

INDIAN AFFAIRS MANUAL

Part 56
Chapter 2

Fish, Wildlife and Recreation
Resource Management

Page 1

- 1.1 Purpose.** This chapter documents the resource management strategy of the Bureau of Indian Affairs' (BIA) Fish, Wildlife and Recreation Program.
- 1.2 Scope.** This chapter applies to BIA employees of the Fish, Wildlife and Recreation program in the administration and management of all associated resources.
- 1.3 Policy.** The following activities, operations, and entities are included in the application of the BIA's Fish, Wildlife and Recreation policy:
- A. Professionalism in Resource Management.** All Indian lands administered by the BIA which contain fish, wildlife, outdoor recreation, and tourism-related values suitable for management and development will have, with the consent and participation of the Tribes, an active program for managing associated resources consistent with other land uses. To the maximum extent possible, this will be accomplished through direct Tribal participation and capability development in the establishment and implementation of integrated resource management plans, codes, ordinances, regulations, harvest management programs, population and habitat management strategies, and other activities required for effective management.
 - B. Tribal Resource Management Emphasis.** To the maximum extent possible, the BIA will strengthen and support Tribal missions, goals, and objectives in assuming regulatory and program management roles and responsibilities for fish, wildlife, and outdoor recreation resources on reservations and in ceded territories and other lands where traditional uses and rights exist. Resource conservation involves more than providing services to Tribes, and is best furthered by developing the capability and infrastructure of Tribes and Tribal resource management programs so that Tribes become meaningful and effective resource managers, capable of dealing one-to-one with their federal and state counterparts.
 - C. Off-Reservation Indian Rights.** The BIA will recognize and support the exercise of Indian hunting, fishing, and gathering rights, and associated religious freedoms, reserved or secured by treaties, judicial mandates or other legal instruments within certain territories ceded to the United States.
 - 1) The BIA further recognizes the roles and responsibilities of Tribal governments in regulating usual and accustomed or customary and traditional activities, and in co-managing fish and wildlife resources in many of those areas. BIA personnel will work to ensure that the exercise of Indian hunting, fishing, and related rights is fair, equitable, and meaningful from a resource allocation standpoint.
 - 2) In recognition of the dependence of fish and wildlife resources on habitats located on non-Indian lands which are subject to management by numerous federal, state, and other jurisdictions, and the multitude of laws, ordinances, regulations, and administrative structures that have been established by the management authorities

INDIAN AFFAIRS MANUAL

Part 56
Chapter 2

Fish, Wildlife and Recreation
Resource Management

Page 2

to protect and enhance these resources and govern their use, the BIA will encourage communication and cooperation between Tribes and other authorities in addressing resource issues and problems of common interest and concern, and ensure that Tribal views and participation are factored into decision-making processes.

D. Funding and Technical Assistance. The BIA will work to facilitate access to federal and non-federal funding sources and assistance, similar to that available to states. Certain Tribes may not possess the resources to appropriately manage fisheries, wildlife, outdoor recreation, and tourism programs. To the extent federal resources are available, the BIA will provide assistance either directly or enter into agreements with other agencies to manage these resources. Memoranda of agreement may be drawn up as required between the BIA and other federal agencies providing for technical assistance and identifying funding arrangements, periods of performance, reporting requirements, and project oversight requirements.

E. Intertribal Fish and Wildlife Management. In dealing with complex off-reservation treaty hunting, fishing, and gathering rights issues involving more than one Tribe sharing a common geographic area, the BIA supports the formation and involvement of inter-Tribal organizations in addressing and negotiating complex resource issues with other resource management jurisdictions. The formation of inter-Tribal organizations and joint Tribal management programs is especially encouraged when complex inter-jurisdictional fish and wildlife resources of national and international significance are involved. Every effort will be made to maintain and improve the effective functioning of inter-Tribal fish and wildlife organizations and joint Tribal programs in carrying out common co-management roles and responsibilities.

1.4 Authority. Treaties comprise the primary source of authority for protecting fish and wildlife resources for the benefit of Indian Tribes. Treaty rights reserved for Indian Tribes the right to hunt, fish, and gather on established reservation land and certain other ceded territory. These rights are granted in perpetuity in exchange for the vast amounts of land ceded to the federal government by Indian Tribes.

A. Statutes and Regulations.

- 1) P. L. 100-581 (102 Stat. 2944), Title IV—Columbia River Fishing Access Sites Act of 1998
- 2) P. L. 101-618 (104 Stat. 3294), Truckee-Carson Pyramid Lake Water Settlement Act of 1990
- 3) 25 CFR Subchapter—Fish and Wildlife
- 4) 16 U.S.C. Chapter 5A, Subchapter I—Game, Fur-bearing Animals and Fish

INDIAN AFFAIRS MANUAL

Part 56
Chapter 2

Fish, Wildlife and Recreation
Resource Management

Page 3

- 5) 16 U.S.C. Chapter 7–Protection of Migratory Game and Insectivorous Birds
- 6) 16 U.S.C. Chapter 9–Fish and Wildlife Service
- 7) 16 U.S.C. Chapter 9A–Preservation of Fishery Resources
- 8) 16 U.S.C. Chapter 28–Wild and Scenic Rivers
- 9) 16 U.S.C. Chapter 35–Endangered Species
- 10) 16 U.S.C. Chapter 38, Subchapter II–United States Rights and Authority Regarding Fish and Fishery Resources
- 11) 16 U.S.C. Chapter 51–Alaska National Interests Lands Conservation
- 12) 16 U.S.C. Chapter 52–Salmon and Steelhead Conservation and Enhancement
- 13) 16 U.S.C. Chapter 56A–Pacific Salmon Fishing
- 14) 42 U.S.C. § 1996, Protection and Preservation of Traditional Religions of Native Americans

B. Guidance.

- 1) 501 Departmental Manual (DM) 2, Bureau of Indian Affairs and Fish and Wildlife Service

1.5 Responsibilities.

- A. Director, Office of Trust Services (OTS), BIA** serves as the line officer for OTS programs, and is responsible for all headquarters activities associated with the management and protection of trust lands, natural resources, and treaty and statutory rights of Indian Tribes and individual Indians in or affecting property held in trust or co-managed by the Federal Government.
- B. Chief, Division of Natural Resources, OTS** is responsible for providing direction, coordination, management, planning, oversight, and monitoring for trust natural resource development and protection, including the program area of Fish, Wildlife and Recreation.
- C. Chief, Fish, Wildlife and Recreation Program, Division of Natural Resources** serves as the day-to-day manager of the Fish, Wildlife and Recreation Program in matters covering the planning, budgeting, performance management, policy development, administration, and supervision of related program operations, and

INDIAN AFFAIRS MANUAL

Part 56
Chapter 2

Fish, Wildlife and Recreation
Resource Management

Page 4

maintains liaison with regional and agency offices on all program matters.

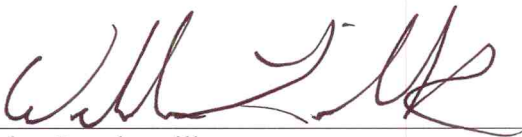
D. Regional Directors are responsible for:

- 1) championing Tribal fish, wildlife and outdoor recreation management issues and concerns in dealings with other governments and private interests;
- 2) compiling data provided from agencies and Tribes to establish regional program direction and to assist in the development and preparation of annual Wildlife and Parks budgets and performance plans;
- 3) ensuring that technical support is provided to Tribally contracted fish, wildlife and outdoor recreation resources management programs; and
- 4) assisting in the conduct of annual administrative reviews and evaluation of the Fish, Wildlife and Recreation Program.

E. Agency Superintendents are responsible for:

- 1) establishing local fish, wildlife and recreation program direction;
- 2) developing and overseeing the execution of immediate and long range programs to integrate fish, wildlife and outdoor recreation resource needs of reservations and Tribes within their jurisdiction;
- 3) acquainting Tribal governing bodies with game and fish problems, management techniques, and research needs as required; and
- 4) assisting Tribes in the conduct of annual program reviews and evaluation of the Fish, Wildlife and Recreation Program.

Approval



Weldon Loudermilk
Director, Bureau of Indian Affairs

27-Mar-2017
Date