



DEPARTMENT OF THE INTERIOR
TASKING PROFILE

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To (Recipient): Jewell, Sally
From (Author): Bear Stands Last, R
GOAL Tribal Coalition to protect the Grizzly

Subject Text: Re: resolutions and declarations and letters of 29 Indian Tribes in opposition to FWS proposed delisting of the Yellowstone grizzly bear under ESA.

Req. Surnames:

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March 2, 2015

Interior Secretary Sally Jewell,
US Department of the Interior,
1849 C Street, NW
Washington, DC 20240

RE: Your response to my letter of 1/16/15 –

Official resolutions, declarations and letters of twenty-nine (29) federally recognized Indian Tribes in opposition to the US Fish and Wildlife Service's proposed delisting of the Yellowstone grizzly bear (*Ursus arctos horribilis*) from the Endangered Species Act, and the US Fish and Wildlife Service's contravention of the established protocols for tribal consultation in this process.

Dear Madam Secretary,

Thank you for directing US Fish and Wildlife Service (FWS) Mountain-Prairie Region Deputy Regional Director Bryan to reply to me on your behalf (received 2/21).

While I appreciate the Deputy Director stating that FWS "agree that Tribal governments should have the opportunity for meaningful engagement with the Service" and that FWS "fully understand our obligation to consult with Federally Recognized Native American Tribes on a government-to-government basis," the subsequent actions of Deputy Regional Director Bryan's office, and of the FWS as a whole, call those sentiments into question.

Before raising those concerns, with all due respect, this is no longer – if it ever was – a regional concern. Thirty-two federally recognized Tribal Nations now comprise GOAL Tribal Coalition, the latest being the Cherokee Nation of Oklahoma, the second largest Tribal Nation in the United States. Governor Bill Anoatubby, one of the longest serving and most respected tribal leaders in the country, recently wrote to FWS Director Dan Ashe about this issue (2/2/15), specifically about the lack of meaningful tribal consultation.

When he responded to GOAL Tribal Coalition on your behalf, Deputy Director Bryan also replied to the Montana Wyoming Tribal Leaders Council (TLC). The TLC only received that letter 2/21, yet FWS was insisting that the TLC furnish venues for three meetings by March 6, or alternatively, be prepared to submit thorough presentations on this issue to FWS by March 31.

GOAL: Guardians of Our Ancestor's Legacy

There is no definition existing under which the three proposed consultation meetings described by Deputy Director Bryan as "broad areas where tribes have expressed an interest in this issue" equates to the "meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications" detailed in Executive Order 13175, and twice reaffirmed by President Obama in his 2009 memorandum and 2013 executive order. It would also be similarly dubious to claim that the three "broad area" meetings proposed fulfill the intent of Secretarial Order 3206.

The timescale insisted on for the three meetings is totally unrealistic. The compressed timeframe, with a deadline of March 6, will, in all likelihood, preclude tribes from participating in these meetings. Tribal leaders have a daunting daily workload, and the notion that they will be able to schedule and commit to these meetings in such a short period of time is impracticable.

A requisite of any consultation process is that those being consulted have a reasonable opportunity to participate.

While a positive first step in recognizing that the required consultation process with Tribal Nations must be honored, the three consultation meetings proposed must be viewed as just that – the initiation of the process, not the consultation process in entirety. Additionally, thirty-two Tribal Nations have written to you and Director Ashe in opposition to the proposed delisting of the Yellowstone grizzly bear; the TLC has only ten member tribes.

On the day I received your response via Deputy Director Bryan, GOAL Tribal Coalition was informed that FWS intends to issue the new rule to delist the Yellowstone grizzly bear this June. This would, of course, explain FWS's desire to undertake the minimum the Service thinks it can offer as passable in terms of consultation, and exposes FWS's desire for such an unrealistically short time frame.

In light of this, the intent behind these "three proposed consultation meetings in broad areas where tribes have expressed an interest in this issue" becomes clearer. It appears to be FWS's intent to delist the Yellowstone grizzly bear before the affected Tribal Nations have received a decent and fair opportunity to contribute, and, evidently, if the decision has already been made, FWS and the federal government is simply employing the same patriarchal attitude that has for centuries defined the relationship between our sovereign tribal nations and the United States. This cannot be described as a good faith effort, and runs counter to what President Obama has advocated on tribal consultation.

In all of the resolutions, declarations and letters you have been furnished with from affected tribes, each Tribal Nation has raised the issue of FWS's lack of transparency and the need for the raw data held by the FWS to be subject to open and impartial review by independent scientists. That prescient insight by our tribal leaders has taken on greater urgency in light of the now public testimony given August 18, 2014 in a hearing before the US Merit Systems Protection Board. The case of Gary Mowad revealed rampant scientific fraud and the manipulation and politicization of data by FWS.

The delisting of the Yellowstone grizzly bear has been highly politicized by Wyoming Governor Matt Mead, and Wyoming's Congressional delegation. Not only the citizens of our tribal nations, but every citizen in the US, is entitled to see independent scientific review of the data FWS is basing its claims on relative to delisting the Yellowstone grizzly bear. Taxpayers have funded the collection of this data for decades. This is not an issue of national security, and therefore there is no justification for denying an

open and transparent process so all can be confident that scientific fraud and politicization are not the deciding factors in a delisting decision if this magnitude.

In closing, in my letter of 1/16, I cataloged a series of concerns that demonstrated how unfit to participate in consultation with Tribal Nations FWS's grizzly bear recovery coordinator, Dr. Christopher Servheen is. In response, Deputy Director Bryan failed to address those concerns, and, instead, advised us, and our tribal leaders, to submit cultural information and traditional knowledge to Dr. Servheen by March 31 so he could decide whether it was worthy of inclusion in FWS's review of the Yellowstone grizzly bear. This, simply put, is the height of insensitivity.

Madam Secretary, I look forward to receiving your response to the points raised herein, and working with you to forge a positive path forward on this very important issue.

Néá'ěse/àho (Thank you).

Respectfully,

A handwritten signature in cursive script that reads "R. Bear Stands Last". The signature is written in dark ink and is positioned below the word "Respectfully,".

R. Bear Stands Last –
Co-founder, GOAL Tribal Coalition.

cc. Dan Ashe, Director
US Fish and Wildlife Service,
US Department of the Interior,
1849 C Street, NW
Washington, DC 20240

Respective Tribal Chairpersons, Presidents and Vice Presidents.