

Feds say Wyo. tribe's bald eagle permit a first

March 15 2012, By BEN NEARY , Associated Press



This March 7, 2006 file photo shows a bald eagle takes flight from a tree overlooking the Kootenai River near Bonners Ferry, Idaho. Federal court records show the U.S. Fish and Wildlife Service has agreed to give an American Indian tribe in Wyoming a permit to kill two bald eagles this year for religious purposes. (AP Photo/Ted S. Warren, File)

(AP) -- A federal permit allowing the Northern Arapaho Tribe in Wyoming to kill up to two bald eagles for religious purposes is the first of its kind ever issued to an American Indian tribe, a U.S. Fish and Wildlife Service official said Wednesday.

The federal agency granted a permit last week allowing the Northern Arapaho to kill or capture and then release up to two [bald eagles](#) this year. The tribe filed a [federal lawsuit](#) in Cheyenne last fall over the agency's earlier failure to grant a bald eagle permit after the tribe applied for one nearly three years ago.

The permit was granted in response to the tribe's application, not the lawsuit that is still pending, Matt Hogan, assistant regional director for the [Fish and Wildlife Service](#) in Denver, told The Associated Press in a statement Wednesday.

"Issuance of the permit was in accordance with the Bald and Golden Eagle Protection Act which allows for take of bald or golden eagles for the 'religious purposes of Indian tribes' if it is compatible with the preservation of eagle populations," Hogan wrote.

The U.S. Fish and [Wildlife Service](#) determined that killing one or two bald eagles would be consistent with the standard of preserving eagle populations, Hogan stated.

The national bird was removed from the federal list of threatened species in 2007, following its reclassification in 1995 from endangered to threatened. The birds remain protected under the federal Bald and Golden Eagle Protection Act.

"We will consider any permit applications from tribes in the same way we considered the request from the Northern Arapaho; however, at this time we do now have other pending permit applications," Hogan wrote.

The agency has issued previous permits to allowing individual [American Indians](#) and tribes, including the Hopi in Arizona, to kill [golden eagles](#).

Andy Baldwin, lawyer for the Northern Arapaho Tribe, said Wednesday he sees the government's decision to issue the bald eagle permits as, "an important development in the protection of tribal sovereignty and religious freedoms."

Attempts to reach tribal officials were unsuccessful Tuesday and Wednesday. Baldwin said the tribe may issue a statement Thursday.

Baldwin said earlier this week that the tribe's decision to sue to secure the permit was closely related to the federal government's prosecution of a tribal member who killed a bald eagle on the Wind River Indian Reservation without a permit in 2005 for use in his tribe's Sun Dance.

Baldwin said the Northern Arapaho Tribe was determined in filing its lawsuit that other young men not be prosecuted in the future for practicing their traditional religious ceremonies.

Federal law prohibits non-Indians from killing or possessing any part of bald eagles. The government keeps eagle feathers and body parts in a federal repository in Colorado that tribal members may apply for to use in religious ceremonies.

According to a status report that federal lawyers filed in Johnson's court this week, the Eastern Shoshone Tribe said it objected to killing bald eagles on the reservation that the two tribes share because the Shoshone believed that killing eagles was contrary to joint laws the tribes share. An attempt to reach an Eastern Shoshone official for comment on Wednesday was unsuccessful.

The Northern Arapaho's federal permit limits the tribe to killing up to two bald eagles, without eggs or nestlings, outside the reservation boundaries. Hogan stated that permission from the State of Wyoming wouldn't be required, but said that the permit would require consent of the owner of the land where the birds are killed or captured.

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