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**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

November 2, 2007

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**Honorable Dirk Kempthorne**  
**Secretary of the Interior**  
**1849 C Street, N.W.**  
**Washington, D.C. 20240**

**Honorable P. Lynn Scarlett**  
**Deputy Secretary**  
**1849 C Street, N.W.**  
**Washington, D.C. 20240**

**Dear Secretary Kempthorne and Deputy Secretary Scarlett:**

We recently sent Fish and Wildlife Service Director Dale Hall the attached letter in response to a question he answered October 9, 2007, at a hearing before the Subcommittee on Fisheries, Wildlife and Oceans. Our letter focuses on the ongoing efforts of the Confederated Salish and Kootenai Tribes (Tribes) of the Flathead Reservation to secure an annual funding agreement (AFA) under the Indian Self Determination and Education Assistance Act for the management and operation of the National Bison Range in Montana.

We were surprised that Mr. Hall indicated the reason there is not a new Self Governance AFA in place is because the Tribes have not reengaged in negotiations. That is clearly not the case. We are advised that the Tribes have communicated and met extensively with officials in the Fish and Wildlife Service (Service) and at all levels of the Department. We understand that Deputy Secretary Scarlett in her meeting in April with Chairman James Steele apologized that the AFA had not been reinstated and recommitted the Department to a new AFA. In a memo dated December 29, 2006, to Director Hall, Deputy Secretary Scarlett reiterated her agreement with Director Hall to enter into a new AFA. We understand that in late September the Tribal Chairman met with you, Mr. Secretary, and we are advised that you too indicated your sincere desire to negotiate a new AFA.

The reluctance to enter into a new AFA comes from the Service, not the Tribes. Notwithstanding the Bush Administration's support of the Indian Self Determination and Education Assistance Act, as well as the Service's March 23, 2007, notice in the Federal Register indicating that the Service is interested in negotiating additional AFAs with Self Governance Tribes at appropriate locations, such as the National Bison Range on the Flathead Reservation,

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we have seen little action taken by the Department. Most recently, the Department offered to enter into a "cooperative agreement" with the Tribes, something quite different than the AFA authorized in the Indian Self Determination and Education Assistance Act.

As we stated in our May 15, 2007 letter to you, we think it makes sense for the Tribes to manage the local Bison Range programs under an AFA and we strongly encourage you to take appropriate actions to secure such a Self Governance Annual Funding Agreement. We look forward to hearing from you by December 1, 2007, on the positive steps you are taking to address our concerns.

Sincerely,



Nick J. Rahall, II  
Chairman



Don Young  
Ranking Republican