

Ms. Mary Kendall  
Inspector General (Acting)  
Department of Interior  
1849 C Street, NW  
Washington, DC 20240

February 24, 2010

Dear Ms. Kendall:

I am writing on behalf of Public Employees for Environmental Responsibility (PEER) to request that your office conduct an investigation concerning the operations of the National Bison Range Complex in Montana. PEER has obtained documents under the Freedom of Information Act which reveal serious legal, operational and management deficiencies at this unit of the National Wildlife Refuge System.

As you know, since January 2009, the National Bison Range has been operating under an agreement between the Confederated Salish and Kootenai Tribes (CSKT) and U.S. Interior Department. Under that agreement, operation of the entire National Bison Range Complex was transferred to the CSKT.

As you also know, a previous agreement for joint operation of the Bison Range with the CSKT was cancelled in late 2006 due to performance-related issues, as well as reported harassment of federal refuge employees by the CSKT. Records obtained by PEER indicate that several of the previous performance-related difficulties seem to be recurring in the current arrangement. The records also indicate that the heightened responsibilities assigned to the CSKT have led to additional legal and management deficiencies.

Specifically, we are requesting that your office review whether –

1. Violations of federal laws and /or regulations are occurring at National Bison Range;
2. Operations at the National Bison Range are in compliance with Fish & Wildlife Service protocols and standards, as required in the funding agreement with the CSKT; and
3. Efficient and effective management of the National Bison Range is enhanced or inhibited by the current arrangement.

In particular we call your attention to some of the attached documents which detail:

- Inadequate law enforcement presence to respond to acts of arson, poaching and illegal hunting, such as use of toxic shot and spotlighting wildlife. [ATTACHMENT I]

- Repeated fence openings allowing the refuge's bison to wander. In one 2009 incident, 150 bison had to be rounded up and returned to pasture. [ATTACHMENT II]
- CSKT workers are routinely violating pesticide label instructions, such as to avoid spraying in high winds, in herbicide applications to combat invasive plants. Contrary to protocol, CSKT employees often do not report where, how much or under what conditions pesticides are applied. Because sprayed areas have not been accurately identified, they could be double sprayed. [ATTACHMENT III]
- Required reports and filings do not appear to be completed. An August 11, 2009 e-mail notes that the 2009 Plan of Work required under the refuge agreement is "embarrassingly long past due." [ATTACHMENT IV] In fact, no such plan appears in the documents obtained by PEER, suggesting that it has yet to be completed. A work plan for CY 2010 also should have been completed by now but does not appear in the documents provided to PEER.
- Management of the National Bison Range appears to be adrift. One memo depicts a leaderless malaise: "Seems like everyone is going a different direction with little understanding of what or why they are doing it." [ATTACHMENT V]

To the extent that your office verifies violations of law, regulation or policy, we assume that you would refer that information to the appropriate enforcement or administering agency. Apart from any outright violations, an independent review of the operational effectiveness on the CSKT arrangement is both needed and timely.

Scrutiny of current operations is warranted in order to determine whether and under what conditions the funding agreement with the CSKT at the National Bison Range should be renewed when the current agreement expires September 30, 2011.

Moreover, assuming the legality of the current agreement (which is now under legal challenge by PEER and others) the significance of these issues extend far beyond the National Bison Range. Another 18 refuges in 8 states covering more than three-quarters of the entire National Wildlife Refuge System and nearly 60 National Parks, stretching from Redwood to Cape Cod National Seashore, are all potentially eligible for the same type of delegation agreements with Indian tribes pursuant to section 405(c)(4) of the Tribal Self-Governance Act.

If this Bison Range arrangement is being developed as a model for future agreements, it is imperative that its efficacy should be monitored closely. Should your office require additional information about this request, or additional materials, please do not hesitate to contact me.

Cordially,

Jeff Ruch  
Executive Director