

Testimony of Mr. Shannon Wheeler
Chairman, Nez Perce Tribal Executive Committee
July 24, 2018

U.S. House Oversight & Government Reform - Subcommittee on Interior, Energy, and Environment

Thank you, Mr. Chairman, for the opportunity to travel and speak with you and this committee. My name is Shannon Wheeler. I am the Chairman of the Nez Perce Tribal Executive Committee and an enrolled member of the Nez Perce Tribe.

My people, the *Nimiipuu* or Nez Perce, have lived in what is now central Idaho and parts of Washington, Oregon, and Montana for millennia. Thousands of us live there today. We work in local hospitals, in neighborhood stores, in regional universities, and in Tribal government. One of us recently coached our boys' basketball team to their second consecutive Idaho state championship title. And we continue to exercise our sovereign, treaty-reserved rights to fish, hunt, gather, and pasture our livestock across our broad aboriginal territory.

Public lands are important to all Americans, but perhaps no more so than to my family and to Nez Perce Tribal members. The lands are sacred to our people. Most of our fishing, our hunting, and our gathering occurs on public lands. Many of our most sacred sites are now located on public lands. Our language, our traditions, our practices, and our beliefs are all inextricably linked to public lands. This relationship has been understood by the Nez Perce for hundreds of generations and memorialized in countless ways, from the language of our 1855 Treaty with the United States to the current names of the Nez Perce-Clearwater and Wallowa-Whitman National Forests. The manner in which these lands are managed is existentially critical to the continued vitality of Nez Perce culture.

Public land grazing is a complex and controversial topic. Tribal members continue to exercise their treaty-reserved right to pasture livestock on public lands within the Nez Perce homeland. We recognize that livestock grazing, when administered responsibly, can be an appropriate and sustainable use of lands practiced by all Americans. For us, such activities can be an important expression of our history, our wealth, and culture.

We also understand that in some areas, and in some circumstances, livestock grazing is not appropriate. We have witnessed, as many members of this committee have, cases in which livestock grazing has been conducted irresponsibly or in areas where the presence of livestock compromises other uses and experiences. Many of you may think of popular tourist destinations, scenic areas, our National Parks, or blue-ribbon trout streams as examples of such areas. But within broad aboriginal homelands such as that of the Nez Perce, areas where livestock may be inappropriate can include traditional hunting grounds, seasonal camps, the headwaters of fish-bearing streams, and sacred sites invisible to the general public. These areas often provide critical habitat for our treaty-reserved resources and therefore rights of tribes like the Nez Perce. Livestock grazing, when authorized or conducted inappropriately, can compromise

the exercise of our treaty-reserved rights. I would like to speak to you today about one prime example of this: Rocky Mountain bighorn sheep and the conflicts associated with domestic sheep grazing.

As in many areas across the western U.S., the Nez Perce homeland once supported vast herds of bighorn sheep throughout a vast network of canyonlands and subalpine ridges. These animals are materially and culturally critical to the Nez Perce, including food, clothing, and the famous Nez Perce bighorn bows made from reformed ram horns. Today, bighorn sheep are a treaty-reserved resource.

Today, these canyonlands and ridges remain in relatively healthy condition. Yet bighorn sheep have been greatly depleted across vast portions of our homeland. Pneumonia, caused by pathogens introduced to the region by domestic sheep, has been identified by most scientists as the primary factor contributing to the significant decline, and in many cases, extirpation of numerous native bighorn sheep populations in the American West. Within our homeland, these populations have been reduced to a fraction of their historic levels. Pneumonia continues to suppress these remnant populations. Just this spring coughing bighorn lambs and struggling nursery groups were witnessed in most local herds. Unfortunately, this situation is common across much of the western U.S. Transmission of pneumonia-causing pathogens from domestic to bighorn sheep remains the primary concern for bighorn sheep managers. Physical and spatial separation of domestic sheep from bighorn sheep habitat remains the primary tool available to wildlife managers to conserve and recover these populations.

The Nez Perce Tribe considers recovery of bighorn sheep populations to huntable, healthy and sustainable levels within our homeland, and throughout their suitable historic habitat to be a top resource management priority. Our collective actions have the power to help or hinder this recovery. To help federal land managers improve their stewardship of this culturally-important species, the Nez Perce Tribe, in partnership with federal land management agencies and the state of Idaho, conducted a detailed research study of the movements and demographics of the last remaining native population in Idaho. That information has helped inform federal decision-making efforts and led to the development of a powerful tool for analyzing risks associated with domestic sheep grazing in proximity to remnant herds of bighorn sheep. Known as the Risk of Contact model, this tool, embraced by the U.S. Forest Service provides land managers with science-based, empirical foundation for evaluating grazing proposals and alternatives. The Nez Perce Tribe recommends that this committee encourage federal agencies to continue using this Risk of Contact model for evaluating domestic sheep grazing activities within our homeland and beyond.

I would like to briefly address four additional opportunities on this front. As bighorn sheep populations have declined significantly due to pneumonia, federal permitting of domestic sheep grazing in and adjacent to bighorn sheep habitat remains a constant threat. The Nez Perce Tribe therefore recommends that this committee encourage federal agencies to focus efforts in evaluating domestic sheep grazing impacts on both existing bighorn sheep populations as well as suitable historic habitat necessary for bighorn sheep recovery.

The Nez Perce Tribe has also invested considerable resources in reviewing and monitoring domestic sheep grazing activities on public lands within our aboriginal homeland. The results have been troubling. We

have documented and informed the U.S. Forest Service of instances of trespass grazing, stray domestic sheep, inaccurate herd counts, and other violations of Annual Operating Instructions, Allotment Management Plans, and Forest Plan standards and guidelines within a single season on a single National Forest. In our experience, Annual Operating Instructions are routinely underdeveloped or simply ignored, Allotment Management Plans are outdated and rarely consulted, and Forest Plan standards and guideline violations are inadequately enforced.

Simply put, regulatory compliance on our public lands needs a lot of improvement. These regulatory tools, while perceived by some as onerous, burdensome, or unnecessary, in fact provide vital protections for a wide variety of treaty-reserved rights and resources, including our right to hunt bighorn sheep. The Nez Perce Tribe recommends that this committee encourage federal agencies to develop and enforce rigorous Annual Operating Instructions and Forest Plans, including strong Forest Plan standards protective of resources reserved under treaty to the Nez Perce and other tribes. We further recommend that this committee facilitate funding for federal agency efforts to update all domestic sheep Allotment Management Plans, some of which date back to the 1960s.

In an effort to support livestock producers displaced from federal grazing allotments due to resource concerns, including proximity to bighorn sheep, several proposals have emerged that would facilitate the renewed use of previously-vacant allotments nearby. It is essential that such actions be thoroughly evaluated under the National Environmental Policy Act and through government-to-government consultation with adversely affected tribes. In perhaps all cases, those vacant allotments have their own management challenges, stewardship goals, and treaty-protected resources which could be harmed by an unvetted permit approval.

And last but not least, proposals to transfer these public lands to state or private entities threaten access to, and exercise of, treaty-reserved rights and the resources on which they depend. As I noted previously, these lands are sacred and irreplaceably critical to our cultural life-ways. The Nez Perce Tribe has been, and remains categorically opposed to all such proposals.

I would like to conclude my remarks by acknowledging the wide variety of perspectives on public lands grazing you are likely to hear. It is my hope that the perspective of the original inhabitants of these lands, and the rights and resources reserved to us through treaty with the United States, are appropriately considered and prioritized. Healthy landscapes and bighorn herds are loved by all Americans. Thank you all again for your time and attention today.