



## Montana & Wyoming Tribal Leaders Council

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### **Open Letter Approved By Official Resolution No. 11 Dec2014-04 of the MT WY Tribal Leaders Council on December 11, 2014**

The sovereignty and spiritual rights of Tribal Nations in Montana and Wyoming are threatened by the proposed delisting of the Yellowstone grizzly bear from Endangered Species Act (ESA) protections by the US Fish and Wildlife Services. Ten of the twenty-six Tribal Nations the federal government recognizes as having an ancestral connection to Yellowstone are located in Montana and Wyoming, but to date they have not been consulted in this process.

The grizzly bear holds a unique position in the traditional cultures, ceremonies and spiritual practices of the affected tribes. If the Yellowstone grizzly bear is delisted, the management plans of the states of Wyoming, Montana and Idaho propose trophy hunting the grizzly on both the ancestral and current homelands of the affected tribes, which not only represents a threat to tribal sovereignty, but also contravenes the American Indian Religious Freedom Act (AIRFA) PL-95-341.

During this process, the FWS, Department of the Interior, has so far ignored Executive Order 13175 (Nov. 6, 2000) "Consultation and Coordination with Indian Tribal Governments" signed by President Clinton, and the Memorandum for the Heads of Executive Departments and Agencies (Nov. 5, 2009) issued by President Obama, requiring a "complete and consistent implementation of Executive Order 13175."

The AIRFA states that laws related to "conservation and preservation of natural species" cannot, as was the norm prior to the Act, be "passed without consideration of their effect on traditional American Indian religions." However, in its attempts to delist the Yellowstone grizzly bear without regard to the religious practices of tribal people, the FWS is doing precisely that.

Prominent spiritual leaders and elders from the affected Tribal Nations have issued statements in opposition to delisting the Yellowstone grizzly bear.

Given the economic challenges faced by the affected Tribal Nations, and the cultural significance of the grizzly bear, the prospect of the states charging anywhere between the quoted figures of \$10,000 to \$100,000 to trophy hunt this sacred being on ancestral tribal lands is at best disrespectful.

Grizzly bear management plans post-delisting should be sensitive to the cultures of the affected Tribal Nations. Rather than have the states influence grizzly bear management on tribal lands, the affected Tribal Nations should be provided with the resources to initiate their own management practices and programs that are consistent with their cultural values. By doing so, tribal sovereignty will be upheld and potential employment and economic opportunity provided.

Additionally, the states' grizzly bear management plans also threaten to detrimentally impact tourism initiatives that would aid the economies of the affected Tribal Nations. Recent studies demonstrate that in strictly economic terms, grizzlies are a legitimate "economic powerhouse," worth far more alive than dead.

At the October 2014 meeting of the cross-jurisdictional body, the Interagency Grizzly Bear Committee (IGBC), the State of Wyoming reaffirmed its previously stated position that it wishes to cap the Greater Yellowstone grizzly bear population at 500. Not only is that number inconsistent with the purpose of the ESA, if recent population estimates issued by the tri-states and FWS are accurate, it would result in a virtual cull post-delisting that would have a devastating impact on tribal people relative to the spiritual importance of the grizzly bear.

As of fall 2014, the FWS and tri-states claim that there are now approximately 1,000 grizzlies in the Greater Yellowstone Ecosystem, which, based upon their own estimates, is an increase of 259 grizzlies in one year, which followed an estimated increase of approximately 112 in six months during 2013. The grizzly bear has the second slowest reproduction rate of any mammal, and clearly the Greater Yellowstone population cannot have increased by 35% in one year.

The affected Tribal Nations are entitled to review the raw data the FWS is basing all of its conclusions upon (not just its population estimates) relative to delisting the grizzly bear through the Secretarial Order issued by the Secretary of the Interior and the Secretary of Commerce pursuant to the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531). Several tribes have already called upon the FWS to release that data not only to the affected Tribal Nations, but also to independent scientists for analysis and review. This body echoes those calls.

Every federal agency is required to consult with Tribal Nations before they recommend a course of action that has the potential to affect tribal rights and interests. This must occur in this process, as the affected Tribal Nations cannot permit their sovereignty to be undermined.

The manner in which this process has so far been conducted without the consultation and input of the affected Tribal Nations is representative of the recent history of Yellowstone (post-1872). It must be remembered that Yellowstone was a homeland, a sacred cultural landscape to twenty-six tribes, before it was a National Park. However, a visitor to Yellowstone today would not know that, due to the lack of cultural interpretation. A change in that respect is long overdue. America's first national park should no longer have features named after the proponents and exponents of genocide, as is the case with Hayden Valley and Mount Doane.

Seven months before Lieutenant Gustavus Cheyney Doane, 2nd Cavalry, guided the 1870 Yellowstone Expedition, he had led the massacre of Chief Heavy Runner's Piegan Blackfoot village on the Marias River. On his subsequent application to become Superintendent of Yellowstone National Park, he boasted, "Greatest slaughter of Indians ever made by U.S. Troops." Of the 173 victims killed on January 23, 1870, only 15 were men of fighting age.

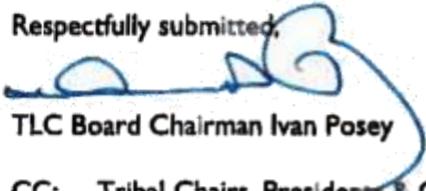
Where Doane participated in genocide, Dr. Ferdinand V. Hayden advocated it. "Unless they are localized and made to enter upon agricultural and pastoral pursuits they must ultimately be exterminated," Hayden said of our ancestors who were about to be dispossessed by the establishment of Yellowstone National Park. "If extermination is the result of non-compliance, then compulsion is an act of mercy," he concluded.

These names must be changed with the input of the affected Tribal Nations, just as any move to delist the sacred grizzly bear on this ancestral landscape must involve consultation with the affected Tribal Nations.

Pre-the Lewis and Clark Expedition, there were an estimated 100,000 grizzly bears in the Western US. Today the grizzly bear survives on less than 2% of its original range, with possibly 2% of its historic population. The Yellowstone grizzly bear is a genetically isolated, island population that numbers in the hundreds. In a historical context, and by the spirit and intent of the ESA, it cannot yet be considered recovered.

Until these issues cited herein are addressed and resolved to the satisfaction of all of the affected Tribal Nations, we believe that it is premature to even consider issuing a new Rule to delist the iconic Yellowstone grizzly bear from ESA protections.

Respectfully submitted,



TLC Board Chairman Ivan Posey

CC: Tribal Chairs, Presidents & Councils