



# Cultural Resources

## Comments and Responses on Draft Assessment



Inyan Kaga (Inyan Kara), a sacred place within the Black Hills located near Sundance, Wyoming, in the Black Hills National Forest. Photo credit – Jena Rizzi



Harney Lookout Tower, on top of Black Elk Peak in the Black Hills National Forest, constructed by the Civilian Conservation Corps during 1935-1938. This is the highest fire lookout in the Black Hills at 7,244 feet. Photo credit - Tripadvisor.com

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## **Introduction: Assessment Response to Comments**

The Black Hills National Forest received a variety of public comments on draft assessments published in June 2022. Some commenters have expressed support for the draft assessments, while others have expressed concerns.

Those who express concern about the draft assessments often state that they believe the assessments do not go far enough in addressing the challenges facing the Black Hills; do not address the needs of local communities; or do not utilize the best available scientific information. Those that support the draft assessments often state that they are pleased with the level of detail and analysis that went into the assessments. They believe it will provide a good foundation for the need to revise the land management plan.

The Forest Service has reviewed all public comment received on the draft assessments and used this feedback to revise assessments where appropriate. The table below is a detailed summary of public comment received related to cultural resources as well as the agency's response to each item. Many responses indicate where the revised assessment has been modified to better explain each item, or incorporate new information as provided by cooperators or the public.

Each comment and response table is provided not as a matter of regulatory compliance, but as an effort to demonstrate the Black Hills National Forest's commitment to transparency early in the plan revision process. Some comments below have been generalized or combined with similar comments to provide a more efficient response. No attempt has been made to retain a link between each comment and individual, organization, or entity that provided it.

## Response to Comments

Comment	Responses
<p>The classification of culturally significant objects and objects that are historical, but not culturally significant is a common problem in the Black Hills. Every archeologist has their own subjective perspective and as such, many of the findings in the field are deemed culturally significant when they are not.</p>	<p>Federal agencies follow law and regulation to identify and classify resources based on historic significance. The primary method of classification occurs during the Section 106 process of the National Historic Preservation Act (NHPA). Under the NHPA, resources are evaluated for the National Register of Historic Places (NRHP) in consultation with the State Historic Preservation Office, Tribes, and other consulting parties using criteria and integrity considerations outlined in regulation. If a resource is eligible for listing on or is listed on the NRHP it is classified as a historic property under the NHPA.</p>
<p>Many needed projects are significantly delayed or stopped altogether because of trivial cultural resource findings that are considered culturally significant. There seems to be no room for stakeholder or public input about the decisions to recommend findings to be significant. This limits the ability of resource professionals to properly manage the forest. It is being done with little consideration of the true intent of the Archeological Resources Protection Act (ARPA). The Archeological Resources Protection Act was created to protect significant cultural resources from being damaged or stolen. This Act does not require federal agencies to go to extraordinary lengths to protect culturally insignificant findings. Furthermore, projects can occur in or near culturally significant areas if proper mitigation is completed.</p>	<p>ARPA is one of the many laws the agency follows, however, the National Historic Preservation Act (NHPA) is the primary statute under which cultural resources are considered during project design and implementation. Specifically, Section 106 of the NHPA requires agencies to consider project effects upon historic properties (i.e., resources eligible for or listed on the National Register of Historic Places). Section 106 requires agencies consult with States, Tribes, local governments, and to inform the public about undertakings and effects to historic properties. Additionally, Section 106 of the NHPA outlines steps to avoid, minimize, or mitigate effects to historic properties. When historic properties are avoided by project activities a finding of No Adverse Effect under Section 106 can be made. When a No Adverse Effect finding is made, then there is no requirement to move further in the Section 106 process to the resolution of adverse effects. However, if resolution of adverse effects were required, mitigation options would be considered and consulted upon and memorialized in Memorandum of Agreement (MOA) document. MOAs are binding documents signed, at a minimum, by the agency and the State Historic Preservation Office, and sometimes other signatories participate such as the Advisory Council on Historic Preservation, Tribes, local governments, project proponents, etc. Avoidance of historic properties is often the preferred alternative as mitigating adverse effects to historic properties is both a lengthy and costly process.</p>

<b>Comment</b>	<b>Responses</b>
<p>Further explain or clarify the statement “There is a lack of comprehensive background on the role of recreation in the Black Hills, which have served as a tourist destination and have been marketed as such for more than 140 years. Hunting, fishing, climbing, sightseeing, hiking, and picnicking are just a few of the common recreational experiences. The recreation movement in the early 20th century prompted the development of recreation resident tracts on the national forest.”</p>	<p>It is the current historic context document (the Black Hills Cultural Resource Overview document published in 1996) that lacks comprehensive background information on the role of recreation in Black Hills history. An updated historic context that speaks to the history of recreation in the Black Hills is necessary. The statement has been changed to “The current historic context lacks a comprehensive background on the role of recreation in the Black Hills, which have served as a tourist destination and have been marketed as such for more than 140 years.”</p>
<p>The section of Black Hills Administrative History in this same assessment describes much of this history. In addition, there is a wealth of information about the background of recreation through numerous historical publications, local historians, State of South Dakota, D.C. Booth Historic National Fish Hatchery records, South Dakota Game, Fish and Parks. Too many sources to mention.</p>	<p>Thank you for your comment and we agree that there are numerous accounts from a variety of sources that describe recreation and the cultural history of the Black Hills. We feel the revised assessment is improved through public comment and meets the intent of the 2012 Planning Rule.</p>
<p>Classifying infrastructure used for agricultural purposes (i.e., grazing and livestock handling facilities) as historical is not supported. If designation does occur and grazing and ranching practices predate the development of the infrastructure, then agricultural activities and use of the facilities must be allowed to continue.</p>	<p>Federal agencies are required to use defined criteria found in National Register Bulletin #15 - How to Apply the National Register Criteria for Evaluation to evaluate cultural resources for eligibility for the National Register of Historic Places (NRHP); these criteria articulate that resources 50 years or older must be evaluated. Continued use and maintenance of existing and historical infrastructure for its original purpose is encouraged.</p>

<b>Comment</b>	<b>Responses</b>
<p>The last paragraph under the section Grazing and Ranching includes the word "repurpose". We propose replacing "repurpose" with either "rehabilitated, or "refurbished". If cattle grazing structures are utilized for an approved use, they are not being repurposed. However, the option to repurpose existing infrastructure for agriculture use should remain an option for permittees on the forest.</p>	<p>Changed to "rehabilitated" in text. The statement now reads, "Numerous historic cattle grazing structures and features can still be found in the Black Hills, and many have been used and rehabilitated over the years for the same activities." Again, continued use and maintenance of existing and historical infrastructure for its original purpose is encouraged.</p>

<b>Comment</b>	<b>Responses</b>
<p>This section of the Draft Forest Plan Assessment is largely well written both in terms of thoroughness of the investigation of need and in the understanding of how it could be approached. However, we recommend the following needs be added:</p> <p>Continued and expanded cooperation with the sovereign tribal nations whose cultural resources have been and continue to be so greatly impacted by the previous and current lack of action on appropriately acknowledging and preserving their history and culture. These impacted nations need to be offered the leading role in planning and implementing identified actions.</p> <p>Recognizing and prioritizing the pressing needs for overall action in the area of preserving cultural resources despite competing pressure from other uses including motorized vehicle recreation, logging, and the creation of roads for this activity, and grazing activities.</p> <p>Recognize and acknowledge that numerous legal statutes protect many of the cultural resources and that by not actively pursuing the necessary steps to implement protection, the Black Hills National Forest may indeed be in violation of these statutes.</p> <p>Continued study and update of existing inventories using the best available methodologies in discovery and investigational phases of inventory. Human resources must be prioritized and devoted to these endeavors.</p>	<p>Thank you for your comment. The need for improved and meaningful consultation and coordination with Native American Tribes was identified both in the Areas of Tribal Importance and the Cultural Resources Assessments.</p> <p>In addition, the combination of several needs identified in the assessment would ultimately contribute to better management of cultural resources on the Black Hills NF. We agree with the statement that “Continued study and update of existing inventories using the best available methodologies in discovery and investigational phases of inventory.” Updated historic contexts, ethnographic studies, improved consultation, and additional survey are examples of efforts the Black Hills National Forest can pursue.</p> <p>The Forest Service has a multiple use mission where the potential for conflicting resource needs will always exist, however the Black Hills National Forest will continue to follow law, regulation and policy that requires agencies to take into consideration how an undertaking may affect historic properties.</p>

<b>Comment</b>	<b>Responses</b>
<p>Many of the items under Need for Change won't involve forest plan direction. We recommend that you limit the items under Need for Change to those involving actual forest plan components.</p>	<p>Thank you for your comment. Plan revision and plan direction will develop throughout the plan revision process. The Need for Change in assessments are a useful place to start the discussion, but do not represent a proposed plan, nor plan direction. Revised plan direction will be based on significant public involvement which is forthcoming.</p>