



*Eastern Shoshone Business Council
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To Whom It May Concern:

The Eastern Shoshone Tribe stands beside the other tribal nations that have offered their support to GOAL (Guardians of Our Ancestors' Legacy) Tribal Coalition in their efforts to defend tribal sovereignty and Native American religious and spiritual rights as defined by the American Indian Religious Freedom Act (PL 95-341--AUG. 11, 1978).

The drive by the US Fish and Wildlife Service (FWS) and the State of Wyoming to remove the Yellowstone grizzly bear from Endangered Species Act (ESA) protections to enable Wyoming to manage the grizzly as a "trophy game animal" and generate tens of thousands of dollars for the state from trophy hunters' license fees amounts to an infringement of the American Indian Religious Freedom Act.

Even prior to the Richardson Amendments (HR 4230) that President Clinton signed into law in 1994 (PL 103-344, 108 Stat. 3125), PL 95-341 made plain that laws related to "conservation and preservation of natural species" could not, as had been 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.

The grizzly bear is highly respected by tribal people, and has a prominent role in the traditional spiritual practices of our people – the very lifeblood of our culture. The opposition of tribal members on the Wind River Indian Reservation to the delisting and trophy hunting of the grizzly bear has been apparent since our 55th Annual Eastern Shoshone Indian Days and Powwow, at which GOAL began making our tribal members aware of this issue and its consequences.

The Eastern Shoshone Tribe is among the twenty-six tribal nations recognized by the federal government as having an ancestral connection to Yellowstone ("Associated Tribe of Yellowstone" – *Resources & Issues*, NPS Division of Interpretation, 2010). Therefore, by the federal government's own criteria, the Eastern Shoshone Tribe must be included in any discussions pertaining to the removal of the sacred grizzly bear from ESA protections.

To date there has been no consultation with any of the spiritual leaders of the tribes impacted by the proposed delisting of the grizzly bear, which means that the FWS is also in contravention of the Secretarial Order issued by the Secretary of the Interior and the Secretary of Commerce pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531), which established the protocols to be followed when actions taken under authority of the ESA affect tribes.

The *American Indian Tribal Rights, Federal-Tribal Trust Responsibilities*, and the Endangered Species Act Order state, among other significant clauses:

“The Departments shall take into consideration the impacts of their actions and policies under the Act on Indian use of listed species for cultural and religious purposes (Sec. 5 #4).”

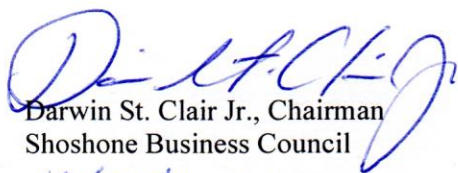
The Order directs the US Fish and Wildlife Service to “solicit traditional knowledge, and comments from, and utilize the expertise of, affected Indian tribes” during the consultation process, and “cooperate with affected tribes to develop and implement Recovery Plans in a manner that minimizes” social and cultural impacts on tribal people.

Clearly, the FWS and State of Wyoming have made no provision to abide by the Order.

The State of Wyoming has identified the Wind River Mountains as one area from which it intends to extinguish the grizzly bear. The FWS has already provided Wyoming Game and Fish with the mechanism to do so if the grizzly is delisted, but attempts to prosecute this action would be tantamount to an infringement of the sovereignty of the Eastern Shoshone Tribe.

The Eastern Shoshone Tribe opposes trophy hunting of the grizzly bear in the Wind River Mountains and will not permit the State of Wyoming to inflict its policies on Eastern Shoshone tribal lands. The leadership on the Wind River Indian Reservation rejected proposals to permit the trophy hunting of wolves on our land when the wolf was delisted from the ESA, and we hold that same position in relation to the grizzly bear. The grizzly bear is not recovered by the standard required to fulfill the ESA. A genetically isolated population of approximately 600 grizzlies existing on less than 1.5% of its original range does not meet the criteria of recovery.

Sincerely,



Darwin St. Clair Jr., Chairman
Shoshone Business Council

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