

Department of the Interior Departmental Manual

Effective Date: 2/8/71

Series: Multi-Program Management

Part 501: Fish, Wildlife and Outdoor Recreation Resources

Chapter 2: Bureau of Indian Affairs and Fish and Wildlife Service

Originating Office: U.S. Fish and Wildlife Service

501 DM 2

2.1 Objective. The arrangements provided for by this chapter are designed to promote the maximum conservation, development, and utilization of the fish and wildlife resources of land and waters under the administration and jurisdiction of the Bureau of Indian Affairs. In carrying out this objective, full consideration and recognition will be given to the fact that the vast majority of the lands subject to BIA management control are not public lands, but represent the principal resource available for economic and social advancement of the Indian people as beneficial owners. However, in its capacity as trustee, the Bureau of Indian Affairs will strive to establish and maintain policies and practices comparable to those carried out by the United States Fish and Wildlife Service, or by well-informed private conservationists in protecting fish and wildlife resources.

2.2 Respective Roles of the Bureaus. The Bureau of Indian Affairs is the agency primarily responsible for the administration of Indian property, including lands within Indian reservations, and for the enforcement of treaties, laws, and regulations pertaining to the affairs and welfare of the American Indians. Wildlife (including fisheries) is an integral factor in the social and economic life of the Indians, and must always be so managed as to furnish a maximum contribution to their welfare consistent with a continuance of such benefits to future generations. The conservation of wildlife must always be treated as an inseparable part of the broad, unified conservation of soil, moisture, forests, and other vegetation, and must insure a proper relation between agriculture, stock-raising, and wildlife values. The responsibility and authority for coordination and integration of management programs pertaining to Indian resources and Indian off reservation treaty fishing rights rests at all times with the Bureau of Indian Affairs.

The Bureau of Sport Fisheries and Wildlife is recognized as the fact-finding arm and scientific authority within the Department of the Interior on sport fishery and wildlife matters. This Bureau advises the Bureau of Indian Affairs on such matters and prepares fish and wildlife management plans data as requested, after appropriate field investigations. The primary responsibility for execution of fish and wildlife management programs in the field rests with the local field offices of the Bureau of Indian Affairs and the tribes, with such aid and assistance by the Bureau of Sport Fisheries and Wildlife as may be necessary.

2.3 Fish and Wildlife Resource Management on B.I.A. Lands. All Indian lands

administered by the BIA, which contain fish and wildlife values suitable for management and development shall have, with the consent and participation of the tribes, an active, progressive program for management and conservation of fish and wildlife consistent with other land uses. This shall be accomplished through:

A. Memoranda and Agreements. Memoranda of procedure covering broad cooperative action will be drawn up as needed by the two agencies and the Indian tribes. The details of specific field projects will be covered by field agreements, executed and signed by field representatives of both agencies who have been authorized by their respective superiors to take such action. Field agreements will outline in detail the nature, location, and extent of the cooperative project, its purpose or purposes, its cost, and the source and amount of funds, contributions, etc., to be utilized. Such agreements shall receive the approval of the appropriate governing body of the tribe concerned, whenever such approval is required by regulation, or policy, or when the tribe is an active participant under the terms of such agreements.

B. Cooperative Activities in the Field. The Bureau of Sport Fisheries and Wildlife will assist the Bureau of Indian Affairs in dealing with problems and devising management plans in its special fields of operations when so requested by the BIA. In the field, personnel from the Bureau of Sport Fisheries, in addition to conducting fish and wildlife surveys and research, will assist the various BIA offices in fish and game matters, including fishery management, wildlife census procedures, necessary protective measures, and law enforcement, and will collaborate with the BIA in such educational work with the Indians as is necessary to give them a better appreciation of the need for wildlife conservation and management.

The adoption of fish and wildlife management plans on Indian lands and waters as are mutually agreed upon shall be furthered. The Bureau of Indian Affairs will collaborate with the Bureau of Sport Fisheries and Wildlife on general programs of fish and wildlife conservation of national significance.

The Bureau of Sport Fisheries and Wildlife will endeavor to provide suitable species of fish for stocking the waters on Indian reservations in accordance with approved fishery management plans or where the need for stocking has been determined by fishery biologists and where adequate protection is afforded.

Where there is need for animal damage control, the Bureau of Sport Fisheries and Wildlife will assist the BIA and Indian tribes to the extent agreed upon at the appropriate field level, within both Bureaus. The Bureau of Sport Fisheries and Wildlife will cooperate with tribal authorities and officials of the BIA in protection of fish and wildlife, including the enforcement of the Migratory Bird Treaty and other Federal laws.

Where irrigation projects, including storage reservoirs, on lands under the jurisdiction of the BIA have value as wildlife refuges of national importance, both agencies will cooperate to the fullest extent in securing designation of these areas as National Wildlife Refuges, and in effecting their proper development consistent with the primary purpose of the irrigation projects and Indian rights on the lands and waters concerned. The Bureau of Sport Fisheries and Wildlife will advise the Bureau of Indian Affairs of fishery, of wildlife values that may arise from

development of multipurpose water projects on Indian lands. Whenever possible, this advice will be given during the early stage of project planning.

Where National Wildlife Refuges adjoin or include tribal or Indian-allotted lands, field personnel are authorized and encouraged to prepare such Field Agreements as are necessary to coordinate effectively the programs of the cooperating agencies in the interest of sound land use and development. On National Wildlife Refuges and National Fish Hatcheries located on Indian lands, Indian labor, as far as possible, will be utilized on development projects. Both agencies will cooperate fully to this end.

2.4 State Cooperation with the BIA in Fish and Game Activities. State fish and game departments participate to some extent in fish and game management on a number of Indian reservations. The Bureau of Sport Fisheries is the principal technical advisor to the Bureau of Indian Affairs. Local agreements among the tribes, Bureau of Indian Affairs and State fish and game agencies do not relieve this Bureau of its responsibilities to the Bureau of Indian Affairs as designated in 501 DM 1, 2, and 3.

2.5 Financing. The extent to which the Bureau of Sport Fisheries and Wildlife and the Bureau of Indian Affairs will undertake cooperative projects will depend upon budgetary considerations and available personnel. Funds may be increased, by mutual agreement, through transfer from one agency to the other. Each agency is authorized to assist the other in performing surveys, research, and management activities by providing such manpower, equipment, and facilities as may be available for the purpose.

2/8/71 #1266

Replaces 6/20/63 #606