

Piikani Nation Chief and Council

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April 26, 2018.

ATTN: Wyoming Game and Fish Commission.

Public Comment of the Piikani Nation of the Blackfoot Confederacy: Wyoming Game & Fish Commission – Chapter 68, Grizzly Bear Hunting Seasons.

The Piikani Nation of the Blackfoot Confederacy is steadfastly opposed to the trophy hunting of the grizzly bear, a sacred being that is fundamental to our culture and ceremonial lifeway. Further, the area where Wyoming intends to hold this trophy hunt (“Chapter 68, Grizzly Bear Hunting Seasons”) is a matrix of Blackfoot Confederacy ancestral, sacred and cultural sites. Unanimity exists among all tribes of the Blackfoot Confederacy: We oppose the “sport” or “trophy hunting” of the grizzly bear, and we will not permit any desecration of our ancestral, sacred and cultural sites in the region that will be a consequence of this action.

All of what Wyoming is categorizing as the Demographic Monitoring Area (DMA) is within our ancestral territory, as can be seen on some of the oldest maps we retain, interpretations of which were reproduced in Bull Child, *The Sun Came Down*. When it was a homeland and not a park, ranching and tourist sink, we used to collect our red and black paints here. We collected medicines here. We held vision quests here. We revered the creative powers of our Mother, the Earth here. So well did we know this area, that some of the names our people used for features of this land are still used today, like the Beartooth Mountains and Heart Mountain near Cody. Those areas Wyoming has designated as Hunt Units 1-6 contain ceremonial sites of great antiquity.

The Blackfoot Confederacy’s relationship with the United States is enshrined in Article VI of the US Constitution through the 1851 Fort Laramie Treaty and the 1855 Lame Bull Treaty. We defend these treaty rights and that government-to-government relationship today, which began when our Piikani forefathers were the first to touch the pen. The Siksikatsitapiwa – the Aapatohisipiikunniwa, Kainaiwa, Siksikawa, and Amsskapipiikunniwa – the members of the Blackfoot Confederacy, have an ancient and undeniable connection to the region now categorized as the Greater Yellowstone Ecosystem (GYE), as evidenced by the archaeological and historical records.

The weight of our rights and claims to the region are validated by the US Constitution: “... all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land.” It should not have escaped the State of Wyoming’s notice that the Piikani Nation’s treaty rights and standing has been reaffirmed multiple times in recent years, including but not limited to, government-to-government meetings with high-ranking US government lawmakers. Because of the Piikani Nation’s rights being violated in the GYE grizzly delisting process, and the federal-Indian trust responsibility being breached, the Piikani Nation of the Blackfoot Confederacy is among the multiple tribal plaintiffs that have filed suit against the US/Secretary of Interior Ryan Zinke in *Crow Tribe, et al v. Zinke*.

The Piikani Nation is a full member of the Rocky Mountain Tribal Leaders Council (RMTLC). The RMTLC serves the tribal nations presently located in, and with treaty and ancestral rights to, the GYE. The Piikani Nation initiated the historic North American tribal accord, *The Grizzly: A Treaty of Cooperation, Cultural Revitalization*

and Restoration, which is now the most signed tribal treaty in history. The treaty is both recognized and signed by the United Nations. Our rights and titles stipulated in the treaty are protected under the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which was supported by the United States in 2010. Wyoming is fully aware of the alternatives to instituting a grizzly trophy hunt that are presented in that treaty; namely, the grizzly reintroduction program, where, if the GYE is at carrying capacity for the grizzly, the quota of grizzlies that would be trophy hunted are instead transferred to biologically suitable habitat on sovereign Indian nations in the grizzly's historic range. This will not only provide for cultural, environmental and economic revitalization for tribal communities, but is also the last hope for true grizzly bear recovery in the lower-48.

With House Joint Resolution No. HJ0008, the Wyoming legislature pressed "Congress to uphold the federal trust responsibility" to Indian tribes. The federal Indian trust responsibility is a legally enforceable fiduciary obligation on the part of the United States to protect tribal treaty rights, lands, assets, and resources. As such, imperatives of tribal nations in relation to the fate of the grizzly bear per se, and most particularly on treaty lands, fall within that trust responsibility. In its conduct thus far, Wyoming has failed to acknowledge that. Wyoming cannot request Congress "to uphold the federal trust responsibility" only on matters that suit the state's interests. The trust responsibility is non-negotiable.

Wyoming, from the governor's office down to its game and fish department, has contributed to setting the tone toward tribal nations and tribal rights throughout the grizzly delisting process, which extends into this proposed trophy hunt. The norm has been flagrant violations of mandated consultation requirements, violations of spiritual rights protected by the American Indian Religious Freedom Act and the Religious Freedom Restoration Act, violations of treaty rights, and the abrogation of sacred site protections under National Historic Preservation Act (NHPA) and National Environmental Policy Act (NEPA).

Our ancestral lands in the region, and those lands of immense cultural significance to our sister tribes in the RMTLC, are, in many instances, under the management jurisdiction of the US Forest Service and BLM. Both of these agencies must adhere to NHPA and NEPA; in this instance, this has yet to be followed and implemented. Tribal sacred and historic sites in the area where this hunt is planned are of great cultural value to our people, and the tribal members of our sister tribes, and the antiquity of the sites is matched only by the fragility. A sorry chapter of desecration demonstrates that it only takes one pot hunter, one looter, or one vandal to destroy these irreplaceable cultural sites and national treasures. Wyoming's grizzly trophy hunt will send numerous hunters, outfitters, mule-strings, and ATVs into these areas where these sites are so-far unprotected. No legal basis or justification exists for a state to circumnavigate these laws, articles and mandates, but that is what Wyoming proposes to do with this trophy hunt.

In respect to justifying a trophy hunt under the "best available science" mantra, that mantra may wear well in WGFD talking points fed to the local media, but it does not survive expert scrutiny. Peer reviewed papers by experts in this field have been published that conclude, unequivocally, that predator populations such as grizzlies are self-controlling. Previously, tribal nations and organizations commented on Wyoming's Chapter 67 Grizzly Bear Management Regulation; much of the critique on the "best available science" claims in those submissions also applies here. One need not look any further than Wyoming's proposal to permit the "sport" killing of up to 14 females in this one hunt to recognize that this is neither "cautious and careful" or the institution of "best available science," given that the grizzly has one of the slowest reproductive rates among terrestrial mammals, and it is not so long ago that the IGBST was cautioning that removing even one female from this ecosystem could destabilize the population.

In closing, the Piikani Nation Chief and Council has, in official communications, previously described the trophy hunting of the grizzly bear as an act of cultural genocide, so integral to our culture is this sacred being. I reaffirm that statement here, and a copy of this submission will be provided to our attorneys forthwith.

Nitsíniyi'taki (Thank you).

Respectfully submitted,



Chief Stanley C. Grier – Chief of the Piikani Nation and President of the Blackfoot Confederacy Chiefs.

cc. Fredericks, Peebles & Morgan LLP, Attorneys at Law.

Mary Jo Rugwell, BLM (WY) State Director.

Brian Ferebee, USFS Regional Forester (Rocky Mountain Region).

Chairman Harry Barnes, Blackfeet Nation.

Chief Joe Weasel Child, Siksika Nation.

Chief Roy Fox, Kainai (Blood) Nation.

Executive Director William Snell, Rocky Mountain Tribal Leaders Council.

Executive Director Gay Kingman, Great Plains Tribal Chairman's Association.