

Tribal nations fight removal of grizzly protections

Leaders worry delisting could invite energy exploration in bear habitat

BY GLORIA DICKIE

Last October, members of the Cheyenne, Blackfoot, Eastern Shoshone and Northern Arapaho tribes gathered in Jackson Hole, Wyoming, where a large piece of parchment lay on a wooden table. One by one, tribal representatives approached the table and put their pens to the paper, committing to restore and revitalize the threatened grizzly bear across North America.

Since then, some 125 tribal nations from the United States and Canada have signed the Grizzly Treaty, only the third international agreement of its kind in 150 years. The impetus behind it was the proposed removal of the Yellowstone grizzly from the Endangered Species Act.

Tribal nations contend that the federal government ignored its legal requirement to consult with them, and that removing federal protections could open up core grizzly habitat to energy development. According to the U.S. Fish and Wildlife Service, the Yellowstone grizzly population has recovered from around 300 in 1975 to nearly 700. But tribes say that even if Yellowstone's population has grown, other grizzlies in the Lower 48 states are still vulnerable.

Despite a final push by tribes — backed by three U.S. senators and three congressmen — Fish and Wildlife announced that the Yellowstone grizzly would be delisted on July 31. While the bear will still be protected within Yellowstone and Grand Teton national parks, outside the parks Montana, Idaho and Wyoming will assume management, and may allow hunting.

Ben Nuvamsa, the former chairman of the Hopi Tribe of Arizona, believes the agency bowed to pressure from ranchers, oil companies and miners. “We speculated that the ulterior motive is to open up ... the habitat for mining and fracking,” Nuvamsa says. “The grizzly bear, historically, is a religious icon to virtually all tribal nations in the United States and Canada.”

Nuvamsa was part of a tribal delegation that traveled to Washington, D.C., in 2015 to speak with then-Fish and Wildlife Director Dan Ashe about the possible delisting. “We met with them, and we asked for a full consultation and meaningful

consultation with all the tribes,” Nuvamsa recalled. “They said they would consult with us, but then they didn’t do that. They held a conference call and it was really just one-way communication. ... It seemed to be empty promises.”

Under Executive Order 13175, implemented by President Bill Clinton in 2000 and reaffirmed by President Barack Obama in 2009, all federal agencies must engage in a “meaningful” consultation with tribal governments when making decisions that may affect them.

In April, Oklahoma Republican Congressmen Markwayne Mullin and Tom Cole sent a letter to Congress urging Interior Secretary Ryan Zinke to honor the “meaningful government-to-government consultation with tribes when considering the delisting of the grizzly bear.”

Then, in June, Democratic Sens. Bernie Sanders, Tom Udall and Cory Booker sent another letter criticizing the lack of consultation. “Federally recognized tribes are not simply stakeholders who would be affected by delisting, but sovereign governments that must be included in management planning,” they wrote.

Lack of consultation between the federal government and tribal nations gained greater attention during the protests over the Dakota Access Pipeline. But while federal law requires consultation, enforcement mechanisms are hazy to nearly nonexistent.

Last year, the Oglala Sioux Tribe petitioned then-Interior Secretary Sally Jewell for a congressional investigation into the conduct of Fish and Wildlife after Matt Hogan, deputy director of the Mountain-Prairie Region, became the tribal contact regarding grizzly delisting. Hogan is a trophy hunter who previously served as the Safari Club International’s chief lobbyist to Capitol Hill, and tribes allege that he has ties to Anadarko Petroleum and Gas.

According to the Grizzly Treaty signatories, Greater Yellowstone is home to numerous culturally and historically significant sites, which are safeguarded partly by the bear’s protected status. Now, without that protection, the territory could be opened to at least 28 pre-existing mining claims under the 1872 General Mining Act.

“Upon development, those mines will threaten environmental harms to tribal nations’ sacred and historic sites, and to

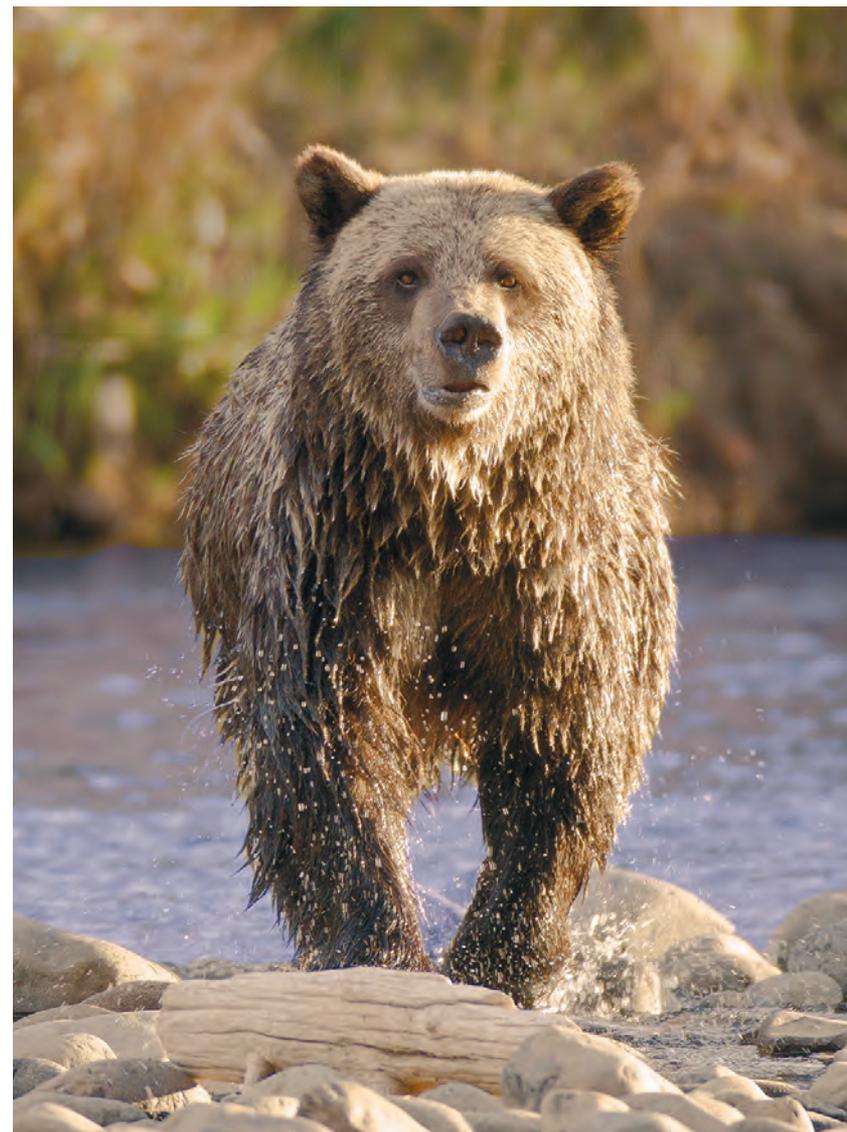
treaty lands in the region,” says Lee Juan Tyler, councilman of the Shoshone-Bannock Tribes of Idaho.

One of the issues tribes want to discuss is the relocation of grizzlies onto tribal lands. The Grizzly Treaty recommends restoring grizzlies to suitable habitats on tribal lands within the bear’s historic range, including areas within the Wind River, Blackfoot and Flathead reservations.

“There are areas where the Shoshone-Bannock can manage them, and areas where other tribes can manage them,” Tyler says, citing places like the Frank Church Wilderness and Gallatin National Forest. But the idea fell on deaf ears, and now, the tribes are likely to appeal the delisting.

“It is no coincidence that the spiritual reawakening of Native people on this continent has coincided with the modest recovery of the grizzly since the 1970s,” Crow Creek Sioux Tribe Chairman Brandon Sazue says, “a recovery that will end with delisting and trophy hunting in a return to the frontier mentality of the 1870s.” □

A grizzly emerges from the North Fork of the Shoshone River in Wyoming. © RAIN



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