

Honorable Conrad Burns
United States Senator
324 West Towne
Glendive, Montana 59330

Attention: Pam Tierney-Crisafulli

Dear Senator Burns:

Thank you for your letter dated August 10, 2004, concerning the proposed Annual Funding Agreement (AFA) between the U.S. Fish and Wildlife Service (Service) and the Confederated Salish and Kootenai Tribes (Tribes) for Activities at the National Bison Range (NBR) Complex.

The five questions you asked are listed below with corresponding answers.

1. What is the estimated cost for the first year for the AFA?

The AFA would transfer agreed upon Activities that occur within that portion of the National Bison Range Complex that is within the external boundary of the Flathead Indian Reservation to the Tribes. This would be accomplished by transferring the associated line item budgets for those activities to the Tribes. The FY 2004 National Bison Range Complex operational budget for responsibilities within the external boundary of the Flathead Indian Reservation is \$954,502. This includes Activities conducted by both the NBR and Tribes. Under the terms and conditions of the draft AFA, this amount would be \$977,962, an increase of \$23,460. Please refer to the Attachment for a more detailed breakdown of all costs associated with the operational budget of that portion of the National Bison Range Complex that lies within the Flathead Indian Reservation.

During the negotiations both the Service and the Tribes agreed that a successful AFA required the Tribes to have a supervisory position, however, the Service was not willing at this time to transfer a supervisory position to the Tribes under an AFA. The Service offered to provide additional funding out of the Region 6 refuge budget to create a Coordinator position. The Tribes expressed their concern that this would add to the annual operating cost of the National Bison Range Complex within the External Boundary of the Flathead Indian Reservation.

2. What portions of the United States Fish and Wildlife Service budget will these funds be taken from?

All of the Service funding of the draft AFA is within the existing budget allocations for the National Bison Range Complex. For the first AFA, the Bureau of Indian Affairs has agreed to provide \$30,000 to facilitate the transition to an AFA. The Service committed during the negotiations to fund the Coordinator position through the Region 6 national wildlife refuge funding allocation process. If the first AFA is considered to be successful by the Service and the Tribes, then future AFAs could include an existing Service supervisory position which would eliminate the need for Region 6 funding of the Coordinator at \$63,631/year.

3. What type of National Environmental Policy Act (NEPA) analysis does the Service intend to prepare and what are the associated costs?

The Service has been advised that implementation of an AFA is not a major Federal action and it does not require the completion of an Environmental Assessment or an Environmental Impact Statement. The Service has addressed the implementation of this AFA through a Programmatic Categorical Exclusion.

The Service and the Tribes have made the draft AFA available to the public for comment for 90 days and have held two public meetings and one open house to discuss the draft AFA with the public. This was not required by law, but the Service and the Tribes wanted to ensure adequate public input and review.

4. What is the estimated cost of the AFA over the next 5 years?

As stated above, the vast majority of the cost of the draft AFA is within the existing budget allocations for the National Bison Range Complex and these funds are derived from the Region 6 national wildlife refuge budget. If the first AFA is considered to be successful by the Service and the Tribes, then future AFAs could include an existing Service supervisory position which would eliminate the need for Region 6 funding of the Coordinator at \$63,631/year. If a second AFA includes a supervisory position, then the net impact to the operational budget of that portion of the National Bison Range Complex within the Flathead Indian Reservation over the next five years would be a savings of \$17,224. If none of the subsequent AFAs include a supervisory position, then the net impact to the operational budget of that portion of the National Bison Range Complex within the Flathead Indian Reservation over the next five years would be an increase of \$237,300, or an average of \$47,460/year over five years.

5. What are the associated costs in negotiating the proposed AFA?

The costs of negotiating the draft AFA include Service staff time, travel expenses, public meetings, and assistance from the Rocky Mountain Region Office of the Solicitor. The Service estimated cost of negotiating the AFA from 2003 to the present is \$288,000.

Most of the meetings were held at the Regional Office in Denver which reduced travel expenses. Although not estimated herein, the Tribes also would have incurred considerable costs associated with these negotiations.

The cost estimates in the Attachment reflect our best analyses on the known costs associated with the implementation of the draft AFA. Earlier cost estimates associated with the first and five year life of a draft AFA included either higher figures or additional expenses that, after further investigation and review, could not be corroborated or could not be supported. Other speculative costs, or even savings in the form of in-kind Tribal contributions and the availability of other Tribal resources, could be associated with the implementation of the draft AFA. However, these figures represent our most accurate and reliable estimated costs that are directly attributable to the implementation of the draft AFA.

The Service is pleased to have successfully negotiated an AFA with the Tribes. Although it has taken considerable time and effort to get to this point, we believe there is great potential for improved cooperation and collaboration with the Tribes on future AFAs and other areas of mutual interest. We look forward to finalizing the AFA after reviewing public comment, making any necessary revisions and forwarding it to Congress for its 90 day review.

For further information or assistance, please contact Richard Coleman , Assistant Regional Director-Refuges, at 303-236-4303.

Sincerely,

DIRECTOR

Enclosure

Copy to Your Washington Office

cc: Paul Hoffman, Deputy Assistant Secretary, Fish, Wildlife, and Parks
Bill Hartwig, Assistant Director, National Wildlife Refuge System
Ralph Morgenweck, Regional Director
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