

**EAGLE SUMMIT III SUMMARY
ROCKY MOUNTAIN ARSENAL AND NATIONAL EAGLE REPOSITORY
DENVER, CO – MARCH 20, 2014**

OPENING PRAYER

Fred Matt, Executive Director, Native American Fish & Wildlife Society,
Denver, CO.

HOUSEKEEPING AND GROUND RULES

Yolynda Begay, Navajo Nation, Facilitator– Coronado National Forest – Forest
Planer.

WELCOME

Noreen Walsh, Regional Director, US Fish & Wildlife Service (Service). Region 6 covers the following states: Montana, North Dakota, South Dakota, Wyoming, Colorado, Kansas, and Nebraska. Ms. Walsh acknowledged that eagles are a sacred part of American Indian culture. She believes that Tribes and the Service can be allies for all eagles in safeguarding this precious resource for American Indians.

She then noted that the Service has conducted two Eagle Summits before which will be reviewed in detail later. Last summer, Service hosted a Tribal Roundtable where participant expressed interest in another Eagle Summit. The Service expects to conduct another Tribal Roundtable in the fall of 2014. We want to ensure that we have time for participants to hear items of interest from the Service and that we have ample time for the Service to hear from Tribes. Eagle Summit III hopes to balance the presentation of information with listening to comments, concerns and suggestions. She noted that what is not covered today can be covered at a later date.

INTRODUCTIONS

FWS Senior leadership, Assistance Regional Directors (ARD) from the Mountain
Prairie Regional Office

Matt Hogan – Deputy Regional Director

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

Clint Riley – ARD for Migratory Birds – Regional Office

Marla Trollan – ARD for External Affairs

Scott Aikin – National Native American Programs Coordinator

Ivy Allen – Regional Tribal Communications Specialist

DJ Monette – Northeast Region Tribal Liaison

GUEST SPEAKER

Alvin Windy Boy Sr. – Chippewa Cree Tribe, Tribal Historic Preservation Officer

QUESTION:

Where is the information regarding the past summits and round tables? **Answer,**
Online at <http://www.Service.gov/mountain-prairie/tribal/EagleSummit3.cfm>

SUMMIT 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:

Alvin Windy Boy, Sr., Chippewa Cree, Tribal 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 government-to-government consultation which has 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 Reservation. There is a strong need for cultural sensitivity training especially for agents, border patrol, customs, and other people. Mr. Windy Boy, Sr., said that he had approached former Service Tribal liaison, Kim Greenwood, and asked for a meeting which resulted in the first discussion and the evolution of the first Eagle Summit. He stressed the need for the Service to listen to the heart of the communities.

Clint Riley, FWS ARD Migratory Birds and State Programs
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 Oberholtzer, FWS Special Agent in-Charge, Office of Law Enforcement (OLE) and National Eagle Repository, overview of the topics below.

MORNING PANEL 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 tribal members – representing 29 Tribes in attendance. There was a discussion of 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 – Policies aim to respect 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 and Wildlife Statutes Protecting Eagles:
 - Bald and Golden Eagles Protection Act (BGEPA) 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
- Federal Policies on Eagle/Feather Possession
 - DOI Morton Policy
 - FWS Policy
 - DOJ Policy – more clarification than Morton Policy. To create recent policy DOJ asked Native Americans around country for input and there was agreement for no commercial trade, no unlawful take and the policy added language to allow for the collection of naturally molted feathers. However, no collection of eagle carcasses is allowed. The Service needs to collect carcasses for the investigation of unlawful deaths. Native Americans would like the policy to allow for the transfer feathers to be used as payment for services among other Native Americans. Right now there is no allowance for payment with feathers.

Mr. Oberholtzer stated that the Service does not seek or institute legal action against members of federally-recognized Tribes who merely possess feathers. Members of federally-recognized Tribes can acquire naturally molted or fallen feathers from migratory birds. It is not allowed to molest or disturb birds in their nests. No collection of carcasses is allowed. The Service investigates wildlife violations and prosecutes offenders so eagle populations can survive for future generations. Eagles face extensive threats. 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.

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

Answer: *Steve Oberholtzer*– As he understands it, the Policy is for eagles as well but and applies to 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 the “exchange, barter and trading” defined? This is part of our cultural and our ways. How did they determine this distinction?

Answer: *Steve Oberholtzer* – DOJ consulted with Tribes. Their main focus in law enforcement is to put an end to illegal commercialization. When animals are commercialized there is a large impact on their populations. We prosecuted a non-

Native who was selling eagle feathers and in the investigation 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 Service and DOJ. Illegal commercialization has one of the largest impacts on animal populations.

Scott Aikin – The Policy does not prohibit gifting, as long as no exchange of items or services for those feathers occurs, that would be bartering. Items can be gifted under law to another federally tribally-recognized member.

Wes Martel – I’m not speaking about commercialization; I am just talking about trading and bartering among tribal members.

Steve Oberholtzer – Bartering feathers was done traditionally, why the Service is regulating it in this manner is a question and we can capture and discuss it as an area of concern.

Statement: *Levon Tyler*, Shoshone Bannock Tribes, and Tribal Council Member – He would like to see these meetings take place with Tribal councils on tribal lands. Organizations such as Affiliated Tribes of Northwest Indians and councils don’t speak for everyone. Out of respect, there needs to be more cultural sensitivity and more individual consultation. We do recognize that it is difficult.

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

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

Question: *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?

Answer: *Steve* – There are exemptions for allowing First Nations and Canadian Tribal members to travel across borders without permits.

Alvin Windy Boy – Warning that those exceptions may not apply when coming back to the U.S.

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 SERVICE can commit to more training of border agents in this Region.

Question: *Darrel Shay*, Shoshone Bannock Tribes Cultural Resource Director – Do most policies apply to all regions?

Answer: *Steve* – Yes.

Statement: *Steve* – I need to clarify that the Morton’s policy and DOJ’s are two separate policies:

- The Service does not know what level of consultation took place within DOJ. The policy does attempt to address some of the concerns DOJ heard. I will make sure that we note the definition of “craftsman” is an issue and this concern within FWS and DOJ. Through consultation, the terms for craftsman and vendors could be differentiated. Such as vendors make things to sell, whereas craftsmen may make for those who aren’t able to and these terms may need to be separated.

IMPROVEMENTS AND CHANGES TO THE NATIONAL EAGLE REPOSITORY

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

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 Repository receives about 2,500 eagles per year and processes about 4,000 orders per year. The Repository tries to receive all U.S. deceased eagles. This process ensures equitable distribution. The wait time is currently about five (5) years for a whole immature golden eagle, our most requested bird, consequently with the longest wait time. We have stepped up our outreach efforts to ensure all fish and game officers and departments know to send eagles to the Repository and we have a wide network of people to help that happen.

The Service knows wait times are too long. It is a very important topic and we have consulted with Tribes to try and reduce wait times. The wait time is dependent on species, vs parts, and the current supply. During consultation it was requested that the Service find ways to reduce wait times.

It was not possible to go to every tribe for individual consultation because the Repository has a very small staff with limited funding and time. The Repository needed a vehicle for communication, so in-person consultations were held at a variety of locations across the country. Invites to all Federally Recognized Tribes were sent to Tribal Chairpersons offering the opportunity to consult at the meetings, via the phone or with written comments. The five meetings were held in Albuquerque, Minneapolis, Anchorage, Sacramento (at NCAI with eight+ hours of discussion), and Washington, D.C. There was a 90-day comment period. The SERVICE processed the comments and made changes. The changes were sent to the Tribes, the comments were again processed and the Service made final decisions on the changes.

DESCRIPTION OF REPOSITORY CHANGES

- One overwhelming comment from Tribes was in regard to Native American inmates who were requesting more than half of loose feather orders/ reorders. Tribes felt this should be a limited to ***one order***. However, we will offer a

replacement program. Feather orders are limited to the maximum allowed per the correctional facility and many facilities have different rules.

- We are developing an online re-order application which will launch in 2014.
- The Repository website is undergoing an update. The updates will improve the organization and clarity of information on the website, additional categories, current wait times by category, feather order category descriptions with pictures and ordering information.
- The site will have updated application form to let people know that they do not need to order maximum feather amounts. It will encourage 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. According to Tribal comments, only certain people are knowledgeable enough to perform the ceremony necessary 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. The Service will not require Tribal certification of the applicant's need for a whole bird order unless a tribe passes law/resolution to that effect and provides a copy of that action to the Repository. If the tribe produces a copy of a tribal law, then the Service will not go against that law.
- June 1, 2014 is the date for these changes to take effect. All new applications will be processed under this new policy.

COMMENTS AND QUESTIONS RELATED TO REPOSITORY CHANGES

Statement: *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.

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

Statement: *Raymond Lasley*, Osage Nation – State of OK bill places a moratorium on wind farms in certain areas.

Question: *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?

Answer: *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 Repository. If the feathers were obtained illegally, then more actions are taken. The Service uses the application process to weed out fraudulent orders and the process requires BIA certification on the application. There is a low number of fraudulent requests and many applications are abandoned.

Statement: *Darrell Shay*, Shoshone-Bannock – Native people have always used eagles, since time immemorial and before the U.S. 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 Service and there are ongoing issues with who gets permits. In the state of Idaho, we know that there are eagles 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 Repository? The next issue is the falconry program: why are they given as much weight, and I ask, why are they at the same level as the Tribes? Tribes see the sport of falconry as less important than our religious needs. 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 being reported. Will you prosecute? Is the Service going after Indians but not these other entities that are doing this for profit?

Response: *Yolanda Begay*, Facilitator – Your issue is on the Bin 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 too.

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 Service and individual Tribes. It feels like consultations only happen during a 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.

Statement: *William Voelker*, Comanche Tribe, SIA Eagle Repository – I would like to make a strong statement about the good work the Repository does. People don't understand the process. I would like to state that the Repository has gone beyond what it has been directed to do for many and it cannot break the "first-come, first-served" process. The Repository 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. Service folks go above and beyond to serve.

Statement: *Steve* – We have covered several topics which many have been documented at previous summits. We have taken proactive measures regarding industry, particularly electrocution. Regarding whether or not the Service prosecutes take by non-Indians, we do. For example, we recently has a successful prosecution of an electrical utility in Wyoming where 232 eagles were killed by electrocution in a two-year period. Penalties included \$10 million and probation. There are shooting cases as well with tribal and non-tribal member defendants. 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., but we have a very limited supply compared to the demand. The reason we restrict the distribution of feathers to only federally-recognized Tribal members is because we have a special government-to-government political relationship that does not exist with other entities. We are honored to provide this service, and we pay approximately \$750,000 to accomplish the Repository’s operations.

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 Repository.
- Statistics will be posted on Repository website. Notices are sent to officers to send in birds. There has been discussion on Regional repositories. At this time the National Eagle Repository is best suited to fulfill orders in the most appropriate way (i.e., the first-come first-serve basis).

COMMENTS AND QUESTIONS

Statement: *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 Tribes to pass on information regarding any activity that harms eagles.

Question: *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?

Answer: *Steve* – Electrocutions are a wide spread problem and we deal with big and little companies and miles of transition lines. The penalties and fines were primarily used in retrofitting program, but a portion also went to rehabilitation facilities and the Native American Fish and Wildlife Society.

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

Statement: *Steve* – The DOJ prosecutes as best as they can and the prosecutions are the higher the penalty the more behavioral changes we see in companies .

POSSESSION OF EAGLE PARTS

The Service does and will pursue cases of non-Indian possessions, unless they fall under exemptions.

Statement: *Ron Oldman*, Northern Arapaho Co-Chairman – At the Professional Bull Riders (PBR) I see a lot of young cowboys who wear feathers. I would suggest asking them about the possession of those feathers. This year, PBR will be in Billings, Montana on April 11 and the national finals are in Las Vegas in October.

Question: *Mark Roundstone*, Northern Cheyenne, Natural Resources –Regarding those 232 eagles over two years. Is anyone monitoring them now?

Answer: *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.]

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

Answer: *Steve* –Wind power facilities are typical required to consult with the Service, State, or County on construction and line placement details. During these consultations is the right time to require companies to build in an environmentally responsible manner.

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

Answer: *Steve* – It depends on what the violation is. For non-Federally protected species we will not typically investigate if a tribe is conducting its own investigation and prosecution. If eagles are illegally taken on tribal land, we will try and do a joint investigation it won't compromise the security of the case. If not, we will do our own investigation. Some Tribes want notification when our agents are on tribal lands. If appropriate, we will inform tribal officials. Often times we work with DOJ to prosecute tribal members in federal court, and then the decision to refer back to the tribal court rests with DOJ.

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

Answer: *Steve* – we have offered technical assistance to Tribes who have asked for help in developing a tribal wildlife code. The DOJ has made a similar offer: to develop a template fish & game code for Tribes to develop own codes. The Lacey Act helps us pursue offenders off Tribal lands.

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

Answer: *Steve* – We do offer that. We have put one annual session together for the past 12-14 years. Most tribal officers require 40 hours of in-service training. We consistently do trainings in this Region, typically paid out of Service and NAFWS funds. The course covers crime scene investigation, wildlife laws, tactics, etc. The training is relevant to Tribes and is tailored targeted for tribal wildlife officers.

Statement: *Dr. 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 Native American Fish and Wildlife Society is assisting the Service in gearing up for this extensive 40-hour training, which will be held in June 9-13, 2014 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. For additional information, check our website at www.nafws.org.

Statement: *Steve* – Currently there is no process for non-enrolled members (youth?) to receive feathers from the Natation Eagle Repository. Policy allows **ONLY** for *enrolled members* of Federally Recognized Tribes to receive an eagle or feathers from the Repository. To deviate from that could allow non-members to acquire feathers from the Repository, which would exacerbate wait times.

Statement: Feathers, offering and medicine bags being seized, handled and searched by Customs, Border Patrol and TSA agents, when Native American Veterans are serving their country, as undue and unjust treatment.

Response: *Steve:* recommended a policy change such as an exemption for active duty military members from permit requirements when importing lawfully acquired feathers for non-commercial personal use.

Question: *Alvin Windy Boy* – What are the challenges of 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 the research to

determine if state 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 the Service deal with that?

Answer: *Steve* – We don't. On the application, the applicant had to state for what ceremony the parts were needed. Rights were violated and that was taken off the application form. The Service does not consult with BIA on what constitutes an adequate rule was regarding membership eligibility. That is determined by the individual tribe.

EAGLE TAKE PERMITTING AND SERVICE TRAJECTORY

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

Eagle Transportation 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 Service in Arlington, Virginia (permits can take 2-4 weeks for issuance).

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

Statement: *Bill Voelker*, Comanche Nation – we travel regularly overseas with feathers; i.e., he was called to Vatican. Please note that the trim feathers became an issue.

Statement: *Steve* – Travelers must abide, not just by U.S. law but we also abide by the other country's laws.

Question: *DJ Monette*, St. Regis Mohawk, FWS Northeast Region Tribal Liaison – Does this pertain to reservations that are partially in the U.S. and in Canada in regards to transport and gifting between a U.S. Native American Tribal member and a Canadian First Nation tribal member?

Answer: *Steve*: gifting is not allowed.

Question: *Don Oldman*, Northern Arapaho – Regarding out-of-country travel, our Tribe has athletes going to the 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?

Answer: *Steve*: is it allowed? No but it would be difficult to investigate a case where a plume got "lost."

INDIAN RELIGIOUS TAKE PERMITS IN THE COUNTRY – CLINT RILEY

Clint Riley – ARD for Migratory Birds – Regional Office

Mr. Riley stated that this would be the presentation that is part of the consultation topics. He discussed the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. He explained the Service's headquarters office is in Arlington, VA and they are responsible for developing the policies. The Regional Offices are responsible for issuing permits. The Service's regional office for the Mountain-Prairie Region is located in Denver, Colorado.

PROHIBITED ACTIONS

Any "take" of an eagle is prohibited and "take" was defined. There are permits that can be applied for and if granted they allow for the "take" of an eagle. Permit holders are encouraged to carry their permit/s with them.

Types 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 vs 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 to Eagle Management:

- Increases in renewable energy: especially wind and solar, across golden eagle western range.
- There is limited quantified data on species status and range
- The conservation measures to prevent impacts on eagles are largely untested.

COMMENTS AND QUESTIONS ON PROHIBITED ACTIONS:

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

Answer: *Clint* – Regarding the determination regarding depredation, there are three criteria: 1) that the permit does not have a negative impact on wild populations; 2) whether or not there is serious causing depredation, the Service are not experts in that area. The USDA-APHIS 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 available.

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

Answer: *Clint* – we also have that concern.

Statement: *Wes Martel*, Wind River – I have had the opportunity to participate in ceremonies around Indian Country. Most of these spiritual leaders 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 Service. The Service needs to understand that special connection to guide and heal ourselves through the eagle. Yet, what other religion has so much regulation and must be controlled? I have grand children who can't be enrolled. 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. The government is dictating what we are allowed to do. It really hurts.

Response: *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 to gain an understanding. It is a challenge. Within the powers of our authority, we will look for ways.

Statement: *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 and 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 a tribe when a Service agent asked us to turn it over or forces a turn over. We were told at the first Eagle Summit that they would look into it and it has not happened yet. Is that a legal action that a white lady, whose father had possession of a war bonnet, gave it to a tribe? Where and how and who does what? We feel that these people are stepping on our religious beliefs, our ability to heal. 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?

Response: *Steve* –Please send me detailed information about what was seized, by whom, and when it happened. I will follow up on these issues.

Statement: *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.

Response: *Steve* – We are recommending that you carry a tribal ID card, just in case. It is not a requirement that you possess a permit. We hope that Tribal Official help spread accurate information about feather possession requirements to their Tribal members.

EAGLE TAKE PERMITS

- “Taking” an eagle out of the wild does require a permit. Permits may be available to tribal members that are not available to anyone else.
- An eagle “take” must be compatible with the preservation of eagles as regulated by the Bald & Golden eagle Protection Act.

EAGLE SUMMIT III WRAP UP FOR CONSULTATION

12:30 Lunch

Provided by NAFWS

Eagles in Tribal Culture and Story Telling

Luncheon Traditional Speaker, *Rick Williams*, Oglala Lakota/Cheyenne

A Chippewa Cree Approach to Consultation and Regulation

Alvin Windy Boy Sr. – Chippewa Cree Tribe, Tribal Historic Preservation Officer

Leonard Crow Dog, Lakota Medicine Man

Came up during lunch and requested to address the group and talk of eagles and their relationship with them. He passed a document to *Ivy Allen*, FWS Tribal Communications Specialist.

AFTERNOON SESSION

1:30 to 5:30 - Government to Government to Consultation on Eagles

Reporter notes covering the consultation are online at:

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