

Eagle Summit III  
Rocky Mountain Arsenal and National Eagle Repository  
Denver, CO  
March 20, 2014

(Notes taken by Sally Carufel-Williams, NAFWS)

Start Time 8:00am

Opening Prayer - *D. Fred Matt*, Executive Director, Native American Fish & Wildlife Society, Denver, CO.

Housekeeping and Ground Rules - *Yolinda Begay*, Navajo Nation, Facilitator– Coronado National Forest – Forest Planner

Welcome – *Noreen Walsh*, Regional Director, US Fish & Wildlife Service (FWS). Region 6 covers the following states: Montana, North Dakota, South Dakota, Wyoming, Colorado, Kansas, and Nebraska. Ms. Walsh acknowledged that eagles are sacred part of American Indian culture. Believes that Tribes and the FWS can be allies for all generations in safeguarding eagle resources for American Indians. She then noted that the FWS has conducted two summits before which will be reviewed in detail later. Last summer was a Tribal round table where participant expressed interest in another Eagle Summit. FWS expects to conduct another round table in fall of 2014. FWS wants to ensure that today we have time for participants to hear items of interest from FWS and that we have ample time fo r FWS to hear from Tribes. The Eagle Summit III hopes to balance the presenting of information and to listen to comments and suggestions. She noted that what is not covered today can be covered at a later date.

Introductions: Senior leadership, FWS – Mountain Prairie Regional Office

*Matt Hogan*

*Steve Oberholtzer* – FWS Special Agent in-Charge of Law Enforcement and National Eagle Repository

*Clint Riley* – FWS ARD for Migratory Birds – Regional Office

*Marla Trolyn* – FWS ARD for External Affairs

*Ivy A. Allen* – FWS Regional Tribal Affairs Communications Specialist

*Scott Aikin* – FWS National Native Coordinator

*DJ Monette* – FWS Northeast Region Coordinator

*Alvin Windy Boy Sr.* - Chippewa Cree, Historic Preservation Officer

Question – Where is the information regarding the past summits and round tables?

Answer – Link available to all information:

<http://www.fws.gov/mountain-prairie/tribal/EagleSummit3.cfm>

Summit Goal: Goal: Eagle Summit III is designed to improve communication and build knowledge Native American and the Mountain-Prairie Region of the USFWS.

Discussions will center on topics of mutual interest and identify outstanding issues that need resolution.

### Introductory Remarks by Panelists

An Introduction and Presentation by *Steve Oberholtzer*, Special Agent in-Charge of Law Enforcement and National Eagle Repository, US Fish & Wildlife

*Alvin Windy Boy, Sr.*, Chippewa Cree, Historic Preservation Officer

Mr. Windy Boy stressed the importance of change – it can be difficult but change needs to happen. He said there is a push in Indian Country in regards to consultation which have had a poor history involving tribal governments. He gave a brief history of the Executive Order and it is time “to put some teeth into it”. Change does not typically happen on Rocky Boy. There is a strong need for cultural sensitivity training especially for agents, border patrol, customs, and other people. He said that he had approached the former FWS Tribal liaison, Kim Greenwood, and asked for a meeting which resulted in the first Eagle Summit held in Great Falls, MT. He stressed the need for the FWS to listen to the heart of the communities.

*Clint Riley*, Director Migratory Bird Program Regional Office –

Mr. Riley said he is new to region. Looking forward to working within the region and stated that this was a learning opportunity for him.

*Steve Olberholtzer*

Topics:

- Background and History of Past Eagle Summits
  - Summit I Recap – March 18, 2010 - FWs – Mountain Prairie Region Office – Lakewood, Colorado. 59 Tribal members participated representing 17 Tribes. Topics discussed – Eagle Permits and population management, distribution process and wait times at the Repository, and laws and regulations governing eagles.
  - Summit II Recap – May 2, 2011 – Rapid City, SD – 100 Council members – 29 Tribes in attendance. There was a discussion of the OLE’s purposes and goals. Discussion regarding compliance with federal wildlife laws over the National Eagle Repository as well as criminal investigations, inspectors, etc.
- FWS Law Enforcement Goals. – Respects the cultural and religious importance that Native Americans have for eagles and will continue to facilitate their lawful use while curtailing unlawful take and trafficking of eagles.
- Summary of Federal Laws Protecting Eagles – Wildlife Statutes
  - Bald and Golden Eagles Protection Act which prohibits the take, possession, transport, sale, purchase, barter, trade or offer for sale, barter of trade, or the export and/or import of eagles.
  - The Migratory Bird Treaty Act
    - Major Exceptions – Native American for Religious Use

- Policies
  - Morton Policy
  - FWS Policy
  - DOJ Policy – more clarification than Morton – asked Natives around Country – Agreed No commercial trade, no unlawful take – added collect naturally molted feathers but no collection of carcasses. Need to be able to collect carcasses so they can investigate unlawful deaths. Allowance to transfer feathers to craftsman – can pay for work but cannot pay with feathers.

[Mr. Oberholtzer stated that the FWS will not seek or institute legal action against members of federally-recognized tribes who possess feathers, members of federally-recognized tribes who acquire feathers from the wild, naturally molted or fallen feathers from migratory birds, without molesting or disturbing such birds in their nests. No collection of carcasses is allowed. The FWS is to investigate wildlife violations and prosecute so that eagles survive into the future. The threats that eagles face are extensive. He said there is another relevant part: members who wish to transfer feathers or parts to tribal craftsmen for the creation of religious or cultural articles may do so. But the trading of feathers or parts for their work is viewed as bartering and is not allowed. One can pay a craftsman for his work but not for the feathers.]

Question – *DJ Monette* – Is the DOJ Policy only for non-eagles?

[Answer by *Steve Oberholtzer*– As he understand it, the Policy is for Eagles as well but ONLY naturally molted or fallen feathers. For clarification, the Policy only applies to Federally Recognized Tribal Members – not just “Native Americans” and “American Indians”.]

Question - *Wes Martell* - Eastern Shoshone Business Council – If they consulted with Tribal Members how is “exchange, barter and trading” defined? This is part of our ways. How did they determine this distinction?

[Answer – The DOJ consulted with tribes. The main focus of law enforcement, we see that when animals are commercialized, the impact to their population is greater. One of our priorities is to put an end to illegal commercialization. We prosecuted a non-Native who was selling eagle feathers and over 5,000 eagle feathers were seized. It can be a wide spectrum of commercialization; therefore, trading for money, value, services, etc. is just simply not allowed by FWS and DOJ. The illegal commercialization is having the greatest impact on animals.]

*Scott Aikin*: – The Policy does not prohibit gifting which is not a “direct trade”. Can be gifted under law to another tribally-recognized member.

*Wes Martel* – Not speaking about commercialization, I am just talking about trading and bartering among tribal members.

[*Steve Oberholtzer* – If bartering feathers was done traditionally, why do we regulate it like we do? This is a good question and we can make sure we capture this as an area of concern. Will bring it to higher up within the FWS about what this means.]

*Levon Tyler* – Shoshone Bannock Tribes, Tribal Council Member - Meetings need to take place with Tribal councils at their home locations. Organizations such as Affiliated Tribes of Northwest Indians and councils don't speak for everyone. Out of respect, there needs more cultural sensitivity and more individual consultation. We do recognize that it is difficult.

*Randy Teboe*, Ponca Tribe of Nebraska - How did the term “craftsman” come about? The term is not culturally appropriate or really definitive of cultural norms.

[*Steve* – It is hard to determine who is and who is not a craftsman. The FWS has broadly interpreted the term to mean a federally-recognized tribal member who works on these feathers for another tribal member.]

*Wes Martel*, Eastern Shoshone – Can a tribal member from Canada travel to my ceremonies with feathers or a wing? If someone came to my sweat lodge and is not a federally-recognized tribal member, what would you do to him?

[*Steve* – Exemptions for allowing First Nations and Canadian Tribal members to travel across borders without permits. This is a topic for later.]

*Alvin Windy Boy* – However, this does not apply when coming back to US.

*Wes Martel* – We have had our own tribal members coming back across who have had their feathers confiscated.

[*Steve* – Notes that this discussion that warrants further discussion. He states that the FWS can commit to more training of border agents in this Region.]

*Darrel Shay* – Shoshone Bannock Tribes Cultural Resource Director – Do most policies apply to all regions? [*Steve* - Yes] If there was real consultation, the terms for craftsman and vendors would be differentiated. Vendors make things to sell, whereas craftsmen make for those who aren't able and these terms need to be separate.

[*Steve* – I need to clarify the two separate policies: Morton's policy and DOJ's. Does not know what level of consultation took place within DOJ beyond that it was a consultation that it was a policy that addressed some of the concerns they heard. I will make sure that we note this as an issue and present it to the FWS and DOJ (the definition of “craftsman”.)]

Next was the introduction of the National Eagle Repository employees who would help with the tour.

### Improvements and Changes to the National Eagle Repository (NER)

As the demand for feathers outpaced the supply, the wait times grew. The turn-around time is quick but the wait time depends on the availability of birds. The wait time currently is five (5) years for whole birds. We stepped up our efforts to get all eagles sent to the NER. We have a wide network to make sure that birds are sent to the NER. We try to increase the supply as best we can. We know that the wait time is hard and too long. It is a very important topic and we have to consult with tribes to help reduce these times. The wait time is dependent on species, parts, and supply. It was requested that wait times be reduced.

2500 eagles per year. 4000 orders processed per year. We want to make sure they get as many birds as possible. But they can't go to every tribe. The NER has a very small staff and there is not enough money or time and we needed a vehicle for communication.

The strategy result was to hold in-person consultations across the country. Invites to all 522 tribes were sent with the opportunity made available to consult via the phone or with written comments. Five (5) meetings were held: in Albuquerque, Minneapolis, Anchorage, Sacramento (at NCAI with eight+ hours of discussion), and Washington, DC. There was a 90-day comment period. The FWS processed the comments and made changes. The changes were sent to the tribes, the comments were again processed and the FWS made the final decisions on the changes.

Steve continued and reported on the following:

- One overwhelming comment from tribes was in regard to Native American inmates who were using over half of loose feather reorders and the tribes felt that there be a limit to ONE. But we will offer a replacement program. We will limit the maximum allowed to each facility and have different rules.
- We are going to develop an online re-order application
- Update the NER website with more accessible information and more information about different categories and current wait times, feather order category descriptions with pictures and ordering information. Trying to make ordering more informative to improve on order quality.
- Updated Application form. Let people know that they do not need to order maximum amount. And for people to consider ordering feathers instead of a whole bird unless a whole bird is necessary to fulfill their religious needs.
- Tribes wanted to have input into who receives a whole bird. Only certain people are knowledgeable enough to have a whole bird. The FWS will not require Tribal

certification of the applicant's need for a whole bird order unless a tribe passes law to that effect and provides a copy of that law to the NER. Tribes in general wanted to have an influence on who receives a whole bird. Some tribes have a proper ceremony for a whole bird. However, tribes didn't feel they had internal processes for this and may end up in the discrimination of certain individuals. If the tribe produces a copy of a tribal law, then the FWS will not go against that law.

- June 1<sup>st</sup> date for any new applications. Existing applications will be processed according to old rules.

Comments and questions followed:

*Wes Martel*, Wind River – One of the issues discussed at Wind River was about the possibility of creating a separate system in Wyoming. He said there are many wind farms are being constructed so that may be why there are more eagles. He wants Wyoming eagles to be made available to Wind River.

*Alvin Windy Boy*, Rocky Boy – Some states provide more eagles than others. Troubled by the idea that wind farm corporations will get take permits and exemptions. Tribes will have to take to Congress to preserve rights.

*Raymond Lasley* - Osage Nation – State of OK bill – moratorium on wind farms in certain areas.

*Rick Williams* – Oglala – What about non-Indian people who are in possession of eagle feathers? In this process how many times have you prosecuted those who have illegally bought feathers and eagles?

[Steve – Prior to 1940 a non-Indian could possess eagle feathers but not sell. For golden eagles, it was prior to 1962. There are exceptions and we do see non-Indians who are in possession. We talk to them and give them the opportunity to turn the feathers over to the NER. If the feathers were obtained illegally, then more actions are taken. The FWS uses the application process to weed out as many fraudulent orders and the process requires BIA certification on the application. There is a low number of fraudulent requests and many applications are abandoned.]

*Darrell Shay*, Shoshone-Bannock - Native people have always used eagles, from before US Government began. They are held in the highest regard and are the closest to the Creator. I am troubled by how eagles are spoken about. We did have a discussion with the FWS and there are still issues on who gets permits. In the state of Idaho we know that there are eagles who are being taken by the wind farms and the huge power lines. Many eagles die, but where do they go? Are they all coming to the NER? The next issue are the falconry programs: why are they given as much weight and I ask why are they at the same level as the tribes? We see the falconries the same as commercialization. What if I see an eagle get killed by a windmill and no official retrieves it? The real take of the

eagles is not even close to what is officially reported. Will you prosecute? The FWS is going after Indians but not these other entities who are doing this for profit.

*Yolanda Begay*, Facilitator – Your issue is on the Bid Items. There will be a presentation soon by Clint Riley and the issues will be presented at the Consultation.

[*Steve* – Your question is why are we being so restrictive on federally-recognized tribal members with rules and restrictions? We will cover why we do what we do and how Congress mandates. The supply of feathers from particular states will also be addressed. Regional or Tribal repositories will be discussed.]

Question: *Ben Chevarria*, Santa Clara Pueblo, Office of Rights Protection – Why are we the only ones that are required to get a permit to practice religion? There needs to be more agreements with FWS and individual Tribes. Feel like consultations happen during the time of transition. Regarding age restrictions: different tribes have different needs. In our pueblos, our initiation is at the age of 12 and the waiting time according to the regulations is prohibitive.

*William Voelker*, Comanche Tribe Eagle Repository – I would like to make a strong statement about the good work the NER does. People don't understand the process. I would like to state that the NER has gone beyond what it has been directed to do for many and it cannot break the "first-come, first-served" process. The NER has sent referrals to us. As a tribally-run entity, the minute a feather is dropped, we can catalogue and distribute we are able to meet needs immediately. FWS folks go above and beyond to serve.

[*Steve* – We have covered several topics which many have been documented at previous summits. We have taken proactive measures regarding industry, particularly electrocution. Regarding the state of Wyoming where 232 eagles were killed by electrocution, penalties included \$10 million and probation. There are shooting cases as well with tribal and non tribal cases. The majority of the investigations and prosecution are with non-Natives. The Government is restrictive because lots of people want to use eagles and their feathers, i.e., state tribal members, non-tribal members, etc. How can we protect rights and still restrict others? The reason we are able to facilitate the NER in the distribution of feathers is that we have that special relationship with federally-recognized tribes and, therefore, can set a process for distribution while limiting others. Because of that relationship is why we don't transfer the feathers out to non-federally-recognized tribes. We take pleasure in providing this service. We pay for approximately \$750,000 from our law enforcement penalties to pay for shipping costs alone and the funds do not come from Congress. ]

### Eagle Concerns Raised by Tribes During Summits I and II

- Some states supply a lot of the eagles while others are getting the most orders filled; i.e., the Southwest submit the most requests with the least supply. The reasons include that there are not that many eagles killed that come in to the NER.

- Statistics will be posted on Repository Website. Notices sent to officers to send in birds. There has been discussion on Regional repositories. At this time the NER is best for fulfilling orders in the most appropriate way (i.e., the first-come first-serve).

Comments:

*Levon Tyler, Shoshone-Bannock* – The poisoning of eagles and other animals is an issue as it flows up the food chain and the culprits need to be prosecuted and fined so there can be more funding to be able to work with

[*Steve* – We encourage to submit claims on any activity that harms eagles. Statistics from the last five years will be available.]

*Raymond Lasley, Osage* – Regarding the 232 eagles killed by the companies, why did prosecution take so long? What was the fine and what was it used for?

*Steve* – Electrocutions are a wide spread problem and we deal with big and little companies and miles of lines to contend with. The 232 eagles over two year period was just in a watch period. The penalties and fines were used in retrofitting program.

*Raymond Lasley* – The fine is just a way forcing to upgrade The companies should be upgrading on an annual basis and be held responsible for those deaths.

[*Steve* – The DOJ prosecutes as best as it can and the prosecutions are more powerful when they are felonies.]work best case possible.

Possession of Eagle Parts – The FWS will pursue cases of non-Indian possessions unless they fall under exemptions.

Comments and Questions:

*Ron Oldman, Northern Arapaho Co-Chairman*: At the PBR, I see a lot of young cowboys who wear feathers. I would suggest asking them about the possession of those feathers. FYI: the PBR will be April 11 in Billings, Montana and National in Las Vegas in October.

*Martin Roundstone, Northern Cheyenne, Natural Resources* - Regarding those 232 eagles over two years. Is anyone monitoring them now?

[*Steve*: There is now a structured process where they are required to meet with the Assistant Regional Attorney. They must report on the poles, the risk and what is being done on fixing highest risk poles. That company is doing quite a bit of work to retrofit, etc. We are working with other companies to get more prosecutions quickly. Also wind

power is new and emerging and we view all industries as important. Wind power does not have a free pass to take eagles.]

*Levon Tyler:* Why aren't these wind farms forced to set up those lines out of the critical areas?

[*Steve:* tribes want notification when our agents are on tribal lands. If appropriate, we will inform tribal officials (LEOs). We will have joint investigations. Often times work with DOJ to prosecute tribal members in federal court or refer back to the tribal court rests with DOJ. Is a priority. ]

*Mark Roundstone,* Northern Cheyenne - If an individual tribe does not want a federal agent on its land, will you honor that?

[*Steve:* It depends on what the violation is. We will not investigation where tribe has its own process. If eagles are illegally taken on tribal land, we will try and do a joint investigation; if not, we will do our own investigation.]

*Raymond Lasley:* Is the FWS providing any technical assisting in developing codes to be implemented to address laws and regulations governing the take of eagles?

[*Steve:* we have offered technical assistance to tribes who have asked for help in developing a tribal wildlife code. Lacey Act helps us pursue offenders. However, we don't get taken up on that offer. The DOJ has made a similar offer: to develop a template fish & game code for tribes to develop own codes.]

*Raymond Lasley:* What about training for tribal police officers?

[*Steve:* We do. We have put one session together every year for past 12-14 years. Most tribal officers require 40 hrs BIA training. We consistently do trainings in this Region. We cover everything for crime scene, wildlife laws, tactics, etc. The training is relevant to tribes and is targeted for tribal wildlife officers.]

*D. Fred Matt,* Confederated Salish & Kootenai Tribes and Executive Director, Native American Fish & Wildlife Society: The NAFWS received some of the funds from the money that was charged to the entity in Wyoming. The funds have been earmarked to go to trainings that benefit tribes and scholarships for tribal students pursuing degrees in natural resources. Our Great Plains Region, assisted by the FWS, is gearing up for its extensive 2014 40-hour training, June 9-13, in Billings, Montana. In addition, we are purchasing equipment for conservation law enforcement training and some of our GP game wardens are trained as instructors. Check the web-site at [www.nafws.org](http://www.nafws.org)

[*Steve:* Currently there is no process for youth to receive feathers. Where we have drawn the line: enrolled members of federally recognized tribes will continue to be the requirement for receipt of an eagle or feathers from the NER. To deviate from that could allow non-members to acquire feathers from the NER, which would exacerbate wait times.]

Question re Interference with possession of feathers by veterans and transport to wherever they are serving their country. *Steve* recommended a policy change re an exemption for active duty military members from permit requirements when importing awfully acquired feathers for non-commercial personal use.

*Alvin Windy Boy*: What about challenges by state-recognized tribes?

*Levon Tyler*: The issue of state-recognized tribes came up at NCAI. Some tribes never signed treaties. Have a task of definition. Do research if these tribes have that historical practice. That will be an issue.

Randy Teboe, Ponca Tribe of Nebraska – Regarding the issue of blood quantum and lineal descent. How does FWS deal with that?

[*Steve*: We don't. On the prior application, the applicant had to state for what ceremony were the parts needed. Rights were violated and that was taken off the application form. The FWS is not in the business of working with BIA on what constitutes an adequate rule was regarding membership eligibility. We leave that up to the individual tribe.]

#### Eagle Take Permitting and where the Service is heading

Eagle Transport Permits: Members of federally-recognized tribes may obtain a permit to transport lawfully acquired eagle feathers or parts into or out of our country for religious purposes. Permits are valid for 6 months and are issued by the FWS in Arlington, Virginia (2-4 weeks for issuance).

Tribal members may forego obtaining a permit for travel between US and Canada or Mexico. Tribal members must show a tribal ID card or First Nations card at the border. No commercialization or transfer to buy, sell, barter, trade or gifting of eagle parts is allowed.

*Bill Voelker* Commanche Nation: we travel regularly oversees with feathers; i.e., he was called to Vatican. Please note that the trim feathers became an issue. Need to be conscious of this, not just the eagle feather.

[*Steve*: We must abide, not just US law, we have to abide by the other country's law.]

*DJ Monette*, St. Regis Mohawk, FWS Northeast Region Tribal Liaison: This pertains to reservations that are part in Canada and US. Regarding transport and gifting between from a tribe and a First Nation, how does that apply?

[*Steve*: gifting is not allowed.]

*Don Oldman*, Northern Arapaho: Regarding out-of-country travel, our Tribe has athletes going to Down Under Games in Australia. Can an athlete's family send eagle plumes

with them? Will our young tribal members be charged if they don't come back with the plumes or feathers?

[Steve: is it allowed? No. It would be difficult to investigate a case where a plume got lost.]

### Indian Religious take permits in the country – Clint Riley

Mr. Riley stated that this would be the presentation that will set up the Consultation.

He discussed the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act.

USFWS – Headquarters Office in Arlington, VA develops policy  
Regional Offices issue permits (Denver office for Mountain-Prairie Region)

Prohibited Actions

The Definition of “Take”

Permit holders are encouraged to carry the permit with them. The FWS should consider replacing paper permits with wallet-size laminated cards that is issued.

Type of Eagle Take Permits

- Scientific and Exhibition
- Falconry
- Depredation
- NA Religious/Cultural
- Native American Eagle Aviary Permit
- 2009 Regulations
  - Standard Take Permits (one-time take)
  - Programmatic Take Permits
  - Became necessary after delisting of bald eagles
  - Bald eagles v golden eagles
    - Same legal status
    - In practice, golden eagles are more protected because regulations require a biological take threshold
    - No take of golden eagles currently, unless demonstrate “no net loss”
  - Most permits issues to this point are for “disturbance” and very few are lethal take permits
  - No programmatic permits issued to this point.
- Challenges:
  - Increases in renewable energy: especially wind and solar, across golden eagle western range.

- Limited quantified data on species status and range
- Conservation measures largely untested. (to prevent impacts on eagles)

#### Comments and Questions:

*Darrell Shay, Shoshone-Bannock:* Regarding depredation: who determines that an eagle is a threat to the livestock community?

[*Clint:* Regarding the determination regarding depredation, there are three (3) criteria: 1) that permit does not have a negative impact on wild population; 2) whether or not there is serious causing depredation, the FWS are not experts. The USDA Wildlife Service has the authority to determine; and 3) If there is another way to deal with this, we are required to find that other methods are,]

*Darrell Shay:* I have problem with somebody saying that eagles are a problem when it could be something else.

[*Clint:* we also have that concern. However, we haven't issued any depredation permits at all.

*Wes Martel, Wind River:* I have had the opportunity to participate in ceremonies around Indian Country. Most of these spiritual leaders, humble, etc., have that special connection. That's the power that they have. We're glad that there is the opportunity to get these sacred articles that are controlled by FWS. Need to understand that special connection to guide, heal ourselves. Yet, what other religion has so much regulation and must be controlled? I have grand children who can't be enrolled. But they know the ceremonies and now cannot be recognized in that faith, that belief. I recognize that you are doing your job. But it's very troubling to those of us who have to listen to this. How many other religions have to go through this just to do what was passed on to us? We are lucky to be able to do this. Some tribes have lost their ways, their language. We are dictated to what we are allowed to do. It really hurts.

[*Clint:* Within the bounds of the restrictions of our jobs, we hope that we can find avenues to address those issues. The best chance is gaining understanding. We understand that history. It is a challenge. Within the powers of our authority, we will look for ways.

*Terry Knight, Ute Mountain Ute Tribe:* Who is the authorized person to do this? We would like to know. What happens? What is the procedure? What should we do? Regarding eagle take (like Hopis), what are the regulations / laws? What, where and to whom do we show our permit? How do we demonstrate that we are practitioners to conduct these ceremonies? Please come up with a position paper. For example: what about war bonnets that were passed down and given to the tribe Approached FWS agent, to turn over, forced to turn over. We were told @ first Eagle summit that they would

look into it and it has not happened yet. Is that a legal thing that this white lady whose father had possession of a war bonnet, gave it to the tribe? Where and how and who does what? We feel that these people are stepping on our religious beliefs, our ability to heal, etc. The spiritual attributes that feathers have is very strong. Each tribe has its own system on handling. This issue is very serious to us. Where do we go for recourse?

[*Steve*: The FWS has recommended to the state that TSA cannot touch your feathers. Get ahold of local FWS agent.

*Randy Teboe*, Ponca Tribe of Nebraska: Did you have to get a card in order to do ceremonies?

*Wilfred Bear* \_\_\_\_\_, Eastern Shoshone, THPO Officer: How can our spiritual leaders prove to authorities that this is what they take care of? We have these gifts for which we are responsible and now we have to face more and more rules. Elders are afraid that something will happen to their items.

[*Steve*: We are recommending that you carry a tribal ID card, just in case. Not a requirement that you possess a permit.]

#### Eagle Take Permits

- Re taking an eagle out of the wild. Does require a permit. Permit available to tribal members that is not available to anyone else.
- An eagle take must be compatible with the preservation of eagles (the standard under the Bald & Golden eagle Protection Act).

12:30 the group broke for Lunch – Provided by NAFWS

Luncheon Speaker, *Rick Williams*, Oglala Lakota/Cheyenne, Eagles in Tribal Culture and Story Telling

Presentation by *Alvin Windy Boy*

No notes taken: An opportunity to listen

(A document was given to *Ivy Allen* by *Leonard Crow Dog*, Lakota Medicine Man and Mr. Crow Dog addressed the group.)

Afternoon Session 1:30 to Close – Government to Government to Consultation. See reporter notes.