more 'free range' management for bison.

3. **What changes would you propose for the draft legislation?** We have read the legislation and we would not change anything. We spoke to several Tribal reps at the July 12 meeting and were glad to hear that this legislation has been developed in partnership with the USFWS and in consultation with the Montana congressional delegation.

4. **Additional comments and/or questions?** We think the proposed legislation moves bison management in the right direction and restores rightful ownership of the land to the Treaty Tribes.

We appreciate the opportunity to comments.

Dave Hadden, Director
406-270-3184 / info@headwatersmontana.org

6/24/2016

To the Bison Range working group:

From Tammy Miller President of the Flathead Reservation Human Rights
Coalition, Inc. Box 111, Ronan, MT 59864

As the President of FRHRC and a 35 year resident on the Flathead Reservation, I have seen many attempts and actions against the sovereignty of the Flathead Nation (the Confederated Salish and Kootenai Tribes).

It is evident that not only is sovereignty not understood, but by some it is met with resistance as evidenced by the talk of dismantling the reservation because it is open, meaning all land is not owned by the tribe and its members, fighting against concurrent jurisdiction of law enforcement, continual complaints by non-Indian residents over purchasing hunting and fishing permits from the Tribe, etc. In addition there have been numerous media and legal campaigns against previous attempts at co-management of the National Bison Range, resistance of the Tribe running Mission Valley Power, taking over management of the dam, the water compact and now the NBR again.

At the heart of these attempts is a lack of understanding and often the same anti-Indian groups or community members, together with national anti-Indian groups who move here to the reservation just to engage in these campaigns and attempt to sow dissension among reservation residents. A government to government arrangement is needed in this case because of the ANTI-Indian activity locally.

I have witnessed excellent tribal management of land and natural resources thru traditional burning and clearing of brush to help reduce impact of wildfires. The air quality we enjoy is rated as pristine and is managed by the tribe. The efforts to minimize further negative impact of lake trout in the lake, and the water quality is managed by the Tribe, as is the wonderful wilderness of the Mission Mountains kept clear of buildings and roads. The Tribe is a good neighbor and supports local fire departments and helps with search and rescue operations, etc.

The tribe managed buffalo since the 1800's and provided some of the stock to start the bison range to begin with. This type of wildlife management is well within the scope historically and presently of the Flathead Nation. This move will also still provide visitation to the NBR by the public, together with added opportunities to learn about Bison from a tribal perspective. I know that Lake County is worried over the loss of tax revenue between this transfer and the **Seli'š Ksanka Qlispe' Dam** transfer but those are separate issues and have nothing to do with the ability of the Tribes to oversee the NBR.

We support the National Bison Range Transfer Resolution Act of 2016 and see it as beneficial to the Tribes and to the National Park Service. We have always supported tribal sovereignty and feel that it is necessary to handle this matter at the Federal level government to government.

Yours respectfully,

Tammy Miller
President, FRHRC

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Tlingit

NCAI HEADQUARTERS
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NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians
Resolution #SPO-16-006

TITLE: Support Legislation to Return the Land and Resources of the National Bison Range to Federal Trust for the Confederated Salish and Kootenai Tribes

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, in the 1870's, members of the Confederated Salish and Kootenai Tribes (CSKT) were key players in saving the North American plains bison from extinction by some of those last wild bison on the continent from east of the Continental Divide to the Flathead Indian Reservation for the purposes of maintaining what was essentially a conservation herd; and

WHEREAS, through subsequent stewardship, CSKT tribal members grew those few bison into a herd of hundreds of animals that free-ranged on the Flathead Indian Reservation up until the early 1900's when the Reservation was allotted and opened for non-Indian settlement; and

WHEREAS, upon allotment and non-Indian settlement, land began to be fenced, the bison herd could no longer range freely, and the bison herd had to be sold by CKST tribal members to private parties and the Canadian government instead of the United States, due to lack of appropriated funds; and

WHEREAS, the National Bison Range was established by the federal government in 1908 (35 Stat. 267; 16 U.S.C. § 671) on lands that were later held to have been unconstitutionally taken from the Tribes (*Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana v. United States*, 437 F.2d 458, 465 (Ct.Cl. 1971)); and

WHEREAS, CKST had not consented to the federal government taking the land to establish the National Bison Range and the bison originating from the initial tribal conservation herd were used to form the herd on the National Bison Range; and

WHEREAS, over the past century, CKST has maintained connections to the bison, land, and other natural resources at the National Bison Range, and CKST has entered into two Self-Governance agreements with the U.S. Fish & Wildlife Service for activities at the National Bison Range Complex during the periods of fiscal years 2005-2007 and 2008-2010; and

WHEREAS, CKST is seeking legislation to restore the National Bison Range lands to the Tribes by putting the land in trust, including the requirements that land continues to be: (1) used for conservation of bison, wildlife, and other natural resources; and (2) open to public access and educational opportunities; and

WHEREAS, the Confederated Salish and Kootenai Tribes have a historic opportunity before this federal administration leaves to accomplish return of the range; and

WHEREAS, the Confederated Salish and Kootenai Tribes have the support of the Rocky Mountain Tribal Leader Council to pursue legislation to restore the National Bison Range lands to the Tribes.

WHEREAS, the National Congress of American Indians believes that such legislation is an appropriate solution to the unique situation and history of the National Bison Range and the Tribes' relationship with the bison, wildlife, natural resources and land.

NOW, THEREFORE BE IT RESOLVED, the National Congress of American Indians supports the Confederated Salish and Kootenai Tribes' efforts to enact congressional legislation that would restore the National Bison Range lands to the Tribes, with the lands being held by the federal government in trust for the benefit of the Tribes.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2016 Midyear Session of the National Congress of American Indians, held at the Spokane Convention Center, June 27 to June 30, 2016, with a quorum present.

Brian Cladoosby

Brian Cladoosby, President

ATTEST:

Aaron A. Payment

Aaron Payment, Recording Secretary

Rocky Mountain Tribal Leaders Council

711 Central Avenue, Suite 220, Billings, Montana 59102
Ph: (406) 252-2550 Fax: (406) 254-6355

RMTLC RESOLUTION 2016-02-18-03

A RESOLUTION TO SUPPORT CONFEDERATED SALISH AND KOOTENAI TRIVES' EFFORTS TO ENACT CONGRESSIONAL LEGILSATION THAT WOULD RESTORE THE NATIONAL BISON RANGE LANDS TO THE TRIBES.

WHEREAS, the Rocky Mountain Tribal Leaders Council (RMTLC) has been created for the express purpose of providing a unified voice for Tribal governments of the Rocky Mountain Region and a collective organization to address issues of concern to member Tribes and their peoples; and

WHEREAS, duly elected Tribal Chairs, Presidents, and Council Members of the Tribal Governments comprise the membership of the Tribal Leaders Council and as such are fully authorized to represent their respective Tribes; and

WHEREAS, by acting in unison in order to direct national, regional, and local policy, elected Tribal Leaders prove and demonstrate effective leadership in fulfillment of their sworn duties to the Tribes and reservation communities; and,

WHEREAS, in the 1870's, the Confederated Salish and Kootenai Tribes (CSKT, or Tribes) were key players in saving the North American plains bison from extinction by bringing to the Flathead Indian Reservation, from east of the Continental Divide, some of those last wild bison on the continent for the purposes of maintaining what was essentially a conservation herd;

WHEREAS, through subsequent stewardship, Tribal members grew those few bison into a herd of hundreds of animals that free-ranged on the Flathead Indian Reservation up until the early 1900's, when the Reservation was allotted and opened for non-Indian settlement;

WHEREAS, upon allotment and non-Indian settlement, land began to be fenced and the bison herd had to be sold as it could no longer range freely;

WHEREAS, Tribal members attempted to sell the bison to the United States government, but Congress failed to appropriate funds for such purchase;

WHEREAS, the bison were subsequently sold to private parties and the Canadian government;

WHEREAS, the National Bison Range (Range) was established by the federal government in 1908 (35 Stat. 267; 16 U.S.C. § 671) on lands that were later held to have been unconstitutionally taken from the Tribes (*Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana v. United States*, 437 F.2d 458, 465 (Ct.Cl. 1971));

WHEREAS, the Tribes had not consented to the federal government taking the land to establish the Range;

WHEREAS, over the past century, the Tribes have maintained connections to the bison, land, and other natural resources at the Range;

WHEREAS, the Tribes have entered into two Self-Governance agreements with the U.S. Fish & Wildlife Service for activities at the National Bison Range Complex during the periods of fiscal years 2005-2007 and 2008-2010;

WHEREAS, the Tribes are now exploring congressional legislation that would restore the National Bison Range lands to the Tribes, with the federal government again holding the land in trust for the Tribes as it had prior to creation of the Range;

WHEREAS, under such legislation, the land would continue to be required to: 1) be used for bison conservation purposes; and 2) have public access;

WHEREAS, the Rocky Mountain Tribal Leaders Council believes that such legislation is an appropriate solution to the unique situation and history of the National Bison Range and the Tribes' relationship with the bison and land;

NOW, THEREFORE BE IT RESOLVED BY THE ROCKY MOUNTAIN TRIBAL LEADERS COUNCIL, that the Council supports the Confederated Salish and Kootenai Tribes' efforts to enact congressional legislation that would restore the National Bison Range lands to the Tribes, with the lands being held by the federal government in trust for the benefit of the Tribes; and

BE IT FURTHER RESOLVED, that Rocky Mountain Tribal Leaders Council officials and staff are hereby authorized to communicate this support to Tribal and Federal, including congressional, officials, staff and representatives, as well as others, and take any other appropriate actions in support of the above-referenced legislation.

CERTIFICATION

We, the undersigned, Chair and Secretary of the Rocky Mountain Tribal Leaders Council, do hereby certify that the foregoing Resolution was duly presented and approved by majority vote of the quorum present at the 2016 Annual Board Meeting of this Council, which was held on the 18th and 19th of February, 2016, in Billings, Montana, at the First Interstate Bank Operations Center.

Chairman, Ivan Posey
Rocky Mountain Tribal Leaders Council

Secretary, Gerald Gray
Rocky Mountain Tribal Leaders Council

CC: Administrative Record

2016 Annual Convention
Tulalip, Washington

RESOLUTION #16 - 54

"SUPPORT LEGISLATION TO RETURN THE LAND AND RESOURCES OF THE NATIONAL BISON RANGE TO FEDERAL TRUST FOR THE CONFEDERATED SALISH AND KOOTENAI TRIBES"

PREAMBLE

We, the members of the Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties, Executive Orders, and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise to promote the welfare of the Indian people, do hereby establish and submit the following resolution:

WHEREAS, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

WHEREAS, ATNI is a regional organization comprised of American Indians/Alaska Natives and tribes in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of the ATNI; and

WHEREAS, in the 1870's, members of the Confederated Salish and Kootenai Tribes (CSKT) were key players in saving the North American plains bison from extinction by some of

the last wild bison on the continent from east of the Continental Divide to the Flathead Indian Reservation for the purposes of maintaining what was essentially a conservation herd; and

WHEREAS, through subsequent stewardship, CSKT tribal members grew those few bison into a herd of hundreds of animals that free-ranged on the Flathead Indian Reservation up until the early 1900's, when the Reservation was allotted and opened for non-Indian settlement; and

WHEREAS, upon allotment and non-Indian settlement, land began to be fenced, the bison herd could no longer range freely, and the bison herd had to be sold by CSKT tribal members to private parties and the Canadian government instead of the United States, due to lack of appropriated funds; and

WHEREAS, the National Bison Range was established by the federal government in 1908 (35 Stat. 267; 16 U.S.C. § 671) on lands that are near the center and fully within the exterior boundaries of the Flathead Indian Reservation, which were unconstitutionally taken from the Tribes (*Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana v. United States*, 437 F.2d 458, 465 (Ct.Cl. 1971)); and

WHEREAS, CSKT had not consented to the federal government taking the land to establish the National Bison Range and the bison originating from the initial tribal conservation herd used to form the herd on the National Bison Range; and

WHEREAS, over the past century, the CSKT has maintained connections to the bison, land, and other natural resources at the National Bison Range; and

WHEREAS, CSKT has entered into two Self-Governance agreements with the U.S. Fish & Wildlife Service for activities at the National Bison Range Complex during the periods of fiscal years 2005-2007 and 2008-2010; and

WHEREAS, CSKT is seeking legislation to restore the National Bison Range lands to the Tribes, by putting land in trust, including, the requirements that it would be required that the land continues to be: (1) used for conservation of bison, wildlife, and other natural resources and (2) open to public access and educational opportunities; and

WHEREAS, CSKT have a historic opportunity before this federal administration leaves to accomplish return of the range; and

WHEREAS, CSKT have support of the Rocky Mountain Tribal Leader Council and the National Congress of American Indians to pursue legislation to restore the National Bison Range lands to the Tribes; and

WHEREAS, ATNI believes that such legislation is an appropriate solution to the unique situation and history of the National Bison Range and the Tribes' relationship with the bison, wildlife, natural resources and land; now

THEREFORE BE IT RESOLVED, that ATNI supports the Confederated Salish and Kootenai Tribes' efforts to enact congressional legislation that would restore the National Bison Range lands to the Tribes, with the lands being held by the federal government in trust for the benefit of the Tribes.

CERTIFICATION

The foregoing resolution was adopted at the 2016 Annual Convention of the Affiliated Tribes of Northwest Indians, held at Tulalip Resort Casino, Tulalip, Washington on September 26–29, with a quorum present.

Fawn Sharp, President

Norma Jean Louie, Secretary

THE BUFFALO: A TREATY OF COOPERATION, RENEWAL AND RESTORATION

September 29, 2016

Ms. Sally Jewel, Secretary of the Interior
Department of the Interior
1849 C Street
Washington, DC 20240

Dear Ms. Jewel

At the Second Anniversary meeting of the Signatories to the Buffalo Treaty (copy hereto attached) held in Banff, Alberta in conjunction with the American Bison Society's 2016 Conference, the Signatories past the attached resolution on the National Bison Range located on the reservation of the Confederated Salish and Kootenai Tribes in the state of Montana. Please accept this letter as a humble but urgent request to act on the National Bison Range pursuant to the resolution.

The return of the said Range to the Confederated Salish and Kootenai Tribes will have both short and long term benefits including but not limited to conservation and restoration of buffalo, cultural practices, education, health, and research.

We, the Signatories, want to thank you, in advance, for your time and attention to this very important issue for our people.

Yours truly

Signature.....Nation BLOOD TRIBE.....Date 16-09-2016
Address:

Signature.....Nation FT BELKNAP.....Date 16-09-16
Address:

Signature.....Nation Gros Ventre.....Date 16-09-16
Address:

Cc: Jeff King, Project Leader
U. S. Fish and Wildlife Service
58355 National Bison Range
National Bison Range Road
Moiese, Montana 59824

NATIONAL BISON RANGE RESOLUTION

Whereas

a treaty was signed by the undersigned signatories, namely "The Buffalo: A Treaty of Cooperation, Renewal, and Restoration" in September, 2014 ('the Buffalo Treaty' from herein);

the signatories promised to welcome back the buffalo and collectively work together to provide a safe environment for the buffalo;

the signatories recognize the buffalo as a practitioner of conservation and collectively agree to perpetuate conservation by respecting the interrelationship between us and 'all our relations' including animals, plants, and mother earth; to perpetuate and continue our spiritual ceremonies, sacred societies, sacred languages, and sacred bundles as a means to embody the thoughts and beliefs of ecological balance;

the buffalo is foundational to our customs, practices, harvesting, beliefs, songs, and ceremonies;

the National Bison Range was established within the Flathead Indian Reservation in 1908;

the Confederated Salish and Kootenai Tribes have been attempting to become part of the operation and management of the National Bison Range for over 20 years;

and whereas the transfer of the operation and management of the National Bison Range to the Confederated Salish and Kootenai Tribes will fulfill the conservation, cultural, education, and research intent of the Buffalo Treaty;

It is hereby resolved by the signatories of the Buffalo Treaty, as witnessed by their signatures herein,

to humbly but urgently request Congress to expeditiously enact legislation to remove the National Bison Range from the National Wildlife Refuge System and restore said Range to once again be held in trust by the United States for the benefit of the Confederated Salish and Kootenai Tribes with requirements for continued bison conservation and continued public access;

Be it further resolved that we request the Secretary of the Interior, through the Fish and Wildlife Service and the Bureau of Indian Affairs, to actively support such legislation.

THE BUFFALO: A TREATY OF COOPERATION, RENEWAL AND RESTORATION

NATIONAL BISON RANGE RESOLUTION

Name Chief Charles Weasel Head — Nation BLOOD TRIBE

Signature — Date

Name CHIEF Mark L. Azure — Nation FT BELKNAP

Signature — Date

Name Vincent Fellowbird Horse — Nation Siksika

Signature — Date

Name Lowell Yellowhorn — Nation Piikani

Signature — Date Sept 29/16

Name John Murray Sr. — Nation Blackfeet

Signature — Date 9/29/2016

Name Chief Kurt Buffalo — Nation Samson Cree

Signature — Date Sept 29/2016

Name Dean Monyounds — Nation Tsuu T'ina Nation

Signature — Date Sept 29/16.

Name Leonard Gray — Nation CS & KT

Signature — Date 9-29-16

Name — Nation

Signature — Date

THE BUFFALO: A TREATY OF COOPERATION, RENEWAL AND RESTORATION

NATIONAL BISON RANGE RESOLUTION

Name Robert Magnan Nation Fort Peck Tribes

Signature Robert Magnan Date 9/29/2016

Name HANK SWEET Nation Nakoda Wesley

Signature Hank Sweet Date 9/29/16

Name Clifford Bowdenpower Nation Chinki Nation

Signature Clifford Bowdenpower Date 9/29/2016

Name GEORGE MUNRO Nation CREE NATION

Signature George Munro Date 9/29/16

Name BLAIN PIXKAY Nation PEE PEE KISIS Cree Nation

Signature [illegible] Date Sept 29/2016

Name Miinipoka (Elder) Nation Weasel Tribe

Signature Peter Weasel Date Sept 29/2016

Name NORBERT FOX Nation Blood (Elder)

Signature Norbert Fox Date Sept 29/2016

Name Nation

Signature Date

Name Nation

Signature Date

Nez Perce

TRIBAL EXECUTIVE COMMITTEE
P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

January 24, 2017

Vernon Finley, Chairman
Confederated Salish and Kootenai Tribes
P.O. Box 278
Pablo, MT 59855

Dear Chairman Finley:

The Nez Perce Tribe would like express its unconditional support for the restoration of the National Bison Range (Range) to federal trust ownership for the Confederated Salish and Kootenai Tribes (CSKT). The history and circumstances surrounding the Range make it a unique and important candidate for federal trust ownership.

The Nez Perce Tribe recognizes that the CSKT possess a deep and abiding cultural connection to the 30 to 75 million bison that once roamed North America. It is this connection that spurred members of the CSKT to work to save bison from extinction in the 1870s and to preserve hundreds of bison on the Flathead Indian Reservation (Reservation) until the early 1900s. It was then that the U.S. Government allotted the Reservation and created the Range within the Reservation's exterior boundaries. In doing so, the U.S. Government dispossessed the CSKT of much of the land upon which its bison had freely roamed and unlawfully took for itself 18,523.85 acres of the Reservation for its own bison range.[1]

The CSKT has fought hard to maintain its cultural and physical connection to bison over the last century. In doing so, it has demonstrated its leadership in the realm of bison conservation in many ways, including by participating in the Interagency Bison Management Plan alongside the Nez Perce Tribe.

Due to the nature and location of the Range, the U.S. Government has before it a unique and historic opportunity to restore the Range to federal trust status for the Salish and Kootenai people and guarantee continued bison conservation and public access. The Nez Perce Tribe urges

[1] Confederated Salish & Kootenai Tribes of Flathead Reservation, Mont. v. United States, 437 F.2d 458, 474 (Ct. Cl. 1971).

representatives of the U.S. Government and the U.S. Fish and Wildlife Service to pursue whatever means necessary to restore the Range to the CSKT.

Sincerely,

Mary Jane Miles

Mary Jane Miles
Chairman

MISSOULIAN EDITORIAL

Tribes should manage National Bison Range

Last week the U.S. Fish and Wildlife Service showed signs it is finally coming to its senses with regard to the National Bison Range.

The 18,500-acre range in the heart of the Flathead Reservation, home to hundreds of healthy buffalo, has long suffered a bad case of federal foot-dragging disorder. The obvious cure is for the Confederated Salish and Kootenai Tribes to assume management.

The tribes have strong cultural, historic and legal claims to both the land and the iconic species that calls it home. The Fish and Wildlife Service, however, has been unable to decide on any course of action that might open the way for the tribes to assume a stronger role in management. And it has arrived at these indecisions at an agonizingly slow pace.

That is, until the afternoon of Friday, Feb. 5, when FWS Mountain-Prairie Region Director Noreen Walsh sent an email to employees that indicates support for tribal management and points a way forward.

"In an effort to achieve the best, long-term solution for our many conservation priorities, the specific conservation goals of the National Bison Range, and to support the principles of Indian self-determination," according to Walsh's email, "there was a discussion today with the CSKT about the potential for the Service to support legislation that would transfer the lands comprising the National Bison Range to be held in trust by the United States for the CSKT."

Walsh's message signals a significant change of direction for FWS on the Bison Range, and an opportunity Montana's congressional delegates ought to seize right away. They should begin working with FWS and tribal leaders to craft legislation that would allow the Fish and Wildlife Service to officially transfer management of the National Bison Range to the CSKT.

The National Bison Range was created more than a century ago thanks to President Theodore Roosevelt, who authorized funding to establish the range in 1908. FWS has managed it ever since as part of the National Wildlife Refuge system.

While the federal government's goal of conserving bison is certainly noble, its treatment of the tribes throughout this process is nothing to be proud of. The wishes of Native Americans were not taken into account, and when CSKT asserted its claims, they were repeatedly marginalized or outright ignored.

For decades now, the Confederated Salish and Kootenai Tribes have fought to make their case heard. They continue to fight for the right to manage an animal of distinct cultural and historic importance, on what is culturally and historically tribal land.

Legally and politically, the groundwork for their case was laid 40 years ago, when the Indian Self-Determination and Education Assistant Act was passed by Congress. It contains provisions that explicitly allow tribes to manage programs that affect tribal welfare.

This very obviously includes the National Bison Range. Yet it wasn't until 2004 that CSKT was finally able to land an agreement to assume a portion of the management responsibilities concerning the range. And that agreement fell apart within two years amid a flurry of petty squabbles and unfounded accusations.

A second agreement was reached in 2010 after negotiations resumed, but it was cancelled in court because it ran afoul of federal procedure by failing to include an environmental assessment. An environmental assessment was then completed; however, negotiations on a third agreement since then have gone nowhere.

If Congress eventually does take action on this issue – and it should – it will only cede "management" of the range, while the federal government will continue to "hold" it. Indeed, Walsh's email specifically indicated support only for legislation that would allow the range "to be held in trust by the United States for the CSKT."

Michael Turner

With all due respect for political realities and the congressional process, that's backwards. It ought to be the CSKT that holds the bison range in trust for the people of the United States – including its original inhabitants.

EDITORIAL BOARD

Attachment #2

to the August 15, 2017 CSKT Scoping Comment

OCTOBER 27, 2015 LETTER
FROM CHAIRMAN VERNON S. FINLEY TO
REFUGE MANAGER JEFF KING

THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD NATION
P.O. BOX 278
Pablo, Montana 59855
(406) 275-2700
FAX (406) 275-2749
www.cskt.org

A People of Vision

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

TRIBAL COUNCIL MEMBERS:

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James V. Matt - Secretary
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Shelly R. Fyant
Leonard W. Gray
Lloyd D. Irvine
Terry L. Pitts
Patty Stevens

October 27, 2015

Mr. Jeff King, Refuge Manager
National Bison Range Complex
132 Bison Range Rd.
Moiese, MT 59824

Dear Mr. King,

Following up on the September 3, 2015 meeting that you had with Confederated Salish and Kootenai Tribes (CSKT, or Tribes) staff regarding the National Bison Range Complex (NBRC), I would like to request consultations with respect to any position vacancies which the U.S. Fish & Wildlife Service (FWS) may seek to fill at the NBRC.[1] As was discussed during the meeting, and due to the draft Tribal Self-Governance agreement which we negotiated with FWS back in 2011-2012, for which your agency has initiated NEPA review, CSKT has interests in how such NBRC vacancies may be filled.

As I had expressed in my earlier July 30, 2015 letter, the Tribes are very frustrated with the lack of progress regarding our draft Self-Governance agreement and its attendant NEPA process. Until there is advancement on that front, the Tribes request that FWS consult with us prior to determining how to fill any NBRC position vacancies. We have worked cooperatively, and successfully, in the past with respect to filling vacancies in our respective organizations, and we would like to build upon that past collaboration.

If you have any questions or concerns regarding our request, I invite you to discuss them with the Tribal Council. Please feel free to contact either myself or Tribal staff to arrange any such discussion. As always, we are also open to talking about any other issues which you may want to raise.

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[1] This consultation request is grounded in our government-to-government relationship, as well as Executive Order 13175, President Obama's November 5, 2009 Memorandum on Tribal Consultation, and the Interior Department's Policy on Consultation with Indian Tribes.

Sincerely,

Vernon S. Finley

Vernon S. Finley, Chair
Tribal Council

cc: Noreen Walsh
Will Meeks
Scott Aikin
Sharee Freeman

CSKT Scoping Comment in Response to the Revised "Notice of Intent to Prepare a Comprehensive Conservation Plan for the National Bison Range, Moiese, Montana"

August 15, 2017

In response to the U.S. Fish & Wildlife Service's (FWS, or Service) May 18, 2017 revised notice of intent to prepare a Comprehensive Conservation Plan (CCP) and accompanying Environmental Impact Statement (EIS) for the National Bison Range (NBR, or Bison Range), the Confederated Salish and Kootenai Tribes (CSKT, or Tribes) submit this scoping comment. This comment follows the Tribes' February 16, 2017 scoping comment, submitted in response to the Service's original notice of intent to prepare a CCP/EIS for the NBR, dated January 18, 2017.

The Tribes were pleased that FWS Refuge Planner Toni Griffin stated, during scoping meetings held in Polson and Kalispell, Montana on June 6th and 7th, respectively, that all comments submitted in response to the January 18th notice will remain part of the administrative record for the current revised notice. The Tribes support this, as it is burdensome for the public to have to respond to two different notices of intent for the same CCP/EIS within the span of six months. Since it will remain part of the administrative record, the Tribes are not resubmitting, as part of this comment, our original February 16, 2017 scoping comment with attachments. Ms. Griffin also stated that the Service would accept scoping comments beyond the June 19th date identified in the May 18th revised notice of intent, up until a draft EIS was developed.

As a preliminary matter, the Tribes note that, when the Department announced that the Service would no longer be evaluating as its preferred alternative the legislative restoration of the Bison Range to federal trust ownership for CSKT, it stated that an initial review by FWS showed that a majority of the comments submitted in response to the Service's January 18, 2017 original notice of intent were against the preferred alternative.

In reality, many more people were represented in support of the preferred alternative. FWS received a total of less than 60 scoping comments in response to the January 18th notice. Included in those responses are comments from The Sierra Club, Natural Resources Defense Council, Wildlife Conservation Society, Montana Conservation Voters and Headwaters Montana, which collectively represent over six million people. Those organizations all submitted comments in support of the preferred alternative. The National Wildlife Federation, which has over four million members, has also been on record with its support for congressional legislation restoring the Bison Range to federal trust ownership for the Tribes, as have a number of other organizations (*see NWF comment included as part of the Tribes' comment in response to the January 18th scoping notice*). It is therefore misleading to imply that most of the comments were opposed to the preferred alternative when an exceedingly large majority of people, on the order of millions as represented by the commenters, were actually supportive of it.

It is, however, instructive to look at the actual comments submitted by individuals opposed to the preferred alternative. Of the several dozen comments submitted by individuals opposing the preferred alternative, the following excerpts are representative of many of them:

"I would suggest a better effort would be directed toward extinguishing the boundaries of The [*sic*] Flathead Indian Reservation and terminate the conflicting (and illogical) status of 'sovereign' tribes. . . ."

[*from comment submitted to FWS dated February 16, 2017*]

"All federal and state funding and subsidization of some 20 billion of the 567 tribes and the 400 some in waiting need to be stopped. This sort of tribal welfare is creating a national embarrassment. . . . The objective of the reservations have long run its course [*sic*]"

[*from comment submitted to FWS dated February 18, 2017*]

"[T]he indians [*sic*] ask for more money, free college, rights to lands water, now bison . . . If they want to be autonomous then why do they keep asking for things from the rest of the tax paying public?"

[*from comment submitted to FWS dated February 20, 2017*]

"We've given them enough free things for way to [*sic*] many years."

[*from comment submitted to FWS dated February 28, 2017*]

"Meanwhile, native populations need to better prepare themselves to take on such responsibilities and philosophies in our current world, or even to become self-sufficient citizens. Generations of federal welfare and total provision has been [*sic*] demeaning and a detriment rather than a help for them as a society."

[*from comment submitted to FWS dated February 21, 2017*]

Rather than recognizing the Tribes' record as a natural resources manager, as does FWS and many national, regional and local conservation groups, many of these commenters simply display an ideological opposition to Indians, reservations, tribal governments, and federal Indian law. While everyone is entitled to their opinion, it is equally important that FWS recognize and acknowledge that numerous comments submitted display themes of bigotry or hostility towards tribes. The comments indicate that there appears to have been some coordination amongst some of the commenters, including individuals who have been the subject of past reporting by the Montana Human Rights Network, the Southern Poverty Law Center, and others for what the Montana Human Rights Network, for example, identifies as anti-Indian activity.[1]

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[1] *E.g.*: Montana Human Rights Network, "Right-Wing Conspiracies and Racism Mar Opposition to Confederated Salish and Kootenai Tribes and State of Montana Water Compact", April 15, 2015 (*see* http://www.mhrn.org/publications/specialresearchreports/Right-Wing%20Conspiracies%20and%20Racism%20Mar%20Opposition%20to%20Confederated%20Salish%20and%20

With respect to the Tribes' input in response to the revised notice of intent, this comment identifies those areas which the Tribes believe should be addressed in the NBR CCP and/or EIS. The Tribes understand that the CCP is a large undertaking, and that the Service may not be able to address all topics in great detail. The Tribes expect that the CCP will generally assist the public in understanding how FWS expects the NBR to operate as part of the newly-designated Western Montana National Wildlife Refuge Complex, as identified and discussed in the Service's Region 6 document titled "National Wildlife Refuge System Realignment Strategy and Staffing Framework", released in November of 2016 (further addressed in subsequent sections of this comment).

The general issues identified below are not listed in any particular order, and are thus not necessarily identified in order of priority.

Management

The Tribes were pleased to see that the original January 18, 2017 notice of intent had indicated that, of the initially-identified management alternatives that the EIS would evaluate, FWS had identified as its preferred alternative congressional legislation to restore the National Bison Range to federal trust ownership for the Tribes, with requirements for continued bison and wildlife conservation. Last summer, after consulting with FWS, the Tribes had publicly released draft legislation to accomplish such a restoration, with requirements for continued bison and wildlife conservation as well as continued public access: the National Bison Range Restoration Act. The Tribes continue to believe that such restoration would be an effective way to: manage the wildlife and other resources; increase effective public education and visitation experiences; and address the Tribes' history with the NBR land and bison. However, we understand that the Service is now focused on maintaining the NBR as a National Wildlife Refuge and is no longer examining a restoration option.

While the Service's notice of intent to prepare a CCP/EIS includes management alternatives that address Tribal participation or cooperation, the Tribes would encourage cooperative efforts with the Tribes to be addressed even under the 'no action' alternative and any other alternatives identified during this scoping period.

At this time, the Tribes do not believe that the CCP, and accompanying EIS, should address, as a specific management alternative, Tribal management or cooperation through an agreement under the Tribal Self-Governance Act or other authority. The Tribes believe that any such analysis would be more appropriate and effective in a separate document that would accompany a future proposal or agreement. However, given the long history of cooperation and coordination between the Tribes and the Service, the Tribes believe it would be appropriate for the CCP/EIS

Kootenai%20Tribes%20and%20State%20of%20Montana%20Water%20Compact.pdf); Montana Human Rights Network, "On the (Bison) Range: Tribes Seek Management Role, Confront Anti-Indian Sentiment", Human Rights Network News, March 2008, at 7 (*see* http://www.mhrn.org/publications/humanrightsnetworknews/0308.pdf); and Ryan Lenz, "Seeing Red", Southern Poverty Law Center Intelligence Report, February 17, 2016 (*see* https://www.splcenter.org/fighting-hate/intelligence-report/2016/seeing-red).

to acknowledge the history, and potential future, of Tribal cooperation at the National Bison Range, as well as generally address collaborative work with the Tribes.

The Tribes encourage the Service to use this opportunity to revisit how it interacts with the Tribes, our Tribal citizens, and the general public with respect to indigenous culture, language, and land uses. This is also an opportunity for the Service to examine the Bison Range within the context of its location on the Flathead Indian Reservation. FWS may elect to do the minimum amount required with respect to these efforts and generally approach this CCP as it would for any other Refuge. Alternatively, FWS may elect to become a leader in how federal agencies in this country approach: 1) partnerships with tribal governments in Indian country; and 2) the federal trust responsibility towards tribes within the context of Refuge management. The Tribes encourage the latter approach.

A model that the Service could examine comes from the agency's Canadian counterpart. The Canadian Wildlife Service utilizes "Impact and Benefit Agreements" with respect to its management of National Wildlife Areas and Migratory Bird Sanctuaries within the indigenous Territory of Nunavut (*copy included with this comment as Attachment #1*). While this is against the backdrop of a different legal landscape, the salient point is how the federal government of Canada has proactively chosen to engage, collaborate and interact with its aboriginal partners in Nunavut. As part of its management of National Wildlife Areas and Migratory Bird Sanctuaries in Nunavut, the CWS addresses the following issues, among many others:

- use of native language in CWS interpretive and other materials and activities, including place names;
- use of "traditional, current and evolving body of Inuit values, beliefs, experience, perceptions and knowledge regarding the environment";
- incorporation into management plans of cultural history and the context within which the wildlife areas or bird sanctuaries operate;
- development and use of oral histories
- use of aboriginal guides;
- explicit consultation procedures to ensure substantive, rather than superficial, consultation;
- explicit evaluation and tracking activities to measure progress on achieving these objectives; and
- criteria for hiring CWS staff working within Nunavut, including knowledge of: Inuit culture, society and economy; native language; and knowledge of laws relevant to the Inuit/Nunavut legal landscape.

These Impact and Benefit Agreements provide for the incorporation of native languages and staff training into the protected areas' management, as well as the incorporation of traditional ecological knowledge (TEK) into Western science. As stated on FWS' website, "[a]n increasing number of scientists and Native people believe that Western Science and TEK are complementary."[2] The CCP/EIS should address this with respect to the Bison Range.

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[2] *See* https://www.fws.gov/nativeamerican/pdf/tek-fact-sheet.pdf

Ninepipe, Pablo, & Lost Trail National Wildlife Refuges; Northwest Montana Wetlands Management District

Since our prior scoping comment, the Service published, on May 18, 2017, a notice of intent to prepare a CCP and accompanying environmental assessment for the remainder of the National Bison Range Complex (NBRC), including the Ninepipe, Pablo and Lost Trail National Wildlife Refuges, as well as the Northwest Montana Wetland Management Districts. In response to that notice, CSKT is submitting separate scoping comments. To the extent that they are part of the existing NBRC, CSKT incorporates by reference into this comment the "CSKT Scoping Comment in Response to the 'Notice of Intent to Prepare a Comprehensive Conservation Plan; Pablo, Lost Trail, and Ninepipe National Wildlife Refuges, and the Northwest Montana Wetlands Management District, Montana", also dated August 15, 2017 and submitted to the Service.

Wildlife and Fisheries Management

The Tribes expect that bison and big game species management would be prominently addressed in the CCP. This management, including for bighorn sheep, elk and deer, would include such issues as: herd size targets/culling plans; general health monitoring and management; genetics; as well as other general management issues.

The Tribes also expect that predator management (including, among other species, black bear, grizzly bear, gray wolf, coyote, mountain lion, golden eagle, and bald eagle) would be addressed by the CCP.

The Tribes recommend that the CCP address surveying and monitoring of nongame birds, as well as amphibians and reptiles.

The Tribes further recommend that the CCP acknowledge the Tribes' role in fisheries management at the National Bison Range.

Habitat Management

Range condition, weed management, pine encroachment, forest habitat management, fire management, riparian management, wetland management, and water management issues are all components of habitat management that should be addressed in the CCP.

Aquatic Invasive Species

The Tribes believe that the CCP should address contingencies for aquatic invasive species, whose profile has recently been elevated in Montana.

Public Use and Access

The CCP provides an opportunity to examine, and plan for, such public use/access considerations as: visitation projections; desired visitor experiences; fishing access; wildlife watching and photography opportunities; recreation site (picnic areas) availability and management; fee structures; and the possibility of tours.

With respect to access by citizens of the Confederated Salish and Kootenai Tribes, the Tribes believe that the existing Memorandum of Agreement between FWS and CSKT governing access to the National Bison Range (as well as the Ninepipe and Pablo Refuges) has worked well.

Visitor Services

The Tribes anticipate that the CCP would address the following issues related to visitor services:

- current state of, and future outlook for, the visitor center, including need and potential for replacement;
- access considerations, including potential for an additional, or alternate, entrance such as at Ravalli Hill (a suggestion made by public commenters on several occasions);
- interpretive displays, materials and sale items;
- information availability and standards/criteria for inclusion of information/materials;
- education, public awareness, programs and presentations;
- incorporation of native languages in signage and interpretive materials
- receipt collection and accountability; and
- staffing and volunteers

Cultural and Historical Resources

The inventory, preservation, and management of cultural and historical resources are high priorities for the Tribes and need to be addressed at some level in the CCP. We have cooperated with the Service in this area in the past, and we look forward to continued collaboration through our Tribal Preservation Department. With respect to cultural and historical resources, the Tribes specifically request that the Service consult with us regarding these issues, consistent with Executive Order No. 13175 ("Consultation and Coordination with Indian Tribal Governments"), the Department of the Interior Policy on Consultation with Indian Tribes, and the National Historic Preservation Act (54 U.S.C. § 300101 *et seq.*).

Facilities maintenance

It would be helpful for the CCP to address facilities maintenance expectations, needs, budgets and costs for such facilities as the visitor center, residences, barns and other buildings, roundup facilities, picnic area toilets and structures, fences (exterior and interior), and trails.

Enforcement

Given the Service's Region 6 "Realignment Strategy Staffing Framework", and in light of that document's reference to a prioritization protocol for filling vacancies, the CCP should address the Service's expectations or outlook for enforcement responsibilities and jurisdictional impacts, as well as any cross-deputization expectations, needs or opportunities.

Personnel

Again, against the backdrop of budget projections and the above-referenced "Realignment Strategy Staffing Framework" and its associated protocols, the CCP should address the existing vacant positions, as well as expected, desired and potential positions looking forward. Staffing, and associated volunteer needs, at the National Bison Range, has been the subject of several articles in local/regional newspapers over recent months, so there is likely considerable public interest in understanding the Service's long-term outlook for Bison Range staffing.

The Tribes also believe the CCP/EIS should address Service actions to either recruit federal staff that have knowledge of Salish, Pend d'Oreille and Kootenai culture, or train existing staff with respect to those cultures, as the Canadian Wildlife Service does with respect to its designated wildlife areas and bird sanctuaries in indigenous areas (as mentioned above). This would not only have benefits for the staff and their interactions with the Tribes, but would also increase the ability of such staff to answer visitor questions or otherwise aid in public education on the history and culture surrounding the Bison Range.

On October 27, 2017, Chairman Vernon Finley sent a letter to Refuge Manager Jeff King requesting consultations for any NBRC position vacancies (*copy attached to this comment as Attachment #2)*.

Research

The CCP should also address any projected activities, or needs, regarding research concerning wildlife, habitat, animal health, genetics, or related issues.

Climate Change

In order to effectively look forward as a planning document, the CCP should address projected, likely, or potential impacts of climate change on habitat, species (fauna and flora), water, forage and wild fire impacts. The Tribes ask the Service to take into consideration the Tribes' Climate Change Strategic Plan, which was adopted in September 2013 and is available at www.csktribes.org/CSKTClimatePlan.pdf.

Fire

FWS, CSKT and the Bureau of Indian Affairs have historically entered into Annual Fire Management Operating Plan agreements addressing fire control at the National Bison Range.

The CCP should address the Service's plans, expectations, budget and cost outlooks for fire control, as well as controlled burns and other fire-related management issues.

Support for Tribal Participation & Cooperation at the National Bison Range

The CCP should address the potential for opportunities for cooperative efforts with the Tribes at the Bison Range. Support for such Tribal participation is strong. Below is a list of entities and organizations that have provided letters or resolutions of support for the Tribes' above-referenced draft Bison Range restoration legislation, or the restoration concept. It is logical to infer that the same entities and organizations would, for the same reasons as they support Bison Range restoration, also support other forms of Tribal participation and cooperation at the NBR.

1) National Wildlife Federation
2) Natural Resources Defense Council
3) Sierra Club
4) National Parks Conservation Association
5) The Wilderness Society
6) Montana Conservation Voters
7) Montana Environmental Information Center
8) Mission Mountain Audubon
9) Flathead Audubon
10) Five Valleys Audubon
11) Headwaters Montana
12) Flathead Reservation Human Rights Coalition
13) National Congress of American Indians
14) Rocky Mountain Tribal Leaders Council
15) Affiliated Tribes of Northwest Indians
16) Iinii Buffalo Treaty Signatories
17) Nez Perce Tribe
18) Missoulian editorial board (*February 14, 2016*)

While a number of the above organizations are national, regional, or state-wide in scope, it is significant that some of the most frequent local users of the National Bison Range, represented by local Audubon chapters, support Bison Range restoration and Tribal management. All three of the local Audubon chapters have provided letters of support: Mission Mountain Audubon; Flathead Audubon; and Five Valleys Audubon.

The letters and resolutions from the above-listed organizations are attached to this comment as "Attachment #3".

History

We cannot move forward as effectively and intelligently as we desire unless we know our history. The Tribes believe that the Service should include in its CCP/EIS some history of the

National Bison Range. It is apparent from some of the public comments made in scoping meetings, as well as some written comments received in response to the original notice of intent, that many people are not familiar with the role of the Tribes with respect to the National Bison Range's initial herd, as well as the land itself. It is also apparent that there is a great deal of confusion and misinformation with respect to the past Tribal Self-Governance agreements at the National Bison Range. The CCP/EIS provides an opportunity to present the public with relevant facts.

Consultation

As a general matter, the Tribes request that the Service consult with us regarding National Bison Range issues in accordance with Executive Order No. 13175 ("Consultation and Coordination with Indian Tribal Governments"), the Department of the Interior Policy on Consultation with Indian Tribes, and the National Historic Preservation Act (54 U.S.C. § 300101 *et seq.*).

♦ ♦ ♦

The Tribes are happy to provide any additional information regarding the topics outlined in this scoping comment. For any inquiries, please contact either Tom McDonald, Manager, Fish, Wildlife, Recreation & Conservation Division, CSKT Natural Resources Department, or Brian Upton, Tribal Attorney, at (406) 275-2760, or (406) 675-2700, x1165.

Public Comments to:

Jan. 27, 2017

Toni Griffin
Refuge Planner
NBRCCP
134 Union Blvd
Lakewood, CO 80228

I strongly support U.S. Fish and Wildlife Service in their recommendation that the 18,766 acre National Bison Reserve be returned to the authority of the Confederated Salish and Kootenai Tribes.

The National Bison Range currently has a herd of 300 to 400 bison.

Ryan Zinke has no doubt that the tribes are capable of managing the buffalo. Also he wants the land to remain public land.

Hopefully,

Lois Drobish
Apt 1
836 E Washington St
Kalispell MT 59901-3290

Lois J. Drobish
Kalispell, MT.

Please get copies of my comments to:
Randy Brodehl
Zack Berry
David Fern
Frank Garner
? _____

February 16, 2017

Toni Griffin, Refuge Planner
NBR CCP
134 Union Boulevard
Lakewood, CO 80228

Toni_Griffin@fws.gov

Delivery via email

RE: Notice of Intent to Prepare a Comprehensive Conservation Plan for the National Bison Range, Moiese, Montana [FWS-R6-R-2016-N221]

Dear Ms. Griffin,

Thank you for the opportunity to comment on the *Notice of Intent to Prepare a Comprehensive Conservation Plan for the National Bison Range*. We submit these comments on behalf of our more than 2,000 members in Montana and 2.7 million members and supporters nationwide. Our members have a strong interest in the American bison and value its place on the landscape: ecological, spiritual and cultural.

The Sierra Club is pleased to see the inclusion of Alternative B [Preferred Option], "to evaluate the preferred management option of a Congressional transfer of lands comprising of the NBR unit of the National Wildlife Refuge System to the CSKT of the Flathead Reservation, to be held in trust by the Secretary of the Interior for the benefit of the CSKT." The Sierra Club affirms the concept of restoring the NBR and its bison to the Confederated Salish and Kootenai Tribes for bison conservation, ensuring the long-term health of the bison population, continued public access, and other purposes.

The Notice of Intent (NOI) section titled "The National Bison Range" (NBR) provides an overview of the overall mission of the NBR to "maintain a representative herd of bison, under reasonably natural conditions, to ensure the preservation of the species for continued public enjoyment." The U.S. Fish and Wildlife Service (Service) notes that: Congress appropriated the NBR from CSKT through eminent domain; that the CSKT have cultural, historical, or geographic connections to the land, that there are significant cultural sites located on the Range formerly owned in trust for CSKT, and that the NBR herd descends from bison owned and preserved by CSKT tribal members.

We appreciate that the Service acknowledges CSKT's instrumental role in saving the country's last bison by bringing these bison to the Flathead Indian Reservation, being good stewards, and growing an enduring herd on the Reservation. We recommend this history be included in sections of the CCP/EIS that discuss CSKT NBR history and cultural resources. This is directly related to CSKT's interest in, and qualifications to assume management of the NBR if it were to be restored to federal trust ownership

as proposed. Absence of this information results in an incomplete record and would undermine the "special geographic, historical, or cultural significance" that tie the Confederated Salish and Kootenai Tribes to the National Bison Range. The Tribes' special relationship to the NBR reflects their unique situation.

As stated in the Draft National Bison Range Restoration Act legislation, the CSKT have used the land for hunting, fishing, gathering, cultural and other purposes. We encourage a CCP that recognizes the multiple uses of the lands of the bison range and seeks to accommodate the cultural practices and traditional values of the CSKT. In addition to issues related to tribal rights, the Sierra Club is concerned with wildlife and ecological integrity of wildlife habitat and other land management issues.

Wildlife Management

While the NBR is managed largely for the bison herd, healthy rangeland should be available to support elk, deer, big horn sheep and other big game and wide roaming species. The CCP and EIS need to address wide roaming species listed under the Endangered Species Act, or are otherwise imperiled or recovering. Grizzly bear recovery is of utmost importance to the Sierra Club. The NBR is situated on or near an area identified as a Demographic Connectivity Area (DCA) in the *Conservation Strategy for Grizzly Bear in the Northern Continental Divide Ecosystem* (NCDE). The NCDE includes the Swan Range and Mission Mountains including the Mission Mountains Tribal Wilderness. Existing wildlife passage such as along Hwy 93 serves to connect grizzly bear habitat to the east with the Cabinet-Yaak Ecosystem to the west, the Bitterroot Ecosystem to the south and ultimately the Greater Yellowstone ecosystem. The CCP and EIS need to address the potential of the NBR to serve as grizzly bear habitat, including transient habitat and connectivity to other occupied and unoccupied areas consistent with the NCDE Conservation Strategy. This may include practices on the NBR as well as coordinating with neighboring residents and operations to manage attractants such as fruit trees, beehives, chicken coops, garbage, and removal and disposal of livestock carcasses.

We hope that the CCP aspires to carnivore and predator management based on a fully-functioning ecological framework. Carnivores and predators, including grizzly bear, gray wolf, Canada lynx, wolverine, mountain lion, etc., play an important role on the landscape in removing diseased members of a species. Sierra Club seeks an ecologically-balanced approach to accommodate a wide range of species and natural control of disease. Sierra Club is concerned about the spread of Chronic Wasting Disease (CWD). We encourage an ecologically-intact ecosystem based on healthy rangeland as a foundation for supporting herds of healthy bison and other species at sustainable population levels, and envision the presence and tolerance of predators and carnivores as an important element in controlling herd size and the risk of disease and its spread.

The Sierra Club advocates for wild bison to be considered and managed as wildlife. We advocate for expanded habitat in the Greater Yellowstone Area to allow for a larger herd and to relieve pressures on Yellowstone National Park. We encourage the CCP to consider similar opportunities for bison to access areas that may be available adjacent to the NBR.

Habitat Management

Enclaves of forest, riparian and wetland ecosystems support a diversity of desirable native species. Inclusions of diverse habitat should be inventoried, mapped and maintained. The NBR should be managed to increase underrepresented habitat types typical of historic vegetation of the area. While position on the landscape may be dynamic such as in response to disturbance, we encourage you to consider these areas as important elements in a habitat management plan, and address the role of fire and other disturbances in maintaining these inclusions on the landscape. Fires invigorate native grasses and other vegetation including aspen groves, and control the encroachment of pine forests on grasslands.

We are also concerned with invasive species. The CCP should prioritize identification of any new invasive species and have a plan in place to quickly eradicate small newly discovered populations

before they become established. The CCP must also have a plan to control existing invasive species by reducing the occurrence and spread. The CCP should list and describe present or potential invasive species including avian, amphibian, and aquatic species as well as weeds, and the conditions that could promote their dispersal and establishment.

Climate change could affect habitat, species, the amount and quality of water, and the availability of forage. Resulting high intensity wild fire can threaten forest ecosystems and impact soil and water quality. Species migration into the area can increase competition for grasses and forage. Please address and consider impacts of climate change on rangeland and other ecosystems and wildlife habitat.

Monitoring and Research

We expect the CCP to identify monitoring elements to evaluate rangeland conditions and carrying capacity, as well as the health of the bison herd and other species including elk, deer, and bighorn sheep. Again, we are concerned about CWD and encourage a proactive plan to address this disease.

We encourage the CCP to identify opportunities for research. These could include ecological conditions, diversity of plants and animals on the bison range, role of carnivore in population and disease control, role of wildfire and other disturbance regimes in grassland health and maintenance and diversity of habitat, presence and control of weeds and other invasive species, among other things. The CCP should include a plan for research and partnering with institutions and agencies both on and off the reservation.

Visitor Services

In addition to maintenance and replacement of facilities including the visitor center, roads, entrances and the installation and content of signage, visitor services should include maintaining access for the public. Opportunities for education are also important visitor services. Topics could range from cultural to factors that comprise a healthy and functioning ecosystem.

Economic Impacts of Transfer

Transferring the lands, bison and resources of the NBR back into a trust for the CSKT, could reduce the federal bureaucracy and relieve the federal burden and free up funding for other purposes. The economic impacts of the various alternatives, including the potential savings due to transfer of the NBR to the CSKT should be evaluated.

In conclusion, we appreciate the opportunity to comment on issues that should be considered in preparing a draft CCP. We also wish to note that the Sierra Club recognizes CSKT as a national leader in natural resource management. CSKT biological staff design and implement research, inventory, and monitoring programs for a variety of plant and animal resources found on the refuge complex. These efforts, along with CSKT's pioneering establishment of the nation's first tribally-designated wilderness help demonstrate the Tribes' deep qualifications to assume management of the NBR if it were to be restored to federal trust ownership for them, as proposed by their draft legislation.

Thank you for your consideration of our comments.

Respectfully, Claudia Narcisco

/Claudia Narcisco
Chair, Conservation Committee
Montana Chapter Sierra Club

/Bonnie Rice
Senior Representative
Our Wild America Campaign

National Headquarters
1130 17th Street, N.W. | Washington, D.C. 20036-4604 | tel 202.682.9400 | fax 202.682.1331
www.defenders.org

February 17, 2017

Toni Griffin
Refuge Planner
National Bison Range CCP
134 Union Boulevard
Lakewood, Colorado 80228

RE: Notice of Intent to Prepare a Comprehensive Conservation Plan for the National Bison Range, Moiese, Montana

Dear Ms. Griffin:

Defenders of Wildlife (Defenders) respectfully submits the following scoping comments on the U.S. Fish and Wildlife Service's (Service) notice of intent to prepare a comprehensive conservation plan (CCP) for the National Bison Range in western Montana (82 Fed. Reg. 5597). The scoping notice identifies a preferred management alternative to legislatively transfer the Range to non-federal management. Defenders has expressed our concerns with a similar legislative proposal last year. We question whether the CCP planning process is appropriate for recommending legislative transfer of the refuge, and how transfer would uphold Congressional mandates to conserve and restore native species, biodiversity and other public values on the Bison Range and the National Wildlife Refuge System. The environmental impact statement (EIS) for the CCP must examine, and the record of decision must explain, how each alternative considered achieves these goals.

Founded in 1947, Defenders of Wildlife is a national conservation organization focused on wildlife and habitat conservation across the country. Based in Washington, DC, the organization also maintains six regional field offices and represents more than 1.2 million members and supporters in the United States and around the world. Defenders is deeply involved in public lands management and wildlife conservation, including the protection and recovery of flora and fauna in the Northern Rockies.

Our priorities include preserving and ensuring proper management of the National Wildlife Refuge System, the only network of federal lands dedicated specifically to wildlife conservation. The System is essential for preserving America's astounding diversity of wildlife, and also provides innumerable recreational opportunities for wildlife watchers, hunters and anglers; supports more than 35,000 jobs nationwide; and generates billions of dollars in local, sustainable economic activity.

The Bison Range protects one of the largest and last remaining tracks of intact, publicly-owned intermountain native grasslands in the United States, among the rarest habitat types in North America (FWS 2013a; FWS 2013b). It is home to a diversity of wildlife species, including 350-500

plains bison, Rocky Mountain elk, bighorn sheep, pronghorn, mule and white-tailed deer, mountain lions, bears, bobcat and over 200 species of birds (FWS 2013a).

The Bison Range is also a popular refuge with visitors. The Service maintains a visitor center on Range and hosts tens of thousands of visitors annually, including 217,000 visitors in 1993 (FWS, undated(b)) and 224,300 visitors in 2011 (Carver and Caudill 2013: 286).

The Service has yet to develop a CCP for the Bison Range. The agency's scoping notice identifies at least three management alternatives to be considered in the proposed planning process, including a preferred alternative to legislatively convey the refuge to the Confederated Salish and Kootenai Tribes, to be held in trust by the Secretary of the Interior for the benefit of the Tribes. The other action alternative in the notice is to negotiate and execute an Annual Funding Agreement with the Confederated Tribes to share management of the Bison Range.

The proposed transfer of the Bison Range into federal trust ownership raises key questions about the future management of these lands and the wildlife that depend on them. The Service manages the refuge under the National Wildlife Refuge Administration Act, as amended by the National Wildlife Refuge System Improvement Act, which prioritized certain public uses on refuges, requires comprehensive conservation plans for each refuge unit, and binds the Service to substantive criteria to ensure that refuge management decisions are compatible with the conservation purposes of individual refuges and the mission of the Refuge System. The law includes the nation's broadest statutory commitment to ecosystem protection to "ensure that the biological integrity, diversity and environmental health of the system are maintained" (16 U.S.C. § 668dd(a)(4)(B)). The Service must describe how each alternative supports the mission of the Refuge System to "conserve[e], manage[], and where appropriate, restor[e]...fish, wildlife and plant resources and their habitats within the United States for the benefit of present and future generations of Americans" (16 U.S.C. § 668dd(a)(2)).

The Service has also adopted a policy to guide the CCP planning process. According to the policy, planning goals are to "ensure that wildlife comes first in the National Wildlife Refuge System" and that management of each refuge "help fulfill the System mission, maintain and, where appropriate, restore the ecological integrity of each refuge and the Refuge System, as well as achieve the specific purposes for which the refuge was established" (602 FW 3(3.3)(A)). The Service should analyze and explain the extent to which each of the management alternatives achieves these goals. In addition, the Service should follow its policy guidance by "considering the broader goals and objectives of the refuges' ecosystems and watersheds when developing management direction" (602 FW 3(3.3)(C)). The policy also requires planning to "ensure that the six priority wildlife-dependent recreational uses receive priority consideration" during CCP preparation, and should identify how each management alternative will support these uses (602 FW 3(3.3)(E)).

The Service should especially consider impacts to wildlife that will result from transferring management of the Range to a non-federal entity, with particular regard to obligations under federal wildlife laws. The CCP should analyze how transfer would affect the Service's ability to fulfill its obligation under Section 7(a)(1) of the Endangered Species Act to "carry[] out programs for the conservation of endangered species and threatened species" (16 U.S.C. § 1536(a)(1)), particularly for the threatened grizzly bear, which likely uses the Bison Range to transit to lower elevations of the Flathead Valley. The planning process must assess the impacts of transferring the refuge on current

and potential activities for the conservation of listed species that the Service otherwise would have carried out on the refuge if the agency retained ownership pursuant to their Section 7(a)(1) obligation.

The CCP should also consider how transfer might affect application of the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) on the Range. Under federal management, the Service is required by these laws to avoid unlawful take of covered bird species.[1] Were the agency to unconditionally transfer the refuge to management by a third party, the Service's capacity to limit take on the refuge in violation of the MBTA and BGEPA would be reduced to bringing enforcement actions, rather than taking management actions to avoid injury to covered birds. The CCP must analyze the consequences to migratory birds and eagles that would result from this transition in the Service's role on the Range.

Refuge planning policy advises the Service to consult the following to help determine the species and resources of concern on the refuge: ESA; Migratory Nongame Birds of Management Concern in the United State; Partners in Flight Watch List; state lists of rare, threatened, endangered or species of concern; National Audubon Society State Watch Lists; The Nature Conservancy's heritage program and ranking system; and state heritage databases and conservation data centers (602 FW 3(3.4)(C)(1)(e)). Defenders' review found that the Bison Range provides habitat for three Montana Species of Concern (grizzly bear, gray wolf, and bison) and is likely within the range of three bat Species of Concern (Townsends big-eared, hoary, and fringed myotis), as well as 22 bird Species of Concern (MFWP 2016, cross-referenced with FWS, undated(a)). The relatively undisturbed habitat and location in the Mission Valley make the Range a critical wildlife corridor for both mammals and birds moving through the lower Flathead Valley; it is incumbent upon the Service to document how the CCP intends to address both resident and transient species that use the refuge.

The Service must also analyze how potentially transferring the Range to non-federal management will affect public access and use of these lands. More than 200,000 people visit the Bison Range annually (Devlin, *The Missoulian*, 02-08-2017), making it one of the most visited refuges in the Refuge System. Public use of the Range includes touring, hiking, fishing, wildlife viewing, photography, and environmental education. The CCP should describe how each management alternative would provide for the six priority wildlife-dependent uses on the Range (602 FW 3(3.3)(E)).

The Service should also consider whether proposing transfer of the Range into trust for the Confederated Tribes is premature. For example, the agency has drafted, but not yet finalized a draft policy to guide development of Annual Funding Agreements with tribes on national wildlife refuges. The new policy would reportedly establish parameters and a path forward for developing management agreements that may be preferred to transferring the Bison Range to Tribal control. The Service might want to delay a decision to transfer the Range until the policy is finalized.

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[1] *See, e.g., Protect Our Communities Found. v. Jewell*, 825 F.3d 571, 585–86 (9th Cir. 2016) (discussing cases where agencies' management actions directly caused take in violation of MBTA, and noting in dicta that an agency's "more directly supervisorial position" over the actions of a third party causing take was distinguishable from the indirect regulatory role where no MBTA liability applies); Executive Order 13186, Responsibilities of Federal Agencies to Protect Migratory Birds, 66 Fed. Reg. 3853 (Jan. 10 2001) (requiring all agencies whose activities could negatively affect migratory birds covered by the MBTA to enter into Memoranda of Understanding with the Service to address take).

The Service should consider options for addressing management issues in the planning process, regardless of which alternatives the agency chooses. The agency's policy guidance advises that planning processes identify "significant problems that may adversely affect the ecological integrity…and the actions necessary to correct or mitigate the problems" as well as "opportunities to improve the health of habitats or the functioning of ecosystems" (602 FW 3(3.4)(C)(1)(e)). Important issues at the Bison Range include invasive species control and fencing. Defenders recommends that the EIS/CCP consider wildlife-friendly fencing to allow for free movement of deer, elk, pronghorn and other species, while effectively containing bison within refuge boundaries.[2] The Service should also analyze the impacts to wildlife and habitat of internal fencing and consider removing internal fencing to allow bison to naturally roam and graze, free from the "take half, leave half" grazing program, and where random grazing use might promote more diverse vegetative and habitat conditions.

Thank you for this opportunity to comment on the proposed CCP for the National Bison Range. We look forward to participating in the planning process ahead.

Sincerely,

Mark N. Salvo
Vice President, Landscape Conservation

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[2] *See* Paige, C. 2012. A Landowner's Guide to Wildlife Friendly Fences: How to Build Fence with Wildlife in Mind. Second Edition. Montana Fish, Wildlife & Parks, Private Land Technical Assistance Program. Helena, MT. Available at www.montanans4wildlife.org/pdfs/MT%20Fence%20Guide_FINAL%20REVISED.pdf

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(FWS 2013a) U.S. Fish and Wildlife Service. National Bison Range, "About the Refuge" (webpage) (https://www.fws.gov/refuge/National_Bison_Range/about.html) (viewed Mar. 12, 2013).

(FWS 2013b) U.S. Fish and Wildlife Service. National Bison Range, "Habitats" (webpage) (https://www.fws.gov/refuge/national_bison_range/wildlife_and_habitat/Habitats.html) (viewed Mar. 21, 2013).

(FWS, undated(a)) U.S. Fish and Wildlife Service. Undated. Birds of National Bison Range. U.S. Fish and Wildlife Service. Unpaginated. Northern Prairie Wildlife Research Center Online. Jamestown, ND. (ver. 22MAY98). Available at https://www.fws.gov/uploadedFiles/NBR%20bird%20list.usgs.pdf (viewed Feb. 16, 2017).

(FWS, undated(b)) U.S. Fish and Wildlife Service. Undated. "National Bison Range ~ Historical Outline and Trivia Tidbits" (factsheet) (https://www.fws.gov/uploadedFiles/NBR.HistOutline.pdf).

(MFWP) Montana Fish, Wildlife and Parks. 2016. "Montana Field Guide" (webpage). http://FieldGuide.mt.gov (viewed Feb. 16, 2017).

Headwaters Montana
P.O. Box 4310, Whitefish, Montana 59937

February 16, 2017

Toni Griffin
Refuge Planner, NBR CCP
134 Union Boulevard
Lakewood, CO 80228

RE: Notice of Intent to Prepare a Comprehensive Conservation Plan for the National Bison Range

Dear Ms. Griffin,

On behalf of Headwaters Montana and our over 2,000 subscribers in Montana and across the U.S., we write in full support of the U.S. Fish & Wildlife Service proposal to develop a Comprehensive Conservation Plan (CCP) for the National Bison Range.

Headwaters Montana is a federally listed non-profit organization based in the U.S. Flathead Valley. We advocate for conserving our clean water, fish, wildlife, and traditional, quiet outdoor recreation in the Crown of the Continent region west of the Continental Divide.

The Confederated Salish and Kootenai Tribes of Montana (CSKT) saved the American Bison from extinction and established the herd that became the National Bison Range herd. Bison were persecuted and nearly erased from the face of the earth as a deliberate federal government policy to subjugate the many American Indian tribes that preceded European settlement on the North American continent and who depended on wild Bison for their physical and spiritual sustenance. We fully support the restoration of the National Bison Range property to the CSKT; we fully support the USFWS proposal to develop a Comprehensive Conservation Plan (preferred Alternative B) to aid and direct the CSKT in the restoration of their management of wild Bison.

The CCP should cover at least the next 15 years of management on a range of management topic, including wildlife and habitat management; public access and use; operation and management of the visitor center and other facilities; staffing needs; contingencies for the effects of climate change, including range management, weeds and aquatic invasive species. We also think that the CCP should address tribal cultural resources and opportunities for tribal collaboration.

As you know, the restoration of title of the National Bison Range property to the CSKT represents a return of title to the CSKT. We think it essential that the CCP - EIS clearly distinguish that this transfer of title reflects a return of property to the rightful owners of the land - the CSKT. This restoration of title should not be taken as a precedent for politically-charge issue of federal transfer of land rights in general. Headwaters Montana strongly opposes the concept of "land transfer" to the states or private ownership. This unique situation should be clearly and unambiguously explained in the EIS.

Thank you for the opportunity to comment,

Dave Hadden, Executive Director
Headwaters Montana, Inc.
406-270-3184 / info@headwatersmontana.org

February 15, 2017

Toni Griffin
Refuge Planner
National Bison Range Comprehensive Conservation Plan
134 Union Blvd.
Lakewood CO 80228

Dear Ms. Griffin,

Montana Conservation Voters (MCV) is a statewide membership organization that serves as the political voice of Montana's conservation and environmental community. The comments below pertain to the U.S. Fish and Wildlife Service's Notice of Intent to Prepare a Comprehensive Conservation Plan for the National Bison Range in Moiese, Montana (Federal Register 82(11): 5597-5598).

MCV supports the development of a Comprehensive Conservation Plan (CCP) and Environmental Impact Statement (EIS) for the National Bison Range (NBR). We also support Alternative B, the preferred management option, that is, for Congressional restoration of lands comprising the NBR, to be held in trust for the Confederated Salish and Kootenai Tribes (CSKT), who would manage the bison herd, conserve other natural resources and provide for public visitation and educational opportunities on the NBR.

One of the core principles of Montana Conservation Voters (MCV) is the protection of our public lands along with access to those public lands. At the state and federal level, MCV has vigorously opposed efforts to transfer or sell-off public lands to states or private entities. Such efforts would certainly lead to loss of access to public lands and likely result in mismanagement by states and local governments that too often lack the capacity to adequately preserve, protect and conserve our nation's natural resources and public lands heritage. However, in the case of the National Bison Range, MCV supports the Congressional restoration of the National Bison Range to the Tribes. The unique circumstances in this case, including the special geographic, historical and cultural significance of the Range to the Tribes, do not create a precedence for or provide valid grounds for arguments to transfer federal lands to states or private interests, in large part because the Range will be held in federal trust by the U.S. Department of the Interior.

In addition, restoration of the Range to the Tribes would reverse an historic wrong and redress a long-standing environmental injustice. This is because before the Range was established, tribal members established, managed and grew a free ranging bison herd on lands reserved for the Tribes under the Hellgate Treaty of 1855, a herd they were forced to sell as a direct result of the Flathead Allotment Act of 1904. Bison from the tribal members' herd were then purchased to form the bison herd for the National Bison Range. Moreover, the courts have ruled the establishment of the Range was an illegal taking from the Tribes, and though the Tribes received financial compensation, because they do not directly manage the herd, they have not been able to meaningfully re-establish their cultural ties to the

herd. Thus, Alternative B would restore the Tribes to their rightful, historic stewardship role and also help revitalize their tribal cultures.

MCV recognizes the Tribes' proven track record and capacity for sound resource management and supports the development of the CCP as a means of helping ensure the Tribes' success at managing the NBR. For this and other reasons, including promoting tribal self-governance and addressing the long-standing tribal environmental injustice, we support the restoration of the National Bison Range and restoration of direct tribal management.

We recommend that the scope of the CCP/EIS include consideration of the outstanding resource management capacity of the CSKT. MCV recognizes that the Tribes have distinguished themselves as excellent land and resource managers. The Tribes have been long-established qualifying participants in the Interior Department's Tribal Self-Governance Program and have effectively carried out numerous natural resource management contracts, programs, services, projects and activities under the Tribal Self-Governance Act of 1994. The Tribes have led various innovative resource management programs, including collaborative programs with state, federal agencies and private companies. For example, the Tribes have productively and cooperatively managed the fisheries and shorelines zones of Flathead Lake with the State of Montana and local governments while ensuring access to one of the state's most popular and high quality recreational sites. The Tribes have long been partners in and are now leading mitigation and habitat improvement efforts on the Flathead River related to the operation for the Seli'š Ksanka Qlispe' Dam (formerly the Kerr Dam). The Tribes have established a tribal wilderness area, developed a grizzly management plan, restored endangered bull trout habitat, reintroduced the trumpeter swan, created wildlife corridors, and managed invasive species. In addition, the Tribes have worked in partnership with the U.S. Fish & Wildlife Service (USFWS) to develop the existing management plan for the Range and, and have co-managed the Range with the USFWS. These are just some examples that illustrate that the Tribes have the expertise to manage the Range in a manner that will be consistent with the proposed Comprehensive Conservation Plan, in accordance to the original conservation purposes, and even greatly enhance the resources.

We also encourage consideration of the benefits of the Tribes' traditional ecological and cultural knowledge and their special historical, geographic, and cultural relationships with bison and the Range insofar as those deep connections can support the management of natural and cultural resources and the provision of unique public educational and interpretive services at the NBR. We encourage the USF&WS to consider in the development of the conservation plan and environmental review process the various ways that tribal management can enhance and enrich the visitor experience. MCV understands that, under Alternative B, the Tribes would maintain public access to the Range so visitors can not only learn about the history of the bison as well as the Tribes' history with the land and its non-human inhabitants over the millennia.

We also recommend that the USF&WS consider benefits (positive impacts) of Alternative B with respect to addressing historical environmental injustices associated with the taking of the land to establish the National Bison Range in 1908 against the wishes of tribal leaders, land located entirely within the Flathead Reservation and reserved for exclusive use of the Tribes under the 1855 Hellgate Treaty.

In sum, MCV has full confidence in the capacity of the Tribes to effectively manage the bison herd, to ensure sound conservation of the natural and cultural resources of the NBR, and to provide outstanding public visitation and educational opportunities therein, including opportunities for wildlife viewing and enjoyment of outstanding scenery. Moreover, Alternative B would be an important self-governance step

for the Tribes, for which they are fully prepared. The restoration of the Range to the Tribes would serve to correct for past environmental injustices, and would further enable the Tribes' to build on their proven track record of responsibly managing natural resources while maintaining pubic access for the benefit of all Americans.

MCV commends the USF&WS for initiating this unique and historic environmental review process and looks forward to the results.

Sincerely,

Clayton Elliott
Executive Director
Montana Conservation Voters

MCV is a statewide non-partisan membership organization that is dedicated to fighting for Montana's air, water, open spaces, wildlife, and public health. MCV provides voter participation services to over 72,000 Montanans.

February 16, 2017

Toni Griffin
Refuge Planner, NBR CCP
134 Union Boulevard
Lakewood, CO 80228

RE: Notice of Intent to Prepare a Comprehensive Conservation Plan for the National Bison Range in Moiese, Montana

Dear Ms. Griffin,

On behalf of the Natural Resources Defense Council and our Members and Online Activists, I write to express our support for the U.S. Fish & Wildlife Service moving forward with developing a Comprehensive Conservation Plan (CCP) for the National Bison Range in Moiese, Montana.

NRDC is a national conservation organization with over 2.4 million Members and Online Activists. NRDC and our Members and Activists have a strong interest in doing what is right both for Native American communities and for bison, our national mammal.

We fully support Alternative B, the preferred management option, as we fully support restoring the lands of the National Bison Range to federal trust ownership for the Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation. As stated in the Notice of Intent, "In addition to the management of the herd of bison, the CSKT will conserve the natural resources and provide for public visitation and educational opportunities on such lands. Resources would be managed to perpetuate and protect the natural environment and to preserve cultural and historic resources and values. The alternative returns to the tribe control of their traditional lands and cultural resources." We fully support this proposal.

Regarding the scope of issues to be considered in the draft CCP/EIS, in addition to the obvious issues to consider (e.g., environmental impacts, laws, rules, regulations, public access, etc.), we urge you to make clear why restoring the National Bison Range lands to federal trust ownership for the Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation is a unique situation and is not, and shall not be interpreted, as a precedent for any other transfer situation regarding federal lands.

As you are readily aware, the issue of privatizing public lands or transferring federal public lands to states – both of which NRDC vigorously opposes – is a controversial political issue these days. As such, it is imperative that you explain in detail why this transfer is unique, warranted, and separate from the issue of privatizing public lands or transferring federal lands to states.

NATURAL RESOURCES DEFENSE COUNCIL

317 E MENDENHALL STREET | SUITE D | BOZEMAN, MT | 59715 | T 406.556.9300 | F 406.404.1909 | NRDC.ORG

We look forward to engaging in this process as it moves forward.

Sincerely,

Matt Skoglund

RECEIVED 2/22/17

The Wildlife Conservation Society
The America's Program
212 South Wallace Avenue
Suite 101
Bozeman, Montana 59715

To: Toni Griffin, Refuge Planner
NBR CCP
134 Union Boulevard
Lakewood, CO 80228

February 16, 2017

Re: Notice of Intent To Prepare a Comprehensive Conservation Plan for the National Bison Range, Moiese, Montana [FWS-R6-R-2016-N221]

Thank you for the opportunity to submit comments on the Notice of Intent to Prepare a Comprehensive Conservation Plan for the National Bison Range (NBR). NBR and its management remain important to WCS given our historic connection to its development through the ABS. We believe that this special refuge and important bison herd should be protected as a national treasure for the people of the United States. WCS supports the proposal to plan the future administration of NBR lands and explore opportunities for Confederated Salish and Kootenai Tribe (CSKT) to assume greater management responsibilities for this refuge and the bison herd its boundaries. Our comments on proposed USFWS plans to complete a Comprehensive Conservation Plan (CCP) and environmental impact statement (EIS) and the scope for this assessment are outlined below

The Wildlife Conservation Society (WCS) is an international science-based organization committed to wildlife and wild places. The conservation and restoration of the American Bison is a priority for WCS and we have a long history associated with bison restoration. William Hornaday, WCS' first director, conducted the 1889 survey that revealed how alarmingly close bison were to extinction. He, Theodore Roosevelt, and others formed the American Bison Society (ABS) in 1905. The ABS launched a national campaign to create wild bison reserves, stock them with bison from WCS' Bronx Zoo and elsewhere, and educate the public about the bison's endangered status. Since 1905, the ABS helped reestablish several bison herds by securing individuals from captive and private herds, raising funds, and lobbying for reserve establishment. The ABS was a major champion for establishment of the NBR in 1908. In 2005, on the 100th anniversary of the ABS, WCS revitalized the ABS with the objective of working with partners to promote the ecological restoration of wood and plains bison across North America. Recently, WCS partnered with the National Bison Association and Intertribal Buffalo Council to successfully campaign for the recent law naming bison as the U.S. National Mammal.

The National Bison Range was established from lands wholly within the Flathead Indian Reservation, which had been reserved for the Salish and Kootenai people in the Hellgate Treaty of 1855. There are significant cultural sites located on NBR and it was historically used by the Salish and Kootenai people for 12,000 years. On May 23, 1908, Congress enacted legislation that used power of eminent domain to withdraw these tribal trust lands to establish NBR. The bison at the range are descendants of bison owned and preserved by CSKT members over a century ago. The CSKT clearly have unique cultural and

historical connections to the land and bison within the NBR. The proposed CCP and EIS must address how to strengthen this relationship between CSKT and NBR.

The CSKT has been nationally recognized as a leader in conservation of fish and wildlife and lands. Examples include the: (a) designation of the Mission Mountains Tribal Wilderness Area–the first tribal wilderness in the country–and a Grizzly Bear Conservation Zone to provide security for bears in a key area on a seasonal basis;, (b) designing and monitoring 43 wildlife crossing structures on busy U.S. Highway 93 through the Reservation, which has been very successful in minimizing vehicle collisions with wildlife and affording safe passage; (c) creating an award-winning 5-part educational series on bull trout and restoration of its aquatic habitat in the Jocko River on the Reservation; and (d) purchasing key lands on the Reservation for conservation of fish and wildlife habitat. CSKT has a staff of very capable fish and wildlife biologists and warden and demonstrated the capacity to manage natural resources. The CCP provides a unique opportunity to invite a tribal nation to become the principal manager of a National Refuge, which was established on Tribal lands to conserve their cultural icon – the bison.

WCS supports preservation of ancient cultural relationships between native people and the American Bison. WCS has been working to enhance these unique relationships between native people and bison through the America's programs. For example, WCS recently helped 20 Tribes and First Nations in the U.S. and Canada, including the CSKT, establish the Northern Buffalo Treaty that formed a traditional alliance among these Nations to support better land conservation, cultural preservation and economic development through bison restoration. We recognize that the bison or buffalo was THE key animal in the life and livelihood of native people of the Plains and Plateau of North America. Even today, the iconic bison holds immense cultural and spiritual significance for these tribes. The CCP/EIS must take these values into account to design an appropriate future management of the National Bison Range. Ultimate management of the NBR by CSKT is one way to assure cultural values become central to the management of NBR.

WCS supports a thorough evaluation of Alternative B for the Congressional transfer of lands comprising of the NBR unit to the CSKT of the Flathead Reservation, to be held in trust by the Secretary of the Interior for the benefit of the CSKT and American bison. The proposed CCP should acknowledge that the transfer of NBR into a trust arrangement for CSKT within the Department of the Interior would not constitute a precedent in the transfer of federal properties or facilities. The CCP should articulate how the DOI and CSKT will continue to the focus the use of the refuge lands for bison conservation to the benefit of all including CSKT.

We recommend that a quality and genetically reputable herd be maintained by CSKT at NBR. The CCP must consider how the genetic integrity of this herd will be maintained for the long term. The current USFWS genetic and health monitoring program should be continued, in part or whole, as part of the management plan for NBR. How this program is to be cooperatively administered and implemented by CSKT and DOI should be explained in the planning process.

Each of the proposed alternatives trigger significant economic considerations for maintaining an economically sustainable future for management of the NBR. We recommend a clear and concise business plan that illustrates the associated operational costs, revenue streams, and capital investments necessary to sustain long-term management of the NBR.

The CCP should also address how the parties will provide for public enjoyment, cultural exchange and conservation education. Various elements of management by the CSKT (such as continued public access,

conservation of the bison/other wildlife/natural resources, education and interpretation, law enforcement, etc.) must be clearly articulated in any enabling legislation, comprehensive management plans and cooperative agreements. Natural resources on the NBR should be managed to conserve and protect the natural environment and preserve cultural and historic values for all Americans.

Keith Aune
Bison Program Director
Wildlife Conservation Society

Cc:
Vernon Finley, Chairman Tribal Council
Brian Upton, Tribal Attorney
Confederated Salish and Kootenai Tribes
P.O. Box 278
Pablo, Montana 59855

Noreen Walsh, Regional Director
Department of Interior
Mountain-Prairie Region
134 Union Boulevard
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PEER
Public Employees for Environmental Responsibility
962 Wayne Avenue • Suite 610 • Silver Spring, MD 20910 • 202-265-PEER(7337) • fax: 202-265-4192
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Comments of Public Employees for Environmental Responsibility (PEER) on Notice of Intent to Prepare a Comprehensive Conservation Plan for the National Bison Range, Moiese Montana

February 17, 2017

Toni Griffin, Refuge Planner
NBR CCP
134 Union Blvd.
Lakewood, CO 80228

On January 18, 2017, the U.S. Fish and Wildlife Service, Department of Interior (FWS or the Service), issued a "Notice of Intent to Prepare a Comprehensive Conservation Plan for the National Bison Range, Moiese Montana." The Notice stated the FWS's intent to "gather information necessary to prepare a Comprehensive Conservation Plan (CCP) for the National Bison Range (NBR), a unit of the National Wildlife Refuge System," and that the Notice was issued "in compliance with Service Refuge Planning policy to advise other agencies and the public of our intentions, and to obtain suggestions and information on the scope of issues to be considered in the planning process." 82 Fed. Reg. 5597 (Jan. 18, 2017). The Notice invited such scoping comments to be submitted by February 17, 2017.

These comments are submitted in response to the Notice by Public Employees for Environmental Responsibility (PEER). PEER is a national non-profit organization made up of local, state, and federal resource professionals whose mission is to promote open, ethical and accountable governmental administration of environmental laws and regulations and management of public lands throughout the United States. PEER has been involved with issues concerning the National Bison Range since 2004, and has been a strong advocate of continued federal management of the NBR in accordance will all applicable federal laws and policies. In 2009, PEER prevailed in litigation challenging the Service's failure to comply with the National Environmental Policy Act (NEPA) regarding the last Annual Funding Agreement (AFA) with the Confederated Salish and Kootenai Tribes (CSKT). *Reed v. Salazar*, 744 F. Supp. 2d 98 (D.D.C. 2009). PEER is also a plaintiff in pending litigation challenging the failure of the Service to develop and complete a CCP for the NBR, which was required by law to have been completed by October 2012. 16 U.S.C. § 668dd(e)(1)(iv)(B). *Reneau, et al. v. U.S. Fish and Wildlife Service, et al.*, Case No: 16-cv-966 (D.D.C.). That case also challenges FWS's failure to prepare an EIS in accordance with NEPA for its proposal, announced in February 2016, for legislation to transfer the NBR out of the National Wildlife Refuge System (NWRS) and into a trust held by the United States for the benefit of the CSKT.

As detailed below, contrary to its claims, the NOI does not describe a process for issuance of a CCP which meets the requirements of law or Service Refuge Planning policy. FWS has skipped to the public scoping stage without numerous planning steps which should

precede it, and at the same time has jumped far beyond scoping to a "Preferred Management Option" before analyzing management alternatives in the light of public input and extensive data collection. Of even greater concern, in blatant violation of Refuge law, the selected "Preferred Management Option" would have the NBR cease being a National Wildlife Refuge or a unit of the NWRS at all. Instead, the land comprising the NBR would be transferred to the CSKT and would be under tribal control. 82 Fed. Reg. 5598. As the Notice recognizes, CCPs are legally required to "provide refuge managers with a 15-year strategy for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System . . . ." 82 Fed. Reg. 5598, citing 16 U.S.C. §§ 668dd-668ee. A CCP simply cannot be a plan for the abolition of a refuge.

The NOI appears to be an attempt to respond to the pending lawsuit by combining the disparate functions of 1) beginning the process for the legally overdue CCP and 2) beginning the legally required process for an EIS for FWS's proposal for legislation to transfer the NBR to the CSKT. Even assuming that merely announcing the beginning of these processes (rather than completing them) could resolve the claims in the lawsuit, the NOI fails on both fronts to meet legal requirements. This is because a CCP must be a plan for a refuge as part of the Refuge System; not a proposal to divest a refuge from the System. Therefore, the NOI does not meet legal requirements for the commencement of a CCP process. Moreover, the EIS for the CCP cannot address a proposal to transfer the NBR to the CSKT, since that is not a proper subject for a CCP. The FWS is required to prepare a NEPA document for a proper CCP, and a separate EIS for the legislative proposal to transfer the NBR out of the Refuge System.

1. **A CCP must address, and may only address, management of a National Wildlife Refuge as part of the National Wildlife Refuge System.**

As the NOI recognizes, the National Wildlife Refuge Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997, 16 U.S.C. §§ 668dd-668ee, provides clear and unmistakable direction for the purpose and content of CCPs. The law makes crystal clear that CCPs are documents for the management of refuges as part of the Refuge System by the FWS (acting for the Secretary of Interior). They cannot be a plan to divest a refuge from the System and turn over management to another entity. Only Congress can do that, and once a refuge is divested from the System, a CCP has no application.

The law provides that "each refuge shall be managed to fulfill the mission of the System, as well as the specific purposes for which that refuge was established." 16 U.S.C. § 668(a)(3)(A). Moreover, no area which is part of the System may be transferred out of the System except by Act of Congress. § 668(a)(6)(B) (with exceptions not relevant here). CCPs are to be "consistent with the provisions of this Act," § 668dd(e)(1)(iii), and therefore must address refuges as part of the System. Once a CCP is completed, the Secretary of Interior (as delegated to the FWS) "shall manage the refuge . . . in a manner consistent with the plan." § 668dd(e)(1)(iv)(E). These provisions clearly leave no room for a CCP directed at divesting a refuge of refuge status, removing it from the Refuge System, or allowing any entity other than the FWS to manage it. As the NOI itself states, "The purpose of a CCP is to provide refuge managers with a 15-year strategy for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System . . ." 82 Fed. Reg. 5598, citing 16 U.S.C. §§ 668dd-668ee.

The Service's Comprehensive Conservation Planning Process, 602 FW 3, confirms that CCPs are intended to plan for the management of refuges as part of the Refuge System, and describes purpose of CCPs as to:

> describe the desired future conditions of a refuge and provide long-range guidance and management direction to achieve refuge purposes; help fulfill the National Wildlife Refuge System (Refuge System) mission; maintain and, where appropriate, restore the ecological integrity of each refuge and the Refuge System; help achieve the goals of the National Wilderness Preservation System; and meet other mandates.

602 FW 3, Sec. 3.1. It also makes clear that a CCP is intended to direct FWS management of the refuge, stating: "Upon completion of a CCP, we will manage the refuge or planning unit in a manner consistent with the CCP." *Id.* at Sec. 3.2. The goals of comprehensive conservation planning are to:

> ensure that wildlife comes first in the National Wildlife Refuge System and that we manage each refuge to help fulfill the mission of the Refuge System, maintain and, where appropriate, restore the ecological integrity of each refuge and the Refuge System, as well as achieve the specific purposes for which the refuge was established.

Id. at Sec. 3.3.A. A CCP is also intended to allow the public to comment on prospective refuge uses, *id.* at Sec. 3.3.F, and to ensure public involvement in refuge management decisions. *Id.* at Sec. 3.3.H. As further detailed below, this would not be possible for a refuge transferred out of federal management.

In sum, the CCP proposed in the NOI does not meet legal requirements for CCPs as management documents for refuges managed by FWS as part of the Refuge System.

2. FWS will have no authority over the management of the NBR if it is transferred to the CSKT, and any management plans in a CCP would not govern Tribal management.

The NOI attempts to create the impression that the CCP would govern CSKT management of the Bison Range after transfer, stating that "regardless of which management option is selected, the final CCP/EIS will outline resource management activities and visitor recreation activities." 82 Fed. Reg. 5598. This is not the case. If the Bison Range is transferred to the CSKT, FWS will no longer have any management authority over it, and it will not be subject to laws and policies governing refuges or to CCPs. The CCP, which is a planning document for a refuge as part of the Refuge System, would be a dead letter. In fact, the entire planning exercise, at whatever stage it had reached when the refuge was transferred, would be a complete waste of resources, because it would no longer govern the transferred land, and the CSKT would have absolutely no obligation to implement any part of it. Managing the land as part of the Refuge System would of course be an impossibility. Any expression of intent on the part of the CSKT to manage the land for purposes similar to those of a refuge would be completely unenforceable.

This reality further illustrates that the exercise of preparing a CCP which advocates transfer out of the Refuge System is a meaningless pretense of compliance with refuge law. If

the Service's preferred alternative were realized, the whole CCP process would become an irrelevant, useless exercise.

The fact that the lands comprising the NBR would be held in trust for the benefit of the CSKT by the Secretary of Interior would not in any way make the lands subject to refuge law or policies, or require the CSKT to manage those lands for wildlife conservation purposes or in accordance with a CCP prepared for management as a National Wildlife Refuge. The land comprising the Bison Range would become a part of the Flathead Indian Reservation and would not be subject to any more constraints as a result of its trust status than any other land on the Reservation. Despite what FWS suggests in the NOI, there is no way that a CCP could govern management of what is now the Bison Range if it is conveyed to the CSKT. As the NOI recognizes, the land would be returned to "trib[al] control." 82 Fed. Reg. 5598.

3. **The NOI does not comply with Service policy for the CCP process.**

The FWS Manual for the Comprehensive Conservation Planning Process, 602 FW 3, lays out a comprehensive process for the development of CCPs and accompanying NEPA documents. It has eight major steps which begin with gathering data and proceed to scoping, engaging the public, analyzing issues and alternatives, selecting a proposed action, and concluding with implementation of the plan and follow-up review and revision. *See* 602 FW 3, Exhibit 1. The steps are: Pre-Planning (602 FW 3.4 C (1)); Initiate Public Involvement and Scoping (602 FW 3.4 C (2)); Review Vision Statement and Goals and Determine Significant Issues (602 FW 3.4 C (3)); Develop and Analyze Alternatives, Including the Proposed Action (602 FW 3.4 C (4)); Prepare Draft Plan and NEPA Documents (602 FW 3.4 C (5)); Prepare and Adopt Final Plan (602 FW 3.4 C (6)); Implement Plan, Monitor and Evaluate (602 FW 3.4 C (7)); and Review and Revise Plan (602 FW 3.4 C (8)). There is no indication that FWS has implemented any of the steps that should precede the scoping initiated by the NOI, or has implemented the later steps of analyzing public input and alternatives before the selection of a proposed action, to which the NOI leapfrogs. Moreover, if the "Preferred Management Option" of transfer to the CSKT is implemented, there will be no opportunity for the FWS to implement the plan or review and revise it. Every indication is that the proposed CCP process is a sham intended as a holding action awaiting hoped-for congressional action to transfer the Bison Range to the CSKT, after which FWS would play no role in its management and have no need for a CCP.

Even before an NOI inviting public participation, the following pre-planning steps are to occur: planning team is to be assembled; refuge purposes and history established; planning and compliance requirements identified; the purpose and need for the plan established; the planning area is put into the context of its ecosystem(s), watersheds, and other refuges or important fish and wildlife habitats in the vicinity; data needs are identified; all available information is reviewed; vision and goals are reviewed; internal scoping takes place; a public involvement/outreach plan is prepared; a work plan is prepared; and a planning record is established. 602 FW 3, Sec. 3.4.C(1). There is no indication that any of this has occurred.

Only after considering all comments from public scoping, identifying additional data needs and any changes needed to the vision and goals, and identification and analysis of significant issues, *id.* at 3.4.C(2) and (3), should the FWS identify and analyze alternatives and

recommend a proposed action. *Id.* at 3.4.C(4). Of course it only makes sense that all data and public input should be analyzed before alternatives are formulated and a proposed action chosen. Here, instead, the pre-determined outcome of transfer to the CSKT was selected without any public input, consideration of data and information, or analysis.

The issuance of the NOI and pre-selection of a preferred alternative without observance of refuge planning processes is further evidence that no legally-compliant CCP is actually being planned.

4. **The Service must prepare an EIS for the legislative proposal to transfer the Bison Range to the CSKT separate from the CCP process.**

FWS attempts the sleight of hand of purporting to comply with NEPA's requirement for an EIS on legislative proposals, 42 U.S.C. § 4332(C), by announcing its intention to prepare an EIS for a CCP which includes transfer of the Bison Range by congressional action as its preferred alternative. This attempt does not pass legal muster because, as shown above, a CCP by its nature is a management plan for a refuge as part of the Refuge System and cannot be a vehicle to give away a refuge and remove it from the System. Thus, FWS must prepare an EIS for its proposal for legislation, confirmed by the NOI, to transfer the Bison Range to the CSKT, separate and apart from NEPA documentation for a CCP for the Bison Range. The attempt to meld the legislative proposal and the CCP violates refuge law and fails to comply with NEPA.

5. **The Service should withdraw the NOI and commence a legitimate CCP process led by sufficient knowledgeable staff.**

The current NOI should be withdrawn and the Service should commence a legitimate CCP process in accordance with Service policies. The Service has begun and abandoned a CCP/NEPA process for the Bison Range multiple times over the last 20 years since the mid-1990's. In order to make a credible case that the process will actually be carried to conclusion this time, the Service must commit to a reasonable timetable setting out the major steps in the planning process, and commit to obtain the staffing and other resources necessary to complete a robust CCP and EIS meeting Service requirements and policies.

Since the NBR staff has been depleted in recent years, it is doubtful that current staff with actual knowledge of conditions at the NBR who should produce a CCP can complete this task without additional staffing. Per Refuge Planning policy, the planning team should include the Refuge manager and key staff members, as well as experts from regional and field offices. 602 FW 3, Sec. 3.4.C(1)(a). This team should engage in pre-planning, gathering of information and data, scoping, consideration of public input, analyzing alternative management options for the NBR as a unit of the NWRS, and all of the other components of the Service's comprehensive planning policy.

Given the CSKT's conflict of interest, the Tribe should never be contracted to perform any tasks for the CCP, which it has taken the position should not even exist, since the refuge should instead be given to the Tribe, free of charge, including the Refuge land, the bison herd,

and all of the structures and equipment on the Refuge. Thus, the CSKT has a major financial interest in not having a CCP for management of the Bison Range as a unit of the NWRS.

In conclusion, the current NOI should be withdrawn, and the Service should commence a legitimate CCP process for the Bison Range as a unit of the NWRS in accordance with legal requirements and Service policies. It should also prepare a separate EIS for its legislative proposal to transfer the Bison Range to the CSKT.

Sincerely,

Paula Dinerstein

Paula Dinerstein
Senior Counsel

February 13, 2017

U.S. Fish and Wildlife Service
Ms. Toni Griffin, Refuge Planner
National Bison Range CCP
134 Union Boulevard
Lakewood, CO 80228

Ms. Griffin,

The following comments pertain to the scope of CCP/EIS for the National Bison Range, Moiese, Montana as outlined in the Notice of Intent (NOI).

I applaud the U.S. Fish and Wildlife Service (Service) for its intent to prepare a draft Comprehensive Conservation Plan (CCP) and environmental impact statement (EIS) for the National Bison Range and believe this is vital to developing plans for this land and associated resources.

However, this NOI appears to deviate from the Service's CCP planning process as outlined in 602 FW 3. The NOI is part of 3.4 C (2) of the CCP planning process. Unfortunately this NOI does not provide the public with the vision for the National Bison Range or encourage them to help identify potential issues, management actions and concerns, significant problems or impacts, and opportunities or alternatives to resolve.

Yet the NOI jumps to step 3.4 C (4), Develop and Analyze Alternatives, before the tribes and public have had the opportunity to provides information through a public process on the scope of the issues to be considered in the planning process. Furthermore the NOI identifies the Preferred Management Option giving the appearance that the Service has already determined its course of action. This undermines the intent of the CCP process to include public's input into the planning process.

Given the issues with this NOI, I urge the Service to revise it to include the vision for the refuge and potential issues, management concerns, problems, and opportunities and eliminated identifying the Service's Preferred Management Option. These revisions will send the message that everyone's comments are welcome and that the needs of the refuge are a priority.

Please feel free to contact me if you have any questions regarding these comments.

Regards,

Joan Patterson
13303 Robling Court
Manassas, VA 20112
joan@thepattersonfamily.us

To whom it may concern,

I, Orion Hutchin am opposed to the transfer of the National Bison Range to the Tribes in the Flathead Indian Reservation. Simply put I do not think it is fair to all other Montana's and American citizens to transfer the land to the Tribes. The Bison Range was established by Congress to protect wildlife, not for the tribes to attempt to make money on. I think we should keep the Bison Range under FWP management. The tribes only want the Bison Range back for the money. Tax payers shell out a lot of money for the Bison Range. If we are expected to continue to pay for the Bison Range than we need to have the say that it will be managed for all Americans, not just the tribes. The agreement still requires tax payers to put up the money, while the tribes get all the benefit. That is not how it should work. If the Bison Range transfer goes through than the Tribe can pay for all the costs without tax payer help. No need for the rest of Americans to cover the costs. I recently visited the Bison Range. I think the Bison Range is a wonderful experience for all people. I definitely think we could make it bigger and better, but I do not think that will happen if the tribes gain control. Simply put do not make a change that is unnecessary. The Bison Range is in good shape with no reason to risk losing that by transferring the Bison Range to the tribes. Let us be fair to all and keep the Bison Range under a neutral party's control that will work for all people. I say again, I am firmly against the transfer of the Nation Bison Range to the tribes.

Thank you for your consideration,

Orion Hutchin

Toni Griffin, Refuge Planner (NBR CCP)
134 Union Boulevard
Lakewood, CO 80228

Thank you for the opportunity to comment on the proposed Congressional transfer of public lands of the National Bison Range NWR to the Confederated Salish Kootenai Tribes (CSKT). Although I wish the CSKT the very best, I think it is unconscionable that the U.S. Fish and Wildlife Service or any member of Congress would propose giving away any of our public lands, especially a treasured unit of the National Wildlife Refuge System that has been in existence for over 100 years.

As an avid outdoorsman and nature lover I have used, respected, and cherished our public lands (including the National Bison Range) for over 50 years. As our population continues to grow, all of our National Wildlife Refuges, National Parks, National Forests, and BLM managed lands will become even more important to those of us who treasure wild and natural places. I know that if the National Bison Range remains a unit of the National Wildlife Refuge System, the wildlife and habitats will be well cared for and will continue to provide recreational and educational opportunities for future generations of Americans. Therefore I strongly support Alternative A (Current Management). Please don't give away our land.

Thank you,

Ted Heuer
Homer, Alaska

Dayton, 1-22-17

Attention
Toni Griffin
Bisonrange transfer, Montana

I want to make my opinion noted:
I am <u>against</u> the transfer of the <u>national</u> Bisonrange to the Tribes.
Several year ago, the Tribes were put in partial charge of the Bison-range, it ended in disaster, as the Tribes were not able to take adequate care of all the animals, including the very important roundup of the Bisonherd in the fall.

We enjoy taking our visitors on a tour of the national Bisonrange.
Do <u>not</u> change what is <u>not</u> broken!

Sincerely
Magdalena Catalfomo
24502 old Highway 93
Dayton, MT 59914

P.S. The Bison on the Range did <u>not</u> come from the Indians.

FEDERAL REGISTER COMMENTS FOR THE NOTICE OF INTENT TO PREPARE A COMPREHENSIVE CONSERVTION PLAN FO THE NATIONAL BISON RANGE, MOIESE, MONTANA

February 13, 2017

U.S. Fish and Wildlife Service

Toni Griffin, Refuge Planner
NBR, CCP
134 Union Blvd
Lakewood, CO 80228

These comments are submitted in response to the Notice Of Intent (NOI) to prepare a Comprehensive Conservation Plan (CCP) for the National Bison Range (NBR), Moiese, Montana, published January 18, 2017 in the Federal Register. Since serving as the Project Leader of the National Bison Range Complex (NBRC) from 1995 to 2004, and remaining deeply involved in its preservation since that time, it is my wish that the NBR continue to look like a part of the National Wildlife Refuge System (NWRS), act like a part of the NWRS and be a part of the NWRS. In that spirit I am in total agreement with the comments submitted by the Blue Goose Alliance.

It is obvious to anyone who has worked for the U.S. Fish and Wildlife Service (FWS) NWRS that this NOI is actually a Notice of *pre*-Decision. During my tenure at the NBRC staffing levels were approximately 20 permanent positions, all but one of which was stationed at the headquarters at the NBR. This is almost, but not quite, on par with similar refuge complexes elsewhere in region 6. Since that time the Regional Director and Regional Refuge Chief have apparently cut the staffing by well over 60% in an effort to preserve funding to shift elsewhere in preparation for divestiture. Further, this Notice of pre-Decision is obvious, or else the FWS would prepare a CCP for all the units in the NBRC as was initiated in the mid-1990's. This initial CCP planning effort was halted due to political meddling by the Confederated Salish and Kootenai Tribes (CSKT). Given that all of NWR units in the NBRC are past the legal deadline, CCPs should be prepared now for all units in the Complex.

The authors of the NOI seem to have forgotten they should not bias the document towards a particular outcome. Otherwise why would they have omitted that the NBR mandated purposes include the refuge as a "breeding ground for birds", or fail to mention that the American people also have a cultural, historical and geographic connection to the land and resources of the NBR? After all, the American people purchased the land, the bison and all the improvements. Why not mention the tribal government accepted payment for the land that now encompasses the NBR? The NBR is one of the most visited National Wildlife Refuges in America. Why is it that proponents of the preferred alternative always mention that most of the founding NBR bison herd had resided on the reservation but never mention they were privately owned and were sold to a non-tribal

member, and shipped off the reservation only to be purchased by American citizens and returned to what became the **National** Bison Range? And why not mention that the only truly tribal bison herd was sold at auction by the tribal government in the 1980's? Where was the tribal cultural, historical and geographic connection during this sale? I am not faulting the tribal government. They made and make decisions in the best interest of the CSKT. I am faulting the FWS for not citing or considering the facts in the best interest of the tribal members, American people, the NWRS or the NBR.

The NOI states that the CCP and Environmental Impact Statement (EIS) "will describe management of the NBR over the next 15 years". With the preferred alternative of divestiture, this borders on stupidity since the NBR would no longer be the NBR and the FWS would have no authority to "manage" anything related to the NBR. If the FWS leadership were to do their homework, they would learn the CSKT have often referred to the NBR as the "Flathead Bison Range". Should the Notice of *pre*-Decision stand, the NBR will cease to exist.

None of the alternatives will provide a NBR that fulfills it purposes and potential. Under alternative A, Region 6 will likely continue to starve the whole NBRC as it has in the past. With a divestiture cloud [or even Annual Funding Agreement (AFA)] over the NBR, it will continue to be difficult if not impossible to attract dedicated and competent staff from within the NWRS to accomplish its mission and provide the compatible uses as in the past. The FWS has already fulfilled its responsibility at multiple times for negotiating in good faith for an AFA. In over two decades of attempts, the CSKT have prominently demonstrated that have no intention of accepting a reasonable AFA that would preserve the integrity of the NBR as a unit of the NWRS. Under alternative B, the NBR will cease to exist. Under alternative C, the NBR will, as with past poorly conceived AFA's, continue to languish with inadequate funding, poorly trained non-FWS staff, constant conflict, inadequate facility maintenance, inadequated wildlife management, inadequate invasive species management, and substandard biological monitoring. All of the flourishing AFA's within the Department of Interior (DOI) are those that are value-added, not hostile takeovers, unlike what FWS negotiators were told by CSKT negotiators in 1995 and which are still planned today – 'we are going to take the NBR and you are going to pay forever'.

As the Blue Goose Alliance notes, region 6 needs to urgently provide adequate qualified staff to develop the CCP. This staff needs to be intimately familiar with the NWRS and knowledgeable concerning its planning process. If the CCP process is to move forward in a timely manner, FWS should reassign such qualified staff from within the NWRS or rehire qualified staff who have decades of career experience at the NBRC. FWS should NOT hire outside contractors or cooperators to accomplish any significant portion of the planning process, whether they be neutral, or parties with a vested interest in the final alternative details.

In selecting a future preferred alternative, the FWS should take into account the opinion of citizens who have voiced their concerns and preferences in the past, in addition to those directly responding to this and future request for **public** comment. The first such

input was a petition by private citizens provided to Secretary Babbitt in 1995 with approximately 3,000 signatures demanding the NBR to continue to be a **National** Wildlife Refuge managed by the U.S. Fish and Wildlife Service.
As has been noted on numerous occasions, the NBR is being watched by many as the precedent-setting case. Should the NBR be divested because of politics, and contrary to provisions of the National Wildlife System Administration Act, then state wildlife agencies, Alaskan native corporations, other tribes, and other special interest groups should be afforded the same considerations.

Many citizens of western Montana have been harassed, intimidated and even threatened regarding their opinions related to the future of the NBR and the NBRC. FWS has facilitated this in the past by releasing commentor's personal information. FWS should not provide personal information regarding **any** citizen willing to provide their suggestions and/or opinions in this matter.

I appreciate the opportunity comment on this NOI. I am hopeful a revised or new NOI will be forthcoming.

Sincerely,

David Wiseman

David Wiseman
USFWS FWS
Refuge Manager NBRC, Retired

Griffin, Toni <toni_griffin@fws.gov>

(no subject)

1 message

Mtmountaintop@aol.com <Mtmountaintop@aol.com> Sun, Feb 19, 2017 at 8:12 PM
To: toni_griffin@fws.gov

Toni, I am a lifelong resident of Montana and over the course of that lifetime have made numerous trips to the NBR since my youth, enjoying each one. I feel that I appreciated the most recent trip more than any of the former ones, perhaps due to my attained age, or perhaps due to the realizing the value which this range adds to each humans life that views the animals there. I would hope that you and all others that have the opportunity to go there will find some of the enjoyment that the National Bison Range with its current signage and viewing possibilities is a remarkable treat for every citizen. Please attempt to keep this range under current management and control. Thank you for your attention.

Thomas Tripp
Butte,MT

Griffin, Toni <toni_griffin@fws.gov>

National Bison Range/Confederated Salish-Kootenai Tribe

1 message

Heidi Roedel <roedel@centurylink.net> Tue, Feb 21, 2017 at 4:23 PM
To: toni_griffin@fws.gov

Heidi Roedel
1376 Shelter Ridge
Kalispell, MT 59901

Toni Griffin,

Over the years my family has enjoyed the National Bison Range. It is a great family activity that is open to all visitors. I would like the ownership to remain as it is so that all people can enjoy its wealth of nature.

Thank you FWS for a fine job managing the Bison Range. We chose this park as a place to celebrate our son's adoption day.

I have been traveling and this is the earliest I have been able to sit down and write.

Heidi Roedel

Heidi Roedel

Home: 406-756-0801
Cell: 406-270-5606

PO Box 9726
Kalispell, MT 59904

roedel@centurylink.net

Griffin, Toni <toni_griffin@fws.gov>

national bison range

1 message

Gil Mangels <museum@cyberport.net> Tue, Feb 21, 2017 at 7:37 PM
To: toni_griffin@fws.gov

Dear Toni,

Both my wife and I, age 70 and 74 respectively have grown up within 28 miles of the National Bison Range and have been proud to recommend it along with Glacier National Park as sites to see in Northwestern Montana. I emphasize that it is NATIONAL and not tribal. Other entities that are tribal is their college, Peoples Center museum and culture center, hotels and convention centers, casinos, pow wow grounds, etc.

FWS has done a respectable job making the bison range enjoyable for visitors who comment favorably to the fact that it has extended hours. I visit with several thousand visitors annually so I am privy to a lot of different ideas and comments. If it ain't broke, leave it alone. The issue has become a political and sovereignty issue w/ politicians siding with the tribe to buy their votes. Anyone opposing this is called a racist which is a much over used word to neutralize and divide. It is a proven fact in their college that non-local tribal members as well as other nationalities have been subject to hate speech and bullying. Each week help wanted ads state "tribal preference" This would be so if they took over the bison range as well.

Just a couple of miles south of the entrance to the bison range, are the ugly remnants of a tribally owned and managed post and pole yard which failed. On U.S. Hwy.93 They now have control of three visa points or viewing areas with much shorter hours, and much harder access than before when Montana Dept. of Travel controlled them. When the tribe had control of a hot springs, the local race track and a marina, they all failed.

I have many tribal friends and many have private successful businesses and have a great work ethic. Some of them are afraid to voice opposition to the tribal council for fear of retribution against their grandchildren, but want the bison range to stay as it is. There are very few full bloods left on this small reservation. If they want to raise buffalo on their own property, they have every right to. Let them be satisfied with their own herd and don't jeopardize a NATIONAL treasure to be politically correct.

I do not have a private email, therefore I must use this one. Thank you, Gil Mangels, 406-270-7895

Miracle of America Museum
miracleofamericamuseum.org <http://www.miracleofamericamuseum.org>
36094 Memory Lane
Polson, Montana 59860
(406) 883-6804

Griffin, Toni <toni_griffin@fws.gov>

MORE ON National bison range

1 message

Clarice Ryan <clariceinmt@gmail.com> Tue, Feb 21, 2017 at 9:14 PM
To: museum@cyberport.net, ElaineWillman <Toppin@aol.com>
Cc: toni_griffin@fws.gov, Bob Starks <robertleestar@yahoo.com>, greghertz11@gmail.com

Thank-you, Gil, for your analysis and historic perspective. If you don't mind I will pass this on to Elaine Willman who will appreciate your added comments. It is reassuring that there are many who agree on this issue.

Prior to pioneer days before the settlers moved into this region the buffalo and Indians co-existed, but this does not mean that Indian descendants now automatically understand or are quipped to preserve and manage them. At that time bison herds simply survived on their own, but were hunted almost to extinction. We are fortunate that provisions have now been made, largely at tax-payer expense, where bison can be protected and where all Americans can enjoy them and their history. As you indicated, this is of National interest. Should not be limited to a small local tribe. Meanwhile, native populations need to better prepare themselves to take on such responsibilities and philosophies in our current world, or even to become self-sufficient citizens. Generations of federal welfare and total provision has been demeaning and a detriment rather than a help for them as a society. Clarice Ryan

-----Original Message-----
From: Gil Mangels [mailto:museum@cyberport.net]
Sent: Tuesday, February 21, 2017 7:41 PM
To: Clarice Ryan; Bob Starks; Greg Hertz
Subject: Fwd: national bison range

FYI

-------- Forwarded Message --------
Subject: national bison range
Date: Tue, 21 Feb 2017 19:37:11 -0700
From: Gil Mangels <museum@cyberport.net>
To: toni_griffin@fws.gov

Dear Toni,

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Just a couple of miles south of the entrance to the bison range, are the ugly remnants of a tribally owned and managed post and pole yard which failed. On U.S. Hwy.93 They now have control of three visa points or viewing areas with much shorter hours, and much harder access than

Griffin, Toni <toni_griffin@fws.gov>

National Bison Range

1 message

LaVonne Olmsted <rlolmsted@gmail.com> Tue, Feb 21, 2017 at 9:53 PM
To: toni_griffin@fws.gov

This is in opposition to transferring the National Bison Range to the tribe. The US tax payer paid for it twice. The first time many years ago and then again when someone decided we didn't pay enough the first time. The transfer was tried twice and failed. Hind sight showed Indians were really good at working the bison and helping in the roundups. They failed at the management level. Last June we went to visit with out of state family and the whole visitor center was boarded up with no one to even take fees or check permits to go through. There isn't much in the line of business the tribes have handled well. They had a nice post and pole yard in Dixon that went under. They would steal their own tools and would go off to lunch with pentachiorophenol pour onto the ground. The people that worked there no longer have a job and the place is a superfund sight. Other successful tribal business made because of uncontested bids. Management is not what they do well. Our parks, monuments belong to all of us and it should be up to our government to make sure they are protected and run correctly.

LaVonne Olmsted
35428 St. Ignatius Airport Road
St. Ignatius MT 59865-9672
406-745-3423

Griffin, Toni <toni_griffin@fws.gov>

Preservation of Nat'l Bison Range

1 message

Roger Almskaar <almskaarr@comcast.net> Wed, Feb 22, 2017 at 12:14 AM
To: toni_griffin@fws.gov

To whom it may concern:

As a citizen who has visited the range several times, since 1951, and enjoyed its primeval beauty and wildlife, I am opposed to turning it over to any special interest group, including any tribes.

It's a national treasure, and it must remain in PUBLIC control, meaning the USA or the State of Montana.

Pease advise me of your decision. Thanks,

Roger Almskaar, Bellingham WA, 360 671 1324

Griffin, Toni <toni_griffin@fws.gov>

National Bison Range- Alternative A- Continue operations as current

1 message

Wendy Davis <daviswendyl@aol.com> Wed, Feb 22, 2017 at 8:03 AM
To: toni_griffin@fws.gov

The National Bison Range is an American Treasure, our United States National Park for ALL citizens. Please continue the current operations under the USFW with experienced and long term management of this historic Park. Allowing or turning over management to the CSKT tribe (which has already proven to fail in such instance), does not allow for accountability to our US Citizens, does not have to account for financial monies received by OUR Federal Government and has already had the opportunity **twice and failed**. Why would we do so again?

Our government (not tribal government) must remain in control for the preservation and operation of such national monument. The care and management constitutionally provided by our USFW, which would not happen under the tribal management system. Please continue operations as they currently stand. I live very near to this park, been through and by numerous times. The operations currently maintain a great park with roadways, access and availability to visit consistently. The animals on the range are well cared for and looked after. This was not the case when past tribal management was in charge of the operations.

Wendy Davis
49869 Moiese Valley Road
Ronan, MT 59864
509-949-8057
daviswendyl@aol.com

Griffin, Toni <toni_griffin@fws.gov>

Comment on National Bison Range

1 message

Elaine McPherson <mcpherson@blackfoot.net> Wed, Feb 22, 2017 at 12:24 PM
Reply-To: Elaine McPherson <mcpherson@blackfoot.net>
To: toni_griffin@fws.gov

Thank you for allowing comments to be made, and also taking the time to read them, on this very important issue.

We are not in agreement with the Dept. of Interior turning the National Bison Range over to the control of the CSKT Tribe.

It has been proven that the USFW has done an excellent job of managing the National Bison Range over many, many years. The Bison and all Wildlife were well taken care of. All animals that needed cared for (fed) were faithfully done, no matter if it was a Holiday or a weekend. Pastures were rotated for maximum growth and forage. The National Bison Range has always been supported by all American taxpayers.

Please do not give the National Bison Range to a Sovereign Nation to manage and control. Our government must remain in control of this beautiful Bison/Wildlife Park for all it's American Citizens-- Non-Tribal and Tribal.

We choose Alternative A on the proposed Comprehensive Plan Proposal.

Kurt McPherson
Elaine McPherson
St. Ignatius, Montana

Griffin, Toni <toni_griffin@fws.gov>

bison range transfer to CSKT

1 message

jon <jbushmc600@hotmail.com> Thu, Feb 23, 2017 at 11:49 AM
To: "toni_griffin@fws.gov" <toni_griffin@fws.gov>

i strongly support alternative A for the reasons listed.

this particular tribe has taken over Kerr Dam and shoehorned a horrid water compact down everyones throat.

CSKT has no business managing the bison range . It should remain a FEDERALly controlled range !

thank you, jon bush pob 7003 kalispell,mt 59904

Griffin, Toni <toni_griffin@fws.gov>

National bison range

1 message

Tom Courtney <tcourt7@me.com> Sun, Feb 26, 2017 at 2:26 PM
To: toni_griffin@fws.gov

I am not in agreement with the Dept. of Interior proposal to convert the current FWS system of management and control to that of the small local CSKT tribe. This might eventually lead to similar transfers of additional public treasures to other 567 "First Nations" throughout our country. Our Government must remain in control and held accountable for the care and preservation of the nation's spaces such as our monuments, parks and preserves and wildlife as constitutionally provided through public interests and investments.

I recommend Alternative A in the proposed Comprehensive Plan (CPP) for the reasons shown:
Alternative C: NO Management of the Bison Range by CSKT has been attempted twice and failed both times.
Alternative B: NO A return gift of the rangeland in addition to tribal management with no federal or state oversight permitted only compounds reasons for **NOT** relinquishing to tribal control.
Alternative A: YES Continued operation, protection and financing of the National Bison Range is recommended under current USFW Service with its proven experienced, conscientious management, accountable to all American citizens, native and non-native alike.

Tom Courtney
Susan Courtney
Whitefish, MT

Griffin, Toni <toni_griffin@fws.gov>

National Bison Range

1 message

dwight <dwjacr@centurylink.net> Tue, Feb 28, 2017 at 4:28 PM
To: toni_griffin@fws.gov

Hi, a few comments on the NBR issue. I support management with fws for the bison range. They've done a good job over the years. If it happens to go back to the tribe they should pay for everything. We've given them enough free things for way to many years.

Dwight

Griffin, Toni <toni_griffin@fws.gov>

The National Bison Range

1 message

wezgliatto@nctv.com <wezgliatto@nctv.com> Mon, Feb 20, 2017 at 1:16 AM
To: toni_griffin@fws.gov

Ms. Griffin,

Our National Resources should belong to all Americans not a special interest group. Please vote no on turning over our treasure to a small special interest group..after all we are all Americans.

Sincerely,

Louise Gliatto

1003 Limestone Circle

Yreka, CA 96097

Griffin, Toni <toni_griffin@fws.gov>

Bison/land/water all for the tribes

1 message

rope@3rivers.net <rope@3rivers.net> Mon, Feb 20, 2017 at 5:48 PM
To: "toni_griffin@fws.gov" <toni_griffin@fws.gov>

I would like to voice my opposition to the bison/land/and or water given away to the CSKT . Seems every session in the Montana legislature the indians ask for more money, free college, rights to lands water , now bison. When does this end? Can't the resources in Montana be for all Montanans? Enough is enough. If they want to be autonomous then why do they keep asking for things from the rest of the tax paying public? This is not just at all.

Thank you for reading my comments.

Mrs. Garnett Rope

Vaughn Montana

Sent from Mail for Windows 10

Griffin, Toni <toni_griffin@fws.gov>

National Bison Range Comments

1 message

DW Cranford <bcranford4588@att.net> Mon, Feb 20, 2017 at 11:17 PM
To: toni_griffin@fws.gov

To: Toni Griffin Via Email: toni_griffin@fws.gov Fish & Wildlife Service

From: D.W. "Butch" Cranford II February 20, 2017

Subject: Re: Notice to Prepare a Comprehensive Conservation Plan for the National Bison Range, Moiese, Montana

[FWS-R6-R-2016-N221] [FXRS126106000000-178-FF06R00000]

Ms. Griffin, sorry for the tardiness of these comments but I only became aware recently. Hopefully, these comments will be considered.

General Comments: Ms. Griffin, this is simply not a good idea. While I do not live in Montana I find it somewhat surprising that a change is needed in the management of the National Bison Range. If it is not broken do not try to fix it is an axiom I have found useful in my life.

I would be interested to know what, if any, deficiencies currently exist that the proposed transfer of the current management by the Fish & Wildlife Service to the Confederated Salish-Kootenai Tribe would alleviate. I am not aware of any deficiencies with the current management by Fish & Wildlife Services and if none would be alleviated the proposed transfer seems unnecessary.

And further I would also be interested in what benefits will accrue to the public if the National Bison Range is transferred to the a tribal government. I see nothing of a beneficial nature in this proposed for the public and therefore I would recommend that the proposal be shelved until such time as the benefits of the proposed transfer to the public could be more specifically provided to the public.

Additionally, it appears that in the recent history of management of the National Bison Range a tribal government was in fact involved and it is my understanding that that transfer of the management to a tribal government was in a word a disaster.

The American public are the owners of the National Bison Range and taxpayers fund the Range. National with its root of Nation means to me the government of the United States of America and not a tribal government. All U.S. Citizens comprise the Nation and just not those who may be currently enrolled as members of any particular tribe. What guarantees are there that the National Bison Range will under the proposed transfer be managed for primarily for the benefit of the United States and not for the primary benefit of the tribe.

If there are issues with the tribe related to use of the National Bison Range then I would recommend that management remain with the Fish and Wildlife Service and some agreement for use by the tribe be negotiated with the tribe and such use be subject to the approval of the Fish & Wildlife Service and revocable by the Fish & Wildlife Service should conditions for use be violated.

I have enclosed the letter you received from Ms. Elaine Willman below and I heartily agree with her extensive comments as well.

Respectfully Submitted,

Griffin, Toni <toni_griffin@fws.gov>

Transfer of Bison Range

1 message

CenturyLink Customer <hipshot@q.com> Sun, Feb 19, 2017 at 4:25 PM
To: toni_griffin@fws.gov

Absolutley NO. This should remain as it is now and not be transferred to the Kootenai-Salish tribe. Thank you. Rosemarie Neuman, Stevensville,Montana

Griffin, Toni <toni_griffin@fws.gov>

National Bison Range

1 message

brad milkner <bmilkner@hotmail.com> Sat, Feb 18, 2017 at 5:39 PM
To: "toni_griffin@fws.gov" <toni_griffin@fws.gov>

Please do not "gift" the National Bison Range to the Confederated Tribes. The spoiled child attitude of the CKST will not be sated by continued give a ways nor will it lead to self reliance.

Brad Molnar

Griffin, Toni <toni_griffin@fws.gov>

National Bison Range

1 message

Fredh <fredh@bresnan.net> Sat, Feb 18, 2017 at 6:15 PM
To: toni_griffin@fws.gov

Please do not turn over to the CSKT Indian tribe. Fred Hammel, 505 7th ave w, Kalispell, Mt. 59901

Griffin, Toni <toni_griffin@fws.gov>

comments on National Bison Range

1 message

Robert Pierson <bcpierson@blackfoot.net> Sat, Feb 18, 2017 at 6:22 PM
To: toni_griffin@fws.gov

I believe that turning over control of the National Bison Range, something that I, as a Montana resident, tour at least once a year, would be grave mistake. The Tribes are answerable to no one. They are not responsible to the citizens of the U.S., nor the State off Montana. If they decided to close down the Bison Range, there is not one thing that the public could do to reverse it, because they are not open to being sued, as a foreign power. This would be intolerable. Please consider NOT approving this transfer of ownership. Thanks, Bob Pierson, Trout Creek, MT

Griffin, Toni <toni_griffin@fws.gov>

National Bison Range

1 message

Chris Sullivan <sull@blackfoot.net> Sun, Feb 19, 2017 at 8:38 AM
To: toni_griffin@fws.gov

Dear Fish and Wildlife Service,
As a respectful and responsible citizen of the USA and of the state of Montana, I oppose the transfer of the National Bison Range to the CSKT Tribes or Government. The history of this national treasure and the origination of it was completely initiated by non-tribal entities. Thanks to the efforts of various community and national actions, the Bison Range was formed and successfully operated since 1908. Local school children were instrumental in fund raising for the bison herd purchase and many local residents were employed through the years to make this National Treasure a gem of this country. Please re-think the issue and please refrain from dividing the National Bison Range from our public ownership and operation. With respect to the CSKT, I do not wish the management or the operation of the National Bison Range to shift in any manner. With the annual visitation to the NBR by tourists and local residents it is, and always has been, a successfully operated institution. This experiment of giving the NBR to the CSKT makes little sense from every aspect that it is viewed from. I know of many elder CSKT Tribal Members that agree with my opinion. Because of the dwindling funding that the FWS has been allowing the NBR, I have signed up with the NBR to be a volunteer this year. This personal action by myself is simply because the current skeleton crew of employees of the NBR receive little funding from the FWS and many traditional employee positions have not been able to be filled by our local residents. Please fund the employment positions for the NBR as it merits for such a successful and shining example of the FWS. If the NBR is at all failing it is because of it's management and poor funding on a national level, not from the efforts and devotion of the current NBR employees or management.
Thank you. Chris Sullivan, 166 Montana Highway 212, Dixon, Montana 59831

Griffin, Toni <toni_griffin@fws.gov>

Bison Range

1 message

Peg C <pc60atsm@gmail.com> Sun, Feb 19, 2017 at 11:02 AM
To: toni_griffin@fws.gov

Toni:

It has come to our attention the Federal government is considering transferring management of the Bison Range in Montana over to the control of the Kootenai/Salish Tribe.

For the record, we are adamantly opposed to this proposal because the Bison Range is part of our National Parks heritage & it should be open & available to all US citizens & not just selected ethnic groups.

It has been our experience that once Indian Tribes are given control over waters, lands & in this case animals, they cease to share any of those resources with non-Indian peoples & begin to charge non-Indians for access to those resources. Also because of their lack of experience many times those resources are managed in a very reckless manner. We remind you, it is your job to preserve the rights of all US citizens regardless of their ethnic origin.

Over the years, it has become the norm to try to rectify some wrongs in the past by compensating many of the Indian Tribes within the United States; however, many Federal dollars (i.e. our tax dollars) have already been spent to compensate those Tribes for those losses & it is time they begin to stand on their own, especially with their sovereignty status. We feel it is time they begin to utilize their own revenues generated from their gaming facilities.

Please do your job & represent all of your US citizen constituents.

Thank you.

Thomas G & Mary M. Carver
St. Maries, ID

Griffin, Toni <toni_griffin@fws.gov>

Bison Range

1 message

charlieann1 <charlieann1@blackfoot.net> Sun, Feb 19, 2017 at 12:05 PM
To: toni_griffin@fws.gov

United States' natural resources belong to all the people, not just the CSKT tribe.
I'm tired of giving our land and water and natural resource away to a few select people, be they tribes or otherwise.
Thank you for accepting my opinion.
Charlotte Slider
Plains, MT

Griffin, Toni <toni_griffin@fws.gov>

Comments National Bison Range

1 message

krizohr@cot.net <krizohr@cot.net> Mon, Feb 20, 2017 at 12:34 AM
To: toni_griffin@fws.gov

Toni Griffin
Fish & Wildlife Service

RE: Notice of Intent to Prepare a Comprehensive Conservation Plan for the National Bison Range, Moiese, Montana. [FWS-R6-R-2016-N221] [FXRS126106000000-178-FF06R00000]

2/19/17

I support Plan A; The FWS and US must manage the NBR for the American public!

Jacqui Krizo
Tulelake, California

Griffin, Toni <toni_griffin@fws.gov>

Please oppose giving our National Bison Range to a small tribal government.

1 message

Alex Bisso <algbisso@outlook.com> Sat, Feb 18, 2017 at 3:55 PM
To: "toni_griffin@fws.gov" <toni_griffin@fws.gov>

I am writing to let you know that I am adamantly opposed to the idea of giving our National Bison Range to the Confederated Salish-Kooteni (CSKT) tribe. This tribe has no allegiance to the United States and is not subject to the constraints of our Constitution. This is an unjust and horrible idea which common sense says should be both illegal and outside of the authority of the FWS to do. I personally would go so far as to say that it should be viewed as an act of treason should it be attempted.

Hopefully you do not support this proposal and will do whatever you can to see that it is not done.

Thank You,

Alex Bisso

(406) 655-4609

Billings, MT 59106

Griffin, Toni <toni_griffin@fws.gov>

Keep the Bisonrange the way it is.

1 message

Ron Chisenhall <sweeny@blackfoot.net> Sat, Feb 18, 2017 at 4:17 PM
To: toni_griffin@fws.gov

Griffin, Toni <toni_griffin@fws.gov>

National Bison Range

1 message

Marlin Cooper <marl4472@yahoo.com> Sat, Feb 18, 2017 at 5:37 PM
To: toni_griffin@fws.gov

TO: Toni Griffin VIA EMAIL: toni_griffin@fws.gov

Fish & Wildlife Service

DATE: February 18, 2017

RE: Notice of Intent to Prepare a Comprehensive Conservation Plan
for the National Bison Range, Moiese, Montana.
[FWS-R6-R-2016-N221]
[FXRS126106000000-178-FF06R00000]

Please proceed with the necessary CCP process, under Alternative A—the Current Process managed by FWS, only

Thank you

Marlin Cooper

Plains, Montana

Griffin, Toni <toni_griffin@fws.gov>

FW: Comments on National Bison Range - - - It should remain one of America's Treasures

1 message

Jack Venrick <jacksranch@freedomforallseasons.org> Sat, Feb 18, 2017 at 1:43 PM
To: toni_griffin@fws.gov

Dear: Ms. Toni Griffin:

Thank you for extending the opportunity to comment on the consideration of transferring the National Bison Range out of St. Ignatius Montana to the Confederation of Salish & Kootenai.

Both my wife and I greatly support Elaine Willman's statement attached **against** transferring the National Bison Range to the CSKT tribe.

The tribes have shown no ability to manage their public reservations and their own lives let alone a National Bison Range. The tribes and their team of attorneys have been given too much tax funding and federal subsidies. They have shown extreme aggressiveness and irresponsibility and disrespect for their neighboring property owners and communities. What they and their lawyers are after is more power and federal and state funding to redirect to their own political agenda. All federal and state funding and subsidization of some 20 billion of the 567 tribes and the 400 some in waiting need to be stopped. This sort of tribal welfare is creating a national embarrassment and while progressively crippling the tribes toward more codependence. 80% of the tribal members have left the reservation and are back filled by non natives. The objective of the reservations have long run its course.

Furthermore, these public lands do not nor should ever be transferred away from the American public. At most I would support transferring this Bison Range to the State of Montana but never to the tribes.

Please read Elaine Willman's two books if you have not to catch up on the reality of the reservations and their increasingly bullying tactics.

- Going to Pieces – the Dismantling of the United States of America &
- Slumbering Thunder: A Primer for confronting the Spread of Federal Indian Policy and Tribalism Overwhelming America
- Order these must read books here - https://www.amazon.com/s/ref=nb_sb_noss/152-2129246-5348360?url=search-alias%3Daps&field-keywords=elaine+willman

Sincerely,

Mr. & Mrs. John (Jack) Venrick

Rollins, Montana

www.freedomforallseasons.org

bcc: Property Rights Groups and Individuals in America

From: Lauralee22 [mailto:lauralee22@centurylink.net]
Sent: Saturday, February 18, 2017 11:30 AM
To: Undisclosed-Recipient:;
Subject: Comments on National Bison Range - - - It should remain one of America's Treasures

Hello friends,

We are a day late, but *not* a dollar short. The deadline for comments opposing gifting our **National Bison Range** to a small tribal government was yesterday, February 17th. However, I've spoken by phone to the lady receiving the comments (Toni Griffin) and she has assured me that the Fish & Wildlife Service will receive comments after the deadline as well.

So, I've attached a copy of my comments opposing transfer of land and bison at the National Bison Range to one small tribe, the Confederated Salish-Kootenai (CSKT) tribe. I'm hoping folks might review my comments, and then send just a couple of sentences or comments along, too. I've also attached the January 18th Federal Register Notice that identifies three alternatives - two of which are beastly!!

This is a case where quantity counts. Lots of simple comments from lots of folks would be very helpful at this stage of their process.

Comments would simply be emailed directly to: toni_griffin@fws.gov
Subject: Comments on National Bison Range
NOTE: A quick email sent to Toni Griffin will do the trick. Please take a moment and help us all out!

That's it - - so **please send in a comment and ALSO, widely circulate** this information and perhaps other folks who believe that our *national* resources belong to *all* Americans..will encourage the FWS to continue managing the Bison Range. Please consider firing in some comments and sharing this email with other friends too.

Thanks,
Elaine Willman

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2 attachments

02-16-2017-FWS Comments on National Bison Range.pdf

Griffin, Toni <toni_griffin@fws.gov>

Do not transfer the Bison range to the tribe.

1 message

Grumpy <xfirstsergeant@yahoo.com> Sat, Feb 18, 2017 at 12:11 PM
Reply-To: Grumpy <xfirstsergeant@yahoo.com>
To: "toni_griffin@fws.gov" <toni_griffin@fws.gov>

It is a bad idea! The tribal elite will manage it only for their benefit, not for Montanan's or the citizens of the United States.

Ken Matthiesen
Plains, MT

Griffin, Toni <toni_griffin@fws.gov>

National Bison Range Comments in support of Alternative A-the Current Process managed by FWS

1 message

Mark <mtmark@centurylink.net> Sat, Feb 18, 2017 at 12:14 PM
To: toni_griffin@fws.gov

We are strongly recommending proceed with the necessary CCP process, under Alternative A—the Current Process managed by FWS, only. Congress and all federal agencies must cease the transfers and redirection of management or ownership of Americas National spaces, to private tribal governments that have no duty to the American public. It is the American taxpayer that funds these special places, and we are America First! We must cease giving away precious resources as if they have no value to American citizens. These resources are owned by the citizens of the United States and are entrusted to the Federal Government fro their protection, certainly not to be given away.

Mark and Daya Haag

P.O. Box 2013

Columbia Falls, MT 59912

Griffin, Toni <toni_griffin@fws.gov>

National Bison Range

1 message

Joy Claar <praisehim@blackfoot.net> Sat, Feb 18, 2017 at 12:18 PM
To: toni_griffin@fws.gov

I want the Bison Range to remain a Federal Park and thus 'my' Bison Range and not a Tribal one. Why are we 'gifting' this to the Tribes? They are all ready flooded with my taxes and I would like this giving away of my funds to stop.
Luylla Jo Claar
Ronan, Mt.

Griffin, Toni <toni_griffin@fws.gov>

National bison range

1 message

Connie Bartlett <conniebart@gmail.com> Sat, Feb 18, 2017 at 12:56 PM
To: toni_griffin@fws.gov

Dear Toni,
Please consider my request to NOT turn control of the Bison Range to Salish-Kootenai. Our national resources belong to ALL CITIZENS.

Thank you.

Connie Bartlett
Bigfork, MT

Griffin, Toni <toni_griffin@fws.gov>

Tribal Management of a National Resource - Comment

1 message

marlenewildblue3@aol.com <marlenewildblue3@aol.com> Sat, Feb 18, 2017 at 10:38 AM
To: toni_griffin@fws.gov

Subject: Conservation Plans for National Bison Range (FW-R6-R-20160-N221

Comments:

While these comments are coming in a bit after the deadline, I hope they will be considered. I live within the historic boundary of an Indian reservation. I know first hand the lack of protection that exists for outsiders under tribal management due to their sovereign immunity. Can you guarantee that public visitors will be protected?

Our national treasures should be left to those most qualified. The public will see no reason to spend hundreds of thousands of dollars at Universities to train for management of our national resource regions if management is handed out without regard to actual management skills and qualifications.

Doesn't it seem strange that former President Obama sent this management mandate out as an Executive Order? It is very apparent that Obama's intent was "political" payback, he didn't want it to go through Congress because all were aware of his purpose. Please put America first and keep the management of our resource treasures based on qualifications which would require appropriate yearly review.

Regards,
Marlene Dawson
4029 Salt Spring Dr.
Ferndale, Wa. 98248 phone 360384-0823

Griffin, Toni <toni_griffin@fws.gov>

Bison given to one tribe, what?

1 message

bligh capn <blighcapn@yahoo.com> Sat, Feb 18, 2017 at 11:37 AM
Reply-To: bligh capn <blighcapn@yahoo.com>
To: "toni_griffin@fws.gov" <toni_griffin@fws.gov>

Please do not consider doing this. Consider the consequences of what would be in effect.
I am sure the new Sec of the Dept of the Interior would not appreciate this. Check with him or her first.
George D Conger

Griffin, Toni <toni_griffin@fws.gov>

Keep National Bison Range Public and Managed by FWS

1 message

Tom Williams <tomwilliams@afo.net> Thu, Feb 16, 2017 at 6:55 PM
To: toni_griffin@fws.gov

Mr. Griffin, Fish and Wildlife Service,

I have visited the Bison Range two times in the 1970's. I would like to return someday.

If this resource is returned to The Confederated Salish-Kootenai Tribe access for all Americans may be lost. This is part of every Americans heritage and should not be turned-over to a tribe who claims sovereignty/exclusivity/separateness from America (while they live off tax dollars from American citizens).

Will The Tribe pay/repay Americans for the purchase of this land and infrastructure/improvements?

Will The Tribe pay/repay Americans for the purchase of the Bison/value of the herd?

The tribe has had opportunity to manage this facility in the past and has failed miserably. FWS should continue as manager.

Transfer of this National Resource to one tribe of Indians would further divide/balkanize our country.

I would suggest a better effort would be directed toward extinguishing the boundaries of The Flathead Indian Reservation and terminate the conflicting (and illogical) status of "sovereign" tribes who live as dependent wards of the Federal Government. Congress has "plenary" power over these tribes. This nation should stop promoting the idea that this 1% of American Citizens are somehow citizens of some other nation within the USA, while they live off the tax dollars of the other 99% of Americans.

Thank you,

Thomas W. Williams

Ore City, Texas

903-801-0586

Griffin, Toni <toni_griffin@fws.gov>

Brief comment for Jack Reneau about the Notice of Intent at the National Bison Range

1 message

Jack Reneau <wjr@boone-crockett.org>
To: Toni Griffin <toni_griffin@fws.gov>

Thu, Feb 16, 2017 at 10:11 PM

Toni Griffin toni_griffin@fws.gov

Dear Secretary of the Interior Ryan Zinke and the leaders of the U.S. Fish and Wildlife Service:

I would like to submit my comments on the National Bison concerning the Notice of Intent published in the Federal Register (copy attached) on January 18, 2017. Before I do that, however, I want to give some appropriate background information about myself.

I graduated from Colorado State University with a B.S. in wildlife management, but began my wildlife management career in 1970 when I was hired for a seasonal position with the Pike-San Isabel National Forest. I earned a M.S. in wildlife management from Eastern Kentucky University while working in Washington, D.C. Since January 1983 I have been a wildlife biologist as the Director of Big Game Records for America's FIRST conservation organization founded by Theodore Roosevelt and a small group of friends in 1887 called the Boone and Crockett Club that is now based in Missoula, Montana. While working for the National Rifle Association at 1600 Rhode Island Avenue in Washington, D.C., I managed Boone and Crockett Club's North American Big Game Awards Program so if I count my time with the NRA starting in January 1976, I have worked for the Boone and Crockett Club records-keeping program as a wildlife biologist for 40 years. Prior to that, I worked for the Colorado Division of Wildlife on 5 state Wildlife Management Areas, the Kentucky Department of Fish and Wildlife Resources, and three US National Forests, namely the Pike-San Isabel National Forest (Colorado), Daniel Boone National Forest (Kentucky), and 6-Rivers National Forest (California)

I tell you this so you know my perspective and qualifications when I tell you that what has happened at the National Bison Range is nothing short of a tragedy and should never have begun. The National Bison Range was started by my American hero Theodore Roosevelt and his friend William T. Hornaday to benefit all wildlife but especially bison that were on the verge of extinction at that time. The Notice of Intent (see attached) that I am commenting upon is a further insult to the National Bison Range and the excellent federal workers (GS employees) that have managed it since 1908 when the National Bison Range land was started by an Act of Congress signed by President Theodore Roosevelt and purchased from the Confederated Salish Kootenai Tribes. The federal government paid millions of dollars for the National Bison Range again in the early 1970's because the CSKT claimed they weren't paid Fair Market Value in 1908, which of course they were.

I can assure you that Theodore Roosevelt would be opposed to transferring the National Bison Range to another sovereign nation.

The ONLY option in this announcement in Federal Register Vol. 82, No. 11 on pages 5597 and 5598 is Alternative A (Current Management) because the National Bison Range belongs to ALL Americans, not to a

sovereign Indian government named the Confederated Salish and Kootenai Tribes (CSKT), government of the Flathead Indian Reservation. Twice the CSKT were assigned numerous tasks and positions at the National Bison Range under two Annual Funding Agreements and twice the CSKT workers were removed for not performing their tasks properly or completely. NO SPECIAL INTEREST GROUP, INDIVIDUAL, BUSINESS, NON-PROFIT of any kind should be given any portion of a federal national wildlife refuge such as the National Bison Range because this national wildlife refuge belongs to ALL Americans, including citizens of the United States that are also members of the CSKT.

You have heard from me many times regarding this tragedy because if the National Bison Range is transferred to the CSKT of the Flathead Indian Reservation to be held in trust for the benefit of the CSKT and no other American citizen as is the "preferred management option" listed in Alternative B of this Notice of Intent, ALL national wildlife refuges and ALL national parks under the U.S. Department of Interior will be in jeopardy of such fate.

You are responsible for enforcing existing federal laws and regulations and giving away a National Wildlife Refuge to a special interest group is illegal.

I would be happy to discuss this issue with you at further length, but in the meantime, please record this email comment to you as my formal comment regarding the Notice of Intent published in the Federal Register on January 18, 2017, two days before the outgoing U.S. President Obama left his office with U.S. Secretary of Interior Sally Jewell. I am opposed to giving the National Bison Range or management of it the Confederated Salish and Kootenai Tribes. Further, only federal GS employees should be employees on the National Bison Range. Further, any employees who are not GS qualified should be removed from the National Bison Range immediately.

Thank you.

William J. "Jack" Reneau

5425 Skyway Drive

Missoula, MT 59804

Cell phone: 719-661-3711

wjr@boone-crockett.org

NOTICE OF INTENT FOR NATIONAL BISON RANGE Jan. 18 2017.pdf
191K

FEDERAL REGISTER COMMENTS FOR NOTICE OF INTENT:
NATIONAL BISON RANGE SUBMITTED BY GLENN ELISON

February 14, 2017

U.S. Fish and Wildlife Service
Toni Griffin, Refuge Planner
134 Union Boulevard
Lakewood, Co. 80228

The following comments are submitted regarding the Fish and Wildlife Service (Service) Notice of Intent (NOI) published in the January 18, 2017 Federal Register (FR) to prepare a comprehensive Conservation Plan (CCP) for the National Bison Range. The NBR was established in 1908 by Presidential order as directed by an act of Congress and not eminent domain as stated in the NOI for the purpose of preserving and protecting the American Bison from extinction. Located within the exterior boundaries of the Flathead Reservation, and at the time of establishment was supported by the Indian Community. (Morton J Elrod, PhD, American Bison Society, report, 1908, pp. 39, 41). Current Tribal as well as Service leadership have somehow forgotten and continue distorting the facts as to what occurred in 1908. They are also oblivious to the fact that wildlife refuges, including the NBR, do not belong to any Presidential Administration, Congressional Delegation, Secretary of the Interior or the FWS, they belong to all American Citizens. Both the National Wildlife Refuge System Act of 1966 and the National Wildlife Refuge Improvement Act of 1997 were passed by Congress with full intention to prevent the type of refuge or refuge land give away being attempted by the Service.

The NOI to prepare a CCP at the NBR is in compliance with the above mentioned Federal acts and is long overdue. It is required to be completed legally and in accordance with Service protocol, and policies for preparing CCP's. This NOI falls short of Agency policy, reflects a predetermined outcome and reads much like a Notice of Decision. Given the past history of political and Tribal meddling as to who should own, manage and administer this iconic refuge, it is questionable that the Denver Regional Office Leadership or even the national leadership can be objective and/or capable of an unbiased evaluation of public comments received. One has to only look at the hundreds of comments, petitions and letters which were submitted to the Service during the past 2 decades in opposition to the attempted Service, CSKT Annual Funding Agreements (AFA's), to arrive at that conclusion. The third and final AFA attempted effort in 2014 was another example of Government waste in terms of staff time and scarce refuge dollars, and represented the Service's weak effort to cope with another NEPA compliance law suit. To date, that EA lies in limbo with no notice of decision or any record of finding ever published or attempt of closure and compliance. What assurance do we, the Public, have that this NOI will end up the same way? By offering to transfer the NBR to the CSKT, then allowing CSKT to be a cooperating Agency or partner during the CCP process appears to be a clear conflict of interest to the tune of hundreds of million dollars as well as a Government ethics violation. Therefore

the Tribe under NO circumstances should be allowed to be involved with the CCP as a partner or cooperating agency, but should have the same status as other stakeholders or the general public. The aforementioned fact makes it all the more necessary that in the interest of being legal and transparent to the process as well as the Public and Stakeholders, the FWS must unequivocally retain sole and full decision making authority throughout the entire CCP process as required by Federal laws.

The Service has reinforced the notion of a predetermined outcome and bias by indicating a preferred alternative before any preplanning, vision statements and goals or public scoping process has been conducted. The Refuge Improvement Act clearly stipulates the major topics to be included in a CCP and makes it clear that it is intended to guide the Service in the future management of refuges. Thus, any alternative that states the Service will give away a refuge would be precedence setting and in direct conflict with the fundamental purpose of a CCP. Also, specifying alternatives before any scoping session has been undertaken does not comply with the CEQ guidelines under NEPA. No Service policy or other guidelines indicate that use for a CCP.

Since the Service has not evaluated the potential effects of implementing any of the three listed alternatives and has yet to seek or receive comments from key stakeholders and the general public at large on the proposed CCP, it is therefore, extremely premature to label any alternative as the preferred management option (alternative B). This is especially true because alternative B represents a radical departure from how the NBR has been managed for 109 years and because of the Service's interaction with attempted co-management of refuge programs by the CSKT in the recent past has been poor. The Service go back and review comments submitted on the EA for the last proposed AFA to see just what the public reaction was to alternative C. Instead at this point in the CCP process it is appropriate that no alternative be listed in the NOI and that the assessment's alternative development be determined with the public comments and help.

In summary, the NOI is grossly inadequate because it does not identify key issues that will be the focus of the CCP-EIS, including formation of alternatives and evaluation of the effects of those alternatives. All public lands, including refuges, have management issues. One of the main benefits of developing a CCP-EIS is the opportunity for the Service and the public to interact and design and evaluate the effects of alternatives measures to address such issues, something that has not occurred at the NBR. The
Service has participated in countless meetings and negotiating sessions with the CSKT; however, there has never been any interaction with the public on management or administration issues, therefore the CCP process requires mandatory public involvement efforts and needs to be done correctly in compliance with Service policy. For all the reasons listed above, the Service needs to start over and identify key management issues and then craft and issue a revised NOI and not a NOD.

The Service also needs to put a halt to personal agendas both by Headquarters and Regional personnel and start involving and listening to the public who are the true owners of the NBR. All Americans as well as the people of Montana and especially the on the ground managers and refuge staff, and refuge's natural resources deserve and require an Agency that is responsive and transparent, which has been absent for a long time at the NBR. It is also obvious that the

Service leadership did not listen to the remarks made by the nominee for Secretary of the Interior Ryan Zinke, during confirmation hearings. He stated not once but several times that he does not support transferring our public lands. In fact he said that he couldn't be clearer on the public lands issue.

I appreciate the opportunity to comment on the NOI, and trust that my comments will accurately be considered in the revised NOI.

Glenn Elison
91 Burly Beach Road
Lewistown, Montana
59457

TO: **Toni Griffin** **VIA EMAIL: toni_griffin@fws.gov**
Fish & Wildlife Service

DATE: **February 16, 2017**

RE: **Notice of Intent to Prepare a Comprehensive Conservation Plan for the National Bison Range, Moiese, Montana.**
[FWS-R6-R-2016-N221]
[FXRS126106000000-178-FF06R00000]

GENERAL COMMENTS:

On April 5, 2002 the Department of Interior (DOI), inclusive of seven sub-agencies, listed ninety (90) nationally treasured public spaces, available to all Americans, for tribal government management determining that these American national resources have "special geographic, historical, or cultural significance to self-governance tribes." The national spaces established for all Americans included 41 national wildlife refuges, 34 national parks, and 15 regional water projects. The National Bison Range is included in the 2002 DOI list. The same special Indian tribal privileges are included in numerous Monument areas under the Antiquities Act.

The common identifier among these public resources is the term, "National." Private self-governing tribes have tribal constitutions that do not recognize the U.S. Constitution, have an iron-clad tribal sovereign "immunity" from suit, and have no duty whatsoever to the American public, beyond their enrolled tribal members. They also implement Tribal Employment Rights Ordinances (TERO) limiting employment opportunities in these natural resources to tribal members. Hundreds of thousands of American college students in fields of environment, biology, or animal husbandry have little to no opportunity for a career in natural resource spaces managed by a private tribal government.

In 1782 the American Bald Eagle became the emblem of this country and the national bird. On May 9, 2016 President Obama signed the National Bison Legacy Act into law, officially making the American bison the national mammal of the United States. Neither the Eagle nor the Bison were made by Executive Order or legislation to be the sole purview of Indian tribes, but the Department of Interior has implemented regulations that disassociate these national species from the American public, and provide near exclusivity to Indian tribes.

In the recent Congress that just ended numerous bills were put forward to allow any interested Indian tribe to have management of any nearby national forest. Thankfully, these bills failed to pass.

Somehow, less than 1% of America's population (enrolled tribal members) is acquiring inordinate power and control over hundreds of American national resource areas. We are currently under a new Administration that is focused on *America First*. How does one put

America First with the existence of 567 "First Nations" being handed over America's national spaces? There is something fundamentally wrong.

SPECIFIC COMMENTS:

The National Bison Range was established in 1908 with contributions from Americans across the country, to fund the acquisition of bison. The NBR was taken by Eminent Domain and permanently removed from the Flathead Indian Reservation, with land compensation funds being paid to the Confederated Salish-Kootenai Tribe (CSKT), at least twice in past history. Money was paid for the land. All Americans paid for the Bison.

The CSKT since at least the 1990s and earlier have politically pushed for re-taking the National Bison Range back from the American public. To this end, the Department of Interior issued an Annual Funding Agreement on December 15, 2004, permitting the CSKT to take over management of the NBR; however, this first AFA had to be rescinded due to mismanagement. A few years later, a second AFA was issued to the CSKT for managing the NBR, with a similar failed result.

The January 18, 2017 Federal Register NOI publication of Intent to prepare a Comprehensive Conservation Plan (CPP) includes three Alternatives, one of which (Alternative B) is "Preferred." Alternative C has been tried twice before with serious failure. Alternative C should be removed, based upon past performance failures of the CSKT with management of the NBR.

The Preferred Alternative (Alternative B) would implement a Congressional transfer of not only management of the NBR, but a return (gift) of the land twice paid for to the CSKT by American taxpayer dollars, and return of the Bison herd initially paid for by everyone else but the CSKT. In light of proven previous mismanagement of the NBR by the CSKT, the very last solution to future sustainability of the NBR is to outright abandon the protections of the United States and states, and reduce, if not eliminate the availability of the American public to this wondrous resource.

Recommendation: **Proceed with the necessary CCP process, under Alternative A—the Current Process managed by FWS, only.** It is highly unlikely that the CSKT would be willing to refund previous payments received for the NBR land (18,000 acres) at today's market rates. It is also unlikely that the CSKT would pay in advance for the acquisition of an entire Bison herd given to them at no cost in the past. Even this equitable financial arrangement, would still incur the loss of yet another national resource, the National Bison Range. The betrayal of the American public's ongoing supportive efforts and interest in the future preservation of the NBR is utterly abrogated unless the FWS and United States protect and manage the NBR.

Congress and all federal agencies must cease the transfers and redirection of management or ownership of Americas National spaces, to private tribal governments that have no duty to the American public. It is the American taxpayer that funds these special places, and we *are* America First!

The CCP process should eliminate any future activity that would result in a financial, physical or regulatory taking of the NBR from the American Public, and gifted freely to one small tribe. **Please eliminate Alternatives B and C.**

Respectfully,

Elaine Willman,
Ronan, Montana (a neighbor of the NBR)
Email: toppin@aol.com
Phone: 509-949-8055

Comments regarding the published "Notice of Intent"
Federal Register/Vol. 82, No. 11/Wednesday, January 18, 2017/Pages 5597-5598

Susan Campbell Reneau
5425 Skyway Drive, Missoula, MT 59804 bluemountain@montana.com

Dear Ryan Zinke, Regional Director Noreen Walsh, and the U.S. Fish and Wildlife Service and the entire U.S. Department of Interior:

Alternative B as stated in the Notice of Intent on pages 5597 to 5598 in Vol. 82, No. 11 of the Federal Register on Wednesday, January 18, 2017 supports the idea a Congressional TRANSFER of lands at the National Bison Range to be given to a special interest group that is a SOVEREIGN government independent of all federal laws and regulations. The National Bison Range is a part of the National Wildlife Refuge System that belongs to all Americans and to transfer those lands at the National Bison Range to a sovereign Indian government of the Flathead Indian Reservation violates many federal laws that protect national wildlife refuges.

The U.S. Fish and Wildlife Service leadership under President Obama thinks Alternative B is just fine to hold this historic national wildlife refuge in trust by the U.S. Secretary of the Interior (Ryan Zinke) to benefit this sovereign Indian government and not the National Wildlife Refuge System or all Americans that paid for this national wildlife refuge since its creation in 1908 by an Act of Congress. Such action would set a precedent in the handling of ALL national wildlife refuges, national parks and all federal lands managed by the U.S. Department of Interior and its agencies as evidenced by a listing of national parks and national wildlife refuges in previous Federal Registers that would allow those properties to be given away to various special interest groups.

Alternative B is a violation of many federal laws that protects all national wildlife refuge from turnover to any special interest group such as this sovereign Indian government or ANY special interest group, state government agency, local government agency, non-profit organization, individual, or company. Since 1908 taxpayers, including members of this sovereign Indian government that are also American citizens and taxpayers, have paid for the staffing, buildings, equipment, and overall upkeep of this NATIONAL WILDLIFE REFUGE. Twice the sovereign Indian government has been paid full real estate value for this land that is the National Bison Range and most of the land surrounding this NATIONAL WILDLIFE REFUGE does NOT belong to the sovereign Indian government but to private ranchers, farmers, and landowners.

By calling for a draft Comprehensive Conservation Plan/EIS, the U.S. Fish and Wildlife Service admits that the National Bison Range is a part of the National Wildlife Refuge System and thus subject to protection under ALL the federal laws established to protect and enhance it. Only a team of U.S. Fish and Wildlife Service FEDERAL EMPLOYEES as specified by federal regulation to conduct a CCP or EIS can do the CCP and EIS, NOT a member of any special interest group outside the federal government that is independent of federal law and regulation – namely a sovereign Indian government. The U.S. Fish and Wildlife Service cannot develop a CCP if it plans to give a national wildlife refuge away to a special interest group, which is stated under Alternative B as their "Preferred Management Option."

Alternative A is the ONLY alternative that can be considered by Secretary of Interior Ryan Zinke and the U.S. Fish and Wildlife Service as this is one of the National Wildlife Refuge System's first national wildlife refuges begun by an Act of Congress and signed into existence by President Theodore Roosevelt himself. The National

Bison Range is not to be thrown away to a special interest group that stated in their public hearing that they intend to rename the land that is the National Bison Range, remove it from the National Wildlife Refuge System, and use this land for other purposes that violates the purpose of the National Wildlife Refuge System. At the Confederated Salish and Kootenai Tribes (CSKT) public hearing a few months ago that my husband Jack Reneau and I attended, Brian Upton, the paid attorney for the CSKT who was the primary speaker at the public hearing, stated that this property called the National Bison Range would be renamed and reassigned for "other purposes" independent of the National Wildlife Refuge System. Without payment for the millions of dollars spent by taxpayers since this national wildlife refuge began in 1908, the CSKT would be given this land in a transfer.

A CCP is required for the National Bison Range but not for the purpose of transferring those acres to a special interest group. All national wildlife refuges are required to complete a CCP and complete periodic updates, and the National Bison Range has been delayed in this process because of efforts by this sovereign Indian government to take over all aspects of this national wildlife refuge and take it out of the National Wildlife Refuge System.

To conduct a CCP at the National Bison Range with the intent to give it away insults Theodore Roosevelt, Ding Darling, and the Flying Blue Goose and is ILLEGAL. Any top level administrator of the U.S. Fish and Wildlife Service and U.S. Department of Interior that thinks it is okay to give away a portion of the National Wildlife Refuge System, National Park System or any federal land mass will violate the very federal laws and regulations we as taxpayers hire them to enforce.

Sincerely and in the spirit of Theodore Roosevelt, Ding Darling, and the Flying Blue Goose, I say, the wildlife and its habitat cannot speak so I must, and YOU as the enforcer of all federal laws and regulations must do the same.

Susan Campbell Reneau

Susan Campbell Reneau

FEDERAL REGISTER COMMENTS FOR NOTICE OF INTENT: NAT. BISON RANGE SUBMITTED BY MARVIN L PLENERT

February 13, 2017

U.S. Fish and Wildlife Service
Toni Griffin, Refuge Planner
134 Union Boulevard
Lakewood, Co. 80228

The following comments are submitted regarding the Fish and Wildlife Service (Service) Notice of Intent (NOI) published in the January 18, 2017 Federal Register (FR) to prepare a comprehensive Conservation Plan (CCP) for the National Bison Range(NBR) located in Moiese, Montana. The NBR was established in 1908 by Presidential order as directed by an act of Congress and not eminent domain as stated in the NOI for the purpose of preserving and protecting the American Bison from extinction, now our national mammal. Located within the exterior boundaries of the Flathead Reservation, and at the time of establishment was supported by the Indian Community. (Morton J Elrod, phd, American Bison Society, report,1908, pp. 39,41). Current Tribal as well as Service leadership have somehow forgotten and continue distorting the facts as to what took place in 1908. They are also oblivious to the fact that wildlife refuges do not belong to any Presidential Administration, Congressional Delegation, Secretary of the Interior or the Service, they belong to all American Citizens and the NBR is no exception. Both the National Wildlife Refuge System Act of 1966 and the National Wildlife Refuge Improvement Act of 1997 were passed by Congress with full intention to prevent the type of refuge or refuge land give away being attempted by the Service.

The NOI to prepare a CCP at the NBR is in compliance with the above mentioned Federal acts and is long overdue, even though, the timing of the FR notice was apparently triggered as a result of the Public Employees for Environment Responsibility (PEER) law suit. In any event, it is required to be completed legally, correctly and in accordance with Service protocol, and policies on preparing CCP's. This NOI falls way short of Agency policy and reads more like a Notice of Decision. Given the past history of politician's and Tribal meddling as to who should own, manage and administer this iconic refuge, it is questionable that the Denver Regional Office Leadership Staff can be objective and/or capable of an unbiased evaluation of any comments received. One has to only look at the 100's of comments, petitions and letters which were submitted to the Service during the past 2 decades in opposition to the attempted Service, CSKT Annual Funding Agreements (AFA's), to arrive at that conclusion. The third and final AFA attempted effort in 2014 was another example of Government waste in terms of staff time and scarce refuge dollars spent, and represented the Service's feeble effort to

comply with another unlawful NEPA compliance law suit. To date, that Environmental Assessment lies in limbo with no notice of decision or any record of finding ever published or attempt of closure and compliance. What assurance do we, the Public, have that this NOI will end up the same way? It should also be pointed out that by offering to transfer the NBR to the CSKT, then allowing them to be a cooperating Agency or partners during the CCP process could very well be a conflict of interest to the tune of hundreds of million dollars as well as a Government ethics violation. Therefore the Tribe under NO circumstances should be allowed to be involved with the CCP as a partner or cooperating agency, but should have the same status as other stakeholders or the general public. The aforementioned fact makes it all the more necessary that in the interest of being legal and transparent to the process as well as the Public and Stakeholders, the FWS must unequivocally retain sole and full decision making authority throughout the entire CCP process as required by Federal Statutes.

The Service has put the cart before the horse to suggest preferred alternatives before any preplanning, vision statements and goals or public scoping process has been conducted. The Refuge Improvement Act clearly stipulates the major topics to be included in a CCP and makes it clear that it is intended to guide the Service in the future management of refuges. Thus, any alternative that states the Service will give away a refuge would be precedence setting and in direct conflict with the fundamental purpose of a CCP. Also, specifying alternatives before any scoping session has been undertaken does not comply with the CEQ guidelines under NEPA. No Service policy or other guidelines indicate that use for a CCP.

Since the Service has not evaluated the potential effects of implementing any of the three listed alternatives and has yet to seek or receive comments from key Stakeholders and the general public at large on the proposed CCP, it is therefore, extremely premature to label any alternative as the preferred management option (alternative B). This is especially true because alternative B represents a radical departure from how the NBR has been managed for 109 years and because of the Service's interaction with attempted co-management of refuge programs by the CSKT in the recent past has been problematic. The Service needs to go back to the drawing board and review comments submitted on the Environmental Assessment for the last proposed AFA to see just what the public reaction was to alternative C. Instead at this point in the CCP process it is strongly recommended that NO alternative be listed in the NOI and that the assessments alternative development be determined with the public comments and help. Identification of alternatives is most appropriate at the formal draft CCP-EIS stage (when the document is released for Agency and public review and comments).

In summary, the NOI is grossly inadequate because it does not identify key issues that will be the focus of the CCP-EIS, including formation of alternatives and evaluation of the effects of those alternatives. Again this is inconsistent with requirements in Service policy (see 602 FW 3.4c (3) b} and with the National Wildlife Refuge System Act of 1966 as amended. All public lands, including refuges, have management issues. One of the main benefits of developing a CCP-EIS is the opportunity for the Service and the public to interact and design and evaluate the effects of alternatives measures to

address such issues, something that has not occurred at the NBR. The Service has participated in countless meetings and negotiating sessions with the CSKT; however, there has never been any interaction with the public on management or administration issues, therefore the CCP process requires mandatory public involvement efforts and needs to be done correctly in compliance with Service policy. For all the reasons listed above, the Service needs to start over and identify key management issues and then craft and issue a revised NOI and not a NOD.

The Service also needs to put a halt to personal agendas both by Headquarters and Regional personnel and start involving and listening to the public who as stated earlier, are the true owners of the NBR. All Americans as well as the people of Montana and especially the on the ground managers and refuge staff, and refuge's natural resources deserve and require an Agency that is responsive and transparent, which has been absent for a long long time at the NBR. It is also obvious that the Service leadership did not listen to the remarks made by the Nominee for Secretary of the Interior Ryan Zinke, during confirmation hearings, when he called himself "an unapologetic" admirer of Teddy Roosevelt and the views Roosevelt held on public lands. He also stated not once but several times that he does not support transferring our public lands. In fact he said that he couldn't be more clearer on the public lands issue.

My final comment as it relates to the last paragraph of the NOI on public availability of comments. No names, phone numbers or addresses should be provided to the CSKT or anyone else unless it is in compliance with the statutes found in the Freedom of Information Act (FOIA). The reason this is necessary is that the Service did provide the commenters personal information to the CSKT in past processes without going through a FOIA request, and it had a stifling effect on Mission Valley Residents or local refuge neighbors, businesses or Tribal employees from commenting for fear of Tribal retaliation.

I appreciate the opportunity to comment on the NOI, and trust that my comments will accurately be considered in the revised NOI.

Marvin L Plenert
20500 S Tranquility Ln.
Oregon City, Oregon 97045
marvplenert@yahoo.com

Copy also sent to FWS Denver Regional Office via Post office

February 14, 2017

U. S. Fish and Wildlife Service
Toni Griffin, Regional Planner
134 Union Boulevard
Lakewood, Colorado 80228

Dear Ms. Griffin:

This is in response to the Federal Register notice of January 18, 2016 concerning the Notice of Intent to Prepare a Comprehensive Conservation Plan for the National Bison Range in Montana. While it was encouraging to learn that the U. S. Fish and Wildlife Service is now planning to prepare the required CCP, it should have been started nearly 5 years ago. Now that the planning is proposed, it is disappointing to see that the proposal is not appropriate . You have already indicated a proposed action, and there has been no public input to your proposal. The direction of this document seems to have come from the FWS Directorate, rather that any logical or legal guidelines. This is discouraging.

The NBR was established back in 1908 with approval by the Salish and Kootenai Tribes. While I suspect that eminent domain was used to establish the Refuge, the Tribes were paid at that time, and again in 1971 when the U.S. Court of Claims awarded the Tribes $22 million, some of which was additional payment for the Refuge. The people of America have paid for these lands, and they should not be turned over the Tribes.

From the legal stand point, the National Wildlife Administrative Act of 1966 as amended and the National Wildlife System Improvement Act of 1997 and other Acts prohibit the transfer of these lands to others. Your Preferred Alternative B is completely out of line, especially considering that no specific planning or public input has happened.

The CCP is necessary, and the FWS needs to adequately fund and fully staff the Range to carry out the process. This basically means that the FWS needs to cancel the published NOI and do another one that lays out the planning process. The development of Alternatives comes later after the input has been analyzed . When doing this it is completely inappropriate for the Tribes to act as a "cooperating agency:.

I do support the FWS working closely with the Tribes. This should be done to ensure that there is adequate support to protect cultural features and artifacts related to the Tribes. To that end, the FWS should made a concerted effort to adequately explain and exhibit Native American history and culture in the Range Visitor Center.

I appreciate the opportunity to comment of this issue, and encourage the FWS to redo the NOI in a correct manner.

BARNET SCHRANK, 12924 West Montana Drive, Lakewood, Colorado 80228

Barnet Schrank

U.S. Fish and Wildlife Service
Ms. Griffin, Refuge Planner
National Bison Range CCP
134 Union Boulevard
Lakewood, CO 80228

February 12, 2017

Ms. Griffin,

The following comments have been prepared on the scope of planning as described under the Notice of Intent (NOI) to prepare a Comprehensive Conservation Plan (CCP) for the National Bison Range, Moiese, Montana.

It's gratifying to see the U.S. Fish and Wildlife Service (Service) finally recognize the importance of preparing a CCP for one of the most iconic wildlife refuges in the National Wildlife Refuge System. It is long, long overdue. However, this NOI published by the Service is inadequate and inconsistent with Service policies on preparing CCPs. These policies were prepared as a guide to the Service so planning activities could be consistently carried out in accordance with the National Wildlife Refuge System Administration Act of 1966, as amended by the Refuge Improvement Act of 1997. They were also prepared to step down key features of the National Environmental Policy Act of 1969 (NEPA) so management actions being considered could be properly evaluated for impacts under full public disclosure. A questionable state of compliance has created an appearance that the Service has not taken these congressional statutes to heart or embraced the spirit of their intent. The following points will articulate these shortcomings.

First, the Service has not disclosed any important refuge issues to focus on that appear to fall within the scope of the CCP. All national wildlife refuges have resource issues, and given the complexity of the National Bison Range and its existence for over 100 years, there could be many issues worth evaluating to see how they may be addressed while formulating alternatives. These issues of the refuge, when disclosed up front by the Service, can serve as a basis for thought provoking input from the public in an effort to flush out other issues of concern and aid in the evaluation of effects tied to other problem solving alternatives.

Second, the Service should begin to identify known alternatives as part of this NOI, but it is inappropriate to label any of them as a "preferred management option" at this stage of the planning process. It is extremely pre-mature, and unacceptable under any planning process, to boldly claim a preference in management when there has been no public involvement or input from stakeholders, and there has been no evaluation of any impacts under a specific alternative. The current position of the Service, which identifies a preferred alternative before public scoping, is pre-decisional and certainly disingenuous, and indicates the agency has reached a decision regardless of public opinion. This undermines the most basic principles of public involvement as articulated by the NEPA. Selection of a preferred alternative should happen only after these actions have been acted upon, occurring much later

in the process. A significant level of public participation and involvement is the hallmark of the CCP process and this is what sets it apart from other planning efforts undertaken by the Service on behalf of the Refuge System. CCPs set a very high bar, a standard other processes have never come close to matching. Within the NOI the Service argues and implies that past public input over the years for the National Bison Range justifies a current position for a preferred management option. I'm not aware of any planning process for the National Bison Range, completed by the Service from beginning to end, that can be compared to and considered an equal to a CCP effort under consideration today. Furthermore, never have I seen any Notice of Decision as part of a record for preparing a Finding of No Significant Impact in association with an Environmental Assessment. Even if some form of planning effort has been completed and finalized, it would fail to meet the public and stakeholder threshold requirements of a CCP. Any previous planning effort should be cited and rolled into the CCP process as additional information. None should be construed as an adequate substitute for any part of this CCP. Good examples of former planning efforts include Habitat Management Plans, Fire Management Plans, Visitor Services Plans, etc.

Third, and as previously stated, the Service should begin to identify known alternatives as part of this NOI. This document should briefly address a current management alternative as a baseline. It should state that a preferred management option will be developed as a preferred alternative once all alternatives have been evaluated. Finally, it should briefly summarize other alternatives that properly fall within sideboards and scope of the CCP. Each alternative must still articulate how it will address purposes for establishment of the refuge and the Refuge System mission. One such alternative that appears to have been grossly overlooked is that which serves Enhancement in Management. This enhancement strategy could take on current limitations within the visitor services program, or other resource management programs. In particular, given the National Bison Range's purpose for establishment of preserving the American bison, it seems appropriate to consider the refuge's role in biological diversity and ecosystem management where purity of genetic strains of bison are preserved for restoration of herds at various locations of the Great Plains. This would be part of a greater landscape conservation effort. In regards to the Annual Funding Agreement alternative, I find this to be a difficult sell given all the challenges and issues the Service has faced with its implementation over the recent past.

Finally, it is noted that the Service intends on inviting the Confederated Salish and Kootenai Tribes (CSKT) to participate in the CCP process as a "cooperating agency". It is unclear how that role will unfold at this time. However, it is clear that there is a substantial historic relationship between the Service and the CSKT, and that there is much to gain by the tribes under certain alternative scenarios. This fact is all the more reason the Service must take extra precautions to remain transparent and open to all stakeholders and the public at large. It must be disclosed with certainty that the Service will retain sole and full decision making authority throughout the duration of the CCP process as required by federal statute and law.

Given the numerous shortfalls and problems with this NOI, I request that the Service revisit its preplanning effort, if one has even occurred, and use information from this effort to address concerns within these comments by taking action in the form of a NOI modification, update, or by simply rescinding it and publishing a new one. At the very least, the Service should speak to these issues and concerns when the first planning update is issued or on the onset of the public scoping process.

In closing, it is my hope that the Service recognizes this opportunity as a major milestone in the crossroads for conserving the American bison. A well-laid foundation in planning can add greatly to the Service's ability to make sound decisions in cooperation with its partners, and help realize a vision for this iconic refuge which is both inspiring and shared by many. Wildlife of the National Bison Range, the American people, and in particular, our national mammal, deserves nothing less.

Please feel free to contact me if you have any questions regarding these comments.

Sincerely,

Ralph D. Webber
431 N. Milnor Lake Road
Troy, Montana 59935
(406) 295-5952
ralphwebber@frontier.com

February, 28, 2017

Toni Griffen, Refuge Planner

U. S. Fish and Wildlife Service

134 Union Blvd.

Lakewood, Colorado s80228

Dear Ms. Griffen:

My comments to you regarding the National Bison Range NOI were returned to me in today's mail. I don't know why, unless it was because postal employees couldn't read my writing.

In any event, I'm hopeful that since my letter to you was post marked on February 14, 2017, three days prior to the deadline for submitting comments, that you will do me the courtesy of considering my comments, and including them in your record of public comments.

Thank you.

Joseph P. Mazzoni, Sr.

15069 Robles Grandes Dr.

Rancho Murieta, CA 95683

February 14, 2017

U.S. Fish and Wildlife Service

Ms. Toni Griffen, Refuge Planner

National Bison Range CCP

134 Union Blvd.

Lakewood, Colorado 80228

Dear Ms. Griffen:

Following are my comments regarding the scope of planning, as described in the Notice of Intent (NOI) to prepare a Comprehensive Conservation Plan (CCP) for the National Bison Range (NBR) in Moiese, Montana.

After twenty plus years of persistent efforts by the Confederated Salish-Kootenai Tribes (Tribes), with the increasing acquiescence of the Fish and Wildlife Service (Service), to compromise the authority and responsibility of the Service to effectively manage this refuge, it's gratifying to see the Service finally recognize the importance and legal requirement of preparing a CCP for this historic and truly iconic

unit of the National Wildlife Refuge System (NWRS). I applaud the Service for finally taking this critical action.

However, it is my view that the NOI published by the Service is inadequate and inconsistent with Service policies and Congressional mandates related to preparation of CCPs. These policies were prepared as a guide to the Service and those of its' employees responsible for the management of the NWRS to ensure that planning activities or efforts would be carried out in accordance with and in fulfillment of the requirements of the National Wildlife Refuge System Administration Act of 1966, as amended by the Refuge Improvement Act of 1997 (NEPA), which require that the full range of management actions being considered must be properly evaluated for impacts, <u>with full public disclosure and meaningful involvement.</u>

As a former 40 year Service employee with experience in overseeing the preparation of CCPs on our Alaskan refuges and on certain refuges in the Pacific and Southwest Regions of the Service (including, as refuge manager, participating in the preparation of the first comprehensive management plan for the National Bison Range before the CCP process was adopted), I'm fully aware of how this planning process needs to be implemented to ensure compliance with the spirit and intent of the legal mandates outlined above, and to ensure the best long

term management goals, objectives and practices for individual units of the NWRS.

Thoughtful, comprehensive analysis of all practical management alternatives that consider the wildlife and other natural resource values and science-based management alternative are essential if this process is to be properly done.....and, with informed, active public (stake holder) participation in the decision-making process, should lead to the best long term management stratety, or preferred alternative

The NOI fails to identify and analyze an adequate range of alternatives, and fails to adequately consider the wildlife resource values of the refuge....particularly as they relate to its 100 year and continuing contribution to the preservation of national and genetically significant populations of our national mammal, the American Bison.

What I find most egregious by the Service's action as outlined in the DOI is the obvious fact that it has already decided on the preferred alternative....that is to relinquish this refuge in trust to the Tribes before the CCP process is even implemented. This makes a mockery of the CCP process and is insulting to the public to whom this refuge belongs and who have a primary interest in determining its' future status and management. It also makes a mockery out of the Service's obligation to hold and manage the NWRS in trust for the American people. This

refuge and the NWRS is a public asset. Thus, it is the public, not the Service nor the Tribes who have the right to determine its future.

And, as I have expressed repeatedly in earlier comments regarding the Service's continuing efforts to compromise the effective management and future status of this refuge, relinquishing a fully functioning, historically significant unit of the NWRS would set a terrible precedent for maintaining the future integrity of the NWRS, and its legacy for the American public.

I strongly support the development of a CCP for the National Bison Range, but also strongly believe that

you need to start over with this planning process to ensure that it:

a. Fully and adequately develops a more comprehensive set of alternatives, with one being retention within the NWRS and continuing management by the Service;

b. That it not proceed on the basis of a presumed, pre-determined outcome regarding the preferred alternative;

c. That it commit to objectively and sincerely considering the views of the public who engage in the planning process, and not pay lip service to public involvement and the will of the public; and

d. That the Service approach this process with the clear understanding that this refuge belongs to the American public and that its' responsibility is to represent the public's interests in their pursuit of best management practices and the future status of the refuge within the NWRS. This means that the Service should be solely and independently responsible for the proper conduct of the CCP process, and that the Tribes be treated as any other public entity in the decision-making process.

Thank you for the opportunity to comment on the DOI. I can only hope that my comments are sincerely considered.

Sincerely,

Joseph P. Mazzoni

FLATHEAD
SALISH KOOTENAI
NATION

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

THE CONFEDERATED SALISH AND KOOTENAI TRIBES
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A People of Vision

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February 16, 2017

Ms. Toni Griffin, Refuge Planner
NBR CCP
U.S. Fish & Wildlife Service
134 Union Blvd.
Lakewood, CO 80228

Dear Ms. Griffin,

In response to the "Notice of Intent to Prepare a Comprehensive Conservation Plan for the National Bison Range, Moiese, Montana" which the U.S. Fish & Wildlife Service published in the January 18, 2017 Federal Register, enclosed please find scoping comments from the Confederated Salish and Kootenai Tribes.

If you have any questions, please contact either myself or Brian Upton, Tribal Attorney, at (406) 275-2760 or brian.upton@cskt.org.

Thank you,

Vernon S. Finley

Vernon S. Finley, Chair
Tribal Council

enclosure

CSKT Scoping Comment in Response to the "Notice of Intent to Prepare a Comprehensive Conservation Plan for the National Bison Range, Moiese, Montana"

February 16, 2017

In response to the U.S. Fish & Wildlife Service's (FWS, or Service), January 18, 2017 notice of intent to prepare a Comprehensive Conservation Plan (CCP) and accompanying Environmental Impact Statement (EIS) for the National Bison Range (NBR), the Confederated Salish and Kootenai Tribes (CSKT, or Tribes) submit this scoping comment.

This comment identifies those areas which the Tribes believe should be addressed in the CCP. The comment also provides information and background regarding the Tribes' draft legislation to restore the National Bison Range to federal trust ownership for the Tribes, with requirements for continued bison conservation and public access. While we address it specifically in some of the below-listed areas, the Tribes expect that the CCP would generally assist in helping the public understand how the Service expects the NBR to operate as part of the newly-designated Western Montana National Wildlife Refuge Complex, as identified and discussed in the Service's Region 6 document titled "National Wildlife Refuge System Realignment Strategy and Staffing Framework", released in November of 2016. The Tribes understand that the CCP is a large undertaking, and that the Service may not be able to address all topics in great detail.

The general issues identified below are not listed in any particular order, and are thus not necessarily identified in order of priority.

Ninepipe and Pablo National Wildlife Refuges and Waterfowl Production Areas

The Tribes believe that the CCP, and accompanying EIS, should include/address both the Ninepipe and Pablo National Wildlife Refuges since they are presently managed as part of the National Bison Range Complex (NBRC) and since they do not currently have their own CCP's. Similarly, the Tribes recommend that the CCP address the Northwest Montana Wetland Management District as appropriate. The Tribes understand that Ninepipe, Pablo and the Wetland Management District will continue to be managed by FWS under any of the management alternatives identified in the Notice of Intent.

Wildlife Management

The Tribes expect that bison and big game species management would be prominently addressed in the CCP. This management, including for bighorn sheep, elk and deer, would include such issues as: herd size targets/culling plans; general health monitoring and management; genetics; as well as other general management issues.

The Tribes would also expect that predator management (including, among other species, black bear, grizzly bear, gray wolf, coyote, mountain lion, golden eagle, and bald eagle) would be addressed by the CCP.

The Tribes further recommend that the CCP address surveying and monitoring of nongame birds, as well as amphibians and reptiles.

Habitat Management

Range condition, weed management, pine encroachment, forest habitat management, fire management, riparian management, wetland management, and water management issues are all components of habitat management that should be addressed in the CCP.

Aquatic Invasive Species

The Tribes believe that the CCP should address contingencies for aquatic invasive species, whose profile has recently been elevated in Montana.

Public Use and Access

The CCP provides an opportunity to examine and plan for such public use/access considerations as: visitation projections; desired visitor experiences; fishing access; wildlife watching and photography opportunities; recreation site (picnic areas) availability and management; fee structures; and the possibility of tours.

Visitor Services

The Tribes anticipate that the CCP would address the following issues related to visitor services:

- current state of, and future outlook for, the visitor center, including need and potential for replacement;
- access considerations, including potential for an additional, or alternate, entrance such as at Ravalli Hill;
- interpretive displays, materials and sale items;
- information availability and standards/criteria for inclusion of information/materials;
- education, public awareness, programs and presentations;
- receipt collection and accountability; and
- staffing and volunteers

Cultural and Historical Resources

The inventory, preservation, and management of cultural and historical resources are high priorities for the Tribes and need to be addressed at some level in the CCP. We have cooperated with the Service in this area in the past, and we look forward to continued collaboration through our Tribal Preservation Department. The Tribes request that the Service consult with us regarding these issues, consistent with Executive Order No. 13175 ("Consultation and Coordination with Indian Tribal Governments"), the Department of the Interior Policy on

Consultation with Indian Tribes, and the National Historic Preservation Act (54 U.S.C. § 300101 *et seq.*).

Facilities maintenance

It would be helpful for the CCP to address facilities maintenance expectations, needs, budgets and costs for such facilities as the visitor center, residences, barns and other buildings, roundup facilities, picnic area toilets and structures, fences (exterior and interior), and trails.

Enforcement

Given the Service's Region 6 "Realignment Strategy Staffing Framework", and in light of that document's reference to a prioritization protocol for filling vacancies, the CCP should address the Service's expectations or outlook for enforcement responsibilities and jurisdictional impacts, as well as any cross-deputization expectations, needs or opportunities.

Personnel

Again, against the backdrop of budget projections and the above-referenced "Realignment Strategy Staffing Framework" and its associated protocols, the CCP should address the existing vacant positions, as well as expected, desired and potential positions looking forward. Staffing, and associated volunteer needs, at the National Bison Range, has been the subject of several articles in local/regional newspapers over recent months, so there is likely considerable public interest in understanding the Service's long-term outlook for Bison Range staffing.

Research

The CCP should also address any projected activities, or needs, regarding research concerning wildlife, habitat, animal health, genetics, or related issues.

Climate Change

In order to effectively look forward as a planning document, the CCP should address projected, likely, or potential impacts of climate change on habitat, species (fauna and flora), water, forage and wild fire impacts. The Tribes would ask the Service to take into consideration the Tribes' Climate Change Strategic Plan, which was adopted in September 2013 and is available at www.csktribes.org/CSKTClimatePlan.pdf.

Collaboration/Cooperation with Tribes

While the Service's notice of intent to prepare a CCP/EIS includes management alternatives that address Tribal participation or cooperation, the Tribes would encourage cooperative efforts with Tribes to be evaluated even under the 'no action' alternative, as well as other possible alternatives identified during this scoping period.

Fire

FWS, CSKT and the Bureau of Indian Affairs have historically entered into Annual Fire Management Operating Plan agreements addressing fire control at the National Bison Range. The CCP should address the Service's plans, expectations, budget and cost outlooks for fire control, as well as controlled burns and other fire-related management issues.

Management Alternatives

The Tribes are pleased to see that, of the management alternatives that the EIS will evaluate, the U.S. Fish & Wildlife Service has identified, as its preferred alternative, congressional legislation to restore the National Bison Range to federal trust ownership for the Tribes. Last summer, the Tribes publicly released draft legislation that would accomplish such a restoration, with requirements for continued bison and wildlife conservation as well as continued public access.

The Tribes originally released our draft legislation on June 10, 2016, posting it on the Tribes' Bison Range Working Group website (http://bisonrangeworkinggroup.org). The release of the draft legislation opened a two-week public comment period that was later extended to five weeks, ending on July 15, 2016. On July 12, 2016, the Tribes held a public meeting in Pablo, Montana to discuss the draft legislation, answer questions from the public, and collect additional input and comments. Approximately 150 people attended, and a video from the meeting of a CSKT staff presentation on the draft legislation is posted on the Bison Range Working Group website.[1] Representatives from the offices of Montana Congressman Ryan Zinke, Senator Jon Tester, and Senator Steve Daines attended the hearing as well, as did representatives of conservation groups and local governments. After the presentation, meeting attendees were able to discuss the draft legislation with various tribal staff, and ask questions, at a number of different stations where they could also leave written comments.

The release of the draft bill, and the public comment period, received a great deal of state-wide media attention, resulting in high public awareness of the draft legislation and the opportunity to comment.[2]

All of the public comments are posted on the Bison Range Working Group website, along with responses from the Tribes to a number of issues that were raised by the public.[3] Copies of those public comments, as well as the Tribes' responses, are attached to this scoping comment as Appendices "A" and "B", respectively. In order to protect the privacy of the commenters, the

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[1] http://bisonrangeworkinggroup.org/livestream/

[2] E.g., June 10, 2016 Missoulian article "Tribes draft proposed legislation for transfer of National Bison Range" by Vince Devlin (http://missoulian.com/news/state-and-regional/tribes-draft-proposed-legislation-for-transfer-of-national-bison-range/article_d6b3e294-f4b6-5240-ad23-17cbe0464784.html); June 11, 2016 Great Falls, Montana-based KRTV News piece by Amy Pholphiboun titled "Legislation to transfer Bison Range Management drafted" (http://www.krtv.com/story/32199872/legislation-to-transfer-bison-range-management-drafted); and June 10, 2016 Montana Public Radio piece by Amy Martin titled "Draft Bill Would Transfer Bison Range to Tribal Control" (http://mtpr.org/post/draft-bill-would-transfer-bison-range-tribal-control).

[3] http://bisonrangeworkinggroup.org/public-comments-responses/

comments posted on the website, as well as in the attached Appendix, have been redacted to remove email or mailing addresses, etc.

Following the comment period, the Tribes revised the draft legislation in response to issues raised by the public, as well as issues raised by conservation groups and local Counties in discussions and meetings that the Tribes had held during the same period.

The revised draft legislation was publicly posted on the Bison Range Working Group website, and was the subject of further media coverage.[4] The Tribes submitted it to the Montana Congressional delegation in September 2016, requesting its introduction. This was near the close of the 114th Congress, and the legislation was not introduced prior to adjournment. A copy of the revised legislation is attached to this comment as Appendix "C".

The following organizations have provided letters or resolutions of support for the Tribes' draft Bison Range restoration legislation:

1) National Wildlife Federation
2) Natural Resources Defense Council
3) Sierra Club
4) Montana Conservation Voters
5) Mission Mountain Audubon Society
6) Flathead Audubon Society
7) Five Valleys Audubon Society
8) Headwaters Montana
9) Flathead Reservation Human Rights Coalition
10) Nez Perce Tribe
11) National Congress of American Indians
12) Rocky Mountain Tribal Leaders Council
13) Affiliated Tribes of Northwest Indians
14) Iinii Buffalo Treaty Signatories
15) Missoulian editorial board (*February 14, 2016 editorial*)

While a number of the above organizations are national, regional, or state-wide in scope, it is significant that some of the most frequent local users of the National Bison Range, represented by local Audubon chapters, support Bison Range restoration and Tribal management. All three of the local Audubon chapters have provided letters of support: Mission Mountain Audubon; Flathead Audubon; and Five Valleys Audubon.

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[4] E.g., September 16, 2016 Helena Independent-Record article "Tribes revise Bison Range proposal based on public comment", by Vince Devlin (http://helenair.com/news/state-and-regional/tribes-revise-bison-range-proposal-based-on-public-comment/article_86e928aa-8cfc-5eb9-a0ab-00d94d1ff09b.html); September 20, 2016 Valley Journal article "Bison Range draft legislation revised" (http://www.valleyjournal.net/Article/16112/Bison-Range-draft-legislation-revised).

The letters and resolutions from the above-listed organizations are attached to this comment as Appendix "D".

The Tribes submit these public comments and support letters for the record to assist the Service in evaluating the management alternatives.

The Tribes are happy to provide any additional information regarding the topics outlined in this scoping comment. For any inquiries, please contact Brian Upton, Tribal Attorney, at (406) 275-2760, or (406) 675-2700, x1165.

February 16, 2017

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Delivery via email

RE: Notice of Intent to Prepare a Comprehensive Conservation Plan for the National Bison Range, Moiese, Montana [FWS-R6-R-2016-N221]

Dear Ms. Griffin,

Thank you for the opportunity to comment on the *Notice of Intent to Prepare a Comprehensive Conservation Plan for the National Bison Range*. We submit these comments on behalf of our more than 2,000 members in Montana and 2.7 million members and supporters nationwide. Our members have a strong interest in the American bison and value its place on the landscape: ecological, spiritual and cultural.

The Sierra Club is pleased to see the inclusion of Alternative B [Preferred Option], "to evaluate the preferred management option of a Congressional transfer of lands comprising of the NBR unit of the National Wildlife Refuge System to the CSKT of the Flathead Reservation, to be held in trust by the Secretary of the Interior for the benefit of the CSKT." The Sierra Club affirms the concept of restoring the NBR and its bison to the Confederated Salish and Kootenai Tribes for bison conservation, ensuring the long-term health of the bison population, continued public access, and other purposes.

The Notice of Intent (NOI) section titled "The National Bison Range" (NBR) provides an overview of the overall mission of the NBR to "maintain a representative herd of bison, under reasonably natural conditions, to ensure the preservation of the species for continued public enjoyment." The U.S. Fish and Wildlife Service (Service) notes that: Congress appropriated the NBR from CSKT through eminent domain; that the CSKT have cultural, historical, or geographic connections to the land, that there are significant cultural sites located on the Range formerly owned in trust for CSKT, and that the NBR herd descends from bison owned and preserved by CSKT tribal members.

We appreciate that the Service acknowledges CSKT's instrumental role in saving the country's last bison by bringing these bison to the Flathead Indian Reservation, being good stewards, and growing an enduring herd on the Reservation. We recommend this history be included in sections of the CCP/EIS that discuss CSKT NBR history and cultural resources. This is directly related to CSKT's interest in, and qualifications to assume management of the NBR if it were to be restored to federal trust ownership

as proposed. Absence of this information results in an incomplete record and would undermine the "special geographic, historical, or cultural significance" that tie the Confederated Salish and Kootenai Tribes to the National Bison Range. The Tribes' special relationship to the NBR reflects their unique situation.

As stated in the Draft National Bison Range Restoration Act legislation, the CSKT have used the land for hunting, fishing, gathering, cultural and other purposes. We encourage a CCP that recognizes the multiple uses of the lands of the bison range and seeks to accommodate the cultural practices and traditional values of the CSKT. In addition to issues related to tribal rights, the Sierra Club is concerned with wildlife and ecological integrity of wildlife habitat and other land management issues.

Wildlife Management

While the NBR is managed largely for the bison herd, healthy rangeland should be available to support elk, deer, big horn sheep and other big game and wide roaming species. The CCP and EIS need to address wide roaming species listed under the Endangered Species Act, or are otherwise imperiled or recovering. Grizzly bear recovery is of utmost importance to the Sierra Club. The NBR is situated on or near an area identified as a Demographic Connectivity Area (DCA) in the *Conservation Strategy for Grizzly Bear in the Northern Continental Divide Ecosystem* (NCDE). The NCDE includes the Swan Range and Mission Mountains including the Mission Mountains Tribal Wilderness. Existing wildlife passage such as along Hwy 93 serves to connect grizzly bear habitat to the east with the Cabinet-Yaak Ecosystem to the west, the Bitterroot Ecosystem to the south and ultimately the Greater Yellowstone ecosystem. The CCP and EIS need to address the potential of the NBR to serve as grizzly bear habitat, including transient habitat and connectivity to other occupied and unoccupied areas consistent with the NCDE Conservation Strategy. This may include practices on the NBR as well as coordinating with neighboring residents and operations to manage attractants such as fruit trees, beehives, chicken coops, garbage, and removal and disposal of livestock carcasses.

We hope that the CCP aspires to carnivore and predator management based on a fully-functioning ecological framework. Carnivores and predators, including grizzly bear, gray wolf, Canada lynx, wolverine, mountain lion, etc., play an important role on the landscape in removing diseased members of a species. Sierra Club seeks an ecologically-balanced approach to accommodate a wide range of species and natural control of disease. Sierra Club is concerned about the spread of Chronic Wasting Disease (CWD). We encourage an ecologically-intact ecosystem based on healthy rangeland as a foundation for supporting herds of healthy bison and other species at sustainable population levels, and envision the presence and tolerance of predators and carnivores as an important element in controlling herd size and the risk of disease and its spread.

The Sierra Club advocates for wild bison to be considered and managed as wildlife. We advocate for expanded habitat in the Greater Yellowstone Area to allow for a larger herd and to relieve pressures on Yellowstone National Park. We encourage the CCP to consider similar opportunities for bison to access areas that may be available adjacent to the NBR.

Habitat Management

Enclaves of forest, riparian and wetland ecosystems support a diversity of desirable native species. Inclusions of diverse habitat should be inventoried, mapped and maintained. The NBR should be managed to increase underrepresented habitat types typical of historic vegetation of the area. While position on the landscape may be dynamic such as in response to disturbance, we encourage you to consider these areas as important elements in a habitat management plan, and address the role of fire and other disturbances in maintaining these inclusions on the landscape. Fires invigorate native grasses and other vegetation including aspen groves, and control the encroachment of pine forests on grasslands.

We are also concerned with invasive species. The CCP should prioritize identification of any new invasive species and have a plan in place to quickly eradicate small newly discovered populations

before they become established. The CCP must also have a plan to control existing invasive species by reducing the occurrence and spread. The CCP should list and describe present or potential invasive species including avian, amphibian, and aquatic species as well as weeds, and the conditions that could promote their dispersal and establishment.

Climate change could affect habitat, species, the amount and quality of water, and the availability of forage. Resulting high intensity wild fire can threaten forest ecosystems and impact soil and water quality. Species migration into the area can increase competition for grasses and forage. Please address and consider impacts of climate change on rangeland and other ecosystems and wildlife habitat.

Monitoring and Research

We expect the CCP to identify monitoring elements to evaluate rangeland conditions and carrying capacity, as well as the health of the bison herd and other species including elk, deer, and bighorn sheep. Again, we are concerned about CWD and encourage a proactive plan to address this disease.

We encourage the CCP to identify opportunities for research. These could include ecological conditions, diversity of plants and animals on the bison range, role of carnivore in population and disease control, role of wildfire and other disturbance regimes in grassland health and maintenance and diversity of habitat, presence and control of weeds and other invasive species, among other things. The CCP should include a plan for research and partnering with institutions and agencies both on and off the reservation.

Visitor Services

In addition to maintenance and replacement of facilities including the visitor center, roads, entrances and the installation and content of signage, visitor services should include maintaining access for the public. Opportunities for education are also important visitor services. Topics could range from cultural to factors that comprise a healthy and functioning ecosystem.

Economic Impacts of Transfer

Transferring the lands, bison and resources of the NBR back into a trust for the CSKT, could reduce the federal bureaucracy and relieve the federal burden and free up funding for other purposes. The economic impacts of the various alternatives, including the potential savings due to transfer of the NBR to the CSKT should be evaluated.

In conclusion, we appreciate the opportunity to comment on issues that should be considered in preparing a draft CCP. We also wish to note that the Sierra Club recognizes CSKT as a national leader in natural resource management. CSKT biological staff design and implement research, inventory, and monitoring programs for a variety of plant and animal resources found on the refuge complex. These efforts, along with CSKT's pioneering establishment of the nation's first tribally-designated wilderness help demonstrate the Tribes' deep qualifications to assume management of the NBR if it were to be restored to federal trust ownership for them, as proposed by their draft legislation.

Thank you for your consideration of our comments.

Respectfully,

Claudia Narcisco

/Claudia Narcisco
Chair, Conservation Committee
Montana Chapter Sierra Club

/Bonnie Rice
Senior Representative
Our Wild America Campaign