



Montana & Wyoming Tribal Leaders Council

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RESOLUTION #23MARCH2013-09

A RESOLUTION URGING THE GOVERNOR OF MONTANA, THE MONTANA LEGISLATURE, U.S. DEPARTMENT OF THE INTERIOR, YELLOWSTONE NATIONAL PARK, U.S. DEPARTMENT OF AGRICULTURE, U.S. FOREST SERVICE, TO RECOGNIZE AND HONOR ITS' TRUST RESPONSIBILITY AND TREATY OBLIGATIONS TO AMERICAN INDIAN NATIONS IN PROVIDING FOR VIABLE POPULATIONS OF MIGRATORY BUFFALO IN THE WILDLIFE SPECIES' NATIVE HABITAT

WHEREAS, the Montana Wyoming Tribal Leaders Council (TLC) has been created for the express purpose of providing its member Tribes with a unified voice and a collective organization to address issues of concern to the Tribes and Indian people; and

WHEREAS, the Board of Directors of the Tribal Leaders Council consists of duly elected Tribal Chairs, Presidents and Council Members who are fully authorized to represent their respective Tribes; and

WHEREAS, as a manifestation of their solemn duty, the Tribal governments actively engage in policy formation on any matters that affect the Tribes and reservations; and

WHEREAS, the American bison or buffalo is inseparable from the identities, traditions, cultures, beliefs, and religious practices of American Indians and an indigenous way of life; and

WHEREAS, the state of Montana and U.S. Department of the Interior Yellowstone National Park decimation of migratory buffalo is an attack upon the identities, traditions, cultures, beliefs, and religious practices of American Indians and an indigenous way of life; and

WHEREAS, the approximately 4,000 wild buffalo that live in Yellowstone National Park and seasonally migrate into portions of southwestern Montana are the only direct living link to the tens of millions of buffalo that once migrated freely throughout most of the United States and North America; and

WHEREAS, only one population of migratory buffalo that retains their identity as a wildlife species remains, occupying less than one-percent of Montana's abundant lands exceeding 94,000,000 acres; and

WHEREAS, the Interagency Bison Management Plan adopted in 2000 by the U.S. Department of the Interior, National Park Service, U.S. Forest Service, U.S. Department of Agriculture APHIS, the Montana Department of Livestock and the Montana Department of Fish, Wildlife and Parks, is directly responsible for the taking of nearly 5,000 wild bison at a cost to American taxpayers of well over \$30,000,000. This great loss is uniquely felt by Indigenous buffalo cultures and Nations with Treaty rights and cultural ties to buffalo inhabiting public trust and Treaty lands; and

WHEREAS, the Montana-Wyoming Tribal Leaders Council is not aware of any state or federal funding available to American Indian Nations to conserve, protect and restore the indigenous migratory buffalo as a wildlife species; and

WHEREAS, because of significant changes in scientific, environmental, economic, social and cultural concerns, the purpose of the Interagency Bison Management Plan needs to be re-considered as well as the allocation of significant public taxpayer funding authorized by the U.S. Congress to manage buffalo; and

WHEREAS, there has been no documented case of migratory buffalo infecting cattle with brucellosis in Montana, Idaho or Wyoming since brucellosis was first detected in buffalo in 1917; and

WHEREAS, brucellosis was introduced to Yellowstone's migratory buffalo and elk populations by cattle; and

WHEREAS, all recent outbreaks of brucellosis in cattle in Montana, Idaho and Wyoming have been traced back to migratory elk, not buffalo; and

WHEREAS, Montana has adopted new U.S. Department of Agriculture approved brucellosis regulations in Designated Surveillance Areas that removes the threat of whole herd cattle slaughter and loss of Montana's brucellosis free status by treating incidents locally on a case-by-case basis; and

WHEREAS, Montana's U.S. Department of Agriculture approved brucellosis regulations effectively prevent sanctions against Montana cattle infected with brucellosis and provide cattle ranchers affected by the new rules a net benefit of \$9.50 to \$14 per head, and an annual net benefit to cattle ranchers statewide of \$5.5 to \$11.5 million; and

WHEREAS, state of Montana statutes MCA 81-2-120 and MCA 87-1-216 dictates management authority over buffalo in a manner that impacts public trust and Treaty lands, Tribal Treaty rights, cultural survival, sovereignty and trust responsibility among governments; and

WHEREAS, the State of Montana's assertion of jurisdiction over migratory buffalo creates a reciprocal responsibility to legally consult and cooperate with American Indian Nations to preserve the wild species for future generations in perpetuity; and

WHEREAS, since 2000, the Montana Dept. of Livestock has received over \$7,000,000 federal tax dollars and continues to receive such funding in cooperative agreements with the U.S. Department of Agriculture to implement MCA 81-2-120, the governor-approved Interagency Bison Management Plan; and

WHEREAS, Montana's assertion of jurisdiction and federal financial agreements to manage migratory buffalo convey a legal obligation upon the state of Montana and the United States to initiate and convene legally binding consultation with American Indian Nations so affected; and

WHEREAS, preservation of wild migratory buffalo ensures Indigenous cultural survival and Treaty rights to hunt, fish, and gather native foods for future generations in perpetuity; and

WHEREAS, the Interagency Bison Management Plan's creation of 'zone management' boundaries beyond which migratory buffalo are killed, and arbitrary 'haze-back' dates precludes the native species from occupying habitat year-round on public trust and Treaty lands including National Forests, and private lands where buffalo are welcome in Montana; and

WHEREAS, the National Park Service has recommended Yellowstone National Park take 300 to 450 migratory buffalo annually by capturing the wildlife species for slaughter without an independent scientific study and peer review of population viability, to prevent harming and protect the integrity of genetically distinct subpopulations and the population as a whole; and

WHEREAS, the interagency Bison Management Plan must be guided by the best available science to conserve buffalo diversity, ensure population viability, and protect distinct characteristics that allow this grassland, migratory species to naturally adapt and persist as wildlife in its' native habitat, and fulfill its' keystone ecological roles; and

WHEREAS, by severely limiting wild buffalo abundance and distribution on public trust and Treaty lands, the state of Montana and the U.S. Department of the Interior, Yellowstone National Park, U.S. Department of Agriculture, U.S. Forest Service is violating its trust responsibility to ensure populations of Indigenous species persist for future generations in perpetuity; and

WHEREAS, Americans and American Indian Nations support protecting our revered buffalo, a culturally significant sacred species, and care deeply about creating places for wild populations to freely roam North America; and

WHEREAS, buffalo from the genetically distinct Central Interior subpopulation currently inhabit winter range and spring calving grounds in Hebgen basin including the Gallatin National Forest, Yellowstone National Park and on private lands where local residents welcome buffalo; and

WHEREAS, buffalo from the genetically distinct Northern Range subpopulation and Central Interior subpopulation currently inhabit winter range and spring calving grounds in the Gardiner basin including the Gallatin National Forest, Yellowstone National Park and on private lands where local residents welcome buffalo; and

WHEREAS, threatened grizzly bears, wolves, migratory birds, elk, moose, pronghorn antelope and other native species are disturbed and dislocated during buffalo 'hazing' operations by the Montana Dept. of Livestock and Fish, Wildlife & Parks, and involving the National Park Service, U.S. Dept. of Agriculture APHIS and U.S. Forest Service Monitors and Law Enforcement; and

NOW, THEREFORE BE IT RESOLVED, that the Montana-Wyoming Tribal Leaders Council does hereby request the state of Montana Legislature withdraw, and Governor Steve Bullock veto, legislation that harms migratory buffalo and precludes buffalo from occupying habitat necessary for the wildlife species long-term viability and well being, and

BE IT FURTHER RESOLVED, the Montana-Wyoming Tribal Leaders Council requests the Secretary of the Interior to direct Yellowstone National Park to place a moratorium on capturing migratory buffalo inside the Park until the completion of an independent, peer-reviewed study of population viability that has been reviewed for additional cultural considerations by American Indian Nations with treaty, cultural, religious rights and affiliations with buffalo; and

BE IT FURTHER RESOLVED the Montana-Wyoming Tribal Leaders Council requests the Secretary of the Interior give notice within 90 days and provide for the convening of a Buffalo Summit to initiate a comprehensive legally binding consultation process with American Indian Nations so affected to end the decimation of the buffalo herds in Yellowstone National Park as called for by the National Congress of American Indians (Resolution ABQ-10-036); and

BE IT FURTHER RESOLVED the state of Montana designate year-round habitat for migratory buffalo in collaboration with the U.S. Forest Service and American Indian Nations so affected to further the land agency's goal of providing "habitat for viable populations of all indigenous wildlife species and for increasing populations of big game animals"; and

BE IT FURTHER RESOLVED the state of Montana Legislature provide in the law, and the executive administration faithfully execute, cooperative measures with American Indian Nations so affected to provide for the conservation, preservation and restoration of migratory buffalo as a wildlife species; and

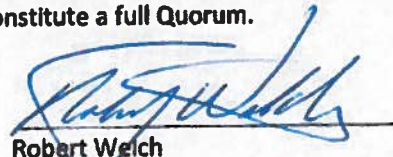
BE IT FURTHER RESOLVED the United States commit to, and its' executive branches faithfully execute, funding cooperative measures with American Indian Nations so affected to provide for the conservation, preservation and restoration of migratory buffalo as a wildlife species; and

BE IT FINALLY RESOLVED that the state of Montana and the United States must recognize and honor its trust responsibility and Treaty obligations to American Indian Nations in providing for viable populations of migratory buffalo in the wildlife species native habitat.

CERTIFICATION

We, the undersigned, as the Chair and the Secretary of the Tribal Leaders Council, do hereby certify that the foregoing Resolution was duly presented and approved unanimously at an official Board Meeting of the Montana Wyoming Tribal Leaders Council, which was held on the 23rd day of March in Denver, Colorado with 6 member Tribes present to constitute a full Quorum.


Ivan Posey
Chairman – Tribal Leaders Council


Robert Welch
Secretary – Tribal Leaders Council