

RESOLUTION OF THE OGLALA SIOUX TRIBAL COUNCIL
OF THE OGLALA SIOUX TRIBE
(An Unincorporated Tribe)

RESOLUTION OF THE OGLALA SIOUX TRIBE OPPOSING THE FEDERAL GOVERNMENT'S INTENT TO REMOVE THE YELLOWSTONE GRIZZLY BEAR FROM THE ENDANGERED SPECIES ACT PROTECTIONS.

WHEREAS, the Oglala Sioux Tribe is a federally recognized Tribe organized under the Indian Reorganization Act of 1934 by adopting its Constitution and By-law in 1935, and

WHEREAS, the Oglala Sioux Tribe opposes the federal government's proposed removal of the Yellowstone grizzly bear from Endangered Species Act protections through the U. S. Fish and Wildlife Service, and

WHEREAS, the U.S. Fish and Wildlife Service, Department of the Interior, has 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", and

WHEREAS, the U.S. Fish and Wildlife Service has so far failed to follow President Obama's Memorandum for the Heads of Executive Departments and Agencies (Nov. 5, 2009) that stated, "[c]onsultation is a critical ingredient of a sound and productive Federal-tribal relationship" and affirmed the Administration's "commitment to regular and meaningful consultation and collaboration with tribal officials in policy decisions that have tribal implications", and

WHEREAS, the U.S. Fish and Wildlife Service is in contravention of President Obama's 2013 Executive Order Establishing the White House Council on Native American Affairs that further recognized that, "[g]reater engagement and meaningful consultation with tribes is of paramount importance in developing any policies affecting tribal nations", and

WHEREAS, federally recognized tribes have a unique nation-to-nation relationship with the federal government that requires consultation to be held at a government-to-government level, and

WHEREAS, government-to-government consultation is conducted under existing protocols and within an established framework, and

WHEREAS, superficial and/or unsolicited correspondence from a federal agency coordinator or similar does not constitute consultation between tribal nations and the federal government, and

WHEREAS, the federal government's determination to remove the grizzly bear from Endangered Species Act protection contravenes the American Indian Religious Freedom Act (AIRFA. PUBLIC LAW 95-341, Aug. 11, 1978. P.L. 103-344 (1994), and

WHEREAS, the American Indian Religious Freedom Act laws pertaining to "conservation and preservation of natural species and resources" were never intended to impact American Indian religious practices but did "and, therefore, were passed without consideration of their effect on traditional American Indian religions", and

WHEREAS, The U.S. Departments of Interior and Commerce issued an order on June 5, 1997, specifically regarding tribal consultation obligations in the context of the Endangered Species Act. That order provides that FWS "shall coordinate with affected Indian tribes in order to fulfill the Secretary's trust responsibilities and encourage meaningful tribal participation" in listing and delisting decisions, and

WHEREAS, in its proposed delisting of the grizzly bear the U.S. Fish and Wildlife Service has yet to abide by 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), which set forth the framework to be followed when actions taken under authority of the ESA affect tribes, and

WHEREAS, the American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act Order states: "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)", and

WHEREAS, the Order directs the U.S. 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, and

WHEREAS, the U.S. Fish and Wildlife Service has so far failed to meet the criteria or the intent of Secretarial Order 3206, and

WHEREAS, none of these commitments has been honored, and

WHEREAS, the Tribe identifies the US Fish and Wildlife Service's failure to honor and abide by these protocols as a continuation of the federal government's historic abrogation of its treaty responsibilities, and

WHEREAS, as one of the twenty-six federally recognized tribes (hereafter the Associated Tribes of Yellowstone) the federal government acknowledges have an ancestral connection to the region now known as Yellowstone National Park and the Greater Yellowstone Ecosystem, the Tribe must be consulted by the US Fish and Wildlife Service, Department of the Interior, in a thorough manner consistent with the aforementioned Orders and Acts, and

WHEREAS, it appears that U.S. Fish and Wildlife Service Director Daniel Ashe has already made the decision to proceed with delisting the Yellowstone grizzly bear from the Endangered Species Act (ESA) before any meaningful tribal consultation process has been undertaken. At Spring 2015 Environment and Public Works Committee hearing, Director Ashe stated to Senator John Barrasso (R-WY), Chairman of the Senate Committee on Indian Affairs, "We agree that grizzly bears are recovered. We are working with the states of Wyoming and Idaho and Montana literally as we speak to try to put together the frame for a potential delisting proposal", and

WHEREAS, Senator John Barrasso (R-WY) is an outspoken advocate for delisting the Yellowstone grizzly and with the rest of Wyoming's Congressional delegation and Wyoming's Governor, Matt Mead, has politicized the delisting issue and in so doing has undermined the integrity of the scientific process, and ignored the religious, spiritual, ancestral title, and treaty rights of the Tribe and the other Associated Tribes of Yellowstone, and

WHEREAS, the U.S. Fish and wildlife Service offering only three consultation meetings "in broad areas where tribes have expressed an interest in this issue" to the Rocky Mountain Tribal Leaders Council (2/17/15) with a deadline of 3/6/15 was more lip service to, rather "meaningful," tribal consultation, as the compressed timeframe was obviously going to preclude those whom were to be consulted from participating, and excluded twenty-four of the affected tribal nations, including the OST, and

WHEREAS, the U.S. Fish and Wildlife Service's so-called 'Grizzly Bear Recovery Coordinator', who has authorized the killing of 187 grizzly bears in Greater Yellowstone since 1979, has made false statements to the press about having consulted with the Associated Tribes of Yellowstone when it was revealed he had only written to four of the twenty-six tribes, and had also ignored the other affected tribes, and

WHEREAS, the U.S. Fish and Wildlife Service's so-called 'Grizzly Bear Recovery Coordinator', Dr. Christopher Servheen, has made demeaning comments to the press about the tribal alliance that opposes delisting the Yellowstone grizzly bear, and as a result the eleven nations of the Rocky Mountain Tribal Leaders Council and the Crow Creek Sioux Tribe have demanded Dr. Servheen "be removed from this process as he is clearly an impediment to good faith consultation and achieving the progress that all parties desire.", and

WHEREAS, Dr. Christopher Servheen was party to the forcible disruption, intimidation and subsequent removal of Northern Cheyenne tribal government representative, James Walks Along, from the floor at the Interagency Grizzly Bear Committee meeting of the Yellowstone Ecosystem Subcommittee in Cody, Wyoming 4/30/15, and

WHEREAS, the Walks Along incident is the latest in a catalog of acts that demonstrate the inherent racism that undermines the government-to-government relationship when federal government agencies are charged with honoring consultation mandates, and similarly demonstrates the prejudice harbored by state representatives that undermines the relationship between tribes and state governments in the region, the OST also calls for the removal of Dr. Servheen as a first step in rectifying a broken process, and

WHEREAS, Yellowstone and the Greater Yellowstone Ecosystem is a matrix of sacred and cultural sites of great significance to the OST and the Associated Tribes of Yellowstone, therefore those tribes' Tribal Historic Preservation Offices (THPOs) must be engaged in an initial process of consultation consistent with the criteria of the THPOs designated mission (Section 101 (d) (2) of the National Historic Preservation Act), in addition to consultation with tribal governments (executive and legislative branches), and recognized spiritual Leaders, and

WHEREAS, the Oglala Sioux Tribe supports the tribes that have petitioned President Obama and Secretary of the Interior Jewell to institute a moratorium on the delisting of the Yellowstone grizzly bear to a full, thorough, and meaningful tribal consultation process to take place, during which the points raised by each respective tribal nation in their official resolutions and declarations can be fully addressed, and incorporated into any future proposed delisting rule, and

WHEREAS, a moratorium would also provide an opportunity for tribal nations to review the raw data the US Fish and Wildlife Service is basing all of its conclusions upon relative to delisting the grizzly bear. The overwhelming majority of affected tribal nations have already called upon the US Fish and Wildlife Service to release that data not only to the affected tribal nations, but also to independent scientists for analysis and review, and

WHEREAS, the U.S. Fish and Wildlife Service has so far refused to release that raw data to the affected tribal nations, and when FOIA requests have been filed, the US Fish and Wildlife Service and its agents have provided only redacted documents or documents with "Do not cite" notices attached. The OST and the other Associated Tribes of Yellowstone are entitled to view the raw data, in full, as mandated by the aforementioned Acts and Orders. Neither tribes nor the general public can have any confidence in the findings or decisions of the U.S. Fish and Wildlife Service pertaining to the delisting of the Yellowstone grizzly bear without transparency, and

WHEREAS, when considering the intent of the Endangered Species Act, a species cannot be considered sufficiently recovered to warrant removal from Endangered Species Act protection if it presently only survives on approximately 2% of its original range, as is the case with the grizzly bear in the Lower-48, and

WHEREAS, it is misleading of the U.S. Fish and Wildlife Service to designate the grizzly bear in the Greater Yellowstone region as the "Yellowstone grizzly bear," and the grizzly bear in the country of the Blackfeet Nation as the "Northern Continental Divide grizzly bear," as they are not different, they are the same species. They are the descendants of the grizzly that once inhabited most of what became the Western United States, but today, not unlike tribal people, they survive on less than 2% of their original country. With only 2% of their historic population, the grizzly bear cannot be considered a recovered species appropriate for removal from ESA protections, and the imposition of misleading designations in isolated pockets does not make them so. The grizzly bear must be considered within the context of the entirety of its historic domain pre-European contact. Many areas of biologically suitable habitat exist where the grizzly once roamed, all of them in ancestral tribal homelands where our ancestors walked, and where the grizzly should walk again, and

WHEREAS, at the time of the Lewis and Clark Expedition it was estimated that 100,000 grizzly bears inhabited the lands of the tribal nations west of the Missouri River. The U.S. Fish and Wildlife Service's current population of approximately 700 grizzly bears in Greater Yellowstone is sufficient on its own to demonstrate that the grizzly bear is not a recovered species, and is, in fact, an island population, genetically isolated from the only other pocket of grizzly bears in the Lower-48, and

WHEREAS, it was an established and accepted fact in the scientific community that staples of the Yellowstone grizzly bear's diet white bark pine and cutthroat trout - have suffered catastrophic loss in recent years, and

WHEREAS, former federal government biologists who were instrumental in the collection and analysis of data that aided in averting the extinction of the Yellowstone grizzly bear, have analyzed the OS Fish and Wildlife Service's latest population methodologies and estimates and have found that, contrary to the OS Fish and Wildlife Service's contention, there is no evidence to indicated an increase in the Yellowstone grizzly bear population (dating back to the early 2000s), and that the population has probably declined since 2007, and

WHEREAS, throughout the U.S. Fish and Wildlife Service's process proposing a new Rule to delist the Yellowstone grizzly bear there has been no discussion related to the impact delisting the grizzly, and the subsequent trophy hunting of the bear, will have on American Indian spirituality, namely the religious practices of traditional tribal people, supposedly protected by PL 95-341, and

WHEREAS, the Tribe rejects the designation of the grizzly bear as a "trophy game animal" on religious grounds, and

WHEREAS, the grizzly bear holds a unique position in the traditional cultures and ceremonial life-ways of tribal members of the tribal nations identified by the federal government as possessing centuries old, and in some instances, millennia-long connections to the lands where the grizzly now survives namely the Associated Tribes of Yellowstone, and

WHEREAS, Chief Arvol Looking Horse, 19th Generation Keeper of the Sacred Canunpa of the Oceti Sakowin (Great Sioux Nation) issued a statement in October 2014 that detailed the significance of the grizzly bear in Lakota, Dakota and Nakota culture, a relationship that has existed since time immemorial, that is reflected in the ceremonial and healing practices of the Lakota, Dakota and Nakota people, and

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WHEREAS, those traditional, spiritual and religious ways must be preserved, and to do so the grizzly bear must be fully recovered, protected and not trophy hunted, and

WHEREAS, the Oglala Sioux Tribe is in full support of Chief Looking Horse's statement, and recognizes the grizzly as a relative, a healer and teacher of our people, and

WHEREAS, the Oglala Sioux Tribe, like every other nation of the Oceti Sakowin (Great Sioux Nation), and the other tribal nations that have united to oppose the delisting of the Yellowstone grizzly bear in GOAL Tribal Coalition, will not stand idle and permit the states of Wyoming, Montana and Idaho to sell multiple-thousand dollar trophy hunting licenses for affluent wasicus to kill grizzlies for "sport" in our ancestral homelands, and

WHEREAS, the very idea of trophy hunting grizzly bears brings to mind a tragic episode in Lakota culture and the gravest injustice - the theft of the Black Hills, precipitated by the furrowing of the "Thieves Road" in 1874 by Lt. Col. George Armstrong Custer and the 7th Cavalry on the "Black Hills Expedition" that contravened the 1868 Fort Laramie Treaty. The most disturbing image from that illegal incursion is the one of Custer with a dead grizzly bear he "trophy hunted" in our sacred homelands - it is the image that represents the theft of the Black Hills and the desecration of the sacred, and

WHEREAS, the Tribe supports the right of those tribal nations that wish to reintroduce the grizzly bear on their lands where biologically suitable habitat exists. Tribes are sovereign nations and as such have the right to make such decisions unhindered. The reintroduction of the buffalo to many reservations serves as a precedent. The only hope of true recovery for the grizzly bear in the Lower-48 is for reservation lands to become the linkage zones between the two isolated populations of grizzlies in the Greater Yellowstone Ecosystem and the Northern Continental Divide Ecosystem, and for that to be the forerunner to returning the grizzly to its historic range throughout the West, and

WHEREAS, those cultural imperatives and the preservation of sovereignty require a repudiation of the federal government's desire to delist the Yellowstone grizzly bear from Endangered Species Act protections; and the legislative resolve to deny the states' (Wyoming, Montana and Idaho) determination to see trophy hunting of grizzlies on reservations (such as the Wind River Indian Reservation), and the extirpation of the grizzly bear from swathes of ancestral homelands, and

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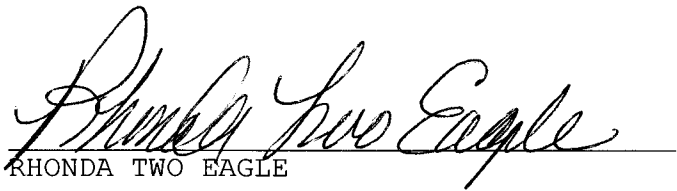
WHEREAS, tribal sovereignty and the spiritual and religious rights of tribal members must be upheld, now

THEREFORE BE IT RESOLVED, that the Oglala Sioux Tribe hereby officially adopts this position in respect to delisting the Yellowstone grizzly bear, and

BE IT FURTHER RESOLVED, that the Oglala Sioux Tribe opposes the federal government's intent to remove the Yellowstone Grizzly Bear from the Endangered Species Act and the Protection this Act provides to this endangered species.

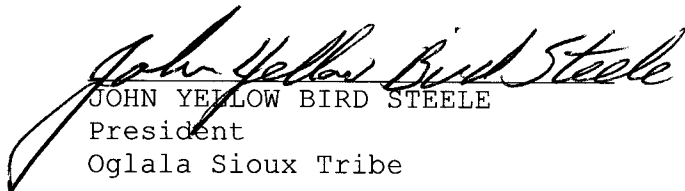
C-E-R-T-I-F-I-C-A-T-I-O-N

I, as the undersigned Secretary of the Oglala Sioux Tribal Council, of the Oglala Sioux Tribe hereby certify that this Resolution was adopted by a vote of: 14 For; 3 Against; 0 Abstain; and 0 Not Voting; during a REGULAR SESSION held on the 5TH day of OCTOBER, 2015.



RHONDA TWO EAGLE
Secretary
Oglala Sioux Tribe

A-T-T-E-S-T:



JOHN YELLOW BIRD STEELE
President
Oglala Sioux Tribe

