

FOR IMMEDIATE RELEASE  
By Office of Public Affairs

## FHBC HOSTS GOVERNMENT TO GOVERNMENT CONSULTATION ON TREATY HUNTING RIGHT

Fort Hall - In response to a request from the Fort Hall Business Council (Council) and through efforts spearheaded by the Shoshone-Bannock Tribes' Fish and Wildlife Department and Office of Tribal Attorneys, officials from the US Fish and Wildlife Service (FWS) and Bureau of Indian Affairs (BIA) visited Fort Hall for formal consultation to address the Tribes' Treaty right to hunt Bison and other game on the Jackson National Elk Refuge (NER).



Representatives from the Fort Hall Business Council, US Fish & Wildlife Service, Bureau of Indian Affairs, and Tribal Staff

The Shoshone-Bannock Tribes reserved the right to hunt on the unoccupied lands of the U.S. in perpetuity per the 1868 Fort Bridger Treaty (15 Stat. 673). Federal and state court decisions and official government communications have repeatedly affirmed the Tribal right to hunt, fish and gather on unoccupied lands. This includes recognition of the Tribes' right on the NER via Solicitor's opinion. The Tribes requested that this right be expressly identified in NER governing documents and management plans by FWS with BIA, the Tribes' agency trustee.

The 2023 Compatibility Determination (CD) policy for ceremonial hunting at the NER requires the Tribes to obtain a Special use Permit and imposes harvest limits on Bison determined by the Wyoming Game and Fish Department and FWS. However, the FWS largely defers limits determination to Wyoming. The Tribes have asserted that the CD is a relic of the pre-*Herrera* legal landscape. Now, given significant changes in the law such as *Race Horse* and the *Repsis* line of cases, the Tribes' Treaty right to hunt should not be impeded. Additionally, Tribal jurisdiction and regulations, priority for harvest opportunity, co-management, and enforcement deserve recognition. The Tribes assert that this aligns with both binding federal precedent, agency policy, and both FWS Director's Orders and DOI Secretarial Orders.

During consultation, Council emphasized that the Tribes' Treaty is with the Federal Government and not states. Moreover, as recognized by the U.S. Supreme Court in 2019, this right is guaranteed in Wyoming. Therefore, a state has no right to dictate Bison harvest limits on the NER when a Treaty right is involved, nor any other species outside of judicially determined processes.

In closing, Chairwoman Donna Thompson posed the question, "What is your commitment moving forward to meet our objectives in the least matter of time?" FWS Regional Directors present committed to revisiting the CD, establishing workgroups, and participating in continued meetings before the next hunt to ensure the Tribes' requests and positions are acted upon and vetted for integration.