



Areas of Tribal Importance

Comments and Responses on Draft Assessment



Inyan Kaga Sunrise

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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 areas of tribal importance 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>Please consider coordinating with Range Assessment to determine if grazing is impacting areas of tribal importance. The Range Assessment speculates that grazing has the potential to impact Areas of Tribal Importance.</p>	<p>The section, Grazing, discusses the potential for grazing and associated improvements to impact the distribution of culturally significant plant species, archaeological sites, and sacred sites. The assessment states that “coordination with range management activities and consultation with Tribes should be conducted where appropriate to avoid conflicts.”</p>
<p>The 1890 Grabill image of "Black Elk Peak" on the cover of the Areas of Tribal Importance document actually shows the rocks along Hwy. 16/385 north of Crazy Horse Memorial. Grabill was mistaken on this caption when he called it (as it was then known) Harney Peak, which is several miles away.</p>	<p>Thank you for your comment. The photograph has been replaced with a picture of Inyan Kaga.</p>
<p>Consider describing concepts presented by Dr. Daniel Wildcat of Haskell University with the concept of Indigenuity or using terms such as “relatives” in lieu of “resources”. https://indiancountrytoday.com/archive/scholar-daniel-wildcat-in-discussing-the-environment-its-relatives-not-resources</p>	<p>Thank you for your suggestion. Incorporated a reference to Dr. Wildcat under the section Conditions and Trends and in References Cited.</p>
<p>Assessment should recognize the 1868 Treaty of Fort Laramie.</p>	<p>No changes in assessment: The treaty is specifically cited at 12 locations in the assessment with the legal citation provided in the section Key Issues for Areas of Tribal Importance under Black Hills Land Claim.</p>
<p>Need for Change should address access to traditional plants that have been unaltered by mechanical or chemical means.</p>	<p>The section Current Conditions and Trends identifies the significance of traditional gathering, Traditional Ecological Knowledge, and the need for more widespread application of these concepts through consultation with Tribes. Frequent and meaningful consultation with Tribes as identified in the Need for Change would allow Tribes to identify areas of traditional plant gathering and comment on a specific project’s impacts to those resources.</p>

*Black Hills National Forest
Response to Comments—Areas of Tribal Importance*

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<p>Overall, the assessment focuses on the Lakota Tribal history and needs to include background information on other Tribes and their history in the area. While we recognize that Appendix A does reference and provide history on many of the Tribes, the main body of the assessment focuses mainly on the Lakota and should include more tribal diversity.</p>	<p>Thank you for your comment. The assessment takes into consideration the history and issues related to multiple Tribes with connections to or ancestral homelands within the Black Hills. A number of treaties and legal developments on the Black Hills are specific to the Sioux Tribes and are discussed in the assessment, but other Tribes are also discussed at length. The Forest Service recognizes the importance of peoples other than the Lakota by their Nation-to-Nation consulting relationship with 16 federally recognized Tribes, five of which are not Siouan. In addition, this assessment also recommends expanding consultation efforts to five additional Tribes including the Crow Tribe of Montana, Kiowa Indian Tribe of Oklahoma, Apache Tribe of Oklahoma, and the Comanche Nation, Oklahoma and Ute Indian Tribe of the Uintah and Ouray Reservation, Utah.</p>
<p>On page 2, the second full paragraph the agency states "The colonization of the continent had immediate, serious, and in many cases a devastating impact on the indigenous populations." This paragraph, including the first and the third paragraph on the same page show unsupported statements and bias in this document. The Forest Service must cite references for these statements or delete them from the assessment.</p>	<p>The impacts to Native American populations resulting from colonization and expansion of European settlers is well documented.</p> <p>Additional references were added to support the statements of concern including Ostler 2015, Stannard 1992, Thornton 1987, Whitt and Clarke 2019.</p>
<p>The term “sacred” is used frequently when referring to various Tribes and the significance of specific or general areas within the Black Hills. The application of this term appears arbitrary with no reference to qualify its use. There is confusion between the terms “sacred place”, “sacred locations” and “sacred area”.</p>	<p>The term “sacred” is subjective and the determination of the religious or spiritual significance of an area is specific to each Tribe and the consensus among Tribes to identify a site or area as sacred is not necessary. A sacred site may range in size from a large area such as a valley to a small discrete location or object and the terms “sacred place”, “sacred locations” and “sacred areas” are used interchangeably. Areas have been identified as sacred through ethnographic studies, previous consultation with Tribes and designations of Traditional Cultural Properties as defined by Executive Order 13007.</p>

*Black Hills National Forest
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<p>The use of the term 'Bears Lodge' for Devils Tower is not supported by Crook County. The US Board of Geographic Names in 2016 did not act to change the name and it should not be referenced in the assessment as "Bears Lodge."</p>	<p>No changes were made in the document: This is an assessment of tribal interests and indigenous names were chosen over English names with respect to the Tribal peoples. However, for clarity, the name Devil's Tower is also referenced with relation to Bears Lodge.</p>
<p>"Inyan Kara Mountain" is referred as "Inyan Kaqa Mountain" and is consistently misspelled throughout of the applicable assessments.</p>	<p>The spelling "Inyan Kaga" is a reflection of the original Cheyenne word where "kaga" refers to one who "makes, creates, or imitates". "Kara" represents a corrupted form of the word "kaga" (Sundstrom 1997).</p>
<p>Tribal consultation is an important step in the decision-making process. However, there are concerns over the amount of time consultation with Tribes takes and the possibility of holding up routine projects. Consultation should be as expeditious as possible with a mechanism in place to move forward with decisions if there is no timely response to tribal consultation requests.</p>	<p>Federal agencies are required to consult with Tribes as a part of the Section 106 process. Implementing regulations 36CFR800.2(c)(2)(ii)(A) stipulate that agencies shall provide Tribes a "reasonable opportunity to identify its concerns about historic properties, advise on the identification and evaluation of historic properties, including those of traditional religious and cultural importance, articulate its views on the undertaking's effects on such properties, and participate in the resolution of adverse effects". Typically, the review period is 30 days. For Tribes where a Tribal Historic Preservation Officer (THPO) has been designated, 36CFR800.3(c)(4) stipulates that if the THPO fails to respond within 30 days of receipt, an agency official may proceed with the next step in the process.</p>
<p>Please note that the Black Hills region remains critically important to Native American Tribes.</p>	<p>Agreed – The Areas of Tribal Importance Assessment recognizes the area of significance to Tribes, past and present, extends beyond the administrative boundaries of the Black Hills National Forest. Chapter 2, Conditions and Trends addresses this idea under the section Actions of Others.</p>

*Black Hills National Forest
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<p>There seems to be a discrepancy where the Black Hills NF claims to maintain relationships with the Tribes and yet seem to know little about what current Tribal concerns are.</p>	<p>The Black Hills National Forest recognizes its commitment to conducting meaningful consultation with Native American Tribes. Although consultation has occurred in the past and continues to occur, the potential for improvements exists. As management needs for the forest continue to evolve, Tribal concerns will also evolve in response. Consultation will continue to occur with individual projects and as the Forest Plan is developed, Tribal consultation will be used to identify specific issues.</p>
<p>Under the section Fire Management, the statement is made that “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.” How would this occur?</p>	<p>Thank you for your comment. The statement has been removed.</p>
<p>There is a statement that the current plan, although not required by law, makes no mention of consultation with affiliated Native American Tribes nor Tribal Historic Preservation Officers (THPO). We suggest you check the administrative record of the previous Forest Plan to make sure this statement is correct.</p>	<p>Thank you for your comment. The statement was changed to “The current plan also does not mention consultation with Tribal Historic Preservation Officers”.</p>
<p>The statement “Forest management has long ignored Traditional Ecological Knowledge (TEK) and indigenous practices of land stewardship when managing landscapes” is incorrect.</p> <p>The topic of Native American plant use and ethnobotany is of potentially high interest to Forest Service botanists and range staff. This appears to be a generalization that may be true in some aspect but not all. In terms of landscape use, various uses of fire and other land use patterns by Tribes in and around the Black Hills is understood by many Forest Service Resource Specialists. Avoid over generalization such as this and just state that traditional ecological knowledge needs to be improved when managing landscapes.</p>	<p>Thank you for your comment. The phrase “long ignored” has been replaced with “not systematically used” to read “Forest management has not systematically used Traditional Ecological Knowledge (TEK) and indigenous practices of land stewardship when managing landscapes.” Although TEK has been identified in the past, a better understanding and use of TEK would benefit Tribal relationships and overall forest management. As identified in Chapter 3 Potential Need for Plan Changes to Respond to Areas of Tribal Importance, the Black Hills National Forest has an objective to “Develop a dialogue with the Tribes to expand the use of TEK to the broader discussions around climate change and specific discussions on issues such as fire management.”</p>