

# OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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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.**

It is a guiding principle of the Union of British Columbia Indian Chiefs (“UBCIC”) that our Aboriginal Title and Rights are inherent – a gift and responsibility given by the Creator to our Peoples, together with the laws to carry out these responsibilities. The UBCIC’s mandate is to work towards the implementation, exercise and recognition of our inherent Title, Rights and Treaty Rights and to protect of our Lands and Waters, through the exercise, and implementation of our own laws and jurisdiction. The US Fish and Wildlife Service’s (FWS) proposal to delist the gray wolf from federal Endangered Species Act protections falls within that remit.

The UBCIC is comprised of more than half of First Nations in the Province. Many of our Nations have cultural and historic ties with tribes south of the Medicine Line (Canada-US border). The Okanagan Nation Alliance is one such example. The delisting of the gray wolf in the lower-48 states will detrimentally impact the First Nations of the UBCIC and impinge upon the spiritual integrity of our tribal members due to the cultural significance of the gray wolf. The gray wolf is not a “trophy game animal,” it is our relative, revered as sacred. For some First Nations, the gray wolf appears in creation narratives and is entrenched in our lifeways as an important figure and symbol.

UBCIC previously passed Resolution 2015-11 that asserted that the mismanagement of wildlife in British Columbia, including illegal poaching and slaughtering of wildlife, is unacceptable and goes against the principles and values of First Nation who maintain deep spiritual connections to their lands, waters, and all living things. UBCIC recognizes the universal importance of responsibly and sustainably conserving wildlife and has condemned any wildlife killing contests or unethical hunting practices that go against our traditional values, ways of life, and fundamental rights.

Both Canada and the United States have clear duties in upholding their international human rights commitments, including those under *the United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP). In December 2010, the US endorsed UNDRIP. Articles 25 and 26 from UNDRIP apply to First Nations’ rights in respect to gray wolf delisting: Article 25 states, “Indigenous peoples

have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, and waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.” Article 26 concludes, “States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the Indigenous peoples concerned.”

As they were during the recent struggle to preserve ESA protections for the grizzly bear, the FWS and US Department of Interior are again in violation of not only UNDRIP, but long-established and mandated trust responsibilities to First Nations and federally recognized Indian tribes. Tribal sovereignty, treaty rights, religious and spiritual freedoms are once again threatened by this proposed action. In *Crow Tribe et al v. Zinke*, the federal courts reprimanded the Service for ignoring these processes. The law is not optional and is not suspended for political expediency. The Service is required to provide First Nations with “thorough” and “meaningful” government-to-government consultation. As was the case with the grizzly bear, this obligation has not been honored with the gray wolf. It is long overdue that the G2G tribal consultation standard on both sides of the border should be free, prior and informed consent.

By the US Department of Interior’s own statistics, only 6,000 gray wolves currently survive in nine states. The gray wolf and our people coexisted for millennia across a vast range; a range that was and remains our Aboriginal Territory. There were no states, territories or provinces then. There was no United States or Canada. Our traditional knowledge of the gray wolf and its habitat - our “science” - has endured for longer than both countries, yet our input is not sought on how best to recover this species and tend to the land it brings into ecological balance. It is an inescapable fact that after federal protections were removed from the gray wolf in Wyoming, Montana and Idaho, those states sanctioned the killing of some 3,500 gray wolves in less than a decade. At that rate of decimation, how long would it take for the existing 6,000 in the entire lower-48 to be wiped out without ESA protections?

The gray wolf remains functionally extinct in most of its historic range. Even the scientists the Service commissioned to review its delisting plan for the gray wolf questioned the credibility of the Service’s contention in a critical 245-page report. Professor Daniel MacNulty of Utah State University concluded that the Service’s proposed gray wolf delisting rule contained “demonstrable errors of fact, interpretation, and logic.” No scientific justification exists to delist the gray wolf – and no justification exists for the Trump Administration to further attack Indigenous rights and cultures, once more in the guise of the FWS “delisting” a sacred being.

**On behalf of the UNION OF BC INDIAN CHIEFS**



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