

**THE SHOSHONE-PAIUTE TRIBES  
OF THE DUCK VALLEY INDIAN RESERVATION**

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December 18, 2014

For the attention of all parties concerned:

The Shoshone-Paiute Tribes of the Duck Valley Indian Reservation stand in solidarity with our sister tribes, the Eastern Shoshone Tribe of the Wind River Indian Reservation, and the Shoshone-Bannock Tribes of Idaho, in opposing the proposed delisting of the Yellowstone grizzly bear from Endangered Species Act (ESA) protections by the US Fish and Wildlife Service (FWS).

The Shoshone-Paiute Tribes of the Duck Valley Indian Reservation supports the positions articulated by the Eastern Shoshone Tribe and the Shoshone-Bannock Tribes in their resolution and declarations respectively.

The Shoshone-Paiute Tribes have clear interests to this issue. Many of our tribal members are descended from those whom enjoyed a connection to the landscape now referred to as Greater Yellowstone since time immemorial. In more recent times, our ancestors stood with the Bannock people in defending our homelands in 1878.

The grizzly bear has a significant place in Shoshone-Paiute culture. The grizzly bear is a sacred being, intricately tied to the ceremonies and practices of our people. Such is our respect for the grizzly that we refer to the great bear as our brother.

In its attempts to delist the Yellowstone grizzly bear without regard to the ceremonial and religious practices of tribal people, the FWS is doing so "without consideration of their effect on traditional American Indian religions," which is a violation of the American Indian Religious Freedom Act (PL 95-341-1978/PL 103-344 -1994).

Abrogation of the AIRFA threatens potentially detrimental consequences not only for our religious and spiritual rights, but the sovereignty of all of the Tribal Nations impacted by this issue.

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

Given the tremendous concern expressed by many of the Associated Tribes of Yellowstone regarding the potential delisting of the grizzly bear, the FWS should immediately commence consultation with the impacted Tribal Nations regarding the implications of a delisting decision. US government agencies, including FWS, have a duty to consult with tribes regarding policies that have tribal implications. This duty has been embodied in a variety of executive orders, secretarial orders, and memoranda. Executive Order 13175, issued by President Clinton in 2000, was written "to establish regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications." Such policies include "regulations ... and other policy statements or actions that have substantial direct effects on one or more Indian tribes," such as listing and delisting decisions.

A 2009 memorandum issued by President Obama emphasized the importance of President Clinton's Executive Order, noting that "[c]onsultation is a critical ingredient of a sound and productive Federal-tribal relationship" and affirming the Administration's "commit[ment] to regular and meaningful consultation and collaboration with tribal officials in policy decisions that have tribal implications." President Obama's 2013 Executive Order Establishing the White House Council on Native American Affairs further recognizes that "[g]reater engagement and meaningful consultation with tribes is of paramount importance in developing any policies affecting tribal nations."

The US 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 Service['s] trust responsibilities and encourage meaningful tribal participation" in listing and delisting decisions.

Ignoring these Acts and Orders contradicts the basis of the government-to-government relationship that exists between the federal government and all of the Tribal Nations impacted by this issue, a situation that must be remedied.

We join our sister tribes in rejecting the designation of the grizzly bear as a "trophy game animal" and the intent of the states to sell licenses and generate multiple

thousands of dollars from trophy hunting the sacred grizzly bear on our ancestral homelands.

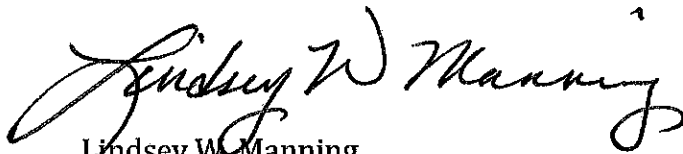
Tribal Nations have alternative solutions to the outdated “wildlife management” practices. Trophy hunting sentient beings appeals only to a tiny minority of the population, and is antithetical to the traditional cultures and subsistence practices of tribal people. Just as the buffalo is being returned to reservation homelands with biologically suitable habitat, some Tribal Nations with appropriate land bases have expressed a desire to develop programs to return the grizzly to their sovereign nations.

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.

Our people, those of our sister tribes, and the memberships of the other impacted tribes, retain unique insights into this landscape. Our ancestors are the only ones who had practical experience of what it was to live within these ecosystems when they were complete. The knowledge that they retained and passed down is truly the definition of the “best available science” as they lived it – they did not speculate upon the theoretic. Their voices, through us, need to be heard.

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.

Sincerely,

A handwritten signature in black ink that reads "Lindsey W. Manning". The signature is written in a cursive, flowing style with a small mark above the 'y'.

Lindsey W. Manning  
Chairman

Shoshone-Paiute Tribes of Duck Valley