



# GREAT PLAINS TRIBAL CHAIRMAN'S ASSOCIATION

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## **Comments of the Great Plains Tribal Chairman's Association (GPTCA) to the Wyoming Game and Fish Commission: Chapter 68, Grizzly Bear Hunting Seasons.**

The Great Plains Tribal Chairman's Association (GPTCA) is composed of the 16 Tribal Chairmen, Presidents, and Chairpersons of the federally recognized sovereign Indian Tribes within the Great Plains Region of the Bureau of Indian Affairs (the states of North Dakota, South Dakota and Nebraska), which includes the tribes of the Great Sioux Nation, the Ponca, Omaha, Winnebago, Turtle Mountain Chippewa, and Three Affiliated Tribes. GPTCA member tribes are categorized as "Associated Tribes of Yellowstone" by the Dept. of Interior, and the plurality have treaty rights to that region.

In December 2014, the GPTCA passed Resolution 9-12-19-14 opposing the delisting and trophy hunting of the grizzly bear in the GYE. Subsequently, members tribes of the GPTCA passed additional resolutions and issued declarations opposing the delisting. The GPTCA as a body, and the individual members tribes of the GPTCA, signed the historic intertribal treaty, *The Grizzly: A Treaty of Cooperation, Cultural Revitalization and Restoration*. Several GPTCA member tribes are plaintiffs in the lawsuit challenging the delisting of the GYE grizzly bear. The positions of the GPTCA and its member tribes have been fully expressed in those documents and actions.

The GPTCA opposes in the strongest possible terms Wyoming's proposed grizzly trophy hunt, planned to begin September 1. GPTCA member tribal nations all have legal standing in the State of Wyoming, and specifically the Greater Yellowstone Ecosystem where the state intends to prosecute this "sport" hunt. The member tribes of the Great Sioux Nation alone have claim to 34-million acres of land in Wyoming under the 1868 Fort Laramie Treaty, which, like all treaties between the United States and Indian Tribes is analogous to the Supreme Law of the Land under the US Constitution. Wyoming's proposed trophy hunt of the grizzly bear violates the tribes' rights guaranteed by that treaty.

The treaty relationship between the US and Tribal Nations is the basis of the federal-Indian trust responsibility, a tenet of US-Indian relations the State of Wyoming recognized as recently as 2017, with the introduction of House Joint Resolution No. HJ0008. HJ0008 requests "Congress to uphold the federal trust responsibility" to Indian tribes. A state does not get to pick and choose which aspects of the federal-Indian trust responsibility it will respect, be that health care, or religious and spiritual freedoms and treaty rights – the matters at issue here.

By proceeding in this manner and with this trophy hunt, Wyoming is also contravening its own tribal consultation standards, a precedent the state has set by previously engaging in consultation with impacted tribes on ancestral and cultural sites. Further, a vast proportion of the lands Wyoming will hold this grizzly trophy hunt on are under the jurisdiction of the US Forest Service and BLM. Both of these agencies must adhere to the National Historic Preservation Act (NHPA) and National Environmental Policy Act (NEPA), which has not occurred in this

process. The areas where Wyoming wants to trophy hunt the grizzly are comprised of innumerable tribal sacred and cultural sites. These sites must be cataloged, assessed, and fully protected before any trophy hunt takes place in, on, or in proximity to them. As has been seen many times, one individual can cause irreparable damage to sacred and cultural sites. It will not be one individual on a trophy hunt, but many who are issued hunting tags.

By pursuing this course, and not pausing to fully adhere to and complete mandated processes, the State of Wyoming is creating the conditions for a protracted legal fight. Such an outcome is avoidable; the Commission should stay the grizzly trophy hunt while these requirements are fulfilled and discuss a partnership with Tribal Nations to find mutually beneficial solutions to this highly emotive and controversial issue. The historic treaty, *The Grizzly: A Treaty of Cooperation, Cultural Revitalization and Restoration*, signed by some 200-tribes, offers hope for not only grizzly restoration but reconciliation on this issue. Central to the treaty are the grizzly reintroduction articles. Instead of trophy hunting the grizzly, tribal nations advocate relocating grizzlies from the GYE to sovereign tribal lands in the grizzly's historic range where biologically suitable habitat exists. The same quota of grizzlies that would be hunted per season could easily be trapped and relocated, removing any possible rationalization for reinstating trophy hunts. This plan provides for cultural and environmental revitalization for tribal nations, as the grizzly is sacred to a multitude of tribes, including those of the GPTCA.

If Wyoming institutes this trophy hunting season on the sacred grizzly bear, it will not only kill our sacred relative, but also kill economic and cultural revitalization for tribes across the western United States in the grizzly's historic range. The only way the grizzly can and ever will be a recovered species is for connectivity to exist between the presently isolated populations. This requires linkage zones and corridors, neither of which presently exist, and never will, if the Wyoming Game and Fish Commission approves this trophy hunt. By this action, you will reverse over four-decades of recovery efforts. The best available science is not on your side. Public opinion is not on your side. Wyoming's business community and tourist industry are not on your side. And the Constitutional law that our treaties relate to is certainly not on your side.

If you have any comments, please contact the Executive Director of GPTCA, A. Gay Kingman, by email: [Kingmanwapato@rushmore.com](mailto:Kingmanwapato@rushmore.com) Thank you for your thoughtful assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'HCF', with a long, sweeping horizontal line extending to the right.

Harold C. Frazier, Chairman, Cheyenne River Sioux Tribe  
Chairman, Great Plains Tribal Chairman's Association.

cc. Jeff Rasmussen, Esq./Tom Fredericks, Esq. Fredericks, Peebles and Morgan LLP, Attorneys at Law.