

PUBLIC SUBMISSION

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Docket: FWS-HQ-NWRS-2022-0087

Agency Information Collection Activities; U.S. Fish and Wildlife Service Bison Donations Transfer Protocol

Comment On: FWS-HQ-NWRS-2022-0087-0001

Agency Information Collection Activities; U.S. Fish and Wildlife Service Bison Donations Request Form

Document: FWS-HQ-NWRS-2022-0087-0005

Comment from InterTribal Buffalo Council

Submitter Information

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Government Agency Type: Tribal

Government Agency: InterTribal Buffalo Council

General Comment

See attached file(s)

Attachments

USFWS Bison Donation Form Comments - ITBC



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October 11, 2022

Via Internet: <https://www.regulations.gov>

Service Information Collection Clearance Officer
U.S. Fish and Wildlife Service
5275 Leesburg Pike
MS: PRB (JAO/3W)
Falls Church, VA 22041-3803

*RE: InterTribal Buffalo Council's Comments on Docket No. FWS-HQ-NWRS-2022-0087,
USFWS Bison Donations Request Form*

Thank you for this opportunity to comment on the USFWS Bison Donations Request Form. The InterTribal Buffalo Council (ITBC) is a federally chartered Indian organization under Section 17 of the Indian Reorganization Act. Since 1992, ITBC has been one of the primary organizations involved in buffalo restoration and the only national organization exclusively focused on restoring buffalo to Tribal lands. Our membership consists of 78 member Tribes across 20 states – serving over one-million enrolled Tribal members. The collective herds of our membership consist of over 20,000 buffalo. Member Tribes manage more than 32 million acres of Tribal lands and are credited in restoring buffalo to nearly 1 million of those acres.

The mission of ITBC is *to restore buffalo to Tribal lands for cultural and spiritual enhancement and preservation*. Buffalo have long been a part of North America and the Native American way of life. Restoring buffalo to the landscape can lead to ecological, cultural, and economic opportunities along with helping to improve the health and wellness of the environment and people. ITBC is committed in assisting Tribes in restoring buffalo to Indian Country. This is accomplished through a variety of ways including technical assistance, Tribal economic development, herd development grants, food sovereignty, policy work, partnerships, and the Surplus Buffalo Program. Many animals transferred over the past 30 years to Tribes have been sourced from the USFWS herds, along with National Park Service, state, and private herds around the country. ITBC's involvement with the Surplus Buffalo Program has enabled our Tribal-led organization to become experts in working with federal agencies and Tribes to successfully transfer buffalo over the years.

The USFWS Bison Donations Request Form has been the primary means the USFWS has used over the years to determine where surplus animals are distributed. Although it requires requestors to specify the intended use of buffalo to receiving organizations, the form alone does not fully articulate what many Tribes are doing with the donated animals. It is difficult to put an exact number on animals that are perhaps intended to be used for multiple purposes, such as cultural, educational, and ecological. Tribes often use the animals as a combination of the options listed by USFWS on the form. The form has no doubt been useful, however, it should not be the primary means of determining which eligible organizations receive animals.



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ITBC has a successful process in place to transfer buffalo to Native Nations called the ITBC Surplus Buffalo Program. Through a Request for Proposals (RFP), Tribes are awarded surplus animals through a clear and equitable process. The USFWS has the ability to enter into a contract with the ITBC through the Public Law 93-638, the Indian Self-Determination and Education Assistance Act, to facilitate all bison donations from public lands to Tribal lands.

According to the USFWS's "Bison Donations Transfer Protocol", "*The primary purposes of donating these bison are to support conservation of the species as native North American wildlife and to assist in the restoration of bison herds on conservation partner lands, with special emphasis on restoring conservation herds to Tribal lands.*" In addition, the authorities governing the protocol include: Indian Self-Determination and Education Assistance Act (Pub. L. 93-638, as amended) (Federal Register (2022) Vol. 87 No. 155. 49879) which incidentally has enabled the USFWS the authority to enter contracts with Tribes and Tribal organizations since 1994 leading to co-management of our nation's resources.

The Federal Register (2022, Vol. 87 No. 155 49878) goes on to state, "*The DOI Bison Report: Looking Forward (2014 report) acknowledges the challenges to achieving bison restoration on DOI lands and emphasizes the importance of partnerships for achieving bison conservation and ecological restoration. Both the 2010 and 2014 reports also identify the potential for bison herds maintained by Indian Tribes to contribute to species conservation, and the Service recognizes that such bison may also support Tribal cultural rights and practices.*"

The InterTribal Buffalo Council would greatly assist the USFWS meet the purposes of donating surplus buffalo, with an emphasis on bringing animals to Tribal lands. ITBC has the capacity and knowledge to facilitate and implement the Bison Donations through the USFWS herds. The contract authority, expertise, partnerships, and established procedures exist to create a successful program for future generations.

If you have any questions please let us know. Thank you for your consideration of this important matter.

Sincerely,

Troy Heinert, Executive Director