

CROW CREEK SIOUX



TRIBAL RESOLUTION

NUMBER: #CC-14-12-08-05

SUBJECT: MOTION TO AUTHORIZE & APPROVE A RESOLUTION OF SUPPORT OF THE NORTHERN CHEYENNE TRIBAL COUNCIL OFFICIALLY OPPOSING THE FEDERAL GOVERNMENT'S INTENT TO REMOVE THE YELLOWSTONE GRIZZLY BEAR FROM ENDANGERED SPECIES ACT PROTECTION

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CROW CREEK AGENCY
FORT THOMPSON, SD
2014 DEC 30 PM 3:33

- WHEREAS:** THE CROW CREEK SIOUX TRIBAL COUNCIL OF THE CROW CREEK SIOUX TRIBE OPPOSES THE FEDERAL GOVERNMENT'S PROPOSAL REMOVAL OF THE YELLOWSTONE GRIZZLY BEAR FROM ENDANGERED SPECIES ACT PROTECTIONS THROUGH THE US FISH AND WILDLIFE SERVICE; AND,
- WHEREAS:** THE US FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR, HAS SO FAR 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 AND CONSISTENT IMPLEMENTATION OF EXECUTIVE ORDER 13175"; 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); AND,
- WHEREAS:** THE AMERICAN INDIAN RELIGIOUS FREEDOM ACT STATES 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:** IN ITS PROPOSED DELISTING OF THE GRIZZLY BEAR THE US FISH AND WILDLIFE SERVICE IS IN CONTRAVENTION OF 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 SETS 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 US 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:** NONE OF THESE COMMITMENTS HAS BEEN HONORED; AND,
- WHEREAS:** AS ONE OF THE TWENTY-SIX FEDERALLY RECOGNIZED TRIBES THE FEDERAL GOVERNMENT ACKNOWLEDGES HAS AN ANCESTRAL CONNECTION TO THE REGION NOW KNOWN AS YELLOWSTONE NATIONAL PARK AND THE GREATER YELLOWSTONE AND ECOSYSTEM THE US FISH AND WILDLIFE SERVICE IS THUS REQUIRED TO CONSULT WITH NORTHERN CHEYENNE TRIBE UNDER THE FOREMENTIONED ORDERS AND ACTS; AND,
- WHEREAS:** THE US FISH AND WILDLIFE SERVICE HAS REFUSED TO RELEASE THE RAW DATA IT HAS BASED ITS CONCLUSIONS ON FOR INDEPENDENT SCIENTIFIC REVIEW, THAT DATA BEING THE BASIS FOR THE FEDERAL GOVERNMENT'S PROPOSAL TO REMOVE THE GRIZZLY BEAR FROM ENDANGERED SPECIES ACT PROTECTIONS; 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:** THROUGHOUT THE US 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 GRIZZLY BEAR HOLDS A UNIQUE POSITION IN TRADITIONAL CHEYENNE CULTURE AND THE CULTURES AND CEREMONIAL LIFEWAYS OF THE TRADITIONAL SPIRITUAL PRACTITIONERS OF TRIBES ALSO IDENTIFIED BY THE FEDERAL GOVERNMENT AS POSSESSING CENTURIES OLD, AND IN SOME INSTANCES, MILLENNIA-LONG CONNECTIONS TO THE LANDS WHERE THE GRIZZLY NOW SURVIVES; AND,
- WHEREAS:** THOSE CULTURAL IMPERATIVES AND THE PRESERVATION OF SOVEREIGNTY REQUIRE A REPUDIATION OF THE FEDERAL GOVERNMENT'S DESIRE TO DELIST THE GRIZZLY BEAR FROM ENDANGERED SPECIES ACT PROTECTIONS; AND THE LEGISLATIVE RESOLVE TO DENY THE STATE'S DETERMINATION TO SEE TROPHY HUNTING OF GRIZZLIES ON RESERVATIONS AND THE EXTIRPATION OF THE GRIZZLY BEAR FROM SWATHES OF RESERVATION AND ANCESTRAL HOMELANDS; NOW,

NOW THEREFORE BE IT RESOLVED: THAT THE CROW CREEK SIOUX TRIBAL COUNCIL ASSEMBLED IN A SPECIAL SESSION THIS 8TH DAY OF DECEMBER, 2014, DO HEREBY OFFICIALLY SUPPORTS THIS POSITION IN RESPECT TO DELISTING THE YELLOWSTONE GRIZZLY BEAR; AND,

BE IT FURTHER RESOLVED: THAT THE TRIBAL COUNCIL OF THE CROW CREEK SIOUX TRIBE SETS FORTH THIS RESOLUTION AND CAN ONLY BE RESCINDED OR REPEALED ONLY BY AN AFFIRMATIVE VOTE OF 11 MEMBERS OF THE TRIBAL COUNCIL.