

To: Ms. Victoria Tauli-Corpuz,
United Nations Special Rapporteur on the Rights of Indigenous Peoples.

February 28, 2017.

Dear Ms. Victoria Tauli-Corpuz,

I thank you for the opportunity to make this submission, and I add my voice to the many welcoming you to our collective lands and Nations.

Some 123 Tribal Nations have so far signed a treaty of solidarity to protect the sacred from a federal action whose ultimate objective is to enable extractive industry operations on our sacred and ancestral lands, as documents acquired through the Freedom of Information Act (FOIA) have revealed, and both US Senators and Congressmen have alluded to. Entitled “The Grizzly: A Treaty of Cooperation, Cultural Revitalization and Restoration,” this is now believed to be the most signed tribal treaty in history, and the reason it has been so widely embraced is that all that we stand on as tribal leaders and tribal citizens is at the heart of this issue. Tribal sovereignty, treaty rights, consultation mandates, spiritual and religious freedoms, and sacred site protections are on the verge of suffering irreparable harm by a precedent that will roll back what hard fought gains we have made, and will undermine Tribal Nations for generations if the federal government succeeds in removing protections from our sacred ancestor, the grizzly bear, and in turn the lands the grizzly bear protects through its Endangered Species Act (ESA) status. Make no mistake, this is a Trojan Horse the Trump administration is about to unload.

Throughout this process, the US Government has failed to honor any of the commitments protected by the federal-Indian trust responsibility. In addition to the signatories of the treaty, over fifty Tribal Nations have passed official resolutions and made declarations opposing this action, and petitioned for “meaningful” government-to-government consultation to be initiated. Of course, there cannot be “pre-decisional” government-to-government consultation as the decision to remove protections from this sacred being and thus the lands she in turn protects was made long ago; a cynic might say that decision was made when the likes of Senator John Barrasso and Congressman Ryan Zinke were counting their campaign contributions from Oasis Petroleum, Chevron, Marathon, Anadarko and Murray Energy. There has yet to be “meaningful” government-to-government consultation with the impacted Tribal Nations, just stock letters, platitudes, and falsehoods planted in the press. Tribal Nations have been excluded at every turn from participating in dialogue and the decision-making process, violating not only our treaty rights but our reserved rights to our ancestral and sacred lands. The Piikani Nation has had a government-to-government relationship with the US since 1855, when our nation signed the Treaty of Lame Bull.



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One might ask why the US Fish and Wildlife Service chose one of the world's largest oil and gas services multinationals, Amec Foster Wheeler, to manage the scientific peer review of the grizzly delisting rule? But when you learn that a former Halliburton executive, Jon Lewis, is now CEO of Amec, you start to understand why. The Piikani Nation of the Blackfoot Confederacy supported the Oglala Sioux Tribe in its petition for a Congressional inquiry into the growing list of irregularities and apparent conflicts of interest in this process, one that is resembling a play-by-play from the Koch Bros. backed Freedom Partners' *A Roadmap to Repeal*. Embraced by the Trump administration and 115th Republican-controlled Congress, *A Roadmap to Repeal* advocates decimating environmental protections for extractive industry development.

If the government removes protections from the grizzly bear in Greater Yellowstone to enable affluent non-Natives to come onto our sacred lands to trophy hunt our sacred relative, what protections exist for the land will be relaxed or removed. Even with existing protections, in recent years ExxonMobil's Silvertip Pipeline spewed 63,000-gallons of oil into the Yellowstone River, followed by a 2015 True Co. breach that spilled an additional 32,000-gallons into the Yellowstone. We do not need to elaborate upon the impact that trophy killing our ancestor will have on our people and their ability to practice their religion, a trauma exacerbated by the fact that Greater Yellowstone contains innumerable sacred and historic sites to at least 27 federally categorized "Associated Tribes of Yellowstone." However, the specter of the destruction of these sacred sites must be addressed, which will be inevitable when extractive industry development is initiated on the lands the grizzly presently protects through its ESA status.

Unless Congress repeals the 1872 General Mining Act (which with the Trump administration agenda will not happen), that law will hold primacy in respect to the 28 mining claims with operating plans in Greater Yellowstone that the government references in its proposed rule to delist the grizzly from the ESA. Three days after President Trump's inauguration, an Interior Department official confirmed that there are presently 21 oil and gas "Plans of Operation" for Greater Yellowstone upon the delisting of the grizzly, and added, "There are a heck of a lot more mining claims because a given plan of operation can be associated with multiple mining claims." Upon development, those mines will threaten cultural and environmental harms to Tribal Nations' sacred and historic sites, and to treaty lands in the region.

We are fully aware that the plague of corporate greed being visited upon Standing Rock, will be visited upon our collective ancestral lands in Greater Yellowstone, and then upon the Crown of the Continent in the Blackfoot Confederacy. At the end of March, we intend to issue a declaration opposing President Trump's resurrection of the Keystone-XL Pipeline and we invite our sisters and brothers on both sides of the border to join with us. The dire human and environmental costs of these and corresponding projects provides the strongest illustration that the existing tribal consultation processes in both Canada and the United States must be



overhauled, and that for any proposal to be activated that impacts Tribal Nations, the consultation process must conclude with tribal *consent*. Time and again, in its present format, this fundamental trust responsibility is subject to abuse and circumnavigation. The federal Indian trust responsibility is a legally enforceable fiduciary obligation on the part of the United States to protect tribal treaty rights, lands, assets, and resources; this legally enforceable fiduciary obligation is not rendered moot by extractive industry campaign donations to congressmen, senators or state government executives.

In closing, in a 2015 letter to former Secretary of the Interior, Sally Jewell, I called this delisting of the grizzly bear “an act of cultural genocide against our people,” and I reiterate that sentiment today. The intergenerational violence of poverty inflicted upon tribal communities can no longer be exploited by multinational energy companies and their political bidders to hold tribes’ hostage; tribal sovereignty is inherent and self-determination is an expression of sovereignty. Self-determination is not an economic bargaining chip offered as choice when there are no other options available. Industry strategies used with First Nations in connection to the Oil Sands in Alberta are likely to be replicated in the US, if, as reported, President Donald Trump’s administration seeks to privatize 56-million acres of reservation lands, which are estimated to hold a fifth of the nation’s oil and gas, in addition to extensive coal reserves. From contact, the onslaught of conquest and colonization was inflicted through the weaponization of the systematic rape and defilement of our Mother, the Earth, and the systematic rape and victimization of indigenous women. These inseparable acts of violence persist, and have enabled the destructive exploitation of areas such as “Alberta’s Tar Sands” and the construction of pipelines that subjugate land and communities to transport this virulent strain. We, The First People, reject these incarnations of patriarchy and misogyny that underpin the ideology of Manifest Destiny which continues to be imposed upon us today. To do any less would be a betrayal of our future generations.

Thank you,



Chief Stanley C. Grier, Chief of the Piikani Nation of the Blackfoot Confederacy.

