

Chief Stanley C. Grier's Speech to the Interagency Grizzly Bear Committee (IGBC) – Yellowstone Ecosystem Subcommittee.

Chief Grier is Chief of the Piikani Nation of the Blackfoot Confederacy.

Jackson Hole - October 3, 2016.

The Piikani Nation's relationship with the United States is enshrined by treaty. The Piikani Nation, the Blood Tribe, and the Blackfeet Nation have held a government-to-government relationship with the United States since entering into the 1855 Lane Bull Treaty. As every member of this body is aware, more than fifty federally recognized Indian tribes, supported by the Assembly of First Nations, oppose the delisting of the grizzly bear in Greater Yellowstone – and the inevitable attempt to delist the grizzly bear in the Northern Continental Divide Ecosystem, the heart of Blackfoot Confederacy Country.

Yesterday, in this very location, a historic treaty was signed: **“The Grizzly: A Treaty of Cooperation, Cultural Revitalization and Restoration.”** This treaty offers innovative solutions and sweeping reforms to the so-called “management” practices of the states that are poised to take control of the destiny of Yellowstone's grizzly bears if, as expected, as early as November, the US Fish and Wildlife Service removes Endangered Species Act protections from the Great Bear. The treaty is rooted in a cultural foundation, and harmonizes ceremonial and traditional knowledge with contemporary scientific discipline and exploration to provide an alternative to what will be the government-sanctioned, state-oriented policy of “gun sight grizzly management” rejected by tribes.

All of you on this body now realize that 99% of the American people oppose trophy hunting, which is why you have tried to change the focus in the press

by saying trophy hunting is not a certainty upon delisting – but it is too late; people have read your plans, and read your hunting quota MOU, and remember your statements from prior days. If you think there was public outrage when Cecil the lion was trophy killed in Africa, wait until the first grizzly in Greater Yellowstone is trophy hunted.

A tribal alternative was presented to Fish and Wildlife Service Director Dan Ashe and Deputy Secretary of the Interior Mike Connor last November - instead of delisting and trophy hunting this sacred being, the grizzly should be reintroduced to sovereign tribal lands where biologically suitable habitat exists in the Great Bear's historic range – this would provide cultural, environmental, economic and vocational revitalization to tribal communities from the Rockies to the Pacific Coast...And remove any excuse or possible rationalization for trophy hunting. Director Ashe subsequently wrote that he looked forward to talking to us about this proposal, quote, “in the coming days” – yet nearly 11 months later we are still waiting.

In response to the Tribal Nation's alternative, Wyoming Game and Fish official, Brian Nesvik, recently told *WyoFile*: “We haven't given that a lot of consideration,” and “I wouldn't say it's something we wouldn't consider.” The truth is, you are not going to consider it because you are determined to pursue delisting, and to do it your way – the way that satisfies your constituents - a tiny minority of the population. And another truth is that it really does not matter what a state thinks, because states have no jurisdiction on Indian lands. Our sovereignty existed before states, as the US Supreme Court defined in 1823. Our government-to-government relationship is with the federal government, but herein is an example of how this issue impacts our sovereignty due to a fundamental misunderstanding of the fiduciary responsibility of the United States to Tribal Nations, and its trust responsibility.

The Fish and Wildlife Service has tried to present to the press that the Eastern Shoshone, the Shoshone-Bannock, and the Northern Arapaho support delisting the grizzly bear – the most recent attempt being in this weekend's Reuters coverage of the Grizzly Treaty, and prior to that, another

WyoFile article. Those Tribal Nations have all issued or been party to resolutions opposing delisting, going back to December 2014 – as the Fish and Wildlife Service well knows. Now those Tribal Nations have reaffirmed their opposition to delisting by signing the treaty – yesterday, right here, in this building - so it is time to cease and desist with this misrepresentation.

Another of the many misrepresentation has been the Fish and Wildlife Service's claim that it has contacted every tribe "west of the Mississippi" about consultation on this issue. I have here a declaration the Navajo Nation recently sent to Interior Secretary Jewell, asking for formal, government to government consultation – the Navajo Nation is the largest tribal nation not just west of the Mississippi - but in the entire US - so they would be hard to miss if you were sincere in wanting to open consultation with "every tribe west of the Mississippi." I am the chief of a treaty tribe, and like the Navajo, I have not received a formal request to open government to government consultation on this issue.

Through information obtained via Freedom of Information Act requests it is now apparent that the motivational factors behind both the delisting of the grizzly bear and the construction of the Dakota Access Pipeline are closely aligned. Following the denial of relief to the Standing Rock Sioux Tribe in US District Court, the Department of Interior (DOI) in conjunction with the Department of Justice (DOJ) and the Department of the Army (DOA) announced a "pause" in the construction of the Dakota Access Pipeline to implement what, to all intents and purposes, is a moratorium on the issue, to "invite tribes to formal, government-to-government consultations" to "better ensure meaningful tribal input" into decisional reviews "and the protection of tribal lands, resources, and treaty rights," and to deduce if "new legislation be proposed to Congress to alter that statutory framework and promote those goals."

The articles cited by the DOI, DOJ and DOA are ostensibly those that some fifty-plus Tribal Nations have petitioned the Dept. of Interior to address in relation to the delisting of the grizzly bear. In its recent declaration, the Navajo Nation requested "an immediate moratorium to be instituted" by the

Department of Interior for those critical issues to be fully accounted for and resolved within the context of a “meaningful” consultation process, which has yet to be undertaken in respect to the delisting of the Yellowstone grizzly bear. The Piikani Nation fully supports the Navajo Nation’s call for a moratorium, and a “pause” in the Fish and Wildlife Service’s fast track to remove federal protections from the Yellowstone grizzly bear.

The necessity for such a “pause” is now imperative; federal mandates require government-to-government consultation to be “meaningful,” a standard that has not been met in this instance, and “pre-decisional.” We predict that at this meeting, this body will approve the post-delisting regulatory mechanism, the Conservation Strategy. All Tribal Nations, including the federally recognized Associated Tribes of Yellowstone, have been excluded from the Conservation Strategy, despite continued appeals for inclusion – one of which was made by tribal leaders - in person - to Director Ashe. Clearly, no consultation can be categorized as “pre-decisional” now, as the outcome is, and has been for a considerable period of time, predetermined – a fact the official record demonstrates, despite parsed denials.

The DOI, DOJ and DOA joint Dakota Access statement references how Tribal Nations have expressed “heartfelt concerns about the environment and historic, sacred sites.” We hereby do the same in relationship to Greater Yellowstone, where, if protections are removed from the grizzly bear through delisting, what protections exist for the land will be relaxed or removed. Greater Yellowstone contains innumerable sacred and historic sites to not only the Piikani Nation and our sister tribes of the Blackfoot Confederacy, but also to the other Associated Tribes of Yellowstone. As many Tribal Nations have emphasized in their respective resolutions opposing the delisting of the grizzly bear, Tribal Historic Preservation Offices must be engaged to survey, determine, and catalog these many sacred and historic sites before delisting is implemented, for if they are not, these sites will be subject to desecration and ultimately lost, resulting in irreparable injury to a multitude of tribes.

We do not need to elaborate upon the impact the trophy killing of a being we consider to be fundamental to our culture and spiritual well-being will have on our people and their ability to practice their religion, or how that will be exacerbated if that killing is committed on sacred land in proximity to sacred sites, but we do need to raise the specter of the destruction of these sacred sites if, as appears inevitable, corporate energy development is initiated on the lands the grizzly presently protects through its ESA status. Unless Congress repeals the 1872 General Mining Act, that law will hold primacy in respect to the 28 mining claims with operating plans in Yellowstone that the Fish and Wildlife Service references in its grizzly bear delisting rule. Those mines are in core grizzly bear habitat, and it remains unclear how many such claims exist throughout Greater Yellowstone. Any relaxation of land usage restrictions following delisting will threaten environmental harms to Tribal Nations' sacred and historic sites, and to treaty lands in the region, therefore the National Historic Preservation Act and the National Environmental Policy Act must be observed and adhered to.

Adding to this concern is that USFWS chose one of the world's largest oil and gas services multinationals, Amec Foster Wheeler, to manage the scientific peer review of the delisting rule. That a former Halliburton executive, Jon Lewis, is now CEO of this company, is just one reason why the Oglala Sioux Tribe has petitioned for a Congressional investigation into this delisting process. Not only do questions exist about the influence of special and corporate interests on the delisting decision, but also associations between high-ranking Fish and Wildlife Service officials and trophy hunting giant, Safari Club International, which are all on the record. The Piikani Nation fully supports the Oglala Sioux Tribe in its call for a Congressional investigation, and we have formally brought this matter to the attention of the House Natural Resources Committee. What is occurring here bears out the 2015 survey conducted by the Union of Concerned Scientists – that found 73% of Fish and Wildlife Service scientists conceded that “political interests” influenced decisions such as this.

I am not going to dignify comments that have been made to the effect that tribes do not understand “the science.” We are descended from those who

lived within this environment when it was complete; when the biomass was at its fullest. We have a term for the “best available science” – and that term is “balance” – our ancestors did not just talk about it - or theorize upon it, they lived it. – Quote: “I may be missing something, but this recommendation seems at odds with the ‘best available’ science standard of ESA.” – those aren’t my words, that is what Fish and Wildlife Service Director Dan Ashe wrote in an email to his assistant, Gary Frazer, in the midst of this delisting process - An email that was obtained via the Freedom of Information Act.

The DOI, DOJ and DOA concluded their Dakota Access statement by saying, “It is now incumbent on all of us to develop a path forward that serves the broadest public interest.” We believe that same sentiment must now be applied to the delisting of the grizzly bear in Greater Yellowstone. We remain the stewards of the land, and our ancestors and spiritual practices will forever be the conscience of the land. Water is the lifeblood of our Mother Earth, and the grizzly bear is the guardian of both.

CHIEF STAN GRIER, PIIKANI NATION.