



GREAT PLAINS TRIBAL CHAIRMAN'S ASSOCIATION

Mailing Address: US Post Office Box 988, Rapid City, SD 57701

Physical Address: 321 Kansas City Street, Rapid City, SD 57701

Phone: (605) 721-6168

Fax: (605) 721-6174

GREAT PLAINS TRIBAL CHAIRMAN'S ASSOCIATION (GPTCA)

RESOLUTION

A RESOLUTION OF THE GREAT PLAINS TRIBAL CHAIRMAN'S ASSOCIATION OFFICIALLY OPPOSING THE FEDERAL GOVERNMENT'S INTENT TO REMOVE THE YELLOWSTONE GRIZZLY BEAR FROM ENDANGERED SPECIES ACT PROTECTIONS.

Resolution No. 9-12-19-14

WHEREAS, the Great Plains Tribal Chairman's Association (hereafter GPTCA) is composed of the elected Chairs and Presidents of the federally recognized sovereign Indian Tribes and Nations within the Great Plains Region of the Bureau of Indian Affairs; and

WHEREAS, the Great Plains Tribal Chairman's Association is formed to promote the common interest of the Sovereign Tribes and Nations who are members of the GPTCA; and

WHEREAS, the United States has obligated itself to ensure the well-being of sovereign Tribes and Nations of the Great Plains Region both through Treaties and federal statutes, including the Snyder Act of 1921 as amended, the Indian Self-Determination Act of 1976 as amended, and the Indian Health Care Improvement Act of 1976 as amended, and

WHEREAS, the GPTCA recognizes its responsibility to act to advance the goals of the Tribes and their members and to promote improvements to the health, safety welfare, education, economic development and preservation of the spiritual, cultural, and natural resources of its member Tribes and Nations; and

WHEREAS, the Great Plains Tribal Chairman's Association opposes the federal government's proposed 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 implementation of Executive Order 13175”; 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/ PL 103-344 –1994); 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 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 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 the twenty-six federally recognized tribes the federal government acknowledges have an ancestral connection to the region now known as Yellowstone National Park, and the Greater Yellowstone Ecosystem, 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, Yellowstone and the Greater Yellowstone Ecosystem is a matrix of sacred and cultural sites of great significance to the twenty-six affected tribes, and that 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 US Fish and Wildlife Service has refused to release the raw data it has based its conclusions upon 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 Great Plains Tribal Chairman's Association 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 lifeways 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; 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 and the extirpation of the grizzly bear from swathes of reservation and ancestral homelands; now

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

THEREFORE BE IT RESOLVED, that the Great Plains Tribal Chairman's Association hereby officially adopts this position in respect to delisting the Yellowstone grizzly bear.

Resolution No. 9-12-19-14

CERTIFICATION

This resolution was enacted at a duly called meeting of the Great Plains Tribal Chairman's Association held at Rapid City, South Dakota on December 19, 2014 at which a quorum was present, with 9 members voting in favor, 0 members not abstaining, and 7 members not present.

Dated on this 4th day of January, 2015.

A handwritten signature in cursive script, reading "Roxanne Sazue".

**Chairwoman Roxanne Sazue, Crow Creek Sioux Tribe Secretary,
Great Plains Tribal Chairman's Association**

Attest:

A handwritten signature in cursive script, reading "John Yellow Bird-Steel".

**President John Yellow Bird-Steel, Oglala Sioux Tribe, Chairman,
Great Plains Tribal Chairman's Association**