



Jena Band of Choctaw Indians

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September 22, 2015

National Park Service
Joe Watkins, Office of Tribal Relations and American Cultures
1201 Eye Street, NW
Washington, D.C. 20005

RE: RIN 1024-AD84: 80 FR 21674-Proposed Rule by the National Park Service, Gathering of Certain Plants or Plant Parts by Federally Recognized Indian Tribes for Traditional Purposes

Dear Mr. Watkins:

As Chief of the Jena Band of Choctaw Indians, a Federally Recognized Indian Tribe, I humbly offer comment on the proposed rule for gathering of plants and plant parts within National Parks.

Native people of North America have lived off our precious lands for thousands of years. Mother Earth has provided sustenance, medicine, and spiritual wellbeing; thus, Natives have always treated the Earth with respect and care, as we are connected to her in all aspects of our daily living. As young Native people we are taught values and lifeways that teach us only to take what we need and to perpetuate resources for the next seven generations. These teachings are instilled in us and we follow them to the best of our ability, instructing our younger generations to do the same. We believe all life is connected in a circle, a never-ending cycle of how we live our lives today.

We appreciate the National Park Service (NPS) for their willingness to institute federal laws that will allow Native people to gather on lands managed by the NPS, notwithstanding our inherent rights to do so. The Jena Band of Choctaw Indians were part of the Trail of Tears removal from their ancestral homelands in Mississippi, leading to our rebirth in Louisiana. Leaving our home was not a choice, but is our reality in these times we live in. Nonetheless, our Tribe stays true to our traditions and has made a commitment to keep them alive. Removal has not taken away our identity and never will. We hold strong to the idea that our Tribe and all Tribes of this great nation made the ultimate sacrifice, and, for that, we maintain that our people have the right to hunt, gather, and retain our lifeways on or off reservation lands.

Regarding the designation of tribal members by participating Tribal governments, we disagree and comment that all members of a participating Tribe should be eligible to gather, to prohibit Tribal political influence from becoming part of a traditional practice and lifeway. Tribal members are all privy to the same rights under law and should not be discriminated against in any way. All that should be required is that the member show their Tribal identification/documentation upon entering a park to gather.

In addition, as a removed Tribe, the Jena Band of Choctaw Indians' does not agree with the park Superintendent having the authority to deny a request on the basis of "insufficient information" to

demonstrate the Tribes' "traditional association." (Sec. 2.6 (e) Denial of Request to Enter Into Agreement) We feel that there must be a mechanism for an appeal to a higher entity and that working with a park Superintendent does not encompass the spirit of Government-to-Government relations. We feel that this power should lie with the Regional Director or the Secretary of the Interior. We also disagree with the determination and authority of terminating or suspending an agreement with an Indian Tribe resting with the park Superintendent. Moreover, there is no clarity in the proposed rule as to how individual violations affect the entire agreement with a Tribe. An entire group of people cannot be penalized for the mistakes of one individual and is illogical to consider. In conclusion, there is no timeframe by which the authority figure has to respond to an initial request to gather by a Tribe, leaving the door open to long periods of time before Tribes will be allowed to gather.

The proposed rule also states that Tribes must establish protocols for monitoring resources in Section 2.6 (f), Contents of Agreements. According to the rule, "limits on size, quantities, seasons, or locations where the gathering and removal may take place." This requirement is much too stringent and places unnecessary burden on the Tribes; furthermore, if the resource being gathered is not on the Endangered Species list, then there is no need to place inessential requirements on the Tribe where unjustifiable.

Finally, the Tribes are being asked to provide details of traditional practices, defining how, when and by what methods the gathering will take place, creating a serious issue with the confidentiality of our sacred sites and lifeways. There must be a device to protect the Tribes' information and protocols for the violation and exploitation of such. We feel the sharing of these intimate details should not be a regulation but a right of each individual Tribe to share or not share this information.

The Jena Band of Choctaw Indians feels that Tribes have had treaty rights and protocols for the protection of resources and enforcement that have worked and benefited both the Tribes and the agencies. The federal government has always placed a huge burden of proof on the Tribe, making more and more hoops that our people must jump through to exercise our rights as indigenous people of these lands that federal agencies are now in charge of caring for. The truth is that Native people are not known for depleting, selling or misusing resources, though many people who are uneducated may feel that differently. What WE are known for today is taking only what is necessary, using science to study and protect resources, and creating our own justice systems that honor our traditional values and are respected by those who fall within their jurisdiction. We should all be looking for ways that work, rather than creating a system that will only make things more complex and potentially harmful to the relationships that the NPS is trying to build.

Sincerely,



B. Cheryl Smith, Chief

Jena Band of Choctaw Indians

Jena, Louisiana