

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,



Michael Turner

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."

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.