

The SHOSHONE-BANNOCK TRIBES

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Subject: Information Collection Requirements (RIN 1024-AD84)

The Shoshone-Bannock Tribes (Tribes) welcomes the proposed rule to allow gathering in areas within the National Park Service (NPS) system for traditional cultural practices. The bands that make up the Shoshone-Bannock Tribes have had a long standing history from time immemorial within lands currently managed through the NPS. For example, our oral stories provide how the Snake River was formed from Yellowstone Park, and how a snake took part in the creation of the Craters of the Moon. Furthermore, many of our nation's National Parks are within our *Tebiwa*, "homelands", and the prohibition on allowing our Tribes to utilize these landscapes for gathering has had a profound and devastating impact upon our traditional culture, knowledge, spirituality, languages, and wellbeing. It has also had a significant impact upon the resiliency of the ecosystems within these areas, and we have observed these impacts on NPS lands and other land ownership types. Nonetheless, it is great to see that Western Science is now beginning to recognize and acknowledge the deep ecological knowledge and culture of American Indian people and how they can be applied to sustain both human life and maintenance of the ecosystem.

The NPS is also aware that the Tribes have repeatedly expressed interests through government-to-government consultations in using NPS lands for cultural and subsistence purposes. We also

participated in the development of a report in 2008 that was entitled *Shoshone-Bannock Tribes' Traditional Uses of Natural Resources of Grand Teton National Park, National Elk Refuge, and Yellowstone National Park*. This report was developed to provide baseline information about the nature of traditional uses and a general understanding of the cultural value of these natural resources within the context of the traditional tribal uses of these lands. Although we have participated in developing this report, it is of utmost importance for the NPS to know that sharing our traditional language and culture is a highly sensitive issue. You should also be aware that our desire to utilize lands within the NPS system are not limited to only Yellowstone and Grand Teton.

We also offer the following comments on the information collection requirements. As it would be highly difficult to identify specific plants and plant parts to be gathered and removed, we suggest opportunities to develop programmatic agreement(s) for allowing traditional use of lands within the NPS system. In general, it is our traditional practice to harvest and utilize any plant that may be available during harvest activities. In other words, during a harvest we may be specifically looking for chokecherries, but may come across serviceberries. In those instances, our Tribal members will typically harvest both opportunistically. It is also difficult to quantify the size and quantity of the plants or plant that may be gathered and removed. Our Tribes adhere to our traditional custom of "take only what you need". As a result, quantity varies upon individual tribal member need and best determined by individual tribal member. The Tribes are also concerned with identifying traditional gathering areas and the documentation of our traditional harvesting methods, uses, and customs by the NPS.

To provide some information about the Shoshone-Bannock Tribes, our Tribes are located on the Fort Hall Reservation located in southeastern Idaho and consist of 5,855 members. The principal Treaty in which the Tribes operates under is the Fort Bridger Treaty of 1868 (15 Stat., 673). Under Article 4 of this Treaty, the Tribes expressly retained 'the right to hunt on the unoccupied lands of the United States so long as game may be found thereon, and so long as peace subsists among the whites and Indians on the borders of the hunting districts'. Under this Treaty, the Tribes self-regulates subsistence use activities both off and on the Reservation. Therefore, we would prefer to develop and regulate tribal member use on NPS lands through self-regulation.

In general, Tribal use regulations are developed based upon Tribal member input with due consideration of conservation concerns. Further, the Tribes maintain an active Fish and Wildlife Department, employing 40 permanent biologists, technicians and researchers, who are tasked with complex scientific evaluations and production measures to improve and enhance resource condition. After resource conditions are evaluated and conservation measures are proposed, hunting and fishing regulations are reviewed and approved by the Fish & Game Commission (Fort Hall Business Council) on an annual basis, or as the need arises. The Tribal Fish & Game Department enforces hunting and fishing regulations. Currently, the Tribes have law enforcement staff who are also recognized as federal law enforcement officers through the Bureau of Indian Affairs. The Fish & Game Department regularly enforces Tribal laws and regulations in Idaho, Montana, Wyoming, Utah, Nevada, and Oregon.

The recognition of Tribal capacity to monitor resource condition, develop conservation based regulations for harvest, and enforcement of harvest conditions is a critical component of developing agreements with the NPS. The Tribes demonstrate the capacity to adequately evaluate resource condition within the NPS areas of interest, develop scientifically sound recommendations on an annual basis, and participate in necessary monitoring efforts with NPS resource staff through our Fish and Wildlife Department. Adding the appropriate enforcement staff to ensure conservation issues are addressed through regulations, the Tribes are in a position to develop an agreement with the NPS.

However, there remain concerns about the actual agreement process offered in the draft rule released through the Federal Register and the Tribes offers the following for your consideration. An agreement is effective as an exercise in government-to-government relationships if it is made directly with the Tribes and it provides the Tribes the ability to issue individual level permits on our own. This ensures confidentiality by reducing the appearance of individual names and specific cultural practices, while improving communication and monitoring of use and harvest for both the NPS and Tribes. Annual reports could be offered to the NPS of annual Tribal efforts, materials gathered, and the overall number of species being targeted. Obviously, an effort to craft a binding agreement will require a substantial effort of both policy and technical staff, but given the appropriate resolution to our issues could be a possibility.

In conclusion, our traditional culture is alive and ever evolving. However, traditional cultural use and practices have been suppressed through issues such as pollution, depletion, and reduced access. Gathering areas we once utilized with in the public domain are now subject to habitat loss and fragmentation, which provides opportunity for invasive and noxious weeds to become the norm of the landscape. In many respects, NPS lands have become islands of intact native habitat providing opportunity for the Tribes to gather plant materials that can no longer be found on public lands managed for multiple uses. This proposed rulemaking has great potential to build bridges with the Tribes and we welcome open and honest communication on this issue.

If you have any questions about these comments please contact Cleve Davis, Environmental Coordinator of the Shoshone-Bannock Tribes, by email cbdavis@sbtribes.com or by phone (208) 239-4552.

Sincerely

A handwritten signature in cursive script that reads "Nathan Small". The signature is written in dark ink and is positioned below the word "Sincerely".

Nathan Small

Fort Hall Business Council