



STATEMENT OF THE BLACKFOOT CONFEDERACY ON CONTINUING EFFORTS TO DELIST THE SACRED GRIZZLY BEAR IN THE NORTHERN CONTINENTAL DIVIDE ECOSYSTEM (NCDE), RE-INSTITUTE GRIZZLY TROPHY HUNTS, AND OPEN OUR SACRED SITES TO EXTRACTIVE INDUSTRY

June 2019

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 Siksikatsiitapiwa – the Aapatohisipiikunniwa (Piikani Nation), Amsskapipiikunniwa (Blackfeet Nation), Kainaiwa (Blood Tribe), and Siksikawa (Siksika Nation) – the members of the Blackfoot Confederacy, have an ancient and undeniable connection to the region now categorized as the Northern Continental Divide Ecosystem. Today, what is categorized as the "NCDE" remains the heart of our Nation and the heart of the Grizzly Bear Nation.

The Blackfeet Nation and Piikani Nation are on the "frontlines" of the proposed NCDE delisting issue. Both nations are full members of the Rocky Mountain Tribal Leaders (RMTLC) and we fully support the testimony provided by the RMTLC to the House Natural Resources Committee on May 15, 2019, in support of *The Tribal Heritage and Grizzly Bear Protection Act* (HR 2532). This historic bill is based upon our Piikani treaty, *The Grizzly: A Treaty of Cooperation, Cultural Revitalization and Restoration*.

Each member of the Blackfoot Confederacy has, individually, issued official documentation opposing any trophy hunting of the Ba'ksíkoyi, the sacred grizzly bear - a being integral to our ceremonial lifeways. Those documents previously furnished to the US Fish and Wildlife Service (USFWS) and Department of Interior (DOI) cite our opposition to the trophy hunting and delisting of the grizzly bear in the NCDE under the prevailing process. Following the delisting of the grizzly bear in Greater Yellowstone, another artery in Blackfoot Confederacy ancestral territory, it became clear that the "State Management" of the grizzly bear would revolve around trophy hunting the grizzly bear, contrary to the positions previously implied by the USFWS and state wildlife agencies prior to delisting. The Piikani Nation and our traditional societies, the Crazy Dogs and the Horns, represented the Blackfoot Confederacy in the landmark case, *Crow Tribe, et al v. Zinke*, which returned Endangered Species Act protections to the Ba'ksíkoyi in Greater Yellowstone, and in turn returned protections to our sacred lands in that region.

As we subsequently made clear in our testimony to the Senate Environment and Public Works Committee (EPW) in October 2018, our voices - those of the original stewards of the land - should be

heard above those of executives from Halliburton, Anadarko, Solenex, Moncrief, or any other extractive industry corporation in listing and delisting decisions of T&E species that have deep cultural significance to us, and which survive on our ancestral lands. As we make this statement, one of our most sacred sites, Badger-Two Medicine – a holy site imbued by the Ba'ksíkoyi, the grizzly bear – is once more threatened by fossil-fuel leases.

In January 2018, the Blackfoot Confederacy submitted a public comment document to the USFWS/DOI on its *Draft Supplemental Recovery Criteria for the grizzly bear in the Crown of the Continent/Northern Continental Divide Ecosystem* and we reaffirm those comments today. Senator Jon Tester (D-MT), described that document as “an awesome and comprehensive resource” (1/30/18) but no response from USFWS was forthcoming.

The Horn Society, Crazy Dogs and Brave Dogs have all opposed the delisting and trophy hunting of Ba'ksíkoyi, the grizzly bear. Our rights and claims to the NCDE 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.” As a result of those rights being violated in the GYE grizzly delisting process, and the federal-Indian trust responsibility being breached, the Blackfoot Confederacy took decisive action, not only through litigation, but by initiating 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 with over 200-Tribal Nation signatories. 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.

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, and as such the delisting of the grizzly bear falls within that responsibility. Going forward, whether it be in Greater Yellowstone or our country here (the NCDE), the Blackfoot Confederacy cannot be subjected to the same flagrant violations of mandated consultation requirements, violations of spiritual rights and protections covered by the American Indian Religious Freedom Act and the Religious Freedom Restoration Act, violations of treaty rights, and the abrogation of sacred site protections (NHPA and NEPA have thus far been ignored). All these violations occurred in the Yellowstone delisting process. We also reiterate that no legal basis or justification exists for any state to circumnavigate these laws, articles and mandates, by seeking to have the grizzly bear legislatively delisted, or to deny due process to tribal nations, organizations or individuals with standing by “exempting” delisting from judicial review. The Commerce Clause (Article 1, Section 8, Clause 3 of the U.S. Constitution) clearly articulates that tribal sovereignty has primacy over a state's sovereignty. No state, state legislature, or state agency has the right or ability to infringe upon these rights.

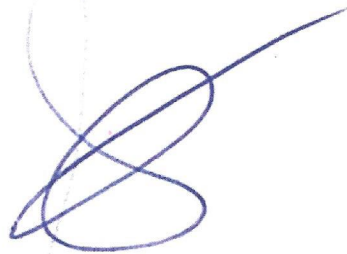
Any destabilizations in the current NCDE grizzly population will undermine the grizzly population in Alberta, which in the Spring of 2015 reached an all-time low. With fewer than 700 grizzly bears remaining in fragmented pockets of diminishing habitat, if the current trends continue, projections show that the grizzly in Alberta could be on the verge of extinction in as few as fifty-years. The Crown of the Continent is the heartland of the Blackfoot Confederacy, and we will not stand by and watch our ancestors' legacy pass into oblivion with the sacred grizzly bear, and see our children and future generations robbed once more of a vital part of their culture, that which is represented by the sacred and spiritual power of the grizzly bear. The threats to the grizzly bear in the Crown of the Continent

are real, but the USFWS continues to promote complex, assumption-ridden models as projections for the status of the grizzly in the NCDE.

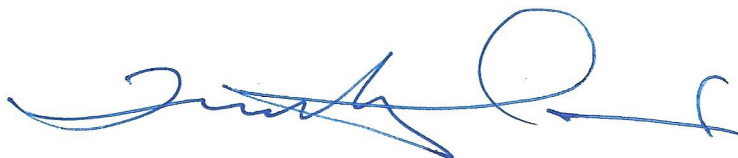
In the wake of *Crow Tribe, et al v. Zinke* the USFWS should suspend its ongoing procedures to delist the grizzly bear in the NCDE. Delisting the grizzly in the NCDE would unquestionably be a "partial delisting," and nothing the Service has so far published adequately addresses the impacts of historical range loss on the species. However, our collective door is open to the federal government to sit down and discuss a positive route forward that is a "win-win" for all concerned, not least for the grizzly bear. The pathway for that already exists: *The Grizzly: A Treaty of Revitalization, Reconciliation and Restoration*. Introduced in 2016, *The Grizzly: A Treaty of Revitalization, Reconciliation and Restoration* offers solutions and reforms to the so-called "management" practices that have, and will be, implemented post-delisting. The treaty is rooted in a cultural foundation and harmonizes ceremonial and traditional knowledge with contemporary scientific discipline and provides an alternative to the government-sanctioned state-oriented policy of "gun sight grizzly management" rejected by over 200-tribes. The scope of the treaty includes conflict reduction, carrying capacity, and reintroduction of the grizzly to sovereign tribal lands where biologically suitable habitat exists in the Great Bear's historic range for cultural, environmental and economic revitalization for participating tribal nations.

We, the Aapatohisipiikunniwa (Piikani Nation) and Amsskapipiikunniwa (Blackfeet Nation) on behalf of the Siksikatsitapiwa, reaffirm our comments submitted to the US Senate EPW Committee on 10/10/18, which included the formulation of a Native American Endangered Species Act (NA-ESA). It is time for tribal people to have a greater input into the management and protection of these species. A NA-ESA would enhance tribal sovereignty, provide vocational opportunity for tribal members, and enable the melding of contemporary biological discipline with tribal Traditional Ecological Knowledge (TEK) in management policies and practices.

On behalf of the Blackfoot Confederacy:



Chief Stanley Grier – Chief of the Piikani Nation.



Chairman Tim Davis – Chairman of the Blackfeet Nation.