



U.S. FOREST SERVICE

Background Information and Q&As REPORT TO THE SECRETARY OF AGRICULTURE USDA Policy and Procedures Review and Recommendations: Indian Sacred Sites



USDA and Forest Service Policy and Procedures Review

The U.S. Department of Agriculture released a [report](#) calling for USDA and the U.S. Forest Service to work more closely with Tribal governments in the protection, respectful interpretation and appropriate access to American Indian and Alaska Native sacred sites on national forests and grasslands. The report recommends steps the Forest Service should take to strengthen the partnerships between the agency, Tribal governments, and American Indian and Alaska Native communities to help preserve America's rich native traditions.

Background:

In November 2010, USDA Secretary Vilsack requested information about the unintended consequences of land management decisions affecting Indian sacred sites and communities whose cultural survival is connected to these sites. The review is part of the President's commitment to fulfill this nation's trust responsibilities to American Indians and Alaska Natives (AI/ANs) and strengthen government-to-government relationships with tribes. More than 50 listening sessions were staged across the country with Tribal leadership, culture keepers, traditional practitioners, and unaffiliated native descendants. In 2011, the department published a draft report, based on those discussions and reviews of laws, policies and procedures, and asked for Tribal consultation and further public comment. In November 2012, the Secretary received the final report, "*Report to the Secretary Of Agriculture: USDA Policy and Procedures Review and Recommendations: Indian Sacred Sites.*" That report reflects information received through more than 100 meetings with Tribal members, public comments received and agency employee surveys.

QUESTIONS AND ANSWERS: Policy and Procedures Review: Sacred Sites

Why did the Secretary order the report, and why now?

USDA is continually working to improve the services and programs that help Americans in their everyday lives. The Secretary asked for the review in consultation with Native American leaders to determine how the department could do a better job addressing sacred site issues while balancing the Forest Service mission to deliver forest goods and services for current and future generations. The review is part of the President's commitment to fulfill this nation's trust responsibilities to Native Americans and strengthen government-to-government relationships with tribes.

What is the purpose of the report and subsequent recommendations?

The review is focused on improving existing policies and procedures for the accommodation and protection of sacred sites across national forests and grasslands. We share a commitment to build on our relationship with tribes, fulfill the agency's trust and treaty obligations, and meet requirements pertinent to federal laws governing sacred sites. The unique contributions of tribes are included in a number of initiatives, policies and procedures, including *America's Great Outdoors* initiative, the Forest Service's new planning rule, and the USDA's forthcoming Tribal consultation and collaboration regulations.

What is a sacred site and who approves the designation?

The definition of an Indian Sacred Site is governed by Executive Order 13007 of May 24, 1996. The order defines an Indian Sacred Site as:

Any specific, discrete, narrowly delineated location on federal land that is identified by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion; provided that the tribe or appropriately authoritative representative of an Indian religion has informed the agency of the existence of such a site.

It is the Tribe or the traditional religious practitioner of the Tribe, not the federal government that identifies a sacred site.

What are the laws and regulations pertaining to sacred sites?

There are many laws and associated regulations that pertain to sacred sites in general. For example, each of these laws in some instances may figure into considerations regarding sacred sites: National Historic Preservation Act, American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, and Religious Freedom Restoration Act.

The final report to the Secretary summarizes the major laws, regulations and other policies that pertain to sacred sites.

What are some examples of changes that could happen as a result of the recommendations?

The recommendations focus on establishing better, more consistent communication and consultation, and increasing the use of Forest Service-Tribal partnerships. Other priority recommendations include a comprehensive training curriculum for agency employees, revising certain agency directives and regulations, and adopting an understanding of what is sacred to tribes broader than the definition in Executive Order 13007. The report also discusses the broader concept of sacred places to enable the Forest Service to more appropriately consider American Indian and Alaska Native views of what is considered sacred.

For example: In the two years since the review began, the Forest Service has experienced increasingly better relationships with tribes through the sharing of information and other productive changes. Those changes include discussing sacred sites as a significant consideration in the development of the agency's new planning rule; consulting with tribes before, during, and after major wildfires to ensure suppression activities were appropriate at sacred sites throughout the burn areas; using federal regulations to provide temporary closures of areas on national forests to accommodate Tribal ceremonies; and providing numerous tribes with timber and forest products for traditional cultural purposes.

Can I still be involved?

Yes. We want to continue working with all tribes and the general public. The report and recommendations are a living goal to provide constant improvements in relationships we build with our constituents. None of the recommendations can be accomplished quickly, and full adoption of the report's recommendations will be an ongoing journey rather than a specific point in time. The Forest Service is planning to tackle priority recommendations in short-term (the first year), mid-term (the first three years) and long-term (more than three years) segments. During the action phases, there will be opportunities for continued consultations, discussions and comments. There also will be opportunities for expanded and new partnerships.

Can I get a copy of the report?

The report is available on the Forest Service [Tribal Relations website](#).

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