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Contemporary Tribal Uses

American Indian Tribes are sovereign nations. They are government entities with which the Forest Service establishes and maintains government to government relationships. Through treaties and statutes, the Federal Government has a trust responsibility to each tribal government. When American Indian Tribes ceded lands to the United States government, rights and privileges to off-reservation lands were reserved for their Tribal members. Therefore, the Forest Service has certain legal responsibilities to American Indian Tribes. These legal responsibilities are clarified in statutes, executive orders, and case law enacted and interpreted for the protection and benefit of federally recognized American Indian Tribes. Some of those laws include the National Historic Preservation Act and subsequent amendments, Archaeological Resources Protection Act, American Indian Religious Freedom Act, National Environmental Policy Act, and the National Forest Management Act. Executive Orders and Memorandum include, 1994 Government-to-Government Relations with Native American Tribal Governments, E.O. 13007 Accommodation of Sacred Sites, E.O. 13175 Consultation and Coordination with Indian Tribal Governments and E.O. 12898 Environmental Justice.

In meeting these responsibilities, forest managers are required to consult Tribes when proposed policies or management actions may affect their interests. Nine federally recognized tribal governments, representing five American Indian Tribes, have aboriginal territories and traditional ties to the lands now administered by the ASNFs: the San Carlos Apache Tribe, White Mountain Apache Tribe, Pueblo of Zuni, Hopi Tribe, Navajo Nation, Tonto Apache Tribe, Yavapai-Apache Nation, Fort McDowell Yavapai Nation, and the Yavapai-Prescott Tribe. Consultations with each tribe can identify the tribe's historic and present day traditional use areas and sacred places.

Affected Environment

Each tribe has their own history, traditions, and relationship to the land and other groups. The lands and resources of the ASNF have been used and continue to be used by many of the tribes for a variety of traditional cultural and religious activities. These activities include, but are not limited to collection of plants, boughs, teepee poles, pigments, feathers, pollen, hunting, religious pilgrimages, accessing springs, and making special offerings. Past and current consultations with Tribes have identified places and properties of religious and cultural significance. These places are ethnographically important to tribal values and are inseparable from their cultures. None of the Tribes consulted have identified any issues or impacts that would affect important cultural and religious places, traditional activities or resources resulting from eliminating motorized cross-country travel and designating roads, trails, corridors, and areas for motorized use. The White Mountain Apache Tribe did not identify any trespass or land management issues that could result from implementing any of the alternatives. The San Carlos Apache Tribe has not provided comments or raised any issues or concerns. The Navajo Nation stated that there would be no impact to Navajo traditional cultural places. At present the only tribal concerns regarding Travel Management were expressed by the White Mountain Apache Tribe and the Hopi Tribe: the continued looting and damage to archaeological sites; and has the ASNF taken into consideration the protection of cultural resources in developing the alternatives. During the development of the alternatives the ASNF removed from consideration approximately 944 miles

of corridors for cultural resource concerns and over 5000 acres considered for areas open to motorized use. Some of the corridors eliminated from consideration were located on or near known shrines. The open Areas removed from consideration were located within lands with a high density of archaeological sites.

Environmental Consequences

There would be no adverse effect to places or properties of cultural and religious significance or to traditional use of the area by practitioners as a result of the alternatives. No tribe has indicated that the current road system is inadequate for their continued use for cultural and religious activities. The potential to adversely impact the use and characteristics of culturally sensitive sites and resources would be reduced by the alternatives that prohibit motorized cross-country travel and limits motorized travel to designated roads and trails. Designating roads, trails, corridors and areas for motorized use has the effect of reducing the potential disruption of traditional cultural and religious activities by concentrating use near roads and trails. Traditional cultural and religious activities generally occur further away from roads to ensure privacy. All lands and resources of the ASNF would still be accessible through non-motorized means of transportation.