

From: chris_servheen@fws.gov
To: [Chris Servheen](#)
Subject: Fwd: GOAL Charges
Date: Wednesday, April 20, 2016 5:34:42 PM
Attachments: [image002.png](#)

Begin forwarded message:

From: Dale Becker <dale@cskt.org>
Date: April 20, 2016 at 1:49:55 PM PDT
To: Chris Servheen <chris_servheen@fws.gov>
Subject: GOAL Charges
Reply-To: <daleb@cskt.org>

This information was routed to me and the Tribal Council this morning. I wanted to provide you with it as a heads up for your meeting with them next week. WE found no Tribal Council action on supporting GOALS' efforts in the Tribal Council minutes after your visit last year. A recent re-visit of the issue this spring indicted that a resolution of support for Goal's efforts was apparently passed by the Wyoming-Montana Tribal Chairman's Association. The CSKT is a member of that Association, but no one seems to know about the resolution.

My effort in our meeting next week is to have cultural representatives present to ask you questions if they choose to do so and then assist us in formulating a response letter for the Tribal Council to consider as their formal comment.

America Calling to answer tribal members' questions

Hello tribal leaders, council members and administrators

Another week, another demonstration of how USFWS does not care what tribal people think about its drive to delist the sacred grizzly bear from the ESA to allow the states of Wyoming, Montana and Idaho to operate trophy hunts of this sacred being on what are unquestionably sacred lands, that tribes hold both treaty rights and reserved rights to.

The USFWS declined to appear on Monday's (4/18) edition of Native America Calling that dedicated an entire program to the USFWS's drive to delist the grizzly bear in Greater Yellowstone. The show featured former Hopi Tribe Chairman, Ben Nuvamsa, a director of GOAL Tribal Coalition, Dr. David Mattson, a former USGS biologist and world-renowned authority on grizzly bears, and Lakota author Donovan Sprague.

The hour-long show can be heard in full here: <https://soundcloud.com/native-america-calling/04-18-16-yellowstone-grizzly-bears-bounce-back> or at www.goaltribal.org

As yet, no mention has been made of the myriad sacred sites that exist in the areas the trophy hunts will take place upon unless this is stopped. Of course, this is due to the fact that no “meaningful” consultation has occurred, and the proposed delisting rule has already been published in the *Federal Register*. The process is now in the “public comment” phase, and government-to-government consultation cannot be reduced to “public comment”! Attorney Travis Clark, one of the Fredericks, Peebles and Morgan team that will be representing tribes **free of charge** in forthcoming litigation, provides clarity on the consultation claim:

“The basis for our failure to consult claim is Executive Order No. 13175, which requires all agencies to respect the sovereignty of Indian tribes by engaging in meaningful pre-decisional consultation early in policy decision making processes whenever an agency action will have tribal implications. (E.O. No. 13175, Sec. 2-3, Fed. Reg. Vol. 65, No. 218, November 9, 2000.) In the instant matter the government has already consulted with affected states, conducted its policy analysis, carried out its scientific studies, come to a preliminary decision to delist, and drafted a proposed delisting rule. My firm has had some recent success in failure to consult claims by arguing that holding meetings with tribes during the comment period is not ‘meaningful, pre-decisional, or early in the decision making process.’ A federal district court recently held that ‘consultation’ meetings with tribes during the comment period was insufficient to meet the governments consultation duty to tribes.”

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Thank you.

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