

TESTIMONY OF A. GAY KINGMAN

EXECUTIVE DIRECTOR – GREAT PLAINS TRIBAL CHAIRMAN’S ASSOCIATION

“TRIBAL HERITAGE AND GRIZZLY BEAR PROTECTION ACT”

- SUBCOMMITTEE ON WATER, OCEANS AND WILDLIFE - MAY 15, 2019

Chairman Grijalva, Acting Chairman Neguse, Ranking Member McClintock, Honorable Members: My name is A. Gay Kingman and I am Executive Director of the Great Plains Tribal Chairman’s Association. The Great Plains Tribal Chairman’s Association (GPTCA) is composed of the 16 Tribal Chairmen, Presidents, and Chairpersons of the federally recognized sovereign Indian Tribes within the Great Plains Region of the Bureau of Indian Affairs (the states of North Dakota, South Dakota and Nebraska), which includes the Cheyenne River Sioux Tribe, Crow Creek Sioux Tribe, Lower Brule Sioux Tribe, Oglala Sioux Tribe, Rosebud Sioux Tribe, Yankton Sioux Tribe, Sisseton-Wahpeton Oyate, Flandreau Santee Sioux Tribe, Standing Rock Sioux Tribe, Santee Sioux Tribe, Spirit Lake Sioux Tribe, the Ponca Nation of Nebraska, the Omaha Tribe, the Winnebago Tribe of Nebraska, Turtle Mountain Chippewa, and the Three Affiliated Tribes (Mandan, Hidatsa & Arikara). GPTCA member tribes are categorized as “Associated Tribes of Yellowstone” by the Dept. of Interior/National Park Service, and the plurality have treaty rights to that region.

In December 2014, the GPTCA passed Resolution 9-12-19-14 opposing the delisting of the grizzly bear in the Greater Yellowstone Ecosystem. Subsequently, members tribes of the GPTCA passed additional resolutions and issued declarations opposing the delisting and trophy hunting. The GPTCA as a body, and the individual members tribes of the GPTCA, signed the historic intertribal treaty, *The Grizzly: A Treaty of Cooperation, Cultural Revitalization and Restoration*, which is now the most-signed treaty in history. With over 200-nation signatories, the treaty is recognized by the United Nations, and was written in accord with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Our rights and titles stipulated in the treaty are protected under UNDRIP, which was supported by the United States in 2010.

Several GPTCA member tribes were successful plaintiffs in the lawsuit challenging the delisting of the grizzly bear in Greater Yellowstone, *Crow Tribe, et al v. Zinke*. The positions of the GPTCA and its member tribes have been fully expressed in those documents and actions, but I am grateful for the opportunity to reiterate our stance here, in support of *The Tribal Heritage and Grizzly Bear Protection Act*. Our most sacred sites, the Bear’s Lodge (Devils Tower) and Bear Butte, include narratives of the grizzly bear. Our holy people gained insight and healing knowledge from the grizzly. There were more grizzlies in our sacred Black Hills than almost anywhere else until Custer carved the Thieves Road in 1874. The most famous photo of Custer from the Thieves Road is of him with a trophy hunted grizzly. For us, that image is symbolic of the theft of the Black Hills and the breaking of the 1868 Fort Laramie Treaty, the consequences of which we still confront today on our reservations. The history of the Lakota-Dakota people and that of the grizzly are intertwined, as are our futures. *The Tribal Heritage and Grizzly Bear Protection Act* is central to the survival of both – our culture, and the Great Bear’s existence.

Many of our names, our songs, our healing ceremonies, were given by the grizzly bear. Great leaders revered by our people, such as Crazy Horse, Sitting Bull, Black Elk and Standing Bear received knowledge and power from the grizzly. As our ancestors, such as Sword, told ethnographers as we were confined to reservations, “The grizzly bear is wakan (holy).” Today, Chief Arvol Looking Horse, the 19th Generation Keeper of the Sacred White Buffalo Calf Pipe, has been one of the strongest advocates for protecting the grizzly from trophy hunting, and seeing this sacred being returned to ancestral, tribal lands. “There has to be a place in this world for the grizzly,” says Chief Looking Horse, and *The Tribal Heritage and Grizzly Bear Protection Act* provides that.

GPTCA plaintiffs prevailed in *Crow Tribe, et al v. Zinke* without our core complaints being heard; namely Interior’s failure to engage in “thorough and meaningful consultation” with impacted tribal nations, as federally mandated, and violations of the American Indian Religious Freedom Act claimed under the Religious Freedom Restoration Act. After former Secretary Zinke failed to honor the commitment he made to consult with impacted tribes during his June 22, 2017 testimony before the House Natural Resources Committee, a number of our GPTCA tribal chairmen and presidents went on-the-record in the documentary, *Remaking the Sacred Hoop*, to share how Interior and the US Fish and Wildlife Service had continually violated the federal-Indian trust responsibility. This is a crucial point: under the 1868 Fort Laramie Treaty the Great Sioux Nation has rights on 34-million acres of land both categorized and bordering Greater Yellowstone. Likewise, 1851 Fort Laramie Treaty rights exist. Our treaties are enshrined in Article VI of the United States Constitution. To flagrantly ignore them, as happened during the grizzly delisting saga, is a grave breach of the “Supreme Law of the Land.”

The GPTCA fully supports the grizzly reintroduction articles that are at the heart of *The Grizzly: A Treaty of Cooperation, Cultural Revitalization and Restoration* and now *The Tribal Heritage and Grizzly Bear Protection Act*. Our member tribes want the opportunity to discuss and implement plans based upon our cultural and environmental imperatives that have our Traditional Ecological Knowledge front-and-center. Our people should be the beneficiaries of training and vocational opportunities; we do not need the states or federal government either writing or imposing grizzly management plans or any other plans upon us. It is time for this to stop and our sovereignty to be honored, which *The Tribal Heritage and Grizzly Bear Protection Act* provides for. The GPTCA agrees that the reintroduction plan offers “cultural and environmental revitalization for participating tribal nations” and could “provide great economic potential to communities most at need for economic impetus and investment.” That is the path of true grizzly bear recovery, through cooperative partnership between Tribal Nations, federal authorities and, where applicable, state agencies. It is overdue for tribes to be treated as equal partners – and on our lands – the senior partners, which the *The Tribal Heritage and Grizzly Bear Protection Act* establishes.

In July 2016, the Oglala Sioux Tribe petitioned for a Congressional investigation into conflicts of interest involving USFWS officials who were central to grizzly delisting and had alleged ties to multinational energy companies. The appointment of Secretary Bernhardt to run Interior increases the urgency of what I now close my testimony with. We recognized that the removal of protections from the grizzly was coveted by energy companies, as lifting protections from the grizzly enabled the relaxation of stringent land leasing criteria on the lands the grizzly occupies. To date, both the House and the Senate have ignored tribal nations’ appeals to intercede and stop National Historic Preservation Act (NHPA) violations by the USFS

and BLM in Wyoming that literally threaten to obliterate 10,000-years of tribal history in the region. The lands where Wyoming intended to hold its trophy hunt for the sacred grizzly contain a multitude of sacred and historic sites to over 30 tribes. These agencies are required under NHPA to undertake a Section 106 review. They must undergo a review process for all federally funded and permitted projects that will impact sites eligible for listing under NHPA. In this section of Greater Yellowstone, neither has initiated a Section 106 review for a single cultural or historic site, let alone the hundreds that are on those lands. With the Rocky Mountain Tribal Leaders Council, the GPTCA raised this matter with the BLM and the USFS in April 2018. We received no response.

For these agencies to ignore over thirty tribal nations for undisclosed reasons, threatens irreparable harm to our sovereignty, in addition to the cultural catastrophe that will befall us if these sites are not cataloged and protected. The law must be adhered to. *The Tribal Heritage and Grizzly Bear Protection Act* will help to fulfil that basic requirement. In the weeks before this hearing, we learned from a National Park Service official that 80% of our cultural and historic sites near Fort Laramie, Wyoming, have been compromised or devastated by recent energy development. A pipeline is presently being laid through one of our burial sites. We are literally being erased from the land. This is being replicated in Grizzly Country. As I stated earlier, our history and that of the grizzly are intertwined, as are our futures. *The Tribal Heritage and Grizzly Bear Protection Act* can be central to the survival of both.

I thank you for the opportunity to submit testimony for the tribes of the Great Plains Tribal Chairman's Association.

Wopila!