



January 16, 2015

Interior Secretary Sally Jewell,
US Department of the Interior,
1849 C Street, NW
Washington, DC 20240

GOAL
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RE: Official resolutions, declarations and letters of twenty-nine (29) federally recognized Indian Tribes in opposition to the US Fish and Wildlife Service's proposed delisting of the Yellowstone grizzly bear (*Ursus arctos horribilis*) from the Endangered Species Act, and the US Fish and Wildlife Service's contravention of the established protocols for tribal consultation in this process.

Dear Madam Secretary,

Enclosed please find both original documents and copies of the aforementioned official resolutions, declarations and letters of twenty-nine (29) federally recognized Indian Tribes in opposition to the US Fish and Wildlife Service's (FWS) proposed delisting of the Yellowstone grizzly bear from the Endangered Species Act (ESA).

Included among these is a resolution by the Eastern Shoshone Tribe, whom you visited in August 2013, a declaration by the Standing Rock Sioux Tribe, to whom President Obama made an official government-to-government visit in June 2014, and a letter from the Crow Tribe, President Obama's adopted people.

In addition, copies of resolutions recently passed by the Northern Cheyenne Tribe and the Great Plain Plains Tribal Chairmen's Association will be forthcoming. In total, this amounts to every tribe in Wyoming, Montana, South Dakota, North Dakota, Nebraska, and some in Idaho and Oklahoma. GOAL (Guardians of Our Ancestors' Legacy) Tribal Coalition, of which I am a co-founder, liaised and coordinated with the respective Tribal Nations and representative bodies in amassing this official documentation.

As articulated in all of the resolutions, declarations and letters, due to the immense spiritual and religious significance of the grizzly bear in tribal cultures, all of the Tribal Nations cite violations of the American Indian Religious Freedom Act (AIRFA–PL 95-341–1978/PL 103-344 –1994) in FWS’s actions to date relative to delisting the grizzly bear.

Similarly, all of the Tribal Nations specify FWS’s disregard for established consultation protocols. Standing Rock Sioux Chairman, Dave Archambault II, succinctly articulates this in his tribe’s declaration:

“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,’ have yet to be followed by the US Fish and Wildlife Service (FWS) during this process.

Executive Order 13647 (June 2013) states, ‘Greater engagement and meaningful consultation with tribes is of paramount importance in developing any policies affecting tribal nations.’ The proposed delisting of the Yellowstone grizzly bear affects the Lakota, Dakota and Nakota people of the Great Sioux Nation.

This lack of consultation by FWS stands in direct contrast to the policy directives of the Obama Administration. President Obama has attempted to strengthen consultation with tribes when federal policies and actions have the potential to affect tribes and have tribal implications. Clearly, removing the Yellowstone grizzly bear from the ESA and permitting states to proceed with high-dollar trophy hunts on our historic cultural landscape fits the criteria.

President Obama made a highly visible commitment to improving dialogue between tribal nations and the federal government when he visited the Standing Rock Sioux Nation in June 2014.”

As you are no doubt aware, the Standing Rock Sioux Tribe is one of the 26 Tribal Nations the federal government identifies as having an ancestral connection to the Greater Yellowstone Ecosystem (“Associated Tribe of Yellowstone” – *Resources & Issues*, NPS, 2010), and is, therefore, one of the 26 Tribal Nations that must be consulted in this latest attempt to delist the Yellowstone grizzly bear.

In your statement of 12/19/2014 pertaining to the National Defense Authorization Act, specifically the Resolution Copper Mining provision, you said that you were “profoundly disappointed” with the disregard for tribal spiritual rights and how the provision “short-circuits the long-standing and fundamental practice of pursuing meaningful government-to-government consultation.” This is precisely what is occurring with FWS’s failure to pursue

“meaningful government-to-government consultation” in the proposed delisting of the Yellowstone grizzly bear.

Further, FWS appears oblivious to your emphasizing that, “the appropriate time for honoring our government-to-government relationship with tribes is before legislating issues of this magnitude.”

In response to questions from the press about the lack of tribal consultation, FWS’s “Grizzly Bear Coordinator,” Dr. Christopher Servheen, recently claimed “we’ve done what we are required to do” (*Bozeman Daily Chronicle* 1/9/15), and identified four letters he sent in April 2014 as validation, one each to the Eastern Shoshone, the Shoshone-Bannock Tribes of Idaho, the Northern Arapaho, and an unidentified tribe in Idaho. From personal contact GOAL has had with the chairmen of each of the tribes identified, I can attest to the fact that they never had sight of a letter from Dr. Servheen.

Dr. Servheen then repeated to the Associated Press (*New York Times* et al 1/11/15) what he stated to the *Missoula Independent* about consultation with the tribes (12/17/14): “They were all sent those letters, and we haven’t heard anything in response to those letters.” This is patently false on two counts; one, not all of the 26 affected tribes were sent letters; and two, the Eastern Shoshone Tribe responded to FWS’s intent to proceed with delisting by issuing their resolution in opposition on 10/28/14, the Shoshone-Bannock Tribes of Idaho did similarly 11/4/14, and as a member tribe of the Montana & Wyoming Tribal Leaders Council (TLC) the Northern Arapaho did the same when the TLC issued a resolution opposing delisting on 12/11/14.

Dr. Servheen’s comment deriding the tribes’ position on sovereignty in regard to this issue (*Bozeman Daily Chronicle* 1/9/15), and the context of his remark to the Associated Press that “we asked for their input and ideas” as if he were the arbiter of the validity of the tribes’ knowledge of the grizzly bear which has been amassed since time immemorial, speaks to an individual lacking in both cultural sensitivity and knowledge relative to the consultation process required by acts of Congress (AIRFA, etc.), Secretarial Orders, and Executive Orders that define the government-to-government status that exists between Indian tribes and the federal government.

Tribes have a relationship with Congress and the Secretary of the Interior; tribes are not required to report to a department coordinator or follow his instructions, as, for example, Dr. Servheen bade the Eastern Shoshone in his April 2014 letter that Chairman Darwin St. Clair didn’t receive, but Servheen released to the press regardless (*Bozeman Daily Chronicle*

1/9/15): "If you are aware of others who should also receive this request, either within your tribe or with another tribe, please forward this letter," he wrote.

The 26 affected Tribal Nations were not consulted by FWS during the process of its previous delisting attempt, a fact Dr. Servheen conceded when he said he "received no comment from the tribes on that proposal" (*Bozeman Daily Chronicle* 1/9/15). Again, this demonstrates a fundamental misunderstanding of the protocols involved; it is the responsibility of the respective federal agency or department to initiate the consultation process with the Tribal Nations that may be impacted by the consequences of federal actions, not vice-versa.

I would be amazed if either you or President Obama would concur that mailing a letter to only four of the impacted Tribal Nations constitutes "meaningful government-to-government consultation," or that either you or the President would agree with Coordinator Servheen that in terms of consultation FWS has "done what they are required to do." Among other tribal leaders, Oglala Sioux Tribal Vice President, Tom Poor Bear, outlined the framework of "meaningful government-to-government consultation" in his tribe's declaration (copy enclosed).

In addition to the abrogation of consultation protocols and the violation of religious and spiritual rights, all of the Tribal Nations have called for FWS to release the raw data from which the Interagency Grizzly Bear Study Team (IGBST) made its recommendation to proceed with delisting the Yellowstone grizzly bear. The American people have funded the collection of this data through their taxes, and as this is not a matter of national security there is no reason why this data should be withheld from public scrutiny. As Chairman Dave Archambault II highlighted in the Standing Rock Sioux Tribe's declaration:

"The Standing Rock Sioux Tribe (and the other affected Tribal Nations) is entitled to review the raw data the FWS is basing all of its conclusions upon 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. The cultural importance of this issue is such that questions and contradictions must be resolved without bias if tribal members, and the public at large, are to have confidence in the outcome."

Madam Secretary, I was present on the Wind River Indian Reservation when you visited in August 2013. During your remarks you said, "I want to be helpful, but you are the experts," and you then concluded with "I'm all ears." I sincerely hope that you will listen to the tribes

on this occasion and intervene to ensure that there is a thorough and “meaningful government-to-government consultation” process, and that you will institute a moratorium on the proposed delisting of the Yellowstone grizzly bear until all of the issues raised by the affected Tribal Nations have been fully addressed.

Néá'ěše/áho (Thank you).

Respectfully,

A handwritten signature in black ink that reads "R. Bear Stands Last". The signature is written in a cursive, flowing style with a long horizontal stroke at the end of the word "Last".

R. Bear Stands Last –
Co-founder, GOAL Tribal Coalition.

cc. Dan Ashe, Director
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Respective Tribal Chairpersons, Presidents and Vice Presidents.