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Black Hills National Forest

Draft Forest Assessment:

Areas of Tribal Importance

Black Elk Peak, 1890 (Grabill 1890).

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Chapter 1. Introduction

The Assessment Report

The Black Hills National Forest (Black Hills NF) is managed by the United States Forest Service (USFS), an agency of the U.S. Department of Agriculture (USDA). The mission of the USFS is to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations. The National Forest Management Act requires all National Forests to develop a land and resource management plan (forest plan) to guide management actions and decisions. The current Black Hills NF Forest plan was approved in 1997 and has been amended twice. The National Forest Management Act requires that these forest plans be periodically updated. To revise the current forest plan, the Black Hills NF has identified and evaluated existing information about relevant ecological, economic, and social conditions, trends, and sustainability, and how those conditions relate to management direction in the forest plan. This draft assessment report on Areas of Tribal Importance documents that work in tandem with the Cultural and Historic Resources Assessment. These findings will inform the need to change the current Black Hills NF Forest plan. Identifying needs for change to the current plan is an iterative process and this draft assessment report may identify preliminary needs to change, which be further refined during subject matter expert, cooperating agency, and public review of these documents. The iterative nature of this process will make clear which plan components in the current forest plan are proposed to be changed and which are not during the development of the revised forest plan.

Areas of Tribal Importance in the Black Hills National Forest

This required assessment provides information about areas of tribal importance, existing tribal rights, and the conditions and trends in the Black Hills National Forest based on the 2012 planning rule (36 CFR 219.6(b)) and the Forest Service handbook (FSH) 1909.12, chapter 10 section 13.7, including:

- Indian tribes associated with the plan area (see Appendix A for tribal descriptions)
- Existing tribal rights, including those involving hunting, fishing, gathering, and protecting cultural and spiritual sites.
- Areas of known tribal importance that are in the plan area or affected by management of the plan area; and
- Conditions and trends of resources that affect areas of tribal importance and tribal rights.

The Black Hills NF holds in public trust a great diversity of landscapes and sites, including many areas held culturally significant by Indian Tribes. The Forest Service's responsibility to protect tribal cultural and natural resources and sacred sites is codified in treaties, executive orders, legislation, regulation, and other statutory authorities. Some authorities relate to cultural resources as sites of historical importance and other authorities relate to sites as places held sacred because of religious or spiritual importance.

The Black Hills of South Dakota and Wyoming have been occupied by indigenous peoples since approximately 15,000 years ago and most likely longer according to tribal knowledge. The indigenous populations of the North American continent consisted of sophisticated societies that spoke a wide variety of languages and exhibited diversified subsistence, cultural, and spiritual practices intimately linked to the land and natural environments. These cultural practices were imbedded in a complex, continent-wide web of trade and were not static. Indigenous cultures evolved and adapted, as needed, to adjust to a changing world. Climatic changes and population growth spurred migrations, warfare, aggregation, and other adaptations.

The beginning of European colonization of the North American continent in the 1500s introduced a whole new set of challenges to indigenous peoples. The European colonizers introduced foreign animals and plants; diseases; unusual tools made of different materials; a complex set of land ownership, land use patterns, and legal rules; religion; languages; and a rapidly expanding population.

The colonization of the continent had immediate, serious, and in many cases a devastating impact on the indigenous populations. Disease and the introduction of foreign tools and animals, particularly the gun and the horse, overwhelmed indigenous populations, spurring new migrations, aggregation or dispersal of peoples, a great loss of life, and eventually a loss of their lands and places of cultural and traditional importance. The political and religious belief that indigenous peoples were less than human compelled colonizers to deny them basic rights and served as justification for taking land, resources, children, and lives.

This assessment is concerned with the peoples who have a deep time connection with the Black Hills and those who arrived later as they were pushed out of their ancestral territories by the process of colonialization. Whether ancient residents or relative newcomers, all these people developed deep cultural and spiritual connections to the Black Hills that were deeply affected by forced assimilation to western culture, resulting in a loss of culture and physical and spiritual removal from the Black Hills. This assessment provides a broad outline of the legal basis for indigenous land ownership and defines a framework for how the Forest Service will manage all the uses of Black Hills NF lands in a manner that respects and enhances indigenous peoples culture, traditions, and legal rights to the land. Forced migration onto reservations and assimilation to western culture resulted in extensive physical and mental trauma, the loss of culture, and the erosion of ties to the Black Hills.

The Black Hills NF currently maintains a nation-to-nation relationship with 16 federally recognized Indian tribes (Appendix A) that have aboriginal territories and traditional ties to the lands now administered by the Black Hills NF. These tribes are:

- Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota (SD)
- Cheyenne and Arapaho Tribes, Oklahoma (OK)
- Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota (SD)
- Eastern Shoshone Tribe of the Wind River Reservation, Wyoming (WY)
- Flandreau Santee Sioux Tribe of South Dakota (SD)
- Lower Brule Sioux Tribe of the Lower Brule Reservation (SD)
- Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota (Mandan, Hidatsa, and Arikara; ND)
- Northern Arapaho Tribe of the Wind River Reservation (WY)
- Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation (MT)
- Oglala Sioux Tribe (SD)
- Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota (SD)
- Santee Sioux Nation, Nebraska (NE)
- Sisseton Wahpeton Oyate of the Lake Traverse Reservation, South Dakota (SD)
- Spirit Lake Tribe, North Dakota (ND)
- Standing Rock Sioux Tribe of North and South Dakota (ND)
- Yankton Sioux Tribe of South Dakota (SD)

In addition, five other tribes have an interest in the Black Hills based on cultural and traditional ties including:

- Crow Tribe of Montana (MT)

- Kiowa Indian Tribe of Oklahoma (OK)
- Apache Tribe of Oklahoma (OK)
- Comanche Nation, Oklahoma (OK)
- Ute Indian Tribe of the Uintah and Ouray Reservation, Utah (UT)

Significant numbers of culturally important sites and landscapes exist within the plan area including sites associated with seasonal hunting, resource gathering, indigenous travel corridors (trails), sacred experiences, and oral tradition. Many of these sites contain a wealth of scientific information and are eligible for inclusion in the National Register of Historic Places (NRHP).

The Black Hills NF regularly consults with the tribes on policy development, proposed plans, projects, programs, and Forest activities that have the potential to affect Tribal interests, including natural and cultural resources of tribal importance. The Black Hills NF continues to build and enhance its nation-to-nation relationships and working partnerships with these Tribes.

The Black Hills NF carries out its nation-to-nation trust responsibilities afforded under a variety of federal authorities. Tribal rights and interests are honored and protected in USDA Forest Service operations on the basis of treaty obligations, trust relationships, mandates in laws and Executive orders, and broad U.S. federal support of the United Nations Declaration on the Rights of Indigenous Peoples.

There is a significant opportunity during this planning process to better understand the effects of the historical removal of tribal members from their traditional homelands within Black Hills NF lands and to manage programs with respect to the tribes whose homelands are now managed by the Forest Service. This requires extra effort in implementing the National Environmental Policy Act (NEPA), the Archaeological Resource Protection Act (ARPA), the National Historic Preservation Act (NHPA), and the Native American Graves Protection and Repatriation Act (NAGPRA), and more recently Order 3403 - Joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters, Order 3404 declaring “squaw” a derogatory term and implementing procedures to remove the term from federal usage, Order 3405 to address derogatory geographic names, Order 13985 advancing racial equity and support for underserved communities through the federal government, and the NATIVE Act (Public Law 114-221). The assessment process can assist in looking for new, effective ways to make the lands and programs managed by the agency relevant to the tribes now living away from their ancestral lands. These tribes maintain interest in the homeland-related traditions of their people and are consistently look for opportunities to re-establish their connection to their ancestral landscape (USDA Forest Service 2015).

Certain geographical areas and resource types have particular meaning to tribes affiliated to the Black Hills NF, including, but not limited to, prominent topographic and landscape features; stone circles, cairns, and game drives; and rock art. Most, if not all tribes, consider archaeological and historical sites as significant ancestral sites.

The distinction between cultural and natural resources is often tribally subjective and the two categories are not mutually exclusive, and often co-exist as a singular entity. Tribes have commonly held this perspective for years, but only in the last decade or so has this perspective gained understanding and acknowledgment within the Forest Service. For example, resources that are commonly classified as natural resources may also have value to certain groups as cultural resources, including certain plants, animals, water, or even landscapes. An integrated or holistic management perspective (including the integration of Traditional Ecological Knowledge) is consistent with modern federal ecosystem-based land management. In addition, this perspective is also scientifically appropriate and necessary in order to recognize where these distinctions overlap to gain better mutual understanding of resource concerns and improve long-term planning and decision making. An integrated approach is needed to understand past and ongoing human-environment interactions, current conditions, potential and current threats, and can

provide valuable information regarding future ecological sustainability. After all, humans, specifically Indigenous peoples, have been an integral part of the Black Hills ecosystems for more than 15,000 years.

Existing Tribal Rights and Trust Responsibility

A unique legal relationship exists between federally recognized tribes and the federal government that evolved from a recognition of tribal sovereignty. This relationship is the basis of the nation-to-nation consultation requirement of several relevant federal statutes, regulations, and policies. The treaties in which many tribes ceded lands to the United States in exchange for protection and provisions for their tribal citizens were based on the premise of two sovereign governments interacting on an equal basis, just as foreign governments negotiate and sign treaties with the United States today. This relationship is incorporated in the Constitution, and has been expressed through numerous treaties, statutes, executive directives, and court decisions.

The USDA Policy on Tribal Consultation is particularly linked to a series of Presidential Memoranda and Executive Orders. For example, on April 29, 1994, a Presidential Memorandum was issued reaffirming the federal government's commitment to operate within a nation-to-nation relationship with federally recognized American Indian and Alaska Native tribes, and to respect self-governance for such tribes (59 FR 22951). This Presidential Memorandum directs each executive department and agency to consult with tribal governments prior to taking actions that would affect them. The Memorandum stated that in order to ensure that the rights of sovereign tribal governments are fully respected, all such consultations were to be open and candid so that tribal governments could evaluate for themselves the potential impact of relevant proposals.

Law and Policy

Applicable laws, policy, direction, and regulation provide the management direction for tribal relations and issues and are set forth in the March 2016 update to Forest Service Manual 1500, Chapter 1560 – State, Tribal, County and Local Agencies, Public and Private Organizations. The following list, taken from the Manual, are many of the pertinent laws and regulations, some of which came into being after the 1997 Black Hills NF Forest plan, as amended:

- Federal Land Policy and Management Act (FLPMA), 43 U.S.C. 1701-1784 (1976)
- Antiquities Act of 1906 (16 USC 431-433)
- American Indian Religious Freedom Act (AIRFA) (42 U.S.C. 1996)
- Archaeological Resources Protection Act of 1979 (ARPA) (16 U.S.C. 470cc et seq.) as amended
- Executive Order 13007, Indian Sacred Sites of 1996
- USDA Policy and Procedures Review and Recommendations: Indian Sacred Sites (2012 accepted by Secretary of Agriculture)
- National Historic Preservation Act of 1966 (NHPA) (54 U.S.C. 300101 et seq.) as amended in 1992
- Native American Graves Protection and Repatriation Act of 1990 (NAGPRA), 25 U.S.C.3001 et seq.), amended in 1992
- Religious Land Use and Institutionalized Persons Act of 2000 (42 U.S.C. 42 U.S. Code 2000cc(a))
- Executive Order 13175—Consultation and Coordination with Indian Tribes, November 6, 2000
- Tribal Forest Protection Act (TFPA), 25 U.S.C. 3115a (2004)
- Title VIII, Subtitle B of the Food, Conservation, and Energy Act of 2008 (Farm Bill). Codified as the Cultural and Heritage Cooperation Authority (25 U.S.C. 32A)
- Title 36, Code of Federal Regulations, Part 219 (USDA Forest Service 2012 Planning Rule)

- Issuance by the National Park Service of Technical Bulletin 38 "Guidelines for Evaluating and Documenting Traditional Cultural Properties, 1990"

Key Issues for Areas of Tribal Importance

Black Hills Land Claim

The Black Hills NF is located on lands that were reserved to the Lakota and Dakota (Sioux) under the Fort Laramie treaties of A.D. 1851 (11 Stat. 749) and A.D. 1868 (15 Stat. 635. In 1877, Congress passed the Act of February 28, 1877(19 Stat. 254) which had the effect of abrogating the Fort Laramie Treaty of 1868. The essential provisions of this Act were that "the Sioux would relinquish their rights to the Black Hills and other lands west of the one hundred and third meridian, and their rights to hunt in the unceded territories to the north, in exchange for subsistence rations for as long as they would be needed to ensure the Sioux' survival." *See United States v. Sioux Nation of Indians*, 448 U.S. 371, 382 (1980). Many tribes continue to dispute the legality of this action by the U.S. Government.

In the 1920s, legal proceedings were begun by the Sioux regarding the land lost in A.D. 1877. These proceedings resulted in an A.D. 1979 (Lazarus 1991) ruling by the U.S. Court of Claims that the A.D. 1877 Act violated the Fifth Amendment (*United States v. Sioux Nation of Indians*, 601 F.2d 1157, 1161 (Ct. of Claims 1979)). The court ruled the Sioux were entitled to monetary damages, which the Sioux rejected, stating that accepting the money would relinquish their land claims.

> In the 1970s, the American Indian Movement and protestors occupied Mount Rushmore and demanded that the United States government honor the terms of the 1968 Treaty of Fort Laramie. The case went to the Supreme Court in A.D. 1980 (*United States v. Sioux Nation of Indians*, 448 U.S. 371 (1980)). The court upheld the Claims Court decision. Again, the tribes rejected the monetary award (Lazarus 1991).

The situation today is little changed from A.D. 1980. The monetary award is accumulating interest and the Sioux Nation still seek to reclaim lands within the Black Hills. Sioux tribes did manage to reacquire some land through purchases. Around 1,900 acres of the Black Hills were acquired in November 2012, which included the sacred *Pe'Sla* site (Reynolds Prairie) (https://shakopeedakota.org/sacred-site-persquo-sla-gains-indian-land-status/). The *Pe'Sla* site's federal Indian trust status was granted by the Bureau of Indian Affairs in 2016. Recently, the Cheyenne and Sioux tribes purchased land near the sacred Bear Butte (Griffith 2016).

Hunting Rights

Some tribes retain hunting rights within areas of the Black Hills NF that have not been extinguished. The extent to which tribes may exercise these rights within national forests is an evolving issue, particularly following the U.S. Supreme Court's decision in *Herrera v. Wyoming*, 139 S. Ct. 1686 (2019). In *Herrera*, the Court held that the Crow Tribe had off-reservation treaty rights to hunt within the Big Horn National Forest, but specifically left unanswered the questions of (1) which areas within the Forest were "unoccupied" and thus open to hunting under the 1868 Treaty and (2) whether state hunting conservation regulations could restrict members of the Crow Tribe exercising their right to hunt under the 1868 Treaty. Thus, the extent to which areas within national forests are unoccupied for the purposes of hunting under treaty rights and the extent to which a state can restrict treaty rights to hunt for conservation purposes is unsettled. The Black Hills NF should be aware that tribal hunting rights may affect resource management and recreation use of the forest in the future.

Cultural and Natural Resources

Cultural resource sites and cultural landscapes are among the areas of importance that have been identified by tribes. These include individual sites as well as landscapes made up of sites, landforms, and natural resources that form traditional landscapes. For example, the Racetrack has been identified by multiple tribes, particularly Lakota groups, and the Cheyenne, as an important cultural landscape. Specific landforms have also been identified as integral parts of that landscape. Specific issues that have been identified by the tribes include (Sundstrom 1997, 2018):

- sacredness of the Black Hills,
- land ownership,
- access to collection areas for traditional and religious ceremonies, hunting, medicinal and food plants, lodgepole pines, quartzite, and other raw resources,
- protection of NRHP registered sites, and
- preservation of fire-sensitive archaeological features.

The Tribal Forest Protection Act of 2004 (Public Law 108-278) (TFPA) allows tribes to propose projects on National Forest System lands to protect Indian forest land or range land. The TFPA authorizes the Secretaries of Agriculture and Interior to give special consideration to tribally proposed agreements or contracts for projects on National Forest System land or Bureau of Land Management (BLM) land bordering or adjacent to Indian trust land to protect the Indian forest land or range land from fire, disease, or other threats from adjacent public lands. Consultation with the tribes and BIA can be used to determine if applicable trust lands are present. This issue is discussed below in Chapter 4.

The Black Hills are a sacred landscape and traditional spiritual homeland for the Lakota, Dakota, Nakota, Cheyenne, Arapaho, Arikara, Hidatsa, Mandan, and Crow tribes and contain numerous sacred sites and Traditional Cultural Properties (TCPs). These may be specific points on the landscape or geographic forms such as mountain peaks, high ridges, hills, springs, hot springs, caves, large glacial erratics, fossil outcrops, and other natural landscape features. Areas with rock art, stone effigies, and round stones far from water are also sacred to Plains groups. Many of these locations are important landscapes for vision quests, places of power, or the dwellings of spirit animals in Arapaho, Lakota, and Cheyenne beliefs and oral history (Sundstrom 1997, 2018; see also Albers et al., 2003 for a detailed summary of Lakota and Cheyenne ties to the Black Hills). For the Kiowa and Cheyenne, the Black Hills area is an important stop during their migration stories (Parks and DeMallie 1992).

Specific sacred locations within the Black Hills are extensive and include Bear Butte, Wind Cave National Monument, and Bear's Lodge (Devils Tower). Bear Butte is the most sacred place for Cheyenne traditional beliefs and the location of origin stories that form the basis of their most important religious ceremony, the Sacred Arrows. Bear Butte is sacred for all tribes with ties to the Black Hills. Other known sacred locations specifically in the Black Hills NF for the Lakota, Dakota, Cheyenne, Arapaho, Kiowa, Plains Apache, Arikara, and Mandan include (Sundstrom 1997, 2019, Albers et al 2003):

- Black Elk Peak (Harney Peak)[1],
- the Racetrack (Red Valley),
- Buffalo Gap,
- Craven Canyon,
- Red Canyon,

[1] The U.S. Board on Geographic Names officially changed the name to Black Elk Peak from Harney Peak on August 11, 2016.

- Gillette Prairie,
- Reynolds Prairie,
- Danby Park,
- Hot Springs-*Minnekahta* area,
- Inyan Kaga Mountain,
- Black Buttes,
- White Butte,
- Rapid Creek Valley,
- Sundance Mountain (Cheyenne),
- medicine wheel site (Cheyenne), and
- Stone Buffalo Horn (Cheyenne).

The Black Hills is a traditional resource area for the listed tribes and collection rights of natural resources are an important issue for the tribes. The Lakota view the Black Hills as sacred, in part, because of the deer available within its lands. The region has always been a "meat pack" where all necessary resources could be obtained for food security (Albers et al., 2003). Traditional activities included cutting lodge poles, gathering edible and medicinal plants like kinnikinnick (bearberry) and sage, communal game animal drives, and hunting mountain lions (Albers et al., 2003; Sundstrom 2018). Other important natural resources include water, outcrops of ocher and other pigments, and gypsum, quartzite, and chert quarries (Albers et al., 2003; Sundstrom 1997, 2019).

Chapter 2. Conditions and Trends

Best Available Scientific Information

Academic publications, federal assessments and management plans, and public resources were utilized to inform this assessment. These resources include ethnographies, United States treaties and laws, forest and park assessments, National Park Service assessments of tribal occupancy, Native American tribe histories and current concerns from websites, and archaeological reports.

Data Gaps Identified

Tribal ties to the Black Hills are well-documented and established. However, the current concerns of the tribes are unknown and can only be inferred at this time. The assessment is absent traditional knowledge provided directly to the Black Hills NF by tribal traditional and cultural keepers. Consultation is needed to ensure that this assessment accurately reflects the current concerns of consulted tribes.

Current Conditions and Trends

Conditions and Trends

Forest management has long ignored Traditional Ecological Knowledge (TEK) and indigenous practices of land stewardship when managing landscapes. Several federal land management agencies are beginning to expand their management plans to consider tribal sovereignty, governance, indigenous knowledge systems, cultural values, the impacts of historical trauma, social and mental health of tribal communities as a condition of being under-invested, For instance, the Traditional Gathering Policy of USFS, Pacific Southwest Region in California allows some culturally important plants to be gathered without a permit, prioritizes traditional gathering in management plans, and requires collaboration between Federal land managers and Tribes in managing resources (USDA Forest Service 2021). Title VIII, Subtitle B of the Food, Conservation, and Energy Act of 2008 (Farm Bill). Codified as the Cultural and Heritage Cooperation Authority (25 U.S.C. 32A) is a companion authority currently implemented on the BHNF. This is a practice that Black Hills NF should consider adopting given the close ties of many indigenous groups to the area. Additionally, climate-induced threats can be mitigated several ways, including through traditional management practices. However, cultural burning practices likely differ from those employed by the Forest Service. The former is managing forest for culturally significant resources, while the latter employs prescribed burns for timber and fuel reduction (Mucioki et al., 2021). The discussions by Timberlake et al. (2021) on climate change in the Black Hill NF and Lavelle (2001) on tribal sovereignty and ecological restoration provide a basis to begin engaging tribes on TEK as applied to climate change and specific forest practices to be considered by the Black Hills NF. This topic is further explored in Chapter 4.

A number of land management practices and decisions have the potential to affect legal rights and traditional cultural practices on the Black Hills NF and are of concern to the traditional communities. Resource conditions and trends that affect areas of tribal importance on the Black Hills NF can be social, economic, and environmental. As a multiple-use agency, the Forest Service permits a wide variety of activities on National Forest System lands that may conflict with traditional cultural practices and use by tribal people. Areas of potential conflict include:

Fire Management

Broadly speaking, agency fire suppression policies, timber harvesting, and logging practices have all contributed to the condition of the watersheds and forest ecosystems managed today. Fire control measures such as emergency road blading and dozer constructed fire lines can directly and indirectly destroy culturally sensitive properties and landscapes. Prescribed burning, however, may increase the propagation of certain tree and grass species that have traditional use. Given the reality of climate change in the Black Hills NF that will likely lead to more fires and potentially catastrophic fires (Timberlake et al., 2021), fire management and fire management budgets will greatly expand in the future. The new forest plan should recognize that fire management and suppression could divert resources and funds away from other management needs, including the needs of traditional communities. The plan should consider including tribal communities in all fire management and planning and work collaboratively with the tribes to protect sensitive sites, landscapes, and other areas of tribal importance.

Land Acquisition and Disposal

Changing land ownership patterns through land exchanges and other mechanisms have the potential to affect traditional cultural practices and existing rights. The acquisition or disposition of lands also effects who has the responsibility for complying with NHPA and other related statutes, including the respectful treatments of traditional cultural properties and by changing access patterns. The American Indian Religious Freedom Act (AIRFA) explicitly states that Federal land managing agencies must consider the impacts of their actions on access to sacred sites. Land acquisition in and around traditional cultural sites and landscapes can improve and facilitate protection, access, and use. At the same time, dispossession of lands may have the opposite effect.

Limiting and Increasing Access to National Forest Lands

Restricting access of the general public to public lands can have both beneficial and adverse effects on traditional cultural activities. Restricting access may be beneficial when it protects cultural resources or preserves the solitude for ceremonies. It may have a negative effect when it restricts traditional practitioners' ability to collect traditionally important plant, animal, mineral and fossil resources or prevents tribal members from holding religious ceremonies central to their traditional practices and beliefs. Increasing access can lead to degradation of cultural sites, landscapes, and ecosystems through vandalism, theft, vehicle usage, cultural appropriation, and improper camping and recreational practices.

Some tribes may retain hunting rights within the Black Hills NF. As explained further on page 6, the areas and the extent to which these rights may be exercised is a complex legal question that involves states, the federal government, and tribal governments. As well as page 6, this situation is further discussed in the New Trend and Conditions Chapter below.

Land Development

Development activities such as mineral exploration and extraction, coal and oil production, gas and oil projects, renewable energy projects, construction of transmission lines, communication infrastructure, road corridors, and utility corridors have affected and continue to affect areas of tribal importance. These developments may increase or decrease access, destroy sites and landscapes, degrade lands, and potentially render the developed areas unfit for tribal uses. Telecommunication towers and wind turbines are often located on high points such as mountain tops and plateaus causing ground disturbance and visual intrusions to the traditional cultural landscapes and possibly displacing or adversely affecting traditional cultural practices. At the same time, these developments may provide important economic opportunities for tribal communities.

Grazing

Grazing on national forest lands has the potential to affect the biodiversity of rangeland, affect the distribution of traditionally significant plant species, and damage cultural and archaeological sites important to tribal peoples. Range improvement activities, such as spring development, can damage sacred places. Changing the number of animals currently allowed to graze the Black Hills NF lands and changing the location of grazing areas can have positive or negative effects on areas of tribal importance. Increasing the number of animals grazed and/or grazing on formerly ungrazed lands can lead to damage of areas of tribal importance, while limiting the number of animals and restricting grazing areas can lessen the damage. Although no conflicts with grazing and areas of tribal importance are known to exist on the Black Hills NF, consultation with tribes should be conducted where appropriate to avoid conflicts. The future plan may want to consider the grazing of bison as a traditional cultural practice.

Expanding Recreation Use

Recreation use on the Black Hills NF has steadily risen over the past years and expanded greatly during the COVID-19 pandemic. If predictions hold true for climate change in the Black Hills NF, recreation usage may expand as the climate warms (Timberlake et al., 2021). Dispersed recreation may impact areas that are of cultural ceremonial significance to tribes that use the national forest. These impacts include the loss of solitude and increased noise pollution from motorized vehicles. Designated road and trail systems are designed to avoid cultural sites and traditional use areas, but illegal off-road use has caused damage to cultural sites and other areas important to tribes.

Vandalism and Theft

Destruction, degradation, neglect, and removal of materials or resources from sites and areas of traditional importance by the tribes can diminish the ability of tribes to use these areas for traditional practices, can destroy their cultural and traditional value, and removes valuable cultural and historical data from the collective estate. Archaeological sites are protected by and vandalism/theft are punishable under the Archaeological Resources Protection Act of 1979 (ARPA) (16 U.S.C. 470cc et seq.) as amended.

- Existing Tribal Rights36 CFR 223.15 - Provision of trees, portions of trees, or forest products to Indian tribes for traditional and cultural purposes.
- Forest Service Manual 2235.1 - “Give Indian Tribes fair and reasonable opportunity to enjoy any treaty grazing rights reserved to them by treaty on ceded lands. Grazing rights reserved by treaty are a continuing privilege beyond that enjoyed by other citizens. The Forest Service shall not deprive Indians of treaty rights; but the Regional Forester, acting on behalf of the Secretary of Agriculture, may regulate enjoyment of the treaty grazing right for the purpose of protecting and conserving Forest Service administered resources.”
- Title VIII, Subtitle B of the Food, Conservation, and Energy Act of 2008 (Farm Bill). Codified as the Cultural and Heritage Cooperation Authority (25 U.S.C. 32A)
    - Authorizes the reburial of human remains and associated funerary objects on Forest Service lands if they were originally taken from Forest Service lands or adjacent areas.
    - Secretary of Agriculture has the authority to temporarily close portions of Forest Service lands for traditional and cultural purposes.
    - Secretary of Agriculture can provide certain forest products to federally recognized tribes when requested for traditional or cultural purposes.
    - Secretary of Agriculture can request a Freedom of Information Act exemption to withhold information for relocating burials, sites, human remains, or resources of traditional or cultural importance.

Climate Change

To the tribes, climate change is a reality (Advisory Committee on Climate Change and Natural Resource Science [ACCCNRS] 2014). They experience it every day in countless ways because of their economic and cultural dependence on place and natural resources. For the tribes, the impact of climate change extends beyond the physical environment to their responsibilities as governments and maintenance of cultural continuity. Their traditional knowledge of the landscape is gained through intimate intergenerational understandings of interconnections between people and the environment, which was learned through thousands of years of living with the land and preparing for and adapting to change to survive. The consequences of climate change have the potential to result in a disproportionate effect upon Indian tribes, particularly with respect to the maintenance of their traditional cultural lifeways and religious and ceremonial practices. Working with the tribes is paramount to understanding and addressing climate change in the forest plan revision.

The Black Hills region has been impacted by climate change, particularly extreme temperatures, flash flood events, and record hot temperatures coinciding with severe drought. Future projections predict that daily maximum and minimum temperatures will continue to rise, heavy rain events may become more frequent, snowpack will decrease, the number of extreme heat days will increase, and extreme events will occur, such as drought or fires (Timberlake et al., 2021). This trend will have serious impacts on natural and cultural resources of concern to Native American tribes, especially droughts and wildfires.

Climate change and large fires are an ongoing issue that does and will affect all aspects of Forest Service management decisions, including how the Forest Service interacts with tribes. Tribes could start aggressively pursuing land and water claims, especially as resource scarcity increases.

Management

Consideration of Areas of Tribal Importance was mandated under the 2012 planning rule. The 1997 forest plan acknowledges the existence of cultural resources and the requirement to protect and preserve significant cultural resources for scientific and educational purposes and for public enjoyment and recognizes Native American traditions regarding sacred places, reburials, and gathering plants. It acknowledges the existing legal authorities including the National Historic Preservation Act of 1966, the Archaeological Resources Protection Act of 1979, and the Native American Graves Protection and Repatriation Act of 1990, which management decisions must comply with. The 1997 plan and amendments direct the Black Hills NF to increase the numbers and types of heritage resource interpretive sites and opportunities (Obj. 403a), conduct heritage resource stabilization and rehabilitation projects (Obj. 403b), nominate sites to the National Register of Historic Places (NRP; Obj. 403.c), inventory 50,000 acres each year (Obj. 403.d), conduct research projects to support heritage resource management (Obj. 404), manage all NRHP registered heritage sites in consultation with the State Historic Preservation Officer (SHPO) and the President's Advisory Council on Historic Preservation (ACHP; Obj. 405), and provide opportunities for the public to participate in heritage management activities, including the monitoring, excavation, and protection of archaeological sites.

The plan provides guidelines, preferred or advisable actions, for the management of heritage resources including considering long-term Forest management needs in determining appropriate use of mitigation of effects to, or avoidance of, heritage resources during project planning (Obj. 6101). It suggests issuing appropriate authorizations for the study, research, interpretation, tourism, adaptive use, other cultural activities, or mitigation of effects at National Register listed or eligible heritage sites (Obj. 6102) and using cooperative programs, agreements, and other partnerships to further the goals of heritage resource management (Obj. 6103). The plan supports utilizing heritage resources for a variety of public uses and enjoyment (Obj. 6104) and supporting Windows on the Past, Passport in Time, or other Forest Service heritage management emphasis programs whenever possible (Obj. 6105). Lastly, during all planning and

implementation activities, the plan lists incorporating information, data and ideas in the Black Hills Heritage Resources Overview and the Forest Heritage Resources Database (Obj. 6106).

However, the plan is not explicit about Tribal concerns nor how they should be addressed in the management of the Black Hills NF. The current plan, although not required by law, makes no mention of consultation with affiliated Native American tribes nor Tribal Historic Preservation Officers (THPO). Tribes currently consulted with THPOs are:

- Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota (SD)
- Cheyenne and Arapaho Tribes, Oklahoma (OK)
- Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota (SD)
- Eastern Shoshone Tribe of the Wind River Reservation, Wyoming (WY)
- Flandreau Santee Sioux Tribe of South Dakota (SD)
- Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota (Mandan, Hidatsa, and Arikara; ND)
- Northern Arapaho Tribe (Wind River Reservation, WY)
- Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation (MT)
- Oglala Sioux Tribe (SD)
- Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota (SD)
- Santee Sioux Nation, Nebraska (NE)
- Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota (SD)
- Spirit Lake Tribe, North Dakota (ND)
- Standing Rock Sioux Tribe of North and South Dakota (ND)
- Yankton Sioux Tribe of South Dakota (SD)

Other tribes with interests in the Black Hills with THPOs are the Crow Tribe of Montana (MT), Comanche Nation, Oklahoma (OK), and Ute Indian Tribe of the Uintah and Ouray Reservation, Utah (UT).

Current research recognizes that cultural resources shouldn't be managed as isolated dots on a map, but rather their distributions are considered across the broader landscape. All too often cultural resources are protected (avoided) and forgotten without much consideration for the broader landscape in which they are found or future management needs. Future management plans should consider the Black Hills as a cultural landscape.

Given the results of United States v. Sioux Nation of Indians, tribes have a valid and legal claim to the Black Hills. Therefore, all tribes with established ties to the Black Hills, whether they participated in the court case or not, should be consulted sooner and at a higher level for management decisions. Whether this change is administrative, procedural, or a management objective of the revised plan, the tribes have cultural and legal stakes in archaeological sites, traditional resource areas, economic decisions, and land transfers to a greater degree than other stakeholders. This issue is discussed in Chapter 4.

Actions of Others

The Black Hills NF is surrounded by and intertwined with private lands, state lands, and lands administered by other federal agencies, most notably the National Park Service (NPS). Federal laws are similarly applied to adjacent federal lands (NPS and others). State statutes and the actions of private lands holders and local and state governments all have the potential to affect tribal issues and Black Hills NF management activities. Forecasting the actions of others in the short, medium, and long term present different levels of difficulty. Planned private and local government development projects can be

monitored and managed for, medium to long term forecasting can be exceedingly difficult given the issues of climate change, economic developments, and political actions. The plan should recognize these realities and work with the tribes on forecasting future trends and conditions and procedures to address changing conditions.

Chapter 3. Public Participation in the Planning Process

Public Interest

As outlined above, tribal consultation is mandated by law and policy. Some aspects of tribal consultation may be of public interest but are also confidential and need to be protected from public knowledge. Tribal members themselves are a part of the public and they should be included in management decisions, not just their tribal governments. Tribal members have a public interest, and the Forest Service should do more to reach out to these communities.

Future Involvement

At this time, it is unknown how tribes want to be informed about this topic as the planning process proceeds; however, additional discussions during the Plan Assessment process will occur as well as consultation on the Draft EIS to revise the forest plan and its alternatives.

Public Information Needs

The public often has a difficult time understanding why tribes must be consulted on management decisions for Forest Service lands. It is the responsibility of the Black Hills NF to inform the public why tribal consultation is important and necessary.

Chapter 4. Potential Need for Plan Changes to Respond to Areas of Tribal Importance

These findings will inform the need to change the current Black Hills NF Forest plan. Identifying needs for change to the current plan is an iterative process and this draft assessment report may identify preliminary needs to change, which may be further refined during subject matter expert, cooperating agency, and public review of these documents. The iterative nature of this process will make clear which plan components in the current forest plan are proposed to be changed and which are not during the development of the revised forest plan.

- Make explicit how tribal consultation will be conducted and elevate the tribes to a higher level of consultation. The legal and cultural context of the tribes in the relation to the Black Hills is such that their issues are vastly more complex than other interested parties. Whether this is administrative, procedural, or a management action of the plan, it is needed to effectively include the tribes in meaningful consultation and to develop a long-term, mutually beneficial relationship between the tribes and the Black Hills NF.
- Include the Crow Tribe of Montana as an official consultation partner. Currently, the Crow Tribe is not an official consultation partner. The history of the Crow Tribe indicates the Black Hills are very important the tribe on a number of levels and that they should be included in official consultations. Consider extending consultations with other tribes such as the Kiowa Indian Tribe of Oklahoma, Apache Tribe of Oklahoma, and the Comanche Nation, Oklahoma, particularly on specific resource issues such as archaeological sites and areas of traditional importance.
- Include potential impacts and management strategies into the plan on the effects of hunting rights legal decisions. Recent legal cases have further defined tribal hunting rights on federal lands, and this could affect land access and recreation issues.
- Determine if any Indian Trust Lands adjacent or near the Black Hills NF are subject to the provisions of the TFPA.
- Develop a dialogue with the tribes to apply TEK to the broader discussions around climate change and specific discussions on issues such as fire management.

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Appendix A: Tribes Currently Consulting with the Black Hills National Forest

The Lakota and Dakota (Sioux)

The name Sioux originates from the French shortening of the Ojibwe/Chippewa name for the group, *na-towe-ssiwa*, "people of an alien tribe" (DeMallie 2001b; Gibbon 2003:2). Traditionally the Sioux were split into three language groups based on a faulty *Dak'óta*, *Nak'óta*, and *Lak'óta* (D-N-L) division in which it was assumed that the *d*, *n*, and *l* sounds were unique to each dialect. The Sioux are actually many ethnic groups that can be characterized by three different but related language dialects of the Siouan language family; Lakota (Teton), Eastern Dakota (Santee-Sisseton), and Western Dakota (Yankton-Yanktonai; previously Nakota). Assiniboine and Stoney, the true traditional groups speaking the Nakota language, are distinct from the Sioux language family (Parks and DeMallie 1992; Parks and Rankin 2001). However, some ethnically Lakota and Dakota people identify as Nakota due, in part, to the earlier misidentification by academic scholars (DeMallie 2001b). While Sioux may not be the correct term, it is still the name most used to identify the Lakota and Dakota as a group.

The Lakota and Dakota groups or bands at one point formed an alliance known as the Oceti Sakowin, the Seven Fireplaces, commonly identified as the Sioux Nation (Parks and Rankin 2001). Which seven groups made up the Oceti Sakowin are variously reported, but all Sioux groups participated either as a band or as part of a larger group. However, there is no evidence that indicates a political alliance or higher level of social organization (DeMallie 2001b).

Sioux groups were initially located within what is now Minnesota and Ohio when Europeans began settling the region in the 1600s. Several push/pull factors spurred bands to move westward into their present-day traditional homelands. Conflict with the Ojibwe/Chippewa and other Central Algonquian tribes during the mid-1600s to early 1700s pushed many into modern-day North and South Dakota. Bands were also following bison herds and moving closer to European traders stationed along the Des Moines, Mississippi, and Missouri Rivers. Most egregiously, groups were also pushed out of their traditional lands by white settlement. By the 1800s, the Sioux traditional use area stretched east to west from the Missouri to Mississippi Rivers and north to south from modern central North Dakota to northern Nebraska. Lakota and Dakota oral traditions recount group origins near the Great Lakes with the Lakota moving westward first, followed by the Western Dakota, and then the Eastern Dakota. These movements resulted in a Lakota and Dakota homeland that encompass many habitats including riparian areas, coniferous and deciduous forests, open grasslands, and tall-grass prairies (DeMallie 2001b).

Sioux traditional practices and social organization were greatly changed by sweeping epidemics. Population numbers were decimated by European diseases, some of which had likely reached the Plains as early as A.D. 1617 through trade with Southwestern Pueblo groups or with the Caddo. The earliest documented instance of smallpox among the Western Dakota and Lakota was A.D. 1734-1735. The smallpox epidemic of A.D. 1838, spread by steamboat and the fur trade, was incredibly deadly to Lakota and Dakota living along the Missouri River. Measles and cholera were also common during the late 1840s and early 1850s (Swagerty 2001).

Lakota

The Lakota, or Teton Sioux, are the most western group and consist of seven bands: Oglala, Sicangu (Brulé), Minnecoujou, Itazipco (Sans Arc), Sihasapa, Hunkpapa, and Oohenumpa (Two Kettles) (Parks and Rankin 2001). During the late 1700s, Oglala territory ranged from the Platte River and the Cheyenne River, including the Black Hills. Sicangu territory extended east to the Missouri River and an earlier

group, the Saone, who later split into the Minnecoujou, Itazipco, Sihasapa, Hunkpapa, and Oohenumpa, ranged the territory north of the Oglala up to the Yellowjacket River (DeMallie 2001a). Continued westward movement by Lakota groups allied with the Arapaho and Cheyenne forced the Kiowa and Crow from the Black Hills during the early 1800s (DeMallie 2001b).

Each band was organized into multiple kin-based lodge groups, or subbands, of 10-20 families. Lodge groups would sometimes aggregate in the spring for social and economic activities, particularly the Sun Dance and communal bison hunts, but were sedentary in villages along the Missouri River only during the winter months (DeMallie 2001a, 2001b). A political leader for each group was chosen by the community and a governing council of men represented their families. The reservation system greatly disrupted lodge groups and new communities formed within the reservations defined by the Sioux Agreement of 1889, an act of U.S. Congress (DeMallie 2001a).

The Lakota relied heavily on hunting for resources and were forced to follow bison herds westward from the Missouri River and Black Hills as bison populations declined. In general, bands shared hunting territory, and communal hunts were coordinated between them. Groups also hunted elk, mule deer, white-tailed deer, pronghorn, big horn sheep, bear, and many other small mammals. Pemmican was a winter staple (DeMallie 2001a). The Lakota acquired horses by the mid- to late 1700s and shifted their practices to mounted hunting (DeMallie 2001b). Gathered plant foods were also important and included prairie turnips, wild artichokes, ground beans, plums, chokecherries, and berries. Corn, squash, and melon were obtained through trade. Tipi poles were made of lodgepole pine harvested in the Black Hills, and approximately 19-21 poles were needed for a single structure (DeMallie 2001a).

Oglala and Sicangu leaders were present at and forced to sign the A.D. 1851 Treaty of Fort Laramie. The A.D. 1868 treaty established the Great Sioux Reservation (1868-1889), which included the Black Hills, and all Lakota were forced to relocate to the reservation (DeMallie 2001a). In A.D. 1874, Lt. Col. George A. Custer's military expedition discovered gold in the Black Hills, leading many white miners to illegally enter Sioux territory. The U.S. Army did little to stop the miners while the U.S. Government tried to purchase the Black Hills. The Lakota repeatedly resisted attacks from the U.S. military until the death of Sitting Bull in A.D. 1890. They lost the Black Hills through the Sioux Agreement of 1889, which forced them to surrender their rights to 9,000,000 acres and split the Great Sioux Reservation into five reservations (DeMallie 2001a). The Lakota never truly left the Black Hills and have been trying to regain their rights ever since (Christafferson 2001; see also Albers et al. 2003).

All Lakota regard the Black Hills as sacred, their world center, and their birthplace. It is the most important place to receive visions and is a crucial location to many religious practices too numerous to detail (see Albers et al. 2003 and Sundstrom 1997 for a detailed summary of Lakota beliefs and the Black Hills). Notably, the Race Track and Buffalo Gap are the locations of important origin stories and spiritual pilgrimages that established Lakota hunting practices and relationships between humans and animals (Albers et al. 2003:i; DeMallie 2001a). Wind Cave, now within Wind Cave National Park, is the origin site of Lakota ancestors, the Buffalo Nation, and crucial to Lakota identity. Hot Springs is the location of important spiritual figures (Albers et al. 2003:i). The Lakota also viewed the Black Hills as a "meat pack" where all necessary resources, plant and animal, could be obtained for food security and other daily and medicinal needs (Albers et al. 2003:281-282).

Dakota

In the early to mid-20th century the term Dakota was used in place of Sioux in an erroneous academic attempt to be more culturally correct when referring to the Lakota and Dakota as a group. Dakota is a Siouan linguistic group and ethnic Dakota are split into the Western and Eastern Dakota based on minor dialectic variations, geographic distribution, and cultural differences (Albers 2001; Parks and DeMallie 1992; DeMallie 2001c). In general, Dakota family groups moved seasonally and were highly mobile during the spring months, following bison herds or hunting deer. In the summer, when game animals

aggregated into large herds or changed habitat, the Dakota returned to small, scattered villages organized by band near the Mississippi River to plan large communal hunts. Bands consisted of 10-20 families and about 100 people during the early to mid-1800s. Periodically, families travelled to larger villages for yearly events. In the fall, groups dispersed to gather wild plant resources. The Dakota bands practiced very little agriculture and most of what they grew was likely tobacco and possibly some corn. In the winter, the groups moved into the northern extent of their forested lands to trap beaver, hunt deer, and fish. Bison and deer meat cached during the summer provided winter meat resources (DeMallie 2001b).

Western Dakota

The Western Dakota, or Yanktonai-Yankton, were the smallest Sioux group. They consist of three bands, the Yankton, Upper Yanktonai, and Lower Yanktonai (Parks and Rankin 2001). Upper and Lower refer to Yanktonai locations relative to the Missouri River (DeMallie 2001c). These bands were previously, but incorrectly, identified as Nakota speakers, contributing to the incorrect but still common D-N-L division (Parks and DeMallie 1992).

Based on oral stories, the Yankton and Yanktonai moved westward from the northern Mississippi River sometime after Lakota groups (DeMallie 2001b). In the mid-1800s, the Yankton and Yanktonai occupied the prairies east of the Missouri River from the Painted Woods (near Washburn, North Dakota) to the confluence of the Big Sioux River with the Missouri River and northeast to the Red River near Devils Lake. The Yanktonai occupied the northern portion, and the Yankton were south of the East Medicine Knoll Creek. Today, the Upper and Lower Yanktonai are now split across many reservations because of their once large geographic distribution.

Both groups ventured west of the Missouri River on bison hunting trips, their main subsistence resource (DeMallie 2001c). They had many horses in comparison to the Eastern Dakota (DeMallie 2001b). Fishing was also important, and they used weirs and traps along the Missouri River. The Yankton maintained semisedentary villages where they planted crops before leaving for bison hunts (DeMallie 2001c). Like the Lakota, the Western Dakota began hunting on horses by the mid- to late 1700s (DeMallie 2001b).

Possibly because they did not engage in as much trade with Europeans as the Eastern Dakota or Lakota, there are fewer early documents or ethnographic studies available on the Western Dakota. Most available information dates to the 18th century and later (see DeMallie 2001c). Additionally, the French, who had the most contact with the Sioux starting in the 1600s, divided the Sioux into eastern and western groups based on their geographic position relative to the Mississippi River. This grouped the Western Dakota with the Lakota, making it difficult to attribute European descriptions to specific bands (DeMallie 2001b).

Despite this, Yankton and Yanktonai religious beliefs and practices support strong ties to the Black Hills similar to those described for the Eastern Dakota below (Sundstrom 1997). The Yankton seasonally travelled to the Black Hills on resource gathering and hunting expeditions (Hoover 1988:25). Notably, the Yankton were one of the signatory tribes to the A.D. 1851 Treaty of Fort Laramie, which established the Black Hills as Sioux territory. Many Dakota, particularly the Crow Creek and Santee Dakota, are intermarried with the Lakota, meaning that today's generation of Dakota is intricately tied to the Black Hills through their ancestors (Albers et al. 2003:ii).

Eastern Dakota

The Eastern Dakota, or Santee-Sisseton, consist of four bands: Mdewakanton, Wahpeton, Wahpekute, and Sisseton (Parks and Rankin 2001). These groups were living in southern Minnesota when first encountered by Europeans in the late 1600s and later spread along the Mississippi and Minnesota Rivers and their tributaries while maintaining social and economic ties with the Western Dakota. They lived in small, scattered villages along the rivers during the summer and aggregated into larger villages for communal bison hunts and ceremonies (DeMallie 2001b).

Although the Sioux were primarily bison hunters, the Mdewakanton lacked horses and relied heavily upon local deer populations and late fall communal hunts for meat resources, especially as bison populations diminished during the early 1800s. Communal hunts also pursued migratory birds, and individuals speared and netted fish and trapped small birds and mammals in the early summer and throughout the year as needed. Gathering wild resources like fruit, beans, tubers, wild rice, and acorns and other nuts was a crucial year-round activity. Agriculture was uncommon during the early 1800s, but some groups sporadically cultivated crops, including corn, squash, beans, and tobacco. The Mdewakanton and Wahpekute relied heavily upon forest products like wood, bark, and plant fibers for manufacturing goods and building structures (Albers 2001).

The Sisseton and Wahpeton relied more on bison products and hides. Groups participated heavily in the European fur trade before the decline in demand during the early to mid-1800s. Households were the basic social unit, and several households would occupy the same large bark house. Groups of households were organized into bands (minimal size) or semisedentary villages (maximum size) that pooled labor and shared resources. The western bands were more mobile and organized around communal bison hunts. The federal removal of the Eastern Dakota from Minnesota and the poor conditions of the Santee Reservation, established in Nebraska in A.D. 1863, contributed to the splintering of the four bands across the Plains, leading to the distribution seen in the modern tribes (Albers 2001).

Ritual vision experiences were, and still are, particularly important to the Eastern Dakota. This practice provides power and guidance essential to an individual and the community (Albers 2001). High ridges and mountains are the most sacred locations for prayer and seeking visions, and the Black Hills features prominently within Eastern Dakota beliefs (Sundstrom 1997).

Sioux Tribes to Currently in Government-to-Government Consultation with the Black Hills NF

Cheyenne River Sioux Tribe

The Cheyenne River Reservation is in central South Dakota and encompasses portions of the Missouri River, the Cheyenne River, and the Moreau River. The tribe consists of four Lakota bands: the Minnecoujou, the Oohenumpa, the Itazipco, and the Sihasapa. These bands are four of the seven Lakota bands.

The Cheyenne River Sioux experienced a long history of losing sacred land. The Cheyenne River Indian Reservation was established by the Sioux Agreement of 1889, which split the Great Sioux Reservation into five, removing their rights to the Black Hills. In A.D. 1908, the tribe was forced to cede more land to the U.S. Government (Fowler 2001). Through the A.D. 1944 Flood Control Act (16 U.S.C. 460d) they lost an additional 104,000 acres of fertile bottomlands due to the Oahe dam construction. Many families lost their homes and the largest town in the reservation had to be relocated (Christafferson 2001).

Crow Creek Sioux Tribe (Hunkpati Oyate)

The Crow Creek Reservation is located in central South Dakota and was established in the 1860s. The tribe is comprised of the Mdewakanton, Yankton, and Yanktonai Dakota bands. Many Yankton and Yanktonai were forced to settle at Crow Creek, where farming was poor, instead of their preferred locations (DeMallie 2001c). The western portion of the reservation is within the previous Great Sioux Reservation, but it was not established by the Sioux Agreement of 1889. They lost additional land when forced to cede portions to the U.S. Government in A.D. 1905. The Crow Creek Sioux Tribe and Lower Brule Sioux Tribe jointly lost 38,000 acres of fertile bottomlands due to the Fort Randall and Big Bend dams constructed through the A.D. 1944 Flood Control Act (Christafferson 2001).

Flandreau Santee Sioux Tribe of South Dakota

The Flandreau Indian Reservation is located in eastern South Dakota. The tribe was established by the Indian Reorganization Act (48 Stat. 984) of A.D. 1934. Most members are descendants of Mdewakanton Dakota. In A.D. 1862, Chief Little Crow led a revolt, later named the Dakota War of 1862, against the U.S. Government when treaty annuity payments were late amidst crop failure and community starvation. These payments were owed under treaties in which the Mdewakanton ceded traditional lands.

Lower Brule Sioux Tribe (Kul Wicasa Oyate)

The Lower Brule Reservation is located in central South Dakota. Members are mostly Sicangu Lakota. The Sicangu separated into two groups, the *Kul Wicasa* (Lowland people) of the White and Missouri Rivers and the *Heyata Wicasa* (Uplands People) near the Black Hills. The *Kul Wicasa* were later split between the Lower Brule Reservation and the Rosebud Indian Reservation when the Great Sioux Reservation was broken up into smaller reservations and families were forced to leave their lands in A.D. 1889. The Lower Brule was established at that time, but the tribe was later rechartered under the Indian Reorganization Act of A.D. 1934.

Prior to the A.D. 1851 Treaty of Fort Laramie, Sicangu ancestors hunted south of the Platte River, but the treaty removed access to their traditional hunting areas. They lost their limited access to the Black Hills by the Act of February 2, 1877 (19 Stat. 192), named the “Sell or Starve” Act by the Sioux, which removed the region from the Great Sioux Reservation. Crow Creek and Lower Brule Reservations jointly lost 38,000 acres of fertile bottomlands due to the Fort Randall and Big Bend dams constructed by the A.D. 1944 Flood Control Act. Roughly 70 percent of the resident population was forced to abandon their homes and relocate to less desirable land (Christafferson 2001).

Oglala Sioux Tribe

The Pine Ridge Reservation is located in South Dakota, directly southeast of the Black Hills. Oglala leaders signed the A.D. 1851 Treaty of Fort Laramie, which included the Black Hills as their tribal territory. The Oglala were forced to settle within the Great Sioux Reservation by the A.D. 1868 Treaty of Fort Laramie. The Pine Ridge Reservation was established by the Sioux Agreement of 1889, which split the Great Sioux Reservation into five reservations. After tribal title to the Black Hills was lost, many Oglala from Pine Ridge reestablished a community in the southeastern Black Hills in the Hot Springs-*Minnekahta* area in the 1870s. During that time, they continued to utilize the Black Hills in traditional ways (Albers et al. 2003:xii).

Rosebud Sioux Tribe

Rosebud Indian Reservation is located in south central South Dakota. Members are Sicangu Lakota. The Rosebud Indian Reservation was established by the Sioux Agreement of 1889, which split the Great Sioux Reservation into five. In A.D. 1904, the Rosebud Sioux were forced to cede additional lands to the US government (Fowler 2001). The tribe rechartered under the Indian Reorganization Act of A.D. 1934.

Santee Sioux Nation

The Santee Sioux Reservation is located in northeastern Nebraska and was originally established as part of the Niobrara Reservation in A.D. 1863 by U.S. Congress. Members are Mdewakanton and Wahpekute Dakota. Early members helped establish the reservation after leaving Crow Creek Reservation due to poor conditions resulting from forced farming.

Sisseton-Wahpeton Oyate

The Lake Traverse Reservation is located primarily in northeastern South Dakota with a small portion in North Dakota. Members are Sisseton and Wahpeton Dakota. The reservation was established in A.D. 1867 when starvation forced Sisseton and Wahpeton Dakota to sign the Treaty of Traverse des Sioux (10 Stat. 949) with the U.S. Government (Albers 2001). The tribe reorganized under the Indian Reorganization Act of A.D. 1934.

Spirit Lake Tribe (Mni Wakan Oyate)

The Spirit Lake Dakota Reservation (previously Devils Lake) is in east-central North Dakota. Members are Upper Yanktonai, Sisseton, and Whapeton Dakota. The reservation was established by the A.D. 1867 Treaty of Traverse des Sioux, which the Sisseton and Wahpeton Dakota signed with the U.S. Government to end starvation among their people (Albers 2001).

Standing Rock Sioux Tribe of North and South Dakota

The Standing Rock Indian Reservation is located in North and South Dakota. Members are Sihasapa and Hunkpapa Lakota and Lower and Upper Yanktonai Dakota. Reservation lands were once part of the Great Sioux Nation, and the Sioux Agreement of 1889 established the current reservation. Standing Rock was forced to cede additional lands to the U.S. Government in A.D. 1908 and lost 56,000 acres of fertile bottomlands due to the A.D. 1944 Flood Control Act (Christafferson 2001; Fowler 2001).

Yankton Sioux Tribe (Ihanktonwan Dakota Oyate)

The Yankton Sioux Reservation is in southeastern South Dakota and was established in A.D. 1859 by the U.S. Government. Members are Yankton Dakota. The Yankton were one of the signatory tribes to the A.D. 1851 Treaty of Fort Laramie (DeMallie 2001c). The tribe was forced to cede additional land to the U.S. Government in A.D. 1929 and lost 3,300 acres of fertile bottomlands to the Fort Randall dam constructed under the A.D. 1944 Flood Control Act (Christafferson 2001; Fowler 2001). The Yankton Sioux Tribe is the only Sioux tribe in South Dakota that did not adopt a new government under the Indian Reorganization Act of A.D. 1934.

Cheyenne – Arapaho

The Cheyenne and Arapaho tribes have direct ties to the Black Hills and have close relations with each other. Both speak Algonquian languages, and both migrated westward from the Great Lakes region onto the Great Plains due to pressures from European colonizers and other tribes. In the early 1800s, they formed a close alliance. Prior to the reservation period they inhabited a territory ranging from the northern to the southern Plains primarily in the Dakotas, Wyoming, and Colorado.

The Lewis and Clark expedition of A.D. 1805-1806 began the period of Euroamerican colonization of the Great Plains. Following Lewis and Clark were fur trappers, scientific expeditions, military expeditions, and finally settlers crossing the Plains on the overland emigration routes. The Oregon Trail-California-Mormon Pioneer trail followed the Platte and North Platte River through Nebraska and Wyoming. This emigrant route, south of the Black Hills, crossed directly through the territory of the Cheyenne and Arapahos. The emigrants along the river disrupted bison herds, despoiled the riverine environment critical for winter horse pasture of the natives, and introduced diseases such as cholera (West 1998). In order to survive, the Cheyenne and Arapaho each split into the northern and southern groups with one group retreating southward to the Arkansas River and the other utilizing areas further to the north, including the Black Hills. During this period, clashes between the American military forces and Native Americans

became increasingly common. These conflicts led to a series of treaties between the U.S. Government and the Cheyenne and Arapaho.

The A.D. 1851 Treaty of Fort Laramie was the first treaty to establish tribal territories for the Arapaho and Cheyenne. This treaty was a broad effort to establish tribal boundaries across a wide area of the Great Plains. The Sioux peoples were given the area around the Black Hills and the Arapaho and Cheyenne were assigned an area to the south and west of the Black Hills as far west as the Rocky Mountain Front and south to the Arkansas River.

During the years between the A.D. 1851 treaty and the later 1800s relations between the U.S. Government deteriorated as more settlers moved into the Black Hills, Wyoming, and Colorado. The Pikes Peak gold rush of A.D. 1858 and Black Hills gold rush of A.D. 1874 brought the tribes into increasing conflict with the settlers and U.S. military (West 1998). The Sand Creek Massacre of A.D. 1864 in southeastern Colorado resulted in the death of many Cheyenne and Arapaho men, women, and children and ignited battles across the plains. As a response to Sand Creek, the Arapaho and their Cheyenne allies conducted wide ranging attacks against settlers across the southern Plains. In response the U.S. Government moved to have the Cheyenne and Arapaho moved on to reservations.

Today, the southern branches of both peoples comprise the Cheyenne and Arapaho Tribes in west-central Oklahoma. The Northern Cheyenne live on the Northern Cheyenne Indian Reservation in southeastern Montana, and the Northern Arapaho live on the Wind River Reservation in western Wyoming. Both tribes are federally recognized.

Cheyenne

Tsis tsis'tas, is the Cheyenne word meaning "Human Beings" or "The People." The Cheyenne descended from an ancient, Algonquian-language speaking tribe referred to as Chaa. They were also historically referred to as the Marsh People of the Great Lakes region, as they lived along the head of the Mississippi River in the central part of what is now the state of Minnesota (https://cheyenneandarapaho-nsn.gov/project/language-culture/). The Cheyenne consisted of 10 bands and were a sedentary farming culture cultivating corn, beans, squash, wild rice (Grinnell 2008).

Archaeologically, Cheyenne village sites are part of the initial and extended Coalescent Tradition (A.D. 1300-1650) along the Missouri River between the Niobrara and the Knife Rivers in the Dakotas (Johnson 1998). Due to pressures from colonizers and other Indian groups from the east, the Cheyenne moved onto the Great Plains and acquired the horse sometime in the 1700s, likely from the Comanche (Ewers 1980; Albers et al. 2003). From this point on they became nomadic bison hunters and gatherers. In the later part of the 18th century and early part of the 19th century, the Cheyenne ranged over a wide territory that extended west of the Black Hills to the Missouri River on the east, and from the Little Missouri River southward to the Arkansas River (Grinnell 2008). The Lewis and Clark Expedition reported the Cheyenne occupying the Black Hills in A.D. 1805 (Lewis 1959), but they had likely entered the Black Hills earlier, perhaps as early as A.D. 1750, but more likely in the 1790s (Albers et al. 2003).

Once on the Plains, the Cheyenne interacted with a number of other native peoples including the Arapaho, Apache, Comanche, Sioux, Kiowa, and Ponca. These groups fought, traded, formed temporary alliances, and generally competed for territory and resources with each other. The Cheyenne entered into an enduring alliance with the Arapaho around A.D. 1811. Up to this point, the Cheyenne had been competing with other Native indigenous groups for territory and resources.

In the early 1800s, the Cheyenne were camped on the Little Missouri River and entered into what amounted to a business relationship with the U.S. Government. The Atkinson and O'Fallon Trade and Intercourse Treaty of A.D. 1825 (7 Stat. 255) established that the Cheyenne and other tribes would recognize the United States as a trading partner that would regulate trade and prevent unauthorized traders from doing business with the tribes. The tribes consented to this arrangement.

The A.D. 1851 Treaty of Fort Laramie was the first treaty to establish tribal territories for the Cheyenne and Arapaho. This treaty was a broad effort to establish tribal boundaries across a wide area of the Great Plains. The Sioux peoples were given the area around the Black Hills in western South Dakota, and the Cheyenne and Arapaho were assigned an area west and south of the Black Hills. This area was defined by the treaty:

> "…commencing at the Red Bute [sic], or the place where the road leaves the north fork of the Platte River; thence up the north fork of the Platte River to its source; thence along the main range of the Rocky Mountains to the head waters of the Arkansas River; thence down the Arkansas River to the crossing of the Santa Fé road; thence in a northwesterly direction to the forks of the Platte River; and thence up the Platte River to the place of beginning."

The treaty did not cede hunting rights, and many of the Cheyenne stayed within the area of the Black Hills.

The A.D. 1861 Treaty of Fort Wise (12 Stat. 1163) reduced the size of Southern Cheyenne territory to a small area in eastern Colorado. The A.D. 1867 Medicine Creek Treaty (31 Stat. 672) and the A.D. 1868 Treaty of Fort Laramie reduced the land allotted to the Southern Cheyenne to a small reservation in Oklahoma. The Fort Laramie treaty did not recognize the Northern Cheyenne, and they continued to live in the Black Hills area with the Sioux.

During the years between the A.D. 1851 treaty and the later 1800s, relations between the U.S. Government and tribes deteriorated as more settlers moved into the Black Hills and present day Wyoming and Colorado. The Pikes Peak gold rush of A.D. 1858 and Black Hills gold rush of A.D. 1874 brought the tribes into increasing conflict with the settlers and U.S. military. The Sand Creek Massacre of A.D. 1864 in southeastern Colorado resulted in the death of many Cheyenne and Arapaho men, women, and children and ignited battles across the Plains. The Northern Cheyenne were major participants in the Battle of the Little Big Horn in A.D. 1876. In between these events, numerous battles and skirmishes occurred across the Plains. At this point, the U.S. Government decided that native peoples needed to be confined to reservations. Many of the remaining Northern Cheyenne not on the Oklahoma reservation were forcibly moved to Oklahoma in A.D. 1876 despite wanting to stay on the Sioux Reservation. This resulted in extensive trauma to the Cheyenne due to disease, lack of food and resources in Oklahoma. On September 9, 1878, 279 men, women, and children escaped the Oklahoma Reservation and began a 1,500-mile trek to Montana. The people endured winter weather, clashes with the U.S. military and settlers, and a variety of other difficult obstacles. On March 26, 1879, the Northern Cheyenne surrendered to the U.S. military at Fort Keough in southeastern Montana. The military provided food and some medical care but did not have the resources to sustain the Cheyenne. The U.S. military therefore allowed the Cheyenne to hunt within the Tongue River area to provide for themselves. The Cheyenne eventually settled into the area, and the U.S. Government established the Northern Cheyenne Reservation on November 6, 1884, under an Executive Order signed by President Chester Arthur (Ambler 2008).

The Cheyenne have lived in and around the Black Hills since the late 1700s and early 1800s and still maintain cultural and spiritual connections to the Black Hills. Cheyenne myths refer to Bear Lodge Butte (Devil's Tower), Bear Butte, Buffalo Gap, the Race Track (Red Valley), Sun Dance Mountain, Inyan Kaga Mountain, Wind Cave, and Black Elk Peak (Sundstrom 1997:204; Ambler 2008). The Race Track, Buffalo Gap, Sundance Mountain, and Bear Lodge Butte are associated with Cheyenne traditions regarding the Great Race and the origins of the Sun Dance. The story of the Great Race plays an important role in Cheyenne cosmology, especially in establishing order among living things (Sundstrom 1997:200). Undoubtedly, numerous areas within the Black Hills, including archaeological sites, rock art, hunting and gathering areas, and ceremonial and spiritual locations, continue to be important to the Cheyenne.

Arapaho

Hinono'ei (also *Hocak Pajoke*), the Arapaho people, lived in the Great Lakes region along the Mississippi River. Around A.D. 1680, they began to migrate out of the western Great Lakes area after being forcibly moved or pushed out of their established territory by the whites and traditional enemy tribes. Their adaptation to newer lands on the vast Great Plains and their will to survive and advance their people included making weapons such as the bow and arrow and the spear. As the horse and the bison flourished, the Arapaho became self-sustaining in their new territory (https://cheyenneandarapaho-nsn.gov/project/language-culture/).

The Arapaho are Algonquian-language speaking tribe who were once a farming people living in the Red River Valley of northern Minnesota and southern Manitoba, Canada. They grew crops, including corn (Fowler 1982), were largely sedentary, and lived in small villages. Facing pressures from the east from the British in Canada and indigenous peoples fleeing colonizers, the Arapaho migrated onto the Great Plains around A.D. 1700. They acquired the horse from neighboring tribes, likely the Comanche, and drastically changed their lifestyle by adopting the nomadic existence of the bison hunters (Ewers 1980). Traditionally, the Arapaho were divided into five bands, one of which split off early in the migration onto the Plains and became the Gros Ventre (Dorsey and Kroeber 1903). During the migration to the Great Plains, another band split into two divisions. The Northern Arapaho were called the *Nank'haanseine'nan,* meaning the "Sagebrush People". The Southern Arapaho were called the *Noowunenno,* simply meaning the "Southern People" (Fowler 1982).

The Arapaho territory covered a considerable area ranging from the Upper Missouri River south to the Arkansas River and westward from the central Plains to the Rocky Mountain front. The Arapaho were a warrior culture and engaged in numerous battles with other indigenous groups, eventually driving the Kiowa, Apache, and Comanche peoples to the south. Over time, the Arapaho developed an alliance with the Lakota and Dakota and, around A.D. 1811, developed an enduring alliance with the Cheyenne. Later, they became re-allied with the Comanche and Kiowa, and this alliance allowed the Arapaho to range as far south as the Llano Estacado in the Texas Panhandle.

The Treaty of Fort Wise, Treaty of Medicine Creek, and A.D. 1868 Treaty of Fort Laramie reduced the land allotted to the Southern Arapaho to a reservation in Oklahoma. The Fort Laramie treaty proposed three locations for a possible reservation, and all were rejected by the Northern Arapaho. The Northern Arapaho were eventually moved to western Wyoming to share the Wind River Reservation with the Eastern Shoshone (https://northernarapaho.com/ history/). The period between the Fort Laramie Treaty of A.D. 1868 and the move to the Wind River Reservation was long and difficult. The Northern Arapaho hunted and established camps over their former territories, especially the Powder River Basin in Wyoming. During this time, they were combatants in the wars raging across the northern Plains that culminated in the Battle of the Little Big Horn in A.D. 1876. After this point, the status of the Northern Arapaho was precarious because they did not have a land base and were forced to constantly move to avoid clashes with settlers, the military, and other tribes. In A.D. 1878, they approached the Eastern Shoshone and Chief for permission to settle on the Wind River Reservation, then known as Fort Washakie (Fowler 1982). The Arapaho were allowed to live with the Shoshone, but they did not have legal title or claims to any land (Fowler 1982). Continuing legal problems between the tribes and the U.S. Government resulted in an A.D. 1938 Supreme Court case, *United States v. Shoshone Tribe of Indians (304 U.S. 11)*, where the court ruled the government had illegally given Shoshone lands and allotments to the Arapaho. A subsequent land deal secured Arapaho rights on the reservation and the Fort Washakie agency was renamed as the Wind River Indian Reservation (Fowler 1982).

The Arapaho have strong connections with the Black Hills. They likely arrived in the area sometime in the late 1700s (Ambler 2008) and primarily occupied areas to the east and south of the hills. The Black Hills (*Wox niinon*) and Bear Lodge Butte (*Tebiinis*) are prominent in Arapaho language, oral traditions,

and myths (Sundstrom 1997; Ambler 2008; http://www.colorado.edu/csilw/arapahoproject/map/index.html).

Mandan, Hidatsa, and Arikara (*Sahnish*)

The Mandan, Hidatsa, and Arikara Nation occupies the Fort Berthold Reservation in west-central North Dakota and comprise the federally recognized Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota. The Mandan and Hidatsa are of the Siouan linguistic family, while the Arikara belong to the Caddoan linguistic family. All three groups occupied the area along the Missouri River from Nebraska to North Dakota and all have direct historical links to many of the archaeological resources of the region. The three groups came to live together when colonizers from the east disrupted their native territories and brought in disease that profoundly affected their populations and lead to group aggregation.

The history of these three groups may extend archaeologically back to the Middle Missouri Tradition between A.D. 1000 to 1300 (Wood 1967, Windham and Calabrese 2008). At that time, the Mandan were located in villages along the Missouri River between the Knife and Heart Rivers. The Hidatsa were likely located in the southwest Minnesota and northwestern Iowa region and later migrated to the Missouri River. The Arikara were located along Platte and Loup Rivers in Nebraska.

Coalescent Tradition (A.D. 1300-1862) sites represent the ancestral villages of the Mandan, Hidatsa, and Arikara. The sites are permanent or semi-permanent agricultural villages consisting of circular earth lodges along the Missouri River in North and South Dakota between the Knife and Niobrara Rivers (Johnson 1998). These villages became major trading centers with many other indigenous groups. Once the horse was obtained in the 1700s, horse raiding, trading, and intertribal cultural exchanges developed and intensified in the late 18th century. Numerous artifacts in archaeological sites demonstrate trade connections to the Atlantic, Pacific, and Gulf coasts and many areas in between (Wood 1998).

As the American Nation expanded westward, conflicts between settlers and indigenous groups intensified and the U.S. Government began formalizing relations with the Mandan, Hidatsa, and Arikara. The first major treaties were made in A.D. 1825 with the Atkinson and O'Fallon Trade and Intercourse Treaty, also known as the "Friendship Treaties," the tribes "acknowledged" the supremacy of the United States, which in turn promised them its protection. The tribes agreed to not trade with anyone but authorized American citizens. They also agreed to the use of United States law to handle injury of American citizens by Indians and vice versa (https://www.ndstudies.gov/threeaffiliated-tribal-overview).

In A.D. 1851, a tribal delegation of Mandan, Hidatsa, and Arikara traveled to Fort Laramie to hold council with representatives of the government of the United States. The boundaries of their territories were set-aside in the A.D. 1851 Treaty of Fort Laramie:

> "Commencing at the mouth of the Heart River; thence up the Missouri to the mouth of the Yellowstone River; thence up the Yellowstone to the mouth of Powder River, thence in a southeasterly direction to the headwaters of the Little Missouri River, thence along the Black Hills to the headwaters of the Heart River; thence down the Heart River to the place of the beginning."

By A.D. 1866, pressures by the railroads and settlers for more land forced the Mandan, Hidatsa, and Arikara to cede territory by signing the Agreement of Fort Berthold, by which they granted rights-of-way to territories east of the Missouri River and were to receive in return an annuity of $10,000 for the next 20 years.

These new lands were well below the villages of where the Mandan and Hidatsa were in A.D. 1866. Although no longer continuously occupied by them, they used these lands for hunting purposes. These were their ancestral homelands for centuries to which the Arikara settled in A.D. 1837. In addition, these lands contained ancestral burial sites, and they considered the area as sacred ground. Congress, however, was unwilling to recognize the tribes' claim to these lands due to pressure by the railroad companies, and

the treaty was never ratified (https://www.ndstudies.gov/threeaffiliated-tribal-overview). The Fort Berthold Reservation was established under the Executive Order of April 12, 1870. The reservation boundaries were essentially those established by the unratified Agreement of Fort Berthold in A.D. 1866, later enacted in A.D. 1891 (26 Stat. 1032).

The Three Affiliated Tribes likely hunted in the Black Hills region and most certainly carried on trading activities with the indigenous groups living in the Black Hills. The Mandan and Hidatsa appear to have taken their annual bison hunts towards the Black Hills, probably along the Little Missouri River (Ambler 2008). Pottery found in the Black Hills indicates possible Middle Missouri Traditions connections (Johnson 1979; Sundstrom 2018). Mandan oral tradition states that the group lived for a time in the Black Hills before establishing themselves on the Missouri River, a tradition supported by the presence of Initial Middle Missouri variant (proto-Mandan) archaeological sites, dating between A.D. 1000 and 1250, in the eastern and northern periphery of the Black Hills (Sundstrom 1997:203). In earlier times, it is probable that the Mandan had a much closer relationship to the Black Hills area. Their oral traditions refer to Bear Butte and the pilgrimages the tribe once made to this sacred landmark (Ambler 2008). The Arikara include the Black Hills and Bear Lodge Butte in their oral traditions and myths (Sundstrom 1997).

Eastern Shoshone

The Eastern Shoshone of the Wind River Reservation are Numic speakers of the Uto-Aztecan language family. The traditional pre-horse territory of the Eastern Shoshone covered western Wyoming, parts of eastern Idaho, and northeastern Utah. Following the adoption of the horse, the Shoshone practiced hunting, trading, and raiding as far to the northeast as the Mandan villages on the Missouri River (Shimkin 1986). The Black Hills are on the eastern edge of the traditional Shoshone territory.

The Shoshone are part of the theoretical Numic expansion that occurred sometime after A.D. 1000 when Numic speakers (Shoshone, Ute, Paiute) traveled to the Plains from the southwestern Great Basin, eventually occupying most of the region and significant portions of Wyoming and Colorado (Madsen and Rhode 1994). This theory is based in linguistic analysis and the archaeological record (Grayson 1994; Larson and Kornfeld 1994). The tribes themselves have origin narratives that place the Numic peoples across the Great Basin and into the Rocky Mountains far earlier in time (Barker and Pinto 1994, https://easternshoshone.org/about/).

The late history of the Eastern Shoshone starts by A.D. 1500, with their occupation of western Wyoming centered on the Green River Basin and Wind River Mountains but extending as far as the Big Horn Mountains to the Northeast and the Laramie Mountains to the east (Shimkin 1986). Over the next 200 years up to A.D. 1700, the Shoshone expanded eastward across Wyoming to the Black Hills and practiced large-scale bison hunting. Sometime around A.D. 1700 the Shoshone acquired the horse, likely from the Ute to the south (Ewers 1980), allowing them to expand their territory further to the northeast to hunt and trade, eventually reaching the Mandan villages. By A.D. 1780, the Shoshone had retreated to the west due to war with the neighboring Black Feet peoples and smallpox epidemics. In the early 1800s, the Shoshone began to interact to a greater extent with the U.S. Government under the leadership of Chief Washakie and went through a relative period of stability (Shimkin 1986). However, this stability would not last as the U.S. Government pushed to have native peoples confined to reservations.

The Shoshone, under the leadership of Chief Washakie, participated in the negotiation at Fort Bridger that led to the treaties of A.D. 1863 (18 Stat. 685) and A.D. 1868 (15 Stat. 673). The first treaty, signed in A.D. 1863, enacted borders for an Eastern Shoshone homeland of around 44 million acres on both sides of the Continental Divide. The second treaty decreased this to a far smaller reservation of about 3.2 million acres centered on the Wind River Valley. Seventy more years of land cessions and court cases further reduced the reservation to its present size of about 2.3 million acres (www.wyohistory.org/encyclopedia/coming-wind-river-eastern-shoshone-treaties-1863-and-1868).

Shoshone presence in the Black Hills is supported by archaeological evidence and reports of early explorers. Archaeological analysis of the Vore site, a bison kill site in the Black Hills of northeastern Wyoming, indicates a possible Shoshone occupation during A.D. 1400 to 1600 (Rehrer and Frison 1980; Kornfeld et al. 2010). Lewis and Clark documented the Shoshone west of the Big Horn Mountains and wrote that they shared an alliance with the Crow and Mandan (Shimkin 1986:308-310). Two years earlier, Antoine Laroque observed a group of Shoshone traveling with the Crow to the Mandan villages (Albers et al. 2003). In the early 20th century, Calico, an Oglala Lakota, told how the Lakota were taught the Night Dance by the Cheyenne who, in turn, had learned it from the Kiowa. He went on to say that these two tribes, along with the Arapaho, Ute, and Shoshone, once occupied locations east of the Black Hills (Albers et al. 2003).

Tribes Not Currently Consulting with the Black Hills National Forest

Crow Nation

The Crow Tribe of Montana are located in the south-central part of the state. The Crow (*Apsáalooke*) are part of the Algonquin linguistic group (Lowie 1912). They once lived on the prairies northeast of the Missouri River near present-day Spirit Lake (previously Devils Lake), North Dakota. The Crow and their Hidatsa relatives migrated to and established villages along the Missouri River sometime around A.D. 1200 (Albers et al. 2003). They likely obtained the horse from the Comanche around A.D. 1770 to 1780, who moved horses from the southwest to the Black Hills and on to the Manda, Hidatsa, and Arikara villages on the Missouri River (Ewers 1980). Once the Crow acquired the horse, they became full-time bison hunters. Prior to the horse they were pedestrian bison hunters to supplement their agricultural subsistence base.

Crow traditional territory stretched from the headwaters of the Yellowstone River to the west, north to the Musselshell River, northeast to the Yellowstone's mouth at the Missouri River, southeast to the confluence of the Yellowstone and Powder rivers, south along the South Fork of the Powder River, and westwards to the Wind River Range. Their tribal area included the river valleys of the Yellowstone River, Powder River, Tongue River, Big Horn River and Wind River as well as the Bighorn Mountains (*Iisiaxpúatachee Isawaxaawúua*), Pryor Mountains (*Baahpuuo Isawaxaawúua*), Wolf Mountains (*Cheetiish*, or "Wolf Teeth Mountains") and the Absaroka Range (Frey 2009).

Shortly after the Crow obtained horses, they were pressured by the Cheyenne, Arapaho, and Siouan tribes entering the Plains from the east. This pushed them into Southeastern Montana where they became enmeshed in the trade of horses and other goods between the Mandan and Hidatsa villages and other northern Plains tribes. As with the other indigenous groups on the Plains, the Crow engaged in shifting hostilities and alliances with the neighboring peoples. The Crow were increasingly affected by colonizers approaching from the east who brought settlers and military/trading outposts, disease, disrupted ecosystems, and pitted tribes against one another (West 1998).

Increasing problems across the Plains led the U.S. Government to convene with tribes for treaty talks. The A.D. 1851 Treaty of Fort Laramie delineated tribal territories for the Crow peoples. The Crow were assigned an area in southeastern Montana and north-central Wyoming, while the Sioux, Cheyenne, and Arapaho were assigned areas to the east and south. The Sioux ignored the tribal boundaries of the treaty, and the Crow and Sioux became entangled in conflicts across their territories (McGinnis 1990).

In A.D. 1868, a new Fort Laramie treaty between the Sioux and the U.S. Government converted the Crow Powder River area allotted in the A.D. 1851 treaty into unceded Indian territory of the Sioux. On May 7, 1868, the Crow ceded vast ranges to the U.S. Government due to pressure from white settlements north of

the Upper Yellowstone River and lost eastern territories to the Sioux. They accepted a smaller reservation south of the Yellowstone River (Kappler 1904).

According to their own oral traditions, the Crow separated from their Hidatsa relations in the late 17th century and moved southwest along the Yellowstone and Little Missouri rivers where they came in close contact with the Kiowa and the Arapaho. By the middle of the 18th century, they were closely allied with both populations, but more so with the Kiowa, living and traveling with them in the northwestern areas of the Black Hills (Albers et al. 2003). At this point the Crow appear to have been well-established in areas northwest and west of the Black Hills along the valley of the Little Missouri River, although they clearly traveled to areas east and south of the Black Hills on trading and raiding expeditions (Albers et al. 2003). Unlike their Arapaho and Kiowa allies, the main bodies of the Crow, the *Wirresapere* (Mountain Crows) and *Pelacciwiraxpake* (River Crows), do not appear to have had any extensive or long-term territorial connections to the southern reaches of the Black Hills (Voget 2001:695). Additionally, small family or band groups no doubt took up residence and traveled with the Arapaho and Kiowa whose territorial range during this period most definitely included the southern Black Hills (Albers et al. 2003). A number of archaeological sites in the Black Hills area contain pottery that has been attributed to the Crow (Kornfeld et al. 2010; Sundstrom 2018).

Kiowa and Plains Apache

The Kiowa and Plains Apache, also known as the Kiowa-Apache, occupied the Black Hills area around A.D. 1750 during their migration to the southern Plains. The Kiowa are Kiowa-Tanoan speakers, and the Plains Apache are Athabaskan (*Na Dene*) speakers (Pritzker 2000). Both groups, although not related linguistically or culturally, allied and jointly migrated south to the southern Plains. Today, the Kiowa are known as the Kiowa Indian Tribe of Oklahoma. The Plains Apache are centered in Southwestern Oklahoma and Northern Texas and known as the Apache Tribe of Oklahoma.

Both groups migrated southward from western Montana in the 17th and 18th centuries and reached the southern Plains in the early 19th century (Pritzker 2000). At some point during their migration, they obtained the horse, likely from the Comanche (Ewers 1980), and shifted to Plains bison hunting. They were in and around the Black Hills in the mid-late 1700s (Brant 1953, Gibbon and Ames 1998). The Kiowa report they then migrated to the northern edge of the Black Hills, where they stayed until A.D. 1760 when they moved to the South Fork of the Cheyenne River. They remained there for thirty years before traveling south to the Platte River (Albers et al. 2003).

The Kiowa and Plains Apache likely migrated to the southern Plains in the late 1700s or early 1800s in response to pressure from the Cheyenne and Arapaho. Like other tribes on the Plains, they spent the subsequent years trading, raiding, and coming into conflict with settlers and the U.S. Government. Neither group ceded any land in the Black Hills area. Between A.D. 1850 to 1870 several treaties were put in place that eventually moved both groups onto reservations in Oklahoma.

Both groups have connections to the Black Hills. In the early 18th century, Kiowa and Kiowa-Apache sacred stories emerged about Bear Lodge Butte, Bear Butte, Bear Butte Lake, and the greater Black Hills (Sundstrom 1997; Albers et al. 2003). Archaeological evidence supports the presence of Plains Apache near the Black Hills before colonization. Not only were their settlements situated at locations as close as the South Fork of the Cheyenne River, but there is lithic evidence of their presence inside the Hogback in the southeastern Black Hills as well (Wedel and Stewart 1959; Gunnerson 1978).

Comanche

The Comanche people are Numic speakers of the of the Uto-Aztecan family. Originally, the Comanche Numic was a Shoshonean dialect but diverged and became a separate language. The Comanche Nation is

a federally recognized tribe headquartered in Lawton, Oklahoma (Kavanaugh 1996; Wallace and Hoebel 1952).

The Comanche are part of the theoretical Numic expansion that occurred sometime after A.D. 1000 with Numic speakers, Shoshone, Ute, and Paiute, expanding to the northeast across the Great Basin, eventually occupying most of the region and significant portions of Wyoming and Colorado (Madsen and Rhode 1994). This theory comes from linguistic analysis and the archaeological record (Grayson 1994; Larson and Kornfeld 1994). The tribes themselves have origin narratives that place the Numic peoples across the Great Basin and into the Rocky Mountains far earlier in time (Barker and Pinto 1994). The Comanche branched off the Shoshone in the early 1700s. They likely acquired the horse sometime after A.D. 1725 (Kavanaugh 1996; Ewers 1998) and quickly moved east onto the Plains where they expanded over a large territory, including the Black Hills. The Comanche became the foremost horse traders on the Plains with territory that extended from New Mexico to the Mandan-Hidatsa villages in North Dakota (Ewers 1980).

In the late 1860s, the U.S. Government moved to place the Comanche onto reservations with the A.D. 1867 Medicine Creek Treaty, which promised a reservation with churches and schools, annuities, and to stop the bison hunters who were decimating the Plains bison. In return, the Comanche agreed to cede 60,000 square miles to the government. Various Comanche refused to move to the reservation and the last Comanche fought until A.D. 1875 (Gwynne 2010).

In the 1720s, some of the Comanche began to extend their territorial reach to the edge of the Black Hills in the eastern Plains of Wyoming (Albers et al. 2003). Kiowa and Plains Apache groups were on the southern edge of the Black Hills before A.D. 1725. Whether from epidemic disease or the raiding of tribes equipped with guns and ammunition, they lost their hold over territories east and south of the Black Hills, opening the area to Comanche expansion and the trading of horses (Wallace and Hoebel 1952; Kavanagh 1996).

Wallace and Hoebel (1952) note that in oral traditions some Comanche groups remained far to the north and separated from the main body who, at the time of Lewis and Clark's visit, were located along the Arkansas River in Colorado and as far south as the Canadian River in Texas (Kavanagh 1996). Some of the Comanche occupied areas on the western and southern margins of the Black Hills into the 19th century (Albers et al. 2003).

Ute

The Ute, Numic speakers of the Uto-Aztecan language group, occupied large portions of Utah and Colorado and parts of New Mexico (Calloway et al. 1986; Simmons 2000). They were hunter-gathers whose territory extended from the Great Basin, across the Rocky Mountains, and into the Great Plains. The Ute were one of the first tribes to acquire horses from the Spanish in New Mexico in the late 1600s (Ewers 1980). Currently, the Ute occupy three reservations: the Southern Ute and Ute Mountain Reservations in southwestern Colorado; and the Uintah and Ouray Reservation in northeastern Utah. All three of these tribes are federally recognized.

The Ute are part of the theoretical Numic expansion that occurred sometime after A.D. 1000 with Numic speakers, Ute, Shoshone, and Paiute, expanding to the northeast across the Great Basin from the southwestern Great Basin, eventually occupying most of the Great Basin and significant portions of Wyoming and Colorado (Madsen and Rhode 1994). This theory is supported by linguistic analysis and the archaeological record (Grayson 1994; Reed 1994). The tribes themselves have origin narratives that place the Numic peoples across the Great Basin and into the Rocky Mountains far earlier in time (Barker and Pinto 1994).

The Ute were organized into 12 bands. The Yampa, Parianuche, and Sabuagana bands make up what later were known as the White River Ute (Simmons 2000). The bands were located in northwestern Colorado and are important to the story of the Black Hills. It is likely that some Ute may have reached the Black

Hills in the 19th century (Albers et al. 2003), but full occupation did not occur until the 20th century. The White River Ute did not want to settle at the Uintah and Ouray Reservation in Utah. They instituted political and legal proceedings to stop the formation of the reservation but were unsuccessful, and the reservation was opened by Presidential Proclamation on August 28, 1905 (Laudenschlager 1979:236). Conditions on the reservation were poor during the winter of A.D. 1905 to 1906. In the spring of A.D. 1906, a group of Ute left the reservation for South Dakota where they hoped to join the Sioux at their reservation. In the following November, the group reached Fort Meade north of the Black Hills, where the military allowed them to erect their teepees and hunt in the Black Hills (Laudenschlager 1979:239). While in the area the Ute celebrated the Bear Dance in the spring of A.D. 1907. For nearly two years the Ute moved across the area while negotiating with the government for a place to live. They rejected many of the government conditions and suffered with few supplies, bad weather, and clashes with the military. In June A.D. 1908, the Ute decided to return to the Ute Reservation. This incident, known as the "Ute Uprising" was the final confrontation between Native Americans and the American military on the Great Plains (Laudenschlager 1979:246).

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