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Organization:

Title:

Comments: Ashley National Forest Land Management Plan

Included are points that need to be adequately considered in the Land Management Plan.

- 1.The Ute Tribe has treaty rights within Uintah Valley Reservation and those rights were not diminished by the withdrawal of the national forest lands
- 2.Resources affected by treaty rights include trees, plants, fish, animals, watersheds, air quality, water quality, cultural resources, ceremonial places, etc. The 1865 Spanish Fork Farms treaty authorizes the Tribe to take fish, hunt, and gather at "usual and accustomed grounds and stations" within their original territory
- 3.Ute Tribe still maintains the rights to gather and use the resources within the reservation lands, because those rights were never diminished nor surrendered by the Tribe.
- 4.Because the Ute Tribe still has rights to those resources, then the Forest Service must work with the Ute Tribe to ensure that Forest Service actions, permits, project, activities, etc. don't affect the resources in a way that diminishes the rights of the Ute Tribe to gather and use those resources.
- 5.Forest resource management plan must specify that the area of the Forest within the Uintah Valley Reservation lands is a Management Area that would be managed differently from the rest of the Forest.
- 6.This management area would recognize the unique rights that the Tribe has over the resources of this area and the plan would describe how the Forest would work cooperatively with the tribe to manage the resources of this area.
- 7.The plan components for this management area should be developed in close cooperation with the Ute Tribal government, Ute Tribal Staff, and Ute Tribal Members.
- 8.Within this management area, the plan components should specify the need for tribal consultation prior to implementing projects to ensure the protection of treaty rights. The Forest should have a formal objection process that the Tribe can use within this management area to give the tribe a voice and some level of control over projects. The objection process could be modelled after the Forest Service Grievance process or could be modelled after the NEPA objection process. But it should be separate from NEPA and be developed in concert with the Tribe.
- 9.The Ute Tribe has more jurisdiction over the lands within the Uintah Valley Reservation than do County and State governments.
- 10.Recognition that the Ute Tribe has a claim to ownership of wildlife and fish within the original reservation boundary.
- 11.Recognition that the Ute Tribe has a right to gather resources that have been used for traditional and ceremonial purposes within the original reservation boundary. Traditional resources include a variety of annual plants used for ceremonial or traditional uses. The resources also include lodgepole, ponderosa, spruce, douglas fir, sagebrush, pinyon, juniper, ephedra, and a variety of bushes and perennial plants. There are also minerals, rocks, clay, and other natural resources that are used for traditional or ceremonial purposes. The list is too long to include here, but the rights should be discussed in the management area.
- 12.Roads across tribal lands that access the forest and are within the original reservation should be approved by the Tribe.
- 13.Include a plan component to regularly meet with and consult with Tribes regarding cultural resources on the Forest. Quarterly meetings between Forest resource staff and Ute Tribal Resource Staff to discuss upcoming projects or management plans within the original reservation.
- 14.Have a plan component to work with the Tribe to identify Traditional Cultural Properties, and Sacred Sites on the Forest.
- 15.In general, the Ute Tribe should be much more involved in what is happening of Forest Service lands within the original reservation boundary. Forest wildlife biologists should be working with the Ute Tribe Fish and Game

as much as they are working with UDWR. NEPA specialists should be working closely with the Ute Tribe Environmental Group. Law enforcement should be coordinating with Tribal law enforcement.