

From: Willey, Seth
To: [Chris Servheen](#)
Cc: [Michael Thabault](#); [Bridget Fahey](#)
Subject: Re: URGENT REPORTER ON DEADLINE: Yellowstone grizzly-Guardians of Ancestral Legacy
Date: Friday, May 15, 2015 12:14:44 PM

ENDANGERED SPECIES:

Tribal alliance fights to maintain Yellowstone grizzly protections

Corbin Hiar, E&E reporter

Published: Friday, May 15, 2015

One of the largest tribal coalitions in North America is staging a pre-emptive attack on a potential Fish and Wildlife Service proposal to remove federal protections from grizzly bears living in and around Yellowstone National Park.

So far, 35 tribes in seven Western states -- including all of those in Montana, Wyoming, South Dakota, North Dakota and Nebraska -- have united under the banner of Guardians of Our Ancestral Legacy. The country's two largest tribes, the Navajo and Cherokee nations, are also part of GOAL.

In the Lower 48 states, the grizzly bear gained federal protections in 1975 when FWS declared it a threatened species. The Yellowstone grizzly population is now around 700 bears, above the minimum of 500 that a **recovery plan** said would be necessary to remove the grizzly from the list of animals protected under the Endangered Species Act.

But the coalition members all oppose delisting the grizzly from the list of animals protected under the Endangered Species Act because they fear that the bears, which are of spiritual and cultural importance to the tribes, would be targeted by state-sanctioned trophy hunts.

The tribes also feel that Chris Servheen, who is the service's grizzly bear recovery coordinator, and state wildlife officials have been dismissive of Native American views in their review of protections for grizzlies in the Greater Yellowstone Area -- a region spanning northwest Wyoming, eastern Idaho and southwest Montana.

Grizzly bear



A grizzly bear in a field at Yellowstone National Park. Photo by Terry Tollefsbol, courtesy of FWS.

GOAL was particularly offended when Servheen told a Bozeman, Mont., ***Daily Chronicle*** reporter earlier this year, "We've done what we are required to do" in order to consult with Native Americans. Servheen was referring to letters that FWS had sent to four tribes asking for their input, which he claimed had not been responded to.

"This is patently false on two counts," Rain Bear Stands Last, GOAL's co-founder, said in a Jan. 16 **letter** to Interior Secretary Sally Jewell, who oversees FWS. He argued that the federal government should have contacted all 26 tribes that have ancestral ties to Yellowstone and claimed that three of the tribes that received letters had effectively responded to them by issuing resolutions opposing delisting.

Servheen's comments suggest that he is "lacking in both cultural sensitivity and knowledge relative to the consultation process" required by Congress and the White House, Bear Stands Last said in the letter, which was obtained via a Freedom of Information Act request.

John Bryan, deputy director of the service's Mountain-Prairie Region, **responded** for Jewell and Servheen on Feb. 17. "No decision has been made on the status of Yellowstone grizzly bears," Bryan told GOAL. Before FWS decides whether it will try to delist the bears again, "we will be sure Tribes are offered the opportunity to participate in consultations with the Service," he said.

The tribes also claim that the leaders of the state and federal Interagency Grizzly Bear Committee disrespected James Walks Along, an official in the Northern Cheyenne Nation, when it cut off his microphone at a **recent meeting** earlier this month.

The IGBC did not immediately respond to requests for comment.

FWS formally delisted the Yellowstone grizzly in 2007, with almost no tribal opposition. But the U.S. District Court for the District of Montana ordered the agency to reinstate protections for the bears in 2009, siding with environmentalists, who successfully argued that FWS had

failed to take into account climate change's effects on the bears' food supply and did not ensure that the plans developed to manage the bears after delisting would maintain their population.

Two years later, the ruling was upheld by the 9th U.S. Circuit Court of Appeals ([E&ENews PM](#), Nov. 22, 2011).

When the IGBC began calling for FWS to again delist the Yellowstone grizzlies in November 2013, Bear Stands Last and his uncle, Don Shoulderblade, founded GOAL to coordinate the tribal response. They have hereditary links to Cheyenne, Kiowa and Pawnee tribes.

Since then, FWS Director Dan Ashe has repeatedly suggested that the agency intends to delist the Yellowstone grizzlies ([Greenwire](#), Dec. 12, 2013).

"We agree that grizzly bears are recovered," Ashe told Sen. John Barrasso (R-Wyo.), a delisting advocate, at an Environment and Public Works Committee hearing last week. "We are working with the states of Wyoming and Idaho and Montana literally as we speak to try to put together the frame for a potential delisting proposal."

FWS also recently suggested to GOAL that it is expanding the scope of its interaction with tribes. Instead of just asking for input from four tribes in Wyoming, Idaho and Montana, FWS Deputy Director James Kurth indicated in an April 13 [letter](#) to Bear Stands Last that the agency will undertake "government-to-government consultation to each sovereign Tribe with ancestral connections to the greater Yellowstone area."

In a statement to *Greenwire*, Ashe stressed that any plan to remove protections from the Yellowstone grizzlies will be made with the input of all the affected stakeholders.

"If and when we put forward a delisting proposal, it will be with the full cooperation and involvement of the Interagency Grizzly Bear Committee, and in consultation with affected tribes, as part of a public process including extensive opportunities for public review and comment," he said.

But GOAL remains deeply skeptical of the agency. "At this stage, the tribes really have no reason to trust the USFW, and you have only to look at the treaty-making process to see it provides a historical precedent for distrust," spokeswoman Sara Atiqtalik said.

Seth L. Willey
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On Fri, May 15, 2015 at 9:41 AM, Chris Servheen <chris_servheen@fws.gov> wrote:

Ok with me.

C

Sent from my iPhone

On May 15, 2015, at 9:35 AM, Willey, Seth <seth_willey@fws.gov> wrote:

FYI - greenwire article on tribal trust. HQ prepared a draft response (we were asked to review in less than an hour given article timeline) to which we suggested a bit more of a nod to our tribal trust responsibilities and our intention to satisfy them. Let me know if you have any concerns.

Seth L. Willey
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----- Forwarded message -----

From: **Ryan Moehring** <ryan_moehring@fws.gov>
Date: Fri, May 15, 2015 at 9:31 AM
Subject: RE: URGENT REPORTER ON DEADLINE: Yellowstone grizzly-
Guardians of Ancestral Legacy
To: Laury Parramore <laury_parramore@fws.gov>, Megan Kelhart
<megan_kelhart@fws.gov>, Chris Tollefson <chris_tollefson@fws.gov>,
Matthew Huggler <matthew_huggler@fws.gov>
Cc: Gavin Shire <gavin_shire@fws.gov>, seth_willey@fws.gov, Michael
Thabault <michael_thabault@fws.gov>

All,

I spoke with Seth, and we are fine with the below quote with the following caveat: under Secretarial Order 3206, Tribes are supposed to be afforded special consideration. In our opinion, the quote below seems to lump them in with the rest of the public review and comment process. We are wondering if we might tweak the quote so as to demonstrate the special consideration we intend to afford the Tribes.

The following language is from a recent letter we provided to GOAL. Perhaps we can extract something from it to clearly address our Tribal trust responsibilities?

"We fully understand our obligation to consult with Federally Recognized Native

American sovereign Tribes on a government-to-government basis. Consistent with Secretarial Order 3206, we have offered government-to-government consultation to each sovereign Tribe with ancestral connections to the greater Yellowstone area. Discussions with Tribes who have an interest engaging in such a government-to-government consultation as well as the timing and location of such consultations are ongoing.”

Thanks,

-Ryan

Ryan Moehring

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From: Laury Parramore [mailto:laury_parramore@fws.gov]

Sent: Friday, May 15, 2015 8:58 AM

To: Megan Kelhart; Chris Tollefson; Matthew Huggler

Cc: Ryan Moehring; Gavin Shire

Subject: RE: URGENT REPORTER ON DEADLINE: Yellowstone grizzly-Guardians of Ancestral Legacy

Importance: High

Just checked with Corbin. He is using the same quote Megan provided from the EPW hearing. Perhaps we could suggest the following, attributable to Dan, which incorporates the EPW quote and Chris T's suggested quote:

"We agree that grizzly bears are recovered. We are working **with** the states of Wyoming, Idaho and Montana, as we speak, to put together the frame for a potential delisting proposal," said U.S. Fish and Wildlife Service Director Dan Ashe, later adding, "If and when we put forward a delisting proposal, it will be with the full cooperation and involvement of the Interagency Grizzly Bear Committee, and in consultation with affected tribes, as part of a public process including extensive opportunities for public review and comment."

Is everyone comfortable with this? Tx.

From: Kelhart, Megan [mailto:megan_kelhart@fws.gov]

Sent: Friday, May 15, 2015 10:42 AM

To: Tollefson, Chris

Cc: Laury Parramore; Matthew Huggler; Ryan Moehring; Gavin Shire

Subject: Re: URGENT REPORTER ON DEADLINE: Yellowstone grizzly-Guardians of Ancestral Legacy

Hi Laury,

What is the quote from the Senate EPW hearing? What he said during the hearing in response to Senator Barrasso's question was "we agree that grizzly bears are recovered. we are working the states of Wyoming, Idaho, and Montana, and as we speak to put together the frame for a potential delisting proposal." I don't know if he got another quote from Dan after the hearing, but that would be helpful.

Megan

Megan Debranski Kelhart
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On Fri, May 15, 2015 at 10:32 AM, Tollefson, Chris

<chris_tollefson@fws.gov> wrote:

I don't know how much more there is to say, honestly. Sometimes repetition is a good thing, helping you drive key points home. I don't think we want to say much more until we have a proposal to announce. That's my take, anyway. And I definitely don't think we want to be saying anything different to the media than we've recently said to Congress and the Tribes.

Chris Tollefson

Press Secretary and Senior Communications Advisor

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On Fri, May 15, 2015 at 10:28 AM, Laury Parramore

<laury_parramore@fws.gov> wrote:

Many thanks Chris. The statement you offered sounds good to me, but I'm not sure if/how repetitive it is to the material Corbin pulled from the Feb. 17 and April 13 letters to the tribal alliance as well as a quote on the bears from the Director at last week's EPW hearing. Not saying repetition is bad, just wondering if we'd have anything else we'd want to add. Also, as Corbin already has a Dan quote from the EPW hearing, to whom would we want to attribute this statement? I can try to contact Chris S (understanding there is a 2-hour time difference) before Corbin's noon deadline if we think he is the best person to quote here. Thoughts? Thanks all.

From: Tollefson, Chris [mailto:chris_tollefson@fws.gov]

Sent: Friday, May 15, 2015 10:22 AM

To: Laury Parramore; Matt Huggler

Cc: Megan Kelhart; Ryan Moehring; Gavin Shire

Subject: Re: URGENT REPORTER ON DEADLINE: Yellowstone grizzly-Guardians of Ancestral Legacy

I should add that I'm happy to review and provide suggestions on any draft

statement. Thanks...

Chris Tollefson

Press Secretary and Senior Communications Advisor

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On Fri, May 15, 2015 at 10:17 AM, Tollefson, Chris
<chris_tollefson@fws.gov> wrote:

Laury,

I've pulled out remarks concerning grizzlies that Dan gave in March to the Public Lands Council. I think they'll form the basis of a good statement.

I would stress Dan's points about the importance of maintaining social tolerance for the bear - which includes robust public involvement and input. I would say something to this effect:

If and when we put forward a delisting proposal, it will be with the full cooperation and involvement of the IGBC, and in consultation with affected tribes, as part of a public process including extensive opportunities for public review and comment.

Hope this helps...

Chris

Chris Tollefson

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On Fri, May 15, 2015 at 9:46 AM, Laury Parramore
<laury_parramore@fws.gov> wrote:

Hi all,

Please see below. Would you please send me ASAP any materials (ie. talking points, testimony etc.) you have that address this issue? I would like to know what Dan has said on the record before talking to Chris S. Thanks!

From: Gavin Shire [mailto:gavin_shire@fws.gov]
Sent: Thursday, May 14, 2015 6:25 PM
To: Laury Parramore
Cc: betsy_hildebrandt@fws.gov; Matthew Huggler
Subject: FW: Request for comment
Importance: High

I don't think this is in litigation yet, so we can comment, but we don't want Chris Servheen responding. Can you work with Chris on an appropriate response ASAP and email it to Corbin before the noon deadline. Dan has spoken about this publicly, so we'll need to be sure that our response fits with anything he's said on the record.

G

Gavin G. Shire

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From: Corbin Hiar [mailto:chiar@eenews.net]

Sent: Thursday, May 14, 2015 4:48 PM

To: gavin_shire@fws.gov

Subject: Request for comment

Gavin,

I just tried calling to talk this over, but I'm wrapping up a story on the opposition of Guardians of Our Ancestral Legacy to a potential Yellowstone grizzly delisting. I've already got quotes from FWS's Feb. 17 and April 13 letters to the tribal alliance as well as a quote on the bears from Director Ashe at last week's EPW hearing. But I also want to give you and Chris Servheen a chance to respond directly for the story. Basically it says that the tribes are convinced FWS is moving forward with a delisting proposal and they're mad at Chris, state officials and FWS for not including them more in the status review process.

Let me know if you or Chris want to respond to those sentiments. The piece may run as soon as tomorrow's Greenwire, which has a noon deadline.

Thanks,
Corbin