

INDIAN AFFAIRS MANUAL

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Fish, Wildlife and Recreation
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2.1 Purpose. This chapter outlines the policies of the Bureau in its oversight of the Fish, Wildlife and Recreation program.

2.2 Key Program Policies. In its capacity as trustee, the Bureau will actively protect Indian fish, wildlife and outdoor recreation resources as trust assets, and assure that tribal input is obtained for all agency actions and decisions that may affect these assets. The Bureau will protect against the loss, infringement and abrogation of hunting, fishing, gathering, and related rights guaranteed to federally-recognized tribes by the United States through treaty, statute or Executive Order and support fulfilling tribal co-management responsibilities associated with the exercise of such rights. It will also provide for the conservation, prudent management, enhancement, orderly development and wise use of fish, wildlife and outdoor recreation resources upon which the meaningful exercise of hunting, fishing, gathering, and related rights depend and the implementation of associated resource management programs require. In carrying out their roles and responsibilities, and in advising personnel of other agencies and entities relative to resource conservation issues of interest to tribes, the Bureau will support the following policies.

A Professionalism in Resource Management. All Indian lands administered by the Bureau 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 Bureau 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. It will be recognized that 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 Bureau 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 Bureau 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. Bureau 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

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jurisdictions, and the multitude of laws, ordinances, regulations and administrative structures that have been established by the management authorities to protect and enhance these resources and govern their use, the Bureau 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 Bureau 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 Bureau 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 Bureau 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 Bureau 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.