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A Stealth Attack on Tribal Sovereignty

Federal delisting of the grizzly bear could leave tribes vulnerable to state interference

Tribes in the tri-state region of Montana, Wyoming and Idaho will soon be faced with a new threat to their sovereignty. Those among the 26 tribal nations that the federal government acknowledges to hold an ancestral connection to Yellowstone could, by the spring of 2015, see their sovereignty undermined by unwittingly permitting the states of Montana, Wyoming and Idaho to carry out their collective political wills on reservations and ancestral homelands.

Elected tribal officials and the citizens they represent must be made aware of this stealth attack and resist it. Under the auspices of the US Fish and Wildlife Service (USFWS), the federal government is in the process of removing the sacred grizzly bear from Endangered Species Act (ESA) protection and handing the future of the Great Bear over to the “game and fish” agencies of Montana, Wyoming and Idaho.

Though fewer than 600 Yellowstone grizzlies may exist, Montana, Wyoming and Idaho classify the grizzly as a “trophy game animal” and intend to aggressively pursue the sale of high-dollar tags to affluent trophy hunters. Wyoming Game and Fish is expected charge at least \$6,000 for a non-resident grizzly tag (2007 WY G&F), while Idaho Fish and Game has discussed a staggering \$100,000 fee (*Teton Valley News* 11/27/13).

Given the close associations between tribal fish and game departments and their state counterparts, tribal governments and concerned citizens must ensure that these departments do not inflict the states’ policies on reservations.

Cultural imperatives and the preservation of tribal sovereignty require, first: a repudiation of the federal government’s desire to delist the grizzly bear from the ESA; and second, the legislative resolve to deny the states’ determination to see trophy hunting of grizzlies on reservations and the extirpation of the grizzly from swathes of reservation and ancestral homelands.

Anything less will set a dangerous precedent for tribes with state governments that are consistently hostile to their rights and sovereignty issues. If a state is allowed to impose its will on a reservation in this instance, what will be next? To find the answer, one only needs to consider recent water rights litigation, continual jurisdictional conflicts, and the present struggle the Eastern Shoshone and Northern Arapaho of the Wind River Reservation are engaged in with the State of Wyoming over the recent EPA boundary ruling.

The State of Wyoming has identified the Wind River Range as one area from which they intend to extinguish the grizzly. The federal government’s so-called “grizzly bear czar,” USFWS coordinator Chris Servheen, has already provided Wyoming Game and Fish with the mechanism to do so, if and when the grizzly is delisted. “The state will have the ability to direct mortality in areas where it wants to manage for lower densities of grizzly bears,” Servheen has assured Wyoming Game and Fish. “You have the discretion to direct mortality to those areas you see as necessary,” he said. (*Casper Star Tribune* 2/17/06).



Grizzly bear photographed near the Wind River Reservation

“How tribal members on the Wind River Reservation will feel about Wyoming dictating that this sacred being be exterminated on their lands remains to be seen.”

How tribal members on the Wind River Reservation will feel about Wyoming dictating that this sacred being be all but exterminated on their lands remains to be seen. While commenting on the EPA conflict and Wyoming’s anti-sovereignty stance, Arapaho councilman, Ronald Oldman, recently offered an unvarnished summation of that threat, which is salient to this. “Tribal members at Wind River should not be misled,” warned Oldman. “The people in leadership for Wyoming are not our friends.” (*Casper Star Tribune* 4/2/14).

Tribal members throughout Montana, Wyoming and Idaho should not be misled. Consenting to follow the lead of the federal and tri-state governments by tolerating trophy hunts for grizzlies not only represents a threat to tribal sovereignty, but also contravenes the American Indian Religious Freedom Act (AIRFA). PUBLIC LAW 95-341--AUG. 11, 1978).

“What they did to the grizzly, they then did to us, and now they are going to do it again,” said Sweetgrass Woman, a Northern Cheyenne tribal member. They are, and we must stand against it. Our ancestors, our children, and our future generations deserve no less.

The government is also 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.

These commitments have not been honored, which is one more echo of the government’s historic abrogation of its treaty responsibilities.

It is undeniable that the grizzly bear holds a unique position in the traditional cultures and ceremonial life-ways of the traditional spiritual practitioners of tribes identified by the federal government as possessing centuries old, and in some instances, millennia-long connections to the lands where the grizzly now survives on less than 2% of its range, pre-Lewis and Clark.

Wyoming, Montana, and Idaho classify the grizzly as a “trophy game animal;” but to tribal people, the grizzly is the Ancient One, the first two-legged, the first healer – quite simply, a sacred being. Protecting the grizzly is an act of remembrance, a memorial for those lost, and a step toward reclaiming what was taken.

The Feds Ignore Tribes and the Law Again

Putting aside the theoretical science, the egregious manipulation of non-existent material, and the lack of transparency in the process, 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).

The delisting of the grizzly is pertinent, but not limited to, the AIRFA in the following manner:

“Whereas such laws were designed for such worthwhile purposes as conservation and preservation of natural species and resources but were never intended to relate to Indian religious practices and, therefore, were passed without consideration of their effect on traditional American Indian religions.”

The federal government’s position is that the future conservation and preservation of the grizzly bear should be transferred to state game agencies, all of which advocate and encourage trophy hunting of the grizzly, and are historically hostile towards predators.

The government and the states of Wyoming, Montana and Idaho intend to limit the present genetically-isolated grizzly populations to core habitat, namely Yellowstone, Grand Teton, and Glacier National Parks.

The grizzly is to be kept on what amounts to reservations because the feds say it is not “socially acceptable” for the Great Bear to return to vast areas of biologically suitable habitat that once comprised its homeland. They said the same thing about tribal people, and it was not so long ago that it wasn’t “socially acceptable” for Indians to leave the reservation either.

There maybe fewer than 1,400 grizzly bears in the lower forty-eight states, the grizzly now existing on less than 2% of the range it inhabited prior to the Lewis and Clark Expedition. This 2% is largely comprised of the Greater Yellowstone Ecosystem and the Northern Continental Divide Ecosystem.

The US Fish and Wildlife Service Grizzly Bear Recovery Program estimates that, “there are now 550-600 grizzly bears” living in the Greater Yellowstone Ecosystem. This figure, presented on the agency’s website, contradicts the

If the grizzly is shorn of ESA protection and its fate served up to the states, the only areas off-limits to “the great white hunters” will be parcels of Yellowstone and Grand Teton National Parks that rest within what the USFWS has designated “the Primary Conservation Area.” According to the USFWS and the states, it is not “socially acceptable” for grizzlies to live beyond those boundaries within the vast landscapes where they once roamed before the march of Manifest Destiny.

The dominant society’s perception of what is “socially acceptable” carries dark connotations for tribal people. The grizzly, like our ancestors, is only going to be permitted to survive if it is confined to reservations.

“What they did to the grizzly, they then did to us, and now they are going to do it again,” said Sweetgrass Woman, a Northern Cheyenne tribal member. They are, and we must stand against it. Our ancestors, our children, and our future generations deserve no less.

Opinion contributed by Northern Cheyenne Spiritual Leader, Don Shoulderblade, spokesman for GOAL.

“The grizzly is the first two-legged, the very spirit of our Grandmother, the Earth, in physical form. Let her not be taken from the land just for a ‘great white hunter’ to use her skin as a rug, or to mount her head on a wall with a fake taxidermist’s snarl.”

inflated population estimate recently fed to the press to justify removing the Yellowstone grizzly from Endangered Species Act protection in 2015. Be it 500 or the exaggerated 741, it is an island population, genetically isolated, and rapidly losing two crucial staples of its diet: the whitebark pine and the cutthroat trout.

Albeit over a hundred and forty years late, the federal government now acknowledges that twenty-six federally recognized tribes have an ancestral connection to Yellowstone, and both the Blackfeet and Flathead Reservations are within the Northern Continental Divide Ecosystem.

Throughout the process of delisting, there has been no discussion related to the impact delisting the grizzly, and the subsequent trophy hunting of the sacred bear, will have on American Indian spirituality, namely the religious practices of traditional tribal people, supposedly protected by PL-95-341.

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The American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act Order state, among other significant clauses:

“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).”

The Secretary of the Interior’s 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.

None of these commitments have been honored, which is one more echo of the federal government’s historic abrogation of its treaty responsibilities.

Spiritual Leader Says BC Grizzly Hunt Foreshadows the Future in Yellowstone



The Ancient One emerges from hibernation in the traditional tribal homeland now called Yellowstone

Tribal Coalitions in British Columbia and Greater Yellowstone stand on the frontlines to defend traditional spiritual practices and the Great Bear

“Generally, we know deforestation, climate change, and declining salmon runs are all impacting the bear,” catalogs Megan Moody of the Nuxalk First Nation. In the Greater Yellowstone Ecosystem, think pine beetle infestation and blister rust laying waste to whitebark pine, and substitute cutthroat trout for salmon. And then there is trophy hunting.

Despite a poll conducted by McAllister Opinion Research that shows an overwhelming majority of British Columbians oppose trophy hunting of grizzlies (87%), the provincial government continues to serve the vocal minority and has increased grizzly tags for this year’s spring hunt from 1,700 to 1,800.

“I don’t think there’s any place for this disgusting, barbaric, so-called sport of trophy hunting in British Columbia,” says Chief Stewart Phillip of the Union of

BC Indian Chiefs, a sentiment shared in Greater Yellowstone by GOAL (Guardians of Our Ancestors Legacy), a tribal coalition formed to defend the grizzly from trophy hunts in the region.

“It is impossible to articulate in a sound-bite the spiritual significance of the grizzly bear in our culture,” says Cheyenne spiritual leader, Don Shoulderblade, spokesman of GOAL. “The grizzly is sacred, an ancient spirit, a great healer and teacher,” he continues. “The grizzly is integral to our traditional spiritual beliefs and lifeway.”

A November 2013 peer-reviewed paper authored by biologists from Simon Fraser University, the University of Victoria and the Raincoast Conservation Foundation, details how trophy hunters have killed 3,500 grizzlies over the last decade in British Columbia, some 1,200 being females.

“The scary part for me about the hunting and killing of bears is that we really don’t know how many there are,” says Moody. “I would rather protect them and have them here for thousands of years to come, rather than pretend we know what is going on and allow the needless killing of them.”

According to GOAL, Moody’s concerns can be echoed for Greater Yellowstone. “We really don’t know how many grizzlies there are here either,” says GOAL

“This is not a hunting issue, it is a killing issue. We come from a subsistence culture where there is ceremony and great respect accorded those beings you ask to offer their lives so that you might live,” Shoulderblade says. “That is what you call a hunting tradition, not a killing tradition.”

spokesman Shoulderblade. The US Fish and Wildlife Service’s “grizzly bear czar,” Chris Servheen, the federally organized Interagency Grizzly Bear Study Team (IGBST), and the state game and fish agencies of Wyoming, Montana and Idaho all claim otherwise in their drive to remove the grizzly from Endangered Species Act protection.

Removing the bear from the endangered species list will enable the states to allow grizzly trophy hunts around Yellowstone.

“They change their computer models to manipulate the figures to get the population statistics they want, and don’t allow independent scientists or the public access to their data,” Shoulderblade counters.

Other opponents of the government’s campaign to delist the Yellowstone grizzly have also highlighted the lack of transparency in the process.

To add some perspective, the British Columbia Ministry of the Environment claims there are 15,000 grizzlies in the province; and while this figure can certainly be disputed, what cannot is that the BC grizzly population dwarfs the US government’s most recent estimate of 741 in Greater Yellowstone, a number critics say is inflated.

“They managed to find the additional couple of hundred grizzly bears roaming their computer models to satisfy the tri-state game and fish agencies that are intent on opening trophy hunting seasons on the Yellowstone grizzly in 2015,” Shoulderblade says.

“It is absolutely barbaric, that we allow rich people to come in and slaughter bears,” says Chief Phillip. The two respected tribal leaders from north and south of the border are in agreement.

Like British Columbia’s Minister of Forests, Steve Thompson, FWS’s Chris Servheen appears unmoved by public opinion on the issue. In 2007, of 210,000 comments submitted to FWS regarding delisting the Yellowstone grizzly, over 99% opposed removing the bear from Endangered Species Act protection and opening prospective grizzly hunts.

Servheen and the US Fish and Wildlife Service are presently writing a new rule to delist Yellowstone’s grizzly bears and put them back between the crosshairs of trophy hunters’ rifles.

A Wyoming Game & Fish veteran speaking on the condition of anonymity, forecasts that the state will issue at least fifteen grizzly bear tags for the first hunt in a post-delisting Greater Yellowstone.

During the final four years of Wyoming’s last grizzly bear hunt, from 1970-1974, the state provided an annual high of thirty tags and a low of twelve for a population on life support. If the proposed fifteen tags were added to the average grizzly bear mortality rate cited by the IGBST for three consecutive years in the region (from 2010 through 2012), trophy hunting would account for 23% of all annual grizzly mortality.

While the grizzly has been federally protected, most of those shot in the Greater Yellowstone Ecosystem are alleged to be cases of self-defense.

When added to the hunter-caused deaths known to the federal government and documented for that three-year period, hunters would be responsible for

41% of grizzly mortality. “We will not stand by in the land of our ancestors and watch grizzlies be blown apart by high-powered rifles and mutilated just to satiate the bloodlust of some rich, ‘great white hunter,’” Shoulderblade pledges.

Shoulderblade identifies Greater Yellowstone as part of the ancestral homeland of the Cheyenne and twenty-five other tribal nations, from the Eastern Shoshone and Northern Arapaho in Wyoming to the Kiowa in Oklahoma, a fact now acknowledged by the National Park Service.

It is not uncommon for trophy hunters in the region to mistake grizzlies for black bears. Opponents of the government’s plan to remove federal protective status from the grizzly are concerned that if shooters can’t distinguish between a grizzly and a black bear, there is no reason to believe they will be able to discern if the trophy in their sights is an impregnated female in the fall or a female with cubs they don’t see, since the cubs may be concealed when they shoot.

The proposed Wyoming Game & Fish prohibition on killing “females with dependent young at side” would not save them in this typical field scenario.

IGBST biologist, Mark Haroldson, and Chuck Swartz, the former IGBST team leader, are of the opinion that at the time when Yellowstone may have had fewer than 200 grizzlies, “reducing adult female mortality by one or two bears per year would likely have been enough to stabilize the population.”

A question critics say remains unanswered is how many females will need to end up as rugs to destabilize the population now, and in forthcoming decades?

“This is not a hunting issue, it is a killing issue. Our people come from traditional subsistence cultures where there is ceremony and great respect accorded those beings you ask to offer their lives so that you might live,” Shoulderblade says.

“That is what you call a hunting tradition, not a killing tradition,” the Cheyenne spiritual leader clarifies.

...raise your voice for the Ancient One

Join the movement to stop the federal government from reducing this sacred being to fodder for the amusement of trophy hunters in the states of Wyoming, Montana and Idaho. Do not allow the echo of Manifest Destiny to rob the land of its spirit, Native people of a sacred teacher, and your children and your children’s children of their heritage.

On the weekend of August 9th and 10th, GOAL Tribal Coalition will be hosting a peaceful protest and prayer ceremony for the sacred grizzly bear in Yellowstone National Park. On Saturday August 9th we urge you to join with us and raise your voice to send a message to the federal government and the governors of Wyoming, Montana and Idaho that you oppose their mission to remove the grizzly bear from Endangered Species Act protection. They represent the vocal minority, those who stand to gain financially and politically from delisting the grizzly in our ancestral homelands; but we will forever be the landlords and the time has arrived for us to be silent no more.

On Sunday August 10th, as the sun rises above Yellowstone Lake, Don Shoulderblade will conduct a prayer ceremony for the sacred grizzly bear. We not only invite all of our brothers and sisters from the twenty-six tribal nations that share an ancestral connection to Yellowstone to join us, but all people who care about the grizzly bear. All are welcome to pray with us and stand together in unity.

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