

## Affidavit of the Northern Arapaho Elders Society

**Comes now** the affiants, Nelson White, Sr. and Crawford White, Sr. for the Northern Arapaho Elders Society of the Northern Arapaho Tribe, and move:

1. The Northern Arapaho Elders Society (hereafter “NAES”) has governing authority under the traditional governmental system of the Northern Arapaho Tribe. The Northern Arapaho Tribe did not adopt the Indian Reorganization Act. The Northern Arapaho Business Council (hereafter “NABC”) is the elected governing body of the Northern Arapaho Tribe.

1. Authority for matters related to the grizzly bear rests with the NAES, including all decisions, government-to-government consultation, &c. concerning the delisting of the grizzly bear in the Greater Yellowstone Ecosystem (hereafter “GYE”) from the Endangered Species Act (hereafter “ESA”).

2. In a letter to the Secretary of the Interior dated 10/18/16 the NAES and NABC jointly - explicitly and without equivocation - reaffirmed the Northern Arapaho Tribe’s opposition to the delisting of the grizzly bear from the ESA in the GYE.

3. The Northern Arapaho Tribe, as a member of the Rocky Mountain Tribal Leaders Council (formerly Montana-Wyoming Tribal Leaders Council), first stated its formal opposition to the delisting and trophy hunting of the grizzly bear in the Rocky Mountain Tribal Leaders Council Resolution dated 12/14.

2. In NAES Resolution No. 4/17, Article 6, the Northern Arapaho Tribe affirms: “The NABC and NAES are united in the Tribe’s opposition to the delisting from the Endangered Species Act (“ESA”) of the grizzly bear in Greater Yellowstone and the trophy hunting of this sacred being by the State of Wyoming.”

3. In its final rule delisting the grizzly bear in the GYE the US Fish and Wildlife Service states, “all three affected States and the Eastern Shoshone and Northern Arapaho Tribes of the WRR will classify grizzly bears in the GYE as game animals.” This is categorically false.

1. In a letter to the Secretary of the Interior dated 10/18/16 the NAES and NABC jointly stated: “The Northern Arapaho . . . opposes in the strongest possible terms the delisting of the grizzly in Greater Yellowstone, and the State of Wyoming’s ‘Grizzly Bear Management Plan,’ a document that is antithetical to our culture, and that we will not adopt in any form. The idea of trophy hunting the grizzly bear is abhorrent to us; we do not condone killing, and we do not murder our relatives. The grizzly bear is sacred to our people, and has been since time immemorial.”

2. In a letter to the Interagency Grizzly Bear Committee (IGBC) – Yellowstone Ecosystem Subcommittee dated 4/13/2017 the Northern Arapaho Tribe Elders Society reiterated: “We will not permit the trophy hunting of our sacred relatives on our lands.”

4. In its delisting rule, the US Fish and Wildlife Service is citing an outdated “Wind River Reservation Grizzly Bear Management Plan” repudiated by both the Northern Arapaho Tribe and the Eastern Shoshone Tribe, independently, in official resolutions and communications.

1. In a letter to the Interagency Grizzly Bear Committee – Yellowstone Ecosystem Subcommittee dated 4/13/2017 the Northern Arapaho Tribe Elders Society affirmed: “The Northern Arapaho people will not adopt any grizzly bear management plan authored by the State of Wyoming, the USFWS, or a collaborative document influenced by both, as the Wyoming Game and Fish Department and USFWS attempted in 2007.”

2. In NAES Resolution No. 4/17, Article 25, the Northern Arapaho Tribe stated the same.

5. All of the official documents referenced in this affidavit clearly demonstrate that the Northern Arapaho Elders Society, governing authority under the traditional governmental system of the Northern Arapaho Tribe, which retains responsibility for the grizzly bear and issues pertaining to the grizzly, delisting, &c. has not been provided with any notification by the USFWS at any time during the delisting process, and neither the USFWS nor IGBC has sent any communication or made any attempt to initiate formal government-to-government consultation on delisting with the NAES.

1. In a letter to the Interagency Grizzly Bear Committee – Yellowstone Ecosystem Subcommittee dated 4/13/2017 the Northern Arapaho Tribe Elders Society reiterated: “The USFWS and IGBC-YES has continually sought to undermine the sovereignty of the Northern Arapaho Tribe by referring to the Northern Arapaho Tribe as one of the ‘Wind River Tribes’ or a ‘Wind River Tribe.’ There is no ‘Wind River Tribe’ or ‘Tribes.’ The Northern Arapaho Tribe and the Eastern Shoshone Tribe are separate, independent sovereigns. The Shoshone and Arapaho Joint Business Council dissolved in September 2014.

2. Eastern Shoshone Game Warden Ben Snyder does not represent the Northern Arapaho Tribe and has no authority to speak for the Northern Arapaho Tribe, contrary to the persistent misrepresentations by the USFWS and IGBC.

3. Northern Arapaho Game Warden Arthur Lawson is not authorized to implement or commit the Northern Arapaho Tribe to any policy or plan, a position Warden Lawson respects, as the IGBC-YES is fully aware.

4. The last Northern Arapaho Tribe representative with authority to make a statement representing the NABC and NAES at an IGBC meeting was Councilman Norman Willow in April 2015, which was recorded by KULR8 News, as detailed in the Northern Arapaho Tribe Elders Society letter to the Interagency Grizzly Bear Committee – Yellowstone Ecosystem Subcommittee dated 4/13/2017.



5. In July 2015 members of the NABC held one preparatory meeting with the USFWS. It was the sole meeting, and no government-to-government consultation followed with the NAES, or the NAES in conjunction with the NABC.

6. The Northern Arapaho Tribe sent a Tribal Historic Preservation Office (THPO) trainee to a presentation by USFWS in a motel in Rapid City, South Dakota, in May 2016. The THPO trainee was not authorized to say anything on behalf of the Northern Arapaho Tribe other than, "No comment," which was a clear demonstration that this motel invite did not meet the standard of government-to-government consultation.

7. In a letter to the Secretary of the Interior dated 10/18/16 the NAES and NABC jointly stated: "We, the leadership of the Northern Arapaho, have not been invited to, nor engaged in, any meaningful consultation with USFWS on this matter, in common with tribal nations from Montana to Arizona."

6. In its final rule delisting the grizzly bear in the GYE the US Fish and Wildlife Service states, "We also recognized our partnership with Tribal agencies and others in the 2016 Conservation Strategy." This is demonstrably false.

1. In a letter to the Secretary of the Interior dated 10/18/16 the NAES and NABC jointly stated: "Equally egregious is the claim that we are participating in formulating the Conservation Strategy – we are not. Neither ourselves nor the other two tribes cited have been consulted on the Conservation Strategy or contributed to it, which is the case with the other 23 tribes the federal government recognizes as Associated Tribes of Yellowstone. Tribes have petitioned to be consulted and have input in the Conservation Strategy, even in face-to-face meetings with USFWS Director Dan Ashe and Deputy Secretary of the Interior Mike Connor, but we continue to be excluded, although we are expected to contribute to the approximately \$3.8 million per year the Conservation Strategy will cost to implement."

2. And further, from the same: "When USFWS attempted to delist the grizzly in our country in 2007, we were excluded from this process. In 2016 and going forward, for any Conservation Strategy to have legitimacy it will require our input and signature. The Northern Arapaho hereby calls upon USFWS to cease and desist in misrepresenting our position on this matter, and for the Service to take immediate steps to include us as signatories to the Conservation Strategy. This must occur before any further action is taken by the IGBC-YES on the Conservation Strategy."

3. In a written communication dated 12/7/16 sent by email to IGBC-YES Chairwoman Mary Erickson, the Northern Arapaho Tribe, having been excluded from the process despite previous written appeals for inclusion, lodged a "no" vote on the Conservation Strategy.

4. In a letter to the Interagency Grizzly Bear Committee – Yellowstone Ecosystem

Subcommittee dated 4/13/2017 the Northern Arapaho Tribe Elders Society cataloged the sequence of events vis-à-vis the Conservation Strategy: "Despite formal requests in writing, the NABC and NAES were excluded from participating in the formulation of the post-delisting Yellowstone grizzly bear Conservation Strategy. Neither the NABC nor NAES was given notice of the IGBC-YES meeting in Cody, WY (11/16/16) in which a crucial vote was taken by IGBC-YES members on whether to approve the Conservation Strategy. Upon its own initiative, and without notification or invitation, the Northern Arapaho Tribe subsequently filed a 'no' vote on the Conservation Strategy in writing to the IGBC-YES, but was again excluded from the process, when the Tribe received no notification from the IGBC-YES of the follow-up meeting in Missoula, MT (12/16) at which the Conservation Strategy was signed and, in as much as the scope of the IGBC-YES allows, ensured that removing the grizzly from the ESA was a formality.

We reiterate: The Conservation Strategy has no legitimacy without the signed consent of the NABC, the NAES, and the multitude of other impacted tribes the federal government has designated 'Associated Tribes of Yellowstone.'"

6. The misstatements and misrepresentations by USFWS of the Northern Arapaho Tribe in USFWS's final rule to delist the grizzly bear in the GYE are a continuation of a pattern that prompted the Northern Arapaho Tribe to issue its "Cease & Desist" letter to the Secretary of the Interior, dated 10/18/16.



*Dea Ann Ogden*

*Nelson White Sr.*

Nelson White, Sr.

*Crawford White Sr.*

Crawford White, Sr.

*Subscribed and sworn to before me this Thursday, June 29, 2016 -*



*Ter V. Smith*

*NAT Judge  
Northern Arapaho Tribe*

Subscribed and sworn to before me this 29th day of June 2017.

*Mira S. Young*

Mira S. Young Chief, Clerk of Court