

Tribal Heritage and American Bison, Grizzly Bear, and Wolf Restoration and Coexistence Act

Section by Section

SECTION 1. SHORT TITLE

SECTION 2. FINDINGS

This section includes Congressional findings.

- Findings describe the need for the restoration of bison, grizzly bear and wolves, and the negative impact removal has had on ecosystems and illustrate the cultural connection between Indigenous peoples of North America and the species protected by this legislation.

SECTION 3. DEFINITIONS

This section outlines the definitions of the Act.

- “Take” is defined as harass, harm, pursue, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct.
- The bill defines “committee” as a scientific committee to be established by the Secretary of the Interior pursuant to Section 5 and comprised of independent, Tribal, and federal agency representatives.
- “Historical range” of each species means the range determined by the Committee using the best available scientific and historical information.
- “Secretary” means the Secretary of the Interior.
- “Tribal land” means land located within the boundaries of an Indian reservation, pueblo or, rancheria or land outside these boundaries either held in trust by the United States for the benefit of an Indian Tribe/individual or land held by an Indian Tribe/individual subject to restriction against alienation.

SECTION 4. PROTECTION OF BISON, GRIZZLY BEARS, AND WOLVES

This section outlines the prohibited acts of the Act and potential penalties.

- Prohibits the take, possession, purchase, sale, or transportation of a bison, grizzly bear or wolf, or any product or part thereof.
- These prohibitions do not apply to actions permitted by the Secretary, captive-bred bison intended for human consumption, takings related to cultural, religious, or treaty-reserved purposes of federally-recognized Indian Tribes, or a taking that is based upon a good faith belief that the taking is imminently necessary for self-defense or to prevent serious injury or save the life of a person in immediate danger.
- Authorizes civil penalties up to \$25,000 for each violation with each violation considered a separate offense.
- Authorizes criminal penalties for any person who knowingly violates the prohibited acts. Any person who violates may be fined not more than \$50,000, imprisoned up to one year, or both. In the case of a second or subsequent violation, such person shall be fined not more than \$75,000 or imprisoned not more than two years, or both. Each violation will be deemed a separate offense.
 - One-half of any such fine shall be paid to any person or persons giving information which leads to a conviction under this Act.
 - In a prosecution under this subsection for an unlawful take, the Government need not prove that the defendant knew that the animal taken was a bison, grizzly bear or wolf.
 - Any grazing allotment held by a person convicted under this section shall be cancelled.
- Authorizes the Secretary and Secretary of Agriculture to accept the donation of any valid existing leases or permits authorizing grazing on public land or National Forest System land for the purpose of reducing conflicts between permitted livestock and bison, grizzly bears, or wolves.

SECTION 5. ESTABLISHMENT OF BISON, GRIZZLY BEAR, AND WOLF RESTORATION AND COEXISTENCE COMMITTEES.

This section directs the Secretary to establish three regional representative committees, one each for Bison, Grizzly Bears, and Wolves (“the Committees”) to carry out the expert consultations and scientific evaluations, no later than 90 days after the date of this Act.

- Requires that Committees be composed of the following:
 - Three members of federal recognized Indian Tribe members from each of the following geographic regions:
 - (1) Pacific.
 - (2) Southwest.
 - (3) Midwest.
 - (4) Southeast.
 - (5) Northeast.
 - (6) Mountain-Prairie.
 - (7) Alaska
 - (8) Pacific Southwest.
 - One scientific expert representative from each of the following designated by the expert’s own agency:
 - (A) The United States Fish and Wildlife Service.
 - (B) The National Park Service.
 - (C) The Forest Service.
 - (D) The Animal and Plant Health Inspection Service of the Department of Agriculture
 - (E) The Bureau of Land Management.
 - (F) The Bureau of Indian Affairs.
 - (G) The United States Geological Survey; and
 - One representative from a State wildlife agency with expertise in successful coexistence and restoration efforts for the respective species.
 - Three non-governmental representatives with established regional scientific expertise from regions that are key historic habitats of each species and expertise in wildlife restoration and coexistence efforts.
- Committees will not replace any existing Federal or interagency committee, task force, or study team. Their functions are limited to those mandated by this Act.

SECTION 6. PERMITTED TAKING OF BISON, GRIZZLY BEARS AND WOLVES.

This section authorizes the Secretary to issue permits authorizing the taking, possession or transportation of a bison, grizzly bear, or wolf.

- Requires the Secretary to:
 - investigate the circumstances that gave rise to the permit application;
 - determine that such taking, possession, or transportation is an allowable taking, possession, or transportation under the Act.
- Allowable taking, possession, or transportation include:
 - Those for scientific purposes, to rehabilitate an injured animal, or to enhance the propagation or survival of the affected species, by a public museum; scientific society; wildlife sanctuary, preserve or rehabilitation facility; or zoological park that is accredited by the Association of Zoos and Aquariums, so long as the taking would not exceed the mortality limit.
 - Control of bison overpopulation.
 - For grizzly bears or wolves, protection of agricultural interests.
 - For grizzly bears or wolves, protection of public safety.

- A person issued a permit under this section is prohibited from selling, transferring, or assigning it to any other person.
- A permit issued pursuant to the Endangered Species Act, 16 USC 1539(a), is treated as a permit issued pursuant to this section.
- For the control of bison overpopulation, protection of agricultural interests, and protection of public safety, prior to making the determination for a take permit, the Secretary shall consult with the applicable committee to determine whether the animal can be relocated to support restoration efforts.

SECTION 7. CONSULTATION WITH INDIAN TRIBES

This section requires the Secretary to consult with federally recognized Indian Tribes before issuing a permit under this Act that authorizes an activity to be carried out on the Tribal land of a federally recognized Indian Tribe or in usual and accustomed areas where federally recognized Indian Tribes have treaty reserved rights on federal land.

- Directs the relevant federal agency to consult with (1) the Committee and (2) any relevant federally recognized Indian Tribe prior to any Federal action that may negatively impact bison, grizzly bear or wolf habitat or increase bison, grizzly bear, or wolf mortality.

SECTION 8. RESTORATION OF BISON, GRIZZLY BEARS, OR WOLVES

This section authorizes the reintroduction of bison, grizzly bears, and wolves on Tribal land.

- Directs each Committee, in consultation with each federally recognized Indian Tribe whose Tribal land is located within the historical range of the bison, grizzly bear, or wolves to conduct a study to identify Tribal land and usual and accustomed areas where federally recognized Indian Tribes have treaty reserved rights over federal land that is suitable to support covered species populations, no later than two years after the date of enactment of this Act.
 - The report containing the results of the study must be made publicly available on the Department's website.
 - Directs the Secretary to notify the Governor of any State that is conterminous with any such Tribal land or usual and accustomed areas where federally recognized Indian Tribes have treaty reserved rights over federal land and to notify each federally recognized Indian Tribe whose Tribal land or usual and accustomed areas where federally recognized Indian Tribes have treaty reserved rights over federal land was identified in the report as land that is suitable to support bison, grizzly bear, or wolf populations no later than 30 days after the report is made publicly available.
 - Directs the Secretary to coordinate the reintroduction of bison, grizzly bears, or wolves on Tribal land, if requested by the given federally recognized Indian tribe.
- Requires the federally recognized Indian Tribe requesting reintroduction to coordinate with the Secretary to reintroduce members of the covered species that can be relocated under section 6.
- Requires that reintroductions are carried out in a manner that is consistent with—
 - (1) the scientific advice of the respective Committee(s);
 - (2) the traditional ecological knowledge of the respective federally recognized Indian Tribe; and
 - (3) Secretarial Order 3403, issued by the Secretary of the Interior on November 15, 2021.
- Directs the relevant federally recognized Indian Tribes, in consultation with the Secretary, to manage covered species reintroduced on Tribal land.
- Nothing in this Act prevents any effort by the Secretary to reintroduce a bison, grizzly bear, or wolf on lands other than the lands specified in this Act.

SECTION 9. LIMITATION ON USE OF LETHAL WILDLIFE CONTROL MEASURES

This section requires the Secretary or the Secretary of Agriculture, respectively, to prohibit on lands under such Secretary's jurisdiction the use of lethal wildlife measures the Committee(s) determined may result in the inadvertent taking of bison, grizzly bears, or wolves.