



UTE MOUNTAIN UTE TRIBE

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Director Daniel Ashe
US Fish and Wildlife Service
1849 C St. NW
Washington, DC 20240

Sept. 16, 2015

Dear Director Ashe:

The Ute Mountain Ute Tribe supports the thirty-nine Tribal Nations that have declared their opposition to the federal government's stated intent of delisting the grizzly bear from the Endangered Species Act (ESA). As articulated in the official declarations and resolutions of the respective tribes, this proposal is contrary to tribal interests and will cause irreversible damage to tribal cultural practices and tribal economic initiatives.

It is an infringement of tribal sovereignty and a violation of the federal trust responsibility for the Department of Interior to revert to a paternalistic policy that disregards tribal interests to impose a delisting rule that benefits three states (Wyoming, Idaho and Montana) over a coalition of Tribal Nations from Montana to Arizona. This policy has clear implications for tribal religious and spiritual rights, potential threats to tribal sovereignty, negative economic impacts, and undermines tribal self-determination.

In accord with the other Tribal Nations, the grizzly bear was and remains an important part of Ute culture. One of the foundational Ute ceremonies, the Bear Dance, was gifted to our people by the grizzly bear. The Ute people and the grizzly have shared a sacred relationship since time immemorial, as can be seen at sacred sites throughout our country, such as the Shavano Valley, where petroglyphs speak to the antiquity and nature of our connection to the bear.

As stated by the other Tribal Nations, enabling the states of Montana, Wyoming and Idaho to open and profit from trophy hunts of the grizzly is a clear contravention of the American Indian Religious Freedom Act, as the impact that will have on the religious practices of traditional tribal people cannot be overstated. Sadly, many of our people have

never seen a grizzly bear, and if delisting is enacted, they likely never will. Genetically isolated and in island populations as they are, struggling from the decimation of their key food sources, if ESA protections are lifted, biologists who brought the grizzly back from the brink of extinction fear that it will soon return there, and then may never be recovered.

The Tribal Nations aligned in opposition to delisting have cataloged the Executive Orders, Secretarial Orders, and Acts that require the federal government to engage in what President Obama has described as “thorough” and “meaningful” consultation with Tribal Nations before any policy is initiated that impacts affected tribes. This trust responsibility has yet to be honored by the Department of the Interior in this process. In his recent comments to Alaska Native leaders (9/1/15), President Obama again stated his desire to, “improve communication, consultation, collaboration and participation” with tribes. This issue and the government-to-government relationship between Tribal Nations and the federal government require that commitment to be met.

President Obama also referenced the “need for us to work more intensively and more collaboratively” with tribal communities, and offered Alaska Natives “direct input into the management of Chinook salmon stocks.” This is precisely what Tribal Nations are asking for in regards to the grizzly bear. Tribal Nations have innovative management strategies that are reflective of cultural foundations and provide alternatives to trophy hunting.

Many Tribal Nations in the coalition opposing delisting are drafting eco-tourism models based around the grizzly bear that could aid to ignite their economies. Studies have proved that grizzlies are worth more alive than dead, not just culturally, but economically. If delisting proceeds and the states reinstitute trophy hunts for the grizzly as they have committed to, every grizzly they kill will kill economic opportunity for tribes. Permitting this is a violation of the current federal policy of promoting tribal self-determination.

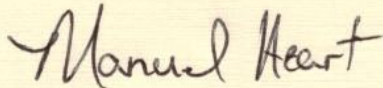
In its resolution of 4/27/15, the Northwestern Band of the Shoshone Nation summarized why the grizzly bear cannot be considered a recovered species under the criteria and spirit of the ESA. Grizzly bears survive on less than 2% of their original country. With only 2% of their historic population, maybe fewer than 1,500 bears, it is inconceivable to remove ESA protections from the grizzly when 100,000 within 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. We support the right of those Tribal Nations that wish to return the grizzly bear to their sovereign lands

where biologically suitable habitat exists, as has occurred with the bison. Biologists have identified 110,000 square miles of potential grizzly habitat in ancestral tribal homelands.

The Utes coexisted with grizzly bears in large parts of our traditional country. The grizzly had been present in areas like the Uinta Mountains and San Juan Mountains since the Pleistocene epoch, but after our ancestors were removed from our homelands grizzlies in Utah were gone by 1923, and, it was thought, by 1952 in the San Juans in Colorado. That in 1979 a hunter in the San Juans killed a female grizzly demonstrates that traditional Ute country could still be grizzly country. The Utes played no part in the extirpation of the grizzly bear from our territory, which was done by those who took our lands, and the government's PARC hunters and trappers who finished the extermination for them. The Ute people were ignored then, but we will not be ignored today. We had no say in the systematic killing of the grizzly then, but we want a say in the preservation, survival and return of the grizzly now. In this case as in all others, decisions about what transpires on Ute lands rests with the Ute people, not a federal or state agency.

There is no question that Ute country was grizzly country. We follow the example set by our ancestors as we move forward into the future, and their wisdom, through our voices, should be heard on this important issue that has sovereignty, self-determination, economic, cultural and spiritual rights implications. We therefore request formal consultation with the Department of the Interior on this matter, and support those tribal nations that have called for a moratorium to be instituted to enable tribes to have meaningful input into this decision.

Sincerely,

A handwritten signature in cursive script that reads "Manuel Heart".

Manuel Heart
Chairman

cc. Hon. Sally Jewell,
Interior Secretary.