

**Statement of Chairman Devon Boyer, Shoshone-Bannock Tribes**

**2020 Select Committee on Tribal Relations**

**September 15, 2020**

**RE: Off-Reservation hunting and *Herrera v. Wyoming***

My name is Devon Boyer, and I serve as the Chairman of the Fort Hall Business Council, the governing body for the Shoshone-Bannock Tribes of the Fort Hall Reservation in southeast Idaho. I want to thank you for providing time for me to express our concerns to you. Off reservation Treaty rights are one of the highest priorities of the Shoshone-Bannock Tribes.

The Shoshone-Bannock Tribes is a federally recognized Indian tribe, occupying the Fort Hall Reservation in Idaho, secured to them by the Treaty of Fort Bridger, July 3, 1868, 15 Stat. 673 (“Fort Bridger Treaty” or “1868 Treaty”), art. 2, and companion executive orders. Pursuant to Article 4 of the 1868 Treaty, the Tribes and our members exercise rights to hunt, fish, and gather on the unoccupied lands of the United States. In the view of the Tribes, Treaty-reserved rights to hunt, fish, and gather off-reservation are not irreconcilable with state sovereignty over natural resources. Often those two lines of authority are complementary.

Today the Tribes, under our own regulations limit the taking of game and in cooperation with States and the federal government, we ensure that off-reservation treaty rights are exercised consistent with the protection of natural resources. The Tribes regulate our members’ treaty hunting off-reservation by Tribal laws and annual regulations. These rules define what animals may be hunted off-reservation, the location where those hunts can take place, the seasons for various game animals, the methods used to take game animals, and we reserve specific authorities to curtail seasons in the interest of conservation or biological necessity. All of our Tribal hunters must obtain species-specific hunting tags for certain game animals (particularly big game species) and report the taking of some species to ensure sensitive species are managed appropriately.

Just like the states, and the federal government, the Tribes have a Fish and Game department that employs federally trained game wardens who enforce our Tribal game regulations both on and off the reservation. If a tribal member violates Tribal game laws they are cited and processed through our Tribal court. Sanctions include, but are not limited to, confiscation of illegally taken game and loss of hunting and fishing privileges.

The Tribes also cooperate with States and federal agencies to implement off-reservation conservation programs. These collaborative agreements protect wildlife habitat, thereby supporting fish and game for both Indians and non-Indians alike. For instance, the Tribes are party to the Columbia Basin Fish Accords, a partnership between tribes, States, and federal agencies to mitigate the effect of dams on fish in the Columbia River basin, including stocks that

the Tribes fish in the exercise of their off-reservation treaty rights. Under the Accords, the parties jointly implement projects to protect anadromous salmon, resident trout, and other wildlife that are affected by federal dam projects.

The Shoshone-Bannock Tribes view the context of *Herrera v. Wyoming* as an opportunity to enter into a new era of relations on the issue of big game management with the State of Wyoming. Rather than relying on confrontation in a legal setting, the Tribes and State could be harnessing the same energy to collaborate on mutually beneficial programs that protect, preserve and enhance big game species for all residents of Wyoming and the Tribes who still call it home. In short, the Tribes should be viewed as a partner with parallel interests in maintaining high quality hunts throughout Wyoming; provided there is a reciprocal recognition that our membership will be afforded the same opportunities as other residents to enjoy that experience.

I invite you to engage in further discussion on future opportunities to work together to develop potential legislation solutions to address this off-reservation treaty hunting issues.

Thank you.