



Rocky Mountain Tribal Leaders Council

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RE: The US Fish and Wildlife Service (FWS) Proposed Rule: Endangered and Threatened Wildlife and Plants; Removing the Gray Wolf (*Canis lupus*) from the List of Endangered and Threatened Wildlife.

The Rocky Mountain Tribal Leaders Council (RMTLC) serves tribal nations located in Montana, Wyoming, Idaho, and Alberta, specifically the Blackfoot Nation, the Chippewa-Cree, the Confederated Salish & Kootenai Tribes, the Crow Tribe, the Eastern Shoshone, the Fort Belknap Indian Community, the Fort Peck Tribal Executive Board, the Little Shell Tribe of Chippewa Indians, the Northern Arapaho Tribe, the Northern Cheyenne, the Shoshone-Bannock Tribes of Idaho, and the Piikani Nation of the Blackfoot Confederacy.

The gray wolf is known by many names among Tribal Nations throughout this land, and for time immemorial has held an esteemed place in the cultures and lifeways of the original inhabitants of this continent. Indeed, for some Tribal Nations, the gray wolf has guided and influenced their people in a foundational way, literally since the beginning of time. Among that number are some Tribal Nations of the Rocky Mountain Tribal Leaders Council. This is neither the appropriate format nor the appropriate juncture to elaborate on the cultural, spiritual and ceremonial importance of the gray wolf; sufficed to say, the gray wolf is, for many tribes, foundational to their place upon and understanding of the earth and stars.

The Tribal Nations of the Rocky Mountain Tribal Leaders Council (RMTLC) are in the heart of the area where the gray wolf has shown signs of a partial recovery, particularly after the wolf was reintroduced into Greater Yellowstone. Given that firsthand experience, it should not be necessary to remind the Service that it would behoove it to seek counsel from us, which has not happened. But more so, the status of tribes as sovereign nations makes it entirely improper for the Service to expect tribes and representative tribal organizations to submit “public comment” as if Tribal Nations were NGOs, advocacy organizations either pro or con, or concerned individuals. When questioned about tribal consultation, former Secretary of the Interior, Ryan Zinke, declared in testimony before the House Natural Resources Committee (6/22/2017), “it’s not only a right, it’s the law.”

In that instance, Secretary Zinke’s failure to follow the law as it related to the delisting of the grizzly bear was a contributing factor in the Service’s defeat in the subsequent lawsuit, *Crow Tribe et al v. Zinke*. Now, in the matter of the gray wolf, the Service and Interior are once more ignoring the law and the federal government’s fiduciary obligation to Tribal Nations, which includes providing government-to-government consultation on any listing or delisting decision that impacts Tribal Nations. There is no debate that a proposal to delist the gray wolf fits firmly

within that criteria. The same issues that threatened Tribal Nations in the grizzly delisting struggle will resurface with gray wolf delisting: potential harm to tribal sovereignty, undermining treaty rights, stripping religious and spiritual freedoms, and detrimental economic repercussions. Many visitors travel to our region and visit our ancestral and treaty lands in Greater Yellowstone to view wolves alive, not mounted in a museum or sporting goods store. Any further reduction in the wolf population will negate that economic opportunity for our tribes as it will devastate tribal eco-tourism programs.

Meaningful and thorough government-to-government consultation with Tribal Nations on any proposal to delist the gray wolf is the minimum standard the Service must honor. This would also be an appropriate moment for the Service to live up to its supposed commitment to implement tribes' Traditional Ecological Knowledge (TEK) in this potential delisting decision and future gray wolf management plans. In its own publications, the Service describes TEK as "Native Science" gained "over hundreds or thousands of years through direct contact with the environment," and acknowledges how TEK "encompasses the world view of indigenous people which includes ecology, spirituality, human and animal relationships, and more." Simply put, TEK is the very definition of "the best available science," the standard the Service purported to use prior to the Trump Administration. Tribal people applied their TEK for millennia prior to contact, a period during which the biomass was at its apex, which stands in stark contrast to what we presently face. Lest it be forgotten, indigenous TEK contributed to the Service's decision to list the polar bear under the ESA, and it should be incorporated in any listing or delisting decisions in respect to kindred culturally significant species such as the grizzly bear and the gray wolf, to name but two.

The Service estimates that approximately 6,000 gray wolves presently exist in nine states. Historically, the wolf populated far more than nine states before it was eradicated by government and state programs. Prior to that, the gray wolf thrived in the greater proportion of our traditional territories. One statistic alone demonstrates the folly of removing ESA protections from the gray wolf throughout the lower-48 states: since 2011, in the RMTLC region of Montana, Idaho and Wyoming, trophy hunters and trappers have killed some 3,500 gray wolves – that is over half of the existing population in those nine states. These gray wolves were killed in such large numbers due to federal protections being lifted. There is no credible argument to remove ESA protections from a keystone species that has not, by any measure, recovered. That a lone wolf wanders into Northern California or a region in Utah does not constitute a recovered population, or even indicate such. Once reported, these lone wolves are invariably killed. A viable gray wolf population requires breeding packs, not the removal of protections that will lead to an inevitable increase in poaching.

It is irrefutable that the gray wolf is functionally extinct in most of its historic range. It is telling that the scientists engaged to review the Service's delisting plan for the gray wolf were highly critical. Nowhere in that 245-page report do the expert biologists concur with the Service's conclusions. "It looks like they (the Service) decided to delist and then they compiled all the evidence that they thought supported that decision. It simply doesn't support the decision," attested Professor Adrian Treves of the University of Wisconsin. That same comment could be applied to the Service's flawed approach to delisting the grizzly bear in Greater Yellowstone. Professor Daniel MacNulty of Utah State University, concluded that the proposed gray wolf delisting rule

contained “demonstrable errors of fact, interpretation, and logic.” That alone would be reason enough to oppose this proposal to delist the gray wolf, but as we have summarized, there are many more. We join with the other Tribal Nations and representative tribal bodies in opposing this proposal to delist the gray wolf.

Respectfully submitted,



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Gerald Gray,
Chairman, RMTLC